

CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES

Pursuant to Governor Charles Baker's Executive Order Suspending Certain Provisions of the Open Meeting Law dated March 12, 2020, the Assembly of Delegates held a

Virtual Meeting @ 4:00 P.M. on July 15, 2020

APPROVED Journal of Proceedings

Call to Order

Speaker MCAULIFFE: I think I will call the meeting to order. This is the Cape Cod Regional Government, Assembly of Delegates. It's Wednesday, July 15th, 2020, 4 p.m., and this meeting is held through remote participation by the Assembly of Delegates pursuant to Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020. The meeting will also be live streamed on YouTube.

I have a phone number and an ID, which I'm not sure I would be able to get out to people in time but I will read it. There's a phone number 929-205-6099 and you would need to use the ID 94579896895 if you wanted to come into the meeting to give public comment.

The reason I'm taking the time to do that is because I think the remote participation has greatly diminished any public participation in governmental meetings.

So we're called to order. I would like to have a moment of silence to honor the troops who died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. The next item is the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you.

Speaker MCAULIFFE: Will the Clerk please call the roll?

Roll Call Attendance

Present (72.59%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%- Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

ARRIVED LATE (27.41%): Thomas O'Hara (6.49% - Mashpee – @ 4:15 P.M.), Patrick Princi (20.92% - Barnstable - @ 4:20 P.M.).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 72.59 percent of the Delegates present; 27.41 percent are absent.

Speaker MCAULIFFE: Thank you.

Approval of the 7/15/20 Calendar of Business

Speaker MCAULIFFE: Next is approval of the Calendar of Business. I'll take a motion to approve the Calendar of Business.

Delegate HARDER: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Okay. We'll vote the Calendar of Business for today's meeting.

Vote to approve the 7/15/20 Calendar of Business

Voting "YES" (72.59%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

ABSENT (27.41%): Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the business calendar is approved with 72.59 percent of the Delegates voting yes; 27.41 percent are absent.

Approval of the 7/1/20 Journal of Proceedings

Speaker MCAULIFFE: Next is the approval of the Journal of July 1st, 2020. I'll take a motion to approve the Journal.

Delegate OHMAN: So moved.

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Okay. Yes, Brian O'Malley.

Delegate O'MALLEY: I will have a minor typo on page 24 but, otherwise, would approve. I'll discuss it with the Clerk.

Speaker MCAULIFFE: Okay. Any other corrections? All right. So the Journal of July 1st, 2020, with a minor typo corrected. The Clerk will please take the vote.

Vote to approve the 7/1/20 Journal of Proceedings

Voting "YES" (57.98%): (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (14.61%): Douglas Brown (14.61% - Falmouth).

ABSENT (27.41%): Thomas O'Hara (6.49% - Mashpee), Patrick Princi (20.92% - Barnstable).

Clerk O'CONNELL: Madam Speaker, the 7/1/20 Journal is approved with 57.98 percent of the Delegates voting yes; 14.61 percent voting present or abstaining, and 27.41 percent are absent. And if the Delegate from Provincetown could kindly email me the typo/correction, that would be fine.

Delegate O'MALLEY: Will do.

Clerk O'CONNELL: Thank you.

Speaker MCAULIFFE: Thank you.

Introduction of Newly Appointed Falmouth Delegate

Speaker MCAULIFFE: Before we get into communications and updates from the Board of Regional Commissioners, I just wanted to update everyone that we have a new Falmouth Delegate to the Assembly of Delegates; it's Douglas Brown. We had the discussion at the meeting on July 1 and then we proceeded to -- he was sworn in right after the meeting. So he's officially here as the Falmouth Delegate. And welcome and thank you for stepping up and joining the Assembly and Falmouth having representation because as the largest town, it would be a significant hole in our (Indiscernible). So thank you for being available and taking on the challenge. I know you're a Selectmen so it's like double duty.

Delegate BROWN: Yes, it is, but I appreciate being here. Thank you.

Summary of Communications with the Board of Regional Commissioners and County Administrator

- **COVID update provided by County Administrator.**
- **Mercy Otis Woman of the Year was named by Commissioners - Mimi O'Connell from Cotuit.**
- **Commissioners approved Ordinance 20-09 – Bike Trails - adopted by the Assembly on 7/1/20.**
- **Dredge jobs are finishing in Falmouth.**
- **Revenues for June exceeded expectations but inventory is low.**
- **Interviews for the new Dredge Superintendent are halfway through.**

Speaker MCAULIFFE: Next is communications and updates from the Board of Regional Commissioners and County Administrator. Who wants to go first? How about Ron Bergstrom.

Commissioner RONALD BERGSTROM: Okay. Good afternoon.

Speaker MCAULIFFE: Good afternoon.

Commissioner RONALD BERGSTROM: Sorry I missed you at the last Assembly meeting, but I understand that Jack stood in for me ably, so I'm glad I made it this time.

I'd like to welcome Douglas Brown also on behalf of the Commissioners to Barnstable County and the Assembly. You know, I served a 12-year sentence on the Assembly, and I was a Selectman at one point too. So I know what he's up against.

We had a meeting -- we did not meet today but we met on the 8th. On the 8th, we had our regular update on the COVID-19 crisis and Barnstable County and, Jack, do you want to give some details on that or Sean with this here?

Administrator JACK YUNITS: Sean is off this week. Yes, the numbers have

stayed very, very low, and it's a tribute to the way people on Cape Cod have reacted to distancing and masks for sure. But also very aggressive work by the County and the Cape Cod Hospital to stay out in front of it.

And there's no difference today, the three-day average is about four cases a day with one death. And last week it was a little bit less. It was about 3.6 for the three-day average going -- seven-day average going back to last week. But that's still very, very low, and we don't see any negative trends.

Commissioner RONALD BERGSTROM: Good. The other thing we also were awarded a 2020 Mercy Otis Warren Cape Cod Woman of the Year Award, and I had a sheet of paper in front of me with the details and, unfortunately, it's been lost in the big pile that I have next to my desk. So I'm going to have to defer to Jack on this also. Jack, do you remember?

Administrator JACK YUNITS: Yes. Alice George presented on behalf of the Mercy Otis Warren selection team, and they named Mimi O'Connell from Cotuit as the recipient. She's been an advocate for years doing green energy campaigning across Cape Cod and just a consummate volunteer, and she was a unanimous top choice during the selection process. So, Mimi O'Connell, great choice.

Commissioner RONALD BERGSTROM: Okay. We also under "General Business," we finally authorized the County to enter into the license agreement with the Cape Cod Chapter of the New England Mountain Bike Association on that portion of Barnstable County property that we own off 132. That's been bouncing back-and-forth but I hope this is the last -- this is the last we're going to see of it, Jack?

Administrator JACK YUNITS: Yes.

Commissioner RONALD BERGSTROM: It's official?

Administrator JACK YUNITS: Yes, it's official. They've actually been out with Donnie to look at the projected path.

Commissioner RONALD BERGSTROM: Okay. Good. We received a number of grants under "Commissioners' Actions." We received a grant, \$57,300 from the Department of Agriculture to the Cape Cod Cooperative Extension to support staff salaries and benefits. A lot of these grants are routine; they're renewed every year. This is in the same vein.

The Children's Cove grant came to \$78,239. We have an agreement with the United States Department of Housing and Urban Development for the HOME program. Once again, this is a routine grant. It's \$462,217. So a lot of money is coming in here. A lot of it, of course, is the same as past years.

We have a grant from the Massachusetts Executive Office of Housing and Economic Development and Seaport Economic Council in the amount of 300,000 for Barnstable County Marine Simulator Project for a period through June 30th, 2020, to extend the period of performance to June 30th, 2020.

We have \$140,000 coming from the Massachusetts Association of Health Boards to our County Department -- to the County Health and Environment Department for Public Health Emergency Preparedness, which is timely, I think.

We have another grant, a similar grant from them for \$13,000 for the Cape Cod Medical Reserve Corps, and that is about what we have done.

So if I have any questions, I'll take questions from the Assembly.

Speaker MCAULIFFE: Was the Children's Cove, the \$78,000, I recall they

used to get \$100,000; was that in addition to the \$100,000 or?

Administrator JACK YUNITS: Yes, it was.

Speaker MCAULIFFE: Okay.

Administrator JACK YUNITS: This is a grant that started coming in two years ago to increase the numbers of caseworkers that we had out there.

Speaker MCAULIFFE: I think, you know, at some point we'll get an update from them.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: I know these times have been extremely challenging for the children.

And then also, Ron, you had a brief discussion on the resolution; it was on your agenda. That was passed --

Commissioner RONALD BERGSTROM: You know, yes, why don't I have that in here?

Speaker MCAULIFFE: Because we moved it up and took it out of order. You moved it up.

Commissioner RONALD BERGSTROM: I think we discussed -- didn't we - - I discussed that with you on the 1st of June.

Speaker MCAULIFFE: Yes, July.

Administrator JACK YUNITS: July rather.

Commissioner RONALD BERGSTROM: July rather, yes.

Administrator JACK YUNITS: What happened is you took it up under "Public Comment," Ron, so that the Speaker could address it.

Commissioner RONALD BERGSTROM: Oh, that's right. Okay. I'm sorry; I have the agenda in front of me. Yes, the Speaker was there and she gave a bit of an update on where the Assembly stood. We didn't take a vote on that or take any other action.

My personal feeling, if I can express my personal feeling, as is in the report from the Commissioners is that it's well within the authority of the Assembly to make resolutions, anything they choose to. And, you know, although I may not agree with the resolution, as I say, it's within your authority. So I'm not going to comment too much. I think that this is a crisis and we have to go into this crisis in a united front and expect there to be disagreements as to the pace of opening up the County and the authority of the various participants to make decisions; Boards of Health, selectmen, governors. You know, we can work this out as we go along, but I think we have a common purpose in maintaining both the health and the economy of Cape Cod. So with that --

Speaker MCAULIFFE: No, and I think that was the reason why I came, and I'm discussing this now as opposed to under "Assembly" because it does involve you and the Administrator.

The reason I came before the Commissioners was to explain the resolution because the resolution really didn't get much traction in terms of the rationale behind it and the legal issues, which I see now there's a lawsuit about this very issue being filed by other people in this state just to give the background about why the Assembly supported the resolution at a level of 66 percent, but also to say that there was an immediate reaction from Senator Cyr when it turned out that there was plenty of

opportunity to have conversations and discussions with him but it never materialized that way.

And the resolution that I wanted was just what Ron Bergstrom just said is we're all going in the same direction. We're all trying for the same thing. We all have the same goals. It's just differences of opinion sometimes, and it was an attempt to really just work together but also make sure that the Commissioners had the information directly from the Assembly. And that was just, you know, the reason for the -- my speaking at the Commissioners' meeting.

Commissioner RONALD BERGSTROM: Okay. Well, my personal opinion is that now that the issue is going to the Supreme Judicial Court, it behooves the Assembly and the Governor to get together and remedy whatever inconsistency there may be in the legislation before it comes to that. And I think there's simple remedies to determine where the government -- to either grant the governor the authority to deal in a pandemic as well as in other emergencies or simply for the legislature to take over and --

Speaker MCAULIFFE: Yes, the legislature, the whole point behind the resolution, I believe, was the legislature has not done what it was supposed to do, and the state legislature needs to give the governor the authority, otherwise, it was a position from the resolution that it doesn't currently exist in current law.

Commissioner RONALD BERGSTROM: Well, you know, there's a great deal of frustration out there, and we've been doing this now, for what, three or four months and everybody's probably sick of it.

Speaker MCAULIFFE: Yes.

Commissioner RONALD BERGSTROM: So, you know, people say things out of turn or they get into little disputes, we just have to move on and, as you say, try and find common purpose in this mess.

Speaker MCAULIFFE: Right and work together, that's the whole point of this. I did just want to hear -- Jack, can you give a brief update on do you have anything new on the Dredge or any financial situation? Thank you.

Administrator JACK YUNITS: Yes, Madam Speaker. The Dredge is the easy one. They finished their season. They finished their last two jobs in Falmouth last week.

And let me take just a moment, speaking of Falmouth, to welcome Doug Brown to the County. You got a lot of great County workers here, Doug, and we're happy to have you.

Delegate BROWN: Thank you, Jack.

Administrator JACK YUNITS: The two jobs in Falmouth have been completed which winds up the season. The booster pump is already in Fairhaven. It's been disassembled and it's in the process of being rebuilt. It will be reactivated by September 1.

And the interviews for the new Dredge superintendent are halfway through; we took a break this week because our consultant was on vacation, and we'll be back at it next week for the final interviews and selection. So all good news with the Dredge. It was a good season all in all.

And regarding the County's finances, this is really a complicated picture, nobody, obviously, none of us really know what's coming down the pike.

But I can tell you that Ryan Castle from the Cape Cod Realtors Association told us yesterday in a reopening conference call, we already knew that June was a very good month for the County. All we needed to do is hit the \$300,000 mark to achieve our projections for the year, and we took in 1.3 million.

July is off to an incredible start. We're already at \$750,000 through today, so, once again, we'll break a million. Ryan said that the number of contracts that were signed in the real estate market in the month of June exceeded all months throughout all history of Barnstable County. So that trend should continue through the summer with real estate closings, the high-end bracket.

However, there was a caveat and it's a hugely concerning caveat. The inventory on the real estate market is down to three months. So we're going to take the approach that we're going to treat this as a savings account, put the extra revenue from this summer into that savings account and just keep our fingers crossed that at some point the market doesn't fall flat on us going forward in the future. Not because people don't want to come to Cape Cod, it's, obviously, what's driving the market, but we're going to run out of places to sell.

So it's a very conservative approach to our budget right now. We're going to keep the hiring freeze in place. We're going to keep the capital spending plan freeze in place and hope for the best as time goes on.

The COVID challenge at this point in time seems to be under control, but we have to be conscientious there too, and we're doing everything we can through the MACC to increase our stockpiles of PPE's, and we'll continue in that effort so that we're prepared if there is a wave in the fall.

I do want to also -- I see Pat is here now too, so it's a good time to update you on the Fire Training Academy. We've applied for an emergency loan because, once again, the cash outlay that I'd need to do the next step of the cleaning of that Fire Training Academy is the cap and the mounting and the new drainage, and that's about \$1.7 million.

If we can get a low-interest SRF loan from the Clean Water Trust Fund, we can protect our reserves. We can pay that down anytime. We can always pay it off if the recession isn't a huge negative next spring. But we'd like to get a loan as quickly as possible. So we applied for an emergency loan. We should know any day now whether we're entitled to that and that it will be about 2 percent for the 1.7 million.

And the objective would be to get that cap done in August or September at the latest so that we're not going into the rainy season with an exposed infield anymore. So that's where we are at the Fire Academy.

And the good news is, but Ron already mentioned in his review, that the maritime prop is now in its final stages. It will be here in a week or two and it's going the Base, JBCC in Bourne, and we've made some tremendous progress there. The burn building when it comes in is going to be delivered to the JBCC in Bourne, and we're partnering with the Fire Department out at the air force -- out at the air base in Bourne to reset the Fire Training Academy and the Police Academy. And that should be all completed sometime with MOUs during the course of the fall. So a lot of good news there.

The leases, I keep checking my phone. I was promised today that I'd have the legal report by four o'clock. I do want to say that two things happened this week that

take the exigency out of the formula. The governor and the house both passed or executed -- reinvigorated or refunded the SMART program. So there is no urgency now to get the solar up and running.

So if you want to wait for that legal report that should be here momentarily, I did talk to Nick today and he just lost track of time, he said; he's been so busy with solar. If you want to wait two weeks, you're not going to do any damage to the project. That's totally your option.

But the three reasons again that Nick Scobbo was concerned about the county's offering, the first and foremost was the middle period of a contract. We had the bond in the beginning; we had the bond in the end, but we didn't have any protection in the middle. And Nick insisted that the developers had to give us a financial guarantee.

CVEC's position was by giving us that financial guarantee, they had to rebid the whole project and that was going to delay it and all the developers were going to walk but we couldn't have one without the other. And protecting the County's assets was my biggest concern, so I, obviously, agreed with Nick.

The other was a lot of noise was starting to develop from abutters regarding the conservation restriction at the farm, very legitimate concerns. It also concerned Nick that that wasn't looked at first before this was sent out to bid and that was an issue for Nick. He said it can be fixed but it's going to be a long, hard process.

And, finally, there was concern expressed, rightly so, originally by the Speaker but also by a number of the abutters about capping this parking lot. And I say this, rightly so, it's almost like the Speaker had tremendous foresight because last week I sat down with the new regional administrative judge, and we talked about doing a new building. I'll give you a classic example. There is no place for people to congregate in this building. So, today, when they reopened, there were times that it got very uncomfortable in this building. The staff that I had here was extremely nervous because there were people in the front foyer hanging out. They had their masks on or they were thrown out but they're still hanging out. And there's no Superior ventilation system in this building, obviously so that sooner or later the Trial Court's going to have to make a move.

What I've done since that conversation with the chief administrative judge is talked to Lynne Foster; our finance director, Elizabeth Braccia has also talked with her, and we're looking at the possibility of working with the Trial Court to actually take this out of the typical DCAMM process and make it a design-build courthouse that we could finance with a rent guarantee for 25 years from the Trial Court. So that the County would continue to own the property and own the court, and we'd build it and lease it back to them. It's doable according to our financial advising team and there's little or no risk to the County. It's a process, however, and had we put the solar panels out there, this would be a full closed conversation.

So I'm glad we slowed it down. Thank you, Madam Speaker, for bringing up that thought in advance because it looks like it may become relevant. This is a health safety issue now.

So that's where we are in the leases. There's nothing to stop us from rebidding the five roof leases, and we certainly intend to do that. And now that we've been through the process once and we see how it went, Jennifer feels pretty confident that

she can get that out quickly when we're ready to bid all five leases. So we still have to do the old jail first, that we have to fix that roof, and we have to get the okay from the Trial Court to do the Orleans roof first and fix that, and then we can go out for the five roof leases, and we can certainly do something at the farm in a more limited way. So we haven't lost anything. We've learned a lot, and we're not going to give up on solar.

Speaker MCAULIFFE: Great. Any questions for either Jack or Ron? Yes, Tom O'Hara.

Delegate O'HARA: Great. Just to go back to the dredge for a minute, Jack, if you want to address it, just a simple question, do you reach out to the workgroup that we had talked about in the past with the 15 towns; do they have any input on that or any thought process that goes along to them with manning the positions and anything at this stage of the game?

Administrator JACK YUNITS: No. That's strictly a County decision. They've never had any input on staffing. Their input comes in scheduling which happens over the course of the summer. And now that we have a dredge superintendent on, he'll be working with Christine to meet with them and set up a dredge schedule for next year.

So, I can tell you that -- I had a long conversation, oddly enough, today with the Town of Orleans that still wants to reengage us and get us engaged with the dredging at Nauset channel whenever that's going to be. Now I can turn it over to an expert, and I've been told by the interview committee, Tom, that we've had some real good applicants for this job so.

Delegate O'HARA: Great. Good news.

Just one more question on that. Now have we sent the dredge results, final results out to those members in towns so that they're aware of how successful the dredge program had been this year at the end?

Administrator JACK YUNITS: Not yet. That's a good point though. I think we'll do that. I'll write something up and we'll get that out.

Delegate O'HARA: Great. Thank you, Jack.

Administrator JACK YUNITS: Thank you, Tom.

Commissioner RONALD BERGSTROM: Madam Speaker.

Speaker MCAULIFFE: Yes, Ron.

Commissioner RONALD BERGSTROM: I was just going to say it's been a priority of mine to reinvigorate the Dredge Advisory Committee and make sure that the towns on -- the 15 towns on Cape Cod have an input into the program and how it's run and, you know, can participate in the scheduling, which often changes as the weather changes and other circumstances.

So we've discussed this before and I'm determined that, at least as far as I have anything to say about it, when we do have a supervisor in place, he'll be able to chair a meeting or be at the meetings with the representatives of the towns so that we can make sure that everyone participates and we know where we're going forward so.

Speaker MCAULIFFE: Excellent. Thank you.

Delegate O'HARA: That'll be great. Thank you.

Speaker MCAULIFFE: Mary Chaffee.

Delegate CHAFFEE: Thank you, Madam Speaker. I have a question and a request for the County Administrator. Going back to your comments about the grants

that you mentioned, would you say that our grant revenue right now is on par with the normal year or did I hear some new sources of revenue coming in through grants?

Administrator JACK YUNITS: I think I -- we -- I haven't totaled it up yet, but I wouldn't be surprised if our grant revenues are exceeding our three-year average by over a million dollars. This is more and more grant revenue coming in. The Cape Cod Commission got a \$400,000 EDA grant which is money that's going to be directed towards helping local businesses maintain themselves and get restarted. They also got \$400,000 to do some long-term planning for rolling out the broadband. These are two very new grants that had never existed before.

The second one is actually in a bond bill; a Massachusetts bond bill and it was set up by Senator Cyr so that no kid would be left behind ultimately on Cape Cod when it came to Internet access.

But we've seen a ton of grants -- about \$300,000 come in to help us offset the cost of Boards of Health. The County administers that fund to the local Boards of Health and we pay for all the signs and anything else they need. And by the way, our guidance officers from the County are now helping the local Boards of Health implementing some of the strategic problems. And I do want to say that we haven't had any complaints yet about poor management by businesses. It seems to me that most of the business owners on the Cape are doing what they're supposed to do. So that's all good.

So I'd say in general, Mary, that the amount of grant money is going way up and that surprises us. But WHOI is still solid; NOAA's still solid, and the MoCA money was just approved this week by the Commonwealth. That's the Mass. money that comes out of the Criminal Justice Fund.

Delegate CHAFFEE: Excellent. Thank you. And my request is really for the Speaker and the County Administrator; I'd be very interested in having the leadership from the County Police Academy come back to see us to provide a report on its first year of operations on challenges that the academy is experiencing because of the pandemic and, specifically, to talk to us, I think, more in-depth about the philosophy of policing in law enforcement that is in place at the County training academy and whether we're doing any self-analysis and self-assessment in light of the nationwide conversation that we're having right now on policing.

Thank you.

Administrator JACK YUNITS: I think that's a great idea, Mary. I should let you know, and Brian's been involved in it; Brian O'Malley has been involved in it; the Human Rights Commission and the local police chiefs have been having seminars, like Zoom seminars like this, to talk about policing on Cape Cod. And, you know, it's been sometimes contentious but, generally speaking, very informative and they will continue. So I think it's a great idea, and I think -- I know that Chief Sampson and Chief Carnes would love to come in and talk to you.

Speaker MCAULIFFE: Yes, that was on my list when I saw that they had graduated their class and I thought it would be great to hear from them.

Administrator JACK YUNITS: Yes.

Speaker MCAULIFFE: I will tell you, personal experience from Chief Carnes, he instituted community policing and officers in the school 20 years ago in the Town of Yarmouth and simply developed strong community-police relationships so

that the police were more seen as almost people who would help you out. So that is the person who is heading this program up. So I have all the confidence that they will take to heart whatever discussions and whatever, you know, recommendations or whatever laws come down because they are very, very interested in fitting in and being a positive influence in the community.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: Big experience from Yarmouth, you know. In fact, I went to an MMA meeting where I was -- the people at the table were from the town where the Police Chief had just left to come to Yarmouth and they were not happy with me. So that was 20 years ago.

Elizabeth Harder.

Delegate HARDER: Jack, so the question is I've been reading about how Kennedy, Joe Kennedy is working with people to move WHOI to New Bedford, and I was wondering if you had heard anything about that and what that would do to our County if that got moved.

Administrator JACK YUNITS: Every now and then you hear those kind of conversations from people out of New Bedford; it wouldn't be good. WHOI's a big player on Cape Cod, and they are a giant economic development generator for the Falmouth area so.

Delegate BROWN: I think that might've been the Fisheries. I've heard that about the Fisheries.

Speaker MCAULIFFE: Oh, the Fisheries as opposed to WHOI?

Delegate BROWN: Yes.

Speaker MCAULIFFE: Yes.

Administrator JACK YUNITS: Okay.

Delegate BROWN: Also that was not conclusive either, and also WHOI is right now applying for really big grant and investing a lot of new money to rebuild their pier, so I really don't think WHOI's going anywhere right now.

Delegate HARDER: I hope not.

Speaker MCAULIFFE: Yes, Patrick Princi.

Deputy Speaker PRINCI: Jack, I just have, you know, I'm talking about the capping of the Fire Training Academy; so when did you submit the application for that grant?

Administrator JACK YUNITS: About three weeks ago.

Deputy Speaker PRINCI: Okay.

Administrator JACK YUNITS: And they told us it would be about 30 days.

Deputy Speaker PRINCI: Oh nice. Is there any way you could forward me that; is that okay?

Administrator JACK YUNITS: Sure. Absolutely.

Deputy Speaker PRINCI: So three weeks ago you applied for it, so you're looking at probably about maybe another week for an answer. It's likely that it's going to answer in the positive since the County revenues are pretty good right now.

Administrator JACK YUNITS: We're scheduled to go, Patrick, before the ConCom, the next ConCom in August in Barnstable and that's our last step.

Deputy Speaker PRINCI: The first meeting of August? Their first meeting?

Administrator JACK YUNITS: I believe so or maybe the 18th. For some

reason, the 18th sticks in my head.

Deputy Speaker PRINCI: Okay. And you anticipate immediate approval upon that (Indiscernible)?

Administrator JACK YUNITS: I would think so. They asked us at the last ConCom meeting which was just before the pandemic hit that we were at to take down a couple more buildings, one of which we did; the other we're still getting -- still studying -- it shouldn't be an issue. It's concrete so it shouldn't be contaminated because PFOS doesn't stick to concrete.

And the plan would be to crush it on site and bury it on site as part of the cap.

Deputy Speaker PRINCI: So are you going as far -- so as far as the work being done, is that going to be done by County employees or is it going to be done by contractors?

Administrator JACK YUNITS: No. It will have to be RFP'd. It's a big job.

Deputy Speaker PRINCI: So how long will that process take once you get the approval from ConCom on the 18th?

Administrator JACK YUNITS: Two to three weeks. All the documents are done.

Deputy Speaker PRINCI: Okay.

Administrator JACK YUNITS: Everything had to be done to submit to the Barnstable ConCom.

Deputy Speaker PRINCI: So on a scale of like 1 to 10, how confident do you feel that we'll be starting, you know, capping over there middle/end of August?

Administrator JACK YUNITS: I informally promised Mark Ells that I'd have this done by the middle of October at the latest.

Deputy Speaker PRINCI: Okay. So you're still banking on October instead of August or September?

Administrator JACK YUNITS: No, no, have it done, completed the project.

Deputy Speaker PRINCI: Okay. Great. Thanks, Jack. Thanks, Madam Speaker.

Speaker MCAULIFFE: Yes, Lilli-Ann Green.

Delegate GREEN: Thank you, Madam Speaker, and thank you both for your report. I have three very quick, I think, questions. One is I was very pleased to hear that the Cape Cod Commission did receive the grant for \$400,000 for the broadband, which is something that I've been following on behalf of the people in my town who are concerned about broadband that they have no coverage, even no cell coverage sometimes, and in the case of an emergency or in case of distance learning and working from home these days, these are critical. Could you forward any information you have on that to us so that we would have more information on it?

Administrator JACK YUNITS: We'll keep you in the loop. That's a bond authorization. That's a little bit different. That can be funded by a vote of the legislature at any time out of that bond authorization. Right now, it's just a line item on a piece of paper but it's approved. Now the next step is to get it funded. And I should say we've also had discussions -- Secretary Kennealy referred a group that's doing a study for FEMA; we were one of three places selected in Massachusetts to update this study group out of Northeastern University on how to get money back into the economy quickly here. And one of the ways we suggested to him is if we could

get a revolving loan fund much like the Septic Loan Fund in almost the same amount, about \$30 million, we could lend this money to the towns at low interest which would help them fund the last mile. So it would be money designated to delivering the last mile to the communities but it wouldn't be a grant necessarily. So as a revolving loan fund, it doesn't affect the tax base of the Commonwealth of Massachusetts or the Feds necessarily because we recapture that money and we re-vest it back into the fund.

So that continuum has made sense with septic loan, and it makes sense to get the last mile out there. And they were pretty intrigued by the thought and they are going to take it back to FEMA. We talked about a lot of things.

Speaker MCAULIFFE: Thank you. Lilli-Ann, you had another question?

Delegate GREEN: Yes, I do. Yes, and so whatever you can forward to us, that would be really helpful.

Administrator JACK YUNITS: Yes.

Delegate GREEN: So I'm really glad that the roof solar projects will go forward and they'll go out for bids in the very near future. What are you projecting as far as a timeline for that?

Administrator JACK YUNITS: Depends on when we attack the jail roof. I think we did get some bid documents ready but we haven't put it out to bid yet, and we're still waiting to hear from the Trial Court on the Orleans District Court roof.

Delegate GREEN: Are we talking about maybe a month or are we talking --

Administrator JACK YUNITS: Oh no, no. I would think that those bids would probably go out at the earliest in the spring.

Delegate GREEN: I see. Okay. Well, I'm glad that you are pursuing them and that this is a direction that the County is going in, and I would appreciate keeping us updated.

And I also appreciate the due diligence that was paid to going through these so that we do the best we can for the County and for the citizens of Barnstable County; I do appreciate that.

And the third thing I wanted to ask about is the Cape Cod Commission has been having hearings about proposed changes to the Regional Policy Plan that were put forth by 350.org, and I wanted to bring that up because Ron was at the last hearing and, also, there were two slide decks that I encourage people to look at that the Cape Cod Commission staff did have and explained to the Commission board members at the last two Regional Policy Plan hearings, and I would encourage the Assembly members to look at that. But as far as this last hearing, Ron, is there anything that you can update us with about that?

Administrator JACK YUNITS: No, that's Cape Cod Commission business and the County really tries to stay out of the regulatory part of that.

Delegate GREEN: Okay.

Administrator JACK YUNITS: I wish I could add to that.

Speaker MCAULIFFE: Yes, we can wait until we hear from the Commission because the Regional Policy Plan is theirs, yes.

Delegate GREEN: Okay. Thank you.

Speaker MCAULIFFE: Thank you. Okay.

Administrator JACK YUNITS: I can close, Madam Speaker, by saying as soon as I get Nick's report, which should be today, I will get it to the Clerk and you for

dissemination to the Assembly.

Speaker MCAULIFFE: Okay. Jim Killion, did you have your hand up?

Delegate KILLION: Thank you, Madam Speaker. Good afternoon, Commissioner Bergstrom and Mr. Yunits. My question was regarding the grant for the marine simulator. Can you just give a brief description of what that's for?

Administrator JACK YUNITS: Yes, that is a training simulator. It's a module simulator. It's two levels. The second level retracts into the first level when it's not being used. It's used principally to train town firefighters on how to respond to marine fires, but it can be used also to train firefighters, especially the basic firefighter training, on how to respond to firefighters. It's based on propane gas so there's no chemicals and there's no other external objects to burn. So we can put that -- but when we closed down the academy, we decided to send this grant notice back and get approval from Seaport counsel to turn it into a mobile simulator. In other words, we paid a little more money for it, but we got it put on wheels, and we'll take it to the various towns for various training sessions. So it could go to Sandwich; it could go to Provincetown. It could go anywhere it's needed to help firefighters train. It will be used by the Coast Guard as well out at the JBCC. It will be used by the National Guard as well out at the JBCC for training.

Speaker MCAULIFFE: Great.

Delegate KILLION: This grant was used to purchase this device?

Administrator JACK YUNITS: Yes, that's right.

Delegate KILLION: All right. Thank you.

Administrator JACK YUNITS: The grant was \$275,000; the County put in 25,000, I believe.

Speaker MCAULIFFE: Any other questions for the Commissioners or Administrator?

Delegate BROWN: Just one last question.

Speaker MCAULIFFE: Yes, Doug Brown.

Delegate BROWN: Yes, did I just hear correctly a moment ago the Revolving Fund for the last mile, was that regarding fiber-optic Internet?

Administrator JACK YUNITS: Yes, sir. That's right.

Delegate BROWN: Okay. Thank you.

Administrator JACK YUNITS: Yes, it's a dream right now. It's a dream that Randy Hunt and I have had a number of conversations about the possibilities, but it does seem to make sense. Our Septic Loan Fund, I know you're new to this, but our Septic Loan fund has been a tremendous asset for Cape Cod.

And we have a nice surplus in it. We've run it well, and we're getting better at it all the time. So we could do the same with fiber optics.

Delegate BROWN: And we have a group working on that right now trying to work out some kind of --

Administrator JACK YUNITS: Yes.

Delegate BROWN: -- whether we can make a deal with OpenCape or what we can do.

Speaker MCAULIFFE: Yes, and it may be time to bring OpenCape in again. We haven't heard from them in a while, and they certainly are the players in this. And the last time they were in, it was all about the finances to bring things to that last mile.

Delegate BROWN: Yes, they're almost about ready to start to go into residential service.

Speaker MCAULIFFE: Excellent. They were ways away from it the last time. So, in fact, I think we -- it was two meeting rooms ago that we had them in. So we'll have to bring them in.

Delegate BROWN: We had a meeting in Woods Hole, and they had a neighborhood in Woods Hold that the people want to put the money up to pay in advance to get them to do it. So they're trying to think it through.

Speaker MCAULIFFE: Excellent.

Delegate BROWN: And we have to do some work downtown first, which we're completing this year, then it can be a possibility.

Speaker MCAULIFFE: Excellent. It can be a model for other areas too.

Delegate BROWN: Maybe, yes.

Speaker MCAULIFFE: All right. Thank you, very much.

Speaker MCAULIFFE: Our next item is communications from Public Officials. Any public officials wish to comment?

Next item is communications from members of the public. Anyone from the public wish to comment? Hearing none. I will convene the Assembly.

Assembly Convenes

Discussion and Votes on Proposed Ordinances 20-08 through 20-14

Speaker MCAULIFFE: The first item on the Assembly's business is to the seven leases that came through as Ordinances 20-08 through 20-14. The reason that they are on for a vote is if the Assembly doesn't vote them up or down or reject them, then they just kind of live in limbo. And these leases in their current form are not going to be implemented, and we've already decided because of the legal issues that we need to do different leases for different areas.

So this is a matter of getting them off the Assembly's limbo land and getting it back to the Commissioners. Once we reject these ordinances, they go back to the County administration. And then when they are ready, they will rewrite the leases for their particular projects if we want.

If we just leave them, they exist and it's just out there and unnecessary. So this is just a matter of housekeeping to clean this up, almost like cleaning up on borrowed debt. So that's why they are on the agenda for today.

So I think we could just go through the leases one by one and just -- we're going to have to vote each one individually, I think.

Proposed Ordinance 20-08

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Solect Energy Development LLC for Rooftop Photovoltaic Energy Facility at the Barnstable County First District Building, located at 3195 Main St., Barnstable, MA 02630

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Solect Energy Development LLC for Rooftop Photovoltaic Energy Facility at the Barnstable County First District Building, located at 3195 Main St., Barnstable, MA 02630

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Solect Energy Development LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer's Representations, Warranties, and Additional Covenants

Article VII: Host's Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX : Indemnification ; Insurance

Article X : Quiet Enjoyment

Article XI : Assignment and Mortgage

Article XII : Dispute Resolution

Article XIII : Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §

Speaker MCAULIFFE: So this is -- the first one would be Proposed Ordinance 20-08. I'll take a motion.

Delegate OHMAN: So moved.

Speaker MCAULIFFE: This is the Courthouse in Barnstable Village Rooftop Solar. And a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Is there any discussion on this? So to vote yes would be to approve the lease; to vote no would be to reject the lease, the ordinance and the lease. So, seeing nothing for discussion, will the Clerk please take the vote.

Delegate BROWN: Yes, just for clarification, so is it the consensus of this board that we're going to wait and redo these leases; am I understanding that correctly?

Speaker MCAULIFFE: Yes, the consensus was because there are some legal issues and CVEC feels that they need to be rebid. In addition, there are, as Jack said, there are some issues with some of the approvals and the conservation group review, you know --

Delegate BROWN: I did get the background. I just want to be clear what we're voting.

Speaker MCAULIFFE: Right.

Delegate BROWN: So I'm voting no.

Speaker MCAULIFFE: So if we vote, we send them back. We reject them, they go back to the County administration.

Delegate MCCUTCHEON: All right. My question about these leases was, first, it would be better, I think, to move to remand them to the Commissioners rather than to just act on them here. I think it gives it a cleaner deferral to them.

And then the second thing is when they come back, they ought to be much more uniform because they're easier to understand that way, and that's all I have to say. And here's your --

Speaker MCAULIFFE: No. I probably did it to myself. How would you like to vote on this? We're in the middle of a vote. Would you like to approve this or disapprove the ordinance?

Delegate MCCUTCHEON: Well, as I was not here for the last discussion, I will abstain.

Vote to approve Proposed Ordinance 20-08

Voting “NO” (96.23%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “PRESENT” (0.93%): Deborah McCutcheon (0.93% - Truro).

ABSENT (2.84%): Randi Potash (2.84% - Chatham).

Clerk O’CONNELL: Okay. Madam Speaker, Proposed Ordinance 20-08 **failed to pass** with 96.23 percent of the Delegates voting no; 0.93 percent voting present; 2.84 percent absent.

Proposed Ordinance 20-09

To authorize the County of Barnstable to execute a lease agreement for Rooftop Photovoltaic Energy Facility between Solect Energy Development LLC and Barnstable County at the Barnstable County Lab Building, located at 3195 Main St., Barnstable, MA 02630

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement for Rooftop Photovoltaic Energy Facility between Solect Energy Development LLC and Barnstable County at the Barnstable County Lab Building, located at 3195 Main St., Barnstable, MA 02630

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Solect Energy Development LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer's Representations, Warranties, and Additional Covenants

Article VII: Host's Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: All right. Next, it would be Proposed Ordinance 20-09. This is the lease for the Rooftop Photovoltaic at the Barnstable County Lab Building. Is there a motion?

Delegate OHMAN: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. So there's a motion and a second to reject this ordinance.

Delegate KANAGA: Hello.

Speaker MCAULIFFE: Yes, Chris Kanaga.

Delegate KANAGA: Just for purposes of discussion, I think there's wisdom in what Deborah said. So at the end of all these no votes, I guess, I'd like to propose a resolution that basically says for the purpose of furthering the installation of these -- of solar panels and renewable energy that these leases be remanded for prompt action to accomplish the goals. You know, I can come up with some wording, but I just want to say that in the course of saying no to all these, I think it needs to have something that goes with it that says we support the idea and we'd like to have somewhat standardized leases as quickly as possible.

Speaker MCAULIFFE: Yes, and even if it's not a resolution, it could be a sense of the Assembly as well or unless you want to have an official resolution which we could --

Delegate KANAGA: Okay. That's fine.

Speaker MCAULIFFE: Something that, as you said, attaches to this that puts them -- doesn't just reject them out of hand.

Delegate KANAGA: Yes.

Speaker MCAULIFFE: Puts it back in their laps, yes.

Delegate KANAGA: Well, put us on record as supporting --

Speaker MCAULIFFE: The concepts.

Delegate KANAGA: -- the idea and just wanting it to be sped along.

Speaker MCAULIFFE: Yes. Brian, you had a comment?

Delegate O'MALLEY: I wanted to fully concur. I think that's exactly the concept that we are not rejecting the program. We're simply rejecting the language that was presented so far and it needs to be redone.

Speaker MCAULIFFE: Right, right.

Delegate O'MALLEY: I very much concur with that. Thank you.

Speaker MCAULIFFE: Okay.

Clerk O'CONNELL: Okay. I'll figure something out and put it together when I send these over tomorrow.

Deputy Speaker MCCUTCHEON: I suggested --

Speaker MCAULIFFE: Linda Zuern.

Delegate ZUERN: I just wanted to make it clear that this was a motion to reject, so a yes would be reject, right?

Speaker MCAULIFFE: Yes. No, it can't be right.

Clerk O'CONNELL: No, it should be to approve.

Speaker MCAULIFFE: Excuse me; I said to reject and she's absolutely correct. So I should've put it in the form of this was a motion to approve the lease and then know it would fail.

Delegate ZUERN: Okay.

Speaker MCAULIFFE: So is the motion maker and the second willing to have this motion be to approve Ordinance 20-09?

Delegate OHMAN: Yes, as far as the motion goes.

Speaker MCAULIFFE: Thank you, Linda. A double negative.

Delegate ZUERN: That's right.

Speaker MCAULIFFE: Will the Clerk call the roll.

Vote to approve Proposed Ordinance 20-09

Voting "NO" (96.23%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

ABSENT (3.77%): Deborah McCutcheon (0.93% - Truro), Randi Potash (2.84% - Chatham).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-09 failed to pass with 96.23 percent of the Delegates voting no; 3.77 percent absent.

Proposed Ordinance 20-10

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Alliance CVEC V LLC for Rooftop Mounted Solar Photovoltaic Energy Facility at the Barnstable County Registry of Deeds Building, located at 3195 Main St., Barnstable, MA 02630

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Alliance CVEC V LLC for Rooftop Mounted Solar Photovoltaic Energy Facility at the Barnstable County Registry of Deeds Building, located at 3195 Main St., Barnstable, MA 02630

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Alliance CVEC V LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer's Representations, Warranties, and Additional Covenants

Article VII: Host's Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: Next is Proposed Ordinance 20-10, and this is the -- this ordinance is for the lease agreement between Barnstable County for Rooftop at the Registry of Deeds, Rooftop Solar Voltaic. I'll take a motion to accept the ordinance?

Delegate HARDER: So moved.

Speaker MCAULIFFE: Is there a second?

Delegate O'MALLEY: Second.

Speaker MCAULIFFE: Okay. Any discussion or comments? All right. So a no vote would be to reject the ordinance; a yes vote would be to accept the ordinance.

Vote to approve Proposed Ordinance 20-10

Voting "NO" (96.23%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (0.93%): Deborah McCutcheon (0.93% - Truro).

ABSENT (2.84%): Randi Potash (2.84% - Chatham).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-10 **failed to pass** with 96.23 percent of the Delegates voting no; 0.93 percent voting present; 2.84 percent absent.

Proposed Ordinance 20-11

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Greenskies Clean Energy LLC for Canopy Photovoltaic Energy Facility on an area of ground space which is a part of the Property located at 3195 Main Street, Barnstable, MA 0263

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Greenskies Clean Energy LLC for Canopy Photovoltaic Energy Facility on an area of ground space which is a part of the Property located at 3195 Main Street, Barnstable, MA 02630

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Greenskies Clean Energy LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer's Representations, Warranties, and Additional Covenants

Article VII: Host's Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: Okay. The next ordinance is Proposed Ordinance 20-11, and this is the ordinance for the lease agreement on the area of ground space which is a property located at the Barnstable County Complex. So this, I believe, is the parking lot roof -- is the parking lot canopy rather. Is there --

Delegate O'MALLEY: So moved.

Speaker MCAULIFFE: Okay. And a second?

Delegate HARDER: Second.

Speaker MCAULIFFE: Second. Okay. So will the Clerk call the vote, please?

Vote to approve Proposed Ordinance 20-11

Voting “NO” (96.23%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting “PRESENT” (0.93%): Deborah McCutcheon (0.93% - Truro).

ABSENT (2.84%): Randi Potash (2.84% - Chatham).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-11 **failed to pass** with 96.23 percent of the Delegates voting no; 0.93 percent voting present, and there are 2.84 percent absent.

Proposed Ordinance 20-12

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Main Street Solar Project 2020, LLC for Ground Mounted Dual Use Solar Photovoltaic Energy Facility, located at Barnstable County Farm, 3675 Main Street, Barnstable, MA 02630

The Cape Cod regional government, known as Barnstable County, hereby ordains:

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Main Street Solar Project 2020, LLC for Ground Mounted Dual Use Solar Photovoltaic Energy Facility, located at Barnstable County Farm, 3675 Main Street, Barnstable, MA 02630

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Main Street Solar Project 2020, LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer’s Representations, Warranties, and Additional Covenants

Article VII: Host’s Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: Next is Proposed Ordinance 20-12, and this is for the photovoltaic at the Barnstable County Farm.

Delegate O'MALLEY: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Will the Clerk please call the vote?

Vote to approve Proposed Ordinance 20-12

Voting "NO" (96.23%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (0.93%): Deborah McCutcheon (0.93% - Truro).

ABSENT (2.84%): Randi Potash (2.84% - Chatham).

Clerk O'CONNELL: Madam Speaker, Proposed Ordinance 20-12 **failed to pass** with 96.23 percent of the Delegates voting no; 0.93 percent voting present; 2.84 percent absent.

Speaker MCAULIFFE: Thank you.

Proposed Ordinance 20-13

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Rock Harbor Road CY Solar Project 2020, LLC for Solar Canopy Photovoltaic Energy Facility on an area of ground space which is a part of the Property located at 237 Rock Harbor Road, Orleans, MA

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Rock Harbor Road CY Solar Project 2020, LLC for Solar Canopy Photovoltaic Energy Facility on an area of ground space which is a part of the Property located at 237 Rock Harbor Road, Orleans, MA

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Rock Harbor Road CY Solar Project 2020, LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

Article II: Lease of Premises

Article III: Term

Article IV: Rent

Article V: Design, Installation and Operation of PV System

Article VI: Developer’s Representations, Warranties, and Additional Covenants

Article VII: Host’s Representations, Warranties, and Additional Covenants

Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: The next is Proposed Ordinance 20-13, and this is for the canopy photovoltaic at the Orleans Court property, so the parking lot canopy.

Motion to --

Delegate O’MALLEY: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. Will the Clerk please call the vote?

Vote to approve Proposed Ordinance 20-13

Voting “NO” (99.07%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).
Voting “PRESENT” (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 20-13 failed to pass with 99.07 percent of the Delegates voting no; 0.93 percent voting present.

Proposed Ordinance 20-14

To authorize the County of Barnstable to execute a lease agreement between Barnstable County and Rock Harbor Road RF Solar Project 2020, LLC for Roof Solar Photovoltaic Energy Facility at Buildings located at 237 Rock Harbor Road, Orleans, MA 02653

The Cape Cod regional government, known as Barnstable County, hereby ordains;

Section 1. Source of Authority and General Purposes

In accordance with Article II, Section 2-8, (d) (vii) of the Barnstable County Home Rule Charter, Barnstable County hereby enters into a lease agreement between Barnstable County and Rock Harbor Road RF Solar Project 2020, LLC

for Roof Solar Photovoltaic Energy Facility at Buildings located at 237 Rock Harbor Road, Orleans, MA 02653

Section 2. Effective Date

The Ground Lease Ordinance shall take effect upon passage of the ordinance by the Barnstable County Assembly of Delegates and execution by the Barnstable County Commissioners, and Rock Harbor Road RF Solar Project 2020, LLC

Section 3. Ground Lease Table of Contents

Article I: Definitions

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Article VIII: Termination; Default; Remedies; Purchase Options

Article IX: Indemnification; Insurance

Article X: Quiet Enjoyment

Article XI: Assignment and Mortgage

Article XII: Dispute Resolution

Article XIII: Miscellaneous

Memorandum of Lease Pursuant to M.G.L. c. 183, §4

Speaker MCAULIFFE: And the final Ordinance is 20-14, and this is for the photovoltaic energy facility on the Orleans Courthouse rooftop.

Delegate O’MALLEY: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Thank you. The vote...

Vote to approve Proposed Ordinance 20-14

Voting “NO” (99.07%): Douglas Brown (14.61% - Falmouth), (Mary Chaffee (4.55% - Brewster), J. Terence Gallagher (2.30% - Eastham), Lilli-Ann Green - (1.27% - Wellfleet), Elizabeth Harder (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), E. Suzanne McAuliffe (11.02%-Yarmouth), Thomas O’Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O’Malley (1.36% - Provincetown), Randi Potash (2.84% - Chatham), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).
Voting “PRESENT” (0.93%): Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 20-14 failed to pass with 99.07 percent of the Delegates voting no; .93 percent voting present.

Speaker MCAULIFFE: Thank you.

Next would be committee reports. I don't believe we have -- I don't know if anyone's had any committee meetings recently. We did get a report from Lilli-Ann who attended the Commission -- Cape Cod Commission RPP meetings but -- all right.

Report from the Clerk?

Summary Report from the Clerk

- **Reminder about regarding election filing deadlines for Assembly Delegates**

Clerk O'CONNELL: Thank you, Madam Speaker. Things have been pretty calm. We're in the process, as some of you may be aware, and also information for the general public, to know and be advised that nomination forms are to be submitted to your local town clerks with one day less than a week to go. And the deadline for that is the 21st and, thereafter, once they're received back from the Clerk, you will have until August 18th to submit them to me, the County Clerk, along with a receipt for your statement of financial interest.

And whenever people get ready to do that, please contact me via telephone or email and we can schedule some kind of arrangement, if you will, to meet up/sync up to be able to accept these and for me to give you the receipt. I know that at this point in time it's a little difficult for everyone to just make a special trip to Barnstable to submit these.

So as you are aware, I'm located at the lower end of the Cape, and I can somewhat accommodate people coming from the Outer Cape. And when I'm in Barnstable, I can certainly look at doing the same for people who are coming from the Upper-Cape, Mid-Cape is somewhat easy -- easier.

And that's it. That's all I have to report.

Summary of Other Business

- **Delegate Green provided an update regarding Cape Cod Commission hearings**
- **Assembly consensus regarding rejected of proposed solar leases and future consideration**

Speaker MCAULIFFE: Is there any other business? Yes, Lilli-Ann.

Delegate GREEN: Thank you, Madam Speaker. May I say a few more words about the meeting I attended, the hearing I attended at the Cape Cod Commission?

Speaker MCAULIFFE: Yes. I mean, it is a work in progress --

Delegate GREEN: Yes. Yes, it is. So this was a second hearing that I attended, so I did report on the first hearing; the second hearing happened a few weeks ago and then the next one will be July 23rd.

So the hearing on the Regional Policy Plan proposed changes which are 11 different changes that 350.org has proposed has been continued.

The first proposed change was voted on by the Commissioners. It didn't -- with the caveat that they could change their vote. It did not pass.

And the Commission staff twice -- Jon Idman gave a presentation at the first hearing and Kristy Senatori gave a presentation at the second hearing. The recommendation from the staff has been that not to change -- to not change the Regional Policy Plan, that they are working on a Climate Action Plan, and that is the appropriate place for the sentiments of the petitioners. This is the first time something like this has come before the Cape Cod Commission. They have issues with the

language. And Kristi went through point by point in a slide deck, which I urge you all to take a look at, of the reasoning behind the staff holding fast to saying this is not the appropriate place for these changes. And they are working diligently on this Climate Action Plan, and I also urge you to go and attend the hearing. It was over 3 and a half hours long last time and the time before but, you know, even still it was eye-opening, shall I say.

But thank you for your time.

Speaker MCAULIFFE: Thank you. Anyone else have any other business?

Okay.

Delegate KANAGA: This is Chris. Sorry.

Speaker MCAULIFFE: Oh Chris.

Is it acceptable to you to have a sense of the meeting, or do you want a formal resolution?

Delegate KANAGA: A sense of the meeting is fine. I just want to say that the solar voltaic leases were disapproved on legal grounds and that the Assembly is in favor of renewable energy and that the leases are being remanded to the Commissioners for the purpose of prompt rebidding and contracting.

Speaker MCAULIFFE: Okay. So Lilli-Ann, did you have a question?

Delegate GREEN: Yes, I would say the Assembly has a consensus that we're in favor of solar renewable energy.

Speaker MCAULIFFE: Okay.

Deputy Speaker PRINCI: If I could just add one thing to that quickly, Madam Speaker?

Speaker MCAULIFFE: Yes.

Deputy Speaker PRINCI: The other thing, too, is I would advise and recommend to the executive branch that, you know, we have a lot of County properties that are much easier to work with, for instance, where we have our meetings at the old jail and many others. I mean, they should sort of start there.

Speaker MCAULIFFE: Yes. So I think right now in order to get a sense of the meeting, it isn't a motion and it hasn't been seconded, but you could either each say whether you support that or not, or I could just ask for a show of hands and people could just say. And then if we have more than half the people, then we can go ahead and -- how about a show of hands for a sense of the meeting?

Delegate MCCUTCHEON: I'd like to be heard on this before you vote anything.

Speaker MCAULIFFE: Okay. Deborah, go ahead.

Delegate MCCUTCHEON: When things go through the legislative process, getting from where we are today to the end of the road when this piece of legislation will either have passed or been otherwise marked up, things are stripped out. Anything that was not part of the motion tends to be lost in the dust.

I would suggest that to the motion you add the language that Chris just gave you that says this is being remanded, and that that go all as a piece. It's just an extra sentence. You don't have to explain a whole lot, but you've now attached it to the motion so that you don't have to worry about it getting stripped out in the committee somewhere.

Speaker MCAULIFFE: Well, I think that -- because there are seven motions

for seven ordinances, I think this was more of a general overall -- this was going to be part of the cover letter that was going to go with the ordinances back to the County; is that what you were thinking, Chris?

Delegate KANAGA: That was -- yes, rather than having seven more votes, that was the purpose, yes, to just explain that this was not a rejection of the idea; it was a rejection of --

Delegate MCCUTCHEON: You don't have to.....

Speaker MCAULIFFE: Specific leases.

Delegate KANAGA: -- with specific end product that we got.

Delegate MCCUTCHEON: You don't have to vote seven times. You vote one time. It will go in all the motions and that's all you need. You don't need to do more than that. Just do one motion and put it in each of those because when they go off to committees, things get lost. That's just my opinion.

Delegate KANAGA: Normally -- this is Chris again, sorry. Normally, I would agree with that, although in this case I would say it's basically going to the Commissioners and the executive branch so it's not really going -- we're just --

Delegate MCCUTCHEON: Well I wouldn't rely on them to fix it.

Speaker MCAULIFFE: I think the Assembly needs to stay on top of it. I appreciate what you're saying, Deborah. I think it has more power coming in from the motion level, but I'm not sure if we can just have one motion that then amends seven votes.

Delegate MCCUTCHEON: Of course you can. You're a legislative body. You can do anything you want. Somebody may not like it, but you can do what you want.

Speaker MCAULIFFE: Okay. Who would like a sense of the meeting and who would -- think about whether you would like a sense of the meeting or you want to amend the motion? I'll hear from people. What's your pleasure?

Elizabeth.

Delegate HARDER: What I suggest is just a sense of the meeting statement that we are rejecting these leases purely on legal grounds and want to assure the Commissioners that we will support these leases as soon as they have them rewritten. Does that cover what Deborah wanted?

Speaker MCAULIFFE: Well, I think what Chris said is a little bit more relevant, because some of these leases may not be coming back.

Delegate MCCUTCHEON: Right.

Speaker MCAULIFFE: You heard about the canopy over the parking --

Delegate HARDER: Right, right.

Speaker MCAULIFFE: Yeah, yeah. So --

Delegate MCCUTCHEON: And (Inaudible) at the end of each one of them just so -- you have to --

Speaker MCAULIFFE: Deborah, go ahead.

Delegate MCCUTCHEON: You have to distinguish between the meat of the legislation which you cannot -- they cannot take away. And the sense of a meeting or a suggestion that they rewrite or all of those things can just be stripped away and thrown in the paper -- in the circular file.

You want something that stays with this piece of paper. So you say we amend

the seven to make clear our legislative intent with these being rewritten before they're, once again, presented to us as we wish to adopt them but not -- whatever you're trying to do here.

Speaker MCAULIFFE: Yes. Yes, Brian.

Delegate O'MALLEY: Deborah, I disagree with you. It seems to me that what Chris is suggesting is a sense of the meeting is all that a resolution would be in any case. It's our opinion. It carries no real value.

So I think what we're trying to say is -- for both the Commissioners who know what we're doing and for any interested public, we're not dumping this. We're simply - - we're simply going to go back and rewrite them and get them back. I think a sense of the meeting works perfectly well.

Speaker MCAULIFFE: Pat Princi.

Deputy Speaker PRINCI: I'm sorry. I was raising my hand in support of the Delegate from Orleans and Provincetown.

Speaker MCAULIFFE: Oh, okay. So it was in support of the sense of the meeting. Is there any -- Lilli-Ann, yes.

Delegate GREEN: I would like to also be in support of what the Delegate from Orleans is proposing. And that's why I asked a question I asked of Jack earlier.

You know, I think it's important to attach the sense of the meeting to this and so that we can follow up with the Commissioners and the County Administrator in the near future and, hopefully, the not-too-distant future. Thank you.

Speaker MCAULIFFE: John Ohman.

Delegate OHMAN: Thank you, Madam Speaker. I, once again, would highly support the language presented by the Delegate from Orleans.

Speaker MCAULIFFE: That's five, six, anyone else want to weigh in?
Elizabeth.

Delegate BROWN: I'm in favor of the language.

Speaker MCAULIFFE: Doug Brown, eight.

Delegate O'HARA: I'm in.

Speaker MCAULIFFE: There is nine.

Jim Killion, 10; Terry Gallagher, 11; Mary Chaffee's got -- okay. So the sense of the meeting, I think, we can have the Clerk draft a letter with your sentiment that will go over with the ordinances.

Delegate KANAGA: Thank you.

Speaker MCAULIFFE: All right?

Delegate KANAGA: Yes.

Speaker MCAULIFFE: Because this may not happen quickly as you heard. Jack said maybe next spring.

So, anything else to come before the Assembly? **I'll take a motion to adjourn.**

Delegate OHMAN: So moved.

Delegate BROWN: Second.

Speaker MCAULIFFE: All those in favor? Aye.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 5:20 p.m.

Submitted by:

**Janice O’Connell, Clerk
Assembly of Delegates**

List of materials used at the meeting:

- **Business Calendar of 7/15/20**
- **Unapproved Journal of Proceedings of 7/1/20**
- **Proposed Ordinances 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, and 20-14**