

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.

APPROVED Journal of Proceedings – September 2, 2020

CALL TO ORDER

Speaker MCAULIFFE: I'm going to start. I'm going to convene the Cape Cod Regional Government, the Assembly of Delegates. **It's Wednesday, September 2, 2020, at 4 p.m.**

This meeting is held through remote participation, and it is pursuant to Massachusetts Governor Charles D. Baker's order suspending certain provisions of the Open Meeting Law on March 12, 2020.

This meeting is also livestreamed on YouTube. Anyone wishing to make a comment can do so by calling 1-929-205-6099 and using an ID number, which is 953 4971 1300 or by using a Zoom link.

I would also say that anyone who calls in, we cannot see you; we just see a number. If you need to put a hand up because you would like to speak, you need to press *9, and if you are muted, you need to press *6 to unmute. So if I'm not seeing a hand and you want to just speak, you can press *6 and say, "I'd like to speak," and then I can recognize you when it's time.

So I begin the meeting with a moment of silence to honor our troops who have died in service to our country and all those serving in the Armed Forces.

(Moment of silence.)

Speaker MCAULIFFE: Thank you. We'll have the Pledge of Allegiance. Unfortunately, Janice has the flag. Oh, there it is. All right.

(Pledge of Allegiance.)

Speaker MCAULIFFE: Thank you.

Will the Clerk please call the roll?

ROLL CALL ATTENDANCE

Present (68.57%): 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), 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), Linda Zuern (9.15% - Bourne).

Arriving Late (20.92%): Patrick Princi (20.92% - Barnstable - @4:55 P.M.).

Absent (10.51%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro).

Clerk O'CONNELL: Madam Speaker, you have a quorum with 68.57 percent of the Delegates present; 31.43 percent are absent.

Speaker MCAULIFFE: Thank you.

APPROVAL OF THE CALENDAR OF BUSINESS

Speaker MCAULIFFE: Our next item is approval of the Calendar of Business. Is there a motion to approve?

Delegate O'MALLEY: So moved.

Delegate O’HARA: Second.

Speaker MCAULIFFE: There's a second, okay. Will the Clerk please take the vote?

ROLL CALL ON MOTION TO APPROVE CALENDAR OF BUSINESS

Voting “YES” (68.57%): 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), 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), Linda Zuern (9.15% - Bourne).

Absent (31.43%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O’CONNELL: Madam Speaker the Business Calendar is approved with 68.57 percent of the Delegates voting yes; 31.43 percent are absent.

APPROVAL OF THE JOURNAL OF PROCEEDINGS OF 8/19/20

Speaker MCAULIFFE: Next is the approval of the Journal of August 19, 2020.

Delegate HARDER: I move to accept -- to approve the Journal of August 19, 2020.

Delegate CHAFFEE: Second.

Speaker MCAULIFFE: Okay. Thank you. Now we can vote.

ROLL CALL ON MOTION TO APPROVE THE JOURNAL OF 8/19/20

Voting “YES” (68.57%): 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), 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), Linda Zuern (9.15% - Bourne).

Absent (31.43%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).

Clerk O’CONNELL: Madam Speaker the Journal is approved with 68.57 percent of the Delegates voting yes; 31.43 percent are absent.

Speaker MCAULIFFE: Thank you.

SUMMARY OF COMMUNICATIONS FROM THE BOARD OF REGIONAL COMMISSIONERS

- Commissioner Bergstrom updated the Assembly on the Commissioners meeting of 8/26/20
- Commissioners had discussion on expanding the County Nursing Program
- Commissioners submitted Proposed Ordinance 20-18 for FY21 Dredge Supplemental Appropriation and Proposed Ordinance 20-19 for FY21 County Supplemental Appropriations for various programs

Speaker MCAULIFFE: Next is communications from the Board of Regional Commissioners. We have Commissioner Bergstrom with us.

Commissioner RONALD BERGSTROM: Yes, here I am.

Speaker MCAULIFFE: Yes, you are. Thank you.

Commissioner RONALD BERGSTROM: Looking out at my rainy, cool backyard. It's amazing how we look forward to cool, rainy days now, huh, after a hot summer.

Speaker MCAULIFFE: Yes, hot, dry summer.

Commissioner RONALD BERGSTROM: Hot, dry summer. Good afternoon. We did not meet today. Jack has been out for a week or so because of a death in his family; his sister passed away. I spoke to him last week and told him that there was no pressing business that needed his immediate attention. I suspect that he would be back on Monday.

He emailed us today saying he's going to take a couple more days off and he'll be back. So probably not going to be available at the end of your meeting to answer the questions. I don't know if you have staff members there. I don't see Steve Tebo's name. Any pressing questions you have on ongoing business, you're going to have to ask me, and I can promise you I'll have the answers.

We did meet the 26th of August. We had our weekly update on the COVID-19 epidemic, and the numbers on the Cape are very good, very few cases. No hospitalizations as far as I know and certainly no deaths.

The Cape has been, fortunately, much better off than the rest of Massachusetts, and I'm hoping we can be even more optimistic. One wonders how far down we're going to have to go in these numbers before we start up the state's economy, but that's above my pay grade so.

We did have a discussion on expanding County's Nursing Program and there's a proposal that will be given to us to hire two 18-month positions in the Health Department, two nurses to assist with the Health Department and also the town Health Departments with ongoing issues regarding the COVID-19.

I don't know if you've gotten a budget update, but the budget within the Registry of Deeds revenues estimate are good. We're trying to do what we can. The Commissioners looking at what we can do, to assist the towns in any way we can dealing with the issues that they face.

One of the ways we're doing that, hire two nurses who assist us and them. I pressed Sean on a budget and also on a job description and he hopes to get that to me. I haven't talked to him directly. In the messages, I told him I'd like to have it by next Wednesday. And you'll have an ordinance in front of you -- in front of the County for a vote.

Once again, we addressed the petition by the Town of Barnstable to reopening -- discontinuing a County Way on a portion of Phinney's Lane. You'll remember we voted to do this last week even though Barnstable town had not even voted. Since then, they voted to send this to the Commissioners. Once again, we agreed to accept it and hand over that County lane to the Town of Barnstable, which, according to many people, we had already done years ago but records were lost.

We have two ordinances which I'm going to present to you. One ordinance is to add to the County's Dredge Operating Budget for fiscal year -- this coming Fiscal Year 2021 by making Supplemental Appropriations of \$65,000. We had set aside -- no we hired a new Dredge manager. We had some issues. We had some money in the budget, the 2021 budget already. This is a supplemental budget of \$65,000 to add to that. I don't know off the top of my head the salary range but it's not just that, it's a couple other things.

Then we have another ordinance to add to the County's Operating Budget in this Fiscal Year. This was originally Ordinance 20-04, the previous one was originally 20-06. They're making supplemental appropriations of \$449,297, and I'll run down that real quick.

We have Emergency Management for \$150,000.

We have a salary in the Cooperative Extension Department of \$85,660.

We have the Fire Training Equipment, which we purchased of \$63,000,

And we have a Solid Waste Recycling Study; I don't know if I addressed this with you previously. Actually, I think we did a PowerPoint. We're looking to locate a Solid Waste Facility at the Base, so this is \$150,000 to the fund and total amount as I said was \$449,297.

That pretty much covers the meeting last Wednesday. And if you have any questions, here I am.

Speaker MCAULIFFE: The Dredge amount you said was \$65,000 or \$85,000?

Commissioner RONALD BERGSTROM: Sixty -- \$65,000.

Speaker MCAULIFFE: Okay. And is that coming -- that's an Enterprise Fund so --

Commissioner RONALD BERGSTROM: That's from the Enterprise Fund. It still has to be appropriated.

Speaker MCAULIFFE: Okay. So it's just moving money within the fund then.

Commissioner RONALD BERGSTROM: Right.

Speaker MCAULIFFE: Okay. Any questions for Commissioner Bergstrom?

Delegate BROWN: I have one; I'm sorry.

Speaker MCAULIFFE: Yes, Doug Brown.

Delegate BROWN: Real quick, I don't know if it was my feed or yours, Ron, but I couldn't hear what the 20-04 was about, please.

Commissioner RONALD BERGSTROM: 20-04 (original FY21 budget ordinance number as adopted) is a combination of several supplemental appropriations bundled into \$449,297. Solid Waste Recycling Study was \$150,000. The Fire Training Equipment, which needs to be purchased, \$63,000, and the Salary in the Commission Department came to a total of Wages \$63,000, Employee Benefits.....Medicare..... for a total of \$85,000. Also the Emergency Management Department.

Delegate BROWN: Okay. Thank you, very much.

Speaker MCAULIFFE: We'll get all the detail on this in writing. They're submitting it today. We'll get the copy of the ordinance, and then at our next meeting we will have a public hearing and an opportunity for further questions and discussions. So you can have the numbers in front of you then.

Delegate BROWN: Okay. Thank you.

Commissioner RONALD BERGSTROM: I should add to the Dredge -- report the Dredge up. I received from Steve a schedule of proposed dredging projects -- didn't have -- actually, it didn't have the time schedule for the number of projects listed. I don't know if he copied that to the Assembly or not but if he didn't, I will. Looking --

Speaker MCAULIFFE: Thank you. No, I didn't get that, so that would be very helpful. I think even though it's within the Enterprise Fund, I think for the next meeting, obviously, just a little information, you know, on these specific ordinances from Jack or Steve or whomever would be very helpful.

Delegate O'HARA: Madam Chair.

Speaker MCAULIFFE: Yes, Tom O'Hara.

Delegate O'HARA: Thank you, Madam Chair. I have a couple of questions on the dredge. I don't know if now's the time or not, but you seem to be going beyond the budget.

The workgroup that we talk about so frequently with the dredge, can we get a list of who is on that workgroup for -- I know my member wants to speak to the other members on the board; it's the workgroup.

And, also, if we could have a list of the chain of command for the Dredge Program as to who is -- who and a list of who's in place or being hired, just so we can get a grip of what we're doing and be able to move forward. We had a tough year last year in Mashpee. I'd like to get this moving in a positive manner.

Commissioner RONALD BERGSTROM: Right. The dredge -- I don't know if all of them did, but I know many of them did. So they sat down and they flushed out the schedule together. I will get you the names of those people. I've requested them myself before. I'm sure they're lying around somewhere. And I will also get you whatever further information we can on the organizational chart.

Clerk O'CONNELL: I'll follow up with an email, Ron. I'll send an email.

Delegate O'HARA: Okay. Perfect.

Speaker MCAULIFFE: Good.

Delegate O'HARA: Thanks, Ron.

Speaker MCAULIFFE: Any other people have questions? No. Okay. Thank you, very much, Ron.

Commissioner RONALD BERGSTROM: All right.

Speaker MCAULIFFE: And, obviously, too, if people have questions, they can always email Jack earlier in the week, and we can email the question-and-answer to everybody too. It doesn't have to wait until the next meeting if people have something that they want to discuss sooner. Thank you.

Presentation from OpenCape Executive Director Steve Johnston

Speaker MCAULIFFE: Next item would be communications from OpenCape. We have the Executive Director Steve Johnston present.

Exec. Dir. STEVEN JOHNSTON: Hello. Can everyone hear me okay?

Speaker MCAULIFFE: Yes. Excellent. How are you doing?

Exec. Dir. STEVEN JOHNSTON: Good. It's a pleasure to be back here in front of you. I think the last time I was in front of you was October 2018.

Speaker MCAULIFFE: I think we were -- were we in the Harborview, I think?

Exec. Dir. STEVEN JOHNSTON: I believe so, yes.

Speaker MCAULIFFE: Yes. That was two places ago.

Exec. Dir. STEVEN JOHNSTON: Yes. So I'm happy to speak with you. I'll give you kind of a brief overview for the newer members. I can quickly cover maybe some background things, and then I'm happy to answer questions. I'm sure you all have questions.

We've been in the news a lot. We've been doing a lot of things, so you may have questions that pertain to your town. But when I spoke to you back in 2018, we were experiencing a phase of growth. Things were looking pretty positive.

For those of you that don't know, OpenCape is a not-for-profit organization. We own 555 - - 550 miles, route miles of fiber, that's map miles, almost a hundred thousand fiber miles, and we

cover the Cape, part of the Islands, and I'll talk about that as well, and about 35 Southeastern Mass. towns. We connect in Providence and Boston to what are called the "Internet Hotels." That's where we peer with Tier 1 Internet carriers. We service community -- municipal -- municipalities, businesses large and small, schools/education, and I can kind of run through that. And as of last night, we officially turned up our first residential clients in a pilot that I'll talk about as well.

So, since I spoke to you in 2018, I think many of you will remember I joined OpenCape in 2015. We still were working with a company called CapeNet, which was our for-profit partner. Their responsibilities were selling and maintaining the network. That relationship didn't go too well, so we terminated that relationship in September of 2016, and we brought the sales, marketing, and maintenance of the network inside. And I'm happy to report since that time we have seen our growth -- about 600 percent growth over the past few years. So we are incredibly busy. We have a strategy which I'll mention here.

Our initial strategy was to connect those businesses that were near or close to our network, and the plan there was that would make the network strong and sustainable. We could keep the lights on. We can hire people. We can reinvest. We can maintain the network. And I'm pleased to report that has gone swimmingly well. We're doing all those things. We're hiring staff. We're creating jobs. We are growing the network, reinvesting in the network, maintaining the network, expanding it, running some pilots. We are being philanthropic in giving away things that we feel pertain to our mission, and I'll talk specifically about that.

But at this point, things with OpenCape are going very, very well. We are in a very strong financial position, so I don't have to worry about keeping the lights on or how am I going to make payroll or any of those issues. We are really planning for the future.

In fact, our network is, without giving you too much tech speak, the topology of our network is a series of rings that allows us to offer added redundancy to our clients that we serve. And we're in the process -- right now, the max I can offer someone is about hundred gigabits of service. Coming in December, we'll be boosting that. We'll be increasing the infrastructure on our network so it will be about 400 gigs. So if someone wanted 400 gigs worth of service, we could -- not that that one person would want that, but multiple clients combined. We're spending about two hundred and almost \$300,000 to upgrade the network this fall. So, it's doing well.

And feel free if you have a question, raise your hand or speak up. I'm happy to interrupt and stop and proceed again.

And in addition to connecting enterprise customers, when I say "enterprise," I mean business, small and big. Ninety-nine percent of our customers are taking one kind of service from us, and that is a dedicated symmetrical service, which means you guys are all on Zoom today so you have probably Comcast, dedicated means your signal never changes; it doesn't go up or down. It doesn't slow down when kids get out of school, (Ringing) sorry about that. It doesn't slow down when there's a snowstorm and the kids are home from school. It doesn't slow down on July 3 when the Cape is inundated with people from off-Cape.

So dedicated means if I'm giving you 100, 500, 1 gig, 5 gigs, 50 gigs, that's what you get always and it never varies; it never vacillates; it's dedicated 24/7, 365 days a year.

The other thing "symmetrical," is just what it sounds; your downloads and your uploads are equivalent. You're going to get 100 down and 100 up.

Now, in some of our projects that I'm going to talk about, we have one of the first ones we did was the Falmouth Main Street project. So the Falmouth Main Street project if you haven't heard about it really grew out of initiative where the businesses on Main Street in Falmouth came

to the EDIC and the Chamber of Commerce and said, "We can't process credit cards." Now, in my world, that's a pretty low threshold. That's right-of-kin to breathing. You know, if you can't process a credit card, you can't operate your retail establishment.

And it simply was, you know, I'm not going to beat up on Comcast because I don't do that, but it really was just a byproduct of in the summer when our communities expand, the legacy network from the incumbent provider simply couldn't handle the traffic. So we worked with the EDIC, the Chamber. We worked with Senator deMacedo, Representative Vieira, the Falmouth Selectmen, the Board of Selectmen, and we were able to -- we received \$80,000 from the EDIC, and OpenCape put up the other \$250,000, and we built out the remaining part of Falmouth Main Street we hadn't built out. But what we did differently is -- so in my world, we have our backbone, which is exactly what it sounds like, is the main trunk of our fiber, 144 strands or 288 strands depending on where you are. But in order to offer this service to small businesses, we had to build additional fiber called "distribution fiber" because we don't want to chew up the backbone. The fiber on the backbone is like gold. And you want to be very specific on how you use it, where you use it. So when we come to some place we know we're going to do a lot of building, we'll also lay distribution fiber so we don't have to cut up our main backbone.

So we built out distribution fiber in downtown Falmouth, starting on Gifford Street and working our way west. We immediately had about 50 businesses sign up. As of today, we have connected -- I think we're about 41 or 40. We have a crew, actually in Falmouth today, connecting folks. COVID slowed us down a little bit there because we couldn't go into businesses. We couldn't go into and do installs, so we had to kind of wait.

But the good news is those 50 that will probably grow to a hundred by the end of the year, those businesses are seeing -- they have had a shared gigabit connection.

Now, we could do one out of two things when we deliver service like that; we can give a -- have it be a free-for-all where you can get a full gig down and maybe a full gig up, and then if someone else is using, they may get less. We put some filters on it so on average people see about 350 megs down and about 250 megs up. Really reliable, super steady, and they're paying \$117 a month for that service. That service breakdown is \$80 for the service, \$20 -- \$27 on the service of the loan they took out to pay for it, and \$10 into the Connection Fund. All those businesses got connected for free and we paid . We're trying to rebuild that Connection Fund so the other businesses continue to get connected for free.

So, early results are very positive. We've connected a litany of businesses in downtown Falmouth. I'm actually looking at spending some more money to build east up Main Street so I can connect some more that we have on our list that would like connectivity.

So the real thing -- the thing that's really important about this is the technology that we're using on the Main Street, this Main Street initiative, is called GPON, Gigabit Passive Optical Network. It's the same stuff that Google Fiber was using, the same type of technology, the same technology they're using. AT&T uses it, Google Fiber, pretty much all the big ISPs use it. So it's the exact type of equipment I would use if I were to provide service to you guys at your homes, so very similar. So that was a pilot, an important pilot for us.

Likewise, we have installed the same servers and backbone in Hyannis and that is allowing us to light up some MDU projects, Multiple Dwelling Units, and turning up our first residential service last night, as a matter of fact. I didn't turn it up knowing that I was coming here today. It just worked out that way. It was a happy coincidence.

But 255 Main Street -- is it possible for me to share a screen? Can I show you something

or is it -- because I can just show you some images, you know, rather than me just talking, it might be a little more -- here we go. So here is the -- you all see a map of downtown -- this is downtown Falmouth; can you see a map?

Delegate CHAFFEE: Yes.

Exec. Dir. STEVEN JOHNSTON: Okay. So that was the downtown Falmouth I was talking about. The green line was our backbone fiber that came down to Gifford Street over here and then went up to power the Lawrence and the Morse Schools. So we effectively built out -- and the pole lines in downtown Falmouth are behind the store so we built out on either side. The blue and red lines and then down -- back down to MacArthur Boulevard where we proceeded to connect Woods Hole.

And on the next slide, it should have -- this is how we do our planning. So we actually go building by building and figure out what buildings are in there. We allocate for how many stores, residences, whatnot. We plan so we know how many terminal rolls, where we're going to place the terminal rolls, where we're going to splice.

So, for us, this was a learning exercise because, typically, we're connecting one building, one client at a time. This is multiple buildings. So it really got our process down and how do we work in a multiple process environment.

Let me change slides again. I'll show you this. This is 255 Main Street in Hyannis. It is an historic building. It's right there across from the CCRTA, next to Heritage House Hotel, right on Main Street. Eleven residential units, two commercial units, and as you can see this is the map up here. Our fiber comes up and comes over and connects. This is the speed test I ran last night; 1069 down and 916 up, so that's a full gig down and almost a full gig up, up and down. So this project is up and running.

We're doing a couple more of these residential -- this is the inside -- these are closets inside the building. So this is the panel. I pulled out the router here but everything fits nicely in a nice little box in each unit. The real interesting thing here is the landlord is including the Internet in the rent so that you're getting it whether you're at a market rate apartment or a subsidized apartment --

This is 306 Breeds Hill in Hyannis in the Industrial Park. This is the Industrial Park down here. We're also doing this building; this is 49 units. This is Joe Keller and Bruce Macgregor's project. We'll be doing this later this fall. We've already run fiber within the building.

So these are some of the projects we're working on right now. I can -- I just want to show you some visual images, for instance, just hearing me talk. Those are important because they are kind of -- it's never going to be a scenario where OpenCape has the money to connect the roughly 100,000 households on the Cape.

We're going to have to continue to work with the towns. Falmouth, you know, I hate to talk about Falmouth a whole lot, but on the scale of who's got it together in terms of connectivity, Falmouth's at the top of that list. They have the Falmouth Community Internet Team is working very effectively looking at building out fiber across all of Falmouth that they would own. They would plug into OpenCape and power every home, every home in Falmouth. Yarmouth is having some good conversations there as well. Prior to Town Administrator Panagore leaving in Provincetown, and I know they've had some issues up there and are busy, we were making good progress in Provincetown as well.

But I am having other conversations with lots of other towns. I continue to be surprised. I live in Sandwich, and Delegate Killion is not on, Sandwich is the stone age of the Internet portal. (Laughter.) So I will just say that, and I know that because I pay taxes here and, yes, the wheels

are still square in Sandwich. But we're working on that. We are making progress.

Yes, Doug.

Delegate BROWN: So we met a couple years ago with a group of citizens from Buzzards Bay Avenue area in Woods Hole that wanted to put up the money ahead of time to do the infrastructure.

Exec. Dir. STEVEN JOHNSTON: Yes.

Delegate BROWN: We were waiting for Main Street. Do you think now that we're almost in a position to consider that project?

Exec. Dir. STEVEN JOHNSTON: Well, so, we have built down into Woods Hole all the way down to Water Street because that connects part of WHOI's change of heart where they were acting as the ISP for all of Woods Hole, and now they want everyone off their network. We're connecting NOAA, MBL, Pie in the Sky, Coffee Obsession, the Market, all the way down. We wrapped the corner by Water Street to NOAA and then we work our way up.

So there are a couple areas where we're looking at very hard doing a pilot of, you know, 20, 30, maybe 50 homes, individual homes.

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: Right now, we've been focused on doing MDUs, Multiple Dwelling Units, because, quite frankly, they're new construction; they're easy. And like that 255 building, my fiber goes right by it already anyway, so I made it very user-friendly in that sense.

Delegate BROWN: Okay.

Exec. Dir. STEVEN JOHNSTON: Woods Hole is one of these areas and it's funny I was on -- you have one of Barack Obama's cabinet members or staffers that lives in Woods Hole, and I see him on MSNBC all the time, he says, "Live from Woods Hole," and he's doing a Zoom cast. So we are, indeed, reaching out to him to talk to him about getting him connected just because we could use that PR.

Delegate BROWN: Right.

Exec. Dir. STEVEN JOHNSTON: But it is -- Woods Hole --

Speaker MCAULIFFE: Steven.

Exec. Dir. STEVEN JOHNSTON: Yes.

Speaker MCAULIFFE: Steven, your issues then are still financial. When you came before us two years ago, residential was way far in the future. You were looking more trying to deal with commercial and municipal because it's just so expensive.

Exec. Dir. STEVEN JOHNSTON: Yes.

Speaker MCAULIFFE: Do you see a path to get financing to get more residential connections?

Exec. Dir. STEVEN JOHNSTON: Well, I think the best model forward, Suzanne, is, so, there's roughly a hundred thousand houses on the Cape, plus or minus. You know, for me to connect all of them is going to cost somewhere between \$85 and \$115 million. But, yes, I could do that but it would probably take me 50 years to earn that money to do that or less.

Speaker MCAULIFFE: Yes.

Exec. Dir. STEVEN JOHNSTON: So the best way forward, the way that makes the most sense forward and what other towns in the Commonwealth are doing pretty regularly, Charlemont, Leverett, Alford, Otis, Marlborough, Egremont, the real dynamic here is the Commonwealth, the governor and the administration, has spent about \$100 million on Western Mass. connectivity in

the last four years. Now, I grew up in Western Mass., a little town called Sheffield. I still own a house there, so I speak fluent Western Mass. so I can say this, there's not a whole hell of a lot of R-O-Y you're going to see back on the connecting that, but at the same time places like Mount Washington or Egremont or Otis, you know, literally, I own some land in Otis and there's 800 people that live there, there's not one business.

So when I talked to the governor, my issues are parity. Like, why is it okay that you're spending all this money in Western Mass. and you're not investing the Cape and the Islands? And that kind of -- I'll talk about the IT Bond Bill and where we stand with that right now. But the administration has been hesitant because they are of the concept they believe that Comcast adequately serves the people of -- the people and businesses of the Cape and Islands, Southeastern Mass., and that's not the case. I'm not saying they don't do a good job, and even during COVID they've done a pretty good job. I thought they would go down much more than they did, but they did a pretty good job. I'll give them credits where they're due. Although, I like hiring all their people now, that they come and work for me.

But that's kind of our focus is so the way I really see for the best way forward is for the towns, and I know in some towns this is heresy from what I'm going to say, is the towns are going to have to say, look, if you really want great connectivity in our town, we're going to have to come up with a plan; we're going to bond it out; we're going to build connectivity to each town; we're going to own that process. It becomes a revenue stream for the town. They control the process. They maintain the pricing. They plug in to OpenCape. I mean, basically, I've used this analogy before, we're the autobahn, and I'm doing the best I possibly can to try to connect as many people as I can, but we're the autobahn and you have to build your access, your exit ramp into us because, you know, we didn't -- yes, we got \$40 million and that really -- all of that went toward building the backbone. And, yes, we're sustainable and we're growing. I've paid for the lateral down at the Woods Hole. I'm building other laterals. We're reinvesting in the network. But in order to scale so it's usable in our lifetime, I need an infusion of cash from someplace. And the only way I could see that happening realistically is for towns to move ahead and bond that out, and that's kind of what's going on in Falmouth. They're doing the work right now to see if it's feasible. They're doing the financial studies, what are the take-rates looking like. You know, in Leverett before they laid one piece of fiber, they had 83 percent of the households signed up. By the time they started building, they had like 94 percent of the households signed up. And basically what they did is they built every home in Leverett, Mass., whether you wanted service or not, because they knew at some point you're going to sell your home; you're going to change your mind; you're going to want the service. All right. We're just going to connect your house. You're not going to pay for the service but at least your house is connected. That's the most efficient way to do it.

And the simple math, just so you can all do this in the back of your notepad tonight, the national average to connect a house to the fiber Internet is \$2,500 per home. So you take the number of homes in your town times 2,500 and that's your top number. That's the most you're going to spend. If you do the whole town at once, if you go up one street and down the other and are superefficient, I think Leverett pushed that number down to 800 or a thousand dollars a house. So just use -- let's be safe, let's call \$1,200 a home. That's your low number. That's what it's going to cost to connect every home in your town to fiber. Somewhere in between those two numbers.

Speaker MCAULIFFE: I think eight months ago, nine months ago, people would've said, oh gee. But I think the last six months have really shown the country how important the connectivity and how dependent we are on it. So it may be a different discussion now than it was

nine months ago with the towns.

Exec. Dir. STEVEN JOHNSTON: I think it is much different, yeah. The one good -- if there's anything good to come out of COVID, it has shown the bright light of, you know, bright light on the need for connectivity. So the minute COVID happened, we did a couple different things and this is what probably differentiates us from others. All of our customers, several hundred of them, all got an email from me saying, "If you need additional bandwidth whether you're a town or a school or whatnot, we'll give it to you 100 percent free."

So in some cases, we had people that had a gig that wanted 2 gigs. Some people who had 50 megs, they wanted 500. Whatever. Done. So right now, currently, I have 63 customers that are getting free service -- it's not free service; it's free increases in half.

You know, we continue to subsidize very heavily police, fire, EMS connections. So a normal dedicated 50 by 50 -- 50 megs over 50 megs circuit for a business would be about \$450 a month, police pay \$113. Fire the same. So we subsidize police, fire. We give great deals to the schools. We connected 33 libraries on the Cape. They have the same subsidies that the police and fire have. And, actually, we've also set aside an additional \$50,000 that we're working with the libraries to outfit them to broadcast their signal, kind of like we've done in Eastham, to the parking lot. And that is a huge -- I can't impact students any other way. I connected 17 of the 18 high schools on the Cape, another 50 middle and elementary schools, both in my footprint. But the best way I can reach kids outside of school is in public spaces because I don't have a huge installed home base yet. So we figure by using the libraries as an essential point, at least people can go there and get great connectivity for free.

Speaker MCAULIFFE: What would you do with the governor's -- how much money do you dissipate from the Governor's IT Bond, and what do you think you would do with that?

Exec. Dir. STEVEN JOHNSTON: So the IT Bond Bill, Representative Peake and Senator Cyr came to me and said, hey, we have 24 hours to add amendments to this Bond Bill, what do you have?

Luckily, we had fully scoped out Provincetown and Chatham as well as some strategic laterals on the Outer-Cape. So when I say scoped out, basically, they're recreating what we did in Falmouth in Provincetown. So if you're familiar with Provincetown, I'm halfway down on Bradford Street right now. The farther west I go is Provincetown Commons. We would go down Bradford, down Bradford Extension to the west end and then back up Commercial creating a loop in Provincetown. That would allow us to connect probably the bulk of the businesses that were right on either Bradford or Commercial as well as any adjacent or above apartments or residence. So that would be an excellent use of some money. I figured about \$450,000 right there, just ballparking that, to build, manage that, outfitted, license poles, replace some poles. Some of those poles were placed there by the Pilgrims when they stopped, so we need to do that.

Likewise in Chatham, we would further extend down Main Street in Chatham a similar type of initiative. I figured I'd spend another \$350,000 there. A little bit I would spend extending fiber east on Main Street in Falmouth. Of the 1.7 million that Representative Peake and Senator Cyr submitted for OpenCape, 1.3 would be spent on the Outer-Cape and the rest of it would be spent on other strategic projects across the Cape.

I'd be specifically looking at extensions in Eastham, Wellfleet, and Truro connecting places like Outer-Cape Health Care, those type of places that are not connected yet but need to be connected. Also, some of the cultural and nonprofits, looking at some of those. I would spend some of the money so, really quickly, I have a 10-meg fiber circuit out to Nantucket which is

basically useless, 10 megs. I mean we're using that now. We're using more than that right now. It's like fiber dental floss. It's completely useless. I have nothing out to the Vineyard. I have a microwave -- 1 gig microwave shot. But any time I go aerial through a microwave, my throughput, if I send a gig, I get about 600 megs on the other side. So it's not really an economical use of our time.

We've been working with Nantucket, Representative Fernandes, a bunch of different folks on Nantucket and Martha's Vineyard about what it costs to run fiber, real fiber, a significant amount of fiber out there. We're looking about \$25 million to get the boat here. It's an expensive undertaking.

The good news is I'm really, really good at finding money, that's what I do. And there's a lot of really rich people on Nantucket and Martha's Vineyard who would gladly foot that bill, I'm hoping. So I started to have some of those conversations with individuals who really care about the community, understand the necessity particularly in this COVID period, and, hopefully, we can move that forward as well.

So I would agree that now during COVID you're talking about schools and, right now, it's even crazier for us because, you know, I have five kids myself ranging from 19 to 3 and everyone's going back to school. So all the schools are freaked out right now about are they going to have enough bandwidth. You know, Nauset just changed. They were doing in person and now they're doing all remote based on some ventilation stuff they have going on. So I've actually upgraded them just yesterday from 1 gig to 3 gigs to make sure that they have enough bandwidth, and we'll figure out how they're going to pay for that later but we're making it available to them.

You know, Sandwich, Falmouth, Mashpee, they've all pushed their bandwidths up. Barnstable, Harwich, Monomoy, they've all got enough bandwidth, and I've got enough if someone needs overflow, I can make it available to them. So --

Speaker MCAULIFFE: That's great.

Exec. Dir. STEVEN JOHNSTON: Yes, I think that the climate now is for us to capture -- the amazing thing that's worth mentioning right now is the amount of calls we're getting right now from people who are second homeowners and have fled Boston, New York, Philly, Albany, whatnot, and I can't even tell you I get probably 10 calls a week. You know, hey, Steve, my wife and I are lawyers from Manhattan. We're at our summer house. We're going to stay here for the next two years or longer and we need great connectivity and we don't care what it costs. Like, we need to be able to do our work from wherever. And that is really becoming the battle cry is that people they can work wherever they want now. It truly is, you know, I think I told you before, before I took this job, I worked for a Silicon Valley Tech Company and I ran New York and London out of my East Sandwich house. And it was a challenge because the connectivity sucked.

Now you can do -- I mean it was -- I literally have like pictures of me here holding like a golf club trying to get my cell phone to work. But now Comcast has stepped it up some, not a lot but some, and I'll give credit where credit's due. Also, you've got the arrival of like the Cape Spaces and the Chatham Works; we power both of those places. The Hyannis and the Mashpee Cape Space locations as well as Chatham Works, the co-working spaces. The Provincetown Commons, also a co-working space. So there's a lot of connectivity out there and we need to do more to expand that.

Speaker MCAULIFFE: It's amazing in two years how geometrically things have changed, and I think a lot of that change has occurred in the last year. But it's an amazing change since '18.

Exec. Dir. STEVEN JOHNSTON: Significantly, yes.

Speaker MCAULIFFE: Do you know if you -- did you have more you wanted to say or did you want to open up to questions or --

Exec. Dir. STEVEN JOHNSTON: I'm happy to answer, I mean, I've given you a good --

Speaker MCAULIFFE: Yeah, you've given us a great overview.

Exec. Dir. STEVEN JOHNSTON: So the good news is, let me just reiterate this because this always becomes an issue.

Speaker MCAULIFFE: Okay.

Exec. Dir. STEVEN JOHNSTON: OpenCape is not in any sort of financial jeopardy. We are not going out of business. We are not going away. We are not being brought by the County, by McDonald's, by whoever starts those rumors. We are completely -- and our 990s are available online. You can look at it. We're doing well. When I say we're doing well, we're not well enough to finance \$100 million worth of builds but we're doing fine. So that is good.

We are growing. We are hiring. We're creating jobs. I have about 10 employees right now, and we employ about another 35 part-time contractors and whatnot to help us with our build teams. So we have a growing arsenal of people. I still don't have any trucks that say OpenCape on them because I outsource all my build stuff. So people will say that. They're like, "How come I never see your trucks on the road?" They're like, "I see Comcast everywhere." And it's because Comcast is always breaking down. That's the simple answer to that question.

But we are going to order our first truck this year so that we can do some work ourselves. So you will see an OpenCape truck, just one because we're very thrifty, just thrifty over there, but we're going to have our own truck because sometimes it just saves us money so.

Speaker MCAULIFFE: Steven, this is, you know, this is great. Does anyone else have any comments or questions? Yes, Lilli Green.

Exec. Dir. STEVEN JOHNSTON: Lilli, yes.

Delegate GREEN: Yes. Thank you, Madam Speaker, and thank you, Steven, for the overview. I do have a number of questions. I'm the Wellfleet delegate, and I know that you have in that 1.7 million allocated for OpenCape in the IT Bond Bill, it says strategic extension for OpenCape fiber backbone in Wellfleet, Truro, and Eastham. I know you gave a brief overview of that. Is it only that or are you expanding to the beaches, as we talked about the last time?

Exec. Dir. STEVEN JOHNSTON: Sure.

Delegate GREEN: And are there any other areas that you hope to expand besides, you know, the Outer-Cape Health and the, you know, the non-profits on the Main Street in Wellfleet and other locations down here.

And does Wellfleet and Truro and Provincetown, I mean, are our libraries -- are all the libraries equipped with availability through the parking lots or is it just Eastham?

Exec. Dir. STEVEN JOHNSTON: Good questions. Thanks, Lilli. So, keep in mind when Senator Cyr and Representative Peake called, I had about 24 hours to respond to them with something quasi concrete.

We had done the work in Provincetown and Chatham already. There's a host of things I could connect in Wellfleet, and I would never think to do that in a vacuum where I just said, oh, I've got this much money. And, so, I would hope that I could sit with, you know, if there's a Broadband Committee in Wellfleet, there's not; I just know there's not. But if we could have a group of, you know, the town manager, maybe the Delegates from the Assembly, concerned citizens and say, okay, what makes the most sense to connect, and if I'm building my fiber, you know, I always try to think about it this way. You know, people say to me, oh, well you've

connected, you know, rich people call you to connect their homes; you better believe I'll connect their homes because if I'm connecting a McMansion on the beach, I've got to build five miles of fiber to get to that beach, and I pass a whole bunch of other houses that those people are paying for.

So I want to use this money as the best way I possibly can, and I wouldn't want to do that in a vacuum. So for me just to say, hey, this is what I'm going to connect in Wellfleet, I would never do that. It would be more of a discussion.

In Chatham and Provincetown we're a little bit further down the road there because I had talked with the town managers, the Board of Selectmen about these projects previously, and I had them ready to go. So, literally, if the governor called me right now and said, hey, here's your money, we can start tomorrow on the process and planning for at least those two aspects. But I hope that answers your question.

And then the other part you had about the libraries. So what we've done right now is I've set aside \$50,000, and I'm working with the folks over at CLAMS. The first -- and we do connect 33 libraries on the Cape. I have the first proposal I've written is for Falmouth where they want to put three new radios outside about \$1,800 in cost, so I'm going to pay for that. I'm going to pay for that, make sure they're up there, and if we need to increase their bandwidth, we'll do that gratis. And then we're just going to see how it goes from there.

Some libraries are not necessarily conducive to expansion like, you know, they don't have great parking or a main street or whatnot. So we have to kind of go library by library. I don't know that we'll get them all in. It will be a process, but we'll work to get them and solve these issues for folks. And there may be a better location than the library; it's just we're there in most cases.

Delegate GREEN: Okay. So do you see that the Wellfleet library is not connected? I mean, can people go to the parking lot and connect?

Exec. Dir. STEVEN JOHNSTON: No. Wellfleet, to my knowledge, unless they're doing it without my knowledge, they're not shooting their signal out into the parking lot currently. We're doing that in Eastham. We're pumping a gig of service out into the parking lot. They literally had to put up a sign that said, you know, if you're sitting in the parking lot using the Internet, like don't rattle your engines and shut your lights off because it was that popular.

Delegate GREEN: And, also, am I hearing what you're saying is that if somebody who's wealthy, let's say in Wellfleet or Truro or someplace down here that has a house on the ocean, you know, that you're going to be running the lines out to the ocean and because, again, the issue is the sharks, I mean, and if we have, you know, an emergency services on the beaches.

So I mean, again, there are people on the Outer-Cape that are very concerned about that and would really like to have the service out to the beach for those reasons. I know you said last time that you would connect it for free but it meant that it had to be run first, I guess.

Exec. Dir. STEVEN JOHNSTON: Right. So what we said was immediately the first time the shark bite happened, I sent a group of our folks on that path. We looked at the 12 most visited beaches on the Cape, and we came up with a plan and an estimate on how much it would cost to run fiber to each one of those beaches? That's still -- you can download it off our websites. It's a significant document.

And we talked about putting small cell or DAS at the termination point at every beach so you wouldn't have a big tower, but you'd have enhanced cell phone capability and the ability to connect or even put, you know, if you wanted to some sort of smart buoy that would automatically

ping versus the more kind of -- the buoys that are now where they have to download that stuff. Yes, we have to build to there. So I think the cost, and I don't have it in front of me, I think the cost to build to those two beaches was close to \$1.5 million. And we had sent that up the pipeline, shared it with the political delegation on the Cape, nothing really became of it because the fervor died down.

I do agree with you and we love going to Head of the Meadow. My kids all surf and they're terrified to go in the water right now, so I get it. I would love -- and that may be some of the strategic extensions we talk is in Wellfleet and Truro and Eastham, what makes the most sense? Is it more sense to go inland toward the bay or to head out and connect the beaches? So that may be something, and, yes, we would provide the connectivity for any shark monitoring for free. We would do that for free.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Anyone else have a question for Steven Johnston of OpenCape?

Exec. Dir. STEVEN JOHNSTON: Yes, Doug.

Speaker MCAULIFFE: Doug Brown.

Delegate BROWN: So, Steve, I thought I heard you say that the microwave to the Vineyard is not the greatest and the estimate for the line to the Nantucket was 25 million so --

Exec. Dir. STEVEN JOHNSTON: Not just Nantucket. That was -- let me back up. So we shoot a 1 gig signal --

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: --from Woods Hole, on top of one of the buildings in Woods Hole, to American Tower tower just east of the Edgartown airport. So my throughput on that, I shoot a gig over there and any time you go aerial via microwave and this holds true to any sort of wireless connectivity be in your house and you're getting 100 megs --

Speaker MCAULIFFE: Sorry, that's me.

Exec. Dir. STEVEN JOHNSTON: -- that's okay -- you're only going to see about 60 megs throughput. So, for me, I'm sending a thousand megs or 1 gig, I'm going to need about 600 megs on the ground. So it's not the most efficient is what I was saying.

The estimate, so, there's a few big contractors that do this. We went to the guys that are doing Block Island right now. They're actually doing Block Island, one of our vendors. So it costs just like \$5 million just to even get the boat here. I mean there's outfitting the boat. It's a big, huge boat. It's laying cable. So the cost to go from Woods Hole to Martha's Vineyard and then to Nantucket is \$25 million.

Delegate BROWN: I see.

Exec. Dir. STEVEN JOHNSTON: That's just to get the fiber from Point A to Point Z.

Delegate BROWN: Okay.

Exec. Dir. STEVEN JOHNSTON: And that doesn't even mean like we're going to run the fiber around the island.

Delegate BROWN: Yes.

Exec. Dir. STEVEN JOHNSTON: That's just getting us to the beach, you know, in Oak Bluffs or in downtown Nantucket.

Delegate BROWN: Okay. I just wasn't clear that you included the Vineyard. So, thank you.

Exec. Dir. STEVEN JOHNSTON: Yes. No, that was we looked at doing them separately; it's just more cost-effective to go Vineyard then Nantucket versus running a separate line to

Nantucket -- to the Vineyard and a separate line to Nantucket. It's all about cost efficiency.

Delegate BROWN: That makes sense. Thanks.

Speaker MCAULIFFE: Great. Thank you, so much, Steven.

Exec. Dir. STEVEN JOHNSTON: No, no --

Speaker MCAULIFFE: I think -- oh yes, Patrick.

Deputy Speaker PRINCI: I'm here.

Speaker MCAULIFFE: Yes.

Deputy Speaker PRINCI: Thank you, Madam Speaker, and thanks, Steve, for, once again, you know, giving us an annual update on what's been going on with OpenCape and so forth and it's appreciated.

Some of my thoughts are more along the lines of, you know, this whole pandemic and remote learning and schools not having proper mechanisms and infrastructure in place to adequately service all. And, further, my guess is that based on the prices of homes right now and the inventory is that, you know, one, we're going to become a year-round-type economy. And, secondly, we're going to have a lot of wealth here in the region that work for major corporations and conglomerates globally that might choose to settle here but might not find that they have the adequate infrastructure in place.

And part of what I've seen over the years is not enough collaboration with, you know, some of the other entities that might have the wherewithal for infrastructure improvement. For instance, partnering up with Comcast, other utility companies to move things forward.

I understand they all have stakeholders and shareholders involved and that's their primary focus and not necessarily the residential end of it. But at the same time, I do feel that if there was some organization through an economic development outlet here in the region through the Cape Cod Commission with some other of the private utility companies all coming together, I feel like we could move a lot faster than we have in the last 10 years and actually see some results for the residents that we all serve.

Exec. Dir. STEVEN JOHNSTON: Sure. I mean, so let's look at the environment right now, and I'll address your Comcast question. So, currently, Comcast is the 800-pound gorilla. They're serving the bulk of the Cape, Southeastern Mass.

Now, I look at my footprint because we cover the islands, the Cape, and then the Southeastern Mass. very differently because off-Cape I've got Verizon, Verizon Fios, Crown Castle, Extranet, Comcast; I have a bulk of competition off-Cape.

On the Cape, really, it's Comcast. Verizon has pretty much stopped coming across the bridge. So I have not one, not two, but 3 ex-Verizon employees that work for us at a very high level and there's really no plans to. They've kind of said they could walk away from the Cape; they'd be more than happy to.

When I say Verizon, you have to remember you have Verizon, like Verizon Fios and then Verizon Wireless, two separate entities operating under the same umbrella.

With regard to Comcast, we go head-to-head with Comcast 10 times a week if not more. So my bread and butter, what allows me to pay my staff, maintain the network is literally taking clients away from Comcast. I will say that here.

So since the time I last spoke with you and one of the issues we had when we had CapeNet involved with OpenCape is no one wanted to connect to us because they were kind of weasels, and they didn't like them to be perfectly honest. Since then, we have connected South Coast Hospitals, that's off-Cape. I've got eight locations connected. I've got six Cape Cod Healthcare locations

connected; Cape Cod 5 locations connected. So as we connect each one of these offices, branches, urgent care centers, we go deeper into communities. So that's part of that strategy that I talked about earlier about connecting businesses that are close to our network. Eighteen of Cape Cod 5's branches are within 500 feet of my backbone.

So, obviously, I have been working with the executives over at Cape Cod 5 about how do we explore a plan to connect all your branches to fiber through OpenCape down the road. They also happen to be our bank, so it's totally self-serving on their part.

But, Patrick, I agree with you. I mean, remember, we're an open access network. So, for example, let's just say last night I turned up 255 Main Street; there's 11 residences there. Comcast could come to us and say, knock, knock, knock, "Steve, I know you collect those 11 residences, we want to ride your fiber into those buildings and offer Comcast service. They have no desire, no intent, no nothing to do that. They just don't want to do that. They want their own proprietary network, and they kind of -- they tolerate us but we're like an annoying No see um mosquito in their face at the beach. They kind of deal with this.

They spend more on Post-it notes in a year than my entire budget. So they don't really see us as a threat. And, again, they're also probably not too concerned if they lost every resident on the Cape. I mean think about it; do the math. There's 195,000 people on the Cape, and the average person pays whatever their Comcast bill is, let's call it \$125, that \$70 million a month. My Comcast bill is \$364, just FYI, which is ridiculous. That's the other thing I have a problem with is the cost.

For those residents at 255, they're getting it free as part of their Internet, but their cost to their landlord is \$55 a month. So it's trying to make Internet accessible.

I agree with you, Patrick, we need to go faster and to find resources to do that. One potential place that may help us a little but is the 5G effort which, first of all, don't expect 5G here anytime soon. I know it may show up on your phone, that is complete marketing hooey. There's nothing. Your phone is not 5G yet and it won't be for a while.

But the backhaul that these carriers need, Sprint or, sorry, T-Mobile, AT&T, I already have a deal with AT&T where we're connecting 72 of their towers. I'm in talks with T-Mobile to connect 92 of their towers, their locations. So that may provide me some added revenue where I can move a little bit faster on some things.

We do try to collaborate. We work with Eversource and National Grid. Eversource, we have a special deal that allowed us to get our backbone up on the poles in what's called the neutral because we use the ADSS fiber which has no metal in it. It doesn't conduct electricity so they were okay with that. So that allowed us to build on almost 20,000 poles on the Cape and it allowed us to build relatively quickly without tons of expense. But we try to do that, Patrick. I just don't envision Comcast being overly welcome, just FYI. Yes.

Speaker MCAULIFFE: It's really helpful information. Thank you.

Deputy Speaker PRINCI: I just have one quick follow-up, if it's okay, Madam Speaker?

Speaker MCAULIFFE: We have -- we have -- okay. We have also another presentation plus a hearing with people who wanted to speak. So I'm just --

Deputy Speaker PRINCI: Okay. I'm just going to --

Speaker MCAULIFFE: -- make it fast. Make it fast.

Deputy Speaker PRINCI: No, I won't. I'm going to defer. With your permission, I'll give Steve a call and talk to him at some point this week.

Exec. Dir. STEVEN JOHNSTON: That would be good.

Deputy Speaker PRINCI: Thank you.

Speaker MCAULIFFE: Okay. Thank you.

Exec. Dir. STEVEN JOHNSTON: Lilli, you had a question too?

Speaker MCAULIFFE: Lilli, I needed to move.

Delegate GREEN: Yes. Maybe Steve could respond via email to us. If he could tell us -- if Steve could respond via email to us -- about 5G. When 5G does come here, what impact is it on his -- on OpenCape and, you know, peering through the looking glass anyway?

Speaker MCAULIFFE: Yes.

Delegate GREEN: But maybe he could respond via email. Thank you.

Exec. Dir. STEVEN JOHNSTON: That would be good.

Speaker MCAULIFFE: We can also have Steve -- we can also have Steve back too, you know, if there's more interest in other topics. It certainly is a very timely subject right now, and I guess I was thinking it was going to be a quick overview, but I think that there's a lot of interest, obviously, and a lot of questions. But thank you, so much, Steven.

Exec. Dir. STEVEN JOHNSTON: Okay. Yes, and shoot me an email, call me. I'm happy to talk to you and answer any questions you have. We are reaching out to the Governor trying to get him to release that \$1.7 million. It's approved in the House and the Senate. He needs to sign the bill. So if he releases it, we can make some magic happen. But until it happens, we'll continue as we have.

Speaker MCAULIFFE: Yes. Lilli is coming forward with a resolution to the Assembly today later on in the meeting to have us write a letter to the Governor.

Exec. Dir. STEVEN JOHNSTON: Oh, that would be great. That would be super appreciated.

Speaker MCAULIFFE: Yes, and she was surprised when she found out that you hadn't called me to come in and do a presentation to get, you know, to get a letter, that this was just totally we wanted to hear from you, and it just happened to be an issue that's current. So we will be discussing that briefly later on in our meeting.

Exec. Dir. STEVEN JOHNSTON: Well I appreciate that. That would be great, very helpful.

Speaker MCAULIFFE: Yes, we'll let you know how it goes. All right. Thank you.

Exec. Dir. STEVEN JOHNSTON: Thank you, all.

Presentation from Cape Cod Municipal Policy Academy Director Peter Carnes

Speaker MCAULIFFE: Our next item is an update and it says, "Communications from the Cape Cod Municipal Police Academy Director Peter Carnes. Peter, I see you. Welcome.

Director PETER CARNES: Madam Speaker, it's a pleasure to be here. Greetings to you from the academy staff and the directors of the academy. I'm joined up there with Chief Wayne Sampson, retired from Shrewsbury, and also recently retired Wellfleet Police Chief Ron Fissette, and the three of us function as academy directors. We're responsible for the day-to-day operation.

And as we informed in a previous presentation, we work under the auspices of the Cape Cod Center for Public Safety Training, which the director is Mr. Phil Burt. So he has almost daily contact with us when we run our academies.

Proudly over 54 weeks, we trained 101 recruit police officers. They went back to Cape and Island departments; they went back to some departments in the southeastern portion of Massachusetts. And on July 10th, 58 of those recruits went to 31 different police agencies in

Massachusetts. They all met the standards of the curriculum from the state from the Municipal Police Training Committee. They were awarded their diplomas.

I have to tell you that running a police academy during COVID was a challenge. We were facing changes, major changes. We had to cut 140 hours out of our academy program, the curriculum. We also had to move. We had to move to another location that allowed us to have social distancing. And the Coast Guard at the Base was cooperative enough to allow us to take over a movie theater that's on the Base and had 475 seats that we put 58 people in spaced at six feet apart. So we were successful in our move.

We were shut down for several weeks, and we opened up again in June, and we were able to graduate the 58 officers on July 10th, and they went back to their departments.

The Cape, obviously, was very well represented in this class, as was the Islands, and places like Barnstable, Bourne, Chilmark, Dennis. We also had a number of officers from Falmouth, Aquinnah. We had officers from Mashpee. We had them from other Cape communities such as Sandwich, island community of Tisbury, Truro, we had representation. From the Vineyard, we had West Tisbury, and we also had officers, I believe, I said Aquinnah already who, you know, met the mission that we were directed to follow of training Cape and Islands people first and then opening the academy to outsiders. And the outsiders, of course, are from the Southeastern Massachusetts region. This recent class, we went as far north as Norton, Massachusetts for a young woman to be trained and as far west as Hubbardston, and each of these officers came to our academy each morning at six and they left every afternoon at 4 o'clock. So it was exciting for us.

We're very proud of the instructors we had, the senior staff. It's my goal and, hopefully, sometime we'll achieve that, is to have our total staff from Cape Cod. And that's a tremendous opportunity because these men and women will be networking with these instructors when they begin their professional careers.

The support we've received from the County has been extraordinary. Jack Yunits, Steve Tebo have done a great job supporting the mission with Phil, and also Paul Tucker from the Fire Academy has worked with us providing unilateral support when needed with equipment. You know, small things that might appear small at the moment but shuttling water to the recruits on a hot day is huge for survival of these people during defensive tactics or during different types of fitness training and things like that.

We did for the first time, to meet the challenge of COVID, we did interactive training. We, of course, did a lot of Zoom work, and we were able to do a lot of online training to make up the 140 hours we lost. So that was very important.

One of the unique parts about being at Joint Base Cape Cod, we can do everything there. We can do our emergency vehicle driving. We have a beautiful gymnasium that we use. We also have the firearms training is done on the Base. So we're pretty much self-contained at the Base. The support from the Coast Guard, the National Guard, General Faux has just been -- it's been second to none.

So we're giving a positive report to you that we've been a success for our second class. Our third class is scheduled to begin January 4, 2021, and we're looking forward to 60 recruits showing up on day one and being part of our training program on Cape Cod.

Speaker MCAULIFFE: Thank you. Now, Mary had requested an update. Mary, did you have any specific questions or you just wanted a general update?

Delegate CHAFFEE: I was interested in an update on the program and, specifically, how training had to be adapted to COVID since, obviously, police training involves a lot of physical

activity. You mentioned what you did to you use the theater to do social distancing. Are there other police training activities that you've had to reshape to keep everybody well?

Mr. PETER CARNES: Absolutely. We had to follow state mandates from the Governor and also through the executive director of the Municipal Police Training Committee. And what they did, Mary, they shut down anything that involves physical contact. Defensive tactics where, you know, may be in the past you'd be putting handcuffs on people and things like that, they eliminated that. During many segments of the training, the officers were wearing gloves as well as wearing their mask, obviously. And, also, we abandoned the parts of physical training that necessitated taking a shower during the day. So they did their showers at home. Anything that might involve physical training that would require a shower, we'd do that at the end of the day. They could drive to their own respective communities to their homes to take their shower. They didn't do it with us.

So social distancing in a classroom was probably the most obvious step. We required all instructors coming in to wear masks, also use hand sanitizer. And during the last few weeks, we got into taking people's temperatures during the day. So when people reported, we checked their temperatures to make sure nobody had any type of problem with a temperature or any symptoms. And, also, we constantly reminded the 58 recruits that, you know, had they had anybody in their family, you know, to immediately report it to us and let us know if anybody at home had the symptoms.

One thing that was remarkable and I think many of us knew this but there's some type of connection with the law enforcement field and the medical field, and it seems like a lot of our recruits either their mother was a nurse or they were dating a nurse, or, you know, they had somebody in healthcare in their family. So we had to sort of be a little more careful with that too making sure that we got the information quickly.

And we had plans in place. We worked with Phil. We worked with the County Health folks. We had plans to test the class had we had any symptoms that we were concerned about, and the recruits would receive a test at the site that was at Cape Cod Community College.

So we did quite a bit. We did everything we could and, hopefully, it was enough. And even our graduation, Mary, was reduced. We had to only allow a few members of the family to come to the awards presentation. It was conducted outside, social distancing, and stadium seating. And it was a challenge to do that, but we get the idea we have to keep everybody safe and we're willing to support that measure.

Delegate CHAFFEE: Thank you. And I do have a follow-up. I'm interested in both gender and racial mix of your two classes and whether they are reflective of Massachusetts.

Director PETER CARNES: Yes, they are, and particularly when I am drawing recruits from the Southcoast area, particularly New Bedford, from Brockton and places like that, we did have a number of minority graduates. Black and brown recruits were well represented in the class, and, also, we also had a number of women represented. I think across Massachusetts as far as having women in the class, I think we had the largest percentage of women recruits, which, you know, set us ahead of everybody else. We support the concept of hiring minorities, particularly when you're in a situation that these men and women are going to go back and police communities that, you know, had that reflection of color that the department has to be in balance with the community. There's no question about that.

Speaker MCAULIFFE: Thank you.

Delegate CHAFFEE: Thank you.

Speaker MCAULIFFE: Yes, John Ohman.

Delegate OHMAN: Hi. Thanks for telling us what's going on with that, Peter. It's much appreciated. Just to follow-up with what Delegate Chaffee said, have you got any creative ideas or ways that we can attract minorities and/or women to these things through scholarships or any ideas that we can do to try to proactively bring that population into the policing departments on Cape Cod?

Mr. PETER CARNES: John, that's a good question. We have looked at this for years on how to attract minorities to Cape Cod to take police exams, to become parts of our department. I know many of the departments have had some success in that area. One thing we have to realize up front, we are training people that the departments give us. So the departments, for the most part, have already hired the individuals. So the need for a real aggressive diversity hiring program would have to be in the individual departments doing the hiring.

One thing we can do, which I'm excited about the potential and to be a little bit creative, we might just step off the -- step outside the box a little bit with our mission and come up with a program that we could probably partner with four C's, the Cape Cod Community College, to provide resources for young men and women who are interested in coming into the field. In other words, how to get the job; how they can be better prepared, whether it be in a community college level; what they can do to improve as far as taking police exams and make themselves a better candidate.

We do have on Cape Cod, we have two specific ways of hiring police officers. We have Barnstable, Bourne, Falmouth, and Sandwich are Civil Service departments. They require a test. Barnstable requires a residency requirement for their hires, which can be a challenge to say I want the department to become 10 percent minority officers soon. I mean you have to find ways to do that.

The other departments other than those that I mentioned, the four or five of them, are non-Civil Service. So they can do their own individual exam. They can interview their own candidates. And I'm sure with some work that the County can do adjacent to the academy, maybe in addition to what the academy does, we can cosponsor with the college some type of academy preparation.

One of things that we're finding out there are some physical requirements, and we have to meet what is known as the Cooper Standards. In other words, these young men and women have to be in shape when they come to the academy. So one of the things we can do is, early on, let them know that they have to be prepared not only mentally but physically before coming into the police academy to pass. And across the state, there has been a significant percentage of men and women coming in who do fail the first time at the Cooper Standards. And they have time to prepare and they're designed by age. It's not everybody is held to one exact standard. The officer that's coming in at age 40 would have a reduced standard opposed to the person that might be 21.

But I'm giving you a long answer to a short question, John. You can consider and we'll be willing to cooperate and work cosponsoring a program with Cape Cod Community College. I employ the Director of the Criminal Justice Program, John Szucs, at the academy. He's already working for us. And we discuss all the time how we can do more for the young men and women of Cape Cod to get them jobs here on Cape Cod. This could be part of it.

Speaker MCAULIFFE: Great. Thank you. Any other questions or comments for Chief Carnes? Yes, Brian O'Malley.

Delegate O'MALLEY: Thank you, Madam Speaker, and thank you, Mr. Carnes, very

much, for the update here. The following question reflects my role as liaison to the Barnstable County Human Rights Advisory Commission, which, as you may know, has been involved in a number of conversations with a number of the chiefs including Fred Fredrickson of Yarmouth, of course, and a number of others.

In the aftermath of the George Floyd "Black Lives Matter" movement, one of the conversations that has been recurrent through that has been about the question of -- questions of both recruiting, of course, who are we recruiting and what is the training like? And you've clarified and made clear a very important point here in terms of recruitment, that that's done by the individual departments. And I would anticipate that there might be room there for programs that examine how we recruit, who we recruit, etcetera.

But let me then focus on this question since we're at the academy, what has been the impact of the last 4, 5, 6 months on your training program? What changes have been instituted to reflect what's been going on and how there are -- I can cite a number of the elements, but what training that involves -- what initiates an encounter? What about escalation of force? What about the various tactics? What have you changed in what you're doing in response to what's been going on in the country?

Director PETER CARNES: Brian, that's a good question. We have followed the state mandates with the curriculum changes. We are, every day, in discussion with the recruits relative to use of discretion, relative to use of force, and Massachusetts has one of the best Use of Force Policies in the country. Statistically, Massachusetts police officers use force far less than police officers from around the country in other jurisdictions. There's been studies out there. We're in the bottom numbers as far as infrequent use of force because of our Use of Force Policy. The Use of Force Policy that has been in place for the past 10 years has not had things like choke holds, okay. And I almost, you know, I took the Floyd case so serious as far as training and how can we do better, choke holds are not on the table. Choke holds are prohibited. You cannot do that in Massachusetts. And if you do do it, it is a crime.

Daily discussions with the recruits were held not only with the defensive tactics instructors. They were also with our attorneys that teach the legal updates with the different types of programs that get into what exactly you can do. Force cannot be done in every case of a contact with a person. There has to be some type of violence. There has to be some type of regulation. And use of force in Massachusetts starts with a verbal command, "Stop," or "Don't do what you're doing," or whatever. And then, of course, it goes up the ladder gradually to the top rung which, of course, is deadly force.

And I don't want to say I'm proud to say, but it's worthy of saying; police officers in Massachusetts it is very seldom when they use deadly force. And men and women that are hired, men and women who are the young people we're getting, and men and woman that have been on the job 30 or 40 years have never fired their firearm or never used deadly force in their careers. So it's a very rare opportunity. We are in the single-digit percentages on that, but that does not mean you do not continue to discuss it. I can tell you with our recruits every one of them were appalled by what they saw in Minnesota, and they were proud that it doesn't happen here in that manner. Massachusetts is not Minnesota. It's not Georgia. It's not Texas. It's done differently here, and I'm proud to say it's well controlled, and I'm proud of the work of the chiefs.

I find it a little bit ironic when I read the bills that were coming out on police reform. I supported such things as decertification of police officers, making changes in curriculums and things like that, and then I remembered that over the last 20 years many of our police chiefs have

lobbied. We've filed papers. We've written papers. We'd be proud to provide you with them on how we can improve policing.

Decertification was there, accreditation was there, hiring police officers and paying them more for educational backgrounds were there, and many of those things were taken away because of funding issues with the legislature.

Speaker MCAULIFFE: Thank you.

Delegate O'MALLEY: I'm very appreciative of that perspective, and I think it's clear that, for all of us, no one wants to see another Minneapolis happening on the Cape.

Mr. PETER CARNES: Exactly, Brian.

Delegate O'MALLEY: Exactly. So let me just ask as a subsequent, part of this conversation has made it clear to me that the situations that you as police departments are responding to these days are really quite different than what we dealt with decades ago; that is, you know, armed robbery in progress, that there's a tremendous amount of social service, health issues, substance abuse, overdoses, and that kind of domestic situations. Can you tell me about how you're working to compile that and to then go from there to affect what you do and what kind of people are you bringing into the program? Who are you recruiting? Are we necessarily going towards a model where some of the officers need to be more, you know, less physical people and more social interactive? You know, clearly, that's a conversation that has gone on as part of this discussion and it makes it seem like recruitment might need to be affected in that way.

Director PETER CARNES: Well, recruitment involves not only involves just the hiring practice or the hiring of the individual, it involves psychiatric testing of the officer. It involves a rigid background check which would surface any type of violent behavior that person might have in their private life. It also might uncover any biases that they might have or any prejudice they might have.

So my opinion on Cape Cod, we're doing a good job with that. We can always do better, and we also know that people sometimes change. I mean, you might be hiring a 22-year-old today and by the time that person's 35, they may have views that are somewhat in a different direction which is unfortunate.

But we do hire from the human race. So, as a chief that's hiring individuals, I want to make sure it's a person that's been tested; they can utilize good discretion; they're making good decisions. And in the academy, what we do is we get into role-playing, and we bring professional role-players in. We bring in people that have been -- people from the battered women's shelter. We bring in people who have been involved in substance abuse. We let them get into role-playing situations with the officers which, I guess, for a lack of a better term gives them real-time opportunity in the classroom for our recruits to see people under stress, people in difficult situations, and we monitor the responses. And the instructors at that time if they don't see an appropriate response, they deal with it not only at the moment but also the recruits are tested on this. And based on passing the test and things like that, it is critical. I mean it's all part of patrol procedures. It's all part of anticipating what they're going to be doing when they go on that 9-1-1 call.

Now I know probably the next question, I don't want to read your mind, but the next question on why are we sending the police to these calls sometimes when it involves mental health and things, and the short answer is they're dangerous calls. I mean their calls where people get hurt, people get killed. And I have a high regard for our domestic violence advocates and our social workers and things like that, but you can't be sending those people in there without

protecting them and making sure that they're not going to become in harm's way quickly.

Now overnight in Wisconsin, a community service officer was killed going to a dispute, unarmed. Unarmed, basically a social worker/security guard combination went to a call that normally would be a police call and that community service officer, unfortunately, was killed. And 35 years old, he was killed by a 65-year-old man having a mental issue. So very unfortunate. So we need the police for those calls.

Speaker MCAULIFFE: I think also, I'm just going to jump in just having done some drive arounds with Chief Carnes when he was chief and I was Alcohol and Licensing Chairman for the Town of Yarmouth, and the calls come in and you have no idea what that 9-1-1 call is going to be going forward.

Mr. PETER CARNES: That's true.

Speaker MCAULIFFE: You don't know if someone's impaired, if they're mental, and most towns on the Cape or very few towns have any really strong social services departments. So the police become the frontline in terms of unstable, unpredictable situations. But, also, because, you know, even if you did have a social worker, I can tell you as a mother of a social worker, she wouldn't go into the situation knowing how unpredictable people can be on some of these calls.

So it's great to have ideas about social services and things like that, but the reality is -- I remember when Chief Carnes told me that the most increased unpredictable calls, this was a decade ago he told me this, were the domestic.

Director PETER CARNES: That is true. It remains true today.

Speaker MCAULIFFE: Going and having a chat with a couple that was fighting to walking into a situation where you had to have backup because you don't know what's going to happen.

Mr. PETER CARNES: Yes.

Speaker MCAULIFFE: So it's a whole different world today, and also we live on the Cape where we don't have big, strong social services departments as well.

Director PETER CARNES: That is true. After 4 o'clock in the afternoon and on weekends, it's 9-1-1. It's your police officers, your fire department paramedics who are going to these calls, and there are multiple calls on a weekend for those type of services.

Speaker MCAULIFFE: And, yes, some of them might be appropriate for a psychiatric or a social worker but you don't know that going in.

Director PETER CARNES: Very true.

Speaker MCAULIFFE: Yes, Brian, I wanted to get to Elizabeth and then I'll get to you. Elizabeth.

Delegate HARDER: Thank you, Madam Speaker. I just have a quick question on your thought of the National Guard wanting to put a machine gun range at the Base. And if they did, would that be something that the academy would use?

Director PETER CARNES: Well, first of all, the police departments on the Cape do not use machine guns. They do have semiautomatic weapons and things like that. But I doubt we'd be using the machine gun range. We would be using the rifle range for what they call AR 15's and what they call patrol rifles. The military has totally different needs than what we have. They would have a larger caliber weapon that they would use during war. We don't use anything like that.

We do use -- there's I think 25 or more ranges over there. We do use their rifle range. We do use their handgun range successfully. And if they were to get a machine gun range over there,

I'm not sure that they've had one recently, it would have no impact on us really.

Speaker MCAULIFFE: Doug Brown.

Delegate BROWN: Thank you, Chief Carnes. So I appreciate the new recruits we have in Falmouth. It's great to get them. We really are shorthanded.

Mr. PETER CARNES: Great.

Delegate BROWN: And we're actually going to be having a discussion about whether or not the Civil Service is really working for us.

Mr. PETER CARNES: Yes.

Delegate BROWN: We'll be talking about that soon. I'm wondering about the schedule for the next round of recruits. I think I heard you say that they are coming in January 4th.

Director PETER CARNES: That is correct, Doug. They're going to come in January 4th. It's a 20-week program, and what our goal is for, you know, places like Falmouth or Barnstable or any of these departments that have busy summers, we want to get them out of the academy as soon as we can. So these recruits will be getting out of there in June. And at that time, your chief could be, you know, putting them into what they call a Field Training Opportunity.

Delegate BROWN: Okay. And so my question is you had a graduating class in July; is there now a class in place now?

Director PETER CARNES: No, there is not, and the reason there is not, it takes us time to sort of regroup from the class, and Plymouth is having an academy class right now of 48 recruits. And so Plymouth started there's about three weeks ago. And one of the reasons we did not start up immediately is that the chiefs in the police departments need time to do the background checks that I previously mentioned, start planning for their people.

In October and November, we'll be doing the physical testing with the Cooper Standards. And, in reality, to get us any sooner than January if we were going to do something say in December, we'd have the holidays and all of that. So it seemed more appropriate to schedule our class for the first week in January and do it then.

Delegate BROWN: Okay. Because I was just curious if it was another factor with the Civil Service delaying the process or if it was just a schedule that you guys have worked out.

Director PETER CARNES: No, there is a Civil Service list that came out, I believe, it would have been prior to the February class. So your folks in Falmouth would be already on that list, already in line, and I'm sure the chief has got that pretty well worked out.

I'm looking -- I think you got seven people back from us in your --

Delegate BROWN: Yes, we did.

Director PETER CARNES: And they were all tremendous young people. They did a great job. And, also, one of your officers is one of our instructors. He's one of our senior staff, one of your detectives. So there's a lot of continuity with the Falmouth Police Department.

Delegate BROWN: Good to hear. Thank you.

Speaker MCAULIFFE: Thank you. Well, thank you, very much, Peter. Thank you for the update. We wish you well in these troubled times.

Director PETER CARNES: Thank you. Thank you.

Speaker MCAULIFFE: We hope that you are able to get a very good cross-section of new candidates for the Cape. I think that would be a real strength of this academy.

Director PETER CARNES: Well, thank you, Suzanne, and also to your members. We're available any time to answer questions. I mean we're happy to do that. Some good suggestions came up today. I know the Human Service Group is working with Chief Frederickson and Chief

Sonnabend in Barnstable. And, also, John Ohman's suggestions on what can we do, I think we're going to see something come from that Cape Cod Community College in preparing people to enter the academy.

Speaker MCAULIFFE: Excellent. Keep us posted as you, you know, if there's anything that you do come up with in terms of a curriculum direction or an incentive --

Mr. PETER CARNES: All right.

Speaker MCAULIFFE: -- or whatever you do. We'd be very interested.

Mr. PETER CARNES: Glad to do it, Suzanne. Thank you, everybody.

Speaker MCAULIFFE: Yep. Take care.

Delegate BROWN: Thank you.

Speaker MCAULIFFE: All right. The next item on our agenda is any communication from Public Officials? Now, if you are on the phone, you will need to use *9 to put a hand up or you will need to use *6 to unmute. So if there's anyone -- I don't see anyone, I don't think, on the phone. I think most people have come in on the Zoom.

Speaker MCAULIFFE: Our next -- I don't see any hands up for Public Officials.

Communications from Members of the Public

- **Communication from Muska Yousuf**

Speaker MCAULIFFE: Now the way our Public Hearing will go, our next item is communication from members of the public and that is just for general Assembly-type comments or business. That will be followed by a Public Hearing on the Proposed Ordinance, which is the Charter Recall Amendment.

So people who have joined the meeting to speak about the recall amendment would do so under the Public Hearing because that's specifically designed for input on that Charter amendment.

So, if anyone -- if there are any members of the public who are here to speak on matters other than the amendment? Yes, Muska.

Ms. MUSKA YOUSUF: Hi. Thank you, everybody. So my name is Muska Yousuf, and I'm a resident of Yarmouth. I'm also going to speaking later about the amendment. But I did have a response that I wanted to give in response to the police officer that was just on here.

I hope in the future that when you guys do have the police chiefs, you also include members of the community, especially people of color to tell you their experiences with the police departments on the Cape.

I think it's one thing for the police chief to say that there is no problem in Massachusetts and that there is no problem on the Cape. I'm a person of color on the Cape. I have many friends on the Cape. I'm an advocate and a civil rights attorney on the Cape, I can tell you that they have a very, very different story.

I want to keep in mind that the records that are out there are only the reported cases but, of course, as we all know, if you have any kind of issue with a police officer and you file a complaint, it first goes into an internal investigation and it can die there where there is no record.

Then, also, because of qualified immunity, it is nearly impossible for there to be a legal record of any malfeasance against a police officer in a civil court.

So just because you don't see any written records of problems, please do not believe that that means it does not exist.

I also want to specifically address something he said about domestic violence. I'm a domestic violence advocate, and can I tell you how many of my clients have had horrible incidences with police officers on the Cape, one of which once said to me on the phone that he believed that maybe abuse was just part of Jamaican culture, and that was his justification for why he did not believe that it necessitated calling the on-call judge.

I'm not sure if many of you are aware about how domestic violence works if you get a restraining order. If something happens after work hours, after the Court is closed, a police officer that comes on the scene has the ability to call an on-call judge. For some reason, the statute is written so that it is the police officer's judgment call as to whether what occurred rises to the level of abuse under the statute. If the police officer does not believe that it is abuse, the police officer will not call the on-call judge and tell the victim, "Wait until tomorrow and go to the courthouse."

Any of you that have any experience with domestic violence should know that when the police are involved, those few hours afterwards are the most deadly times for a victim in which the oppressor and the perpetrator could kill said victim.

If you have a police officer who doesn't qualify that as abuse and then she has to wait hours until the next day to go to court, she could be killed. And I have personal experience, and I can give you the departments if you were interested, of times where a police officer did not know what the standard was, could not define on the phone what the statute says abuse is. That is problematic. This should not be the police officer's call. That is giving legal advice and they are not qualified to give legal advice. There are attorneys that have a difficult time determining what is and what isn't abuse under the statute.

So I just want to say that I've had cases where a police officer didn't think something was abuse and then it took me on the phone saying, "What is the definition under the statute?" They had no idea. So if they're getting properly trained, that's problematic that I've had numerous conversations with police officers in different departments on the Cape that could not just basically tell me what is the statute under 209A. That's not proper training.

Then, I had to call -- be on the phone with the police officer saying, "Call the on-call judge. Leave it up to a legal expert." And you know what happens each and every single time, and I can give you evidence, the judge says, "Yes, that qualifies as abuse."

So I just want you guys to understand that there is another perspective here and the rosy picture that he just gave is not the full story. And I just want you guys to be aware of that, and I really hope you have more public hearings where you bring in the actual people in the community and the people of color that can tell you what's really going down. Because I can tell you there are racial slurs, there are allegations of sexual abuse happening to women, and there is negligence, what I would consider criminal negligence and how the treatment and understanding of training of domestic violence.

So that's all I have to say about that and then I will --

Speaker MCAULIFFE: Thank you.

Ms. MUSKA YOUSUF: -- I will talk later about the recall.

Speaker MCAULIFFE: Thank you. Yes, no, thank you. Your comments are certainly appropriate given that we're talking about the police training academy and certainly may warrant a further, you know, a further discussion.

We, as the County, do support the training academy. So there is a bit of weight that the Assembly can ascribe to comments.

Public Hearing on Proposed Ordinance 20-17: Charter Recall Amendment

Speaker MCAULIFFE: All right. I think what we'll do is we will go into -- because I have several people here who, I think, want to speak on the recall amendment.

So I'm going to open the Public Hearing on Proposed Ordinance 20-17, the Charter Recall Amendment. The recall amendment has been available publicly, electronically on the website and available through email. This was all published in the paper and many different forms of access to the document. I am not going to read the document. It is three and a half pages long, so people who have had an interest in it can certainly -- have had a chance to access it.

The very brief summary of this recall ordinance is that it is a proposed recall for the County Commissioners who are four-year terms. It does not include Assembly of Delegates because they have two-year terms and there really isn't sufficient time to fit a recall into a two-year term; whereas, a four-year term you have a chance to go through all the required steps. So that is how the amendment ended up after Charter consideration.

Typically, we do have a sign-up sheet on a Public Hearing. I only heard from one person prior to the meeting but, Muska, I wanted to recognize you first because you had identified that you wanted to speak to this ordinance.

Ms. MUSKA YOUSUF: Thank you. So, yes, I wanted to just reiterate that I support, I strongly support the recall amendment. The only concerns I have is that -- I have two big concerns. I was at the August 5th meeting and my first concern is that I have a feeling that this is going to have a difficult time being passed due to the fact that it's only -- only applies to the County Commissioners. And I know that there was a discussion about how it didn't make sense to include the Assembly of Delegates since it was only a two-year term.

I do think that if it doesn't get passed and further discussions have to be made and we have to go back to the drawing board, that the Assembly should reconsider making the term limits four years so that you're held to the same standard as the County Commissioners.

The second thing that I worry about is that at the last meeting there was a motion passed to take out the words "impropriety" and "misbehavior" from the recall provision. I just want to express my deep disappointment that you all voted to eliminate those words. Anything that gives an elected official more leeway to avoid accountability is problematic to me. There's a reason why the subcommittee included that language in the draft, and I suspect it's because it gave more power to the people to call County government accountable for their words and actions. And if the amendment does not go forward and we have to go back to the drawing board, I truly hope that that language is reconsidered and added back into the amendment because a right without an appropriate remedy for its violation is not truly right at all.

So, thank you. That's all I have to say.

Speaker MCAULIFFE: Yes. Danielle Tobey, I recognize you next. You wanted to make a comment on the recall amendment.

Ms. DANIELLE TOBEY: Hi. Yes, my name is Danielle Tobey. I am Mashpee Wampanoag. I was born and raised in Barnstable, Massachusetts. I totally 100 percent support what Muska just said regarding the recall amendment. I do agree that the term should be extended to four years.

And, also, it is appalling that the language was changed to disclude misbehaving or, you know, misconduct, especially at a time in this country where there's so much racial unrest where we have Ron Beaty in office who is inciting violence in the community, in particular to myself and my own family. And my grandfather worked with many of you and knew many of you, and he

dedicated his entire life to service in Barnstable. Yet, my family is living in a place where we're just -- we have to be careful just in case people that he's associated with are around, that it's so disturbing that people in the community just turned a blind -- turn a blind eye to this behavior.

I have children there, and my grandparents are there. My grandmother's there and her 99-year-old grandmother, and I have had to teach them how to use the security system because of statements that Ron Beaty made on social media and inboxes that he left me. This shouldn't happen, you know.

So I just urge you guys to really consider the repercussions of not having a recall amendment to having someone that can't be removed from office. And like I've said several times, everyone in the community has the right to feel safe psychologically and physically.

In addition to that, I do have concerns regarding something that I read in the Charter rules, and that was that no member of the Assembly of Delegates shall individually or collectively seek to influence the Board of Regional Commissioners to dismiss to a point or to promote any person to any position in the executive branch of the Cape Cod Regional Government. It's my understanding that Linda Zuern particularly --

Speaker MCAULIFFE: Okay. Excuse me, Danielle.

Ms. DANIELLE TOBEY: Yes.

Speaker MCAULIFFE: I'm going to interrupt you. This is a time for public comment, not time for specific individuals. I'll take general comments.

Ms. DANIELLE TOBEY: Well, I do have a concern --

Speaker MCAULIFFE: No, that's not -- I will -- I'm warning you right now, I run a very tight meeting, and one of my rules is you do not -- you respect each other; you do not go after each other at a meeting, and I will apply that to speakers as well. So everyone has an opinion, but I don't believe in personal attacks at meetings.

So I'm warning you, Danielle. I have been known to mute and/or remove people if they don't follow the rules. So I'm just telling you, believe me, I do this with the Assembly members. If any of them goes after any of the other ones, I shut it down quickly, and they frequently get a lecture from me. So I just want people to be able to express their opinions but not have individual attacks on people.

Ms. DANIELLE TOBEY: I don't -- that's not my intention. My intention is to have some accountability, that's my intention. And I just would like to know what -- how you guys are holding each other accountable to what the rules are?

Speaker MCAULIFFE: Well, in general, as elected officials, each elected official is accountable for their own behavior. The Assembly does not have authority over other Assembly members in terms of reprimanding or even having a vote of no-confidence as each one is elected individuals stands on their own and is responsible for their own.

So we're not policing each other, I guess, or responsible for each other. That's -- you have to live by a Code of Ethics.

Ms. DANIELLE TOBEY: I understand that. So who do you have --

Speaker MCAULIFFE: The electorate, the electorate. Every two years, the Delegates are elected, and if there's something that the delegate has done whether it's behavior, whether it's absences, whether it's their philosophy, their votes, how they behave, whatever it is, their town has the ability to not elect them every two years.

Ms. MUSKA YOUSUF: Excuse me, Suzanne. This is -- I understood it to be
a --

Speaker MCAULIFFE: Excuse me, Musaka (phonetic), this is not a debate.

Ms. MUSKA YOUSUF: Excuse me, please pronounce my name correctly if you're going to talk to me, okay?

Speaker MCAULIFFE: Okay.

Ms. MUSKA YOUSUF: It's very disrespectful --

Speaker MCAULIFFE: Okay. I'm sorry.

Ms. MUSKA YOUSUF: -- to not pronounce my name correctly as a person of color. So I want to say, number one, you can mute --

Speaker MCAULIFFE: No. You may not -- you may not speak. Danielle, I'm going to move on to the next person now and I'm sorry --

Ms. DANIELLE TOBEY: Well, I just want to say that I feel silenced, and I feel --

Ms. MUSKA YOUSUF: Yes.

Ms. DANIELLE TOBEY: -- as if you are blocking me from saying what needs to be said. So I am very appalled at how you run your meeting, and how you're blocking people from speaking, especially when we're speaking respectfully.

Ms. MUSKA YOUSUF: Danielle, let's leave.

Delegate O'MALLEY: And I would support Danielle in her objection to being silenced.

Ms. MUSKA YOUSUF: Yes. No, we will -- you will hear from us about this, okay? So do not think that you can silence us here. Bye. I don't want to have any discussion with you. Danielle --

Speaker MCAULIFFE: Ian, would you please remove the --

Ms. DANIELLE TOBEY: Yes, this is ridiculous. I mean....

Speaker MCAULIFFE: -- remove the person interrupting the meeting.

Ms. MUSKA YOUSUF: Yes if you want to understand color --

Speaker MCAULIFFE: Please remove -- Ian. Thank you.

Ms. ROSE PARKINGTON: What?

Speaker MCAULIFFE: Did you say, excuse me, I'm going to recognize other people. But I am going to tell you I have had ongoing and long communications with Muska and Danielle. We have had -- and I'm happy to share the emails of trying to explain the Assembly and how it works, and how the regulations are, and the Charter, and everything else, and I've offered to talk to them on the phone. They have never given me their phone numbers. I've asked for their phone numbers. This is not, in my opinion, necessarily an honest communication so much as a wanting to express an opinion and doing it in the way that they want to.

So I am telling you the background on this is I have spent a lot of time with both of them, emailing, and offered to talk to them on the phone to answer questions, but the bottom line is it was not the interaction; it was the wanting to question and challenge and not understand the Charter.

Now, I'm going to go back to the ordinance and Rose Parkington. Are you here to speak on the recall amendment ordinance?

Ms. ROSE PARKINGTON: Yes. I'm here to voice my support for the recall amendment. I am disappointed as to what just happened. I do feel that two voices were cut off in the middle of what they were saying. I understand that you had previous conversations with them, but it felt to me that you cut them off in the middle of what they were saying and kind of ridiculed them in front of this whole group of people during a Public Hearing, which didn't feel very --

Speaker MCAULIFFE: I never ridicule. I am never -- that is how I run my meetings with respect, and that is why I don't allow people to attack each other. And I know people would like to let other people speak and take over meetings; I've been at this for a long enough time that there are certain meetings that are public and certain meetings that are for the public. And this meeting is to take public opinion on a certain issue. This is not a public hearing on anything other than this ordinance. If we had a public hearing on something else, then there would be -- that topic would be open.

Ms. ROSE PARKINGTON: But I --

Speaker MCAULIFFE: So and I did allow a lot of comment. I know and that's the problem, I wanted phone numbers. People don't understand --

Ms. ROSE PARKINGTON: You're not letting me --

Speaker MCAULIFFE: People don't understand -- okay.

Ms. ROSE PARKINGTON: -----each other.

Speaker MCAULIFFE: Okay. I am going to -- if you want to address the ordinance, that's fine, but otherwise --

Ms. ROSE PARKINGTON: Well I couldn't ---

Speaker MCAULIFFE: Otherwise --

Ms. ROSE PARKINGTON: -----I --

Speaker MCAULIFFE: So on the way I run a meeting, you can certainly send me send me those comments for the next Assembly meeting.

Ms. ROSE PARKINGTON: There's not that many people here to speak, you know, besides, you know, for this public opinion. So to cut people off I just -- there's like four people --

Speaker MCAULIFFE: The public opinion is on the amendment.

Ms. ROSE PARKINGTON: -- and they were speaking to the amendment. I'm very appalled. They were speaking to the amendment and they were cut off.

Speaker MCAULIFFE: Okay. Fine. You're appalled. You don't like the way we run our meetings; I hear you. Okay. Anything else?

Ms. ROSE PARKINGTON: Nope, just that I highly -- I very -- I support the recall amendment, and I hope that you --

Speaker MCAULIFFE: Well, you'll be happy to know I'm not running for reelection so you won't have to deal with.....

Ms. ROSE PARKINGTON: No, that doesn't -- that's not what I'm concerned about. I'm more concerned about, you know, having people's voices being heard and not being shut down during a public hearing --

Speaker MCAULIFFE: If they're on topic --

Ms. ROSE PARKINGTON: -- in the middle of a --

Speaker MCAULIFFE: -- I'm perfectly willing to hear them. And if they're not personal, I'm perfectly willing to hear them. And there will be different leadership that may operate differently next time but -- next session, but this is the way I have developed my leadership style, and that's the way it is for now.

All right. Anyone else from the public who needs to address the amendment? Is there anyone else? Okay. If anyone's on the phone and they want to be recognized, they need to do a *9. I don't see that. I have a couple of phone calls. This is how this all started. People didn't know how to unmute their phones to get in.

Okay. Then I will close the Public Hearing on Proposed Ordinance 20-17, the Charter

Recall Amendment.

(Public Hearing closed as there were no additional public comments)

ASSEMBLY CONVENES

Proposed Ordinance 20-17: Charter Recall Amendment

To revise and amend the Barnstable County Home Rule Charter in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners. This Proposed Ordinance authorizes the filing of a Petition to the General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners.

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

Notwithstanding the provisions of any general or special law to the contrary, the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If revisions and amendments are accepted by the voters of Barnstable County at the next eligible State election, the county of Barnstable shall thereafter be governed by the provisions of this ordinance: to the extent that the provisions of this ordinance modify or are otherwise inconsistent with any special or general law, the provisions of this act shall govern. The charter shall become effective upon its passage. In the event that this amendment to the charter is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in Chapter 163 of the Acts of 1988 and Chapter 716 of the Acts of 1989 and Chapter 2 of the Acts of 1990, as amended by the voters at the November election in 2000, shall remain in full force and effect.

The Assembly of Delegates, with the Approval of the Board of Regional Commissioners, respectfully Petitions the General Court of the Commonwealth to add a new section to the Charter with language shown below.

This Section provides for the removal from office of any member of the Board of Regional Commissioners.

1. Recall of a Member of Board of Regional Commissioners elected by the voters

Any member of the Board of Regional Commissioners may be removed from office by the voters of the Cape Cod Regional Government through the recall process described in this Section.

2. Time for Recall

A recall may not commence under this section until a member of the Board of Regional Commissioners has served at least one year of the term of office. A “Petition for a Recall Ballot Question” of any member of the Board of Regional Commissioners, pursuant to this Section, must be filed with the Cape Cod Regional Government Clerk on or before June 30 in the year of the next state election after the commencement of the term of any member of the Board of Regional Commissioners elected by the voters.

3. Grounds for Recall

Grounds for recall for actions during the term of office are:

-malfeasance

-misconduct

-neglect of duty

-inability to perform official duties

4. Citizens Request for a Recall

A “Citizen’s Request for a Recall” must be filed with the Cape Cod Regional Government Clerk by filing an Affidavit containing the name of the elected official whose recall is sought and a statement of the grounds for recall. The form and requirements of the Affidavit shall be approved by the Assembly of Delegates.

- a. An Affidavit seeking the recall of a Member of the Board of Regional Commissioners shall include the signatures of at least 120 voters with a minimum of 20 each from five different Barnstable County municipalities.

When the “Citizens Request for a Recall” is filed, the signatures shall be certified as the names of voters in said municipality by the registrars of voters of the municipalities in which they are collected. The Cape Cod Regional Government Clerk shall determine if the “Citizen’s Request for a Recall” meets the requirements of this Section.

5. Petition for a Recall Ballot Question

Within five business days of receipt of a “Citizens Request for a Recall”, the Cape Cod Regional Government Clerk shall deliver blank “Petition for a Recall Ballot Question” forms to the first ten persons certified by the registrars of voters named on the “Citizens Request for a Recall”. The Cape Cod Regional Government Clerk shall keep these forms available.

The blank “Petition for a Recall Ballot Question”:

- a. may be completed by printing or typewriting;
- b. shall be addressed to the Assembly of Delegates;
- c. shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit;
- d. shall demand the recall of an elected official; and
- e. shall be dated and signed by the Cape Cod Regional Government Clerk.

The “Petition for a Recall Ballot Question” form shall be returned to the Cape Cod Regional Government Clerk within 45 days following the date they are issued.

- a. A “Petition for a Recall Ballot Question” form seeking to recall a member of the Board of Regional Commissioners shall be signed by at least three (3) percent of the total number of persons registered to vote in Barnstable County as of the date of the most recent state election.

6. Submission of Petitions for a Recall Ballot Question to Registrars and Notification to Cape Cod Regional Government Clerk

The signatories to the Affidavit shall, within five business days following the filing of the “Petition for a Recall Ballot Question”, submit the Petitions to the board of registrars of voters in the municipality or municipalities from which collected which boards of registrars shall certify thereon the number of signatures which are the names of voters. Within five (5) days of certification by the board of registrars, the Petitions shall be filed with the Cape Cod Regional Government Clerk.

7. Notification to Municipal Clerks and Official Sought to be Recalled

After the Cape Cod Regional Government Clerk determines that sufficient signatures have been certified to authorize a recall election, the Cape Cod Regional Government Clerk shall provide a written statement to that effect to the Clerk of the municipalities that comprise Barnstable County. The Cape Cod Regional Government Clerk shall simultaneously cause

to be served upon the person sought to be recalled a certified copy of the “Petition for a Recall Ballot Question” within ten (10) days after certification of the signatures.

8. Petition for a Recall Ballot Question and Statement

The person sought to be recalled shall have ten (10) days from receipt of notification to file with the Cape Cod Regional Government Clerk a statement of no more than 300 words. After receipt of proof of service upon the person sought to be recalled, the Cape Cod Regional Government Clerk shall prepare a form titled “Petition for a Recall Ballot Question and Statement” which shall include the Petition and a statement from the person sought to be recalled (but only if a statement is provided within the required time period), and shall cause the Petition and any statement to be published on the Cape Cod Regional Government website.

9. Resignation of Official Sought to be Recalled

Following the determination by the Cape Cod Regional Government Clerk that sufficient signatures have been certified by the board of registrars of the municipality(ies) of the Cape Cod Regional Government for the recall of a member of the Board of Regional Commissioners, the person sought to be recalled may provide a written resignation to the Cape Cod Regional Government Clerk within fifteen (15) days of receipt of a certified copy of the Petition as provided herein for. A resignation within the designated period shall be given immediate effect and there shall be no further action taken under this Section.

10. Request to Secretary of the Commonwealth to Place Recall Question on Ballot

If a written resignation by the person sought to be recalled is not received as provided in Section 9, the Cape Cod Regional Government Clerk shall notify the Clerks of the municipalities where the recall is proposed to request the Secretary of the Commonwealth to place the recall question on the ballot on the next state election.

11. Ballot Question

The ballots for a recall election shall include this question:

Shall (name of person) be removed from the office of Board of Regional Commissioners by recall?

12. Authorization to Cape Cod Regional Government Clerk

The Cape Cod Regional Government Clerk shall be empowered and authorized to take any actions necessary to comply with the provisions of this enactment with the Clerks of the municipalities that comprise Barnstable County and the Secretary of the Commonwealth.

13. Appointment of Successor to Official Removed from Office

In the event a member of the Board of Regional Commissioners is removed from office in accordance with this Section of the Charter, a successor shall be appointed in accordance with the provisions of Section 3-9 of the Charter.

Speaker MCAULIFFE: I will convene the Assembly, and we will have a discussion and vote on Proposed Ordinance 20-17, the Charter Recall Amendment.

I'll take a motion to put the amendment on the floor, the recall amendment, Ordinance 20-17.

Delegate OHMAN: So moved.

Delegate HARDER: Second.

Speaker MCAULIFFE: Okay. So moved by John Ohman, second by Elizabeth Harder. Any further discussion from the Assembly?

Delegate HARDER: I would just --

Speaker MCAULIFFE: Yes.

Delegate HARDER: -- with what happened, I think, perhaps, if you know there might be people speaking who have a problem with something and you've been dealing with them with email, it might be helpful to the rest of us to let us know that ahead of time so that, you know, share those emails with us.

It sounded to me like Danielle, I think her name was, had personnel -- had questions about interference in the community -- in the Commission, and that seems to me to be something that we should be made aware of, but I'm not sure what she was getting at. But I feel like we need to be kept informed if there are questions like that because that does sort of -- if there were being interference somehow, that would be something that would be relevant to the recall discussion because it might make us want to think about having a way for the Assembly to be responsible for the bad behavior of other delegates. So, that's all I'd like to say.

Speaker MCAULIFFE: Yes, and that could be a matter for a Charter Review. I think there's a, you know, some -- I'm happy to share emails, but some of the stuff I think is -- might be personal history stuff, and I don't know about sharing that. There have been, you know, some personal stuff that was shared. So, you know, that certainly is an option.

Yes, Brian O'Malley.

Delegate O'MALLEY: Madam Speaker, it seems to me that it is quite germane to the Charter amendment that we're discussing that we have a public official who we are being informed by a member of the public has been personally abusive, we need to know about that. Where is an individual in the community supposed to go? Who are they supposed to talk to?

We are now appointing ourselves as a recall body, and what we're being told today is we can't hear about that because it's personal. That's a contradiction and I --

Speaker MCAULIFFE: No, no, no. I am telling you that the understanding of the Charter was challenging, and I attempted to explain the Charter in terms of what the Assembly can do in terms of what kind of authority we have over other Assembly members or over the Commissioners. And you know that we don't have authority over the Commissioners, and we don't have authority over other Assembly members. And I tried to explain that, and there was an issue with, well, taking language literally from the Charter and misunderstanding it, and rather than talking to me so that I could explain it, it was brought forward as the misunderstanding. And there's been personal experience with one of the Commissioners. It's very complex, very convoluted, very time-consuming, and I was hoping to stick to business as opposed to getting down to, you know, people's personal agendas that, frankly, go off track.

And I know you like to hear from people and that's certainly your prerogative. But right now, I think it's, you know, my business to move the meeting forward, and I think that looking at the other people I think that there's a lot of agreement.

Yes, Mary.

Delegate CHAFFEE: Thank you, Madam Speaker. I just wanted to remind us all that we are on Item 14, an "Assembly discussion and vote on a Proposed Ordinance," and I think that we need to remain focused on that discussion.

And if there are concerns about an individual matter, this is not the time or place to address it, and that needs to be done in a different venue.

I also wanted to point out that since we've been in this meeting, the Clerk did email us two other emails from the public expressing opinions. Both we're in support of passing the **recall**

amendment. Thank you.

Speaker MCAULIFFE: Thank you. I haven't seen the emails. Thank you. All right. Are we ready for a vote?

Speaker MCAULIFFE: Will the Clerk please call the vote?

ROLL CALL ON MOTION TO APPROVE PROPOSED ORDINANCE 20-17: CHARTER RECALL AMENDMENT

Voting “YES” (80.34%): 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), 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).

Voting “NO” (9.15%): Linda Zuern (9.15% - Bourne).

Absent (10.51%): James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro).

Clerk O’CONNELL: Madam Speaker, Proposed Ordinance 20-17 passes with 80.34 percent of the Delegates voting yes; 9.15 percent voting no; 10.51 percent are absent. Now known as Ordinance 20-10.

Ordinance 20-10: Charter Recall Amendment

To revise and amend the Barnstable County Home Rule Charter in accordance with the third paragraph of Section 9-1 of the Barnstable County Home Rule Charter by amending the Charter to include a Recall provision for the removal from office of a member of the Board of Regional Commissioners. This Proposed Ordinance authorizes the filing of a Petition to the General Court for Special Legislation filed by the Assembly of Delegates with the Approval of the Board of Regional Commissioners.

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

Notwithstanding the provisions of any general or special law to the contrary, the county of Barnstable shall be governed by the provisions of the following revised home rule charter. If revisions and amendments are accepted by the voters of Barnstable County at the next eligible State election, the county of Barnstable shall thereafter be governed by the provisions of this ordinance: to the extent that the provisions of this ordinance modify or are otherwise inconsistent with any special or general law, the provisions of this act shall govern. The charter shall become effective upon its passage. In the event that this amendment to the charter is not approved by a majority of voters voting thereon, the Barnstable County Home Rule Charter as described in Chapter 163 of the Acts of 1988 and Chapter 716 of the Acts of 1989 and Chapter 2 of the Acts of 1990, as amended by the voters at the November election in 2000, shall remain in full force and effect.

The Assembly of Delegates, with the Approval of the Board of Regional Commissioners, respectfully Petitions the General Court of the Commonwealth to add a new section to the Charter with language shown below.

This Section provides for the removal from office of any member of the Board of Regional Commissioners.

1. Recall of a Member of Board of Regional Commissioners elected by the voters

Any member of the Board of Regional Commissioners may be removed from office by the voters of the Cape Cod Regional Government through the recall process described in this Section.

2. Time for Recall

A recall may not commence under this section until a member of the Board of Regional Commissioners has served at least one year of the term of office. A “Petition for a Recall Ballot Question” of any member of the Board of Regional Commissioners, pursuant to this Section, must be filed with the Cape Cod Regional Government Clerk on or before June 30 in the year of the next state election after the commencement of the term of any member of the Board of Regional Commissioners elected by the voters.

3. Grounds for Recall

Grounds for recall for actions during the term of office are:

-malfeasance

-misconduct

-neglect of duty

-inability to perform official duties

4. Citizens Request for a Recall

A “Citizen’s Request for a Recall” must be filed with the Cape Cod Regional Government Clerk by filing an Affidavit containing the name of the elected official whose recall is sought and a statement of the grounds for recall. The form and requirements of the Affidavit shall be approved by the Assembly of Delegates.

b. An Affidavit seeking the recall of a Member of the Board of Regional Commissioners shall include the signatures of at least 120 voters with a minimum of 20 each from five different Barnstable County municipalities.

When the “Citizens Request for a Recall” is filed, the signatures shall be certified as the names of voters in said municipality by the registrars of voters of the municipalities in which they are collected. The Cape Cod Regional Government Clerk shall determine if the “Citizen’s Request for a Recall” meets the requirements of this Section.

5. Petition for a Recall Ballot Question

Within five business days of receipt of a “Citizens Request for a Recall”, the Cape Cod Regional Government Clerk shall deliver blank “Petition for a Recall Ballot Question” forms to the first ten persons certified by the registrars of voters named on the “Citizens Request for a Recall”. The Cape Cod Regional Government Clerk shall keep these forms available.

The blank “Petition for a Recall Ballot Question”:

f. may be completed by printing or typewriting;

g. shall be addressed to the Assembly of Delegates;

h. shall contain the names of the ten persons to whom they are issued and the grounds for recall as stated in the affidavit;

i. shall demand the recall of an elected official; and

j. shall be dated and signed by the Cape Cod Regional Government Clerk.

The “Petition for a Recall Ballot Question” form shall be returned to the Cape Cod Regional Government Clerk within 45 days following the date they are issued.

b. A “Petition for a Recall Ballot Question” form seeking to recall a member of the Board of Regional Commissioners shall be signed by at least three (3) percent of the total number

of persons registered to vote in Barnstable County as of the date of the most recent state election.

6. Submission of Petitions for a Recall Ballot Question to Registrars and Notification to Cape Cod Regional Government Clerk

The signatories to the Affidavit shall, within five business days following the filing of the “Petition for a Recall Ballot Question”, submit the Petitions to the board of registrars of voters in the municipality or municipalities from which collected which boards of registrars shall certify thereon the number of signatures which are the names of voters. Within five (5) days of certification by the board of registrars, the Petitions shall be filed with the Cape Cod Regional Government Clerk.

7. Notification to Municipal Clerks and Official Sought to be Recalled

After the Cape Cod Regional Government Clerk determines that sufficient signatures have been certified to authorize a recall election, the Cape Cod Regional Government Clerk shall provide a written statement to that effect to the Clerk of the municipalities that comprise Barnstable County. The Cape Cod Regional Government Clerk shall simultaneously cause to be served upon the person sought to be recalled a certified copy of the “Petition for a Recall Ballot Question” within ten (10) days after certification of the signatures.

8. Petition for a Recall Ballot Question and Statement

The person sought to be recalled shall have ten (10) days from receipt of notification to file with the Cape Cod Regional Government Clerk a statement of no more than 300 words. After receipt of proof of service upon the person sought to be recalled, the Cape Cod Regional Government Clerk shall prepare a form titled “Petition for a Recall Ballot Question and Statement” which shall include the Petition and a statement from the person sought to be recalled (but only if a statement is provided within the required time period), and shall cause the Petition and any statement to be published on the Cape Cod Regional Government website.

9. Resignation of Official Sought to be Recalled

Following the determination by the Cape Cod Regional Government Clerk that sufficient signatures have been certified by the board of registrars of the municipality(ies) of the Cape Cod Regional Government for the recall of a member of the Board of Regional Commissioners, the person sought to be recalled may provide a written resignation to the Cape Cod Government Regional Clerk within fifteen (15) days of receipt of a certified copy of the Petition as provided herein for. A resignation within the designated period shall be given immediate effect and there shall be no further action taken under this Section.

10. Request to Secretary of the Commonwealth to Place Recall Question on Ballot

If a written resignation by the person sought to be recalled is not received as provided in Section 9, the Cape Cod Regional Government Clerk shall notify the Clerks of the municipalities where the recall is proposed to request the Secretary of the Commonwealth to place the recall question on the ballot on the next state election.

11. Ballot Question

The ballots for a recall election shall include this question:

Shall (name of person) be removed from the office of Board of Regional Commissioners by recall?

12. Authorization to Cape Cod Regional Government Clerk

The Cape Cod Regional Government Clerk shall be empowered and authorized to take any actions necessary to comply with the provisions of this enactment with the Clerks of the municipalities that comprise Barnstable County and the Secretary of the Commonwealth.

13. Appointment of Successor to Official Removed from Office

In the event a member of the Board of Regional Commissioners is removed from office in accordance with this Section of the Charter, a successor shall be appointed in accordance with the provisions of Section 3-9 of the Charter.

Speaker MCAULIFFE: Thank you. Now this Charter Recall Amendment as you know has missed the deadline in terms of getting legislative action for this year. I saw Attorney Troy here earlier. I don't see him here now. But what we can do is have him write an email if there's anything that we can go forward with legally at this point.

But my understanding that this is now an ordinance, it's in effect. It will go to the Commissioners, and however they vote, it may or may not come back to us. But then it will be there for the Assembly going forward to take action on, you know, at a future date. But it is not -- I don't want anyone to think that this means that it's going to be sent up to the legislature right now because the timing is not right to get action that way.

But by January, you know, the clock starts again, and the Assembly can certainly go forward as an action that they have taken.

So I want to applaud people. This has been on the books for 10 years, and I think that the subcommittee did just yeoman work on this, and I want to applaud you for doing something that I think the Assembly really wanted to take a stand on and wanted to go forward with. So, thank everyone on the subcommittee for getting us to this place.

County Counsel TROY: Madam Speaker.

Speaker MCAULIFFE: Who's speaking?

County Counsel TROY: Yes, this is Bob Troy. I'm sorry. I was --

Speaker MCAULIFFE: Oh, I'm sorry.

County Counsel TROY: Yes. I'm sorry.

Speaker MCAULIFFE: You are listed as Bob Troy.

County Counsel TROY: Yes, ironically, I lost my Internet connection, which I don't know how I could have after hearing about OpenCape.

Speaker MCAULIFFE: OpenCape.

County Counsel TROY: But, yes, I lost it and so I had to call back.

Speaker MCAULIFFE: Okay.

County Counsel TROY: So if I might --

Speaker MCAULIFFE: Yes, please.

County Counsel TROY: -- just address the issue. What is required under the Charter is a petition, and we have decided to do that through the ordinance process. So from this point on, the petition will -- the ordinance will go to the County Commissioners and they will vote on it.

If they vote affirmatively, in other words, if it passes by two -- at least two Commissioners or three Commissioners, we will have then perfected what we need to do. And at that point, we can submit the petition to the legislature. And I talked to Janice about it yesterday. Essentially what we would do is we would simply kind of wrap a petition around the ordinance. So the ordinance could be acted upon in the form of a petition and it can be filed with the legislature.

Speaker MCAULIFFE: Excellent. Great.

County Counsel TROY: That, obviously, it will not be on the ballot on this November, but the legislature once it is received can process it. And my recommendation would be to send a copy of the petition to all of the Cape Cod Legislative Delegation.

Speaker MCAULIFFE: Excellent. Okay. So we can still go forward, it just won't be this November that it's dealt with.

County Counsel TROY: Correct.

Speaker MCAULIFFE: Excellent. All right. Anybody have any questions for Bob Troy? Okay. Great. Thank you.

Speaker MCAULIFFE: All right. Okay. The next is committee reports. I don't believe we have any committee -- Brian, has Human Rights met at all? No?

Delegate O'MALLEY: Sorry. Yes, they have met. There's planning for events going forward, but I don't have any special announcements at this point.

Speaker MCAULIFFE: Okay. Report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Thank you, Madam Speaker. I'm just going to be working in the next few weeks with, again, scheduling Public Hearings on the proposed ordinances that were submitted today. And perhaps I think another item that's going to be coming forward from Delegate Green scheduling for the next meeting but that's it.

That's all I have to report today.

Speaker MCAULIFFE: Great. Thank you.

Summary of Other Business

- **Submission of proposed Resolution 20-05 by Delegate Green and other co-sponsors for support of the IT Bond Bill**
- **Delegates were asked to forward any additional Charter change suggestions for consideration to the Speaker**
- **Speaker will monitor considerations for live meetings throughout the fall but may not happen until January 2021**

Speaker MCAULIFFE: Under other business, I had communication with Lilli-Ann Green, and I'm going to turn it over to you for your resolution.

Delegate GREEN: Thank you, Madam Speaker, and I'll keep it very short. I've submitted a resolution that's been cosponsored by a number of the Delegates, and you have received a copy of it via email from the Clerk. And I'll speak to the resolution at the next meeting.

There may be an addition to this because I did reach out to each entity to make sure that it would be a helpful resolution and letter to the Governor in a respectful manner. And I'm still waiting to hear back from the college, but there is -- in the IT Bond Bill, there is designated a hundred thousand dollars or more for the community college to help with people who have issues with technology as a result of the situation now.

So thank you for your time and --

Speaker MCAULIFFE: And this will be before us at our next meeting, and I think the timeliness is perfect. Thank you for catching this.

Delegate GREEN: Thank you.

Speaker MCAULIFFE: Anyone else have other business? I had two very quick items. One was in terms of going forward with Charter Review, we had talked about whether we wanted to do anything more going forward with Charter Review. I'm not convinced that we have really a lot of time to do that.

So I guess it would be my recommendation that, perhaps, we wrap up Charter Review for this session, and then if there's further Charter Review, another Charter group can meet next session. I think right now if we attempted to do some of the language changes and do some of the housekeeping, "cleanup things," it might start to, you know, run over and run long.

If anybody disagrees with that and they want to go forward, please let me know. It seems like we're running out of meetings this session to do what we need to do to have the Charter Review Committee meet and then have it go before the Assembly.

The second thing was I've had some communications from some of the Assembly's members about meeting in person. I think that the Commissioners are thinking about going back to in person in January up in the East Wing room.

Right now, as the Administrator pointed out to us, with a 25-person limit in a public, indoor public meeting, it would be a challenge for us to meet until the Governor kind of releases that number a little bit because we can have 25 people without even having many of the public just between staff and a couple interested parties.

I really did want to meet in person. I've been very frustrated by the inability to have public input. This is really the first meeting that we really had a lot, and the inability to have a little bit more of an open government look. It's challenging for people to get on Zoom. It's challenging for people to get on the phone, and I think it's much easier for people to go to a meeting, but I understand that times are what they are.

So I will monitor the situation for the fall, but I think maybe looking forward to January when the Commissioners will meet, but we can if suddenly something in the next month or two gets really improved and we're doing well, you know, we could consider that.

I'll take a motion to -- is there anyone else? Yes, Chris.

Delegate KANAGA: Just quickly. I would challenge us to go ahead and have a meeting and have it be the governor that's preventing the public comment.

Speaker MCAULIFFE: Always -- I was going to say, always looking for a little bit of a... You are quite the actor, Mr. --

Delegate KANAGA: Well, you know, just saying.

Speaker MCAULIFFE: Yes. You know, okay, Patrick agrees. All right.

Speaker MCAULIFFE: I'll take a motion to adjourn.

Delegate HARDER: So moved.

Speaker MCAULIFFE: We are adjourned. Thank you.

Whereupon, it was moved and seconded to adjourn the Assembly of Delegates at 6:20 p.m.

Submitted by:

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

List of materials used at the meeting:

- **Business Calendar of 9/2/20**
- **UNAPPROVED Journal of proceedings of 8/19/20**
- **Proposed Ordinances 20-18 & 20-19 submitted by Commissioners**
- **Presentation slides from OpenCape**
- **Graduation Pamphlet & List of Police Academy Recruits for session #2**
- **Public Hearing Notice: Proposed Ordinance 20-17**
- **Emails for public hearing (2)**
- **Proposed Ordinance 20-17 for Charter Recall Amendment**
- **Proposed Resolution 20-05 submitted by Delegate Green and other co-sponsors**