

## Special Commission on County Governance

Wednesday, November 16, 2011

(Approved Minutes)

Co-chairs Rob O’Leary and Henri Rauschenbach convened the meeting at 6:35 p.m. in the chamber of the Assembly of Delegates, noting that the evening’s agenda would complete review of regional agencies. Minutes of the November 10 meeting were approved as written.

**Cape Cod Regional Transit Authority Administrator Tom Cahir** began by reminding that he had chaired the Legislature’s Committee on Counties and filed legislation for the County Charter with its provision for a new County legislature; to acquire the County dredge, and to establish the Cape Cod Commission (which he recalled had passed the House by 158-1, with a unanimous Senate vote), but said he’s now been out of the Legislature for a decade.

He explained that MGL Chapter 161B has governed Regional Transit Authorities since 1973, and he said he is involved with Cape Cod Commission transportation planning staff as well as the Metropolitan Planning Organization (MPO), which programs the region’s transit funds, but he saw no place for the CCRTA within County government. In reply to the co-chairs’ query if County affiliation could provide a regional representative entity for the RTA, Mr. Cahir felt that would interfere with the requirement in Chapter 161B for the RTA to have its own regional representation.

In reply to Special Commissioner Bill Zammer’s query on how the RTA works with the County regarding updating the Canal bridges, Mr. Cahir replied that that the Cape Cod Commission is applying for grants and beginning planning for the bridges with the support of the Joint Transportation Committee (JTC).

He noted that the RTA participates with its counterparts across the State in the Massachusetts Association of Regional Transit Authorities (MARTA), and that all RTAs rely on the technical staff of regional planning agencies. Mr. Cahir explained that the MPO operates with a Memorandum of Understanding (MOU) between the State and region as required by the Federal government, and the JTC advises the MPO. In explaining the RTA budget-approval process, Mr. Cahir said the RTA advisory board has a financial committee, and the board is responsible for appointing the director, passing the budget, setting fares and collaborating with communities .

Special Commissioner Mary Lou Pettit noted that transportation is critical on the Cape, and RTA cooperation has been effective, as in the FLEX bus initiative, but wondered if the County could coordinate marketing. Mr. Cahir replied that the RTA staff has marketing expertise, but with traffic always an issue on roads never built for today’s volumes, the County might be able to help with traffic, with no need for another entity. But he said the County needs a stable revenue source.

Next, **OpenCape Corporation CEO Dan Gallagher**, explained that OpenCape is a 501-c-3 nonprofit corporation with a representative board, and recommended that the County expand its services to include regional information delivery. He said OpenCape is building 21<sup>st</sup>-century telecommunications network infrastructure among Cape towns and is currently housed in leased County quarters, planning construction by May, with the top floor to include a conference room reserved for County use. He said fiberoptic installation would begin in January and microwave in March to meet the 2013 deadline.

Mr. Gallagher said Cape towns have a patchwork of telecommunications services now, and he proposed shared information services, noting that he meets weekly with leaders of key regional organizations, including the Cape Cod Commission and Cape Cod Chamber of Commerce.

As possible applications for the new technology, he cited regional permitting, regional Geographic Information Systems (GIS) and assessors' databases, so that smaller towns could benefit along with libraries, water districts and public safety (to supplement voice communication, e.g., via ambulance video interface with hospital – an innovation that would lead the U.S.).

Mr. Gallagher wondered if State funding might be available for development costs and if a County enterprise account could accommodate operating costs. County expense, County assessment and E-rate offset remained questions, he said, and if revenues exceed costs, network expansion could be pursued or municipal costs reduced. The Regional Umbrella Services System (RUSS) will be transferred to a government (e.g., Cape Cod Commission, CLAMS, OpenCape and each town). He felt the County should lead in RUSS and should distinguish between institutional IT support and regional application services.

Special Commissioner Larry Cole noted that OpenCape was created for future Cape sustainability, with economic development involving private firms a primary use.

Special Commissioner and Chatham Selectman Florence Seldin asked if the existing County could take over RUSS, and Mr. Gallagher replied that the County would need to create it, as in Fairfax County, VA, and Montgomery County, MD, among others. He added that WIRED NEST in western MA is regulated by the State as a competitive local exchange carrier creating a broadband company.

Co-chair Rauschenbach noted that towns can choose to use services, and the infrastructure is taxable, but financing and governing need to be a regional decision.

Special Commissioner Bob Lawton said that towns favor the concept, await grants, and each town is presumed to participate.

Special Commissioner and Brewster Town Administrator Charles Sumner said Brewster contracts for assessing programs and would favor County coordination to improve town services and reduce costs.

Co-chair Rauschenbach asked if the County could coordinate assessing, and Mr. Lawton reported interest among mid-Cape towns, adding that former Yarmouth Selectman Jerry Sullivan had first proposed a regional approach to assessing 25 years ago as a candidate for County Commissioner.

Mr. Gallagher noted that the co-location center could also offer a telephone system, and Special Commissioner Ron Bergstrom, also County Assembly of Delegates Speaker, summarized OpenCape as a private nonprofit that owns infrastructure, with municipal services among the services offered. Mr. Gallagher clarified that OpenCape is a private company with a board and with an existing County partnership agreement that can be expanded for town services, deferring details and time limits regarding services.

In reply to Co-chair O'Leary's question on how that could be pursued, Mr. Gallagher explained the County would contract to define services and costs, adding that CapeNet only recovers cost for

government services via contract with OpenCape and reminding that the system will be complete in 2013. He defined E-Rate as Federal funding – Universal Service Fund for Telecommunications – in rural areas, with a formula based on pupils eligible for subsidized school lunch that provides 50% reimbursement.

Co-chair O’Leary asked about any connection with municipal electric companies, and Mr. Gallagher replied that there is a fee for poles, that municipal broadband can be run, and he compared fiberoptics to the railroads of the 1800s – required to prosper.

Special Commissioner Terry Duenas observed that Cape economic development depends on communications and appropriate County governance.

Mr. Gallagher said that the County’s emergency management committee was initially involved, but a new group may form.

Special Commissioner Mary Lou Pettit noted that citizens don’t understand either the County or broadband, so information is needed. Mr. Gallagher replied that he is working with Mr. Duenas to publicize on cable TV, adding that off-Cape towns where cable travels want to buy services and may produce revenue.

Next, **Sheriff James Cummings** reported little contact with the County now, cautioning against duplication of public safety services, since the Sheriff is the regional public safety leader. He said the Sheriff can cooperate with the County on projects, and he explained that his regional dispatching operations are increasing as towns seek to reduce costs. Nine fire departments participate in regional dispatching , with no governance structure but quarterly meetings for coordination. He said police departments are more likely to retain a dispatcher on the staff for other duties at night, but new regulations may require a two-person staff, increasing dispatching costs.

Addressing Special Commissioner Ron Bergstrom’s query regarding addressing crime on a regional basis, Sheriff Cummings said that he meets with human services agencies and coordinates services for former inmates.

Responding to Special Commissioner Phyllis Day’s concern for dispatching costs assessed (\$11.50 per call, half for fire department and half for hospital), Sheriff Cummings said it was unrealistic to fund dispatching costs through his budget when they are paid by hospitals and fire departments elsewhere, and he said the hospital had contributed \$50,000 and the State \$100,000, while fire departments receive funds for transporting patients.

In reply to Special Commissioner Rohbach’s question if Centralized Medical Emergency Dispatch (CMED) could be included in OpenCape governance, Sheriff Cummings said that OpenCape would be providing a video connection, with CMED providing dispatching coordination and open to appropriate governance.

Special Commissioner Mary Lou Pettit asked how regional dispatching could be encouraged, and the Sheriff noted in reply that it is the sole responsibility of his staff, but town dispatchers could have additional responsibilities.

Next, **Cape Light Compact (CLC) Chairman Bob Mahoney**, detailed the development of the organization of Cape and Vineyard towns, tracing its origin to legislation passed in 1997 and the grant the County received to study electric industry restructuring, adding that he is a 14-year member, with seven years as chairman, as well as a Dennis selectman.

He called the collective's relationship with the County positive and effective in aggregating the towns, saying that the State considers it a model for electric restructuring, with all Cape and Vineyard towns and both counties represented by members. He felt providing County support for new initiatives was critical, adding that CLC could not have succeeded without it. Mr. Mahoney noted that a contract for power supply is a pre-requisite for receiving energy efficiency funds, and CLC has returned \$60 million in energy efficiency to the Cape and Vineyard. He explained that the County provides administrative support to CLC through an intergovernmental agreement, and said CLC town representatives are effective in communicating with their towns.

Special Commissioner Charles Sumner complimented CLC effectiveness, savings and model operation through the County with the involvement of CLC Administrator Maggie Downey.

Special Commissioner Bergstrom questioned how many residents know their CLC representative and what its accountability is, and Mr. Mahoney said availability of free energy audits is publicized, and they are popular, and Cape Cod Regional Technical High School has been funded for educational programs. In reply to Special Commissioner Florence Seldin's query on CLC finances, Mr. Mahoney said that County administration is cost-effective in preserving funds for energy efficiency, noting that similar energy efficiency costs for utilities are double CLC'S. Special Commissioner Charles Sumner called CLC provision of services efficient and a model for expansion to other areas.

Mr. Mahoney noted that MGL Chapter 164 allows formation of cooperatives such as the Cape and Vineyard Electric Cooperative (CVEC) to benefit towns through provision of renewable energy, with board appointment by towns.

Special Commissioner Mary Lou Pettit noted the importance of outreach coordination, and Mr. Mahoney said that energy audits can provide 80% of energy-efficiency improvements, up to \$2,000.

### **Public Comment**

Kathy Sherman said that energy-efficiency funds, e.g., in CVEC, should be isolated from utilities.

### **Next Meetings**

The next meeting, to address governance, was scheduled for Wednesday, November 30, at 5:30 p.m. to allow for extensive public comment from anyone interested, with special notice to Cape legislators, County Commissioners, Assembly of Delegates, County staff and advisory boards, selectmen and civic associations. After scheduling the subsequent meeting for 6:30 p.m. on Wednesday, December 14, the meeting was adjourned at 8:49 p.m.

Respectfully submitted,

Marilyn Fifield,  
Minutes Clerk