

**BARNSTABLE COUNTY  
HOME CONSORTIUM**

**HUD CPD CONSOLIDATED PLAN  
SUBSTANTIAL AMENDMENTS  
MAY 2012**

**FEDERAL FISCAL YEARS  
2010 – 2014**



Shore Road Duplex- Truro

Prepared by  
Paul Ruchinkas  
Cape Cod Commission

**2010-2014 CON PLAN SUBSTANTIAL AMENDMENTS**  
**MAY 10, 2012**

**I. BACKGROUND/RATIONALE FOR SUBSTANTIAL AMENDMENTS**

The Citizen Participation Plan of the Consortium's 2010-2014 Consolidated Plan (Con Plan) identified a "reduction in funding of 25% or more of the HOME program" as one of the criteria that would qualify as requiring a substantial amendment to the Consolidated Plan. The Consortium will receive a reduction of 43% in its FFY 2012 HOME allocation from that received in FFY 2011 and almost a 50% reduction from FFY 2010- the first year of the Consolidated Plan (see chart below).

<b>Federal Fiscal Year</b>	<b>HOME Allocation</b>	<b>% Change From Prior Year</b>
2010	\$749,819	-----
2011	\$664,528	-11%
2012	\$379,285	-43%

While none of the key findings or priorities (see p.p. 2-3) identified in the Consolidated Plan have changed over the prior two years, the ability of the Consortium to achieve the goals identified in the Consolidated Plan (p. 4) have been significantly hampered by the nearly 50% reduction in funding since 2010. It is these goals and related outcome measures that are the main subject of this substantial amendment to the Consolidated Plan. These amended goals and outcome measures for the Consolidated Plan will be reflected in the FFY 2012- 2014 Annual Plans.

**KEY FINDINGS**

- **While the region's population is estimated to have declined slightly since the 2000 Census, the number of low income households with housing problems- primarily cost burdens- has increased by over 35% since the 2005 Consolidated Plan: from approximately 18,500 households to over 25,000 households. While both low income owners and renters have seen an increase in housing problems, the situation has gotten especially burdensome for low income renters- 79% of whom have a housing problem, compared with 57% in 2000. The proportion of low income owners with housing problems has increased to 63% in 2008, compared with 51% in 2000.**
- **The region's Section 8 waiting list is over 4,000 households, while the region's housing authorities reported waiting lists of over 1,800 households for family units and over 2,600 households for their elderly and disabled units. Despite the need, there apparently has been a decrease in year round rental units over this decade. The need for affordable rental units, especially for very and extremely low**

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income households, continues to be the region's primary housing concern.

- The gap between wages and real estate prices has only grown over the last five years. While historically low interest rates have brought the possibility for homeownership back into view for moderate and middle income buyers in some parts of Upper and Mid Cape towns, low income households still face an affordability gap. Massachusetts is one of the most expensive real estate markets in the nation, yet single family homes on the Cape are 10% more expensive than the rest of the state. Higher real estate prices combined with lower wages- the region's average wage is 35% lower than that of the state- has produced our affordability gap.
- Housing that is affordable, and accessible, to populations with specialized needs – and resources to address their needs – are inadequate.
- While the region has apparently made progress in reducing the number of homeless individuals and families over the last five years through the coordinated efforts of the Continuum of Care agencies that have employed a housing first approach along with aggressive prevention efforts, homelessness still remains an intractable issue and is likely to get worse with the predicted continuation of high foreclosure rates over the next two-three years.

### **PRIORITIES**

- 1. Develop and maintain an adequate supply of safe, decent rental housing that is affordable and accessible to residents with a range of income levels and household needs.**
- 2. Preserve and maintain the existing affordable housing stock, particularly the units occupied by extremely and very low income households.**
- 3. Reduce individual and family homelessness by providing a viable continuum of care that implements a housing first strategy for permanent supportive housing.**
- 4. Expand homeownership opportunities for low income households**
- 5. Ensure that County residents with long-term support needs have access to accessible, community housing options**

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**ANNUAL GOALS**

**Rental Production- 45 units/year**

- Number of affordable units produced for each income category
- Number of units for households at or below 30% area median income: goal is at least 33% of units
- Number of units for households at or below 50% of area median income: goal is at least 66% of units
- Number accessible under Section 504: goal is at least 10% of newly constructed units
- Number of units for homeless individuals/families: goal is at least 2 units
- Number of units for special needs households: goal is at least 2 households
- Number of newly constructed units that meet Energy Star standards: goal is at least 50% of units
- Number of newly constructed units that are LEED certified: goal is at least 25% of units

**Homeownership Production- 10 units/year**

- Number of affordable units produced for each income category
- Number of units for households at or below 50% of area median income: goal is at least 5% of units
- Number accessible under Section 504: goal is at least 10% of newly constructed units
- Number of newly constructed units that meet Energy Star standards: goal is at least 50% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homebuyer Assistance- 25 units/year**

- Number of homebuyers assisted
- Number of minority households assisted: goal is at least 10% of all households

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## **II. CITIZEN PARTICIPATION/PUBLIC COMMENTS**

In accordance with the Citizen Participation Plan of the Consolidated Plan, the following actions were taken to solicit and respond to comments on the substantial amendments to the Consolidated Plan:

January 30, 2012- Publication of Notice of February 14, 2012 Public Hearing in the Cape Cod Times.

January 30, 2012- Public Hearing Notice of February 14, 2012 posted on Cape Cod Commission web site in English, Spanish, and Portuguese.

January 30, 2012- E-mail notification of February 14, 2012 Public Hearing to about 150 people from all fifteen towns, local housing authorities, affordable housing developers, local housing committees, and social service and minority organizations working with low income residents. The notice about the hearing that was e-mailed was provided in English, Spanish, and Portuguese.

February 3, 2012- Notice about the public hearing published in the Barnstable County Human Services Department E-Newsletter. This notice was also available in Spanish and Portuguese.

February 14, 2012- Public Hearing held at Cape Cod Commission office in Barnstable. The meeting location was handicap accessible, and provisions were made for providing special accommodations for language interpretation or services for the deaf or hard of hearing.

March 15, 2012- Advisory Council meeting voted to approve the substantial amendment to the Consolidated Plan. The meeting was held at the Cape Cod Commission office in Barnstable. The meeting location was handicap accessible, and provisions were made for providing special accommodations for language interpretation or services for the deaf or hard of hearing.

April 4, 2012- Public Comment Notice and Substantial Amendment to 2010-2014 Consolidated Plan posted on Cape Cod Commission web site. The notice about the 30 day comment period that was posted was provided in English, Spanish, and Portuguese.

April 5, 2012- Copies of Substantial Amendment to 2010-2014 Consolidated Plan mailed to 15 Town Halls and made available at CCC and Barnstable County offices.

April 9, 2012- Publication of 30 day Public Comment Notice in the Cape Cod Times.

April 9, 2012- E-mail notification of 30 day Public Comment Notice to about 150 people from all fifteen towns, local housing authorities, affordable housing developers, local housing committees, and social service and minority organizations working with low

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income residents. The notice about the 30 day comment period that was e-mailed was provided in English, Spanish, and Portuguese.

#### February 14, 2012 Public Hearing Comments and Notes:

There were twelve (12) people in attendance representing local housing authorities, non-profit housing organizations, local housing committees, municipal affordable housing trusts, and town staff.

Written comments: Two written comments were received: 1) one suggested considering use of HOME funds for the establishment of a rental voucher program in lieu of the HOME allocation to support the 10 unit homeownership production goal; and 2) the other stressed the importance of the HOME down payment/closing cost program over the years and the importance of continuing the program while recognizing the challenges that the HOME deed rider issue has posed for the program.

Summary of Discussion: Attendees received an overview of the Consortium's HOME program: allowable uses, allocation history, 2010-2014 Consolidated Plan (Con Plan) priorities and goals, and challenges to conducting activities that support homeownership production and direct homebuyer support. Consortium staff noted that the 43% cut in HOME funding triggered the need for a public process for amending the Con Plan and that the Consortium would not be able to achieve its annual unit and assisted household goals with this significantly reduced amount of funding.

- 1) Rental housing development- Participants reaffirmed that affordable rental housing was the region's top priority and that the Consortium should continue to allocate the majority of its allocation to the creation and preservation of affordable rental housing. The difficulty of financing smaller, non tax credit rental projects was noted, and the Consortium was encouraged to consider giving either a priority to or a separate allocation for these smaller projects.
- 2) Down payment program- It was noted that the HUD August 2009 legal ruling that the Massachusetts universal deed rider was in conflict with HOME has severely impacted the Consortium's down payment program from a historical average of about 35 loans per year to just 6 in 2010 and only 3 thus far this program year. The program has been fundamentally limited to assisting those low income, first time buyers who are purchasing non deed restricted homes in the market. One commenter noted that the lending environment has stabilized, that there are new first time homebuyer products from MassHousing, and that the market has come down enough in certain areas in the region that now make them affordable to low income buyers. Participants generally supported continuing some level of Consortium support for the down payment program while acknowledging that the goal of assisting 25 households per year would need to be lowered.

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- 3) Rental voucher program- While participants acknowledged the need for increased vouchers in the region, they generally thought that the cost to administer such a program would be difficult to accommodate given the reduced allocation for administration coupled with the Consortium's other administrative responsibilities- particularly the ongoing monitoring of rental projects.
- 4) Homelessness- A question was raised on how the Consortium was able to assist in achieving our 3<sup>rd</sup> priority of reducing individual and family homelessness. Staff noted that our funding support of rental projects that either target or set aside units for homeless individuals or families, eg. HAC's Community Green proposed project in Sandwich, was our primary form of assistance. It was suggested that our point system for project funding requests could provide additional points for those projects targeting homeless individuals or families as another means of helping the Consortium support this priority.
- 5) Annual goals- Homeownership production- While the August 2009 HUD deed rider ruling fundamentally put a stop to the Consortium's ability to fund ownership development and thus made it unrealistic to achieve our 10 units per year goal, participants generally supported keeping some modest annual goal (2-4 units) in case a HOME compliant deed rider is developed that applicants and towns would consider using in lieu of the universal rider.
- 6) Annual goals- Rental production- Participants generally supported reducing the 45 units per year goal to an amount that approximates the 40%+ funding reduction the Consortium is facing.
- 7) Annual goals- Down payment program- Consistent with the earlier discussion, participants supported a continuation of the program but a reduction of the annual goal from 25 households to around 5-10.
- 8) Administration- Participants expressed a concern that the HOME funding reduction could have a significant impact on the Consortium's ability to fulfill its ongoing annual monitoring responsibilities, especially with respect to the 46 completed Consortium funded rental projects. Staff noted that while the proposed revisions to the HOME regulations would allow the Consortium to charge owners an annual monitoring fee and would provide some modest assistance to cover administrative costs; such a change, if enacted, would apply only to newly funded projects after the effective date of the change and would not impact the existing projects.

### Public Comments and Response During 30 Day Public Comment Period:

There were no comments received during the 30 day public comment period from April 10- May 9, 2012.

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### III. SUBSTANTIAL AMENDMENTS TO 2010-2014 CONSOLIDATED PLAN

Based upon the comments and discussion at the February 14, 2012 public hearing and following a discussion and an affirmative vote at the March 15, 2012 HOME Consortium Advisory Council meeting, the following amendments to the 2010-2014 Con Plan are proposed. In addition, to correct an oversight in the original Con Plan, minority participation measures are included as an outcome measure for all Consortium activities. Changes in the text are noted with ~~strikethroughs~~ and **new language in bold**.

#### Amendments to Pages 5 and 71-72 in Con Plan:

##### MEASURING OUTCOMES

The Consortium will continue to monitor its outcomes, a process that started in the 2005-2009 Consolidated Plan. The Consortium will use the following annual performance measures for each year in the 2010-2014 Plan:

##### Rental Production: Affordability for the purpose of providing decent housing- ~~45~~ **30 units**

- Number of affordable units produced for each income category: goal is ~~45~~ **30** units
- Number of units for households at or below 30% area median income: goal is at least 10% of units
- Number of units for households at or below 50% of area median income: goal is at least 33% of units
- **Number of minority households assisted: goal is at least 10% of all households**
- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of units for homeless individuals/families: goal is at least ~~2~~ **1** units
- Number of units for special needs households: goal is at least ~~2~~ **1** households
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

##### Homeownership Production: Affordability for the purpose of providing decent housing- ~~10~~ **3 units**

- Number of affordable units produced for each income category: goal is ~~10~~ **3** units
- Number of units for households at or below 50% of area median income: goal is at least 10% of units
- **Number of minority households assisted: goal is at least 10% of all households**

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- Number that are accessible under Section 504: goal is at least 10% of newly constructed units
- Number of newly constructed units that meet Energy Star standards: goal is 100% of units
- Number of newly constructed units that are LEED certified: goal is 25% of units

**Homebuyer Assistance: Affordability for the purpose of providing decent housing- 25 5 units**

- Number of homebuyers assisted: goal is 25 5 households
- Number of minority households assisted: goal is at least 10% of all households.

**Amendments to Pages 68-71 in Con Plan:**

**ANNUAL GOALS: UNITS/HOUSEHOLDS ASSISTED WITH HOME RESOURCES**

The following required chart describes the annual units and/or assisted households goals for HOME-funded activities.

**TABLE 5.1**

Grantee Name:  Program Year:	Expected Annual Number of Units To Be Completed	Actual Annual Number of Units Completed	Resources used during the period			
			CDBG	HOME	ESG	HOPWA
<b><u>BENEFICIARY GOALS</u></b> <b><u>(Sec. 215 Only)</u></b>						
Homeless households	<del>2</del> 1		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Non-homeless households	<del>76</del> 36		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Special needs households	<del>2</del> 1		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total Sec. 215 Beneficiaries*</b>	<del>80</del> 38		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>RENTAL GOALS</u></b> <b><u>(Sec. 215 Only)</u></b>						
Acquisition of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Production of new units	<del>30</del> 20		<input type="checkbox"/>	X		<input type="checkbox"/>
Rehabilitation of existing units	<del>15</del> 10		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
<b>Total Sec. 215 Affordable Rental</b>	<del>45</del> 30		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

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<u>HOME OWNER GOALS</u> (Sec. 215 Only)	Expected Annual Number of Units To Be Completed	Actual Annual Number of Units Completed	CDBG	HOME	ESG	HOPWA
Acquisition of existing units	20		<input type="checkbox"/>			
Production of new units	83		<input type="checkbox"/>	X		
Rehabilitation of existing units	0		<input type="checkbox"/>	<input type="checkbox"/>		
Homebuyer Assistance	255		<input type="checkbox"/>	X		<input type="checkbox"/>
<b>Total Sec. 215 Affordable Owner</b>	<b>358</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>COMBINED RENTAL AND OWNER GOALS (Sec. 215 Only)</u>						
Acquisition of existing units	20		<input type="checkbox"/>			<input type="checkbox"/>
Production of new units	3823		<input type="checkbox"/>	X		<input type="checkbox"/>
Rehabilitation of existing units	1510		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Rental Assistance	0		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
Homebuyer Assistance	255		<input type="checkbox"/>	X		<input type="checkbox"/>
<b>Combined Total Sec. 215 Goals*</b>	<b>8038</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<u>OVERALL HOUSING GOALS (Sec. 215 + Other Affordable Housing)</u>						
Annual Rental Housing Goal	4530		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
Annual Owner Housing Goal	358		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>
<b>Total Overall Housing Goal</b>	<b>8038</b>		<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>

Section 215 Affordable Housing is defined as follows:

1. Rental Housing: A rental housing unit is considered to be an affordable housing unit if it is occupied by an extremely low, very low, or low income household and bears a rent that is the lesser of (A) the existing Section 8 Fair Market Rent for comparable units in the area or, (B) 30% of the adjusted income of a family whose income equals 65% of the median income for the area, except that HUD may establish income ceilings higher or lower than 65% of the median income because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

2. Homeownership: A) Housing that is for purchase (with or without rehabilitation) qualifies as affordable housing if it (i) is purchased by an extremely low, very low, or low income first-time homebuyer who will make the housing his or her principal residence

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and; (ii) has a sale price that does not exceed the mortgage limit for the type of single family housing for the area under HUD's single family insuring authority under the National Housing Act. B). Housing that is to be rehabilitated, but is already owned by a family when assistance is provided, qualifies as affordable housing if the housing (i) is occupied by an extremely low, very low, or low income household which uses the house as its principal residence and; (ii) has a value, after rehabilitation, that does not exceed the mortgage limit for the type of single family housing for the area, as described in (A) above.

### **EXPLANATION OF SECTION 215 GOALS**

The annual goals in Table 5.1 reflect households assisted only with HOME funds over the next five years. They do not include other affordable units that are created without the investment of any HOME funds. Clearly, there will need to be a significant number of these if the housing needs in the County are to be addressed. The following are the assumptions that were used to develop the HOME goals in Table 5.1:

Beneficiaries- While the Consortium recognizes the needs for housing for homeless individuals and families and for those with special needs, the Consortium has received limited development project funding requests for these types of projects over the last five years- one for homeless individuals (10 units) and two for special needs housing (6 units). Most of the permanent supportive housing for homeless individuals created in the last five years has been done with housing vouchers. State and federal capital and operating subsidy funding for special needs housing is extremely limited and extremely competitive. The Consortium expects to receive one or two funding requests in each category over the next five years that will yield ~~10~~ **5** units each.

### Rental Goals-

Production: For the first four years of the 2005-2009 Consolidated Plan, 151 rental units were completed; therefore, given **despite** the need that exists, **given the reduced HOME funding**, the Consortium will set ~~a~~ **an ambitious modest** goal of creating ~~45~~ **30 affordable** rental units annually through HOME development project funding. In order to achieve this goal, the low income housing tax credit program will need to be functioning. There have been 10 tax credit projects done in the region that have created 431 units this decade. If investors do not return to the tax credit equity market and/or if HUD does not continue to commit resources to the tax credit exchange program, then the Consortium will fall well short of this goal. Over the last five years, one **affordable** rental unit was created for approximately every \$7,000 in HOME funding provided; therefore, it will require approximately ~~\$325,000~~ **\$210,000** annually to be allocated to rental production to meet this goal.

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Type of Production: Until the region's wastewater infrastructure capacity is expanded, thus providing more economically feasible redevelopment opportunities, the Consortium expects 67% of rental housing to be created through new construction and the rest through acquisition and rehabilitation of existing units.

Rental Assistance: Despite the desperate need of extremely low income households for more rental vouchers, the Consortium determined that its relatively limited funding would be best used over the long term in investing annually in housing development projects that will create new permanent affordable rental units every year than in creating a local voucher program that will assist a fixed number of people every year.

### Home Owner Goals-

Production: The Consortium has created 66 new ownership units over the first four years of the 2005-2009 Consolidated Plan with an average HOME investment of about \$19,000 per unit. As the priority in this Plan continues to be the creation of rental units **and as the August 2009 HUD ruling on the Massachusetts universal deed rider has forced the Consortium to halt the receipt of any ownership project funding requests**, the Consortium will ~~maintain~~ **reduce** its current annual ownership production goal of ~~10~~ **to 3** units each year. To meet this goal, the Consortium would have to commit at least ~~\$175,000~~ **about \$60,000** of HOME funds annually. **Even this modest goal will require the development of a HOME compliant resale deed rider that is acceptable to the region's communities and lenders.**

As DHCD has assigned a medium priority to ownership production in its draft plan, the Consortium therefore expects limited, **if any**, state resources available for ownership production and that the ownership funding requests to the Consortium will likely be smaller scale projects that have significant town funding.

Type of Production: The Consortium has funded two housing buy-down projects that involve purchase of existing units. These projects have taken time to implement as project developers have had to compete with investors for lower priced properties in relatively decent shape. In addition, the combination of a tightened mortgage lending environment and the recession has shrunk the pool of interested and qualified buyers. The Consortium expects these trends to continue through at least the first two years of the 2010 Plan; therefore, we anticipate that most ownership development will involve new construction with the **little** opportunity for funding of ~~a limited number of~~ buy-down projects in ~~limited parts of~~ the region.

Homebuyer Assistance: Even with the challenges facing first time homebuyers, the Consortium has had record demand for down payment assistance this program year; **however, the 2009 HUD deed rider ruling has effectively limited the down payment program to purchasers of market, non-deed restricted properties.** **and The Consortium** intends to continue supporting its down payment/closing cost program assistance **to this more limited pool** with a goal of ~~25~~ **5** households per year. As the average loan and associated project costs are about \$7,000, the Consortium

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will need to allocate about ~~\$175,000~~ **\$35,000- \$40,000** annually to this program to achieve its goal.

Rehabilitation of Existing Units: Even though there is a clear need for a repair program for low income home owners, the Consortium determined two years ago that given our limited resources, funding such a program would not achieve much regional impact and would also not be of a scale that would be efficient to administer. The Consortium will continue to support the efforts of towns to secure state and federal resources for such programs.

**APPROVAL OF SUBSTANTIAL AMENDMENTS TO BARNSTABLE COUNTY HOME CONSORTIUM'S 2010-2014 CONSOLIDATED PLAN**

This Approval of the Substantial Amendments to the Barnstable County HOME Consortium's 2010-2014 Consolidated Plan is executed and delivered by Barnstable County, a Massachusetts body politic, acting by and through the Cape Cod Commission, having an address at 3225 Main Street, P.O. Box 226, Barnstable, Massachusetts 02630 (the "County").

**WHEREAS**, the 43% reduction in HOME funding for FFY 2012 triggered one of the criteria for a Substantial Amendment to the 2010-2014 Consolidated Plan; and

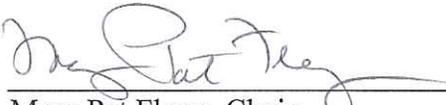
**WHEREAS**, the 43% reduction in HOME funding for FFY 2012 necessitated a reduction in the 2010-2014 Consolidated Plan goals for the number of households that could assisted in the remaining years of the Consolidated Plan; and

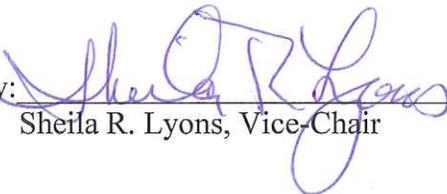
**NOW, THEREFORE**, the County hereby approves the Substantial Amendments to the Barnstable County HOME Consortium's 2010-2014 Consolidated Plan.

This Approval is executed and delivered under seal as of the 16th day of May, 2012.

In the presence of:

BARNSTABLE COUNTY

By:   
Mary Pat Flynn, Chair

By:   
Sheila R. Lyons, Vice-Chair

By: \_\_\_\_\_  
William Doherty

As Barnstable County Commissioners