

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – January 16, 2013

Speaker BERGSTROM: Good afternoon. Welcome to the January 16th session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to ask if this meeting is being recorded at all by anyone?

(Press raising hands.)

Okay. It's being recorded by the press as well as our usual recording.

I will now call the meeting to order, and we will begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

The Clerk will call the roll.

Roll Call (98.64%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (1.36%): Cheryl Andrews (1.36% - Provincetown).

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 98.64 percent of the Delegate's present and 1.36 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

Now we'll need approval of the Calendar of Business. Are there any additions or corrections to the Calendar?

Hearing none. All those in favor of the Calendar, say "Aye." "Opposed"?

(Motion carried.)

Okay. We now also need approval of the Journal of January 2, 2013. Do we have any additions or corrections to the Journal?

Yes, Mr. Cakounes.

Mr. CAKOUNES: Thank you, Mr. Speaker. On page two of the Journal, correction to state Deputy Speaker Martin.

Speaker BERGSTROM: All right. Well you have to make a motion on that.

Mr. CAKOUNES: I would move that correction and to accept the Journal as amended.

Speaker BERGSTROM: Well, you need two -- okay.

Mr. CAKOUNES: Oh, are there two separate ones?

Ms. KING: Yes.

Speaker BERGSTROM: First we'll amend the Journal. All those in favor? Have we got a second on the amendment?

Ms. KING: Second.

Speaker BERGSTROM: All those in favor of amending the Journal, say "Aye."
"Opposed"?

(Motion carried.)

Speaker BERGSTROM: All right. Now we'll have the motion to approve the amended version.

Mr. CAKOUNES: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor, say "Aye."
"Opposed"?

(Motion carried.)

Speaker BERGSTROM: Okay. We now come to Communications from the Board of Regional Commissioners. I see the Vice Chair of the Commission approaching the desk there. Welcome, Mr. Doherty.

Communications from the Board of Regional Commissioners

Commissioner DOHERTY: Well, and a cheerful good afternoon one and all. It's always a pleasure to return to the halcyon days of my youth in public service as I was a member of this august body.

We didn't do much today. We spent a lot of time doing -- it was basically looking at the budget. And looking at the budget and discussing the budget, and we're making progress on that.

There is one item that Cheryl -- I guess she isn't here -- Cheryl Andrews had asked for was is whether or not we were doing the town report, and that did not get done this time, but it will be done at the end of the fiscal year, and it will be part of the intention of the Commissioners to visit the Boards of Selectmen to make that report on a town by town basis in the fall.

The other thing I might mention that I think is important is that Sheila Lyons has been nominated and has accepted to be on the Board of the Veterans Outreach Center.

You may have heard that in Mashpee that they had a terrible accident when they were starting up; it flooded out, and she has joined that Board with the hope of getting community support to support what I consider to be the responsibility we have to our Veterans to give what we can to those who are in need of that support.

So with that, do you have any questions?

Speaker BERGSTROM: Are there any questions for Commissioner Doherty?

Well, I guess you've answered all the issues that we have, Bill. Thanks, a lot.

Commissioner DOHERTY: And you're welcome.

Speaker BERGSTROM: We now have as our next item on the agenda the Communications from Regional Emergency Planning Coordinator, Sean O'Brien, and 911 Dispatch Committee Members regarding the Regional Communication Center Dispatch.

It looks like you're all set up and ready to go.

Mr. SEAN O'BRIEN: Unlike the last time, yes.

Speaker BERGSTROM: I have more confidence in your ability to run the dispatch center if you can set up the equipment.

Mr. SEAN O'BRIEN: Would you like us to at least go around the table and introduce who we are and what towns we're with?

Speaker BERGSTROM: Yes.

Mr. SEAN O'BRIEN: Just to help things out.

Mr. WILLIAM FLYNN: Hi. My name is William Flynn. I'm the Director of Cape and Islands Emergency Medical Services.

Mr. MICHAEL WHALEN: Mike Whalen, Police Chief in Dennis, and Vice Chair of the REPC.

Mr. MICHAEL AMBRISCOE: Mike Ambriscoe, Chatham Fire Chief.

Mr. CRAIG TAMASH: Craig Tamash, Deputy Chief of the Barnstable Police Department.

Mr. SEAN O'BRIEN: And, again, I'm Sean O'Brien, and I'm the Coordinator of the Regional Emergency Planning Committee.

I want to thank you for the opportunity to come in and speak to you tonight and kind of just give you an update as to a project we've been working on.

Many of you know back in 2010-2011, we did a communication study with Intertech Associates, and we were looking at 911 dispatch in the 15 communities in Barnstable County.

So as we went through that and we received the recommendations as a part of the grants and, you know, just that possibility of where to go from here after looking at it, we've kind of moved into a Committee to look at the potential of dispatch here in Barnstable County.

So, if you don't mind, I've got a little bit of a presentation to give to you, and then maybe we'll open up for some questions and answers. Okay?

Well, first and foremost, back in 2010, Intertech Associates, they basically were a contractor that we used. We received a 911 grant from the state 911 department, and it was \$135,000.00 and what it was to do was to look at the feasibility of regional dispatch here on Cape Cod. It looked at all 15 communities, and it looked at -- it looked at police, fire, and EMS. It also looked at some existing regional services that were being offered through the Sheriff's Department as well.

So the study was conducted in 2010, and as part of their recommendations afterwards, they recommended to look at developing either a multicenter concept or one center concept for Barnstable County. So looking at either two centers or one center that could be multifaceted; it would be police, fire, EMS, and something that could serve the community, the region.

One of the other things that they did was they asked us to -- they recommended that we look at forming an ad hoc committee to start to review what Intertech had done, first of all, and look at -- and, again, continue on with that feasibility. Look to see if this is something that may benefit us here in Barnstable County.

So, as a part of that, we formed this Committee, and it is made up of two Police Chiefs, two Fire Chiefs, and a gentleman from EMS, Chief Flynn; the Sheriff is a part of it, the Town Manager and a representative from the County. And the representative from the County has been Mark Zielinski.

We meet every 2 to 4 weeks, and what we've done is we've just kind of, number one, picked the report apart and then we started to look at that possibility of dispatch here for the region.

We developed a Position Paper which was handed out to you, and it kind of hit the bullet points of what the Committee had completed in July 2012. It addressed exactly what the recommendations or it addressed the recommendations of the Committee.

In addition to the Position Paper, we also conducted site visits. We went around. We looked at some sites in the South Shore. We looked in Hingham. There is a South Shore Regional Emergency Communication Center; we visited that. We visited Berkshire County Communication Center. And then, also, we went out to Onondaga County, New York.

Onondaga County, the visit out there was a bit of an epiphany because what it was was an area that was similar to our size, population a little higher but not in the summer. Our population goes a little bit by them in the summer. And it was this County that did dispatch with about 50-60 agencies and it was multidisciplined. It was police, fire, EMS, and in some cases you even saw DPWs involved, State Police, Sheriff's Departments out there, and etcetera.

So, we went out and we took a tour of the facility. There was six of us; Deputy Chief Tamash, myself, Chief Frederickson from the town of Yarmouth; Deputy Chief Foley from the town of Eastham; the Sheriff, and Peter Thomas from the Barnstable County Sheriff's Department.

We went out; we looked at this facility and we came back and, quite honestly, on the drive back I think people were starting to look at their budgets and think about the potentials here.

We looked at the service. What we saw in this hour -- it was actually about a three-hour tour, but for about an hour we were in the dispatch center itself. We saw about a hundred calls answered and very well. And it was just -- the way it was all handled, it said quite a bit to us.

So later on what we did was we decided to bring the director of that facility down here to the Cape. And his name is Bill Bleyle; he works for Onondaga County.

We asked Mr. Bleyle to come down and meet and to go over his facility, his functions and actually talk to our Police Chiefs, our Fire Chiefs, and our Town Managers. Additionally, I think Boards of Selectmen were invited as well.

So on September 24, we had a combined meeting with these groups, and about 95-100 people came in and were able to listen to what the services were offered in Onondaga County.

Now our Position Paper goes over a couple of major points. First, they look at -- the recommendation is the consolidation of PSAP. Now, PSAP is Public Safety Answering Point Services for Barnstable County.

The next position of the Committee was the development one regional communication center for Barnstable County. Instead of going to a multicenter -- a multicenter model, we had decided or I should say the group had decided to look at doing a single center as a part of it.

They also noted that it would be governed by an independent board of agency representatives. It would be made up of the users of the system: Town Managers, Police Chiefs, Fire Chiefs, the Sheriff would have a position on the Board, and anybody else who may be using the system. So if say in the future we saw a federal agency need to come on board, they would be part or they would have some say.

Additionally, because we knew and the Committee knew we were working in a group, we knew that working regionally would create more funding options. And as we know and we've learned this with Homeland Security Grants over the years, we've been very successful grant-wise as a Regional Emergency Planning Committee. As long as we start doing things

regionally with all other communities together, we seem to do pretty well when it comes to funding. It works a lot better doing it as a team than it does doing it as a single community or a single agency or something like that.

Additionally, this would also bring one Public Safety Answering Point to Barnstable County. Now, right now, we have 10 Public Safety Answering Points in the County and each one receives grant funding from the State 911 Department. That consolidation would actually consolidate that grant funding as well.

The Committee recognizes that this is not a short-term process. This is a long-term process. We're looking at a two to four year period. We're looking at grant cycles with the 911 Board. We know that something like this may take a little bit of time to put together.

So, we've actually gone out and we've talked to the Police Chiefs; we've talked to the Fire Chiefs; we've talked to the Town Managers. We've actually even made a presentation to the Selectmen's Association to go over the concept.

So we've just been trying to make sure that folks know what the direction of this group is; what they're looking at as a potential end product. And, trust me; we're still a ways away from there. It's going to take a little bit of time. It's like there's budgets to be developed, there's policies, there's protocols, there's agreements. There's also what towns are going to be involved and which towns may not be involved. So there's a long process coming through.

First, we saw the Police Chiefs vote to support this. They voted that one center concept with independent governance, as did the Fire Chiefs. The Barnstable County Fire Chiefs Association, they also voted to support one center with independent governance as a part of this.

So, as we're going along and as this Committee meets, the next task of this Committee is to move forward and to start seeking grant funds for the next step.

Due in March 2013, we're going to be putting together a grant to request funds from the State 911 Department to look at transition funding to further work on this project, to look at things such as budget, operating procedures, Intermunicipal Agreements, equipment needs that we may have, potential sites, governance models that may be out there.

I mean there are some possibilities here. This could be a district. This could be a standalone group that seeks a vendor. This could be something that falls under a larger entity. There are a lot of possibilities out there. They just haven't been narrowed down yet as to what they can be.

So, we've been seeking letters of attestation from the communities to support this grant. We've received right now 10 towns' letters of attestation. I think we're still waiting from Falmouth, Sandwich, Provincetown, Truro, I think are the communities we're still waiting for.

And we've also received from the fire districts, four of the fire districts here in the town of Barnstable, letters supporting moving forward towards this grant and support of researching this concept. It's not necessarily -- this is not putting the rubber to the road yet. This is not municipal agreement territory. What this is is taking that next step. These letters are in support of a grant.

And as we start to move forward, we then start to look at, you know, after this grant there's that potential if we move and we're able to agree and develop those policies, those protocols, start to look towards architectural, start to look towards building grants. And the key here is we're working as a team. The group is working as a team. The Police, the Fire Chiefs, EMS are all agreeing on this. It seems to be moving forward.

And then also as we move forward, we do have some other areas that we need to

discuss. We need to develop and discuss some of the options. One major issue that's out there is regarding Dark Stations. It was something that was handled by Onondaga County.

Basically, a Dark Station is if a lot of times your dispatcher is the only person in that building and police departments are 24/7; fire departments maybe 24/7 or are 24/7, so how do you address that? Should there be a central dispatch, and that's something that maybe a few of our folks here at the table can talk about quickly.

We're looking at developing the governance and discussing it, making it out there, keeping it open, discussing budget, funding processes, grants oversight, and we're also working on educating our citizens to see what else may be out there as well. Kind of talking about what the concept is and what the goal is and what the service is.

I think what's really important is when you look at the service that we saw in Onondaga County, it really said a lot, and to be able to consolidate all of the dispatch services here within Barnstable County would be a benefit to the region.

So, what I'd like to do is if anybody from the group here would like to make a comment and then open it up for questions through the Chair.

Mr. MICHAEL WHALEN: Hi. Again, I'm Mike Whalen, the Police Chief in Dennis and Vice Chair of REPC.

I think we're at a place where our vision is such that we could have probably one of the most important public safety issues on the Cape in some time and for some time with this public safety dispatch process.

We often refer to police officers, firefighters, and EMS personnel as first responders. But the true first responders in public safety are our dispatchers and our call takers and the people that answer the phone and get people to calm down enough to be able to tell them what happened.

And it's a skill and it's a professional ability that is very important in the overall public safety service package and one that we're very concerned about keeping local control over, much like this body here, a regional function but local control.

And that's what we're looking for with this process as we go forward, and that's why the governance model for this process is going to be so important to us.

And I can tell you from the police standpoint, we voted unanimously to go forward with the process on a condition that it was based -- a governance body was based on local control.

So that's what we're looking for. That's the road that we're going down. We believe, and I'm talking about from a police prospective now, that having one-stop shopping, if you will, for public safety is going to be a boom to the service for our citizens, for our region, and for our towns.

Just taking Dennis as an example. If you call on a cell phone, and we're starting to see that line get to the 50-50 mark, and I would say in the next few years it's going to tip over the 50-50 mark, people using cell phones as opposed to land phones. And if you call on a cell phone now to 911, you're going to go to -- I think right now it's --

Mr. CRAIG TAMASH: Framingham.

Mr. MICHAEL WHALEN: -- Framingham where you're going to get a State Police operator answering your call, and then you'll be shipped down to the Dennis PSAP at the Dennis Police Department, and police will be dispatched from there.

And if it's a fire or EMS emergency, you'll be shipped over to the County to talk to another dispatcher for the fire and EMS piece of it.

And by putting together one center, you'll call one time and you'll get all the services you need out of one place. And I think that's important for our citizens, and I think it's important for our towns and certainly important for our staff.

So, if I can get one point across today, since we're sitting in a body that does a regional function with local control, let me just tell you from the police standpoint, and anytime you get 15 Police Chiefs to be unanimous on an issue, I think that tells you something.

In this case, not only do we have 15 Police Chiefs unanimous, we have 15 Fire Chiefs unanimous and Town Administrators as well. That should import to you the importance of the governance model on how we go forward with this project.

MR. MICHAEL AMBRISCOE: Again, Chief Ambriscoe, Chatham Fire Department. Yes, as was just stated, the Fire Chiefs are unanimous about this regionalization effort.

To us, it's a major step forward. It gives us better communications and interoperability. And at a time when we have budget cuts, we're facing a lot of tough decisions, particularly in my department in Chatham, I don't have a dispatcher. I use a firefighter that's actually sitting at a desk doing dispatching.

So, being able to have a regional system set up kind of like frees up that dispatcher to be now available to respond to calls.

And there are just a lot of new laws that have come into effect in the last year or so, like Emergency Medical Dispatch, EMD dispatching, are requiring the dispatchers to have certain levels of training for emergency medical dispatching.

So, for me in my service and I think for all the fire and police chiefs, this is an additional cost that we don't need. If we can regionalize it, it would be a lot more effective.

Speaker BERGSTROM: Okay. We might have a few questions here from the Delegates. Did you have something, Deborah?

Ms. MCCUTCHEON: Yes, I do. I'm the Delegate from Truro, and yesterday I met with our Chief of Police, Kyle Takakjian, who I believe sent you a memo a few weeks ago in December raising his concerns.

It was my understanding from him yesterday that he's not in unanimous support of Truro being part of a centralized dispatch system. I'd like to provide the Delegates and gentlemen here with copies of his e-mail. Does any of this sound familiar to you, Mr. Whalen?

Mr. MICHAEL WHALEN: The issue, and I won't speak for Kyle, and I'm sure he can speak for himself, the Chiefs voted unanimously to support the further study of a regional dispatch center with the condition that there had to be a governance model that allowed for local control as opposed to being under the current system that's under the sheriff. That is what we voted on unanimously.

Now, within that, there are a number of Chiefs, myself included, who are behind the further study of the regional dispatch center, but are still concerned about a number of issues, one of them being the Dark Station that Sean brought up.

That's going to be something that we're going to have to deal with on a local basis and come to a conclusion locally about whether or not that fits into our service provisions for our town.

The issue of detainee processing and maintenance of our prisoners because that's sometimes something that's done by a dispatcher.

So there was a list of four or five bulleted issues that were not an issue just with Kyle but with a number of the Chiefs that all have to be discussed and some option resulting in that as a result of those discussions.

So, again, I may have misunderstood Kyle, but as far as his -- in fact, it was my understanding from just talking to him yesterday at our Chiefs' meeting, that the town of Truro was sending in a letter of attestation in support of going forward with the research on the process.

Ms. MCCUTCHEON: Yeah. Let me be clear; I understand that he and the Town Administrator are both supporting the idea that the grant to study this further and to develop it

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Mr. MICHAEL WHALEN: Right.

Ms. MCCUTCHEON: -- ought to be supported, and the town has, indeed, sent a letter to that effect.

I think the concern that he wants to make sure that you and this group and the general public are aware is that while centralized dispatch services tend to fit some communities very precisely, smaller communities, particularly communities that are structured the way Truro is -- we are the smallest on the Cape -- it doesn't fit as well.

I mean, for example, our dispatchers do multifunctions that we would need to continue, and, therefore, moving the dispatch service to a centralized location could result in an increase in cost to us rather than savings from centralization.

Similarly, we are very lightly staffed in the winter where there's one uniform on car duty and there's a dispatcher in the police station; that's the Dark Station issue. I think there are a lot of people in Truro that would be concerned about that and I think Kyle is too.

So I'm just interested in making sure that our concerns are continued to be raised and put in the forefront since we are easily out voted but not so easily quieted.

Mr. MICHAEL WHALEN: All the issues you brought up are issues almost every chief has brought up. We've had a number of meetings about this over the last year. It's probably been our number one topic of conversation at the Police Chief meetings. We meet the third Tuesday of every month as a law enforcement counsel, and then there are additional meetings of the Cape and Island Chiefs, which is a separate organization just made up of the police chiefs.

And so Kyle has been vocal in his concerns. Chief Collins from Mashpee has been another one that's been concerned about that. We all are concerned about those issues. I don't think there's one chief amongst us that isn't looking at the issues of Dark Station, prisoner watch, all the other functions that our dispatchers take on.

There are going to be -- and you talk about small departments and large departments, the issues aren't just isolated to the smaller departments.

Ms. MCCUTCHEON: Right.

Mr. MICHAEL WHALEN: On the other hand, the State has made it very clear to us, and, believe me, this wasn't something that just came out of the air and we all the sudden one day said, well, let's think about regional dispatch.

The State has pretty much -- the 911 Commission has pretty much made it one of its goals and objectives for the next, I think, five years, to lower the number of PSAPs across the state and dispatch centers, such that we're in line with all the other states, not only around us but across the country who have been doing this for many years. And right now they've got a lot of carrots out there on the table to help us work on regional dispatch.

At some point, the carrots will go away and the sticks will come out, and they will probably affect smaller communities, and Dennis isn't, by no means, a big community, but those sticks will probably affect the smaller communities. They've already told us next

generation 911 equipment will probably not go to agencies below a certain call level.

So you won't be able to get the kind of equipment that will be coming out to the 911 centers based on your call level. That's something that's already been talked about.

So EMD was the first stick, if you will, that came out last year to say, you know, we're ramping up what you're going to have to do with your call centers.

So, again, we're trying to take the best advantage we can of the carrots that are out there before the sticks come along.

And I think we all can agree with the fact that it's always better when we can come up with the answer ourselves than have somebody give us the answer, and that's what we're trying to do.

Ms. MCCUTCHEON: Well I appreciate that. I appreciate your paying attention to Kyle's concerns.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: Well, I'm very excited about this meeting because I happened to be serving on the Assembly when Rob O'Leary first had the idea of a 911 for the County, and it was a good idea, and it's still a great idea.

And I think it's not just a question of cost savings down the road, it's really a question of what will be the best, safe, safest dispatching. And I just don't think we can imagine that it's going to be the single officer in the Dark Station. I just don't think that's going to be the answer down the road and maybe not even now.

So, how we can work it out, I feel a lot of confidence that this group having come so far from 22 years ago when it wasn't going to happen to now, then there's this degree of teamwork and agreement I just think is thrilling and I've very excited about it.

I was a little worried, however, when I got this letter -- did everyone get this from Jeff Perry? "Why are we doing this grant when I'm doing this grant?" That was upsetting to me because he must know your feelings about the governance and must understand the reasoning.

So I hope that -- of course the Sheriff doesn't work for the County now and we don't have any carrot or stick, but if there's anything we can do to work on this, which, now, is probably going to be a political issue, please let us know because I think I certainly am very interested in having this work and go forward.

So I would have to go along with what the Sheriffs and the Fire Department Chiefs want. That would be what I would want to support politically if there's anything I can do about it. So, please, call on me and others if we can be of help.

Mr. MICHAEL WHALEN: Okay.

Speaker BERGSTROM: Pat.

Mr. PRINCI: Thank you, very much for being here today and talking with us. I did get the same e-mail that you did and was wondering when we were going to be getting some information on this.

And I'm also thankful that in my local community my Police Chief and Deputy Chief here have reached out to me, and we sat down at length and went over these issues.

The main issue here is the independence and each town having a say in how this is run. That's the most important part here because, you know, the individual towns are different. As you were saying, Truro has much more needs.

You know, this doesn't appear to be any type of a weighted vote or anything as far as the needs of the communities are. I mean they'll all get to have a say at the table and, hopefully, if this does go forward and they do move, they'll be able to address those needs.

Therefore, Mr. Chairman, I would move that the Barnstable County, Assembly of Delegates, go on record in support of this grant application for the feasibility of planning and formation of a Regional Emergency and Public Safety Communication Center on behalf of the Barnstable County Regional Emergency Planning Committee.

And that if we do support that, that a letter could go out to Frank Pozniak of the Executive Director for the State 911 Department.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. We can have a little more discussion on this. I have a couple of questions.

One question I have is you talk about applying for grants; who is going to be doing the applying? In other words, whose name is going to be on the letterhead?

Mr. SEAN O'BRIEN: We've been asked to do it through the County. So through the Resource Development Office here at Barnstable County.

Speaker BERGSTROM: That has advantages because, obviously, Barnstable County is a known-coherent quality when you correspond.

Mr. SEAN O'BRIEN: Yes.

Speaker BERGSTROM: It has disadvantages because everything runs through our account.

Mr. SEAN O'BRIEN: Absolutely.

Speaker BERGSTROM: And we don't have much to say about it. We have more money running through these accounts and we have no idea where they're coming from.

Mr. SEAN O'BRIEN: Sure. Understand.

Speaker BERGSTROM: So there has to be some kind of accountability.

Mr. SEAN O'BRIEN: True.

Speaker BERGSTROM: And some kind of governing body within the County and I assume would be the Police Chiefs and Fire Chiefs set up to govern this.

Mr. SEAN O'BRIEN: Yes, to govern the grants, absolutely. You know, again, just to clarify, we're still working in concept phase here, but this next grant would probably be a little bit larger than the previous grant that we had.

The previous grant we had was about \$135,000.00, and this one will probably be a bit more, but we could have the Chiefs actually serve in that role.

Speaker BERGSTROM: So, basically, you would be applying for a grant. If you received the grant, it would be basically Barnstable County receiving the grant. It would be set up like an Enterprise Fund or some kind of separate fund that you guys would have authority over and access to.

Mr. SEAN O'BRIEN: Yes. And what it would be used for, honestly, is a consultant.

To start to bring the folks in who know communications and planning. There's a lot of this consolidation happening within the Commonwealth. We're seeing, as a matter of fact, I think there was a meeting up at Essex County today, where a system has not gone online yet.

And also we've seen a similar project in Hingham where four communities got together. Again, this is Grant Point right here. The rubber meets the road when we start and when folks start to discuss the actual policy and the Intermunicipal Agreements and the type of governance and the type of fiscal structure they want.

Speaker BERGSTROM: Okay. And just to follow-up on that; I mean, I've been a member of a lot of 15-person boards, not this one and the RTA and a couple others that came and went and stuff. Often times, if an organization -- for instance, Bill and I are members of

the RTA, and it's run very well and it seems to do fine, and every once in while we have a meeting, but a lot of boards if one's set up, it's often times difficult to get people there and you get them if it's raining.

And the other thing is that -- I forgot what I was going to say. Just a personal question, I once called the dispatching channel, and it was a minor traffic accident, somebody hit somebody else's mirror.

So I ran to Town Hall a couple blocks away, and I called up the dispatch. And they said, "Well, where is it?" And I go, "Well, it's in front of the Joe's Art Gallery." And they said, "Where's that?" I go, "Well, it's sort of down --." They said, "Do you have an intersection?" I go, "Well, it's the intersection of Chatham Bars Inn." So, they wanted a number. They wanted to know what the number was. I wouldn't know it.

I mean, do the people receiving these calls -- I mean the citizens calling in are not necessarily going to know where they are, I mean a lot of times. They're going to say, "Well, I'm on a street. You know, I haven't got a sign." How do you determine where these people are?

Mr. CRAIG TAMASH: If I could answer that. With the E-911 system, every street address is coded so that when the call comes -- for example, if you were at the Chatham Town Hall that would show up on the dispatcher's screen, okay, as the Chatham Town Hall with a number. Perhaps because you were reporting it as a different location they were trying to pinpoint it.

In some respects, that will remain, but a lot of it has to do with the training of the dispatcher also as to what information is required.

And that's one of the things that is sort of lacking in some of the departments in some of the dispatch centers that we currently have is that the training, although it's good, it's not updated because of funding, that people are not continually trained, and when you have a professional dispatch center, a 911 center where people are -- that's all they do day in and day out, and they work with the most up-to-date equipment. They have adequate training. They're able to address issues like that.

If I could just answer another question.

Speaker BERGSTROM: Sure.

Mr. CRAIG TAMASH: The representative from Truro brought up some of the concerns that she and the Chief of Police have. We are not advocating that anyone be forced to join in this project. This is completely voluntary.

In fact, it will have to go through a whole vetting process I'm sure with either the Boards of Selectmen to sign on as opposed to the Police and Fire Chiefs supporting it.

The one thing to remember here is that at this point, this is just the grant for further study for a consultant to come up; what will we need for a building; what would need for space; what would we need for equipment; what would we need for staffing?

Speaker BERGSTROM: Funding; don't forget funding in that list.

Mr. CRAIG TAMASH: Yeah, exactly. What would we need for a governance structure, all those type of things, you know, policies and procedures, you know, we are not reinventing the wheel here by any stretch of the imagination.

Speaker BERGSTROM: Yeah, I guess that was my next question. You probably haven't got a definite answer for it now, but its what kind of staffing is this going to require and how is that going to be handled? It's going to be County employees and paid by the County? One would presume, yeah.

Mr. CRAIG TAMASH: Yeah.

Speaker BERGSTROM: And, of course, we have the ability to levy the towns right now, and I assume that's how we would recoup those costs? I'm talking about operationally once it's in operation.

Mr. CRAIG TAMASH: Again, if I could, it depends on what governance model we come up with. If, in fact, there are many different options available to us.

One is to go under the County; okay? Another is, as Hingham did, is to form an independent district, an emergency communications district, where it would have the authority to levy charges against each of the individual town.

So there are a lot of things that have to be decided on, and, again, everybody has to buy into whatever model is proposed, and that's the purpose of the grant to come up with some models. You know, there is legislation out there that will enable a lot of different things to happen.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: I want to go back to the motion that's on the table, if I may? I do have a couple other questions but they're not pertinent to the motion.

So, it seems that we have a motion on the floor that's been seconded that we agree with your concept and we are supporting you to move ahead. I guess my question is what is that going to tell the Sheriff's Department from where we're standing because aren't they, in fact, going for similar grants and trying to put together a similar central dispatch situation?

Mr. MICHAEL WHALEN: Since that was brought up and we're talking about it -- here we go, it turned off by accident -- the Sheriff's Office and we just had some communication recently that we're going to be sitting down and talking again about the possibility of maybe, you know, getting back on one page.

But I will tell you that from, again, from the Police Chiefs' perspective, we started this process off expecting and having a number of conversations with the Sheriff, actually pleading, if you will, with him to say let's go with this together and let's be one going forward, and we think that's the best way to do it.

But we're also very concerned about the governance angle of it and the fact that we are able to keep control over process, which is basically right now a limited regional dispatch center run by a state entity, and we're very concerned about moving forward.

What you basically have is you've got two models out there right now. You've got a limited regional dispatch center that does about 15 to 20 percent of our public safety dispatch across the Cape run by a state agency with no control by the users.

Our paradigm is to look at the regional function with local control. Right now, the municipalities run about 80 percent of the calls for service. We run about 85 percent of the people -- a little over a hundred people involved in public safety dispatch across the municipalities.

We're running about \$9 million in funds across our municipalities to run the collective public safety dispatch centers on Cape Cod.

The state agency is running about 2 million, and out of that 2 million about 66 percent of that money is coming either from the towns paying in for the service they receive or from the grants being given out by the 911 Commission.

So, as you can tell, there's a limited state agency run function over here. We're looking for the local control. We're hoping that in the discussions that come up that may come up over the next week or two that those two roads will merge once again and we'll be back on the same

page and going towards the same thing.

But I will say, again, strictly speaking from as one Chief, and I think the other Chiefs would agree with me on the police side anyway and I think fire too, is that that local control issue, it could be a deal breaker for us if we can't have that type of governance model going forward.

Speaker BERGSTROM: Yes. Deborah.

Ms. MCCUTCHEON: Point of information with respect to the motion. The motion, Mr. Princi, is simply to endorse the application; is that right?

Mr. PRINCI: Right, but I believe it was out of order. We're not in Assembly business. It's not a legislative matter or anything but it is just a --

Ms. TAYLOR: I think we need to wait until we go into the regular session.

Speaker BERGSTROM: To take a vote you mean?

Ms. KING: No. We don't need to be in session for that.

Speaker BERGSTROM: No. Go ahead.

Mr. PRINCI: Mr. Speaker, it's more or less -- it's supporting this grant application and nothing more.

Ms. MCCUTCHEON: Right. And, as such, I support that. That's what I was trying to be clear about.

Speaker BERGSTROM: Just trying -- now, please, any other comments? Leo.

Mr. CAKOUNES: I have a couple questions about the motion.

Speaker BERGSTROM: Sure.

Mr. CAKOUNES: I have a couple questions, but if you want me to wait until we put this to bed. They're not pertinent to the motion.

Speaker BERGSTROM: They're not pertinent to the motion. Okay.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: I'm probably going to get in trouble for saying this, but Barnstable County hires people based on their competence and ability and their experience and so on. I'm sure that that process will continue, indeed, if they take over this dispatch center.

And I have all due confidence in the administration and the Commissioners and whatever governing body would be set up to put the right people in the right position. I think that's really going to make a big difference going forward.

So with that comment, I'll take -- we'll take a vote. All those in favor, say, "Aye". "Opposed"? It's unanimous. We're in support.

(Motion carried.)

Mr. MICHAEL WHALEN: Thank you.

Mr. CAKOUNES: Can I ask some questions now?

Speaker BERGSTROM: Sure. You can ask anything you want, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I just had three points I wanted to ask. You mentioned that presently we have 10 PSAPs on the Cape, and what we're hopefully striving for is to narrow that down to one large one. So we'd been taking that present tent funding and dumping it into one.

Do you think there might be a situation that in the event one of those or two of those smaller PSAPs do not come on board that we may be jeopardizing some of their funding?

I mean I don't want to put smaller people who don't want to jump on board with us or even larger ones that don't want to jump on board with us in any kind of jeopardy of losing their future funding?

Mr. CRAIG TAMASH: I don't believe you would be. Each PSAP currently receives a minimum of \$10,000. Depending on the size of the PSAP, how busy it is, that number can increase.

For example, the town of Barnstable with our Support and Center Grant, we get \$176,000.00. What the state is doing is they have a set pot of money and they are changing the percentages that each PSAP that's a stand alone PSAP would get.

So, for example, and not to pick on Truro, but Truro currently gets approximately \$10,000.00. As the percentages change and they start favoring the regional centers, the regional centers will be getting a larger piece of the pie and the standalone centers will be getting a smaller piece of the pie. So their funding in all probability will be going down, the support that they get from the state.

The other issue is as Chief Whalen mentioned, the next gen 911 is incredibly expensive. There are currently 241 PSAPs in the Commonwealth of Massachusetts, some of which get 6-8 calls a week, 911 calls a week, you know, some of the smaller communities. They don't get a large volume of calls. And it's not necessarily only ones on the Cape.

What the state is intending to do, and we have this, obviously, nothing's in writing -- Chief Whalen mentioned the carrot and the stick, they are trying to reduce the number of PSAPs currently by using a carrot, and the funding is really the carrot. All right? The stick is some of the requirements that they're going to have.

As time goes on, the state has absolutely no intention of funding a several hundred thousand dollar PSAP in a community that gets 6 or 8 911 calls a week and supporting that, you know, the telephone lines, all the equipment cost, the repair cost, you know, for 241 PSAPs.

One of the examples that's commonly used in the state of Maryland, there are 12, which has the equivalent population to Massachusetts, there are 12 PSAPs. Massachusetts, as I said, has 241.

Mr. CAKOUNES: Mr. Speaker, do you mind?

Speaker BERGSTROM: Go ahead.

Mr. CAKOUNES: Just two other items. One, I'm just throwing it out there for possibilities, is there any discussion or anyone ever looking into once this governing board is assembled that we turn to the private industry to come in with us to help us run the dispatch?

Is that something that has been done or is being looked at anywhere, just limited to the dispatch facility in the day-to-day operations itself?

Mr. CRAIG TAMASH: There are companies that will manage a dispatch center, yes.

Mr. CAKOUNES: Okay.

Mr. CRAIG TAMASH: But they would come in as a vendor or a contractor to do that. The ones that I'm familiar with, the management is contractual but the employees tend to be other city or county employees.

Mr. CAKOUNES: So I wasn't too far off in guessing it's a possibility.

Going back to the Speaker's example and my Fire Chief is here, so he knows that I bring this up all the time.

I live in the woods, all right, and I've had the occasion a number of times to, as I'm passing out, call my dispatcher. I'm very fortunate that most of them know me, and I'm the guy that lives -- you go take a left at the rock that looks like a bear, and then take a right at the bear that looks like a rock and he's down back behind the tractor-trailer body.

I'm a little concerned that when we go to this kind of a state-of-the-art system that that

ability to get across to people either from the dispatchers desk directly to the cruiser or to the ambulance or to the fire truck, verbal communications as opposed to GPS.

You won't find my farm using GPS. You'll end up on a dirt road that dead ends at Route 6. And I don't need them all lined up on the other side of Route 6 looking for Leo.

And I'm sure a lot of people -- I know the Speaker mentioned this is a problem too, is that something that we're going to be addressing in this when we move into the state-of-the-art, kind of computerized world?

Mr. CRAIG TAMASH: It is. Actually, there's a project ongoing now with the State GIS system where the State is in the process of identifying every building via GIS, via a big brother watching from the sky, via GIS maps every single building.

They're coming into the towns; this project has already started. Not down on the Cape, they're starting up in the northeast portion of the state, but every single building is being identified on the GIS maps.

Obviously, that's a tremendous amount of work just to keep them up, but there will be a master street addressing guide that instead of now as it's based on telephone company records which may or may not be accurate, it will be based on GIS, on actual photographs and latitude and longitude of buildings.

Speaker BERGSTROM: John.

Mr. MICHAEL WHALEN: If I could just add to that, Mr. Cakounes. We've done some work amongst ourselves, kind of the amateurs, if you will at this, of looking at staffing levels, dispatch levels, how we would set up talk groups to dispatch to the various towns and what towns would be together and that kind of thing.

And in our initial assessment of what a center would look like, we've got it laid out that you've got kind of Upper Cape, Middle Cape, Lower Cape with the police and fire dispatchers kind of sitting looking at each other Mid-Cape, Upper Cape and Lower Cape.

So I think to at least start the process if this all evolves, it will probably evolve with a system where the folks that are used to working together will continue to work together in that geographical knowledge, if you will, will still be there.

Hopefully that takes away some of your concerns.

Mr. CRAIG TAMASH: Plus your geographical knowledge of your first responders. The ambulance crew that responded to your house six months ago, you know, very well could be the same ambulance crew and they know where the house is, even if the dispatcher has a physical address.

Mr. CAKOUNES: Thanks.

Speaker BERGSTROM: Let me ask you a quick follow up to that. Is it possible to track a cell phone signal? I mean if Apple knows where I am, do you guys know?

Mr. CRAIG TAMASH: Yes.

Mr. MICHAEL WHALEN: Yep. Every time you call on a cell phone, it comes up on a 911 map and there's a big red dot that says exactly where you are.

Ms. MCCUTCHEON: Every time you call 911?

Mr. MICHAEL WHALEN: Every time you call 911.

Ms. MCCUTCHEON: Not just to call anybody?

Ms. TAYLOR: That's coming.

Speaker BERGSTROM: We know where you've been and what you're doing. John.

Mr. OHMAN: Thank you, Mr. Speaker. You know, I think for the public's benefit, I'd like to know if you could tell us more about the current situation with the Sheriff and the

limitations on the equipment and the immediate ability to expand beyond the eight departments, and those kind of limitations might frame the argument better for your costs.

Mr. CRAIG TAMASH: Well, I would like to preface that with that, you know, we support the Sheriff in what he does, okay, and whatever feelings we have about how this center should be structured is certainly not a slight to the Sheriff or any of his staff, but it is our understanding, let me just phrase that also, it is our understanding that the Sheriff in order to expand his operation would have to move out of his current dispatch center at the Mass. Military Reservation, that it is pretty much at a level where he cannot expand any further.

So he is in a similar predicament as we would be that if we had a start up center we would need new equipment; we would need a new building or maybe not perhaps a new building but a new location, whether it be a retrofitted building or a new building.

His staff, he would need additional staff. So there are a lot of issues for him to enlarge his operation just as we're going to have issues in starting up our operation.

And I think the key issue for many of us, again, is the local control, where the Sheriff's office is a state agency. And a lot of people still think of the Barnstable County Sheriff that it's a local operation. It is not. It's a state agency and incumbent or with a state agency comes an awful lot of bureaucracy, and that's the fear that we have as local police and fire chiefs that we would have to deal with a state agency.

Chief Whalen I think had a great comment about local control that you are a regional panel, but there's local control from each town because you each represent the individual towns. That's the type of model that we are looking for in a regional dispatch.

Chief Ambriscoe had a great line at one of the meetings is that we do not want to give our dispatch to anybody. We will not hand off our dispatch. We want to be partners with each other in dispatching, and we don't feel we can get that with the Sheriff's Department as a state agency.

Speaker BERGSTROM: Okay. Well, thank you. I wish you success, and I'm sure you'll keep us and the Commissioners and everybody updated on whatever progress you've made.

Mr. MICHAEL WHALEN: Thank you.

Mr. CRAIG TAMASH: Thank you.

Mr. SEAN O'BRIEN: Absolutely.

Speaker BERGSTROM: Thank you. Okay. Next on our Agenda is Communication from Public Officials. Do we have any Public Officials that wish to address the Assembly? Hearing none.

Communications from Members of the Public

Speaker BERGSTROM: Do we have Communications from Members of the Public. Are there Members of the Public who wish -- yes. I recognize a hand.

Can you identify yourself, please, when you step up to the mic.

Mr. JAMES ROGERS: My name is James Rogers, and I'm from Sandwich. I just have a short statement. I'm asking you today for help in obtaining financial documents from CVEC and CLC.

I'm seeking to obtain documents listed on the handout that I gave to Janice, and I presume that it was distributed to everybody here.

These are financial documents from CVEC/CLC that I believe are public documents,

and to the best of my knowledge have still not been released by CVEC or CLC.

I would like to obtain them so that I can better understand what the institutions are doing with taxpayer and ratepayer monies.

I would hope the Assembly would also want to see these documents in light of the partial response from CVEC and CLC to the Special Committee's request for financial information and the ongoing difficulty in trying to obtain them.

I asked my Assembly of Delegates to help me in obtaining these records, and he suggested that I present my request to the Assembly.

I've asked the records custodian of CVEC/CLC for the general ledgers of these two bodies and have been told that these two documents would require a significant time to compile and, therefore, be extremely costly to produce, but certainly there can be no charge to the Assembly.

Moreover, Tyler's software, the developer of Munis Software, states that the reports already exist and can form -- and can be generated in minutes and presented in electronic form.

My request seems very reasonable to me, and my understanding is that these documents are readily available. I'm looking for what is comprehensive, free or at minimal expense, and in electronic form.

I would hope the Assembly would also be interested in obtaining these financial documents and will instruct the records' custodian of CVEC and CLC to produce them not for me alone, but for you and your edification. Thank you.

Speaker BERGSTROM: Thank you. Are there any other Members of the Public who wish to address the Assembly? I see a hand up. Yep.

Mr. PRESTON RIBNICK: I'm Preston Ribnick from Wellfleet and good afternoon.

Mr. Speaker and Delegates, I was encouraged to see that your Agenda today addresses issues regarding Cape Light Compact and Cape and Vineyard Electric Cooperative.

I, therefore, once again appear before you to briefly address the continuing failures of both CLC and CVEC to operate as an open, accountable, and transparent manner.

I, along with other concerned citizens and ratepayers, have attempted to gain an understanding of these two public bodies for more than two years now.

Today, I will not recount the many, many dozens of attempts we have made without success to obtain basic routine public information on the activities and finances of CLC and CVEC.

I have attended numerous meetings of both boards. For a number of months, I have videotaped their meetings. I and others are grateful to the work and report by the Assembly's Special Committee on inquiry of CLC and CVEC and to the work of the Assembly.

I will share with you today just a very few brief examples of what I have witnessed, demonstrating the both CLC and CVEC have become more resistant to citizen and inquires since the Special Committee issued its report to the full Assembly on May 2, 2012.

Their public meetings of the boards of CLC and CVEC both have continued to utilize the shared legal counsel of B.C.K. Law in spite of the Special Committee's recommendation No. 5, in spite of the full Assembly of Delegates Resolution 12-05, Section D, which was passed by a large majority by the Assembly of Delegates on September 19, 2012.

During public meetings, there have been -- there has been a subject -- both organizations have been the subject of numerous complaints of violations of state laws regarding the proper noticing of public meetings.

Both organizations refuse to provide handouts to the public during public meetings so

that the public would be allowed to follow the conversations of the boards during the meetings.

They do not provide timely minutes of their meetings. The minutes, and you can go online and see these, they are so sparsely that it's impossible for anyone or difficult for anyone to understand what really goes on at their meetings.

Handouts and exhibits distributed at public meetings are not itemized or provided along with the minutes as per the requirements of the Open Meeting Law. When describing comments by members of the public, no content of the comment is included in the minutes, so no one reading the minutes would have any sense of what the public's concerns are.

No officer, no member of the management, and no board member has ever responded to a direct question when asked by a member of the public for the last two years that I've attended the meeting -- not one time.

During public meetings of the CLC Board, as recent as last Wednesday, January 9, members of its own board asked for more information regarding the financial reports of the organization. They stated, and I have this on videotape, stated that the financial reporting is confusing and stated that there is a lack of information regarding expenses and asked for details regarding expenses, and that's by their own board members at their meeting a week ago.

When CLC voted to conduct an audit of its operating reserve fund, during the public portion of that meeting I quoted the Special Committee's report, which recommended the use of an independent auditing firm, not the firm that's auditing the County's books. I urged them not to spend \$130,000.00 of ratepayer funds but to follow on that audit but to truly get an independent auditing firm. The board voted unanimously to hire the same firm.

During public meetings of the CVEC Board on May 17 of 2012, the meeting was not properly noticed, nor did the meeting agenda allow for public comments. They proceeded to convene a meeting. I rose, raised my hand, and objected to this.

At the beginning of the June meeting of CVEC, it was stated that the May meeting was held in violation of the Open Meeting Law, that it was a voided meeting, and all votes and actions taken during that meeting were voided.

On September 20, which was scheduled as a CVEC Annual Meeting, a quorum was not present. When the President stated that no quorum of board members were there, he decided to convene an Executive Committee Meeting because there was enough members of the board who were members of the Executive Committee.

When a member of the public, me, pointed out that this was not a noticed meeting, there was no notice of an Executive Committee Meeting, the CVEC attorney who, as we all know, is the same attorney as the CLC attorney who represents them, got on his phone and contacted, during a break, the Attorney General's Office. The Attorney General determined that it was likely be in violation of an Open Meeting Law to convene an Executive Committee Meeting without notice, so no meeting was held on that day.

During the October 18 meeting, the CVEC Annual Report was unanimously approved by all of the Board. Although the Board was required to prove it by the end of September per their bylaws. It contained a number of issues that I highlighted via e-mail because I read it carefully. The report has been revised twice since it was unanimously approved.

A week ago, I received my first e-mail with any answers from the former President turned Vice President of CVEC. In that e-mail, he acknowledged that there were flaws in the original report.

And today I come to you and I tell you that I believe that there are still significant flaws within that Annual Report.

Final point; it is important to note that the Financial Report of 2011/12 of CVEC's Annual Report, it contains in the Annual Report its Financial Report for the year. But in that report -- and anyone here can go online and you can see it this evening -- it is still listed as a Preliminary Financial Report, and that's more than six months, almost six and a half months after the end of its fiscal year.

I know no one in this room wants to hear any of this; believe me, I don't want to be the bearer of this type of information, but these two organizations continue to operate with hostility, disdain. It is really -- that's why I started videotaping. Let's spend an evening at my house; I'd be happy to show you the videotapes. You wouldn't believe it if you saw it.

Finally, in conclusion, I thank you for the time to address the Assembly today, and I urge you to support the request of Delegates Cakounes and Killion to achieve full public disclosure by CLC and CVEC.

Thank you, Mr. Speaker.

Speaker BERGSTROM: Thank you. Okay. Are there any other Members of the Public that wish to speak? Yes.

Ms. KATHY SHERMAN: Kathy Sherman, Brewster, and I, too, support both of the Resolutions, and I thank you for the Special Committee's work and for your consideration of it.

But I'd also like to backtrack a little bit. It's more than a year since there was a Special Commission assembled to consider County Governance on which at least two of your members served, and they went through things like we just heard about today, regionalization of emergency services and all sorts of other regionalization possibilities.

And they went through quite a consideration of the Compact and CVEC in their governance. And there were a lot of good documents that came out of there, and I bet you that there were 26 meetings of that body. I know that there were tons of documents coming out around Christmas time last year.

And I think that that was a consensus building process, but yet I hear our County Commissioners before the election talking about getting a consensus body. And there is this document, the Mass. Municipal Association document that's I don't think really in the public domain now even for purpose or anything else. I don't think there's any political will for having a reconfiguration of your body. Your body is deliberative and serving a very good regional purpose.

Whether there's issues about, you know, Truro's vote versus Barnstable or Yarmouth's vote, yes there is, and maybe that's like a pragmatic matter, but I urge you to try to get this matter of identifying what the issues were that were identified by the Special Commission out upfront, deal with them, whatever, you know, should be laid aside because it's just a political reorganization that really there's no will for, please do it and then have an ordered public consideration of what that body assembled had to say.

Because I do have one very specific complaint, I think, about Open Meeting Law with respect to the Compact and our County Board of Commissioners, and that is that it's my understanding that they did meet with Compact about the recommendations of the Special Commission informally for 15 minutes about either this past spring or whenever.

I've asked repeatedly to have some sort of outline of when things are going to be taken up. We know that one of the big issues was wastewater and we now have that report out, but I'd like to see some sort of organization so that the public can be engaged in it, and we can all sort of keep on track.

Again, to me, the issue is not so much the staff but when you last took up the matter of

whether there should be an independent investigation of finances -- my dad was a CPA, so I guess I really didn't have complaint with what I heard with my ears that the auditors said was going to happen.

After that, I read the fine print on a slide. The fine print on a slide was that the procedures to be used were going to be worked out with the Compact. That's not an independent audit.

There are minutes from the first year when the County, the Compact, and Barnstable were the three governing members, and I may have said this before, but please look at those minutes. They didn't have a business plan. There are just a lot of things wrong with it, and they need it in -- there are a lot of things about the Charter that I think that all members need to be looking at.

So, you know, I wish that I thought that your business with this whole matter was done, but I guess I'm afraid it's not.

Thank you.

Speaker BERGSTROM: Anybody else from the Public that would like to speak?
Hearing none.

Assembly Convenes

Speaker BERGSTROM: We'll now convene the Assembly. Usually we get the report from the Clerk later, but it's on the agenda so we'll get it now.

Report from the Clerk

Clerk O'CONNELL: To the best of my knowledge at this point, I don't think there are any committee meetings scheduled for February 6, which would be the next time that you meet. I do believe that Paul Niedzwiecki and Andy Gottlieb will probably be here at the next meeting to give a report on the wastewater.

And, also, I think you all found some business cards at your place today that I was able to create because one of the Delegates had asked about business cards. And as you run out of those, let me know, and I'll be able to make some additional for you.

And that's it for today.

Other Business

Speaker BERGSTROM: Okay. Next, I would like to recognize Harwich Delegate, Leo Cakounes, on the restructuring of County government and the status of Resolution 12-04 and 05.

Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I will take the restructuring of County government first.

I have a Resolution that I would like to pass in. It is labeled 13 dash -- and I don't think we have an official number so I'll do this officially. How's that for efficient?

As I told my colleagues that were here prior to the convening of the new Assembly that I had planned on coming forward with some actions to try to move forward.

I just want to, if I may just briefly, I don't want to get into a full discussion on this

Resolution until it is posted and the public gets a chance to see it and you people get to go home with it and review it.

The only thing I do want to say on the record is that when I originally sent it in, the language was leaning towards an Ordinance as opposed a Resolution. Through the Clerk and her efforts, which I want to go on record thanking her very much for the time and effort she spent with me on this.

We did contact Attorney Troy's office. We do have an opinion from him that the new language that you have in front of you now does, in fact, fall under a Resolution language.

Under our Charter, 2-8(B), Section 9, it's an expression of such policies or opinions, and it requires no formal action.

What you have in front of you in this Resolution is basically my ideas on how to structure the new County government. I made it as simple as possible because my idea is to have an open discussion about this and get everyone on board with one kind of avenue that we will be moving forward to.

I am fully aware that the creation -- if all this was to be adopted, it would require an Ordinance and it would require Charter changes.

So, it would be my hopes that by doing it as a Resolution we can have an open discussion and kicking back and forth of ideas so we can move forward as a body to address this issue that I feel has been around for some time.

So with that, Mr. Speaker, I'll open it -- give it back to you. If there's anything on this particular one then I'll move to my next one.

Speaker BERGSTROM: Well, it might be an opportunity, Leo, we're going to discuss this particular Resolution after you get it, but I was just going to say that my understanding of the Charter is that this body can make recommendations directly to the Legislature without any other -- in other words, the Legislature, in turn, has to put on the ballot any changes that under our current Charter would require a Charter change. That would go to the ballot. The earliest possible time that it would go to the ballot would be 2014.

So between now and 2014, any Resolution or similar Resolution or similar initiative by the Selectmen or the Assembly would have to be gone -- would have to be voted on by the Assembly, approved by the Commissioners, submitted to the Legislature in time for the deadline for the State -- Galvin's office to put it on the ballot which would be sometime in the spring, late spring of 2014.

So, in other words, this is a process -- we can't just -- the process has to be started sooner rather than later on any kind of Resolution similar to this.

Ms. TAYLOR: I'm assuming we're not going to have any big discussion of this today because we need to read it, but I do want to thank Leo for putting it on paper, because I think it's so much better to have a discussion based on something written down; I really appreciate that.

Just glancing at the first page, I wonder if you are thinking or the wording of the Administrative branch and the County Administrator, does that reflect a strong Administrator concept, and, if not, is there some other language that does that? Is this deliberately not that? I'm just curious as to whether that is what's meant to be here or not.

Mr. CAKOUNES: If I may, Mr. Speaker? Thank you. That was my intentions 100 percent. As a matter of fact, one draft actually had the term, "Strong Administrator" in there but realized that it wasn't anything legal so I thought I would leave it out.

I actually thought about putting attachments on this using Town Administrators' job

descriptions because that's kind of what I was leaning towards. So I think that's all going to come up when we discuss it in full.

So, suffice to say right now, yes, you are 100 percent right.

Ms. TAYLOR: Okay. So I'm just going to assume that's what we will be discussing and I won't worry about the language because that would have to change and be all fancied up.

Okay. Could I then make one comment about the people who spoke today in regard to that?

Speaker BERGSTROM: Yeah. Well, that's --

Ms. TAYLOR: Or are we moving -- there's more from Leo now?

Speaker BERGSTROM: There's more from Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. The other item that I asked to be put on the Agenda is the status of Resolution 04/05, and I apologize for the record, I referred to these as their Proposed Resolution numbers in the past, not remembering that once they got adopted and other ones that didn't, there was a changing of the actual numbers.

To refresh your memories, they were passed back in September. I believe one of the speakers earlier just alluded to them. I had asked a number of times what the status was. I did get an e-mail from the County Commissioners referring to me to the Cape Light Compact Governing Board Minutes of Wednesday, October 24, where the Cape Cod Light Governing Board took up those suggestions and they voted them down. I do have the Minutes here if anyone would like to read them.

But my kind of question was not what the Cape Cod Light Compact was -- what their reaction to our Resolution was but more what the reaction of the County Commissioners was to it.

And I read very quickly again from Section 3-8 of our County Charter, "Every Ordinance, Order, Resolution, or other vote of the Assembly of Delegates pertaining to the business and affairs of Cape Cod Regional Government," and it goes on quite lengthy, but it basically says, "Shall be either approved by the Board of Commissioners."

So my question was more to the fact that what was the Commissioners' standing on these two Resolutions that came forward?

When I asked the County Commissioners at one of their meetings, it was related to me, and I believe Mr. Zielinski is the one that stated it, that in his tenure here, the County Commissioners have never reacted nor had an opinion on Resolutions.

So, I'm not sure if that's what the history was. I haven't been here that long, but when I read the Charter, I do believe that these two Resolutions that did pass or three Resolutions that passed should have gotten some kind of recognition from the County Commissioners.

With that said, when you go on to read the Charter, it says if no action is taken, then they are -- and I highlighted this, "They are deemed to be in effect."

So I guess by them not taking an action on them, I would have to concur that the County Commissioners agree with us on those three Resolutions.

With that said, I would urge you that when you are looking at my current new Resolution, you might want to get copies of those that we did pass because they do tie in, and I will be bringing forth other recommendations on what our duties are as far as the fiscal responsibility agents to both CVEC and CLC, and if, in fact, we the County want to continue to provide that service.

One of those agencies has a budget nearer if not even more than ours, and we're the

fiscal agent for them, it may be time for them to go do there -- find another agency to do it. It's a discussion that I believe we should have as the legislative body of the County, and I guess at this time after having, again, read the Charter, I don't feel as if there is any more action that I need to ask for or pursue the answer of the County Commissioners on this because, quite frankly, they've had since September and --

I just want you guys to reread them because I think I'm going to be bringing forth some new Resolutions that are going to be based on those.

With that said, thank you.

Speaker BERGSTROM: Okay. Yes, Julia.

Ms. TAYLOR: Okay. Good. I'm glad you're on this case, Leo. I wanted to comment on this issue because it was raised again today.

And I've said before and I still believe that we are unfortunately or fortunately or simply but we are not the court of last resort on the Open Meeting Law of these agencies. I don't think we have any say over that.

I don't think we have any say in how they run their meetings. I don't think we have any say in whom they hire for an audit and who they hire for a lawyer. We could have an opinion on it, but it would not be one that was binding in any way.

I don't have any relative who is a CPA, but I'm sort of hoping that CPAs have certain kinds of duties and standards and that whoever's doing the audit it will be useful to everyone involved.

What we do have a say over and what I'm hoping we're going to resolve in the next budget and maybe that will be the vehicle for is County employees and their relationship to these other agencies.

And as I've said many times, I don't think County employees should be acting as the main employees of these agencies and that, I think, has to cease.

Whether we act as the fiscal agent, I don't feel as strongly about if it's simply a question of keeping track of the money and making sure that it's not being stolen and not a question of how do you spend the money, so I don't, at this point, have a strong view about that, but I do have a very strong view of our County employees and their work for other agencies.

And so that I hope the Commissioners plan to deal with, and maybe we won't have to do it through Ordinance or a Resolution but that's my hope.

Speaker BERGSTROM: Okay. Yeah, Leo.

Mr. CAKOUNES: Just for the record, I just want to make sure so that people don't feel that we're crossing the line here, your statements are right on target to Resolution 12-04. That's exactly what was stated and that's why I think we need to move forward.

Ms. TAYLOR: Yes.

Speaker BERGSTROM: Yes. Suzanne.

Ms. MCAULIFFE: Yes. I want to start off by saying that the CLC and CVEC people are all really good people doing really good things. I think we've all come to an agreement on that.

This is the first time I've been able to address this issue. The Yarmouth Board of Selectmen took this issue up last spring. We sat down with our Assembly Representative and expressed frustration at the municipal level of not being able to get answers or deal with CLC and CVEC as municipal officials, and actually asked our Assembly of Delegate to take it up as a County-wide issue because this is neither fish nor fowl. If the County doesn't have authority

over it, then maybe we do have to look for ways to gain some foothold, but the municipalities don't feel they do either.

So they do through their individual representatives but no more than -- frankly, Selectmen are busy enough with what they're doing. And those of you who have been in an elected office understand that you can only do one job and do it well.

I think that anyone who's been in an elected office understands you need to be accountable. You need to be open. You need to be transparent.

For 25 years elected as a School Committee member and Selectmen, I operated in a fish bowl. You have to be able to do that. Everything has to be public. It has to be open. It has to be documented. You can't be defensive. You can't dig it in. You can't get adversarial. You need to just put your -- you know, be very simple and open.

And it's unfortunately become adversarial, hostile, defensive and become personal, and there's no place for that in government. Government is business if you take the personalities out of it.

So I guess my question is and with regard to the Resolution specifically, if the Assembly of Delegates can pass a Resolution that can just sort of be ignored or dismissed or not acted on, then do we go to the next step and pass an Ordinance?

I don't know if we have the authority to do that, but I understand that Ordinances have a little bit more weight and a little bit more authority and a little bit more power, perhaps we can put some of these -- put a little bit more power behind some of the things that the Assembly feels are important, which is good government, open government, transparent government, and not that anyone thinks anyone's doing anything wrong, just be open and transparent about things.

And I think that -- I have other issues with CLC and CVEC that are specific to this Resolution so I can't address them now, but those are the main issues that this issue -- these Resolutions -- this Resolution is trying to address, and I think its important that as a quasi-County agency, they need to be responsive and upfront. Thank you.

Speaker BERGSTROM: Okay. Well, we're going to place -- Leo has submitted this Resolution to the Clerk, so it will be placed on a future Agenda assuming that it is fitting.

Yeah, Leo.

Mr. CAKOUNES: Again, not to confuse those at home or those listening, okay, I submitted today a new Resolution which -- and those in the audience don't have it yet -- which specifically deals with the structure of County government, and, specifically, the Administrative body, the Legislative body, and the Executive bodies.

The discussion that we're having now, my second discussion, were for two Resolutions that we passed back in September that I, as a person who submitted them, and this Board who voted not unanimously but certainly overwhelmingly in favor for specifically those two, I don't feel that we got a good answer back from our Executive Committee Board as to what their positions were specifically on those two Resolutions.

At this point, I will be bringing forward either in Resolution form or Ordinance form changes to our procedures and how we deal with our responsibilities as fiscal agents and representation on boards that, specifically, Resolution 12-04 addressed.

I think now it's time to move forward to the next step, and I feel that no response according to the Charter from our Executive Committee means that it shall be deemed accepted, so they must have accepted it. So let's move forward.

So look for two more Resolutions or more Resolution that will be -- or Ordinance that

will be directly related to Resolution 12-04. Thank you.

Speaker BERGSTROM: Commissioner Doherty is asking for recognition. I can't allow him to speak unless I get the rules --

Mr. OHMAN: Move to suspend the rules.

Speaker BERGSTROM: Okay. Do you understand what we're doing? Okay. So all those in favor of suspending the rules that will allow Commissioner Doherty to speak say, "Aye." "Opposed"?

Speaker BERGSTROM: I think the Ayes have it.
(Motion carried.)

Commissioner DOHERTY: I'm going to read the beginning of Resolution 12-04 and it says, "The Assembly of Delegates hereby instructs the Speaker to seek the cooperation of the County Commissioners." We haven't heard from the Speaker, so we haven't scheduled it.

On 12-05, you asked for the representative to the Cape Light Compact to pursue these items, and as your representative, I introduced them before the body and that's what resulted in the Minutes that were there. That's all I have to say.

Speaker BERGSTROM: Thank you. We'll try not to get too deep into this today because Leo intends to follow up with further Resolutions.

Mr. CAKOUNES: Thank you, Mr. Speaker.

Speaker BERGSTROM: Okay. I now will recognize Sandwich Delegate James Killion for a related issue.

Mr. KILLION: Thank you, Mr. Speaker. I believe this earlier discussion I think was purely coincidental --

The reason for the item on the agenda is the constituent who spoke earlier has been trying to get information/documentation from CLC and also CVEC, which we've seen this pattern before.

And what troubles me is we're seeing the same thing happen again. And what we're seeing is County employees who are spending a great amount of time answering these emails, and I believe they're probably spending more time figuring out how much they're going to charge them when they can simply send them the documentation.

So I'd like to try and avoid another protracted battle between the public and these organizations in that the Assembly simply request information, which I believe all of us has a right to know and to have and to understand how it is they're operating these organizations and be able to make that information available to the public whenever it's needed.

Now, in today's day and age as we know, most of this information is readily available. They all pertain -- I think we have a list here -- of financial records, and my wife being a corporate accountant has indicated that most of this information is available in a matter of minutes and can be transmitted in such time.

So I don't think the request that the public is making on these documents is unrealistic, and I think that, again, we have the same sort of battle being played out where they don't really feel compelled to cooperate with these people as they should. As members of the public, they have as much right to that information as we do. And as I think we should try and help the public as much as we can and maybe we can move on from this.

Speaker BERGSTROM: Okay. Does anyone have any comments on Mr. Killion's suggestions? It's a quite bunch.

I take a different tactic on this but we arrive at the same place. In this day and age, it seems incredible that we can't simply access information almost instantaneously if it's public

information.

The responses we're getting from some of the agencies connected to County government that it will take a long process, a lot of man hours, and people have to get these documents out; I had an example in Chatham of that, and it just frustrated me to no end because I thought that one of two things, either they don't want to do it or they're not keeping records properly.

I mean if access to public information is critical to any governmental body and we've gotten a lot of information from the state that this is something that as the Delegate from Yarmouth said is required, it seems a simple matter to keep this information in such a way that it could be easily disseminated to people who want it.

And, so, while constituents and others in this are saying we want this information, why can't we have it? I think it behooves the Assembly and, perhaps, we'll get a Resolution up to say that in the future that all County records should be kept in electric form and available to the public when requested.

If it is a document that can and should be accessed under the Freedom of Information Act, I believe it should be kept in a format where the public can have access to that.

The stipulation of the Freedom and Information Act that you can charge a person for a request, you know, a reasonable fee, that's put in there so that somebody who gets mad at us doesn't ask for everything we have. You know, every day they could ask for documents.

So, in order to discourage people from doing that, they said, well, look, if you have to get a copy, it will cost you a quarter or 40 cents or something like that. It was never intended, I think, to frustrate people who want information that should be readily available.

So quite apart from the specific request by Delegate Killion, I think that we should, as a Body, insist that all County documents and information be kept in electronic form and available to the public when requested if it isn't already there.

And as far as -- just to follow up, I don't want to -- to put this in context, all Committees of the Assembly sunset on the end of December, which includes the Committee on County Governance, which has already done its work. So, you know, whether or not we, in turn, could request -- I think they should cough up this information.

Whether we should be a vehicle by which the public gets it simply says, "Well I can't get it, so we want you to get it for me," that's another issue entirely, and I'm not really comfortable with it.

I think they have a gripe if they are not getting information, but I don't know if this -- if our ability to get the information is a vehicle by which they should use it. So, I'll just say that.

Chris, do you have a comment?

Mr. KANAGA: Yeah. I'm going to have to say, Ron, with the amount of time that's gone by with these requests gone unanswered or frustrated or shoved aside that in this particular instance, I would support a Resolution to ask the Speaker to request these documents so that they can be properly distributed to the public.

I mean, obviously, the better way to go about this from an administrative viewpoint is to sanction the people who are employees of the County who are violating state statute.

So that's what should be being done; it's not. So I would support the Resolution to simply get the documents and make it available.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: My problem is that I do think that the County employees who work for these agencies are subject to our requests, but I have a worry that these are not, in fact, County

agencies, and, therefore, we aren't in charge of them. I mean this is the problem with this whole thing.

And so I don't know that we -- I think that what you said that County agency documents ought to be available at virtually no cost and online. I think that's a very reasonable position and I would agree with it, I'm just not sure it would actually apply to CVEC and CLC.

Speaker BERGSTROM: The problem with that is that -- I agree with you. We have no authority over them, but this is a request for information and that information is kept on our books. If the County put every cent that's spent, every check that's written, every disbursement that's made and every, you know, every bit of money we get in goes through the County books. And the question is is that -- I think, personally, if the County's keeping track of it, we have the right to ask.

Ms. TAYLOR: I like that point.

Speaker BERGSTROM: Leo.

Ms. TAYLOR: I'll go with that.

Mr. CAKOUNES: To Julia's point specifically, okay, I respectfully disagree. I attended three County Commissioners' meetings in the last three weeks because I've been interested in listening to the budget requests.

At all three meetings under their "Summary of Items," there have been occasions that -- and I will read from today's, "The County Commissioners executed an amendment to a small commercial, industrial program service between Cape Light Compact and Natural Resources for \$200,000.00"; the County Commissioners signed it.

The County Commissioners, "A Multifamily Energy Efficiency Service between Cape Light Compact and Rise for \$250,000.00"; okay?

Two weeks ago, County Commissioners, "Contract amendment between Cape Light Compact and Rise Engineering for \$9,125,204.00"; okay?

I stand here as a member of the Legislative body of the County and tell you that if our Executive body is signing documents for that kind of money, we are well within our rights to ask them for an accounting of it. Okay. That's my standing on it.

I will support a motion to ask for these documents.

Ms. TAYLOR: Well, I like that comment, and I think then that the people we need to be asking are our Treasury people.

Mr. CAKOUNES: Exactly.

Ms. TAYLOR: Not CVEC, not CLC; our Treasury Department and our Accounting Department.

Speaker BERGSTROM: Yeah. I mean it's up to the Assembly what they want to do with this. Right now, we haven't got a motion on the floor.

Mr. KILLION: Well, I'll make the motion that we request the CLC Board, the information as outlined in the --

Mr. CAKOUNES: Not from the CLC Board.

Ms. TAYLOR: I wouldn't ask them.

Mr. CAKOUNES: From our Director of Finance.

Ms. TAYLOR: From Mark.

Mr. KILLION: So you want to go with -- okay, I'll amend that to our Director of Finance for the documents as outlined in the suggested financial documents request. I can read through it, if you'd like, or I'll submit it.

Mr. CAKOUNES: He has it in writing.

Speaker BERGSTROM: Oh, yeah, well you have to submit it in writing one way or another. The thing is if you want to vote on it now, you're going to have to either read it or submit to all the Delegates because otherwise --

Ms. TAYLOR: We have it.

Mr. KILLION: We all have it, I believe.

Speaker BERGSTROM: You all have it in front of you. Okay. Good.

Mr. CAKOUNES: Second.

Speaker BERGSTROM: Okay. Moved and seconded.

Do we have any further comment on this? This is to authorize me to write a letter requesting these documents on behalf of the Assembly.

Mr. CAKOUNES: To our Director of Finance.

Speaker BERGSTROM: To the Director of Finance. Okay. And he will politely respond.

Chris.

Mr. KANAGA: Is this on the floor for discussion?

Speaker BERGSTROM: Yes. It hasn't been voted on yet.

Mr. KANAGA: Could I just add at the end of that Resolution --

Speaker BERGSTROM: You want to amend it?

Mr. KANAGA: -- that it be provided within 7 days.

Speaker BERGSTROM: My chances are slim enough --

Mr. KANAGA: I just want the timeframe to be short for the letter to go to the Attorney General, that's all. So let's keep it short.

Speaker BERGSTROM: Leo made the original motion, so by parliamentary procedure; he would have to accept the amendment.

Ms. TAYLOR: Not Leo; Jim.

Speaker BERGSTROM: Oh, I'm sorry, Jim did.

Mr. KILLION: Yeah.

Mr. ANDERSON: He accepted it.

Speaker BERGSTROM: So now we have -- do we have a second on the accepted change?

Mr. CAKOUNES: Second.

Speaker BERGSTROM: Okay. So now it's on the floor with the addition. Are there any other comments on this?

Okay. All those in favor -- well, I guess -- all those in favor, say "Aye." "Opposed"? We're unanimous.

(Motion carried.)

Speaker BERGSTROM: Do we have any other business to be brought before the Assembly?

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: I have a list of six items that I would like you to consider to put on our Agenda -- if not the very next agenda, the one after that.

Out of the six items, and I'm going to read them into the record, some of them require very, very little action but I just feel that we need to respond, and some of them are going to require some deliberation.

The first one is Legal Services. I would like the Assembly to talk about hiring our own

counsel.

The second one; there was a lawsuit filed on September 14 in which the Assembly of Delegates is listed in it, and I believe we should respond to that. It is in reference to this expending money of the Cape Light Compact.

The third is we received a letter from a constituent about a crime-free lease. I believe we should at least put that on the Agenda and talk about it and put it to bed.

The fourth, there was an amendment to the Charter in regards to the recall. I think that needs to be put on the agenda. We need to address that.

Fifth, there was an amendment voted under the CLC members to the Intergovernmental Agreement. That change to the Intergovernmental Agreement was directed to the language of having to report an Annual Report to their members. I would like to have that opportunity to discuss not only the amendment to the Intergovernmental Agreement but to the legality of members being able to change this Agreement without express permission from the towns, the actual members.

And the sixth one is the Open Meeting Law complaint, which was filed against this Board dated 01/07/13.

Thank you.

Speaker BERGSTROM: Okay. I should say for the edification of some of the new members and also for them who have not been down there, my practice if you ask to put something on the agenda, it gets put on the agenda.

If it's totally out of whack or it's illegal or immoral, that's your issue. Okay. We don't -- at least I don't veto any amendments. Not to suggest that any of yours are, Leo, but I'm just saying.

Mr. CAKOUNES: Some of them are very quick.

Speaker BERGSTROM: If it turns out it's not within our purview or something like that, that's an issue we'll have to discuss after it's brought up. So, okay.

Is there any other business to be brought before the Assembly? No.

Deputy Speaker MARTIN: Motion to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. All in favor say, "Aye." "Opposed"

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:50 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates