Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, October 2nd meeting of the Cape Cod Regional Government, Assembly of Delegates.
I’ll call this 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.)
Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (79.63%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).
Absent (20.37%): Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Deborah McCutcheon (0.93% - Truro-arrived at 4:30 p.m.), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 79.63 percent of the Delegates present; 20.37 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you. I’ll now need a Motion to Approve the Calendar of Business.
Mr. OHMAN: So moved.
Mr. HITCHCOCK: Second.
Speaker BERGSTROM: Moved and seconded. All those in favor, say “Aye.”
(Motion carried.)
Speaker BERGSTROM: You should have a copy of the Journal of September 18th, 2013. Are there any additions or corrections to the Journal?
Ms. MCAULIFFE: Move the Approval of the Journal.
Mr. OHMAN: Second.
Speaker BERGSTROM: Moved and seconded. All those in favor say "Aye." ‘Opposed?’
(Motion carried.)
Commissioners are not here.

Communications, Presentation and Discussion with Cape Cod Commission

Speaker BERGSTROM: Presentation and discussion with Paul Niedzwiecki and Jessica Wielgus from the Cape Cod Commission regarding Proposed Ordinance 13-8, Amendment to the Cape Cod Commission’s Regulation, Chapter H, Section 1(b) and 4(b).
Mr. PAUL NIEDZWIECKI: Thank you, Mr. Speaker. There were some questions on the
Chapter H amendment that’s in front of you, so we appreciate the format to be able to present the issue to you and answer any questions.

Jessica Wielgus, Commission Counsel to my left, to her left Deputy Director Kristy Senatori was formerly the chief regulatory officer at the Commission. I’m going to let Kristy open it up a little bit.

MS. KRISTY SENATORI: Thank you. Good afternoon. Again, Kristy Senatori, Deputy Director with the Cape Cod Commission.

Before we get into what’s on your agenda today, I wanted to put Chapter H in a little bit of a broader context for you.

As you all know, we review specific developments that are parcel based that trigger DRI review thresholds.

And from 2002 to 2008, our Development of Regional Impact Reviews was taking approximately 350 days to get through the Commission review process.

So we, internally, decided we needed to do better. We needed to change some of our policies of how we handle some of these DRIs. And from 2008 to present it’s currently taking us just about 100 days to review Developments of Regional Impacts.

So we wanted to provide more transparency, more an open process and provide a faster way to review some of these Developments of Regional Impact and we’ve done that.

We also provided a lot more regulatory flexibility with the 2009 Regional Policy Plan. The growth policy in the Regional Policy Plan is really to guide development to areas that are adequately supported by infrastructure and to protect those areas that are in need of protection for a variety of reasons, whether ecological, historical, or other reasons.

With the 2009 Regional Policy Plan, we instituted the Land Use Vision Map Process. And so that’s a process where towns identify on their own areas that they believe have appropriate infrastructure and are adequately supported for additional growth. And then also areas that need to be protected.

So this is a process, as you know, that is originated from the towns. The towns develop these maps. They go through the Commission for approval and they’re voted by you, the Assembly of Delegates, for adoption and incorporation into the Regional Policy Plan.

The Land Use Vision Map process is tied to the Regional Policy Plan in that there are about 20 Minimum Performance Standards and Best Development Practices in the Regional Policy Plan that provide incentives for developments to locate in the right place.

So the goal for that is really to allow those towns to guide development where it’s appropriate and to protect areas where development wouldn’t be appropriate.

To date, we only have eight and a half towns that have Land Use Vision Maps. So it has been a process. It’s been somewhat difficult to get all the towns to participate in this process.

Also in 2009, we have our Development Agreement Regulations that we expanded upon, and we saw that there were going to be a lot of developments coming down that were phase developments/larger developments. And so we knew we needed a mechanism in place to accommodate the review of these phased projects.

So we revised the regulations to provide some more flexibility. We knew that these projects would be providing a greater public benefit and we needed a better process then the typical DRI process.

We did successfully negotiate two large development agreements over the last couple of years, and we have a third that’s coming in very soon that will actually be a three-party development agreement. So we’re looking forward to working with the town and the private developer on this.

It’s not a surprise that when you look around the Cape you see a lot of 9,999 square foot buildings. It’s no surprise that’s our commercial DRI threshold.

And so what we also did in 2009 is we passed Chapter H. And the goal for that is really to provide the towns with more -- a greater ability to decide where they wanted development. So towns
can increase or decrease their own DRI thresholds.

For example, industrial buildings and industrial and service trade areas could go up to 40,000 square feet rather than 10,000 square feet. Mixed used developments and economic centers could be 60,000 square feet and this is all without Cape Cod Commission review.

The town is the applicant in these cases, and, to date, we don’t have any completed Chapter H applications.

So we actually had two projects come before the Cape Cod Commission last year; Hydroid in Bourne and Teledyne Benthos in Falmouth, both of which were proposing right around 40,000 square-foot buildings. These were -- neither area was covered by a Land Use Vision Map and neither town proposed any type of Chapter H application in these areas.

These were excellent economic development projects. I think that the numbers that we have are that Hydroid is proposing 71 new jobs, and their estimated average wage as of 2016 was over $92,000.00 a year. Teledyne Benthos is adding 140 new jobs with their estimated annual average wage of about $60,000.00. So excellent for economic development.

So the purpose is really to provide economic development incentives and to attract better businesses to the Cape. So the amendment that you have before you allows the Commission to raise thresholds, not lower thresholds where it’s appropriate and it doesn’t take any authority away from the towns, it just adds this, the ability, to the Commission.

So the process just to give you a quick synopsis of it is that the Commission would impanel a subcommittee and then the Commission would vote as a full body and we must find that that municipal threshold or that that threshold is consistent with the Cape Cod Commission Act with the purposes and the function of Chapter H and also with the goals of the Regional Policy Plan.

It’s our thought that the towns could handle the permitting at the local level in any of these areas, and that there’s also always the ability for a discretionary referral. The towns can always send a specific project to the Commission if they feel that they would prefer that additional review.

So I just wanted to put it in a larger context for you. But if you do have specific questions, we’d be happy to answer those. I don’t know if you guys have anything to add to that?


Forwarded on to me were some questions that were raised by Leo Caloune who couldn’t be there today, but I wanted to answer his questions for the benefit of the group.

I think Teresa Martin and I reviewed these questions at the underlying subcommittee. But so you can all benefit from the answers. He says that Section 4A requires two boards need an affirmative vote to revise thresholds. And he was interested to know why the Commission would not get the vote by either town board.

And the answer to that question is, like Kristy said, where the towns are unable to raise thresholds in a particular area, the point of this particular revision is to free the towns from that inability, to take those votes, and to put it forward. That was an instance I believe was in the Teledyne Benthos example...as well as the Bourne example. So that’s the answer to that question.

The second question was furthermore and along the same lines the proposed language states that the Commission only needs to meet the standards in Section 6(a) (2-4). And that was the same question that we dealt with at the underlying subcommittee meeting.

And the reason that we only referenced those particular standards is when you do look at 2 to 4 as a matter of drafting 2 to 4 encompasses the purposes and the language that’s omitted. The ones that are omitted apply to capital infrastructure.

And when you look at the function and purpose of the regulations, which is something that needs to be complied with and is under Section 2, the further purpose of the regulations is to help implement a regulatory approach at the regional level to guide growth toward and adequately supported by
infrastructure and away from areas that must be protected for ecological, historical, and other reasons. And because it’s encompassed in that section, we felt it redundant to say it again, to say it twice.

So, if there are any other questions, we’d be happy to answer those, but I wanted to answer the two that were raised to me.

Speaker BERGSTROM: Pat.

Mr. PRINCI: It may not be equipped to deal with a certain project, rather then -- you’re still available as a resource through the town? They don’t have to refer to you so to speak for you to get involved and assist? They could use you as a resource as they go through at their own level permitting?

MS. JESSICA WIELGUS: Absolutely. Do you want to say more about that?

Mr. PAUL NIEDZWIECKI: That’s a great point. To the extent that we raise thresholds and the town wanted to go through the local permitting process and they didn’t want to officially refer it to be measured against the Regional Policy Plan but they wanted technical assistance from us, we would stand ready to offer that assistance.

Speaker BERGSTROM: Yes, Teresa.

Deputy Speaker MARTIN: I have to stress since you’re talking about history. In the two examples that sort of (Inaudible), what happens if Chapter H didn’t happen? What happens instead?

How does the process work now?

Mr. PAUL NIEDZWIECKI: We put both of those projects through in 30 days but it was quite a feat. And it was sort of unnecessary, and even though we were telling them up front, “We’ll get you through as quickly as possible.” I think they understandably showed some reluctance to want to engage with the Commission at all. So, in both of those instances, we got them through in 30 days.

Deputy Speaker MARTIN: So with these changes, how would that have functioned differently?

Mr. PAUL NIEDZWIECKI: In these changes that the Commission on our own initiative, in both cases, they’re industrial service and trade areas. If we had lifted thresholds on our own, they never would have come here. They only would have gone through a local process. And for some of these expansions, it might not have been much more than site plan review.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: I have a few, just two or three questions. They were unable to raise their thresholds because they couldn’t get boards to agree because they didn’t have a Land Use Map. Why were they unable to get their -- to increase their thresholds in these areas?

Mr. PAUL NIEDZWIECKI: Different circumstances in different towns, and I’ll give you three examples that I think show some of the complications just giving way for towns to come on their own.

In one town, it was the inability to sort of close the loop on Land Use Vision Map. In another town, they never even tried to come through with a local vision map and it’s not negligent in any way. This is a town that does some fantastic planning and has a good local planning. It has changed their zoning in accordance with local planning over the last 10 years. They just didn’t think that they needed it.

And in a third town, there was -- we were very close to having a Land Use Vision Map and being able to do it. And then there was a last-minute disagreement between the Planning Board and Board of Selectmen and the process stopped there.

Ms. MCAULIFFE: And this is a comment. I’m sort of concerned if you get into a situation where two boards in town don’t agree and that’s why they’re not coming forward, then would it be the Cape Cod Commission’s right then to step in even over the objection of let’s say Board of Selectmen or a Planning Board?

Mr. PAUL NIEDZWIECKI: Well, I think that’s a great question because, in particular, the dispute was about the boundaries on some of the Land Use Vision Maps. So the Commission would have been able to come in and raise thresholds in that area where there was agreement. And I don’t
think there would have been any disagreement by either board and projects would have been able to happen without Commission review.

So those are the kind of jurisdictional boundaries. Even if we did raise thresholds on our own though, either of those boards in question that were in conflict have the ability to discretionarily refer a project that they want to see come in.

So, in no way does it take any of the protections of the Cape Cod Commission Act away from the town because there are a number of boards in all of the towns that can refer projects as discretionary referrals.

Ms. MCAULIFFE: Okay. So you still have the referral process?
Mr. PAUL NIEDZWIECKI: Yes.
Ms. MCAULIFFE: Two more questions. One was these are only within municipalities then? I think the changes read “region” and to me that’s an area not necessarily within each town.
So, would you, the Cape Cod Commission, see this as a threshold then -- a threshold raising mechanism only within a town and not necessarily bordering on two or three towns?
Mr. PAUL NIEDZWIECKI: No. I wouldn’t read it that way.
Ms. MCAULIFFE: So you would have the ability then to raise thresholds in an area common to more than one town?
Mr. PAUL NIEDZWIECKI: Yes.
Ms. MCAULIFFE: Okay. And then my last question. The thing I’m uncomfortable with, and I don’t know enough about the Cape Cod Commission Act even though I know some, is because you’re regulatory and because you have the authority to approve, it makes me a little nervous that you nominate something that then you have to sit in judgment on and approve.
Are there other things that work like that in the Act? Other things where you actually nominate something and then you put on your other hat and then you sit down and say, “Okay, we approve it”?
Mr. PAUL NIEDZWIECKI: Yes. DCPCs can work the same way, but as far as the nomination and the designation and they wind up over at the Assembly for implementation.
Ms. MCAULIFFE: But there’s no Assembly in this. This is just Cape Cod Commission nominates it. If the subcommittee approves it, it goes to the full Commission and then its thresholds are raised?
Mr. PAUL NIEDZWIECKI: Yes, in a town. And if the town has a problem and they don’t like it, then they can appeal that through the Chapter H process. They appeal it to the Assembly of Delegates.
Ms. MCAULIFFE: Okay. So that’s where the Assembly would come in?
Mr. PAUL NIEDZWIECKI: Yes.
Ms. MCAULIFFE: Thank you.
Speaker BERGSTROM: Paul, I’ve only got one comment from my constituents and it was from a woman who was concerned that this would open the door to further development. She’s actually a supporter of the Commission. She just heard briefly through the grapevine, this is the usual misinformation.
But what I understand in this is that if a town -- let’s say I have a project, 50,000 square feet or whatever and it’s going to create jobs and it’s a good economic engine for the community, but I have to go through this mandatory process right now failing an application from a town to be, you know, get out of it and everybody’s behind it.
Rather than go through the process, they can simply raise the thresholds. So the question is when can you raise the thresholds with something right in front of you?
Mr. PAUL NIEDZWIECKI: No. I mean the regulations require more so to consideration by that, and it has to be -- there’s an internal consistency review that will happen.
Speaker BERGSTROM: Yes.
Mr. PAUL NIEDZWIECKI: So, even in some of the six points that towns have to go through in order to get Chapter H approved, like one of them is for capital planning.

The Commission’s not in a position to do any capital planning because we don’t appropriate, we don’t build any so that’s all -- so the ability to lift thresholds in that way is somehow self-governing in that we can only do it where there already exists adequate infrastructure where a town already has a plan.

Speaker BERGSTROM: Well, what I’m trying to get at is that you don’t, in other words, let’s say in usual planning, you don’t plan for a specific project.
Mr. PAUL NIEDZWIECKI: No.

Speaker BERGSTROM: You put in rules and then the projects come forward but you can actually plan for a specific project. A specific project comes before you that can start the process of raising the thresholds when it comes before the town so to say.

Mr. PAUL NIEDZWIECKI: Yes, once it comes before the town the way that that works, if it trips a mandatory threshold, it triggers Commission review automatically and the local review’s suspended.

At the point that it’s in Commission review, it would not be eligible for raised thresholds for specific projects and it’s not how we anticipate --

Speaker BERGSTROM: So would this be done on an area by area basis?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: So it would be areas that they designate, let’s say Sandwich designated an area for industrial or for commercial, it would be rather than refer to specific projects, it would say this area is --

Mr. PAUL NIEDZWIECKI: Yes, and it more than likely, the areas where we’d like to use it, are areas where there’s already been some significant planning work done.

South Yarmouth, Route 28 corridor is one that has a couple of areas and nodes that are pretty big where it might be appropriate. Falmouth Industrial Park might be appropriate. Some of the Bourne Industrial Parks might be appropriate. Mashpee as well. In Sandwich, there are a couple of interesting areas where we might be able to use this.

Once we get further down Cape, there doesn’t seem to be the need. And to the extent that there is -- that this would happen, there would be public hearings, we would take testimony, and there would be an avenue for the towns to put forward their opinion and then appeal any decision by the Commission. And we have to keep in mind this is just a raised threshold.

Speaker BERGSTROM: Right.

Mr. PAUL NIEDZWIECKI: So any particular project that would go into an area where we did raise thresholds could be referred to us and reviewed just as if they had tripped a mandatory threshold by any number of local town boards under the Cape Cod Commission Act.

Speaker BERGSTROM: And so even though you’re offering these areas relief from the restrictions, I mean the mandatory review, you say that any board in the town, Planning Board, Board of Selectmen, could ask for a discretionary referral to the --

Mr. PAUL NIEDZWIECKI: A number of boards.

Speaker BERGSTROM: Okay.

Mr. PAUL NIEDZWIECKI: A number of boards would have the ability to do that.

Speaker BERGSTROM: Well, if there’s a big dispute in the town you’re not going to be in the position of telling them one way or another what they’re going to do because the aggrieved party can turn around and say you never reviewed anyway.

Mr. PAUL NIEDZWIECKI: Yes.
Speaker BERGSTROM: Okay. Thank you.

Mr. PAUL NIEDZWIECKI: Now this is -- I mean if I were to put this in context, this is really about allowing the Commission to get out of its own way.

Speaker BERGSTROM: That’s what I see, yes. All right. Cheryl.

Ms. ANDREWS: Just a quick comment, Mr. Speaker. You actually summed up where my brain was going but from the opposite --

Speaker BERGSTROM: You mean your brain and my brain are in the same direction?

Ms. ANDREWS: Sort of, kind of, but not really in the sense that you laid out the scenario of how it would work.

Speaker BERGSTROM: Yes.

Ms. ANDREWS: I’m looking at it from, of course, the reverse scenario which is that one of the reasons why a lot of people supported the Cape Cod Commission was for exactly the reason that they don’t want to be on the board that does the discretionary referral.

In my town, they’d hang you; do you know what I mean? You don’t want to get in the middle of that kind of a war. The town is too small. We’ve had a couple of wars out my way and what people like about the Commission is, guess what, they get to stay out of it. They get to let the Commission be the bad guy and just do the work.

What you’re doing is as more and more of these types of changes to the regulations happen, you’re starting to take pieces of the Cape out of it and saying you don’t have to in essence be part of this grand scheme. You’re special. And then say well, it’s okay, because somebody could make a referral.

And I guess I’m just looking at it from what I’ve experienced at my end of the Cape and everyone experiencing it as well but you’ll do it later, which is we’re only growing more and more and more.

So the uses and the land uses on what people want to do are only getting more intense. The fighting is only increasing. It’s not getting better.

So from my perspective, I kind of sympathize with this person that said they were a big Cape Cod Commission supporter and they’re concerned about making it easier for towns to change the thresholds, and I think that’s a legitimate comment. So I just wanted to bring up that issue of discretionary referral. It sounds good until you’re on the board that’s debating it.

Mr. PAUL NIEDZWIECKI: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. PAUL NIEDZWIECKI: I do want to go back 21 years. If you read through the Cape Cod Commission Act and the enabling legislation and everything that surrounds it, it was anticipated that the thresholds in the original Cape Cod Commission Act would change. They have not.

And what its cost us is the ability to have better year-round jobs in places where we already have enough infrastructure to accommodate it.

There is a big difference between the kind of business you can recruit at 10,000 square feet and the kind of business you can recruit at 40,000 square feet. And I don’t think anyone anticipates raising thresholds, and I think there are adequate safeguards in place if towns decide that they would rather have the mandatory triggers in.

There’s also a process within Chapter H if a town were that concerned where they could lower thresholds. And there have been other towns that have discussed potentially lowering thresholds for Commission review on traffic corridors because they have a lot of curb cuts and Dunkin’ Donuts and CVSs that puts a lot of pressure on their local planning staff.

So that is already available to towns. Under Chapter H it’s already been passed. All we’re trying to do here is get out of our way and try to promote a better year-round economy for the Cape where we have adequate infrastructure to do that.

Speaker BERGSTROM: Well, I’ve just -- I’ve been involved in this debate for probably 20
years, and it begins with this smart growth concepts that grew up -- grew up decades ago. The idea of the Commission as being anti-growth is kind of a falsehood. The whole purpose of zoning and also the Commission is to channel growth into areas that are appropriate so that the other areas don’t experience too much.

My town of Chatham is loaded with nonconforming uses and the people love those nonconforming uses. They think they can do almost anything.

So you could have industrial and commercial developments spread all over the town without the kind of vision maps that are promoted by the Commission and the towns hopefully will support.

So I mean if a town, a large town like Barnstable or Sandwich or Bourne has an area they want to put aside for industrial growth, they should have the right to do that. It channels the growth areas I think are appropriate. If they want to put up wind turbines, it’s going to be a mess.

But I see, you know, I see this as a way of taking some of the pressure off the towns that are concerned that the Commission is somehow an obstacle to our economic growth when in reality I think we could work -- the towns can work together with the Commission to see that they protect the -- they protect the ambience of the Cape and also provide good jobs and industrial growth.

So, anyway, have we exhausted this? Obviously not. Jim.

Mr. KILLION: Thank you, Mr. Speaker. First of all, I want to thank you for coming in. I think this is really helpful to all of us. Wish we could have done this a couple weeks ago.

So this sounds like it’s going to be more of a proactive approach and not specific to any project that would come in to any town?

Mr. PAUL NIEDZWIECKI: No.

Mr. KILLION: Okay. Thank you.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Yes, and my follow up to that is since once a project is identified and triggers review, I hope that the Commission will -- I was waiting to make sure that planners and the powers that be in every town can understand that there is a way around going through the onerous job of raising your own thresholds or putting some desire of business through the Cape Cod Commission administrative review and just make sure that everybody’s well-versed on the fact that if you get a whiff that there’s something going on to make sure that they, you know, they don’t identify it before they talk to you and try to get thresholds raised.

Because, you know, Yarmouth has for years chaffed against the thresholds. And so I, personally and as a resident of Yarmouth, am very happy that this is something that is making things easier. I just hope that everybody else will know that too. Just because it happens here, doesn’t mean that everyone knows about.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. MCAULIFFE: Thank you.

Speaker BERGSTROM: Okay. I guess we’ll go for a vote -- oh, no, we’re not voting on this.

We’re still -- all right, well, thanks.

Mr. PAUL NIEDZWIECKI: Thanks.

Speaker BERGSTROM: Hang around and see how it works out.

So Communications from Public Officials? Hearing none.

Communications from Members of the Public?

Assembly Convenes

Speaker BERGSTROM: Okay. We’re a silent group. I will now convene the Assembly, and we will begin with Proposed Ordinance 13-08, Amendments of Cape Cod Commission Regulations Chapter
H, Section 1(b) and 4(b), Municipal Revisions to Development of Regional Impact thresholds.

I introduced this last week -- last meeting. I gave you the report from the Government Regulations Committee, so I guess we can start with any questions on the Delegates.

Yes, Suzanne.

Proposed Ordinance 13-08: Amendment to Cape Cod Commission Regulations Chapter H Section 1 (b) & 4(b) Municipal revisions to Development of Regional Impact Thresholds.

Ms. MCAULIFFE: I would like to move Proposed Ordinance 13-08.

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Moved and seconded. Okay. Any further debate? Hearing none -- oops, we’ve got a debater.

Ms. ANDREWS: I just one comment maybe looking forward into future issues that come a course. I’m just going to point out again in one of the reports it says this amendment was unanimously passed by the Cape Cod Commission. I have to say that’s not enough information for me. I’d really like to know the day it was passed. If I have to go back and look at the Minutes and see who voted on it, so be it.

But I don’t know which town voted for it, which town was there. I don’t know the date so it’s just a little awkward. And I hope that if the subcommittees do meet on some of these things in the future we keep asking for that information.

Thanks.

Speaker BERGSTROM: Okay. If there’s no further comment, we will take a vote on this.

Roll Call Vote on Proposed Ordinance 13-08: Amendment to Cape Cod Commission Regulations Chapter H Section 1 (b) & 4(b) Municipal revisions to Development of Regional Impact Thresholds.

Voting YES (77.00%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), James Kil lion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (2.63%): Cheryl Andrews (1.36% - Provincetown), Ned Hitchcock (1.27% - Wellfleet),

Voting PRESENT (9.39%): Deborah McCutcheon (0.93% - Truro),

Absent (19.44%): Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Anthony Scalese (4.55% - Brewster).

Clerk O’CONNELL: Mr. Speaker, Proposed Ordinance 13-08 passes with 77.00 percent of the Delegates voting “yes”; 2.63 percent voting “no”; 9.39 percent absent voting “present”, 19.44 percent absent and will become known as Barnstable County Ordinance 13-06.

Proposed Ordinance 13-08: Amendment to Cape Cod Commission Regulations Chapter H Section 1 (b) & 4(b) Municipal revisions to Development of Regional Impact Thresholds.

Speaker BERGSTROM: Okay. Thank you. We now have the report from -- well, I guess we don’t have a report from the Finance Committee because they didn’t meet on this, but I’m going to turn to John because this is a routine regularly occurring request which the Finance Committee has suggested that they don’t have to really look at every year in the past. It’s the AmeriCorps.

Mr. OHMAN: Yes, no, I understand. In full disclosure, I sit on the advisory board for the
AmeriCorps. I’m a big fan of theirs. I’m fine.

Speaker BERGSTROM: Well I know that --

Mr. OHMAN: With not having to do --

Speaker BERGSTROM: With not having to do, all right. So do you support this or what do you think?

Mr. OHMAN: I do support this.

Speaker BERGSTROM: And then, therefore.

Proposed Resolution 13-04: To approve budget transfers for FY 2014 (RDO-Americorps)

Mr. OHMAN: I would recommend that we vote favorably on Proposed Resolution 13-04 to approve the budget transfer of FY 2014 for the RDO (AmeriCorps).

Speaker BERGSTROM: And do we have a second?

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Now Janice, the Clerk, sent you a memo on this so you should be all understandable. This happens every year. It goes on and it’s a good organization, and, hopefully, it will be funded at the federal level because there are some questions for whether or not that’s going to be included.

Anyway, are there any further questions on this? Hearing none.

Roll Call Vote on Proposed Resolution 13-04: To approve budget transfers for FY 2014 (RDO-Americorps).

Voting YES (80.56%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), 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), Julia Taylor (14.61% - Falmouth).

Absent (19.44%): Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Anthony Scalese (4.55% - Brewster)

Clerk O’CONNELL: Mr. Speaker, Proposed Resolution 13-04 passes with 80.56 percent of the Delegates voting “yes”; 19.44 percent absent and will become known as Resolution13-04.

Proposed Resolution 13-04: To approve budget transfers for FY 2014 (RDO-Americorps)

Speaker BERGSTROM: Okay. We now have a report from the Clerk.

Report from the Clerk

Clerk O’CONNELL: Just a reminder on a couple of items. One - I believe I sent everyone an email regarding an upcoming annual conference in January. I’d appreciate if you could get back to me sooner versus later on your decision regarding that.

And also the next meeting of the Assembly on October 16 it will be preceded by a Public Hearing for two Proposed Ordinances 13-10 and 13-11. That will be with Finance and they will begin at 2:45. Notices will follow.

And that’s it for today.

Ms. ANDREWS: When did that email go out about the conference? I think I missed that.
Clerk O’CONNELL: It was either Friday or Monday. I’m not sure which.
Ms. ANDREWS: I’ll go back and look.

Other Business

Speaker BERGSTROM: Okay. Is there any other business to be brought before the board? Yes, Suzanne.
Ms. MCAULIFFE: Just I find it tremendously helpful to have the people who are being present to answer questions and the ability to ask questions.
Even though I know the tradition is that, for instance, the DCPC went into a subcommittee and the subcommittee was satisfied and recommended to the full Assembly.
It’s just sometimes there are questions that come up or there’s perspectives or points of view that someone on the subcommittee might not have, and I would like to either ask this committee or this group to consider having presentations or people available when there are big things like DCPCs or, if not, if you prefer, I can bring forth a resolution that would sort of institutionalized that.
But I don’t want to step on toes, but I just think that it’s very helpful for everybody to get a chance to, you know, it makes more time for everybody and it’s boring to redo presentations but it really is I think a more thorough way to do things.
Speaker BERGSTROM: Teresa.
Deputy Speaker MARTIN: I actually agree with you, Suzanne. It feels like the subcommittee process on some of these cases doesn’t really serve the purpose that it should. And either you hear everything twice or you feel like you don’t have a chance to hear anything.
So I think it’s a really good point, and I don’t know the best way to handle it. But I think it’s something to make us work more effectively we should be looking at.
Speaker BERGSTROM: Pat.
Mr. PRINCI: I would agree. It would also save time all around as well because we wouldn’t have to continue things if members aren’t satisfied.
Oftentimes I’ll end up, despite what the committees, the subcommittees, are doing; I’ll end up calling certain agencies and asking questions. But my questions aren’t going to be the same as maybe your questions. So I learn from other peoples’ questions as well in these types of matters.
Thank you.
Speaker BERGSTROM: Okay. I have something to bring up before the Assembly since we have time something that’s been on my mind. You know, we haven’t been very proactive in dealing with issues on the Cape. We pretty much too often take what comes to us.
But in discussions I’ve had with some people I know from Cape Cod Health Care and also others around involved in the drug abuse problem on Cape Cod.
So I don’t know if you’ve been following the papers, but it’s starting to come to the public attention that there’s a serious problem on the Cape with drug abuse, prescription drugs, overdoses.
Cape Cod Hospital is in the red for millions of dollars. They say their beds are filled at night. It’s something we don’t like to look at, and maybe you guys don’t want to look at it either.
And I know I talked to Beth Albert and she has something in the pipeline to look at this. I know that the Sheriff’s Department, Jeff Perry, has been around talking about their approach to it. I know that there are many human service agencies around the Cape that are dealing with it.
I just think that at some point between now and then maybe when we put up the budget process, we might want to look as a body at trying to get a Cape-wide approach to dealing with this problem because it can no longer be ignored. I mean people are dying.
Pat.
Mr. PRINCI: Part of my objections to the last budget process to the Human Service Department was that I didn’t really see that they were moving along those fronts, which is a huge County problem down here. Hopefully, maybe we could get them to come in and give us a presentation in the future and give us some info as to what they’re planning on doing. And then if it doesn’t satisfy us, we can work that out as well.

Speaker BERGSTROM: Well, I think they are working on something, and I think that we’ll, hopefully in concert with law enforcement, the Sheriff’s agencies, and the human service providers. But we will ask Beth to come before us and the human services department and see what we can do because it’s an issue.

Anyway, is there anything else? Yes, Deborah.

Ms. MCCUTCHEON: My apologies for being late. But I’d like to go back to the issue that Suzanne raised because I don’t think we kind of resolved it at all. And I’d like to suggest maybe we need a resolution or an ordinance or something because I think it would be supported, but I think we should have a rule that we permit that kind of inquiry.

Then I would speak to the second issue I think we talked about, which is this, why don’t we ask the human services person or Albert or several others to come and make a presentation to us about what they’re doing so that we can then figure out whether there’s something we could do that could be either helpful or organizationally productive or whatever.

Speaker BERGSTROM: Okay. Well, I agree with you. Of course we can’t really come up with any solutions on the first question here because we’re under other business.

But if anybody wants to propose a resolution or ordinance or we can come up with one ourselves that would require a full presentation by various departments we can do that.

Yes, Cheryl.

Ms. ANDREWS: I’m wondering if the answer to that is to simply say for certain types of items that we exempt them from the subcommittee process. It seems to me that’s the easiest way.

Speaker BERGSTROM: Well some have to have public hearings. Required.

Ms. ANDREWS: Well, maybe we could have them. I’m simply saying I think we’ve been talking an awful lot about efficiency this year in terms of the Assembly. And if you look at what’s happened in some of the subcommittee levels, there’s the question.

It solves two problems at once. So it’s just one -- a different way of looking at the problem that I think might work particularly for a DCPC.

Speaker BERGSTROM: All right. Well, there’s only one other business to be brought before the Assembly.

Deputy Speaker MARTIN: Motion to Adjourn.

Speaker BERGSTROM: Do I hear a second?

Okay. All those in favor, say “Aye.” “Opposed?”

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:40 p.m.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates