

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – October 3, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, October 3 session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to 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.)

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

The Clerk will call the roll.

**Roll Call (80.36%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster).**

**Absent (19.64%): Christopher Kanaga (2.73% Orleans – arrived at 4:05 p.m.), Teresa Martin (2.30% - Eastham – arrived at 4:05 p.m.), Julia Taylor (14.61% - Falmouth – arrived at 4:05 p.m.).**

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 80.36 percent of the Delegate's present and 14.61 percent absent.

**Committee of the Whole**

Speaker BERGSTROM: Thank you.

Now, moving on, we'll need approval of today's Calendar of Business.

Deputy Speaker ANDERSON: Motion to Approve the Calendar of Business.

Ms. KING: Second.

Speaker BERGSTROM: No additions or corrections to the Calendar, I will take a vote. All those in favor of approval, say "aye." Opposed? (Motion carries).

You should have received a copy of the Journal of September 19th. Are there any additions or corrections to the Journal?

Ms. MCCUTCHEON: I have two corrections.

Speaker BERGSTROM: Okay. With those corrections, I'll take a motion. All those in favor, say "aye". Opposed? One abstention. (Motion carries - Journal of 9/19/12 corrected).

Speaker BERGSTROM: The Board of Regional Commissioners are not going to grace us with their presence today. Apparently they're all tied up or something.

Mr. CAKOUNES: Fundraising.

Speaker BERGSTROM: So I will move on to Communications from Public Officials.

So, any Public Officials that would like to address the Assembly? Hearing none.

Are there any Members of the Public who would like to -- I see a Member of the Public.  
Would you like to come up to the microphone and identify yourself?

Communications from the Public

Ms. SUZANNE MCAULIFFE: Good afternoon. My name is Suzanne McAuliffe; I'm a resident of Yarmouth.

I see on your agenda that you're going to be discussing the Agricultural Research business again today. I was here for the original presentation.

There were issues before Yarmouth on this particular piece of property that I just wanted to put before you. I'm not here to advocate for a position one way or another. They're just issues that Yarmouth has dealt with with this business that I think might be helpful in your deliberations.

First and foremost, as you're aware or may or may not be aware, this business is currently in court trying to get a decision on whether Yarmouth abutters are permitted to speak on a wind tower.

It's not an issue of whether a wind tower is a good thing or a bad thing. The issue before the court is whether Yarmouth abutters have the right to weigh in or to give testimony on a wind tower that's closer to some Yarmouth residential property than Dennis residential property.

So there is litigation; Dennis is involved in it. Yarmouth was not given standing before the court, but that still is an issue that I think everyone needs to be aware of. Yarmouth has not taken a position on the wind tower. They took a position on allowing their residents to be able to have a hearing or a say on the wind tower.

The second issue is the wind tower. I think there are a lot of citizens in Yarmouth who have concerns about a wind tower. It was represented to Yarmouth that the Agriculture Research business is such a high-energy business and it is so difficult to do business without something like a wind tower to help them keep their expenses down, their energy expenses down, that Yarmouth was given the understanding that this business would not do very well or be successful without a wind tower.

So that, I think, would be a major concern for Yarmouth is your position going forward if, in fact, you do do business with the Agricultural Research.

And this also goes to the business plan which was brought up the last time. The business plan, I think, has been unsuccessful, and that's why they have been reaching for whether it's a wind tower or some help from the County to help them with a successful business plan.

The merits of this project are obviously very worthwhile, but I think you need to look very closely at a business that has not been successful, has huge capital needs. If you've not toured the property, you need to go over. There are huge capital needs.

And even if you are going to do a lease with that business, Yarmouth has had experience with vendors who have come in and signed contracts and have not been able to live up to their contracts and we've ended up in court with them. So just keep your eyes open on that particular business.

And I believe the business roundtable has toured the property, so that might be another source for you in terms of your consideration.

Thank you.

Speaker BERGSTROM: Is there any other communications from Members of the Public?  
Hearing none.

Assembly Convenes

Report of Committees

The Assembly will now convene, and we will begin with the Committee Report from Finance. John.

Mr. OHMAN: Thank you, Mr. Speaker. On September 19, 2012, the Finance Committee held a hearing on Proposed Resolution 12-04, a transfer of \$50,500 from within the IT Department. It was a fairly lengthy conversation with John Morse.

He basically stated that the workload that he's got is too much for him to complete other projects, especially with the newly formed relationship with the Town of Wellfleet, and he wanted to hire somebody with a total benefits package being \$50,500.

We had a very lengthy discussion with John and there were merits to what he was saying, but, in the end, I think the Committee voted 1 to 4 against this proposal, against sending it to a favorable recommendation because it was subverting the budget process, and we felt we were difficult -- we had a very difficult time believing that they couldn't have put this in the budget process and let the whole process go forward in a correct manner.

So within that structure, we ask you to defeat Proposed Resolution 12-04 at this time.

Proposed Resolution 12:04: To approve certain budget transfers for fiscal year 2013 in accordance with Barnstable County Ordinance 12-04.

Speaker BERGSTROM: Thank you. I'm going to need a motion to put this on the floor so we can discuss it.

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. OHMAN: I move that we put Proposed Resolution 12-04 on the floor for a vote.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's moved and seconded.

John, if I remember the original proposal that was put before us, he said that this was in lieu of some grant money that they had. In other words, he said they had some grant money; they weren't going to use the grant -- not the grant money but the money for contractors, and they were going to switch that money to a permanent position. Did he bring that up at all?

Mr. OHMAN: I don't recall it being presented that way. I thought he thought that having a -- spending money with grant funds would be less judicious than spending it on an employee because of the nature of \$100 an hour or more, you know, a thousand dollars or more a day that it would cost to being a temp in to do some of this work, and they really felt that with their staffing, it would be better used having a regular person rather than taking away their talented staff to do this work.

Speaker BERGSTROM: Okay. So there was no actual money in the budget -- this wasn't a switch -- a transfer of any kind?

Mr. OHMAN: Actually, I think it was a transfer.

Speaker BERGSTROM: It was a transfer.

Mr. OHMAN: It was a transfer from --

Ms. KING: Consultants Salary.

Mr. OHMAN: Yeah, it was from Consultants Salary.

Speaker BERGSTROM: Okay. Any comment on this? Anybody have any -- yeah, Leo.

Mr. CAKOUNES: Mr. Speaker could you, for my own purposes, could you clarify what the motion was because are we -- was the motion just to put it on the floor for discussion or is the motion to pass it?

Speaker BERGSTROM: Well, technically, you need a motion -- you should have a motion to approve. So at some point, somebody's going to have to commit themselves. And a Motion to Approve doesn't necessarily mean you're going to vote for it. So I just want to get it on the floor.

Mr. CAKOUNES: Thank you. I'm flipping through some pages here because I had some notes on this actually in this year's budget just to clarify things, but I'm trying to find the actual wording of it.

We actually increased their line item for purchasing professional services by I think it was over \$100,000. And in my notes when we were going through the budget program, I did have written in there that at some point we should look at a new hire, but we agreed and voted the budget with that additional money in that line item.

What's culminating now is they want to take that money out of that Contracted Purchase Service line item and actually create a new higher.

I didn't really particularly feel comfortable in that's the way we should be doing business. So I voted against it.

I did have kind of a question, and I thought I had asked it at the Subcommittee Hearing, but at some point the gentleman stated that he is unable to hire a temp without a current job description or job vacancy. And I guess I'm just going ask, because I'm not in the business world; I just ask you guys that may be in the business world is that, in fact, common practice? I know when I need somebody -- a temp to run a picking machine for the day, I make a few phone calls and somebody comes in. Can't businesses just hire extra help to do things without having specific job descriptions for them? And if no one knows the answer, that's fine too.

Speaker BERGSTROM: Your request is met with silence. Paul.

Mr. PILCHER: This is not in response to the question.

Speaker BERGSTROM: Okay.

Mr. PILCHER: This is another question. When the IT budget was presented, did it include, at that time, anticipated that they were going to be doing the work that they're doing in Wellfleet?

Ms. KING: No.

Mr. PILCHER: Because that contract was discussed and more or less negotiated well before the budget was finalized. I know that.

Speaker BERGSTROM: Well, we'll have to ask a Wellfleet Selectmen on that one. Maybe they would know. (Laughter.)

Mr. PILCHER: I can tell you that I do know that. My concern is that hearing what you reported is being is whether this is going to jeopardize the services that Wellfleet is getting, since we are receiving all of our IT services now from the County.

Speaker BERGSTROM: John.

Mr. OHMAN: As I recall, what Mr. Morse has been doing is using his staff hours, the present staff hours to complete that project. I guess it was in the budget -- it was in contract by July 1, 2012, but they had not hired anybody or tried to hire a temp to cover it. But now they were getting into a position where it was being very difficult for current staff to handle that.

Mr. PILCHER: If I may, I mean we were just told, as Board of Selectmen, that they would not need to hire any new people, that they could do it with their existing staff.

Mr. OHMAN: I wish you were there at the Budget Hearing.

Speaker BERGSTROM: Teresa.

Ms. MARTIN: I actually want to clarify that because there were two that came forth twice for new hires outside the budget process. And last time here we approved a person hired outside the budget process who was specifically addressed to Wellfleet. We were told they needed to hire a new person specifically for Wellfleet, and we approved that last time. So one outside of the budget new FTE slot has already been created.

The second slot was a general sense they just needed more help. And I, specifically, asked if the work being done with the money that the Commission has received for the e-permitting was part of what was driving that new need of more warm bodies and he said, "Yes."

So there, to me, are a lot of unanswered questions. And if we're looking at a core operating entity within the County, I'd like to think we're giving it a little more planning thought than on an ad hoc basis. We just kind of keep needing to add more people because we have more work that makes me feel really uncomfortable.

And, to me, the budget process gives people discipline to think about what, indeed, are we planning for in this department over a period of time.

And I don't support this because I think it doesn't address an underlying longer term planning question.

Speaker BERGSTROM: Okay. Cheryl and then --

Ms. ANDREWS: Just a quick comment to the Delegate from Harwich. Leo, I've had the pleasure of owning and operating a business for 25 years, and I was a Selectman for nine. I know a couple of us have served as Selectman.

And the difference between running a business privately versus government is astounding compared to what they are. I can't tell you exactly what the law is, and I certainly will never be an expert on County rules and regulations; you'd have to go to the computer.

But when it comes to procurement of services, in my experience as Selectman, I don't recall us ever doing that without some kind of -- there's got to be something in writing in terms of the number of hours, skill set of the person applying for that work, what's expected for it. I mean, it is onerous in the sense that it's not done the way we do it privately at all.

And of course a lot of it has to do with the level of money involved. It gets to a certain level of bidding and RFP's and all this stuff, although, I don't think that's relevant to this.

What I don't really understand though is what that has to do with this Resolution. That part threw me to hear your question about the job description.

Speaker BERGSTROM: Do you want to answer that quickly, and then I'll go the hands-up?

Mr. CAKOUNES: First of all, in answering it, I'm going to answer Wellfleet's Delegate's questions also.

This was presented to us. It has absolutely nothing to do with the Wellfleet situation. The Wellfleet situation was something we already voted. We transferred monies from another fund to that with anticipation of charging and making money back.

This was presented to us -- specifically, Line Item 5239, which is Professional and Technical Services, which by the way last year was \$86,000 and we increased it in the 2013 Budget to \$150,000 with anticipation of the IT Department having extra money in this line item to be able to purchase some help to come in and do either clerical work so that those technicians could be freed up to do more technical work.

This is the kind of stuff that was explained to me when I asked the question because not only did I ask it in the budget season, but I asked the same question the other day in our Subcommittee Meeting.

So when I asked, “Well, we gave you an extra \$60,000 or \$70,000 in fact to do that, why can’t you do it?” And the answer was, “Because we’re having a hard time without having a job description hiring temporary service.”

So, you know, I think it’s going to impact their abilities maybe; I’m not really sure, but, gain, you know, I think it should be brought forth as a new position and it should be vetted as a new position in our next budget season.

And I don’t feel as if the department is going to be completely held hostage because, in fact, they do have \$150,000 in that line item, and, hopefully, they’ll be able to work through this year and we won’t suffer in the technology department because of it.

Speaker BERGSTROM: Chris.

Mr. KANAGA: Yes, thank you. I just wanted to say that I feel that we get presented these budgets sometimes and there’s this pounding the table of there’s no new hires and so on and so forth.

But then we see in this particular case there’s a \$70,000 increase for Professional Services, and now they’re asking for a transfer to hire the full-time person, which should have been presented, in my opinion, in the budget and would’ve taken away the advertisement that there were no new hires and maybe that’s the reason it’s not in there. But, for me, to do it this way, the money was there. They did it another way; they’re looking for a transfer and it just doesn’t meet the smell test.

Speaker BERGSTROM: I have a different take on it. I mean I agree that it should have been done in the previous budget cycle.

But my understanding is that the IT Department is staffed by IT professionals and they’re paid accordingly. They need help beyond what they can do on a certain project. They can go outside using the extra -- is it 150, Leo?

Mr. CAKOUNES: One-fifty.

Speaker BERGSTROM: So they can say, hey, you know, we’ve got this project and boom they go outside. I think in listening to the discussion, I wasn’t at the Finance Committee Meeting, so you guys know more about it than I do, is their consideration was why are we hear answering the phone and making copies, you know, and doing all the admin stuff, when if we didn’t have to do that stuff, we would be able to cover some of this stuff that now we’re contracting out.

That’s my feeling is that they need an admin person. My wife’s an engineer. And when she gets finished with a document, it goes to somebody else, you know, and they copy it and they proofread it, and they send it to some other -- somebody to redesign it or whatever.

So that was my impression, and I think that they should -- I agree they should’ve realized that last year and said, hey, if we get an admin person, we can actually wind up spending less money because we’ll hire them for \$50,000. Meanwhile, we, the professionals, can do the work that we might have to contract out for 70,000.

That’s their argument. I’m not saying that I agree with it, but that’s their argument is that they need an admin person to answers the phone, make copies, you know, proofread the stuff and do that kind of stuff.

So, you know, I tend to think that if we don’t approve this, they’ll just muddle along as they are now. They have that reserve that they can tap into, but I think that they do need someone there who may not necessarily be a highly paid IT professional who can make the office run more efficiently and relieve them of some of the tasks that they have.

But whether we should do that now or whether we should wait until the next budget is out, I’m going to leave that up to the members. Anyway.

Yes, Spyro.

Mr. MITROKOSTAS: If I'm looking at this correctly, the Finance Committee reviewed this Resolution and is recommending that we do not approve it. If that weren't to be the case, they still have \$50,000 in their consultant budget; they can go out and hire a consultant.

We're not handicapping their ability to staff their office. We're just making sure that they don't bring in a full-time employee through this method, which will obviously reappear in next year's budget and continue from there on up.

So, I, respectfully, at this stage would accept the Finance Committee's recommendation and move to vote.

Speaker BERGSTROM: Well, somebody's going to have to make a motion here one way or another. It ain't going to be me.

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Okay.

Mr. OHMAN: I would like to recommend approval of Proposed Resolution 12-04 to the full Assembly.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Any further discussion on this now that it's on the floor?

You know, I don't know whether or not these things can reappear. We can go back to them and say, "Look, you know, despite --" I'm not anticipating what the vote will be, but at some point, we can say, "Look, we'll take \$60,000 away from your Consulting and we'll put it in a full-time position, and that way they'll be no harm done. And next year, you're only going to get 90,000.

But, anyway, that's outside of what we are now. So, is there any other discussion on the motion?

I guess we'll take a vote then.

**Roll Call Vote on Proposed Resolution 12-04: To approve certain budget transfers for fiscal year 2013 in accordance with Barnstable County Ordinance 12-04.**

**Voting YES (2.84%):** Ronald Bergstrom (2.84% - Chatham).

**Voting NO (97.16%):** Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), , Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Ms. O'CONNELL: Mr. Speaker, Proposed Resolution 12-04 fails to pass with 2.84 percent voting "Yes" and 97.16 percent of the Delegates voting "No".

Speaker BERGSTROM: Thank you. We now move on to Report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Thank you, Mr. Speaker. I want to remind the Delegates that I placed a form in their folder that needs to be signed and returned to me before you leave the

building tonight.

And I also want to let everyone know, if it's okay with everyone, that I'm probably going to schedule the holiday gathering at the same location that we used last year. And this year, it will be held on the last meeting in December, which would be December 19th. I will get back to you with regards to the cost within the next month.

And that's it.

Other Business:

Aquaculture Research Corporation (ARC)

Speaker BERGSTROM: Okay. Under "Other Business," I put this down. It's a little confusing. What I want -- what I really want -- these are big issues, and it turns out we do have some time, but I really want to know where the Assembly wants to go with some of the issues now that seem to have been put on the backburner by the Commissioners for one reason or another.

I know that I've gotten a lot of comment on them, and I know other Delegates have gotten some comment on them, and if we're going to be asked about them, we should at least have some process by which we deliberate over them.

So that's what I'm wondering. Where do we go forward with these?

Chris.

Mr. KANAGA: Just preliminarily, with the Finance Committee Meeting canceled -- did that have anything to do with the availability of Mark Zielinski?

Speaker BERGSTROM: Yes, he was sick. Well, I'll let Janice tell you that he was sick. He was not feeling well.

Why the Commissioners aren't here, I don't know. They all had various and sundry conflicts.

So, I guess the question I'm putting before the Delegates, do you want -- we've already looked at these issues, already had a report on them, now they're going forward at a glacial pace. Do we want to weigh in on them and take a position?

I know we've taken a position preliminarily in support of the ARC purchase. The Special Commission on County Governance we've talked about and we haven't --

Yeah, Leo.

Mr. CAKOUNES: Just for the record, we really did not take the position in support of the purchase. We took a position in support of our -- Bill Clark and the County Extension Service looking into it further.

Speaker BERGSTROM: Yeah, okay.

Mr. CAKOUNES: And investigating funding sources and possible grants. So we did not say wholeheartedly that we're absolutely 100 percent in favor of the purchase of this property. I'd like to clarify that because I actually made that motion that day, and I was specific to that. He made good presentation. It seemed worthy to look into it further, and that's what we supported. Now, if we want to continue to look at it closely, that's up to the rest of us.

Speaker BERGSTROM: Yes. Cheryl.

Ms. ANDREWS: Is this just on the purchase or both?

Speaker BERGSTROM: Well, we can start with the first one. Because what's happening here is that these things are out in the public. They're in the newspaper. We represent the Towns. People are going to come up to us and already they've come up to us and said, "What's the story

with this?” And I don’t want to put the Delegates in the position of saying, “Well, we don’t know. We’re just sitting on our hands and waiting for the Commissioners.

And, also, the budget process is going on right now. And, so, I would like to deal with this separately from the budget process.

Julia.

Ms. TAYLOR: Well, I think as Leo pointed out, we have a position in favor of the concept that we want to preserve the opportunity to raise seed on Cape Cod. We’d definitely favor that as opposed to some -- well, not having that.

But we can’t take a position on a purchase that requires an elaborate price contract, etcetera, etcetera, when we don’t have that. And it isn’t our job to create such a contract that is the Executive Branch has to do that.

So, I think it is important that we did hear about it and have this general impression that this is something important to Cape Cod, but we don’t know what kind of negotiations will be required to come up with a good contract that we would then have a positive vote for.

So, I don’t think it is something we need to discuss further until we have the details.

Speaker BERGSTROM: Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. With all due respect to Ms. Taylor, I think that it is sort of incumbent upon us to look at perhaps some other solutions.

It seems to me from the way the Commissioners are responding, they’ve already made up their minds that is it. This acquisition is a good thing for the County. And I’m not sure that necessarily is the case. And if they’re not going to look into alternatives being other private enterprise that might be interested in this property, I think that we should form a Subcommittee and start looking into alternatives to present to the Commissioners. There’s no reason that we should have one simple voice looking at this, but there are other options we can certainly look into.

Speaker BERGSTROM: John.

Mr. OHMAN: Thank you, Mr. Speaker. Since the ARC is in Dennis and within full view of Yarmouth; you can see it from there, with all due respect to Sarah Palin.

I’ve had meetings with the Commissioner of Agriculture, Greg Watson. We toured it together, and he was very interested in it, not only from an agricultural point of view, but an economic engine, and he wants to present it to a fellow Commissioner on Economic Development, and I don’t know how far he’s gotten along with that, but it’s something that we can take full advantage of should he go in that direction.

Also, I’ve had discussions with Lieutenant Governor Murray, and he thinks that the best solution might be to go through UMass Dartmouth and have the State purchase it and have it become an educational center. It may improve their business dramatically.

If you don’t know the owners, they’re very well intended. They’ve had a very successful business for many years, and the cost of electricity has been an albatross around their neck with all of this. Everything that they do there requires great volumes of electricity and because of the nature of where it is out on that barrier dunes structure, they can’t use solar. It would just deteriorate very quickly. And wind is the natural source, and they’ve had studies done on it.

So it’s not one or the other. That’s the only one that they can think of that can possibly keep that business model sustainable, and I want to make that very clear.

But I thought that those are two alternatives with Jim that we could look at and discuss. These three owners are in their 60’s. They’re not going to be there forever, and they’ve got the option of turning it into a 39-acre McMansion. But that is on the table for them as well, which is not their choice, but it may be their only option if something else doesn’t come up.

And we have to keep in mind that this is an economic engine for almost every Town on Cape Cod uses the ARC for their seeds. So whether or not they pay their bills, I don't know; I haven't gotten that far yet, but those are all of my -- I value your thought process on that as well.

Thank you.

Ms. MCCUTCHEON: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCCUTCHEON: Maybe I missed something here but I thought the people from the Extension Service came in and made a report to us and we supported them looking into it further and exploring alternatives.

You know, while I might support what Mr. Killion is talking about in terms of some kind of a Committee, I think I would rather hear from the Extension people as to kind of what the current state this is before we decide that we're going to actually do something because they may very well be aware of the things that we're not.

I know that I've been asked in Truro about what our position is about this, and I'd like to have some more information. When did they come to us with a --

Speaker BERGSTROM: It must have been in August, otherwise, you would've been here.

Ms. TAYLOR: Middle of August.

Speaker BERGSTROM: Middle of August, yeah.

Ms. MCCUTCHEON: I think I was here for it.

Speaker BERGSTROM: You were gone all of August.

Ms. MCCUTCHEON: I was gone in August.

Speaker BERGSTROM: Yeah.

Ms. MCCUTCHEON: So I think it might have been July.

Speaker BERGSTROM: Oh, you were here for it?

Ms. MCCUTCHEON: I was here when he came.

Speaker BERGSTROM: Okay. Then it was July.

Ms. MCCUTCHEON: Unless he reported again. But I just would like to have some more information from where the County -- the person that we endorsed looking into it is at about it.

Speaker BERGSTROM: Yeah. Cheryl and then Paul.

Ms. ANDREWS: At the risk of, again, going back to my previous political life, I'm kind of surprised to hear some of these comments, and, frankly, I was surprised to see this on the agenda, and the reason is process and separation of powers.

While I absolutely love the concept of a vigorous Assembly of Delegates, in this situation, this conversation's crossing over very much to a muddling of our roles. This is an Executive role.

And very much like what the Selectmen did in Provincetown when we decided to make an offer on a private pier right in the center of town. You go into Provincetown, you see two piers. On the east side it's the Town's; on the west side, it's a private pier, and that private pier was on the market. And that process was done completely in Executive Session. We met with numerous experts. We took in tons of data. We decided to make an offer, and it was all done privately, and it drove the Town crazy because they wanted to know what we were doing.

The reality was when it comes to land acquisition, you do it in Executive Session for lots of reasons; obviously, the main one is protect your position.

Over a long period of time, of course the details came out. Our offer was rejected and on we went and that pier is still in the same family's hands it's been in since it was built.

But the idea that some other committee would have come in and met publicly and somehow influenced that process really doesn't make a lot of sense.

If there are individuals, whether they're Assembly of Delegates or not, that would like to influence the County Commissioners on this issue, I think they should go to the County Commissioners' meetings and say that to them under public statements and ask them to form a Subcommittee, which they certainly have the right to do.

But from my perspective, until the County Commissioners can in some way take some public action on this issue, I'll be surprised to see it on our agenda again.

Thank you.

Speaker BERGSTROM: Okay. Paul.

Mr. PILCHER: Thank you, Mr. Speaker. I support what Cheryl just said about I think that this is more appropriately the County Commissioners bailiwick, but what I understood ARC was doing was that they have been going around and visiting with Shellfish Advisory Committees and coming --

Speaker BERGSTROM: Clark has.

Mr. PILCHER: -- and planning to come to Boards of Selectmen and ask them for their support. They haven't come before us yet, but I know that they've gone to our local Shellfish Committee.

So it seems that there is stuff that's been going on since they were here that would certainly inform us before we made any decision.

Speaker BERGSTROM: Here's the reason I'm looking at this. I agree with you. I think it's an Executive decision. I think it's in the Commissioner's bailiwick, but you can anticipate a large capital expenditure.

Okay. Now you're all familiar with Town Meeting. You go to Town Meeting and you have an operating budget. All right. Then you have the school budget.

If there's a land purchase in there and it calls for a large bonding issue, it's presented to the Town Meeting in a separate Warrant. In other words, it says, "Despite your capacity operating budget, now do you want to buy this purchase, you know, for \$3 million?"

So, now going -- I don't know, maybe Julia can tell us, but I have never experienced the County coming to us with a large capital purchase. And I am concerned that I don't want it to be put in the budget when we get the budget. And the reason I don't want that is because there's going to be stuff in the budget that we're going to not agree with anyway, and to put on top of that or, for instance, let's say we didn't agree with this purchase, would we have to go into the budget and take out the finance charges, the carrying costs of the bonds?

I just want to get from the Commissioners the guarantee that if this -- because we're the fiscal watchdogs, so if this involves County money that they come to us with the project separate from the budget process. That's what I want to see.

Otherwise, it's going to be a big mess. Now, they may do that. They may not even know what they're going to do right now, but I just want the Assembly -- if it involves funding, that's in our bailiwick and it should be presented as a project and not simply, guess what, there's another item in the budget for a capital expenditure.

So, have you got that? Do you understand? Yes, Jim.

Mr. KILLION: Just to clarify a bit and I certainly appreciate Ms. Andrews' opinion. However, under our powers, we do have the ability to establish an Advisory Council on any subject.

And given the amount of inquiry I've received from citizens of my Town, and maybe actually several members of other Towns who have called about this, I think it would be prudent of the Assembly to form a Committee to listen to the public and get some ideas from them and be able to speak intelligently on the subject matter.

Speaker BERGSTROM: Well, I guess at this point, you're going to have to make a motion and see how it goes because, otherwise, we're not going to get anywhere.

Mr. KILLION: Okay. I make a Motion we form a Subcommittee for the purpose of the ARC -- Proposed ARC Purchase.

Mr. OHMAN: Second.

Speaker BERGSTROM: Do I hear a second?

Mr. OHMAN: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Any further comments?

Mr. OHMAN: Yeah, Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. OHMAN: Once again, I appreciate the Selectman representative from Wellfleet that spoke about shellfish. I think the shellfish authorities -- Bill's been doing a road show and it has not been well received.

And one of the basic foundations of the County being able to purchase this within their own structure is getting some ubiquitous fee from every commercial shell fisherman on Cape Cod; you know, that's like herding cats. I just don't think it's going to happen, but that was one of the foundations of how they were going to afford this.

So, if we can go to the public and we can start to make a process of maybe some alternative ways to get this. I'm very much in favor of keeping the ARC in existence, and I think that anybody that thinks about it really should be very worried that a business like that that has such a wide-range economic impact on Cape Cod would go out of business. It's just a matter of process.

So, if the Commissioners are dragging their feet and waiting for this funding source, I think it would be good to go to the public directly and find out what they think and maybe they've got ideas we haven't thought of.

Speaker BERGSTROM: Okay. Leo.

Mr. CAKOUNES: Him first.

Speaker BERGSTROM: Spyro.

Mr. MITROKOSTAS: Now what we're motioning for is to establish a Subcommittee to hold an inquiry, which, as a Speaker, you have a right to point people to, and that you may actually be able to set the agenda for that Committee as well as part of your charge.

And if it's to make sure that financing that may be required for this passes outside the budget and doesn't, again, incorporate it in and slow down the budget process next year, there may be a perfectly appropriate way to do this.

However, we're doing this in absence of any communication from the County Commissioners. We're doing it in absence of the Cooperative Extension Executive who has been holding successful ownerships so far. He has five Shellfish Committees endorsing it and being of helping finance this purchase.

So, I would be careful in proceeding at this point with a Subcommittee to do that. Primarily because if you've looked at the County Commissioners' Agendas these last three meetings, they've been holding Executive Sessions exactly as the Delegate from Provincetown suggested to discuss the terms and negotiations and attempting to do something here whether it's purchasing or something else.

So until we hear more information or at least have them in the room, I'm not sure what we're moving forward on here.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: I like to have as much information in front of me as possible when it

comes time for me to vote on something, and then I try to make this kind of a judgmental decision as I possibly can with all that information.

I would support putting together a Subcommittee. I think at this stage to gather information, to gather and bring forth some kind of alternative situations. We mentioned very briefly or it was mentioned here today that a 35-acre mega-mansion could be built on that property.

You know, it may not be a bad idea to have both. Why not have the -- the ARC doesn't need the 35 acres. I know people don't like mega-mansions, but, quite frankly, in today's financial burdens, some communities probably wouldn't mind having a 5 or \$6 million home built in their town because they're going to be getting tax revenue for perpetuity. And there are Conservation Laws and Wetlands Laws that would protect the environment.

So, I think that a Subcommittee's a great idea. There are people that are willing to work on it. Basically those who aren't willing to work on it or don't really think they need the information at this time are only going to benefit from that Subcommittee when it comes time that we are going to be reviewing it. Because as we just went through a process for the Finance Committee, who looked at a particular transfer, there was information that was gathered and it was conveyed to you guys.

I don't think it would hurt, and I certainly think it's within our purvey to do it and I support it.

Speaker BERGSTROM: Yes. Cheryl.

Ms. ANDREWS: Thank you. First, Mr. Speaker, thank you for clarifying why this was on the agenda. Even after a year and a half, I'm still catching on to how the budget works and why you'd be concerned.

I'm going to vote against the motion that's before us for the reasons I stated earlier. But with regards to the information you presented, I would strongly suggest that you put on the agenda a nonbinding resolution asking the Commissioners exactly what you were looking for, which is that if they go forward with this that they present it to the Assembly outside of the budget process or some kind of language that way if that's the issue, which I'm hearing it is.

Thank you.

Speaker BERGSTROM: I can do that, and I should've done it already. Okay. I guess we're ready to take a vote. We haven't gotten the specific lang -- the Clerk reminds me we haven't got specific language. I understand where Jim's going should this pass.

It's my prerogative to appoint this Committee, and I will give it a charge consistent with his motion, but you know what the motion is now? It is to form a Committee to study -- did you use the word "study," Jim?

Mr. KILLION: Yes.

Speaker BERGSTROM: Yeah, the ARC. So, we'll take a vote. Are we going to do roll call on this?

Ms. O'CONNELL: If somebody requests it.

Speaker BERGSTROM: Yeah, I request a roll call. Okay.

**Roll Call Vote on Motion made by Delegate Killion to establish a Sub-committee to study the Aquaculture Research Corporation and purchasing alternatives.**

**Voting YES (47.30%):** Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster).

**Voting NO (52.70%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Paul Pilcher (1.27% - Wellfleet), Julia Taylor (14.61% - Falmouth).**

Ms. O'CONNELL: Mr. Speaker, the Motion made by Delegate Killion to establish a Subcommittee to study the Aquaculture Research Corporation and purchasing alternatives fails to pass with 47.30 percent voting "Yes" and 52.70 percent of the Delegates voting "No".

Speaker BERGSTROM: It's better than the Red Sox.

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: I'm interested that Cheryl thinks that there is maybe some ongoing planning by the Commissioners and I think that would be great.

I also agree with your thought that we really have a good plan for how it is presented in terms of the budget or not.

And I also think it may need some very extensive -- if the Commissioners do present it to us, I can see it being quite a challenging project for us to consider, and I think we'll certainly need a fair amount of time to study it.

So, one suggestion might be that we could have soon a meeting of the Natural Resources Committee, which this would somewhat fall under, and at least map out some of the big questions that we would need to deal with if such a proposal came before us and what kind of alternatives, you know, you get my drift.

So that would be a thought. And I think I'm the Chair of the National Resource Committee, and I'd be happy to talk to Jim, and we could plan a meeting to at least lay out the parameters of what we're dealing with because I think it would be a very challenging project, and there's nothing wrong with getting a jump on it if it's going to come up.

Speaker BERGSTROM: As Chair of that Committee, you can discuss anything you want.

Ms. TAYLOR: Right. So why don't I do that and, Jim, let's you and I talk about what we think might be good about that.

Who else is on the Committee at the moment?

Ms. MCCUTCHEON: (Raising hand.)

Mr. CAKOUNES: (Raising hand.)

Ms. ANDREWS: (Raising hand.)

Ms. KING: (Raising hand.)

Ms. TAYLOR: Okay. Well, then, there we are.

### Special Commission on County Governance and Report Recommendations

Speaker BERGSTROM: The Special Commission on County Governance. This is on here because I don't know if any of your run out of patience, but, I mean, the recommendations of the MMA came out I think a year ago August, I bet at least a year and a half/two years.

The recommendations of the Special Committee on County Governance which was supposed to trigger the tension to the MMA recommendations also came out in March of last year or March of this year. And, so far, nothing's got done, and I just simply don't want to give the impression that the Assembly is not -- you know, people ask you about this; I don't want you to

have to simply respond to them saying, “Oh, we have no idea what’s going on. That’s the County Commissioners.”

I mean if you’re comfortable with that, that’s fine, but if you’re not comfortable with that, then I think we should either rejoin this issue or simply say, well, we’ll just wait another whatever.

That’s the issue. Do you want to join this? Do you want, you know, -- Julia.

Ms. TAYLOR: Well, I think Spyro got to get this going with his motions or Resolution or Ordinance -- Ordinance about a Finance Director and separating that from the administrator.

At the time when we had the discussion, I said, “Well, you know, surely the Commissioners are going to be doing something about this right away.” You know, let’s -- or in response to that meeting, I thought we would hear something and we didn’t.

And so I guess I’m willing to proceed again with that.

Speaker BERGSTROM: Spyro.

Mr. MITROKOSTAS: I just wanted to comment that had we had a Budget Director, we could have had the Finance Committee Meeting today.

Mr. CAKOUNES: But he was sick.

Speaker BERGSTROM: Well, it turns out the Clerk looked into the previous years, and Mark, our Finance Director, had always -- had regularly appeared before the Assembly in this time frame, which means one or two things; either he’s right on schedule or he’s always way behind. So I don’t know you can view that, but it’s not unusual that he comes to this.

But I was hoping he’d be here. I scheduled him two meetings ago to talk about last year’s budget, and at the last minute, he told me he wasn’t prepared to do that. He did the County whatever -- retirement instead.

So, hopefully, when we see him after he recovers, we’ve got a lot of questions.

Yes, Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. You’ll receive an e-mail from me today on one aspect of the special recommendations which had to do with one document that Mark prepared for the County Commissioners and gave them in public session, which was just a step-by-step itemization of our Charter and how it works.

And it struck me as I was reading that material that a lot of those basic documents I think would be very good for educating us, especially some of the newer Delegates, and if we simply had an agreement to do a blanket request that any public documents that are given to the County Commissioners with regards to the Special Commission Recommendations, I think that would be very helpful. At least we could keep ourselves up on, you know, what they’re talking about in terms of -- I think they talked about one document about what they could do administratively versus having votes from us and those kind of things.

You know, I’m not surprised at the pace of the conversation. Maybe I’ve been doing this too long, but to the extent that we -- just like the previous conversation, to the extent that we can read along as opposed to watching all their meetings, which I can’t do, I think that would be helpful.

So, I can certainly reissue that e-mail to you. I didn’t want to just ask Jan to do it as the County Clerk, but if the Delegates would like to see those documents, I know they’d be helpful to me.

Speaker BERGSTROM: Yeah. Leo.

Mr. CAKOUNES: I remember having this conversation back when we had our previous Delegate from Barnstable here, and he and I were going back-and-forth; I wanted to move forward and he was saying, you know, maybe we should wait to see what comes out of this and

wait to see what the County Commissioners do and then we'll take a position on whether we like it or not.

I think we had a general consensus at that time that that's what we were going to do. I, personally, don't agree with that. I think there are some things that I would like to put on the table whether we do it in an open discussion forum in an agenda-situation like this so I can -- we can just get a consensus on how the Assembly feels on certain things or whether we have to just go back to a Resolution situation where a Delegate prepares a Resolution, brings it forward, and at least that time it's discussed and we get on record of how we feel about that specific situation.

I don't have a problem doing it that way, and I certainly will be prepared to bring forward some ideas, but I don't want to hear, "That's not our purvey; we have no right to do this; we shouldn't be saying this or that" because I don't agree with any of that. I mean these basically will be our opinions as to where we should or shouldn't be going.

For instance, the specific area of doing away completely with the Assembly of Delegates. I mean, you know, and increasing the County Commissioners, you know, things like that where we should really be taking, if nothing else, if not a legal position to enact it, at least a philosophical position of saying, "We, your current Legislative body, do not believe that this would be in the best interest," or "We, as the Legislative body, believe this would be in your best interest to pursue this avenue."

So, I'll be prepared within the next couple of weeks to bring forward some Resolutions, and we'll put them on the table and see if we support them or not.

Speaker BERGSTROM: Okay. There's an alternative, which I considered early on in this process, because I was part of that Special Commission, as was Julia. We've since been described as "25 Cronies" of the County Commissioners, 25 of the --

Ms. TAYLOR: We were the only government people there.

Speaker BERGSTROM: -- most respected civic leaders on Cape Cod, but, who knows, I guess we're old cronies.

And I emphasized during those meetings and Julia will back me up that the path of least resistance to any change in County government is going to the Assembly -- going to the Charter process which leads to the Assembly of Delegates.

Now the Charter says that at least once every five years the Speaker can appoint a Charter Committee. Now it doesn't say -- you could do it every year if you want to. In other words, you don't have to wait five years.

So an alternative would be to appoint another Charter Committee and have them look at these recommended changes. They wouldn't look at everything because not everything has to go to the Charter and not everything is -- some things are clearly within the purview of the Commissioners.

But even the change in the position of -- I don't think that the change in the position of the administrator as Finance Director has to go through Charter change. We've got our attorney who has contradicted that, but I think I'm right and he's wrong, but then I always think I'm right. But, anyway, so that would be one way of doing it.

Another thing you have to consider is that the Ordinance that's set up, the membership on Charter Committee was passed by this body. In other words, it's not in the Charter. Who's on that Committee and how it's set up is part of a Resolution or an Ordinance passed by this body.

So, we could determine how we could have just Delegates on it, you know. So that's an alternative.

I don't know if we can make a decision today, but if Leo wants to put a Resolution, that's a possible Resolution is to simply reform a Charter Committee and look at -- because we didn't

have it. When we had the previous Charter Committee, we didn't have the recommendations of the Special Commission on it. Now we have them; we know where it's going.

So, I don't want this body to seem like its just sitting on its hands while these important issues are going forward. So, anyway. Anything else on this now that I've --

Yes, okay, Teresa.

Ms. MARTIN: Ron, I just want to say that I actually think the suggestion that the Charter Committee get together again is good.

I thought at the end of the last round it shouldn't have stopped. It should have continued that we had this discussion and it just sort of dropped.

So, I don't know how to trigger it, but I really think we should do two things. We should look at the structure of what that Committee should be, and we should reform it under agreed-upon new parameters.

Speaker BERGSTROM: Okay. I don't know what the process -- whether I can just do that or whether I -- I don't have the Charter in front of me, but I will look into that by next week -- next meeting; we'll have an answer or a series of recommendations. Okay.

Yes, Julia.

Ms. TAYLOR: Well, if you're thinking of -- yeah, I think that you could do it yourself and call it and set it up, and maybe we would have to vote on it.

I think the reason in the past, of course, the Charter Commissions have always included lots of non-Assembly members, but this would be, I think, a very different situation since we already had 26, well, or 24 non-Assembly members meeting as the Special Commission. We were the only two elected officials, and, so, we certainly got a great deal of outside advice for the County and about the Charter.

So I think it wouldn't be unreasonable to have a special short-term Charter group that was primarily or possibly entirely to examine that particular set of issues.

Speaker BERGSTROM: Well, it makes sense in this case because even if you had the Charter Commission appointed on the previous Ordinance, the recommendations would still have to go to us. In other words, their recommendations are to the Assembly, and the Assembly -- the Commissioners aren't part of the Charter process, which I pointed out to them on several occasions. It simply goes to the Assembly and, in some case, it goes from the Assembly to the Legislature and then back, and they have to approve certain things.

So, I'll take that into consideration. I'll have something for us next week, and if anybody else wants to point in a Resolution, that's fine too.

Okay. So, we beat that to death. Is there any other business to be brought before the Assembly?

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: When we adjourn, I would like to introduce my husband to some of the members because a lot of them have never met him and he hasn't been here before. But we won't have it be part of the official transcript but after.

Speaker BERGSTROM: Okay.

Deputy Speaker ANDERSON: Motion to Adjourn.

Ms. KING: Second.

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

**Whereupon, it was moved, seconded and voted to adjourn the Assembly of delegates at 5:00 p.m.**

Respectfully submitted by:

Janice O’Connell, Clerk  
Assembly of Delegates