

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – November 6, 2013

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, November 6th session of the Cape Cod Regional Government, Assembly of Delegates.

We'll 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: I'd ask is this meeting being recorded by anyone other than our normal recording. I guess not. So we'll now call the roll -- the Clerk will now call the roll.

Roll Call (81.70%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (18.30%): Christopher Kanaga (2.73% -Orleans), Suzanne McAuliffe (11.02% - Yarmouth), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 81.70 percent of the Delegates present; 18.30 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

I'll now need a motion to approve the Calendar of Business. Any additions or corrections to the Calendar.

Hearing none.

Deputy Speaker MARTIN: So moved.

Ms. KING: Second.

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

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of October 16, 2013. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: Move to Approve.

Ms. KING: Second.

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

Mr. OHMAN: Present.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: We now go to the Communications from the Board of Regional Commissioners. Nice to see Commissioner Lyons is here. What have you got for us?

Commissioner LYONS: A couple more Proposed Ordinances and a Proposed Resolution for you to take up next week. I'm trying to keep you busy.

Speaker BERGSTROM: I'm sure Mr. Ohman will be happy.

Commissioner LYONS: Yes.

Good afternoon. Thank you for having me. I did just submit two Proposed Ordinances, and one is going to be discussed even though you haven't seen it by Bill Clark here today if it's possible to have him come forward.

As you know, we had a DCPC voted and it was approved. And it is going through the towns at this point. The towns are considering it.

And, as you know, part of the problem or concern with that is how is this going to be implemented? How is there going to be an education outreach? How is this going to be developed throughout the towns? And we did say that there was going to be an education component to it and etcetera.

So this is going to be -- it will be a request. It's an unforeseen item but one that is very, very necessary I think for not only Cape Cod and the residence to have this education, and it will take a couple of years for it to all percolate into everybody's mind.

But the other is that this is very important to our wastewater efforts. So, I'm sure you'll be hearing from Mr. Clark today, and he can explain better than I exactly how this money is going to be spent and for what purposes. But that is one of the documents that I brought over today.

And there really isn't other -- we have, as you know, our new Administrator will be coming on board. So in two weeks, we will be here introducing him to you and you can fill him in.

But I am very pleased with this man. I'll think he'll be a great asset, and I think we'll all enjoy working with him and, hopefully, he will enjoy working with us.

And we were just really looking at our meeting schedule for the end of the year today. And we did hear from George and Patty Daley, there is a joint effort now with our IA Systems and the test center up at the base and not only are we just testing systems for people who would like us to test these systems. But now we're actually -- there was never the money to study the efficacy. It was do they work; do they not work, but efficacy in terms of wastewater management.

So this is another effort that's going forward and it's our departments all working together in this effort which I think is a great thing. So that's really what we discussed today, and I think that we're moving forward in the best of ways.

One other announcement I'd like to make on behalf of the Department of Human Services that this Friday for any bicycle enthusiasts here on the Board of Assembly or throughout Cape Cod in our effort in the Human Service Department's efforts because they have a Mass in Motion Grant that is a five-year grant. Part of that is for the education and safety of safe streets, safe routes to schools, this sort of thing, healthy living.

So as we all know bicycling has become ever more popular here and across the state. With that comes new challenges such as get those people off the road; well, they have a right to be on the road. Get those drivers away from me; they're going to kill me, and equipment and that sort of thing.

So there is going to be a Bicycle Summit this Friday, November 8, starting at 9 o'clock at the Tilden's Art Center and it will be everything bicycles, all of the bicycle experts will be there, different departments from the state talking about the different initiatives that are rolling out.

We are rolling out a little initiative that I started on my own and now I have partnered with a

private citizen that's once I got somebody who said they were interested, I had to keep the ball rolling, and now the RTA and our -- and I'm working with Shawn through the Health Department and the Police Department, and I am contacting the Chamber to do a safety bike light initiative for summer workers here. Because having almost run over a couple in the summer in the very dark nights of these young people going home from their jobs, I feared for their life. And that's what got my interest in there, so you'll be hearing about that from the Summit as well. So just another, hopefully, it will be a helpful add on for our citizens.

So that is a great effort and I do hope that anyone who's interested in bicycling attends on Friday.

Speaker BERGSTROM: Are there any questions for Commissioner Lyons?

Yes, Leo.

Mr. CAKOUNES: I see George left. Do you have any update on whether we are moving the Board of -- on the water testing labs soon? I understand it might be in a week?

Commissioner LYONS: Yes, it should be -- it should be being done as we speak but I don't have an update exactly where it is.

Speaker BERGSTROM: Okay. Anyone else. \

Speaker BERGSTROM: Yes, we'll start with Cheryl and then Julia.

Ms. ANDREWS: Ms. Lyons, I was just wondering -- I was thinking about, believe it or not, January already. We're supposed to put together our reports for the town for our town report, and I was wondering if you could look into when the last time was the Commissioners issued their Town Services Report, maybe we could update it?

Commissioner LYONS: I will ask Justyna and she'll get you the Town Services so you would need it for Provincetown. Does everyone need their Town Services update?

The DELEGATES: Please. Yes.

Commissioner LYONS: All right. I'll ask that those be sent out to respective towns so that you can get those in the budget. Okay.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: Well, I just wanted to say that I'm sorry I'm not going to be able to go the Bike Summit, but I do want to brag that I do ride my bike to work and home every single day.

Commissioner LYONS: Okay. We'll we can get you a nice bike light for the back in case it gets dark.

Ms. TAYLOR: I do need that now that it's getting dark earlier.

Commissioner LYONS: I'll put you on the list for an order.

Ms. TAYLOR: Thank you.

Commissioner LYONS: Is there anything else?

Speaker BERGSTROM: Okay. Well, if Mr. Clark is going to speak to us, he's going to have to do it now.

Commissioner LYONS: Okay. Bill, you're on.

Speaker BERGSTROM: Otherwise we'd go into when we convene.

Mr. BILL CLARK: Thank you, Mr. Speaker. Before I talk about the budget request that I'm here for, I just want to -- since it's the holiday season, I want to put a plug in to buy fresh, by local Cape Cod.

You all should know about this and we have a website, and you can buy your holiday dinners locally. It keeps the money on Cape Cod. It supports local farmers and fishermen and shellfishermen and please do it, and tell your friends and neighbors to also do it.

And we have a website. You'll see all the members. If you go out to dinner instead of preparing your own food, we have member restaurants too. So please do that. There are members from Provincetown to Bourne and every town in between.

All right. As Commissioner Lyons mentioned, this is sort of unorthodox that I'm here with this budget item in a meeting of this nature. However, as you know, you all passed the fertilizer DCPC recently, and it calls for this to be up and running on January 1.

It also calls for the County Extension to be the certification and education program for the DCPC.

To get that all done and ready to run for January 1, I asked the Commissioners last week when I gave this to the Commissioners if we could move it along as quickly as possible, so here I am. So thank you for hearing me now.

You all have a copy of this, I believe, through Janice. I think you all have one, but as you can see the total request is \$88,000. What I'm asking for is to increase our Administrative Assistant from part-time to full-time. And we anticipate possibly hundreds of landscapers and green industry officials to come in and go through -- we'll be providing the certification for them if they have the appropriate education and so forth.

If not, then they are to take a class with us and be certified as a result of that taking an assessment from taking the class.

So the administrative assistant would be not only helping or meeting all the people that come in and getting them certified, but doing all of the paperwork that's needed to advertise our classes and so forth.

I'm going to jump down to the forth item because we're on training, we would like to make it easier for the green industries to become certified, and we're considering a website that would be a training website and an assessment website. So they could, theoretically, read this material online and take a quiz online and become certified online.

So I've talked to the IT department and in the short time we have in the next six weeks or so, they have other projects going, we'll be looking to hire a company to work with my department and IT to set up a website that would provide the online training and assessment.

Back to Item 2 on the list, educational brochure. The Ordinance and the regulation calls for education, so we're planning on or requesting funds to send a brochure to every single household and every business on Cape Cod.

We do this for our hazardous waste program, and you probably get it in the mail. It describes all the hazardous waste problems and potential problems and what's hazardous and what isn't, and it advertises the collections in your town. So it will be the same thing.

That particular program you don't see in the budget because I get a grant to do that every year. But it costs around \$37,000 for the brochure, to print the brochure, and the postage. It goes to about 160 or 170,000 mailing addresses.

So that's part of it, and it will explain the whole Ordinance and it will explain safe use of fertilizers and so forth in that brochure.

The third item and I guess the fourth item, we're going out of order here, is University of Mass. Amherst Turf Program have developed a State Best Management Plans because, as you may know, this started as a state law and they gave some counties with regional planning agencies the opportunity to supplement it.

But anyways, UMass has developed the BMPs and I have a \$5,000 request in there to utilize UMass, have them come down and help us with the training, help in setting up the training and so forth.

So that's the total request. And again, I know it's unorthodox to come through the whole group as opposed to going through the Finance Committee first, but I wanted to get this thing up and running as close to January 1 as we can. So here we are.

Speaker BERGSTROM: Okay. You'll send to us whatever -- send to the Assembly whatever information you have on that?

Mr. BILL CLARK: It's already been sent to you, I think.

Clerk O'CONNELL: Yes.

Commissioner LYONS: It was sent to you and I just handed you the Ordinance for it.

Mr. BILL CLARK: I think you all got a copy of this prior to today? I do have extra copies today if you'd like if someone didn't bring it.

Speaker BERGSTOM: No, I mean the Finance Committee is going to look at these Ordinances -- one of these Ordinances next week.

Mr. BILL CLARK: Okay. I'll be --

Speaker BERGSTOM: Anything between now and then I would say.

Commissioner LYONS: Yes, I mean I think what Bill is asking for is a vote sooner than later only because -- and it doesn't necessarily have to be today, but the usual process of maybe three weeks away brings him into November, and he's really got a lot of work to do between now and January.

Speaker BERGSTROM: But the Finance Committee has generously agreed to meet a week from today even though it's an off day.

Commissioner LYONS: I see.

Speaker BERGSTROM: And that we hope to schedule these two weeks from today for a final vote, assuming no one causes troubles.

Commissioner LYONS: All right. That will work.

Mr. BILL CLARK: I realize --

Commissioner LYONS: We thank you for that.

Mr. BILL CLARK: We do. And I realize there's a procedure and I'm just sort of under the gun. This was added to our department sort of at the last minute and not anticipated so obviously it wasn't in the regular budget process.

Speaker BERGSTROM: And it's just a matter of history that every organization that has ever been in place always works right up to deadline. I mean that's just the way it is.

Okay. Pat.

Mr. BILL CLARK: Yes, I get it.

Mr. PRINCI: Bill thanks for your swift action on getting all this together and sending it us today.

I have a couple of questions. One, most of it's along with the financing of these things. One is are you -- is this going -- with these appropriations, does that mean that the landscape companies and landscapers that come forth for certification are not going to be charged any fees for that certification?

Mr. BILL CLARK: That's the plan at this point. Now I'm at the discretion of you all and the County Commissioners, but having been to several stakeholder meetings, I think it would be burdensome for a lot of companies to have to come up with a fee for all their employees.

And I think at least the feeling from the stakeholder meetings that the Commission held that it was a burden, but if you all want me to charge then we'll certainly charge.

Mr. PRINCI: No, that's why I'm happy that I didn't see anything with fees in there.

Mr. BILL CLARK: Right.

Mr. PRINCI: It would be a burden. It's already, from what I've heard from them, a major burden that this even passed.

Commissioner LYONS: Right.

Mr. BILL CLARK: Yes.

Mr. PRINCI: Any financial burdens that could be eliminated would be great.

Which leads me to my next question? The major distributor down here is Scotts Fertilizer Company.

Mr. BILL CLARK: That's correct.

Mr. PRINCI: And as you know, they spend billions and billions and millions of dollars on advertising to throw down fertilizer and make sure you get it all down and get these bags and so forth.

And they've given me verbal commitments over the past few months to assist with this educational process.

I don't see anything in here that gives me the indication that they are willing to come forward and possibly put forth any money for these brochures that you're sending out for any type of education other than what they put on their back of their bags.

Mr. BILL CLARK: I wasn't aware of your conversation. I do know the Scotts folks and their regional representatives. I guess I didn't want to have any appearance of it being -- I shouldn't say maybe -- I can't think of another word but tainted or anything. I just want it to be squeaky clean coming from an unbiased university-based data through us.

And no disrespect to the Scotts company because I think they're a good -- great company. They do a great educational program already on their own for the homeowners. And so but --

Speaker BERGSTOM: All right.

Mr. BILL CLARK: If you want me to pursue a grant from them --

Commissioner LYONS: No, I don't.

Mr. BILL CLARK: Okay. Then I'm hearing from Commissioner Lyons "No."

Mr. PRINCI: I'm just not sure that they're really doing anything as much as what I hear from you that they are doing. That's my concern with the educational component. I just see a lot of money spent on advertising.

Mr. BILL CLARK: Well, I guess education comes in several forms. If you read their bags, they're very user-friendly. They have their own equipment, and their bags are very user-friendly, and more so than a lot of other companies because they're geared towards the homeowner.

Speaker BERGSTOM: We don't want to go too far down this road.

Mr. BILL CLARK: Yes.

Speaker BERGSTOM: This is a report from the Commissioners. It's really not -- this item is you're just letting us know this item will be on the agenda and why.

Mr. BILL CLARK: Yes.

Speaker BERGSTROM: And we're going to have a full discussion on it at the next meeting.

Ms. ANDREWS: Okay.

Speaker BERGSTOM: Right Cheryl?

Ms. ANDREWS: That was just my question. So you'll be back to meet with us?

Mr. BILL CLARK: I'll be happy to come back, yes.

Speaker BERGSTOM: And then also Deborah.

Ms. MCCUTCHEON: Yes. I just have a question here with funding all this. Aren't the towns voting on this DCPC?

Mr. BILL CLARK: Yes.

Commissioner LYONS: Yes.

THE COURT: So how is that progressing? How many towns have already passed that?

Mr. BILL CLARK: I don't think of -- I don't know of any that have.

Ms. MCCUTCHEON: Okay. So isn't this perhaps a little putting the cart before the horse?

Mr. BILL CLARK: Well --

Ms. MCCUTCHEON: Well, what happens if it doesn't pass?

Mr. BILL CLARK: Good question. My hunch is that several towns will pass it but several will not. I've heard -- I've talked to town employees both health departments and other officials in towns, and some are leaning towards not considering it and others are leaning towards considering it.

The pickle we're going to be in is let's assume five towns pass it. Well the folks that work in

those towns are going to still have to be certified and educated because of the DCPC that passed.

So we're going to have to have an educational program maybe not as robust as we would if all 15 towns passed it, but we have to have something in place for January.

So even if, hypothetically, three towns passed it, we still have to do it. Because it says in there there's a commitment to the towns, and as a matter of fact, I got a call from a town today, health agent, whose town counsel has reviewed it, and was wondering about what this education program is. And I said, well, frankly, we are going to do it. We don't have it setup yet.

And they were questioning how they pass a rule in their town that requires a County department to do something. They had to rephrase it and all. But it's a little bit of a conundrum to tell you the truth but here we are.

Ms. MCCUTCHEON: Okay. I just wondered. I didn't know how many towns had passed it, which was my question.

Mr. BILL CLARK: I'm not aware of any that have passed it yet.

Ms. MCCUTCHEON: All right.

Mr. BILL CLARK: Falmouth and Orleans passed a different regulation through town meetings last year.

Ms. MCCUTCHEON: Okay.

Mr. BILL CLARK: But it doesn't require certification in --

Ms. MCCUTCHEON: ...with this DCPC?

Mr. BILL CLARK: That's correct.

Ms. MCCUTCHEON: Okay. Thank you.

Mr. BILL CLARK: They may end up adopting this but I doubt it.

Ms. MCCUTCHEON: That's what I wanted to know. Thank you.

Commissioner LYONS: If I can just say it was those towns that went to submit their own fertilizer management program that started this whole process because it was rejected by the state saying, "We have our own. You're going to go by our rules."

And they made the argument we have different soils here. We need to manage this differently. So that's when the Attorney General stepped in and said you have between now and December 31 if those towns want to sign on and develop their own, they have until December 31 or else you go with the state, with what we tell you to.

Speaker BERGSTOM: All right. Why don't you try to wrap this up?

Commissioner LYONS: And, no, just to clarify. That's not --

Speaker BERGSTOM: It's not on the agenda. We've already discussed it for a half-an-hour.

Mr. ANDERSON: It is on the agenda.

Speaker BERGSTOM: It is?

The DELEGATES: No, it's not.

Mr. ANDERSON: Yes. Look at Number 9.

Ms. TAYLOR: Communications and discussions.

Speaker BERGSTOM: Communications, oh, okay. Yes.

Mr. ANDERSON: Yes.

Mr. BILL CLARK: And if I could just clarify a bit. My understanding -- I heard secondhand through Commission staff that Senator Wolf has filed an extension for towns to be able to adopt this later. I think it was until June.

And the state is also looking to extend it because of the last-minuteness of this all, if there's such a word.

Commissioner LYONS: Okay. So --

Speaker BERGSTOM: My apologies. It is on the agenda.

Commissioner LYONS: All right.

Speaker BERGSTOM: When you introduced him, I thought -- I said well there must be a reason for that. Otherwise I would --

Commissioner LYONS: I like Bill.

I just want to have him up here with me.

Mr. BILL CLARK: Thank you.

Ms. MCCUTCHEON: Well just to follow-up on that --

I thought this was a little irregular because this is getting proposed and discussed all at once right here, and I thought that in the ordinary process we'd end up having you come back. Now is this the only time you're going to be here to talk about this?

Mr. BILL CLARK: No, I won't be. But I just wanted to move this along.

Ms. MCCUTCHEON: Okay.

Mr. BILL CLARK: Given that if the towns adopt this in the next month or so, expecting us to have a training program ready, I'm going to need to have some help and training materials ready to go.

Ms. MCCUTCHEON: Well, I hear that -- I understand the problem. Okay. So thank you.

Ms. ANDREWS: Mr. Speaker, can I have a clarification? I still can't hear you. Did you say you are coming back or you aren't coming back?

Mr. BILL CLARK: I will be, yes. I'm sort of between an Ordinance -- a regulation and a hard place.

Speaker BERGSTROM: Okay. Anything else. Leo.

Mr. CAKOUNES: I'm just preparing you, Bill, and I'll ask a question and I don't know if you have the answer to this now or not. But from my understanding, boards of health in any town cannot mandate that an individual get certification from a specific agency.

So you may want to clarify it with not only our County attorney or towns' attorneys on that because any certification that you are going to be establishing and giving out, you want to make sure that an individual can go elsewhere and get that same certification. Otherwise, I think we're going to find ourselves in some kind of a conundrum.

And that's to my personal knowledge, and I've had that discussion with a number of different Board of Health agents. So we need to check into that.

Mr. BILL CLARK: Actually the Commission wrote this so I didn't say that we were the only ones that can do it.

Mr. CAKOUNES: Well that's what it says in the DCPC and they aren't clear.

Mr. BILL CLARK: They wrote it but the -- you can be certified if you have the proper educational background. In other words, the training and assessment would be waived if you have certain criteria that you meet. If you have a degree in this field and you have other criteria, other certifications from state organizations, they would be sort of grandfathered or grandmothers into the system, and we'll just hand them a certification.

There's a presumption that they know what they're doing because they have this education and other certifications, so there is an opportunity to be certified by other agencies or by -- if you go to college and get an Associates degree in Turf Management or a Bachelor's degree in Turf Management, you are presumed to know what you're doing and you'll become automatically certified. So there are other opportunities.

Mr. CAKOUNES: I understand that but to those people that do not have a college education or have attended some accredited college program that meets your standards or the Cape Cod Commission standards to be able to get certification, those individuals will be allowed to take a class.

Mr. BILL CLARK: Yes.

Commissioner LYONS: Yes.

Mr. CAKOUNES: And get some kind of certification.

Mr. BILL CLARK: Yes.

Mr. CAKOUNES: That's the certification process that I'm referring to.

Mr. BILL CLARK: Okay.

Mr. CAKOUNES: To my knowledge, state law prohibits Board of Health from requiring an individual to get certification from a specific site.

Commissioner LYONS: Right.

Mr. CAKOUNES: Because if, in fact, I don't want to mention Scotts but their name was brought up and I'll preface it by saying great company, good people. But if, in fact, Scotts wants to run an educational certificate program at Leo's farm for free on a Saturday afternoon and they meet all the requirements that are put forth, they should be allowed to do that. And those certificates should hold just as much weight as the ones that you will be administering.

Mr. BILL CLARK: I don't disagree.

Mr. CAKOUNES: So it's just an issue that's been brought up and I hope that we can discuss that.

Mr. BILL CLARK: I think that would have to be worked out through the Commission since it's their DCPC and you all passed it.

Commissioner LYONS: I think that what we have to do is make sure that's addressed by the time the next meeting's here so that we will have that answer.

Mr. BILL CLARK: I will look into that.

Commissioner LYONS: That's a good question.

Speaker BERGSTROM: John.

Mr. OHMAN: Thank you, Mr. Speaker. Bill, does this certification process have a sunset? Do they have to re-up every five years, every three years? How does that go?

Mr. BILL CLARK: We were talking every three years, but to tell you the truth, I don't think it ended up in the last draft.

Mr. CAKOUNES: There's no language in there.

Mr. BILL CLARK: If we were talking three years for the first five or six meeting, it didn't end up in the regulation that you all passed. So I don't know where that comes in.

Mr. CAKOUNES: If I can, Bill?

Mr. BILL CLARK: Yes.

Mr. CAKOUNES: Because you know I attended along with you many of these subcommittee hearings and stakeholders' hearings. I believe how they addressed that was that the certification was to be linked to the approved or present documentations from UMass.

Mr. BILL CLARK: Yes.

Mr. CAKOUNES: So if, in fact, that changes in three or four years or two years and there's additions or upgrades to the Best Management Practices if you will because they specifically put language in there to the -- and I don't remember the exact legal term -- the up-to-date or the present Best Management Practice thing. And I think that's how they dealt with it.

Mr. BILL CLARK: Okay.

Speaker BERGSTROM: Okay. Well, thank you, very much, Bill.

Mr. BILL CLARK: Okay.

Commissioner LYONS: Okay. Great. Thank you.

Mr. BILL CLARK: Thank you.

Speaker BERGSTROM: We'll talk about this in a couple weeks.

Are there any Communications from Public Officials?

Any Communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene, and we'll begin with a committee report -- Standing Committee Finance Report and the Committee recommendation on Proposed Ordinance 13-10. John.

Mr. CAKOUNES: John, you're on.

Ms. TAYLOR: I thought it was me.

Mr. OHMAN: Mr. Speaker, I'll defer to the --

Speaker BERGSTROM: Whoever chaired?

Committee Report / Assembly Vote Proposed Ordinance 13-10

Ms. TAYLOR: Well, in any rate, do you all have your Proposed Ordinance in front of you? I believe that there's going to be an amendment made to it but I'll give a brief background for that. As when we passed the budget, we put in the Commissioners' budget that was passed by the Assembly included \$200,000 in a new vehicle replacement program.

And then the different department's submitted requests and it was filtered out to for these vehicles. The RDO is really for the AmeriCorps. They've never really had a new vehicle. They're very excited about the prospect. Facilities is getting a new truck. The Extension Service needed two, and Health needed one.

At the time that the hearing was held, however, it turned out that facilities had found that their sanding machine had broken and as they contemplated the winter, they felt that they would have to have another sander. So, at the meeting, did put in that request.

We put off the original vote on this until we heard from the RDO and also from Mark on his feelings about this sander. But after we had that discussion today, we are wishing to go forward with an amended Ordinance, which I think Leo has the numbers for, which would include the additional sanding machine.

So would you like to put the motion --

Speaker BERGSTROM: Well, first, it's a practice -- the usual practice is because whenever an Ordinance is submitted it goes to the full Assembly the way it's originally submitted.

Ms. TAYLOR: Okay.

Speaker BERGSTROM: So you really have to get the Ordinance out.

Proposed Ordinance 13-10: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Ms. TAYLOR: Then I would submit the committee voted to support this Ordinance.

Speaker BERGSTROM: Just 13-10.

Ms. TAYLOR: 13-10.

Mr. CAKOUNES: And I'll second that.

Speaker BERGSTROM: Okay. Moved and seconded. So all those in favor of -- no, now we -

Ms. TAYLOR: No. Now --

Speaker BERGSTROM: Now we can get the amended.

Mr. CAKOUNES: Mr. Speaker, I would like to amend the motion.

Speaker BERGSTROM: Okay.

Mr. CAKOUNES: I would like to amend the motion by adjusting Budget No. 001-2045, Facilities, presently it says new vehicle at 28,500.

I would like to amend it to say two vehicles, the total being \$71,000. That will bring and adjust the total supplement appropriation from 140 -- I can't see it -- 148 to \$190,500.

Speaker BERGSTROM: Okay. Then I need a second -- I need a second on his --

Mr. OHMAN: Second.

Speaker BERGSTROM: Moved and seconded. We'll be voting on the amendment to the main Ordinance. Do you understand that?

Ms. KING: Any discussion?

Speaker BERGSTROM: Any discussion?

Mr. CAKOUNES: Just if I may, Mr. Speaker?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: We did go over this in length. The vehicle that was being proposed to be replaced at 28,500 is, in fact, in desperate need of being in replacement and felt that it was going to be at the top of the list anyhow.

But subsequently because these requests were done almost a year ago when you consider how long it takes to put the budgets together, being and getting prepared for the winter months, it has come to the attention of the facilities manager that the sander itself is in really not running condition at all. It's completely rotted out, and the vehicle itself is in pretty disrepair.

So he at one time had asked to switch them and put the sander in instead of the pickup truck. But after some lengthy discussion and Mark today was involved in it, they Finance Committee voted to purchase both vehicles.

We are still under the appropriate \$200,000, and we just feel it's a good budgetary move to move forward with the total supplement appropriation of 190,500.

Speaker BERGSTROM: Okay. Thank you. So we have a motion -- any other discussion on this?

We have a motion on the floor to amend Proposed Ordinance 13-10 as Leo said in these amounts. All those in favor, say aye. Do we need a voice vote?

Clerk O'CONNELL: Well no. I think you can do a simple up-or-down and then you're going to vote on it.

Speaker BERGSTROM: Yes. All right. All those in favor say, "Aye." "Opposed?" Okay. So now we've amended the Ordinance up to 195 hundred. Is there any further discussion on the main Ordinance 13-10? Okay. Hearing none. We'll take a vote.

Roll Call Vote on Proposed Ordinance 13-10: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Voting YES (81.70%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (0%)

Absent (18.30%): Christopher Kanaga (2.73% - Orleans), Suzanne McAuliffe (11.02% - Yarmouth), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 13-10 passes with 81.70 percent of the Delegates voting yes; 18.30 percent absent. It will now become known as Ordinance 13-08.

Whereupon, it was moved, seconded, and by a roll call vote with 81.70 percent voting “yes” VOTED:

Proposed Ordinance 13-10: To add to the County’s operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Speaker BERGSTOM: Thank you. Okay. Let’s see if I can further confuse myself here on B. We need a report from the Standing Committee on Finance on Proposed Ordinance 13-11.
Julia --

Committee Report / Assembly Vote Proposed Ordinance 13-11

Ms. TAYLOR: Yes. I will make that now. If you note in Section 1 of the first page, it says based on a revised estimate of income for the current fiscal year.

For the first time in a number of years, there was an extra \$750,000 at the close of the last fiscal year. And the Commissioners just moved 500,000 into reserves but that left -- and there was another 22,000 that they moved into another kind of reserve. But that left some money that was available for supplemental appropriations.

In the discussion, there was -- the two most controversial issues were note the SHINE Program on page 1, and the Wastewater Monitoring Program on page 2.

The SHINE program is particularly interesting because it is a program for helping older people who need advice on Medicare, Medicaid, and supplemental insurance, which is delivered by trained people etcetera for Councils on Aging.

It had been run from the Yarmouth Center on Aging, but they have given it up due to the expense. Most of the cost is picked up at this point by a state grant.

But Beth Albert felt that it was such an important regional program that despite the addition of \$21,000 she had to -- which will probably be ongoing, that’s the key point to understand -- she felt that she wanted to propose it to the Commissioners and they felt -- agreed with her that this was such a valuable regional program that we should take it on.

The second somewhat controversial issue was/is the Wastewater Monitoring Program, which was proposed by Andrew Gottlieb from the Water Protection Collaborative.

This is in line with the kinds of programs that have been done by the Wastewater Protection Collaborative particularly in terms of giving money to the towns for particular wastewater projects.

Here it turns out that the South Shore, all of Nantucket Sound, the Southern part of Cape Cod has had monitoring of pollution for a number of years, sometimes more than 10. But it has been a kind of mishmash of various nonprofit groups which have done it. And they’re kind of falling apart now from being able to continue.

Given the importance to the Cape of having accurate data which we hope will make the incremental steps of wastewater instead of just saying, “Okay. Everything’s going to be sewered,” we’re going to be able to start with one project, monitor it, and see whether we can go to the next project, see what the success is. He felt it was very desperately needed not to have an interruption in the data.

So that even though this is a lot of money and it probably will have to be ongoing, the importance of having continuous flow of data from the monitoring he felt was essential.

So the committee did not take a vote on this overall Ordinance since we felt this was worth further discussion at the Assembly. But there was, in general, everyone was in favor of everything on the first page and the only real question for the committee was the issue of the wastewater money.

And I think Leo probably wants to speak to that. But I will present the whole thing as a proposed -- submit --

Speaker BERGSTOM: Put it on the table.

Proposed Ordinance 13-11: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Ms. TAYLOR: -- put it on the table, the whole thing, and if I could have a second on that?

Ms. MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. So now the Resolution 13-11 is on the table. Yes, Cheryl, you're chomping at the bit there.

Ms. ANDREWS: Only because I'm a little lost. I printed out the Ordinance. I printed out the report and they don't match. So either I printed something wrong or I'm just not following along very well.

The Ordinance that showed up in my email was for 223,000; is that the correct number that should be --

Speaker BERGSTROM: Yes.

Ms. ANDREWS: Okay. But it's got 1, 2, 3, 4, 5 different line items but none of them include this 21,000 anywhere. So -- oh, I see. I've got a different version.

Ms. TAYLOR: Yes.

Ms. ANDREWS: I do have a different version.

Ms. TAYLOR: Here's what we have, and the SHINE Program and --

Ms. ANDREWS: Somehow I got --

Ms. TAYLOR: Use my version to look at.

Ms. ANDREWS: I printed the one that I got from Jan. That explains it.

Speaker BERGSTOM: Well we've got to make sure we're taking a vote on the right Ordinance.

Ms. ANDREWS: Yes, I hear you.

Speaker BERGSTOM: The Ordinance that's on the table now, do we agree includes \$223,000 total? Okay.

Clerk O'CONNELL: Are you talking about the report, the committee report?

Ms. ANDREWS: No, I think maybe my printer missed a page. That must be what it is, a middle page.

Speaker BERGSTOM: Oh, okay. Leo.

Mr. CAKOUNES: Mr. Speaker, if you could just bear with me on this. I have an amendment and this is just a clerical thing that I would like to do, so bear with me to do it kind of quickly.

I would like to amend under the Budget No. 8088 that says "Sheltering Programs, Health and Environmental Department." It states on the documents in front of you "Group 2." I would like to amend that to "Group 1," please.

Speaker BERGSTROM: Okay. Wait a minute now. Where are we? I don't have any groups here. Do you know what he's talking about?

Clerk O'CONNELL: Yes, he's talking about the Sheltering Program, that's supposed to be Group 1.

Speaker BERGSTROM: Oh, Group 2, oh, okay. I see.

Mr. CAKOUNES: Yes, under the line where it says group -- if you go across it says -- and then right before the amount.

Speaker BERGSTROM: All right.

Mr. CAKOUNES: And, again, it's just a clerical thing that I want to make sure is correctly done.

Speaker BERGSTROM: So Leo's making an amendment. Do I have a second on that?

Mr. OHMAN: Second.

Speaker BERGSTROM: Any further discussion?

Ms. KING: Yes.

Speaker BERGSTROM: Yes, Marcia. This is Leo's amendment.

Ms. KING: Well, can you help me? What are we sheltering?

Mr. CAKOUNES: Can I discuss that afterwards?

Ms. KING: Okay. Fine.

Speaker BERGSTROM: We'll take a vote on the amendment. All those in favor of the amendment say "Aye." "Opposed?" Okay. So now we're back to the same thing with that one little change. Marcia.

Ms. KING: I guess I have a little pet peeve. I thought we discussed in the past not to put so many items -- this is more for the Commissioners and Mark Zielinski -- on one Ordinance that are so different.

Since I came in late, I did not hear; what are we sheltering? I'm just curious. What's the sheltering program?

Mr. CAKOUNES: If I may, Mr. Speaker? My notes show that "Budget No. 8088, Sheltering Program, Health, Environmental" is for one person part-time in the Resource Development -- I believe it says resource. I forgot my glasses. I'm sorry. So that's what the request is for.

Speaker BERGSTROM: Okay. Are there any other questions on this? Yes, Cheryl.

Ms. MCCUTCHEON: Go ahead.

Ms. ANDREWS: Just a quick comment on the substance abuse issue. I don't know how much you folks got a chance to talk about what that money was for, but it just seemed like an awful lot of money just for a consultant.

And I guess I'm wondering how many days a week, how many hours, how long a period of time? If I read this correctly, it's \$25,000, and that's an awful lot for a consultant. So I guess I was wondering if somebody could explain a little more about what you were told about how many hours that is.

Speaker BERGSTROM: Julia, do you want to take this? Was that brought up before the committee?

Ms. TAYLOR: Yes. I don't remember that. It does refer to on the report a staff person who would be a shared position with the RDO; handle supplies, equipment, maintain inventories, develop memorandums of understanding. The shelter people would be people from the hurricanes and storms. It's not homeless sheltering.

Ms. ANDREWS: No, I was just asking about the substance abuse.

Ms. TAYLOR: Yes.

Speaker BERGSTROM: So we're assuming that this is going to be -- the \$25,000 represents part of the salary of a full-time employee who will be shared with the RDA program?

Ms. TAYLOR: Well, no, that's for sheltering.

Speaker BERGSTROM: Okay. What about the -- do we know what this is?

Ms. TAYLOR: Okay. That would be a contract consultant and the County -- some of what this person would be doing would be applying for state and federal dollars for substance abuse prevention, but there is no regional organization on the Cape.

So there aren't state and federal funds and it can, therefore, be accessed. So this is the need -- the idea is to have a regional substance abuse initiative so that we could get those funds that are available.

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: As the Delegates remember at our last session, a young lady made a presentation towards -- to us, and she actually referenced this request too.

But that presentation included different how we add up to the rest of the counties and across the state as far as substance abuse. If you remember, she told us about people being admitted into emergency rooms and things like that.

Ms. ANDREWS: I remember all of that. My question is simply that it's amazing that we went from one very short quick discussion about a problem on Cape Cod to all of a sudden spending 25,000 on a consultant. My experience in government is it takes a little bit more of a conversation.

And, of course, you folks probably talked about it, and I don't know what that conversation was -- is. You know is this someone that already works for the County that we're increasing their hours or are you talking about bringing someone new in?

I guess I just feel strongly, and I was going to mention also that the article in the Cape Cod Times about poverty on the Cape that this is a problem. Nobody's arguing that, but we have lots of problems on the Cape. And if we are going to spend money, I just want to feel like we're going to have something at the end of the day to show for our money, and it seems like an awful lot of money just for a consultant to come in and tell us what we can do to get more money.

Now what Julia's saying, of course, is germane. If the idea is to leverage it but that's not what's in the report that I got. The report simply says that we can apply for state money.

So I just feel a little bit of a loss with this amount of money. I'm used to consultants that run five grand or 75, do you know what I mean, 7,500 or 10,000. Twenty-five thousand just seems a lot for -- I just don't -- I'm not clear what we're getting.

Speaker BERGSTROM: Yes, Teresa.

Deputy Speaker MARTIN: I had a question especially the ongoing (Inaudible), and maybe it applies to your questions as well, which is my understanding is supplemental budget things were things that weren't reasonably anticipated, things that change, things that pop up so you deal with them.

So we've got two ongoing things added in here, and I guess my question is why is \$120,000 showing up -- why wasn't it reasonable anticipated in working the budget process?

Ms. TAYLOR: I think that was addressed, and I think Leo is definitely worried about that and I think we all are. But the SHINE was just suddenly dumped by the Yarmouth Chamber Council, and it just seemed to Beth that that was vital that we had -- but she certainly had no knowledge that that was going to happen.

And I think that's really the case with the Monitoring Program. There's a ban on going monitoring, and it's been going on for a long time in some places and in others it's only a couple of years. But it was not anticipated that the loose coalition of nonprofits that were doing it were suddenly going to again drop it.

And so if it doesn't get picked up now, there will be this break in the data and that has undesirable consequences. And that's why it's not being put off until the regular budget.

Speaker BERGSTROM: You opened up this discussion with telling us that we -- the anticipated revenues were -- came in \$750,000 over what we anticipated. I see what you're saying.

Ms. TAYLOR: That's what Mark reported.

Speaker BERGSTROM: And the Commissioners squirreled away 500,000 of that.

Ms. TAYLOR: Well, in that they are not requesting a spending of it.

Speaker BERGSTROM: They're not requesting it. Okay.

Ms. TAYLOR: And that is, in fact, what --

Speaker BERGSTROM: Well, they had to put it somewhere.

Ms. TAYLOR: Yes. That means that they're not planning to request.

Speaker BERGSTROM: All right. So these --

Ms. TAYLOR: You have some thought about spending, you should put it in your own Ordinance.

Speaker BERGSTROM: -- requests are made subsequent to the -- I mean we obviously passed the budget in the spring. It's all reconciled as of, you know, shortly after the close of the fiscal year. We came up with some extra money. The Commissioners decided to put most of that in reserves but they made these requests to use the rest of it.

Ms. TAYLOR: Correct.

Speaker BERGSTROM: You know, I'm trying to gather my thoughts here, but as far as the human service request for a study on substance abuse, we discussed, unbeknownst to me when I put this on the agenda, I didn't realize it was coming down the pike, but in order to do it, it has to be comprehensive.

In other words, you have to bring in law enforcement. You have to bring in the hospitals. You have to bring in everyone who deals -- the human service agencies which deals with homelessness and deals with the homeless outreach, people on the street looking for people sleeping in cars and stuff.

I personally think that no one group can address it without the inclusion of the other groups. To me, it makes sense that we would form a regional agency.

Now how is that going to be accomplished? Can we expect Beth to do that just by getting on the phone and talking to people and organizing? I had envisioned some kind of (Inaudible) somebody out in Cape Cod Community College would get all the actors together in one room to discuss it.

But I didn't even realize then that the federal government had funds available to actually regional agencies that are dealing with this.

So I mean I support this. Is it a lot of money? Well, I'm not in the consulting business so I don't know. I can't get anybody -- I can't get a plumber to come to my house for under 5,000. So 25 is not much.

Ms. ANDREWS: See but what you've just said expands the conversation at least now what I'm hearing because what you're saying is we went from a very -- that was a nice discussion but the first time discussion that was reasonably at the surface of a very difficult issue.

Now all of a sudden we're talking about forming a new County agency. That's fine. But I didn't see that in here and if that's what this -- you know it sounds like we've already solved the problem (Inaudible) tell us that --

Speaker BERGSTROM: Well, actually, just step back a minute. My first conversation with Beth Albert in anticipating and asking her to come before us, she told me that a lot of this was already in the works. She said the timing is good because she already had preliminary discussions on the drug issue and on the substance abuse issue.

So it predates our discussing it but, you're right, for our purposes, yeah, we just heard about it. Anyways. Yes.

Ms. MCCUTCHEON: I agree that there's a sort of mishmash going on here that makes this Ordinance very confusing. And I think that we ought to distinguish between things that create positions that are a permanent kind of -- going to be permanent; you're going to have to fund them again and things that are funding for particular projects.

In that context though when you talk about this CCLEC training program that's in here for \$35,000, that's not put really forward by -- in the same ways the SHINE Program and the substance abuse program.

That's put forward by the Cape Cod Regional Law Enforcement Council who's looking for money to do software upgrade and trainings on a regional basis to handle regional problems such as the thing that happened -- what was that place? Sandy Hook?

Ms. MCCUTCHEON: And that is sought by -- Chief Takakjian is here from Truro this week. Last time was Chief Kulhawik came and spoke to the Finance Committee about this.

I just want to let -- if there's concern about modifying this or trying to cut back this Ordinance in some way, that money ought to at the very least go for its very discrete purpose. And I think it's necessary for the kind of context in which it sought.

Speaker BERGSTROM: Okay. Anyone else like to address this? Leo.

Mr. CAKOUNES: Okay. I mine as well jump in. Yes, I had a tough time with this one. I believe that's why the Finance Committee was at a standstill whether to bring it forward.

I do want to say for the record I do not particularly care for Proposed Ordinances being brought forth like this with a gang of different requests in them. It's unfair to many of the Department heads.

For example, the very first one was something that we left out of the budget, and we all know about it. It was the copier for Bill Clark's office. And if you remember my Sharps Program and Sharks Program that we discussed, you know this was something that was left out and we've known about it for months.

And now here we are taking care of it. And that's lumped into the same Ordinance with some very kind of request that needs to really be discussed and aired here.

What I looked at as a Finance Committee member, I tried to figure out, okay, we've got \$750,000 extra dollars. We put 500 in a savings account and 22 went to -- I had mopehead written down here but it was some other account.

Ms. MCCUTCHEON: OPEB.

Mr. CAKOUNES: OPEB, thank you. And then 220-plus thousand -- 223,000 is being spent here. My concerns and questions when I went into this were is this going to be an ongoing and are we creating a new program?

And, quite frankly, I narrowed it down to the two: the SHINE Program and the requests for the wastewater management -- Wastewater Monitoring Program. Those are the two that I certainly had issues with.

I said at the Finance Committee subcommittee hearing that I would certainly feel comfortable enough moving forward with the SHINE program. First of all, the dollar value's only 21,000. Yes, it is reoccurring, but I do see a need there, and I think that the County is in a good position to step up and do that -- fulfill that need.

There are some confidentiality issues when you're working with people through this program that we can't just rely on uncertified volunteers, if you will.

So, you know, I was kind of willing to break my own rules for that one. But when it came to the Wastewater Monitoring Program and a request for \$100,000, I really felt rather uncomfortable.

I'm not going to say today whether I think this is a worthy program to institute. And I don't know if we should have the discussion amongst ourselves whether we believe it's a worthy program to institute without the benefit of you all hearing from the people who want to institute it.

Because, once again, I'm kind of a procedural guy, and I felt that this was something that should've been brought forward in the full budget hearings. This is what I feel is going to be a fairly large commitment from the County for the future.

Is it a good program? Absolutely. Should we be doing it? I guess we possibly should. But I don't know and I do not feel comfortable spending extra money from a previous year to start this new program and expend this kind of money, commit ourselves to the new program when, you know, it hasn't been vetted through a full budget process.

Some of you may agree with it or may not, and I guess that's what we're going to discuss here today. The problem that I have is where do we go from here? Because I would love to be able sit right now and make a motion and approve some of these quickly to get them off the table and then leave the remaining for discussion and possibly either approval or denial today. But you really can't do that with them being under one Ordinance. I mean it's going to be --

Speaker BERGSTROM: You can pull out anything you want out of here and put -- I mean I'm not --

Mr. CAKOUNES: And then once it passes, does someone have the ability to do, what, reconsider it if they want to add something back in?

Speaker BERGSTROM: They can make --

Mr. CAKOUNES: Do you see what I'm saying? It becomes a process that -- it's very time consuming, and I don't think it's proper for a way to deliberate a request such as this magnitude.

Speaker BERGSTROM: All right. Ned.

Mr. HITCHCOCK: I would just speak briefly to the wastewater issue. I gather that -- I just got the tail-end of the discussion of the Finance Committee, so I don't know quite what all was said.

If the issue is maintaining continuity of monitoring, that's important. I've been involved both as a volunteer water collector/monitor over the years in Wellfleet and part of the wastewater process in the 208 planning committees.

This is an important thing to keep doing. If it means missing out on a season, for some towns it won't make any difference. They don't have their reports from the estuaries project, and any number of reasons too.

But it's useful to have continuity of the data whether this fits in with what kind of extra money is left, I don't know. I didn't catch that part.

All I want to say is this is a useful thing. It's a relevant thing. It's something that somebody's going to have to do. The towns have been paying for the most part. The volunteer organizations have been doing the work for the most part.

It's a valuable thing. It's a valuable service to the community.

Speaker BERGSTROM: Okay. Julia.

Ms. TAYLOR: Just one more point on the question of a new program coming up out of the regular procedural thing. I see this as similar to the various budget items that we've had over the years in the wastewater area that were grants to towns for various things. This is a similar kind of thing.

If, in fact, next year we don't have \$250,000 to spend on help to towns for wastewater, and we only have 125,000 to spend, then we'll have to debate, the Commissioners and Andrew Gottlieb, and then eventually we will have to decide between conflicting issues. How do you want to spend whatever we're willing to commit to help to towns with different projects?

We have the money this year. I'm willing to spend it. Next year, I would certainly want to hear if you want to spend more money or we want to spend less money or there is more money or there is less money, then I would want a recommendation from the Commissioners and Andrew Gottlieb as to how that should be spent, and then I would make a judgment on that.

So I don't see that -- while I suspect, according to what Andrew said, he's going to want to

keep doing this monitoring, that commitment isn't made yet and we don't know what competing projects, but this is not some brand-new idea that we've never been giving out this kind of money. We have been doing that for over 10 years. That's why I don't see it as big a sin of process as some.

Speaker BERGSTROM: Yes. I have some familiarity with this. Of course, Chatham went through a Wastewater Management Plan. We had water watchers that were sort of trained, you know, and they went out in their boats and they took samples of all the estuaries in Chatham, and they reported the data, and they compared that data with the modeling data. In other words, what was presumed to go into the water as opposed to what the actual data showed.

It is a big -- we're going to try to do that with freshwater ponds now, an organization I belong to in Chatham.

I have a little difficulty with that appropriation myself because it is a big issue and it really needs some attention because, for instance, in Chatham, we only did Chatham. You know, if the County were to take that responsibility, it would blur town lines. In other words you go wherever you want and take that data. The data is critical to making decisions on whatever mitigation that has to be done. But we need the data.

So the data is part of a bigger picture, and that bigger picture, as Ned says, is important that we do it but it is a commitment that -- I don't want to bring this up, but I mean the Commissioners have gotten quite a grant. They're going to come up with they can't use it for this.

Ms. TAYLOR: You can't use it for this.

Speaker BERGSTROM: Well, I don't know. They're going to have to get that data somehow. How can you make projects on what the people -- on what the towns should do without first getting data to find out --

Ms. TAYLOR: Apparently according to Andrew Gottlieb, the \$3 million is for very specific things and does not include this.

Speaker BERGSTROM: It doesn't include --

Ms. TAYLOR: Monitoring.

Speaker BERGSTROM: -- it doesn't include finding out what the problem is.

Ms. TAYLOR: Now, that's not to say that the Commission won't eventually want to push for more monitoring and apply for grants etcetera, but the one that they have now, this is not included.

Speaker BERGSTROM: Well, it is a big step to take because there are a lot of ponds and creeks and estuaries on Cape Cod, and you take samples every so often, and you take them in different places. And I'm just curious as to whether this \$100,000 is going to cover it.

Ms. TAYLOR: Well, this would be only for an RFP for someone to continue the existing stations in Nantucket Sound on the South Coast. It doesn't include Buzzards Bay. That's being done under a different program. It doesn't include Cape Cod Bay. That's being done on a different program. This is a --

Speaker BERGSTROM: Okay. You need a boat. You need at least two people in the boat. You need the equipment to do it.

Ms. TAYLOR: Yes, well, he's hoping that he can get an RFP and get a program for this amount. That's an unknown yet but that's the plan.

Speaker BERGSTROM: Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. To Ned's point about the data, I didn't get the distinct impression that it wouldn't continue to be collected, that this is going to be used to sort of to coalesce the information.

My concern is that the process that we're doing this. This is going to be a long-term commitment. If the County commits \$100,000 to this, their going to come back next year and say, "Well you spent a hundred. If you stop now, then we've wasted that money." And that will continue

for years to come.

And I think the way as has been expressed here to address this program is to do it through the full budget process, understanding that it's going to be a long-term commitment, and it's going to be quite a bit of funding over the years to come.

Speaker BERGSTROM: Okay. Teresa has something to say.

Deputy Speaker MARTIN: Actually I was just going to say similar to that it's the use of the supplemental budget. So I understand SHINE and I understand how that could happen unexpectedly so I'm okay with that.

But I guess my question's with the wastewater monitoring. So it's an RFP to continue one set of existing samples. And I think it's really important stuff to do, but did something bad happen that all of the sudden that stuff wasn't being collected? Did a nonprofit go belly up? Is there some reason?

Ms. TAYLOR: There's some problem of this -- it was a coalition of various nonprofits, and they have said they're not going to be able to continue what they've been doing.

Speaker BERGSTROM: So it's the actual data collection we're talking about, not who receives it and organizes it.

Ms. TAYLOR: Both.

Speaker BERGSTROM: Both.

Ms. TAYLOR: The RFP would include both the collection and maybe they would collect less often, but the big thing is to not have an interruption. So that's the emergency nature of why it's appearing now that there would -- if it goes in the regular budget, this will not get -- data will not get collected until next fall.

Speaker BERGSTROM: All right. Well --

Ms. TAYLOR: So there would be this interruption.

Speaker BERGSTROM: So our options are to either put the entire --

Clerk O'CONNELL: It's on the floor.

Speaker BERGSTROM: It's on the floor. It's to vote that's the way it is with the entire amount, in which case I'll support it.

The other option is to pull away anything you don't like, including the wastewater, and bring that up at a future time, in which case I'll support it. I don't know what you guy will do, but, you know, not that I -- and I agree with all the arguments that were made, but the fact is from an environmental standpoint, to me, personally, this is necessary so this if this is what it takes, it's what it takes.

Leo, did you have something to say?

Mr. CAKOUNES: No. It's difficult for us to try to express the petitioner's put in their language because they expressed themselves a lot better. You're getting it secondhand, especially secondhand from an educated farmer so.

But with all due respect to the petitioners that are asking for this, I'm trying to express to what I got out of it.

Yes, there are some nonprofit, if you will, organizations that are no longer receiving funding to continue this. There are also some towns that are doing this. And as we all know, towns are looking to cut their budgets. Budget season is starting now in the towns, and it's proposed that some of these water collections, little funded people, if you will, are going to be cut out of their budgets.

And also I think even more importantly is to create a baseline on accuracy of collection in the data too. Because I collect data on my own farm, so I understand it a little bit that it's not just going out there and dipping a bottle in the water and bringing it in. I mean you have to do it during certain times. It has to be done -- it has to be calculated whether it's rained out, not rained out, the depth of the water, the temperature of the water. There's a lot to it.

If you're going to use that data and try to put it all into one area and get something out of it so that there has to be a baseline on training, if you will, so it's all done properly.

And I believe that that's what the RFP was about too; trying to get a one-person doing the baseline. Because Harwich's data collecting may be entirely different than Dennis's data collecting of two estuaries which happen to be right next to each other.

And believe it or not, if those aren't done the same way, the data really is useless. Because if one's done after a rainstorm and the other one is done during a rainstorm, the data is useless.

So just to try to, once again, give the argument of the applicant to hopefully clarify the issue. I can't stress enough though, again, as an Assembly member. I feel really, really uncomfortable having this presented in this fashion because, once again, I'm certainly prepared to vote, and I hope that a lot of these do pass.

But I'm still, personally, uncomfortable with supporting the request of -- the last request for the wastewater program. Not because I don't support their program, but, quite frankly, I think it needs to be erred, and I think it's a commitment that we have to be all on board with so, in fact, it does get funded in future budgets.

Speaker BERGSTROM: Okay. I'd just like to say that, you know, we have the luxury that they don't have in towns is that we can appropriate money ourselves rather than -- if this was done in let's say the town budget, they'd have to call a Special Town Meeting. So we have that option.

I agree it would be better if it were done in a budget cycle, but in Chatham they're all volunteers. So they get -- Duncanson, whose head of our health department, he basically gives them a little intro and then they go out. There's always -- I belong to the Friends of Chatham Waterways and the sort of do that and they form a little group within them, and they're always saying, "Well, gee, we haven't gotten anybody for Bucks Creek today, you know, the guy who does Ryder's Cove isn't around" or something.

So it's not a question of the town budget cutting back. You know, you're relying on a volunteer force of people who are not always there to do it.

The issue, I think, and I agree with Julia. We can deal with this in the budget cycle. However, our budget -- the next doesn't even start until July 1. So you really want to start to get data going into the spring and summer season.

Once again, procedure, I agree, things could be done better, but we're looking at supplemental appropriations. Do you think they're good ones or not? That's really what we're up to.

Yes, Cheryl.

Ms. ANDREWS: Just to follow-up along the line of what you're saying. It's true the collection of data in every town is done differently, and it begs the question of then is it a funding problem in these towns or is it a volunteer problem?

Because are we thinking that all of the sudden we are going to be paying for people to go out and do this or are we actually just going to -- I'm really confused about really what kind of program we're looking to set up.

And I'm also -- I'm just going to add to it, that in the earlier years on the Wastewater Collaborative, we talked a lot about sometimes having grants that the County would actually send out to support programs that needed more funding.

I'm not on the committee, but again, it comes back to this issue of having Mr. Gottlieb in front of the whole Assembly to answer our questions.

It begs the question for me, well, why aren't we just providing some grants to some of these towns that are having funding problems as opposed to recreating a centralized -- a new program that, again, we would have to fund over a long period of time. I mean that would be depending on a condition that I don't see here.

Mr. CAKOUNES: Mr. Speaker, may I answer that?

Speaker BERGSTROM: Well, okay, and then Marcia.

Mr. CAKOUNES: Well just to try to answer that, and I'm going to get the names wrong. This is already being done as a collaborative under a one overseer, if you will, on the Bay side. It's already being done with one overseer on the --

Mr. ANDERSON: Buzzards Bay.

Mr. CAKOUNES: -- down in the Buzzards Bay area. So, yes, the new part of this certainly is to have the County as being the overseer in the data collection -- collecting entity, if you will for this part of the Cape, which would be the third part in concluding it.

Right now, Provincetown does collect data, and they do it under their own standards and they're own -- and they use it for themselves and that that data may be available; it may not. We don't know where it's being stored.

Under the RFP, it may be conceivable that Provincetown still uses their volunteers, still uses their procedure because it happens to be the same procedure that the County's going to adopt. But at least the County will be helping and collecting that data and monitoring it and adding it to the other communities along the shore.

So that's what I got out of it anyhow. It is a new program. And it's trying to button up, if you will, or bring together, if you will, all the communities on the shoreline that aren't not now participating with each other.

Speaker BERGSTROM: Okay. Ned.

Mr. HITCHCOCK: Just a quick point of information. Data collection is uniform. It's not catch as catch can. Everybody who contributed to the MEP did exactly the same thing whatever day it was that the high tide, all the things that Leo was kind of talking about and worried about.

Now there have been other project collecting information, but, basically, everybody goes for the same thing. Dissolved oxygen, nitrogen, and chlorophyll, which means how much green stuff is growing that you don't want to be having in there. There's a handful, five or six elements that are tested for from a variety -- and then they go to a variety of labs. Some go to the National Seashore labs. Some go to the Center for Coastal Studies, some go to Dartmouth. There are a number of possibilities. But the testing is pretty much consistent throughout.

Now from day to day, some guy on a boat might mess up. That's not what we're talking about. But the programs are uniform pretty much.

Speaker BERGSTROM: Yes. Marcia.

Ms. KING: Thank you, Mr. Speaker. I'm going to make an amendment to take out the \$100,000 and request that it be resubmitted as a separate Ordinance because I think there's a lot of questions that people need to be answered and the other issues are all getting swamped in together.

Ms. MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. It's been --

Ms. KING: I would say on a side note I hope the Commissioners will not do this again.

Mr. CAKOUNES: On the amendment?

Speaker BERGSTROM: Yes, the amendment. We're discussing the amendment.

Mr. CAKOUNES: Thank you, Mr. Speaker. As a Finance Committee member, I find that I would find it that I want to inform you that we now also have an Ordinance that was handed to us today for an appropriation of about \$88,000 which will be funding for the new fertilizer program. That's another thing that's going to be recurring. Yes, we've got \$750,000 back but let's spend it smartly. So I'm going to support the amendment.

Speaker BERGSTROM: Okay. I'm not going to support this -- I'm not going to support this amendment because I think that it's within the normal course of business of this body to move money around during the course of the year.

I mean, for instance, you can't do that in Chatham because only the town meeting can make

appropriations and shift money around. The town of Barnstable Town Council can do it if they want. They have extra funds, they can use those funds.

I mean you have to separate the idea of a year to year budget process that we might be familiar with in the towns to the kind of process we have here where we make appropriations and during the whole course of the year we can change things around and that's what these Ordinances do.

Ms. TAYLOR: We should just meet a few times -- once a year.

Speaker BERGSTROM: Yes. But I understand that and if it's the desire of this to pull this out we'll do it. But any discussion -- more discussion on the amendment?

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

Speaker BERGSTROM: Okay. So we've got the nos. Why don't we take a vote then.

Mr. OHMAN: Do a roll call.

Speaker BERGSTROM: A roll call, yes.

Clerk O'CONNELL: A roll call on the amendment. So the amendment is to remove the 100,000.

Speaker BERGSTROM: Right.

Voting YES (35.48%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).

Voting NO (46.22%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Absent (18.30%): Christopher Kanaga (2.73% -Orleans), Suzanne McAuliffe (11.02% - Yarmouth), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: It fails because we don't have 50.01 percent of a yes or a no so. (Amendment fails.)

Speaker BERGSTROM: Okay. It's not my rule.

Ms. MCCUTCHEON: Move the question on the motion --

Speaker BERGSTROM: Okay. So now we're back to the main motion of 13-11.

Ms. MCCUTCHEON: Move the question.

Speaker BERGSTROM: Yes. Well take a -- so there's no more discussion, we'll take a vote on 13-11.

Roll Call Vote on amended Proposed Ordinance 13-11: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Voting YES (55.12%): Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (26.58%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee),

Absent (18.30%): Christopher Kanaga (2.73% -Orleans), Suzanne McAuliffe (11.02% -

Yarmouth), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 13-11 passes with 55.12 percent of the Delegates voting yes; 26.58 percent no; 18.30 percent absent, now known as Ordinance 13-09.

Whereupon, it was moved, seconded, and by a roll call vote with 55.12 percent voting “yes” VOTED:

Amended Proposed Ordinance 13-11: To add to the County’s operating budget for Fiscal Year 2014, as enacted in Ordinance No. 13-03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Speaker BERGSTROM: Moving right along, we have a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Good evening. Just a few items. First, I did place in everyone’s folder a blue folder from AmeriCorps. I was asked to pass that along to you with regards to some of the programs and the undertakings that they have been up to.

I also want to remind everyone that in their folders I also placed your very important SFI letter.

Moving on, just a reminder, next week, next Wednesday Finance will be meeting on the two Proposed Ordinances that we received today from the Commissioners. I also happen to notice that there is a Proposed Resolution from the Commissioners as well.

And maybe at the next Assembly meeting, you might also be talking about the Charter Review recommendations.

So I guess, I don’t say this very often, but bring a snack because I think you might want to have one.

Speaker BERGSTROM: Your vacation is over is what she’s trying to say.

Clerk O'CONNELL: And again, another reminder, about the upcoming MMA conference. I’ve been trying to seek you out individually to see if you have interest in attending that conference in January. There have been budget funds allocated for every Delegate to attend.

And I’d prefer to submit these all at once because I’ve got to go through the process of getting a prepay approval; I have to create a purchase order, and deal with it in that manner. It’s simpler if I can do them as a group.

So if you haven’t responded to me, I would appreciate it if you could get back to me sooner versus later and take care of that.

And that’s all I have today.

Ms. ANDREWS: Are you going to send out an email or just --

Speaker BERGSTROM: She sent out an email.

Ms. ANDREWS: On MMA? Okay. I’ll look again.

Clerk O'CONNELL: I sent out three or four.

Ms. ANDREWS: You have?

Clerk O'CONNELL: Yes, I have.

Other Business:

Recommendation of the Charter Review Committee

Speaker BERGSTROM: Okay. Anyway, under other business, we have recommendations of Charter Review Committee regarding County Governance structure.

Janice and I had a discussion whether we'd put this on the agenda or not. We intend to have a full discussion on the recommendations of the Charter Review Committee at our next regular meeting on the 20th.

However, it would be kind of odd if we didn't mention it because since we did have a meeting. So I'll turn it over to Julia to give a report.

Ms. TAYLOR: Can I just -- I don't want to discuss it, but I would like to just review what the pieces of paper are that you have in front of you and what they represent.

Ms. MCCUTCHEON: I'd like a point of information first, please.

Speaker BERGSTROM: Yes. The Chair recognizes Deborah McCutcheon.

Ms. MCCUTCHEON: I'm sorry. I have a point -- I'm not sure what it's called in Robert's Rules but I read the whole minutes of that meeting and these pieces of paper weren't voted on by that committee; were they?

Ms. TAYLOR: These pieces of paper were not voted. That's why I'm going to describe them to you.

Ms. MCAULIFFE: So are they properly in front of us?

Ms. TAYLOR: Because they are pieces of paper for you to look at; they're not something you're going to vote on but there was --

Ms. KING: Point of order.

Ms. MCCUTCHEON: Point of order.

Ms. TAYLOR: All right. Well then talk --

Speaker BERGSTROM: Well, I agree that it's kind of odd to have all this stuff. The committee authorized that you have the information in front of you.

After a great discussion on -- and after many meetings, the Charter Review Committee voted 5 to 1, five in favor, one opposed to support a governance -- to recommend to Assembly a governance structure comprised of 11 Delegates, if you want to call them Delegates or Commissioners, anyway, elected by geographic regions of equal population, and also an elected Executive to run the County.

So that's what came of it. The information you got is simply to compare that recommendation to various -- Michael Curran, our lawyer, has done a tremendous job. Julia's also done a great job in presenting all the evidence of different County structures throughout the country and that's why you got that information.

So we hope to have a fuller discussion on this coming up on the 20th in which case all the committee members will give you all the details and stuff. Yep.

Ms. TAYLOR: And to comment, I think it was clear from the beginning that there would not be any kind of official Ordinance presented to the Assembly as a first step. There would be a so-called white paper.

Mr. CAKOUNES: Oh, whose idea was that?

Ms. TAYLOR: Whose idea was that? And so that's -- this is that kind of pieces of paper which are worth looking over, reading, and thinking about and then using as something to discuss. And that's why I was going to say what each of them represents.

The first one was what the committee voted.

The second one was an alternate which was discussed a great deal by the committee and is a very distinct difference, and I just think it's important to, for discussion purposes, by the Assembly that they would note this difference.

In the second one, if you have an appointed Administrator, then the Legislative group is the policymaking group. Appointed Administrators cannot be policymakers. So, that's why it's worth comparing those two concepts.

The third piece of paper is simply a report by Michael Curran, his summary of what happened at the committee. None of this is something that anyone is going to vote on. It's a white paper, as

requested, for discussion.

And then if there was a sense of the Assembly, we would get that sense and then either proceed or not with these issues.

Speaker BERGSTROM: All right. Now, Janice and I and the members of the committee have discussed the procedures involved. While the ongoing discussion has gone on of the substance of the recommendation, in the background it discusses how does this all work.

And the operating document, if we were to make any changes in County Governance, the operating document is a petition to the Legislature. So if you're going to do anything, that's ultimately what you're going to vote on to send this petition to the Legislature or not.

Now Julia described the procedure, and the way we organized this is very simple. We don't want to have to write up this petition which is very complicated, and you can include a lot of details unless we feel the Assembly wants to go forward.

Now the devil is often in the details, and we all recognize that there may be something in that petition, for instance, in the division of responsibilities that people don't like. But even to get to that point we need to know whether we have the authorization from the full Assembly to go forward and create this petition.

So I had talked about a time frame before Thanksgiving. I'm kind of fudging now and saying before the holidays, whatever that means, and so I'm hoping that we can have a substantive discussion on this at our next meeting.

And you've been given, regularly I think, a lot of information on this and you have the report in front of you. I'll probably discuss this with your constituents and we'll see where we're going to go on it.

Yes, Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. Just following up on the question that was raised earlier, I had trouble with the link with the last meeting online, so I didn't get back to see it. But, for example, on this last page of what we were handed, it talks about recall and it says, "The Charter Review Committee will make recommendations."

Now they didn't talk about that on any of the meetings I did watch. So does that mean you discussed that at your last meeting?

Speaker BERGSTROM: Not substantively, no. We discussed that if we did go into the petition stage, we would have to make a decision on recall.

Ms. ANDREWS: So you did discuss that?

Speaker BERGSTROM: Just discussed it as to whether it would be included or not, yes.

Ms. ANDREWS: Okay. All right. Great.

Speaker BERGSTROM: But whether or not -- there was no decision made as to whether we liked it or not.

Ms. TAYLOR: There's changes in other procedure -- provisions I would say Mike Curran's summary of issues that have really not been covered as yet and may or may not be.

Ms. MCCUTCHEON: You know, I continue to have a problem here, and it's a point of order. This document here doesn't say this is a report from counsel. It says "The committee's pleased to submit."

You know this is probably one of the most important things that have come before this Assembly in at least as long as I've known about the Assembly. And it seems to me that to a certain extent this is vitally important that we follow the rules, dot the I's, cross the T's and make sure that we put in front of the this Assembly and, ultimately, if it goes to the voters of Barnstable County something that we know has been a process that has been followed to the letter.

And these pieces of paper have a way of taking on a life of their own as one knows. Now this is called a "Report." And it says what the Charter Review Committee believes, what it recognizes,

and what it's going to do, and yet that committee didn't vote on it.

I have a problem with that in terms of whether it's properly in front of us for discussion.

Speaker BERGSTROM: Well, I didn't send you that information. I've kind of absented myself, but we -- Julia's reporting on the -- we reported on the vote of the committee and the recommendation of the committee. So you have the recommendation of the committee.

We got sent a voluminous amount of information by Michael Curran who's really done a terrific job in sending us -- and even Bill Doherty sent us a lot of stuff comparing the Counties.

Now I know there's been some discussion that we, as a committee, get information. Should it be copied to everybody? I don't know in going back over my email whether everyone in this Assembly got the same information that we got, and there could be an argument made that you should've gotten it all.

So Julia chose to include some of the documents that she thought was substantive in our discussion and in your discussion. I don't think that that taints the recommendation. It's just basically this is how they came to the decision they made.

I mean I didn't agree with the committee's recommendation, but I'll certainly defend the process since I was in charge of it to some point.

I understand -- I had a discussion with Janice as to the appropriateness of giving you information other than the recommendation of the committee, but if we're going to err, we have to err on the side of inclusiveness. This is information that we used to make the decisions. So.

Yes, Leo.

Mr. CAKOUNES: No, go ahead.

Ms. KING: Okay. I'm going to support my colleague. These are saying they're recommendations. Every time you talk you say this is what you voted on, yet when Deborah asked Julia and the minutes don't say they've never had a vote, I'm not sure -- these aren't documents. These are just like notes and these are not voted on. Normally in a committee, you don't release notes unless the committee has agreed on them.

So I'm having some real problems with this. Yeah, I'm not sure what I'm really looking at since you're telling me you haven't formally voted on anything and yet you're handing me --

Speaker BERGSTROM: Yes, we --

Ms. TAYLOR: No, that's not correct. We did vote on Page 1. This is what we voted.

Ms. KING: You voted for Reference No. 1.

Ms. TAYLOR: It says "Reference 1." And as I said --

Ms. MCCUTCHEON: Reference 1 was not in writing at the time you voted; was it?

Ms. TAYLOR: It is one of the three models that were -- the three models that we presented and that we eventually voted on the third one, yes.

Ms. MCCUTCHEON: You know, maybe I missed this in the Minutes, but what I saw in the Minutes of the meeting was a continued back and forth saying, "Now what was the motion? What was the motion?" And the Clerk reading the motion back from her notes and that was not this motion.

Ms. TAYLOR: This is not the motion. This is the model recommended and voted on.

Speaker BERGSTROM: All right. The motion was -- there were two motions made. One was on the -- the first motion was made to replace the current governmental structure, the Commissioners -- I'm doing this from memory now because I wasn't involved in the report.

But replace the Commissioners and the Assembly with a single Legislative body comprised of 11 people, as I said, elected by districts of equal population. That passed.

Then we had another motion that was made to have -- the discussion was on an elected or appointed Executive. The first motion passed 5 to 1. All right. I voted -- I absented or dissented.

The next motion was to have whether or not the Executive -- whether we should have an

Administrator or an Executive. The Administrator would be appointed; the Executive would be elected. Okay. That motion passed 5 to 1. I supported it, and just for the sake if that passed, I would rather have an Executive elected than appointed. And I think Bill Doherty voted against it. So there were two motions made that were voted on.

Ms. TAYLOR: One's in bold here; the model recommended is the result of those two motions that were passed 5 to 1. The points under that were taken from, for your information; none of this is in the form of an Ordinance. None of this -- this is for your information.

But, yes, if you reread the Minutes, you will find that the committee voted 5 to 1, not the same 5 to 1 for both the Strong Executive elected Capewide and for the Legislative body with the 11 districts.

That's the best I can tell you. This is not something you're going to be voting on as an official document. This is what a report of what the committee voted.

Speaker BERGSTROM: Okay. Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. I don't have an issue so much with the votes. I read about it in the newspaper I think like a lot of other people did.

I think the issue I'm hearing raised by the Delegate from Truro, which I completely agree with, is the line on page 1 of reference 3 that says, "The Charter Review Committee is pleased to submit."

Ms. TAYLOR: No. I am telling you that this is --

Ms. ANDREWS: And I'm going to say --

Ms. TAYLOR: -- Mr. Curran's take on --

Ms. ANDREWS: Can I finish my sentence, please. If this is Mr. Curran's paper, then it should say, "This is Mr. Curran's paper."

I've been part of plenty of these processes, yes. You go to read it and you believe what it says, which is that this is a report from the committee. If it's not, it would be nice to just correct the first line and have it say what it is.

Speaker BERGSTROM: No, I understand, and maybe you can argue over the words, but here's the deal. Unless the committee takes a vote, there is no submission.

In other words, the only thing that we do is vote on something. Everything else is totally irrelevant. What you get is what we vote on.

Now if you want to know why we voted on it, then you can go back to the minutes and -- but if we can send you dozens of papers and say, "We think this is a great idea." If we didn't take a vote on it and say, "We want to vote on this," it doesn't matter.

So the only thing that's important is the actual vote we took on a recommendation. Everything else is extraneous -- I mean it's not extraneous in a sense it's informative.

Ms. ANDREWS: It says it's a report.

Speaker BERGSTROM: Yes, but it isn't. We didn't vote it.

Ms. ANDREWS: But it isn't.

Speaker BERGSTROM: No.

Ms. TAYLOR: I am telling you that --

Speaker BERGSTROM: So now you know. So you didn't know before, now you know.

Ms. TAYLOR: And you can write that, "Mr. Curran Report." That was his idea.

Speaker BERGSTROM: Anyway, we've already -- I promise you, you will get ample -- I promise you, you will have ample time to discuss this at the next meeting. I'm going to bring probably dinner and a movie or something while you guys are discussing this.

But it's important, I agree. And it's going to be a big issue. And I'm hoping we'll get some public comment on the two.

Anything else? Yes, Leo.

Mr. CAKOUNES: Just so I can be prepared for our next meeting, we're going to be discussing Reference 1. Is someone going to be prepared to make just a general motion to support Reference 1 to get a consensus of the Assembly if we support or don't support the recommendations of the Charter Review Committee?

Speaker BERGSTROM: Yes.

Ms. TAYLOR: I think yes. That's the point.

Mr. CAKOUNES: Okay. And, secondly, I would like to say and I want it to be put on record that the Assembly has already passed a Resolution for what they feel the new County government structure should look like.

If you remember, it was doing away with the three County Commissioners and going to five that are elected, nonpartisan, from five equal areas of population, leaving the Assembly as the Legislative body and having an appointed Strong Administrator.

So the Assembly has already on record and has already passed a Resolution supporting a form of government. And I just want to make sure everybody remembers that.

Ms. TAYLOR: Yes, but -- Mr. Speaker?

Speaker BERGSTROM: Yes, go ahead.

Ms. TAYLOR: I believe that we did that was done prior to the formation of the Charter Review Commission Committee and that we had a number of discussions about obviously that would be included in discussions by that committee and that we would come back from the committee with a White Paper and we would discuss it.

So I'm assuming that everyone is not -- doesn't want -- if they don't want to discuss it, we won't discuss it, but it is what the Charter Commission Committee was charged to do.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: I'd like to make a motion to refer these pieces of paper to strike them from the record of this meeting and to refer them back to the Charter Review Committee for review and vote by the Committee so that what is submitted to us is something that has been voted by the Committee.

Ms. KING: Second.

Speaker BERGSTROM: Well, I mean the problem is you can tell the Committee to do something, but if they don't want to do it, they ain't going to it. You can vote all day but the fact is --

Ms. MCCUTCHEON: Let them do --

Ms. KING: Then let's vote on the motion and we'll see what happens.

Ms. ANDREWS: Are we having discussion?

Speaker BERGSTROM: Well, yes, let's discuss -- All right. Moved and seconded. The motion is to -- what would the Committee be voting on?

Ms. MCCUTCHEON: You know, the Committee would be voting on these pieces of paper as in whatever report they want to put in front of this body.

You know, I go to town meeting. I've been going to town meeting for 20 years. You don't get up in town meeting to make a motion or an amendment to a motion without putting something in writing.

We did an investigation -- we report on CVEC and the Cape Light Compact that was in writing, what we did, what we said we were going to do, and what we recommended.

Now whether people liked it or not, it's something that the committee voted on and submitted to this body as the recommendations of the committee. This says it's the recommendations of the committee, but the committee didn't vote on it.

Speaker BERGSTROM: Yes, but --

Ms. MCCUTCHEON: Maybe that's, to you, a stickler, but I think that -- like I said, I think this is one of the most important things that has come before this organization. And for us to then just

heedlessly not adhere to what's the procedure in our own Charter is, I think, doing us a disservice.

Speaker BERGSTROM: Well, part of that's my fault because I didn't intend to submit this to the Assembly until two weeks from now. But I thought it would have been rather odd if I didn't mention it since we had that meeting.

So you're not being -- I mean you can do whatever you want, but I mean we're not really submitting anything. We're just giving you the courtesy of telling you what we did.

So, we can have a full report before the Assembly two weeks from now, but it's -- what do you want included in it? Do you want to include all the information that we were given? See the --

Ms. MCCUTCHEON: What the committee chooses to include in its report is going to be voted on by the committee.

You know, what I want -- it can be one piece of paper; it can be 100 pieces of paper. What I want is something that's submitted to us that the committee voted on in a meeting of this is what we recommend, this is what we're standing by, and this is what we want you to do. That's what I want.

Speaker BERGSTROM: Well I think that's what you're going to get.

Ms. MCCUTCHEON: Well, that's what my motion seeks.

Ms. ANDREWS: Under discussion?

Speaker BERGSTROM: Yes, go ahead.

Ms. ANDREWS: Ron, I think, you know, we're not trying to give you a stroke over here. I appreciate you've worked hard on this. I think in the end we've got a document that isn't accurate. And some of us have an understanding of history and real accuracy, this should be withdrawn unless it's authored and --

Speaker BERGSTROM: What is inaccurate about it?

Ms. ANDREWS: Inaccurate is that it doesn't say who it comes from, and then when it does say who it comes from, the two Assemblymen, you and Julia, are telling us that it really didn't come from the committee. That's what --

Speaker BERGSTROM: No, I'm not saying that.

Ms. ANDREWS: Well, it says right here, "The committee is pleased to submit." Can you tell us when the committee voted to submit this?

Speaker BERGSTROM: Well, we submit -- the Finance Committee didn't vote to submit something to us. They gave a recommendation on the -- in other words, what you're saying is you don't want this information.

Ms. ANDREWS: No. Ron --

Speaker BERGSTROM: You don't want us to send you --

Ms. ANDREWS: Ron, what I'm saying, and I think I have -- I think a number of us feel the same way. So, understand --

Speaker BERGSTROM: Yes, but I have to know what I'm voting on here.

Ms. ANDREWS: Okay. What I'm saying is that this has been entered as a public document. I think a lot of people that are sitting here with you on the Assembly feel very uncomfortable with this being a public record now and having received it.

Speaker BERGSTROM: It's a public record --

Ms. ANDREWS: It would be nice --

Speaker BERGSTROM: The minute I got it in my email it was a public record.

Ms. ANDREWS: You got it in your email from whom?

Speaker BERGSTROM: Michael Curran and the people who submit this stuff.

Ms. ANDREWS: Well, it would be nice if it was an email then. Maybe we should just print the email and have that be whatever it is, an email from counsel, you know, and that would -- no, I'm serious. I'm looking for clarity here.

Speaker BERGSTROM: Yes.

Ms. ANDREWS: I've certainly sat on committees in the past where it say this was voted, you know, this is a report from the committee, and I go back and I look for five people on the committee and I talk to every one of them and I say, "Did you actually vote on this?" "No."

You know, and if it's something about dog hydrants, it's not a big deal. This is a big deal. This is a big deal, and you guys have done a lot of work and it's a shame to mucky it up at the very end of it.

Speaker BERGSTROM: No, I don't agree to the fact that we mucked it up.

Ms. ANDREWS: Well, to the extend that we've got a document that says it's from the committee --

Speaker BERGSTROM: So the argument -- so I know what I'm voting on is you don't want any information included in the report except for the recommendation?

Ms. MCCUTCHEON: No. That's not true.

Speaker BERGSTROM: Okay.

Ms. MCCUTCHEON: We want a report that's voted on by the committee. The committee will decide. This says paragraph after paragraph, "The committee considers; the committee believes; the committee intends; the committee wants; the committee has decided; the committee recommends; the committee recognizes."

Well the committee didn't even see any of this stuff to recognize it and believe in it and recommend it. These pages were not in existence when the committee voted.

Maybe what your committee wants to do is just say, "Yes, we all signed on to this."

Speaker BERGSTROM: No, I --

Ms. MCCUTCHEON: My point is that these things are required to be vetted as it were by the committee before they come to us. Now maybe I'm wrong. You know, it's a point of order.

Speaker BERGSTROM: Well, okay, but if you look on the agenda today, you won't see the word "Report" written anywhere.

Okay. Leo.

Mr. CAKOUNES: I'm not even going to go to Reference 2 or 3. I'm going to stop right at Reference 1, the very top thing says, "Charter Review Committee Preliminary Report."

Speaker BERGSTROM: Well --

Mr. CAKOUNES: Was this actual piece of paper, all these points in support of this recommendation, were they actually voted by the committee?

If they were, then this Reference 1 is a voted document by the committee and that's -- if that's what you guys want, if that's what the committee wants to bring forward then fine.

But if this Reference 1 hasn't been voted and the exact language that is written on this piece of paper -- I hate to say it, but I have to agree. It's not a report of the committee.

So far there is no --

Speaker BERGSTROM: I agree with you there.

Mr. CAKOUNES: So I have to support the motion.

Speaker BERGSTROM: Okay. So what is the motion? Let's move on here. Can you read back the motion?

Clerk O'CONNELL: Well I didn't write it down so I can't read it back.

Ms. KING: The committee to vote on a report and then submit a voted-on report; correct?

Ms. MCCUTCHEON: Yes.

Speaker BERGSTROM: Okay.

Ms. KING: Because right now you're just sending some stuff.

Speaker BERGSTROM: Well, it was never -- I mean I didn't see this until it was submitted. I saw it when you saw it. It was never intended to be the official report of the committee.

The official report of the committee was going to be given to the Assembly two weeks from

now when you were asked to -- just as you would on any Resolution or Ordinance, you would get the report and then you'd be asked for the vote.

I thought as a courtesy we should bring this up. I had no idea where all the other things were included. And I didn't -- and I still don't think it's a big deal but --

Deputy Speaker MARTIN: Well --

Ms. MCCUTCHEON: But in two weeks, is there a difference piece of writing that's coming forward because the Charter contemplates that there will be a report from the Charter Review Committee.

Speaker BERGSTROM: Well, --

Ms. KING: And a side note for me is that if you submit a report, I'm not voting on it that day. I mean if you expect people to, I think, vote on it in two weeks --

Speaker BERGSTROM: Marcia, I voted against this. So if you can keep putting it off until next spring that will solve my problem right there. I know that's what you're going to do, but the thing is I don't want people to waste their time. If we're going to delay this until it's too late, why don't we just stop right now and stop that charade.

Ms. KING: Well, move that motion.

Speaker BERGSTROM: I mean ultimately, you know, --

Ms. TAYLOR: Yes, it really is not a report because we were in the White Paper mode and that's why it is pieces of paper, I guess. And so that's --

Ms. ANDREWS: So it should say that.

Ms. KING: Then I move the question.

Speaker BERGSTROM: We have a motion on the floor to --

Ms. KING: Withdraw.

Speaker BERGSTROM: -- withdraw this --

Clerk O'CONNELL: This information.

Ms. MCCUTCHEON: You know, Julia, I -- you write. You grade people's work. I turn in a paper that says, "Semester Report," and it's not a semester report, I got a problem with my professor or teacher or whomever.

This is not called "White Paper." Was it called -- if it was a white paper and it was voted by the committee, we're happy to have it.

I am not interposing this for the purposes of delay. That may be the result; I think not because it's coming forward in two weeks anyway.

My concern is that, as this process moves along, we be clear as to what the Charter Review Committee recommended and when they recommended it. That's all.

Clerk O'CONNELL: Can I --

Speaker BERGSTROM: Yes, go ahead, Janice.

Clerk O'CONNELL: All right. Not to belabor the point, but my recollection was the committee can't put together a final report because the committee hasn't finished with those pieces that Mr. Curran mentioned at the end still have to be dealt with.

And in my mind, because I'm a very process-oriented-type person, a report would be all-encompassing. It would encompass this. If you want it to be preliminary, it could be preliminary dealing with the item of governance before other items follow and vote.

My recollection was the committee didn't take a roll call vote on specific items, but the consensus was that Julia, myself, and Mr. Curran were going to pool the thoughts and the points made in support of this type of governance model and submit them to the Assembly. That was my recollection.

Speaker BERGSTROM: Well, --

Ms. KING: Move the question.

Speaker BERGSTROM: Yeah, Leo.

Mr. CAKOUNES: I don't have a problem with that in direct comment to what the Clerk just said, but, quite frankly, I think that document, that whether it be one page, 10 pages, a white page, a blue page, I don't care what you call it, but that document that was compiled by two or three members needs to be seen and voted by the subcommittee, so that there is a record that the subcommittee has looked at it, reviewed it, agreed with the points, and then that document is brought forward to us.

Similarly to if someone would just ask for a White Page report. Still needs to be voted on by that committee. It's not the Clerk and Ms. Taylor's opinion of what happened. You need to have the committee look at it, vote on it, and send it to us.

Ms. ANDREWS: Mr. Speaker.

Speaker BERGSTROM: Yes, Cheryl.

Ms. ANDREWS: Just to speak to our Clerk's point. If this document had ended up in front of us and up at the top it said, "This is the document that was prepared by Julia Taylor and Janice O'Connell and Mike Curran as a draft informational report to the Assembly," then it would have made sense. That's all.

But that's not what it says. What it says is that it's a report from the committee.

Speaker BERGSTROM: Well, I mean I'm willing -- we would have to have another meeting before the two weeks -- speaking to this motion. I mean I'm more than willing to sit down with Julia and whoever -- it would have to be a quorum of the committee and vote an official report if that's what the Assembly wants.

I mean I understand the points that have been made. I really had difficulty with how I would present this today because I didn't want a substantive discussion. I basically wanted to say, "This is what we did" because you obviously know that from reading the paper. And it would be kind of odd if we didn't mention it.

But I can see that we probably should have voted on an official report.

Ms. KING: We didn't vote on it.

Speaker BERGSTROM: I would have had a report saying, "We took two votes and these are the results. Here's our report." But, you know, that's --

Ms. KING: Move the question. You have a motion on the floor, let's vote on it.

Speaker BERGSTROM: All right. All those in favor of the motion made by Delegate McCutcheon say "Aye." "Opposed?" No. So we will --

Mr. CAKOUNES: Take it back to the vote of the committee.

Ms. KING: Take it back for a vote. We want to see what you made of this.

Deputy Speaker MARTIN: I just have a request that when this comes forth and it's on and it's just -- because I know this is such a loaded topic that the presentation and explaining to all of us what it is we're going to do and what the outcome is would be really important to everyone here and anyone watching.

Because there's been so much information flying around about this that I think if we could start off the discussion of it with a really clean step of, you know, talk to us like, you know, we're really in kindergarten, one, two, three, here's what you're going to do today.

Speaker BERGSTROM: Well I think --

Deputy Speaker MARTIN: Because I think even like just this conversation here today, I'm unclear what we're actually going to do on the agenda next time with it and what the outcome is.

So something that if we could just position our conversation, frame our conversation in a really understandable way next time before we do it so we don't have an hour of discussion about what we're going to do. We can just spend our time doing what we need to do. That would be my request, whatever that form may take.

Speaker BERGSTROM: Okay. Well, my understanding is we're going to vote on the recommendations of the committee. And the only two recommendations the committee have made so far have been voted on are the 11-Member Delegation, if you want to call it, and the elected Executive. Those are the only two recommendations we voted on so far.

Mr. ANDERSON: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. ANDERSON: If we do have -- if you do call for a vote on this next week -- next time, is there anyway that you can show us a map where the 11 districts are?

Speaker BERGSTROM: Yes, we have that.

Mr. ANDERSON: Because, you know, the way that -- the one that we got in the email was just a line. It doesn't tell you where the precincts are or anything like that.

Speaker BERGSTROM: We've got two maps. One we had with just the precincts but there were no town lines on them. And then that was followed up with the map that had both precincts and the town lines.

Mr. ANDERSON: Okay. All right. And my second question is on what we just voted. If something is already in the public record, you can't remove it from the public record by a vote.

Speaker BERGSTROM: No.

Mr. ANDERSON: So that's still out there for people to see it and if they want to come and look at it.

Speaker BERGSTROM: Yes.

Mr. ANDERSON: That's what I wanted to get out. Okay. Thanks.

Ms. KING: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. KING: I'm asking that we do not vote on this in two weeks, that if you're going to give a presentation, are you going to submit an Ordinance? I mean are we voting on just a feeling? I --

Speaker BERGSTROM: Marcia, listen to what I said. The only vote you're ever going to take that's going to make any difference is a vote to -- on a petition. That's the one that -- the petition to the Legislature. Anything before that is simply discussion.

The actual mechanism that you would change County government is a petition to the Legislature. So anything before that is simply saying -- well, I mean you could submit an Ordinance or a Resolution saying, "I think you should follow up on this or I think you shouldn't" but that's up to you.

But that's how it works, there's a petition to the Legislature. So I'm anticipating that -- I'm just saying --

Ms. KING: It's a petition -- I understand it's a petition to the Legislature based on an Ordinance that has been submitted to this body that we send it to the Legislature to have a vote to change it Countywide.

So I guess I'm a little -- so -- okay -- confusing. But I'm not happy about voting on it in two weeks when you're going to give a major presentation about changing the form of government and expecting a presentation, and then expecting us to absorb that all in in less than 20 minutes.

Speaker BERGSTROM: You're not going to vote on it in two weeks, no.

Ms. KING: You just said we were. Okay. Great.

Speaker BERGSTROM: I said we were going to discuss it two weeks from now.

Ms. KING: Oh, okay.

Speaker BERGSTROM: If --

Mr. CAKOUNES: He did say that.

Ms. KING: He did say that. Thank you.

Speaker BERGSTROM: Did I say we're going to vote it?

Ms. KING: Yes.

Speaker BERGSTROM: If I said we're going to vote it in two weeks, what I meant to say is we're going to vote on whether or not we want to proceed with the petition; all right? But that vote doesn't have any effect. The only thing that has an effect is the actual petition we vote on. Do you understand?

Ms. MCCUTCHEON: You know, the Charter here requires that the Special Committee, that would be the Charter Review Committee --

Speaker BERGSTROM: Yes.

Ms. MCCUTCHEON: -- shall review the then existing Charter and Ordinance, and make a report with recommendations to the Assembly of Delegates concerning any proposed amendments or revisions, which they may deem necessary or desirable. That's what they're charged to do.

Speaker BERGSTROM: Right. And that's what we're going to do.

Ms. TAYLOR: I think though, Deborah, that a report of that nature and, of course, no Charter Review has done that except on very small details.

So rather than rewrite the Charter based on a committee preference, which it has voted, we're trying to bring forward the concepts from in terms of a White Paper. And if the Assembly is interested in them, then we would go back and make that kind of report.

This is this sort of preliminary step which if the Assembly is not interested in either of these two points, then that will be that. We'll put those aside. Then we will go back and deal with some other issues about the changing -- Charter changes and then eventually come in with, or not, some suggestions.

So this isn't meant to be that kind of report as mentioned in the -- that you're reading about in the Charter. That would come later if there were sympathy this is a straw vote, a White Paper concept vote, maybe not even a vote, but maybe. That would be somewhat up to what the Assembly wants to do.

Speaker BERGSTROM: So, again --

Ms. TAYLOR: This is not the real finished product because we know that these may not be acceptable to the Assembly, and there's no point in proceeding further until that's determined.

Speaker BERGSTROM: All right. I know I'm sorry if I get frustrated, but I've tried to work this so that everybody understands it. It is quite complicated.

What Leo, very early on in this process, brought up to say it doesn't make any sense to go forward unless you bring these things before the Assembly.

So the idea is that to draw up -- to dot the I's and cross the T's on a new Charter or a changed Charter is a very complicated, time-consuming thing. In other words, it doesn't make any sense to go to that stage unless we know that the Assembly is -- a significant number of the Assembly is on board.

We don't want to charge Michael Curran with going into the actual language of the Charter, which is quite complicated in coming up with a final document to be submitted to the Legislature if nobody's for it in the first place.

So what I've tried to do is set up a procedure where we can go step-by-step and see what kind of support it has. And, you know, we will get together and we'll issue another report. I'll go over it this time with Julia. And Suzanne's not here. She was going to do some of the heavy lifting on this but she was sick today, so poor Julia had to take the center stage and the grief.

So, all right. Are we done yet? Okay.

Mr. CAKOUNES: Under "Other."

Speaker BERGSTROM: Under "Other," yes, Leo.

Mr. CAKOUNES: I have submitted a Proposed Resolution that I'd appreciate if the Speaker would put on our agenda as soon as possible. It's something we've discussed in the past. I know that

some of you may feel that it's something that's going to entail a lot of discussion, and, quite frankly, I think we've beaten it all to death. And, hopefully, we can just take a vote and move forward.

So I would appreciate if the Speaker would entertain putting it on at our next meeting.

Speaker BERGSTROM: Okay. You all got a copy of that?

Ms. TAYLOR: The next meeting? Are you sure you want to do it then?

Speaker BERGSTROM: Okay. If there's no other business to be brought before the Assembly -- no? Go ahead.

Deputy Speaker MARTIN: Motion to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor, say "Aye

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:00 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates