

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – December 4, 2013

Speaker BERGSTROM: Good afternoon. Welcome to the December 4<sup>th</sup> session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to ask if this meeting is being recorded by anyone other than our normal recording person? Are you recording this?

You're not recording this. Okay.

Mr. MARONEY: Never in my life, sir. Once is enough.

Speaker BERGSTROM: And so I'll call this meeting to order. We will begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (94.97%): 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), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).  
Absent (5.03%): Christopher Kanaga (2.73% -Orleans), Teresa Martin (2.30% - Eastham – arrived at 4:30 p.m.).**

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 94.97 percent of the Delegates present; 5.03 percent absent.

**Committee of the Whole**

Speaker BERGSTROM: Thank you.

I'll now need a motion to approve the Calendar of Business.

Ms. KING: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Moved and seconded. Any additions or corrections to the Calendar? Hearing none. All those in favor, say "Aye." "Opposed"?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of November 6<sup>th</sup>, 2013 -- are we back to November 6?

Clerk O'CONNELL: November 20<sup>th</sup>.

Speaker BERGSTROM: Yes, that's a mistake on our -- it should be November 20<sup>th</sup>, 2013. So I will need a motion to approve the Journal of November 20<sup>th</sup> ?

Ms. KING: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Moved and seconded. Any additions or corrections? Hearing none. All those in favor say “Aye.” “Opposed”?

(Motion carried.)

Speaker BERGSTROM: Okay. I have Communications from the Board of Regional Commissioners. However, none of the Commissioners are here. They’re having a long meeting today as we are. And so, hopefully, they will come before we convene.

Communications from Charter Review Committee

Speaker BERGSTROM: The next item on the agenda after that is Communications and Discussions with Charter Review Committee regarding governance recommendations.

So this is an opportunity for the committee to officially notify the full Assembly of its work and its recommendations.

And I see a member of the committee, Linell.

Ms. GRUNDMAN: Yes.

Speaker BERGSTROM: Don’t sit down. Come up here and sit down.

Ms. GRUNDMAN: Okay. Up there?

Speaker BERGSTROM: Up there. Yes.

Speaker BERGSTROM: The members of the Committee that are present are Linell Grundman from Sandwich joining us, myself, Julia Taylor, Suzanne McAuliffe, and I think Bill Doherty who hopefully will join us soon, Ann Canedy and --

Ms. MCAULIFFE: Austin.

Speaker BERGSTROM: Austin Knight. So I’ll give you a few minutes to compose yourself, and then we’re going to go into the discussion of the Charter Review. It doesn’t have to be you but --

Ms. GRUNDMAN: Right.

Speaker BERGSTROM: So anybody else like to -- Julia or Suzanne?

Ms. GRUNDMAN: Ron, I just wanted to ask is there going to be public comment before the discussion?

Speaker BERGSTROM: We haven’t convened yet.

Ms. GRUNDMAN: Okay.

Speaker BERGSTROM: So there will be public discussion on the normal course of business will be the last thing before we convene the public we can get to.

Ms. GRUNDMAN: Okay. Because I’d actually like to make a public comment too.

Speaker BERGSTROM: Well you don’t have to make it public because you’re on the agenda.

Ms. GRUNDMAN: Okay. As long as I get to say something.

Ms. TAYLOR: Now is the time.

Ms. GRUNDMAN: Rather than write a “My View” I thought I’d wait and say it here.

Speaker BERGSTROM: Okay. Who would like to broach this? Yes, Suzanne.

Ms. MCAULIFFE: I’ll start because Julia did the honors last time. And I just wanted to say that the Charter Review Committee was a hard-working group obviously. We met twice a month and sometimes more frequently. We had very good attendance, typically everyone but one and sometimes two, so it was sort of a coming together of people from all parts of the Cape.

We went through a big process, and I’m not sure if Julia told you this, everyone came in with their own ideas and their own preconceived notions. And I think we all went through the experience that groups do when they immerse themselves in something is that you sort of change, you grow, you learn, and then you come out at the end with something that you

probably never even thought you would even consider at the beginning or that you were even a supporter of just because of the process.

And I'm telling you this because I think it's very -- I would say that I was a person before we started this process that would want things differently than what the Charter Review Committee is recommending now.

But because of the process, the education we got from Michael Curran in terms of all the reading about counties and also looking at all the different proposals, we came out with this recommendation.

A different group and different information, it might be something different. But this is not just something that we sort of pulled out of the hat. This is not something we're doing at the -- we did at the behest of any group. It's not something that we want to go forward because we want the County to take over -- County government to take over the County and run all the towns and to be lined with the Cape Cod Commission. There is no agenda other than we got together; we talked about what we do as a County, and what might be better way to do it.

So that was our thinking. And as you know, you have before you we recommended a Strong Executive elected Cape wide, and that would replace the current County Commissioners. And this would be assisted by an appointed Administrator. And then the change would be there would be a Legislative body representing 11 regional districts of equal size elected nonpartisan.

And the reason we did that was I think we came to the feeling that while it's very important for every town to have a voice, in reality, every town doesn't have a vote. They have a voice but not a vote. And we felt one man/one vote was a guiding principle in how we came to the 11 districts.

The districts are fairly equal within four or five percent in terms of numbers of populations. It's actually done by voting precincts clumped together.

The Cape Cod Commission had the ability to run this through a computer and come up with this. It wasn't their plan. It wasn't something that they came to us with. We said how -- and we looked at wide ranging numbers of districts, everything from five on up. And the one that really made the most sense in terms of not having too many Legislators and having the most equal numbers of districts was the 11 districts.

We did consider three or four proposals, and we considered very seriously the Assembly's proposal, the League of Women Voters' proposal, and also this proposal. We did not, when we came down to our final three, the League of Women Voters proposal wasn't on our final list just because we felt that this 11 district was sort of a modification of that proposal with more districts as opposed to five or seven. I think it was 11.

So that's sort of how we got to where we are. I'll leave it to other people to talk about perhaps some of the pros and cons, but I think one of the overriding messages was one man/one vote, and it is a better way to run a government to give the citizens and the residents of the County more of an equal say in the outcomes of what the government is doing.

Speaker BERGSTROM: Yes, Cheryl. Did you want to comment on that?

Ms. ANDREWS: Thank you, Mr. Speaker. One process question first. Is it your intent to convene a meeting of the Charter Review Committee today?

Speaker BERGSTROM: No.

Ms. ANDREWS: So that you're legally in quorum?

Speaker BERGSTROM: We put out notification that the members would be here, yeah. So essentially they've already convened.

Ms. ANDREWS: I'm just asking. You might want to convene and then have a set of minutes for them. But that's how we would do it for a joint meeting.

Two comments. One, I didn't realize until I went back and actually checked all the minutes from the Charter Review Committee as to the attendance of the Selectmen from Provincetown who was chosen to be on the committee as a representative from the Lower Cape.

But what I saw was he attended a number of the meetings early on and then stopped. So about 75 percent of the meetings were missed by that particular member including the one where the committee voted.

I didn't realize that until kind of late in the game that that was happening, but I will simply let you know that a number of people up my end of the Cape are feeling that they weren't represented well on this committee. And I don't know what could've been done differently once there was a problem noticed. But by the time I did, I think you were getting ready to vote.

But since I speak for those voters, I will let you know that they're not happy about that.

And then the second thing is I remember when I went in front of my Board of Selectmen on this issue and that same member as well as the County Commissioner that was there, you know, the question came through my Board of Selectmen, "Well, is it time for us to weigh in?" And they were told both by the Commissioner and by the Charter Review Committee member, "Oh no, there's no proposal in front of the committee. Don't weigh in. Don't have an opinion," and I'm sitting there going, "Please people, have an opinion, talk to the committee, share your concerns." They never did.

So my question is, and this is to the folks on the Charter Review Committee, how many Boards of Selectmen from the 15 towns on the Cape did you hear from? How many boards did you hear from? And of those boards, how many of them supported the position you took versus supported keeping the Assembly because I really don't know and I was kind of curious.

Thank you.

Speaker BERGSTROM: Well, I just -- yes, Linell did you have an answer for that?

Ms. GRUNDMAN: Before you -- you probably have a statistical answer about how many boards --

Speaker BERGSTROM: Yes.

Ms. GRUNDMAN: -- but this is something I wanted to bring up in my remarks, and I think it's extraordinarily important.

We did hear from Boards of Selectmen, I don't know the exact number, but we heard from them before we had made a proposal.

So from my perspective, essentially we heard what they wanted us to do. And maybe I'll just launch into a couple of my remarks right now.

Speaker BERGSTROM: Launch away.

Ms. GRUNDMAN: Okay. So our committee was composed of Assembly members, a County Commissioner, Austin is the representative of the Cape Cod Commission. I was asked to join because six years as a Selectmen, I'm on the Finance Committee, and I served for a year as the President of the Cape Cod Selectmen and Councilor Association. I also served as the Vice Chair of the Cape Cod Water Protection Collaborative -- very, very engaged in County government.

But when I sat down at that first meeting, it was obvious that there was -- the Assembly had a very well-written suggestion and we had a counter suggestion from the County Commissioners, and in the middle of it we had the most recent report from the Special Commission.

So it was at that very first meeting looking at the makeup of the group and what we were facing, I wondered could we get through any of this because it really was about, you know,

which way to go. And likewise, the Selectmen, and we can check specifically, all of our information is online so it's pretty easy to check, I would say most of our Selectmen if not all of the Selectmen comments that we received, we received before we made a recommendation. So they were not commenting on our recommendation. They were commenting on what they thought about County government, which is fine. You know, but I just wanted -- I think that's a really, really important point.

As we evolved in the work and we began to have very substantive conversations based on the research that Mr. Curran had done and provided us with lots of material to peruse and go over looking at models throughout the country.

And at the time, we were listening to testimony from people who did come before us. It turned into an opportunity to discuss something different and something improved upon -- remember now, I think it was four years ago you did your first Charter review. No one bought it. Then we did the Special County Commission because the first Charter review is basically housekeeping, which is fine. That's what we do in our town too. Then the Special Commission.

But before the Charter Review Committee got started, you already had a clear declaration from the Assembly of Delegates or a suggestion of one and a clear declaration from the County Commission -- Commissioners, from the County Commissioners.

So I just want us all to remember that that this, you know, everything that's been in the paper since we made our recommendation from my perspective looks very, very political like we came into this with an idea. There were many ideas on the table. We came into this to wave through those, but, in addition, to get expert advice from the consultant we hired about looking where the goals were common because there were some very clear common goals in all of the ideas and some very clear consensus about certain aspects of any changes, one being a Strong Executive.

To that point, it was a very rich conversation. We talked about elected versus appointed recognizing that our towns appoint their Administrators. Some of us who have served as Selectmen had to admit that sometimes that does not work as well as we would like it to work because it creates kind of a Catch-22 of no accountability for the person who's really at the top.

So all these things were discussed in our meeting, and our recommendation, I want to thank our outstanding Clerk; I want to thank the Committee; I want to thank the Assembly for giving us an opportunity to have those discussions.

Those discussions were as important if not more important than what will happen here today or what will happen at the next Charter review because I'm certain there will be another one.

Because what I think came out for me as kind of the objective person in our group looking at it from a process piece with a strong background in government, both at the federal and international level, is this County has evolved, and what I see is that every group who had a strong recommendation about what do -- how do we improve -- every group agreed that it's time to continue to evolve.

The issue of efficiency is not -- it's not something to be taken lightly. It's not like efficient so we make decisions quickly, it's literally efficiency in the energy that we all bring to the table to do that collective thinking, that problem solving and that critical solutions oriented decision-making.

So I am very proud to have served on this committee. Like Suzanne, I was surprised with the outcome. It seemed to be a consensus until the very last vote, but I was surprised with the outcome. I also understand having served my period of time in government that thinking

about regionalization is a tough topic.

One of the things we talked about a lot was a recommendation that would allow people to ease into the necessity of acting regionally on some particularly tough issues, for example water.

And the other thing I just wanted to say, the last thing we got in terms of criticism of our recommendation was from a group that said, you know, they don't want big government. Well, this recommendation, I just want us to all be really clear, takes 18 decision makers down to 12. And that's not creating more government. That's creating less government. So I just want to say that.

And I have to thank Ron for his good work. And I want to also just address the issue of too much power. To Suzanne's point, we can say there were no agendas until we're blue in the face. People will believe what they want to believe. But that was really a very big part of our discussion. What kind of government could we recommend, could we look at that would be responsive to our citizens.

We didn't get into power plays. We had our discussions about things like that, but I think that that was a theme that kept coming up over and over again. It also is not to be taken lightly that in addition to the very public recommendations from the Board of Selectmen, there were also letters, there were also people talking to us about what they saw as unresponsiveness in the County government and concern about those critical decisions we need to make in the near future and hoping that we can move -- that we could see something -- something that would maybe make that happen in an easier way.

So the long and short of it is regardless of what happens here today, that County Charter Review Committee did a really -- I mean today or whenever this gets votes to move forward or whatever it is, that it was a good discussion. And in addition to thinking emotionally about it, I do hope that some people look at the tapes or read the transcripts. They were very good discussions, and I have to really compliment Mr. Curran. He did an outstanding job of providing us substantive paperwork to look at and models and research, and it was very helpful.

Speaker BERGSTROM: Okay. Thank you. I'd like to address Cheryl's comment. Just a minute.

I've done some thinking about this, and I've been on a bunch of committees and made a bunch of recommendations, most of which get shot down, but you really -- when you empower -- the Charter Review Committee in itself doesn't have any authority, doesn't have any power to do anything. They are empowered by the Assembly to come back and make recommendations.

So when you take public comment -- when a board that doesn't have any authority to make a decision takes public comment, they're just looking for guidance. They're not looking for people saying -- well, really, the Assembly expects the committee to look into it and make the recommendations.

Now the committee is -- the Assembly is the decision-making body. So really the time to comment -- the time for Boards of Selectmen and the public and so on, although they can comment any time, is when there's an actual proposal on the table. Because, otherwise, you're just basically shooting into the wind. You don't know what the committee's going to recommend. You don't know what the Assembly's going to be looking at.

So I just feel that as we move closer and closer to a decision, that's when -- and when there's something on the table and the committee has now made recommendations, that's the best time to have interested parties comment.

That being said, we did hold three meetings in various parts of the Cape. We held one meeting here for the Mid Cape. We held one meeting in Orleans, and we held another meeting

in Sandwich, and I think that all those boards are on our list, our distribution list so they were made aware of the fact that we were having it. So I think we did do a good job of public outreach. And, you know, you can reach out to the public, but if these don't reach back, and you can't blame them because they're waiting to see what we do.

So, anyway, Julia, did you want to say something?

Ms. TAYLOR: Well, I guess my question is do we really want to have this discussion now? I don't think that most of the people here are here because of the Charter Review discussion. Am I -- who's here for the Charter Review?

Good. Great. Great. Okay. I don't care. I have a few things to say, but I'm happy to do it now, but I would think that we might want to have basically public comment more than us comment.

Speaker BERGSTROM: Well, I just wanted you -- we never officially presented the findings to the committee. This is what we're doing now. We're officially --

Ms. TAYLOR: I mean do people want me to go over some of this or have they all ready it carefully and feel they know what it -- what the distinctions are?

Speaker BERGSTROM: Well, I mean, yeah, basically. Here's what we did. We met and here's what we did.

Ms. TAYLOR: Yes. I mean I assume you've had this for three or several weeks and you don't need me to read it.

I have remarks to make that are not related -- that are not a repeating of that but the question is do you want them now or when we convene.

Speaker BERGSTROM: My intention was -- Mike Curran is on board through this process. And the end process would be, as I've said before, a petition to the Legislature so that everybody out there knows exactly what we're going to do rather than just shooting into the wind.

So we could have a petition prepared by, let's say, the 15th of January --

Ms. KING: Point of order.

Speaker BERGSTROM: Yes.

Ms. KING: Point of order. Point of order.

Ms. TAYLOR: Yes.

Speaker BERGSTROM: You're already talking about a petition. We haven't discussed this. We haven't voted on it.

Ms. TAYLOR: Yes.

Ms. MCAULIFFE: He's telling you the timeline.

Speaker BERGSTROM: What's the point of order here? What am I doing wrong?

Ms. ANDREWS: We haven't voted.

Ms. KING: Point of order. You're talking about a petition --

Speaker BERGSTROM: That's your opinion. That has nothing to do with how we're running business of the Assembly.

Ms. TAYLOR: Well, I'm happy to speak briefly now. But it was my understanding from what we've said in the last several meetings that we would not be voting this today, that it was a discussion day, and then it would be voted at a subsequent meeting. I may be wrong about that, but that is what was said.

At any rate --

Speaker BERGSTROM: Well, we can't vote on it now because we're not -- we haven't convened.

Ms. TAYLOR: I understand that. Well, let me just say a few brief, teeny little remarks

about the history of this, which was that when -- one historical fact is that we have a very unusual situation in terms of speaking now, the Legislative branch, as opposed to the Executive branch, which is also pretty unusual but in most of the country but not on Cape Cod.

When this -- the original Charter Review Committee which established the current system, I did serve on that, and its mission was to provide a Legislative branch for County government primarily to review the budget and to act as something to vote on Cape Cod Commission actions because the Cape Cod Commission was coming in to being.

The previous budget voters had been the Boards of Selectmen at that time. Previously, it had been full-time Selectmen, and so they had come to meetings and had frequently approved the budgets.

That had now fallen into disarray because they switched 25 years ago was to part-time Selectmen. And so the County was left with no group really overseeing things, although on paper, the Selectmen still had that power.

So when the Charter Review tried to create a Legislative branch, it realized that the concept of a proportional vote was, well, bizarre, because it's not done elsewhere. There aren't other places where someone has 14.5 percent of the vote and some other person in the Legislative body has 2.3 percent. It just doesn't exist elsewhere.

But the Charter Committee -- Commission was afraid to antagonize the Selectmen by eliminating town-based representation. To have town-based representation, it has -- the only way you could have it would be with this proportional vote. So we didn't have the nerve at that time.

I don't think it's been a disaster of course, but we're 20-plus years later and maybe now -- so the voters never had a chance to think about is this kind of bizarre because it was presented as the recommendation and they went along with it. There wasn't any other Legislative body that they were comparing on Cape Cod.

I think now we are bigger and more sophisticated and more regionally oriented, and I think we could let the voters decide whether it's a good idea to have me or someone in my position have a judgment that's 10 times -- 12 times more valuable than Deborah's judgment. Maybe; I doubt it though.

I don't think that Patrick's judgment is 20 times greater than Cheryl's. I just don't believe that. So it isn't that we have a system now where some towns have too much power. The voters of the town have the power of the number of votes, but what we have is that some people have too much power. It isn't right. That's my basic feeling about this.

I also have never heard that there's a disaster on the Lower Cape because Sarah Peake comes from Provincetown and has to represent somehow the whole Lower Cape. And yet I have never heard that that's just a disaster for the people of the Lower Cape.

In Falmouth, we have -- and I'm represented -- even though I'm from this big town, do I have my own State Legislator? No. My State Legislator is actually from Nantucket. How weird is that? But it turns out that that works just fine.

And my town also has another Delegate to the General Court, David Vieira. And even though I don't live in his district, I feel quite free to call him up and he's very responsive if I do.

So I just think we really have quite a lot of experience with our State Reps, our Congressman. These are people that represent districts, and it actually works perfectly well.

So I cannot see why we would have instead -- and I think it's good that Tim Madden, my rep, and David Vieira, who's not really my rep, but I can use him, and Sarah Peake all have the exact same power in Boston. I think that's good, as does Keegan. He has the exact same vote as every other Congressman. I don't think I should have more vote than other people

because that disenfranchises those other voters from those towns. So that's my major point on the Legislature.

I have other thoughts I might share about the Executive, but I think you've heard enough for now.

Speaker BERGSTROM: Marcia, did you want to speak?

Ms. KING: Yes, I do. I'll respond to that. I guess I have -- I don't understand why people are so jagged and jaded about the weighted vote. It's what the House of Representatives and the federal government has. Washington State has less representatives than California. It's based on population. If you wanted --

Ms. MCCAULIFFE: But do people have the same vote.

Speaker BERGSTROM: Julia.

Ms. KING: If you want to take the Assembly and make it -- how many -- what's your percent vote, Deborah? You know with 3,000 full time -- for every 3,000 people in your town you get one person. Barnstable will still have more than my town. You will still have more than my town.

I find it amazing that that seems to be such a bone that people get jagged over.

The next thing I have an issue of -- your Strong Elected Cape wide Administrator, which is basically a beauty contest. You want it to be strong. I think you should talk to the town of Toronto because this is a mayor. Look what they got. Look what Washington, DC got.

You say a strong elected Executive doesn't make any sense. It's just a beauty contest. You're voting for a mayor. Just call it a mayor because that's what it is. So I find it amazing. And then we're going to pay for another Administrator that's appointed? I'm disappointed. I can't support -- I think that this body, and I've said it repeatedly, is fine. We've never had a problem. And actually Mr. Curran even says that, that's never happened.

But having a couple of votes that can urbanize it, this has never happened ever. It may happen now actually voting on this because the three towns, my understanding, might support this. So this is the only time that I've been on here 14 years that the three towns may actually control the board.

But I think the County was set up as you say because the Selectmen were taking -- were handling the budgets, which mean it was town centered. So now all of the sudden, all we are talking about are the citizens. I represent my town. And my citizens are represented by my Board of Selectmen, which I talk to, but I also represent my town, my town is here on to represent, and so is Truro. As I think Deborah once said, her vote is very small but she's got a seat at the table. Mashpee will be cut by three. Mashpee will not have a seat at the table, neither with Truro, neither will a few of -- all the towns on the Outer Cape and all the other towns that are cut apart.

I'm disappointed in this, but I also think if you look at the federal House of Representatives, they do, if you want to call it a weighted vote, they just have more people. They have 435. You can cut that down for one each. There could only be 50 state reps -- federal reps.

But then let me tell you, California's going to have more of a vote than Wyoming, just as we have it here.

Thank you.

Speaker BERGSTROM: Okay. I'm going to go -- Leo hasn't said anything yet. Then I'll go to Cheryl and then Suzanne.

Mr. CAKOUNES: Actually, Mr. Speaker --

Speaker BERGSTROM: I mean, sorry, Deborah.

Mr. CAKOUNES: -- I have a question for you, sir. When are we going to vote on this? When are we going to ask the Assembly of Delegates either accept or reject the recommendations from the Charter Review Committee?

Speaker BERGSTROM: Well, let me get into that to put it this way. As I said earlier, the actual vehicle by which a change could be made is to petition. Okay. Now --

Mr. CAKOUNES: When are we going to vote on it? That's my question, sir.

Speaker BERGSTROM: You're going to vote --

Mr. CAKOUNES: When are we voting on your Charter Review's recommendation? When is that going to happen, please?

Speaker BERGSTROM: Well, the next --

Ms. MCCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: -- to me, it's going to happen on the 15th.

Ms. MCCAULIFFE: A clarification. I think what the representative -- the representative from Falmouth is saying we had a discussion of the Charter Review Committee that bringing this recommendation forward was important enough that the Assembly should have time to discuss it.

Now the first presentation last time I think got into more of a process issue and the discussion really didn't occur.

So I think the Charter Review Committee had talked about having a presentation giving the Assembly time to discuss it, and then having a vote at another meeting.

However, the Assembly can do what it pleases. If you want to vote today, you can call the question. That was just the Charter Review Committee thinking on something that was a fairly important issue; is that correct?

Speaker BERGSTROM: Let me break in on that. I don't want to pull rank here but you can vote on it whenever you want, but what goes on the agenda is up to me, okay, unfortunately. It may not be fair but look at the House of Representatives in Washington.

So if I want to bring a petition before this body and put it on the agenda as not only the Speaker but also as the Chair of the Charter Review Committee, we could do that.

And since Mike's charge includes drawing up that petition, I don't see why there's any reason not to do it.

Now I know I just jumped in. I know I'm jumping over a couple other people, but I, believe it or not, am in agreement with Marcia when she analyzes where we're going with this. I never thought that there was a problem with the current system. And I also believe that a strong case has not been made why there should be a change.

However, this body has been criticized by people within the Charter Review Committee but also from the outside is saying what organization in this world would decide on its own rules and decide whether or not to change the weight. Why should we be the ones who make that decision as to whether or not we continue to exist or not.

So I think personally, my 3 percent representing Chatham, that we should go forward with the petition and put it up to the voters. They're the ones -- I have confidence, and I might be wrong, maybe I'm not as close to the voters as some others, I have confidence that people are not going to buy into another -- it's not that -- Julia makes a good case that this works better. But the question is I start with the individual voter. What are they going to think? How are they going to relate to this? Are they going to want to create a new set of districts that they're not aware now and they cut through town boundaries, so I feel personally that when presented to the people who are the basis of Barnstable County that they will not want to go there. So I'm confident that if we go forward with the petition to the Legislature that it ultimately will be

defeated.

So that's my saying, and now I'll go --

Mr. CAKOUNES: Can I just finish my question, Mr. Speaker, please?

Speaker BERGSTROM: Yes. Okay.

Mr. CAKOUNES: I have, I guess under my breath over here, had said that are we voting on it today, and I've heard a number of people say we cannot vote.

Speaker BERGSTROM: No. You can -- if it's on the agenda, you can vote.

Mr. CAKOUNES: I want you on the record that we had on an agenda a presentation from Bill Clark to buy the shellfish, whatever you call it, the ARC, and I made a motion during the open session to support his endeavors and encourage him to follow his thoughts and try to get some grants and come back and make a report to us. That motion was seconded and it was voted on.

Speaker BERGSTROM: Leo, I --

Mr. CAKOUNES: So I'm taking the position that if someone today wanted to make a motion either to support the recommendation of the Charter Review Committee as it has been presented today or reject it, I feel we would be in order.

Speaker BERGSTROM: And you're absolutely --

Mr. CAKOUNES: Is that correct?

Speaker BERGSTROM: Yes, it's absolutely correct, Leo.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: My policy's been if it's on the agenda, anybody can call for a vote at any time.

Julia.

Ms. TAYLOR: In the case, Mr. Speaker, I would -- if we were in session, we could move -- that's why I think we'd be better to have this discussion in session.

Speaker BERGSTROM: Well, we have to go into session to go take a vote.

Ms. TAYLOR: And we would instead --

Speaker BERGSTROM: Or did you -- well --

Ms. TAYLOR: -- hear from the public at this point.

Speaker BERGSTROM: Anyway. Yes.

Ms. MCCUTCHEON: I'd like first to make an observation. I haven't been with the Assembly all that long, but this whole kerfuffle started in my first term with the Assembly in the summer that would have been 2011. And there was a meeting, the Business Roundtable came up and Marcia said, "This is just a device to do what has been on the agenda for a long time which is to restructure the Assembly so the small towns don't have representation anymore." That's what she said.

Okay. So now we sit here fast-forward and what have we got? A lot of hand ringing about the poor little towns, oh, we just feel so bad. Who was ringing their hands about the poor little towns? Is it the people from Truro? Is it the people from Provincetown? Are we the ones complaining about not having a big enough vote? No. We're saying that we want to have a voice on this Assembly.

And low and behold, our voice is being limited not by -- with our agreement, but by overweening concern for our poor little selves not having enough representation so we're just not going to listen to you at all.

Okay. So I have a problem with that. I have a problem with that. Let me just say another thing here. This whole thing is dressed up as a Charter Review, always been the Charter Review. I hear the Speaker say that in two meetings from now, we're going to have a

petition to the Legislature.

Now I don't know this group, but I'd be willing to bet dollars for donuts that that Charter Review Committee has not gone through line-by-line that Charter and picked out the things that are criticized because they could be Ordinances or picked out the things that are not always followed or identified the provisions that need to be worked on.

The only thing that is -- has been discussed and has been put forward is let's restructure County government so those poor little towns that don't have enough vote, the only .9 percent so we don't have to hear them. So that's what I have to say about that.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. I simply wanted to address a comment. Sarah Peake's name seems to get raised a lot and I believe the reason is because the district that she represents may be slightly similar to what shows on this map with these 11 districts.

And so people say, "Well, that works." And what people keep forgetting, and it does work by the way, I think she's a great state rep. But what people keep forgetting about Sarah Peake is that's her full-time job. She's compensated something -- you guys probably know the number better than me, something like 50-odd thousand dollars a year.

She is a machine. She is everywhere. I hardly ever see her in Provincetown anymore because she's out in all those other towns that have a lot more voters, and she's a very busy gal. Full time job. She's not a little dentist who comes down and does this as her service to the community, and has her \$1,000 stipend plus health, which is wonderful but there's a difference.

So every time someone talks about Sarah Peake, let's remember she's paid \$50,000, and I didn't hear a proposal to compensate these folks \$50,000.

Thank you.

Speaker BERGSTROM: Thank you. Ned.

Mr. HITCHCOCK: I think you had some other people before me but I do want to speak.

Speaker BERGSTROM: Well, go right ahead. They're just going to have to wait.

Mr. HITCHCOCK: A couple of things. I did go back to my Selectmen after the proposal was made, reviewed the proposal with them and so forth, and they still take the same position that they had before. I'll say it grossly oversimplified, "If it ain't broke, don't fix it." They were not interested in the change, and I remain with that same position.

The other thing that I -- that the Selectmen's different take on this argument. I do think there is precedence including case law for proportional representation such as we have.

But more important and the thing that's close to my heart is it seems to me that every time any organization or body becomes more centralized, less and less decision-making gets to happen at the grassroots.

I believe very strongly that New England with its town meeting and its town structure has something that's unique in this country and I understand that it doesn't happen a lot elsewhere. It would be quite different. New England is small, so there's the proximity issue. We're not big like quarter sections and, you know, counties that are hundreds of miles wide and that sort of thing.

If we can find a way to keep a -- at least a vestige of direct democracy going, I think we should do it. I think as things centralize, there's less and less participating among citizens. There's a lot of asking for that.

Why not do it when we can. We're remarkable, we're unique in the sense of small, and lots of people stay involved in this. People go to our Selectmen meetings a lot, a whole lot more than I think than most County Administrative meetings that I've been to when I grew up

in Ohio and so forth and so on.

So I think this is important to think about that this move as with what the committee recommended moves us towards a much more centralized government. I'm not big on that, and I think it just is another jab at the town meeting -- the town meeting structure. I think -- well, as I've said in my comments, there are big citations in the minutes of that Commission which mostly we have all ignored, which I think speaks to something, that people really would like to get rid of towns and go into these districts, whatever they might be called. And I'm not very supportive of any of that sort of thinking.

Speaker BERGSTROM: Okay. I'd like to get some public comment. Do we have -- well, wait a minute.

Ms. MCAULIFFE: John had one --

Speaker BERGSTROM: Do we have somebody here? Yes, John. Sorry; I didn't see you.

Mr. OHMAN: Thank you, Mr. Speaker. I've been on the Assembly for 17 years, and I'm very much opposed to any of these changes for a lot of reasons.

But I went back to my town, again, after the final decisions were made on paper, and they reaffirmed this as Mr. Hitchcock's town did that they don't want any changes. Their thought process was, number one, in 1989 voters did vote on this issue. It's always been town-based.

We had another referendum vote when we became a regional government I think in 2000, 70 percent of the public voted to keep the Assembly the way it was. I don't see why we have to keep re-examining ourselves to prove the same thing.

But I also want to think about just in general terms of what I think about this body. You know we have a representative form of government, but we debate like a Senate. So everyone has the same place at the table. That's very unique. The person from Truro and the person from Barnstable sit right next to each other and have the exact kind of face time to get their point across. That's very unique.

And secondly, then we voted the Legislature, and I've never seen it abused in my time on the Assembly, and I'm grateful for that, and I have no compunction to change what's going on.

Thank you.

Speaker BERGSTROM: Okay. Just questions have been brought up by Leo and others about the schedule, and this is something that Janice and I have gone over now for the last month.

What's happening now is that we're not going to have a meeting on January 1 because January 1 is obviously New Year's Day. I'm not going to bring this issue up on the 18th because we're having -- we're going over to the restaurant after that, and I don't want us to start throwing tomatoes around at each other. All right.

I just think it's too big an issue to discuss on the 18th. So that bring us to the 15th of January, which is the earliest possible time after this presentation -- in other words, a presentation was made today, now and we could go to the 15th.

Now if anybody wants to call for a vote, that's up to them. Now whether or not we can take a vote in session or out of session is something I haven't really thought about. We don't have a parliamentarian, but usually we wait until we convene and then we take a vote. Okay. So we won't be convening for a little bit. Yes, we've got somebody --

Mr. CAKOUNES: I'm not a parliamentarian, Mr. Speaker. All I will tell you is this body has listened to presentations made to them and motions have been made to support that

presentation and move forward, simple motion and it was passed or not passed.

So we have done it before not being convened as the Assembly of Delegates. If this was a Resolution or an Ordinance, then I would argue, yes, we should be convened. But if someone wants to make a general motion that they support or not support the recommendations from the Charter Review Committee, I believe, and I would like to know -- before you answered my question, Mr. Speaker, you believed also that it would be proper.

Speaker BERGSTROM: Well, I think you could make a recommendation. You could call for a vote. I'm certainly not going to stand in your way, and if something comes up later on and it says "It's out of order," that's their issue.

Yes, Suzanne.

Ms. MCAULIFFE: Just in case someone is going to call for a vote, a couple of things.

The Charter Review Committee took up the issue of governance first, understanding and realizing there's a lot in the Charter that needs to be done. We specifically didn't do that because until you have the governance you've decided, it doesn't make sense to go through and change language and pull stuff out because you don't really know what things are going to look like.

So the petition to the Legislature would be to change the governance, not the Charter or not the whole Charter --

Speaker BERGSTROM: It's a different process.

Ms. MCAULIFFE: It's a different process.

Speaker BERGSTROM: It's a different process than the rest of it.

Ms. MCAULIFFE: And I think this recommendation from the Charter Review Committee is not in the form of a petition or anything that formal.

I think what we wanted to do because there is such, I guess, so much sentiment against any change was we wanted to make sure that we got the idea out there, got the feedback before we invested much more time than what we're investing right now.

And then I would like to make two short points. One is we are very used to thinking municipally. And that's how the Cape is. Its Home Rule is very strong municipally.

When I came onto the Assembly I was told that you're not a representative of Yarmouth, you're a representative of the citizens in Yarmouth. So there's a slight adjustment in terms of thinking at the County level. It's a more regional thinking.

It's not that I don't think about Yarmouth, I don't represent Yarmouth, and I don't go back to Yarmouth and keep them in touch. But I have to make that leap to think as a regional government not just as what's good for Yarmouth at this table. So there's a slight different. We can't necessarily be thinking municipally. We need to think more regionally.

And my last comment is the last vote was taken 25 years ago. I think a lot has happened in 25 years, and maybe it is time to put some ideas forward. This could start a debate or a discussion or some sort of awareness or awakening Cape wide.

And perhaps like we did with the DCPC and other things, we put it to the voters and let them have the opportunity to have this discussion and have the vote. That's just my sense of what we should do. And then let the voters -- let the voters have a say.

Thank you.

Speaker BERGSTROM: Julia -- no, I mean Teresa.

Deputy Speaker MARTIN: Yes, I actually wanted some clarify. When this is voted, I want to be clear if we're voting to support or voting to pass it along, that it's okay to pass along to the next stage? Because to me they're perhaps different things.

Like many people have said, I'm not comfortable with the loss of voice. You know the

population density is what it is. And less densely populated areas, whether it's by less voice or less weight, you're still going to have less, of course, because that's the density, and that's the reality. I like having a lot of density.

It also inherently shifts by kind of blurring out all the town lines. It makes a significant shift in what the regional government is. But I think that people who would be represented by the regional government rather than by breakdown of towns should have the right to say that they want it or don't want it.

So I'm not sure that I would support what this says but I would support it moving forward. So I would want clarity on what we were voting on because it feels kind of mushy to me right now.

Speaker BERGSTROM: The only way to get clarity on that would be to have the actual petition drawn up, because I mean otherwise we'd be shooting in the dark.

Yes, Pat.

Mr. PRINCI: I would certainly hope that no other members make a motion to move forward on this today. It was basically -- it was scheduled to have a discussion on it.

I mean we've all been following this throughout. We're going back to our towns and speaking with representatives and citizens and so forth.

In Barnstable, there hasn't really been much talk on it. From what I gather, you know, we have 21 percent of the weighted vote now, so it is a strong voice, but we all have a seat at the table to speak. And I listen to other members on this Assembly as far as needs in their communities, and I make decisions based on that.

And it seems to have always been that way. My concern is the Executive level. You know, we're talking about a \$28 million budget here. And we've got to be concerned when we start to create these positions if it's 11 from 15, are these members going to be requiring more of a stipend of money than a thousand and the same with the Executive.

Is that going to be a Finance Director at six figures? An Administrator at six figures? An assistant at close to six figures, and a mayor at who knows how much. It just seems like a lot of money for a small budget.

And the monies in this County -- the main purpose of a County government in my view is to put the resources back to the towns on a regional level addressing regional problems and get the money back to the taxpayers that we all represent.

I think we're going a little bit overboard with all these extra positions and possibly added salaries as well.

Speaker BERGSTROM: Okay. Yes, Leo.

Mr. CAKOUNES: I'll rest everybody at ease; I won't put any motions forward today. Although I certainly would like to have this voted on because as far as I'm concerned, we've been talking about it for three years.

I referred to it two years ago as the white elephant in the room. I brought forward a petition -- a Resolution that this body supported.

No one has brought forth a Resolution or any motion support this, not even the Charter Review Committee has done it yet. Why do we keep putting off this? Are we going to support this or not? I don't know but with that said, I'm hoping that we will soon, as a body, vote on whether we agree with this form of government or not, number one.

I would like to now give you my personal opinion. I'm opposed to it. You all know I'm opposed to it. I've been opposed to it for three years.

The term "bigger government" was mentioned. I used that term many of times. I want to take this opportunity to clarify what I meant by that. It was not the size of this body, meaning

the number of people sitting at this table going from 15 to 11, oh look, we're getting smaller government. That's not what I meant by that term.

What I meant by that term was that presently the way that the Cape Cod Regional Government works is that we bring the needs of our community here as a Legislative body and we express those needs. And then we, as the Barnstable County Government, try to fulfill and help the towns with their requests.

What I don't want to see happen is a regional government which is more -- am I'm going to use, and it may not be the proper term, I'm going to use the term another regulatory level of government. A stronger government which is not there to -- and I'm going to steal Mr. Princi's terms, to meet the needs of the communities of what they ask for, but to tell the communities what they need and to say this is what we're doing, a larger government. That's what I meant by bigger government, and I hope I've clarified that.

The discussion has said a couple times here that we should let the voters decide. I'm from Harwich, 5 percent -- 5-plus percent of the vote here today. I'm very concerned with that kind of position because, quite frankly, if we let the voters decide from Harwich to Provincetown has -- how many people actually turn out and vote?

Well, let's say even if we count the actual registered voters, they could all vote against this yet Barnstable, Falmouth, the larger towns could vote for it and it will pass. Once again, the Lower Cape communities are not getting what they voted for. They don't have the opportunity of bringing in more residents or getting more votes. They're being told, once again, by the larger communities and numbers of people that this is a better government for them.

The representative from Truro kind of stole my thunder on that point too. I feel that, you know, when I was a kid I was bullied out in the yard, and here we are once again being bullied because we're the smaller towns. Do this because it's good for you. Don't ask us why, but it's good for you. Believe me, it's good for you.

Well, I'm an elected official from the town of Harwich. I have used the term that I represent the town of Harwich. And I don't mean that by saying I represent the Board of Selectmen because I don't, I represent the voters of the town of Harwich, and they like having me here. Simple as that.

They want to continue having someone like me here. Whether you guys like it or not, that's what they want.

So I would ask my fellow Assembly members here if you really think you're doing this because it's the best interest of the smaller towns, we don't think so, number one.

And, number two; don't vote for it even though you don't support it. Gee, I don't really like this but I want the voters to have a look at it. I don't like that either because basically you're letting the larger communities, the ones with the higher turnouts of voters, determine what's in the best interest of the Lower Cape communities and the Lower Cape towns.

My friend at the end over there stole my other line. I'm going to say it because I coined it originally as all farmers do, "If it ain't broke, don't fix it."

Now why would we be wasting time doing this when, once again, there's no outcry from the Lower Cape communities to do this. It's all outcries from the bigger numbers. We're going to do it because it's better for you. We're going to do it because we need a change. Why do we need a change? Twenty years it's been working wonderful, not we're going to change it? It doesn't make sense to me.

What makes sense to me is what I feel is broke and the majority of this board agreed with me is broke is the fact that we have three Executive positions right now that are elected Cape wide and that don't make sense. It really doesn't make sense. It's very difficult for an

individual to throw their hat in the ring to become an elected County Commissioner. It's very costly for \$10,000 a year paid position.

Go to five, go to a representative segment, this board discussed that. That, to me, I'll even go out on a limb and tell you that's not really broke but it's wobbling. And if we're going to fix something that maybe should be fixed.

I'm opposed to this. I would hope that somebody is going to have the guts to put it up for a vote and let's move on because I asked for a white page and that was denied. Oh God, we can't have a white page. We don't -- so I don't even know what we're doing now.

But please, we have a white page. We have something that has been brought forth. Put it on the agenda and either vote it up or vote it down, but don't vote it up because you think the voters should decide. You're elected. You're here. Let's do our job.

Speaker BERGSTROM: Well, anyway, let me first apologize for all this confusion about scheduling but this has become an issue and I can't emphasize that anymore. I mean we had -- the only previous discussion we've had on this that I'm aware of is when it was a report from the committee. And Janice and I discussed that.

We weren't prepared to come forward with an actual report from the -- in other words, recommendations of the committee, but since we had met previously that day, we felt it was obliged to mention that.

I mean, to me, the committee is coming forward with their recommendations today. They're putting it on the table.

Now let me, and I know we've gone a ways here, but let me go back. Leo's absolutely right. We're the people in the driver's seat. We're the ones who make the decision. This process started, he's right, three years ago with the Special Commission on County governance appointed by the Commissioners.

Now I sat on that as did Julia and a couple other people. I didn't agree with their recommendations. Let me tell you, there were 25 people who were the -- very good character, they had no personal -- well, I won't say no personal agenda, everybody has an agenda, but I mean they're two senators and so on. So I'm not -- I don't hesitate saying I didn't agree with their -- I don't hesitate to say I don't agree with their recommendations, but I can't just blow them off as some special interest group. I mean, as I say, its 25 people.

The League of Women Voters has weighed in on this. Today, I don't know if you know if you got in your email a letter from Elliott Carr and I think it's Alan McClennen from the Business Roundtable. They think we're not going far enough. Okay. Now I know both of those gentlemen very well, and they are also very well respected, normally reasonable people. I don't understand why they sent that letter but they did.

So you can't say that there's -- even though I'm against it, and, yes, I'm prepared to take a vote based on my own recommendations when the time comes, you know, you can't just say this is a big conspiracy by the big towns.

I felt when I initiated this and I put the Resolution before the Assembly to form the Charter Review Committee that it wasn't going to die because we wanted it to die. The process was going to be played out, and it was going to be a vote. That's how it's going to happen.

I'm not going to delay it so that, oh geez, it's too late, you know, we can't get a petition to the legislature because they've already -- they don't accept it anymore. It's not going to be done because some parliamentary procedure. It's going to be a clean process. We're going to bring our recommendations before the Assembly and then we can, you know, with a little work on this petition, we can say this is exactly what we're proposing. Do you want to send it forward or not?

And also I might mention that we also in discussions I've had with Mike Curran in how this is done, the recommendation to have -- to change the Legislative body and the recommendation to have an elected Executive may be a separate petition going before the -- if it comes to that.

So give me some slack here. I'm trying to get through this. It's a very difficult process. A lot of people want to kill it right away. Like I say, anybody can call for a vote now or when we go in session, but this is what we're dealing with.

Anyway, thank you, very much, Linell.

Ms. GRUNDMAN: Okay.

Speaker BERGSTROM: You can leave that seat now.

Ms. GRUNDMAN: Okay.

Speaker BERGSTROM: Do we have any Communication from Public Officials?

#### Communications from Members of the Public

Speaker BERGSTROM: Okay. Do we have any Communications from Members of the Public? Let me -- who do we have? I'll get Greg first because I think he's going to discuss whatever we're talking about, and then we'll go to the other issues.

Greg, identify yourself and tell us what you want.

Mr. GREG MILNE: Thank you, Ron Bergstrom. We had very good eye contact there. It's kind of hard in this room with these posts for some folks.

My name is Greg Milne. Many of you know me, some of you don't. There are certain faces here that are very dear to me, people I've served with.

As a way of a little background, I served up to my term limit for 12 years as a City Councilor in the city of Barnstable. You'll notice I say "city" because one of my nomenclatures is I like to tell it like it is, and it is a city form of government in Barnstable.

Mr. Curran served in Barnstable on many Charter Commissions, and I've spoken to Mr. Curran many times on the phone even during my own lawsuit in this -- or actually the building across the way, the Superior Court.

Mr. Curran had told us in the very beginning that we were going to prevail in that suit. We did prevail. That was a Charter Commission lawsuit, and it turns out that that lawsuit that I prevailed in that Mr. Curran told us we would is now published in Westlaw.

So I would say, I don't want to sound arrogant, but I would say I have a little --

Speaker BERGSTROM: You've adequately identified yourself. Move on to what you're going to say.

Mr. GREG MILNE: I have a little bit of knowledge when it comes to Home Rule. And as the late Bob Smith used to say, the town attorney in Barnstable who was very renowned, Home Rule is a gift. And, essentially, here in this County we have the gift of Home Rule. We're the only ones in the Commonwealth that have that.

You have extraordinary leeway to be creative. So, I'll just make a few remarks, but I've also, as you well know, have been involved with the County. I've been President of the Cape Cod Selectmen and Councilors' Association. I've run for the Assembly seat and County Commissioner twice.

The first point I was to make I listened, and this has been a fantastic discussion, and there were people I served with in the past on a previous Charter Review Committee, Mr. Cakounes, who I agreed with immensely on that august body for many, many months. And Ms. Taylor and I weren't necessarily much in agreement when we came back to the Assembly. I

think the shoe is on the other foot this time because I'm more in agreement with what Ms. Taylor said.

And the reason being is starting from one simple point. To say that this system isn't broken I think is just terribly remiss.

In Barnstable, you may not be aware; you may be aware. Just in this most recent election and this isn't about whether I was short 1,500 votes or not. That's not the point. Mr. Princi won fair and square. He was an excellent candidate and he earned his right to have this seat, and that's what elections should be about.

But the key ingredient I'm getting at is there were 5,200 blanks in that race. So, what we found over and over, and I will say the word "we," in campaigning is people have no idea that there is so huge a percentage of the public out there if you actually have spent time out on the ground campaigning. They have no idea what Barnstable County is. They have no idea what the structure is. They don't really understand what the services are.

The one place you might get their attention and they have some knowledge, you say, "Cape Cod Commission." Then suddenly there seems to be a higher degree of familiarity.

Five thousand two hundred blanks, 26,000 votes cast. That's a fifth of the vote. Twenty percent of the vote in Barnstable said County -- on the ballot it says, "Barnstable Assembly of Delegate." It doesn't even say the word "County." They didn't vote at all. So if that much of your largest town isn't even participating in a federal election that had a very turnout generally, 26,000 votes and 5,200 of those people didn't even participate when they're at the ballot. They're there. You've got something wrong.

And I'm here to tell you the weighted vote is a critical component of what is wrong. And listening to the history is so enlightening because it's this protective covenant from the past is why it's there in the first place.

When can we get to a time when we come to this room and we think of this as doing the business of making life better for Cape Codders and forget the name of the particular town that is on your address entirely?

Maybe I'm too dreamy eyed, but I think what this particular Charter Review Committee came up with is a vision for getting to the word Cape Codders first, and, yes, the towns matter. As Suzanne McAuliffe very eloquently said, "Home Rule, municipal power is what New England -- it dominates New England and it dominates Massachusetts. But so does the ability of the Cape to solve these problems.

And when you take the problems first, like wastewater, and you look at that problem, we've heard it a million times, it transcends town boundaries. And what typically gets in the way of solving that problem is this incredible holding on to the attachment of that town boundary.

And so if suddenly folks were elected here on a regional basis, I think you would see something that would transcend to a better place.

And I'll conclude my comments with two things. One, this concept of electing a chief Executive, one person elected Cape wide. Back to the original problem, people don't even know what Cape Cod Regional Government is or what Barnstable County is. So you suddenly have an opportunity for one person among several competitors, ladies and gentlemen, running against each other Cape wide to be the Chief Executive. You're still going to have professional finance people, professional management people. But you have one person that brings a vision as to how are we going to address the problems of wastewater? How are we going to address solid waste? How are we going to address the issues relative to producing electricity, Cape Light Compact, the CVEC, how are we going to address these issues? Each candidate can bring

that vision forward, and then the voters can choose. That chance for the voters to choose what they want their Cape Cod Regional Government to be because they have a chance between a particular candidate to me is a tremendous plus. You don't get that with three County Commissioners running against each other. It's blurred at best.

And then lastly I think a key piece for you that you're going to have to grapple with, and you've already been arguing about it, is this concept of is the final vote here going to be framed on the content of the product that the committee delivered or on is it best to just let that product proceed to the Legislature and to the voters?

And I would beg to differ that in so many examples, in my experience as an elected official, for instance the residential exemption is a tremendous tax tool in Barnstable exists because when we voted as a City Council, we voted to pass it on to the voters. We didn't feel an arrogance that that should be our decision, that the very nature of taxation and likewise with the Charter Commission's we've had in Barnstable, we passed it on to the voter. Charter Commissioners, by their nature, you are essentially having a Constitutional convention which you had here. Now why not allow that to breathe out there with the voters and let the voters ultimately decide it. If they vote it down, it then gives a complete exoneration and a support and a solidifying for another 25 years of this system.

So if those that are so confident that this system is the best, give the voters an option because they will be voting on this system. If they vote for the new structure, they're not voting for the system. But if they vote against it, they're voting for the system.

Speaker BERGSTROM: All right, Greg. I'm going to have to wrap this up.

Mr. GREG MILNE: I appreciate your time. And I'm very excited because this is an important --

Mr. CAKOUNES: Can I ask him a quick question?

Speaker BERGSTROM: Sure.

Mr. GREG MILNE: This is an important process and a very important endeavor.

Speaker BERGSTROM: You can ask the question but you're going to get a long answer.

Mr. CAKOUNES: Did you ever take into consideration that the 5,000 people that left it blank just didn't care for either one of you?

Mr. GREG MILNE: That's a good -- a very good way to look at it, but I would say you might -- I know you're a homework guy, Leo, you might want to go back and look in some of these other towns where there were competitive races and see how many blanks there were.

And I would tell you that you're going to find a lot of these smaller towns, albeit they have less population, their percentage of voter participation is much higher and they don't have the blanks this way.

So, in essence, when you get to voting on this whole thing Cape wide, you're not going to see Falmouth, Yarmouth, and Barnstable driving the bus. You're going to be pleasantly surprised that the smaller towns are more involved.

Mr. CAKOUNES: A simple yes or no would have been sufficient.

Mr. GREG MILNE: They're more involved and they're more engaged.

Speaker BERGSTROM: I have to say -- I have to comment. I ran for County Commissioner, God only knows, 10 or 12 years ago. I think -- I forget who I was running against. There were more blanks than there were votes for either me or my candidate.

So, I mean, unfortunately, people should be more aware of government and stuff like that, but I think we're going to have to do that regardless of where this goes. I think we're going to have to raise the profile of the County.

But thank you, very much.

Mr. GREG MILNE: Thank you. I appreciate your time. Good luck.

Speaker BERGSTROM: Hopefully blank doesn't get elected.

Yes, I see Fred. Do you have a comment?

Mr. FRED PHELAN: My name is Fred Phelan. I'm from Eastham, North Eastham actually. I'm here to speak for myself. I am not representing any other organization.

I'm speaking to the issue of the Cape Light Compact that is before you on your agenda. The Cape Light Compact's Energy Efficiency Data for the years of 2011, 2012, and through October of 2013. Now I'm just going to give you a few very important items.

The Cape Light Compact in that time frame has saved on the Cape the following amount of kilowatt hours 763,530,000 saved kilowatt hours. Now we go to the money part of that. The dollar benefits saved for residential and commercial Cape Light Compact accounts are \$205,936 -- 205,936. The dollar benefits that were saved for each individual and business on the Cape in that period is \$1,019.49.

The question rhetorically that I would pose is as follows. What would happen to the Cape Light Compact if the low-income families or smaller Cape Light Compact commercial accounts if these dollar benefits were to disappear? And that's all I've got to say. And I'll leave the Chairman with a copy of that.

I would like to make one copy (sic), if I may -- I mean about the County government discussions.

I was elected twice to the Assembly of Delegates. After I was elected the second time, I resigned so that my Selectmen could pick the next representative. The reason I resigned is that from Eastham out to Provincetown they had less voting authority than the town of Barnstable or Falmouth, and that's the reason I left.

Thank you.

Speaker BERGSTROM: Thank you, Fred. Who have we got here? I'll go with Mr. Bibler who has promised to be distinct. I didn't say extinct but --

Mr. ERIC BIBLER: I can promise you after today. Thank you, I think, Mr. Speaker.

Well, I tried to -- my name is Eric Bibler for the record. I tried several times to write remarks for this occasion today, and I sort of just gave up. I was tearing them up. I think there's some overlap between these topics.

I'm here to speak about the Resolution that relates to CLC and CVEC. But I think there's some overlap.

I guess the first thing I want to say is I'm not from Harwich, but I like having Leo Cakounes here too. I like having all of you here.

I wrote a Letter to the Editor for the Cape Cod Times yesterday taking about how valuable I think this Assembly has been. And there was a prior opinion piece that talked about your primary responsibilities being to act as a check on the Cape Cod Commission and improve the budget.

And in my letter, you know, the point I wanted to make was that I thought that it was Eric Tarkington, the State Rep that wrote that, and I agreed with him but I also wanted to say that I've had a little bit of experience in front of you, and I think that you've done some really important work.

And I have been very appreciative of all the voices in this room including the voices from some of the smaller towns, who I think have had some very worthwhile comments.

My family and my roots on the Cape all rest on the Outer Cape. And just to cite one small example, 61 percent of Wellfleet is in the National Park, and I think for Truro it's more

than that. So I think it's clear the concerns of these towns that have a completely different sort of landscape are going to be different than some of the other towns. I shouldn't have weighed into this.

But the other thing is that this body has provided checks and balances on the Executive branch of government. Thank God there is not one all-powerful branch, and I think concentration of power generally is the enemy of democracy. I think we want a strong nation facing outward but I think participatory government is what really makes democracy strong.

This body also had a power to investigate any branch of the County government, and I don't think that that power was used before you impaneled the special committee that did its work.

So, you know, for all of those reasons, I'm extremely thankful for your diligence and for the fact that you've been responsive to the concerns of the public.

I just -- instead of coming in here and trying to review any of the information that you already know, that we've already been over in detail, I don't think this is the time or the place. I thought maybe it would make more sense to just remind you of some of the things that all of us know.

This issue with the Cape Light Compact and CVEC, and it really began with CVEC, began when members of the public began seeking information. They're just looking for information on a project and on the developer of that project in order to try to evaluate every aspect of it. And they ran into a brick wall.

And as we started to try to learn more about how it could be possible that this Shell Company could build a \$10 million project that led us back to the Cape Light Compact.

I'm not going to review it all, but it revealed an awful lot of information about these public bodies that no one previously knew. If you go to their websites today, you will find a wealth of information, everything from financial information to minutes to meeting exhibits to all sorts of things that we've only been able to discover by chipping away at this over a three-year period.

Those citizens brought their concerns to both branches of the County government. We went to the County Commissioners first, and as my dear departed friend, (pause), Preston has told you many times, Preston Ribnick, you know he went 14 straight weeks to try to get this on the agenda. It was not happening. The reason that we went originally to the County Commissioners is because there are several documents that explicitly designate the County and the Executive branch of the County as having very significant oversight and supervision over this municipal aggregation, acting as administrative and fiscal agent. If you read those documents, they have to approve -- they sign contracts. They have to approve expenses over \$10,000, and they have to insure that those expenses were approved by their respective boards of directors.

Now all those provisions were responsibilities that the County took on with the Municipal Aggregation Plan and with the Intergovernmental Agreement between all of your towns, and the idea was to give comfort to all of those towns that were members that somebody would be minding the store.

Now I think the record is clear that many of those approvals were not obtained and, therefore, could never have been submitted to the County Commissioners and this whole system sort of broke down.

We brought our concerns to this Assembly. And here's another example of weighted voting in action. You know, we asked that you impanel a committee. You took our concerns to heart. And we came to you because you had the power to impanel a committee and you did.

You took a vote. It required 50 percent to form the committee, and the vote was 50.4 percent in favor.

And I remember the Speaker's comment at the time, he said, "Let it never be said that Truro's .9 percent can account for anything." You know, anybody could have been the margin.

Now I don't think that much more has to be said. This committee met 10 times over 10 weeks. The committee corroborated all the concerns that the public raised. And they were able to develop new information, some new information, but they never were able to answer the questions or resolve the concerns that they had.

They wrote a report, and the report contains several recommendations, and really articulates their concerns. And they brought it back to this Assembly, and this was unanimously approved every single recommendation and every line of it.

And the gist of the report was we didn't really get cooperation from these agencies, and we didn't get the information we asked for in some instances, but the main thing is that they claimed a privilege of confidentiality to withhold some information. Now this committee said, "We're going to respect that privilege. We're not going to contest it, but our concerns remain. And the only way to resolve those concerns is to say we need a mediator." You know, we don't have the resources. We don't have the authority. We're not going to issue subpoenas. We can't compel them to release their secrets. So this recommendation was a very logical one. Go to the Inspector General, ask him to mediate, use his power. He has a wonderful reputation for being impartial and have him write us a report.

Now there's a lot of water under the bridge since then, more information has come out. In my view, and I've written about this to you extensively, to the best of my ability that information has only become more alarming as it becomes apparent how much information we don't know.

So I am here today, you know, to tell you that I believe, and a lot of people in this room believe, who came here, I think, to reinforce this point, that our core principle of democracy is that power and democracy comes from the consent, the informed consent of the governed. They elected you, and they can't -- we need participation in democracy and we need information. And that's how the citizens give their consent and you elect officials and consent to be governed in this way.

If we can't get the information, if our own elected representatives don't have sufficient information to get comfortable with these issues, it doesn't work.

So, you know, Leo said, "If it ain't broke, don't fix it." But if it's broke, I mean you really have to fix it. And I don't mean do a root canal on these organizations. I don't think you have to have an opinion about whether anybody did anything wrong and whether or not they need radical reforms, you have to admit that if you publicly in this room I think every single Delegate and in this report said, "Boy, I have serious concerns." Today, you're either going to walk away and say, "I've got really serious concerns and somebody should do something about that but not us." Or you're going to say, "There really is only one path here to resolve these concerns." And that's to present it to this agency that exists precisely for that purpose.

The final thing I want to say is, and this really is the last thing, the managements and the boards of these bodies have been -- well, they've barely been before you, but they have said in public on different occasions that they really regret that they're unable to produce more information because it's so confidential.

Now I personally don't think that anybody could characterize them as the soul of cooperation in revealing every bit of information they possibly could.

But even if you give them the benefit of the doubt, they're saying, "This is unfair to us.

Our hands are tied. Our reputations have been diminished. We want to clear our names but we can't because we can't reveal this information."

I think if you refer this to these agencies, the Inspector General and the Attorney General, you're giving everybody what they want. The agencies can review this information privately. They can keep all their confidences. They can evaluate it. They can write a report. They can tell the Assembly, you know, we want to support you. Here's our report. They can satisfy your concerns. They can satisfy my concerns.

If there was no wrongdoing, they can exonerate all of them. If they find ways in which these organizations are built and structured that create conflicts and create a weaker government, they're going to come back to you and tell you how you can improve that government. And I don't know why you wouldn't want to do that. I mean I can't see anything in this that anybody wouldn't want to do.

So I'm here today to ask for your support for this Resolution. And when I say that, I really mean I'm not here to ask that it pass by 50.4 percent. I'm really looking for a unanimous, and I think we all are, unanimous support. I just can't see how any elected representative could not wish for this to happen today.

And I hope you'll agree with this.

Speaker BERGSTROM: Thank you, very much. Okay. Who have I got? That gentleman there. I'm sorry; I don't know your name. I should but I don't. I've learned more names but then I also forget ones that I already know.

Mr. PETER COCOLIS: that's fine. Peter Cocolis, Chatham Representative on the Cape Light Commission, and I'm also the Treasurer and I'd like to make a couple of comments.

The previous speaker mentioned that a number of all the data that's available is on the website. That is true. I'm a relatively new member of the group. And you could go and find anything you need on our website.

As you know, the operating budgets and the accounting for all of our budgets are audited annually as part of the County of Barnstable. I'm not going to go through all that. And as part of the County of Barnstable, since the Cape Light Compact was -- when it was created.

Now, we have had an audit. We've had an audit, financial statements from 2009, 2010, and 2011. You're familiar with that. You had somewhere here. And we also posted them on the website.

Remember that those audited financial statements are on an accrual basis. They're not a cash basis. I think you understand that as a legislative body.

The cash basis is how muni system works. The auditor had access to all of the financial data that was available to the Cape Light Compact and available to anyone who wants getting.

Comparing a comprehensive -- the comprehensiveness of that audit to what come out of the muni system which was asked for by the chairman is apples and oranges. You cannot compare that kind of data. And I'm doing this from a bean-counter point of view.

What it does is it produces confusion. And I mention this because there's a lot of information out there that says there's a discrepancy between the audit and what you find in your documents and there would be. It's just natural. That's why you do an audit and you do a comprehensive audit.

Going forward I think you all know that we will be having audits every year now. It's always been audited by the -- all our budgets have been audited by the County and they've been audited at the Attorney General level and up through the DPU.

So I feel comfortable that what we have is a process, and what we have as procedures are in pretty good shape, they're excellent shape.

The audit did recommend an accounting change that has been implemented at the creation a separate set of accounts for Renewable Energy Credits. I was going to get a little (Indiscernible), but it's referred to as RECs. And these were previously put under something called, "Miscellaneous Expenses," and that's another area where there was some confusion. If you have something that's called, "Miscellaneous," you don't know what it is, then, okay, what is that being used for? Well, they're being used for these RECs of the board in September of this year decided to separate that and force the muni system to be able to put that in there.

The Compact's finances could never be so easy as balancing an individual budget. And all due respect to my colleague from Chatham, you made a comment to the auditor that we would hope that it could be that easy and it really -- it really isn't.

We have two funding systems. One funding stream is Energy Efficiency, which is done on a fiscal basis. Then there's the operating -- excuse me -- that's done on an annual basis. Then there's the Energy Efficiency --

Speaker BERGSTROM: The reserve fund?

Mr. PETER COCOLIS: Pardon?

Speaker BERGSTROM: The Energy Efficiency Fund.

Mr. PETER COCOLIS: Yes, Energy Efficiency is done on an annual basis. And our operating budget is done on a fiscal basis. So there's always a timing issue.

And we have a number of reports that are given. We have reports that are given to the Public Utilities, Energy Efficiency Funds in the summer and some in the winter. Now this seems -- it's not that complex but it is somewhat complex. And that does give us -- it does cause a creation between what's in the Energy Efficiency Budget and what's in the Operating Budget. And that's very simple. We have a separate budget that's operated under each of those cases.

We'll also be adding another requirement by the deputy -- by the Department of Utilities to add another report in.

So my point is that all these budgets have been review throughout the process, and they've also been done at the audited level.

I would say, and our budgets from my perspective (Indiscernible) as seen before are held to a pretty high standard. And I'd even go as far as saying that our standard is probably even higher than what you have with the County budget. It doesn't get reviewed. It gets reviewed at the state level. And that's really as it should be. And I'm not saying that's wrong. I'm saying that's as it should be because given the large amounts of Energy Efficiency Funds as the programs grow. But I would say that size and successful program are not a reason to be referred to the Inspector General. Why? Because there are three categories for Inspector General. I know the arguments against this but they are fraud, abuse, and waste.

And I do have one thought about the audit that's been done at Sullivan & Rogers. And I think you're very familiar with that group. And I would ask myself and I'd ask you to consider would this leading audit firm in Massachusetts, it's a Massachusetts firm, it services governments and it services public and nonprofits. It specialized in fraud and fraud prevention. Do you think it's unable to competently accomplish an independent audit on an already closely monitored Cape Light Compact? Or worse, jeopardize their reputation and livelihood but not doing a comprehensive review or audit? The implication is, at least in my mind, that there's fraud and there are people holding double books or there's the impression of that or there's a perception to that.

We've had an audit. We spent the money to do an audit, and now you want to take it to the IG, and my question is..is it really worth that? If it is, fine. And who's going to pay for it?

Probably the taxpayers.

So, in any case, I thank you for your time and forward --

Speaker BERGSTROM: Thank you. Yes, thank you for your comments. Sorry I didn't recognize your name but --

Mr. PETER COCOLIS: That's all right.

Speaker BERGSTROM: I'll start with Ms. Green, and then I will go to you and then to the back of the room.

We expect to be here for a while but any help you can give us in that regard would be appreciated.

Ms. LILLI GREEN: I've crossed a lot of things out. As people are talking, I've crossed things out with respect to that. Lilli Green from Wellfleet. Thank you for your time today.

I am here today to ask you to vote yes on Resolution 13-06. Please uphold the work of the Assembly of Delegates Special Committee on Inquiry into the Cape Light Compact and the Cape and Vineyard Electric Cooperative.

The report is dated May 2, 2012. Plenty of time has passed and there have been plenty of scrutiny of the work completed by the committee. But the concerns raised initially by citizens of Barnstable County still need to be dealt with. The people who are concerned about Cape Cod deserve answers as do the people who have spent their time serving on the committee.

The Resolution is a simple request for the Inspector General and the Attorney General to assist in getting to the bottom of issues raised.

For example, look at the conclusions and recommendations of the special committee. Number five deals with separate legal counsel for CLC and CVEC. Regardless of their own mandates, both entities have shared legal counsel.

I absolutely do not see it, any other path to change these and other issues except for you to vote to approve this Resolution. This Resolution has nothing to do with what CLC has done that is positive. CLC should be doing good. CLC has a budget that is larger than the whole budget of Barnstable County.

Actually, I remembered -- in response to the last person who spoke, with all due respect, I do remember the meeting that the Assembly had that I attended that the representative about the so-called audit was here. However, although it was supposed to be a comprehensive audit, if I remember correctly the person called it a review or some such other title. He did not even call it an audit. So, I really have questions about that and not that I would call into the question the agency that completed the audit but it was actually the same company that performs other audits for CLC and CVEC if I recall correctly.

So, this Resolution will help to move forward and hopefully resolve fundamental issues that people have raised for about three years.

That brings me to the other issue I am here to address today, which is the restructuring of County government. I firmly believe that the Assembly of Delegates must stay the same as it is today. This Legislative branch of our County government has functioned on behalf of citizens of our County. This is a county government, not a state government, with all due respect, Ms. Taylor, there's a big difference.

If the Assembly members are collapsed to 11 Delegates, then what will happen is that the voice of the people in each of the Lower Cape towns will be greatly diminished. I firmly believe that it's wrong to think that this structure will serve the citizens, and that citizens will become more active in County government as a result. I believe it will have the exact opposite impact.

Since I live in Wellfleet, I am very concerned. Presently, each member of the Assembly has a voice. Even though Wellfleet's Delegate has less than 2 percent of the vote, he's not only given 2 percent of the time to speak on each issue.

In each town today, we're able to voice our concerns to our Delegates, and they can speak for us for as long as they would like.

Each town in Barnstable County has its own special character. That is part of the charm of Massachusetts. That is part of the draw of tourism to Cape Cod, our number one industry. We are not a homogenized community or county, and we find that all over the country. I travel a great deal in my business as a health care consultant, and I find this homogenized aspect throughout the country. The charm of Massachusetts is that it is not. The tourists appreciate the unique aspects of each town, and the people who live here choose the town they live in for these very reasons.

Simply put in just a few words, and I don't want to say anything negative about anything, and I think most people would agree that as an example if you just say, "Chatham is very different than Provincetown," I think people would agree with me.

If the Recommendations of the Charter Review Committee are adopted, then one Delegate will represent the whole Lower Cape. This simply will not represent the people on each unique town on Cape Cod for the many issues that arise on a county basis. And my town, as Eric said, 61 percent of the land is National Park. We do not have people populating this land, as there are people populating similarly desirable land in other Cape towns. Therefore, it is a penalty for the people in Wellfleet regarding the vote percentage in the Assembly today but we accept this.

It is important to note that the part of the amenities of the whole Cape, all of Barnstable County, is that we have a National Park on Cape Cod in Barnstable County. And that is an attraction for tourist staying in the towns that are not seashore towns, and that is part of the attraction for the people who live in Barnstable County as a whole.

But as the County government is restructured into the 11 Delegates instead of a one town/one Delegate, then our voice is really virtually lost.

Let me take one example regarding issues of CLC and CVEC as an example. I do not think the problem of County government is with the Assembly of Delegates. The Assembly asked for it and did not receive information from employees of our County regarding CLC and CVEC. It is infuriating to me as a citizen of Barnstable County that I and my recently deceased husband were refused information many times that should be public information from these two entities and from Barnstable County employees. But our Legislative arm of County government, the Special Committee was also refused information.

Basically, the County Commissioners are in charge of the County employees who work for us and whose salaries we pay. The County Commissioners refuse to mandate that the employees give the Assembly the materials requested. If there are problems with our County government, it is not with the Assembly of Delegates and how it is configured.

If there's a vote about County government either today or another time, as a Wellfleetian, I know the concerns of the Lower Cape are stacked against us. And voters are stacked against us as far as Barnstable County. I hope that you'll support that minorities have rights and vote to keep County government the same as it is today.

And I also hope that the Assembly can approve the Resolution 13-06. Thank you for your time.

Speaker BERGSTROM: You know, just to say that you said that Chatham is a lot different than Provincetown. Well, I've had occasion to go to see the Chatham 4th of July

parade, and I've also had a chance to see the parade in Provincetown. Let me tell you, there's a lot of difference between Chatham and Provincetown.

Ms. ANDREWS: Did you see my molar in the parade, Ron? My molar?

Speaker BERGSTROM: Oh, no. I don't know. I might have missed that.

Mr. MAX MCQUEARY: I just wanted a point of order.

Speaker BERGSTROM: Sure.

Mr. MAX MCQUEARY: My colleague and I traveled from Martha's Vineyard. We have boats to consider and I --

Speaker BERGSTROM: Okay. Well, why don't you sit down and tell us -- are you interested in talking to us?

Mr. MAX MCQUEARY: Power generation, that's all I want to --

Speaker BERGSTROM: Go right ahead, sit down. I'm recognizing you so you can do that.

Mr. MAX MCQUEARY: Well, I don't want to say anything more than are we going to be discussing it?

Ms. KING: Power generation? No.

Ms. GRUNDMAN: The Resolution about CLC?

Mr. RICHARD KNABEL: The Resolution about CLC.

Speaker BERGSTROM: The Resolution that's on the table that people have discussed is whether or not we should ask the Inspector General to look into some of the workings of both CVEC and CLC.

Mr. RICHARD KNABEL: Right.

Speaker BERGSTROM: And that's specifically what we're talking about. Power generation --

Mr. MAX MCQUEARY: Okay.

Speaker BERGSTROM: Yes.

Mr. RICHARD KNABEL: May I?

Speaker BERGSTROM: Yes, certainly, and then I'll promise I'll go to the back.

Mr. RICHARD KNABEL: Thank you, Mr. Speaker. My name is Richard Knabel from the town of West Tisbury on Martha's Vineyard. The gentleman, Max McQueary, who just spoke is from the town of Chilmark. And there were several other people who were trying to come today from the Island couldn't for one reason or another.

I'm an elected Selectman in West Tisbury, but I'm speaking as an individual Selectmen. I'm not speaking for my board. And we are a member of both, CLC and CVEC. And as I have watched this situation evolve over the last three years, it seems to me that there are inherent conflicts in the purposes of both organizations in their governance structures.

As an elected official, I must look out for the best interests of the taxpayers and the residents of my town. Taxpayers and residents are not necessarily synonymous, just as the interest of electrical ratepayers and taxpayers while they overlap are also not synonymous.

The use of taxpayer -- ratepayer funds rather to fund CVEC without any return benefit to the ratepayers overall is such a conflict. Even though the taxpayers in the towns benefiting from a CVEC project, which West Tisbury would, are also ratepayers.

Taking from the many to give to the few is certainly not unheard of in this particular day and age, perhaps ever, but I've been and I'm troubled by the method of funding that's been used for CVEC and for the plans for CVEC in the future on how it intends to be funded after June 30, 2015.

Lastly, the transparency of both organizations has, in the past, left something to be

desired. Far too much public businesses is done in Executive Session, which even we, the appointing boards, or the bodies of -- who appoint members to the boards of both organizations, we aren't privy to what happens at these Executive Sessions. We're told that they can't be shared with us because they're confidential.

It seems to me that transparency as of the utmost importance. Certainly as stewards of town budgets, we Selectmen are subjected to very stringent transparency rules by the Open Meeting Law, the Public Records Law, and the Department of Revenue. Both CLC and CVEC should adhere to the same standards that we, as Selectmen, have to observe on a daily basis.

I wholeheartedly support the proposed Resolution and urge you to vote for it. Thank you, very much.

Speaker BERGSTROM: Thank you. With great intrepidation, I recognize Mr. Kenney, is it, in the back there?

Mr. PETER KENNEY: Trepidation.

Mr. CAKOUNES: He's got a small piece of paper.

Mr. PETER KENNEY: Good afternoon. My name is Peter Kenny, and I'm from the well-run Town of Yarmouth, although it's been slipping lately.

I'm going to make brief remarks about first discussion and not so brief about the second but they are related.

I would ask you all to think about the only legitimate democracy in the world today is here, and it's also the oldest. And the oldest of all State Constitutions underlying that democracy is the Massachusetts Constitution, which predates the United States Constitution. In fact, it's based on the Mayflower Compact.

A central characteristic of our form of government as a nation is that the unit of currency, if you will, of citizenship, is the individual citizen, one man/one vote. Thank God no longer do you have to be white or own property; everybody counts, but not the towns on the Lower Cape.

We're going to eliminate voices who are the only voices in this body for entire municipal populations? That's great. That's terrific. It's a bad idea.

And I would suggest since you shouldn't gripe if you don't have a solution, leave the Assembly as it is. I think -- I'm impressed that in the past four or five years, and as you all know I've been an observer and sometimes participant in this bloodsport here for some time. I think you're gradually figuring out what it is you're supposed to do and how to do it. This is a curious form of government. There really is no text book on it. You have to write the rules as you go.

I would also suggest five elected Commissioners. This idea of one Executive is nuts. It's bad. The largest town on the Cape since we talk about loud voices, you know some of their councilors are elected with 200 votes in a precinct. What do you think a Cape wide election for one Executive is going to look like?

The word "beauty contest" was used earlier. Yep, that's exactly what it will be. And in the long run, the beauty contest will make this form of government turn ugly.

Five elected Commissioners from defined districts, not at-large, so the Lower Cape will have the same voice as another district with dramatically higher population. And the Commissioners will know to whom they answer, specifically. When Lower Cape interests collide with Mid Cape interest collides with East Upper Cape and West Upper Cape, everybody will know whom they represent and to whom they're responsible.

Now let's go to two of my favorite organizations. I am one of the fore founders of a company, an energy services company, Luke Energy Services and Systems. We spent, the four

of us, a day plus we brought in an engineer, an electrical contractor, a bunch of folks to a major commercial installation on the Cape, and we thought that we had solidified something north of \$350,000 in business. Only about 15 percent of that would go in our pockets.

And then we were told by Munro Electric Supplier, one of the country's largest supply houses, in fact, one of North America's largest, "Oh gee, we did the survey. We did the energy audit. We gave you the prices on the lighting systems and the controls but we are required to go through CLC, RISE Engineering."

That's not true. You want fraud, here it is. That's not true. For commercial customers, all bets are off. RISE has a contractual lock on the residential side. That hurt us. That hurt us badly. It almost put us out of business. You want fraud? You want deceit? When does a \$1,200 pool pump cost \$2,000 -- actually \$2,200? When it's purchased through RISE Engineering and paid for by you and you and you and me and him on your electric bill. You want fraud? Do you think you're equipped to handle that here? I don't nor should you be.

What is wrong with saying to the Inspector General, you know, "We've been hearing some ugly things, and we want to be hands-off." And this is what you do. You inspect generally. We've heard glowing reports on what CLC does in terms of delivering conservation. They do. I have absolutely no argument with that. The overall savings of energy on Cape Cod and money to Cape ratepayers entirely because of CLC's efforts are dramatic. But if we didn't have CLC, we'd have Mass Save? Did you know that? CLC's simply the local agent really sort of from Mass Save. And Mass Save is glad to have them because Mass Save doesn't have to worry about driving to P-town to change light bulbs.

So I'm not here to criticize CLC's function in terms of their energy conservation. What they do, they do very well. How they document what they do, how they handle their revenue, and how they slide money to CVEC with share council, no resolutions in their records indicating a loan application from CVEC or a grant applications. No loan document. No grant document, but a \$520,000 grant. Did the auditor know that?

Because the rule "Garbage in/garbage out" still applies, and I would submit that if you read, if you have not already read it, if you read and understand the disclaimer that the auditor included, in fact, used as a preface for his document, you'll see that basically all he's saying is we're checking their math. We're not doing a forensic audit. We're taking the information they provide us and giving you an opinion about it. And the opinion basically is they gave us a bunch of information and the numbers add up.

What about the account that Eric Bibler found one day by accident? Nobody knew it existed. A lot of money in it.

Suzanne McAuliffe was at the same meeting I was when Maggie Downey made a presentation about CVEC, soliciting the town to join. And she made this presentation almost verbatim everywhere. The deal was that CVEC would retain 10 percent of revenues from their projects, from their power generation projects, and that's how they would fund themselves.

Then comes a big solar project in the town of Barnstable. And the town of Barnstable said, "Oh no, no. You're not getting 10 percent of our electricity. Uh-uh." Why? Because everybody in CVEC understood that they had this piggy bank called CLC. And when they needed money to pay Jeff Bernstein, they get the money from CLC. And Jeff Bernstein tells CLC it's okay to do that.

Speaker BERGSTROM: Mr. Kenney, I don't mean to interrupt you, but I suggest -- I'm not questioning anything you say, but I suggest that the issue here is the Resolution as to whether we should go to -- not specific allegations again because we -- there's a lot of specific allegations you make but that brings in a debate. Someone may get up and say, "Well, I

disagree with his facts.”

Mr. PETER KENNEY: You entertained some specific allegation that CLC and CVEC have been properly audited. I maintain they have not, and I’m simply saying, “Read the disclaimer.”

Speaker BERGSTROM: Okay.

Mr. PETER KENNEY: And I have a solution. Inspector General for the Commonwealth will settle it all.

Speaker BERGSTROM: That’s what we’re looking for.

Mr. PETER KENNEY: Okay.

Speaker BERGSTROM: Relating to the Resolution.

Mr. PETER KENNEY: However, why should this Resolution be forward because CLC and CVEC as they are currently operating are not operating the way that we in towns who decided to join CVEC were told they would.

We now have the County Administrator as the head of CVEC. Whoops! The ultimate fox watching the henhouse. I submit this needs an external investigation. One town and the County, Barnstable, together changed the way CVEC operates from the way it was originally presented. So the entire board’s authority was shrunk down to a five-member Executive Committee, three votes count. Two from the County and the Town of Barnstable Assistant Attorney were those three votes originally.

So I submit that -- and Mr. Princi was quoted recently as saying about the other resolution that, you know, “The Commission did such good work. We really ought to pass this along and let the voters have a chance at it.”

Well, I would follow that logic and say that members of this body did a heroic amount of work, not investigating but reviewing the operations of both CLC and CVEC. Getting information was like pulling teeth.

And I submit that Mr. Princi’s logic should be applied to this as well. That Resolution was unanimously approved by this body and for some reason not forwarded to the IG. Give it to the IG. Ask the IG, “Would you please come down here and tell us are any of these claims we’re hearing correct or not? If they’re not, we should know and put it to bed. If they are, we should know and do something about it.”

And, Mr. Speaker, I resented what was done to our business deeply. And I’ll tell you who one of the principals was, Jeff Luce, who retired after 39 years starting with the Cape and Vineyard Electric and winding up with NStar. The Senior Vice President of the electric company asked him specifically, personally, to shepherd 39 lawsuits against contractors in the Mass Save program who had overcharged, people like Honeywell. Do you know how many lawsuits he won? Thirty-nine. He was not happy when we got that call from Munro. Wasn’t happy at all. He trained some of the people on the CLC staff.

So, this citizen, this voice, I have a dog in the fight, and I know and understand the practice, the energy business, we need an IG’s investigation. I’m the first person who called the IG and actually spent time with them, five hours between the IG and the AG. Gee, why do you think they gave so much time? And they have spoken to other people in this room. And the Inspector General asked me to sign, and I did, a form authorizing the release of the information I had given them to the Attorney General.

So there’s a game underway. We can be spectators or, respectfully, we can do our jobs. We can jump in and participate. I don’t know about trepidation but let’s just get to the bottom of this. I deeply respect this body. I was very impressed with that report. Now let’s let that report speak for itself.

Thank you.

Speaker BERGSTROM: Thank you, very much. Yes, this gentleman here.

Dr. JOYCE FLYNN: Excuse me, Mr. Chairman. I'm being harassed here.

Mr. PETER KENNEY: Oh gees.

Dr. JOYCE FLYNN: I'm a volunteer.

Speaker BERGSTROM: Yes.

Mr. JAMES ROGERS: James Rogers from Sandwich and Wellfleet from a big town and a small town.

I hope the Assembly will keep on doing what it's doing so well. It has listened to so many of us from particular towns, so many of us as individuals. I hope you will look into the CVEC/CLC finances, which are still incomplete.

And my other point, please recall last spring when Chris Rogers, no relation, and Dr. Flynn presented the report from the auditor.

I found Mr. Rogers's presentation and solutions anything but satisfactory. My understanding was that he and his firm chose, selectively chose or randomly chose accounts for different expenses but there was no mention of income. I think that presentation was far from adequate. I hope you will recall that.

Thank you.

Speaker BERGSTROM: In the way back, did you want to speak? Yes.

Dr. JOYCE FLYNN: Yes.

Speaker BERGSTROM: Okay. You're the Chair of the Cape -- well, anyway --

Dr. JOYCE FLYNN: Cape Light Compact.

Speaker BERGSTROM: Cape Light Compact.

Dr. JOYCE FLYNN: Joyce Flynn, volunteer from the town of Yarmouth on the board of the Cape Light Compact. Since mid-January, the 2013 Chair of the Cape Light Compact.

I'm here to urge you not to send the Cape Light Compact and CVEC, although I don't speak for CVEC, to outside agencies just because they have subpoena power.

I'll remind you that we've been here a very long time. We've been achieving things since 1997. We're the oldest municipal aggregator in continuous operation in the U.S. And we have as our mission three goals, and those we pursue even though we often find ourselves distracted by elaborate correspondence of a repetitive nature.

The first of those is Energy Efficiency Funds. For those of you who say, "Oh, Energy Efficiency Funding is larger than the County budget," I would remind you, and I know you're very glad when you consider it this way that none of you are climbing up into houses and insulating them and air sealing them and doing the kinds of things that are involved in energy efficiency.

I'd like to take up a point that the last speaker made about a bottleneck monopoly with RISE Engineering. That was in the early years of the Compact process when people were being trained to do proper audits.

Rhode Island, because of its state legislation, was a few steps ahead of this our native state, and RISE Engineering which operates out of a town in Rhode Island was able to make quite a bit of headway in doing business in Massachusetts. They're a very solid firm. They do a great job, but there's been lots of training since then. And, in fact, there are many people who do weatherization on the Cape now who are Cape residents, who were members of all different companies.

I had work done on my house, for example, by Cape Cod Insulation. So I can tell you that there is not a monopoly on the part of RISE Engineering.

The second thing I'd like to say about the energy efficiency programs are that in 2012 we did our biggest year ever in energy efficiency. And the numbers are kind of worth mentioning I think. If you're going to hear complaints about how large the energy efficiency budget is, you should hear everything that we've rung out of it. And I think if there are any frugal Cape Codders here, you'll be pleased.

In 2012, oh, because our energy-efficiency funds always run on the calendar year even though our other things have to run on the fiscal year, we produced these savings. Nearly 96,000,000,000 in benefits in a single year for an electric savings of 29.919 megawatt hours in a year, and 415,755 megawatt hours saved over the lifetime of the energy improvements that were installed as part of the weatherization process. That's electricity that's not going to have to be generated, not going to have to be transmitted. It's going to save a lot in the kind of costs that get reflected in high utility costs here, the transmission costs. Costs are very high right now for all electricity because of the price of natural gas and the lack of infrastructure to deliver it to New England. Prices are also high right now because of the collision of the home heating season with the natural gas that's used to generate the electricity and the price goes up. Although I can say that we're going to have some very good power supply news for the period January through June.

Anyway, it was our best ever year for energy efficiency, and it was also a triumph for advocacy. Sometimes I've heard from members of the public and even the occasional delegate that our job is to have the lowest per kilowatt price for electricity delivered as kilowatt hour to a home or business. That's actually not so. We don't have to go out for competitive bidding. We're exempt from that in state law, but we always do.

In the 2005 search for a competitive bidder for that, we went by best price. For the one in 2009, we went by best pricing strategy. The one that would give the best pricing strategy over the number of periods. They used to be three-month, now they're six-month that we cover.

But we also with our advocacy go beyond the kind of, you know Cape Cod and Martha's Vineyard as a commune, let's all buy together and get a discount. We do a fairly detailed and expensive advocacy for Cape and Islands consumers.

I'll just give you one example of that because you really need to hear this example. There was a Jobs Bill in which we legally intervened. Now, I can sense your saying, "What are you up to, and we're going to send you to the Inspector General just for that one."

There was a Jobs Bill well intended. The recovery was going slow at the state level. Everybody was hopping on board. It sounded great. It was going to help businesses. But here's what it actually involved. It involved for all the different electrical markets in Massachusetts a big savings for commercial as in job creating electrical accounts. And the Attorney General's office and other consumer groups didn't notice the effect that that was going to have on the Cape Cod population.

In fact, since we're an overwhelmingly residential population, the hospital bills, Cape Cod Hospital, large employer, and the bills for the Mass. Military Reservation, the other large commercial accounts were going to be subsidized by an increase that was going to be above 20 percent for residential ratepayers.

We spent some money on that one. We went in. We intervened and we did force a full hearing on it. So that's 2012 in our consumer advocacy, a snapshot. We do lots of other things. Come see the scrapbooks over at the office.

The final thing I'd say is power supply. When I took over as Chair and read the many letters that come in, it seemed to me that the largest interest there and certainly when I was here with the auditor was in the mil adder with power supply, with the income we have from the -- I

would call it an operational adder, but we've traditionally called it the mil adder, same thing, that we have. Some people seem to think it's much more than it is.

For the fiscal year ending in 2014, its projected to be under a million dollars. Now that doesn't mean we wouldn't all have use for under a million dollars, but my point is that this mil adder has caused a lot of contention and a lot of assertions from people that we are somehow violating our trust to ratepayers, and we are somehow doing something illegal if not merely shady by collecting the operational adder.

I'm pleased to say that as of November 27, I think that there's established case law on that, the mil adder, not called mil adder, but considered an operational adder has been affirmed in the *Lowell* decision. The case of the *Attorney General and the Lowell Application for Municipal Aggregation* was setting up guidelines for all municipal aggregators; everyone was going to have to follow them. We're following them. The only difference that we're going to have to make is file a new plan, have one new reporting date.

But what's important for you to know is that established for all municipal aggregators like ourselves, this whole area that's been an area of concern that I think we're all going to be able to just treat as common ground and settled.

Speaker BERGSTROM: Just let --

Dr. JOYCE FLYNN: I'm --

Speaker BERGSTROM: Are you referring to the, I don't know, the mil adder; is that the Reserve Fund you're talking about?

Dr. JOYCE FLYNN: Yes, that goes into the Power Supply Reserve Fund.

Speaker BERGSTROM: The Reserve Fund?

Dr. JOYCE FLYNN: Yes.

Speaker BERGSTROM: All right. Yes, did you want to say something?

Dr. JOYCE FLYNN: And I'd be glad to take a question if that's possible?

Speaker BERGSTROM: Yes, well, I will because we've seemed to -- yeah, go ahead.

Ms. MCCUTCHEON: Well, first of all, it seems like we were ranging really far afield.

Speaker BERGSTROM: Yes, we are.

Ms. MCCUTCHEON: -- where we started. Second, this is the second time to my memory that this -- that Dr. Flynn has been permitted to come here and make a presentation without being on the agenda and without us being able to ask questions.

Speaker BERGSTROM: Well, I mean I'm trying to keep her to the --

Ms. MCCUTCHEON: Okay. I'm just wondering --

Speaker BERGSTROM: I'm trying to keep her to the same time frame as I kept to the opponents and that's to be fair.

Dr. JOYCE FLYNN: Thank you.

Ms. MCCUTCHEON: All right. Well, I have -- I am concerned about the manner in which this information is being put forward.

Cape Light consumers pay more every year for electricity than NStar consumers. Now, we start with that --

Dr. JOYCE FLYNN: That's not been true.

Speaker BERGSTROM: Well, why don't we wait until --

Dr. JOYCE FLYNN: It was created to as a contract only in the most recent.

Speaker BERGSTROM: -- why don't we wait until we actually -- when we convene, we'll bring this up and you can say whatever you want. I just want to get through the public comment.

Ms. MCCUTCHEON: So let me understand, public comment --

Speaker BERGSTROM: They can say anything they want within reason.

Ms. MCCUTCHEON: She can say anything she wants and we can't ask questions.  
Okay. Go ahead.

Dr. JOYCE FLYNN: And I did send by email attachment a copy of the *Lowell* decision. It was 69-pages long to Attorney McCutcheon.

Speaker BERGSTROM: Can I ask you two quick questions?

Dr. JOYCE FLYNN: Yes.

Speaker BERGSTROM: Do you know what the current rate is; the electric rate is for Cape Light Compact customers, residential customers?

Dr. JOYCE FLYNN: 9.19 cents a kilowatt, kilowatt hour.

Speaker BERGSTROM: Do you know what the current rate is for the municipalities, the Barnstable -- for instance, the town of Chatham or whatever?

Dr. JOYCE FLYNN: I'm afraid -- I could go look that up if you'd like.

Speaker BERGSTROM: We can look it up.

Dr. JOYCE FLYNN: Yes. But anyway, the thing is I think it's been brought up almost as a criminal charge against the Compact about the mil adder, the Power Supply Fund. I wanted you to know the size but that also we can agree there's now established case law.

Speaker BERGSTROM: We're not in a position to agree with you right now.

Dr. JOYCE FLYNN: No, no. I'm saying --

Speaker BERGSTROM: Okay.

Dr. JOYCE FLYNN: -- I'm not -- and this is not a poll, and I don't mean to kind of --

Speaker BERGSTROM: We ask and we agree then we'll agree. But -- thank you.

Dr. JOYCE FLYNN: Okay. Can I just add then that given this, we're operating as we're supposed to operate. And I, for one, have never felt apologetic about confidentiality agreements and preserving them. And I do my best to supply information and often find that it's not appreciated.

But I urge you to allow us to continue to make thing more transparent. That's what we've been doing. We took the Assembly's recommendations on board of a number of counts. You saw the audits. You've seen our website which always had lots of stuff and which it's now much easier to find things.

Thank you.

Speaker BERGSTROM: Okay. Thank you. That hand in the back and then I'll go to over there.

We've got to wrap this up pretty soon because we have to go into session.

Mr. CHRIS POWICKI: I promise I'll be quick.

Speaker BERGSTROM: Yes.

Mr. CHRIS POWICKI: Chris Powicki from Brewster. First, I want to commend the speaker and the entire Assembly for putting these two issues on the docket at the same time. They are inextricably linked in my view. Ultimately, Barnstable County is the fiscal administrator and the driving force behind CLC and CVEC for better or worse.

The CLC's efficiency programs are a perfect example of the value that regional government can bring and should bring to communities, businesses, citizens.

The CLC's Power Supply Program and its use in creating CVEC is exactly what regional government can and should not be, opaque, unaccountable, inaccessible to the public with concentrated decision-making authority held by a few connected and then individuals leading to unfortunate outcomes.

I could spend some time here responding to what was just presented before you. I'll just

say one thing. The *Lowell* decision under 12-124 verified that the CLC has not been operating consistent with its state approved Aggregation Plan and it explicitly ordered CLC to develop a new Aggregation Plan. That Aggregation Plan is being rewritten right now by, one, Maggie Downey, and one, Jeff Bernstein.

It is being completely redone. There will be no opportunity for public comment, public input until it goes to the CLC governing board for rubber stamp approval on December 11. It's not going back to the towns. It's not going back to the elected officials in the towns. It's not coming to elected officials here at the Assembly.

This idea that CLC has been operating consistent with its state-approved aggregation plan is nonsense. It was just told it wasn't.

I also could go about reciting some new concerns about the CLC and CVEC that have cropped up over the last couple months. But I want to avoid what happened the last time I did that and the previous time I did that.

When I appeared before you in June, and when I appeared before the CLC governing board in March, soon after in the mail comes a cease and desist letter on the letterhead of the Cape Light Compact challenging me, threatening me, intimidating me for speaking out in public, speaking truth to power.

I stand behind everything that I've put forward. And I think the DPU's decision to order CLC to redo its Aggregation Plan is clear on this issue. The cease and desist letters are inappropriate. It's an abuse of government, and that's what you've seen for a long time by these organizations.

And, not surprisingly, these letters like the agreed-upon procedures that were performed at the behest of CLC, designed by CLC by Sullivan & Rogers. They were designed to obfuscate rather than to illuminate.

I don't know if we'll ever fully understand what's been going on behind closed doors here in Barnstable Village, but asking the AG and the Inspector General to step in and take a look represents a necessary first step towards strengthening regional government.

Thank you.

Speaker BERGSTROM: I'm sorry to the people who want to speak, but I'm going to have to end the public comment section. We're going to move on to the Assembly and we're going to discuss this among ourselves.

So, once again, I think that a lot of information has been given to this body both pro and con, and I think that we probably all have been paying attention and have sufficient information to make a decision one way or another.

### **Assembly Convenes**

Speaker BERGSTROM: So with that, the Assembly will convene.

We'll start with committee reports. Do we have any committee reports? I don't see any committees jumping up.

So then we will go to Proposed Resolution 13-06, to contact IG and AG concerning the inquiries on CLC and CVEC, and I will put this to Leo.

Proposed Resolution 13-06:

***Be it Hereby Resolved by the Barnstable County Assembly of Delegates that:***

The Assembly of Delegates instruct the Assembly Speaker to contact the Office of Inspector General of the Commonwealth of Massachusetts and the Office of Attorney General of the Commonwealth of Massachusetts to seek their assistance in the County's inquiries of the organizations known as Cape Light Compact and Cape and Vineyard Electric Cooperative, specifically including those matters addressed in the Special Committee on Inquiry into CLC and CVEC Report dated May 2, 2012.

This inquiry shall include, yet not be limited to the following:

- an extensive audit of funds and transfers;
- structure and operations of these and similar future non-governmental agencies;
- procedure and review of present inter-municipal agreements with recommendations on future agreements as they pertain to Barnstable County and other Massachusetts municipalities; and
- Barnstable County's role as fiscal agent and Administrative Agent as per the Cape Light Compact Aggregation Plan on file at the DPU.

Mr. CAKOUNES: You've been quiet, Mr. Speaker. I move that we approve Resolution 13-06.

Ms. KING: Second.

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

I'm going to start off on this just because this has been an issue with me personally just from the standpoint not of energy generation which is something I know a little bit about, but just because I've been involved in various governmental organization. I don't consider myself a student of government, but I go back to how this country was founded and how the various forms of government that we've gone through have been done.

I just felt that these organizations have an enormous amount of power in the sense that a lot of money goes through their hands. Now no one is saying anybody's stealing anything. I don't think that any members of Cape Light Compact have, you know, a barrel of money in their basement.

But to me, especially serving as a Selectman, the people who were contributing the money were the ones who decided how it was going to be spent. In other words, when I went to town meeting, if we wanted a fire station, we had to ask the people who were ponying up whether they wanted to support that.

Now I was around at the inception of the Cape Light Compact. And despite what Dr. Flynn says, it was quite clear the whole purpose of a municipal aggregation was to get a better price.

If I went to Sears and I wanted to buy a chainsaw and they charged me 300 bucks, okay, so if I'm the Maine Forestry Service and I want to buy 300 chainsaws, well, you're going to expect a little bit of a discount.

I mean that was, you know, we've gotten so far away from that that when you bring that question up of price, everybody looks at you like you're crazy, hey, that was years ago, you know. We've moved on since then.

And the problem I think not lies in any dishonesty on their part, but the fact is their governing structure is consisting -- is consisted of the people who are getting the money. The

people who are receiving the money are the ones who are deciding whether it's a good idea or not.

The people who are receiving the money are the ones who decide whether that's -- whether they should get it or not.

I was at a meeting of the Cape Cod Selectmen and Councilors' Association where a resolution was given to them saying, "We're collecting money from the ratepayers and we're giving it to you; do you think that's a good idea?" Now what do you think they said? What do you think they said? I mean of course they are for it.

I mean do you think that the Cape Light -- the representatives, and I'm sorry if I'm ranting, but I've been sitting here for a while. Do you think that representatives of Cape Light Compact go before the Boards of Selectmen and brag about the price that they have for electricity? Do you think if you went into their minutes that it would, say, "Well, guess what, it was 7.16 last month and now, gees, we've got it down to 7.14." I guarantee you can go through every report and you wouldn't even get a mention of it. They have no idea what the price is and they don't care. They've gone beyond that for years.

Basically, the Cape Light Compact and CVEC operate now as a way of subsidizing the town budgets. That's what they do. That's what they do. The Energy Efficiency Funds, yes, they spend them in a good way and they do a lot of things but NStar does that too. The mandate is to do that by law. That's why they get the Energy Efficiency.

I mean NStar, National Grid, whoever you buy electricity from collect those funds and they distribute in a way so if you want energy audits done and so on and so forth.

So it's not a question of -- to me, it's not a question of dishonesty. It's a question of appropriateness. And I'm going to say one more thing about that.

There's a project proposed in Yarmouth to put solar panels at the school. All right. For some reason that I don't understand, the board of -- the Zoning Board said, "No." Okay. So they turned around with the advice of CVEC and they said, "Well, if we call it educational use, then we can do it."

Now it is an educational use because you've got kids in that school classroom who are being told in no uncertain terms if they want to get ahead in life, if they can't go through the rules, find a way around it.

No, I mean, -- and nobody even -- I mean it's obvious to everyone that it's a big lie, but, hey, that's modern America and you'll find it -- and if you do that -- and there was a great article I hope you read in the Cape Cod Times about Ethics by a young, maybe not so young person from Chatham, talking about nobody talks about ethics anymore. Hey, if you can put a tag line on the Reserve Fund which was intended for legal expenses to say, "Hey, we can spend this anytime we want," hey, you're golden. Now you can collect money.

So, to me, it's not a question of financial chicanery. It's a question of an organization forgot its mission that promised to get me a better electric rate. I pay a subsidy. I'm in the Green Energy Program so I do pay 9.2 cents. I think the actual rate is lower, and now had charged the people of Cape Cod 30 or \$40 million over and above what they would have paid if they were simply buying through NStar who is the supplier.

I mean it's, you know, and I look -- and Ms. Flynn said, "Well, that's not our primary mission." I was there. I sat in the meeting -- the same meetings that were cited here. It was at the Wayside Inn. I don't know if Maggie Downey was there. I know that Scott Ridley was there and they said, "We are forming this organization to aggregate customers so that we can get you a better rate."

And in their Constitution, if you want to call it, in their Charter it was specifically cited

they had to get a better rate than was then called the standard offer. And since the standard offer no longer exists, they felt legally they don't have to do that. Just another example to pay. That language is changed now, we can do something else.

So, I'm sorry if I'm ranting but I just feel that -- Leo, save me. Get me out of here.

Mr. CAKOUNES: Thank you. I won't rant, Mr. Speaker. I'm going to be real specific. My concerns are nothing as you have just mentioned, although I certainly respect your concerns.

My concerns are that I'm on the Finance Committee here for the Assembly of Delegates. We had a resolution in front of us after this one transferring \$4,500 from one account to another. I spent two hours yesterday going through my budget book because it's my obligation as a Finance Committee member to really realize where these funds are coming from and where they're going and why we're doing this transfer.

I take my responsibilities as Finance Committee member and an Assembly of Delegates member very seriously. I feel that I cannot any further explore the relationship between the County and these two organizations. I'm at wits end. I need help.

I don't think there's anyone on this panel that can tell me that they can really lay out the full relationship between the County and these two organizations.

I've brought before you in the past year motions made at the Commissioners' meetings in which they vote Commissioners, the Executive body of the County vote to transfer money from one account of CVEC to CLC or CLC's -- to pay CLC's bills.

Make no mistake about it. Our budget is 27 to 29,000,000. We are managing over 30 million of these two organizations' money. I cannot walk the streets of Harwich, the community that votes me in to represent them here and tell them that I know that we, the County, are doing the right thing and handling their funds. That's where I have a problem. I think we need help. I think that there are other communities in the Commonwealth of Massachusetts that are looking towards the way this county is the fiscal agent for these two organizations and may be considering modeling their municipal purchasing group. By that, if I get a phone call, I'll have to tell them "Don't do it" because I don't know enough about the structure and if we're doing it properly.

I don't think anyone on this panel can tell me that they knew prior to me mentioning it right now that under the current Aggregation Plan, Barnstable County is the one that's responsible for it. Barnstable County; we are the Legislative body of Barnstable County.

Under the new plan that was mentioned by one of the speakers, I'm not sure who's going to be the accountable for it. We certainly will still be the administrators though.

Please make no mistake about it. These two organizations do not have a checkbook. They use our accounts. All the monies, if you will, are put into one big pot. Yes, on a computer system, there are line items that identify that but they use our checkbooks.

All I'm asking you to do today is support me in asking the two state organizations to come down here and help us review the relationship that we have as the fiscal agent for these two agencies, and help us put together a structure that is correct. So that when someone asks me on the streets of Harwich, "How is it possible that the current County Administrator is the head of CVEC and is our fiscal agent here; is that correct?" I can say to them, "Yes, it is" because these state agencies have come down and approved it. I see no downside in doing this.

And I just want to end my comments, and I think it's really kind of strange that the president of CVEC, Ms. Flynn, would say in her opening comments, "Please do not send this because they have subpoena powers." I don't even know what that means. That's why I want to send it to them because they have the ability to get the information that's necessary. They

have the ability to keep things confidential because there are many things that are not privy to us to view.

Once again, I see no downside to this. I wish those of you who are going to vote against it try to convince me and tell me really what the downside is as the fiscal agents for these two organizations.

Speaker BERGSTROM: All right. Julia. And I'm going to have to call for a vote here pretty soon.

Ms. TAYLOR: Well, there's been no -- there's only been two people who have spoken on this important issue.

Speaker BERGSTROM: Okay.

Ms. TAYLOR: I do see a downside in that CLC's administrative and legal costs have been increased a great deal over the last three years, that's one. And it has diverted resources away from the programs that they are meant to be dealing with. That's another downside.

I think that the conjunction of these two issues today is serendipitously useful as several people have said. If I were -- when I did consult my Selectmen about the changes in County government, they were not strong taking a position. On the other hand, I could pretty much predict that asking Selectmen what would be their opinion about changing having a town representative from each town, I think I could predict that most of them would say we like it the way it is; we don't want to change it.

So that might, if we're talking about how to structure regional government, they might not be the only people I would want to consult on the issue.

On the other hand, this issue is very different. CLC and CVEC are primarily town-based organizations. Their membership is an appointed person from each Board of Selectmen. And so I do feel it's essential in this case that they do have their two cents and that I do need to know what the Selectmen think and what our delegates to those boards think.

My Selectmen are extremely unhappy with the barrage of information that they've been getting over the last three years, and they do not consider that we have -- these organizations have a problem. So, that's their view on that.

There are appointed people are very, very unhappy with the attacks on their integrity and their performance and resent it very much and they're not bozos. They're actually hard-working public servants. And I don't think -- I would be willing to bet money that no matter what result we might get from anything from the Attorney General, this will not disappear. There will be a new problem because I don't think this is all about transparency. I think it has other motives and I think that that will continue.

So I'm not in favor of this.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: You know, I have a basic premise here in terms of my support for this Ordinance and it's called, "Not on my Watch."

When we looked into CLC and CVEC, with all deference to the Delegate from Falmouth, CLC is not a town-based organization. It's created by something called the Intermunicipal Agreement, which is a statute that allows an entity, a public entity to be created, provided, however, that there is a fiscal agent that's responsible for its operation. And Leo's right, that fiscal agent is Barnstable County.

So, are we concerned? Is there reason to be concerned about the financial practices? There's certainly reason to be concerned. Is there impropriety? I don't know. But let's just look at a few examples.

First, why would ConEd Solutions give cash grant to CLC at the same time that ConEd

is bidding on an electric supply contract? ConEd Solutions is the only supplier for CLC.

Why -- let's look at something really recent from these recent financial statements. Why is CLC obligated to purchase RECs, Renewable Energy Certificates, from CVEC at a high rate and then sell them at a loss to ConEd Solutions, \$1.3 million loss? Why? Is there something here to be concerned about? Why is millions of dollars of ratepayer funds been transferred from CLC to CVEC without the documentation of votes that authorize these gifts of money? Why?

Is there a problem here? I don't know. But if there is, I don't want it to be discovered 5 or 10 years from now and it happened on my watch. Not on my watch.

Speaker BERGSTROM: All right. Well, we have a motion on the floor. It's been moved and seconded. We'll take a vote.

**Roll Call Vote on Proposed Resolution 13-06:**

*Be it Hereby Resolved by the Barnstable County Assembly of Delegates that:*

**The Assembly of Delegates instruct the Assembly Speaker to contact the Office of Inspector General of the Commonwealth of Massachusetts and the Office of Attorney General of the Commonwealth of Massachusetts to seek their assistance in the County's inquiries of the organizations known as Cape Light Compact and Cape and Vineyard Electric Cooperative, specifically including those matters addressed in the Special Committee on Inquiry into CLC and CVEC Report dated May 2, 2012.**

**This inquiry shall include, yet not be limited to the following:**

- an extensive audit of funds and transfers;
- structure and operations of these and similar future non-governmental agencies;
- procedure and review of present inter-municipal agreements with recommendations on future agreements as they pertain to Barnstable County and other Massachusetts municipalities; and
- Barnstable County's role as fiscal agent and Administrative Agent as per the Cape Light Compact Aggregation Plan on file at the DPU.

**Voting YES (62.74%): 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), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable).**

**Voting NO (34.53%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).**

**Absent (2.73%): Christopher Kanaga (2.73% -Orleans).**

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 13-06 passes with 62.74 percent of the Delegates voting "yes"; 34.53 percent voting "no"; 2.73 percent absent.

**Whereupon, it was moved, seconded, and by a roll call vote with 62.74 percent voting "yes"; VOTED:**

The Assembly of Delegates instruct the Assembly Speaker to contact the Office of Inspector General of the Commonwealth of Massachusetts and the Office of Attorney General of the Commonwealth of Massachusetts to seek their assistance in the County's inquiries of the organizations known as Cape Light Compact and Cape and Vineyard Electric Cooperative, specifically including those matters addressed in the Special Committee on Inquiry into CLC and CVEC Report dated May 2, 2012.

This inquiry shall include, yet not be limited to the following:

- an extensive audit of funds and transfers;
- structure and operations of these and similar future non-governmental agencies;
- procedure and review of present inter-municipal agreements with recommendations on future agreements as they pertain to Barnstable County and other Massachusetts municipalities; and
- Barnstable County's role as fiscal agent and Administrative Agent as per the Cape Light Compact Aggregation Plan on file at the DPU.

Speaker BERGSTROM: Thank you.

So much for the heavy lifting.

Now we'll go to proposed Resolution 13-07. I don't think the Finance Committee looked at this, John. This is a routine transfer?

Mr. OHMAN: We did not. It was a routine transfer.

Speaker BERGSTROM: All right.

Proposed Resolution 13-07:

To approve certain budget transfers for fiscal year 2014 in accordance with Barnstable County Ordinance 13-03.

**NOW, THEREFORE,**

**BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates Proclaims:**

The following transfers between budget groups one, six, eight, and nine for fiscal year 2014 are approved:

For the Resource Development Office, Americorps Cape Cod Program:

Decrease                    0011104-5498 by \$ 4,546

Increase                    0011111-5103 by \$ 2,968

                                  0011119-5981 by \$ 661

                                  0011119-5982 by \$ 714

                                  0011119-5989 by \$ 203

Mr. OHMAN: I would -- Mr. Speaker, I would like to put a motion on the floor of 13-

07.

Ms. KING: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Even though this is a normal, a yearly transfer -- Leo.

Ms. MCAULIFFE: Can there be a brief explanation or just what is this for?

Speaker BERGSTROM: I'm going to have to go to John for that. He's --

Mr. OHMAN: Mr. Speaker, this was never brought to the Finance Committee for any explanation. It looks to me like it's a switch of funds in small amounts to better match up what AmeriCorps needs in one account line --

Speaker BERGSTROM: There should be a memo in your packet.

Clerk O'CONNELL: There was a memorandum regarding the transfer that went in your packet.

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes, Leo.

Mr. CAKOUNES: I actually have an Amendment that I would like to put on the floor first, and then I'll be happy to answer some questions afterwards.

Speaker BERGSTROM: All right.

Mr. CAKOUNES: It's more a clerical error, if you will, please.

Speaker BERGSTROM: It's been moved and seconded already?

Ms. KING: Yes, it has.

Mr. CAKOUNES: No. Well, the amendment --

Speaker BERGSTROM: Well, no, it has to be on the floor before you amend it. I just want to make sure.

Mr. CAKOUNES: No, he put it on the floor.

Speaker BERGSTROM: And it's been seconded?

Mr. OHMAN: It is on the floor.

Ms. KING: It's on the floor, right. Are you representing it?

Speaker BERGSTROM: Go ahead, Leo.

**Mr. CAKOUNES: Thank you, Mr. Speaker.**

**All I want to do is amend under the Resolution 13-07 where the term says increase. It presently says 0011111-5103. I'd like to amend that to 0011111-5101.**

Speaker BERGSTROM: And tell us why.

Mr. CAKOUNES: Well, has it been seconded?

**Ms. KING: Second.**

Ms. MCCUTCHEON: Second.

Mr. CAKOUNES: Thank you. Because there is no such line item as 5103. I discussed it with our finance director, and we talked about the two possible accounts that it should go into, and he had told me that the best would be 5101.

**Speaker BERGSTROM: Okay. So we'll vote on Leo's motion. All those in favor of Leo's motion, say "aye." "Opposed".**

**(Motion to Amend passed.)**

Speaker BERGSTROM: Okay. Now we're back to the amended Resolution 13-06

Mr. CAKOUNES: Thank you. Mr. Speaker, I did speak with Mark on this. The, as all of you well know, the AmeriCorps works on a lot of great situations. A lot of their monies, in fact, that they do use for grants are matching. This particular situation, the amount that AmeriCorps had to put in to match in the Salary line item was low by a total of 4,546, and you see the breakdown of that.

The increased line items that you see are things and, again, I can get my book and give you the exact wording, but they're basically the health, you know, the benefits part of it.

And then the big one, the 2168 is actually the Salary line item. This where it's coming out of, the 5498 line item is a line item in their own account. It's the line item in which they put and receive grants in. I do not know as of today what the balance is, but I will tell you there was \$20,000 in that line item when we approved the budget back in June.

And I apologize I did not get a to-date balance on what's in the line item and where it's coming out of. But Mark assured me that taking the \$4,546 out of that would not affect their rest of the year's budget.

Speaker BERGSTROM: Okay.

Mr. CAKOUNES: So this is all coming from their own budget -- within their budget.

Speaker BERGSTROM: Okay. If there's no further comment, we will go for a vote on this.

**Roll Call Vote on Amended Proposed Resolution 13-07:**

**To approve certain budget transfers for fiscal year 2014 in accordance with Barnstable County Ordinance 13-03.**

**NOW, THEREFORE,**

***BE IT HEREBY RESOLVED* that the Barnstable County Assembly of Delegates Proclaims:**

**The following transfers between budget groups one, six, eight, and nine for fiscal year 2014 are approved:**

**For the Resource Development Office, Americorps Cape Cod Program:**

**Decrease                    0011104-5498 by \$ 4,546**

**Increase                    0011111-5101 by \$ 2,968**

**0011119-5981 by \$ 661**

**0011119-5982 by \$ 714**

**0011119-5989 by \$ 203**

**Voting YES (97.27%): 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), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).**

**Voting NO (0%)**

**Absent (2.73%): Christopher Kanaga (2.73% -Orleans).**

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 13-07 passes with 97.27 percent of the Delegates voting "yes"; 2.73 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 97.27% voting “yes”;  
VOTED:

To approve certain budget transfers for fiscal year 2014 in accordance with Barnstable County Ordinance 13-03.

NOW, THEREFORE,

***BE IT HEREBY RESOLVED*** that the Barnstable County Assembly of Delegates Proclaims:

The following transfers between budget groups one, six, eight, and nine for fiscal year 2014 are approved:

For the Resource Development Office, Americorps Cape Cod Program:

Decrease                    0011104-5498 by \$ 4,546

Increase                    0011111-5101 by \$ 2,968  
                                  0011119-5981 by \$ 661  
                                  0011119-5982 by \$ 714  
                                  0011119-5989 by \$ 203

Speaker BERGSTROM: Okay. Thank you.  
Now we have a report from the Clerk.

Report from the Clerk

Clerk O’CONNELL: I don’t have anything to report.

Other Business

Speaker BERGSTROM: Okay. Then under other business, any other business to be brought before --

Deputy Speaker MARTIN: Motion to Adjourn.

Mr. SCALESE: Second.

Mr. PRINCI: Mr. Speaker, if anyone’s around, it’s the Barnstable Stroll tonight. We’re here and it’s going on right now. So if you want to stick around, it’s a beautiful little village here.

Speaker BERGSTROM: I’m sure we’re all anxious to spend some more time here.

Deputy Speaker MARTIN: Move to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor, say “aye”.

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:45 p.m.**

Respectfully submitted:

Janice O’Connell, Clerk  
Assembly of Delegates