

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – February 6, 2013

Speaker BERGSTROM: Good afternoon. Sorry for the slight delay. Welcome to the Wednesday, February 6th meeting of the Cape Cod Regional Government, Assembly of Delegates.

This meeting will be recorded by others besides our usual recording artist.

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

(Moment of silence).

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance).

Speaker BERGSTROM: Okay. The Clerk will call the roll.

Roll Call (100.00%): 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), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 100.00 percent of the Delegates present.

Committee of the Whole

Speaker BERGSTROM: Thank you. We're all here.

I'll now need approval of today's Calendar of Business. You've all seen it in front of you. Can I have a motion to approve the Calendar of Business?

Deputy Speaker MARTIN: Motion to approve.

Ms. KING: Second.

Speaker BERGSTROM: Okay. Moved and seconded. No 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 January 16, 2013. You've had a chance to review that. Any additions or corrections to the Journal ?

Hearing none. Do I have a motion to approve the Journal?

Deputy Speaker MARTIN: Motion to Approve.

Ms. KING: Second.

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

Ms. ANDREWS: Abstained, Ron.

Speaker BERGSTROM: Okay. And one abstention.

(Motion carried.)

Speaker BERGSTROM: Now we have Communications from the Board of Regional Commissioners. I see the Vice-Chair of the Commissioners, Mr. Doherty.

Communications from the Board of Regional Commissioners

Commissioner DOHERTY: And a cheerful good afternoon to one and all. I'm glad to see everybody here. I think that's really wonderful.

Budget time is a time that occupies our time and attention right now, and we are making more progress on that. And that's essentially what we were doing this morning. We were getting closer to the time when we will finalize the budget and we are on track to meet the appropriate deadlines.

Today we're submitting a, which is already in the hands of the Clerk, a Proposed Ordinance to add to the County's operating budget for fiscal year 2013 as enacted in Ordinance No. 12-04, which I assume would be the budget. The total amount is for \$494,190.00. It's under the part for County Services.

Item 1 would be for Building Conversion: Gym to Lab for the Facilities Department, which that part would be 224,885.

And Section 2 would be based upon a revised estimate of income made as of February 1. We asked for other sums, and that amount for also Building Conversion: Gym to Lab in the Facilities Department of 269,305.

And the total supplemental appropriation that's being requested is 494,190. It was discussed today and passed at 11:45 this date.

We're hoping that when you schedule it for hearing, we will go into the details as to the justification for it.

And with that, that's essentially my report. Oh, and let me give my apologies up front. The Transportation Improvement Plan Hearings are taking place at the same time, and, as you know, since we both serve in the MPO, it is appropriate for me to be there to be part of that.

Speaker BERGSTROM: Are there any other questions for Bill from anybody here? Yes, Suzanne.

Ms. MCAULIFFE: The only thing, something in my mailbox I think it was Chairman Flynn had made a comment that Maggie Downey's position was going to be paid 75 percent by Cape Light Compact -- that was at your recent meeting -- is that, in fact, I didn't get a chance to go in and verify that; I got that information late today. Is that the case? Is that what the Commissioner's have said?

Commissioner DOHERTY: In the proposed budget, the Cape Light Compact would be charged 75 percent of her salary line item and 25 percent would continue to be paid by the County since she continues to have the responsibility for Human Resources.

Ms. MCAULIFFE: And you're going to take that to the Cape Light Compact so that they're aware of it?

Commissioner DOHERTY: Well, of course. And since Maggie Downey is -- and I believe is the Chair of the Cape Light Compact?

Ms. MCAULIFFE: Yes.

Commissioner DOHERTY: I believe that if you ask her when she comes up for Public Comment, I believe she'll verify that she's aware that that's underfoot.

Ms. MCAULIFFE: I don't think she will. I asked her today. But we'll ask her directly. Thank you.

Commissioner DOHERTY: But in any case, that's the intention, and as all proposals, the intention becomes final when we put the final budget together and send it over. But it is our intention to ask the Cape Light Compact to pay 75 percent of her salary, which would be in line with the fact that the present County employees working on the Cape Light Compact are, indeed, paid from revenues that are obtained by the Cape Light Compact.

To go into a little bit more detail, the intention is that she would be assuming -- she would be assuming more responsibility for the Cape Light Compact and less as an assistant administrator, which is all part of an overall reorganization that's underway. I hope that's helpful.

Speaker BERGSTROM: Bill, we've received various emails back and forth as you know, since you probably get them as well, about the legislation that's being filed by Dan Wolf -- Senator Wolf in regards to issuing short-term revenue anticipation notes, which you and I both know what they are since the RTA exists on them, has this ever come up for discussion in the Commissioners -- have you ever discussed this?

Commissioner DOHERTY: Well, first of all, starting back in 2008 at the Cape Light Compact, this has been a matter of discussion because of the need of having revenue anticipation.

At that time, there were some questions as to whether or not there could be bonds issued for that. What we discovered, bond counsel said, is that we were not eligible to issue bonds, and the device that was intended through the legislation was to allow the Commissioners to borrow money or revenue anticipation. Now that's all been rendered mute because in the approved state -- excuse me -- in the approved state plan for energy efficiency on page 126, it specifically says that, "The guidelines for the Cape Light Compact have been changed because of its unique circumstance. The Department directs the Compact to file on or before February 21 a revised EES," and I'm not sure what that acronym is, but it essentially says that they now are requiring the Cape Light Compact to file that, so legislation is no longer needed.

But this has a long history. Both the Boards and the Executive Committee of the Cape Light Compact have been following this for some time.

Speaker BERGSTROM: So I mean you're aware of this and you've discussed it?

Commissioner DOHERTY: Well, I'm aware of the fact that Dan Wolf was asked to file the legislation in accordance with an ongoing discussion as to what direction to take, and it was -- since this is more in the area of a procurement, but in order for the Commissioners to act, there had to be some specific permission by legislation as we understood it.

Now that the state has approved this new plan, they've essentially got past the problem between regulation and service delivery. And, as I say, I would direct you to the DPC 12-100 and DPU 12-111, page 126, and it does have the language that makes that particular thing mute.

Speaker BERGSTROM: Okay. Does anyone else have questions for the Commissioner? Yes, Leo.

Mr. CAKOUNES: Just a follow-up on that if I can. And I know you wear a number of hats, so I'm going to be specific in my question. Can you put on your County Commissioner's hat for a second?

Can you refer to me or tell me when the County Commissioners actually discussed asking a state senator to file a bill on their behalf?

Commissioner DOHERTY: We don't have to.

Mr. CAKOUNES: Okay. That's all I wanted to know. Thank you.

Speaker BERGSTROM: Okay. Julia.

Ms. TAYLOR: Just a comment. I am disappointed to hear that the budget will include Maggie's position as still being covered in two different organizations. That will be a big problem for me.

Commissioner DOHERTY: Julia, let me respond to you that this -- I think in the discussions we've had, there is a transition that has to take place with regard to the human resources position, and part of the issue is since we're also in the budget pursuing a separation of the treasurer and the administrator, there was some discussion as to what type of -- what type of intervening support there would be. So it's still a work in progress.

Ms. TAYLOR: Well, I'll await the full --

Commissioner DOHERTY: I hear what you're saying because I certainly have understood, through the Chair, I certainly have understood what your feelings on this, and it's all part of the general discussion.

Speaker BERGSTROM: Okay. Well, I should tell the Delegates, I've been watching the Benghazi Hearings, and they would ask the former Secretary of State a question, and when she answered it, they would spend another 20 minutes telling her how they didn't like the answer.

So I'm determined that's not going to happen in the Assembly. So, we'll wait and Bill will give us the answers to the questions, and as soon as he leaves, we can take his name in vain and discuss it. He's here just to be informative.

Commissioner DOHERTY: Make sure I get a copy of everything that they say.

Speaker BERGSTROM: Thank you, very much, Commissioner, unless there's somebody else --

Speaker BERGSTROM: Oh, wait a minute.

Ms. ANDREWS: Just a follow-up. Forgive me, I wasn't planning to ask you about this, but I really didn't understand your answer to the Delegate from Harwich. I thought he asked you when the Commissioners discussed asking the Senator to file the legislation.

Commissioner DOHERTY: Wasn't my answer clear that I said we didn't have to?

Ms. ANDREWS: No. That's what you said, but are you saying then that you didn't ask Senator Wolf to file this -- Commissioners?

Commissioner DOHERTY: No. That was something that was -- as part of an ongoing discussion with the Cape Light Compact that they asked to -- as part of the procurement process of the Cape Light Compact, acting as in response to what one counsel had said, there's no requirement that the County Commissioners be part of this filing of the legislation.

However, when the act of filing a request for a loan came up, then the process includes a discussion. It also includes coming over for the support of an appropriation because it does involve -- if it involves a fiscal matter, naturally according to the Charter, and according to the way I understand the rules work, we would then have to come and get

approval for that borrowing. And at that time, the explanation with regard to the borrowing, which is a revenue anticipation note support and the revenue return would be based upon the anticipation of NSTAR who pays -- I think it's every six months as far as the recovery of that money, then that would be the basis of recovering the money.

Ms. ANDREWS: I'll ask my question again. The County Commissioners then, you're saying, did not ask Senator Wolf to file this legislation?

Commissioner DOHERTY: I thought I said that.

Ms. ANDREWS: I didn't hear you say that.

Commissioner DOHERTY: Oh, I'm sorry. I did not -- they do not.

Ms. ANDREWS: Well, they did say that. So, the County Commissioners didn't ask?

Commissioner DOHERTY: No.

Ms. ANDREWS: Okay. Thank you.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: I'm sorry, Mr. Speaker, but I just want to make sure I get this clear too.

Bill, I was letting you leave with the answer to my question because I understood what you said is that we do not need this Senate bill anymore?

Commissioner DOHERTY: That's right.

Mr. CAKOUNES: So has anyone contacted Senator Wolf's office and asked him not to bother filing the bill?

Commissioner DOHERTY: I cannot answer. I do not know the answer to that question. However --

Mr. CAKOUNES: But it's not necessary?

Commissioner DOHERTY: The bill is not necessary.

Mr. CAKOUNES: Thank you.

Commissioner DOHERTY: And since it does -- if you remember the legislative process, since you're all legislatures, there is a hearing process that goes forward with the filing. And at that time, even if we had not made the effort to notify him, the hearing process would certainly uncover that.

Mr. CAKOUNES: Thank you. I understood. Thank you, Mr. Speaker.

Speaker BERGSTROM: Thank you. And we're going to see the budget -- the Administrator with the budget next meeting, I think; is that right?

Clerk O'CONNELL: Yes.

Commissioner DOHERTY: In two weeks. He was assuring us that he's on track. You'll see a splendid budget.

Speaker BERGSTROM: We greatly anticipate it.

Commissioner DOHERTY: I share your excitement.

Speaker BERGSTROM: Let's see what you get back in return.

Commissioner DOHERTY: This programmatic budget, which would also include a budget policy statement, which I won't go into detail as to part of -- remember when our good friend Patrick Princi was preceded by Tom Lynch, Tom was very concerned that we'd have a significant budget message that explained what the thinking of the County Commissioners had been.

And Pat Flynn, our Chair, is very concerned that we have at least the elements of a budget policy included in that message and we're working on that as well.

Speaker BERGSTROM: Okay. Thank you, very much.

Communications from the Cape Cod Commission

Speaker BERGSTROM: We now have communications from the head of the Cape Cod Commission, Executive Director, Paul Niedzwiecki and Mr. Andrew Gottlieb. Is Andrew not here?

Mr. NIEDZWIECKI: Andrew's not here.

Speaker BERGSTROM: Andrew's not here, okay. So you'll carry the ball.

Mr. PAUL NIEDZWIECKI: Yeah, no, Andrew's Man-of-the-Year so.

Mr. PAUL NIEDZWIECKI: Thank you, Mr. Speaker. I'm pleased to be in front of the Assembly today. Andrew had a family emergency this morning, so he won't be able to be here.

And you'll pardon me as I sort of read through his PowerPoint that he was going to present. And I think we'll pass a copy out. It should be coming around.

Last spring, the County Commissioners charged Andrew and myself with taking a look at wastewater issues on a County level. So what you will have in front of you are the Recommendations for County Resources and Policies and Wastewater Planning and Implementation.

The report was given to the County Commissioners on January 2. The charge was to think about and then suggest ways to optimize County and Cape Commission resources and policies to solve the problem in a manner consistent with the priorities that follow.

First of all, Number 1, to result in a timelier cleanup and the protection of Cape waterways.

Number 2, to minimize the infrastructure built to improve water quality.

Three, to minimize the overall cost of wastewater management, and

Four, to lower the impact on individual ratepayers.

So with that charge, Andrew and I towards the last spring and through the summer went out into the community around the Cape and we have had 50 meetings in a period of three months on this particular issue.

And as you well know over the last 10 years the County has been engaged in this issue with the creation of the Water Protection Collaborative and providing technical expertise funding and public outreach. And we continue into the future to plan and are in the process now of establishing a clear wastewater management plan and guidance on the need to address management issues on a hyper-local basis around each watershed.

So the challenges that we found when we were out there are the towns are challenged in many fundamental ways as they try to deal with wastewater, and those challenges include: limited local resources, intermunicipal cooperation or sometimes the lack thereof, resource constraints and regulatory constraints.

So our final recommendations to the Commissioners, I believe there are eight of them.

First, based on our findings and formal input from the majority of Cape towns, we've determined that the appropriate role for the County and the Commission is one that builds upon, but does not supplant, the important and ongoing local initiatives.

The County and the Commission should assist towns with adjustments to local plans to account for regulatory flexibility, financing options, and the need for increased

local cooperation.

Secondly, the process should stay local. The logical planning and management scale for the most economical and logical solutions is really at the watershed level.

Number 3, the County and the Commission roles should really facilitate that watershed level local discussion and identify appropriate solutions for increased environmental protection and appropriate infrastructure that minimizes the overall cost of management and lowers the impact on individual ratepayers.

Four, the County and the Commission can and should provide planning and engineering assistance; provide guidance to enhance the local planning process; advocate on behalf of the region for the type of the regulatory reform and innovation that would enable the Cape to devise and implement solution over a time period that meets our needs.

And to advocate on behalf of a Cape-wide contribution from the state and federal governments that would account for half of the overall costs of management solutions proposed.

Number five, to focus on the creation and deployment of analytical tools that enable local decision-makers to assess and analyze the most realistic and viable options.

Number six, the County Commissioners should resolve and forward to the Collaborative and to the Commission the following guidance:

Seek to solve the wastewater problem with the least amount of infrastructure possible;

Retaining as many onsite systems as possible while meeting water quality standards;

Utilizing adaptive management techniques to assess the impact of initial measures on water quality and make changes as needed.

Commit to the use of alternative technologies and enhance natural attenuation as a meaningful part of local strategies.

To support the development and implementation of Intermunicipal Agreements to managing wastewater.

And the 7th recommendation was that the County should assume the role of being a taxpayer advocate and continue to develop strategies to lower costs and the impact of protecting water resources on taxpayers and residents of the Cape.

Eight, no new Cape-wide entity is recommended to implement wastewater improvements; and

Nine, which probably should have been first, is that an MWRA-style reliance on large treatment plants for the Cape is definitely not recommended.

So that was the synopsis of the report that Andrew delivered to the Commissioners, and I am available for your questions.

Speaker BERGSTROM: Okay. Who wants to start? Pat.

Mr. PRINCI: Welcome, Paul. When you went out to the various towns to gather information for this report, how did you go about that? Did you schedule even more time in towns that might have more needs for wastewater management? Did you schedule -- were there some towns that weren't really receptive to having you come in? Any insight you can give us on those types of meetings, please?

Mr. NIEDZWIECKI: Well, the meetings were varied. Some of them were from Selectmen and some of them were in front of groups that were already organized and asked us to be there.

And then I personally did a round of 15, one in each town, Saturday morning meetings because we'd get the feedback that day meetings don't work, evening meetings don't work, and really no meeting works for everybody. But we tried everything that we could.

If I were to classify the kind of feedback on a sub-regional level, you know, definitely the kind of feedback that we got on the Outer Cape was different than we got on the Upper Cape. The nature of the problem down there is different. The nature of some of the actions they've taken to date is different.

So there were some sub-regional differences, but all in all, we were welcomed, and at least on the Saturday morning meetings in libraries there were people that turned up that we hadn't seen before. So to see people that had an opportunity to participate that weren't the usual suspects was a good thing.

Speaker BERGSTROM: Okay. Do we have -- let me ask you a question before we go any further.

I guess this is a very expensive -- it's got to be a very expensive proposition and one would understand that the towns are only going to do whatever they have to do. I mean money is tight. The question is what do they have to do?

They sort have been hanging over our head in the form of potential litigation from some conservation groups, CLC and so on; do you know what the status of that is? I mean do we know -- what, in turn, is going to be the impetus to get the towns to do this as of now? Where are we now?

Mr. NIEDZWIECKI: There's a great deal of good local planning that's happening in almost every town that relates to this. So I don't think that the towns need to be pushed in any particular direction.

I think the towns are hamstrung by an existing regulatory framework that once they start that planning process tends to produce a particular outcome. And I think what they need is some more regulatory flexibility and a different kind of approach that would lead to a different kind of outcome, one that would be less expensive.

As it relates to the lawsuit, the lawsuit is still in process as of now. The only defendant is the Environmental Protection Agency, U.S. EPA. One of the major planks of that lawsuit was through the EPA aimed at the Cape Cod Commission and our predecessor, CCPEDC, in updating what's known as a 208 Plan, a federal Clean Water Act, Section 208 Regional Plan. The last one that was done on the Cape was done in 1978 at the direction of the feds back when the federal government was still funding significantly those planning efforts in capital construction projects that came from them.

Last week we received from the state a notification that we should begin the 208 planning process again at the Commission. So we have begun that already, and we'll be having focus groups next week to figure out the particular process that we're going to use.

So, now that we are engaged in the regional 208 planning process, I would suggest that that part of the lawsuit is probably not as valid, you know, as it once was as a claim. But it's really up to the plaintiffs and the defendant in that case to litigate that, and we'll just have to wait and see.

Speaker BERGSTROM: Okay. Yes, Julia.

Ms. TAYLOR: When you speak of the regulatory framework that could be a problem for towns, is that primarily a state regulation? Is it primarily federal? Could your 208 process make any difference in how those regulations got further implemented or

maybe changed?

Mr. NIEDZWIECKI: Most of the regulations that we interact with on the wastewater side, especially on the Cape, are primarily state regulations. Part of the litigation suggests that they should be more of a federal role in the regulation of wastewater.

But the 208 Plan at the end will go through the nitrogen sensitive watersheds. It will not produce an optimal plan. What it will do is it will organize information in a way that local decision-makers on a watershed basis can use that information to more quickly make decisions about how to remediate the situation of a particular watershed.

There will also be recommendations that relate to the regulatory environment, some flexibility, some may be expedited, acknowledgment of some new alternative technologies, perhaps stretching a period of time for compliance, prioritizing certain watersheds, and looking at ways to finance some of these things and encouraging the federal and state government to be a partner on the financing side as well as some regulatory flexibility.

And most of the regulations that are in place, on the federal side anyway were due to the Clean Water Act in 1972 that were put in place when the particular problems were toxic pollutants that came out of a pipe and were turning rivers green and lighting some of them on fire. And the federal government was engaged financially in that solution and the Clean Water Act worked pretty well in fixing those problems.

The pollutants that we're dealing with now are not toxic. They're naturally occurring and they're not as obvious or as obnoxious but they are more pervasive and insidious in many ways. And the potential damage is more widespread in a geographic sense.

But the Clean Water Act hasn't changed. It hasn't provided us any new tools. It hasn't provided federal money for wastewater treatment options that might have led to new and innovative approaches.

So we're hopeful that we, through the 208 Planning process, can begin that discussion on the state level and the federal level.

Speaker BERGSTROM: Yeah, Teresa.

Deputy Speaker MARTIN: Just a pragmatic question. You did pretty good over the last year in letting us know what's happening when -- so we had a timeline. So, now that Fund Report, check.

Mr. PAUL NIEDZWIECKI: Yeah.

Deputy Speaker MARTIN: What's kind of the next 12 months timeline and who's done what, when, and what should we be expecting? Just approximately.

Mr. PAUL NIEDZWIECKI: Approximately?

Deputy Speaker MARTIN: Yeah, other than some time, you know, --

Mr. NIEDZWIECKI: The detail might escape me, but we do have a Regional Wastewater Management Plan that's online at the Commission, and I would encourage you to sort of go there and check. There's a lot of good information. It's a result of several years of collecting this information and presenting it. So that Regional Wastewater Management Plan is there. It's in an electronic form because we don't want it to be a two dimensional narrative that just winds up on a shelf and collects dust somewhere. So we will be taking that plan over the next 12 months as we sort of engage the public on a watershed by watershed basis. So that plan should come to life and peoples' interaction with it and their suggestions and what we learned of the watersheds should then be

reflected in that plan so it will be a much more robust plan 12 months from now.

What I expect over the next 12 months is a lot of work in the nitrogen sensitive -- in those watersheds that are likely to be nitrogen sensitive and a lot of public outreach.

So next week there are, I think, nine focus groups, about 80 people involved. The Consensus Building Institute out of Cambridge is going to run these for us to introduce a third-party into this so that it's not completely Cape Cod Commission driven, and they will be suggesting a process for that public engagement. And we'll be back out dealing with the public and public meetings in April and we'll basically split in two, the work product, at that point. And they'll be a lot of work on the community outreach and engagement on a watershed basis and a lot of technical sort of planning that happens in the watersheds.

And then hopefully they will sort of join again towards the end of the summer/beginning of the fall with a very robust public outreach that is specific to particular alternatives and suggestions in watersheds.

So that would be the first year. So the Department of Environmental Protection, the Commissioner, has given us basically 12 months to produce a draft plan, which is not a lot of time, but we will hit that target deadline and we'll have a draft plan in 12 months.

So I would expect that over the second year of this process there will be -- that will be available for public review, comments, extensive kinds of public comment, and then we'll talk about more about implementation and financing options and those kind of things in year two once we have a better feel for what the possibilities are on a watershed by watershed basis.

Speaker BERGSTROM: Yes. Leo.

Mr. CAKOUNES: Thank you. Number 5 in your recommendations, it says, "The focus on the creation and deployment of analytical tools." I noticed at one point a while back, you had told us that you guys were working on some type of a computer program, I guess? Is that available now through the towns? I guess this is a little commercial for you.

Mr. PAUL NIEDZWIECKI: We have been developing a program that we can use; it's called, "Watershed MVP," and we're in the final stages of it. We can use it in a beta version with some of the towns that are interested in using it. It really allows you to select any group of parcels and select a particular treatment option there and it will give you some cost estimates associated with that, and we think that that should expedite the planning process. It's an important technical tool, but I think it's more importantly a public outreach tool because you know how the situation goes. These towns spend a lot of time planning and then it becomes part of a public meeting and someone says, "Oh, I've never seen that before." And "Why didn't you do this there?"

And so this program will allow to show them instantly really what this there would look like and hopefully that answers the question or we go, "Oh wow; I wish we had thought of that," and then we would incorporate that.

That's not the only one. It's not just Watershed MVP. We've worked with EPA and Tetra Tech on developing citing criteria for alternative technologies. We have a fairly sophisticated rate model that we worked with CH2M Hill on. They can be used by the towns on a town by town basis and on a watershed by watershed basis.

We also worked with IBM and MIT on triple value system model or triple bottom line model that has preliminary modeled the Cape Cod economy, the Cape Cod environment, and community stakeholders here so that when you change a variable in one of those groups, it shows you the potential impact on the others.

So we have a lot of fun stuff to share with the people when we get out there. And the hope is that this technology and being able to visualize for people these complex data sets in a way that's more easy -- that is easier for them to consume, we'll engage the majority in this discussion, and I think that's really what needs to happen. Hyper-local process, watershed by watershed, and having as many people in that watershed engaged in the decision-making process as possible.

Speaker BERGSTROM: Yeah, Leo, do you want to continue on that?

Mr. CAKOUNES: I know that Harwich is going through an extension plan right now. They hired a firm to do it. They had to go through the Chapter 30 current laws about putting out for bid.

I didn't see anything in your suggestions that may indicate that it might be beneficial for the County to actually put -- and maybe this can't be done -- some kind of RFP out so that Cape Cod gets one engineering firm. This way here when two towns are doing something, there's not the double paying, if you will, for the same information or the same watershed.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. CAKOUNES: Or there's not one engineering firm having to either deal with or pay money to get something from their competition. Was that even talked about or even is it possible?

Mr. NIEDZWIECKI: Well, in a sense the Water Protection Collaborative has been trying to provide those services over the last few years on the financial side and mainly on the engineering side because there does need -- you know, we've always felt that the towns need somebody else who's an engineer to go to. Just to double-check. Everybody can use a second opinion, so that's already happened.

I think it will begin to happen at a larger scale; certainly sharing information across town lines is going to happen. It's going to be part of the plan that we develop and what we do.

Speaker BERGSTROM: Paul, can I ask you a question? I went through this, unfortunately, for over a decade in Chatham, and I can anticipate some of the issues that are going to arise. And one of them is is that you talk about a reliance on alternative technologies.

Mr. PAUL NIEDZWIECKI: Yep.

Speaker BERGSTROM: A lot of those technologies are proprietary; people come down here and they sell them. And like any good salesman, they're going to tell you that their technology's the greatest thing that ever happened and it's going to perform to a certain level and it's going to do all sorts of wonderful things.

Mr. PAUL NIEDZWIECKI: Yeah.

Speaker BERGSTROM: And because it may be either new to the area or because we don't have anyone to dispute it, the question arises then is it going to work?

Mr. PAUL NIEDZWIECKI: Yeah.

Speaker BERGSTROM: And I don't know if the state's DEP makes that final decision. But when we did it, we could submit anything we wanted but it was at our risk that it would work or not work.

Mr. PAUL NIEDZWIECKI: Yeah.

Speaker BERGSTROM: So I'm wondering if the Cape Cod Commission or someone else is willing to do what let's say George Heufelder does, which is to say you

can make this claim about this, but we dispute it or we don't think it works. I mean, who's going to decide? Because a lot of these, and I don't want to get too far into it, a lot of them are used to sort of block proposals they don't like. In other words, as you say, they'll come up and say, "Wait a minute, don't do that. I've got this other idea" and, of course, nobody knows anything about it. Is the Commission going to jump into that?

Mr. NIEDZWIECKI: Well, we're lucky that we have George Heufelder in the Barnstable County Health Department, and, I think, the best test facility for innovative alternative on-site septic systems in the country. So George knows what works and what doesn't.

And my suggestion to the Commissioner is that they look to support the operation out there at the Massachusetts Military Reservation, amplify it, and use that really as this test site to find those technologies that are most promising and expedite the ability to permit those.

But we do need something on the backside too, which is if you do make a mistake, and this is why Public Officials are so conservative in their selection of treatment options, because if it doesn't work then you're asking citizens to pay twice, and nobody wants to do that.

So there may be areas in a regional plan where we can find opportunities to pilot on a subwatershed or watershed scale some of these technologies without that risk.

So, that's what we've been working with EPA and Tetra Tech on trying to find some of those opportunities. We'll continue to do that, and so I think working very closely with George and really taking that wealth of experience and knowledge that he has and applying it in the alternatives area, we'll be able to pilot new technologies but we'll be able to do it in a way that we have a reasonable assurance that's going to work on some level. And we won't have to run into that double-pay situation because we will have said, "Well, we're going to set this watershed or subwatershed aside for 20 years." And know that there's not a serious environmental risk associated with doing that.

So that's an important part of moving forward and one of the reasons why we're lucky, and it's one of the reasons why I think both the state and federal government have faith that the Cape is the right place to try to think about piloting some of these alternatives.

Speaker BERGSTROM: And you say that you have now the ability to, let's say someone said, "Well, my neighborhood," and we're in North Chatham or my neighborhood in Sandwich wants to put in a pocket treatment plant, a small treatment plant. You have software available; you could give them an idea, a realistic idea of what it's going to cost and how it would be done?

Mr. NIEDZWIECKI: Yeah. Now in the program that we have developed won't give you -- it won't price for you in an instant your particular project. What it does do is an apples to apples comparison between different treatment options. So for the purposes of comparing options, it's a very good tool.

Speaker BERGSTROM: Yes, Cheryl.

Ms. ANDREWS: It's great to see you. I'm waxing nostalgic and wishing we had had your help 20 years ago because I remember it a little better than I wish I did sometimes.

I have two questions for you. One piggyback's a little bit on what Leo was talking about about some of the engineering issues and this MVP program that you developed. I'm curious; does it deal at all with helping sections of towns compare areas for leaching or is

that beyond the scope? Is that too detailed? Because that was one of the problems that we ran into that were horrific where we had competing engineering firms saying, “Do this; do that,” and then all of the sudden DEP came in and it was very different what the solution was.

Mr. NIEDZWIECKI: The tool doesn't have that right now but it can. And we will build into it. And part of it is on the alternatives. We need a matrix. We need to know what the technology is, how much nitrogen it removes, what the cost per pound of nitrogen is and the land-use characteristics in which it's most likely to be successful, and then we can pull it into the tool.

But there's other functionality over the next six months that we'll be building into the tools. So, when we're done with this sort of MVP pro version, I think we'll be -- we have some engineering companies that have approached us already about an expedited way for them to think about this and present it at meetings, but it really starts to give towns a leg up so that they're on -- not on the same level, but they have a better way to sort of ask questions of engineering firms and test some of their assumptions.

So, we'll get there.

Ms. ANDREWS: I don't remember if you remember the cartoon, but it basically showed Route 6 going through Provincetown with a 5 foot high bunker going down the median strip between the two sides, because that was one of the proposals in it. Anyway, I'm happy those days are over.

My second question had to do with -- has to do with something that we were asked a lot about on the Collaborative, and I was curious from you what your thoughts were in terms of this plan development and that was fertilizer use on the Cape.

Mr. PAUL NIEDZWIECKI: Uh-huh.

Ms. ANDREWS: People ask over and over if nitrogen is such a problem, why we are allowing so much of it to be spread all over Cape Cod.

Mr. PAUL NIEDZWIECKI: Yeah.

Ms. ANDREWS: And we never got to a place where we made a recommendation. I was curious do you anticipate doing that in this planning process?

Mr. PAUL NIEDZWIECKI: There will be a recommendation about fertilizer use that will be part of the 208 Plan. I can say that almost for certain. Generally, 80 percent of the problem comes from wastewater. Not a lot comes from fertilizer, and there are a lot of good fertilizer programs that are in use on the Cape especially by the municipalities.

So we've made some progress there. We can do more. And the problem with fertilizer is we have the authority really to regulate those with the Department of Agricultural Resources. And we've seen this on some of the pesticides too.

But I think there's already some legislation that's been filed that's up there on fertilizer use, but the regional plan in draft form will have a recommendation for best management practices, maybe some suggested ordinances for fertilizer management on the Cape.

Ms. ANDREWS: Okay. Thank you.

Speaker BERGSTROM: Thank you. Deborah.

Ms. MCCUTCHEON: Thank you. Paul, I'm really glad to see this report. I think it's really a good step in the right direction. I think it answers a lot of the questions and concerns.

Can I ask you a couple of questions about it?

Mr. PAUL NIEDZWIECKI: Sure.

Ms. MCCUTCHEON: Is this the actual report or is there some like document?

Mr. NIEDZWIECKI: No, this is -- there is a document.

Ms. MCCUTCHEON: So who has that been given to or circulated with?

Mr. NIEDZWIECKI: I believe Andrew has it, and it may be online on the Collaborative site, but I'm not going to swear that it is. He was supposed to be here.

Ms. MCCUTCHEON: And you presented this to the Commissioners.

Mr. PAUL NIEDZWIECKI: Andrew did; yeah.

Ms. MCCUTCHEON: And do you know what their response to it was?

Mr. NIEDZWIECKI: I think it was favorable. I mean we've kept most of the Commissioners up to date as we've gone through the process. And they thanked us for the report, and I would say they were favorable but they didn't take any form of motion so.

Ms. MCCUTCHEON: Well, I just would suggest that I think there's been a lot of concern generated --

Mr. PAUL NIEDZWIECKI: Yeah.

Ms. MCCUTCHEON: -- valid or not about what this report was going to do and what the recommendations might be, and, therefore, I'd suggest that it be disseminated as widely as possible because I think it's very -- I think it's a very good solid approach, and I think it answers a lot of those concerns.

Mr. NIEDZWIECKI: Thank you, Deborah. We will, as part of the outreach, we'll try to communicate this in the Regional Wastewater Plan. It is frustrating to hear the County plans, not just misinformed, but like 180 degrees out of what is actually happening. So I look forward to disseminating as widely as possible. Thank you.

Speaker BERGSTROM: Paul, I have one more question that's come up. And Chatham has pursued its Wastewater Management Plan which is pretty comprehensive.

One of the issues came up, and I know it came up from Provincetown also, was that some people are apprehensive that by providing wastewater solutions they were going to increase the development in their towns.

Mr. PAUL NIEDZWIECKI: Yeah.

Speaker BERGSTROM: I'm sure you've heard of this.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And the DEP was concerned because they thought that that would be an impediment to passing these plans. In other words, you go to Town Meeting and you're saying, "I don't want a pipe to come down my road because they'll build a fast-food restaurant."

So, since you're the head of a planning agency and you know all about things like zoning and planning and so on, is there any kind of a companion document and maybe recommendations in here as to how towns will deal with that issue?

Mr. NIEDZWIECKI: Well, yeah, as you know in Chatham, you adopted a flow neutral regulation. That was an attempt to sort of address that issue. There are development concerns when you select centralized treatment options. The financing of the centralized treatment options are pretty -- it's pretty easy to understand that the more ratepayers you have on the shortest length of pipe, the more sustainable that system and the lower the cost is, that tends to drive connections sometimes.

We do have growth management policies that could be in place, and I think flow neutral regulations can take care of some of that.

Another concern is when you get into areas that have really small lots, for example, and you sewer them, which would make sense in a centralized kind of situation. You remove those Title V setback retirements. So all of the sudden you're going to have larger structures on really small lots, and that has another potentially adverse kind of development in these smaller neighborhoods, a lot of which we see on the south side, on Nantucket Sound side. So we're looking at those options too.

But I would say this, that when a community stops growing, it starts dying, and so we need growth in certain areas. We just have to get it in the right spots.

So wastewater can be on some level a proper and useful economic development tool. And so as long as we're planning that kind of development in the right places especially redevelopment of our historic Main Streets and downtowns, I'll think we'll be in good shape.

So it will require prudent planning on the Town's part, but the tools are there and it's definitely possible.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Just a big question. I think everybody -- Welcome. Thank you for coming.

Mr. PAUL NIEDZWIECKI: Nice to see you.

Ms. MCAULIFFE: And I've learned a lot today. The big question; how optimistic are you in terms of financing?

Mr. PAUL NIEDZWIECKI: Yeah --

Ms. MCAULIFFE: I know over the last decade we've heard, "No money, no money, no money." There was the State Revolving Fund with the zero interest loans and that's competitive, but I know you're a year or two away from getting to that point but how optimistic are you in terms of whether it's a federal or state funding that we will get any help?

Mr. PAUL NIEDZWIECKI: I am optimistic. I can't not be. Because if it's not affordable, it's not doable.

But beyond that, I would just say this on the state level; the state has encumbered 3.35 million and dedicated it to the planning process down here. And we've looked -- I sat for 18 months on a Wastewater Infrastructure Committee statewide to look at the allocation of these resources. We know government has to spend money on infrastructure.

But we have to get real. You know, we live in an era of declining public resources. Those days are never coming back. The days where elected officials could say, "Let's just grow the pie so that we can have a new slice" are over.

So we have to get real and go up there and compete for the existing resources. I mean last time I checked, we were still spending a lot of money on the state level and on the federal level. And Cape Cod is a national treasure. It is as important as the Chesapeake Bay, the Florida Everglades, The Great Lakes, Lake Champlain, other places where this federal government has spent serious money to remediate environment water quality issues. So we have to get in line for that.

Now we have begun to do that. You know, you're not going to get federal money unless you have more than one state engaged. So we have been invited to participate in the formation of a Cape Cod, Southeastern Massachusetts, and Rhode Island Council to look at water quality issues from Narragansett Bay to Pleasant Bay.

And if you look at some of these efforts in the past that have produced significant

federal funding, they've started similarly. So I'm hopeful there that at least maybe even in a small way we'll be able to shake out some money next year, the first federal money to look at sort of nitrogen issues on the Cape.

The other issue on the federal side is the federal government has two major land holdings, the Massachusetts Military Reservation and the National Seashore. They are in effect the 16th and 17th towns. They have a vested interest in this place and solving this problem.

And if you look at the Base, for example, and the potential BRAC closings that are coming up, a lot of military bases around the country are looking to share their infrastructure with surrounding towns as a way to lower their overhead. They've got a wastewater treatment facility out there. If the DOD were to make major improvements to that that in essence is a major federal grant, because, as you know, those capital costs result in debt service, and it's the debt service over time that drives the rates up.

So there are creative ways to go about financing this. As it relates to the state, Cape Cod sends \$735 million a year to the Commonwealth, and, in effect, receives about \$33 million back. So we can't remedy that situation. We are a net-donor for the Commonwealth of Massachusetts. And if they're not going to dedicate some of the existing resources to fix this problem, they should at least let us keep more of our own. It's more local options, more home rule attempts at keeping our resources here. And I would be in favor of a state tax credit, for example, that gave money back for people who made water quality improvements on their property. And that would be one way not of raising revenue but just keeping more of what we earned here.

And so the federal government's not going to show up with a big check. The state government's not going to show up with a big check, but if we're creative and if we, as one region, can sort of band together, I think we can claw back enough to make a meaningful impact and to make this pressing environmental issue one that we can afford and one that we're obligated to do.

Speaker BERGSTROM: Yes. Tony.

Mr. SCALESE: Yeah, I've been sitting here 12 years; this is my 7th term. And I've heard a lot of what we were talking about tonight before. Is there an answer? I mean I haven't heard an answer. I've heard a lot of words. I've heard a lot of discussion, but we haven't seen an answer yet. And I'm just wondering is there a final answer to all this?

Mr. NIEDZWIECKI: Yes.

Mr. SCALESE: What is it?

Mr. NIEDZWIECKI: Well, it's not --

Mr. SCALESE: And how do we achieve it?

Mr. PAUL NIEDZWIECKI: It's not one answer. The solution is going to be based on watersheds and the particular treatment options necessary to fix this problem. We'll be a mosaic of different approaches because that's going to be the most efficient thing to do. And the selection of those particular treatment options should be left to those people that are closest to those affected water bodies and are vested in it.

And I think that's the process that we want to put in place. So there is no one solution. There's no one pipe. There's no one on-site system that's going to solve all of these things, which is why we've spent so much time working on analytical tools and the ability to take complex data sets and make them easier for people to use, so that we can engage more people in solving this problem so that we can get the confidence from the

state and federal regulators to relax some of these regulations. And one of the things we'd love the state to do is look at watershed permitting. That would go a long way to sort of changing the paradigm and making -- allowing us to fix this problem on our terms.

Mr. SCALESE: I've heard that before and I agree, but how do we get to that point? Do we go to the state? Have we gone to the state? Will we go to the state?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. SCALESE: If the state is the answer, then why are we not lobbying the state?

Mr. NIEDZWIECKI: Well we have been lobbying the state, and we will continue to lobby the state.

Mr. SCALESE: What are we doing wrong?

Mr. PAUL NIEDZWIECKI: And we'll continue to go through the Delegation. I think we'll get there. I think what we have to do is say, "This is the solution. There's a consensus about what the solution is. This is how we want to prioritize it. This is how long we want to take to construct it, and this is what we need from you in order to get started."

So my -- and I sense your frustration as I sense a lot of people's frustration, mine own too. The Cape Cod Commission -- our role in wastewater has been primarily regulatory until about two years ago. We've sat in a reactive way and tried to support towns going through the same process that hasn't produced the results that are affordable in many respects.

Mr. SCALESE: Well, what can we do?

Mr. PAUL NIEDZWIECKI: So within 12 months we'll have a draft plan. I'll be able to show you what the alternatives are to fix this problem. We'll have a better understanding of what those costs are. Because what I want to be able to do in 12 months, Tony, is I want to show you a picture of the Cape, just like the one behind you, and I want to show you multiple options.

And if your intent is to do it the fastest way, I want to show you what that is. If your intent is to do it the best way better and define that as the most sustainable, I want to be able to show you what that is. And if your issue is cost, I want to show you what the least costly option is to fix the problem.

Mr. SCALESE: Well, I think that, and, again, I've been on the Assembly for a while and most of these folks have been. I look around and there are some new guys, but I think our intent is to get it done.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. SCALESE: And you can talk about cost; you can talk about the best way; you can talk about the fastest way; how do we get it done?

Mr. PAUL NIEDZWIECKI: Well, you have to agree on a plan and you've got to start, and some communities have done that.

Mr. SCALESE: And have you brought us a plan?

Mr. PAUL NIEDZWIECKI: No.

Mr. SCALESE: Can you?

Mr. PAUL NIEDZWIECKI: Last week I was charged with developing a plan. In 12 months, you're going to have one.

Mr. SCALESE: Twelve months?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. SCALESE: So we have to wait another year. I don't understand because I

know we've talked about it. I know you and I have talked about it.

Mr. PAUL NIEDZWIECKI: Right.

Mr. SCALESE: And I know that the group's talked about it for a long time. So, I'm not going to pursue it; I'm just going to tell you, "Let's get the plan done." Whatever it takes.

Mr. PAUL NIEDZWIECKI: You'll have it, Tony. And to that point, if the Assembly would like quarterly updates on where we are in the process, I'll be glad to do that for you too.

Mr. SCALESE: That would be great. I would like that.

Mr. PAUL NIEDZWIECKI: Okay.

Mr. SCALESE: I would like that a lot.

Mr. PAUL NIEDZWIECKI: I think that would be good.

Speaker BERGSTROM: Paul, in that regard, when Chatham was under a consent to it, which is what spurred us on to a Wastewater Recommendation Plan. So since the clock was ticking and we had to basically anticipate how long it would take to do things and so on and go to Town Meetings. We even put up a 50-year financing plan in place.

Mr. PAUL NIEDZWIECKI: Uh-huh.

Speaker BERGSTROM: Is there any thought to setting it. And, you know, in the federal government, they keep kicking cans down the road. I mean I'm sure that if I was on the Board of Selectmen and faced with a huge expense, I would attempt to kick that can as far down the road as possible.

Is there any thought about a target date even if it's flexible to say, "Well, we're hoping in 20 years that each town will have in place a plan or at least -- they'll have -- in other words, let's say we go to the Town of Dennis or the Town of Mashpee and say, "Okay, we want you to say that you're going to clean up your estuaries to a certain degree, a reasonable degree in 20 years." That would give them a starting point to say, "Okay. Here's what we do. Now, here's what we do five years as we continue from now."

Otherwise I'm just afraid that since it's their primary responsibility, some, if not many, would just sort of like delay as long as possible.

Mr. PAUL NIEDZWIECKI: Yes. The primary entity that has the power to enforce that could set a date like that would be the Commonwealth of Massachusetts. If the U.S. EPA decided to exercise its discretionary jurisdiction, it may have some authority to set those kinds of deadlines too. They have not. They have not mostly because their enforcement mechanisms are imperfect. They don't actually solve the problem, and they're just punitive financially on the people that are on the Cape. So that's why they haven't done it.

The Cape Cod Commission has no authority to enforce wastewater regulations, Title V regulations, any of that, so we can't set a date. What we can do, and I know it's frustrating, but this is a consensus process, and so we have to get to a point where we have a plan and that the state and federal regulators believe in that plan enough to be responsible in setting a date.

Speaker BERGSTROM: Okay. But maybe it could be set voluntarily. You could get together, the Selectmen and Counselors, and say, "Well, okay, we're hoping by the year 2030 or 2040 that we're going to have all these remediation efforts in place, and we're going to be --"

Mr. NIEDZWIECKI: Yes. This is going to be a difficult process, but it is going to

happen from the ground up if it's going to happen. And you're going to see a new approach and my hope is that that approach will be successful.

Speaker BERGSTROM: Okay. Thank you. Jim, did you have something?

Mr. KILLION: Your point Number 8, about no new Cape-wide entity.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: I assume you have a vision for an existing Cape-wide entity that will manage this management?

Mr. NIEDZWIECKI: No.

Mr. KILLION: So how do you anticipate managing that from the point of view do you want to work with all towns? Are you going to have to collect revenue?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. KILLION: How do you plan on handling that?

Mr. PAUL NIEDZWIECKI: I think we have to know what the range of options are. You know, you can't put the structure before a solution. So we have to know what the solution is.

The towns are the fiscal agents right now. They can drive this. The question is how can we help them in shared watersheds? You know, 43 of these nitrogen sensitive watersheds; we'll look again, that's about 70 percent of the Cape's land mass, 74 percent of the residential activities; 72 percent of the commercial activity, and two-thirds of those watersheds cross town boundaries. So, the least efficient thing to do is to not cooperate with your neighbor in a shared watershed.

As it relates to management, Jim, we're going to make every effort to sponsor watershed-based discussions around how to do that, you know, watershed governance issues. They've done it in other parts of the country, but I believe strongly that that's -- the most efficient economy scale in this scenario to solve this problem is watershed by watershed.

Sometimes collections of watersheds that share a particular water body, and that's where the decision-making has to happen, and that's where the selection of any sort of management entity needs to happen.

Now, if we get there and we look at the potential solutions that there's consensus around and there are some efficiencies in uniform procurement, I think that's something the County can already do, but nobody wants to build a bureaucracy; nobody wants to start a new entity.

So we're going to have a plan. We're going to have a discussion, and we're going to leave it up to these watersheds. We're going to engage them. We're going to leave it up to them to determine how they want to move forward with implementation management.

Mr. KILLION: So will you help collaborate those entities then?

Mr. NIEDZWIECKI: Yes. I think we would support the watershed -- the activity of Watershed Associations and whatever they need from us we would give them.

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

Mr. PAUL NIEDZWIECKI: Thank you.

Speaker BERGSTROM: I'm sure we'll be hearing from you in a quarter.

Mr. PAUL NIEDZWIECKI: Quarter?

Speaker BERGSTROM: One quarter.

Mr. PAUL NIEDZWIECKI: We should make a date right now.

Speaker BERGSTROM: I appreciate the work you've done on this.

Mr. NIEDZWIECKI: Thank you, all.

Speaker BERGSTROM: We now move on to Communications from Public Officials? Do we have any Public Officials in the room? No? Okay.

Communications from Members of the Public

Speaker BERGSTROM: How about Communications from Members of the Public?

Do we have any members of the Public who wish to speak?

I see a hand raised. Please come up and identify yourself.

Mr. PRESTON RIBNICK: I'm Preston Ribnick and I live in Wellfleet. Mr. Speaker and Delegates, thank you for the opportunity to speak.

I hoped I would be able to attend today's meeting to thank the Assembly of Delegates for receiving the materials requested of Mark Zielinski regarding CLC and CVEC at your last meeting.

I wish that the continuing efforts by me and many citizens to obtain routine public information and to be treated with respect and courtesy by County employees and officials of CLC and CVEC was finally, at long last after more than two years of trying, had been successful through the efforts of this Assembly.

But unfortunately, the opposite is true. I will not recount the numerous examples of the ongoing obstruction, hostility, and failures of CLC and CVEC to comply with the democratic principals of openness, transparency, and accountability, principles that Assembly members so eloquently expressed at your last meeting.

After all this time and after personally attending dozens upon dozens of meetings, I am as perplexed today as I was when I began this quest for information regarding CLC and CVEC.

I do not understand their motivations for many actions they have taken. Such as refusing to meet with members of the public and refusing to accept phone calls from members of the public. To never, not one time, during the past two years answer any questions from members of the public at their meetings. In fact, many times CLC and CVEC flatly refused to allow a member of the public to address their boards; to treat me and other members of the public with outright rudeness and open hostility; to refuse to provide meeting minutes, meeting exhibits, financial information and other public documents to interested members of the public.

I understand all too well how I and other citizens have been portrayed by CLC and CVEC. I know the names and the characterizations used to demean and to marginalize interested and concerned citizens.

So my view may have felt that some citizens did not have legitimate complaints when we came before you, the Assembly, to request your assistance by impaneling the Special Committee of Inquiry on CLC and CVEC under the authority granted to the Assembly by the County Charter.

But those initial reservations concerning the veracity of citizen concerns regarding CLC and CVEC were hopefully eliminated. When the five Delegates who served on the Special Committee of Inquiry, you unanimously approved its report to the Assembly last May.

It included the following statement on Page 6:

“Overall the response of the subcommittee’s request for documentation was production of little relevance while withholding most of the substantive information particularly by CLC while expressing indignance and the temerity of the requesters.”

In this regard, the reaction of CLC and CVEC to request for documents which should be in the public domain mirrors their responses to requests from various members of the public who ultimately brought their complaints to the Assembly.

Refusing to provide information which should be easily available to the public without reference to the identity of the requester or the purpose of the request raises a cloud over any public agency which decides to make such a refusal.

At the outset, this inquiry could well have been avoided had these two agencies scrupulously adhered to the letter in the spirit of the Public Records Law, the Open Meeting Law, and the other Acts intended to bring backroom dealing into the light of day.”
The end of the quote.

That brings us to today. On the agenda, today’s agenda will be discussion regarding the response to the Assembly’s request for financial documents of CLC and CVEC made to the County Administrator/ Treasurer dated January 18, 2013.

To say that I’m massively disappointed by the response is an understatement, but I can tell you that I’m not surprised by the response. It is reflective of the manner in which citizens have been treated throughout the past two years. It is reflective of the manner in which the Special Committee of Inquiry was treated by CLC and CVEC.

We, concerned citizens, have stayed the course. We continue our attempts to exercise our Democratic rights.

I urge you today to request all documents in a digital format within five days that were requested at your last meeting, with perhaps a few clarifying statements at the discretion of the Assembly.

Finally, I draw your attention to Recommendation 1 of the Special Committee’s Report. “Refer this report and its recommendations to the Massachusetts Inspector General’s Office.” I believe it is time for the Assembly to approve Recommendation 1.

Thank you for your time.

Speaker BERGSTROM: Thank you. Are there any other members of the Public who wish to address the Assembly?

Yes. I see a hand up in the back. I hope you’re not going to read us all those documents?

Ms. JOYCE FLYNN: No. No. I’m going to show pictures for half of it. (Distributing papers). And so we go from information deprivation to information overload.

Speaker BERGSTROM: You’re going to have to speak into the microphone.

Ms. JOYCE FLYNN: I’m Joyce Flynn, Yarmouth Town Volunteer to the Cape Light Compact and since January 9, and the Chair of Cape Light Compact.

And I think I’ve got the questions about Cape Light Compact boiled down to ten -- boiled down to 10 facts.

Speaker BERGSTROM: It would be easier -- we can distribute that.

Ms. JOYCE FLYNN: Oh, that would be great. Okay. These are for anyone who has not been familiarized with them. So those are Intergovernmental Agreements. Many of you have seen these before.

Speaker BERGSTROM: I have to tell you that Communications from members of the Public, if they go too deep into a subject here, we’re going to be in trouble.

Ms. JOYCE FLYNN: Oh, no, no. This is homework if anyone's interested.

Speaker BERGSTROM: Okay.

Ms. JOYCE FLYNN: And for members of the public, I have screenshots of the website that I'll pass out now, and then there's also copies of the Intergovernmental Agreement that are going to be on the back table if anyone is interested, they'll be there. Anyone else who wants them, they'll be back here.

Ms. MCCUTCHEON: Excuse me; I don't mean to interrupt you, but could you say your name again, please?

Ms. JOYCE FLYNN: Sure. My name is Joyce Flynn. I'm a Yarmouth Town Volunteer. I'm now its representative to the Cape Light Compact Board of Delegates.

Ms. MCCUTCHEON: Joyce Flynn.

Ms. JOYCE FLYNN: Joyce Flynn; F, as in Frank, l-y-n-n. No relation to that lovely Pat Flynn, but it would be lovely if I were.

I'm grateful to be here, and I would like to try to clear up what I hear as misunderstandings and lack of information, and I think I can do that if I can give you 10 facts and you absorb those. I think you'll have enough of a frame that the rest of your life Cape Light Compact will not puzzle you.

I will appreciate any reverse tutoring on the County that you ever want to give me in terms of 10 facts.

Okay. The first one is, "Who are we?" Cape Light Compact's a public entity, 21 Towns and two counties of Cape Cod and the Vineyard are members, appointed by Town Boards of Selectmen or a Town Counsel, except for the board members representing the Counties appointed by County Commissioners.

Two; CLC is the longest running municipal aggregator in the nation. It dates from 1997 formed to advance the interests of consumers in the newly restructured electric market. Primary job, three-legged stool: consumer advocacy, power supply and energy efficiency programs.

Three; our complicated essence. CLC's by definition a hybrid. I believe one of the Delegates called CVEC fish nor fowl last time. We watch on the small screen. We're a hybrid; selling electricity while teaching customers how to use and purchase less electricity.

We're obligated to honor a nondisclosure agreement and to redact confidential customer data but still sending monthly written reports to each individual member in the municipality, posting the treasurer's month by month report as part of meeting minutes and posting financial information under the budgets and Energy Efficiency Plan categories on the CLC website.

Those of you who have your copies of the website don't go for the big areas to click on the top because who knows if the website developer thinks as you think. We made it very easy. Look at all the tiny blue print on the bottom. Minutes; it's its own whole category. Budgets; it's its own whole category.

Okay. Missions. And here's where you've got to remember that hybrid identity that we have. Our missions are intertwined. Because CLC is a municipal aggregator, it has to be paired with a governmental entity. Good heavens if Barnstable County didn't want us, we'd have to go move in with Jim Killion or Leo Cakounes, and there we would be.

In order to obtain -- to offer its energy efficiency programs, and this is tricky to kind of counter-intuitive, we have to sell electricity and be an electric aggravator --

aggregator.

Five; our meetings, and what's up with those? Our meetings are posted and minutes are recorded according to the strict OML guidelines that took effect in 2011. There are no exceptions.

Look at the website, that little click on minutes will bring you detailed minutes for all our meetings. And you will notice that they became laboriously more detailed in 2011 because of our scrupulosity in observing the new Open Meeting Law.

Now here's the thing that's going to throw you if you don't pay attention. We have a three-year Energy Efficiency Plan. The most recent one just approved last week, and a multiyear power contract. And so CLC's Board meets every two months, but in years when we're putting together a power contract or in years such as 2012, which just ended, we have to meet more because we have to hear all the staff presentations and make decisions and make provisions to the three-year Energy Efficiency Plan. So, click on the little "Minutes."

By the end of 2013, you'll probably see minutes for six meetings. If you look at 2012, you'll see minutes from nine meetings, but if you look back as far as 2001, you'll see we were six that year because we didn't have to do all the extra work -- not that we're lazy.

Okay. So those were our meetings, minutes, and what's up with that. Our minutes are all posted as soon as possible following approval, but members have to approve them so they're posted immediately after the next meeting.

Open Meeting Law and the adventures of CLC. Several individuals have claimed CLC has not complied with the Open Meeting Law. But the Assistant Attorney General, Jonathan Sclarsic of the AG's Office of Open Government reviewed CLC's meeting records and its confidentiality and nondisclosure agreements and closed the case, finding that the CLC "Did not violate the Open Meeting Law and convened Executive Session for legal purposes."

But because nothing is ever directly uncomplicated, Sclarsic's only criticism of CLC was in an area not even raised by the complainant and that was that there should be more specificity in announcing the topics for discussion and legal purpose for entering Executive Session in meeting notices.

There's always room for improvement and the CLC with input from the AG's office has a checklist in place. I have yet to call an Executive Session, but be assured when the time comes I'm going to have that checklist possibly tattooed on my left wrist.

Ongoing OML complaints are grouped by the AG's office and reported back. They're somewhat overworked from our County.

As the lawyer in charge responds, "But I have looked over the last years' minutes and I'm confident that CLC will prevail against any charges of being sloppy with history."

By the way, there is no lawsuit or injunction pending against CLC as was suggested toward the end of the last meeting here. A single individual filed a letter calling it a petition against the Compact and against CVEC, even phrasing his letter and his petition colorfully for relief in the form of an "unnecessary disinfectant," his words, not mine, but there's no legal basis for that petition and no indication that action will be taken.

We're up to 7, Fact 7. CLC has financial records on the website. You'll see budgets and other financial information marked, and the primary reason many hours are involved in any request for unusual fiscal records -- I know you think that we're slow or we have the world's worst photocopy machine -- I understand that. The reason that that's such

a difficultly is that funny hybrid role again.

CLC's found by nondisclosure agreements and its own rights to competitive information in some areas. In both of our power aggregation and energy efficiency aspects, individual customer data always has to be redacted.

So the pleasant idea that a single electronic attachment to an e-mail, which already exists and can be mailed to anyone who asks in minutes isn't accurate.

More financial for Fact No. 8. Fact No. 8, the CLC board members -- it shouldn't be necessary to say this, but here we are; we're trying to clear up misunderstandings and we heard this one the last meeting -- does understand its own finances.

Our current treasurer Peter Cocolis, who inherited the monthly recording template is revising it to be easier to read and comprehend by the public, more Web-friendly, more visual.

Mr. Ribnick's representation at the last Assembly that the CLC board members said they do not understand their own records stems from my being the new board Chair and bending over backwards.

I allowed him -- Mr. Ribnick and Mr. Rogers -- to use my bright pink copy of the Treasurer's Report during the CLC meeting, and I warned them that the reason I wasn't making it a handout to take away was that CLC had to figure out the visual method maybe in contrasting red arrows to show that funds weren't being overspent but spent against reimbursement, which until the new legal ruling last Friday always was a six-month lag and crazy making for order and even for people who are determined students of CLC to understand.

Okay. Fact 9. CLC owes its years of performance and roster of awards to its staff. We board members are volunteers but the staff are in there day in/day out managing the heavy lifting and the superb planning.

We on the board have been disappointed to hear public spirited hard-working people described or insinuated to be anything but the public spirited hard-working people they are. There's, again, that hybridity the County provides at Cape Light Compact expense employees to run the Compact's energy efficiency and power supply programs.

Our staff, like our board members, takes their responsibilities seriously. You know the Power Supply Program and the Energy Efficiency Program, there was a request -- well, actually, a lament that the minutes of those subcommittees had not been supplied despite requests. Those subcommittees don't exist. Those are staff functions. You don't really want us to go create committees just to generate minutes just to keep us all here. No.

Okay. Fact No. 10. Cape Light Compact in the future. We look forward to serving the 200,000 residents of the Cape & Islands at an even higher level through our 2013-2015 Energy Efficiency Plan.

And this, just to put to rest all the stuff about overworked Dan Wolf and his having to kind of nurture our needs as well as everything else, that Energy Efficiency Plan is the first in which the DPU expressly recognizes the Compact's unique nature and sets up a livable reimbursement schedule that's consistent with our energy efficiency expenditures.

The Compact's Home Energy Audits and Energy Education Program have won national and regional awards. And we continue to combine energy work with enhanced quality of life for Cape & Islands residents.

I look forward to working with the Assembly. If you want to get in touch with me or have questions, my e-mail is Joyce.Flynn@gmail.com. And I really appreciate Speaker

Bergstrom and the rest of you listening to the 10 factoid attempt to do a crammed course.

Thank you, so much.

Speaker BERGSTROM: I ask with great apprehension whether there are any other members of the Public who wish to address the Assembly? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene. And we will begin with Resolution 13-01 submitted by Harwich Delegate, Leo Cakounes.

Proposed Resolution 13-01:

Whereas: The members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government.

Whereas: Two reports, both commissioned by the County and issued within the past (18) eighteen months, as well as numerous comments received from the public, have recommended a restructuring of County Government.

NOW, THEREFORE,

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

The Assembly of Delegates agrees to consider a restructuring of the current County Government model and recommends the following Administrative, Executive, and Legislative Branch models:

ADMINISTRATIVE BRANCH: A County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County. The responsibilities of the County Administrator shall include, but are not limited to, oversight of all department heads, all department budgets, personnel policies and actions, and all Capital improvement Plans.

The Administrator shall report to the Executive Branch (Board of County Commissioners) and shall implement policies and directives adopted by vote of the Board of County Commissioners.

EXECUTIVE BRANCH: The Board of County Commissioners of Barnstable County shall be expanded to (5) five members. Each member shall be elected from one of (5) five districts of Barnstable County. Said districts shall be established by vote of the Legislative Branch (Assembly of Delegates) and each district shall include 20% of the population of Barnstable County. The election of County Commissioners shall be non-partisan. Any resident of an established district who obtains (50) fifty certified signatures of residents from their district shall be entitled to run for that office in a general election. The length of term for a County Commissioner shall be (3) three years. In the first election following the adoption of the Charter changes one Commissioner shall be elected for a (3) three year term, two Commissioner's for a (2) two year term, and two Commissioner's for a one year term. A random drawing shall determine the term period for the five districts. Thereafter each Commissioner shall be elected for a three year term, so that at least one district shall be open to election each year.

The Board of County Commissioners shall review and approve the management and operation of the Office of the Administrator and Barnstable County in general, and shall set and determine policy of the County as well as the development of a County wide

Budget for the approval by the Legislative Branch of the County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

The powers and duties shall be to function as the legislative body of Barnstable County. This shall include, but not be limited to, the approval of all capital expenditures of the County, all bond issues, policy statements and recommendations, and oversight of the County Budget.

The policy and procedures of the Assembly of Delegates shall include, but not be limited to, the ability to accept public input during their meeting and deliberations.

It is understood by the Members of the Assembly of Delegates that the above recommendations shall require changes to the Barnstable County Charter as to each of the effected Branches

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, the Assembly of Delegates, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured model of the Charter for approval by the population of Barnstable County.

Mr. CAKOUNES: Thank you, Mr. Speaker.

As I mentioned before, I brought this forward as a Resolution. I understand there is some working misnomers -- is that the word that was used?

Ms. TAYLOR: Anomalies.

Mr. CAKOUNES: Anomalies that don't make sense but I'm hoping that today we discuss this openly. It would be my position at this time to look at the Resolution and its three basic areas of the government that it addresses and take time to discuss where we want to see and how we want to see these three basic branches move.

I do know that, for the record, that I have isolated the Administrative Branch out, and currently under the Charter, the Commissioners are the Administrative Branch. They are the ones that have all the administrative authority.

One of their functions or one of their things that they can do under the Charter is they can actually appoint an individual to do some of these administrative duties, thusly creating an administrative position.

For that reason, the reason why I wrote the Resolution as I did is because I want to see the Administrative Branch actually be in the Charter. I want to see it be, if you will, more of a stronger position and outlined in the Charter as to its duties.

If I may, Mr. Speaker, take some leeway on this and approach it in the manner that we should -- that we today can discuss each one of these three areas of government separately as opposing to approaching the entire Resolution unless some of the members have a problem with the entire Resolution and you don't want to move forward at all.

But with that said, I will put it out for discussion. I put it on paper. I do know that there are some small changes that some members have had problems with, and I have no problems with either amending it, but, again, I want to say for the record, it's my intention

to bring it forward like this so that when, and I'm really hoping that we pass this today, that in the event a subcommittee is formed to put together the final wording and hash out the details, if you will, they'll be able to go back and see the recorded minutes, see the recorded tape, and input your personal ideas and your personal positions to make sure that they get transcribed, if you will, into the final document.

So with that said, thank you for taking the time to look at it and let's kick it around.

Speaker BERGSTROM: Okay. Teresa.

Deputy Speaker MARTIN: Leo, I really appreciate your putting this together and it's nice to have some things down concrete.

I do have an issue with taking this on as a process however, because I believe I mentioned this earlier, we have a process for dealing with this already, and I think we should use that process. I think we should do what the Charter says, and I think we should look at reestablishing the Charter review. If the body of the whole becomes part of the Charter review than it does, but I think there's an existing process, and I think taking it on as a Resolution ignores what already exists.

And while I don't disagree with some of the things you say, and I think it's really good that it's down on paper because I think we needed that. I also believe it's important to follow what we have in place, and we do have a way to address these in a thoughtful way, and I would encourage us to look at using that process.

Speaker BERGSTROM: All right. Just before we go any further; Leo, so you're not moving ahead on this?

Mr. CAKOUNES: I would like to put it forward. I will move the Resolution as printed.

Speaker BERGSTROM: Okay. Do I have a second?

Mr. SCALESE: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. You now have the floor.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: Yes, Julia.

Ms. TAYLOR: Yes. I, too, agree -- I'm happy that it's come up because we've been waiting and waiting and it is time to move forward.

And I guess I would probably agree with Teresa, but I would like to state a few things about your ideas. I don't see our being able to pass a Resolution because I think we would need a specialized lawyer to write it up once we had our ideas in place. And so I think it's very worth our having the ideas but having a Resolution that isn't -- well, I'll give you a couple of examples of why I would want that to happen.

I am in favor in my general mind of a strong executive, stronger than what we have now, but I don't know whether this wording expresses that desire. And you, I think, have that desire but I don't know whether this says it. And I want someone who did this kind of work to write it down. So I'm in agreement though with that idea if that's what you're trying to say. It's not clear to me though.

Back to though the Commissioners, I think five is fine, plenty, and I could go along happily with nonpartisan. I'm a little unhappy at them -- I think -- we have this visibility problem, and so I think having them elected in some rotation that every year, which might not coincide with a big election cycle, I'd rather have something that was aligned as it is now with the regular state election cycle every two years. So that at least it's part of the

bigger turnout and the more public -- more publicity, I guess.

Speaker BERGSTROM: Cheryl. Oh.

Ms. TAYLOR: And then I didn't -- I'm happy to keep the Legislative branch as it basically is, which I think is what you intend, but a Resolution that sort of says some of what's in the Charter but not everything, I'm sure that's useful.

So those would be my thoughts.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: Thank you. First, I want to explain to folks the reason why there's an amendment circulated from me is simply because I, too, had issue with the language. So I thought well, I'll sit down and play with it and see if I can turn it into something that maybe expresses what I think many of us have said over many weeks and months that we're kind of interested in seeing.

But I think what the Delegate from Falmouth is saying is right on the money is that it would be -- it's senseless to craft legal language without any kind of legal support if the intent was to write a law.

Clearly, no one wants to write a law here. I think the idea -- and I missed the last meeting, but I got the sense that the idea was to put to paper finally -- maybe if there is a majority, a sense from the Assembly about some things that over time we've started to think are good ideas.

And so to the extent that maybe this could be written in a far simpler way to simply say the Assembly failed -- agrees that we're interested in the following things happening and finish up the Resolution by saying, "And by voting on this Resolution, we ask for the Charter Review Committee to be established and work with counsel to write language to implement this." That would be fine with me.

That's why I started writing this over. I agree with Julia. What I'm hearing is that the Assembly Members or at least a large number of them want to see the County be brought forward 30 years. That's how I described it to people in Provincetown. They ask me, "What's going on with the County?" And I say, "Actually, a lot of great work." But in some basic ways governance, minutes, website, Open Meeting Law, it feels behind about 30 years to me.

And, therefore, we are looking for a five-member Board of County Commissioners with a strong executive, which is what most of the towns have except for the largest one.

So I agree with Julia that I had a problem with that too. I don't see any reason why we would have an "Administrative Branch." I've been a Selectman. I know that's not how it works. They're staff, and they're hired, and they get evaluated, and they get fired by the Executive Branch, which is appropriate.

If instead the intent is to simply see a model that's similar to the other towns, maybe we need a bare bones Resolution that simply explains that that we want a nonpartisan five-member board of Commissioners. And simply bullet those and leave the final language to whoever would write it up. Maybe that would make us a lot more comfortable.

In the meantime, I rewrote it. I put "Admin" back under "Executive." And mostly what I changed was grammar, and I had fun thinking about how many signatures you should get if we get rid of primaries.

But if, indeed, it looks like people are uncomfortable with the language, I certainly won't move my amendment but instead would move that we would table it and make it

bring another Resolution that's a lot simpler. Thank you.

Ms. MCCUTCHEON: Can I speak to that?

Speaker BERGSTROM: Yeah, sure.

Ms. MCCUTCHEON: I'd like to point out that the Charter actually provides for two means for amendment of the Charter.

One of them is by action of this Assembly of Delegates, and the other is by us farming out in years that begin with a 1 and a 0 or a 5 and a 0, which this is not, to a committee that is asked to take a view of everything and recommend Charter changes.

That essentially means that what Leo is proposing that we do is not something that is outside the authority granted to us by the existing Charter. He's not outside that procedure. There's nothing in the Charter that says that we have to go through that "Charter Review Committee" to make proposals.

Now I do think that what Leo is trying to do is to get some technical language voted on because the procedure for us to get something voted on, a change, the changes -- was is it -- the duration or composition in order of election of term of office, which this is doing of anybody, which this is doing is to get a special law from the legislature before it can go on the ballot.

I think that if we, as a body, want to undertake the concept that Leo is putting forward in that manner that what we would need to do is to vote on a Resolution of -- that set the broad parameters and then hire a counsel to write a real statute for us.

And then we would put that forward for a vote of the Assembly, and if it passes, then it goes to the legislature and we request for a special legislation.

I think that's the bones of what we're entitled to do under the Charter, and I think I endorse Leo's effort to do it.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Thank you. First of all, a couple of things. One thing is if not now, when? Okay. I'm tired of waiting; number one.

Number 2; what you people are asking for I believe you have right in front of you. It's a pretty much bare bones simple Resolution that states the opinion of us, this committee, and the very last sentence says, "The Assembly of Delegates shall seek to refine concepts outlined -- seek to refine concepts outlined in this Resolution by working with the Barnstable County Commissioners, the Assembly of Delegates, legal counsel, and/or any other subcommittee specific for the purpose to present a single reconstructed model of the Charter for approval of the populace of the County."

This is exactly what you guys are kicking around. A simple, two-page body of ideas which may not stress on exact legal parts, may not be 100 percent correct in how the government is structured, but it's an opportunity to put some ideas on a piece of paper to move forward.

I would suggest that we pass the Resolution and, in fact, move forward to either a pointed subcommittee to do a Charter review or if it's our feelings to hire someone to do it, fine.

One other thing, if I may? Section 1.6 of our Assembly of Delegates' Manual of Governance, Section 1.6, number (A), "Through the adoption amendment repeal of an ordinance or the provisions of any administrative code to organize, regulate its internal affairs, create or abolish agencies or offices, positions and employments as defined in the powers and duties and responsibilities."

Quite frankly, I think this is our job. Now we can sit here and say that this one is too wordy. Believe me, as I've said many of times, I'm just a dumb farmer. I did my best to put something on paper. I agree with you; it lacks specificity to things like the strong Administrator.

But if we sit here tonight and we say that that is our intentions, we want a strong Administrator; we want an individual to have the same powers and duties that are outlined in many of the towns and communities, then I think we would be safe to pass this as it's written. And the people that are charged to bring it forward in its correct wording will have our discussions and inputs on it. I don't want to wait any longer.

Thank you.

Speaker BERGSTROM: Let me just jump in here for a minute because, obviously, I've given this thought.

Deborah is absolutely right. The whole idea of a Charter Review Committee is something that's forced on us. In other words, they say, "You have to do this every 5 years." So in case you're lazy and you don't want to do it, you've got to do it.

But meanwhile, the process of amending the Charter goes through a vote of the Assembly to the legislature and in certain instances, and I believe this is one of them; it eventually has to go to a vote, a vote of the citizens of Barnstable County.

So, even though we have an Agenda item later on, what we're working backwards from the next -- any Charter change that we propose is going to work backwards from the next election, which is in 2014.

So supposedly we come with this or any other Charter change, it has to go to the ballot in 2014. And then you have to ask, "Well, when is the Secretary of the Commonwealth going to need it?" All right. He's going to need it by August 1 the latest or perhaps late --

Okay. But meanwhile, it has to be passed by the legislature. God only knows how long they'll take. So we could get a heads up from our delegation if we put this as a Home Rule petition and change in the Charter, what kinds of heads up -- what kind of time do they need to submit it through hearings and so on and so on.

So working backwards from that, there isn't all that much time. In other words, probably by less than a year we would have to have something in the hands of someone to bring it up there, and let's say Cleon Turner or Sarah Peake or Dan Wolf.

Now, following up on what Deborah said, we do have the right to make recommendations to the legislature. So is this it?

Ms. TAYLOR: No.

Speaker BERGSTROM: I mean, think about it. At some point, this is going to have to be put in the form of a submission to the legislature. So we can pass this today and say, "Yeah, we think it's a great idea," but it isn't really going to do anything until we actually put it on paper and submit it to legislature.

Although, unless we want to separate out some of the administrative functions and so on, which could be accomplished simply by an act of this body and the legislature.

So I just want you to be aware what the process is and that we do have the power to do that. Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker and thank you, Deborah. This is complicated for me. I'm one of the few non-lawyers here, so thank you; I did not understand that.

So, if that's the case, if we vote for a Resolution tonight, that does not mean that would be necessarily the language that we would send to the legislature. This would simply be us agreeing to some basic points and then getting an attorney to write the actual language for us, and it would come back before us again. Am I understanding that?

Speaker BERGSTROM: Well, we'd have to have another vote on -- so, no. Somebody would have to submit to us something and we'd have to vote on it again. Julia.

Ms. ANDREWS: Okay. And, again, and I'm simply in that spirit because I'm with you on this, I will offer to amend Leo's Resolution as submitted with the few changes from me then because I think simply moving the administrative back under the branch is its single thought. Everything else looks pretty fine to me.

Speaker BERGSTROM: Okay. So if you --

Ms. ANDREWS: So I'd like to make that motion to amend this Resolution as I submitted.

Proposed Amendment to Proposed Resolution 13-01:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County. Said districts shall be established by vote of the Legislative Branch (Assembly of Delegates) and each district shall include approximately 20% of the population of Barnstable County. The election of County Commissioners shall be non-partisan. Any resident of an established district who obtains (150) fifty certified signatures of residents from their district shall be entitled to run for that office in a general election. The length of term for a County Commissioner shall be (3) three years. In the first election following the adoption of this Charter change, one Commissioner shall be elected for a (3) three year term, two Commissioners for (2) two year terms, and two Commissioners for a one year term. A random drawing shall determine the term period for each of the five positions and the district represented. Thereafter each Commissioner shall be elected for a three year term, so that at least one district shall be open to election each year.

The Board of County Commissioners shall review and approve the management and operation of the Office of the Administrator and Barnstable County in general, and shall set and determine policy of the County as well as the development of a County wide Budget for the approval by the Legislative Branch.

County Administrator: A County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County. The responsibilities of the County Administrator shall include, but are not limited to, oversight of all department heads, all

department budgets, personnel policies and actions, and all Capital improvement Plans. The Administrator shall report to the Executive Branch (Board of County Commissioners) and shall implement policies and directives adopted by vote of the Board of County Commissioners.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

The powers and duties shall be to function as the legislative body of Barnstable County. This shall include, but not be limited to, the approval of all capital expenditures of the County, all bond issues, policy statements and recommendations, and oversight of the County Budget.

The policy and procedures of the Assembly of Delegates shall include, but not be limited to, the ability to accept public input during meetings and deliberations.

It is understood by the Members of the Assembly of Delegates that the above recommendations shall require changes to the Barnstable County Charter.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a restructuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any subcommittees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Speaker BERGSTROM: Okay. So what happens now is you just put an amendment on the floor, so we need a second on that amendment.

Mr. CAKOUNES: Second.

Speaker BERGSTROM: Okay. Now, the discussion -- the next vote we take is going to be on that amendment, so the discussions have to be relevant to that amendment. Julia.

Ms. TAYLOR: Well, I am totally happy to rush along, but I'm not happy to vote for language that doesn't say for sure what we want to say. And I know I don't want them to be every three years, for example.

So I'm not willing to vote for language that says that. And we really are not in a position to completely write this. You know, I'm the only one that's actually commented on any gist of it. Maybe everybody else agrees with everything; I don't know. But we can't write it as a committee of the whole. It's not practical.

So I think what we should have is an amended Resolution, which is that something to the effect that we want a revised Executive Branch probably of five members; we want a strong Administrator, and we want to retain a member of an Assembly from each town.

And if we could agree that that would be our Resolution, that would then go to an appointed committee from this, then -- and I think we'd have something to vote. But this is too detailed when we haven't -- and we can't hash it out in this big of group.

Speaker BERGSTROM: Yes. Chris.

Ms. TAYLOR: I'll be back with another amendment if it comes to it.

Mr. KANAGA: We're talking about an amendment that I don't understand what it is, so if that could be clarified.

Speaker BERGSTROM: Cheryl, do you have it?

Ms. ANDREWS: Yes. Sure.

Mr. KANAGA: Is there anything that says what's stricken or are we just substituting the entire --

Speaker BERGSTROM: You know, you're right. Supposedly you're supposed to submit a copy of the amendment to the Clerk.

Mr. CAKOUNES: Everybody has one.

Ms. ANDREWS: I did.

Speaker BERGSTROM: You did. Okay. So we have one.

Ms. KING: There's a typo in your amendment. You say 150, and in parentheses it's only 50 signatures. Minor but --

Ms. ANDREWS: Mr. Speaker, do you want me to address his question about my amendment?

Speaker BERGSTROM: Well, hopefully, he has it but you can go through it.

Ms. ANDREWS: Other than grammatical changes --

Speaker BERGSTROM: "Amendment," here it is.

Ms. ANDREWS: -- the principle changes that are offered in my amendment are Leo's Resolution had 50 certified signatures. I contacted the state to ask what the number is for the state reps. The state reps use 150 and that's what I intended to insert. You're absolutely correct. There's a typo. It should say "150" and then "One hundred and fifty" in English. That was my intent.

A second change was simply where he talked about random drawing shall determine the term of the districts. The districts don't have terms; positions do, so I rewrote that in English.

The only other thing I did substantively was move -- in my Amendment, there was no such thing as an Administrative Branch because there isn't. Instead, the section about County Administrator is simply put under the section of Executive Branch. Other than that and some semicolons and some redundant words, that's it.

Speaker BERGSTROM: Okay. So you should have a copy of both of Leo's Resolution and the amended version submitted by Cheryl. Yes.

Ms. MCCUTCHEON: Can I move to amend this?

Speaker BERGSTROM: Well, I don't know about amending an amendment.

Ms. KING: There seems to be such a bit of confusion on here. Number 1, we could just set up or Ron could appoint a Charter Committee to try to flush this out. Well, how about you have to go to Government Regs first, and have the Government Regs come out with just a couple of ideas.

I think Julia has a good point. I think there's some excellent points in here, but I'm not prepared to vote for this at this moment at this late hour, having not even sure what was amended by Cheryl and what Deborah's is.

So I hate to kick it all back, but how about going into Government Regs, at least having it tried and flush it out at that point.

See, I think there seems to be confusion on what we're actually going to vote for.

Thank you, Mr. Speaker.

Speaker BERGSTROM: Anybody else have a comment on this? Yes, Deborah.

Ms. MCCUTCHEON: Yeah. I agree with what both the thrust of what both Julia and Cheryl are trying to do here. And I think that if we take this thing called

“Amendment” and just delete all this stuff about how the districts are established and how many signatures and how many turns and how much rotation.

And just the idea that there is an Executive board of five districts and limit this to the concepts that we’re talking about, which is the Executive board, the County Administrator, the chain in the Assembly of Delegates, and send that to either a subcommittee, a special subcommittee or to Government Regs. I don’t care which one.

Speaker BERGSTROM: Well, it would be easier at this point to simply vote up and down on the Amendment. If the Amendment passes, then that becomes the document, and then any further amendments of that document could do anything you want to do with it. In other words, you could even take out the Amendment. We’re just looking procedural-wise. Rather than amend an Amendment, you’re better off --

Mr. SCALESE: Move the Amendment.

Speaker BERGSTROM: -- moving the Amendment. Okay. We’ll move the Amendment. Anybody got any further comment?

All those in favor of Cheryl’s Amendment to Leo’s Proposed Resolution say -- do we need a vote on this? No. Okay. Say, “Aye”. “Opposed”?

Speaker BERGSTROM: Okay. We’ve got -- I assume that that is a majority. So now Cheryl’s Amendment becomes the wording of the Resolution 13-01.

Ms. MCCUTCHEON: So, can I move to amend Cheryl’s Amendment?

Speaker BERGSTROM: You certainly can do anything you want.

Ms. MCCUTCHEON: So I would move to Amend Cheryl’s Amendment by deleting --

Speaker BERGSTROM: Well, no. You’re amending the document. There is no amendment before you. That’s it.

Ms. MCCUTCHEON: I move to amend the document --

Speaker BERGSTROM: Resolution.

Ms. MCCUTCHEON: -- the Resolution 13-01 that bears the word “Amendment” on the right side there.

Speaker BERGSTROM: Well, cross that off.

Ms. MCCUTCHEON: Okay. So I move to amend the Proposed Resolution 13-01 by in the first full paragraph under “Executive Branch” deleting the words that begin with “Said districts” to the end of that paragraph.

Ms. ANDREWS: I’ll second that.

Mr. SCALESE: The third line?

Ms. MCCUTCHEON: From the fourth line of the first full paragraph under “Executive Branch” beginning with the words, “Said districts” deleting that to the end of the paragraph.

Speaker BERGSTROM: Okay. Now do we have a second on that?

Mr. CAKOUNES: Second.

Speaker BERGSTROM: Leo second’s it. So does everybody understand what we’re doing? Julia.

Ms. TAYLOR: I’d like to have another amendment to the Resolution.

Speaker BERGSTROM: Well, we’ve got --

Ms. TAYLOR: Vote on one first?

Speaker BERGSTROM: Why don’t we do this. I think it’s easier to simply

amendment the document one amendment at a time.

Okay. So now we have an amendment to delete that language. Do you all understand what we're doing? We're deleting everything from "Said district" to the end of the paragraph. Any other comment on that?

Okay. All those in favor, say "Aye."

Speaker BERGSTROM: Okay. So now that becomes --

Mr. OHMAN: No. (Laughter).

Speaker BERGSTROM: There's always got to be one.

Ms. KING: Well, it's three of us then.

Speaker BERGSTROM: Oh, three. Okay. Sorry. So now we are left with -- you understand where we are?

The DELEGATES: Yes.

Speaker BERGSTROM: Now we still have to have a vote -- Now we have a vote on the floor, Proposed Resolution 13-01 as amended. Julia.

Ms. TAYLOR: All right. I'm sympathetic to those who don't want to vote a Resolution today. So that's my first point.

But if I were going to vote a Resolution, it would have to be even more cut and it would have to cut the second to the last paragraph because I don't want to define these things because we're not lawyers, and we're not suited to do that.

And I would just from next page, I would just say "A so-called strong County Administrator," in quotation marks, "shall be appointed to manage the day to day affairs and business of Barnstable County."

I wouldn't get in to what his powers are because I don't want to take a position on that yet.

Ms. MCCUTCHEON: Okay. So your motion is to delete the words --

Ms. TAYLOR: To delete the last paragraph on the first page, to add the phrase "A so-called strong County Administrator shall be appointed" and finish that sentence then with the rest of that on the second page.

Mr. SCALESE: Where is that, Julia?

Ms. TAYLOR: And then cut the rest of the paragraph. And then the "Legislative Branch," I would leave only that first sentence, and I would cut the rest until we get to the last two paragraphs, which I would leave in.

Ms. MCCUTCHEON: I second that.

Speaker BERGSTROM: Okay. So now there's another amendment on the floor. Do we all understand that?

Ms. TAYLOR: Does everybody get that?

Speaker BERGSTROM: Tony, do you have a question?

Mr. SCALESE: How much are we going to pay him? (Laughter).

Speaker BERGSTROM: Depends on how amended he gets before the end of this.

Mr. SCALESE: By 6:30, he's going to have no legs or one arm.

Speaker BERGSTROM: Do we understand?

Ms. ANDREWS: Open for discussion?

Speaker BERGSTROM: Yes.

Ms. ANDREWS: Yes. Thank you, Mr. Speaker. Under discussions, I have no problem supporting this move to amend the Resolution. I think Ms. Taylor's point is exactly what we've all said, which is as long as this Resolution expresses the will of the

Assembly in terms of the issues we've had, without getting too specific, I think we've really achieved something.

It's the dilemma that faced us prior to the formation of the Special and during the formation of the Special Commission when we all wanted to speak with one voice; we found it very difficult because of detail.

So, to the extent that these details that aren't necessary for tonight are removed, and we can feel more comfortable with it, I'm all in support of it. Thank you.

Speaker BERGSTROM: Okay. So now we know what the amendment is?

Deputy Speaker MARTIN: No.

The DELEGATES: No.

Speaker BERGSTROM: Does the Clerk need --

Ms. TAYLOR: I'll do it one more time, if you don't mind.

Speaker BERGSTROM: Well, I've got to have Janice do it because that's going to be the version that's going to be voted on, which she has in her hand.

Proposed Amendment for Proposed Resolution (amended) 13-01:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Clerk O'CONNELL: Okay. I think what Julia communicated was.... on page 1, you want to delete the very last paragraph. Page 2 where it says, "County Administrator," underlined, you want it to say a "so-called strong". Complete the sentence to the end of the word of where it says, "Barnstable County." Delete everything after that just before "Legislative Branch."

Now under "Legislative Branch," keep the first paragraph. The paragraph begins with the word "The" and then "powers" delete that through the paragraph just before "This Resolution" or "ending in Barnstable County Charter." That's being deleted. And I think

that's it.

Ms. ANDREWS: Yes.

Mr. SCALESE: Help me, Chris.

Speaker BERGSTROM: Okay. Now, so, I'm going to call for a vote on this, so you want to make sure you know what you're voting on. All right, everybody?

So, now, we're going to vote on Julia's Amendment, which has been seconded by Deborah. All right.

All those in favor of striking that language in there, say "Aye." "Opposed"?

Ms. KING: No.

Deputy Speaker MARTIN: No.

Mr. OHMAN: No.

Speaker BERGSTROM: I'm going to vote no on that too. It doesn't matter. We've amended this too much if you ask me.

We've got the amended amended amended Resolution still on the floor, and if you're going to add another amendment, you're going to be treated very rudely by the Speaker.

(Laughter).

Ms. TAYLOR: There are no amendments after 6 o'clock.

SPEAKER BERGSTROM: That's right. Sorry; amendments end at 6 o'clock. Yes, Tony.

Mr. SCALESE: I mean I hate to say this, Mr. Speaker, but I'd like to delay this vote until the next meeting. I think I'd like to have more than two or three minutes to figure this out. I may be the only one that does, but that's how I feel, and I'd like to put this off until our next meeting.

Speaker BERGSTROM: Well, you've got to make a motion to that.

Mr. SCALESE: I make a motion that we not vote on this --

Mr. ANDERSON: Nobody can hear you, Tony.

Mr. SCALESE: -- table it until we each get a clean copy

Mr. SCALESE: I'd like to make a motion to amend --

Mr. CAKOUNES: To table it.

Mr. SCALESE: -- to table it until we get a clean copy of everything that's been amended. Because I've got to tell you --

Mr. CAKOUNES: That's it. You can't still debate it.

Mr. SCALESE: I'm sorry. I'm sorry.

Ms. KING: Yeah, you can't debate yourself.

Mr. SCALESE: All right. I'm all done. I'm not debating.

SPEAKER BERGSTROM: So is there a second to Tony --

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded to table this. Okay. I've got to take a vote on that right now.

All those who wish to table this Resolution until the next meeting or whenever it can be --

Mr. CAKOUNES: Until we get a clean copy.

Speaker BERGSTROM: -- until we get a clean copy.

Mr. CAKOUNES: That's the purpose of tabling it.

Speaker BERGSTROM: Yes, but I've got to set the agenda. We've got 50 other

things. It's going to be tough to squeeze it in there.

Mr. SCALESE: You can do it.

Speaker BERGSTROM: But I will do it as soon as possible. Anyway, that's the motion. So the motion's on the floor to table this until we get a clean copy and put it back on the agenda.

All those in favor of that motion, say, "Aye." "Opposed"?

The DELEGATES: No.

Speaker BERGSTROM: All right. We're going to have to take a roll call vote here.

Clerk O'CONNELL: A roll call vote on Amendment -- on the table -- to table 13-01. And if you vote "yes," you want to table it.

Speaker BERGSTROM: You're voting to table it.

Roll Call Vote on Motion to Table Proposed Resolution (amended) 13-01:

Voting YES (44.63%): Ronald Bergstrom (2.84% - Chatham), 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), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).

Voting NO (55.37%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Clerk OCONNELL: Mr. Speaker, motion to table amended Proposed Resolution 13-01 failed to pass with 44.63 percent voting "yes"; 55.37% voting "no". (Motion fails).

Speaker BERGSTROM: Okay. Once again, we now have Proposed Resolution 13-01 for a straight up or down vote which I will take now.

Mr. CAKOUNES: Good.

Speaker BERGSTROM: All those in favor of the amended version with a copy of which will be available to you as soon as possible, please say "Aye." "Opposed"?

The DELEGATES: No.

SPEAKER BERGSTROM: Okay. I'm going to rule that the "Ayes" have it. I heard Barnstable and Falmouth vote "Yes." So --

Mr. PRINCI: No. I voted, "No."

SPEAKER BERGSTROM: Oh, you voted, "No." Yes you voted "No"?

Mr. ANDERSON: On the Amendment.

Mr. PRINCI: I voted "No" on this Resolution.

Speaker BERGSTROM: Oh, you did. Okay. We will take a roll call vote.

This is the roll call vote on the Proposed Resolution.

Mr. OHMAN: As amended.

Roll Call Vote on Amendment to Proposed Resolution (amended)13-0:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past

eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

NOW THEREFORE,

BE IT HEREBY RESOLVED that we, the Barnstable County Assembly of Delegates agree to consider a restructuring of the current County Government model and recommend the following Executive and Legislative Branch models:

EXECUTIVE BRANCH: The executive powers of the Cape Cod regional government (Barnstable County) shall be exercised by a board of regional commissioners consisting of five members. Each member shall be elected from one of (5) five districts of Barnstable County.

County Administrator: A so-called strong County Administrator shall be appointed to manage the day to day affairs and business of Barnstable County.

LEGISLATIVE BRANCH: The Assembly of Delegates shall consist of one elected non-partisan representative from each town in Barnstable County, with a weighted vote system.

This Resolution represents the opinion of the Assembly of Delegates relative to the model and the initial steps that are necessary to implement a re-structuring of County Government.

The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Voting YES (63.71%): 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), Christopher Kanaga (2.73% Orleans), James Killion (9.58% - Sandwich), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Anthony Scalese (4.55% - Brewster) Julia Taylor (14.61% - Falmouth).

Voting NO (36.29%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).

Clerk OCONNELL: Mr. Speaker, motion to approve amended Proposed Resolution (as amended) 13-01 passes with 63.71 percent of the Delegates voting “yes”; 36.29 percent voting “no”. (Motion carries).

Ms. TAYLOR: I voted “Yes.”

Clerk O’CONNELL: Thank you.

Ms. TAYLOR: I thought I should be changing my vote I think but I’m confused.

Mr. SCALESE: This way you won’t have a flat tire when you go outside.

Whereupon, it was moved, seconded, and by a roll call vote with 63.71 percent voting ‘yes’;
VOTED:

Whereas, the members of the Assembly of Delegates and the Barnstable County Commissioners have been reviewing the structure and efficiency of Barnstable County Government; and

Whereas, two reports commissioned by the County and issued within the past eighteen (18) months, and numerous comments received from the public have recommended a restructuring of County Government.

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The Assembly of Delegates shall seek to refine the concepts outlined in this Resolution by working with the Barnstable County Commissioners, legal counsel, and/or any sub-committees created for this specific purpose so as to present a single restructured governance model for approval by the population of Barnstable County.

Speaker BERGSTROM: Okay.

Thank you for your patience. An increase in the Speaker's stipend for the next fiscal year.

Okay, guys, we still have business to attend to here. We will now move on to a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: I'm going to yield my spot to Item 14. I don't have anything to report today.

Other Business

Speaker BERGSTROM: Okay. Teresa, did you want to go briefly into this?

Deputy Speaker MARTIN: No. You kind of already heard what I had to say.

Speaker BERGSTROM: Yes.

Deputy Speaker MARTIN: The one thing I just want to add is I would suggest that each of us read Section 9-1 of the Charter because that's where I have some questions, and I think it would really help this future discussion of this. So 9-1 of the Charter.

Ms. TAYLOR: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. TAYLOR: Could I bring up a little other business? It's just personal. It's not for discussion.

Speaker BERGSTROM: Sure.

Ms. TAYLOR: I've served on this body for a long time, and I honestly believe that most of the people that have served with me, most of the press, most of the people that cover this meeting, frequently come to the meeting frequently would consider me to be someone who is quite able and does speak her mind and makes her views clear; is that a fair statement.

I think -- I don't expect everyone to agree with me, but I think I always try to explain to anyone who's here, to my fellow Delegates, what I think about an issue and why I think it.

So I was very, very shocked to get a letter from Mr. Bibler. I don't know how many of you got a copy of it. I'm sure of cast of thousands did, where he accused me of being untransparent, indifferent to the public, refusing to acknowledge -- I don't know -- it was just a completely insulting letter about my inability to respond to the public.

It was in relation to our last meeting when we had the discussion on --

Mr. CAKOUNES: I went back and forth.

Ms. TAYLOR: Yeah, right. Leo and I were back and forth. As it happened, I think I voted, and we all voted, for the Resolution. So his letter to me that he circulated to everyone he could possibly have an email address for --

Ms. ANDREWS: I didn't get it.

Ms. TAYLOR: You didn't get it? Well, I got a lot of people mentioning it to me. He included a list of 10 questions of the when will you stop beating your wife-type -- which he expected me to answer. My response was that I had stated my views and that my vote spoke for itself. I am a much shorter e-mail writer than Mr. Bibler, I'm happy to say.

(Laughter).

At any rate, you can see from my tone of voice, which I think sounds very much like Mr. Ribnick. I am outraged that we are being attacked by people that seem very determined to be on the attack -- I turned off my -- I was speaking so loudly I turned off my microphone.

At any rate, I'm sorry to say I'm so very, very cross as I think I'm always sorry when I hear Mr. Ribnick sound so very, very vehement and cross. But I am. I resented that letter. I think it's untrue, and I wanted you to know that.

Speaker BERGSTROM: Okay. Well, I don't think I got that one, but maybe someone --

Just to try to move this along, we received in response from our request for the financial records of CLC, the Clerk received a few days ago a shipment of paper amounting to some 1,500 pages, which is piled up in there.

Well, no, no. Let me get further on. I don't know; I'm going to say its 1,500 pages, but he said that the total cost of the production was \$1,500. And, also, some of the accumulative staff time of several hundreds of dollars they had to produce this document.

You know, I've thought about how I was going to deal with this because it's not fair to Janice that if one of us wants this, she has to go to the printer and print it up. And it's my feeling, and perhaps I'm wrong, maybe uncharitable, that the purpose of producing this information in this form was to make it as onerous as possible to distribute.

Now I don't mind being told to take a long walk off a short pier or for somebody to tell me I'm a jerk. It happens all the time, more often than you think. But I do mind the expenditure of taxpayer funds to tell me I'm a jerk. I do mind the expenditure of over \$2,000 just to say here, "You can have this" or "Good luck."

Whereas, the simple disc would have produced the same form of information at a small fraction of the cost. So, I mean I'll leave that in the hands of the Commissioners. They have the fiduciary responsibility. If they want to spend some money doing this to make a statement, that's fine, but I think it's betraying the trust of the taxpayer to spend a lot of money unnecessarily in producing a document to be purposely unwieldy and difficult

to deal with.

So that's my little speech. I'm not as upset as Julia is, but since we're on this.

Ms. TAYLOR: Your tone was getting there though.

Speaker BERGSTROM: Okay. Yes.

Ms. MCCUTCHEON: Mr. Speaker, I have not seen the documents that were produced, but I'm extremely troubled by what happened this afternoon.

I assume that Ms. Flynn acted in innocence in her presentation today because we were in a position of not having this on the Agenda. We were not able to ask questions or to respond in a way to engage in any kind of a dialogue.

I mean similarly right now we couldn't engage in such a dialogue because it's not on our Agenda, and we have to respect the Open Meeting Law.

I would like to suggest that we invite the Chair of the Cape Light Compact to come back as an Agenda item in some future meeting fairly soon to discuss some of these matters with us because I think there are a lot of questions that have been raised about issues that she seemed apparently very willing to discourse about tonight. And I would really like to have an opportunity to have a dialogue rather than have to -- and I take it it was an innocent mistake, that not understanding the rules of our organization; therefore, I would extend an invitation to her to come back at a time when we can have a dialogue.

Speaker BERGSTROM: Okay. I agree, and I also agree that we can't really go too -- we can't go into a too detailed of a discussion on that. Chris.

Mr. KANAGA: Just a point of clarification. These documents were requested, were they not, of the County Administrator?

Speaker BERGSTROM: Right.

Mr. KANAGA: Not of the CLC itself; correct?

Speaker BERGSTROM: Right.

Mr. KANAGA: So the person who spent the funds spent it out of their own budget; correct?

Speaker BERGSTROM: One would presume so, yes.

Mr. KANAGA: Because it wasn't really a public documents' request. It was a request from somebody who is supposedly responsive to the County Commissioners and --

Speaker BERGSTROM: Supposedly, yes.

Mr. KANAGA: So I'm just clarifying that it's not as if that money has to be reimbursed to this person who chose to do it that way.

Speaker BERGSTROM: Well, you know, I'm sorry I don't have it here, but maybe Janice has a copy, but the response to our request that came -- the cover letter that came with the documents specified a certain cost that it took to produce these documents.

Mr. KANAGA: I understand that. I'm just pointing out that that comes out of his own hide in essence or --

Speaker BERGSTROM: We're not going to pay for it.

Mr. KANAGA: Exactly.

Speaker BERGSTROM: But, anyway, the documents are available for anyone who wishes to -- and has the time and effort to schlep themselves down here, go through it, and find out whatever information they need.

Mr. KANAGA: Okay.

Speaker BERGSTROM: Yes, Leo.

Mr. CAKOUNES: Once again, specifically to the documents though, are we or can

we take those somewhere and have them transformed into some kind of an electronic form? I understand its 780 pages.

Again, I certainly would like to have a copy. I have a hard time reading, and to get through 780 pages is going to take me days. I don't find it as a convenience for me as the representative of this Board to have to come here for four or five days just to get through the pages.

Is it possible, Mr. Speaker, that we could look into a cost to us to have those somehow transformed into --

Speaker BERGSTROM: No, I intend to submit a request to the County Administrator that he should submit them from whatever original source they happened from.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: I mean that would make more sense than anything else.

Ms. ANDREWS: Motion to adjourn.

Speaker BERGSTROM: We've still
got --

Mr. SCALESE: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. ANDREWS: What do we have on the agenda?

Mr. SCALESE: Just before we finish this little go-around, what we're talking about right now.

I've been on the Assembly for 12 years; this is my 7th term, and I have to tell everybody that's sitting here that the person that I've learned the most from over the years has been Julia Taylor.

She knows a lot about what's going on here, and I appreciate what she does for us. And anybody who could knock her down doesn't deserve anything from me. Thank you.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, I would like to second that. And as a frequent visitor to the Assembly, the constant was always Ms. Taylor, whether she was in the Speaker's Chair or at the table, she was the one face that I would recognize over the years.

I would also like, in defense of Dr. Flynn; she is a Yarmouth resident, a newly appointed to the Energy Committee and also as she said just appointed Chair of the CLC in January.

She is enthusiastic and innocent. We have been talking over the weekend and today educating each other about government and about CLC. And I think this was Dr. Flynn's attempt to try and educate us.

So I agree. It needs to be an Agenda item, but there was nothing other than just her effervescence and enthusiasm that you saw. She is what you saw today, which is very much charged by whatever job she's given.

Speaker BERGSTROM: My effervescence and enthusiasm is on the wane at this point. So, is there anything else from Other Business to be brought before us? Leo.

Mr. CAKOUNES: Thank you. Just the last thing in front of you. Before you guys sat down, I put two small packets in front of you. I just want to explain them. They are for your information only.

One of them is in reference to the Senate Bill which was asked by a member of the CLC for Senator Wolf to file it. I presume now it is a moot point, because according to

Commissioners, it's not going to be filed, but I was a little concerned of the fact that as a member of the finance committee that I had not had a chance to have any input on that bill in the future. So I gave you a little packet to review.

The second packet, I want to just draw your attention to. It was an issue that I raised a while back. It's in regards to the amendment of the Intermunicipal Agreement in which the Cape Cod Light Compact operates under.

The cover letter was a letter that I actually submitted to my Board of Selectmen. I bring it to your attention because there is going to be a Selectmen's meeting this Friday of all the Selectmen across the Cape, Selectmen and Counselors, and I understand they're going to be having a representative from Cape Light Compact there.

I encourage you to take these documents home, review them, and ask your Selectmen if they feel comfortable with their representative being able to amend this Agreement.

Their representative is able to amend an Intergovernmental Agreement in which it takes an elected official to enter into.

Once again, two documents for your information. Thank you.

Deputy Speaker MARTIN: Motion to Adjourn.

Speaker BERGSTROM: Do I hear a second?

Ms. KING: Second.

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

(Motion carried.)

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 6:20 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates