

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – March 21, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the March 21st session of the Cape Cod Regional Government Assembly of Delegates.

I will 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. Now, we'll stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

The Clerk will call the Roll.

Roll Call (64.95%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Julia Taylor (14.61% - Falmouth).

Absent (35.05%): James Killion (9.58% - Sandwich), Thomas Lynch (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 64.95 percent of the Delegates present and 35.05 percent of the Delegates absent.

Committee of the Whole

Speaker BERGSTROM: Thank you. I'll now need a motion to approve the Calendar of Business. Are there any additions or corrections to the Calendar? Hearing none.

Mr. ANDERSON: Motion to approve the Calendar of Business.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor say "aye". Opposed. You should have received a copy of the Journal of March 7, 2012. Are there any additions or corrections to the Journal? Hearing none.

Mr. ANDERSON: Motion to approve the Journal of March 7, 2012.

Ms. KING: Second.

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

Okay. Now, the Board of Regional Commissioners, former Senators O'Leary and Rauschenbach are conspicuously absent right now. So I'll have to go to Communications from Public Officials. Any Communications from Members of the Public?

Ah, maybe I spoke too soon. Communications from Members of the Public. No Communications from Members of the Public.

We'll give the senators a chance to regroup. Why don't you come right up to the -- did you bring any commissioners with you?

Co-Chair O'LEARY: I think they are on their way.

Speaker BERGSTROM: I should notify everyone in the room that this meeting is being recorded by several sources. So anything you say can and will be used against you.

When our Clerk returns, then we'll give you guys the stage.

Welcome, senators.

Co-Chair O'LEARY: Thank you.

Speaker BERGSTROM: The stage is yours.

Communications from Board of regional Commissioners with Robert O'Leary and Henri Rauschenbach

Co-Chair O'LEARY: Thank you very much. I will be very brief, and kind of open it up to questions and keep it fairly informal.

We are here to just, on behalf, as you know, back in October of last year, we were asked by the County Commissioners to do a kind of review of Barnstable County government. And we brought together a lot of people, some of whom are in this room, and others, who have a lot of experience with the community, with the Cape, with county, and with county government in the past, and state and local government as well.

And we had a whole set of meetings. We met from October through until March really ---

Co-Chair RAUSCHENBACH: Basically.

Co-Chair O'LEARY: And I must say that I make a couple of observations. First of all, we met frequently. We met at least, I would say, about twice a month. The meetings were fairly long, fairly extensive, and they were very well attended. People came regularly. There was very, very good attendance, and the debate was very good. It was very constructive, very civil, and I think it reflected well on the Cape and, frankly, on people's feelings about the county and the importance of it, because that underlied everything.

I think there was a general feeling that it's important for the Cape to have a strong, vibrant, regional government that's responding to issues here on the Cape. I think that underlined the whole discussion.

There were differences of opinion. Not everything was unanimous. There were votes in which some people felt otherwise. We had a big healthy debate. But on balance I think there was general agreement, if I were to characterize it, general.

We have a series of reports that were circulated. As you know, and you know this better than Henri and I do, that in the end this is only a recommendation and that if there is going to be a charter change, it's going to require that it go on path. It's going to require the action of this body. So that's an issue for you to deal with and to address and then, of course, I think if there are -- if some of these recommendations are carried through, there's clearly going to be a need for a change in state law as well. So that's going to involve the state delegation and your relationship with them.

But we are more than happy, I think, to answer -- I can lay out some of the general ideas.

There were three general areas that we focused on, and I don't think any of these will surprise you.

First, we did recommend that a variety of regional entities that are out there, independent of the county currently, be brought in under the county umbrella. We felt for a variety of reasons, and it wasn't meant to be critical of what they were doing, or how they were doing it, it was more a function of if we have a regional government it seems to make sense to locate those regional governmental services that are being performed out there across the Cape as it currently stands.

And that that would result in better coordination, higher visibility, and more accountability. And I think in the end those agencies will be able to do their jobs more effectively if they are co-located and coordinated under the county. So we felt that was one recommendation.

The second went to the structure of county government, which is how do we -- what kind of reforms did we think would better serve the county. And our feeling was that we should merge the assembly and the county commissioners into a single entity, because we didn't feel it was a powerful argument for divided government here at the county level, given the size and scale of the county. But there is an argument to merge together the two entities, the assembly and the commission, under a single, larger body, and we laid out some specifics around what we thought that should look like and why.

Beyond that, we also called for reforming the county administrator's role and making that more in keeping with what we see at the town levels, which is a more professional sort of management role with more authority, and separated out from his role as a treasurer.

And then in the third area, we didn't get into specifics. But we did call for the creation of a regional wastewater entity or authority, and I use the word "authority". Some others feel that's too strong a word. But I felt it was important simply to get that discussion beyond the discussion stage, to begin to focus people's attention on what is a critical issue for the Cape and for the county. And we've been talking about it for 10 years here now, and it's time now to move that discussion to a higher level, to get into specifics, and start to debate about what kind of institutions we want to create; what kind of authority we want to give them or not give them; how we want to define the relationship of a regional entity relative to the towns and to the state.

We have to begin to confront those issues. They are not easy. There are a lot of differences of opinion out there around them. Clearly we need to move beyond simply talking about the broader issue and get into the details of how we are going to come to grips with it.

So we thought it was important in this report to at least begin pushing that issue out and focusing attention on it. So, I don't know, Henri, you want to ---

Co-Chair RAUSCHENBACH: Well, there's not much more to add on that. I did make this comment over at the county commissioners. There was a sort of undercurrent thought that the only reason that perhaps, you know, our commission was established was to eliminate the assembly. And that sort of was a bit of an undercurrent. But if you look at the report, you realize that this group of folks we had, who were very diverse, very dedicated, representing a variety of sort of walks of life on the Cape. And we had a little bit of fun, but a lot of former -- everybody was like former senator, former county commissioner, former treasurer, former this, that, and the other thing.

The recommendations that we spent a lot of time on, I think in terms of where the county can go or should go, reaffirming some of the functions that the county is currently undergoing, like RUSS, etc. are all good, solid things, and the administrative side, I think it's apparent to us that the current county structure was the county commissioners as the administrator.

It's enormously difficult to expect that they can fulfill the administrative side of this while at the same time they are leading the charge on a lot of new policy directives. It's going to recreate, reenergize, reinvigorate and make this county more relevant. And to that agree, we address that by having a strong county commissioner, have a strong county administrator, and free up the policy-making part of it and merge the assembly and the commissioners, a pure policy sort of thing.

You know, we thought that was pragmatic in it. So, you know, it's a solid report. It is easy to say what we've done infinitely more difficult for many of these provisions, not all of them. But many of them to be implemented require you to sort of join the dance, and easy to say we want to head in this direction, and in many respects can't get there without you.

So, you know, I guess our hope is that you would spend some time on this, and look at it and think about it and not wait too long, because, you know, the world is changing very quickly and dramatically.

We had a lot of debates on, you know, just public health, and you know things like that that didn't move into a strong recommendation here.

But the world is changing around us. The relationship between the state and cities and towns and the feds as it relates to subsidies and, you know, grants, it's all changing. It's going to continue to change. The world is not going to get a lot easier over the next, you know, three to five years. For the county to survive, it's got to be really relevant on the municipal service side, aggregating that, etc., looking to develop a stronger relationship with the commonwealth under the delivery of services. Otherwise, people will look at it and decide just to pick its bones and, you know, return the money to the towns and eliminate it.

So, you know, we've survived because the county has been relevant, and for it to stay relevant I think will require a lot of soul searching and thinking on the part not only on the commissioners, but you as well.

Co-Chair O'LEARY: Well said.

Speaker BERGSTROM: All right. Well, thank you. Just before I open up for questions. I am glad you put this in front of us, because even though there's been reports in the press, and obviously I was on the commission, Julie was on the commission, word's gotten out to the community that today was the presentation of our recommendations -- your recommendations to the commissioners and to the assembly. This is sort of officially on the table now. So we can open it up for discussion. People won't be, you know, aiming at a moving target, which I think they have been.

Co-Chair RAUSCHENBACH: I think our recommendations.

Speaker BERGSTROM: Yes. They are your recommendations.

Co-Chair RAUSCHENBACH: Okay.

Speaker BERGSTROM: Okay. Like I say, it wasn't always unanimous.

Co-Chair O'LEARY: No, it was not.

Co-Chair RAUSCHENBACH: It was Julia's too.

Speaker BERGSTROM: Anyway, we'll find out what kind of reception you will get right now from the assembly. Anybody like to ask the former senators anything about this report? Don't be bashful. Julie.

Ms. TAYLOR: Excuse me, because I'm chewing a lozenge. I'm a little hoarse. But I am glad we've got it down and I think it reads well, the things I've read.

One thing that I did bring up during the discussions, and then didn't really follow up on later, but do remember that there was unanimous support for, but didn't get put on the list, to get put as -- was the question of money, and the question of whether the county might need more money, more revenue given some of these projects and challenges. And my recollection was that there was surprisingly a unanimous sense that that was not a crazy idea, that there might be the need for increased revenue, and that we might have to seek that.

Do you remember that discussion, or would you agree with that?

Co-Chair RAUSCHENBACH: Yeah, you know, we certainly discussed that. But in reality the county has available to it the capacity to go -- at least under the current structure of how you raise revenue. The county has the capacity. I think the idea is how would the public feel about this as an investment that would be made basically of their dollars coming out of the real estate community. We didn't have a discussion would there be a broader revenue stream that should be available or a different revenue stream. And in many respects I think we thought with the establishment of a recommendation for an authority which would without a doubt, you know, raise those very same questions and issues that, you know, the fact that the county has access to capacity that they haven't

opted to use for, you know, a variety of reasons, some of which were explained and some not, you know, that we didn't necessarily have to opine on that.

Speaker BERGSTROM: Okay. Anybody else?
Spyro.

Mr. MITROKOSTAS: Thank you, senators, for your work on this committee. I notice you came down on the side of an appointed executive, which obviously would be appointed by whatever body exists as part of this recommendation going forward. Did you consider a residency requirement, a natural residency requirement? If you were to go with an elected official, obviously they'd need to be part of the county that they're coming from.

We originally in the county charter up until 18 months ago had a residency requirement which not coincidentally we didn't follow, but now that we are putting that back on the table, why not have somebody who lives in Barnstable County, pays Barnstable County taxes, and votes in Barnstable County precincts be part of the county government?

Co-Chair O'LEARY: It was not -- it never surfaced, I don't recall.

Co-Chair RAUSCHENBACH: No. The language for strong county administrator came from the two town managers, one former town manager who served on the commission, and they laid that out I think as the core sort of principle statement. In reality I think if the commissioners -- I think I would say that there's nothing to preclude the commissioners from adopting that recommendation tomorrow and working with the assembly to alter the structure. I mean, you don't need legislation really to do this. We think it's really critically important that this change occur. It doesn't require legislation or anything. It requires, I think, the county to decide they like this structure, and that would be you and the commissioners working together.

But assuming that this would go forward, I think you would have a host of discussions, criteria. We don't mention salary, you know. We do on the elected side. We don't reference working conditions. We sort of what's the scope of what the job would be, which is the most relevant part of it, and then the rest of it is sort of up to speed, you know. You know, the town managers didn't put it in. But the town managers don't live in the town that they're town managers of, etc. And the town managers that live on the Cape, they work off Cape as well. So that would be a matter for you to discuss with the commissioners should they decide they want to move down this path.

Speaker BERGSTROM: John, did you have a question?

Mr. OHMAN: I do. Thank you again for your hard work. I was able to attend many of those meetings and I appreciate the hard work that you and the committee did.

There was just two -- one small thing I want to just explore with you. Are there voting records available?

Co-Chair RAUSCHENBACH: Yes.

Co-Chair O'LEARY: Yes and there are minutes as well in there.

Mr. OHMAN: The minutes are included in here, but I didn't see any voting records.

Co-Chair RAUSCHENBACH: No. We have that --you know, we're cobbled a little bit together. Patricia was away.

Co-Chair O'LEARY: But we could get those for you.

Co-Chair RAUSCHENBACH: We have that so we will make that available.

Mr. OHMAN: There was sort of a private discussion between you two of the highest ranking members of the legislature that, even though you are former members of the legislature, you used the term "nonwithstanding". And I would like to know if you can elaborate for the ---

Co-Chair O'LEARY: Well, I think what we were saying was that I think it was in the context of we would hand this recommendation to the assembly, and I think your chairman made the comment that as I recall in the discussion that ---

Speaker BERGSTROM: Speaker, not a chairman.

Co-Chair O'LEARY: Speaker. That any charter change would require a vote of the Assembly of Delegates as a matter of charter. And I think the discussion we had was that that's true with respect to the charter, but it's our understanding, and again neither of us are lawyers, we just have experience in state government, is that counties are a creature of state law. They are created by state law and the authorities and the structures they have and their virtual existence depends on state law. If you wanted to, you could simply file state legislation and address the issue of changes in the county government through a state -- sort of state statute.

And as an aside, and to the extent that it impacts on existing laws or existing arrangements, the universal word used in those pieces of legislation is notwithstanding any other state legislation. We wish to go in this direction.

So we were simply laying that out as an alternative pathway. If that was felt to be the way to go in terms of making this charter in fact, you know, making it happen.

Speaker BERGSTROM: I think it's important, and I would think that it would have to go to the ballot regardless of what the legislation ---

Co-Chair RAUSCHENBACH: Regardless.

Co-Chair O'LEARY: Either way.

Speaker BERGSTROM: Regardless is another word we use.

Co-Chair O'LEARY: Whichever way you go would require -- I think makes sense to have a ballot question on something like this. Absolutely.

Speaker BERGSTROM: Does anybody else have any questions? Yes, Deborah.

Ms. MCCUTCHEON: I haven't had an opportunity to read this whole report yet. But coming from Truro, I am asking the question. A lot of people in Truro feel like people on the outer Cape don't have the same level of wastewater problems and sewerage problems that are present in other parts of the Cape.

I think there was recently a suggestion that east of the Bass River should be Pamet County as opposed to part of Barnstable County. Be that as it may, for people in Truro I think the proposal that is coming from this committee looks like they are raising two issues. One, we should pay for the sewer, and second we should lose our representation. What do you say about that?

Co-Chair O'LEARY: I would disagree on both accounts. First of all, you know, in terms of representation we are establishing a seven-member governing, policy-making body, and five of those seats would be district seats based on the one man, one vote, and then two would be at-large.

So you are moving to a smaller body. But frankly we are combining both the assembly and the commissioners under a single entity. And I think the lower Cape will be well represented, although there are of course the limits of one man, one vote, and you know, you can't change the numbers as they are. But nonetheless we felt with that combination of two at-large and five districts, the lower Cape would get clearly some representation -- significant representation in that policy-making body.

We also added in an advisory body of local town managers, I believe, to act as an advisory body to the new commissioners, and we felt that would ensure that there would be a relationship between towns and the county in going forward.

In terms of wastewater, you know, I think it's fair to say that different communities have different levels of a problem, and for some of the lower Cape communities, not Provincetown, but some of the other lower Cape communities, it's not as big an issue as it is for let's say for a Harwich or a Mashpee

or a Barnstable or a Falmouth. That is true. But, you know, nonetheless it is a problem for all of us, and to the extent we see ourselves as a region, it's important that I think that as a region we address this issue. And, you know, we sort of live and die. We all want, you know, the old Ben Franklin line. We all separately -- what is it? We all -- how does it go? I'm losing the quote.

Speaker BERGSTROM: We all hang together or we all hang separately.

Co-Chair O'LEARY: You know my sense is there is a need for the Cape to deal with this issue regionally. It doesn't mean that every community is going to tackle the same level of obligation. In other words, you know, that would be worked out in the details of dealing with the wastewater issues in terms of what the particular community's needs would be and what its obligations might be under some regional umbrella.

That's something that can be sorted out down the road. But I think for those who believe this is a Cape-wide problem, if we simply do nothing and leave it to individual towns, given their financial limitations, and given what we know is happening at both the state and federal government, likely nothing is going to happen, or very little.

So I think there's an opportunity for communities to come together around this issue regionally and not sort of flee into a corner and say, well, it's not my problem, it's someone else's. I think that direction is the wrong direction for us to go, because I think in the end we won't solve this problem as a region if we don't come together around it cooperatively.

You might not agree with that, but I think, I don't know, Henri, how you feel, but I do feel that's an important undercurrent to this discussion.

Co-Chair RAUSCHENBACH: I mean, the lower and outer Cape -- if I can just respond. The lower and outer Cape is kind of interesting. You know, like ten years ago, they were all just individual towns really, not too much together. So regionally, the development of the lower and outer Cape, you know, Health and Human Services coalition, which presaged the community development corporation, was the first time between Provincetown and Barnstable, you had sort of a like interest develop around economic development and housing and those kinds of issues. Up until then you had towns acting independently.

You look at the relationship between Provincetown and Truro over water and salt water intrusion and then pumping your wells, well, an interesting sort of issue. But Provincetown needs your water. And there's a lot of -- when I was in, there was a lot of tension, if I could use that word, over how much of the drawdown from Truro's well versus Provincetown, which has a problem. And yet it's your local regional -- and you can sort of extrapolate that out. When a prisoner uses water down in Bourne or the facilities in Bourne, if that person came from Provincetown or the lower Cape, I mean, is there a responsibility that's shared there.

The notion of an authority isn't they are just going to put like nine-inch pipes and run it all the way down the Cape and you're going to pay a fortune for this. It's presumptive to say what they're going to do. But I think most of the chatter from, you know, Andy Gottlieb and Paul Niedzwiecki, has been that, you know, you look for a solution that would be crafted around what your local interests are, what the specifics, you know, what the base estuaries are, you know, your Pamet River, you know, whatever you've got going there, and it would be designed to build around that. Could be a small, sort of forced pipe, you know, those little plastic pipes, or it could be something larger.

It's presumptuous to say that you're going to wind up paying for everything that goes on in Falmouth to Hyannis. So there'd be some shared responsibility which is, I think, the only way the Cape can survive. So, you know, we are comfortable with that.

On the vote, the regional government, we just felt that in many respects somebody representing a district that maybe runs from Orleans or Eastham to, you know, Provincetown that with an equal sort

of vote and two, you know, at-large seats where they'd be, you know, chasing boats out there, that that would give, you know, more strength to, you know, five or six towns acting independently with a percentage vote which some people sometimes argue doesn't seem to be fair when they participate in the process. So, you know, we thought it was reasonable to come back with this as a structure. So that's our recommendation.

Ms. MCCUTCHEON: Well, if I can respond, just briefly. I listened to Andy Gottlieb and Paul Niedzwiecki describing the issues behind wastewater, and I think there are a lot of issues there that would unify people on the Cape, and there are issues that are common to all of us. Particularly, I mean you raise the issue of water in Truro being pumped willy-nilly into Provincetown, and there's no control on growth. It seems to me that you create a divisive atmosphere with what you say is we need to have input from cities and towns in order to change that and not have representation as representation for the cities and towns. It seems to me that putting all of this forward as a package may doom the pieces that are the most worthy, like controlling of wastewater to getting linked together at the box office.

Co-Chair O'LEARY: I understand what you're saying, and I appreciate it, and I guess what I would say in response only is that when we talked about the wastewater issue, we did not specifically include it as an entity under the umbrella of the county. We didn't go there. We didn't make that recommendation. We simply said that there should be a regional wastewater entity and, you know, you can talk about the language here, whether it's an authority or whatever you want to call it. It could be. It could be under the county and it could not be, and that would be, you know, up to you and up to the voters and up to the others that want to look at this going forward.

It could be a separate authority of some sort. It could have a different represented structure. It could have a system where every community had an equal vote. I don't know. That's for someone else to fashion, but all we're saying in this report with respect to wastewater is that we have been talking about this for 10 years and, you know, more than 10 years. It's a difficult thing to do, and whatever you do here there's going to be opposition because you're talking about things that are going to affect and impact people.

The alternative is to do nothing, and that's the most likely pathway here because it's difficult. So those who are sitting out there criticizing will dominate the discussion, in my opinion. So you have to be aggressive and you have to lay out a path and move beyond the general discussion that we've got a problem and start, you know, I like to say the hangman's noose. You know, you've got to focus the attention of the condemned.

If you put something out there with some meat on it, that's got structure, and say what you think about this, then you can start to have a real debate about what you want to do. The kind of questions you raised are the kind of questions that needs to be raised, you know. Should this be under the existing county; should it be outside it; should towns have representation on it; what it should look like; what are the financial obligations. But we've got to move beyond the issue of just we've got a problem. We need to do something, which is where the discussion has been for quite some time. That's all really what we're trying to do here. I like to say, put a stake in the ground and focus people's attention, try to get something going here and let the debate begin, and I think it's going to be a good one.

Speaker BERGSTROM: Now that we've heard from Truro ---

Co-Chair RAUSCHENBACH: Can I just sort of-- you know, this is the beginning of what would be a process, if you undertake it. You know, this would have to be done legislatively. It could involve taxing powers. It would be a ballot question. And I think you as players in this process would want to fight your way into it, and I say that not like it would be hard to do, but you'd be

controlling part of this process and you would demand that the towns be heard in this because what, you know, and the selectmen, everybody else, would want to know what's our exposure in this, you know, and, and if we're Chatham and we've invested and what are we going -- all those questions would come up. And I think it would go to a ballot as Rob says. All of these things would have to be addressed.

All we're saying is let's start this process and let's not worry about answering the questions that are going to come at the end. Let's start this process because it's a serious issue on the Cape, and much like the Cape Cod Commission. You know, this is an issue of that magnitude for us here.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: Thank you. I will work out my conversation with my neighbor later. I am actually glad she made those comments because our relationship with Truro in terms of regional cooperative relationship goes back over a hundred years, and despite how much scientific data we put on the table, that sort of resentment, and I think you captured it well, from Truro residents is there and it always will be no matter what we do. So we are talking about two little towns at the end of the Cape, never mind the Cape.

But back to the one comment I wanted to put on the table. I recognize what you're saying as far as fighting into the conversation. I had a sneaky suspicion this would be my one chance. So I'm going to say it now.

And that is, you have put forth two scenarios. One is the do-nothing scenario, although we are not really doing anything, but I understand what you're saying, versus the 15 towns getting together and having an authority. You know, those are sort of your two competing visions.

I am going to throw a third right in the middle, which is potentially an authority but an authority that engulfs the towns most likely to work together and need to work together, as opposed to necessarily being all 15. I think there is a disparity between the smaller towns on the lower Cape and the rest of the Cape in terms of resources, growth and development, population that puts the amount of concern you're seeing from our end of the Cape on the table. So I hope sooner rather than later the options get expanded beyond those two. That's just the one comment I wanted to make, and thank you.

Speaker BERGSTROM: I'd like to jump in here for a minute, because I have two experiences.

First of all, I was an official in Chatham during their whole run up to what has become their wastewater management plan, probably the most complete one on the Cape. I think it is probably one of the most complete in the state, and I also sat on this commission with the two senators.

Chatham went through 12 or 13 years of building up to their wastewater management plan. You got to understand that 10 years was spent in the needs assessment. So 10 years were spent in looking at underlying science and citing what areas needed the most mitigation. Because nitrogen is unlike pollutants, so it naturally occurs, and only when it's out of balance it becomes a problem. So in Chatham, we divided up the town into watersheds.

Now, you can say Truro doesn't have a problem, but it's not Truro, it's where you live. If you live on Pamet Harbor, you may have a problem. If you live on the ocean, you probably don't. And this is what happened in Chatham. So I would think that any agency, and I supported this, and when Andy and Paul brought it up, I said we got to move on it. I was of like mind with Senator O'Leary is that once you do the needs assessment it's going to become very apparent where the problems are.

So if you live on Chatham Harbor, you're not a problem. If you live in the Stage Harbor, it is. So what's going to happen is it's only when we discovered -- when we did this it was quite complicated. It went through UMass down there in Bridgewater, I think, and there were volunteers involved in each estuary. We had volunteers who did the testing. It was only when the determinations were

made what mitigation had to be done that then we decided, okay, what are we going to do, and who's going to pay for it. For instance, if you put into a betterment and you didn't get the sewer extended to you you didn't have to pay anything because you weren't part of the problem.

So these issues, as Senator Rauschenbach said, deciding how it's going to be paid for and who's going to pay for it is way down the road. Right now we have to make an assessment where the problem is and it's not going to correspond to town lines. It's not going to correspond to the town line of Yarmouth, to the town line of Mashpee. People who live in these communities who live in widely disbursed housing there's not a problem. There's going to be people living in concentrated housing that there is a problem.

I think that there's been a lot of idle talk lately about this recommendation. This simple recommendation takes one paragraph. I think we have to go the next route and see -- before we start talking about solutions, we have to get a handle on the problem and do that.

I think that I agree with the senators. I think this is a very important recommendation. But I also agree with Deborah in that if it's bungled into the whole business of the reorganization of the county government, it could get lost. I think it has to stand on its own. So, anyway, that's my speech. Leo.

Mr. CAKOUNES: I agree with your last statement there. The only thing is I would like to add -- I'm glad -- first of all, thank you for the work you've done. I am looking through this and I am finally glad to have the actual copy in front of me.

In the wastewater situation, you know, for the record you used the word, Cape Cod Wastewater District. Everybody is using the word "authority", and that kind of started this whole concept and argument of, you know, one authority doing everything. I am pleased that you used the word "district".

We have been working on a plan. Paul is here. The Cape Cod Commission has been working a long time. I believe it's going to be done in about a year or so. It's going to address the situations that our Speaker has just mentioned about the isolated areas that probably is going to need our immediate attention, and then some that will need attention in the future, depending on build-out. The fact that you used the word "district", I'll add up a fifth or fourth scenario to my Provincetown friend, and say that maybe it's a situation that we actually look at areas, individual areas, districts, if you will, for the express purpose of funding those districts, cleaning it up and funding it, and those will not be basically hampered by the town line.

So again we need to talk about it and I'm glad it's on the table. We should move forward.

On the reorganization of county government, I do feel that the two discussions should be separate and apart from each other, because both of them should not -- one should not take the other one down. They both need some equal time and certainly shouldn't be tied to each other.

My question would be was there any discussion of kind of intermediate change as opposed to the one that came out of the recommendation?

I for a long time have been sitting here quite comfortable with the assembly, quite comfortable with the weighted vote situation. Because I understand how it works, and I think the Town of Harwich is pleased that they are able to have a single representative sitting here for the Town of Harwich, as I'm sure that a number of the other towns are happy to have somebody here. We are a legislative body. We do the checks and balances.

I also feel that three county commissioners aren't enough, and I don't think the way that they are a partisan position, number one. Number two, they have to run Cape-wide. It makes an awful lot of sense that virtually a volunteer has to come out, raise an awful lot of signatures, quite frankly win two elections, the primary election and then the end election to take a seat that pays, you know, \$11,000 a year. That to me I think should have been looked at carefully. Again, I've said to my colleagues here

on the board and I think maybe even you gentlemen have heard it in the past, that I've advocated and will continue to advocate keeping the assembly the way it is and increasing the county commissioners to five. They will be regionally set up so that, you know, they will be representing areas of the Cape.

And then when you talk about the administrator or we have a report done from the MMA, which goes into the very depth of how we should organize and change the employees, if you will, and their functions, and I think we need to really take that in and read that in depth and hopefully the county commissioners will use the recommendations that came forward out of that.

So basically all that is just to tell you that I'm looking at kind of incorporating some of our ideas, keeping some of the old stuff and moving forward, and something that might come out which is not going to be as drastic as what came out of your suggestions.

I'm not convinced -- no one has convinced me yet. I am looking forward to our discussions on this -- that your suggestions are in the best interests of moving forward. I know you said doing nothing is not an option, because county has to move forward.

You know, we haven't really done that bad. I've only been here for a short time, but I will have to tell you, for my colleagues that have been here longer, we haven't really done that bad. I mean, the county offers an awful lot of services to the towns. I see towns not taking advantage of some of those services. And only recently they've even started to do so. Maybe some education, maybe some providing new services and letting them know what's available. The OpenCape thing is going to certainly bring up another whole discussion.

So my question after that whole statement is did you guys or did your committee talk about kind of an interim change as opposed to the one that you recommended?

Co-Chair O'LEARY: Well, frankly, there was pretty broad consensus on the structural changes that we recommended. There were, as I recall, fairly overwhelming vote in favor of it. I think one of the -- you use the phrase that I think did come up a bit, which is checks and balances, you know, which is an old expression, and I think, you know, it's mostly associated with the U.S. Constitution.

I think there was a sense that that was not needed at the county level, given the scale and size of county government, that an elaborate system of checks and balances probably wasn't in the best interest of the system. That really it's about getting the community and the towns and the public engaged in what's happening here at a regional level and how do you best get that.

You know, so it's more -- it's less about what's going on inside the county and more about how the county is relating to the rest of the community. And I think that's what we were trying to accomplish, is the strength and those connections going outward, and a feeling that a system of checks and balances inside the county was probably a lot of machinery that in the end didn't generate a lot of public value. And I don't mean that as a criticism as all. It's not meant that way, that nature of the situation. So I sensed there was a lot of support.

Henri, did you feel that as well?

Co-Chair RAUSCHENBACH: You have our minutes too, which I think are in the ---

Co-Chair O'LEARY: And the votes if you want.

Co-Chair RAUSCHENBACH: I think the general undercurrent, you know, we did have a, you know, you like the status quo. We did have five commissioners, you know. But I think at the end of the day, they were a very diverse group of folks, you know, representing the business community, you know, etc., and there is this whole issue you have to deal with is what exactly is the assembly of delegates, and what is the awareness of the county as a functioning entity and who out there, and, you know, the citizenry who lives on the Cape, fully understands what's going on at the county level, and how do you sort of up the profile of that. And that was a good part I think of the discussion as to how do you make this more relevant in the minds of the voters and the people that receive services.

And to that extent, I think that played a bit in the notion that if you had, you know, five regionally and two running county-wide and, you know, we had a big discussion whether it be partisan or nonpartisan, and, you know, we opted for nonpartisan. The idea that would up the sort of awareness and profile of the county by having larger, structured players across regions that would be running for office with ostensibly more weight, clout and more meaning.

So, is that fair, you know, maybe from the point of view if you're sitting on the assembly, no. But from the point of view of the folks that sat around and discussed this commission, it seemed to be a reasonable recommendation to me. What happens with it though of course is going to be up to you.

Speaker BERGSTROM: Go ahead, Leo.

Mr. CAKOUNES: I am going to make sure I get a copy of the minutes of this particular meeting, in what both of you gentlemen just said. Because quite frankly as I was listening to your response to my questions and your arguments, as I took them in, is exactly why I want to keep the assembly.

Because people of the Town of Harwich I think are connected closer to county government by having a individual sitting here at the county government, and now whether I may not have a lot of power, because I only have 5% of the vote, it's my obligation to bring information back to the town. It's my obligation as an elected official to educate my town and my constituents and keep them involved and updated in what county government is doing. To take that link away and have one individual representing Harwich, Brewster, part of Yarmouth, and maybe Chatham, and to say that that's a better and closer way of bringing the voter -- it might be a better way for the business community. As far as the individual voter, I don't know. I liked the response and I think I'm going to use it.

Co-Chair RAUSCHENBACH: Well, fine. But I would tell you, Leo, that, you know, 30 some odd years ago or whatever, they shrunk the size of the Massachusetts House of Representatives from 240 members to 160. Both islands lost their representatives. You know, Nantucket had one, the Vineyard had one. They both lost them. They got merged with Falmouth. I would venture if you went out to Nantucket and said do you miss your own state representative, who now lives in Barnstable, what would the answer be? The people wouldn't know it. A significant change was made in the way people were represented ---

Speaker BERGSTROM: He lives on Nantucket.

Co-Chair RAUSCHENBACH: I don't think so. He had to move back?

Ms. TAYLOR: He lives in Nantucket. He represents a lot of ---

Co-Chair RAUSCHENBACH: Oh, no. Madden. I'm talking about the former -- but Madden represents the Vineyard and part of Falmouth. But if you asked are you not being represented, you know, most people would say that's our representative. They don't remember it. It's a change that was made to create efficiencies in the House. So I mean these things happen for good, bad, indifferent or otherwise. You have an opinion, you opine it. We can't be afraid of change.

Speaker BERGSTROM: We'll hear from -- from Wellfleet.

Mr. PILCHER: Well, thank you, senators, for your work.

I'm curious. I thought you should know there is quite a bit of push-back in my part of the world about the proposals that are coming forward from the Special Commission. One area that I don't hear push-backed on is whether or not there needs to be regional planning. I have not heard a single person say, no, we don't need a regional plan. We don't need to plan a watershed. So I think that part of your recommendation absolutely seems to be commended by the general populace.

However, part of the problem, and this relates to the bundling that you're talking about, that the people -- if you look at your list of members, and there's little or no representation from our end of

the world on the Special Commission. Yet, we were told this was a commission of all the movers and the shakers and important people on Cape Cod.

And, you know, you look in vain for the people from Wellfleet and Truro, and there is one from Eastham. So I think that the fear in the public relation, a communications problem that you're facing right now is that there will be a wastewater authority established which will -- not that they are going to run a nine-and-a-half inch pipe down through all of the outer Cape, but we are going to get taxed by that authority for running that pipe in other parts of the Cape, and our vote will be overwhelmed by the towns that need it.

So that's where the push-backs are coming. There's a lot of talk about that. I think that if we didn't bundle these two issues together and make it clearer the planning -- this process, it would be very helpful in moving it forward.

Co-Chair O'LEARY: Well, Paul, thank you. I understand what you're saying. I guess I would respond by saying we made three sets of recommendations in this report. So we were asked to look at reforming county government and, you know, we took that fairly broadly. But I do acknowledge the fact that the issue of wastewater has its own characteristics and its own battles to fight, and they are going to be difficult and not easy, and in the end -- we're both alumni veterans of the Cape Cod Commission wars. It was the same.

We have a lot of experience, believe me, between the two of us in terms of what happened around then and the difficulties involved, and for me it's a little *déjà vu*, the same arguments, the same questions, the same concerns, the same divisions are already surfacing, and that's fine. It's important. That represents people have different interests. I always like to say where people stand depends on where they sit. It's always been my experience in politics. And, you know, I respect that.

But understand what we're saying here is that we are looking at restructuring, reforming the county and you can argue the specifics and the merits or demerits of that. But I like the report. I think we did a good job there and I think the recommendations are good ones. This is not going to satisfy everyone. They are not perfect. But I think they move us in the right direction.

You know, I was around when the first county was created. I thought there was a lot of machinery in that system, and that can sometimes undermine your mission and undermine your visibility in the community. And I think this package that we are recommending, with respect to the structure of the county, will in fact make you more visible in your communities, rather than less, in my opinion. You know, that's a difference we can have. But I believe it will. And I would further say, we also have in this report recommendation about bringing other regional entities which are outside the county currently in a county government because we think you need to create more foundation here, more activity, more responsibility, more authority, more accountability, more visibility, more coordination. I think that all moves us in the similar direction.

With respect to wastewater, we didn't make a recommendation about whether -- you know, so we're not bundling. You know we didn't say that should be under the newly, reformed county government. We simply said you need to do something here, and you need to start doing it now, and you need to start having that debate. You know a little bit is playing out here, about what it's going to look like, who's going to be involved, what kinds of authority is it going to have. What kind of regulatory taxing revenue authority it's going to have.

Personally I would like to see it under the county, but I'm not sure it will work, and I don't want to presume that judgment early on. That's somebody else's decision to make down the road. So we didn't bundle the two together I guess is what I'm saying, Paul. We did put them forward separately because we felt it would be a mistake to put the two together. It's too early in that regard.

Speaker BERGSTROM: Why don't I turn to Teresa.

Ms. MARTIN: Just following up on feedback you were giving to Leo. Given that conversation, given you were talking about wanting to engage people and have more visibility, why are you opposed to having an elected executive?

Co-Chair O'LEARY: If you are asking that question to me, you are asking the wrong person. Because I have some instincts to move in that direction. But there was no support for that, I don't think, very little.

Co-Chair RAUSCHENBACH: No. In reality, you know, you look at Nassau County in Long Island, they have an elected -- you know, it's sort of a food fight. We think with a strong policy board and a pragmatic person that's going to be there longer than maybe two years or four years that can actually implement long-term strategies is a lot more effective way to go. You know, as opposed to an elected administrator, why would you need the commissioners if you have an elected administrator? And we think that if you want to have a broader dialogue across the region, if you lose the structure of the commissioners -- who represent all the Cape, and our recommendation that there be seven, you come down to one, and is that the best, will you feel that your voice is being heard, or Truro's is or whatever.

You know, I think there was a strong understanding that, you know, a competent administrator, and a lot of this was driven by town managers who are good, you know, and have done very effective jobs, you know, for Brewster and Sandwich and formerly for the Town of Yarmouth, that have been in this business, that that's the most pragmatic way to go.

Ms. MARTIN: One of the things that I don't feel comfortable with is that the plan that's laid out is we have the addition of town managers who are appointed. We have an appointed executive, and the elected voices in total are reduced to seven. To me, that says you are moving away from voices of the people and moving toward people for hire running things, and maybe that's the way you want to go. But I think it's worth bringing it to the surface and talking about.

Speaker BERGSTROM: I'd just like to jump in this, because this is something I looked at for a long time, and I know Julie looked at for a long time. Really, I agree with Leo. I think county government as its structured right now is doing a terrific job. There's one caveat to that, though, and that is I do feel that just as the towns have moved toward charters where they have an administrator who basically runs the day-to-day operations, puts out the contracts and hires the people under him, I think the county definitely needs that kind of person.

I think there was a consensus in the room to strengthen the role of the executive, whether he or she be elected or appointed.

Now, that brings up an issue. If you have a very strong executive and you have us sitting as a legislative body, you know, we pass the budget. What do the commissioners do? You know, we basically have taken away, you know, a good 60% of their responsibility. So that was really what pushed I think a lot of people in the direction of this hermaphroditic body of both commissioners and the assembly.

But the other issue is unfortunately the weighted vote which sticks in everybody's craw. There's been people in this room, especially when they were first elected, said what is this? Why am I sitting here? I only have 1% and that guy over there has 20%. But there's nothing we can do about that. So I think there was an attempt with people who didn't like the weighted vote to move into the direction of everybody sitting at the table had an equal vote. And the only way to do that would be divide it by population. So that's really how it came to that discussion.

I know that the commissioners were on the agenda also with these two gentlemen here. And I'd like to get a follow up on exactly what they intend to do.

Co-Chair O'LEARY: And I have to go in a couple of minutes.

Speaker BERGSTROM: Okay. Now that you've presented to the commissioners your recommendations --no, I am not dismissing them.

Ms. MCCUTCHEON: You know I know you went to a lot of work. I went to a lot of these meetings, and to a certain extent, at times it was sort of herding cats to get people to not speak at the same time for whatever it was you had on your agenda. So, you know, I understand there was a lot of thought we needed in this report.

I guess the question that has come to my mind is that you spent more than three times the page space in the report on the Cape Light Compact and the Cape and Vineyard Electric Cooperative than you did on the wastewater problem. Why did you see that as needing that kind of coverage in your ---

Co-Chair O'LEARY: Because it was very complicated. When you get in and look at the difficulties around Cape Light Compact and what was the other organization, CVEC. I know it was complicated. The details were complicated.

Ms. MCCUTCHEON: I can appreciate that. Thank you.

Speaker BERGSTROM: Do the commissioners want to tell us what they intend to do with this?

Commissioner FLYNN: If they're finished.

Co-Chair O'LEARY: We are done.

Speaker BERGSTROM: I don't want to dismiss you, but I mean this is ---

Co-Chair O'LEARY: Go ahead, dismiss us, please.

Speaker BERGSTROM: Thank you.

Co-Chair O'LEARY: All right. Thanks.

Speaker BERGSTROM: Welcome.

Commissioner FLYNN: Thank you. Let me say, I attended almost every meeting. I think I missed one of the Special Commission meetings, which I found very, very helpful because it's much more interesting to have heard all the dialogue that's behind this recommendation. I think it's helpful.

In terms of some of the comments that have been made, I just want to make one comment. When they talk about merging the assembly and the commissioners, what it means is that it takes the legislative functions of the assembly, although those functions would be handled by fewer people. But it removes all the executive functions from the current county commissioners. So it would reduce in a sense our current role by about 60%, and instead it being the executive, the commissioners would be the policy makers. So the policy makers and the legislative functions of the assembly would be merged together, and all of the executive functions would be held by the county executive.

It's similar to a town in a sense where the legislative functions are really a town meeting, but anyway it does eliminate a layer of county government.

I mean, our budget is only what, \$24,000,000. It's probably less than some of the budgets of the towns on the Cape. But yet the county is able to do a lot with that, and I think the idea is if we are going to move forward and regionalize, we need to have a structure that makes that happen.

When we spoke to the Special Commissioners originally, I remember one of the things I said to them we want to have a strong county government, a county government that has a recurring source of revenue, a sustainable recurring source of revenue and a county that's relevant, and a county that can respond to the needs of the towns; and not have to wait and wait and wait for a process for things to go through.

And I'm not critical of that. I'm just saying technology that is here and coming is going to completely change the way governments operate. It's amazing the technology that is out there for counties. Look up a couple of counties on the internet, and you will see how they are utilizing technologies to really create efficiencies that one would have never thought could ever happen, even

in terms of budget. I mean, there is a technology called Informatics that relates to finances where the creation and the management of a budget are amazing.

And this is already happening. So we are kind of hiding things in a way. But that's not why I'm here, to talk about that. You really want to know what we are really going to do about it. Of course, we know what is in it. I think we agree that wastewater and governance are going to be separate. We can't move forward working on both, us as commissioners working on both.

So I think moving forward on the governance thing, I think it's so important that we work together, the assembly and the commissioner's work together on this. Because in the end, it does go to a referendum and then -- but it first goes to the legislature.

I mentioned this at the Cape selectmen's meeting a couple of weeks ago that if a piece of legislation goes to the legislature and they know that there's conflict around it, that there's two sides or there are people that just don't support it, they are not going to support it. So it's incumbent upon us to really work together and see what we can come up with. Maybe there is some transitional period that might be needed. I am not going to say that now, but here's what I think that we think we would do first.

We would hold two or three public forums on this report. We would get it out to the public, and we would have a public forum on the lower Cape, the mid-Cape, and the upper Cape, and we would encourage a lot of people to participate, and probably this would be a facilitated forum. Because I don't think any one of the three of us are particularly that skilled to have a forum like that. But it could be facilitated, and there are ways to do that. Facilitators also have people like the gentleman next to us who just records everything that is said. So there is never any question about who said what or this is what we agree to do.

But I think if we can work together and come up with something that we can all live with and maybe it has parts to it. I don't know that. I'm not going to speculate on that, but I think the first step is to get community input because we don't have that yet. We have reaction to the wastewater authority out there, if you are on the same email list as I am.

But we want to separate the wastewater. It's already being separated because we have also asked Paul Niedzwiecki and Andy Gottlieb to take this on, and to develop a regional plan and come back to the commissioners by the end of the year with a plan that we can move forward with, and I expect that to happen. That will move on a parallel track. But the commissioners will take on the governance. But we want to work together with you, and we want to start by getting community input on this. I think it will benefit all of us. At least it will help people be more aware of the county, but it will also let people understand. Because there are -- I think many townspeople more and more understand the importance of efficiencies that can be created by regional services. There's no question about that.

Speaker BERGSTROM: Pat, before I open it up to the assembly, are you considering the possibility of getting something on the ballot this coming November?

Commissioner FLYNN: No.

Speaker BERGSTROM: If it doesn't get on the ballot this coming November, and they wait for another two-year cycle, it may be four years before this thing. Because we couldn't -- in other words, you couldn't presume that the offices would change when you put it on the ballot. You have to have people running for the assembly. You'd also have to have people -- you couldn't have people running for two-year offices at the same time.

Commissioner FLYNN: But you're also running this November.

Speaker BERGSTROM: Yeah, but what I'm saying is if the ballot -- if the organizational change is not on the ballot this November and goes two years from now to the 2014, all right, we are not

going to know whether or not it's going to pass. So the people here would be running for an office and then may not -- in other words, you wouldn't be able to ---

Commissioner FLYNN: Well, the same is true for us. I mean, we'd be running for an office but that would probably be easier to deal with because you would just add people to it. Well, I don't know.

Ms. TAYLOR: There's a way.

Commissioner FLYNN: I think there's, you know -- I think we have to educate people about this. I don't think you can just do this and put it on the ballot in November.

Speaker BERGSTROM: Okay.

Commissioner FLYNN: I mean, we can certainly try and work towards that goal, but that's a huge goal. If we really want to gain -- first of all, we have to get together on it, and whether we can do that in April, May, June, July, in five months. I don't know. Sheila.

Commissioner LYONS: To me, it would have to be a commitment of all of us to sort of keep our minds open and work together, and to really see is there a better form of government than what we have, and not just what ourselves, to this is who I am, what I represent.

So I do think that this is an opportunity for the commissioners and the assembly to work in a very open and transparent, but also put ourselves aside and look at -- we are making decisions now that are going to affect the future and the future governance of this place, and we are not going to be sitting in these seats in 10, 15 years.

So it is a government for the people, beyond us, as well. So how can we make this government as it's structured now, we have to wait every week for the executives to come in and review things. There are things that we ask have made available to us that can be put off for another two weeks, it can be put off for a month. So it could be forgotten to be brought back to us, and for us to be on that job every day to be saying where is that information, where is that information, that structure doesn't exist. Some things are very -- government is a slow and laborious process to begin with, and this makes it even slower and more laborious. So can we make this government more nimble, flexible and more responsive to the needs of the region. And I think that that's really the charge here.

I do think that if we are going to enter into a dialogue together, and to try to work this out, a facilitator -- a separate, nonpartisan or an outside facilitator to come in and help us with that conversation, to focus the conversation, would be a very good thing, and maybe, you know, we'd have to bring in legal expertise at certain times if we are doing this.

So these are things that we have to think about, and we would appreciate your thoughts and if you have thoughts about the process, please forward them to us and express those because those are all going to be things that we could consider in the paths of each of you.

The other thing about the wastewater, you know, it's unfortunate the word "authority" just lit up and went into everyone's minds. And I appreciate that the Special Commission to review county governance did put such a strong stake -- I mean they put it really on the far end as an authority. So it could be an authority, but it could be something in between. I think it was mentioned here it could be a federation of townships that come together and say we will work on these.

Speaker BERGSTROM: Called a district.

Commissioner LYONS: Well, its district now, but originally it was put out as -- sure. One way or the other, it's still an entity and that entity might have some regional authority. So what does that mean for me down in Wellfleet and for you up in Falmouth? So, you know, being from the outer Cape, I am very sensitive to those discussions and to those concerns.

I do think that we as a body, as an assembly of delegates, sometimes confuse, are we there to represent the needs of the towns, as opposed to being county representatives reflecting back to the

towns; what it is the county is doing and how those towns can work more regionally together. That isn't always clear in our thinking when we go forward on initiatives, that we are really working on behalf of regional efforts even though we are elected to the county government. And I felt that on the assembly when I served on it, and I feel that now on the county.

And the other point I wanted to make is that I appreciated the assembly and the commission's stake in the ground because it was now the conversation towards solutions, and what are those options. And really that's what the wastewater discussion is bringing. Nothing has been decided, and nothing can be decided unless it goes to the voters, and whatever goes to the voters has to prove that it fixes the problem with the least amount of infrastructure Cape-wide, and it is a savings for the ratepayer Cape-wide.

If it doesn't satisfy those three recommendations, then it's not a good regional plan because the point of a regional plan is to reduce the cost and be more efficient. So that is the goal here. There's been nothing done. We won't be able to have a discussion until we at least receive proposals on a table and then we can all get into our pro, our for, you know, this is good, that is bad.

I did want to just make one -- and this is a personal observation, my own personal feeling about an elected executive as opposed to an appointed executive. And my experience especially in today's climate, there's very few elected people who will stay the course, if it's the right course, if the political winds are against it. And an appointed person might be able to carry that banner in a much more objective way and guide the body that is implementing that policy. And that is my only feeling about having an elected official because if it's political you are never going to get straight, honest policy that is to benefit the region.

Speaker BERGSTROM: Present company accepted.

Commissioner LYONS: Exactly. You know, I try very hard to be honest. Some people don't like it. I get criticized for it, but at least you know how I feel, and I am standing up not just for my own skin, but the skin of those I represent.

Speaker BERGSTROM: Why don't we see about Julie.

Ms. TAYLOR: Well, I think this is useful and I think it's important for the public to understand that any wastewater issues are not going to be dealt with immediately because we do not have the report as yet, either the plan or the possibility of how a plan could be implemented regionally. So that's put off until we hear from Paul and Andy.

I think it's -- I would certainly support the concept that you and we should work together and try to come up with a proposal that is as good as we can make it. There's enough initiative from this Special Commission. They have presented some ideas. We may want those ideas or we may want some modifications of those. It's definitely worth our talking about it, because I don't think something is going to get done unless we can be relatively united.

I also tend to agree that it's unlikely we could get to this to be on the ballot in November when that has to be this summer. Right? I mean, it's possible, but I don't think that if the fact that we may not be able to do that shouldn't mean we should put off the discussion. I think we go ahead with the discussion, and then if we can get it settled well before the next chance to be on the ballot, great. I think we could feel good about that. And so if we are going to have public meetings, I would want it crystal clear that we are only talking about one topic, not all topics. That would be important, I think.

Commissioner FLYNN: Mr. Speaker, I wanted to say there is no dust that will collect on this report. We are not -- if we look at the time lines when you ask the question, I think we're ready to start now on making this happen.

Now, if it were to turn out that we would be ready to go in November, we could go in November. An implementation date could also be included into the legislation. Sometimes those -- sometimes

the implementation dates are too soon, and you can't get them down. I think this is all part of the plan of making this happen. We want to move it forward and move it forward as best we can; gaining the support we need to make it happen. Because we can't move to make it happen if we don't have the support. So we have to work. Both sides get the job done and get the support at the same time.

Commissioner LYONS: I'm just going to have one more thing to say, Leo, before you speak.

You know, the Special Commission on County Governance. Everyone thought they weren't going to be able to do it in a certain amount of time. So they did go over it a little bit. They thought they were going to get it done by the end of the year. It took them two more months, now being presented to us in the third month. But that was an awful lot of work done in a very condensed period of time. They committed themselves to it. Those people who signed up for that task and agreed to do it also committed to it, and they attended and took it very seriously.

I think if we all wanted to commit to that and have something to present to the public, that this is something that we agree on. We have looked at some of the negatives. We have had our food fights between us, and this is something that we think can work. That is the time. If we could file that by June, we could present that and gain public support for it.

But the legislation will only give us the ability to go forward and make those changes. The implementation, as everyone says, and it's overused, but the devil is in the details, and once the blessing has been given from the legislature to go forward and you can make these changes, that's when the role hammering is done out, as far as authority and, you know, the legislative rules and bylaws of the county governance. So those are things that can be taken care once the implementation and that would take another whole round of working together on those.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Just in direct response to that. I disagree with you. I think all that has to be done prior to the filing for the legislation in June because it all has to be incorporated in the charter. You are not going to get the permission, just go ahead and make this change such as being recommended without having all the devils and details worked out. Because that's the stuff that is going to be incorporated in the new charter, and all that language needs to be on the ballot and all that language needs to be approved by the state before it gets on the ballot. And all that needs to be worked out before June. And the last charter change we went through, June 2nd I think was the cutoff date. We had to have everything in writing and correct.

So with that said, one of the statements that you said kind of bothered me a little bit. You said this is not going -- this report is not going to create dust. We are going to move forward with it. Am I to take that that the commissioners agree with the recommendation on the structural change to county government going to seven county commissioners and doing away with the assembly. Is that what you guys agreed to?

Commissioner LYONS: I assume that you mean the process.

Commissioner FLYNN: Since I said it, I guess I better defend what I said. What I meant was this is not going to sit on the shelf in terms of we are going to wait and see how we want to go forward with this. What I'm saying is we are going to discuss the report, which we have not as yet. We received it today. We haven't discussed it yet. So what I'm saying this is going to move forward, I didn't say as is, because their recommendations. The commissioners will get to that point. It's not going to sit there waiting for us to decide what to do with it.

Speaker BERGSTROM: Go ahead, Leo.

Mr. CAKOUNES: Just one more comment, and I think it's basically just for our own edification and kind of thoughts too. You had mentioned you want to send this report out to the public and you want input on the actual report. I'm not too sure if that's really a good thing to do in a sense because -

- I mean I want it out to the public. I want people to certainly read it and take it in, but it's so vague, and it's so kind of -- it's a document that is giving you people, because you people asked for it, the county commissioners, direction to go.

You may want to wait until you get a little bit more agreed on the direction you're going to go so that people actually discuss stuff. Because quite frankly, there's not an awful lot to discuss here. I mean, unfortunately someone said the word "authority" and authority is not even in this document. Okay. It's district. It's a huge difference to the people out there in the public when they hear those two different terms. So I'm not sure, the jury is still out on me personally on whether we should be hearing public forums in response to this document. It certainly should go out to the public. They should be able to read it and get back to us with their inputs on it, but we may want to wait until either we as an assembly come up with some action that we are going to derive from this document or you people, the county commissioners, if you have an end you want to go.

Commissioner FLYNN: Boy, Leo, you're way ahead of me on the details. When I say we are going to send this out, I didn't necessarily mean this whole book.

When we agree as to what the form of government is that we want to support, if we want to support this recommendation, the commissioners, and hopefully the assembly, so that we can get out, we can at least have -- we will have a structure to be able to present to the community. We will have something there that makes -- you know, that conversation of what is in here. People can always have the opportunity to read everything. But we would formulate this public forum based on the core principles that are in this, and then hope to get response from the public on those, not until all the details.

Speaker BERGSTROM: Senator, did you want to say ---

Co-chair RAUSCHENBACH: Well, just one sort of observation. You know, the commission started with a 57-word question on the ballot, and that led to the legislation in the subsequent legislative session which was developed locally and filed regionally, then, you know, worked on by the legislature.

So the notion that you would have for a wastewater district, authority, whatever you want to call it, the whole thing buttoned up, etc., theoretically you can start with the parameters of what you'd like to see, and that would be a measurable deadline. If you wanted to move on that, and I think that is something that you could do by the time lines established for, you know, the next election cycle, which would give you a feel as to whether or not the full monty, the full exposure, the full legislation drafted locally, filed, you know, and whether that's something you want to do. I mean, that was the structure for the commission, the 57-word question. Then in the next legislative session a bill was filed.

Speaker BERGSTROM: Now, I just want to comment. Because I agree with Leo. I have had a lot of these debates. We went through the 20th Century task force and so on to change the commission. If you remember that ultimately resulted in an ordinance that came before the assembly which we voted on. So at some point, even though you take public input on this, you are going to have a document, and somebody is going to have to say yes or no. If you just go out there, people are going to say, well I like this, and I like that. But if you go through a legislative process like we have, you start off with something. You find out whether -- and you stand by it.

This is my personal opinion. You say this is what we're going to do. We'll take it or, you know, tell us whether you like it or not. And then if you find out the people don't like it, and then you amend it with the process. Because if you just take comments at the end of the day, who's going to sit there and say, well, certain people sort of liked this and they sort of didn't -- we'll change this, we'll change that. It has to be a structured process by which you come up with a document and a

proposal which go to the legislature and ultimately to the ballot. And the question is how you are going to do that? Where is it going to come from? Where is that? At the end of the whole public process, you got a document in your hand that's going to go to the legislature. Who's going to say this is it? This is the one we are going to go with. That's the question. And how is it going to get there?

Commissioner LYONS: I think that what Senator Rauschenbach was saying is that you can start with the concept and people agree that we have to do something. There's an environmental problem so we need the commission. And then what is -- that passed, and the structure was created and the details were put into it and that went forward for legislation, and I think what's being suggested is that can happen here. And that's going to have to come between us to have some sort of general consensus that we can agree that this is a good idea, and that this is what we are going to do and then those details are going to be hammered out.

Speaker BERGSTROM: Within the life expectancy of some of the older members of the assembly?

Commissioner LYONS: Well, hopefully within the life expectancy of all of us here and have another 25 years go by.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Just to clarify my comments. Because even with Mr. Doherty not here, we are starting to combine discussions.

My comments had nothing to do with the creation of the wastewater board or anything like that. My comments on the June and having everything ready were on the changing of the county governance, because it was a charter change, and it wouldn't seem logical you would do that in pieces. It would seem more logical to me when you're changing the county government, changing the charter, that you would do it all at once and have everything -- all your i's dotted and your t's crossed but, and I agree with the senator, if you are going down the road, you can certainly do that with a single-page document and see if people want to create districts or a huge authority. That's fine. That certainly can be done and as he explained it's been done in the past. But I don't want to confuse the two topics. Because that's what we seem to be doing here. We should keep them separate.

Speaker BERGSTROM: Well, I'm prepared to discuss this with the assembly and even to take a nonbinding vote to see whether or not it has the support in the assembly, what comments we make, so that maybe we can. I mean, it would behoove the county to go forward as one voice. If we want to make changes to both the legislature and I'm talking about the county, not just us, the people out there too.

Commissioner FLYNN: Right.

Speaker BERGSTROM: But ultimately somebody's going to have to come up with something that's going to be pushed forward, and I think that at least a lot of people around that table worked very hard. Both the chairs. They at least deserve our consideration and our input at some point. So we'll do that as soon as -- I don't know where you guys, sooner or later you're going too.

Commissioner FLYNN: Yes.

Speaker BERGSTROM: You're going to commit yourself to some of this, yes or no.

Commissioner LYONS: We're going to commit ourselves to working on it.

Speaker BERGSTROM: We are prepared to do that.

Commissioner LYONS: Okay. I just -- I think that we are committed to start the process. We are not committed to what's in it. We haven't read it. Nobody has really read it, the whole thing from front to back. So I think that's the first charge we all have. On your side of this -- and ours, and then

if you want to have your discussions of where you agree or disagree, and we have ours, then we can come together and try to hammer that out and really come up with one voice. That would be a great thing.

I think, first of all, we have to read it. I mean, we should put a timetable on it and really read, and not say we kind of read the pieces that we were interested in or we didn't read any of it. Because this is a very important thing, and as I say, it's not really about us sitting here. It's really about our government and our future of this region.

Speaker BERGSTROM: Okay. Anybody have any pressing questions? You've all beaten this to death. Okay.

Ms. ANDREWS: If you don't mind. The first thing I'd like to do, of course, is to get to my Board of Selectmen, to make sure they get a copy and we start having a dialogue. You folks had to, I think, postpone your meeting with the Provincetown selectmen. I was wondering have you set a new date?

Commissioner LYONS: I am not aware of a new date for either Provincetown or Wellfleet. Those were the two -- we have a date for Wellfleet. We'll make sure that Kara Mahoney contacts -- or if you want to relay that. We want to get down there as soon as possible because there are a lot of other things that we will need to discuss.

Ms. ANDREWS: The point I am getting at, because if you're going to be meeting them, I'd like to talk about this, it doesn't make sense for me to meet with them a week before and take up twice as much of their time.

Commissioner LYONS: We can do that together. So let's do that.

Speaker BERGSTROM: Does anybody have any questions for the commissioners that are not related to the subject that we just covered? Anything on the budget or anything? I guess you're off the hook. Done.

Commissioner LYONS: Excellent.

Speaker BERGSTROM: Thank you very much, and we will be following this.

Commissioner LYONS: Thank you. I think we really do look forward to working together on this.

Speaker BERGSTROM: I want to give thanks to the senator and his colleague as co-chairs.

Mr. ANDERSON: Is this in digital form anywhere? I don't want to print this out.

Speaker BERGSTROM: Okay, guys. We are going to reconvene here. There's no Public Officials.

Communications from Members of the Public. Anybody from the public. Okay.

The Assembly will now convene. We will have reports of Committee, and we do not have a quorum of the Finance Committee. Do we have a quorum of the Health and Human Services.

Assembly Convenes

Mr. KANAGA: It appears that we do.

Speaker BERGSTROM: Okay. Well, in that case you are going to have to approve your minutes. Who's the chair?

Mr. KANAGA: Yes. We'd like to get a motion. I think we've got a majority here to vote on the minutes as presented in your packages. Our recommendation is to the full assembly.

Mr. PILCHER: So moved.

Ms. TAYLOR: Second.

Mr. KANAGA: All in favor.

Speaker BERGSTROM: Okay. You all set, Mr. Chairman?

Mr. KANAGA: Do you want a report?

Speaker BERGSTROM: No. Okay.

Mr. KANAGA: Briefly, I'll tell you anyway. Because Leo wants it. I am in a sharing mood. Basically, these are all level funded with no new positions as stated in many of the hearings, and we did -- we voted in favor of all of them with the proviso that basically I think we all felt that Human Services and the type of economy we've been experiencing are more important even than they are usually. And that if it becomes apparent that more money is available, we'd like this to be one of the first places looked, and if less money is available, we'd like this to be one of the last places held up for cuts, because there are some things, with Children's Cove particularly, and the Human Services that they requested, and that are currently trying to be funded by donations and other ways that are really necessary that were not approved by the commissioners and are not in the budget.

Speaker BERGSTROM: As usual, we will have a meeting of the chairs -- with the Finance Committee; I have the assurances of the Chairman of the Finance Committee that they will seriously consider all of the recommendations from the committees and incorporate that into their report and final recommendations. So, thank you.

Do we have a report from the Clerk?

Clerk O'CONNELL: Nothing to report.

Other Business

Speaker BERGSTROM: Do we have any other business? John.

Mr. OHMAN: I know that I received an email from the Ethics, SFI, and the start of SFI. I just want to alert everybody in the assembly that has to be done on time.

Speaker BERGSTROM: Yes. By May 1st?

Mr. KANAGA: Thirty days after you received it.

Mr. OHMAN: You need a printout and a receipt of file.

Speaker BERGSTROM: Any other business? Hearing none.

Mr. ANDERSON: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor say "aye". Opposed.

Whereupon, it was moved, seconded and voted to adjourn the Assembly of Delegates at 5:40 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates