

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – March 6, 2013

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

I'd like to call this meeting to order. Is it being recorded? It is not being recorded except by our usual recording service.

So, we will now start 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.)

The Clerk will call the roll.

Roll Call (97.27%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

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

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 97.27 percent of the Delegates present and 2.73 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

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

Deputy Speaker MARTIN: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. Any further discussion? Hearing none. All those in favor, say "Aye". "Opposed"?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of February 20, 2013.

Are there any additions or corrections to the Journal?

Hearing none. I need a motion to accept the Journal.

Deputy Speaker MARTIN: So moved.

Speaker BERGSTROM: Second?

Ms. KING: Second.

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

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. I see we have a representative in the Board of Regional Commissioners. Welcome, Ms. Lyons.

Commissioner LYONS: Good afternoon, everyone. I apologize for my fellow Commissioners. Bill just got in from Washington. He was representing us at the NACO Conference and he's very tired, so he wanted to see his wife that he hasn't seen for a few days. And Pat has been here at various meetings since eight. So she, too, was somewhat done.

So here I am; lucky us. And I just wanted to report that today we were -- well, first, we had a report from AmeriCorps kids; they requested to come before us -- kids, we shouldn't say, the young adults.

And they normally have their AmeriCorps week in May because that is the time of sunshine and outdoor projects, and they can partner with towns and really make it a visible inclusive week. But the national AmeriCorps Week is next week.

So, to be in line with their national office, they are going to be doing some special events next week. So I want to bring people's attention to the resource development office's website, which they can access through BarnstableCounty.org and then go to Departments, and go down to Resource Department for the Community Calendar of Events.

But they will be doing some outreach to their various spots that they did do work, you know, like Brady Farm. They did work there one year, so there's various events they're going to be holding at various towns that they had already done work and sort of revisited the work they did and discuss AmeriCorps.

There's going to be a Canal cleanup in April and also a green week in April. So that's going to be their official kickoff. But for the Delegate in Orleans, who's not here, but I'm sure he'll get it before April, and for any -- all of you and those on the outer Cape, there will be lots going on in Orleans as far as really great projects that they're working on. And the greening of the elementary school and that sort of thing, and maybe you should have them, and they can give you that update.

They also just discussed they wanted to discuss their input to the Nemo response and the work that they did. And I just want to say that 21 members from the Bourne, Wells, and Le Hac houses, which I believe is out in Wellfleet, they served a total of 1,500 hours at three shelters. So that's 21 of them doing 1,500 hours over a 4 day period.

So you can see that if we didn't have them, we would have been really in trouble in this last storm because many of the identified volunteers that were supposedly going to be available to reach were away. They were snowbirds, unfortunately.

So that was the lesson learned from Nemo. And I just wanted to give them our thanks and applause for stepping forward and helping out during that time.

Again, it's another resource that we're very lucky to have here on Cape Cod. All towns benefit from it, and the County benefits from it as well. So they're at our disposal at all times. And I just wanted to thank them for their hard work on top of hopefully having a wonderful experience.

The other thing I just wanted to mention is that today we took an opportunity -- we've been subject to a couple of Open Meeting Law complaints and I know you have been too. So we are determined to get this to be very correct and open and transparent and logical for the public to understand what it is we're doing, listening to, acting on, or considering.

And I know that we share sort of similar agendas and maybe some similar complaints, so we have

taken a look at several towns' agendas, the ones that seem very transparent and conclusive.

We're going to be putting together a couple of drafts, but we'd like to invite Jan, if she wants to come over, and Ron, if you would like to as well, to the next meeting because we are going to be talking about it in a more formal way.

Today was sort of looking at ideas. We're going to kind of put together what's a good template, and if we agree on it and your input would be good because I think it would help both bodies satisfy the public.

So I'm here to invite you to that and, hopefully, Mark will get that message too, it will all get on the agenda, and we'll all be there.

But it's very frustrating because we make changes, we try to comply, and, of course, somebody -- we're missing something somewhere. And it's not that we're trying to do that on purpose. It's just very complex it seems. I mean, it shouldn't be -- maybe we're over thinking it.

However, there's very good examples out there, and there's some good things, and several that we could incorporate into one. And the towns being a little bit different than County government, we can consider those things as well, and that's where your expertise or input would be helpful, Jan.

So that is really what we did today and what we've been doing. I have done various things over the week. Department of Human Services had their Aging and Disabilities Forum, which had over 200 people attending at the Cape Codder last Friday. It was very successful. We had all members from the state helping the public become more informed as to how the changes in healthcare law is going to be affecting especially our seniors.

And, also, I attended Eastham's -- I know Teresa was there as well -- Eastham's water meeting and that was just out of general interest since I'm right next door. And I know that Eastham is struggling with that and as is its residents.

Hopefully Dan Wolf's comments will be -- Senator Dan Wolf's comments will be posted because it was very good food for thought.

However, that's all I have to report, and if there's anything I can answer?

Speaker BERGSTROM: Does anybody have any questions for Sheila? Yes, Leo.

Mr. CAKOUNES: When you do your deliberation on the agenda, could you also just consider the information that the Commissioners are reviewing in front of them during that day that that information is made available to the public?

Numerous times I've gone to meetings, and I won't say any one in particular, but they'll have stuff in front of them that they're deliberating and talking about, and the members of the audience don't get a chance and aren't privy to that information.

So, I think that's a habit that we should be looking into, making sure that all the information that we have is available to the people, whether it be through a packet email or whether it be at least available on the table for people as they come in. Thanks.

COMMISSIONER LYONS: That point was brought up and it's a good one, and it's one that we half-meet sometimes and don't meet at all other times.

And I know that the same is probably true here. You have to sort of anticipate who's going to come, what documents should be available for people, and it's a good point, and it really doesn't help anybody if they don't have those materials. And we would like it ahead of time even for our deliberations. So there are some policies we want to be able to put in place and be able to post those.

But, thank you, and Harwich is one of those town agendas that we're closely looking at.

Speaker BERGSTROM: John, did you have something.

Mr. OHMAN: Yes, thank you, Mr. Speaker. Sheila, our Clerk has brought up what I think is a brilliant suggestion about putting our agendas online so they're all posted exactly at the same time, and that they would then, therefore, be less able to be attacked for time posted and such.

Have Commissioners has thought about that or gone to counsel and found out if there's a ruling that we have to go through to make sure that that could happen?

COMMISSIONER LYONS: You know, to me this is all about just setting it in policy. We say these things that we're going to do and they're practiced and they're sort of spoken and then not really implemented. And then not really implemented or they're sort of implemented as I say and in a half-baked way.

So, I think this is where we really want to put this -- this is the procedure, this is what has to be available for public before the meeting, this is the time frame that we want these items in by to be compliant.

I noticed -- we both noticed finally -- it was quite comical because we kept looking at Harwich's and I've seen the very fine print, but they do have an asterisk there where you can actually have a conversation that's not necessarily on the agenda but it's sort of an open.

So there's different ways you can be allowing thoughts, suggestions, comments going forward to the next week as well.

But I think that posting them -- we post ours; you post yours. Some of this is also web designed. You have to go and look for it. It should be, smack, right in front of you when you bring up that Web site.

And that's very good input. So you can come to our meeting too John, or send those comments forward. They would be appreciated.

Speaker BERGSTROM: Okay. Yes, Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. I guess this is the topic du jour.

I've got a constituent complaint about the fact that the Commissioners were having a number of their meetings not where you usually do, that you were meeting in another town.

Commissioner LYONS: Uh-huh.

Ms. ANDREWS: And that they weren't videotaped.

COMMISSIONER LYONS: That's true.

Ms. ANDREWS: So I guess my question is why are the Commissioners meeting out of town and not in the usual room?

COMMISSIONER LYONS: This is our strategic planning. We are going through strategy sessions. We have a moderator or mediator working with us, and we're really just trying to put together our plan of goals and what we see are important issues for the County going forward and how would we lay that out.

And this is something that we're allowed to do. Four years ago we did this with department heads, and we were able to go to Highfield Hall and we had a two-day session of really just brainstorming with departments, you know, what do you do; how do you do it; how could we do it better, and how do we work together to accomplish the goals that we see in the future.

So it's really a working session. It is an open meeting. We have had members of the League observe it. And there was another meeting that was attended by a member of the public.

However, they're open meetings. They're working meetings. They're deliberation that isn't set in stone. It's really just being able to have more of an open discussion.

Ms. ANDREWS: I guess I'm confused. Open discussion; it's either a public meeting or it's not.

Commissioner LYONS: It's an open meeting. It's not for public participation.

Ms. ANDREWS: Right.

Commissioner LYONS: It's a working meeting for us, but it doesn't mean that we can bar anybody from coming into the room.

Ms. ANDREWS: Okay. So what's the reason of not doing it in your regular meeting room?

COMMISSIONER LYONS: It's just a little bit more convenient to be away from where it is you are, to be able to think, and to be able to process and brainstorm. It's just really a working session.

Have you ever had those with Boards of Selectmen were you sort of get together and have strategy sessions and strategic plannings?

Ms. ANDREWS: Never. Absolutely not.

COMMISSIONER LYONS: Oh, okay.

Speaker BERGSTROM: Sheila, I've got two things for you. One is I had a brief discussion at her request with Carol Ridley, who I understand is empowered by the Commissioners to look into organization of County government and the recommendations of the Special Commission.

And I know she talked to another member, I think it was Julia, but it's come to my -- in reviewing this, I don't know that the rest of the members of the Assembly or the public is aware that you guys -- I don't know. Did you form -- I don't remember getting a formal notice or communication that you've done this.

COMMISSIONER LYONS: This is a strategic planning that's coming from the County -- from the County Commissioners. It's the Commissioners' plan.

Speaker BERGSTROM: Right.

COMMISSIONER LYONS: It's not the Assembly's plan; it's not the public's plan. It's really our vision of what --

Speaker BERGSTROM: It's not a stealth plan either.

COMMISSIONER LYONS: And it's not a stealth plan. And Carol Ridley is the person that we are having facilitated this with us. So we've instructed her to make herself available and to ask questions and to ask certain people. I know that she's gone through a certain round with some department heads and with Julie. And there are other people from the Assembly I think that she's going to be contacting.

And just to help us, you know, we moving forward. We really want to do things right for the future. So it's not just us saying this is the way it is and we're right and you know here it is whether you like it or not. We're really trying to get input and guidance.

But in the end, it will be the Commissioner's strategy plan for the future. It's really a five-year whole plan of how we envision where we're going. It's a strategic plan, and the layout of how we're going to achieve that and what we hope to accomplish each year.

Speaker BERGSTROM: All right. I know Carol Ridley. I think she's an excellent choice. She's sort of a neighbor and she lives very close to where I live. She's done a lot of things.

COMMISSIONER LYONS: And she's being very, very good in this process.

Speaker BERGSTROM: I'm going to go to Leo in a minute, but I've got one more quick question for you is that it came to my attention that at some point the Commissioners had asked the County Administrator to send an Ordinance over or a request to the Assembly to form a Charter Review Committee. And hearing that through the grapevine, I kind of said, okay, well, we'll sit on this and we'll wait to hear from the august Commissioners.

Commissioner LYONS: Yes.

Speaker BERGSTROM: But so far nothing.

COMMISSIONER LYONS: And you know that's very disappointing to me as well. I think it was

something that was put aside that we would even really discuss it maybe even at -- (Indiscernible) came up at strategic planning, and, as you well know, Mark isn't here today.

Speaker BERGSTROM: Yes, we know that.

COMMISSIONER LYONS: And so it didn't happen. And I'm sort of disappointed too because I think that should have been here at least by today.

Speaker BERGSTROM: Just to say, we don't actually need your formal request to do that anyway.

Commissioner LYONS: Right.

Speaker BERGSTROM: So now we know at least we're on the same page.

COMMISSIONER LYONS: We're on board.

Speaker BERGSTROM: Okay. You're on the same page.

Leo, do you have something to follow up on?

Mr. CAKOUNES: Yes. Thank you, Mr. Speaker. In regards to Ms. Ridley, is this an appointed position? Is she being paid for this?

COMMISSIONER LYONS: Yes. She's paid. She's a consultant. We put out an RFP, and she was the person that was chosen.

Mr. CAKOUNES: And when was she actually hired? Months?

COMMISSIONER LYONS: I would say, you know, six weeks ago, maybe two months ago.

Mr. CAKOUNES: Thank you.

Commissioner LYONS: Don't hold me to that. I might be wrong. Time is --

Mr. CAKOUNES: In the ballpark.

Commissioner LYONS: Yes.

Speaker BERGSTROM: Anything else for the representative of the County Commissioners? Well, thank you, very much.

COMMISSIONER LYONS: Well, thank you, and it's very nice seeing everyone.

Speaker BERGSTROM: Okay. Moving right along. Do we have any Communications from Public Officials? Hearing none.

Communications from Members of the Public

Speaker BERGSTROM: Do we have any Communications from Members of the Public?

I see a member of the public.

Mr. JIM ROGERS: Jim Rogers, Sandwich. I was glad that Sheila used the phrase at one point "What is missing" because that is why I'm here today.

I'm still concerned about the missing financial documents that the Assembly requested from CVEC.

I watched the Commissioners' meeting of a week ago with great interest because there were three things that I took away from it. One was a plea for respect from the Assembly from the Commissioners and from the Commissioners from the Assembly.

A second was a desire for complete information, complete financial information from the proper officials.

And the third was that this be done in a timely manner.

So these three aspects of respect, complete information, timely manner, that's what I'm concerned about too.

If I go to my Town Hall looking for information, I get that in a day from Bud Dunham. There's no

delay. There's no prevarication. I'm looking for the same thing from CVEC, and I'm looking for some help from the Assembly.

I think that's what you should be looking for too. You've made a reasonable, unanimous request for financial documents from CVEC, and silence from them just cannot be the acceptable answer.

I'm asking you to follow through on the unanimous Resolution. Won't you please discuss this matter today under "Other Business."

Thank you for your time.

Speaker BERGSTROM: Thank you. Are there any other members of the public who wish to address the Assembly? Hearing none.

Assembly Convenes

Speaker BERGSTROM: Okay. The Assembly will now convene, and we will begin with the report and a vote on Proposed Ordinance 13-01. And I guess this goes to John.

Committee Reports:

Mr. OHMAN: Thank you, Mr. Speaker. We held a Public Hearing on Proposed Ordinance 13-01 to add to the County Government 2013 Budget a number of items from two different statutory reserves.

One was from the Capital Improvement Reserves for \$224,885 for a generator, lab furnishing casework and second-floor finishing for a total of 224,885.

What was explained to us -- what happened was we started this on the 20th of February -- 13th of February, and we continued it to the 20th -- 27th of February because Mark Zielinski was not able to tell us exactly why this was coming out of Reserves and actually depleting, you know, emptying the funds.

He thought that this was the best way to do this -- first of all, the reason we need this is because of the former Facilities Department Head had thought he could reuse the equipment from the basement of the Superior Courthouse. And when it was rethought under the new auspices of the now Interim Facilities Department Head, it would be more expensive and less useful to take that stuff out of the basement and used in a brand-new building. So they have the funds for that.

I know this has been a serious cost overrun, and there is some concern on the Assembly regarding that, but that was the answer we got.

And the second part of that is because we have the money available for that reason is the reason we did not go out and bond it and borrow money to complete that project.

The second half came from the Statutory Reserves in the amount of 269,305. And, once again, it was to add to -- to finish off the project, the exterior paving and lights, first-floor finishing, second-floor finishing, tile and flooring.

I happen to take a tour of it. What they had done is not only run into cost overruns but they've also expanded the project to include two other departments; the Health and Human Services is going to go over there; Beth Albert's group and the County Dredge are going to go over there too.

And they decided to finish the project in one shot and save money and time and expense and less disruption to the project by doing it all at one time. I thought it was a good idea.

So, after that extensive thought process and Mr. Heufelder weighed in on it as well, the Committee voted 5 to 0 to forward it favorably to the Assembly. And, therefore, I do ask that you to that right now. I would move that forward. Thank you.

Speaker BERGSTROM: Okay. Do I have a second on that?

Mr. PRINCI: Second.

Speaker BERGSTROM: Okay. Is there any discussion on this? Do we understand what we're voting on here? Leo.

Mr. CAKOUNES: Just so I understand the process correctly here, we just got the report of the Standing Committee from the Finance on Proposed Ordinance 13-01. Are we now voting on the Proposed Ordinance?

Speaker BERGSTROM: Yes, we are.

Mr. CAKOUNES: As the Assembly of the whole. Okay.

Speaker BERGSTROM: There's a motion on the table.

Mr. CAKOUNES: There's a motion on the table. I have some comments; do you want to wait?

Speaker BERGSTROM: I think you should comment before we vote, Leo. It's much more effective.

Mr. CAKOUNES: I was on the Finance Committee. I had problems with the fact that we are spending both of these funds that we're moving the monies from down to a zero balance.

This project started out at a million-dollar project and has now escalated into probably closer to a \$2 million project for sake of putting down nickels and dimes. It's going to be well over a million eight anyhow.

If I had known at the beginning, I think if any of us had anticipated at the beginning that this was going to be of this kind of value, we would've anticipated or I think the correct thing would have been done -- that should have been done would have been to bond the entire project as a single one-time bond issue.

I'm a little concerned that both these supplemental funds that we're taking them from are going to be a zero balance, but Mark doesn't seem to be concerned about it.

Probably I'm still bothered by doing it this way. I do want to move forward, and I will be voting for it because I think not voting for it and not doing it would be a larger detriment both financially and probably to the finishing of the project and moving up there.

And one other thing I would like to add too is it needs to be realized is that this facility is going to end up being a lot more than it was originally anticipated also. We are now, in fact, finishing a second floor section of the balcony, if you will, mezzanine in the gymnasium.

So a lot more is being done for the more money that we're spending too. It's not just unforeseen overruns. So, reluctantly, I will be supporting this.

Speaker BERGSTROM: Okay. Julia.

Ms. TAYLOR: To add to that, it's less of a question of a cost overrun that remember -- and I had forgotten this, but when I was reminded I did remember. There was the hope that we could start the project under a certain amount because then the Facilities Department could act as the general contractor and that's a tremendous savings.

Whereas, under various state labor laws, if you are starting a project at a certain number, you're going to have to have an outside general contractor. So there was always this hope that we would do it in these increments that didn't exceed that requirement. And so that's one reason it has been done in two different amounts.

Speaker BERGSTROM: Okay. Yes, Cheryl.

Ms. ANDREWS: Thank you. I thank you, Leo, for mentioning it because it did seem like we jumped from the report to the actual vote and I was confused as well.

In your report, John, then is it a 5-0 vote from the Finance Committee to recommend this?

Mr. OHMAN: It was 5-0.

Ms. ANDREWS: Thank you.

Speaker BERGSTROM: Pat.

Mr. PRINCI: I have a quick question. So you had said that the Health Department -- it's not entirely moving out; is it?

Mr. CAKOUNES: No.

Mr. PRINCI: So they're going to still be utilizing that space down there? It's not going to be --

Mr. OHMAN: No. Not only the Health Department's entirely moving up to the former jail's gymnasium, but also the Human Services Department, Beth Albert's group, and the Dredge is also moving up there.

So they decided to finish the whole project at one time causing far less disruption of service. And some of the things that I thought were actually well thought out, albeit at a higher cost, was there's going to be stunning improvements in equipment upgrades and doing water quality studies that are desperately needed, especially in the town of Eastham. I know what they're doing.

But in every town, there's going to be study stuff that we've had to farm out before. And the \$68,000 generator is there because without it, there's no maintenance or integrity of the sampling. So they've decided to put that in and not reuse one that was being used before in another part of the jail.

So what they've done is, well, rethought the project as they went along and added cost and quality to the project.

Mr. PRINCI: I just have one quick follow-up question.

Speaker BERGSTROM: Sure.

Mr. PRINCI: Will that space then, in turn, be utilized by another kind of department or possibly leased out?

Mr. OHMAN: That's a great question actually. Thank you, Representative Princi. Yes. What's going to happen from the best of my understanding is that that will now be released to the state and we will get income from the basement floor of the Superior Courthouse.

And to the best of my understanding, and I could be corrected, but to the best of my understanding, the State will pay for that, will pay for the upgrades and the conversion back to being used by the Superior Courthouse. They definitely need the space and it will be used by them. We will get enhanced revenue albeit back-loaded by about a year behind.

Speaker BERGSTROM: Okay. Leo.

Mr. OHMAN: Did that answer your question, Pat?

Mr. PRINCI: Yes, it did.

Mr. CAKOUNES: To my best understanding though, we do, in fact, rent that space to the Board of Health who's now presently in. The State will pay for the renovations but we're going to have to do it because we own the building. So be prepared you'll be seeing some documents.

I just want to make everybody aware that the State's not just going to lease it from us and come in and do all the renovations themselves. I think it's going to begin the actual lease itself, because that was one of the questions I asked too. We will be reimbursed for the renovations that we do.

I think this is being considered as a proposed hold jail cell area for people that are coming in to go to court.

The other thing I just want to mention is that maybe the misunderstanding with moving some of the furniture; the space is five times bigger than what we presently have right now.

So the counters, if you will, down in the present lab will be moved up there, but they're only going to fill a fraction of the area. And that's what we were discussing about how some of the stuff that's down there now physically will be used but it's such a large area, there's a lot more counter space that's going to have to be made.

Speaker BERGSTROM: Pat.

Mr. PRINCI: I'd just like to disclose something.

Speaker BERGSTROM: Sure.

Mr. PRINCI: I do work for the State, and this potential vote could possibly involve the State in one way or another. So, therefore, I'll be recusing myself from this vote.

Proposed Ordinance 13-01

Speaker BERGSTROM: Okay. I'd just like to say that I personally sympathize with Leo's attitude because coming from the municipal finance background, going through 12 budgets in Chatham, I always thought that most capital projects should not be paid for out of money set aside.

But this money -- my remembrance of this money was specifically set aside for this project. Mark has said that starting with this budget cycle, he's going to replenish a fund for the County -- call it a Rainy Day Fund or -- but it's a fund available for unanticipated expenses up to a certain point.

That brings up a bigger subject which you're going to have to discuss in the context of the budget process, maybe not even this year, maybe next year, which is how the County treats capital projects because we really shouldn't borrow. In other words, you shouldn't see it on the balance sheet when you're looking at a budget, an operating budget.

But that's another argument for another day. I think that as Leo and John said this is a good project. We've anticipated doing it for years. It ran over budget, big surprise, so now we're going to go ahead.

So, with that? Anybody else? Okay. We'll take a vote.

Roll Call Vote on Proposed Ordinance 13-01: To add to the County's operating budget for Fiscal Year 2013, as enacted in Ordinance No. 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Voting YES (76.35%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Voting PRESENT (20.92%): Patrick Princi (20.92% - Barnstable).

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

Ms. O'CONNELL: Mr. Speaker, Proposed Ordinance 13-01 passes with 76.35 percent of the Delegates voting "yes", 20.92 percent of the Delegates voting "present", and 2.73 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 76.35% voting yes, 20.92% vote present, and 2.73 % absent: VOTED to adopt Proposed Ordinance 13-01: To add to the County's operating budget for Fiscal Year 2013, as enacted in Ordinance No. 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Speaker BERGSTROM: Okay. Thank you. We now move on to Standing Committee Minutes. First, the Standing Committee on Economic Affairs. Teresa.

Committee Minutes

Deputy Speaker MARTIN: Yes. The Standing Committee on Economic Affairs met on February 27 to review the budget of the Art Foundation and to hear presentation from the Economic Department Component of the Commission budget.

I think materials from that circulated to everybody, so everyone has its background as well.

The Committee voted to support the Arts Foundation Budget as presented, and to do the same for the Cape Cod Commission portion of it even though we actually have no say over it but it was important to hear what they were doing. And it was unanimous in both occasions.

Speaker BERGSTROM: Okay. Thank you. Do we need --

Clerk O'CONNELL: Did the Committee approve --

Deputy Speaker MARTIN: Just the Committee members.

Ms. KING: So I'll make a motion for the Economic Affairs Committee to vote on the minutes as written.

Ms. MCAULIFFE: Second.

Deputy Speaker MARTIN: All in favor?

(Minutes approved).

Speaker BERGSTROM: And I think we have another report from the Standing Committee on Natural Resources.

Ms. TAYLOR: Yes. We met, that was me, Cheryl, Leo and Ned, we met on February 27, and we heard from the Cape Cod Commission from Paul Niedzwiecki and Gail Coyne their major amount of money is not coming from the County finances. It's coming from their grants and from their tax.

And so that was approved 4 to nothing. A separate part of the budget though this year is the so-called joint initiatives that the County and the Commission are going to carry out together, particularly in terms of spending the money. So the County is going to contribute to the strategic information.

And also the strategies that are going to be used by the Commission and the County to promote regional services that have to do with the new fiber optic network, the RUSS-type of operations.

This will probably be based in the Commission and so there won't be any sort of lack of understanding of who's running the show, but it's a good way to have the money to be spent together.

Leo was the only one who wanted to be able to reconsider his position in case we see all the budget figures and want to make some changes.

We also met with Bill Clark from the Extension Service. There weren't any significant changes. The new truck that he needs will be part of the new system that the County is instituting of a vehicle plan where you will make money available every year for different vehicles that will move along.

George Heufelder met to talk about health and environment. His budget does include two new lab assistant positions because we now have the equipment that can do that -- do additional work but there's

no point in having the equipment if you don't have the people to do the work.

His plan is still to have all of this self-sustaining within five years, and I think he's very serious about that and will continue to be working towards that.

Emergency Planning has now become a separate cost center and it is looking for a new emergency planning assistant. That was voted 4 to nothing in favor of the 2 and a half million dollars request.

Andrew Gottlieb came and spoke about the Water Protection Collaborative. He is looking for an additional -- he was looking for an additional 200,000, but the Commissioners only put a hundred thousand in there.

One of those projects then that will be fully funded will be the Wellfleet Oyster Project because there is the hope that oysters can decrease nitrogen loading. And before towns go too far down that road, its hope is to really test that.

If it tests out pretty well, it's quite likely that the State and the Federal government will become interested in this and we might get our money back and more so. So that was also -- so that's a total then of \$402,000.

The other part of that money is not -- the oysters will be to continue the kind of financial help and technical help on wastewater planning that the Collaborative has been offering to the towns, which they seem quite eager to have.

So, once again, Leo wanted to point out that this is not his last thought on all of these issues because there could be other budget considerations once we get the whole budget under our belt. But at the moment, it was a 4-0 vote.

Leo, did you have an Amendment to the Minutes that you wanted to propose?

Mr. CAKOUNES: I do have an Amendment to the Minutes. Do you want to do that --

Ms. TAYLOR: Well, okay. So I will move that we approve the Minutes and if someone could second that.

Ms. ANDREWS: I'll second it for discussion.

Ms. TAYLOR: Okay.

Mr. CAKOUNES: I have a proposed Amendment on the very first page under the "Cooperative Extension Service," the very last line reads, "A few items include a new copier were inadvertently left out of the budget and will be handled in FY 13."

My proposed Amendment would be, "A few items include a new copier, possible lease, and \$3,500 in the Sharps Program" were inadvertently left out of the budget and will be brought -- will be handled in the FY 14 budget with supplemental amendments.

So with that Amendment, I move the Amendment.

Ms. TAYLOR: And, Cheryl, you also had an --

Ms. ANDREWS: Yes. Under discussion, I did abstain on the joint initiatives. It's listed as 3-0-1 but my name is missing. So if you'd just list my last name there so you know that was me.

Clerk O'CONNELL: I'm sorry; could you repeat that please, Cheryl.

Ms. TAYLOR: The 3-1 is she abstained and that's not clear.

Clerk O'CONNELL: Which motion are you referring to?

Ms. TAYLOR: On the Cape Cod Commission joint initiatives.

Clerk O'CONNELL: Okay. It says, "Motion carried 3-0-1" that's the one you're referring to?

Ms. ANDREWS: Yes. Just put my name in parentheses and then they know who the one is.

Clerk O'CONNELL: Okay.

Ms. TAYLOR: All right. Are we all happy now?

Mr. CAKOUNES: Yep.

Ms. TAYLOR: Good. All in favor? Okay. We're good.

Mr. CAKOUNES: Thank you.

(Minutes approved).

Speaker BERGSTROM: Okay. We now have a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Thank you. I just want to remind everyone that a committee meeting next will take place with Finance next Wednesday on the items that they are reviewing for the fiscal year 2014 budget.

Ms. TAYLOR: And what time is that?

Clerk O'CONNELL: I think it starts at two, I think.

Ms. ANDREWS: Yeah, it does.

Clerk O'CONNELL: Also, I wanted to point out that I did send to everyone a copy of the Executive Summary that you had not received with the initial budget package that was brought over by the Commissioners, so that was part of an email that I sent to you in your meeting packets. You should all have that.

I also want to let everyone know that I took the opportunity to send a condolence card on behalf of the Assembly of Delegates to Attorney Robert Troy on the passing of his mother last week.

And I also want to let everyone know that the replicas that we received at Christmas time of the Constitution and the Declaration of Independence, the Articles have been framed and are on the wall as you head towards my office. That's where they are.

And that's it. That's all I have.

Other Business

Speaker BERGSTROM: Okay. Under "Other Business," I'll start with under "Other Business," I sent a letter, a follow-up letter to Mr. Zielinski on the request for the CVEC, the financials, on Monday.

I apologize for not copying the entire Assembly, but I had it in my head that I was going to review the letter before I sent it out, but it turns out I just asked Janice to sent it out. So it's basically a follow-up asking for the same information we asked for in the first place. I can make a copy available to you after the meeting.

If you want a hardcopy, I can send you a copy just as to quote part of it is says, "It would be helpful to please advise me on the status of this request in writing prior to the Assembly meeting scheduled for March 20, 2013. I ask these documents be submitted to the Assembly Clerk via email or copied to a CD, USB flash drive, or other storage media in the format specified below." And then it simply repeats the request of the last time we sent it.

I'll have to look into the Freedom of Information Act as to who the custodian of the records are because even though Mark probably wanted to talk to the president of CVEC, in a request for public information, you would think it would be the record custodian who would be responsible, who has them, who physically keeps the record which would be the treasurer.

So he's not here. He's hiding in the Appalachian Trail or something, I think. No, he actually has a meeting dealing with the Barnstable County Retirement Association, which he chairs, for a few days but

as soon as he gets back, I'm sure he'll respond to this request. Did you all understand that?

Okay. Next is the discussion regarding the Assembly review scheduled for proposed fiscal year 2014 budget. I know that you probably have this down pat already, but Janice and I had a discussion working back from the worst possible scenario and we discussed that.

Janice, do you want to go over it? Do you have it written down here somewhere?

Clerk O'CONNELL: Well, I don't have it written down, but my recollection is that you know that we're trying to keep a very tight schedule. And with very little flexibility in terms of when we have the public hearing, I have to give the public a weeks' notice.

Right now, it's scheduled on the master schedule for April 17. And that's not to say that we couldn't have it on the 10th, but I have to probably move up the meeting with the chairs of the committees to March 27, which is an off-Assembly meeting week.

And I only bring this to your attention because should there be the necessity to go through the reconciliation process, it becomes a very, very, as you can see according to the list of dates and times that you must maintain for these things to take place, you're going to be busy every single week from the middle of April through the end of May in order for it to happen in a timely manner.

So, that was the intention of the Speaker was to bring that to your attention and make sure that you're aware of what might be necessary if we have to go through that process.

Speaker BERGSTROM: Yeah, I just wanted to reiterate that I know this -- unfortunately, because of the inavailability or nonavailability of staff members. And I've sat on some of these committees in the past, it's often tempting, you know when it comes to 4 o'clock and you haven't come to a decision to say, "Well, you know, we're just going to have to continue this meeting at a later date." But that creates enormous problems for the Clerk because a lot of people are on different committees and so on.

So I know that everybody understands the process, but I thought I'd reiterate that we have in the past gone through a reconciliation process. Julia, were you on that?

Ms. TAYLOR: Oh yes. But a lot of us remember that, but it wasn't that bad -- it was not bad, and I'm not anticipating that kind of problem.

Speaker BERGSTROM: I'm not anticipating -- I'm not saying it's a bad process but should -- what happens is if we do go into it, then all of a sudden certain steps have to be taken and the committees and so on meet.

So, it's something to be considered when you try to bring this to a close, although I don't want to rush the Assembly. I think we should take all the time in the world but we don't have all the time in the world.

Do you guys all understand the process we're going through now? Leo.

Mr. CAKOUNES: At some point before we actually take a vote on the end of the budget in its entirety though, I would like to ask Mark to come. I have some question on the revenue side of the budget. I think the expenses sides are pretty self-explanatory and I've been able to muddle through those, and we can certainly ask the Department heads about the expense side of it.

I had some questions on the revenue side that I would like the opportunity before we vote the entire budget to review.

Speaker BERGSTROM: In the Commissioner's meeting of a week ago, he said he would make himself available on the 20th. I had Janice send him a request, a formal request today or yesterday or within the last few days, and he hasn't responded, but, of course, he's not in his office.

So I will anticipate that he will be here two weeks from today. So, okay.

The next is a discussion on the future Charter Review Committee. You heard me mention this to

Commissioner Lyons.

I had a brief, very casual conversation with Sarah Peake at a campaign event. She is now the chair of the committee that would be looking at this should some of the recommendations go to a ballot. And she suggested we get it to her ASAP, which isn't going to happen, but I think that the point is that I'm wondering if there's any opinion of the Assembly on this? Are we going to go forward on it? Yes.

Ms. KING: I just have a question. What do you mean by ASAP for what, for the ballot next year or what?

Speaker BERGSTROM: Working backwards from the 2014 bi-annual election, okay. You have to -- the recommendations have to be made according to the Charter 150 days before the election, which bring us to let's say next June.

But she seemed to think that the Bill has to be filed that goes from committee and to the legislature conserving before that.

And then the report of the committee to -- the report of any committee to the Assembly has to be made no less -- no more than 100 days from the appointment of the committee. So there's a lot of little timeframes in here, but I mean I got the impression that we should start the process pretty soon. Yes, Teresa.

Deputy Speaker MARTIN: Not surprisingly, I think if you remember the last time we did this committee, the committee felt it should have just rolled over and continued because of the magnitude of the issues raised. So I think not only should we begin it, we should begin it as quickly as possible.

Speaker BERGSTROM: Okay. With that, I'm going to file an Ordinance today, which I haven't signed yet. Do I have it in here?

Clerk O'CONNELL: Resolution.

Speaker BERGSTROM: Resolution; sorry. Here it is.

Ms. ANDREWS: Mr. Speaker.

Speaker BERGSTROM: We're having clerical difficulties here. Here it is.

Clerk O'CONNELL: I'm pretty sure Cheryl has a question.

Speaker BERGSTROM: Yeah, just wait until I sign this because I have to submit it first.

Ms. ANDREWS: I was wanting to ask you before you signed it but --

Speaker BERGSTROM: Well, you've got to remember, all Resolutions can be amended, denied, beaten to death, you know, put in a blender so --

Ms. ANDREWS: Thank you. Then that answers my question. I'm still learning, and I've learned enough that I wanted to make a comment about the committee, but if it's when you bring the Ordinance forward, then I'll wait for that.

Clerk O'CONNELL: It's a Resolution.

Speaker BERGSTROM: It's a Resolution. Just to go into it, I don't think we can get too far into it, but the Resolution suggests a five-member committee comprised of the Speaker and Deputy Speaker, County Commissioner, President of the Cape Cod Selectmen and Councilors' Association and one at-large member selected by the Board of Regional Commissioners.

The Charter -- the only requirement in the Charter that I can see which we apropos is that it have representation from the municipalities of the County.

So by putting in someone -- putting in a representative from the Cape Cod Selectmen and Councilors' Association, we adhere to that requirement. So, you guys will see this, maybe not next time, but maybe in a couple weeks.

Is there any other business to be brought before the --

Ms. MCAULIFFE: Ron, before you move off that.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: The Selectmen and Councilors' presidency changes in June.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: And it's an annual change usually, so you may want to just think of that, you know, in terms of when you're setting up your committee positions that that position may change people in June. So, depending on the timing of your Charter Review Committee --

Speaker BERGSTROM: We could change that to a designee or something.

Ms. MCAULIFFE: Right. I just wanted you to know that that position is an annual position.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: I just wanted a point of information about what's the composition of the committee in your motion?

Speaker BERGSTROM: The proposed composition is Speaker, Deputy Speaker, the County Commissioner, the President of the Cape Cod Selectmen and Councilors' Association, and one at-large member selected by the Board of Regional Commissioners.

So I intend that to be someone who's not in office or working for the County or somebody from outside. But, once again, you can discuss that, amend it, criticize it, do whatever when it's submitted.

Okay. Anything else? Leo.

Mr. CAKOUNES: Just staying on the subject of the Charter Review Committee. Seeing that we - it seems like we're moving forward to put a Charter Review Committee together.

There is an outstanding Resolution which was voted not unanimously but in favor laying out some direction for some Charter Review necessary.

Does that have to be brought forward again and be suggested to be submitted to this Special Committee?

And the reason why I ask is because I know there are going to be other members of the public that also have areas of the Charter that they want to have visited.

So, are we going to be laying out a process for them to bring forward suggested areas for this new Charter Review Committee to also look into?

Speaker BERGSTROM: The Resolution that I proposed has language in it that supplants or replaces that Ordinance 9-02 that was passed back in I think 2009. So, basically, it replaces the old Ordinance.

And, yes, any Charter Review Committee can discuss in the language of the Charter make any recommendations regarding County governance and so on and so forth.

Ms. ANDREWS: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. ANDREWS: When will we get a copy of your Resolution?

Speaker BERGSTROM: You'll get it right after -- as soon as Janice can get to the copier.

Ms. ANDREWS: Thank you.

Speaker BERGSTROM: Okay. Leo.

Mr. CAKOUNES: I'm sorry; I guess maybe I didn't ask the question correctly. If, in fact, this Charter Review Committee is established with this Ordinance, do I have to bring back my approved Resolution to be voted by this entire board to be given to that --

Speaker BERGSTROM: No.

Mr. CAKOUNES: -- new Charter Review Committee to review, or is it automatically going to be

given to them?

And the reason why I ask is because there's members of the public that also have areas of the Charter that they're concerned about, is there going to be a process that they can hand in documentation directly to this new Charter Review Committee to review for their consideration?

Speaker BERGSTROM: Well, I don't want to get too far into the specifics of this until we discuss it.

Mr. CAKOUNES: Okay.

Speaker BERGSTROM: But the fact is anybody can -- the Charter Review Committee makes recommendations to the full Assembly. All right. Now that doesn't mean that anybody else couldn't make recommendations to the full Assembly but -- or that people who have -- I mean I expect this to be an open and public process. Anyone can go to this committee and make any recommendations they want to be included in the report.

But I mean the Assembly itself is the one who makes the decision. So, meanwhile, while the Charter Review Committee is making -- is doing its work, any Assembly of Delegate could bring their recommendation to change the Charter to the full Assembly according to how the process works. So, I mean, you can either wait for them or we could anticipate and so on.

So I think we have to go by the process that's set out. It's not that complicated, but I'm sure we'll get some input from the Commissioners and others regarding those. Anyway, it's on the table.

Mr. CAKOUNES: I have another.

Speaker BERGSTROM: Yeah, wait a minute, yes, and then Jim, after you.

Mr. KILLION: Thank you, Mr. Speaker. In your follow-up letter to Mr. Zielinski, did you put a time limit on him for a response?

Clerk O'CONNELL: March 20. In writing.

Mr. KILLION: Thank you.

Speaker BERGSTROM: Okay. We're all stunned into silence, except Leo.

Mr. CAKOUNES: I submitted an Ordinance about two meetings ago, and I guess its Proposed Ordinance 13-02. I was just wondering of its status. I guess you're going to recommend that it has to go to the Governmental Committee. How long are we going to have to wait before we see that come forward?

Speaker BERGSTROM: Yeah, Janice says unless we have it available Wednesday, but I'll poll the members of the Committee and I'll see if we can squeeze it in somewhere.

The problem is with subcommittees is that every Wednesday is booked up pretty much, but we'll see what we can do for you, Leo.

Deputy Speaker MARTIN: 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 5:00 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates