

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – April 4, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the April 4th meeting of the Cape Cod Regional Government Assembly of Delegates. I hereby call this meeting to order and we will begin with a moment of silence to honor our troops who have died in the service to our country and to all of those serving our country in the Armed Forces.

(Moment of Silence)

Thank you.

Now we will stand for the Pledge of Allegiance.

(Pledge of Allegiance)

Thank you.

The Clerk will call the roll.

Roll Call (92.72%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Thomas Lynch (20.92% - Barnstable), 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 (7.28%): Christopher Kanaga (2.73% Orleans), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 92.72 percent of the Delegates present and 7.28 percent of the Delegates absent.

Committee of the Whole

Speaker BERGSTROM: Thank you. Now I need a motion to approve the Calendar Business.

Deputy Speaker ANDERSON: Motion to so approve.

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded. Are there any additions, subtractions or changes?

Hearing none, all those in favor of the approval of the Calendar of Business say "aye."

Opposed?

(Motion passed)

You all should have received a copy of the Journal of March 21, 2012 – our last meeting. Are there additions or corrections to the Journal? Hearing none, do I have a motion to Approve the Journal?

Deputy Speaker ANDERSON: Move approval of the Journal of March 21st.

Ms. KING: Second.

Speaker BERGSTROM: It has been moved and seconded. All those in favor say "aye."

Opposed?

(Motion passed)

Now we come to Communications from the Board of Regional Commissioners. We've got a couple of them present here.

Communications from Board of Regional Commissioners

Commissioner FLYNN: Good afternoon.

Speaker BERGSTROM: Good afternoon.

Commissioner FLYNN: First, I want to present you with a Proposed Ordinance. It requests to transfer funds. This is a request from Human Services. As a result of their Mass in Motion grant, they want to take certain funds from their Salary line and move it to their Professional Services line because it will be more helpful to them in executing the provisions of the grant.

(Proposed Ordinance given to the Clerk)

I don't really have a report today. We've been spending the last two meetings – last week and this week – talking about the recommendations from the Special Commission. We've been discussing them. Last week we took up most of the recommendations, with the exception of Governance and the Assembly of Delegates. Today we took up a discussion on the County Commissioners – the recommendation to increase the Commissioners – and we just barely got into a discussion on the Assembly of Delegates so there's no resolution of those. We're just still continuing the discussion and really talking about what process we might use to develop a plan in which to implement some of these. So that's really all that I have today.

Speaker BERGSTROM: Yes, Deborah?

Ms. McCUTCHEON: I just have a question sort of relative to the discussions that you've been having. It came to my attention as I watched the video of the meeting of September 14th – that was not too long ago.

Commissioner LYONS: That was a while ago.

Commissioner FLYNN: Seven months.

Ms. McCUTCHEON: I'm sorry. I got the wrong date down. It was your March meeting. There is a lot of concern about this wastewater problem – this wastewater entity or authority. You just look at my in-box on my email and I'm inundated with information about it.

It seems to me that one of the things that the County needs to do is to be utterly transparent about discussions about this. On your agenda there was no indication that there would be a discussion with Mr. Niedzwiecki and Andrew Gottlieb about the wastewater issue and there was in fact a 20-minute or 18-minute discussion. I think that was a substantial Open Meeting Law violation. I'm wondering what you intend to do to address that? Are you aware of the fact that that was a discussion that was not on your agenda? It was a back-and-forth between the Commissioners and the two gentlemen who were reporting. These are the kinds of things that have to be on your agenda before you can talk about it. I'm wondering what you intend to do to address that?

Commissioner FLYNN: I'm going to actually have to take a look at the agenda for that day but we did have a specific agenda item to meet with them to discuss wastewater because that was, I believe, the meeting – or one of the meetings that we met with them where we directed them to develop a regional plan for wastewater over the course of this year and come back to us at the end of December and report to us periodically on a quarterly basis. That was an agenda item but I don't know specifically the meeting to which you refer.

Ms. McCUTCHEON: I will follow up on this with you and get a copy of the agenda.

Commissioner FLYNN: Sure, absolutely. Please do that.

Ms. McCUTCHEON: Okay. Thank you.

Speaker BERGSTROM: Does anyone else have any questions for the Commissioners? Yes, John, and then Leo.

Mr. OHMAN: Thank you.

I was not able to attend your meeting today but I must say that going online and trying to listen to it on simulcast, it was just terrible. It cut out. The voice control was just up and down. Eventually I think maybe it was due to circumstances beyond its control. I think it was filmed from the very back of the room, which I have never seen happen before. I was just wondering if there is any way that you could have someone look at it and make it a little more easily accessible online and there were a variety of comments asking the same questions, saying what happened to the sound, what happened to the control? It was just very difficult and I really wanted to hear what you have to say regarding County governance and I was not able to attend. I'll be awaiting the final version online.

Commissioner FLYNN: I think that we will have a discussion with the provider of those services and see if perhaps there is something that we can do to improve it.

Speaker BERGSTROM: Leo?

Mr. CAKOUNES: In your statement in regards to the meeting, especially today, you talked about the Special Committee's recommendations specifically today – I guess it was today that you had your meeting, this morning – in regards to the reconstruction – I'll use the term – of County governance: getting rid of the Assembly or merging the Assembly and the Commissioners together. Is it your information, as the present Commissioners, to go with that recommendation and just research the best possible way of doing it? Or are you guys still looking at other alternatives? Or are you looking at maybe doing nothing to the structure of government? Have you, as a party, as the Commissioners, accepted that recommendation and basically what you're doing now is looking forward to moving forward to seeing the best way to implement it?

Commissioner FLYNN: I would say that the discussions that we've had in the last couple of weeks have been very general. We've been looking at what is good about the current structure of government; what really works, and what works very well and what needs to be improved, and then we look at the recommendations in the same sense; what's good about these recommendations, what will they do for County government?

In terms of how to implement them, I think we did speak a little bit about this at the end with Mark Zielinski that we need to have a planning session – I would say like a half a day or a couple of half days – and we need to take a look at these recommendations and really dissect them and look at the different models, if you will, as to how we can achieve the implementation of these if this is what not only we think is a good way to go, but the community thinks is a good way to go because it's going to take a lot of public forums, I think, with the community. We have to come up with some sort of a plan that we can then take out to the community and say give us your reactions to this. What do you think is good? What do you think needs to be changed?

The whole idea is that we have to think about the future of County government. We're now living in the present. The present has been the same for a long time. What are the challenges that we face in the future? One of them is the incredible improvement in the area of the Internet and computer applications. It's amazing what governments are going to be able to do with the way data can be accumulated, how it can be managed, and how it can be utilized.

We have to think about that because there are huge cost efficiencies that will be available to us through the computer applications. So that's one thing.

So we have to think about what the County is going to look like in 20 years – where do we need to be in 10 years, in 20 years, and how can we best get there? I was telling the group today I heard a program on Big Data – I don't know if you heard that – It was on NPR the other day. It's absolutely amazing the amount of data that our intelligence communities have created or put together over the last 20 years – huge amounts of data about things you can't imagine. And they're going to start releasing this and making it available to the public. So we need to think about all of this in relation to how we operate this County government here.

So we talked a bit about how we're going to get to this and I think we're going to have to set aside, as I said before, some half days here and there to work through all of these different recommendations, come up with something that we think is ready to take to all of the communities and get their input because nothing will go anywhere unless the community supports it and the Delegation supports it because if you don't have support in those two sectors, then nothing will happen. So that's kind of where we are. We're no where near saying we like this, we don't like that, we're going to move forward, or we're going to do this. It's going to take time.

Speaker BERGSTROM: Pat, can I just ask you a couple of questions. My seat here as Speaker, I'm more concerned – there has been a lot of comment. Deborah talked about her in-box filling up – the same thing with mine – with wastewater and County governance. There's been some discussion among the Members of the Assembly that they would like to comment on this, that they would like to have a general discussion, and I have sort of discouraged that because the Special Commission has reported to you and I've sort of said it's up to you to make recommendations and then the Assembly will look at it.

So I'm curious as to what the time frame is. First of all, I'm encouraged with you saying that you're going to come up with specific recommendations and then go out to the public, rather than doing it the other way around. I agree with that. What kind of time frame are we talking about here? Is there immediacy to this? You said at the last meeting that we're not going to target this next November election for any of this. If we're not going to do that, then I have time once the budget process is over we can go in a parallel process and do that. What kind of immediacy are we talking about?

Commissioner FLYNN: We talked today about setting up a half-day session to do some planning and we need to have someone work with us to do this. So I would say sometime within the next three weeks we will have a half-day session on this and we will let you know when that is.

Getting back to the wastewater. Every single time we can, we say we are not in the business of creating a wastewater authority, a taxable authority. Those were words used by – you heard him – Rob O'Leary. He was here last week and he said, "I said those words because 'I wanted to put a stake in the ground to get people's attention. This has been going on for 10 years. No one is doing anything about it.'"

So now what has happened is that people think that we are in the business of creating an authority and we are not. We have asked Paul and Andy Gottlieb to come up with a regional plan, not an authority. If the plan needs some legislative action on it, then put that in the plan whatever that legislative action may be. It may be only for other types of funding purposes, we don't know.

But our goal is not to create a wastewater authority. We say it day in and day out. Paul Niedzwiecki was quoted in the Cape Cod Times today as saying we are not looking to create a wastewater authority. I don't know how many more times we can say it. We've said it in every session we have had. We said it today. We said it last week. We've continually said that we are not in the business of creating a wastewater authority. We're creating a regional plan.

Speaker BERGSTROM: You've said – and I assume this is still your policy – that Paul Niedzwiecki and Andrew Gottlieb are going to report to you by next December?

Commissioner FLYNN: No. Quarterly.

Speaker BERGSTROM: Quarterly?

Commissioner FLYNN: Yes. Quarterly between now and December we've said May, August, October and December.

Commissioner LYONS: I just know that today, this morning, Andy Gottlieb, Lionel Grundman and Larry Ballantine were together. I couldn't make that meeting because I was at the Commissioners' meeting, but they were working on the public process plan. So I will be able to report on that and that will be coming up. That will be available to people. There will be scheduled meetings. There will be Saturday meetings. I know that Paul Niedzwiecki is going to be involved with some of those. As things develop, people will be kept up to date on a regular basis so that they'll know where we're going.

But really this is to create a slate of options that will fix the problem at the lowest cost. That's all we're working towards. And whatever shape it comes out to at the end, everybody will be aware that that's the shape it has taken and we'll be able to weigh in on that.

Speaker BERGSTROM: Cheryl?

Ms. ANDREWS: Thank you, Mr. Speaker.

Just a follow up to the comments from Commissioner Flynn about you're not interested in creating an authority. On my way here I was listening to the radio and it was a taped – there was some kind of dialogue from Senator Dan Wolfe and he was talking about wastewater and regional issues. And he specifically said that the appeal to him was that by combining the 15 towns he could go to Washington and get us more money, or perhaps go to, I don't know where else, to get us more money. And I heard him say that and I thought oh, authority, because how else would you do that?

So my question to you is, is it your understanding that somehow the Cape would be better positioned for either federal or state financing without an authority or with just some plan?

Commissioner FLYNN: The idea is if we work regionally we are in a better position to obtain funding. Working regionally does not mean creating an authority and does not mean putting all of the 15 towns together. It could be a regional plan. It could be Barnstable, Mashpee, and Yarmouth working on a regional plan for either their embayments or their estuaries or whatever. That's called a subregional plan, but it's still a regional plan. It could never happen in all of the 15 towns. Fifteen towns have totally different needs and I don't see how that would work.

Commissioner LYONS: Do you think that Provincetown has a better chance of garnering funds by itself than it would if it partnered with four other towns on their concept?

Ms. ANDREWS: I'm not an expert with garnering funds and clearly I don't know if any of us are. But we've heard this message for many, many years about how if we work together we can get money from somewhere. I've spent a couple of years on the Water Protection Collaborative looking for that help. I drove down. I'm just telling you what I heard on the radio from our State Senator, and when I heard him say it I thought what I was hearing was that he was

in favor of a wastewater authority. He didn't say that so I'm just trying to understand what the thinking was.

Commissioner LYONS: I was there at that meeting and that was the press conference yesterday and he spoke at that and he said that to work regionally together is more beneficial to him. He said the buzz word today in government is "collaboration and cooperation," because you have a bigger gain for less money. The evidence of that already is \$40 million dollars. In the last three years that I've been sitting in this seat, we got \$40 million dollars because of a regional buy-in from every single town on the Upper Cape. So there is funding that came here that could have gone to the Berkshires and to Boston.

A 14 town e-permitting grant sponsored by the County just garnered the largest grant out of the \$4 million dollar grant that was given. Four million dollars was put aside for community partnership grants. That 15-town collaboration garnered us a larger grant than the City of Boston.

The Human Service Department, working with various towns, and some of the Outer Cape towns – Provincetown included – with the Cooperative Extension and the Health Department, is able to bring in \$60,000 a year for the next five years, which is \$300,000, for Mass in Motion which will benefit the Schools, Smarter Routes to Schools, Nutrition, and our Bicycle Trails. So that's just to name a couple of things that have happened. That's not to name all of the grants that have come in because of collaborative efforts.

So I do think that we would be able to have a lot stronger voice in federal government and in the state government if we speak with one voice than if we just spoke from the Town of Wellfleet or the Town of Provincetown.

Speaker BERGSTROM: Just a word of caution before I recognize Leo. We should kind of couch our conversation on actions that the Commissioners are taking, or words that they have spoken, or things that they have done, rather than getting into a general conversation over wastewater; not because I don't want to but because it's not on the agenda. Ask them what they've done or said but you can't argue with them, except for Leo.

(laughter)

Mr. CAKOUNES: I just want to apologize to my colleagues. I'm having a very confusing day and I thought that as we were starting this meeting that I would probably get a little bit better but I'm getting more and more confused. So I'm just going to go back to my original question. Have the Commissioners taken a stand on specifically changing the structure of County government as it so exists right now? Have you taken a vote to support the recommendations suggested changing the County government, yes or no?

Commissioner FLYNN: No.

Mr. CAKOUNES: Are you going to take a vote on changing the County government either following the recommendations or a variation of the recommendations of the Special Committee relatively soon?

Commissioner FLYNN: No, not relatively soon. It requires a lot of planning.

Mr. CAKOUNES: I didn't ask you if you were going to implement this because it would be my indication that the current Commissioners would say we want to change County government and now we're going to look at this basic structure and put it out for general discussion and input, and, again, maybe incorporate the Assembly in helping you implement that. But until I know whether we are headed down that road or not, I don't know how to answer people on whether we are planning on changing government or not.

Commissioner FLYNN: Let me say that we are giving very serious consideration to changing government.

Mr. CAKOUNES: Thank you.

Commissioner FLYNN: And involving the Assembly in those discussions.

Speaker BERGSTROM: Okay. If there are no other questions for the Commissioners, thank you very much.

Now we will have the Executive Director, Paul Niedzwiecki, and we promise we're not going to ask him any wastewater questions.

(laughter)

Communication from the Public

Ms. RAPPAPORT: I have an announcement. I just wanted to invite you to our League of Women Voters – wasn't this on the agenda before him?

Speaker BERGSTROM: He's on the agenda before public comment but you can comment if you want.

Ms. RAPPAPORT: All right, if you don't mind. It's short. I just wanted to invite you all to our April 28th forum on Climate Change and the Future of Cape Cod. We will be having that at the Harwich Community Center on the 28th from 10 to 12 and coffee at 9:30. We hope that as many of you as can would be interested in joining us.

We have Eric Davidson, Executive Director of the Woods Hole Research Center "Avoiding Dangerous Climate Change," Megan Tyrrell and Lauren McKean from the National Seashore, and Paul Niedzwiecki, Executive Director, "Planning for a Sustainable Cape Cod." I think that these are issues that we'll all be facing sooner rather than later and maybe have already.

Speaker BERGSTROM: For the audience at home, you have to tell us who you are so that it is on the recording.

Ms. RAPPAPORT: I'm Jari Rappaport from the League of Women Voters.

Speaker BERGSTROM: Thank you.

By the way, I belatedly should mention that we're being recorded by other sources other than our regular sources.

Paul, you're up.

Communication from Cape Cod Commission

Mr. NIEDZWIECKI: Paul Niedzwiecki, Executive Director, Cape Cod Commission, and we're here to talk economic development today. Leslie is going to attempt to set this up. Leslie will go through the presentation. She has more 18th century sensibility so we thought it would work better this way.

Ms. RICHARDSON: My apologies. My name is Leslie Richardson. I'm the Chief Economic Development Officer, not IT Officer for the Cape Cod Commission. We're here today to talk a little bit about the CEDS primarily, which is our economic development handle for the Commission in the County.

Our general purpose is To Keep A Special Place Special, which is the tag line for the Cape Cod Commission. So we focus on economic development as distinguished between economic development and business development. Economic development focuses on

infrastructure and clarity and fairness and regulations and industry-cluster development as well as education and workplace development.

Business development, on the other hand, is practiced by organizations like the Community Development Partnership and the Chambers of Commerce where they work directly with businesses to help them prosper. So we work on the frame. They work with businesses to make the whole system prosper.

So the CEDS itself is based on the Regional Policy Plan. The Regional Policy Plan has four goals for economic development. The first is to have low-impact compatible development, which is linked to our Land Use Vision Map, trying to locate development where development is best served by infrastructure.

The second is to have a balanced economy. The third is regional income growth; that's the size of the pie. We want to attract income into the region and have it equally distributed across the region. Then, finally, infrastructure capacity.

We do the CEDS as a plan and it's also a process. The plan is what we deliver to the federal government – the Economic Development Administration for their certification. But the process is really what makes the plan worth anything and we went through a very comprehensive planning process to come up with our 5-year plan. We had five work groups with over 100 participants through the process.

We did some focus groups as well on the priority projects that were selected. What you have in front of you right now is a list of the priority projects that came out of that process. It is color-coded. The green is what is underway or completed. Orange is what is in process. And if it's gray that means that there has really been no action in relation to that particular project. We do the CEDS both to build consensus and partnerships locally but we also want to attract some funding from the federal government if at all possible for those priority projects.

The CEDS is a Cape Cod Commission and EDC Partnership process. The EDC acts as the Strategy Committee for the CEDS and then the plan is adopted by the Cape Cod Commission. It involves all sorts of regional stakeholders in the process of development.

So we are implementing the CEDS right now. It's a 5-year plan and we're in year 3.

There are three elements that we're implementing. The first is research and data dissemination. The second is regional priority projects – the list that you have in front of you. And the third is ongoing economic development planning, or what we call Reset, which is really targeting technical assistance to towns in economic development to help them with any obstacles in their way.

Who is implementing it? It's the Cape Cod Commission and EDC Partnership process. Then we have teams of organizations on each regional priority project. It's being accomplished through the Cape Cod Commission support as well as EDC support and EDA funding and then the partnerships that we've developed over the process.

So we have received a \$60,000 grant from the EDA, and we've received a \$150,000 grant from the EDC and those are on an annual basis.

The research and dissemination process is centered around our website www.statscapecod, which we've developed with huge support from an outside entity in Indiana that has created a lot of data bases of economic data that we then are able to disseminate through our website. That's probably about \$100,000 in in-kind services that we've received from an Indiana Business Research Center.

We've also received \$45,000 from the EDC to do a business survey which is currently being re-issued by the local Chambers of Commerce right now, so we'll be getting even more data on that to disseminate.

Interesting findings about that were they found that energy costs and real estate costs, not surprisingly, were major impediments to development on Cape Cod and they found that zoning and regulation were much lower on the list, so that was good.

The regional priority projects – there have been several projects that the Cape Cod Commission has been the lead on and then other projects that other organizations are the lead on. So the projects that we've been the lead on are the Coastal Use Templates, which we completed a Phase 1 Report for; the Regional Redevelopment Authority, which we have a Draft Report completed right now and we'll be presenting to the Business Roundtable on Friday.

We have an Economic Cost Center Analysis that is underway but is not complete. We have a SmarterCape Initiative which is quite broad and we'll talk about that a little bit more as we go on. Then a Zero Waste Project that we have received a grant from DEP to complete.

The SmarterCape Initiative is really made up of several different parts; a Strategic Information Office, Regional Umbrella Services System, and then we work every year on a SmarterCape Summit, and we can talk about that more after I'm finished with the presentation.

We did get a \$40,000 grant from the EDC to help with SmarterWater planning, Smarter Watershed planning, and Paul can talk about that in a little bit more detail. Then we did get the \$90,000 grant from DEP for the Zero Waste Project grant. And we did get \$500,000 for the e-permitting grant from the state just recently – the Administration & Finance Agency – and that will be part of the Regional Umbrella Services System.

Also under the SmarterCape umbrella is this SmarterWater planning tool. About four or five members of our staff have been working intensively to build a tool that will help with wastewater planning efforts enabling communities to look at how much different options might cost in different areas. We have supported that effort, obviously, because wastewater is essential to the future of economic development on Cape Cod. So that's why it's part of the CEDS and SmarterCape.

Regional priority projects that we support but aren't the lead on are things like OpenCape, Entrepreneurship, Buy Local Infrastructure Development, Fisheries Trust, Renewable Energy Testing & Training, and in many cases we've supported efforts to find funding for those projects, and in some cases we've been successful – like OpenCape – and in other cases we haven't been successful – like Fisheries Trust. Great grants end to the EPA but they just simply couldn't understand the concept and so we weren't successful in that area, and we have put in some other grants that have not been successful.

Entrepreneurship is being supported by this Cape Cod Chamber of Commerce so that's something that's moving forward.

Then, finally, Reset, our direct technical assistance to towns. We have had intensive engagements in both Yarmouth and Bourne and this is largely around – we take an interdisciplinary team and we focus them on a particular issue. In Yarmouth it was really Route 28. In Bourne it was Buzzards Bay. What is needed to see redevelopment in those areas and what are the obstacles in those areas? Then we work with them to overcome those obstacles.

In Yarmouth, we've focused on a couple of different projects. We've focused on some public lands that they could do some temporary uses on to stimulate economic development in one particular area near Parker's River. Then we also worked with them on streetscape

improvements and other more zoning-oriented things along Route 28 and different types of streetscape improvements for different areas.

In Bourne, we've really worked with them largely on their wastewater issue, and we've also worked with them to establish a Growth Incentive Zone in downtown Buzzards Bay which is being looked at right now by the Commission. They've submitted their application.

The Growth Incentive Zone actually has been very successful for Hyannis and one of the things that we wanted to share with you was some of that success. We have a couple of examples of areas that were redeveloped despite the economic downturn and the assessed values have increased significantly. The Stevens Street development – which is where the old Harry's was – the assessed values have increased by 425 percent. The old 500 Main Street development in Hyannis, which was basically sod improvements in many ways and upgrading the interior – that increased the assessed value by 126 percent. So we're seeing some success in these Growth Incentive Zones and we hope to see that in Bourne as well.

That is the presentation and I'll turn it back over to Paul.

Mr. NIEDZWIECKI: Thank you. Just to reiterate, basically there are four areas. Economic development plays a role in the regulatory program, but it's primarily in the information distribution staff Cape Cod and the Reset project supporting local town projects of mainly revitalization/redevelopment projects and the CEDS.

So I think with that it would be better to open it up to questions.

Speaker BERGSTROM: Who would like to go first? You all seem to have liked the presentation.

I'll ask you a quick question. Obviously, the biggest factor in all of this is the economy. It goes up and down and you guys are basically planning into a moving target. Do you take that into consideration? Even since the CEDS, I was on one of those focus groups and the economy went down and then it went up again. How do you factor that in when you're working, let's say, with a town like Sandwich or somebody and you're talking about commercial/industrial development, and stuff like that, I mean you don't know what's going to happen, right?

Mr. NIEDZWIECKI: No, but our philosophy is really that government doesn't create jobs. Really what we can do is streamline a regulation. We can create incentives and we build the infrastructure around and then the free market steps in and sort of takes over. Economic development for me has never been using a crystal ball to try to guess what the next hot industry is going to be. That has failed everywhere that I have seen it, including here. So that's not really what we try to do. We really try to work on creating that scaffolding and that is sort of unaffected by the economic ebbs and flows.

But I will say this. There is an opportunity in a down economic time to do planning and if you look at the Hyannis growth, for example, that happened when things were hot. But we finally passed that and then the market tanked, I swear, the next day. But even in that, you've seen tremendous reinvestment in downtown Hyannis and the assessed real estate values down there have really gone up, even as a total. Between 2005 and now there has been a 10 percent increase in assessed value. If you look at your own assessments, that has been hard to replicate anywhere else. So in these down economic times, that's what we need to do.

Speaker BERGSTROM: I just mentioned it because they're tearing up Route 137 in Harwich and I'm stuck every day behind some policeman with his hand up and while I'm cursing him out, I realize that they're looking at a village center or something there. Does that mean that all of these empty store fronts are going to be filled because there seems to be a tremendous amount?

I know that I'm taking just a snapshot in time, but what I'm looking at is a lot of development as far as changing the roads and looking at it and planning and I'm saying they've got commercial property up the kazoo and they can't get rid of it. It's not your fault and I'm sure 20 years down the road all of this will mean something.

Mr. NIEDZWIECKI: And the Cape is sort of a case study for the ebbs and flows of economic development that conflict with the seasonal economy, with the year-round economy, and one of the biggest drags on the year-round economic development on the Cape is the Cape Cod Canal. If you have a business that is in any way dependent on automobiles or trucks for logistics, you're not going to locate on the Cape because you're not going to compete with seasonal traffic over the bridges in the summer. So we've had to deal with that.

If you look at South Yarmouth, that was a motel economic model that worked once when people in Massachusetts used to throw the kids in the station wagon – which they don't make anymore – and try to cross the bridge and look for a vacancy sign. That economic model hasn't worked for 30 years. But it's frozen in time in part by the zoning.

So we have to go back and create incentives and change zoning to encourage the kind of development that we know will work. Again, government's role is really sort of an infrastructure and scaffolding, not embedding particular businesses or industries.

Speaker BERGSTROM: Just one more comment and hopefully everybody is considering what to ask you after your great presentation, but Capitalizing the Cape Cod Fisheries Trust is something that I know a little bit about. I've known Paul Parker for years and I know that he's involved and he's got some private monies behind this.

Not everybody is a big fan of fishermen and I'm not going to go into that, but what the Delegates should know and what the County should know about that is that what they're doing is they're buying up fishing rights and holding those rights and then apportioning them out to individuals. So you have other fishermen who are deciding how to apportion out fishing rights. There's a good purpose for it trying to keep those allotments here on the Cape and trying to keep that segment of the Cape's economy vibrant, but there's also a down side in the sense that you have a control over who can fish and who gets those rights.

I once knew a guy that I worked with. I said, what do you do? And he said my father has 200 acres of tobacco in North Carolina. I said, so you're a farmer. And he said, no, I'm not a farmer. We have somebody else do that. We just have the right to it. I trust those guys and stuff but as you look into it, it has to be carefully planned out to make sure that there is not a whole bunch of political blowout there.

Anyway, meanwhile, Cheryl, do you have a question?

Ms. ANDREWS: Yes, thank you, Mr. Speaker.

I'm always struck when I listen to things – I'm particularly struck that after nine years of being a Selectman how much I don't know what the Cape Cod Commission does. It depends on what we were doing out in Provincetown. I mean like the transportation stuff I was really familiar with but there is other stuff that I'm not.

So my question is – and maybe you can break it up into percentages, it's a communication question – how do you share what you do with my little town? Is it primarily through the Town Manager's Office or is it half and half Town Manager/my Cape Cod Commissioner, or is it the Building Department? We're small enough that we don't have an Economic Development Department. We don't even have a Planner and yet we've got a pretty vibrant economy.

But even as a Selectman, we had economic development sewer permits, but I wasn't aware – I'm learning a lot. So my question is how do you communicate this information to my town, for example?

Mr. NIEDZWIECKI: It varies town to town, certainly depending on the size and scope. But in Provincetown it's primarily through the Town Manager and the Assistant Town Manager that we see a lot and we're fortunate enough to have a member of the Board of Selectmen that sits on the Cape Cod Commission now. So I think the communication there is pretty good. Most of the work that we've done in Provincetown has been transportation related, obviously, for obvious reasons.

Ms. ANDREWS: Right.

Mr. NIEDZWIECKI: When we look to do some of these redevelopment projects in other parts of the Cape, we often look at Provincetown to know it developed historically. But to have that kind of density adjacent to that kind of natural resource protection is really a special thing and it's very difficult to recreate. So we learn a lot from Provincetown every time that we go down.

Ms. ANDREWS: But I guess the answer to my question is that it is primarily through the Town Manager that you communicate?

Mr. NIEDZWIECKI: Yes. Once a year, every Board of Selectmen/Town Council, we come by and say hello. They want to hear less and less from us but we still show up.

Ms. ANDREWS: Is that new?

Mr. NIEDZWIECKI: No. We've been doing that for a while. Four years ago when I was new, the sessions were longer and they involved PowerPoints, and they'd say don't bother to bring PowerPoints. Check in for ten or fifteen minutes and if they have a question, we'd answer the question for them. It's a more efficient process. We hear about things when they don't go too well.

Speaker BERGSTROM: Spyro, and then Tom, and then John.

Mr. MITROKOSTAS: Just a comment. I want to thank you for putting a description to economic development. I've been doing it on and off in various capacities for 30 years and I've often been reduced to saying that economic development – you'll recognize it when you see it. But these are the components of it as you are practicing it and some of them are extremely valuable.

I would like to get into the Regional Redevelopment Authority discussion at some point.

Mr. NIEDZWIECKI: Sure.

Mr. MITROKOSTAS: I'm not sure that this is the appropriate forum because you said that you're pushing that out the door on Friday?

Mr. NIEDZWIECKI: The Business Roundtable was the lead entity on that so we've been working with them and we're going to present to them on Friday. I think you'll like the structure, Spyro. It's not a Redevelopment Authority. It's more of a Regional Finance Authority that could then channel funds to local EDICs for projects in specific areas.

Mr. MITROKOSTAS: What I always thought was missing at the municipal level was some form of redevelopment agency where you might target specific properties for redevelopment and step in as a municipality to start to make it happen.

But since the Delegate from Provincetown picked that up, I'm going to run with it. I think you guys are hamstrung by the Commissioners that are appointed to your board and the lack of communication back to town halls and there is nothing that you can do about it, per se. But if we're going to be talking about reconstruction of County governance, then we should

probably take a quick look at the Cape Cod Commissioners and see how those folks are appointed and what their responsibilities are vis-à-vis the towns and the County.

Thanks.

Mr. NIEDZWIECKI: Just in response to that. One thing that I had forgot to mention is the regulatory program, which in the past has frightened people away. People are afraid to drop by the Commission and get caught up in the vortex of regional regulation.

(laughter)

But I'm proud to tell you now that many times when business looks to relocate or expand on the Cape now, they come to us first; even to the regulatory program with the use of development agreements you permit an \$80 million dollar or \$20 million dollar renovation in Yarmouth and 750,000 square feet in the Industrial Park in Barnstable. We're engaged in the major expansion of Mashpee Commons, and we have just done two companies – Hydroid – in Bourne. They're a great company and they wanted to expand. They came to us. They tripped a threshold and we got them through the Commission in about 30 days. It's a different place now and we encourage anybody with any sort of questions about building businesses or expanding businesses to come to us and we can help them out.

Speaker BERGSTROM: John?

Mr. OHMAN: Thank you, Mr. Speaker.

I was fascinated by this – and maybe I'm the only one in the room – Zero Waste Project. Could you let us know what that is? The Zero Waste Project; that's my first question.

Mr. NIEDZWIECKI: I would just preface Leslie's comments by the fact that the CEDS process really was a grass-roots process so these are not necessarily all projects that I would have endorsed personally, or the Cape Cod Commission would, but they came up through that process. I think that Ron is right that sometimes things shift around. Zero Waste is an important issue.

Leslie?

Ms. RICHARDSON: The Zero Waste Project at this point is focused on a new coordinator that we have just hired through that DEP grant, and they're going to basically focus on education; working with towns to help them look at pay-as-you-throw models in particular, and then other ways of recycling and reusing waste; composting – yes.

That coordinator will be onboard, I believe, May 1st and will be working with Mike – and I can't remember his last name – from the Extension Service. Mike works on hazardous waste.

Mr. NIEDZWIECKI: Just to round that out, the SmarterCape conference will be held on May 14th at the Sea Crest in Falmouth this year, and they've broken it down into different subgroups. I chair the environment group so we will be focusing on Energy and Wastewater. Zero Waste sort of sits in the middle of that for a lot of important reasons. So we'll come out with a 12-month plan to sort of unify some of the energy plans and coordinate them and cross reference any wastewater plans that are out there.

But looking two or three years out, what we'd like to get to is more of a unified resource management so that all of these things get more efficient in the process, and that's how you can move forward to a Zero Waste stream reality. Nantucket has done a pretty good job so there are people who have made a lot of progress in this and we hope to catch up to them soon.

Speaker BERGSTROM: John, would you like a follow up?

Mr. OHMAN: Just as a follow up. I know that my Town of Dennis is looking at pay-as-you-throw, and I believe there is only one town on the Cape that does it right now. So will you be coordinating or helping them out with some options that they might consider? I know that

DY has curbside. It's a very different model than it is if you have a central location. So are you going to be working with the towns? I know that Dennis is very interested.

Mr. NIEDZWIECKI: That's the purpose of the coordinator that we got from DEP to do that sort of coordination. Sandwich has had a successful program. There have been other programs that have been tried earlier that weren't that successful. The voluntary programs haven't been as successful and there has always been a question as to whether curbside pickup is really less expensive or not. So we hope that this coordinator will be able to use some precedence to inform towns as they move forward and make those decisions.

Speaker BERGSTROM: I hope you do because I grew up in the city and I've always missed the sound of the garbage trucks in the morning when they collect the refuse. It's just something that you don't forget.

(laughter)

Tom?

Mr. LYNCH: Thank you. I'm impressed with the array of things that you're working on and, as you just pointed out, the Growth Incentive Zone that the Cape Cod Commission helped on so much has been a boom to Hyannis and I think anyone of us now can see the vibrancy of that community and we have several more projects coming forward in the near future.

I'm wondering about a couple of things when you prepare your chart. (a) How do you measure success on these? Then, secondly, is there a way to quantify the actual employment numbers? If you put in an effort for something, did it add ten people to the workforce? Do you keep those kinds of numbers or would one find those under www.statsCapeCod? Is it something that you worry about or feel should be a part of the component of reporting or not?

Mr. NIEDZWIECKI: I worry about it a lot, but it's always difficult. Prior to coming here, I spent two years working for a quasi-public corporation, Commonwealth Corporation. We did workforce development/economic development statewide. When you get into the business of trying to measure jobs created from an Initiative, it gets fuzzy and sometimes when you use the multiplier effect I'm not sure that those numbers are accurate way to do it.

From our perspective, I think it's really about the investment in infrastructure and trying to help towns implement their visions of economic development that we've been trying to focus on. But I am interested in being able to measure the results so when we redo CEDS in two years that will be part of it. We'll include a performance matrix and timelines for delivery. One of the problems of CEDS this year is that we did have – I mean 16 projects is a lot and when you start to farm out leadership responsibilities to other agencies that you don't have a management structure over, it's kind of hard to make that happen. So I think we've learned some lessons. Tom, that was a good question and performance matrixes will definitely be part of the CEDS in the future.

Mr. LYNCH: As part of that too is the cost of what you're doing and what the payback is from that.

Speaker BERGSTROM: Julia?

Ms. TAYLOR: Could you repeat the Sea Crest date and plan? Who is invited? Can I show up? What's the deal?

Mr. NIEDZWIECKI: It's May 14th and 15th at the Sea Crest in Falmouth, and there's a registration process online at www.SmarterCapeSummit.com, and you're all encouraged to attend.

Ms. TAYLOR: Is there anything happening in your grid in Falmouth in particular that I might be interested in knowing about?

Mr. NIEDZWIECKI: We have a couple of projects in Falmouth.

Ms. TAYLOR: OpenCape.

Mr. NIEDZWIECKI: Yes, OpenCape is big in Falmouth but we're working with the Falmouth EDIC a lot. They were given some land and that was sort of the business plan for EDIC, but basically they are our land so they have to make their transition. So what we've done is we've tried to encourage a partnership between Falmouth and Mashpee, who is at the beginning of that cycle, to see if there is some knowledge transfer there.

But that's an area that we'll continue to work on. Falmouth has a fairly robust planning department and they don't call on us as often as other communities might.

Ms. RICHARDSON: My Coastal Use Template Project, Phase One was some case studies which included Woods Hole as one of the case studies, and we did do a DLPA Project also looking at East Falmouth.

Mr. NIEDZWIECKI: We did look at East Falmouth but there are two regulatory projects that are coming through. They're not officially in the door yet so I won't name them, but one is a significant expansion of a tech company down there and that's going to be a really good project for Falmouth.

Ms. TAYLOR: And it will go through the regulatory process if it is over 10,000 square feet?

Mr. NIEDZWIECKI: Yes. It's going to trip the Cape Cod Commission threshold, a lot like the Hydroid Project did, but I don't foresee any sort of bumps in the road for them.

Speaker BERGSTROM: Jim?

Mr. KILLION: Paul, you mentioned a couple of approvals that had to go through your office. Can you tell me what the average time of approval is?

Mr. NIEDZWIECKI: I don't have a specific number on the average time of approval. I can tell you definitively it has been much improved in the last four years than it was prior to that. Generally, once an application is deemed complete, it doesn't take more than 90 days to get through.

Mr. KILLION: The reason that I asked is many companies are located off-Cape and I'm asked that all the time how long does it take so I'd like to have a good answer for that.

Mr. NIEDZWIECKI: That's good. We're going to be in front of the Sandwich Board of Selectmen tomorrow night and Sandwich has a really interesting opportunity, and I would encourage all of the towns to take advantage of the tools that we have now to raise thresholds so that some of the projects that don't really need to come to us won't have to.

Speaker BERGSTROM: I have just one quick question. When people say I have a quick question, it usually goes on for a long time, but my Town of Chatham – and I mention it because it's probably true in places like Provincetown – the Selectmen get most of their input on economics from the Chamber of Commerce. They are a group – 100 or so – of small merchants; they have shops. So they're more concerned with next year's receipts; that's what they're concerned with. When I was on the board, I always tried to say what's our 5-year plan? What's our 10-year plan? My predecessor here, Charlotte, tried to do the same thing and I know that Paul and Teresa tried to do the same thing and it seems like you're looking at that.

But then, on the other hand, you have these small entities, small Chambers of Commerce, that are looking basically at the little picture. Do you bring people onboard? The shop owner

and the guy who owns the bed-and-breakfast, do they understand what's going on, how it affects them?

Mr. NIEDZWIECKI: That's a good question but the regional Chamber and local Chambers are membership organizations so they tend to look out for their members. Especially in an economy that's so frantically seasonal it's difficult for people to do a lot of that.

What we try to do on the County level and on the regional level is a little more of that long-term planning, looking at infrastructure. But we do try to help and coordinate those local entities and I think part of the Redevelopment Authority concept on the CEDS project our thinking is how can we help the local Chambers and the local EDICs. How can they benefit? There are a limited number of resources out there to support the number of Chambers of Commerce that we have on the table. So they're part of that discussion, structurally. And we do try to get out and get some feedback from them as often as possible and we certainly encourage them to participate not only in CEDS project but in SmarterCape Summits.

Speaker BERGSTROM: I'm just concerned there's a gap. Obviously what you're doing is important, looking at the infrastructure and looking at the basic economic bases. And they're looking at, like I said, next year's receipts. Is there a gap there somewhere where the two of you don't relate or do you feel that you're pretty much all on the same page?

Mr. NIEDZWIECKI: In both Chatham and Provincetown, in many ways you're looking at much more of a balanced economy than you are in some of the other towns. A lot of towns would like to be Chatham and a lot of towns would like to be Provincetown. So it is somewhat of a relevant statement. They are balanced and Chatham sort of is what it is now. It's not like it's in transition and there's a gap and they need help becoming something else.

Speaker BERGSTROM: Deborah?

Ms. McCUTCHEON: I didn't understand something that you said about your website statsCapeCod?

Mr. NIEDZWIECKI: Yes.

Ms. McCUTCHEON: Just so I understand. Is it statsCapeCod.org, or what?

Mr. NIEDZWIECKI: Yes, www.statsCapeCod.org.

Ms. McCUTCHEON: What exactly can you find there?

Mr. NIEDZWIECKI: It lists in a user-friendly way a lot of the demographic information and economic information that's related to the Cape. It's a useful resource for citizens, and for local businesses, and Chambers of Commerce. To the extent that there is information people would like that's not there, we would take those requests in and continue to sort of update that site and make it as functional as possible.

Ms. McCUTCHEON: I just have one other thing. You said that you thought that there was a need to change zoning to encourage economic development. I know that at various times in the past up in Truro – which I am from – we have gotten model language from the Cape Cod Commission about proposed zoning things and look at it and basically say we can't possibly ever take this to town meeting. It's at least four pages and nobody is ever going to read it. Then after that, there's editing and we end up with a couple of paragraphs which probably we can pass. So I think there's kind of a dichotomy between what is politically doable and what's perhaps desirable.

Mr. NIEDZWIECKI: Yes, and I think the past practice of the Commission has been towards these one-size-fits-all approaches to the towns, but there's a big difference between a town of 2,500 year-round residents and a town of 50,000. I think sometimes things get lost in

translation so we are trying to make more of an effort to accommodate things, and things are different in Panmet County.

(laughter)

Ms. McCUTCHEON: I wasn't going there today.

(laughter)

Speaker BERGSTROM: Let's hear from the other end of the Cape.

Dick?

Deputy Speaker ANDERSON: I have a question in regards to the Canal Area Assessment & Transportation Improvement. I see that the plan has been completed but the project was postponed by the funder. So where does it stand? Has a plan been brought forward to the Upper Cape or to any of the towns that it is going to impact?

Mr. NIEDZWIECKI: Yes. What's been completed is a work plan which we have presented to be funded so that we can actually go out and do the canal-area study. The feds did not see it as a priority right now and really, frankly, didn't want us talking about doing any sort of analysis of the future of the bridges.

Deputy Speaker ANDERSON: You're talking about the car bridges but this here you said was focused on the rail?

Mr. NIEDZWIECKI: Yes.

Deputy Speaker ANDERSON: So are you going to put up another railroad bridge?

Mr. NIEDZWIECKI: No.

Deputy Speaker ANDERSON: So you've got like a rough draft of what you want to do?

Mr. NIEDZWIECKI: We have a work plan. Generally what we do is we have work plans and we put them in the Transportation Plan and they're funded through a Transportation Grant. But particular work plans need to be approved by the state and by the feds.

Deputy Speaker ANDERSON: Okay. And I notice under Lead Agency/Project Team there is nothing here that says "Bourne," and seeing how we're the town that's being impacted by all this study, you would think that somebody from the Town of Bourne would have been included in the Lead Agency/Project Team?

Mr. NIEDZWIECKI: The team is made up of regional entities. We work with the Town of Bourne all of the time and especially on some of the landing spots on both of the bridges and, in fact, Belmont Circle is one of our top priority transportation projects. That's been pointed out to us by the Town of Bourne so I think we have a pretty good relationship with the town and an improving relationship certainly that allows us to prioritize those transportation projects out there. The fact that it's not part of this regional group on the rail, I'm sure that they're part of it somewhere.

Deputy Speaker ANDERSON: I just thought that it was kind of strange seeing how you're talking about bridges and traffic over the canal. The Cape Cod Chamber of Commerce is not in Bourne so why are they part of it? That was my question and I guess you can't answer it.

Speaker BERGSTROM: I would just like to tell my colleague from Bourne that the Executive Director of the RTA is Tom Cahir. Tom Cahir is well known in Bourne and he is, I'm sure, going to look after Bourne's interest when he participates in that plan.

Deputy Speaker ANDERSON: But he divides his interest between the RTA and the Town of Bourne.

Speaker BERGSTROM: Yes and the complaints about the traffic over the bridge. Okay. Are we all set on this?

Thank you. This is as important as anything the Commission does, I think, and hopefully it will come to fruition and I appreciate you giving us this update.

Are there any Communications from Public Officials?

Hearing none, are there any Communications from Members of the Public?

The Assembly will now Convene and we'll begin with a Report from the Standing Committee on Finance on the Recommendations on Proposed Ordinance 12-03 dated 3/7/12.

John, you're up.

Assembly Convenes

Proposed Ordinance 12-03: To add to the County's operating budget for Fiscal Year 2012, as enacted in Ordinance No. 11-06, by making supplemental appropriations for Fiscal Year two-thousand and twelve.

Mr. OHMAN: Thank you, Mr. Speaker.

This report on Proposed Ordinance 12-03 was submitted to the Assembly of Delegates by the Board of Regional Commissioners on March 7th. We held a public hearing on March 21st. The purpose was to add to the County's operating budget for Fiscal Year 2012 a supplemental appropriation for the Fiscal Year 2012. It was a \$50,000 request for additional Salaries. Because of weather and other conditions, the Dredge had an increased demand to do more projects which resulted in an increase of \$50,000 in Salaries be fronted to them. But this will be offset in total by a return on investment by the charges that they're able to get from that to replenish the \$50,000 back into the Enterprise Fund. We had a long discussion. At the end of it, we voted 4-0 to send it along to the Assembly for approval.

With that I would ask, formally, that the Assembly approve Proposed Ordinance 12-03.

Speaker BERGSTROM: Okay. We have a motion on the table. Do I hear a second?

Ms. KING: Second.

Speaker BERGSTROM: Is there any discussion on this?

Hearing none, the Clerk will call the roll.

ROLL CALL VOTE on Motion to approve Proposed Ordinance 12-03: To add to the County's operating budget for Fiscal Year 2012, as enacted in Ordinance No. 11-06, by making supplemental appropriations for Fiscal Year two-thousand and twelve.

Voting YES (92.72%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Thomas Lynch (20.92% - Barnstable), 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).

Voting NO (0%)

Absent (7.28%): Christopher Kanaga (2.73% Orleans), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 12-03 passes with 92.72 percent voting yes and 7.28 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 92.72% voting yes, 0% voting no, and 7.28% absent: VOTED to adopt Proposed Ordinance 12-03: To add to the County's operating budget for Fiscal Year 2012, as enacted in Ordinance No. 11-06, by making supplemental appropriations for Fiscal Year two-thousand and twelve.

Report of Committees

Speaker BERGSTROM: Next is the Report of the Public Services Committee and Approval of the Minutes of 3/21/12.

Dick, do you have a quorum here?

Deputy Speaker ANDERSON: Marsha, Spyro and Cheryl are here.

Someone make a motion and then we'll need a second and then we'll vote.

Speaker BERGSTROM: The motion is to Approve the Minutes. We've got to get that on the record.

Ms. ANDREWS: So move.

Ms. KING: Second.

Deputy Speaker ANDERSON: All in favor?

(Motion passed)

Speaker BERGSTROM: Now we come to our favorite part of the agenda, Report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: As you can see, I distributed the Fiscal Year 2011 audits. Just a quick heads-up. I'm talking to the Chairman of the Finance Committee because typically you meet with the auditors in May to view the audit. There will be a public hearing in two weeks – that will be April 18th preceding the Assembly meeting – on the Fiscal Year 2013 budget.

The Special Committee on CLC and CVEC will be meeting next Wednesday at 4:00 o'clock. The official notice for that will go out Friday and posted. I'm just giving you a little bit of advance notice.

That's it for today.

Speaker BERGSTROM: Is there any Other Business to be brought before the Assembly?

Tom?

Other Business

Mr. LYNCH: Based on the discussion that we had with the County Commissioners is it my understanding that we're going to hold off on discussing or acting on any of the recommendations that were put forward? I had heard some discussion that you might appoint a committee. Is that going to wait until later?

Speaker BERGSTROM: My feeling is that – and I've sent this out to people that have emailed me – is that the Special Commission was appointed by the Commissioners to report to them. In other words, they report to the Commissioners. The Commissioners – as we've grilled them today – have to make a decision as to how to proceed. Until they decide whether they're going to accept, reject, or amend the report and what they intend to go forward on, I don't think

that it makes any sense for us to do it. I think it would be a moving target. That's what we discussed today. They don't seem to be in any hurry and I don't think we should waste our valuable political time talking about something which could be totally different in a couple of months. That's my feeling.

Julia, do you want to comment on that?

Ms. TAYLOR: Yes. I don't think that we need to come up with our own response to the Special Commission because I think that doesn't matter in comparison to what the Commissioners are going to be oriented to doing, but I do think that they sound reasonably sincere about wanting to involve us and I think we should be involved and take full advantage of that opportunity when they start getting into it.

So I don't think that we would need to hold off and wait for them to say here's what we want. I think they're a little reluctant to do that. In fact, in regard to the structure issue, we could become part of their discussion pretty early on before they make a final determination and I think we ought to consider doing that.

Speaker BERGSTROM: I think somewhere in the second week of November they may decide to take some hard and fast positions on some of these things.

Jim?

Mr. KILLION: Just a comment. Early last year we were discussing Charter review here – several Members had brought it up. I know several other Members have commented on the committee working so well. Is that a discussion we should have? It is part of our responsibility to do exactly what the Commissioners did and perhaps this is a good starting point for our own review. Is that something that the Assembly would be interested in starting to discuss?

Speaker BERGSTROM: If you guys go back to the Charter, there are various processes for amending the Charter. One of them is to simply put in an Ordinance passed by the Assembly and it could go directly to the legislature. So the process is there. We could discuss it; it's up to the Members. But whether we want to go through a parallel and maybe even a competitive process with the Commissioners is really the question that comes before us.

Mr. KILLION: We have to ask ourselves if we had done this last year would we have this other review in front of us or not?

Speaker BERGSTROM: The answer is we did do it but they didn't like what we told them; that's the answer. I was on the Charter Commission and basically we said we're not going to change the basic structure of County government; that's what we said. Leo was on it, too. But there are apparently some people who disagreed with that and they decided to do this other.

Mr. KILLION: But when was the last Charter review done through the Assembly?

Mr. CAKOUNES: A year ago.

Mr. KILLION: A year ago. Okay.

Speaker BERGSTROM: We are required to do it every five years but we can do it whenever we want.

Mr. KILLION: The one that was done – from what I understand from the discussion – really wasn't completed. Nothing constructive was ever gained from it. That's the sentiment that I was getting. The only thing that they were discussing is what they were going to call it. That was what came about from the discussion.

Speaker BERGSTROM: That's kind of a big discussion to go into.

Mr. KILLION: I agree and I didn't want to do it.

Speaker BERGSTROM: We can discuss that at our next meeting. We'll actually put it on the agenda.

Leo, did you want to say something?

Mr. CAKOUNES: This is completely another matter. I just want to report to my colleagues that I took it upon myself, as the Delegate of the Town of Harwich, to take the printed copy of the recommendations of the Special Committee to the Town Selectmen and have them make copies of it. I presented it to them two weeks ago and then they put me on the agenda subsequently for last Monday night. All I did at the podium was go, by kind of a short version, over each recommendation which came forward from the Special Committee asking the Selectmen to be aware of what's going on and have the actual copy available for the public and the town. It is available online.

A lot of concerning questions were asked, of which I did not have the answers to. One specifically I got an answer today, which was good. But I suggest that the rest of my colleagues do the same thing. Take the time to do what we're supposed to do; report what's going on here at the County to your Boards of Selectmen. You don't necessarily have to give them an opinion – your opinion or our opinion – I didn't. I tried not to. In fact, I made the statement that I was there only to give the report and bring them up to speed on what's being looked at. If they ask for my opinion, I'll give it to them – and they did on a couple of things – but I just think that it's important for us to do that; to let our Boards of Selectmen and our constituents that voted us here know what's going on.

Speaker BERGSTROM: Cheryl?

Ms. ANDREWS: Thank you, Mr. Speaker.

You're a good Dobie, Leo. I did the same thing. In furtherance of that communication between the Assembly and the Selectmen, I had asked if we could get a single file, electronically, of the notebook that we were given and it took some time but it's there. In other words so you don't have to tell people to go down through every set of minutes – because I didn't want to do that – it seemed like if we were handed a notebook that it might be available as one document, and it is now. So Jan has that if you need it.

I also met with the Board of Selectmen – I think they knew my opinion before I arrived. I don't know how that happened. But I do have a question and I think you started to answer it. I'm not clear what the process is for asking for an agenda item. But a topic that was raised by the Delegate from Truro is one that she and I have discussed and it has to do with the Open Meeting Law and good communication and transparency of the County Commissioners.

I was kind of taken aback by what I saw that I just wanted to email the entire Assembly, which as long as you don't respond is legal, but at the off chance that some of you would, I thought maybe it would be better to have it as an agenda item.

Speaker BERGSTROM: In following up on what you're saying and what Julia also said is that these two topics – Governance and Wastewater – are enormous topics and my feeling is that – myself and the Clerk are looking at the budget and we're thinking budget. This is budget time and we're almost through there. We had the recommendations. It's not that we can't do two things at once. Today was Economic Development. I really wanted Paul to focus on that and not morph into Wastewater. So, yes, we can certainly discuss this.

Ms. ANDREWS: Let me be clear. I'm not asking to discuss Wastewater.

Speaker BERGSTROM: I know but what I'm saying is I know you're remotely concerned with the Governance, with how they're dealing with the Wastewater process.

Ms. ANDREWS: No.

Speaker BERGSTROM: What was Paul talking about that you objected to?

Ms. ANDREWS: I didn't object. What are you talking about?

Speaker BERGSTROM: You complained about the Open Meeting Law.

Ms. ANDREWS: Yes.

Speaker BERGSTROM: Because he discussed Wastewater and it wasn't on the agenda.

Ms. ANDREWS: I don't care what topic it was. I think the Open Meeting Law applies to any topic that you're discussing.

Speaker BERGSTROM: It does. What I'll say is I'll definitely put it on the agenda and we'll find a space for it and give it the concentration that it's due.

Tom, did you have something?

Mr. LYNCH: I'm not sure. I think if the Delegate has a concern about an Open Meeting Law violation, there's a form to fill out and I believe it would go to our County Clerk and then it would set in motion a timeline to give responses to that. So I'm not sure that that's the right thing to have a public discussion about. I think if someone has a concern – now if you just want to talk about transparency in general, that might be a good topic to have. But I think if there were a violation and you're aware of it, I would take that action and begin the process.

Speaker BERGSTROM: I agree with Tom. I think from time to time we can have a refresher course on this because it has gotten enormously complicated. It's difficult for me. I know it's difficult for the Clerk. Topics come up during the discussions with the Commissioners. At one point they weren't going to come here. They were only going to send one because they thought that if it were two it would be a violation of the Open Meeting Law. Also I have to say that the ground shifts under our feet. While we're discussing these things, up in Boston they're changing things. They're issuing opinions and so on.

Tom is right. We probably can't discuss this specific violation but we can discuss an overall process and policy so that everybody is clear. I know that it's not satisfactory but that's the best that I can do.

Is there anybody else?

Deputy Speaker ANDERSON: Motion to adjourn.

Ms. KING: Second.

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

Whereupon, it was moved, seconded and voted to adjourn the Assembly of Delegates at 5:35 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates