

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – May 16, 2012

Speaker BERGSTROM: Good afternoon. Welcome to the May 16, 2012 session of the Cape Cod Regional Government Assembly of Delegates. I would like to 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 (95.45%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% Orleans), 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 (4.55%): Anthony Scalese (4.55% - Brewster)

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 95.45 percent of the Delegates present and 4.55% absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

I will now need a motion to approve the Calendar of Business. Are there any additions or corrections to the Calendar?

If not, do I have a motion?

Deputy Speaker ANDERSON: Motion to approve the Calendar.

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded. All those in favor say "aye." Opposed?

(Motion passed)

You should have received a copy of the Journal of May 2, 2012. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker ANDERSON: Motion to approve the Journal of May 2, 2012.

Ms. KING: Second.

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

(Motion passed)

Okay. Now we have the Chair of the County Commissioners with us, Mary Pat Flynn. She's back from a knee operation and Dancing with the Stars.

(Laughter)

Deputy Speaker ANDERSON: She got voted off last night.

(Laughter)

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Is that what happened?

Anyway, good afternoon, it's nice to be here. It doesn't seem that long since I was here last. It's only been three weeks.

Bill wasn't at our meeting today. He was at another event in Boston having to do with out and look at the process of how we're going to move forward on the recommendations.

We're going to start with a matrix that is sort of a dissection of the current charter in terms of the executive powers that are currently in place both for the Assembly, the Commissioners, and also the powers that are inherent in the charter for the County Administrator because part of the recommendation has to do with the development of a County Executive. So we want to begin that process and that will take place on the 30th.

Then the following week we will continue to move forward and probably invite some charter experts to come in and talk with us on what our charter tells us we can do and cannot do, and maybe some of the options we have going forward so that we can put some sort of a document together that we can come here and talk with you about.

Also, I attended the Smarter Cape Cod Summit. I know that some of you were there as well. There were 440 registrants at that summit, which was pretty amazing, the largest registration they've had. It was very well put together; really excellent speakers on all of the aspects of Smarter Cape Cod, which is the environment, the economy, healthcare, education, transportation – and I'm going to leave a few things out because I can't remember them all – public/private partnerships. Bruce Tobey, who was the former mayor of Gloucester, was there and he spoke about his time as mayor back in the late 70's and 80's right after the Clean Water Act was passed, and he talked about the challenges that Gloucester had in cleaning up its harbor, along with cooperating with his neighboring towns of Essex and Manchester, and I think there's another town in there too.

Mr. OHMAN: Rockport.

Commissioner FLYNN: Yes, Rockport, and how they actually had to work together. They had to really develop a regional plan, which isn't finished yet by the way. But it was a very good discussion and exercise, and helpful to us in knowing what we need to do in moving forward.

The other thing that came up – and we've talked about this off and on for so long – we are so fortunate, as we all know, to have the volunteers from AmeriCorps here, young people, and we have learned over the past couple of years that a number of them have been able to secure positions here after their time.

Secretary Bialecki, who is the Secretary of Economic Development for the state, talked a whole lot about the fact that we're all getting older and we don't have much of an attraction for youth to become involved with us in our government, in making plans for the future, and he wanted to know how many people in the room thought it was a good idea to begin involving

youth and I think everybody in the room, obviously, raised their hand. The question is that it's very hard to do.

So we're going to have a session with AmeriCorps before this group leaves at the end of June because we know that some of them were very successful in coming back and working here. So we're going to talk to them about how to get youth involved in the County, what experiences they had in terms of job-seeking, and what they found worked for them and what didn't work for them. So we're going to have an interesting little forum. We're going to invite some other people to join us, perhaps, and see if we can't have a really interesting dialogue on an afternoon about how to get youth involved in the workings of our government locally.

So that's it for me.

Speaker BERGSTROM: Do any of the Delegates have any questions for the Chairman? Yes, John?

Mr. OHMAN: Thank you, Mr. Speaker.

Along that same theme, the AmeriCorps Graduate Programs are very well connected and you can go back to them – I'm very pleased to say that I sit on their Advisory Board – you can go back to them; if you're able to question them, you can find out what they did for the state for "x" amount of years, why they left, and what they could do to return. I think there's a wealth of information. I think something like 150 of the former AmeriCorps kids have spent a significant time after their internships here. So I think that's a really important connectivity here.

Commissioner FLYNN: That's good. Thank you.

Speaker BERGSTROM: I'd just like to mention also that the Commissioners have presented us with an Ordinance, which we'll be looking at, on Public Safety and the Fire Training Academy.

Commissioner FLYNN: I'd be happy to explain that.

Speaker BERGSTROM: Please do.

Commissioner FLYNN: This is a request for \$20,700. Is that the correction amount – \$20,700?

Speaker BERGSTROM: Yes.

Commissioner FLYNN: This is coming from the Fire Academy. The Fire Academy was very successful in negotiating a contract with Mass Maritime to provide fire training to the cadets at Mass Maritime. In the past, the state has won that contract but recently they've raised their prices and so Mass Maritime decided that they would go with our County Fire Academy.

So what this \$20,700 is for, is to allow the academy to purchase the supplies that are going to be needed to do the training. The cost of the contract, I think it's somewhere around \$55,000 or \$60,000, so this \$20,000 will be recovered and also there will be a bit of a revenue stream appropriated. In addition to covering the \$20,000 that we're asking to transfer, there will probably be another \$20,000 to \$30,000 in income that the academy will have as a result of this training. So this is a really good thing.

Speaker BERGSTROM: Yes. And I understand that we're trying to have it come out of this fiscal year's accounts so we'll try to get it voted on as soon as possible.

Commissioner FLYNN: Good.

Speaker BERGSTROM: Also, the Cape Cod Commission has presented us with an Ordinance on the Bourne Growth Incentive Zone in Buzzards Bay so we'll be looking at that also.

Are there any other questions for Commissioner Flynn?

Thank you very much. We're looking forward to the discussion on the recommendations of the Special Committee.

Are there any Communications from Public Officials?

Are there any Communications from Members of the Public?

I see a member of the public. You can come up to the microphone, please. We know who you are but you have to tell us.

Communications from the Public

Ms. RAPAPORT: I'm Jari Rapaport and I'm here to make a personal comment rather than from the League that I'm usually here for.

I just want to start by saying that your work on the CLC and CVEC has raised consciousness about how our County operates. In these smaller groups, we seem to work towards decision-making by establishing groups to deal with specific items of concern and making sure that each of them has one rep from each town on the group. In fact, we are hearing the voices of all the towns.

I began to think about that and it seemed to me that this body – the Assembly of Delegates – is the only one elected and charged with specific powers and I am seen to act on behalf of the towns they serve and are the voice of those towns. Other groups like the Commission, the CLC, CVEC, Wastewater Collaborative, the RTA, and others, consist of town-appointees. And I really began to get interested in how all of you work together. Is it possible for all of you to exchange information with the other representative that serves the town and work on important issues? Is it possible to do that? And if that does happen, is there a way in which the Commission people can talk with the CLC people, can talk with Assembly Members, so that you understand issues as they are occurring in these separate entities on behalf of the towns? I don't know if it's possible but it seems to me that it would be very helpful to everybody if it were possible to have more exchange of ideas between all of these groups.

That's all I wanted to suggest.

Assembly Convenes

Report of Committees

Speaker BERGSTROM: Thank you very much.

Are there any other Communications from Members of the Public?

The Assembly will now convene and we will begin with Report of Committees. The Special Committee on Inquiry into CLC & CVEC – do we have draft Minutes of 5/2/12?

Ms. O'CONNELL: Yes.

Speaker BERGSTROM: That's right. You should have received them. So I'm going to call for a vote for approval of the Minutes of 5/2/12.

Mr. CAKOUNES: I make a motion that we approve the Minutes of 5/2/12 for the Special Committee on Inquiry into CLC & CVEC.

Speaker BERGSTROM: Do I have a second?

Ms. McCUTCHEON: Second.

Speaker BERGSTROM: Okay. It has been moved and seconded. Are there any additions or corrections to those Minutes?

Hearing none, all of those in favor say "aye." Opposed?

We have a full complement of Members here.

(Motion passed)

We held what I expect will be our final meeting where we basically approved the report to the Assembly of Delegates on 5/2, and although it's quite a document – and I hope you've all had a chance to read it – I'll schedule an agenda item before the Assembly in the future, and hopefully not too distant future. I was hoping that we would give it some time for a vote of both CVEC and CLC to respond substantively to some of the recommendations that were made in the report and to give us their comments – at least those that would be acceptable in public.

(Laughter)

And we'll go from there. You have the document in front of you. I don't know if I'm prepared now to have a general discussion but we will definitely have a hearing on this and report to the full committee.

Is there anything else on that?

John?

Mr. OHMAN: Thank you, Mr. Speaker.

I want you to make sure that this document is available to the general public.

Speaker BERGSTROM: It is. It is the policy of the Assembly to make all documents that we approve immediately available to the public.

Mr. OHMAN: How is it available? It's always available there is no question but is it online anywhere?

Speaker BERGSTROM: It's online now.

Mr. OHMAN: So it's very available for anyone who wishes to access it?

Speaker BERGSTROM: It's very available to anybody who wishes to read it.

Mr. OHMAN: I think that's important. Thank you.

Report from the Clerk

Speaker BERGSTROM: Okay. Do we have a Report from the Clerk?

Ms. O'CONNELL: Yes. As you are aware after the presentation by the Commissioner, we will have to schedule a couple of public hearings before the next Assembly meeting. So on June 6th is going to be the Committee on Governmental Regulations, and Finance again. I'll get back to you as soon as I determine the time of the scheduling of those two meetings.

Other than that, I just want to make you aware of the fact that I will be out of the office for a few days starting at some point tomorrow after I deal with the fallout from this meeting – that's how I refer to it, typically – and I will be returning to the office next Thursday. So if you call, you'll get a message. If you send an email, you'll get an out-of-office response. I just wanted to make you aware of that.

That's it. That's all I've got.

Other Business

Speaker BERGSTROM: Okay. Thank you.

You'll see that I've put on the agenda Consideration by Assembly of the recommendations from the Special Commission. I was kind of reluctant to do this because the Commissioners really hadn't made any decisions on it. I thought they might have been dragging their feet so there it is in response to, I know, a lot of the requests from the Members of the Assembly. It turns out now that the Chair of the Commission has told us that she indeed will hold

a meeting on this, but it's open for discussion to anybody who wishes, right now. I knew we had time today and I thought if we were ever going to discuss this, today would be a good day to do it because there's nothing to the meeting on the agenda. So there it is. What do you guys think of those recommendations? No comment? Everybody is happy? Approve or disapprove? Or just get out of here?

Leo?

Mr. CAKOUNES: After again hearing from the Commissioners and the fact that they talked today about putting together some type of official position from them, I think it would be prudent to wait and let's see what that says. I certainly have my personal opinion on the recommendations from the Special Commission because once again that was a document that was prepared for and given to the Commissioners. I guess we've elected or decided to wait and find out where they're headed with those recommendations so maybe it might be prudent just to at least get a copy of – even though it may be in draft form – where the Commissioners are headed with this and discuss that as opposed to wasting our time discussing the entire report if in fact they're not going to act on it.

Speaker BERGSTROM: Nothing we do is a waste of time.

(Laughter)

Are there any other comments on this?

Cheryl?

Ms. ANDREWS: The question just relates to the issue of communication – two parts. One is the distribution list for press releases?

Speaker BERGSTROM: You can't ask her. You have to speak to the Assembly. Once the Assembly convenes, we don't take comments from the audience.

Ms. ANDREWS: Okay; then I'll ask the Speaker.

Speaker BERGSTROM: You can ask me.

Ms. ANDREWS: Are we copied on all of the press releases that come from the County Commissioners' Office and the Cape Cod Commission's Office? And the reason why I'm asking is because when the word "authority" hit the press, the Chairman of the Commissioners said, "No, no, that wasn't our motion. We used the word 'entity.'" And that afternoon we all received a copy of that press release but I hadn't seen it prior to that afternoon even though the press release, I think, had come out maybe at least a couple of days before. So my first question is, is the Assembly getting copied? Are we on the list for all press releases?

Speaker BERGSTROM: I would have to turn to the Clerk on that. We copy whatever we get.

Ms. ANDREWS: I'm sure you do.

Speaker BERGSTROM: Press releases are normally sent to the press. It presumes that the people within County government already know.

Ms. ANDREWS: That would be my suggestion then if you could follow up on whether the Assembly is getting copied on the press releases – both from the Commissioners as well as the Cape Cod Commission.

I raise the issue separately because a couple of us met with the Outer Cape Intermunicipal Cooperation Committee this morning and it was interesting to hear some of the town managers and various attendees' ideas about where this process is right now and it reaffirms the idea that there's a drag vacuum as far as people understanding what's going on. Admittedly, the answer seems to be we don't know but – I guess my comment would be to the Commissioner even though she can't address it – is that I hope really soon the County Commissioners can develop a

system for communicating either directly with the towns or the Assembly or the public in a clearer way other than just watching you on TV, which could take hours. I've noticed on your agendas that you're just putting on "special recommendations." If you do that every week obviously none of us know when to watch and when not to. It would be better maybe on a mini-press release on this topic periodically so that we hear from you at least your version of what's going on. That would be helpful.

Thank you.

Speaker BERGSTROM: Is there anything else?

Yes, Chris?

Mr. KANAGA: I just wanted to know – I know there was a boatload of documents delivered with respect to this report. Do you happen to know if the Member Services Agreement was part of that because I would be interested in seeing that?

Speaker BERGSTROM: I don't think we have a copy of the Member Services Agreement.

Just a minute, Deborah has an answer for us.

Deborah?

Ms. McCUTCHEON: We had a third or fourth generation copy of the Member Services Agreement. We did not have the original rendering or subsequently. I can get that for you if you want it. What we got was, like I said, a third or fourth generation of that iteration. It was not the original one. So some of the things that they we're saying were in the original one, we never were able to verify it or not because we didn't see it.

Mr. KANAGA: Would it be appropriate for me to ask that we get that document so that we could read it?

Speaker BERGSTROM: Yes, it would be appropriate.

Mr. KANAGA: I'm only asking because it seems to me that there are a lot of questions today with respect to what the obligation of the County was in its fiduciary capacity with respect to the fund and without actually knowing what indemnifications or what obligations might be in that actual document it's hard to know whether that's important or not.

Speaker BERGSTROM: We will do that. A request can be made directly to the Commissioners or the County and I'll see what I can do to get that.

Mr. KANAGA: Thank you.

Speaker BERGSTROM: Anybody else?

Mr. MITROKOSTAS: Is this under Other Business?

Speaker BERGSTROM: Yes.

Mr. MITROKOSTAS: I didn't want to interrupt the conversation on the Special Commission. I'd like to submit an Ordinance for consideration to create a position of Director of Administrative Services & Finance. I'll pass this along so that you can schedule it accordingly.

Speaker BERGSTROM: Are you going to submit it?

Mr. MITROKOSTAS: Yes.

(Ordinance submitted to the Clerk)

Speaker BERGSTROM: Deborah, did you want to say something?

Ms. McCUTCHEON: Yes. I just have one thing – and I'm glad that Mary Pat is still here – about the recommendations. There has been a lot of talk about the Wastewater and a lot of talk about the Government, but there are a lot of things in that report that ought to get addressed, like Transportation, and I would urge you not to throw the baby with the bathwater. There are some, I think, really valid recommendations in there for various things.

Speaker BERGSTROM: I actually had discussions with the Clerk and I had intended to send a letter to the Commissioners and ask them to find out how each of the recommendations would be implemented; in other words, the process. In other words, the Government's recommendations may have to go to the ballot. Some of the other recommendations maybe could be accomplished simply through the action of the Commissioners. Some would have to go through the Assembly. There are two different charter processes for dealing with changes in the charter; one having to do with the terms of office, and so on, and responsibilities of elected officials, the other one having to do with everything else.

I dragged my feet on that a little bit and it turns out we're now going to have – according to the Chair of the Commissioners – charter experts and they're going to tell us, I presume, exactly what the process would be for implementing these recommendations should they be adopted. That would be the first step, I think, to find out not just what we're going to do, but first how are we going to do it if we intend to do it.

Summer is coming, the budget has been passed, so we can assume that this is going to be an ongoing discussion pretty much from now until the immediate future – at least until November.

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

Deputy Speaker ANDERSON: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Motion has been made and seconded. All those in favor say "aye." Opposed?

Whereupon, it was moved, seconded and voted to adjourn the Assembly of Delegates at 4:30 P.M.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates