

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – June 20, 2012

Speaker BERGSTROM: Good afternoon.

Welcome to the June 20, 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 (59.44%): 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), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).**

**Absent (40.56%): Christopher Kanaga (2.73% Orleans), VACANT (20.92% - Barnstable), Teresa Martin (2.30% - Eastham), Julia Taylor (14.61% - Falmouth).**

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 59.44 percent of the Delegates present and 40.56% absent.

Speaker BERGSTROM: Thank you.

Okay. Now we move on to the approval of the Calendar of Business.

Deputy Speaker ANDERSON: Mr. Speaker, I move to amend the Calendar of Business by Convening the Assembly and taking up items 11(a) and 11(b), and then returning to the Committee of the Whole and start with item number 7.

Ms. McCUTCHEON: Second.

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

(Motion passed)

**Assembly Convenes**

**Proposed Ordinance 12-04**

Speaker BERGSTROM: Okay. The Assembly will now convene and we will begin with a report and recommendation on Proposed Ordinance 12-04 (Growth Incentive Zone – Bourne). This report was given to us prior to our last meeting from the Government Regs Committee. The Government Regs Committee voted it out with a unanimous recommendation of approval.

Dick, would you like to tell us about the approval from the local authorities?

Deputy Speaker ANDERSON: Yes. We have the Town Planner here who has done an exceptional amount of work to get this thing passed and all put together before the Commission, and has won the approval of it, and I would move approval.

Ms. McCUTCHEON: Second.

Speaker BERGSTROM: It's been moved and seconded. Is there any further discussion? Yes, Cheryl?

Ms. ANDREWS: Just as far as educating me a little bit as far as the groups that have weighed in on this – for example, did the Selectmen deal with it? Could you tell me which groups?

Deputy Speaker ANDERSON: I will let the lady who put it all together speak to that.

Speaker BERGSTROM: She can't do that. We've convened.

Deputy Speaker ANDERSON: That's right, we've convened. I'm sorry. Nice try. Yes, all of the officials in the Town of Bourne back this 105 percent.

Ms. ANDREWS: That's impressive.

Deputy Speaker ANDERSON: Because they need something like this to get downtown Buzzards Bay moving again.

Ms. ANDREWS: And I support that premise wholeheartedly because it's an area that's a jewel. It's just not set in the right way, in my opinion, so I hope you'll all support it.

My other question was in terms of understanding what this process does is it fair to say, or is this my misread, that one of the biggest things it does is allow a larger-type development to not have to be a DRI. In other words, a 10,000 square foot project would go as a DRI but under this it won't need to; is that fair?

Deputy Speaker ANDERSON: Yes, that's fair. It takes and enlarges what the town can have in a certain area without tripping into the DRI process.

Ms. ANDREWS: But it doesn't necessarily supersede their local zoning?

Deputy Speaker ANDERSON: No.

Ms. ANDREWS: Okay. Thanks. That's it.

Speaker BERGSTROM: We have a motion on the floor. It's been moved and seconded. If there is no further comment, we'll call the roll.

**Roll Call Vote on Proposed Ordinance 12-04: To amend Barnstable County Ordinance 90-12, as amended through Barnstable County Ordinance 11-04, the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, to allow for the application of a cumulative DRI threshold in the newly established Growth Incentive Zone in Buzzards Bay, Massachusetts, in accordance with Barnstable County Ordinance 05-13, as amended through Barnstable County Ordinance 10-19, Chapter G: Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application pursuant to Sections 6 and 7 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989 as amended.**

**Voting YES (59.44%):** 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), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).

**Voting NO (0%):**

**Absent (40.56%): Christopher Kanaga (2.73% Orleans), VACANT (20.92% - Barnstable), Teresa Martin (2.30% - Eastham), Julia Taylor (14.61% - Falmouth).**

Ms. O'CONNELL: Mr. Speaker, Proposed Ordinance 12-04 passes with 59.44 percent of the Delegates voting "yes" and 40.56 percent of the Delegates absent.

**Whereupon, it was moved, seconded, and by a roll call vote with 59.44% voting yes, and 40.56% absent: VOTED to adopt Proposed Ordinance 12-04: To amend Barnstable County Ordinance 90-12, as amended through Barnstable County Ordinance 11-04, the Cape Cod Commission Enabling Regulations Governing Review of Developments of Regional Impact, to allow for the application of a cumulative DRI threshold in the newly established Growth Incentive Zone in Buzzards Bay, Massachusetts, in accordance with Barnstable County Ordinance 05-13, as amended through Barnstable County Ordinance 10-19, Chapter G: Growth Incentive Zone Regulations of the Cape Cod Commission Regulations of General Application pursuant to Sections 6 and 7 of the Cape Cod Commission Act, Chapter 716 of the Acts of 1989 as amended.**

Speaker BERGSTROM: Thank you.

I'll now turn to the Chairman of the Finance Committee who will report on Proposed Ordinance 12-05 (Fire Training Supplemental Funds).

Proposed Ordinance 12-05

Mr. OHMAN: Thank you, Mr. Speaker.

This is a report on Proposed Ordinance 12-05 from our public hearing on June 6<sup>th</sup> at 3:30 p.m. The Fire Academy has asked for \$20,700 to supply fire extinguishers and supplies for a new program at the Mass Maritime Academy. This will be a revenue-producing item; it's just that they need some upfront cash out of the 1212 budget to buy all of the materials necessary for that program to go forward.

I'm going to recommend passage of this Ordinance to the full Assembly as presented.

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded. Do you all understand what this is?

Leo?

Mr. CAKOUNES: Mr. Speaker, I have an amendment to bring forward. I would like to change the dollar figure in Proposed Ordinance 12-05 from \$20,700 to \$11,250.

Speaker BERGSTROM: Do I have a second on that?

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded. So you're downsizing this ordinance.

Yes, Leo?

Mr. CAKOUNES: On the discussion on this amendment, Mr. Speaker, I just want to bring it to the Assembly's attention that the Mass Maritime Association has agreed to buy some of these fire extinguishers at the tune of \$9,450, so subsequently it drops the needed dollar value from \$20,700 to the amended amount of \$11,250. So this in no way impacts what we're trying to do. It just coincides and takes into consideration the monies being brought forward from the Mass Maritime Association.

Speaker BERGSTROM: John?

Mr. OHMAN: Thank you, Mr. Speaker.

In our discussion with Fire Director Lee Pariseau in that meeting, he managed to talk Mass Maritime to take the full amount of the fire extinguishers needed for this program out of their 2012 budget which greatly reduces the need for us to dip into ours. We would have gotten the money back away but we don't have to do anything at all.

Speaker BERGSTROM: I think I'm going to need another motion to approve the amendment.

Mr. OHMAN: We're still discussing the amendment, are we not?

Speaker BERGSTROM: Yes. It's been moved and seconded.

Mr. OHMAN: I do now recommend that we pass the amended Ordinance 12-05 to the full Assembly.

Speaker BERGSTROM: So now we're voting on Leo's amendment. Do we need a roll call vote?

Ms. O'CONNELL: Yes.

Speaker BERGSTROM: So now we'll take a roll-call vote on the amendment.

**Voting YES (59.44%): 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), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).**

**Voting NO (0%):**

**Absent (40.56%): Christopher Kanaga (2.73% Orleans), VACANT (20.92% - Barnstable), Teresa Martin (2.30% - Eastham), Julia Taylor (14.61% - Falmouth).**

Ms. O'CONNELL: Mr. Speaker, the amendment to Proposed Ordinance 12-05 passes with 59.44 percent of the Delegates voting "yes," and 40.56 percent absent.

Speaker BERGSTROM: John, you've made a motion to approve the amended ordinance?

Mr. OHMAN: I do.

Speaker BERGSTROM: And it's been seconded?

Ms. KING: Second.

Speaker BERGSTROM: It has been moved and seconded. Is there any further discussion? We'll take a vote on the amended Ordinance.

**Roll Call Vote on amended Proposed Ordinance 12-05: To add to the County's operating budget for Fiscal Year 2012, as enacted in Ordinance No. 11-06, by making supplemental appropriations for the Fiscal Year two-thousand and twelve.**

**Voting YES (59.44%): 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), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Paul Pilcher (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).**

**Voting NO (0%):**

**Absent (40.56%): Christopher Kanaga (2.73% Orleans), VACANT (20.92% -**

**Barnstable), Teresa Martin (2.30% - Eastham), Julia Taylor (14.61% - Falmouth).**

Ms. O'CONNELL: Mr. Speaker, Proposed Ordinance 12-05 as amended passes with 59.44 percent of the Delegates voting "yes," and 40.56 percent absent.

**Whereupon, it was moved, seconded, and by a roll call vote with 59.44% voting yes, and 40.56% absent: VOTED to adopt Proposed Ordinance 12-05: To add to the County's operating budget for Fiscal Year 2012, as enacted in Ordinance No. 11-06, by making supplemental appropriations for the Fiscal Year two-thousand and twelve.**

Speaker BERGSTROM: Okay. Now we will un-convene and we will go back to our initial Calendar of Business.

### Committee of the Whole

Speaker BERGSTROM: I need a motion to approve the journal of June 6, 2012.

Deputy Speaker ANDERSON: So move.

Ms. KING: Second.

Speaker BERGSTROM: Are there any additions or corrections?

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

(Motion passed)

Speaker BERGSTROM: I'm going to take out of order and ask if we have any Communications from Members of the Public?

### Communications from the Public

Ms. SHERMAN: Kathy Sherman, Brewster. I just have a question. My question is with respect to the question that came up at the subcommittee today about written testimony that was submitted at the June 6<sup>th</sup> session – whether that could be attached to the minutes of June 6<sup>th</sup> or in some other way be publicly accessible?

Speaker BERGSTROM: Just the verbal testimony could be.

Ms. SHERMAN: So the letter that was referenced before could not?

Speaker BERGSTROM: Yes.

Ms. SHERMAN: Okay. Thank you.

Speaker BERGSTROM: We're in danger of losing a quorum here because the big vote is abandoning us.

(Laughter)

Deputy Speaker ANDERSON: He wants to speak to us from the other side of the table.

(Laughter)

Mr. LYNCH: Thank you, Mr. Speaker. For the record, my name is Tom Lynch and I live in Centerville in the Town of Barnstable.

Through you, Mr. Speaker, and to the Deputy Speaker and the other Members of the Council, this is the first time in eleven years that I have entered this Chamber representing a smaller percentage of the vote than the Delegate from Truro. Zero is right there.

(Laughter)

The Barnstable Town Council, as you know, has appointed me the Town Manager for the Town of Barnstable and under our Charter I can no longer serve in elective office, so in light of this requirement I submitted my resignation to the Clerk last week and it was effective on June 14<sup>th</sup>.

I've had the good fortune to represent the Town of Barnstable for the past 11 years. The voters have returned me to office five times and when opposed I garnered nearly 70 percent of the vote and I appreciate the confidence that they've placed in me to represent Barnstable on regional issues affecting Cape Cod. I'm indebted to them for giving me the opportunity to serve them. There's an old saying, "When you're in you're in, and when you're out, you're out," and nowhere is this felt more than elective office as I look over and see that my seat is already taken.

(Laughter)

But you each have a vote; you have a voice and the opportunity to effect change. I hope you use it wisely. Think about what is good about County government and expand it. Your time in office is limited but your opportunity for change while in office is unlimited.

Some random thoughts on the Assembly: Charter reviews, three Speakers – Tom, Charlotte, and Ron – Mary LeClair, Lance, the beach meetings, AmeriCorps, travels with Bill Clark, George's Shawme Septic System Farm in Bourne, the County farm, Bill Doherty's "and a cheerful greeting to all of you today," CCC, EDC, RDO, CLV, CVEC, and DCPC, Margo Fenn, OpenCape, deeds revenue, Cape Cod Water Protection Collaborative, Children's Cove, the Dredge, my old seatmate, George Bryant who always extended our meetings with "an another thing," and of course each of you and our Commissioners. And I miss Diane Thompson, but we have a keeper in Janice O'Connell.

Over the years I have served with many fine individuals who served their own communities but generally we each have broader agenda of looking for ways to improve how the County delivers service on a regional basis. I'm proud of the work that we've done here; balanced budgets, and yes it was more fun when we had surplus revenues to expend; the thoughtful, fair and open manner in which issues were debated has been an example for how I think all legislative bodies on the Cape should function.

Gilda Radner made us laugh but she also was reflective when faced with adversity and she said, "I wanted a perfect ending. Now I've learned the hard way that some poems don't rhyme, some stories don't have a clear beginning, middle or end, life is about not knowing, having to change, taking the moment and making the best of it without knowing what is going to happen next."

I'll miss working with each of you but I trust our paths will cross again. I wish you each continued success and I look forward to seeing you at the beach in August.

Thank you, everyone.

(Applause)

Janice said that I have to turn in my badge.

(Laughter)

#### Communications from the Board of regional Commissioners

Speaker BERGSTROM: We now have Communications from the Board of Regional Commissioners.

Commissioner FLYNN: Good afternoon, and thank you, Mr. Speaker.

I would like to begin by recognizing Tom Lynch and thanking him for his years of service, not only to the Assembly of Delegates – Tom has had that uncanny ability to move through the political system in both local and state governments and find a niche that works for him. He has – at least to my way of thinking – he has always come well-informed and well-prepared and ready to act, ready to vote, no matter which job he was in; whether it was State Representative, the Assembly of Delegates, or whatever, and he has made great contributions and we're going to miss him. I'm going to miss all of the questions he used to ask me every time I got up here. Sometimes I felt like the Prime Minister of Great Britain with the Parliament coming down on both sides. But I thank him so much and we will miss him but I think we're happy to know that he's around and we'll probably see a lot of him.

Thanks, Tom.

I wanted to let you know that you are all invited to the BAND, which is the drug court graduation which is coming up next Friday, June 29<sup>th</sup>, at 1:00 p.m. here in this courthouse upstairs. If you have never been to one before, I'll tell you, you'd better bring a box of Kleenex and be prepared to listen to some incredible stories of people whose lives have been upturned, if you will, because of drugs and alcohol and how they've been able to overcome it. When they tell their stories, they're just unbelievable stories. You see them as renewed people with goals and hopes, and with families and with children and it's an amazing experience so I would encourage you if you haven't been to one before you should come next Friday because it will make you think a lot about the world in which we live.

I also want to mention that last Thursday morning some of us – Richard was there – were in Bourne to remember the great work that Roland Dupont has done, not only for the Town of Bourne but also for the County. We all know that he was the Speaker of the Assembly. We know that he was a Selectman; he was a County Commissioner, and he was a man with a vision, a man with a purpose and one who could you persuade you to do almost anything to get something done. The beautiful tribute to him on Thursday was the dedication of a Compass Rose that was made in granite on the walkway to the new overlook of the Cape Cod Canal in Bourne. I guess you call it an overlook?

Deputy Speaker ANDERSON: Yes, the Three Mile Look.

Commissioner FLYNN: Yes, the Three Mile Look. It's an absolutely beautiful, peaceful place where volunteers have done so much work in beautifying the area, cleaning it up, planting flowers and shrubs, and a walkway which used to be the old road to the drawbridge that was over the Cape Cod Canal umpteen years ago. Also, it's going to be the location for the celebration of the 100<sup>th</sup> anniversary of the Cape Cod Canal in 2014. Remember, it was built in 1914. Before it was very narrow, which is why the drawbridge worked, and then when all of the work was done it has been widened.

But it's a beautiful place that if you want to just go for a few minutes of peace, or to read a book, or whatever you want to do, there's a path that you can walk down and walk along the canal on the other side – on the Bourne side. It was a great day and I was really glad to be a part of it. Senator President Murray was there, Bill Doherty was there, and many people from Bourne and all of the volunteers who helped make it happen.

Where we are – we did meet today and we are really focusing on the recommendations from the Special Commission on County Governance, but what we're doing is to try to develop an understanding of the powers of this government. We asked Mark to put together a matrix of the powers in what we call the overarching powers of County government – what are the powers that we have? They are very, very broad and they are limited only by that wonderful phrase that

I love to read in every piece of legislation that comes out of the State House – which is notwithstanding any general and special work to the contrary, you can do all of these wonderful things. That's kind of pretty much how the powers of County government are described.

Then the next piece that we looked at was the powers of the Assembly of Delegates. We went through all of the powers as outlined both in the charter and in Section 801 of the General Laws or the Acts of 19 – I've forgotten the year. So we're looking at those.

Then next week we're going to take up the powers of the Commissioners and then the powers of the County Administrator. And we're going to develop a narrative so that we have an understanding of what this County is, what it can do, what its source of revenues are, what its broad powers are, what its limitations are so that when we look at these recommendations we can put them into some context that makes sense; that we're not just looking at them; and that everybody who's doing it, we're all on the same page. We will all now have this same understanding of the powers because sometimes you think you understand it and then all of a sudden you find out that either you forgot it, or you have to look it up, or you're not sure. If it's an Ordinance, if it's vetoed, who can do what? Who has to sign? So it's very important to know and understand all of the powers of the County and the branches that make up the County.

So that's where we are. Next week we'll take up the rest of it and then from there we will have a timeline. One thing that we may do is because we have been requested by the Mosquito Control group – they want to come under the County. Those of you who were on the Special Commission probably heard their presentation from John Doane and Greg Milne, I think, was there. They find the state very inhibiting to their ability to do what they want to do. They do things far better with less money and apparently more effective than some of the state programs and they think that they're better. So if they bring their money with them and we don't have to finance it then that will make it a lot easier.

So we've asked them to prepare a presentation for us, which they will do probably within the next couple of weeks, and then we will take under consideration bringing the Mosquito Control Program within the County umbrella.

So that's it.

Speaker BERGSTROM: We're in danger of losing our quorum here so I'm afraid that I can't ask you anymore questions. Under the new regulations if you lose a quorum you can't discuss any business.

Commissioner FLYNN: So the timing was perfect.

Speaker BERGSTROM: So I'm going to have to close the meeting and we will see each other again on July 18<sup>th</sup>.

**Meeting was adjourned at 4:25 p.m. due to a lack of a quorum (Delegate Mitrokostas left at 4:25 p.m.).**

Respectfully submitted by:

Janice O'Connell, Clerk  
Assembly of Delegates