Speaker BERGSTROM: Good afternoon. Welcome to the September 19th session of the Cape Cod Regional Government, Assembly of Delegates.

I’d like to call this meeting to order, and we will begin with a moment of silence to honor our troops who have died in service for our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

The Clerk will now call the roll.

Roll Call (98.73%): 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), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, we have a quorum present with 98.73 percent of the Delegate’s present and 1.27 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.
And now I’ll need approval of the Calendar of Business.
Deputy Speaker ANDERSON: Motion for Approval of the Calendar of Business.
Ms. KING: Second.
Speaker BERGSTROM: Moved and seconded. Any additions or corrections to the Calendar?

Hearing none. All those in favor, say “aye.” Opposed? (Motion carries.)
Okay. You should have received a copy of the Journal of September 5, 2012. Are there any additions or corrections to the Journal?

Hearing none. I need a Motion to Approve the Journal.
Deputy Speaker ANDERSON: So moved.
Ms. KING: Second.
Speaker BERGSTROM: Moved and seconded. All those in favor, say “aye. Opposed? (Motion carries.)
Speaker BERGSTROM: Okay. Now we have our Communications from the Board of Regional Commissioners.

Madam Commissioner, you’re up.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Thank you, Mr. Speaker, and good afternoon to all.

Today, we met with George Heufelder and Kendall Ayers from the Septic Loan Betterment Program. This program has been very, very successful, as you probably know. We’ve had $15 million appropriated over the course of the last few years, and now we’re ready to do another 5 million.

So, I think because of the changes that Towns are incorporating into their wastewater plans; they’re really beginning to look more carefully at alternatives and options for doing that.

And so aren’t residents looking at the installation of composting -- eco-toilets; I don’t want to say just compost, but eco-toilets which is a little more broader. So they’re talking to the Septic Loan Program and looking at whether or not they might be eligible for some of the funding.

The issue with the funding is that it can only be used for people who systems have failed. So, as a policy, we want to change that because it makes far more sense; why wait for a system to fail if somebody wants to utilize an alternative because it makes sense and because they want to do it, then we should not have a policy that restricts that. So, we’re looking at broadening that and being able to help fund.

Now, remember, the interest rates are five percent. So usually the people who apply for the County’s program are those that really can’t get a loan at the lower rates. As you know, some of them are, what, 3 percent/4 percent.

But particularly if their system fails, they have to do something, so the Loan Betterment really helps them. So that’s where we’re going with that.

We also met with the Commissioners of the Mosquito Control Program. You may remember that one of the recommendations from the Special Commission was to look at -- to bring the Mosquito Control Program underneath the auspices of County, which makes a lot of sense for many reasons because the County does not follow the same procedures that the state does, which is the spraying. We don’t spray here on the Cape.

So we figured there are a lot of things that we do differently because of our natural resources here that we have to protect and our procedures and our methods are different.

So, we’re looking at being able to see what the possibilities are of bringing it under the auspices of the County.

Now each Town is assessed on the cherry sheet for mosquito control. If you look at your Town’s cherry sheet, you’ll find the line item there for the mosquito control.

And then there are also some other state funds; I’m not quite sure how that works. But anyway, we had a beginning discussion today with three of the Commissioners were there, and Gabby was there who runs the program.

So we’ve set some next steps, and they’re going to come back and meet with us again around the end of October and see what we can put together, and it will have to be done by filing legislation. And we recognize that, so we need to also work with our state delegation on this.

And then the third thing we’re doing is you will be receiving from Mark a Status Report
on where we are with the Special Commission’s recommendations. Those that have been adopted and are moving forward and those that are in the works and those that still have yet to be addressed.

And our strategic plan we have developed a scope for our strategic plan, and as we set that up to begin, likely in January, we will include in there also all the next steps we need to take to look at the other recommendations from County Governance and for the County -- for the Special Commission. I always trip up on that one.

That way we’ll look at that and put that into our strategic planning for the next year and see how we can incorporate that and how we will involve others in the development of that. And, hopefully, begin to see some progress on that front.

So that’s it.

Speaker BERGSTROM: Thank you. Are there any questions for Commissioner Flynn?

Yeah, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. In regards to the mosquito control situation, are you people at least including in your dialogue the threat of Triple EEE, which has been kind of going across the state now?

I mean this may be a -- I don’t want to say a bad time, but it may not be the best time for the County to take over the mosquito control where we have this threat.

And you did mention that on the Cape for years we’ve had kind of a no-spray policy, but the many vernal pools we have and the many stagnant waters that we have, and I know we use the sources of AmeriCorps to help us clear some of these streams and riverbeds to run quicker.

But I’m just hoping that you’ll keep that open and dialogue in the event we do get Triple EEE down here that we will be able to access some State money, in fact, if we do decide to spray in the future.

Commissioner FLYNN: Thank you for that.

Speaker BERGSTROM: Anybody else? Thank you.

Commissioner FLYNN: Thank you.

Speaker BERGSTROM: Are there any Communications from Public Officials? Yes. I see a Public Official approaching the mic.

Communications from Public Officials

Commissioner DOHERTY: And a cheerful good afternoon to one and all. I am here this afternoon to speak to you in my capacity as Chairman of the Cape Light Compact.

The Cape Light Compact governing board voted at its September 12th meeting to support the June Resolution passed by the Assembly of Delegates regarding having annual audits of all Cape Light Compact funds separate and distinct from Barnstable County or its responsibilities.

In fact, the Compact Board went further and unanimously voted to perform retrospective audits of all Cape Light Compact funds for 2009, 2010, and 2011.

In addition, the Cape Light Compact Board unanimously voted to perform agreed-upon procedures for the period of July 1, 2003, through December 31, 2008, to specifically test the appropriateness of expenses incurred relative to Cape Light Compact Energy-Efficiency Funds and Cape Light Compact Power Supply Reserve Funds.

Prior to this vote, many of the Cape Light Compact Board members sought guidance from their appointing authorities, the Boards of Selectmen and the Town Manager, on how to
proceed on the issue of Cape Light Compact audits.

In all cases, the representatives were instructed to move forward with this level of financial review.

The Cape Light Compact is not in favor of Resolutions 12-05, 12-06, 12-07, 12-08, 12-09, and the Cape Light Compact believes that some of the Resolutions may be outside of the bounds of the Assembly of Delegates’ purview.

We respectfully request that the Assembly not vote to support these Resolutions.

Thank you. I have a copy of my remarks that I’d like to offer.

Speaker BERGSTROM: Okay. Meanwhile, is there any other Public Officials who would like to speak to the Assembly?

Mr. ED LEWIS: Good afternoon. My name is Ed Lewis. I’m a Selectman in Brewster and have been for 8-plus years, and I thank you for offering an opportunity for me to speak. I’ll be very brief.

I would ask the Assembly of Delegates not vote to support the Resolutions 12-05 through 12-09. I think it’s time to let the Cape Light Compact and CVEC do what they do, and Commissioner Doherty has told you about some of the audits that they’re going to proceed, and I think that the people that work for Cape Light Compact and CVEC, whether it’s Maggie Doherty or Mark Zielinski or Joseph Soares or some of the other people, have been hampered by some of the things that have been going on within the walls of this room and some of the other things that go on in the press.

And I would hope that you’ll let them do their thing and work -- and continue to do the fine work that they do on Cape Cod. These are good people. And despite some of the remarks that are made by other people, these resolutions are essentially accusing them of fraudulent actions over the past 10 years. And I don’t think that’s true; I don’t think that’s fair, and I think the Assembly of Delegates should reject it.

Thank you.

Speaker BERGSTROM: Is there any other Public Officials that would like to speak?

Mr. CHARLES MCLAUGHLIN: I’d like to ask that the Clerk distribute these to the members of the Assembly, please.

Good afternoon, folks. Charles McLaughlin as President of the Cape and Vineyard Electric Cooperative. I have handed over two items that I would ask you to consider as you proceed today.

One is a decision by the Attorney General of the Commonwealth that specifically addresses at least a portion of the complaints alleged and is reiterated by the Special Committee that we’ve been operating improperly, “behind closed doors” a phrase that was used on Page 6 of the Special Committee’s Report.

With all the negative implications that “behind closed doors” suggests, the Attorney General’s office examined private complaints on Open Meeting Law violations and found that we were operating as we were required to do by the General Laws of the Commonwealth, and that there was actually nothing improper that had been done by CVEC in the process of doing so.

Impliedly in that ruling is the issue that so many of the documents that have been at the focal point of much of the commentary were necessarily examined and handled behind closed doors and they remain inaccessible, both because of the confidentiality agreements that CVEC was required to enter into with various potential bidders and because of the industry practice that has been, as I’ve said repeatedly and we said so to the Subcommittee. Repeatedly blessed by the
Legislature.

It’s a mode of operation that one can take issue with, and I want to comment on that in just a moment. But the truth of the matter is the AG’s decision, I think, which goes back -- they looked at the specific issues of the private complaint that were involved, and if you read that decision, it goes further and says that they were specifically looking at a broader range and sampling of our involvements in meetings that predate the dates of the alleged violations that were submitted to them.

And they found in that entire survey not one instance worthy of comment in a negative way. I think anyone who’s involved in municipal government certainly is well aware anecdotally that the AG’s office is extremely difficult and narrow in their interpretations. They will criticize where some might not, and certainly they were criticized in areas where a lot of folks were operating in the past and thought to be perfectly appropriate and consistent with the Open Meeting Law. And the AG’s Office has been free to suggest that they disagree with that and require a narrow interpretation.

I say that by way of context that one of the prime allegations that really underlies the entire process that the subcommittee engaged in is that CVEC and also Cape Light Compact were not transparent and illegally so. And this AG’s opinion expressly refutes that suggestion. So I ask you to keep that in mind as you’re proceeding.

The second, my comment also is that it’s highly ironic that in the process of the hearings before the Subcommittee, we were given one opportunity at the opening to make a presentation, and we really had no other opportunity to get involved in any meaningful discussion with the Subcommittee.

I suggested that as to the allegations of Open Meeting Law violations and Public Records Law violations, I suggested on the record that the matter be referred in camera to County Counsel for his review and opinion. That was ignored.

We suggested or I suggested at a date later in the fall that there, I don’t know, maybe last spring I believe, that there be an opportunity for a full-blown give-and-take with the officials of both organizations in front of you so that there can be meaningful discussion and banter back and forth to understand fully what one another’s positions were and to explain them fully.

The Chairman thought that was a great idea and announced it as such and then nothing was done about it.

We were told in the November meeting that there would be -- that the January meeting might well be the last. And on the basis of that, I put notice out to all of our various municipal members and their Boards of Selectmen and so forth that “January might well be the last meeting. Please come and say your peace. This might be the last chance we have to do that.”

When 35 Public Officials showed up, the Chairman ruled that none of us would be able to speak.

The other opportunity that we have is with respect to the AG’s opinion, again, that I’ve mentioned.

Speaker BERGSTROM: If I could just interrupt you.
Mr. CHARLES MCLAUGHLIN: Sure.
Speaker BERGSTROM: That this meeting is being recorded. Apparently the press showed up and you’re recording this? Yes. Okay. And we’re also filming it or something?
FALMOUTH CABLE TV: Falmouth Cable TV.
Speaker BERGSTROM: Falmouth Cable, because I have an obligation to tell the people
that. Okay. Go ahead.

Mr. CHARLES MCLAUGHLIN: Thank you, sir. I won’t belay that discussion further. But just to say to reemphasize to you, we have tried to reach out on several opportunities. And then the final opportunity that frankly was passed up upon was the Delegate from Falmouth’s selection that the matter be referred back to the Subcommittee for further discussion to see if I presume if there can be any common ground.

No public opportunity was presented at that meeting. The Board went ahead and the Subcommittee went ahead and just simply reaffirmed the decision and kicked it back to you folks.

I find it ironic that when people crying about lack of transparency that there’s been this absolute blockage of any attempt to have a meaningful discussion.

We then go on -- I will say that there’s one thing staying with the Open Meeting Law issue for a second that maybe we can find some common ground on, and I speak only for myself in my individual capacity.

We are at the CVEC level operating with two hands tied behind out back because of the construct that the Legislature has blessed. And to my knowledge, this is the only process, the only bidding process in the State that is blessed with this level of secrecy that transcends and continues on many years after I’m dead, retired, and gone with regard to the level of secrecy that’s involved.

I don’t think, frankly, that the public is well-served by it. I know that CVEC hasn’t been well-served by it because we can’t arguably come back and display that we are about the right business, and that we are doing good work for the municipalities and our members.

We can’t do that because of the Legislative construct, and I would suggest that the public would be better off, bids would be more competitive if this secrecy which will end at some point, and I’ve made that suggestion to the Subcommittee, and I would hope at some point that the Assembly as a whole would consider it and take it up with the Legislators.

CVEC cannot discharge its duties to get the best possible bids. If we go it alone as the lone wolf and fail to honor the Legislatively-blessed industry of construct here, so if there is some common ground coming out of this very difficult process, that’s one where I think you ought to give it some thought and perhaps have a discussion among yourselves and then talk to the Legislature about it.

Because I think competitive bidding and, ultimately, the price that’s being paid for electricity across the board, whether it’s fossil-fuel generated or otherwise, is something that we could all benefit from. And the level of secrecy I don’t think serves that purpose at all.

My sense of the entire process is that the Subcommittee or at least some of the members have a very preconceived notion of what outcome they wanted, and the ability to share information with them, the offers to do so, that I reiterated a moment ago, really fell on deaf ears.

And at the end of the day, I think the process was not one that we anticipated. When I say “we,” we at the CVEC level. We are not a creature of County government per se. We submitted to this process voluntarily in response to a call from the Commissioners to engage in some level of public discourse on this and there was no discourse. We did a presentation and that was about the end of it.

So I think as a result, there are a lot of pieces of information that could have been shared that weren’t, that the facts that were found were often only half true if at all true. There were many misstatements of fact. The conclusions based on those facts and hence the
recommendations based on those facts, I submit, were fatally in error and there were many legal issues that were as exemplified by the AG’s Office’s ruling are also legally -- were legally incorrect.

So, the entire basis on which this report’s been prepared, I suggest, is flawed at best. That’s the most polite I’ll describe it as, and at the end of the day, it’s a report that lacks credibility.

And you are being asked at this point as an Assembly of the Whole to endorse a product that lacks credibility. And I have every confidence that the same confidence that we expressed with respect to the Open Meeting Law issues will be reiterated no matter what happens if this goes up the chain at all.

I think, you know, the CLC has agreed and I don’t speak for them, but they’ve agreed to spend $130,000.00 of ratepayer and taxpayer money to do an audit. Let that result go through and let it be accomplished by the same auditors in whom you have confidence at the County level. Those auditors are being doubted by members of the public before they’ve even sat down to start their work, and their potential report is being already splayed open and attacked. There’s no reason to believe that they won’t do as thorough and as an objective a job in this examination, and for 130,000 bucks they ought to, as they do for the County in all the other work.

See what that says instead of kicking this up and making a big brouhaha at the state level that frankly impugns the integrity, the personal integrity of so many people who volunteered hundreds of hours in pursuit of municipal opportunities that have benefited all of us in all of our cities and towns, the city being the Town of Barnstable.

So I won’t go on except to say that I think you’ll be well-served to let this process -- we’ve all learned from it. Not all the criticisms have been ignored, and I think at the end of the day I would respectfully ask that you all consider passing on these Resolutions and not allowing them to go forward or voting them down, if you will, and let us get on with the work that we are about.

Thank you, very much.


Mr. TOM MAYO: I’m Tom Mayo. I’m the Cape Light Compacts’ representative to the -- Mashpee’s representative to the Cape Wide Compact. I’m also the Assistant Town Manager in Mashpee.

I just wanted to clarify. I’ll be very brief. I wanted to clarify a motion that had been made at the last CLC meeting that you may not be aware of.

If you received the CLC packet, you saw at the end a motion regarding grants to CVEC from CLC, and I wanted to clarify that that motion had, in fact, been amended for your information today.

The new Motion that was adopted reads,

“Moves that the Board vote that CLC will continue to consider for approval after a presentation showing the need and benefit to Cape Light Compact grants as requested by CVEC for its operations through FY’15.”

That’s all I have to say.

Speaker BERGSTROM: Does it specify what revenue stream that the transfer is coming from?

Mr. TOM MAYO: It does not. The motion did not.
Speaker BERGSTROM: Are there any other Public Officials who wish to speak? Fred.
Mr. FRED FENLON: I have a document I would like to present to the Assembly and the Clerk, and I’ll speak very briefly.

My name is Fred Fenlon. I represent Eastham on the Cape Light Compact. Before coming here, I spoke to nobody at the Compact. They didn’t know I was coming so there was no preparation that way.

The document I gave to you basically shows -- I’m not talking about audits now; I’m talking about results. This is just the little town of Eastham of less than 6,000 people where the Cape Light Compact saved the residents last year, one year, $148,000 in energy savings and a bunch of that to the schools and so forth and so forth.

And all I would add is I hope that the Speaker requests the other 21 -- the other 20 of these so you can see the full results.

I thank you for your time.

Speaker BERGSTROM: Any other Public Officials who wish to speak?

Communications from Members of the Public

Mr. ERIC BIBLER: Thank you.

Speaker BERGSTROM: We’re under some time constraints here.

Mr. ERIC BIBLER: Okay. I’m going to be quick. I’m Eric Bibler of Weston, Connecticut.

Needless to say, I disagree with a lot of the narrative that was just provided by Mr. McLaughlin, and I know that certainly several of the Committee members also disagree with that narrative because that’s been aired previously and they’ve taking issue with it.

One point I wanted to address was as the Complainant in the Open Meeting Law Complaint, it’s not quite true that the Attorney General’s Office has given the Cape Light Compact and CVEC a complete clean bill of health.

In the opinion, one of the things they noted was that CVEC failed to provide a proper – to properly identify the topics to be discussed during Executive Session because they didn’t provide any specificity. They only cited the section of the law that entitled them in their interpretation to hold these secret sessions, and the Attorney General’s office noted that they had since amended those provisions.

It’s also true that in June, CVEC had to void one of their public meetings and declare it null and void because it was improperly noticed. They did not provide proper notice of the meeting.

This occurred after many months of conflict with members of the public that had begged both CVEC and CLC to provide notice of their meetings on their websites, so that they were freely available. And it was always the contention of CLC and CVEC that they had only to post a notice on the bulletin board outside the Superior Courthouse and that constituted adequate notice.

That turned out not to be true, and, as a consequence, CVEC had to declare essentially one of their meetings to be illegal.
CVEC is, as we speak, in violation of its own Bylaws. It’s obligated to produce an Annual Report to all members within 60 days of the end of the fiscal year. I personally have asked them many, many, many times to please provide some updated financials. The last financial statement they publicly disclosed to anyone was September 15th of 2011. And they had refused to provide any interim financial statements or even the Annual Financial Statement, which is a trivial exercise, and they are now currently in violation of their own Bylaws, which require them to produce this within 60 days of the end of the fiscal year. Notwithstanding Mr. McLaughlin’s repeated assertions that his hands are tied and if only he could be more transparent, he would like to be.

And, as you know, the Cape Light Compact no ifs, ands, or buts did violate the Open Meeting Law. The Executive Committee of the Cape Light Compact was unable to produce any minutes for the first 14 years of its existence because they didn’t take any, and that’s a clear violation of the Open Meeting Law. Just briefly now, I didn’t really want to get into this topic, but I thought it was important to correct it. There are a number of Open Meeting Law complaints still pending. There are also public record appeals pending including the appeal of the Cape Light Compact’s good-faith estimate of $23,000 for offering me the privilege to review their minutes and meeting exhibits and some financial records in their office. That was said to require 200 or 300 hours of work to prepare that, and every single page -- thousands and thousands of pages would have to be printed for me personally at an expense of $23,000 for the privilege of exercising the clause in the Intergovernmental Agreement that says that these records should be available for inspection at all reasonable hours.

Okay. So I think the bottom line here is that there’s still a huge issue of transparency. And I didn’t come here to say any of that, but what I wanted to say is very simple. There’s no one in this room as we speak who knows how the Cape Light Compact, since its existence, has spent the funds, the CLC ratepayer funds that it’s collected through the mill adder. No one in this room knows that with the possible exception of some of these Cape Light Compact Executives.

The Committee has asked for that. I have asked for that. I’ve been trying to get that for a year and a half; the Committee tried for nine months. They received everything else but that or lots of other things but that, but no one knows where the ratepayer money from the Cape and Vineyard ratepayers how it’s been spent. What has really been asked of these resolutions, what your Special Committee of colleagues did was they took a set of questions and they went off and they tried to get to the bottom of them. They tried to get answers for the public, and they tried to get answers for the Assembly.

And they came back and they issued a report that essentially said, “We failed to get to the bottom of these issues because we didn’t receive the information that enabled us to make a determination of how the money was used,” for example.

And then secondly, they said some of these questions about there was a Ratepayer Petition filed to the Attorney General’s Office last Friday, which I had nothing to do with, okay, on behalf of 200,000 ratepayers on the Cape and Vineyard, and the questions of the proprietary of using the Reserve Fund, which is supposed to be used for risk mitigation; it’s supposed to be belt and suspenders. If everything else fails, it’s supposed to be accumulated by the Cape Light Compact instead of liquidated every year for expenses and for donations to CVEC.
That question of the legal propriety of the use of those funds, well the assembly is not in a position to determine that. So that’s why it’s necessary to have the Attorney General or the Office of the Inspector General determines that.

Similarly, we do not know -- there’s not a single person in Barnstable County, and I don’t even think the Board members know. I don’t think there’s a single Cape Light Compact Board member who knows how much money -- how much Cape Light Compact Ratepayer Funds have been used to pay bills associated with CVEC projects under this mechanism of shared legal representation. No one knows. They won’t tell us. And you don’t know; no one knows.

This is why I think that the point of these resolutions is simply to say let’s get to the bottom of it. We can’t do it. We don’t have the legal authority to determine propriety of these things. We’re over our heads. We’ve identified the problems. Let’s ask the Office of the Inspector General and the Attorney General to come in and make that determination.

Thank you.

Speaker BERGSTROM: I saw a hand up in the back. Yes; you, come forward.

Mr. CARL FREEMAN: Carl Freeman from Orleans. The intimations of criminal activity carried in the proposed resolutions, I believe, are unfounded and harmful.

The Assembly of Delegates should not continue to burden the Cape Light Compact and the Cape and Vineyard Electrical Cooperative with further costs for legal defense and redundant audits when the original recommendations have been answered, disproved or remedied.

I urge the Assembly of Delegates not to accept Mr. Cakounes resolutions.

As a ratepayer, I find it alarming that tens of thousands of dollars of money that should be dedicated to conservation and great stabilizing sustainable energy projects may go towards further audits. The Attorney General’s office found no evidence of wrongdoing.

What is further frustrating is that a greater understanding could’ve been found if the involved parties would similarly communicate with each other in a civil and timely manner.

I just am very disappointed with the process, and I can say that I think that the Cape Light Compact and CVEC are doing their job.

Thank you.

Speaker BERGSTROM: Yes.

Ms. LILLY GREEN: Thank you. Lilly Green, Wellfleet. Thank you for the opportunity to communicate with the full Assembly. I will make the following statements because I and you and the other 210,000 ratepayers who are CLC’s customers deserve better.

Why do I think that it’s more necessary today than I did this spring for the full Assembly to make the right choices for the Cape ratepayers, and to support the work of your Special Committee and adopt each and every resolution submitted by Delegate Cakounes?

It is primarily because we took seriously Delegate Taylor’s suggestion that we go back to our Boards of Selectmen. Our Town Board also took the situation seriously.

The problems, however, are many. This is not a three-bullet point, three-minute issue. This is very complex. CLC has a budget of approximately $24 million this year. About the same size as the whole County budget.

It took your Special Committee ten months of hard work to sort through the situation at CLC and CVEC.

I think it is just plain unrealistic to expect that any Town Board will spend a huge amount of time in conducting the necessary research to delve that deep into the nuances that the Special Committee of the Assembly and some dedicated citizens have to gain an in depth understanding
of the two entities to the extent possible.

Also, think about it. Each Town relies on CLC for many monetary benefits. Who really would be willing to challenge CLC concerning monetary issues when CLC’s financials have not been out in the open for the past approximately 15 years.

When no one knows what the financials really are or when simple questions will simply not be answered, or when financial reports will not be furnished, even to you, the Assembly, the Legislative arm of our County.

How does one ask intelligent questions or challenge some aspect when you just don’t know; where do you even start? How do you go about asking hard questions when the people you are asking are also top County employees that your Town needs to work with on other issues also.

If you meet with one of these people and they make a claim, how do you research this to find out if this is factual or not? The information is just not even available.

Or will you check out what you were told to make sure that it’s not just some legally correct wording? Or will you check facts to see if you assume one thing and that actually means something else? Or will you just have the time to follow up to see if the claims that made are actually followed through? Or will you just trust that what you were told is the truth and it all ends there?

I will give you one brief example. Two of our Board of Selectmen met with the top County official and were told, among other things, that the leadership of CLC and CVEC would be restructured so that no County employee would sit on both Boards. This meeting was held during the summer.

At the CLC Governing Board Meeting in September on the 12th, this item didn’t even come up, but the CLC Board did take bold actions. They include the following: The CLC Board voted to retain the same firm that currently conducts audits for the County and CLC to perform a slightly more in depth audit, but not the audit called for by the Assembly with Ratepayer Funds.

The CLC Board voted to fund the Cape and Vineyard, CVEC, though 2015 with Ratepayer Funds with no plan for receiving any revenue from CVEC.

The CLC Board did not even talk about the appropriateness of the same legal representation for both CLC and CVEC prior to voting on the funds for CVEC, and we all know that’s the wrong thing to do according to the rules and regulations.

These actions fly in the face of what the full Assembly has talked about as needed steps for CLC reforms and certainly what the Special Committee has recommended.

I should think the actions of the recent CLC Board Meeting alone would make you realize all five proposed resolutions are necessary. Things have gone too far astray for too long and the changes needed are just too massive to think that they will magically be enacted but that any Town Board will be able to effect major changes that are necessary.

One of the things that the Attorney General did not address was that Mr. McLaughlin spoke about, and I’d just like to briefly say this is that was about Executive Sessions.

When Wellfleet held a public meeting -- public -- held a meeting about -- held an educational seminar about public meetings’ proper procedure, our Town Counsel said that there is not a time that is correct for the transfer of funds to be held in Executive Session. I just want to put that on the record. And the Attorney General has not ruled on that, and that has been done and that has been documented.

In the name of democracy and citizens’ rights, I humbly ask you to listen to the people
who have spent their enormous amounts of volunteer time looking into this issue and also to your Special Committee.

Please support the 10 months of hard work they spent to research CLC and CVEC at the direction of you, the full Assembly.

Please support the well-researched and clear report written by your Special Committee and improved by all members of this Committee. Restore faith in the Democratic process regarding these to entities and vote “Yes” to all five resolutions proposed by Delegate Cakounes.

And thank you for your time.

Speaker BERGSTROM: Thank you. Anyone else wish to speak? I see a hand here and then there’s two more in the back. We can go for a little while longer here but I don’t want to go too far too long. I don’t want to shut anybody off.

Mr. MITT TIRRELL: Thank you. My name is Mitt Tirrell, and I’m a Brewster resident, and I urge you to support the resolutions before you.

Back in your June meeting, Delegate Taylor from Falmouth gave the opinion that the discussion regarding what’s been happening with CLC and CVEC and the report that those discussions be held at the local level. I took that suggestion seriously, and I went to my Board of Selectmen.

With a written request and a personal presence, I went before the Board of Selectmen and asked that they put on a future agenda that particular item and also include CLC and CVEC representatives and give the public an opportunity to speak.

I also referenced Delegate Taylor’s comments about that, to put it in some kind of context. At that meeting that I appeared to make that request, there was no public discussion other than one of the Selectmen, Mr. Lewis, who spoke to you just earlier, his comment that this was all based on a few disgruntled people.

I don’t consider more than 300 people signing the original petition for you to have an inquiry into this. I don’t consider your five colleagues who spent that time, a few disgruntled people.

The next day, the Chairperson of the Selectmen got back to me after I had asked him what his decision was and denied that there would be any future discussion. No reason was given other than that was his decision. I can only speculate the reason for that refusal. Brewster has been currently involved in negotiations with CVEC regarding a photovoltaic array in Town. I don’t want to muddy the waters, I would imagine.

And also as has been pointed out to you by others that the municipalities are really the beneficiaries of CLC’s and CVEC’s work not ratepayers. So, do individual Towns want to bite the hand that feeds them?

You are our last defense. You are the voice of the people. You have the power and the position to move things along. Sure, there have been some minor changes recently by both CLC and CVEC. I think due to the work and the results in the report from your Special Committee, imagine the positive results that would come about based on real -- not real inquiry but further inquiry and real transparency.

Please support these resolutions. The citizens of Cape Cod need to feel trust in the public agencies, particularly those that are assisting us in alternative energy and taking so much of our money.

Thank you.

Speaker BERGSTROM: Thank you. Yes. Mr. Ribnick and then I’ll go behind you.
Mr. RIBNICK: Going full circle, you know, I remember about a year ago coming before this body, and I have to give you a heartfelt and a very emotional thank you for listening.

This is only going to take a couple minutes, Mr. Speaker, but it’s a very emotional few minutes for me.

Honestly, two years ago I had no idea what I was getting involved in. I’m just another citizen like all of us. I never heard of CLC or CVEC. I, frankly, didn’t know anything about the County government at that time.

I just wanted to get some basic information. And I can tell you as I look around the room, I don’t think anybody -- I don’t think anybody has attended more CVEC and CLC meetings than I have from the public, nor of the Commissioner’s meetings for 14 consecutive weeks.

I’m 67 years old. I’ve had some success and failures in my life like everyone. I’ve never, ever, ever been treated that way I’ve been treated by the Commissioners when I went there nor by the management and leadership of CLC and CVEC.

People say to me, “Why do you stay the course? Why go to meetings” like I’ll be tomorrow morning at 9:30. I wish you’d go over there and see what’s going to happen at the CVEC Annual Meeting tomorrow morning. I dare say I’ll probably be the only member of the public there with my camera now filming.

“Why do it?” I guess I’m cursed. I’m cursed to be an idealist, and I guess I’m cursed because I believe in democratic principles. I don’t know -- I have no idea, no earthly idea of why these two agencies have adopted the attitude and the hostility and the disdain. I can’t comprehend it. I don’t know. Don’t know.

Well, what you heard today from the two principals of CLC and CVEC it just ain’t -- it’s just not true.

I went to the CLC meeting last week with other members of the public and we urged the Board please don’t vote those funds to do that audit. The same reason -- for the same very reason that your Special Committee in their second recommendation -- they require a forensic audit of the Cape Light Compact by an independent CPA, in parentheses, (“preferably chosen by some uninvolved entity.”)

We’re not impugning Rogers or Sullivan and Rogers. But given what’s happened in these two agencies, it only makes sense to have somebody with a fresh set of eyes and no preconceived understanding and come in and just take a look.

In fact, I’m going to quote one of the principals of your own Assembly, what he said, “If I was on the Board of CLC or CVEC and these accusations or these questions were coming at me, I would put a motion on the floor and of these entities, CLC and CVEC, and invite the IGN. We’ve done everything right. We’ve got nothing to hide; why not?” That’s why they’re there to come in and look at issues and bring a fresh set of eyes.

So, from my heart in spending two years of my life doing this, so I wonder; I thank you so much for listening and honestly for saying, “Look, there was a --.” Eric and I came where you gave us 30 minutes, Mr. Speaker, and we just presented what we thought, what we felt, what we uncovered, and you voted to do the Committee. They put 10 long months in. They reviewed thousands of pages. They came with this report.

So, please, please, please as Delegates tonight vote in support of these five resolutions. It’s so important, now and in the future, for people to have faith in the governmental structure of our County. And these are two important agencies, so thank you, Mr. Speaker. I appreciate it
very, very much.

Speaker BERGSTROM: You have a hand back there? And then Ms. Green, and then we’ll have to cut it off. So there will be two more.

Mr. STEPHEN ONEY: I’ll be very brief. My name is Stephen Oney. I’m from West Barnstable.

And I’m not well-versed on a lot of the matters that are being discussed here. I wanted to just come here and speak of my knowledge of Liz Argo, who has been I guess involved in this a long time, and I’ve known Liz a long time, and I respect her integrity and I’ve seen her many hours of selfless work.

So, I just want to add my own personal backing of her and hope that things turn out right. Otherwise, I’d hate to see her or other people’s reputations sullied especially knowing that they’ve worked so hard and so long for the causes.

Thank you.

Speaker BERGSTROM: Ms. Green.
Ms. KATHY SHERMAN: You mean me?
Speaker BERGSTROM: You. Sorry. Wrong name. I can’t see.
Ms. KATHY SHERMAN: I can see why they seem all the same.
Speaker BERGSTROM: Identify yourself.
Ms. KATHY SHERMAN: Kathy Sherman, Brewster. And I want to be brief, but I want to have some different issues.

What the CLC passed in terms of the audit, I actually don’t disagree with. I think it’s very long overdue but it’s separate from the resolutions that you’re being asked -- especially with the 05.

And I think it’s very important that you pass it because that body can go through unredacted minutes. If they’ve already done it for CVEC, you know, that’s much less that they would possibly have to do.

And the word “forensics” is not there anymore. It’s a general referral that would be able to focus on some specific issues to my mind, at that is what’s the relationship between impacts on ratepayer funds and is it appropriate to fund the municipal projects as they are now, which is very different from the way they were.

So even going forward, I think that this will help clear the air where the impacts on ratepayers are potentially very, very great. It may have some benefits for taxpayers, but for ratepayers at large, those are issues that I think we now need to separate. And it’s not about renewable; it’s the identity of these agencies is unique. We’re neither a municipal utility where supply and distribution are combined. And it is ambiguous. It’s unique. And that was one of the things that came out in the Subcommittee’s work, and I think that it’s important for the Attorney General as the ratepayer advocate to be addressing these issues.

And I strongly take issue with some of the remarks that there are allegations of criminal activity. Forensic means investigative, and it can be about a public debate. It can be about a lot of things.

And they are, also, we’re not impugning of the staff except maybe in terms of the treatment of public.

And, generally, there was not impugning of the way the CLC funds have been spent for energy efficiency or the benefits of those. It’s a whole separate issue. It was said; it’s the mill adder, the mill adder increase, and the two Inspector General and Attorney General who’ve
clarified some things.

And the last issue that’s very, very important is the definition of member because the two agencies and our Board of Selectmen have been very assertive about saying that that is the Executive branch of the County government -- I mean of the respective government as opposed to the citizens and that what could be good means of effective communication to have the broader involvement of everybody in the Town is lost in that.

And in my Town at least, it was the Legislative branch that authorized membership, at least for CVEC. So, I think that it would be a very good thing if there was clarification about that. That’s sort of been an ongoing confusion.

So, please do pass these Resolutions.

Speaker BERGSTROM: Thank you. I’ve got one final comment and that will be it; okay?

Ms. THERESI FLYNN: Therese Flynn, Yarmouth. I’m the Yarmouth’s volunteer representative to this CLC Board. I’m noncriminal; I’m gracious to all comers as my CLC Board colleagues have been.

I appreciate that you’ve given a lot of time to this, and I guess instead of saying you are our last defense; I’ll just say the truth is our last defense. You do what you think you ought to do.

Speaker BERGSTROM: All right. Well, now, if there’s no further communications by the Public, the Assembly will now convene.

ASSEMBLY CONVENES

Speaker BERGSTROM: We’ll begin with discussion. The Committee Report from Finance on Proposed Ordinance 12-08.

Reports of Committees

Mr. OHMAN: Thank you, Mr. Speaker. The Finance Committee held a Public Hearing on Wednesday, September 5 at 3 p.m. here in this chamber regarding Proposed Ordinance 12-08, which is $88,000 to be added to the budget of the IT Department to administer IT services in a broad spectrum to the Town of Wellfleet at their request.

There was a great deal of discussion about how that payment would be made, how much of it would be used for benefits for this person to be hired.

We are satisfied with all of the answers that Mr. Morse gave to us, and we came out of Committee with a 5 to 0 vote to recommend full passage for the full Assembly, and I do so with that.

Speaker BERGSTROM: Okay. So that’s a Motion to Approve?

Mr. OHMAN: So, therefore, I will move that we pass Proposed Ordinance 12-08 as printed.

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

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. Is there any further discussion on this?

Proposed Ordinance 12-08: To add to the County’s operating budget for Fiscal Year 2013, as
enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-
thousand and thirteen.

Mr. PRINCI: Mr. Chairman.
Speaker BERGSTROM: Yes.
Mr. PRINCI: I’d like to see if I could please purport an Amendment to Proposed
Resolution 12-08. I’d like to put forth an amendment at the very last line under it says, “Said
funds shall be derived from the Town of Wellfleet IT Contract Revenues. Should said contract expire,
the staffing of newly created Technical Support Specialists will be reassessed.”

Basically, if, for whatever reason, technology is advanced and the Town of Wellfleet then
decides that they can certainly contract someone at a lesser cost through their own Town to fulfill
that role, the County won’t have a position that’s up there that was created basically for this
contract.
Speaker BERGSTROM: I don’t have a problem with that because it doesn’t change the
language of the original, but it does do something that’s kind of problematic, which is, it binds a
future -- it binds a future Assembly to doing something.
In other words like you’re saying, going forward, they have to do something and
sometimes that can be an issue as to whether this Assembly or this County government can bind
someone to do something in the future. Julie.
Ms. TAYLOR: Well, I don’t think that you can bind people, but on the other hand, I
think if there were -- this were to arise, people would look back and they would observe what
had been voted, and I think that would influence people.
Speaker BERGSTROM: Well, I’m not going to object to it being put on the table. So I
guess that’s a motion?
Mr. PRINCI: Yes, it is.
Ms. KING: I’ll second it.
Speaker BERGSTROM: Moved and seconded. Do we understand what the language --
Can you read the language back?
Mr. PRINCI: I just came up with this quickly because --
Speaker BERGSTROM: You’re going to have to give a copy to the Clerk.
Clerk O’CONNELL: I’ve got to have it in writing.
Mr. PRINCI: The language that I came up with at the very end of the Proposed
Ordinance it states,
“After FY’2013 period should said contract expire, the staffing of the newly created
Technical Support Specialist be reassessed.”
Speaker BERGSTROM: Do you have that in front of you in writing?
Mr. PRINCI: Yes.
Speaker BERGSTROM: Okay. We have to give it to the Clerk. It’s one of those
procedural issues that we have to protect.
So now it’s been moved and seconded to amend the resolution. Leo.
Mr. CAKOUNES: On the amendment, Mr. Speaker.
Speaker BERGSTROM: Yes.
Mr. CAKOUNES: I will vote to support it. I asked that very question at the
Subcommittee. What will happen if in the event the contract between the County and the Town
expires whether it’s because of mutually-agreed, whether they find someone else, or they find
it’s just not working out, will this position be kept on and the answer was, “No.”
And the only exposure we would be having at that time would be when you fire somebody or you lay somebody off, the unemployment tax for a certain length of time.
So that was the answer, and so that’s why I don’t have a problem supporting the Amendment.
Speaker BERGSTROM: Anybody else? Okay. So now we’re going to take a vote on Pat’s Amendment.
We’ll do it by roll.

Roll Call Vote on Amendment to Proposed Ordinance 12-08: To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.
Voting YES (98.73%): 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), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).
Voting NO (0%)
Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, the proposed Amendment to Proposed Ordinance 12-08 passes with 98.73 percent of the Delegates voting “yes” and 1.27 percent absent.

Speaker BERGSTROM: Okay. Now we’ll need a vote on the main --
Deputy Speaker ANDERSON: The amended motion.
Speaker BERGSTROM: -- the amended motion as originally introduced by Mr. Ohman and seconded.
So now we have the Proposed Ordinance 12-08 as Amended. Is there any more future discussion on this? We understand what we’re doing?
If not, we will take a vote.

Roll Call Vote on Proposed Ordinance 12-08 as amended: To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.
Voting YES (98.73%): 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), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Voting NO (0%)
Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Ordinance 12-08 as amended passes with 98.73 percent of the Delegates voting “yes” and 1.27 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 98.73% voting “yes”; VOTED (as amended): To add to the County’s operating budget for Fiscal Year 2013, as enacted in Ordinance 12-04, by making supplemental appropriations for the Fiscal Year two-thousand and thirteen.

Speaker BERGSTROM: Okay. Thank you, very much. And now we moved on to Item 13, the Proposed Resolution 12-05, and I will turn it over to Delegate Cakounes.

Proposed Resolution 12-05: The Assembly Of Delegates hereby instructs the Speaker to contact the Office of the Inspector General of the Commonwealth of Massachusetts (hereafter "IG") and the Office of the Attorney General of the Commonwealth of Massachusetts (hereafter "AG") with a request that they aid the County in its examination of the Cape Light Compact and the Cape & Vineyard Electric Cooperative, Inc.. The IG and the AG office shall be requested to include, without limitation, an extensive audit of funds and transfers, and of the structure and operations of these two entities, an examination of compliance with open meeting laws, public record laws, and requirements as to compilation and maintenance of records of acts and authorizations. Furthermore the AG &IG Office shall also be requested to review all inter-municipal agreements to which the County is a party and to make such recommendations as to the appropriate terms and conditions of such agreements as may be prudent.

Mr. CAKOUNES: I would like to move the Proposed Resolution 12-05 as it's been submitted.

Ms. MC CUTCHEON: Second.

Speaker BERGSTROM: Moved and seconded. Okay. Any discussion on this?

Mr. CAKOUNES: Thank you, Mr. Speaker. I would just like to take a minute.

The following four other resolutions I presented or I am going to be presenting, I spent a lot of time on writing some of these. They are submitted by me personally. It has been suggested that these are coming from the Subcommittee. They are not; they are coming from me personally.

I will address them one at a time. As you can see when I submitted them, I did not put a lot of “Whereas(es)” before it because I think we all know how we got here. I will try to keep the discussions as brief as possible. This particular one, and if you’d like Mr. Speaker, I will read it in its entirety into the record for those people that don’t have it in front of them in the audience or for people at home.

“The Assembly of Delegates hereby instructs the Speaker to contact the Office of the Inspector General of the Commonwealth of Massachusetts, hereafter “IG,” and the office of the Attorney General of the Commonwealth of Massachusetts, hereafter “AG,” with a request that they aid the County in its examination of the Cape Cod Light Compact and the Cape and Vineyard Electric Cooperative, Inc.

The IG and AG’s office shall be requested to include, without limitations, an extensive audit of funds and transfers, and that the structure of the operations of these two entities, and the
examination of compliance with Open Meeting Law, Public Record Laws, and requirements as to the complications in maintenance of records and acts and authorizations.

Furthermore, the AG and IG’s office shall also be requested to review all Intermunicipal Agreements to which the County is a party to and make sure -- and make such recommendations as to the appropriate terms and conditions of such agreements as they may be pertinent.”

I just want to touch on one aspect of this. I’m not an attorney; I’m a farmer. I come here with that background. So, when I bring forward proposals such as this one in front of you, I do it form my personal experience.

Many times I pick up the phone and I call -- in fact, even this morning at eight o’clock, I was calling the Massachusetts Department of Health and Regulations because I needed their help on a question in regards to water and wells, taking care of my animals.

I also called the Farm Bureau Main Office, the Massachusetts Department of Agriculture and asked them for help.

When I serve as a representative of Farm Bureau and I have farmers that have complaints or problems, I always tell them to go to the top and ask because if you’re doing something wrong, it’s best that you ask them to come and help you to correct it and do it right.

I’m in front of you here today with this resolution because I believe there are things that we are not doing properly. I don’t think and I am not standing here accusing anyone of illegal action, but I do believe that after 10 months of investigating this, there are things that just aren’t going proper and we need help. And these two offices, the IG and AG’s office, are there to do just that.

I will give you one and only one example. We requested, and you’ve heard many of times, we, and when I say “we,” the Subcommittee, requested some financial documents. In fact, in the report the Subcommittee even accessed an article in the Intergovernmental Agreement. I think its Article 16E, which states specifically that CLC needs to furnish a full financial report every year.

I’m holding in my hand an agenda of the September 12th meeting of the Cape Light Compact, and it’s my understanding that that Intermunicipial Agreement has been changed, and that particular section has been changed.

So now, and I am not positive, but I’ve heard because I have no access to the minutes, they’re not out yet, that the language says “A modified financial report shall be given.”

These are the kind of answers we’re getting. We ask for things, and this is the kind of answer we get.

I know they’ll be some of you that are going to say we can handle this; we can do it on our own. We don’t need to bring in the AG’s and IG’s office. I’m telling you we can’t. We’re volunteers. We are here as elected officials serving our Town, serving the public. I have a full-time job. You all have full-time jobs. This is beyond us. We need help. Don’t kid yourselves. The AG’s and IG’s office know all about this.

As you heard testimony earlier, there are all kinds of complaints being sent up there. We need to stand up and do the right thing as the Legislative body of the County of Barnstable and say, you know what, AG’s and IG’s office, we need help. Come down and help us muddle through this. We need to clean this up and make some changes for the future.

We’re looking at expanding these Intermunicipal Agreements. We have Open Cape situation coming towards us. We have a sewer situation coming towards us. If we can’t clarify and do a better job with these two organizations, how dare we move forward to two large ones...
like those that I just mentioned.

Please support this and support it because, quite frankly, it’s the right thing for us to do.


Mr. KANAGA: Yeah, two things were said here today that convinced me to vote in favor of this particular resolution, and, interestingly enough, they both came from the CLC Representative.

And one of them was the statement that there was no evidence of a violation of the Open Meeting Laws that the Attorney General found no evidence of that. And I just scanned the document, and on its face, the Attorney General finds the problem with the Open Meeting Law in one of the two complaints.

So, how someone can come in here and say that is -- just convinces me that we need to vote in favor of this.

And the other thing was the statement that we’re hindering their work by insisting that they comply with State law. And that, as you can probably tell, makes me very angry.

Speaker BERGSTROM: Thank you for your reserve. Julia and then Teresa.

Ms. TAYLOR: Well, I was completely sincere last spring when I suggested that this go to the Selectmen. And the fact that -- and I believe you when you said that that didn’t work.

I did bring it to my Selectmen and I don’t think they took me seriously, and this is a serious problem in that the responsibility of these organizations lies in the appointed members and the elected people who appointed them, who have a responsibility to the voters are the Selectmen.

So we have some sort of failure of that system working well, so that we’re at this unfortunate situation, which I don’t see as good.

And it certainly makes me very anxious not to have further quasi public and private setups. That’s not going to be popular with me in the future.

I also feel strongly, as I’ve said to, most recently two weeks ago, to our CLC member and I’ve said repeatedly to here and to the Commissioners, I feel we must make a change in having our employees, County employees, be running these organizations.

It’s fine to have monies sort of channeled through the County’s coffers with proper accounting, but that is not the same as having County employees have more than one master and that’s what we’ve got.

So, I’m very anxious to have that changed, and I’ll keep bringing it up, and if it has to be through the budget process, then it has to be through the budget process.

On the other hand, I am not convinced that our request to the AG or the --

Speaker BERGSTROM: IG.

Ms. TAYLOR: -- IG is going to be moving right to the top of their list. I suspect that they have a lot of complaints and this might be quite low on the list.

So, I would prefer to have the audits that they have decided to do and rightly so. And I think that if we do have the audits and there are any problems, we then are in an excellent position to request help from the AG and the IG and are much more likely to get their attention. I’m afraid that at the moment that might not work.

So I can understand the frustration that people are feeling, but, to me, the major problem for the cause of that frustration is the way this has been set up, the whole structure of the two organizations, and how they relate to the public. They don’t really answer to us except in a way these major employees, who I admire, sort of answer to the Commissioners -- do answer to the
Commissioners but not entirely, and that’s just a -- that’s a failure on our part in the way we set that up.

And that’s, I think, led to some of the frustrations of citizens, but I don’t think that that failure is one that the Inspector General is going to be all that excite about dealing with. And I would rather wait and see what we get in the audits. And if we see a real problem as had alleges -- as has been alleged, then I would be happy to make that referral.

Speaker BERGSTROM: Teresa.

Ms. MARTIN: A question for Leo and also a general comment. Leo, you said that these were submitted by you, personally, not by the Subcommittee. I was kind of curious why that was; if there’s a difference of opinion among the Subcommittee and why you chose this path?

Mr. CAKOUNES: No. I just chose myself to bring these forward now. I feel that there is a reluctancy on many members of this Board to move forward at this time.

And rather than have the Subcommittee sit down and vote, meet again, bring two resolutions, I took it upon myself, and, again, as a single delegate, to bring the resolutions forward now.

Ms. MARTIN: Thanks. And I have one comment kind of echoing what other people have said. I don’t know how I feel about all of them, but the first one, it seems to me that we’re all spending a lot of energy pointing fingers and running in circles, and if having a third party agree to come in and everyone can agree this third party, the State, is someone that everyone’s going to accept what they say, then I think it’s worthwhile and ultimately positive.

So I would support this first one for that reason.

Speaker BERGSTROM: Okay. Marcia.

Ms. KING: Thank you, Mr. Speaker. I can’t support this. I would ask that you people read the letter from the AG’s office. The AG concluded and I’ll quote them, “We find that the governing Board of the CLC and CVEC did not violate the Open Meeting Law and holding meetings in Executive Session continuing to hold Executive Session meetings from the public” page 6.

I think we’ve already been here. I should have taken exception to Mr. Bibler’s discussion when you kept saying there have been violations of the Open Meeting Laws. There hasn’t. If you made a complaint, than that’s a complaint. But to put in the record that there are violations, he is not an attorney. He is -- there are no violations that have come forward at this point.

I understand there are a lot of complaints, that’s fine, but I do take exception to bantering that around. It’s a very serious accusation. And I think the Board takes it -- this Board takes it seriously, but, again, the letters that the AG office submitted of both CVEC and CLC and the County Commissioners is that there was no violation.

So I can’t support this article -- this resolution, excuse me, because I think we’ve already been there.

Thank you, Mr. Speaker.

Speaker BERGSTROM: Spyro, did you have something to say?

Mr. MITROKOSTAS: I wanted to concur with Julia’s clearheaded analysis of the situation. For me, it’s a question of standing.

We, as the County, have a seat at the table and constituents of these organizations are the municipalities, and the municipalities are not before us asking for a remedy here.

So I plan to vote against this resolution, although I anticipate voting in favor of some of the subsequent resolutions which get to the heart of the issue for me, which is instructing our
representation there accordingly.

Speaker BERGSTROM: Okay. Where was that? John, did you have something to say?

Mr. OHMAN: Thank you, Mr. Speaker. I also will not be supporting this resolution. I think that the CLC and CVEC have made significant corrective action to address their audit and minute issues; it’s just not to more forward.

I think that when they perform their own independent audit, I’ll look forward to seeing what that brings out and then may be revisit it again as Julia said.

Thank you.

Speaker BERGSTROM: Pat.

Mr. PRINCI: I agree with what’s been said earlier. We, as a Board, we asked them to go ahead and do an audit. It appears that they are underway with their audit. It just makes practical sense to me to get that audit back, thoroughly review it, and then possibly, if there’s anything that may be criminal, because when we’re asking the Inspector General to come in, it does have criminal implications there.

If by reviewing the audit we see things that raise a red flag, then, of course, hopefully this resolution will come back before us.

So at this point, I won’t be supporting it.

Deputy Speaker ANDERSON: Mr. Speaker.

Speaker BERGSTROM: Cheryl and then --

Ms. ANDREWS: Thank you, Mr. Speaker. Just a point of information. A number of delegates have referenced this motion by I believe it’s CLC that conducted an audit. Did anyone here any kind of time frame for that audit? People are talking about waiting for this audit. Did anyone talk about when that would be done?

Commissioner DOHERTY: January.

Speaker BERGSTROM: I guess your answer is no.

Ms. ANDREWS: Oh.

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

Ms. MC CUTCHEON: I was not present at the meeting and I have not seen minutes of the meeting. My understanding is that there was a time frame of January to start audits at least of the current year and the immediate prior years. That’s my understanding.

Deputy Speaker ANDERSON: Mr. Speaker.

Speaker BERGSTROM: Yes.

Deputy Speaker ANDERSON: On this one here, I agree with Julia from Falmouth that, you know, we should maybe wait.

But then again on the other side, sometimes when you wait, it can take years for things to get boiled through. Like they’re not saying they’re going to have the audit done in two days.

And if you’re going to go back to the beginning when it was 14 years ago, how long is it going to take them to do that?

So I think it would be more prudent for us to pass this resolution now, and then if the stuff comes back and it says, yeah, they did things the right way, then you just send a letter to the AG and say, hey, forget it. We made a mistake or we shot too early.

But it’s better to get it on the radar screen up there from the County Assembly than it is to wait months or years for these audits to be completed.

Thank you.

Speaker BERGSTROM: I’d just like to jump in here because I think you guys are
missing the point on these audits.

An audit will tell you that money came in the door. It will tell you how it was spent, and it will tell you for what purposes it was spent.

It’s not going to tell you whether those expenditures were appropriate or not. It’s not going to tell you whether it’s within the authority of Cape Light Compact to spend that money in such a way. They’re going to say they got in a thousand dollars and they spent it on a junket to Las Vegas and here are the receipts; all right?

I mean, I’m being facetious but they’re basically not going to make subjective judgments as to the appropriateness of the expenditures, and that’s what they want to do it.

Because they have made -- I’m talking about CLC and Cape Light Compact now, over the course of their existence some decisions about the appropriateness of accumulating funds and expending things. And the appropriateness of those expenditures had been completely up to them; all right?

And what we’re asking is we want somebody from outside those organizations to say, okay, it was appropriate to charge the ratepayer another mil or half-a-mill and to use that money to put it in the Reserve Fund. You have a copy of the language of the Reserve Fund. It was appropriate to do that. It was within the confines of their authority.

Now what they’ve used so far to say that it is within the confines of the authority is the language that they put into the contract.

So in other words, Cape Light Compact says we put a line in the language or contract that says we can do certain things, you know which is kind of open-ended.

The Inspector General will look -- you all got a copy of the report they did on Open Cape; all right? They said, “Here are the procedures you follow. Here’s the way you do business.” They didn’t say you spent the money in the wrong direction. They said we feel that those procedures are flawed and you should do something to correct it.

Right now, the only ones who decide whether or not the things they do are appropriate are the people who are on the receiving end of the money. Okay. I don’t expect -- the Town of Barnstable, you know, is on the receiving end of a lot of money from this group, but they’re not paying in any money. The ratepayers are paying in the money. All the money comes from the ratepayers and all the money goes to the tax.

Now the flaw in the ointment, the way these organizations are set up, even though they receive all of their money from the ratepayers and maybe a few grants, the ratepayers are not part of the governing board. The Governing Board are the people who are on the receiving end of the money; do you understand? They’re getting it.

So, what’s happening now is, you know, as osmosis, things go from a high concentration to a low concentration through a permeable barrier, all this money is accumulated. Where’s it going to go? It’s going to go where the need is, which is to supplement the budgets of the Town. The question is is that the purpose of the Cape Light Compact, which was originally set up as a ratepayer advocacy group.

Who here has spoken for the ratepayers? A couple people got up. Do you think at any of those meetings somebody got up and said, “You know, I don’t think we should charge the ratepayers another half-a-mil.” No, they said, “Hey, look what we can do for this town. Look what we can do.”

But the primary purpose, and I don’t care what they say, the primary purpose of the Cape Light Compact from its inception was the ratepayers -- to keep the rates low. I was there. I
heard it. They have not done that over the course of their time, and they’ve gone where the glory is. They’ve taken that money and they said, “You know, I’m not going to send a boring letter to the ratepayers saying they’re just saving a half-a-mil. I’m going to charge them another half-a-mil.” I’m going to stand up in front of the Town Counsel in Barnstable and I’m going to say, “Look what we can do for you. Here’s half-a-million dollars.”

And the vehicle by which they do that is the change they made in the Reserve Fund, which was originally set up as a contingency fund against legal expenses. What they did was they increased the rates; they increased the money in the Reserve Fund, and they used that money to finance CVEC. Now, no one doubts where the money came from. No one doubts were it went to. The question is, “Is that appropriate?” They’ll say, “Yes.” Is there anyone looking at that other than the people who are on the receiving end who says, “No, it isn’t appropriate.”

And that’s my screed, but I mean I feel strongly about this.

Ms. TAYLOR: And I don’t disagree with you. And if I were a member on one of these Boards, I might very well be saying the same thing but I’m not. And we, the Assembly, doesn’t have this power.

And I don’t think the AG has the power to say you can’t do this or you can do this. I think that the towns have got to realize that -- I agree with you, but we -- it isn’t a question of -- I think they’re doing what’s legal.

Speaker BERGSTROM: They say that too.

Ms. TAYLOR: I know. So, if, in fact, what I do believe that an audit will show that something doesn’t fit their mandate or their Charter. And if it does, then that will become clear in the report of the auditors. And then that’s a reason to at least try to stir up trouble on the subject.


Mr. KILLION: Thank you, Mr. Speaker. I brought this circumstance to my Board of Selectmen. I met there with our CLC Rep a number of months ago. We discussed the report that we had submitted.

And interestingly enough when you talk about Open Cape, one of the members of my Board of Selectmen is, in fact, on the Board of Open Cape, and he’s very familiar with that IG report which was done. And, in fact, he had a great deal of appreciation for it because he realized that the mistakes that they made or whether the processes that were not in place were going to cause them problems down the road; how they handled money; how they would expand.

So the IG’s Office is uniquely designed to be able to point these things out in public.

And I guess I’d have to respectfully disagree with Ms. Taylor because even on CLC’s Website, Barnstable County is the fiscal agent for CLC providing administrative oversight and supervision.

So I think that really gives this Board the authority to make recommendations and to pass judgment. But to go further with what the Speaker was saying, you know, we were presented this book from CLC at the opening of the meeting, and it’s got information in it that doesn’t quite jive with the record.

I mean, we talked about that $520,000 transfer from one of Cape Light Compact’s or their primary vendor, Con Edion Solutions, in the way that money was moved around. And Cape Light Compact gave us documentation here showing when and where they gave it to CVEC.
However, you go on CVEC’s website today, it indicates that the money didn’t come from CLC but came from Con Edison. And we have a paper trail that disputes that entirely. It totally contradicts it.

So, these types of documentations are not something their auditor is necessarily going to pick up.

Furthermore, as we found with the Subcommittee, there’s a lot of privileged information that we were not going to access to. And I suspect a financial auditor won’t have it as well. The privileged information that goes on with negotiation between CLC and their vendor is something the auditor is not going to be able to access.

And as the Speaker alluded to, this goes beyond simply how money goes from one fund to another but, in fact, how they’re doing business amongst themselves.

CLC started out as a relatively small organization back in 1997 and they’ve grown significantly. Their Energy Efficiency Budget alone for the next three years is over $80 million. However, their structure -- the organization or the management structure has changed very little if at all. And I think that’s something the IG will be able to help them with.

I don’t see this as a severe criticism, but more of helpful aide. Clearly, they have seen the need through this process to make changes in how they operate. And there’s been talk about well, we’re going to spend all this money on an audit. Well, you know what, the IG office will pay and do this investigation on their own and it won’t cost the ratepayers anything.

So I think that’s actually the most prudent approach and probably the most expedition approach to resolving this issue.

Thank you.

Speaker BERGSTROM: Okay. Yeah. Deborah and then Leo.

Ms. MC CUTCHEON: Thank you. Just a few things in response to what Julia said in support of Leo’s Resolution.

As most of you know, I was on this Committee, and I participated in and was responsible for coordinating and drafting of the report. There’s been some -- there was some -- I’ll call it colorful language used in that report that has raised some feathers.

First, the use of the word “forensic” doesn’t imply any kind of criminal conduct. What it is is it’s investigatory. That’s what it is. That’s what the Inspector General does. They don’t bring criminal charges against people. What they did with the Open Cape was a forensic report.

Now, putting that aside, there have been a lot of responses to this. It really come down to the sort of he said/she said. You know, lawyers argue all the time. I have one position; you have another. You’re wrong; I’m wrong. Let’s go back and forth. Well, wait a minute. Somebody here said, “Truth --” what did she say?

Ms. TERESE FLYNN: Truth is our final defense.

Ms. MC CUTCHEON: “Truth is our final defense.” Well, what are the things that we agree on; right? Let’s just cut through this stuff. What are the things we bring up?

We agree there has never been an audit by an independent financial CPA of the Cape Light Compacts’ entire funds from its inception. We agree there is no claim by Cape Light that there’s ever been any independent CPA audit of all of their funds.

To a certain extent, that may be okay if you’re a private company, privately owned and privately operated, but for a public entity that is operating under a statute that requires financial reports.

It requires as set forth in our report -- the statute is quoted as to what it requires for an
Intergovernmental Agency like this.

So what is another thing that we agree upon? There are two County employees who are involved as the Executive Directors and Officers of these two organizations. There are elected officials that are involved as officers of these organizations, and there is to a certain extent you have a situation where people are serving more than one master. Is that appropriate? I don’t know. It raises questions, but it’s undisputed that it’s true. Nobody claims that that’s not true.

What’s the third thing that we can agree upon? Well, we can agree that the attorney who has repeatedly advised the law firm that has repeatedly advised Cape Light Compact and CVEC that the transfers that the report is concerned about are appropriate is his firm -- the firm is the primary beneficiary or a primary beneficiary of those funds.

Now, whether that’s a conflict of interest or not, it is certainly something that would give pause as to whether or not that advice to both organizations ought to be looked at which is what the report recommends by an independent counsel.

Now, did they violate the Open Meeting Law? Well, you can read the Attorney General’s opinion. It’s been provided to you. I agree with Chris that the last page, Page 6, which Marcia read a little bit of. It says that “We do find that their statement of the purpose was inadequate under the Open Meeting Law.”

That’s not a clean bill of health. It’s not an indictment either, and I don’t think our committee is looking for either.

What we’re looking for is the kind of help that -- an impassioned argument was just made that we need. I think Jim is entirely right when he talks about these are complex issues. This is a complex industry and these are complex organizations.

CLC has grown from a small organization with a little bit of money to a multi-million dollar operation.

Are its financial procedures and governing procedures adequate for that to handle that kind of public money? And I think that’s where it comes down to something we have to decide. We’re not here because there’s some private organization that may or may not be making money off the ratepayers. We’re here because there’s an organization that Barnstable County is responsible for supervising, and that we have agreed to look at. And in looking at it, we got concerned.

Our Committee understands that we don’t have the time to unravel this situation ourselves. We recommend that we get some help. And I urge you to support this Resolution because I think that help is warranted and the need for it is well documented.

Speaker BERGSTROM: Cheryl and then Leo. No? Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. A number of times some speakers referenced the Attorney General’s report that was handed out to us. And for the record, I would like to state that this letter is dated August 24, 2012, and there’s a reference number of 20120ML-81 for any of those that may at home want to get a copy of this.

I do want to clarify a couple things on this. This is a report on two requested violations. One of them dated June 16, 2011, and the other one dated July 20, 2011, and only those two. This is not a blanket review of these organizations.

In fact, the letter even states that the Complainant asked that they review all Executive Committee session minutes. And the AG’s office said to them, “No, we decline to do that because it is not -- we do not review generalized allegations.” That’s on Page 1.

So, I don’t want people putting a lot of weight on this document; put the weight that it
deserves. It’s responding to two Open Meeting Law complaints period.
   What I’m asking for and what I think the time is right for is some help, and we need to
   move forward.
   I’m hoping you support it.
   Deputy Speaker ANDERSON: Move the question.
   Speaker BERGSTROM: Just have one more comment.
   Ms. KING: He moved the question; you can’t. You’ve got to call a vote if he moves the
   question.
   Speaker BERGSTROM: I don’t know that we have a procedure to move the question in
   the Assembly.
   Anyway, okay, I’ll -- it doesn’t matter. I will pass anyway, so it will be a moot point.
   Okay. And we will take a vote on this.

Roll Call Vote on Proposed Resolution 12-05: The Assembly Of Delegates hereby instructs
the Speaker to contact the Office of the Inspector General of the Commonwealth of
Massachusetts (hereafter "IG") and the Office of the Attorney General of the
Commonwealth of Massachusetts (hereafter "AG") with a request that they aid the County
in its examination of the Cape Light Compact and the Cape & Vineyard Electric
Cooperative, Inc.. The IG and the AG office shall be requested to include, without
limitation, an extensive audit of funds and transfers, and of the structure and operations of
these two entities, an examination of compliance with open meeting laws, public record
laws, and requirements as to compilation and maintenance of records of acts and
authorizations. Furthermore the AG &IG Office shall also be requested to review all inter-
municipal agreements to which the County is a party and to make such recommendations
as to the appropriate terms and conditions of such agreements as may be prudent.
Voting YES (34.56%): 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), Teresa Martin
(2.30% - Eastham), Deborah McCutcheon (0.93% - Truro).
Voting NO (64.17%): Marcia King (6.49% - Mashpee), Spyro Mitrokostas (11.02% -
Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony
Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).
Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Resolution 12-05 failed to pass with 64.17
percent of the Delegates voting “no”, 34.56% voting “yes”, and 1.27 percent absent. (Motion
failed).

Speaker BERGSTROM: Okay. We’ll now move on to Proposed Resolution 12-06.
Leo, you’re on again.

Proposed Resolution 12-06: The Assembly of Delegates hereby instructs the Speaker to seek the
cooperation of the County Commissioners to obtain a restructuring of the Executive Positions of
the Cape Light Compact, the Cape & Vineyard Electric Cooperative, Inc. and Barnstable
County, in order to eliminate overlapping representation in these organizations. This
Restructuring shall include, without limitation, the Assistant County Administrator position and its duties and responsibilities, the Chief Financial Officer position and its duties and responsibilities, as well as the participation of these employees in the operation of the organizations they administer.

Mr. CAKOUNES: Mr. Speaker, I move the Resolution 12-06 as it has been submitted.
Ms. MC CUTCHEON: Second.
Speaker BERGSTROM: Okay. Is there any discussion on this?
Mr. CAKOUNES: Thank you, Mr. Speaker. I won’t belabor the point, but I would like to read into the record for those viewing this at home and those in the audience that don’t have a copy of it.

“The Assembly of Delegates hereby instructs the Speaker to seek the cooperation of the County Commissioners to obtain a reconstruction of the Executive positions of Cape Light Compact, the Cape and Vineyard Electric Cooperative, and Barnstable County in order to eliminate overlapping representation in these organizations.

This structure shall include without limitation the Assistant County Administrator’s position and its duties and responsibilities, the Chief Financial Officer’s position and its duties and responsibilities, as well as participation of these employees in the operations of these organizations they administer.”

Under discussion, Mr. Speaker, I would respectfully submit this because not only was this a situation that the Subcommittee on which I served on the inquiry of Cape Light Compact and CVEC found this particular area of County government to be -- a need to be looked at.

The County has back I believe two years ago through the MMA process asked for someone to come and help us restructure County government, and in that document it specifies that there are problems up there.

We, through the County Commissioners, hand-selected a group of very, very qualified individuals, two of which are on this Board that served on a Subcommittee to look at County government; I believe they even came forth with some concerns of how the upper levels, if you will, of the administration of the County government is set up.

Once again, I bring this forward as a private -- a simple delegate, myself. I bring it forward because I’m tired of waiting. How many more reports do we need? How many more times do we need delegates to say, “We need to look at this”? It’s not strongly written. It’s not specifically written, but I believe it takes a stand that this body, the Legislative body of the County is going to say to the County Commissioners, “We need to look at this.”

Let’s move forward and let’s move forward now. Let’s not wait. I hope you support it.
Ms. MARTIN: Leo, actually, I don’t support this resolution, although I’m really glad that you brought it out there.

And the reason I don’t, although I think everyone agrees that restructuring and discussions about it are important, I don’t think a resolution is the most effective or productive way to get to a result that’s going to work and stick.

So, for that reason I don’t support it. Although, I hope all the parties involved hear the message loud and clear that this is something we really need to deal with.

Speaker BERGSTROM: Okay. Yes, Julia.
Ms. TAYLOR: Well, I will support it because I do feel that we need some changes, and I’ve said that many times. I don’t think we can force the Commissioners to do anything, but I think it puts it on record that we’re interested in this kind of change and that they need to start working on it.

Speaker BERGSTROM: Okay. Pat.

Mr. PRINCI: I, too, will support this. It basically is a pretty clear-cut thing where it just asks our Executive body to look into restructuring, which is a pretty prudent thing in these types of matters.

So, I think it is well written because we really have no authority to direct the County Commissioners, our Executive body, to do things. We can also just push it by passing this Resolution in hopes that they will look into the restructuring of overlapping positions within the County.

Thank you.

Speaker BERGSTROM: Spyro.

Mr. MITROKOSTAS: Id’ like to also suggest that this gets to the heart of the matter. This points to our standing in the matter. These are County employees. We’re asking that the County Executives look at how we are allotting our own County employees between these bodies and their duties with the Counties, so they put this perfectly appropriate way to approach this.

And with that, because this resolution directs the Speaker to address this with the Commissioners, I’d like to say good luck.

Speaker BERGSTROM: I haven’t had any success in other matters. I’m sure this one may be different. Anybody else having to discuss this?

I think this is a good idea. I think that just by the fact that we have offices and we have bank accounts and so on, the County has slowly and relentlessly become more and more into identifying with these groups beyond our role, our appropriate role and our minimal role in the running of them, and that this could put a clear delineation between the County government and the actual governing structure of both the Cape Light Compact and CVEC. So, I’m for it.

Anybody else? If not, we’ll take a vote.

Roll Call Vote on Proposed Resolution 12-06: The Assembly of Delegates hereby instructs the Speaker to seek the cooperation of the County Commissioners to obtain a restructuring of the Executive Positions of the Cape Light Compact, the Cape & Vineyard Electric Cooperative, Inc. and Barnstable County, in order to eliminate overlapping representation in these organizations. This restructuring shall include, without limitation, the Assistant County Administrator position and its duties and responsibilities, the Chief Financial Officer position and its duties and responsibilities, as well as the participation of these employees in the operation of the organizations they administer.

Voting YES (85.39 %): 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), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (13.34 %): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Anthony Scalese (4.55% - Brewster).
Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Resolution 12-06 passes with 85.39 percent of the Delegates voting “yes”, 13.34% voting “no”, and 1.27 percent absent. (Motion carries).

Whereupon, it was moved, seconded, and by a roll call vote with 85.39% voting “yes”; VOTED: The Assembly of Delegates hereby instructs the Speaker to seek the cooperation of the County Commissioners to obtain a restructuring of the Executive Positions of the Cape Light Compact, the Cape & Vineyard Electric Cooperative, Inc. and Barnstable County, in order to eliminate overlapping representation in these organizations. This restructuring shall include, without limitation, the Assistant County Administrator position and its duties and responsibilities, the Chief Financial Officer position and its duties and responsibilities, as well as the participation of these employees in the operation of the organizations they administer.

Speaker BERGSTROM: Okay. Moving right along. We now go to the Proposed Resolution 12-08. We are on 08? 12-07.

Speaker BERGSTROM: 12-07 we haven’t hit yet? Okay. Sorry. I’m ahead of myself. 12-07. Leo, you’re on again.

Proposed Resolution 12-07: The Assembly of Delegates recommends and requests that the County representative to the Board of Directors of Cape Light Compact and the representative to the Board of Directors of the Cape & Vineyard Electric Cooperative, Inc., pursue amendments to the bylaws of these organizations which would incorporate, without limitation, the following provisions:

A) That all budget and financial reports be reviewed and approved by the full Board of Directors in a timely manner and that, once approved, these reports shall be available to all members and shall be reported to the membership at least annually.

B) That conflict of interest issues involving counsel, including compensation of counsel’s firm, shall be submitted to an unaffiliated counsel for review and recommendation and shall be subject to review by the organizations full Board of Directors.

C) That no individual shall be permitted to be elected or appointed to serve on the Board of more than one of these organizations.

D) That these organizations are required to have separate legal counsel and representation in matters of contract negotiation and services.

Be it further resolved that this resolution be forwarded to the other appointing authorities of the membership of these Boards of Directors, with our request that they too instruct their representative to address these concerns and action.

Mr. CAKOUNES: I move the Proposed Resolution 12-07 be accepted as presented.

Ms. MC CUTCHEON: Second.

Speaker BERGSTROM: Okay. It’s been moved and seconded. Any further discussion on this?

Mr. CAKOUNES: Again, Mr. Speaker, I would like to -- I probably won’t read the whole thing in its entirety because of its late hour, but I would just like to read just the first paragraph so that those people in the public and viewing at home can at least get an
understanding of what we’re talking about.

“That the Assembly of Delegates recommends and requests that the County Representative to the Board of Directors of the Cape Light Compact and the Representative to the Board of Directors of the Cape and Vineyard Electric Coop, pursue amendments to the bylaws of these organizations which would incorporate without limitations the following provisions.”

And there’s four provisions labeled A, B, C, D.

“One is that the budget and financial reports be reviewed and approved by the full Board of Directors;

The conflict of interest issues involving the counselors including compensation be reviewed;

That no individual be permitted or be elected to serve on both Boards of these organizations; and

That these organizations require legal, separate legal counsel.”

The interesting part of this is also the final paragraph where it says,

“Be it Resolved, that this Resolution be forwarded to the other appointing authorities of the membership with these Boards with our request that they, too, instruct their representatives to address these concerns and actions.”

I understand that some of these resolutions are written, and your response is going to be we don’t have the authority to do this, or this is not in our purvey, or why are we doing something that we shouldn’t be involved in. That’s why I wrote them in the manner that I wrote them.

I think that one of the things that came out of our time when -- my time when I spent on the Special Committee was that the Bylaws for these two entities have not been reviewed. And, specifically, the Cape Light Compact Bylaws have been written back when there were only three members, the County and two Representatives.

So there’s a lot of language in those Bylaws that needs to be amended and needs to be upgraded. As many of you know, we go through a Bylaw amendment process right here, I believe, it’s every five years, which is mandatory in our Bylaws, but we often do it -- I’ve been here only four years and I think we’ve done it twice since I’ve been here.

I don’t think it’s out of our purvey to ask our Representative to do this. Now, I didn’t say that we are telling him to do it. I didn’t say we’re instructing him to do it. I didn’t say we’re mandating to do it. I didn’t say we’re going to put a gun to his head. All I said was, we, the Legislative body of the County, should, in fact, just request that our Representative bring these specific situations and not limited to those but ask for a Bylaw review of these organizations. It’s just time and it needs to be done.

Thank you.

Speaker BERGSTROM: Okay. Is there any other comment on this?

I have a comment on a couple of things. In looking at some of the stuff that’s recently come to me, especially the Agreement between Cape Light Compact and the Consolidated Edison, it becomes apparent to me that at some point the rate that the ratepayers pay, the mil adder, was increased and that that money was ultimately used to CVEC.

Now the justification that we’ve been given for both CVEC and CLC having a common counsel, one counsel, it says -- the Legislation that was quoted says that as long as these agencies have a common interest, they’re entitled to single counsel.
Yet, here we have an example where a group that’s dedicated to ratepayer advocacy, Cape Light Compact, increases the rates and gives that money to Cape Light -- Cape and Vineyard Electric Cooperative, which is in the business of helping the Towns with their taxes.

In no way, shape, or form could you say that, in that case, those two entities had a common interest. You’re taking money from Peter and you’re paying Paul; okay? It doesn’t make any sense -- and I know that the argument is made, well, you know, ultimately this helps everyone. Well, you know, if they paved the roads that would help everyone. If they opened up a soup kitchen, that would help everyone.

The question is my feeling is, and I know I’m a strict constructionist on this, I think the Cape Light Compact’s primary purpose -- the primary purpose is ratepayer advocacy to try to make sure that we pay the lowest rates possible.

It’s in the interest of CVEC to get as much money as they can to provide for the Towns. In no way, shape, or form are those two interests compatible. Yet, the argument given to us is, well, we have the same interest, that’s why we can have the same counsel. And, to me, it just doesn’t make any sense at all.

You know, but, of course, their counsel is paid to say that. I mean if he didn’t say that, he’d have to be fired and someone else would come and say it.

So, Julia, do you have a comment?

Ms. TAYLOR: Just for the record, I’m going to vote for this, and I think it’s a good idea. But, for the record, the reason that I’ve heard from CLC that they are in a position of giving money to CVEC is that they are in a position of stabilizing rates, electric costs, and that --

Ms. TAYLOR: -- the development of alternative energy sources by CVEC contributes to that. So, that is the official --

Speaker BERGSTROM: So the good news -- the bad news is you’re going to pay $10 a gallon for gas, but the bad -- the good news is that it’s never going to go up any more than that. That’s what we --

Ms. TAYLOR: No guarantee of that, needless to say.

Speaker BERGSTROM: I’m sorry; I shouldn’t have interjected. I’m sorry.

And as far as the other goes, I certainly support this. I think that creating a clear division between these organizations will allow them to serve their constituents according to their enabling Legislation far better than to mix their purposes and their membership.

Anyway, does anybody else have anything to say or have I just dumped everybody into silence?

Okay. We’ll take a vote.

Roll Call Vote on Proposed Resolution 12-07: The Assembly of Delegates recommends and requests that the County representative to the Board of Directors of Cape Light Compact and the representative to the Board of Directors of the Cape & Vineyard Electric Cooperative, Inc., pursue amendments to the bylaws of these organizations which would incorporate, without limitation, the following provisions:

A. That all budget and financial reports be reviewed and approved by the full Board of Directors in a timely manner and that, once approved, these reports shall be available to all members and shall be reported to the membership at least annually.
B. That conflict of interest issues involving counsel, including compensation of counsel's firm, shall be submitted to an unaffiliated counsel for review and recommendation and shall be subject to review by the organizations full Board of Directors.

C. That no individual shall be permitted to be elected or appointed to serve on the Board of more than one of these organizations.

D. That these organizations are required to have separate legal counsel and representation in matters of contract negotiation and services.

Be it further resolved that this resolution be forwarded to the other appointing authorities of the membership of these Boards of Directors, with our request that they too instruct their representative to address these concerns and action.

Voting YES (87.69%): 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 Killian (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (11.04%): Marcia King (6.49% - Mashpee), Anthony Scalese (4.55% - Brewster).

Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Resolution 12-07 passes with 87.69 percent of the Delegates voting “yes”, 11.04% voting “no”, and 1.27 percent absent. (Motion carries).

Whereupon, it was moved, seconded, and by a roll call vote with 87.69% voting “yes”; VOTED:

The Assembly of Delegates recommends and requests that the County representative to the Board of Directors of Cape Light Compact and the representative to the Board of Directors of the Cape & Vineyard Electric Cooperative, Inc., pursue amendments to the bylaws of these organizations which would incorporate, without limitation, the following provisions:

A. That all budget and financial reports be reviewed and approved by the full Board of Directors in a timely manner and that, once approved, these reports shall be available to all members and shall be reported to the membership at least annually.

B. That conflict of interest issues involving counsel, including compensation of counsel's firm, shall be submitted to an unaffiliated counsel for review and recommendation and shall be subject to review by the organizations full Board of Directors.

C. That no individual shall be permitted to be elected or appointed to serve on the Board of more than one of these organizations.

D. That these organizations are required to have separate legal counsel and representation in matters of contract negotiation and services.

Be it further resolved that this resolution be forwarded to the other appointing authorities of the membership of these Boards of Directors, with our request that they too instruct their representative to address these concerns and action.
Speaker BERGSTROM: Thank you. Moving right along, now we’re on 12-08. Leo, you’re on again.

Proposed Resolution 12-08: The Assembly of Delegates recommends and requests that its representative to the Board of Cape Light Compact present a motion and seeks a vote of the Board to end the use of Compact funds to subsidize the operation of the Cape & Vineyard Electric Cooperative.

Further
The Assembly of Delegates asks its representative on the Cape & Vineyard Electric Cooperative Board of Directors to present a motion and seek a vote of the Board a motion to end the practice of seeking funds from the Cape Light Compact and to become a separately funded, solvent entity.

Be it further resolved that the Speaker forward this resolution to the other appointing authorities of the members of the Board of Directors of each of these organizations with our respectful request that they too instruct their representatives to take the action recommended herein.

Mr. CAKOUNES: Thank you, Mr. Speaker.

I would like to move Proposed Resolution 12-08 with two very minor changes. And I will read it and then input the changes as we go before someone seconds it.

“The Assembly of Delegates recommends and requests that the County’s Representative,” change one, “to the Board of Cape Light Compact presents a motion and seeks a vote of the Board to end the use of Compact funds to subsidize the operations of the Cape and Vineyard Electric Cooperative.

Further, the Assembly of Delegates asks the County’s representative,” change number two, “on the Cape and Vineyard Electric Co-op, Board of Directors, to present a motion to seek a vote of the Board a motion to end the practice of seeking funds from the Cape Light Compact and to become a separately funded solid entity.

Be it further resolved that the Speaker forward this Resolution to other appointing authorities and Members of the Board of Directors of each of these organizations with our respectful request that they too, instruct their Representatives to state the same recommendation herein.”

So, basically, for clarification, it is the resolution as printed in front of you with two changes dropping in the first sentence the word “that it’s Representative” and change it to “the County’s Representative.”

And then “The Assembly of Delegates asked its representation” changed to “the County’s Representative.” And I have those changes written, Mr. Speaker.

Speaker BERGSTROM: Well, a question has come up whether those changes have to be voted. If this was a Town Meeting, the resolution as proposed on the floor becomes the, in other words, what Leo just said becomes the motion. Okay. It doesn’t have to be amended.

Despite what you have -- as the Moderator told us, despite what you have in your hand, the motion made by the -- introduced is actually the motion on the floor. So that is the motion.

Proposed Resolution 12-08 as read: The Assembly of Delegates recommends and requests that the County’s Representative to the Board of Cape Light Compact present a motion and seeks a
vote of the Board to end the use of Compact funds to subsidize the operation of the Cape & Vineyard Electric Cooperative.

Further

The Assembly of Delegates asks the County’s Representative on the Cape & Vineyard Electric Cooperative Board of Directors to present a motion and seek a vote of the Board a motion to end the practice of seeking funds from the Cape Light Compact and to become a separately funded, solvent entity.

Be it further resolved that the Speaker forward this resolution to the other appointing authorities of the members of the Board of Directors of each of these organizations with our respectful request that they too instruct their representatives to take the action recommended herein.

Deputy Speaker ANDERSON: That’s correct.
Speaker BERGSTROM: Moved and seconded?
Ms. MC CUTCHEON: Moved and seconded.
Speaker BERGSTROM: Yes.
Ms. MC CUTCHEON: Can I have -- Mr. Cakounes, point of clarification --
Mr. CAKOUNES: Yes.
Speaker BERGSTROM: Is your mic on?
Ms. MC CUTCHEON: In the second paragraph of your resolution where it says present a motion and seek a vote of the Board -- a motion -- I think taking out that second “a motion” might make it grammatically --
Mr. CAKOUNES: I’ll take that as a clerical correction. Thank you.
Ms. MC CUTCHEON: Thank you.
Mr. CAKOUNES: And if that’s okay with you, Mr. Speaker.
Speaker BERGSTROM: I don’t think we need a motion.
Okay. So it’s been moved and seconded. Any further discussion on this?
Mr. MITROKOSTAS: Mr. Speaker.
Speaker BERGSTROM: Yes.
Mr. MITROKOSTAS: I’ll defer to the proponent if he wants to go first.
Mr. CAKOUNES: No, that’s okay.
Mr. MITROKOSTAS: I’m not planning to vote for this, not because I don’t want to instruct our representation or representative to these boards to make these suggestions, but we instruct or we’re asking that you inform our towns to instruct the Town’s representatives to do the same.

To my knowledge when the Selectmen appoint their appointees to the CLC or CVC (sic) they don’t instruct a habit vote. I think they choose people of good judgment and character and expect a dialogue or a communication from them.

But to ask them to take positions on individual votes and issues doesn’t happen. And I would really regret to see this body asking those appointing authorities to do so at our behest.
Speaker BERGSTROM: Okay. Leo.
Mr. CAKOUNES: With all due respect, we just passed a resolution that had the exact same language that said for us to do that. And, again, I tried to write these as friendly, if I will, as possible, as the last one we just voted in.

I think we’re requesting them to do it. I think this needs some discussion. I’m hoping that this will spur discussion. I don’t and I believe we don’t have the authority unless we want to
hold a gun to our Representative’s head and ask them to do it, which is not suggested we do.

But this particular area has come up a number of times in our inquiry, and it continues to come up.

As you heard even today, there was a motion on the September -- I forget what the date was -- September 12th Cape Light Compact Executive Governing Board, excuse me, agenda to, in fact, extend the funding or grants to CVEC.

The only amendment I believe was made that they have a presentation and that a request be made. So instead of just giving them money, now they have to ask for it.

I think it takes a stand that we’re saying you know what, you guys better look at this practice a little bit.

There was a vote taken a while back on a CVEC Board that they weren’t going to ask for any more money. In fact, there was a vote taken, I believe, on the Cape Light Compact Board where they were telling CVEC, you’ve got to get up and be a viable business on your own now and don’t keep coming to us for money. Well, I guess that has been put to the wayside with September 12th’s vote.

So, again, it’s not strong action, but I think it takes -- sends a message from the Legislative Board of the County that, you know what, this practice needs to stop.

Thanks.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: If I were the Representative of the County to one of these boards, I would agree with your policy position, and I’m happy to say that publicly.

I don’t think, however, that we’re in the position to direct a County Commissioner and he’s our Representative; right?

Mr. CAKOUNES: One of them.

Ms. TAYLOR: Yeah. I don’t think that’s quite correct on policy. If we’re advising how we think the structure should be, I see that as different than the political issue even if I agree with that. I just don’t think that’s quite right. I think we could individually write a letter to our Commissioner and say this is what I think politically.

Speaker BERGSTROM: Anybody else here? I’d just like to -- this is something I’ve looked at especially in the last few days, and CVEC -- Cape Light Compact has revenue streams that they get from the funds that are given by the ratepayers, and they have two revenue streams. They may have others, but I mean they have the Energy-Efficient Funds which are appropriate, but legally, they have to collect those. You’d pay those even if you lived in Cheboygan -- I mean if you lived in Massachusetts somewhere.

Then they have the Reserve Fund. I gave you that language in front of you. It’s apparent from the language of the Reserve Fund that, like I said earlier, it was intended to be in contingency against legal expenses, except for the last sentence which says you can only -- the paragraph says, “You can only use it for these purposes.” And then the last sentence says, “But, by the way, you can do anything you want with it.”

Now, I don’t know if that language was in the original contract or whether it was added later when they decided that they were going to use this particular mechanism for the revenue stream that they gave CVEC; do you understand? I don’t know if they just stuck that in there because if they did stick it in there, from what we paid the lawyers, they should have at least rearranged the whole paragraph rather than sticking it on at the end there saying that’s all we need.
So that is the justification for all of this that we’re talking about. That line at the end there, which is language they put into their contract with Consolidated Solution is justification for collecting this money and giving it out as dispersal to these projects; okay? So they decided that they can do this.

Now, I, personally, am for the things that CVEC does. I think they do wonderful things. I think they should have project, you know, like I said, I have solar panels on my house. I think they should put them on the schools. I think -- everybody who stood up here and tells me the wonderful things that they do, I agree with all of them. I just don’t think they have the authority to do that.

And I’m convinced that they gave themselves the authority to create this fund and to funnel this money by simply a loophole, or at least what they claim a loophole.

So, the whole house of cards is built on this, and if somebody came along like the Attorney -- Inspector General, which is one of the reasons why they don’t want to do it and said, “You can’t do this,” then the whole thing would collapse. They can’t use the Energy-Efficiency Funds.

So the whole premise of the transfer of the financing of CVEC, which I thought was originally going to be self-financed by taking part, taking back some money from the projects that they set up is based on that very spurious I think interpretation of their authority.

And I think if all of that would go away if CVEC would do what they originally intended to do which is become a self-financing entity. Right now, they’re out promoting projects without a revenue stream.

They say, gees, you know, I think we should do something for Yarmouth, then later on they go back and they say to Cape Light Compact we need X number of dollars.

If they had a revenue stream or if they had -- if the authorization to go ahead on these projects were combined with the financials that support them, they’d be in better shape.

Now just because we’re not going to the Inspector General or the Attorney General doesn’t mean somebody else won’t. I have people in this room probably, you know, on the phone every day. If the Attorney General/Inspector General said, hey, you subverted the intent of that language in the Reserve Fund and you can’t use it; what would they do? What would they do? Would it all end? Would they not have anymore projects?

They’re hoping to hold onto that as long as they can and basically parry any attempts to reinterpret that, and I don’t blame them.

Anyway, I just think that CVEC would be on better financial footing if they didn’t depend on going to Cape Light Compact’s Reserve Fund every time they needed money.

So, anyway, any other comments? Okay. We’ll take a vote on this.

Roll Call Vote on Proposed Resolution 12-08 as read and corrected: The Assembly of Delegates recommends and requests that the County’s Representative to the Board of Cape Light Compact present a motion and seeks a vote of the Board to end the use of Compact funds to subsidize the operation of the Cape & Vineyard Electric Cooperative.

Further

The Assembly of Delegates asks the County’s Representative on the Cape & Vineyard Electric Cooperative Board of Directors to present a motion and seek a vote of the Board to end the practice of seeking funds from the Cape Light Compact and to become a separately funded, solvent entity.
Be it further resolved that the Speaker forward this resolution to the other appointing authorities of the members of the Board of Directors of each of these organizations with our respectful request that they too instruct their representatives to take the action recommended herein.

Voting YES (32.26%): 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), Deborah McCutcheon (0.93% - Truro).

Voting NO (66.47%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Spyro Mitrokostas (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scales (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Resolution 12-08 as read and corrected failed to pass with 66.47 percent of the Delegates voting “no”, 32.26% voting “yes”, and 1.27 percent absent. (Motion failed).

Speaker BERGSTROM: Okay. Now we come to Proposed Resolution 12-09.

Proposed Resolution 12-09: The Assembly of Delegates, by its speaker or his designees, shall seek the cooperation of the County Commissioners to provide a program of training in governmental practices such as, without limitation, open meeting laws, keeping and posting of minutes and maintenance of public records and response to requests for records. The program shall be conducted at least once every year. Attendance at such program shall be required of all members of Boards and Committees appointed by any part of Barnstable County government, including organizations that operate under any inter-municipal agreement to which Barnstable County is a signor or party.

Mr. CAKOUNES: Mr. Speaker, I move Proposed Resolution 12-09 as it’s printed.

Ms. MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. Leo.

Mr. CAKOUNES: Again, for those in the audience that don’t have it and for those at home.

“The Assembly of Delegates, by its Speaker or his designee, shall seek the cooperation of the County Commissioners to provide a program of training and governmental practices such as without limitation Open Meeting Laws, keeping and posting of minutes and the maintenance of Public Records, and response to records requests.

The program shall be conducted at least once every year. Attendance at such programs shall be required by all members of Boards and Committees appointed by any part of Barnstable County government, including organizations that operate under any Inter-municipal Agreement to which the Barnstable County is a signor or party.”

Under discussion, Mr. Speaker.

THE SPEAKER: Yes.

Mr. CAKOUNES: We have, many times, have said that we need some training, and,
again, this basically takes that to the next level. And I feel that including the Intermunicipal Agreement agencies, we’re only helping them.

This is something that, and I put in here the Speaker or his Designee, because I figured he probably would be passing this off to our Clerk. We can, again, contact the correct agencies. We can hold seminars right here in this room. They can be done on a slow Wednesday, if you want.

It’s just something that we’ve all talked about, and many of us have participated in these. We, not only the members of the Assembly, should be attending this, but as I wrote in the Resolution, all members of Boards and Committees.

There are a lot of people out there that need to be informed and upgraded with the laws as they change. This is only going to help our volunteers.

Please support it.

Speaker BERGSTROM: Yes; Chris.

Mr. KANAGA: It’s really just a question. Does this wording -- is it broad enough to encompass the Cape Cod Commission, and I’m specifically pointing to the fact of the appointment by any part of Barnstable County government? And, maybe, that’s only because it has to be limited that way, but I’m just asking Leo, and I’m sure he’s thought about this one.

Mr. CAKOUNES: If I may, Mr. Speaker?

Speaker BERGSTROM: Yeah.

Mr. CAKOUNES: I included the language in here, “Any part of Barnstable County government.” I, myself, served on the Cape Cod Commission as the Harwich Representative, and I do believe that there are times and occasions that those members need to be aware of certain laws.

Maybe there might be certain seminars that we would encourage them to attend, Open Meeting Law, things like that because as a Representative to the Cape Cod Commission, I, myself, found myself in a predicament where I was actually telling the Board of Selectmen, the appointing authority who put me on that Board; I was explaining to them a particular project which was ongoing, and I was told that I was in violation and I should not do that.

Because as a sitting Commissioner, I was acting as like a jury, and I hadn’t had all the information yet, and I should not be going out and expressing either my personal opinion or where things were going.

So, yes, an answer to your question -- the short answer to your question is yes, I think they should be included, and I hope they are with the language that I’ve proposed.

Speaker BERGSTROM: Spyro.

Mr. MITROKOSTAS: A language question. Are you proposing this appointee attend once or annually?

Mr. CAKOUNES: Mr. Speaker, if I may? I believe the question is in my proposal I believe it should be “attended either once or annually.” I believe the program -- it should be conducted at least once a year, which means we should -- we, this Board through the Speaker’s appointee, should offer this at least once a year. And, yes, I believe that people should attend at least once a year.

That’s not to say that every year will be hearing the same thing. One year might be Open Meeting Law questions; the next year might be Public Record Request questions.

So, I think it’s an ongoing kind of a learning process that we should be offering to our volunteers.
Speaker BERGSTROM: Leo, the language in the resolution states, “Attendance at such programs shall be required of all members of Boards and Committees appointed by any part of Barnstable County government.”

Well, of course, members of CVEC and CLC are appointed by the towns except for one member. And the members of the Cape Cod Commission are also appointed by the Towns. So, they’re not really appointed by Barnstable County.

So, is it your intention to limit it to just those officials who were appointed by the County, or did you intend to include the members of Boards that serve under County auspices who are appointed by the individual councils and Boards of Selectmen.

Mr. CAKOUNES: Well, I apologize, Mr. Speaker. I believe that I couldn’t include the members of Boards such as CVEC and CLC and Open Cape because I added a line in there, “And any organizations that operate under an Intermunicipal Agreement with the Barnstable County.”

I do, however, believe that the language does not specifically include members of the Cape Cod Commission because, again, it does say that we appoint. It doesn’t mean to say that we can’t extend it later on. I think if we offer these seminars and we tell the Commissioners -- the Cape Cod Commission that we’re having it, I believe that they will be more than happy to send their volunteers here.

Again, the language is -- it may not be as specific or as entice as it should be, but, quite frankly, I don’t think its something that warrants to be a legal document. This is just basically saying, you know what, let’s offer some of these programs.

Speaker BERGSTROM: Someone else?

Deputy Speaker ANDERSON: Teresa.

Ms. ANDREWS: I’m simply going to say that as I prepare to vote on this, I’m looking at it as a nonbinding resolution. And, frankly, it’s very consistent with what I’ve heard from my Board of Selectmen in Provincetown that they’re encouraging all folks involved in any kind of minute taking or any kind of activity that could be falling under these issues to take these kinds of courses.

The State’s putting together new courses so, I think we’re all together on this one.

Ms. MARTIN: I was just going to actually mention the language. I would feel a lot better if we could change it to say “encouraged” instead of “required”? Because then you start -- people start to pick things apart with something that specific.

Speaker BERGSTROM: Anyway, you know, keeping in the spirit of the law is different than keeping in the letter of the law.

For instance, when I was a Selectman in Chatham, if we went into Executive Session, we always, with I think one or two exceptions in 12 years, we always waited to the end of the meeting and they we said, “We vote to go into Executive Session for the purposes of” whatever it was, blah, blah, blah, “with no Public Meeting to follow.”

And the reason we do that is because we’re giving the public a heads-up saying don’t hang around because we’re not going to reconvene, and we’re not going to discuss anything else.

Now, let’s say we had a public forum at the end of the meeting, and we went into Executive Session early on and went out there for three hours and discussed it, well the public would be sitting there waiting for three hours only to find out later on that they weren’t going to
find us.

Common courtesy dictates that you run meetings a certain way. Things that are legal are not necessarily appropriate. And I just think that, you know, to stand on legalities and say that we can do things a certain way and you can read the book and talk to the Open Meeting Laws and so on, it’s not going to change people’s attitudes if they simply don’t want to cooperate with their opponents and stuff like that.

So, I hate to rant on like this, but what we need, I think, is a change of attitude rather than stand on legalities because you know everybody has a right to information. Everybody has a right to express their opinion. I try to do that here within the bounds of our time constraints.

So, anything else? Yeah, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. Just in regards to the language of changing the word “required” to “encourage.”

Quite frankly, I just assume leave it “required.” I mean the bottom line is we can only require people who we have the authority to require over. And, quite frankly, the Assembly of Delegates doesn’t have that authority.

So, if we leave it in there and someone doesn’t show up, I mean, we’re not their appointing authority. We’re not the people that are going to call them in on it. I really don’t think it really matters.

And just for time sake and having to amend something and go through a vote, a roll call both ways, you know, it is what it is. It’s a Resolution. I just take a stand and say you know what, we really are going to take action to provide this forum, and we hope people -- I have the word “require,” yes, to come and participate.

Speaker BERGSTROM: Okay. Marcia.

Ms. KING: Thank you, Mr. Speaker. I think this solution is redundant. My understanding is the DA’s office runs these meetings. I’ve been getting notices of them over the years to attend, and I believe you also do some of the Open Meeting -- you have to sign -- you go online and do a whole class.

So, I think we’re already -- I thought people were doing this. I’m a little shocked that if you think that we aren’t because I think everybody’s doing this already.

So, I think -- and I’ll go along with Teresa about the “required” because they were supposed to be doing this and signing documents that we have taken Open Meeting Laws, and the DA runs them -- I thought they run them annually.

I mean I thought the County sends out notices so that you can attend. Thank you.

Speaker BERGSTROM: Anybody else? Not -- oh, Chris.

Mr. KANAGA: Just real quick. I think there’s ample evidence and not just CLC and CVEC but that the Open Meeting Laws and the Public Documents Laws are not well understood, and I believe this Resolution at least puts us on record that anyone associated with the County ought to be going to the training.

Speaker BERGSTROM: Yeah, I agree. For instance, the question’s come up. If I get a document on an agenda item that’s an addendum to the agenda item and we discuss it, is the public entitled to that? That’s a question.

I mean probably there’s a difference of opinion on that or they’re entitled to it at the deeding I guess. So the only way to find out those answers is to get -- is to ask them to someone who would know. I’m sure I delivered it.

Clerk O’CONNELL: Just so you’re aware, I, myself, have signed up to go to I think it’s
at Barnstable High School; it’s on the 17th of October. I’m keeping my fingers crossed that the meeting doesn’t run this late so that I can get there in time because I think they’re running one of these sessions.

And I think I forwarded the e-mail to the Delegates so I know that they’re doing this sort of thing through the State and encouraging people to attend.

And we’ll have the opportunity as Delegates or anyone else from the County to attend but you have to register. You have to call them and let them know that you want to attend. I think they’re asking that.

But I’ll circulate that again. I’ll find that notice and send it to the Delegates again so you can have that information if you want to attend.

Speaker BERGSTROM: Okay. Is there any other comments?

I guess we’ll call for a vote.

Roll Call Vote on Proposed Resolution 12-09: The Assembly of Delegates, by its speaker or his designee, shall seek the cooperation of the County Commissioners to provide a program of training in governmental practices such as, without limitation, open meeting laws, keeping and posting of minutes and maintenance of public records and response to requests for records. The program shall be conducted at least once every year. Attendance at such program shall be required of all members of Boards and Committees appointed by any part of Barnstable County government, including organizations that operate under any inter-municipal agreement to which Barnstable County is a signor or party.

Voting YES (81.11%): 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), Teresa Martin (2.34% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Voting NO (17.62%): Marcia King (6.49% - Mashpee), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).

Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Clerk OCONNELL: Mr. Speaker, Proposed Resolution 12-09 passes with 81.11 percent of the Delegates voting “yes”, 17.62% voting “no”, and 1.27 percent absent. (Motion carries).

Whereupon, it was moved, seconded, and by a roll call vote with 81.11% voting “yes”; VOTED: The Assembly of Delegates, by its speaker or his designee, shall seek the cooperation of the County Commissioners to provide a program of training in governmental practices such as, without limitation, open meeting laws, keeping and posting of minutes and maintenance of public records and response to requests for records. The program shall be conducted at least once every year. Attendance at such program shall be required of all members of Boards and Committees appointed by any part of Barnstable County government, including organizations that operate under any inter-municipal agreement to which Barnstable County is a signor or party.

Speaker BERGSTROM: Thank you

Mr. CAKOUNES: Thank you, Mr. Speaker.

Speaker BERGSTROM: Okay. Do we have a Report from the Clerk?
Deputy Speaker ANDERSON: What about --
Commissioner DOHERTY: Point of order.
Speaker BERGSTROM: Oh, do we have another one? Oh, the budget transfers; I’m sorry. We now have Resolution 12-10. This was, yes, for certain budget transfers for Fiscal Year --

Proposed Resolution 12-10: To approve certain budget transfers for fiscal year 2013 in accordance with Barnstable County Ordinance 12-04.

Ms. MC CUTCHEON: I move Resolution 12-10 as printed.
Speaker BERGSTROM: Okay. Do I have a second?
Ms. KING: I’ll second it.
Deputy Speaker ANDERSON: Second.
Speaker BERGSTROM: Okay. Is there any discussion on this?
Yeah, Leo.
Mr. CAKOUNES: Just for clarification for those members that they not be here and understand what this is about. What we do is this is the -- I’ve got to put my glasses on to make sure I got the right one -- this is the AmeriCorps transfer; is that correct?
Ms. MC CUTCHEON: Right.
Mr. CAKOUNES: Yeah. What we do is we take a sum of money at the beginning of the year and put it in the budget. And then because we’re not positive where the AmeriCorps is going to be going, they must be doing their work; we wait until a specific time of year and then take that money that was allocated and transfer it into the specific areas that they need it.
So, we’re not adding any money to the budget. This is -- and I’m sorry, I don’t have it in front of me to tell you what the initial amount was, but I know that this is kind of a customary thing that we do every year.
Speaker BERGSTROM: Okay. Any other further comment on this?
Mr. MITROKOSTAS: Just a question.
Speaker BERGSTROM: Yep.
Mr. MITROKOSTAS: Am I to understand this is a fairly routine matter, so it’s done by resolution?
Ms. KING: Yes.
Ms. MC CUTCHEON: Yes.
Mr. MITROKOSTAS: Thank you.
Speaker BERGSTROM: I guess we’ll go for a vote.

Roll Call Vote on Proposed Resolution 12-10: To approve certain budget transfers for fiscal year 2013 in accordance with Barnstable County Ordinance 12-04.
Voting YES (98.73 %): 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), Teresa Martin (2.30% - Eastham), Deborah McCutcheon (0.93% - Truro), Spyro Mitrokostas (11.02% - Yarmouth), Patrick Princi (20.92% - Barnstable), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).
Voting NO (0%):
Absent (1.27%): Paul Pilcher (1.27% - Wellfleet).

Ms. O’CONNELL: Mr. Speaker, Proposed Resolution 12-10 passes with 98.73 percent voting “Yes”; 1.27 percent absent. (Motion carries.)

Whereupon, it was moved, seconded, and by a roll call vote with 98.73% voting “yes”; VOTED: To approve certain budget transfers for fiscal year 2013 in accordance with Barnstable County Ordinance 12-04.

Speaker BERGSTROM: Thank you. Okay. Now we will go to Report from the Clerk.

Report from the Clerk

Ms. O’CONNELL: The Finance Committee’s going to meet on October 3rd regarding Proposed Resolution 12-04. That’s the $50,500 for IT -- oh no, sorry, we did that today. You’re going to vote on that next meeting.

But on October 3rd, the Finance Committee will be meeting with Mark Zielinski to review the fiscal year 2012 Treasurer’s Report.

Speaker BERGSTROM: All right.

Ms. O’CONNELL: And that’s it.

Speaker BERGSTROM: Okay. Is there any other business to be brought before the Assembly?

Other Business

Deputy Speaker ANDERSON: I have something to say.

Speaker BERGSTROM: Sure.

Deputy Speaker ANDERSON: I just want to remind everybody that the Scallop Festival in Buzzards Bay is going on this weekend. The 21st to the 23rd. The doors are open from 10 a.m. to 10 p.m.

You can catch a train from Hyannis on up if you live in Lower Cape or whatever. They’re going to be running the train back and forth to Buzzards Bay.

So, I invite everybody to attend it.

Speaker BERGSTROM: Not to ask an embarrassing question, but do they have any scallops in Bourne?

Deputy Speaker ANDERSON: (Laughter.) Actually, we have tons of scallops.

Speaker BERGSTROM: Okay.

Deputy Speaker ANDERSON: We have tons of them.

Speaker BERGSTROM: But is it seasonal?

Deputy Speaker ANDERSON: They’re not open yet.

Speaker BERGSTROM: Oh, okay.

Deputy Speaker ANDERSON: And one other thing. I’ll wait till after the meeting.

Speaker BERGSTROM: Okay. I guess is there any other business to be brought? If not --
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 6:25 p.m.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates