

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES  
CHAMBER OF THE ASSEMBLY OF DELEGATES  
FIRST DISTRICT COURTHOUSE  
ROUTE 6A, BARNSTABLE, MA 02630**

**APPROVED Journal of Proceedings - January 4, 2017**

**SPECIAL MEETING 3:45 P.M.  
SWEARING-IN CEREMONY AND OFFICIAL PHOTOGRAPH  
15<sup>th</sup> SESSION ASSEMBLY DELEGATES**

County Clerk O'CONNELL: So if you're all ready, I'm going to ask you to please raise your right hand and repeat after me with the name insertion.

I, (stated names), do solemnly swear, (repeated), that I will bear true faith and allegiance, (repeated), to the Commonwealth of Massachusetts, (repeated), and support the Constitution thereof, (repeated), so help me God, (repeated.)

I, (stated names), do solemnly swear and affirm, (repeated), that I will faithfully and impartially, (repeated), discharge and perform all the duties, (repeated), incumbent on me as a Delegate to the Assembly of Delegates, (repeated), according to the best of my abilities and understanding, (repeated), agreeably to the rules and regulations, (repeated), of the Constitution, (repeated), the County Charter, (repeated), and the laws of the Commonwealth, (repeated), so help me God, (repeated).

I, (stated names), do solemnly swear, (repeated), that I will support the Constitution of the United States, (repeated).

Congratulations.

County Clerk O'CONNELL: This is the part of the event that we take the official photo. This is the one that will appear on the County webpage. And any time a request is made for a photograph of the Assembly, this is the one that's going to be used. So I'm going to have our very talented and prepared videographer do the honors.

(Photograph being taken.)

And I think it's great; everybody's here in the photo this year. That's great. Now you may resume your normal seating.

**(Special meeting concluded at 3:53 p.m.)**

**REGULAR MEETING 4:00 P.M.**

Speaker Pro Tempore OHMAN: Good afternoon. How are you? Happy New Year to you all. Welcome to the 15<sup>th</sup> Session of the Barnstable County, Assembly of Delegates.

I'd like to call this meeting to order, and we'll start with a moment of silence for all our troops at home and overseas.

(Moment of silence.)

Speaker Pro Tempore OHMAN: Thank you. Now we'll stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker Pro Tempore OHMAN: Will the Clerk call the roll?

**Roll Call (100%): Edward Atwood (2.30% - Eastham), Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), E. Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Susan Moran (14.61% - Falmouth), Thomas O'Hara (6.49% - Mashpee), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

County Clerk O'CONNELL: Mr. Speaker Pro Tempore, we have 100 percent of the Delegates present.

Speaker Pro Tempore OHMAN: Thank you. I'd like to ask if anyone besides our County person is recording this session? Seeing none. Thank you.

I'd like to take this moment to elect a new Speaker to the Assembly. It's going to be a simple roll. I'm going to take all nominations that are seconded. I'll close the nominations and we'll take a roll call vote by person, not by percentage.

Are there any nominations? Mr. Princi.

Mr. PRINCI: I'd like to nominate the Yarmouth Delegate Suzanne McAuliffe as Speaker.

Ms. MCCUTCHEON: Second.

Speaker Pro Tempore OHMAN: That's been seconded. Thank you. Are there other nominations? Mr. Lewis.

Mr. LEWIS: I'd like to nominate the Harwich Delegate, Mr. McManus.

Mr. O'MALLEY: Second.

Speaker Pro Tempore OHMAN: That's two. Are there further nominations? Seeing none. I will close the nominations.

Now this is very straightforward. I'd like to take a roll call vote for the person -- name the person and their town, please.

**Roll Call for Speaker 15<sup>th</sup> Session:**

**Voting for E. Suzanne McAuliffe as Speaker (8): Ronald Bergstrom (Chatham), Lilli-Ann Green (Wellfleet), James Killion (Sandwich), E. Suzanne McAuliffe (Yarmouth), Deborah McCutcheon (Truro), Thomas O'Hara (Mashpee), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).**

**Voting for Edward McManus as Speaker (7): Edward Atwood (Eastham), Christopher Kanaga (Orleans), Edward Lewis (Brewster), Edward McManus (Harwich), Susan Moran (Falmouth), John Ohman (Dennis), Brian O'Malley (Provincetown).**

County Clerk O'CONNELL: The tally of the vote is Suzanne McAuliffe 8; Edward McManus 7. Suzanne McAuliffe is the Speaker.  
**(Speaker McAuliffe elected.)**

Speaker Pro Tempore OHMAN: And I will gladly turn the gavel over to the new Speaker. Thank you.

Speaker MCAULIFFE: Thank you, very much. I appreciate the vote and putting me in charge as Speaker. And I will do my best to do a good job for everyone and treat everyone equally, fairly, and as openly and honestly as I can. Thank you.

Our next item on the agenda is the election of a Deputy Speaker. The floor is now open for nominations for a Deputy Speaker. Dr. O'Malley.

Mr. O'MALLEY: I nominate Deborah McCutcheon from Truro.

Mr. OHMAN: Second.

Speaker MCAULIFFE: Are there any other nominations? The nominations are closed. I propose by acclamation it will be a unanimous vote to elect Deborah McCutcheon if you agree to the nomination by acclamation?

Mr. KILLION: So moved.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Okay. And then all in favor? Aye. Thank you.  
**(Deputy Speaker McCutcheon elected.)**

Deputy Speaker MCCUTCHEON: I want to thank you, and I will try and do a good job. And you know I love running against blank.

Speaker MCAULIFFE: You love what?

Deputy Speaker MCCUTCHEON: I love running against blank. They've never beat me yet.

Speaker MCAULIFFE: The next item is the election of the Clerk. Is there a nomination for Clerk? Mr. McManus.

Mr. BERGSTROM: I --

Mr. MCMANUS: I move that we nominate Janice --

Mr. LEWIS: O'Connell.

Mr. MCMANUS: O'Connell.

Speaker MCAULIFFE: Is there a second?

Mr. O'MALLEY: Second.

Speaker MCAULIFFE: I will ask any other nominations?

Mr. O'MALLEY: I'll move it be by acclamation.

Mr. LEWIS: Second.

Speaker MCAULIFFE: All in favor by acclamation? Aye.

County Clerk O'CONNELL: Thank you, I think.

Speaker MCAULIFFE: Congratulations.

**(Clerk O'Connell elected.)**

Speaker MCAULIFFE: The next item is approval of Calendar of Business, which is your agenda for today. I hope everyone's had a chance to look at it. I'll take a --

Mr. LEWIS: So moved.

Mr. MCMANUS: Second.

Speaker MCAULIFFE: All those in favor? Aye. Unanimous.

(Motion carried.)

Speaker MCAULIFFE: The next item is approval of Journal of December 21, 2016. Yes, Dr. O'Malley.

Mr. O'MALLEY: Madam Speaker, I know the Delegate from Wellfleet has some corrections but other than that, I would move that the remainder is -- I reviewed it and it should be approved.

Speaker MCAULIFFE: Yes, Lilli-Ann.

Ms. GREEN: They were clerical errors and I communicated with Janice about that.

Speaker MCAULIFFE: So is there a motion -- you made a motion then to approve as corrected?

Mr. O'MALLEY: Move approval.

Mr. LEWIS: Second.

Speaker MCAULIFFE: Okay. All those in favor? Aye.

It passes unanimously.

(Motion carried.)

#### Communications from the Board of Regional Commissioners

Speaker MCAULIFFE: All right. Next is the communications from the Board of Regional Commissioners. We have all our Commissioners here.

We have our newest Commissioner, Ron Beaty, and the Chairman Leo Cakounes, and the Vice Chair is Mary Pat Flynn. Welcome.

Commissioner FLYNN: Thank you.

Commissioner CAKOUNES: Thank you and congratulations on your appointment as Speaker. Hopefully we'll have some fun working together in the coming year.

A couple of things. First of all, I want to welcome the new Delegates on behalf of the County Commissioners; welcome. Congratulations on your win, and welcome now to begin serving your term here with us.

I kind of wish things were a little different that when people get appointed they would have a little time to get used to things. But you're going to find out very quickly that we're going to be jumping into budgets knee-deep and give you a chance to meet all of your department heads and learn how they spend their money or want to spend their money. And I think you're going to be overwhelmed in the next few months.

We started today with that. So Ron can attest to his first day as a County Commissioner and first full meeting. We did budget hearings but I'll get to that in a minute.

One thing that I wanted to bring up in my report to you on our meeting of December 21<sup>st</sup> of last year; if you remember the day that I made that report there was a lot going on. We actually had a lot -- you guys had a lot on your agenda and we

actually have a meeting scheduled in the small meeting room over there at 5:15.

So because of that, and it's no excuse, I neglected to bring to your attention that the County Commissioners did, in fact, sign an agreement with SL Environmental Law Group and Kennedy Madonna, LLP lawyers to begin what we are terming a third-party class-action suit against the manufacturers of the fire suppression foam that we have used at the Fire Training Academy.

I don't want to get into specifics about it too much, but I will answer any questions if you have that I feel I can at this time.

The lawsuit is in part of the settlement agreements that we have with the town of Barnstable. There I don't want to go, but I will say that the lawsuit is not going to cost the County any money. It's a class-action -- it's not a class-action suit. It's a claim, and in that claim we'll be asking for reimbursements of money spent directly related to the Fire Academy and to the use of these foams, the manufacturers themselves are going to -- we're holding them accountable in this suit. And they will also be paying our legal fees. So this action was one that did not -- does not cost the county money.

And, again, I apologize for not having given you that information back when I did the report that particular meeting.

With that said, I will ask that if any of you -- you all have access to our agendas, and, please, as we come forward and give you our reports, don't hesitate if you see something that's on the agenda that either I or my fellow commissioners don't report to you to ask about. We certainly are within our Open Meeting Laws to be able to report on anything that we discussed at our meetings.

With that said, I'll just move on to December 30<sup>th</sup>. We did hold a special executive session meeting. There was nothing else on the agenda. It was not -- the only reason why we were in open session was to, in fact, go into executive session. So there was no other action done by the Commissioners at that executive session. Once again, related to the lawsuit between the County and the town of Barnstable. And I would, at this time, not really want to comment too much on what was discussed at that executive session meeting.

That brings us forward to 2017. In 2017, we've had two meetings. January 3<sup>rd</sup> we had a swearing-in. Ron, and Mary Pat (both) reelected and got sworn in. And it was at that meeting that I was elected chair and Mary Pat was elected vice chair.

And then we did some what I want to refer to as boilerplate appointments. They were basically the appointments of the committees in which the Commissioners serve on. And there's a list of those, and it will be on our website. Certainly, if anybody has any questions specifically, I'll be happy to go down those with you.

And then today; today was our January 4 meeting. It started -- we started our budget review. For those of you that are new to the Assembly, I will give you a little bit of background on how we do it, and I think that you guys have on your agenda discussing your committees and how you guys will do it. But the Commissioners actually have the department heads come before us; today we had four of them. We had the Finance Department. We had the County Commissioners, which is our budget, and we had the Fire Training Academy, and we had Children's Cove. And those four department heads came forward and presented to us their FY2018 request

for the budget.

The way I'm handling it and the way the Commissioners have done it in the past is we did not vote or take any action today. We listened to their budget. We listened to their requests.

What my plan to do is as we finish up and hear all the requests, I probably will be scheduling, if it's okay with my Commissioners, either a workshop day where we'll actually sit down and toss ideas around and thoughts about how we want to move forward with the budget. And then we'll go into a regular open session meeting where we'll be actually voting any amendments or changes to the proposed or what I refer to as the request in the FY2018 budget.

At that point we will end up voting it, and the Commissioners will then send their budget to you guys and that's when your work begins. You have standing committees. You will be reviewing the departments just like we did, giving the opportunity for department heads to come in and put their ask, if you will, forward and you'll be able to have the time to see what we recommend; what they ask for; what we're recommending, and then you will end up voting a budget. And then, essentially, it comes back to us for its final vote, which hopefully will be done this year, early May.

With that, also, we just went into some general business things that we went through fairly quickly. Approval of minutes. We have a couple of appointments. Lieutenant Kevin Lennon and Detective Christine Hornby to the Children's Cove Advisory Board. We approved some timesheets for Mr. Yunits. There are some contract renewals that we had to do for various road work construction vendors. We approved those.

Lee Hamilton was also -- a contract was signed to provide some services for Continuum of Care Planning through the Department of Human Services.

We also signed some instruments to purchase some instruments at the County Health Lab which was budgeted, but we went out for bid and got qualified applicants for bids for that. So we signed the papers to actually go ahead and purchase those. And then we did a number of discharges and subordinate HOME mortgages.

Other than that, that's what we've accomplished. And, once again, I apologize for my lack of reporting the December 21 meeting.

I'll open it up for questions or if any of my fellow Commissioners have anything to add to that?

Speaker MCAULIFFE: Jim.

Mr. KILLION: Thank you, Madam Speaker. Commissioner Cakounes, congratulation on your election to the chairmanship.

Commissioner CAKOUNES: Thank you.

Mr. KILLION: On the claim against the manufacturer --

Commissioner CAKOUNES: Yes.

Mr. KILLION: -- so we are actually not joining a class-action suit --

Commissioner FLYNN: We are.

Mr. KILLION: -- we are doing a class-action suit?

Commissioner FLYNN: No.

Commissioner CAKOUNES: No. I've been told that the legal term is not

class-action; okay. That is a term where a whole bunch of people get together and try to join against a particular manufacturer. We are filing on our own and it's a claim; it's not a class-action, and I clarified that with our attorney today to make sure. I used the term class-action I believe the last time I referred to it and it's the wrong legal term.

Will we be joining other people and other people who have the same suit? The way I understand it, especially in a suit of this large that could encompass the entire country, they're probably, and I say this probably, I'm not an attorney, there probably will be some judgment made where a federal judge will say, you know what, all of these are going to be put into one suit and we're going to attack them all at once. We're not there yet. That's when it becomes a class action.

Mr. KILLION: Because there are other existing claims out there.

Commissioner CAKOUNES: Yes, that's correct.

Mr. KILLION: And we're not joining those, so it's going to be several years before this is mitigated.

Commissioner CAKOUNES: Yes.

Mr. KILLION: All right. Thank you.

Speaker MCAULIFFE: Yes, Brian.

Mr. O'MALLEY: Commissioner Cakounes, you indicated there will be no cost for this. Can you just tell us about the financing mechanisms here? There's a contingency situation?

Commissioner CAKOUNES: Yes, exactly.

Mr. O'MALLEY: And unless we win, our attorneys don't get paid?

Commissioner CAKOUNES: That's correct.

Mr. O'MALLEY: Is there a foundation behind this? Is there some --

Commissioner CAKOUNES: To my knowledge, not at this time.

Mr. O'MALLEY: Okay. Who pays for them?

Commissioner CAKOUNES: They're banking on a huge settlement, I imagine.

Mr. O'MALLEY: Thank you.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: Just for my information, again, congratulations Commissioner Cakounes.

Commissioner CAKOUNES: Thank you.

Mr. LEWIS: Good luck. We're making a claim against the firm that sold us the foam that is used in the Fire Academy; is that correct?

Commissioner CAKOUNES: Actually, it's a little bit more encompassing than that. I will tell you that I've had the opportunity today to actually read the filing. It has not been officially filed yet, so it's not public record as of right now.

But the filing not only lists the manufacturer of the foam, of the product, but it also lists the distributors and the people who sold the foam not only to us but other people. So there's a list of defendants, if you will.

Mr. LEWIS: But we're not making a claim against the manufacturers of whatever that PFOS or whatever that is?

Commissioner CAKOUNES: Yes, 3M.

Mr. LEWIS: That's part of it, but we're making a claim against them as well?

Commissioner CAKOUNES: Yes, sir.

Mr. LEWIS: Okay. Because this same foam is used at the airport and in several other -- it's in all our clothes and it's in all of our, you know, cookware and things like that, so we're still going --

Commissioner CAKOUNES: Okay. There are some foams that are presently approved by the EPA that are being used for fire suppression that do not have PFOS in them by the way, just for the record. But, yes, you are correct; this is a product that has been used and it is in many things.

Mr. LEWIS: Just, if I may, one follow-up now?

Speaker MCAULIFFE: Yes.

Mr. LEWIS: This claim is against 3M Company as well.

Commissioner CAKOUNES: They're one of the defendants.

Mr. LEWIS: One of the defendants. They have very, very deep pockets, and this has very far-reaching consequences for them, so good luck with that.

Speaker MCAULIFFE: Any more questions?

Mr. O'HARA: I have one question.

Speaker MCAULIFFE: Yes, Tom.

MR. O'HARA: Thank you. You mentioned that the foam is the issue and it contains contaminants. And you say it's still in use on the Cape right now?

Commissioner CAKOUNES: I didn't say that. What I said is there are manufactured fire suppression foams which do not contain PFOS.

MR. O'HARA: So it's been banded for use --

Commissioner CAKOUNES: It has been banded for us.

Mr. O'HARA: -- within our County?

Commissioner CAKOUNES: Yes.

Mr. O'HARA: Okay.

Commissioner CAKOUNES: And we do not use it at our facility.

Mr. O'HARA: Okay.

Commissioner CAKOUNES: But there are -- that's all I'll say.

Mr. BERGSTROM: Madam Speaker.

Speaker MCAULIFFE: Yes, Mr. Bergstrom.

Mr. BERGSTROM: Question; I guess maybe I know the answer to this question already, but I'm presuming that the success or failure or the progress of this action is not going to affect our negotiations with the other parties.

Commissioner CAKOUNES: Two entirely separate issues.

Mr. BERGSTROM: Okay.

Commissioner CAKOUNES: They are connected only in that -- I won't say any more. They're two separate issues at this time.

Mr. BERGSTROM: So they'll progress as however.

Commissioner CAKOUNES: Yes.

Mr. BERGSTROM: Okay.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: Just one clarification. Do we know that this -- because I think you mentioned this has been banned, and I knew it was -- EPA said it -- I forget the

exact terminology, it was an increasing concern or something like that?

Commissioner CAKOUNES: Emerging concern.

Mr. LEWIS: Yes.

Commissioner CAKOUNES: Contaminant of emerging concern.

Mr. LEWIS: I don't know, and maybe I'm wrong, but that has actually been banned by the EPA or --

Commissioner CAKOUNES: My statements for banning it were strictly that we, the County, have banned use of it. To my knowledge and I wouldn't want to report here today if the EPA has banned the use of it. I don't believe that's the truth because, again, they used it on that truck that over -- the oil tanker that turned over on the Bourne.

Mr. LEWIS: On the bridge.

Commissioner CAKOUNES: Right. So I don't believe it has been taken off the market. We have banned use of it, the County.

Speaker MCAULIFFE: Brian.

Mr. O'MALLEY: Just for an informational point on that. No, it's not banned. What changed the tables here was that the EPA set exposure limits.

Commissioner CAKOUNES: Right.

Mr. O'MALLEY: They were previous -- they were much lower than what we had seen before. These are products that are extremely widely used.

And a recent study showed that you could go almost anywhere in the world and isolate these polyfluorinated compounds from people's blood samples.

So, there's still around us; we're just not using them.

Commissioner CAKOUNES: We're not using the foam.

Mr. O'MALLEY: Right.

Speaker MCAULIFFE: Okay.

Commissioner CAKOUNES: Could I just have one more minute, Mr. Speaker?

Speaker MCAULIFFE: Yes.

Commissioner CAKOUNES: We were alerted today and got a handout, which I'm not sure if you guys got via email or not, but our new State Senator, Julian Cyr, is planning on holding a Public Policy Summit here on Cape Cod. And it will be Saturday, January 7<sup>th</sup> from 1 to 5 at the Cape Cod Community College, Tilden's Art Center.

If you don't have access to this flyer, if you did not get it, we'll make sure that Owen gets it to your Clerk and gets it out to you in case you'd like to attend.

Other than that, thank you, very much. And, once again, welcome to our new members.

Speaker MCAULIFFE: Hold on just a second. Yes, Linda.

Ms. ZUERN: I just wanted to make a comment. A constituent called me this afternoon and said that she had watched the Commissioners meeting and was just very impressed by it and especially the presentation by the Fire Academy.

And so I watched most of it myself and it was a well-done meeting and they did an excellent presentation. It wasn't just about budget. So if anybody else has a chance to watch it, it's just very informative.

So thank you and congratulations to Mary Pat and to Ron. The meeting, I thought, just went so well. So, thank you.

Commissioner CAKOUNES: Yes, the only thing I'll add to that is to our new members on the board; you guys do have a unique opportunity in which you really get to see the presentations twice, if you want. You can go online and watch our meetings. I try to make them as entertaining as possible for you, but the good thing is you can fast-forward through them.

But at least you can see things, like I said the Fire Academy was today; Children's Cove, our budget and naturally the Finance Departments'. The Finance Department is probably the one that -- they're all interesting but that's the one that you've really got to pay attention to because that's the one that's going to be talking about future bond issues and things like that.

So it will be fun. Thank you, again.

Speaker MCAULIFFE: Thank you. And in our own budget process going forward, we do our budget work in subcommittee and any member is welcome to attend any subcommittee meeting and hear the presentations as well.

So it's a really good way to get your arms around a budget that is pretty confusing at first.

We will be meeting starting fairly soon. So don't restrict yourselves to subcommittees if you need more information.

Speaker MCAULIFFE: All right. Next is do we have any Public Officials who wish to comment? Seeing none.

Any communications from members of the public? All right.

### Assembly Convenes

Speaker MCAULIFFE: The public part of the meeting is over, and I will now convene the Assembly of Delegates for the Wednesday, January 4<sup>th</sup>, 2017, meeting.

Committee reports. Any committees to report? No reports.

### Report from the Clerk

Speaker MCAULIFFE: We have a report from the Clerk.

Clerk O'CONNELL: Good afternoon, everyone. Just briefly a few items. I think I'm hoping that I will be allowed to speak on the next agenda item, so I'll refrain from commenting on our budget process at this time.

But a couple of items; first, I'd like to remind everyone regarding the need to bring your ID to get into the County building.

And as someone pointed out to me today, the IDs don't last forever. So for some of the individuals who have been here for a long time now, check the expiration date on the back of your ID. And if it needs to be done again, maybe you want to send me a new picture, maybe not, but you can send me a picture in JPEG format, and I will send that up to IT, and we'll get you a new ID.

The other item that I have is with regards to committee assignments. I'm

going to read off a short list of individuals and it's only simply to point out that these are the people I have received committee assignment requests for. And if you don't hear your name called, it's because I haven't got yours yet. And it's going to become very important really quick for you to get that information to me so that I can forward it to the new Speaker, who is going to have to spend a good amount of time placing people in committee slots.

Keeping in mind, just as a reminder, that no committee can have a fixed standing group, which are five delegates to exceed 50.01 percent of the vote. So it does require a lot of thought and placement when that needs to be done.

So I've received requests from Ed Atwood, Linda Zuern, Lilli Green, Brian O'Malley; Ed Lewis, I think you only gave me one. You gave me your primary one and I was asking for three, your three choices. Chris Kanaga, I received yours but one; I've got one placement. And I've got Jim Killion's.

So, again, if you haven't heard your name called, it's because either you didn't see the date that I was requesting this information for or just overlooked it.

But maybe now that we've got the Assembly settled today with the Speaker and Deputy Speaker and maybe people will be encouraged now to send their list to me as soon as possible so I can get all that information to Suzanne.

And, right now, that's all I have.

Speaker MCAULIFFE: And if you don't have preferences, that's fine too. Just let me know preferences as soon as you can. I'd like to start tackling this by Monday.

### Other Business

Speaker MCAULIFFE: And then our other business is a discussion regarding scheduling of FY18 budget process and review by the Assembly and Standing Committees, and this was requested by Janice O'Connell. The budget process is a very challenging scheduling chore, I would say, for Janice because of trying to get all the subcommittees to get their work done.

And as I said, we review the budget in subcommittee format before it comes to the full committee. I do know that the full Assembly has spoken in the past that they would like more time to have more discussion in general, rather than have everything done at the subcommittee level.

So as we talk about the budget timeline, perhaps we can see if we could fit in an extra meeting or two so that we could have more broad-based general discussions as opposed to running up against a timeline where we have to approve -- Janice.

Clerk O'CONNELL: With the permission of the Speaker, could I go to the table out front? It's just that I can see everyone better; all right? Thank you.

Commissioner CAKOUNES: Except for Mr. Kanaga.

Speaker MCAULIFFE: You can come down here.

Clerk O'CONNELL: Thank you, very much. I guess the first thing I want to mention is that we've heard the possibility that we may be getting the budget a little bit earlier. Realistically, I don't know how much earlier you will receive it. Possibly the first meeting in February that would be February 1<sup>st</sup>.

If not by then, by ordinance, it's due to you by February 15<sup>th</sup>. So you've only got one additional meeting that you may receive it which may allow you the opportunity to schedule committee meetings starting sooner versus later.

The problem that this is going to pose is as soon as the Speaker designates committees, I'd like to get a schedule out. And until I know definitely when the budget's coming over, I could start to schedule committee meetings -- the following Wednesday would be February 8<sup>th</sup> only to find that we don't have the budget yet. So whoever I would schedule for that meeting would need to get bumped to some other point in time probably in March.

Keeping in mind that you have ordinances that drive when you need to have a meeting of the chairs and when you need to have a Public Hearing.

So with that said, you basically have from whatever time you get the budget in February through the remainder of February and March, until March 29<sup>th</sup>, to review the budget.

Now a few options are you don't only have to review the budget on Wednesdays. Typically the Assembly meets consecutive -- not the Assembly, the committees meet on consecutive Wednesdays during that time period because there's no other way to really get through it. You start at 1 o'clock in the afternoon. And if you have an Assembly meeting at four, it limits the amount of time that you have for a committee to review a department.

The other thing that might be considered is if it's not meeting on days other than Wednesdays, also not specifying a time specific for departments to come in. Why? Because I have heard complaints that, you know, you start asking questions; you're just getting into the meat of it, and, oh, it's ten minutes of three and you've got to meet with the next department.

So in order to eliminate that and give you as much time as you need with a committee, don't put a time. The other good aspect to that is if you finish with a department 10 minutes earlier, you can take the next person that's scheduled to meet and talk with you. Now there are pluses and minuses to all of this. So that's going to be the conundrum is deciding which route or how you're going to express how you want to proceed with this.

The other factor, and I think Suzanne touched upon it, is whether or not you want all departments to meet before committees or just some and others come before the full Assembly. I mean, typically, you've had every department meet with a Standing Committee but there's nothing that says that you can't have either all departments or a few, maybe smaller ones, come and meet before the entire Assembly versus individually with a Standing Committee.

And the other thing that I'm going to recommend, strongly recommend, is and I've already seen it in the commissioner's budget review, agencies such as Elder Services, Human Rights, the Arts Foundation to make that review part of the review that you do with the commissioners. These are nonoperational -- they're not operational functions of departments of the county. They're agencies that the county has some control over that budget -- what is reviewed and recommended from the commissioners.

Commissioner CAKOUNES: Two of them are donations.

Clerk O'CONNELL: Well, and from my perspective, I see committees spending very valuable time during that process, half-hour/40 minutes on a \$5,000 issue when you've got a lot of pressure from committees that are dealing with departments that are seeking 2 million and only getting a half-hour or 45 minutes. So there are just so many places and ways you can divvy up the pie and try to use your time efficiently. So that's a recommendation.

And as far as the CCEDC, that review should be part of when the Cape Cod Commission comes in and reviews their budget have them review that piece of it. It just makes sense.

Speaker MCAULIFFE: Can you tell what the acronym means, the CCEDC for people who don't know?

Clerk O'CONNELL: Cape Cod Economic Development Council.

Speaker MCAULIFFE: Thank you.

Clerk O'CONNELL: I think that's what it is. And, again, your review needs to be completed on or about the 29<sup>th</sup> of March. In looking ahead on the calendar, I see that the first Wednesday of April is the 5<sup>th</sup> and that is typically when the chairs would get together and meet. So, okay, you could keep to that schedule.

I would suggest that a public hearing on the budget by Finance be scheduled for the following Wednesday, which is an off-Assembly meeting day. It's the 12<sup>th</sup>. It allows enough time for ample discussion for the public to come in on that afternoon.

And then on the following Wednesday, which is the 19<sup>th</sup> of April -- see, that's when you normally would have a public hearing. But if you have it on an off-Assembly meeting day, it's going to allow the full Assembly time to discuss what Finance and the public has had to say about the budgets that have been reviewed up to that point in time.

So I'm looking at it as a way to give you an extra meeting to actually talk amongst yourselves with regards to what have the departments come forward with; what is the public asking about before you have to vote on the budget May 5<sup>th</sup>. Because you don't want to be doing those kinds of things on the day you vote for the budget.

If you talk about it the meeting before, it gives you all a chance to think about where you want to be and come up with suggestions or amendments for the day you're going to vote on the budget. Because sometimes coming up with an amendment requires gathering of information and pieces that you may not necessarily have at the time you're undertaking the discussion earlier in April. Is that making any sense?

These are just a few things that I could recommend and I am recommending as you think about how you want to structure your budget review process. Because, again, new slate/new people/new session. There's no reason why, within certain parameters, you have to keep doing things the same old way.

So that's it from my perspective. That's all I have to say, and now you can all chew on that.

Speaker MCAULIFFE: Any questions of Janice?

Mr. BERGSTROM: Yes.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: I'd just like to say that I think one of the reasons why Janice is giving us this recommendation is because once we leave this room, it's going to be her obligation to schedule these meetings. It means she has to come in individual contact with all of us to see what our schedule is; can we get those five people together on that day? Some people won't be there. There are provisions that we have made for other people to take the place of -- in other words, alternates. They have to be -- so, regardless of what we do on the budget, the actual process can be quite convoluted and complicated. And the cooperation among all the members of the delegate is to get it done is paramount if we're going to get this passed by the earliest possible date.

So it's going to have to take some sacrifices on some people and say, yes, I can be there so.

Speaker MCAULIFFE: Ed.

Mr. MCMANUS: One of the things that might be helpful is if Janice could provide a list of the statutory deadline dates of the various actions that have to be taken both by the Assembly of Delegates and the County Commissioners. So as you are contacting us so we have that understanding in place.

Speaker MCAULIFFE: Ed.

Mr. LEWIS: Now we have three Eds on the Delegates.

Speaker MCAULIFFE: Well, one's Edward.

Mr. LEWIS: Oh, okay. So one Edward.

Speaker MCAULIFFE: So still two Eds.

Mr. LEWIS: Okay. Two Eds. You know, I've went through this now for two years. This is the third year. And it would seem to me that -- and it's very difficult. Janice has to email everybody on different committees and give me your vacation dates, and tell me if you can make this, and tell me if you can make that.

From my perspective, I would rather Janice schedule the meetings. And we all were elected to serve, and it's this budget time, it's a two or three month budget time. She schedules the meeting and it's our -- we have to be there. It's our responsibility to make those committee meetings.

If you're on vacation, we don't -- then the alternate takes over but that's our responsibility. And I don't think it's fair for Janice to go through this all the time trying to figure out can you be here; can you not be here; we have a meeting here, all this. Schedule the meetings and it's our responsibility to be there and let it go that way.

Speaker MCAULIFFE: All right. I would add to that and say it's also our responsibility to if -- that we notify Janice so that we can make sure that we do have a minimum number for the committee meetings. Because otherwise then there's another scheduling nightmare if we can't meet our minimums.

I would say to the new people don't be overwhelmed. This is our busiest time of year. This is the time where they ask extra time of you going forward. After the budget is voted, then we go back to our regular twice monthly meetings.

So just kind of understand that this is -- we're asking you to step up just for the budget time.

Ed.

Mr. MCMANUS: Yes, one additional request. I know to a large extent we get the sort of budget packets ahead of time, but from time to time the departments arrive with additional material, and it's very hard to review the additional material and take into account everything that you've reviewed ahead of time.

If possible, can we ask that the departments if they are presenting additional material that they get those out a bit ahead of time so they could be reviewed and we could -- members of the different committees could then decide and be prepared and maybe make the request ahead of time if there is additional information that they would like prepared.

Speaker MCAULIFFE: That's an excellent suggestion. A lot of times departments will come in with supplementary material and you're trying to have your meeting and you're reviewing the material as you're trying to have your meeting.

So I think that would be something that we could pass on to departments that we want our materials ahead of the meetings and that it would really facilitate what we could do.

I also think we should have a copy to everyone, the Commissioner's Budget Guidelines for this year. They worked hard on those guidelines, and so everyone will have a refresher in what the Commissioners goals are going forward.

And, also, what was suggested at the table is to have a budget timeline. So we have a general outline of statutory dates that also -- what kinds of dates we can anticipate.

Anyone else on the budget?

Ms. ZUERN: Can I ask a question?

Speaker MCAULIFFE: Just a minute. Yes, Linda and then Janice.

Ms. ZUERN: I think most of the committees have been scheduled for Wednesdays so that works out pretty well. If you sort of don't have the time that they're going to be before the meeting, that doesn't -- that sort of, you know, it gives you some time to look at your calendar and sort of schedule that in.

I also think it's important for the whole Assembly to be at some of those subcommittee meetings. Sometimes, you know, I've been on the subcommittee and it's two or three people that make the decision whether that budget is approved or not. And there isn't a whole lot of discussion once you get to the Assembly. And I think if the whole Assembly hears the presentation, sometimes questions will come up that may not come up during the committee.

So I would be willing to come earlier during those months that we're doing the budget at 2 or 3 o'clock, you know, just to have the whole Assembly to be there at those subcommittees.

Speaker MCAULIFFE: Thank you and Janice.

Clerk O'CONNELL: At this point, I would say be on notice that committee meetings could be scheduled as early as starting February 8<sup>th</sup> -- possibly the 8<sup>th</sup> or the 15<sup>th</sup> through the end of March.

Mr. LEWIS: He's telling you no that's not going to happen.

Clerk O'CONNELL: And I'm wondering -- and I'm trying to get a consensus. I'm not hearing that delegates necessarily want to move away from the Wednesday meeting schedule. If you could commit to possibly needing to be here on any one of

those Wednesdays, and I don't know which one is going to be your committee yet or maybe you want to come to all of them, then I think you can get through the process of meeting with all departments during that time period if you only want to stick to Wednesdays.

And I'm also trying to get a sense or a consensus of do you want me to put time-specifics on those dates or just list departments and as you finish with them, you roll onto the next one. I don't know what your preference is. There's good and bad points and somebody has a --

Speaker MCAULIFFE: Yes. Deb and then Ed.

Deputy Speaker MCCUTCHEON: I'll answer that question for you. From my own experience at the Conservation Commission, the worst thing you can do is sit around waiting for the time to pass for you to get to your next hearing. You run them all at the same time and you go as expeditiously as you can with the information that people give you. They feel like you respect their time and they're respecting yours.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: I agree with what Deborah just said.

Clerk O'CONNELL: Okay. So that's very helpful for me. And I'll also pass that along to the departments because they will know that, for example, if Health and Human Services is meeting at 1 o'clock and they're second on the list, within reason plan on being there within a half-hour of the start of that meeting.

Mr. LEWIS: No. They should be there --

Clerk O'CONNELL: So that we're not keeping the committee waiting.

Speaker MCAULIFFE: Yes, Ed.

Mr. LEWIS: Just like at a Selectmen's meeting, if the committee is meeting at 1 o'clock and there are four departments, all four departments are there at one o'clock and we'll take them in the order, but I don't want for them to try and figure out when they should be there. Be there at 1 o'clock and then we'll take them in the order. And they'll just have to sit and wait through it just like they do at a Selectmen's meeting or any other meeting.

But if you're not going to put times, and I agree with Deborah's suggestion completely, then they should be there and they'll just have to wait their turn.

And also at the same time, and I doubt the new members may not know this, but you should at this point know what these departments do. We should know what the Department of Health and Human Services does; what the Children's Cove does; what all of these departments do. So we don't need a dog and pony show, which takes up 15 minutes of that 45 minutes that we try to give them. We don't need the dog and pony show. We just need to go over the budget and ask questions about specific areas. That's what takes up so much time, and that's what takes up so much time with their presentation is that in order to justify it, they're trying to show all these different things that they do, and they do great things, but we should know those by now. We should know what each department does.

But I want them all there and then we can move forward.

Speaker MCAULIFFE: Janice.

Clerk O'CONNELL: And, also, I'm sensing the consensus is all departments

come and meet with standing committees versus some with Assembly, some with Standing Committees. You want everything to go through the Standing Committee process. Reports to Finance, meeting with the chairs, and then regular schedule. Is there anybody that's having heartburn over that?

Speaker MCAULIFFE: I think at this point it might be all right to go forward with that plan, but with the understanding if a subcommittee has an issue or there's a hot-button topic in a particular department, then we make sure that they come before the full Assembly. Because the full Assembly may want to discuss something. It could be cost-of-living or it could be something that is more appropriate for the whole Assembly as opposed to just the subcommittee.

I don't know if we can anticipate which of those departments are going to have hot-button issues, but certainly we can -- I'll take any feedback from anyone if they want to email Janice if they feel that there are specific departments that they think the whole Assembly should hear from, and then the subcommittee can defer to the full Assembly.

The problem with the full Assembly -- it's great to have the information and the input, but we just don't have the time to do all the work that the subcommittees do unless we're going to start meeting at one every Wednesday, which I don't think is a necessarily good use of everyone's time.

Mr. BERGSTROM: Madam Speaker.

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: I think you lose sight of the fact that what we're going to be looking at is the Commissioners' budget. They will have already gone through a process with the departments, and they are submitting the budget to us with their recommendations.

So really when we review the budget, we're questioning their judgment, which is what we're supposed to do. I mean there's nothing wrong with that. But they should be the ones ultimately who are going to defend the budget.

You know often if the full Assembly is going to hear from -- is going to have questions on individual departments, I think it would be appropriate to have the Commissioners here and the Administrator here and perhaps a department head to say, well, this is why we appropriate certain amounts of money for this department and that makes it a lot easier.

You're right; bringing in individual departments one by one before the full Assembly is not going to work.

Speaker MCAULIFFE: Yes.

Mr. BERGSTROM: But I think that we have to understand -- I'm presuming that the Board of Commissioners when presenting us with the budget will give a budget message. In other words, justification for the spending that they have recommended, you know, and their priorities may be different than our priorities.

So in a way, I think we should concentrate on not so much in beating down the cost of individual departments but whether we agree or disagree with the priorities that are presented by the Commissioners. And if we disagree then, I mean, it's not going to be a matter of nickel and diming certain departments. It would be a matter of whether or not the priorities that are represented by the spending that they're

presenting are our priorities.

So, anyway, I guess that's the way of saying, yes, I think there should be meetings before the Assembly toward the end of the process.

Speaker MCAULIFFE: But for now we will go forward with our subcommittee process and see how that will work out going forward.

Clerk O'CONNELL: Yes, and that's why I suggested that the public hearing be done. I think the ordinance says it has to be done no later than the third week in April. That doesn't mean you can't do it the second week in April.

So if you move that up, it gives you that Assembly meeting time to either talk to the Commissioners, with the department head because then you're going to be voting on the budget in May, and you want to have those kinds of questions and issues ironed out before you come in, I would think, to make a decision about what direction you're going to go in.

So, certainly, that has been very helpful for me today in terms of how this is going to shape up and me to get lined up as soon as we get committee assignments done and maybe get a clearer focus on when the budget might be coming over, either the 1<sup>st</sup> or the 15<sup>th</sup>.

So, I'm all set. Thank you.

Speaker MCAULIFFE: John.

Mr. OHMAN: Thank you, Madam Speaker. We've had a lot of thoughtful discussion about the expenditure side of the budget. One thing that tends to get lost in the crying of the budget is we need to have good figures and defensible figures of what we're going to take in this year too. And I hope that the Commissioners will hear loud and clear that we'd like to hear that process and that be defensible as well.

Speaker MCAULIFFE: Thank you. Any further -- yes, Jim.

Mr. KILLION: Thank you, Madam Speaker. Speaking of the subcommittees, some of the things we've discussed in the past is the value of the vote that's taken in these committees. With a lot of other legislatures, in order for something to get out of the subcommittee, a positive vote has to be taken.

So if you would like to place that on a future agenda, preferably in the near future, perhaps this is something we can address through resolution to determine if, in fact, to get the information out of the subcommittee it has to have a positive vote or to just give that vote some validity because it seems like it's unnecessary. Because no matter how the vote comes out, it comes to the full Assembly regardless.

Speaker MCAULIFFE: And the vote is to recommend not --

Mr. KILLION: Agree, but it's recommend or not recommend.

Speaker MCAULIFFE: Right.

Mr. KILLION: I think we should have some clarity on what that vote does. And maybe it will prevent -- it will allow the subcommittees to get a little more active with the recommendations that they make to the full Assembly because that's what they're supposed to be doing.

So what happens is if they don't recommend something or they don't get a positive vote, it comes to the Assembly without any real back story as to what the issues are.

So I would hope that the subcommittees that are charged with looking at

the details can provide some recommendations so that they get a positive vote out of the subcommittee because I think that will help move the budget along more smoothly.

Speaker MCAULIFFE: That's a good suggestion. Yes, Brian.

Mr. O'MALLEY: I'm in agreement with what I just heard from the Delegate from Sandwich, and I think that the value of the committee vote is a means of feeding back to the general Assembly, to the body here, how much controversy there was.

If we get a committee vote that was 5, 3 to 2, we know that there was significant division in there, and there may be some issues that need to be reconciled between the time of that committee meeting and I think maybe the chair ought to attend to that. What were the issues that had his or her committee divided?

Whereas, if it's a 5 to 0 vote, then I think the Assembly should be more comfortable saying they all listened to it; they heard the hearing; let it go.

So that's kind of the process where I would -- when there's big division, try to understand it; what do we need to resolve it?

Speaker MCAULIFFE: Yes, Ron.

Mr. BERGSTROM: Yes, I'm being more loquacious than I intended to be here but I can't help myself.

So the issue is that the idea that the Assembly will reject the budget is a non-sequitur. In other words, we can't reject the budget.

Our only role is to pass a budget. So if we don't agree with their budget, we have to come up with an alternative. Now I say this because not too long ago we did reject the budget and everybody's looking at each other and saying what are we going to do? The lights have still got to be on, you know.

So the idea of -- the idea of not agreeing with the Commissioners is fine but you have to present an alternative. In other words, we have to present -- we have to pass an Assembly budget. It may be the same as the Commissioners' budget; it may not be. So the idea of saying, no, we don't like this, well, that's fine but by rule of the Charter, we have to present a budget.

So if you don't like something, you have to present an alternative. You have to move to remove something from the budget. If that's removed, you have to say where the money that would be normally taken in is going to be spent. If you spend more money, you have to say where it's going to come from.

So I think we have to not lose sight of the fact that this body has the power to pass a budget regardless of what they say. Okay. Hopefully it's not going to come to that but that's what --

Speaker MCAULIFFE: Okay. I think we're done with the budget. We'll get you started on a convoluted process.

Yes. And now we have the item, agenda item which is other business. Is there anyone on the Assembly who has other business to bring before the Assembly?

Deputy Speaker MCCUTCHEON: Move to adjourn.

Speaker MCAULIFFE: Nope, just a sec.

Deputy Speaker MCCUTCHEON: Okay.

Speaker MCAULIFFE: I just wanted to stay a quick thing then you can. I do want to ask Assembly members for any ideas for future agenda items. Please send

them to Janice or to me. She did send out a current contact list and it should be in your email, and it's up-to-date including new members. So you could either email me or Janice or call me. My contact information is on that.

We covered the budget process. Going forward I would also like to -- after the budget is done perhaps look at some of the Charter issues that we've had in the past and are we, in fact, following the Charter or do we need to do some changes in our policies and procedures and tweaks.

We also received -- I think all of us received a letter from Julian Cyr, the new Senator. And he, as Mr. Cakounes said, is having a Policy Summit, but he's also, I think, would be available if we wanted to have him come to the Assembly after the budget probably to talk to us about what his priorities are and, perhaps, we can have some input and feedback from our perspective as to what his ideas are.

And anything else that people want to do whether it has to do with how we vote, how we do our agenda, any topics, just let me know and we can start to talk about things in future agendas.

Yes, Ed.

Mr. LEWIS: On that topic just to piggyback on that, the second Friday in March, I believe it's March 10<sup>th</sup>. I'm not -- I think it's March 10<sup>th</sup> --

Mr. MCMANUS: Yes.

Mr. LEWIS: -- the Cape Cod Selectmen and Councilors' Association which includes the Assembly of Delegates and County Commissioners has their annual legislative breakfast and it's at the Hyannis Golf Club.

And at that time, I've already gotten affirmative replies from Randy Hunt, Representative Hunt and Representative Peake, and Representative Whelan, from Senator Cyr that they will be in attendance. So I expect to hear from the others. I just sent it because I sent it to Representative Crocker and Fernandes because they were just sworn in and now I've got their email.

So it might be a good opportunity for any -- the Delegate from Falmouth, Sue Moran, is the president of that association. And if anybody on this group would like to come to that, you're welcome. It's at 7:30. Put it on your calendar. And you get a nice breakfast and at the same time you'll hear what all the different representatives and senators have to say and ask questions as it relates to that.

Speaker MCAULIFFE: Great.

Mr. LEWIS: So it's a good opportunity for all of the different constituencies to get a chance -- you can also get a chance to talk to them one-on-one. Thank you.

Speaker MCAULIFFE: Thank you. Anything else?

Deputy Speaker MCCUTCHEON: Now?

Speaker MCAULIFFE: Now.

Deputy Speaker MCCUTCHEON: Now?

Speaker MCAULIFFE: Yes, now.

Deputy Speaker MCCUTCHEON: Move to adjourn.

Speaker MCAULIFFE: Is there a second?

Mr. MCMANUS: Second.

Speaker MCAULIFFE: All those in favor? Aye.

Speaker MCAULIFFE: Thank you.

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:00 p.m.**

**Submitted by:**

**Janice O’Connell, Clerk  
Assembly of Delegates**

List of materials used and submitted at the meeting:

- Business Calendar of 1/4/17
- Unapproved Journal of Proceedings of 12/21/16