

**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 - October 21, 2015

Speaker BERGSTROM: Good afternoon. It's now 4 o'clock. Welcome to the Wednesday, October 21st session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this message besides our normal recorder? Hearing none. I'll call the meeting to order. We'll begin with a moment of silence to honor our troops who have died in service to 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.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (91.12%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% -Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).

Absent (8.88%): Teresa Martin (2.30% - Eastham – arrived @ 4:15 p.m.), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, we have a quorum present with 91.12 percent of the Delegates present; 8.88 percent absent.

Speaker BERGSTROM: Okay. Thank you. You should have in front of you today's Calendar of Business. Any additions or corrections to the Calendar? Hearing none. I'll need a motion to accept.

Mr. MCMANUS: Move approval.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. All those in favor?

Ms. KING: One abstention.

(Motion carried.)

Speaker BERGSTROM: You also should have received a copy of the Journal of October 7, 2015. Are there any additions or corrections to the Journal?

Mr. O'MALLEY: Move to approve as posted?

Mr. LEWIS: Second.

Speaker BERGSTROM: Okay. Moved and seconded. All those in favor? Opposed? One abstention.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: We now have the favorite part of our agenda, which is Communications from the Board of Regional Commissioners.

Commissioner LYONS: Good afternoon, everyone. Beautiful day here; another one. We did not have a meeting today. We did not meet but I would like to sort of go on and give you an update of what we did at last week's meeting.

And we did open that up with recognition in the passing of Lou Cataldo. I'm not sure if all of you know who Lou Cataldo was. He was a long-standing Barnstable County employee. He started with the Law Enforcement Department. He was a pioneer in fingerprinting and that sort of thing.

He spearheaded the Tales of Cape Cod, the Mercy Otis Warren Award; he was a champion of women and women's role in our public discourse and government. He is an historian and archivist. He lived to a wonderful age of 92. He was a man who always looked at the positive and what can we do, and what can we do to make things better as opposed to just saying these things are wrong.

So he was really a friend and admirer of -- a champion of Barnstable County during the bicentennial of the County. He reached out and made reconnections with our home county of a town called Barn Stable in England, and we have hosted those dignitaries from England here. And I think we should maybe try to think of a trip going out there and visiting them.

But he was really a wonderful guy, and he was a good friend and a good friend to the County, and I think to all he met. So I just wanted to mention him one more time before we forget.

We did vote to procure legal services. You know that we have a Fire Academy. There has been a proposed settlement agreement. It has a lot of different things in there, and I think there's room for us to negotiate with the town of Barnstable. So we are hiring Special Counsel to deal with that.

We did have a discussion on our Open Meeting Law complaint that was issued by Mr. Beatty on September 24, and Attorney Troy gave his response to that.

We were told at an Open Meeting Law that when there are Open Meeting violations posted, you know, it doesn't mean that you violated but people are making an accusation, you should take those and put them, you know, you should address them in an open meeting, that this is what we received and this is how we're addressing it. So that is something new, and I'm sure you will be hearing about all that.

And we also -- there was a discussion about we had given \$250,000 and I think that Paul Niedzwiecki is here to talk about the County complex design. So I'm just going to leave that off. But there was a discussion about breaking that up a little bit and we decided not to do that.

And the County discussion and continuing discussion on the County message, and Commissioner Cakounes has done a lot of work on proposing different guidelines or rules that we should follow. And although some of them are good, I think that Commissioner Flynn and I both felt that it was putting the cart before the horse. We have to

really take an assessment of where we are, what is the state of the County at this point?

And I do think that somewhere in the future -- I think you'll get a little bit of that today talking about the County complex. But we have a lot of issues that we have to think about. And although there are guidelines that are being voted on and they're written, they can be looked at as a precedent or something to push something in a direction that we may not know the consequences on the other side.

We will have a Budget Message. Our board will work on that and come to a consensus on when, but we just proposed -- we just decided not to vote on that that particular day.

As far as there was a discussion to offer Cape Vineyard Electric Cooperative - of CVEC to provide additional net metering so basically they were just informing us that our net metering credits were going to increase.

And a continued discussion on the license plate funding request. Commissioner Cakounes really did not have -- feel comfortable with the breakdown and distribution from the EDC of license plate money, so, and really how it was being aligned. It was really their system of accounting and could he read it better.

So I think that Gail over at the Cape Cod Commission and Felicia Penn worked very hard to satisfy his concerns and maybe unanswered questions. And Leo, I'm sure, will have something to say about that if he wishes.

And that's really what we covered last week. Are there any questions?

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Just more of a comment. I think some of the push for budget guidelines or policies or whatever has come from the Assembly. I think because last two years it's been sort of operating in a bit of a vacuum not knowing what the Commissioners had in mind for a budget and we had our own things that we had in mind.

So I think that in response to being on the Assembly and also hearing from us that that is one of the reasons perhaps why there is such a strong push for this because it would help us do our job if there was some policies and guidelines in place. We're all use to that, and those of us who have been in municipal government, that's how you do your budget. You put out a policy and then you do a budget according to that.

So I know you said a message. I don't know if that's going to be a policy, but I just wanted to reaffirm the help it would give the Assembly if we knew what your goals were and what your overall budget strategies were going to be.

Commissioner LYONS: Well, I really do think that we have to look at the budget that we're anticipating coming in and the needs that we have first. And now that we have a treasurer who is getting her -- finding her way through and I think that we -- in the middle of next week, we will be presented with three candidates for County Administrator. And we may take actions that might hamstring ideas or actions that they may feel to -- that they should be taking.

So I think that there's some time, but I do think that there is a big picture of the County that we have to look at. And how much money do we have? I mean, really, we have a discretionary budget of about \$10 million when you take away the grants and all of that that we bring in to distribute across the region.

And that's not a lot of money. I mean, as you all know, you all come from towns with much bigger budgets than that. So I think that we have to be very careful about

what our obligations are going to be if we're going to be bonding in the future.

So I think that we do need to have a budget statement or a budget philosophy going in before we start that budget process, but I think that we need to really see where we are so that we can look at that budget honestly.

Speaker BERGSTROM: Yes, Ed and then Brian.

Mr. LEWIS: Just piggybacking a little bit on what Suzanne said; all municipalities have the same things that you've just described that the County has. It's no different.

But the way municipalities work is that with the Town Administrator the Board of Selectmen issues a budget with guidelines. Whether the guideline is 3 percent, 2-1/2 percent, or no percent -- 0 percent, whatever that is, based on what the Town Administrator puts forward.

The way the municipality works is the Town Administrator works with the Director of Finance and they come up with something and they present it to the Board of Selectmen and then a guideline is sent out to all the different departments that we're -- the total increase that we're looking for because this all we can afford.

And I think that that is something that's important for the County Commissioners to put forward as against, you know, all the rest, I appreciate everything you said, Madam Commissioner, but I think a sense of guidelines would help a great deal the departments. And in the long run, it would give the Assembly a feel of where you thought the budget was going to go so that they can then make their own judgements.

I don't think you want to back into it with saying this is what we need because that may be not what you can afford.

Commissioner LYONS: I absolutely agree, and I do think that we do have to put -- we've seen when we had these conversations and I think that these were guidelines without really a conversation with our treasurer. She was basically new. We have a new Administrator. And in the past we have said, even through Mark, we're not going to be doing COLAs or COLA is only going to be this percentage a year and we're only going to be able to increase salaries 1 percent or whatever or not at all.

In 2008 and 2009, there were a lot of people that didn't get a raise for a couple of years. So those were things that were known before the budget period started, and I believe -- I just know that we will have that done hopefully by the end of next month.

Is there something you wanted to add to that?

Commissioner FLYNN: No. I just wanted to say that that's exactly the process that we're following. And we expect to have a draft of that from the Finance Director. Fortunately, Bob Lawton is still here with assistance and the County Administrator, and we expect to have a draft of exactly that.

The Budget Message which is clearly this is all we can do. This is the percentage or its zero or it's one or it's neither and then go from there with a set of budget policies. So the statement comes first and then the policies come second, and that's what we -- we've asked them to provide us with a draft on both.

Speaker BERGSTROM: Brian.

Mr. O'MALLEY: Commissioner Lyons, with the understanding that you're in negotiations with the town of Barnstable on the Fire Training Academy, can you reveal any elements of this that are public at this point? Are there any outlines of where this is

going that you can --

Commissioner LYONS: No.

Mr. O'MALLEY: There are not.

Commissioner LYONS: No. I have nothing I can report. There is really no activity that I can report on that I am aware of right now.

Mr. O'MALLEY: Thank you.

Commissioner LYONS: Other than hiring Special Counsel.

Speaker BERGSTROM: Pat.

Mr. PRINCI: Thanks, Doc O'Malley for those comments. Mine are relative to the Fire Training Academy as well. With the Special Counsel, and please answer where you can, I can understand where you're at now, but is that necessary, really, to hire Special Counsel? Because from the way I see it in black and white, the County messed up, and the County's responsible for this; why do we have to pay lawyers as well when it's going to cost us a lot of money?

Commissioner FLYNN: I happen to be the Commissioners' liaison to the Fire Training Academy Assessment Committee, and this document, which is a Proposed Settlement Agreement and it's a legal document actually. I made it commits us legally to certain actions.

So we voted last week to have Special Counsel who has environmental experience to work with us on responding to that settlement proposal so that we know exactly what we're doing. We know that the area has been compromised to some extent. Some of this may have to do with the Fire Training Academy, although foam hasn't been used up there for the past 11 years and that was the major contaminant.

What some of the areas of gradient on the Fire Training Academy yet? We're not sure what contributions anyone or any facility, building, or land use might be -- might be contributing to the degradation or to the contaminants. Although there are no contaminants currently in those wells, they're clean but we want to keep them that way.

So we need -- because it is a legal document, we determined that we needed counsel experienced in environmental issues to help us respond to that document because it's also a matter of risk management. We know we have a property that has certain risks attached to it because of previous contamination.

So we have to look at the current situation but also look at any risks that might be there in the future that we have to be prepared for or plan for. So that's why where we are at this point. We don't expect it to take that long.

Speaker BERGSTROM: Yes, can I ask? When you had these negotiations or whoever's had these negotiations with the town of Barnstable, who represented the town of Barnstable?

Commissioner LYONS: The town of Barnstable has a number of lawyers on its staff, and I'm sure that they are the ones who drew up this agreement.

Speaker BERGSTROM: Okay.

Commissioner LYONS: And it is a legal document, so it's not just something that we accept and say, "Oh, you know they're right; we're wrong. Here's \$3 million."

Speaker BERGSTROM: No, I understand that.

Commissioner LYONS: I think there's room for a little bit of, you know, for us to have some scrutiny and make sure that we're just not --

Speaker BERGSTROM: Don't get defensive. I was just pointing out --

Commissioner LYONS: I'm not.

Speaker BERGSTROM: -- I was just pointing out that they have lawyers doing this.

Commissioner LYONS: Yes, of course.

Speaker BERGSTROM: So there's no reason why we shouldn't.

Commissioner LYONS: That's exactly right. Thank you.

Speaker BERGSTROM: The other question is that whatever the outcome of this, it's going to require a bonding issue on the part of the County is obviously going to have to come before the Assembly if you commit, as far as I know, so it says in the Charter to borrow money, you have to come before the Assembly.

So you're sort of at a disadvantage in that you can commit yourself to an agreement but it has to be contingent on the approval of this. That's not unusual when the town makes agreements with -- contracts are contingent on funding from Town Meeting.

But I don't know how you want to handle that. I presume that this body will trust you guys and we'll agree to it. But however you want -- I'd like to know that it passed so we can't sit here and all of the sudden you go through that hard work and somebody jumps up and says, "Well, it's too much" or something like that.

Commissioner LYONS: Yes, I understand. And I think that we'll make sure that we have that proper guidance throughout that whole --

Speaker BERGSTROM: All right. Yes, Ed.

Mr. LEWIS: Just again to piggyback on what Mary Pat said. There are other issues out there. It's not strictly the Fire Academy, and I think that's something that we'll need some help -- there's an airport that's nearby that used the same foam over a period of time. And we don't know at this point whether it's strictly the Fire Academy. We really don't.

Mr. PRINCI: We also don't know really what was used at the Fire Training Academy because the records were so poor.

Mr. LEWIS: That may be true. I'm not denying that but I'm saying that it is not strictly one piece of property and one group that is responsible that may be responsible, and I think that's one of the reasons that we'll get someone involved here to look into everything -- everything so we just don't all of a sudden sit back and say, "Okay, fine. Thank you. Let's capitulate."

Speaker BERGSTROM: I have a bad feeling about this, but I'm a pessimist at heart anyway. Yes.

Commissioner CAKOUNES: Just for the record, I think it's pretty obvious that I have a little different view on procedure than my fellow Commissioners do. On the two things that you were discussing, I voted in opposition of both of them.

The Fire Academy situation, in my eyes, what the procedure should have been and I tried to do this is the document should've been officially sent to the County Counsel. Some determination could have been made either by County Counsel or the Commissioners and through County Counsel the town of Barnstable for finding out where our differences are in that document.

And at that point with County Counsel's advice if he thought it was necessary to bring in expertise with his guidance, we should have done that.

Unfortunately, that's not what the procedure has been right now. The procedure is the County Commissioners voted to hire Special Legal Counsel in the matters of environmental issues and have instructed our Administrator to find that counsel and bring to us. And, again, that's where we stand now. Procedurally, I disagree.

On the budget issue, procedurally, I disagree. The Charter uses a term "Budget Message," Section 5-3. Commissioners are supposed to put together a Budget Message, not policy, not huge determinations of where monies should go and shouldn't go, or reviewing the budget.

And as a simple farmer, seems to me that a Budget Message should go out well before your department heads start formulating their budget.

It was expressed here today that the previous Budget Messages came out and said, "There will be no COLA." Well, since January of my term here and I've gone back and I have not found a Budget Message sent out by the Commissioners; number one.

Number two; the reference to, "There will be no COLA this year" came out of deliberations reviewing the budget trying to cut the budget. That's different than a Budget Message.

I was very disappointed at our last meeting, and I'm sure you can see it when you watch it on cable, okay, I worked very hard on this Budget Message. There are many points in there that we are actually doing. You all have a copy of it, and I did say at that meeting, and I'm going to ask here today officially, seeing that the Commissioners can't come forward with a Budget Message, which by the Charter it says we should, I'm hoping that the legislative body will take it upon themselves to come up with one.

At least using the Charter and using the sections in the Charter that says, "You can bring forward a Resolution which does not require the approval of the Commissioners if it's the opinion of the Assembly."

I really think our department heads -- I heard no kickback whatsoever from our Administrator or Interim Finance Director or even our new Finance Director on the Budget Message that was prepared that we were discussing.

As a matter of fact, all the changes that were asked for by the now Finance Director were incorporated in the Budget Message. I feel this is a very, very important situation. And with that, I'll leave it.

One other thing I would like to say that our Chair has forgot to mention, we did, in fact, did two other actions on our meeting on October 14. We approved two -- I believe they were Ordinances, both of them, yes, Proposed Ordinance 15-to be numbered and another Proposed Ordinance, and I have both of those here today that I would be happy to turn into you. We'll just wait until you guys schedule a hearing and we can explain to them. But they're pretty cut and dry and pretty much go along with the ones that you're going to be looking at here today going back and clearing up some bonding and languages.

And the other one is terms of bonding. The actual vote was taken when the bond was for a 10-year-term and Massachusetts General Law allows our Finance Director to actually set the terms. So both of these Ordinances, and I will hand them in now, are pretty much self-explanatory.

Speaker BERGSTROM: Sheila, in your deliberations over how to proceed with the budget at your meeting, obviously spending, we just talked about priorities and spending but the other half is equally as important as revenues. Mark was a swingali and he

read the tea leaves and he predicted how much money we would get. That together with the potential of increasing the assessments of the towns by 2-1/2 is basically what we have to live on.

And I know there's, whatchamacallits, grants and so on but, basically, you should be able to come up before you decide what the priority -- I mean your priorities should be guided by as you just discussed by the amount of revenue you anticipate getting. I mean who's going to do that prestidigitation as far as the budget? Are you going to ask the Registry of Deeds or how are we going to know?

Commissioner LYONS: Well, yes. I mean I think that we have to have the numbers coming forward. As I say, we do have a treasurer at this point who knows how to ask those questions and will be able to give us what is being projected. And we can use that as a guide and use it conservatively.

But the bottom line is really the income coming in is about a \$10 million budget and we do a lot with that, and we have more things coming on us this year because of bonding issues. How are we going to be paying for things? So I have to have a good understanding. I would like to have an understanding of where we're going on this as well.

Speaker BERGSTROM: The only reason I bring that up is because Leo mentioned -- I don't know if it was Leo or Mary Pat mentioned not having a COLA this year and stuff like that. But I mean I would --

Commissioner CAKOUNES: That is not the Budget Message.

Commissioner LYONS: Those are things -- no. That is not the Budget Message. But those are messages, and Leo was right, none of this -- you know, there's a lot of things that we're discovering that over the years there were patterns established where they might not have been as professional as they should have been. And I think we have to acknowledge that. It's not out to discredit anybody there. It's how things were done and now we know and now we can do better.

Speaker BERGSTROM: I think we should avoid specifics until you know what we'll get for revenue.

Commissioner LYONS: Basically, that would be Mark going to the department heads in a meeting saying, "Lookit, this is the situation, so I'm just telling you if you ask for this, anything over that, you're not going -- it's not going to be that possible." That was the Budget Message.

I do think it's proper to put it in writing. I do think it's proper to have a deliberation over it. And at that point, we're not saying that we're not accepting all of those. We're just saying that we weren't prepared to do it then.

Commissioner CAKOUNES: Can I just clarify?

Speaker BERGSTROM: Yes, Ed.

Commissioner CAKOUNES: Excuse me, Mr. Speaker. If I can just clarify something, please? I mentioned there were two Ordinances that I handed in. I just want, for the record, to make it clear there was only one.

Speaker BERGSTROM: We only got one.

Commissioner CAKOUNES: We only voted one and approved one, and that was the one that I mentioned. It was to amend Ordinance 13-03 and Ordinance 14-01 in regards to the bonding term limits.

So, I apologize. I did say two but the other one was tabled.

Speaker BERGSTROM: Okay. Ed.

Mr. LEWIS: I'd be very careful in a message as it relates to any specifics regarding COLAs. A fairly decent percentage of the county workers are in union agreements, and so you can't make those statements.

Commissioner LYONS: It sets precedence.

Mr. LEWIS: I don't know having only been served for a year now as to what the relationship is between the non-union and the union but I don't think a Budget Message at this point should include anything that specific.

I think Ron, the president of the Assembly, stated that and I think he's correct that the message doesn't include such specifics as to where you're going to fit COLA, where are you going to get the budget cuts; it's an overall message.

And then the departments and the Assembly can work on that, but I think that it's very -- in my way of thinking, you have to be very weary of all of a sudden saying that X percentage of the County because they're unionized will get something and the rest of you aren't.

So I think that has to be well thought out as you get some statement made at a meeting like this.

Commissioner CAKOUNES: Mr. Speaker, I just have to respond to that. And I want to clarify it for those listening at home and for all of you. In no way was the discussion of removing COLA either in the proposed Budget Message that I prepared and that we discussed on three occasions. That was not in there.

The only reason that was mentioned here today is because one of my fellow Commissioners said and referred to an action that was done in the past. And I clarified that by saying that that was not in a Budget Message. That was action taken by this board here actually when we were reviewing a budget.

So let's just clarify that and make sure because I feel very strong about the Budget Message that I prepared, and in nowhere in that Budget Message is the term COLA referred to as anything other than to make sure that we add it on when we were looking at new hires period.

Mr. LEWIS: I didn't bring it up. I just answered --

Commissioner LYONS: I mentioned it as an example of something that was done and that was only done in 2008 when we had an economic decline and when we talked about salaries and this sort of thing.

So it was an example of the past. It was not included here. It's not part of -- and we're very sensitive that there's separate negotiations for union and nonunion. So that has been something that's always been discussed.

So I was just saying that that's sort of the way it was done and there wasn't really a written message. I agree with Leo. It should be a written message. It should be a guideline forward, but at that particular time we were not willing -- we were not ready to vote on it.

Speaker BERGSTROM: Well I think we're going to have some lively discussions on the budget between now and new Memorial Day.

Commissioner LYONS: I think there's going to be plenty of that.

Commissioner FLYNN: I would just like to make one other comment. I don't want to use the term "past practice" because that's not what I'm saying. But it has

been customary in the past for the County Administrator that when the Administrator has reviewed the budget, the proposed budget for the coming year and taken a look at the current budget in terms of expenses and where we were and what the Administrator thought might be an appropriate number to look at for the subsequent year, the Administrator would then say I think there might be sufficient funds in next year's budget to consider a COLA. Maybe a 1 percent, maybe a 2-1/2 percent, and the Administrator would come back and say to us this is what I think that we could handle if you are so inclined to vote for a COLA. And that's how we did it. It was on an annual basis and it was always dependent upon what the proposed expenses were and what the income was for the coming year. There was never any defined policy or anything related to the COLAs. It was always dependent upon current resources.

Speaker BERGSTROM: Yes, but I mean --

Commissioner LYONS: I won't say the word again. I'm not going to bring that up as an example next time. I think we've covered that.

Speaker BERGSTROM: Okay. I was trying to squash this discussion but now we're on merry chase and we're going to be talking about it for another hour or so.

Go for it.

Deputy Speaker MCCUTCHEON: Thirty seconds. You know I think this is a very good discussion. I would really hope that this would be the kind of discussion you'd be having at your meeting instead of at our meeting because I very much agree that there should be a Budget Message. I think that's the talk that you need to have about what that --

Commissioner LYONS: We did have that. If you had watched it, you can see it was pretty similar.

Deputy Speaker MCCUTCHEON: I think you didn't reach a result that is ready to bring to us.

Commissioner LYONS: That's correct. We did not reach a consensus to bring to you but we will.

Deputy Speaker MCCUTCHEON: Good.

Speaker BERGSTROM: Is that it?

Deputy Speaker MCCUTCHEON: I'm good.

Speaker BERGSTROM: Yes, Linda.

Ms. ZUERN: Is it possible just to hear what that Budget Message --

Commissioner CAKOUNES: You have a copy of it.

Ms. ZUERN: Oh, okay. And the other remark that I'd just like to make is that I agree with Leo on going to Town Counsel first. We have Bob Troy in Bourne as our Town Counsel and that's the procedure that we use. If we want to hire another lawyer, we always go through him first. Sometimes he makes recommendations; sometimes he'll say, "I can do this part but I can't do that," and it's been very helpful to us and to cut our costs down in hiring new counsel.

So I just think that would be a good procedure to follow.

Speaker BERGSTROM: Ed.

Mr. MCMANUS: Just a couple points. I'll repeat my hope from last winter as we get the budget presented. I hope that includes a robust analysis, discussion, and sources of our revenues and parameters on which we receive those revenues so we can have that discussion before we start getting into talking about expenses. There's two parts of a

budget, money in and money out and we can discuss both.

I felt we were very light on discussing the money inside last year.

And the other issue, you know, different than Bourne and Harwich, we've brought in Special Counsel without involving our Town Counsel on Friday; we decided to go for a separate labor counsel. We interviewed our Town Counsel Strode but choose another one. But I think that each body does it in their own particular way. There's no standard form of doing that.

So, those are just my comments, and I guess one last comment, which I made at our last meeting is that I think this body of the Assembly of Delegates ought to have a discussion at some point on what our funding priorities are if we have any particular funding priorities for the upcoming budget as the legislative body.

Speaker BERGSTROM: Okay. Thank you. Well, thank you, very much.

Commissioner CAKOUNES: Thank you.

Commissioner LYONS: Thank you.

Speaker BERGSTROM: We'll hear more on these subjects as time goes on.

Communications from Paul Niedzwiecki

Speaker BERGSTROM: Next on our agenda is Communications from Paul Niedzwiecki regarding the Building Space Needs Committee Report.

Mr. PAUL NIEDZWIECKI: Thank you. For the record, Paul Niedzwiecki, Executive Director of the Cape Cod Commission. I'm happy to be in front of the Assembly this afternoon to go over the Building Needs Assessment Committee Report and process.

So last January at a Commissioners' meeting, Commissioner Cakounes suggested as there were discussions about the complex and what to do, that there be an assemblage of all the information that we have on the County complex.

Any of you that have been around for a couple years understand that we -- there's been sort of an ad hoc approach to the complex and there are a lot of different efforts at different times. So our first charge was to marshal all of that information in one place which we did.

We met as a committee. We had a committee deadline of May and we didn't meet that deadline, but we did meet the subsequent deadline of September 2 to file a report. Once the report was filed, the ad hoc committee ceased to exist. So we have the report in front of us now.

And I'd like to sort of just run through some brief points from the report to highlight that, and part of this will probably give you a sense as to why we were unable to finish in May.

But the committee itself has one member of the County Commissioners, Commissioner Cakounes; there were two members of the Assembly that were represented, and there was a member of the court system. So we actually had, in addition to that, we had the Clerk of Courts, the District Attorney's Office both participated, and we had the Facilities Manager for the County there. We also had the Village Association present at that meeting. They have a stake in what happens up here at the complex.

So that discussion and the committee over time produced two major points of consensus. The first is that the operations of the Trial Court and the Cape and Islands

District Attorney's Office and supporting law enforcement programs should be located at the County complex. And that in going forward, County programs and departments should be co-located at the County complex to the greatest extent feasible to try to maximize some economies of scale.

So those were the two points of consensus, and there was a lot of consensus although not always but there was, ultimately, a lot of consensus on the committee level.

The findings are as follows. That the information collected and presented in this report provides a foundation for current space planning opportunities for the County, and that the current condition of the Barnstable County facilities leased to the Massachusetts Trial Court are insufficient and, in some circumstances, significantly substandard.

The third finding is that there's a need for further structural and code compliance evaluation of existing Barnstable County facilities by an independent consultant before an expanded current and future space plan is developed.

Also that the Barnstable County Trial Court is likely to be included in a State Capital Expenditure Program authorized by a bond bill that's currently in progress in Boston. And that the Barnstable County Trial Court's rent is a significant source of County revenue. And that the Barnstable County departments except for the Cape Cod Commission do not allocate resources for the operation and maintenance of the space that they occupy currently.

So there was a Resolution that -- a suggestion that there be part of the budget policy be adopted that looked at County departments starting to account for their space. That subsequently has proved to be more challenging than stated. But those are the basic findings.

So there was consensus that the courts should remain here and that the County should remain here and they should both co-locate to the extent that it's feasible for both entities to do that.

And then there were a series of findings. So there were two major things that popped during the discussion that extended the timeframe. One was a more in depth understanding of the County budget especially as it relates to capital planning and capital needs and capital expenses.

The second was this issue of the bond bill which we did not know going in. And so it's become clear that if there's a bond bill in January, there's \$90 million dollars associated with a new Trial Court complex in Barnstable County that puts the state in the driver's seat as to whether the courts stay here or whether they move someplace else.

We are one of the minorities of counties left in the Commonwealth that still leases facilities to the Trial Court. And if the Trial Court was to leave and then the County would be left with a jail, several court buildings with no tenants, that that would be a bad thing long-term.

So that bond bill really puts the state in the driver's seat in some sense as it relates to the existence of Barnstable County in many respects. It's hard to anticipate that we could deal with all of that financially.

So that the bond bill and the County finance, those two issues, that sort of drew us into the summer in some discussion about what the next steps should be.

So we made these recommendations to the County Commissioners. There are funds that were appropriated last year that are available to bring in, outside consultants to

help us get ready to have discussions with the state, with appropriate state agencies, state legislature, regional officials, and then the Trial Court system as well as the Department of Capital Asset and Management which would be involved in any large-scale construction project here at the County.

And then we made some recommendations about moving forward. They appointed me to be sort of the County complex facilitator to keep these discussions going until we have a new Administrator in place and then to make sure -- make the handoff at that point.

So that's really it. The report's been available online. I do have copies if you want to see them here. But I would be more than happy and it would probably be more fruitful to respond to questions at this point, Mr. Speaker.

Speaker BERGSTROM: Questions? Yes, Suzanne.

Ms. MCAULIFFE: So I'm hearing from you that it's essential to the County in terms of our financial situation that we stay partners with the state and continue to have them use this facility. Because if they don't, we will be left with a lot of real estate that we'll have to find a use for.

Mr. PAUL NIEDZWIECKI: Yes. And just to elaborate on that a little bit as to the why, you know, when the Sheriff used to be, he moved out and left with the jail. We were left with this building, the Probate Court, and the Superior Court buildings. The Superior Court building being a historic building that needs a lot of upkeep. If we had no tenants or no ability to bond substantially to make the renovations in order to get the tenants that would be problematic.

To complicate it even further, any, really, capital investment over about \$50,000 would invoke the Department of Capital Asset and Management. And the specifics of that are that the County would have to decide that it needed new buildings for some reason or wanted to get rid of them, then we'd have to -- that would trigger DCAM review. They are the statewide design or review board that's involved in that. And the added benefit that if you're a state agency and you go to DCAM and you say that you need a new building, DCAM pays for all the studies and the design and everything.

That is not the case with counties. So you'd actually physically have to transfer money to them and then they would spend it in accordance with their regulations in determining what your capital needs are. So it's a real bad spot to be in.

Speaker BERGSTROM: Ed, do you have a question?

Mr. MCMANUS: Paul, do you have a sense of how the genesis of DCAM control over County facilities came about because it essentially doesn't exist over municipal buildings?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. MCMANUS: Can you explain --

Mr. PAUL NIEDZWIECKI: There's a long history I think with counties and what counties have done in buildings that they've built, and I think in other counties around the state. In the last hundred years or more there were some perceived abuses because they weren't sort of in check with those state practices and standards at the time, so they were brought under the Department of Capital Asset Management envelope.

I think the, you know, I'm not exactly sure what the legislative intent was in making counties pay -- transfer money and pay for stuff up front that state agencies don't

have to do. One might infer from that that the State really wanted to make it difficult for counties to build new buildings because they weren't big fans of their existence.

Speaker BERGSTROM: Okay. Brian.

Mr. O'MALLEY: I want to see if I'm understanding this correctly. So if the state does the bonding, they basically are in control and they can actually determine that this is not realistic, that we're going to go someplace else.

What is Plan B? Is it for us to do the bonding and fix up the buildings that we own?

Mr. PAUL NIEDZWIECKI: No.

Mr. O'MALLEY: Is that part of the discussion?

Mr. PAUL NIEDZWIECKI: No, that is really not part of the discussion. The Facilities Department on the County level does a great job at trying to accommodate the courts as best they can but these are really old buildings and there are evolving needs as it relates to the operation of Trial Courts.

The state's going to issue the bond. There's no way that Barnstable County could issue a bond big enough to compete with that if you're just looking from the Trial Court's perspective of trying to get the best space you can. So we really don't have -- there isn't a Plan B. There's only a Plan A and that is to I think discuss with the state their continued operation here at the County complex.

Mr. O'MALLEY: Well, we're talking about what represents an existential threat to Barnstable County.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. O'MALLEY: Loss of these tenants is going to put us in a budgetary hole that's really deep. And is there really no alternative for a long term plan to handle this upgrading, maintenance, bring it up to speed -- to code?

Speaker BERGSTROM: Let me just jump in here for a minute. What Paul doesn't want to tell you is and what has been probably the worst kept secret on Cape Cod for many, many months now is the fact that there are rumors flying around that the State, indeed, will take over the entire complex and that the County will become a tenant.

Have you heard that yet, Paul, anything about that or discussed it in your meeting? Tell me. All right. You know, we are a public agency here and we do serve our constituents.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And we do have Open Meeting laws and we have Freedom of Information Acts and so on.

Mr. PAUL NIEDZWIECKI: I am very familiar with that.

Speaker BERGSTROM: I know you're a big supporter of that.

Mr. PAUL NIEDZWIECKI: I am.

Speaker BERGSTROM: You've been pilloried by others.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: So has there been discussion about the State taking over the complex?

Mr. PAUL NIEDZWIECKI: No, not in the context of the committee that we have now. I would say prior to the committee's establishment last year in the budget process, there was a suggestion that the court take the County complex, the Trial

Court's State County Complex by eminent domain.

Speaker BERGSTROM: Okay. Do we know that they can legally do that?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And the people of Barnstable County who now own this complex have nothing to say about it and our Delegates and the Legislature have nothing to say about it?

Mr. PAUL NIEDZWIECKI: I think they would all have some say in that, but the fact that, you know, I think the first part of your question is the most salient. Do they have the ability to do that? Yes. Do they have the ability to abolish County government tomorrow? Yes, they do.

What process they would go through in order to do that is to be determined but I would look to how many other counties there are in the state.

Ms. MCAULIFFE: Two.

Speaker BERGSTROM: Anyway, having put that on the table -- yes, Julia.

Ms. TAYLOR: Paul, you said that one consensus was and you had a representative of the Trial Court and a representative of the Attorney General's office?

Mr. PAUL NIEDZWIECKI: No.

Ms. TAYLOR: No.

Mr. PAUL NIEDZWIECKI: Just the Trial Courts and the District Attorney.

Ms. TAYLOR: Just the Trial Courts and the District Attorney.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. TAYLOR: That's what I meant. That they did seem to want to stay here?

Mr. PAUL NIEDZWIECKI: Yes.

Ms. TAYLOR: That's good. Did you get an impression that they have any influence with the bonders and the decision-makers on this topic?

Mr. PAUL NIEDZWIECKI: Yes. I think they will have a lot to say. The final decision will be made in Boston by the Trial Court Administrator but though the Trial Court in Barnstable County will have a lot to say about whether they stay or whether they don't.

I think we potentially could help that discussion too. For example, the bond bill comes out next year, next calendar year. Barnstable County will be in there. There will probably be a number associated with that but that Barnstable County probably right now is in the second tier of that consideration so that might be 10 years out.

But if you look at some of the counties that are in front of, you know, one of the things that were I think reported in Lawyers' Weekly is that Suffolk County is one of them. In other counties they're looking at court consolidation as they are here but they're talking about several buildings to one building here. In a place like Suffolk County, they're talking about three different courts. They'd have to close down in neighborhoods and they'd have to find a new place. So the likelihood that that's going to happen in less than 10 years is open for debate.

So if there were community consensus about the Trial Court staying here and if there was county support of that effort and there was support from the Village Association with that, then it's conceivable --

Ms. TAYLOR: It could move up the list.

Mr. PAUL NIEDZWIECKI: Yes, that we could move up the list, and I think it's conceivable that you could do that in a way -- the County would then have a discussion with the State about what the value of that is. It's possible that the County could wind up financially compensated in a way that might lift you from your current situation.

Ms. TAYLOR: I'll try to think positively.

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: Isn't it likely if the State were to take over the entire complex that the courts would have -- the dollar value of what they'd end up with would be a little greater than if the County continued to maintain the premises and they were tenants?

Mr. PAUL NIEDZWIECKI: Yes. I mean there's a value discussion in that, and I think that's part of what needs to happen. The courts have to evaluate what the value is to them, how they would -- how they might, you know, the court has several options available to it if it wants to stay here. So --

Deputy Speaker MCCUTCHEON: And what I'm trying to get at is if you're looking at it from their point of view isn't it in some ways a more advantageous situation to move the County out of the facility than to share as it were?

Mr. PAUL NIEDZWIECKI: Yes, it could be but it's a good point. So the value added that we have right now is our ability to have these discussions with the Trial Court and maybe something that's not -- make the investment by the State here and that's something that's difficult to do. And perhaps set an example to other counties about how they might build some consensus and get some community support prior to a massive capital program in their community.

Speaker BERGSTROM: Paul, presuming this cruises right along and we have come up with a plan to replace the buildings and everybody's on the same page, somebody's going to have to do it and who is that somebody?

Mr. PAUL NIEDZWIECKI: DCAM.

Speaker BERGSTROM: What's that?

Mr. PAUL NIEDZWIECKI: The Department of Capital Asset and Management.

Speaker BERGSTROM: So they will come in and they will hire the clerk of the works and they will determine who gets the contracts and they will do everything?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And they'll make decision as to whether the work is adequate or not?

Mr. PAUL NIEDZWIECKI: Yes. That's my understanding.

Speaker BERGSTROM: That's the normal practice?

Mr. PAUL NIEDZWIECKI: That is it.

Speaker BERGSTROM: Yes, Ed.

Mr. MCMANUS: And that's because the County would be a County facility; it's the only practice no matter who pays for it.

Mr. PAUL NIEDZWIECKI: Right. The County is basically, for the purposes of the Department of Capital Asset -- Management and Capital Programs, that a County is deemed a state agency.

Mr. MCMANUS: So even if you had a very wealthy person that donated \$10 million to do a capital project, we have to turn it over to DCAM.

Mr. PAUL NIEDZWIECKI: We would have to physically give DCAM the money and let them spend it.

Speaker BERGSTROM: Have the individual tenants, the current occupiers of the space that's in question, for instance, the courts, the district attorney, I mean I haven't seen the reports out, have they submitted individual space needs and so on that incorporate into that?

Mr. PAUL NIEDZWIECKI: Yes. And there is a projected space need for county departments and all of the County's tenants in the buildings.

Speaker BERGSTROM: Yes.

Mr. PAUL NIEDZWIECKI: Part of what we're following up with right now as necessary information if we're going to have substantive discussions with the state is a floor plan of all County assets, physical plant assets, that those places that are occupied currently, those that are not, to develop at least a short term space plan and a level of familiarity with the complex that we can have future discussions.

Speaker BERGSTROM: Yes, the reason I bring it up is because we built a police station in Chatham and a fire station, and there was no end of discussion as to whether the police really needed a gymnasium, you know, or they needed a second TV. In other words, it was a -- the Town Meeting just went all over this like why is this stuff in there.

Mr. PAUL NIEDZWIECKI: Right.

Speaker BERGSTROM: The feeling or the accusation is that if I'm the DA or I'm the courts, I'm going to ask for the world.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: So how is that going to be mediated as to whether or not their request is reasonable?

Mr. PAUL NIEDZWIECKI: That's all a state-run program.

Speaker BERGSTROM: Okay.

Mr. PAUL NIEDZWIECKI: And there have been a number of new courts that have been built in the Commonwealth over the last 10 years so that we can look to them and know with clarity how that process is going to play out.

Speaker BERGSTROM: I'm sure it will be done in a very fair and equitable manner without any regard to patriotism or politics.

Anyway, yeah, let's talk to Jim. He hasn't said anything yet.

Mr. KILLION: Thank you, Mr. Speaker. Thank you, Mr. Niedzwiecki, for your attendance today. Under the most optimistic of assessments, wouldn't you believe the County would have rather a firm answer on the direction that this is going to go, beyond, obviously, the January bond date, but, obviously, many other details aren't out yet.

Mr. PAUL NIEDZWIECKI: Well, I don't know for sure the bond bill is going to happen in January. That's sort of my opinion about -- I don't think anything's going to happen until January. I do think if the state does a bond bill next year, it will be the Trial Court bond bill, so that will happen.

So the guidance right now is to be proactive in assembling information and informing ourselves about that process. Optimistically, we would like to have those

discussions prior to the bond bill and have some language in the bond bill that puts that in place. And that's the only way to be certain, right, is to get some language in the bond bill itself that discusses how Barnstable County and the Trial Courts are going to make decisions going forward.

Mr. KILLION: And who on the state level are you working with on that?

Mr. PAUL NIEDZWIECKI: The primary or state agencies that will be involved will be DCAM on a fairly high level and the Trial Court Administrator, but I have discussed this individually with members of the legislative delegation, the Sheriff, District Attorney's Office.

Mr. KILLION: Thank you.

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: I just have one more question, and pardon my ignorance here. There's been a great deal of controversy over the movement of the Trial Court in Middlesex to Medford and the Superior Court out there to wherever it is out there in Woburn or some place?

Mr. PAUL NIEDZWIECKI: Woburn, yes.

Deputy Speaker MCCUTCHEON: Are there facilities in Barnstable County that could provide that kind of -- that are already existent that could provide that kind of space?

Mr. PAUL NIEDZWIECKI: Yes. What the Trial Court, I think, would be looking at is 80 to 100,000 square feet of usable space. So then they could accommodate that probably within an 8 to 10 acre footprint.

So the questions are are there any currently owned state parcels or other parcels that could be acquired to build it.

Deputy Speaker MCCUTCHEON: Right, so they'd have to build if they --

Mr. PAUL NIEDZWIECKI: Yes.

Deputy Speaker MCCUTCHEON: They'd have to build. There's nothing on the Cape to rent.

Mr. PAUL NIEDZWIECKI: No. But any -- it's unlikely that given what the courts have done in other parts of the state that they would keep all of these buildings. There would probably be a demolition and there would be a consolidation of Trial Court resources under one roof.

Deputy Speaker MCCUTCHEON: Thank you.

Speaker BERGSTROM: Linda.

Ms. ZUERN: You mentioned taking the buildings by eminent domain, so the State would still pay the County what the buildings are worth and then take them over?

Mr. PAUL NIEDZWIECKI: There was some discussion, I think, on good authority last budget session that the state would take it by eminent domain so that that raises the possibility can the state take it by eminent domain? Yes.

If it took it by eminent domain, they would take everything. So they would take the buildings and the land. So we would just no longer be owners. The question then becomes what would the County receive as compensation for fair market value compensation for the taking of the property. If you look at other County abolition efforts, generally they do calculate what some sort of monetary value would be but then if they were to do that, the County were to go out of existence, the State would have to take the County

Retirement Fund. So they generally take that and just put -- offset the State's additional expenses and swallowing a regional retirement fund or any other outstanding financial obligations of the County.

Ms. ZUERN: So they could take part of it.

Mr. PAUL NIEDZWIECKI: They could, yes.

Ms. ZUERN: And leave -- or part of the agreement might be to renovate the County buildings as well and keep those under the County and then take over what they needed to take over and work out a deal that way.

I can't see the state paying all this money and then turning around and paying us rent besides. So we're not going to get any rent from them I would assume.

Mr. PAUL NIEDZWIECKI: Yes. I mean its all conjecture at this point. In an effort to be as transparent and open about I think the gravity of the issue that's in front of us, these are the sort of things that have been floating around that the State has a lot of options. We have very few and clearly the State's going to do what is in the State's financial best interest.

Ms. ZUERN: Thank you.

Speaker BERGSTROM: Yes, Julia.

Ms. TAYLOR: My relatively minor point but in the facilities committee that you've been working with, was there any interest by anyone in the preservation of the Superior Courthouse building as a historic building?

Mr. PAUL NIEDZWIECKI: Yeah, there's tremendous interest in preserving that building, not so much from the Trial Court themselves.

Ms. TAYLOR: Oh really.

Mr. PAUL NIEDZWIECKI: You know, it's expensive to keep a building like that up. Is there a possibility that that building remains part of the County -- belonging to the County and the counties are reassembled there and can take care of that long-term, and that's one of the possibilities?

Speaker BERGSTROM: Paul, here's a question that you would know in your position with the Cape Cod Commission, but is this complex within the Kings Highway District?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And so it's subject to the rules of the Kings Highway?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: I mean they didn't exempt municipal and government facilities in an act of legislation?

Mr. PAUL NIEDZWIECKI: No.

Speaker BERGSTROM: Do you think the State will respect that or do you think they'll brush us off like dandruff?

Mr. PAUL NIEDZWIECKI: I have no comment.

Speaker BERGSTROM: Is the Cape Cod Commission willing to go to bat for the Kings Highway District?

Mr. PAUL NIEDZWIECKI: I have no comment on that.

Speaker BERGSTROM: Probably a smart move on your part.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: All right. Pat.

Mr. PRINCI: Thanks for all your work on this, and thanks, also, for the group in general for including a member of the Barnstable Civic Association. What was their input during some of these meetings?

Mr. PAUL NIEDZWIECKI: Barnstable Village Association was at every meeting and they had a lot of input. You know, they have experienced as a village what happens when like 240 employees leave because the Sheriff left, what happens to the village? What's the impact on that?

So they very much want the County to remain here and the courts too. I mean the Village gets a lot of use out of this facility in off times. You know there's a lot of talk about the sort of streetscape, you know, burying utilities and a lot of things that could happen that would be beneficial for the Village Association if there were a significant capital program that was taking place here at the complex. But they've been engaged from the beginning and they'll be there all along.

Speaker BERGSTROM: Okay. Yes, Ed.

Mr. LEWIS: Just to bring this down to nuts and bolts for certain. What you're talking about is the possibility if the State were to take this -- take it over, the County would disappear to a large extent because it wouldn't be getting the income it needs in order to operate as a County.

And so at some point the State has to recognize that if that were to happen, I'm not saying it would, but if that were to happen, you're talking about a lot of people who would lose jobs. You're talking about a lot of, as a matter of fact as you just brought up on the Village of Barnstable here.

Mr. PAUL NIEDZWIECKI: Yes.

Mr. LEWIS: And I have to believe, even though I don't believe it completely, the State understands some of that situation. And they don't have a crying need to go out and create another hurricane of comment from any one section of the state. The County operates -- whether it's parts of the County argue with each other or anything like that, they still operate somewhat efficiently.

And I thank you for all your work and all the work of the committee, as Pat has said and others have said. But I wouldn't -- I don't want to think this is all gloom and doom. I think there are -- there's a bright lining, silver lining to this.

And I believe that -- I have to believe that in the long run the State is going to -- because it would cost them a lot of money in order to do what the possibilities are as far as the state taking over this is as against, you know, building facilities.

There was rumors going around they were just going to leave and build a whole new complex along Route 6 at some point and that would cost them a fair amount of change.

I think your current philosophy of working with the state of trying to -- getting this is the proper way to go and I know it's Plan A, A, and A.

Mr. PAUL NIEDZWIECKI: That's right.

Mr. LEWIS: And I appreciate that but I think you're on the right track.

Mr. PAUL NIEDZWIECKI: Yes, I mean I am optimistic. I think -- but it's a legislative process then it's sort of a statewide judicial decision making process. So I think we will benefit most by collecting the facts and being as reasonable as we can to the extent

that the State runs into some opposition, regulatory or otherwise, and they deem that to be unreasonable, I think they will consider other options.

Speaker BERGSTROM: Well, I apologize for exploiting your appearance here bringing things up on the table but I thought the time was ready for this discussion to be brought out to the public and people to weigh in.

So you're saying that this committee is no longer going to continue.

Mr. PAUL NIEDZWIECKI: No.

Speaker BERGSTROM: So who's doing this? Once again, who's steering the ship?

Mr. PAUL NIEDZWIECKI: I have agreed to do that until there is a County Administrator, full-time, in place, so we have earmarked six months. So in January I'll be back in front of the Commissioners reporting back with everything that I know and then they'll make a determination.

Speaker BERGSTROM: Who are you dealing with? Who are you dealing with right now?

Mr. PAUL NIEDZWIECKI: I'm dealing with the State primarily.

Speaker BERGSTROM: Who in the State?

Mr. PAUL NIEDZWIECKI: There are a lot of people that I talk to.

Speaker BERGSTROM: You're not going to tell me. Okay.

Ms. MCAULIFFE: You're on camera.

Mr. LEWIS: Do you need a list?

Ms. MCAULIFFE: DCAM.

Ms. TAYLOR: DCAM, the Court Administrator.

Speaker BERGSTROM: It's all right, Paul. We'll file a Freedom of Information Act.

Mr. PAUL NIEDZWIECKI: I didn't bring a list. I don't want to leave anyone out.

Speaker BERGSTROM: Okay. Anyway, so there are no further questions. Thank you, very much.

Mr. PAUL NIEDZWIECKI: Thank you.

Speaker BERGSTROM: Is there any Communications from Public Officials?

Any Communications from Members of the Public? Anyway, no members of the public. Okay. Guys, we've got some business to attend to here.

Assembly Convenes

Committee Reports

Speaker BERGSTROM: The Assembly will now convene, and we will begin with Committee Reports, Finance Reports, and Minutes. Proposed Ordinance 15-08, that's Julia.

Ms. TAYLOR: Yes. Do we need to have a vote on the minutes on the Finance Committee?

Ms. MCAULIFFE: Yes. Move the minutes of 10/7/15.
Mr. LEWIS: Second.
Ms. TAYLOR: Okay. All in favor on the committee, “Aye.”
Ms. TAYLOR: Aye.
Ms. MCAULIFFE: Aye.
Deputy Speaker MCCUTCHEON: Aye.
Ms. TAYLOR: All right. Then that’s passed.
(Report / Minutes passed.)

Assembly Vote

Proposed Ordinance 15-08: To add to the County's operating budget (\$6,000) for Fiscal Year 2016, as enacted in Ordinance No. 15-02, by making supplemental appropriations for the Fiscal Year two-thousand and sixteen.

Section 1. Based on a revised estimate of income of Barnstable County for the current fiscal year, made as of September 1, 2015, the sums set forth in section one, for the purposes set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 15-02, are hereby appropriated from the General Fund as supplemental appropriations for Barnstable County for the fiscal year ending June thirtieth, two-thousand and sixteen. Said funds shall be derived from the Statutory Reserve Funds set aside at the close of FY 2015.

Ms. TAYLOR: Now I’d like to present Proposed Ordinance 15-08, which is a Supplemental Appropriation for a new Assembly copy machine for \$6,000.

At our meeting, we heard an extensive report from Janice about the need for a new copier, and she really had, I would say, almost an ideal version of a presentation where it was clear that this copier no longer is dealt with by the people that made it. They don’t wish to repair it anymore. They won’t give you a contract to repair it, and they consider it done. There isn’t any other place for her to do copying. This is quite old and simply has to be replaced.

Unfortunately, she didn’t know about the lack of maintenance contract being possible and that’s why there wasn’t any money put into the regular budget. So this is pretty much an emergency if you wish any paper in your possession in the future.

So are there any questions about --

Speaker BERGSTROM: Are you going to move that?

Ms. TAYLOR: I will move that.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. Moved and seconded. Any questions?

Yes, Deborah.

Deputy Speaker MCCUTCHEON: I would just like to say that it would be really nice when we’re spending 100,000 or \$200,000 if we had the kind of report we got from Janice.

Ms. MCAULIFFE: I would agree.

Ms. TAYLOR: Wonderful.

Mr. O’MALLEY: Hear, hear.

Speaker BERGSTROM: Okay. Well, in that case if there's no further discussion, the Assembly will take a vote.

Roll Call Vote on Proposed Ordinance 15-08:

Voting "YES" (93.42%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 15-08 passes with 93.42 percent of the Delegates voting yes; 6.58 percent absent, now known as Ordinance 15-08.

Speaker BERGSTROM: Okay.

Speaker BERGSTROM: Julia, you're up again.

Proposed Resolution 15-06: To approve certain budget transfers for fiscal year 2016 in accordance with Barnstable County Ordinance 15-02.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates Proclaims: The following transfer between budget groups one and four for fiscal year 2016 are approved:

For the Children's Cove Department:

Decrease - Misc. Charges/Obligations-Cove account 0013204 5499 \$29,500

Increase - Salaries-Children's Cove account 0013201 5100 \$29,500

Ms. TAYLOR: All right. We also have a Proposed Resolution 15-06, a Resolution because it involves moving money from, I believe, miscellaneous account of Children's Cove to a specific personnel payment account. And it has to do -- it's 29,500 and has to do with the departure of an employee. There's going to be no issues of that departure and it's going to cost \$29,500.

Ms. MCAULIFFE: Move Resolution 15-06.

Deputy Speaker MCCUTCHEON: Second.

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

Yes, Brian.

Mr. O'MALLEY: Can we have a clarification of why a salary line increase by \$30,000 in the middle of the -- early in the fiscal year?

Ms. TAYLOR: Because it has to do with the departure -- new departure of an employee. It doesn't have to do --

Mr. O'MALLEY: A settlement.

Ms. TAYLOR: Settlement, yes. It's a settlement but we didn't know about

the settlement being needed when the budget was drawn up.

Mr. O'MALLEY: Thank you.

Speaker BERGSTROM: Any other discussion? Okay. We'll take a vote.

Roll Call Vote on Proposed Resolution 15-06:

Voting "YES" (93.42%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% - Brewster), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne).

Absent (6.58%): John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 15-06 passes with 93.42 percent of the Delegates voting yes; 6.58 percent absent, and is now known as Resolution 15-06.

Report from the Clerk

Speaker BERGSTROM: Thank you. Now we have a report from the Clerk.

Clerk O'CONNELL: Thank you. Just a few items. I think I've heard from the majority of the Delegates at this point regarding the MMA Conference. Everything has been squared away, registration's taken care of. So if you haven't committed, you still have some time to do that for those who have not and may be considering.

I just want to let you know that I'm working with the restaurant. I've been in communication with them with regards to the holiday gathering because that's only four meetings away. So you'll be getting, probably at the next meeting or an email from me regarding the location and trying to keep the cost to what it was last year.

Also to let you know that I have been asked to serve on the County's Personnel Advisory Committee. There are seven of us. There's representation from all the major components of the County and that is for a review, an internal review of the Personnel Policy.

Also, to take note of the fact that the audio boards are gone. I mean it only took, what, a couple years; right? They're gone. So that's why everybody's shifted up this way. So that's a good thing. Now what we have there now is only temporary. Something else permanent will be placed but we didn't want to leave a gaping hole in there for today's meeting and would allow everyone to shift this way. So that's good news.

The Finance Committee, it appears that I guess you're going to be meeting on the 4th of November somewhere between 3:15 and 3:30 to deal with the Proposed Ordinance that was submitted today by the Commissioners.

At the next Assembly meeting, I'm pretty sure that you're going to be hearing from the County Administrator who will come and present the Annual Report. I guess that's going to be finished and that will formally be dispersed to the Delegates.

And my last piece of business is this was on top of the audio board and I just

want to make sure it doesn't belong to anyone here for some type of recording device that might have been used in this location.

I'm going to put it in my office but if it doesn't belong to anyone in this group, someone else will have to come looking for it.

Ms. TAYLOR: Janice, I would suggest 3:30 for that Finance Committee, not 3.

Clerk O'CONNELL: It doesn't look like it's going to take that long so, okay, thank you, very much, for that. And that's it. That's all I have today.

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

Ms. MCAULIFFE: Move to Adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:15 p.m.

Respectfully submitted by:

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

List of materials used at meeting:

- 10-7-15 Journal of Proceedings
- Proposed Ordinance 15-10
- 8-5-15 Building Needs Assessment Committee Report – Amended
- 10-7-15 Finance Committee Report/Minutes on Proposed Ordinance 15-08
- Proposed Ordinance 15-08
- Proposed Resolution 15-06