

**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 – November 16, 2016

Speaker BERGSTROM: Good afternoon. It is now 4 o'clock and starting with our usual punctuality, I'll call this meeting to order.

Is there anyone recording this meeting besides our normal recording personnel? Okay. Hearing none.

I will then -- 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.)

Speaker BERGSTROM: Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (93.51%): 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), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), John Ohman (6.58% - Dennis), Brian O'Malley (1.36% - Provincetown), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth), Linda Zuern (9.15% - Bourne) . Absent (6.49%): Marcia King (6.49% - Mashpee).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 93.51 percent of the Delegates present; 6.49 percent absent.

Speaker BERGSTROM: Thank you. And now you should have in front of you today's Calendar of Business. Any additions or corrections or changes to the calendar? If not, I'll need a motion to approve.

Mr. LEWIS: So moved.

Ms. MCAULIFFE: Second.

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

(Motion carried.)

Speaker BERGSTROM: You also should have received a copy of the Journal of November 2nd, 2016. Are there any additions or corrections to the Journal? Yes.

Mr. O'MALLEY: Mr. Speaker, with a few minor technical

corrections that were transcription glitches, I move approval of the corrected minutes.

Ms. MCAULIFFE: Second.

Ms. ZUERN: I have --

Speaker BERGSTROM: Okay. Linda.

Ms. ZUERN: I have a correction also. When I printed it out, it was on page 25 where I was talking about Proposed Resolution, and it says, "If, however, if it closes Pilgrim now to protect --" it should say "However period. It says to close the - it says to close Pilgrim now."

MS. O'CONNELL: Can you give me a copy of that because my page 25 is probably not --

Ms. ZUERN: Yes.

MS. O'CONNELL: Okay. Fine.

Ms. ZUERN: Do you want it now?

Speaker BERGSTROM: Well since you're probably the only one who remembers what you said, you'll have to move to make that correction.

Ms. ZUERN: I move to make that correction. I actually had to listen to the tape about 5 times.

Speaker BERGSTROM: Okay.

Mr. PRINCI: Second.

Speaker BERGSTROM: I need -- it's been moved and seconded. All those in favor? Aye.

Speaker BERGSTROM: Aye. Now we need a motion to approve the amended journal.

Mr. LEWIS: So moved.

Mr. O'MALLEY: Second.

Speaker BERGSTROM: Okay. All those in favor? Aye. Opposed? Okay. We got through that.

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Now, Communications from the Board of Regional Commissioners. Welcome.

Mr. LEWIS: Congratulations, Mary Pat.

Commissioner FLYNN: Thank you, very much. So I will be back in January. Yes, good afternoon. It's nice to see you again. The Commissioners haven't been doing anything too exciting in the last couple of meetings. But beginning next week, we'll be voting on the budget process for the coming year. And I think a lot of activity will begin with next week's meeting.

So, Leo, do you have anything you want to say?

Commissioner CAKOUNES: No, the only thing I would like to, and if I can, using -- through the chair or the commissioners, I also would like to extend the Commissioners' congratulations to all of you. Many of you ran opposed and I, presumably, I believe all of you that had opposition won so you're all coming back. And yet we have some seats that will be open with some new people.

And I also noticed in the audience is Commissioner-elect Mr. Beaty. So I would like to also extend our congratulations to him. He'll be joining our board soon. So it was a great election year. Everybody kept it clean and good, unlike the rest of the country. And I'm glad that we'll all be working together in the future. So congratulations.

And that also extends to my fellow Commissioner too sitting next to me.

Speaker BERGSTROM: Yes, Ed.

Mr. LEWIS: I just had a chance to skim through the budget message which you said we would get; thank you, very much for that.

And I wonder if it could be included in some way, some departments when they get their budget, they get the individual -- the salaries and they're in different formats. And since you did have in here one thing that every budget will be on the same format, maybe we can agree to do -- so we know to when -- so when we're looking at the budget by departments, we see in the same format each of the individual departments and the salaries so we know exactly where they're coming from, if I could. Thank you.

Commissioner CAKOUNES: Through the Speaker to answer that question that is certainly something that we addressed in the budget message that everybody use and kind of contain themselves to a single format. And I will let you know that even as early as today there's been some correspondence from our finance director, and Mr. Yunits is here too that can maybe address this, but we're actually working towards that goal.

So although it is kind of stated in there not specifically as you address, Mr. Lewis, but I believe the idea is certainly there. And this is a work in progress. Remember, we have a new finance director. This will be her second year and I think you're going to see a lot of things move a little differently and move -- and for the better, not only for department heads but for those of us who have to interpret all this information.

So we're on board with you on that one.

Mr. LEWIS: Thank you.

Speaker BERGSTROM: Okay. Any other questions? Just a comment is that the Assembly has a role in seeing that the budget goes through smoothly too. You know, we've had different procedures and a few years some have them have worked well and some have not worked well; there's been time constraints.

So I'm hoping this body will get together and get into a, you know, a schedule that will make it easier for us to understand the budget and to vote on it in a timely way so we won't be -- like most of the rest of the world working up to the deadline. Okay.

All right. Well, thank you, very much.

Commissioner FLYNN: Thank you.

Commissioner CAKOUNES: Thank you.

Communications from County Administrator Jack Yunits

Speaker BERGSTROM: Yes. Now we have communications and updates from County Administrator Jack Yunits.

Administrator YUNITS: Thank you. And I'd like to thank you all for having me here and congratulate everybody that's going to be back with us or is joining us new.

Just a few things first, tomorrow afternoon, K&P (Kopelman and Paige) is hosting here on the campus at the Harborview room at 3:30 to 5 a staff training session on the new public records law. There will be a reception from 5 to 6 and at 6 to 7:30 another session for elected officials. Of course, you can go to either one; it doesn't make any difference on the same issue.

As you know, there's been some radical changes to the public records law and we want to be sure that our staff at least is up to speed on that. So that's tomorrow afternoon here at the Harborview room starting at 3:30 and running through until 7:30.

Why don't I just follow-up first with the last -- on the budget message that Pat and Leo took a lot of time and effort to put in play. We circulated it today as Leo indicated. We circulated that to all our department heads. We have our first department head meeting on the budget on Monday.

Now I should say that with a little caveat. We actually have already met with every department head back in September and October. So they have a rough idea of what we expect of them.

And to answer the question that Ed so rightly put on the use of a singular tool so that there's uniformity across the board, everybody's going to be required to submit their budgets in MUNIS. Laura Brown has trained everybody, including myself, on how that should be synced.

And Mary's going to have two sessions with department heads beginning next week to make sure that everybody's on the same page there. So everything that comes to you will be in a unified form this year.

In addition to that, as Commissioner Cakounes is always reminding me, "Check the Charter." I checked the Charter and we're supposed to have state-of-the-art technology in our budget presentations. So you'll be seeing more graphs and probably PowerPoints this year as we get there.

So you can see the juxtaposition of five-year projections and five-year histories in terms of budget analysis; what healthcare is done; what the cost of government actually is. All that will, hopefully, be put together in graph form for you to make your job a little bit easier when we get there.

And on the budget schedule, the Commissioners today initiated the process of providing us with a budget schedule. It's going to be on their agenda next week and you'll get it a week from today by email. But we hope to have the budget to you, believe it or not, by February 1. And that's our goal. I know it's expedited, but we feel that because there's not going to be a lot of significant changes over last year budget that we should be able to do this in an expedited fashion and thoroughly as possible.

So we'll be starting on January 4 with the Commissioners and running through the month of January. And you'll see all that in the formatted schedule that we'll send to you on Wednesday after the Commissioners approve it.

Cape Light Compact negotiations on Monday; again, we met with Cape Light Compact for an extended period of time. And Attorney Troy is now composing with their lawyers a Transition Agreement. I think the general consensus is it was time for Cape Light Compact to look for other financial partners.

We recognize at the County that we serve the towns. We can't just cut the strings overnight and put them in financial jeopardy. So there will be an orderly financial transition into their next partner, whoever that might be. That's out of my control.

What's been public and you all know about this, is they have had conversations with Provincetown and Barnstable. I don't know if there are any other conversations with any other entities or what the backup plan might be, but our hope is to have the transition completed by July 1.

On the dredge grant applications, Paul Niedzwiecki and the Cape Cod Commission took the lead with us, and we've submitted a grant for request for half a million dollars for a new dredge acquisition to the Seaport Group -- Seaport Committee about two weeks ago. That application will probably be heard and determined sometime in January. So, we'll keep you abreast of that.

Wayne is actually leaving tomorrow to go down and see the progress on the new dredge that's under construction. And he'll be sending us back pictures and have new diagrams and status reports on that. So I'll make sure that we get those to you before the next meeting.

The executive assistant started today -- this week at the Commissioners' office. He couldn't have walked in at a busier time but he's adapted well. I had hoped to bring him down here, but he's in a meeting right now doing the financial reports for the year-end. And I'm sure that over the next few weeks we can get him in a more social environment and I can take the time to introduce him to all of you.

Mr. LEWIS: Name?

Administrator YUNITS: Owen Fletcher out of Yarmouth.

Speaker BERGSTROM: Brian, do you have a question?

Mr. O'MALLEY: Mr. Yunits, I'm sorry; you referred to the Seaport Committee that is the target for the grant. Is that Seaport Committee of the legislature?

Administrator YUNITS: Yes.

Mr. O'MALLEY: Okay.

Administrator YUNITS: I think it's controlled actually by EOEA and the Executive Office of Environmental Affairs under the governor.

Mr. O'MALLEY: Got it. Okay. Thank you.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes. I appreciate the update on CLC. I'm still very concerned. I understand that there's a transition that doesn't necessarily mean that it will happen. And if it doesn't happen, they may need to seek legislative relief.

This is all time-consuming that, perhaps in my mind, puts them in jeopardy for functioning outside of the General Laws.

So I would like to request that Mr. Troy come in and personally reassure us. You know, we had Maggie Downey signing contracts a couple weeks ago, and now we have a transition plan from Mr. Troy. I want to hear from him --

Administrator YUNITS: Yes.

Ms. MCAULIFFE: -- that this is within the Mass. General Laws because he said, "CLC cannot act as an independent entity, you know, based on MLG (sic) Chapter 40, Section 4A." So they can't just say, okay, now we're going to have a lawyer sign our contracts.

So I would like more reassurance than or help would be nice in helping CLC because it is a -- it's a liability issue for me.

Administrator YUNITS: Yes.

Speaker BERGSTROM: Yes, Lilli.

Ms. GREEN: Thank you. And to dovetail with what Suzanne was just saying, it's my understanding that the last CLC board meeting the governing board approved a new what is it called "Contract Execution Process," which was giving the Compact Administrator Maggie Downey the right to sign contracts.

So I have two concerns about this, that about the contract signing authority. One is if the CLC Administrator is signing contracts without the County's 04 number, CLC is neither a County entity nor independent, and it needs to be according to the memo that Bob Troy wrote, our County Attorney, to comport with the County Charter.

And CLC needs to have a fiscal agent such as Barnstable County. If Barnstable County is a member of CLC, as members of CLC does Barnstable County and the towns have liability issues if the CLC Administrator is signing contracts with no backing from the County, some worth over \$70 million a year?

Administrator YUNITS: Let me just make a quick suggestion because this is really out of my league, and Bob's put a lot of work into this. These are the kind of questions that if he could have them in advance, he could have a good preparation and presentation for you at the next meeting.

Ms. GREEN: So, thank you. I will be glad to.

Administrator YUNITS: Yes, you can forward them to me and I'll make sure Mr. Troy gets them.

Ms. GREEN: So can I ask you, again, too is do we know if -- I mean the concerns are that -- if she does have the authority to sign these contracts and the contracts are being signed with the County's 04 number and she's still an employee of the County, is there exposure and liability for the County under that. So that, I mean, do we know if --

Administrator YUNITS: Leo Cakounes has had the same concerns and Bob Troy is working on that issue now.

Ms. GREEN: Okay. So then I also have a problem -- have another area of concern just about the whole process that we're talking about. If there is a termination agreement with the County about the process moving forward in dissolving the relationship with the County, -- so given the fact that CLC has a

Charter and the member towns appoint representatives and the Cape Light Compact reps have been changing the CLC Charter bit by bit, the Attorney General said that they can't do that. And CLC, when they changed the Charter, has to go back to the towns and get agreements from the member towns and the County to do substantive changes but CLC has not done that.

So now they're changing, if they make a change with the County, they're revising their aggregation plans, their services agreement, and the Intergovernmental Agreement.

The Compact Administrator hasn't been before the Assembly of Delegates. I think we should have the Compact Administrator come before us or have you give us a report or the CLC representative from the County give us a report as how they're going to go about doing this. I mean, how are they going to go back to the towns to make these major changes moving forward. I mean I think it's fair for us to ask that question.

Administrator YUNITS: Yes, I agree.

Speaker BERGSTROM: Yes, Chris, did you have a question?

Mr. KANAGA: I'm all set.

Speaker BERGSTROM: Okay. One thing I would add -- okay. Do you have something?

Deputy Speaker MCCUTCHEON: You go ahead.

Speaker BERGSTROM: Let me -- several budgets ago, seems like a hundred years ago, \$2 million dollars went into revenue which was supposedly borrowing and \$2 million went out for the dredge. Do you know that? How they -- was it 2 million, Leo?

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: It was 2 million which showed up in revenue -- both revenue and expenditures. On the expenditure side it showed up as, you know, appropriated for the dredge in a fund. But it also showed up on the revenue side. When we questioned that, it was suggested that we borrow that money. And having borrowed that money, it would show up as revenue. I mean I'm not question - I know. I'm just wondering is there any -- when you're looking at this grant now, is there any reference to previous appropriations that were made by this body and by the Commissioners?

Administrator YUNITS: I don't believe so. I think the grant only asked for the projected objectives of the application. Who's going to finance it and how the dredge is going to be used? It did ask for a history, your line items of the expenses of operating the dredge.

Speaker BERGSTROM: Yes.

Administrator YUNITS: And the fact that it's now an Enterprise account makes it a little bit different.

Speaker BERGSTROM: Yes.

Administrator YUNITS: But I think Mary wants to address that issue with the Commissioners and with you all when the time comes.

Speaker BERGSTROM: Well, it's just that procedurally, you know, in a town structure, everything sunsets at the end of the fiscal year and reappropriated.

Apparently, in the County that has not happened. So we have essentially approved an appropriation in the past of \$2 million. You're looking at, you know, --

Administrator YUNITS: Yes.

Speaker BERGSTROM: -- and that money was supposedly going to be borrowed, whatever the scheme that was going to use for borrowing. So I'm just curious if you guys could get back to us on that and see --

Administrator YUNITS: Sure. Yes. I think that might be part of the problem that Mary's having with the capital deficit.

Speaker BERGSTROM: I can imagine. All right. Does anybody else have anything? Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker.

Administrator YUNITS: Yes, Leo just brought up a good point just so there's no confusion. That \$500,000 application has nothing to do with the existing \$2 million that's already been appropriated for the second dredge.

Speaker BERGSTROM: Yes.

Administrator YUNITS: We see a lot of pressure -- we've been out to 12 of the 15 towns now, and we keep hearing about the need for more dredge work. And we hear about it not just in the bays and embayments but in some of the bigger ponds, which is a lot more complicated process.

But I have initiated discussions with DEP on how we could look at dealing with our pond issues down here. I know the average is 3 to 5 years generally to get a permit between the Army Corps and DEP to do a pond and it's very expensive. But we hear that a lot when we go out to the towns.

Speaker BERGSTROM: Yeah, but, so -- I'm being -- I'm confused a little bit. We have a dredge right now.

Administrator YUNITS: Right now.

Speaker BERGSTROM: The money was appropriated for a second dredge.

Administrator YUNITS: Right.

Speaker BERGSTROM: Now the \$500,000 that we are asking is going to go toward another dredge.

Administrator YUNITS: That's right.

Speaker BERGSTROM: We're just going to replace the existing dredge? No. We're going to have three dredges?

Administrator YUNITS: Well, we'd like to have three. We'd actually like to have four including the pond dredge. We need a silt dredge.

Speaker BERGSTROM: Okay.

Administrator YUNITS: Wellfleet needs a silt dredge. And there are a lot of places where we could take good advantage of a silt dredge.

Speaker BERGSTROM: Yes.

Administrator YUNITS: And I think that's what Paul focused on in the application.

Speaker BERGSTROM: I wasn't up to speed on that, and I'll bet you there are others who weren't either. But, Jim has a question here. Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. Good afternoon, Mr. Yunits. Just back to the Transition Agreement, when do you anticipate that being completed?

Administrator YUNITS: Shortly, before the end of the year for sure. There would be a transition time where they have to notify us if they haven't found a financial partner and that will be April the 1st, halfway through.

Mr. KILLION: Okay. So just so I understand you, what you're saying is part of that agreement is if they don't have a partner by that date so what is the contingency plan if that were to occur?

Administrator YUNITS: That's up to them. Our contingency plan would be if worse comes to worse to bring it back before the Commissioners, discuss who's spending it, if necessary, if they have an end in sight. If they don't have an end in sight, I think they have to go to the legislature and figure it out on their own. That's not our job.

Mr. KILLION: But that could take a year/two years for that to happen.

Administrator YUNITS: Possible.

Mr. KILLION: So it would still be -- so they would still all that time be in the same position that they are now.

Administrator YUNITS: Right. Well, all I know is the Administrative Service Agreement that Bob Troy has negotiated right now will run retroactively until July 1 to next July 1 and that's it. And then it has to go back before the Commissioners in April if they want to extend for a redetermination.

The reason we needed some type of agreement is that they're now paying rent. They're paying insurance. They're paying IT. Of course they cover all their employees' expenses, but we needed some more assurance that OPEB was covered just in case, that there's contributions made to the unemployment fund just in case, and that finances are fully compensated. The incremental payment we got last year didn't even come close.

And the Compact has agreed to all of that. So it's a question now of putting in writing, making sure the numbers match. And, again, it's retroactive to last July 1 so that we'll be getting some -- significantly more money this year that we did last.

Mr. KILLION: But given the number of variables involved in this transaction, has the prospect of them actually becoming a County department been discussed assuming or the result is they cannot find a partner and cannot get legislative approval in a reasonable amount of time?

Administrator YUNITS: I wouldn't say that's off the table. Right now, their board and I think anybody who's followed the Compact discussions knows their board has said, "Absolutely not." They do not want to become part of the County.

And there's some argument that they've made legally that under Chapter 146 -- 164, Section 134 that they can't be part of the County because they're supervised and run under the auspices of DPU. DPU approves their budgets, approves their expenses and how they run the show over there -- their board, not us.

And I don't know -- I'm certainly not an energy lawyer, I wouldn't

know whether that legal conclusion is correct or not. That's something maybe Bob would know better so.

Mr. KILLION: Okay. What was that chapter again?

Administrator YUNITS: Its 164, Section 134. That's the enabling legislation that created the Compacts across Massachusetts or the authority to compact, I should say.

Mr. KILLION: Okay. Thank you.

Speaker BERGSTROM: Okay. Did you have something, Deborah?

Deputy Speaker MCCUTCHEON: Yeah, this Transition Agreement essentially lets Cape Light Compact go run its own business by itself until it finds another partner; is that right?

Administrator YUNITS: You know, that's hard for me to conclude.

Deputy Speaker MCCUTCHEON: You're not -- you're saying the County's not going to be involved in supervising them during that period; is that right?

Administrator YUNITS: Well, they're still our employees. And, you know, I've said it time and time again that under our Charter, under the Articles, Section 1-4, all County employees are under the control and direction of the Commissioners period. This couldn't be clearer. It's a short paragraph but it's a significant paragraph. So no matter what, ultimately, they come under the control of the Commissioners, no matter what they believe in the Compact.

Deputy Speaker MCCUTCHEON: So what I don't understand is when you say, "If they don't find a partner, they're going to have to go to the legislature and deal with it themselves on their own." That doesn't have anything to do with them being employees of the County?

Administrator YUNITS: They wouldn't be employees of the County if they left to go out on their own.

Deputy Speaker MCCUTCHEON: Well, Mr. Yunits, what troubles me about this discussion is that them being employees of the County doesn't seem to be connected to any control over the operations of CLC.

Administrator YUNITS: No. That's a hundred percent correct. We're just the fiscal agent.

Deputy Speaker MCCUTCHEON: Okay. So --

Administrator YUNITS: That's all we are. All we do is manage and process their accounts. We don't control the day-to-day operations. That's regulated under a separate statute that I just referenced.

Deputy Speaker MCCUTCHEON: When you talk about them finding another partner and in the meantime going and running their business by themselves or talking to the legislature, is there any effort that has been made to make sure that there is no -- that there has been no financial impropriety in that organization during the last --

Administrator YUNITS: You know, again, all this, when I suggested that they have other options, doesn't mean I know what those options are or that I spent a lot of time talking about those options. I haven't spent any time talking about those options with anybody but Bob Troy. That's up to them.

And if there are financial improprieties, then either their auditors or the DPU is going to be just as accountable as anybody else because DPU approves their spending and their budgets.

Deputy Speaker MCCUTCHEON: Then that brings me to my next question. Has been DPU been consulted or has an opinion been obtained, a written opinion from DPU as to whether or not they have the authority to simply up and go from Barnstable and find themselves another partner?

Administrator YUNITS: I haven't seen anything like that, no.

Deputy Speaker MCCUTCHEON: Okay. And in the course of all of this and talking to Bob Troy about it, he has opined differently from what you said today. As a matter of fact, he said that they couldn't establish themselves as an entity separate from a County -- from the County. Did you --

Ms. MCAULIFFE: Okay.

Administrator YUNITS: Unless they do --

Deputy Speaker MCCUTCHEON: Did they have to be a jurisdictional subordinate of one of the towns?

Administrator YUNITS: Unless they go to the legislature, correct.

Deputy Speaker MCCUTCHEON: Unless they go to the legislature for relief. Now when you said Mr. Troy is not an energy lawyer, have you consulted or obtained an opinion from someone who is an energy lawyer as to whether this is proper?

Administrator YUNITS: You know, that's not really our issue. Our issue is how to protect the County assets and the County personnel as long as we're under an agreement with them. Once that agreement ends, that's it for us.

What they do on their own and what they do for the future and their 22 partners, our role at that point in time will simply be 1 vote out of 22.

You know, I can't superimpose County authority over them and in the same breath say, you know, you're a County department without some type of legal authority, which I don't have right now.

Deputy Speaker MCCUTCHEON: Okay.

Speaker BERGSTROM: Okay. Suzanne.

Ms. MCAULIFFE: Just a quick comment. Because of the unknown timeframe, we don't know if they're going to get another partner or they're going to have to go to the legislature, it almost seems very simple just to write an ordinance that makes them a County department and then let them figure this out. And while they're the County department at least they're falling within the legal requirement.

Administrator YUNITS: I think that Mr. Killion's suggestion there wasn't far off. It's up to them to determine that, not us. But certainly making that offer is something you could do.

Speaker BERGSTROM: Okay. Ed.

Mr. LEWIS: I do think you have to go back to that legislation that you referred to before. There is legislation which doesn't all fit. They have to be run separately. That's not just Cape Light Compact, that's all Compacts and there are several other in the state.

Administrator YUNITS: Yes.

Mr. LEWIS: And I think that legislation figures into it in some way. I'm not real comfortable with all of this. I'm comfortable with what you said, Mr. Yunits. I think that's correct and I think to have some type of a Transitional Agreement and then let the Commissioners work on figuring it out on April 1.

But I'm not real comfortable with this entire -- with what appears to be in my estimation some form of witch hunt against Cape Light Compact. I understand the liability issue. I understand the County department and things like that and all the people with regard to the employees and whether they're County employees/they're not County employees.

I do -- I've read a little bit about the legislation. The legislation sort of prohibits a political, you know, from a political standpoint -- that's why Cape Light Compact operates in the way they do so it's not part of a County day-to-day operations. They don't come under that rule.

But I think it might benefit if the Assembly members went back to their individual towns and found out how the towns feel about the Cape Light Compact. I know that Maggie and another fellow went around and gone to several towns and done presentations. And most of the towns have a much better opinion of the Cape Light Compact than many of the people on this Assembly.

And I would hope that that Transitional Agreement that's worked out between Bob Troy and whether -- I think I know who it is but works out and we move forward. Because I'd hate to see the Cape Light Compact go away, which is I get the feeling that there are certain people on this Assembly that would like to see the Cape Light Compact go away completely. And they serve a purpose. I'm not saying everybody but I think there are certain individuals that feel that way.

Speaker BERGSTROM: You're next. Just to add a comment. I think part of the conundrum that you have is that, for instance, Barnstable County is comprised of 15 towns. All of those 15 towns pay into -- they pay a fee, you know, they pay us whatever, a stipend.

And we talk about the towns, what do the towns think? You know, what do the 22 towns think? Which way do they want to go? Well, if those 22 towns are not paying anything, the ratepayers are paying for this. They're the one -- I mean in every other branch of government, the people who pay the money are the ones who determine how things are operated. But this organization -- I'm not saying it's good or bad, this organization is the only organization I'm aware of where it's municipally controlled but the people who are actually paying the bills have nothing to say about how it's operated.

So, I mean, I think it's probably a good organization but the problem is is that they have an enormous amount of money. And if you're a fiscal agent, it's almost understandable that you would be a larger financial entity then the agency you're acting as an agent for.

In other words, their budget dwarfs us and it also would dwarf any town that comes along with them. So it's a big responsibility. And I think that in this part -- what brought this to a head is not the criticism of Cape Light Compact. It's not all the things that have gone on in the past. It's a concern about the financial future of

Barnstable County that we're concerned with. As Jack said, we're looking out for ourselves now. We have all these organizations. We have to rethink how we operate, who we're involved with, and what's our best plan going forward.

And if allowing Cape Light Compact to go on their own gives us more freedom to look at our individual issues then that's a good thing.

So, anyway. Yes, Deborah.

Deputy Speaker MCCUTCHEON: I'd just like briefly to speak to this concept of a witch hunt. As I understand the way all of this happened is the piece of legislation got passed that said that Barnstable County, among other places, could establish a municipal aggregator to purchase electricity on the open market and sell it back to consumers of Barnstable County for less money. That was the idea; am I right?

Administrator YUNITS: That's --

Deputy Speaker MCCUTCHEON: Does it --

Administrator YUNITS: That's Chapter 164, Section 134, right.

Deputy Speaker MCCUTCHEON: Right. And a whole bunch of people from -- that began to work for Barnstable County including a very highly paid administrator began to run a program that generated millions of dollars without there ever being, as required by the statute, an annual accounting.

We now are in a situation where this very large, very wealthy organization is going to pick up its boxes and go affiliate with someone else because questions have been asked about what they're doing and what they're spending their money on. And that's basically what started that problem in the first place.

You know, I guess I've been -- I am somewhat cynical. I don't think I'm hunting witches. When I look at what goes on in Massachusetts government, just as in government elsewhere, there was a water authority, what, a week ago in the paper where employees of it were stealing money. There have been funds that have walked out. For the legislature, how many in the last four speakers of the house were jailed?

Ms. TAYLOR: Mr. Speaker, point of order.

Speaker BERGSTROM: Yes.

Deputy Speaker MCCUTCHEON: My question here is what appears to be happening is we are trying to sweep a whole lot under the rug, that it doesn't fit, and I don't think that's a witch hunt.

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes. Julia.

Ms. TAYLOR: Point of order as to whether this discussion appears on the agenda or whether it's gone on long enough.

Commissioner CAKOUNES: Cape Light Compact is --

Ms. MCAULIFFE: Cape Light Compact is on the agenda.

Speaker BERGSTROM: Well, to be consistent, if it touches on the agenda, I consider it to be part of it. But we are getting away from -- in other words, going back over old history and stuff, what we're discussing with the County Administrator is power going forward. In other words, can Barnstable County go forward and this negotiation is part of that.

So, if you have something to say on that, that's fine, but as far as Cape Light Compact goes, yes. It's water over the bridge or under the dam or whichever.

Ms. MCAULIFFE: I've never, never disagreed with anything the Cape Light Compact has done in terms of their wonderful personnel and their wonderful ideas. Where my issues have been is in terms of how its run and where that crosses with our responsibility as the fiscal agent.

I would be perfectly happy if they would separate themselves from the County and we would not have the burden of an amorphous, cloudy, unknown, you know, unknown issue.

And I object to the attempt to make things clear and concise and open, good government being determined as politically motivated or a witch hunt.

Speaker BERGSTROM: All right. The chair has decided we're going to move on, okay? When the chair decides, the chair decides.

Ms. ZUERN: This is a different --

Speaker BERGSTROM: A different subject?

Ms. ZUERN: Yes, on the dredging.

Speaker BERGSTROM: Thank God.

Ms. ZUERN: Just one question back to the dredging. You were talking about a dredge that would go into the ponds. Is that the smaller version that they were talking about?

Administrator YUNITS: Yes, that's a dredge that you put on the back of a truck.

Ms. ZUERN: Okay. And I think that would be very valuable to the towns.

Administrator YUNITS: I believe so.

Ms. ZUERN: Thank you.

Speaker BERGSTROM: Yes, John.

Mr. OHMAN: Thank you, Mr. Speaker. This is a dredge question as well. On this proposed third dredge, now we'll have the same personnel? Will we have -- are we adding employees? I mean that's a big budgetary issue going forward.

Administrator YUNITS: Yes.

Mr. OHMAN: I have not heard anything about any of this at all.

Administrator YUNITS: Yes, we haven't got there yet. At some point if the permits come through and the demand is there, we'll have to add personnel.

Speaker BERGSTROM: Yes, John.

Mr. OHMAN: And, Mr. Speaker, I wanted to ask you; I know that this has been on the table for some time and the thought process is are we thinking about getting a Cape-wide dredging permit application? And is there a path to do that where we can have each individual -- have each individual towns go through these multi-year permitting processes. Can we --

Administrator YUNITS: Commissioner Cakounes, Paul Niedzwiecki, and I have talked about that and tried to figure out whether or not we could do that with existing staff, and that's an ongoing discussion right now.

Speaker BERGSTROM: Ed.

Mr. MCMANUS: Yes, the town of Harwich several years ago, when I

was a selectman, we went through a multiyear process. But what we wound up with was a permit that covered all of our beaches and all of our potential deposition locations and set out a timeframe. So each time we wanted to do a dredge project, we didn't have to go back for another permit.

It's been quite a cost savings. It was a little bit more expensive up front, but over the years it's turned out to be a great savings in expense. And it also provided much more flexibility to be able to take advantages of the vagaries of the dredge schedule.

Administrator YUNITS: I think we're heading to Harwich now.

Speaker BERGSTROM: Jack, before you go, is there any -- have we looked at the first quarter of this fiscal year from July 1 to the end of September? July, August, September; have we gotten any numbers on that?

Administrator YUNITS: It's funny you bring that up because Mary mentioned to me today that she hopes to have year-to-dates next week.

Speaker BERGSTROM: Okay.

Administrator YUNITS: So.

Speaker BERGSTROM: Ed.

Mr. LEWIS: On another subject completely, I'd like to compliment both Jack and Paul Niedzwiecki. They came to the town of Brewster; I know they're going to other towns. They made an excellent presentation to the Board of Selectmen. And I received very positive comments from the Board of Selectmen on that.

I would hope that in the future -- I know I came out because when I found out they were there, I went as the Assembly member from the town of Brewster. And I think it would behoove that whenever they go before the board of selectmen to make this kind of presentation whoever is the Assembly member for that town, it might be wise that they go and be part of that presentation and just there to answer any questions from the Assembly's point of view. But Jack and Paul did a marvelous job, and the County was very well represented. Thank you.

Administrator YUNITS: Thank you, Ed.

Deputy Speaker MCCUTCHEON: I have just one question on an unrelated matter.

Speaker BERGSTROM: Okay.

Deputy Speaker MCCUTCHEON: Mr. Yunits, maybe I missed it when the executive assistant position got created. I thought we had had a hiring -- equivalent to a freeze and weren't creating new positions. Now we have a full-time person. Is there plenty of work for this person? Where did that --

Administrator YUNITS: Technically, what we had on the books was the administrative assistant's position which we didn't fill. We changed the name. We've had conversations with the Speaker about training this person to be a backup for Janice in the event that Janice can't be here sometime.

In addition to that, this person will serve on the communications team to help message the media so we changed the name, but we didn't fill the administrative position. So it's essentially the same role, principally the same role as the administrative position but with the challenge of working with Janice in the

future.

Deputy Speaker MCCUTCHEON: Thank you.

Speaker BERGSTROM: All right. Well, thank you, very much.

Administrator YUNITS: Thank you.

Speaker BERGSTROM: And we'll see you same time two weeks

from now.

Administrator YUNITS: Thanks.

Commissioner CAKOUNES: Three weeks.

Speaker BERGSTROM: Okay. Is there any communications from Public Officials? Any communications from members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will convene. We'll have a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Thank you, Mr. Speaker. Just a reminder that I'm in the process of making reservations for the MMA conference. I have heard from some Delegates. I haven't heard from all of you. So if that is something that you're planning on attending, I would appreciate it if you would let me know so I could complete that registration process.

And I am also currently collecting for the holiday gathering that the Assembly will have over at the Dolphin Restaurant on the 21st of December.

Again, all these are just friendly reminders. And that's all I have today

Speaker BERGSTROM: Okay. Thank you.

Other Business

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

Mr. PRINCI: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. PRINCI: I'd like to hereby submit a Proposed Ordinance relative to the operating budget for fiscal year 2017. And what it's looking to do is to transfer the sum of \$185,000 from the Salary Reserve Account to the FY2017 Operating Budget for the purpose of implementing a 2 percent cost of living adjustment for the current employees of the County.

Speaker BERGSTROM: Okay. I accept that without discussion. We'll bring it up at the next meeting. Actually, I think it has to go before the Finance Committee; it's an Ordinance.

Speaker BERGSTROM: Yes. What do you want -- Ed.

Mr. OHMAN: With respect to my fellow members, I would like to go

at 3 o'clock.

Ms. TAYLOR: Next meeting?

Mr. OHMAN: Next meeting. Is there any --

Ms. MCAULIFFE: 3 o'clock next meeting?

Mr. OHMAN: Yes. Three o'clock before the next meeting?

Ms. MCAULIFFE: Yes.

Deputy Speaker MCCUTCHEON: Yeah.

Mr. OHMAN: The Finance Committee meeting on this proposed ordinance.

Speaker BERGSTROM: Ed Lewis.

Mr. LEWIS: I would suggest for all the members of the Assembly that they become very fluent in the Home Rule Charter and the Governance -- Manual of Governance as far as the Assembly and as far as the County is concerned because my gut feeling is that come January 1 it's going to be very important that you understand all of the Assembly's responsibilities and authority. Because I have a hunch that that may come under question as we move forward.

Speaker BERGSTROM: Okay. Suzanne.

Ms. MCAULIFFE: Yes. I was privileged to be at the Yarmouth Selectmen's meeting last night when Jack Yunits and Paul Niedzwiecki presented, and I would second the fact that it was an excellent presentation.

To the point that Paul had brought up that they're working now on the next regional policy plan. And, as usual, these things have a way of creeping up and then all of the sudden deadlines. So I was wondering -- I know we're going into budget season, but, perhaps, before we get into the nitty-gritty of the budget, we might have a discussion or a presentation with Paul Niedzwiecki because I know they're looking at thresholds and, you know, trying to help towns that have threshold reliefs that aren't utilizing them.

It was a very interesting discussion about how the Commission is going to try and help municipalities. And I thought at the time that the rest of the Assembly might be interested in it.

Speaker BERGSTROM: Well, I just -- I agree with you. There are only two meetings left in this session of the Assembly. I'm, obviously, not going to schedule beyond that. But we'll talk to Paul and see if he can come in and give us at least a schedule that he's faced with and what's going on.

Did you have something, Ed?

Mr. MCMANUS: Yes, just a couple of announcements. One, the County Administrator noted that there are some trainings on tomorrow on the public records law. If those aren't available to anybody, on Friday morning at the Selectmen's Association monthly breakfast at the Hyannis Golf Course at 7:30, we're also having a training on the public records law done by, I think virtually, the same people that are doing it tomorrow.

It will be a little bit more abbreviated if you don't feel you need every last blow-by-blow but want an overview of what the changes are.

Mr. LEWIS: And you get a good breakfast too.

Mr. MCMANUS: You get a good breakfast too. One of the other

things is just an announcement of an organization that I'm involved with; the Harwich Cranberry Festival. We're having a very fine musical production tomorrow at the Monomoy Regional High School auditorium at 7 o'clock. We do these productions as fundraisers to raise money for scholarships for graduating students from Monomoy Regional High School.

This production is a group called Childsplay. Robert Childs is a world-renowned instrument maker in Boston and fiddler, and he brings together a group of 15 to 18 musicians all playing on his instruments. And they do these concerts once a year for them.

And their intent is to raise money. All the musicians donate their time, but they raise money to provide for apprenticeships for instrument makers and also apprenticeships and musicianships in the New England area. Some of the players are -- one of them is the National Fiddle Champion of Scotland and also the National Fiddle Champion of Ireland. So it will be quite a good show.

Speaker BERGSTROM: I have tickets.

Mr. MCMANUS: Thank you.

Speaker BERGSTROM: I'll be there. I suggest everybody else go. I need one more --

Ms. MCAULIFFE: Move to adjourn.

Mr. MCMANUS: Second.

Speaker BERGSTROM: All those in favor? Aye.

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:50 p.m.

Submitted by:

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

List of materials used and submitted at the meeting:

- Business Calendar of 11/16/16
- Unapproved Journal of Proceedings of 11/2/16
- FY18 Commissioners Budget Message
- Proposed Ordinance 16-09 submitted by Barnstable Delegate Patrick Princi