

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES**

**APPROVED Journal of Proceedings -November 5, 2014**

Speaker BERGSTROM: Well, it's four o'clock so I'll call this meeting to order.  
Is anyone recording this besides our usual video recording? No? Okay.

In that case, I'll call the meeting of the Cape Cod Regional Government, Assembly of Delegates to order on Wednesday, November 5<sup>th</sup>.

And 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 (58.18%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Anthony Scalse (4.55% Brewster).**

**Absent (41.82%): Cheryl Andrews (1.36% - Provincetown – arrived @ 4:04 p.m.), Ned Hitchcock (1.27% - Wellfleet - arrived @ 4:05 p.m.), Christopher Kanaga (2.73%- Orleans), Deborah McCutcheon (0.93% - Truro – arrived @ 4:05 p.m.), Patrick Princi (20.92% - Barnstable – arrived @ 4:15 p.m.), Julia Taylor (14.61%- Falmouth).**

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 58.18 percent of the Delegates present; 41.82 percent absent.

Speaker BERGSTROM: Thank you.

Now we'll need approval of today's Calendar of Business.

Deputy Speaker MARTIN: Move to approve.

Ms. KING: Second.

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

Opposed?

(Motion carried.)

Speaker BERGSTROM: Okay. You should have received a copy of the Journal of October 15, 2014. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: Move to approve.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor of approving the Journal say "Aye."

Opposed?

Ms. KING: Mr. Speaker, I abstain.

Speaker BERGSTROM: Okay.

(Motion carried.)

Speaker BERGSTROM: Apparently the Board of Regional Commissioners couldn't make it.

So we will ask if we have any Communications from Public Officials?

Any Communications from Members of the Public? Hearing none.

### Assembly Convenes

Speaker BERGSTROM: I will now convene the Assembly and we will begin with Committee Reports/Vote on Proposed Ordinances.

### Committee Reports

Standing Committee on Government Regulations report dated 10/22/14 and recommendations on Proposed Ordinances 14-04, 14-05, 14-06, 14-07 Cape Cod Commission technical amendments to streamline functions of Standing Committees from 3 to 2 committees.

Okay. I was chairing that meeting but I'm not prepared to give the details right now of each one. You should have received copies of these Ordinances, and you should have them in front of you.

We have the Attorney for the Commission here. Anybody have any questions on these Ordinances?

We've got a couple more people coming in here.

Mr. CAKOUNES: Could I ask --

Speaker BERGSTROM: This is to make changes in the Regional Policy Plan in accordance with consolidating some of the committees.

Leo.

Mr. CAKOUNES: Just for the record, Mr. Speaker, and not to get into a lengthy report, but was the general consensus to just approve these without any changes?

Speaker BERGSTROM: There was general consensus to approve them, yes, without any changes. I think the committee vote was unanimous.

Do we have any question -- are you aware -- the purpose of these once again was to change the language in the Regional Policy Plan to conform with a consolidation of several of the committees, the subcommittees of the Commission.

Yes, Teresa.

Deputy Speaker MARTIN: They actually seemed to make a lot of sense and they didn't do it in a vacuum. They had input from all the people who were involved in the process. And it seemed to make perfectly logical sense for moving things more quickly and in a more organized manner.

And like I said, it wasn't done in a vacuum. That was one of the questions that we asked them. That was important to understand and was informed by the involvement of people who work with the process.

Mr. CAKOUNES: Down the end, Mr. Speaker.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, because I had a lot of municipal experience in terms of the Cape Cod Commission and the actual functioning of the Regional Policy Plan and these

committees, I did take the opportunity to speak to the Town Planner because in my mind intuitively combining regulation and planning just sort of I wondered if that could work.

Because in municipalities, planning and then regulatory are in different boards. They're not in the same.

But the Town Planner has assured me that this will work well with the Commission. That the Commission really needs to kind of streamline some of its things for personnel reasons because you're tapping out personnel in areas that are in fact, fruitful and this kind of focuses personnel energies in a more appropriate fashion.

She also assured me that the Executive taking over the function of doing some of the initial checklists kinds of things, she read through and made sure that she was comfortable with that. And she thought that that was also good because that's almost a housekeeping sort of thing.

So I'm more comfortable now than I was when I first heard about this, and I think that the Commission is going out of its way to work with people.

So I don't think that this would be detrimental to the petitioners or people who deal with the Commission.

Speaker BERGSTROM: I'm glad the Delegate from Yarmouth is a fan of the Cape Cod Commission.

Ms. MCAULIFFE: Not always.

Speaker BERGSTROM: All right. Is there any other questions? If there are no more questions, we're going to need a vote on these Ordinances, which --

Clerk O'CONNELL: We must do them separately too.

Speaker BERGSTROM: Yes, that's what I was going to say. We're going to have to do it separately starting with 14-04.

Do you have a copy of the Ordinance or a copy of the numbers in front of you? Would anybody like to make that motion? We're all --

Proposed Ordinance 14-04: To amend Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact.

Mr. CAKOUNES: I would move Proposed Ordinance 14-04. Do you want to do the whole list at once or do you want to do them separate?

Speaker BERGSTROM: No, no, just one. Do you have the language in front of you to amend the Cape Cod Commission Regulations?

Mr. CAKOUNES: I do not. I asked if there was an amendment and you said, "No."

Speaker BERGSTROM: The motion on the table is to approve Ordinance 14-04 to amend Cape Cod Commission Regulations of General Application enabling Regulations Governing Review of Developments of Regional Impact, Ordinance 90-12.

So that's on the table. We need a second.

Mr. OHMAN: Second.

Speaker BERGSTROM: Moved and seconded. Any other further questions on that? Okay

Clerk O'CONNELL: We're got to take a roll call.

Speaker BERGSTROM: Roll call. The parliamentarian tells me we need a roll call.

**Roll Call Vote on Proposed Ordinance 14-04: To amend Chapter A, Enabling**

**Regulations Governing Review of Developments of Regional Impact.**

**Voting YES (61.74%):** Cheryl Andrews (1.36% - Provincetown), Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).

**Absent (38.26%):** Christopher Kanaga (2.73% - Orleans), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 14-04 passes with 61.74 percent of the Delegates voting yes; 38.26 percent are absent.

Proposed Ordinance 14-04: To amend Chapter A, Enabling Regulations Governing Review of Developments of Regional Impact (becomes Ordinance 14-03).

Speaker BERGSTROM: Okay. I'm going to break with precedent and I will move the Proposed Ordinances because I have the language in front of me.

Proposed Ordinance 14-05: To amend the Code of Cape Cod Commission Regulations of General Application Chapter D Development Agreement Regulations.

Speaker BERGSTROM: So I move that we approve Ordinance 14-05 to amend Cape Cod Commission Regulations of General Application Chapter D, Development Agreement Regulations Governing the Provisions or Development Agreements, Ordinance 92-01.

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Moved and seconded.

Anybody have any discussion on that? Hearing none. We will now take a vote on that.

**Roll Call Vote on Proposed Ordinance 14-05: To amend the Code of Cape Cod Commission Regulations of General Application Chapter D Development Agreement Regulations.**

**Voting YES (61.74%):** Cheryl Andrews (1.36% - Provincetown), Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).

**Absent (38.26%):** Christopher Kanaga (2.73% - Orleans), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 14-05 passes with 61.74 percent of the Delegates voting yes; 38.26 percent absent.

Proposed Ordinance 14-05: To amend the Code of Cape Cod Commission Regulations of General Application Chapter D Development Agreement Regulations (becomes Ordinance 14-04).

Speaker BERGSTROM: Thank you.

Proposed Ordinance 14-06: To amend Chapter G, Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application.

Speaker BERGSTROM: I will now move to approve -- now recommend approval of 14 -- Ordinance 14-06 to amend Cape Cod Commission Regulations of General Application, Chapter G, Growth Incentive Zones, Ordinance 05-13.

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Moved and seconded. No questions on that. We'll take a vote.

**Roll Call Vote on Proposed Ordinance 14-06: To amend Chapter G, Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application.**

**Voting YES (61.74%): Cheryl Andrews (1.36% - Provincetown), Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).**

**Absent (38.26%): Christopher Kanaga (2.73% - Orleans), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).**

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 14-06 passes with 61.74 percent of the Delegates voting yes; 38.26 percent absent.

Proposed Ordinance 14-06: To amend Chapter G, Growth Incentive Zone Regulations of the Code of Cape Cod Commission Regulations of General Application (becomes Ordinance 14-05)

Speaker BERGSTROM: Thank you.

Proposed Ordinance 14-07: To amend Cape Cod Commission Local Comprehensive Plan Regulations.

Speaker BERGSTROM: Moving right along, I move approval of Ordinance 14-07 to amend Cape Cod Commission Regulations of General Application, Cape Cod Commission Local Comprehensive Plan Regulations.

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Moved and seconded. Any questions on that? If not, we will take a vote.

**Roll Call Vote on Proposed Ordinance 14-07: To amend Cape Cod Commission Local Comprehensive Plan Regulations.**

**Voting YES (56.07%):** Cheryl Andrews (1.36% - Provincetown), Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Anthony Scalese (4.55% - Brewster).

**Voting NO (5.67%):** Leo Cakounes (5.67% - Harwich).

**Absent (38.26%):** Christopher Kanaga (2.73% - Orleans), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61% - Falmouth).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 14-07 passes with 56.07 percent of the Delegates voting yes; 5.67 percent voting no; 38.26 percent absent.

**Proposed Ordinance 14-07: To amend Cape Cod Commission Local Comprehensive Plan Regulations (becomes Ordinance 14-06)**

Speaker BERGSTROM: Thank you. We'll now have a report from the Clerk.

**Report from the Clerk**

Clerk O'CONNELL: Thank you, Mr. Speaker. Just a few items. At your seat today, you should have received a copy of a letter, as the liaison for the State; I am notifying you regarding your Statement of Financial Interest. You have officially received your notice.

Also, a reminder about the holiday gathering at the last meeting in December for the Assembly of Delegates. It's going to be at a new location. That will be \$25 a head, and I will give you a receipt if you plan on attending.

That's it for now.

Speaker BERGSTROM: Thank you.

Ms. ANDREWS: Is there -- so there's a regular meeting on the 17th followed by the holiday gathering?

Clerk O'CONNELL: Yes.

Ms. ANDREWS: Okay.

Speaker BERGSTROM: Okay.

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Yes.

**Committee Reports continued:**

Mr. OHMAN: The Finance Committee did meet today to finish up a Public Hearing --

Speaker BERGSTROM: Oh, okay.

Mr. OHMAN: -- Proposed Ordinance 14-03. With your pleasure?

Speaker BERGSTROM: I missed that. Sorry.

Mr. OHMAN: Thank you. The Finance Committee met at 2:30 today to discuss

Proposed Ordinance 14-03. We put it on the table as it was presented and we quickly amended it.

And there were some significant amendments. Does anybody need a copy or have a copy of this? I can give you the amendments or I can just read them out loud.

Deputy Speaker MARTIN: I don't.

Mr. OHMAN: I think that's probably the best idea. We amended it to say.... To transfer appropriations within the County's operating budget for fiscal year 2015 as enacted in Ordinance No. 14-02 by making appropriations/transfers for the fiscal year 2015, Section 1.

The sum set forth in section 1 for the several purposes and set forth where therein and subject to the conditions set forth in Sections 4 through 12 in the Barnstable County Ordinance 14-02. I hereby transfer from the County appropriating and here's the new language, "Legal Services Account, line item 0019102-5235 for the designated budget group as transferring appropriations for Barnstable County for the fiscal year ending June 30, 2015.

Essentially what we did is the committee discussed placing in a separate account, legal services for special counsel for matters relating to separation of --

Mr. CAKOUNES: Powers.

Mr. OHMAN: -- powers pursuant to County Charter -- through the County Charter.

What we did is what the committee was discussing was to create a sub-fund from the \$55,000 that was in legal services right now and transferred to a separate fund within that only to be accessed by the Assembly of Delegates should we need that for these specific purposes.

After much discussion, the Finance Committee approved it, sending forward to the Assembly 2 to 1.

Is there further discussion from other members of the Finance Committee?

Speaker BERGSTROM: Well, just two things. First of all, I understand every word you said, John, but in case somebody else might have missed it, we'll file an official report with the Delegates before this is voted on in the next election.

Also, I don't think a committee can approve something 2 to 1 on a five-member committee, John. Did you say it was 2 to 1 was the vote?

Mr. OHMAN: I did. I believe that is a quorum, Mr. Speaker. I could be corrected. But we did have a quorum and it was approved 2 to 1.

Speaker BERGSTROM: You might be right. I don't know but it doesn't matter because it's going to go before the full Assembly anyway.

So, thank you very much and we'll try to get that in writing to the Delegates as soon as possible.

### Other Business

Speaker BERGSTROM: Under other business, you should have received a copy of the response to my letter indicating concerns and requirements from the Assembly to the County Accountant asking to provide certain information to the Assembly on a regular basis.

I hope you've had a chance to look at it, and I'm just wondering if you feel the response is adequate and in conformity with our request?

John, you're the Finance guy, what do you think?

Mr. OHMAN: I'm sorry; I was distracted. We have another Ordinance that was

discussed today too. So, could you repeat the question, sir?

Speaker BERGSTROM: You're sandbagging on me on these Ordinances? The question is are you satisfied with the response from the County Accountant as to the information that's going to provide to the Assembly in response to my letter?

Mr. OHMAN: I thought it was a very thorough response and that's what we really wanted to get out of them. At least we wanted a more -- a cooperative report and we wanted more up-to-date information from the executive side of the fence.

Speaker BERGSTROM: Okay. Is that -- are the Delegates happy with that? I mean nobody -- okay. Now did you say you had something else you wanted to tell us?

Committee Reports continued:

Mr. OHMAN: As it turns out, Mr. Speaker, the Finance Committee did discuss a Proposed Ordinance of 14-08 that was presented by Delegate Cakounes of Harwich and Delegate Princi of Barnstable.

It required a further accounting process, further accounting process that the Finance Committee -- the Finance Director cannot -- how would I say this?

Mr. CAKOUNES: Access.

Mr. OHMAN: Access money from the special revenue accounts, reserve accounts or savings accounts without a proper Ordinance being presented to the Assembly.

Essentially what has happened is the practice that has been followed for the last several years from the Finance Board over on the other side is that where they have a shortfall, they would just access monies to --

Mr. CAKOUNES: To supplement.

Mr. OHMAN: -- to supplement the budget without permission from the Assembly. And we thought that was not a best practice.

So this Ordinance would make the Commissioners or the Finance Director come to us for any significant additions from any of those three previously mentioned accounts to supplement the budget.

And, therefore, we would have a much better understanding of whether it was necessary to bring it in or we should start cutting the budget appropriately to remain -- have the budget remain in balance.

It was passed by the Finance Committee to move forward to the full Assembly by a 3 to 0 vote.

Speaker BERGSTROM: Okay. Now we're going to need minutes on that approval next week.

Clerk O'CONNELL: Oh yes. That's procedure. You get a report at the next meeting and it will be scheduled on the agenda to be voted on, 14-08 and 14-03.

Speaker BERGSTROM: Not only the agenda but also the report will be voted on. So the minutes would have to be approved.

Clerk O'CONNELL: Yes, because it's a report and minutes, so, yes.

Speaker BERGSTROM: Okay. Anyways, so you shall receive a copy of that.

Other Business continued:

Ms. MCCUTCHEON: Mr. Speaker. I'm sorry to digress a little bit, but looking

through my file I see I did not print and have not read the letter from the Accountant and I would request that that be put over for a discussion to our next meeting when it can have a proper response in case anybody else has not had an opportunity to thoroughly look at it?

Speaker BERGSTROM: That can be done.

Ms. MCCUTCHEON: Thank you, Mr. Speaker.

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

Ms. MCCUTCHEON: Yes.

Speaker BERGSTROM: Yes, Cheryl.

Ms. ANDREWS: First of all, my apology. The train from the Outer Cape was slightly delayed. It decided it needed to make a visit to the local village grocer because last night's election said that a little celebration is in order.

A number of folks were victors; a number of folks weren't, but one, in particular, of course, surprise brought me to tears this morning.

Absolutely what a surprise. Hard earned, leader in the Assembly for a long period of time, and an inspiration for those of us that want to ask a question and always don't feel supported to do it.

I'm very proud of you. Wish you the best in your next area of volunteerism, Mr. Cakounes. And from a former farmer to a current one, we thought a little of -- couple of plastic cups and a little cider would be in order. So, I hope you'll all join us.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: As if his ego isn't big enough already.

Ms. ANDREWS: He can enjoy the 24 hours. He can get the 24 hours.

Mr. PRINCI: One question I had to Mr. Cakounes, now that you're moving on to the Executive branch, are you still in support of this Ordinance that we put forward as Assemblyman?

Mr. OHMAN: Actually, we brought that up at the meeting.

Mr. PRINCI: Okay.

Mr. OHMAN: And he remains in support of it.

Mr. PRINCI: Good.

Speaker BERGSTROM: Nothing is going to happen until January 1. He's still a member of the peanut gallery right now.

Mr. PRINCI: All right. There's one question that I have that was brought to my attention from a constituent regarding the open seat, that's the Assembly's seat, on the EDC. Is there any information on that? I guess that seat's open and there's an Assembly seat there.

Clerk O'CONNELL: Yes, I'm going to talk to Teresa about that.

Speaker BERGSTROM: It's news to me.

Deputy Speaker MARTIN: I can tell you about that. Yes, no, it's actually not news. Someone from the committee can be on it. It meets at a time that no one is able to be there, and that is why no one has been attending.

Ms. ANDREWS: A Wednesday at four.

Deputy Speaker MARTIN: Huh?

Ms. ANDREWS: Wednesday at four?

Deputy Speaker MARTIN: Yes, that's when like you're working.

Clerk O'CONNELL: I think it's a Thursday.

Deputy Speaker MARTIN: It's like right at 5 o'clock. So for anyone who actually

works, it's very, very difficult for them to make it there. And that's why. I work. I can't make it there. Other people on the committee are in similar situations. That's why. It is a nonvoting seat.

Clerk O'CONNELL: It's advisory and I think the only people that could attend is someone from Economic Affairs.

Speaker BERGSTROM: I'd also like to, under Other Business, congratulate the latest columnist for the Cape Cod Times, Business Section.

I don't know if anybody here still reads the newspaper, but apparently our Deputy Speaker is now a regular columnist for the business section.

Ms. ANDREWS: Yes, I did read that.

Speaker BERGSTROM: So if you guys have any, you know, as normal if you object to things you read in the columns, don't hesitate to send off a letter criticizing the column or suggesting that they don't know what they're talking about, you'll know what to do with it.

Okay. Is there any other business to be brought before the Assembly from anybody else? Hearing nothing.

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:25 p.m.**

**Respectfully submitted by:**

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