

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
APPROVED Journal of Proceedings - December 17, 2014**

Speaker BERGSTROM: Good afternoon. Welcome to the December 17th session of the Cape Cod Regional Government, Assembly of Delegates.

Is there anyone recording this session besides our regular recording? No.

Okay. In that case, I'd like to call this meeting to order. We will 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 (65.22%): Cheryl Andrews (1.36% - Provincetown), 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), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61%- Falmouth).
Absent (34.78%): Richard Anderson (9.15% - Bourne), Christopher Kanaga (2.73% - Orleans – arrived at 4:10 p.m.).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 88.12 percent of the Delegates present; 11.88 percent absent.

Speaker BERGSTROM: Okay. Thank you.

We now need approval of today's Calendar of Business.

Deputy Speaker MARTIN: Motion to approve.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. Okay. There's no corrections -- additions or corrections, so I'll take a vote. All those in favor of today's Calendar, say Aye. Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of December 4th, 2014. Any corrections to the Journal or additions?

Hearing none.

Ms. MCAULIFFE: Move approval.

Deputy Speaker MARTIN: Second.

Speaker BERGSTROM: Okay. Moved and seconded, all those in favor? Aye. Opposed?

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. Well, in that case, we have Communications from the Board of Regional Commissioners. And we have Commissioner Lyons here with us today.

Commissioner LYONS: Good afternoon, everyone. I hope all is well. It's looks very festive here, thanks to our Clerk, Jan. Thank you. We'll have to have you in charge of floral arrangements from now on. It looks good.

Proclamations:

Commissioner LYONS: I am here basically today to hand out some Proclamations to those who have served our County and are now moving on and have chosen to do so.

Each of these basically says the same thing, so if you don't mind, I'm going to read it once but I will say to who they are going to.

So this is a Proclamation in appreciation to Cheryl Andrews, to Richard Anderson, to Leo Cakounes and to Anthony Scalese.

WHEREAS, Cheryl Andrews represented the town of Provincetown on the Barnstable County December, excuse me, Assembly of Delegates from 2011 to 2014;

WHEREAS, she served on the Standing Committees of Public Service and the Standing Committee on Natural Resources;

WHEREAS, she served as an alternate committee member to the Standing Committee on Finance;

WHEREAS, she served as a town of Provincetown Selectmen from 1998 to 2007 and, again, in 2014; and,

WHEREAS, she has served on the town of Provincetown's Board of Health, Housing Authority, Local Comprehensive Plan Committee Executive Board, Water and Sewer Board, the Wastewater Management Planning Citizens Advisory Group, and the Wastewater -- and the Cape Cod Water Protection Collaborative now.

THEREFORE, the County Commissioners express their appreciation for the hard work and dedication of Cheryl Andrews for her contributions and willingness to always help improve the quality of life for the residents in her community.

And in witness whereof, I have here unto set my hand and cause the seal of the County of Barnstable, Massachusetts, to be affixed on this 10th day of December, in the year of 2014.

In much appreciation, Mary Pat Flynn, Sheila Lyons and Bill Doherty.

I would have come to give you that.

Ms. ANDREWS: I did all that in one year.

Commissioner LYONS: You did all of that in one year.

Commissioner LYONS: Well, maybe I should read them all since they're all different things. It's up to you.

Speaker BERGSTROM: Well read them.

Commissioner LYONS: You'd like me to reach each one?

Ms. MCAULIFFE: Or just the accomplishments.

Commissioner LYONS: Just the accomplishments. We'll save Mr. Anderson for last, since he's not here.

Mr. Cakounes. So this goes on for like four pages.

WHEREAS, Leo Cakounes represented the town of Harwich on the Assembly of Delegates from 2009 to '14.

He has served as a Committee Member on the Assembly of Delegates Standing Committee on Finance, Economic Affairs, and as Vice Chairman on Natural Resources.

WHEREAS, he has served as a committee member on the 2012 Special Committee on the inquiry into Cape Light Compact and the Cape Vineyard and Electric Cooperative;

WHEREAS, he served on the Assembly of Delegates 2010 Charter Review Committee and on the RFP Review Committee for the lease of the County Farm;

WHEREAS, he served on the town of Harwich Finance Committee.

THEREFORE, the County Commissioners express their appreciation for your hard work and dedication of Leo Cakounes for as many contributions and willingness to always help improve the quality of life for the residents in his community.

Affixed this day in December by the County Commissioners.

So we welcome Leo. He's going to hand me his new card.

Mr. CAKOUNES: In case you're looking for me.

Commissioner LYONS: Oh, in case. Thank you, Leo. If anybody wants to know how to get ahold of Leo, I have his card.

To Anthony Scalese: Represented the town of Brewster on the Barnstable County Assembly of Delegates from 2001 until 2014.

WHEREAS, he served as Vice Chairman on the Standing Committee on Economic Affairs. He has served as a committee member on the Assembly of Delegates Standing Committee of Health and Human Services and Public Services; and,

THEREFORE, the County Commissioners express their appreciation for your hard work and dedication and the many contributions and willingness to serve and to improve the quality of life for the residents in our community.

Affixed this day, signed by the County Commissioners with much appreciation.

Commissioner LYONS: Thanks for not giving me your card.

Mr. SCALESE: You know where to get that. Wise guy.

Commissioner LYONS: And the same goes for Richard Anderson but I will just state his accomplishments and contributions.

WHEREAS, his is as he served on the Assembly of Delegates from 2007 until 2014. He has served as Deputy Speaker of the Assembly of Delegates for one term 2011 to '12.

He served as a member of the Assembly of Delegates Standing Committee on Natural Resources and Government Regulations and as Chairman on Public Services.

WHEREAS, he served as an Alternate Committee Member on Economic

Affairs. He has served the town of Bourne Cable TV Planning Committee, Local Emergency Planning Committee, Open Space Committee and Community Preservation Committee; and,

WHEREAS, he continues his involvement in the Bourne Local Access TV show and studio, excuse me, studio.

So, therefore, we express our appreciation for his hard work, dedication and his contributions to the County and his willingness to serve and improve the quality of life of others.

So, Linda Zuern is going to take this for Richard and deliver it to him. And we want to extend our condolences to Richard. I was just informed today that his mother passed away and I believe she was buried today. So we do send our sincerely condolences for that.

And that's all the good news I have to share and spread.

Speaker BERGSTROM: You're not going to tell us anything you did today or is it better you didn't?

Commissioner LYONS: Oh, gee, what did happen today? No, we had a meeting with the Assembly of Delegates, I mean, excuse me, with the Commissioners and the Human Rights Commission. I think most of you have read about that in the paper. And some unfortunate things were said and misunderstood. And I believe that the coordinator of the Human Rights Commission felt that she needed to clear the air and make herself understood. And I think that was done very well and many people had very thoughtful -- very good comments to make.

And there was no decision. We have decided to take it under further advisement, and we will take it up by the first of next year, I guess right in the beginning. So that is it for that.

And we had our Christmas party and Marcia was there. I thought a few of you -- Leo was there, Ron, Jan, and it was a great meal and a great time. And we did wish Commissioner Doherty farewell as this was his last meeting with the County Commissioners. He has served -- he was 12 years on the Commissioners and four years on the Assembly. So 16 years of service altogether for Bill Doherty, and we thank him as well for that service.

Speaker BERGSTROM: And he got a jacket for his time.

Commissioner LYONS: And he got a jacket from the two Commissioners. So when you're a really nice person, we give you something.

Speaker BERGSTROM: You did a classification study, Sheila?

Commissioner LYONS: Yes. It's an under \$50 contribution and we could give it to him.

Speaker BERGSTROM: No, the reclassification.

Commissioner LYONS: Oh, and the reclassification study; I'm sorry. We did approve the classification study. It should be on website by in the next 24 hours. So if you want to take a look at it. And we approved it and we approved their salaries.

If you remember in last year's budget we did anticipate this and we did anticipate that there would be increases in people's salaries. Some people were going to remain the same, but we did -- we know that some people were not classified

properly. So those reclassifications will be retroed back to July of 2014 or June -- yeah, July 1 of 2014. And the money is there and I think it might be a nice little thing for people at this time of year. We could have done it from January, but we had it; we'll give it.

Speaker BERGSTROM: Marcia, did you have a question?

Ms. KING: Yes, I have a question on that. So, in the budget if I remember correctly, there was a 2 percent raise across the board.

Commissioner LYONS: Yes.

Ms. KING: So what is the increase that -- and how many people are affected by this reclassification? So, I guess what I want to know to some extent is 10 people now, we're talking a 5, 6, 7 percent increase?

Because on top of that, we also have steps. So I would like actually a breakdown of how much the money is costing and, totally, what are we talking about here?

Commissioner LYONS: Well, I can tell you that we're talking about \$23,000 is what it's going to be for an annual. I mean it's really not that much. Most people were in the right place. I don't have the breakdown, but I'll ask Michael and Bob Lawton to get it to you.

Ms. KING: Thank you.

Speaker BERGSTROM: Is there a number of employees that have maxed out in their steps? I mean is there a max in steps?

Commissioner LYONS: There is a max on steps.

Speaker BERGSTROM: Okay.

Commissioner LYONS: And some have. And some will remain at that and just get COLA's and nothing further.

Speaker BERGSTROM: Okay. Yes, Deborah.

Ms. MCCUTCHEON: I just had a brief question about an event that I understand occurred over the last several days involving an employee of Barnstable County.

Was that identified for discussion on your agenda without notice to her under the public -- the Open Meeting Law? Do you have anything to say about why you didn't give notice to her?

Commissioner LYONS: I think that was a miscommunication.

Ms. MCCUTCHEON: Well, my concern is twofold. It's, in part, the Open Meeting Law is to protect the employees due process rights. And the second is to protect the employer should they take adverse action. And I'm wondering had you consulted with counsel before you put it on your agenda?

Commissioner LYONS: We did. We did and she is not an employee. She is a contracted person. So there is a difference in the requirements. She was aware that there was going to be a vote that day. It wasn't to discuss her; it was to take a vote because she had submitted at that time her resignation.

Before the meeting occurred, she withdrew it. She then requested -- so she was there. She was given the entire time she wanted to speak. We asked her if she wanted to do it in closed session or open session. She wanted to be able to speak her piece there and people did speak on her behalf. So I think that that's been taken care

of.

Ms. MCCUTCHEON: I guess my question, just a brief follow-up, was it your understanding or was it the advice from your counsel that contract employees should be treated different from a County employee under the Open Meeting Law?

Commissioner LYONS: I'm not sure what your question -- could you state that again.

Ms. MCCUTCHEON: Well, you seemed to draw a distinction in answering my question. As between an ordinary employee and someone who is under some kind of a contract, was it your understanding that there is such a distinction under the Open Meeting Law?

Commissioner LYONS: Yes.

Ms. MCCUTCHEON: I see. Okay. Thank you.

Speaker BERGSTROM: Sheila, just one thing to clear up that. When you say this contract employee submitted her resignation, who did she submit it to?

Commissioner LYONS: She submitted it to the Commissioners.

Speaker BERGSTROM: Just to the Commissioners.

Commissioner LYONS: Yes.

Speaker BERGSTROM: Okay. So you were acting on her or not on her --

Commissioner LYONS: We are responsible for her position.

Speaker BERGSTROM: Okay.

Commissioner LYONS: And we are the direct person. So she had first offered that to Beth Albert. Beth said to her she was not the appropriate person. She wasn't directed, so she went to the Commission.

Speaker BERGSTROM: Okay. That makes sense. All right. Well, thank you.

Commissioner LYONS: Thank you. And I won't be able to stay for dinner, but I will come over and have a glass of cheer with all of you tonight.

Speaker BERGSTROM: Only one glass though.

Commissioner LYONS: Only one glass because I have to go home and do some work.

Tributes:

Speaker BERGSTROM: Okay. Okay. Moving right along, the Agenda 9 item, we have a tribute, similar, from the Assembly of Delegates. I think we've got them here.

I will start with Dick. He couldn't be here, as you know, because of the unfortunate passing of his mother, but I will read this tribute to him from the Assembly.

We the Members of the Barnstable County Assembly of Delegates hereby recognize and pay tribute to the exceptional record of service by our colleague Richard J. Anderson, Delegate from the town of Bourne since January of 2007. I think Dick and I both started together.

Richard J. Anderson has in numerous ways demonstrated qualities of leadership and commitment as a public servant that have contributed to the

accomplishments of the Assembly of Delegates in Barnstable County, and we thank Richard for his outstanding work as a Delegate.

Richard J. Anderson's held several leadership positions during the past four terms, and he has diligently supported those measures important not only to his community but to the entire County.

It is not possible to recount the extensive involvement of Delegate Anderson on County issues, so we cite the following examples.

Richard served as the Deputy Speaker of the Assembly of Delegates from January 2011 through December of 2012. Richard served on various standing committees including Natural Resources and Government Regulations, as an alternate to Economic Affairs, and most recently as Chairman of the Standing Committee on Public Services and was very active on every committee in which he served.

Richard has a sound background and solid experience in government and he provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Richard J. Anderson earned the respect of his fellow Delegates because of his fairness and forthrightness on issues.

And Richard leaves office, those of us privileged enough to have served with him on the Assembly of Delegates express our gratitude for his dedication and wish him success in his future endeavors.

And it is signed the 13th session of the Assembly of Delegates by those of us who remain.

Okay. Now, we'll move on to Cheryl Andrews.

We, the members of the Barnstable County Assembly of Delegates hereby recognize and pay tribute to the exceptional record of service by our colleague, Cheryl L. Andrews, Delegate from the town of Provincetown since January 2011.

Cheryl L. Andrews has in numerous ways demonstrated qualities of leadership and commitment as a public servant that have contributed to the accomplishments of the Assembly of Delegates in Barnstable County. And we thank Cheryl for her outstanding work as a Delegate.

Cheryl L. Andrews has served two terms, and she has diligently supported those measures important not only to her own community but to the entire County. It is not possible to recount the extensive involvement of Delegate Andrews on County issues so we cite the following examples.

Cheryl served on various Standing Committees including Public Services and Natural Resources and as an alternate to Finance and was very active on every committee in which she served.

Cheryl has a sound background and solid experience in government, and she provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Cheryl L. Andrews has earned the respect of her fellow Delegates because of her fairness and forthrightness on issues.

As Cheryl leaves office, those of us privileged enough to have served with her on the Assembly of Delegates express our gratitude for her dedication and wish her success in her future endeavors.

It is signed by the members of the committee.

And I don't know how much success you're going to have in your future endeavors. It doesn't look good up there but I'm sure you'll straighten things out.

Ms. ANDREWS: Ron, you're going to have to come visit us up there after saying that. It's wonderful in Provincetown, especially this time of year with the lovely lights off the monument, and we have a lobster pot Christmas tree right in the center of town. Everything's just fine.

Speaker BERGSTROM: I've always wanted to see Provincetown in January.

Ms. ANDREWS: We'll have a snowstorm and invite you.

Speaker BERGSTROM: Now, Leo G. Cakounes.

Mr. CAKOUNES: Oh God.

Speaker BERGSTROM: We, the members of the Barnstable County Assembly of Delegates hereby recognize and pay tribute to the exceptional record of service by our colleague, Leo G. Cakounes, Delegate from the town of Harwich since January 2009.

Leo G. Cakounes has in numerous ways demonstrated the qualities of leadership and commitment as a public servant that have contributed to the accomplishments of the Assembly of Delegates in Barnstable County. And we thank Leo for his outstanding work as a Delegate.

Leo G. Cakounes has served three terms and he has diligently supported those measures important not only to his own community but to the entire County. It is not possible to recount the extensive involvement of Delegate Cakounes, and that's an understatement, on County issues so we cite the following examples.

Leo served on the 2010 County Charter Review Committee and supported ideas and generated interest in delivering high-quality regional services to the citizens and towns of Cape Cod.

Leo served on various committees including Finance, Economic Affairs, and Natural Resources as Vice Chairman, as an Alternate to Public Services and Finance, and as Committee Member of the 2012 Special Committee on Inquiry into the Cape Light Compact and Cape and Vineyard Electric Cooperative and was very active on every committee in which he served.

Leo has a sound background and solid experience in government and he provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Leo G. Cakounes earned the respect of his fellow Delegates because of his fairness and forthrightness on issues. As Leo leaves office, those of us privileged enough to have served with him on the Assembly of Delegates express our gratitude for his dedication and wish him success in his future endeavors.

Signed by all the members of the Assembly. Leo.

Ms. ANDREWS: Aren't you going to comment on his future endeavors, Mr. Speaker?

Speaker BERGSTROM: Well --

Mr. CAKOUNES: Here's my new card. Do I get to say something?

Speaker BERGSTROM: Say something, Leo. Have you ever not said

something?

Ms. ANDREWS: Oh, it's a roast. Let's go.

Mr. CAKOUNES: I know you're all having fun with this and that's okay, but I want to tell you when I made the decision to throw my hat in the ring, one of my biggest fears or one of my biggest disappointments is that I was going to leave this board.

I want to tell you all seriously, I can't thank you enough. You've made me a different person. We've had a lot of fun. And I certainly look forward in the future to continue to work with you.

I know that you guys have kid me a lot and I know I go on sometimes and maybe talk too much on certain issues, but I really want to say that each and every one of you have certainly impacted my six years of service here. And I leave here with a lot of pride and that's because of all of you. And I really want to thank you all for that.

Ms. ANDREWS: Mr. Speaker?

Speaker BERGSTROM: Yes.

Ms. ANDREWS: I won't talk as much but ditto. I've really enjoyed working with all of you. If it wasn't for the fact that I needed to help at home, I would've stayed and happily run again for another term.

What's exciting for me will be to watch you. You know, we've done some neat things and I'm hoping that going into the future you'll expand on them and talk more with your speaker about the role and relationship with County Commissioners.

I'll look forward to it. So thanks.

Speaker BERGSTROM: Okay. Well, I'm sure we'll be seeing a bit of both of you or hearing about it or reading about it certainly.

Now --

Mr. CAKOUNES: I know you will be.

Speaker BERGSTROM: Now, moving along to the dean of this small group of departing Delegates, Anthony F. Scalese.

Mr. SCALESE: Oh, Dean.

Speaker BERGSTROM: We, the members of the Barnstable County Assembly of Delegates hereby recognize and pay tribute to the exceptional record of service by our colleague, Anthony F. Scalese, Delegate from the town of Brewster since January of 2001.

Anthony F. Scalese has in numerous ways demonstrated qualities of leadership and commitment as a public servant that have contributed to the accomplishments of the Assembly of Delegates of Barnstable County, and we thank Anthony for his outstanding work as a Delegate.

Anthony F. Scalese has served seven terms and he has diligently supported those measures important not only to his own community but to the entire County. It is not possible to recount the extensive involvement of Delegate Scalese on County issues, so we cite the following examples.

Anthony served on various committees including Health and Human Services and Public Services, as an Alternate to Public Services and as Vice Chairman of the Standing Committee on Economic Affairs and was very active on

every committee in which he served.

Anthony has a sound background and solid experience in government and provided effective insight and recommendations when reviewing the County's fiscal policies and expenditures.

Anthony F. Scalese earned the respect of his fellow Delegates because of his fairness and forthrightness on issues. As Anthony leaves office, those of us privileged enough to have served with him on the Assembly of Delegates express our gratitude for his dedication and wish him success in his future endeavors.

And it is signed December 17 by the 13th session of the Assembly of Delegates. Tony, we know you struggled to get here. I hope to see you running the marathon next year.

Mr. SCALESE: I wouldn't be able to walk the marathon. Thanks. Can I say a couple of things?

Speaker BERGSTROM: Shoot. Go right ahead.

Mr. SCALESE: I want to thank you. I don't know if this is on or it's off. Here it is. This has been a very important part of my life for the last 14 years and I've enjoyed every moment of it. I've met some great people. I think we've accomplished a lot over the course of the last 14 years and it could not have been done without this board of everybody that served as a Delegate.

I've enjoyed every moment of it, and I'm going to miss you all. And the fact of the matter is I wish I could've stayed another couple of terms but I'm just not able to.

But I want to thank everybody for their support. You've all been very good to me and I appreciate it. And I want to thank you, and I wish you the best of luck in the future. Merry Christmas and healthy New Years from here on in. Thank you, very much.

Speaker BERGSTROM: Thank you, Tony. Okay. Moving along now.

Do we have any communications from Public Officials?

Do we have Communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: Now, the Assembly will now convene, and we will begin with consideration and vote on repassage regarding a County Commissioner's disapproval of Ordinance 14-07. Do you have a copy of the Ordinance in front of you?

As you know, we passed this Ordinance a couple of sessions ago. The Commissioners have disapproved it, and now it bounced back in our laps so I'll open it up to discussion.

If anyone wants to -- we have to put it on the floor.

Ordinance 14-07/ Consideration to re-pass/override:

Mr. CAKOUNES: I'll make a motion that we move to approve Ordinance -- and, I'm sorry, is it 14-07 that we're doing first?

Speaker BERGSTROM: Repass/ override.

Mr. CAKOUNES: Thank you. 14-07.

Speaker BERGSTROM: Do we have a second?

Ms. KING: Second.

Mr. PRINCI: Second.

Speaker BERGSTROM: Okay. Do we have any comment on that? You've received communications from the Commissioners on their reasoning?

Yes. Marcia.

Ms. KING: No, could you mention what it is again for the public or for the tapings so everybody knows what we're talking about.

Mr. CAKOUNES: Can I do that, Mr. Speaker?

Ms. KING: Yes. Sure.

Mr. CAKOUNES: Thank you, Mr. Speaker. Just to remind all of you Ordinance 14-07 was passed here at our -- not the last session but the one before that.

This is the Ordinance which requires or is asking for \$10,000 to be transferred from a particular line item in the budget, Legal Services, and to be transferred to a line item under the Assembly of Delegates budget, Legal Services. And it is for the purposes of special counsel for matters relating to the separation of powers and pursuant to the County Charter.

So it's basically -- this is the one that was just the transfers of monies from Line Item A to Line Item B.

Speaker BERGSTROM: Okay. Anything else on that? If not, we will take a vote.

Clerk O'CONNELL: And just a reminder, this Ordinance needs to pass now by two-thirds.

Mr. CAKOUNES: I'd like to comment on it then, please.

Speaker BERGSTROM: Go ahead.

Mr. CAKOUNES: Thank you. Not to belabor this, but we did have quite a bit of discussion on this before. I just want to remind everyone one of the reasons why that I supported this and I will support it now is because, again, it is not encumbering this money. It is transferring it from specific line item under Shared Services or Shared Costs to the Assembly's line item budget.

It is basically telling the world out there that we, the Assembly, are planning on expending some monies and there may be a future for this purpose. And I believe that I said the last time when we talked about this that I think it's important because I'm hoping that in the beginning of next year the new Assembly will be looking, taking a closer look at our current fiscal budget of which this one transfers the money from. And this is telling them that we're anticipating some costs coming down the road.

So I ask for your support on this.

Speaker BERGSTROM: Okay. Just to comment quickly, and Leo's explanation, is that this is a budget transfer. It was given with a purpose in mind, but the purpose doesn't really affect, in my view, the budget transfer. In other words, we're transferring the funds. We could tell people what we use them for, but, in a sense, the real effect of this is to transfer the money. It's a transfer so.

I mean I believe that the Assembly has the right to transfer money from one account to another with a simple Ordinance and I don't see that there should be an issue on this.

So, I guess with that, unless there's somebody else. Yes.

Ms. MCCUTCHEON: I'd just like to point out that I think the letter from Mr. Brillhart in his counsel's opinion demonstrated the need for us to have this money available to us.

You know, often lawyers get called mouthpieces, you know, that's because the client hires them and they say what the client wants or as close as they can get to it. And I think that we need to have our own mouthpieces.

So I move that we support this.

Speaker BERGSTROM: Okay. All right.

Ordinance 14-07:

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 two-thousand and fifteen.

The sum set forth in section one, for the several purposes set forth therein and subject to the conditions set forth in sections four through twelve of Barnstable County Ordinance 14-02, are hereby transferred from the County appropriated Legal Services account (Budget 0019102-5235) to the designated budget group as transferred appropriations for Barnstable County for the fiscal year ending June thirtieth, two thousand and fifteen.

To: Account #0011302-5235 Legal Services, \$10,000 for Special Counsel for matters relating to the separation of powers pursuant to the County Charter.

Roll Call Vote to Re-pass/Override Ordinance 14-07:

Voting YES (67.36%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster).

Voting NO (23.49%): Teresa Martin (2.30% - Eastham), John Ohman (6.58% - Dennis), Julia Taylor (14.61% - Falmouth).

Absent (9.15%): Richard Anderson (9.15% - Bourne).

Clerk O'CONNELL: Mr. Speaker, Override or Overpass on Ordinance 14-07 passes with 67.36 percent of the Delegates voting yes; 23.49 percent no; 9.15 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 67.36 percent voting "yes";

VOTED: To re-pass/override Ordinance 14-07.

Speaker BERGSTROM: Let that be a lesson to you small communities then. Every vote and every percentage is critical in making a decision one way or another.

Ms. ANDREWS: We learned that.

Ordinance 14-07/ Consideration to re-pass/override:

Speaker BERGSTROM: Okay. Moving right along, we now take up the County Commissioners disapproval of Ordinance 14-08. I don't know if you have this in front of you. It speaks to the transfer of monies from either special -- in other words, it speaks to the requirement for the Commissioners to inform the Assembly of any transfers. Do you guys have it?

Mr. CAKOUNES: I have it, Mr. Speaker, if you'd like.

Speaker BERGSTROM: Yes.

Deputy Speaker MARTIN: For the people at home.

Speaker BERGSTROM: What's that?

Deputy Speaker MARTIN: For the people at home too.

Speaker BERGSTROM: Yeah, okay. Well, I will read it. Ordinance 14-08. Cape Cod Regional Government, known as Barnstable County, hereby ordains upon the passage of the Barnstable County budget for any or all fiscal years, no transfers of money from either a special revenue account, reserve account, savings account or any account in which unrestricted funds are placed shall be transferred into the County budget for the purpose of increasing or supplementing the income revenue if it falls short of the projection for that fiscal year.

Such a transfer shall require an Ordinance and follow the procedures in which the full Assembly of Delegates shall be notified of said shortfall and projected revenue at which time a vote shall occur to transfer funds from a specific unrestricted accounts to supplement the projected income revenue or an amendment proposed to cut the expense-side of that fiscal year budget thus restoring a balanced budget.

And this was adopted by us on November 19, 2014; disapproved by the Board of Regional Commissioners on December 3.

I think it pretty straightforward says that they transfer funds from unrestricted accounts to cover shortfalls in budgets that are listed in the yearly budget and the annual budget, they have to have an Ordinance to do that rather than promiscuously transfer these things around.

So, do we understand that?

Mr. CAKOUNES: I would move Proposed Ordinance 14-08 for an override vote.

Mr. PRINCI: Second.

Speaker BERGSTROM: Moved and seconded. Okay. Is there any further discussion on that? Yes, Suzanne.

Ms. MCAULIFFE: Yes, because we don't have any sort of regular updates on budget -- on what's going on with the budget during the year, we don't have a monthly report or even a quarterly report.

Sometimes when we do our annual budget, there are things from the previous year that come up. I think we'd be better informed to work on our current budget if

we knew what was going on in the budget that we were in.

So I look at this as a way for us to have a little bit better handle on what we need to know in order to make good decisions about our spending.

So this may not be the end all/be all. We may decide if we do want regular reports down the road. But until we have that, I think this is essential for us to have all the information we need.

Speaker BERGSTROM: Okay. Yes, Leo.

Mr. CAKOUNES: I said it when I proposed this three weeks ago and I'll say it again; this is good municipal financing.

Just so you know, I have run this Ordinance by a number of different financial offices in different towns and none of them saw any problem with it. In fact, they were quite surprised that it's not a practice that is in place right now.

You have to keep in mind that the legislative body of Barnstable County meets by Charter every two weeks. So this is a situation that is kind of a little unusual in other towns where their legislative body only meets once a year at an annual meeting and then possibly called back again for Special Town Meetings.

So this needs to be done. And last year was a good example why it needs to be done. And, quite frankly, the year that we're in right now is an excellent example of why it needs to be done. We've been told that by our Registry of Deeds that we're running about where we were last year and with revenues we're a little lower in the deeds revenue but a little higher in the business revenue. So we're running about where we were last year, and last year we came in \$800,000 shy of projected income.

So I'm very nervous about this and you will be hearing a lot more of it from me on it, and I'm hoping that you will unanimously pass this as you did the first time around. Thank you.

Speaker BERGSTROM: Yes, Teresa.

Deputy Speaker MARTIN: I, too, think it's a good idea. I think it's an important part of the balance puzzle. And I also think it is a way to ensure that really important communication about financial status happenings because our other communication channels don't always work perhaps as well as they should. And this structure mandates that at least an essential financial communication is going to happen if any change happens.

So I think it's a very positive thing that we should do.

Speaker BERGSTROM: Yes, Pat.

Mr. PRINCI: Just quickly, one of the reasons I am a cosponsor is the same. It's good government. It's not as if if the Commissioners need that money they can just come before us; we can talk about it. If we want to move it over and there are no problems, we certainly can.

It's something that should be done and I would urge all members to please support this and override the County Commissioners.

Speaker BERGSTROM: Okay. Well, in that case, we will take a vote.

Ordinance 14-08:

The Cape Cod regional government, known as Barnstable County hereby ordains:

Upon the passage of the Barnstable county budget for any (all) fiscal year(s), no transfers of monies from either a Special Revenue Account, Reserve Account, Savings Account, or any account in which unrestricted funds are placed, shall be transferred into the county budget for the purpose of increasing (supplementing) the income revenue if it falls short of the projection for that fiscal year. Such a transfer shall require an ordinance and follow the procedure in which the full Assembly of Delegates shall be notified of said shortfall of projected revenue. At which time a vote shall occur to transfer funds from a specific unrestricted account(s) to supplement the projected income revenue or an amendment proposed to cut the expense side of that fiscal year budget thus restoring a balanced budget.

Roll Call Vote to Re-pass/Override Ordinance 14-08:

Voting YES (90.85%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), 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), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (9.15%): Richard Anderson (9.15% - Bourne).

Clerk O'CONNELL: Mr. Speaker, Ordinance 14-08 overrides or repasses by a vote of 90.85 percent of the Delegates saying yes; 9.15 percent absent.

Whereupon, it was moved, seconded, and by a roll call vote with 90.85 percent voting "yes";

VOTED: To re-pass/override Ordinance 14-08.

Speaker BERGSTROM: Okay. And by the way, it's not your last vote. We still have one more vote to take at the end of the meeting, but we're going to have to do a few things before that. Okay.

Mr. CAKOUNES: I'm not voting to adjourn. I don't want to go home.

Speaker BERGSTROM: Okay. We now have Committee Reports. Do we have any -- I don't think any committee met over the last -- okay.

Okay. We have a report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Okay. Just a few items quickly and you won't have to, you know, put up with me hounding you about these anymore after today.

Committee assignments are due for those of you who have not turned them in. Conflict of interest forms if you have not completed them yet, today would be the day to hand those to me.

Reminder about the MMA Conference. We're getting close to deadline on

that to get reservations in.

I just want to remind everyone that your Election Certification Form has been completed by the County Clerk, that would be me, and those are in your folder today. So, you may want to take those. They're in a separate envelope.

Also, your mileage logs are due. Those are also in your folder today. If you can get those signed and turned into me.

Last but not least, the centerpieces that are in front of you adjacent or right next to your name tag, those are yours. And I want to remind the Delegates who will not be returning that they can slide out their nameplates and take those along as well, just leave me the brass holders. Budget; I can't reorder those.

And that's it, and Happy Holidays to everyone.

Other Business

Speaker BERGSTROM: Okay. Thank you. Under "Other Business," Leo has put this on the agenda, and I'll turn it over to him.

Mr. CAKOUNES: Thank you, Mr. Speaker, for putting this on the agenda. Last -- not today's meeting, but the last week's meeting, I attended the County Commissioners meeting and they spoke briefly on the procedure for hiring a new County Administrator.

The reason why I asked this to be put on the agenda is because I thought that in the Commissioners' report they may mention it and I wanted basically to see if I could spur some input from the Delegates and knowing that when it's not on the agenda we can't really do that. So I just didn't want this to be a simple report.

I'm not looking to turn this into an hour-long discussion. Basically, what I would like to do, because once again you all know I am moving on, and this will be one of my first things that I'll be involved in.

So my question to the Delegates, and you don't really need to respond today, maybe you want to wait until you convene at the new Assembly. But I do want you to be aware of the fact that there is going to be a search committee, I believe this is what's going to happen because this is what was kind of alluded to at the Commissioners meeting.

There will be a search committee formed. The search committee could be anywhere from five members to seven and then that search committee is going to be working with an organization or a company that helps put together the criteria for the search. And then there will be either 3 or 4 of the top selections will be forwarded to the County Commissioners for their interview and their review.

So my direct question is, do you have any preference or any ideas onto who or how the makeup of that search committee should be? Just to give you some ideas in why this kind of came to me is because I've heard some suggestions that the search committee be made up strictly of already Town Administrators here on the Cape. I've heard that the search committee should be made up of people having absolutely nothing to do with County government, people who are recommended by either Selectmen or the towns.

And then I, personally, have an opinion. I believe that it should be made up

of different areas, some recommended maybe from the Assembly, somebody recommended maybe from the workers themselves here in the County, and then culminating with a couple of ad hoc, I guess, members from the community.

So, once again, I just want to thank the Speaker for putting this on. I'm not looking for a decision, just looking for some input and giving you kind of a head's up that I think the Assembly should be involved at some point with at least suggesting who the -- on how this search committee should be made up. This is going to be the first County Administrator that we have hired in a number of years, and I do believe it's probably the most important thing that I'm going to be involved in as your new County Commissioner. So I really would like to ask for your help and suggestions on how you think we should go on this. Just, again, for discussion reasons.

I do want it on the record that I by no means think that the legislative body has the power or the authority to be hiring the new Administrator. That is, by definition in the Charter, the authority of the County Commissioners. So I cannot stress enough this is not a moment to step on anyone's toes. I just want to know what you guys think. You all have been through this on your towns. I know Ms. Andrews has been going through it right now with her town. I went through it in the town of Harwich, and I think to have members here at the Assembly which all have direct connections to their towns and experience in this, it would not be the right thing to do not to at least ask your opinion.

So, with that, I'd like to just thank you all. If you have two cents you want to throw in, please do.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, we, a few years ago, went through a hiring of a Town Administrator, Bob Lawton. And he might be an excellent resource in terms of how all encompassing, wide ranging our particular interview process was. We brought candidates in, had them meet everyone in town so that they really got a good look at what the job was going to be.

And depending on how big the County wants to go and what sort of group that you have, did I hear you say that there's going to be a group that's going to lead you through the, perhaps, a list of candidates and --

Mr. CAKOUNES: Yes.

Ms. MCAULIFFE: So depending on that group, they may even set this up for you. We approached it much more like the hiring of a CEO as opposed to a small, you know, group in town hiring an Administrator. And I think you got an excellent result just because all the candidates really got to know the town a little bit and all the players, and everybody in town got to meet the candidates, and I'm talking about School Committee, Finance Committee, senior groups, obviously much more in depth.

But I think at the County level, something like that in such an important decision might be worth considering.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: Okay. Yes, Julia.

Ms. TAYLOR: Leo, I just did appreciate your mentioning who was really going to be hiring. And, fortunately, of course it's going to be you. But, did I catch

that we are hiring a search professional because I would think that at least on the committee there should be some human resource-type professional help.

Mr. CAKOUNES: If I may respond to that? I just want to tell you for the record that no vote/no action was taken. At that meeting two weeks ago, it was just a discussion on the possible procedure. What was kind of, and there was no vote, but there was some nodding of heads is that there would be -- and I'm sorry I'm missing the term that's used, but there's a company that you hire that handles the advertising, the collecting of the résumés, and kind of like the first making sure that you're doing everything following the correct legal procedures because some people do want to have anonymity and do want to make sure that their name isn't out there when they're looking for a job.

So there was a discussion on hiring a firm like that. And then there was also a discussion on the makeup of a search committee and even if we want the search committee. I asked the question right out, you know, I was on the town of Harwich's search committee for our new Town Manager. So I had told them that, you know, we got 60 résumés. I said, "Do you want -- do you want the new County Commissioners -- do you want all 60 résumés? Do you want to be the search committee?" And that discussion was -- it went very well. Most of them nodded no.

So I have a feeling we're going to be going with some kind of a review committee made up, again, members of the public.

Mr. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. TAYLOR: I guess my main suggestion would be that in addition to perhaps hiring the firm that solicits --

Speaker BERGSTROM: Headhunters, I think.

Mr. TAYLOR: -- the headhunters, that there be someone from the Cape with a human resources background, professional background that would be on the committee. It wouldn't have to be someone connected to the County but just someone in that field on a search committee.

Speaker BERGSTROM: Okay. Deborah, do you want to answer that?

MS. MCCUTHEON: You know I like to kind of throw my two cents in on just about everything. Before you get to the headhunters and the interviews and the people who are deciding, I'd urge the Commissioners to look very carefully at a detailed job description and to eliminate some of the conflicts that existed for the last Administrator.

And, for example, I think there was a conflict and it was a very hard one for this individual being responsible for other corporations and other businesses besides the County. And I should think that that would be something that you'd want to look at before you hired somebody.

Speaker BERGSTROM: Okay. I'd just like to add one thing that I think that Leo touched on but I've been involved in a couple of these searchers too. It's very important to understand that until the list is winnowed down to a few candidates who will then go before the Commissioners, it's essential that most of the résumés be kept confidential because people are not going to want/have their current employers know that they're looking for a job somewhere else.

So, basically, once this committee is formed, they sort of go underground, you know, and they will then, in turn, narrow down the list. And if this goes as the normal procedure, they'll be, let's say, less than half a dozen candidates left and those people will then testify in public as to their, you know, as to what their qualifications are.

So we can't be raising our hands and say, "Hey, how's it going" because they're probably not going to tell us. There's a reason for that.

Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. Leo, I have the unfortunate experience now, on top of having sat on some search committees that were very successful, I just sat on one that was not. And what came out of that, unfortunately came out after the fact, which was that I had a Board of Selectmen that didn't really share its vision of what we were looking for.

When that happens, your search committee can be the most wonderful search committee in the world and a great headhunter and then you end up with candidates that your board can't rally around. What a disaster. So, well, some people don't think it's a disaster but it's been difficult.

Some my suggestion to you is learn from our mistake. The three Commissioners can put it on the agenda. You don't talk about people; you talk about attributes that you're looking for in a candidate and maybe even rate those attributes so that you understand which ones you all agree are really important versus maybe some that is sort of medium versus some you disagree on.

If we had done that way back in May potentially, we would have recognized that we had an issue that we needed to deal with and wouldn't have spent our entire summer the way we did. So, sometimes you learn from a mistake.

So that would be my message to you. I hope the Speaker or whoever is the next Speaker of the Assembly serves on this screening committee. That's just my three cents on that one but good luck to you all. Thanks.

Mr. CAKOUNES: Thanks, guys.

Speaker BERGSTROM: Yes, I think Bob Lawton would be a good candidate too. I know Bob. He's been around for a while and he's not -- he's only under contract till June but that's up to the Commissioners.

Anyway, is there any other business to be brought before? Hearing that, I need a --

Deputy Speaker MARTIN: Motion to adjourn.

Speaker BERGSTROM: -- I need a motion to put to bed this 13th Session of the Cape Cod Regional Assembly of Delegates.

Deputy Speaker MARTIN: So moved.

Mr. SCALESE: Second.

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

Okay. Now that's your last vote.

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:55 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates