

**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 - December 2, 2015**

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, December 2<sup>nd</sup> session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this meeting?

MR. ALBRIGHT: Yes

Speaker BERGSTROM: Yes, so we're having a recording other than a normal recording.

I'll now call this meeting to order. We'll begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (97.70%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% -Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), 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 (2.30%): Teresa Martin (2.30% - Eastham).**

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 97.70 percent of the Delegates present; 2.30 percent absent.

Speaker BERGSTROM: Thank you.

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

Deputy Speaker MCCUTCHEON: Move approval of the Calendar.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: All those in favor? Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of November 18, 2015. Any additions or corrections to the Journal?

Mr. O'MALLEY: I'll move approval as posted.

Mr. MCMANUS: Second.

Speaker BERGSTROM: All those in favor? Opposed?

(Motion carried.)

Communications from the Board of Regional Commissioners

Discussion: Fire Training Update

Speaker BERGSTROM: Okay. We have the County Commissioners with us today. Welcome. Did you have a meeting this afternoon?

Commissioner LYONS: We did. Good afternoon, everyone. Today we did meet. We opened our meeting at 12 and we did -- we just basically did a few things here.

There's going to be a relay race at the Outer Cape area so there was a request to use the parking lot of the District Courthouse there in Orleans. That was approved.

We have handed over two Ordinances for you. One is a supplemental appropriation from the Vehicle Replacement Reserve to the Facilities Department for the amount of \$39,946 for the purchase of a sand truck. The sand truck that we have is rotted out and really can't be replaced economically. So, hopefully, we will be housing these vehicles so that they don't have that happen to them.

We approved a cooperative agreement with the town of Barnstable for dredging out of Barnstable Harbor, and that's for the amount of \$135,500.

We had an internal and external communication with the Fire Academy. And, basically, we had a special meeting on a Saturday. So at that meeting we did request their operations manual and what do they have in it so that we could review that to make sure that things were being done according to our requests and assumptions. And it does look like we are, but we are going to be looking through that book more carefully.

And we had an update on the selection process of the legal firm to serve the County on the environmental matters of the Fire Training rescue. So we voted to give Mr. Brillhart the authority to interview firms and to make that decision to expedite this process, but it seems like it's probably going at the same pace. So he has solicited the help of various, like, Tom Cambareri people who are familiar with the expertise of these firms and, hopefully, we will have a name next week of who we're going to be working with and finally getting some resolution to our interaction with the town of Barnstable.

And that was really about it.

Speaker BERGSTROM: Yes, do you want to say something, Leo, before we get into questions?

Commissioner CAKOUNES: Just one. Thank you. Yes, you missed one. You mentioned that we did have two Ordinances.

Commissioner LYONS: I did. Oh.

Commissioner CAKOUNES: You mentioned the first which is replacing the vehicle, and there's also a very important Ordinance which you just passed in which is re-designating the \$250,000 that we have in our current budget --

Commissioner LYONS: I did miss that.

Commissioner CAKOUNES: -- that we were anticipating on bonding, and I'm taking personal responsibility for this one because when we originally put the budget together, we used the term "redesign" as opposed to construction. And we were told by our bonding agents that we couldn't use the money for actual construction. And now we're going back and changing that wording meeting the requirements, and that will be before you in discussion. It's very important because this is going to help us with our immediate needs.

And the only other thing, and it didn't happen at our meeting, but as we left our meeting, I got an interoffice memorandum envelope that you sign for and it's from our

Department of Health. And it's in regards to that SPICE problem that we, the Commissioners, brought forth to you a while back.

Our Board of Health department has come together with a model bylaw, and I encourage all of you to reach out to the Barnstable County Health Department and follow up on this. It's an extremely important issue, and I'm glad to say that it's out.

And according to the memo that we got, all of your health agents will be getting it, so please follow up on it because it's a really important issue for the people of Barnstable County.

Thank you.

Speaker BERGSTROM: I saw a hand up, Ed.

Commissioner LYONS: Wait a minute. One more thing.

Commissioner FLYNN: Could I just clarify something? I think, Leo, I think you know but I think you got it backwards. The money was for construction because DCAM (Department of Capital Asset Management) doesn't look favorably on design as part of cost.

You can't use money just for design. You use it for construction and design can be part of it. Just so --

Commissioner LYONS: That's right.

Commissioner CAKOUNES: That's not correct but I won't argue that at this point.

Speaker BERGSTROM: Okay. Ed.

Mr. LEWIS: Yes, I want to comment, if I may, about the so-called special meeting or emergency meeting that was held on Saturday.

Number one, I don't know how it was posted. I'm sure it was posted legally. I'm not saying it wasn't; I'm sure it was.

Commissioner CAKOUNES: It was.

Mr. LEWIS: But there was no -- absolutely no communication to the Assembly via our normal email where Alisa usually sends out an agenda and anything like that. So the only way we found out about is the article in the Cape Cod Times on Sunday morning.

And I wrote an email, so I want the Assembly to be aware of it, that I realize you're under no legal obligation to advise us. There was a committee that's been put together. I believe the Commissioners put it together on which three members of the Assembly sit: Mr. McManus, Mrs. Martin, and myself, the Barnstable County, I don't know the acronym for it, but it's for the Fire Training Academy including four fire chiefs that are on that.

And it would've been, I think, courteous if we had been notified so we would have the option to coming to this meeting and at least voicing any opinions we might have as to what was going on.

I think this issue where you have Assembly members that are on a committee and you decide to have this emergency meeting without notifying those shows that you're sort of respect for this body, the Assembly members that are on it and the body as a whole, is we're a necessary evil and not people who participate in County government.

So to read about this in the press without -- that they obviously had some kind of knowledge. Somebody tipped them off to look at the meeting on the Web. And someone looked at it to print an article because if it's in the Cape Cod Times on Sunday morning, it means they found out about it within a few hours after your meeting on Saturday. And then they looked at the website and looked at the meeting and maybe called some people and got some quotes. And we're blindsided in getting it and have no opportunity to at least have people there other than those people that you wanted there. And I think that's a mistake and

I don't like that. And I think that's disrespectful to this group and to that committee.

Commissioner LYONS: If I could just address this. The notice for that meeting probably did not go out until about 6 o'clock.

Commissioner CAKOUNES: 9:05 at night.

Commissioner LYONS: 9:05 at night. And when I spoke with Alisa, I did say to her, "Write this up and make sure you send it to all the parties that you normally send it to, and then we have to have it posted on the door. We have to, you know, because I got the language, what I had to do, or the direction of what I had to do. But I did specifically ask that it be sent to the Assembly. I didn't know if anybody would be able to go, but I wanted it there so that you knew that there was a meeting if anybody had questions about it.

And it was an open meeting. It wasn't as though it was an executive meeting. And Tom Cambareri did not see that email either until after the meeting because I got an email saying he just got it.

Speaker BERGSTROM: Sheila, what date was this meeting held?

Commissioner CAKOUNES: November 21<sup>st</sup>.

Commissioner LYONS: No. It was November 19<sup>th</sup>. It was a Saturday.

Speaker BERGSTROM: So it wasn't last Saturday but it was the Saturday before that.

Commissioner LYONS: It was the Saturday before that, correct.

Speaker BERGSTROM: Okay. So if it had been sent to the Assembly, in other words, there were people -- our Clerk was here and everything that was at the Assembly would've been distributed; wouldn't it?

Commissioner LYONS: No, not at 9 o'clock at night on a Friday night. The notice -- the decision to have that meeting was done at 9 o'clock at night to have a meeting the next morning.

Speaker BERGSTROM: And you didn't have to have 48-hours notice?

Commissioner LYONS: No, we did not because that is an emergency meeting and it was an appropriate call on my part.

Speaker BERGSTROM: Are you all right, Ed?

Commissioner LYONS: And I'm sorry, Ed, that you did not get it. It was not that I purposely left you out. I purposely asked that the Assembly be put on it.

Mr. LEWIS: I don't know how Alisa at 9 o'clock at night on a Friday night -- she's obviously not here.

Commissioner CAKOUNES: No.

Mr. LEWIS: So you're calling her at home.

Commissioner LYONS: That's correct.

Commissioner CAKOUNES: That's correct.

Mr. LEWIS: And asking her to send out an email from her own personal email to -- and may not have the ability to do that.

Commissioner LYONS: Correct.

Mr. LEWIS: So that when you meet on Saturday morning, nobody's been notified except the people that you personally called.

Commissioner LYONS: I didn't call anybody. We just sent out an email. It was sent -- the people I definitely wanted there were the Commissioners because I had to have their opinion on this.

You know, I think you're right because she only had in her own computer that she

can work from from home only was loaded with so many names and not all -- now that I think back at that conversation, but I did request her to get that out there. It was an emergency meeting. I apologize.

Mr. LEWIS: What would you have done, as many normal people are on a Friday night are either out with family or friends or are not home, had Alisa had not been home, does that mean you would not have had the meeting?

Commissioner LYONS: Ed –

Commissioner CAKOUNES: By law, we don't have to post it.

Commissioner LYONS: Yes, by law we don't have to post it. And, you know, your point is taken. I should have thought of even calling you and Ed specifically saying this was going to happen. So I apologize for that. It was a last minute thing and we did it according to as much -- to the best of our ability at that time.

Speaker BERGSTROM: Let me clarify how things are done and maybe it will explain it. I'm not going to excuse what went on, that's for everybody, but you sent --

Commissioner LYONS: It wasn't a deliberate thing.

Speaker BERGSTROM: No, no. If you send something -- what happens right now is if you send something to Assembly of Delegates, it goes to the Clerk and then she distributes it to us. So even if you had sent something to the Assembly of Delegates on a Friday night, it wouldn't have been automatically distributed to all of us. You would have had to have put our individual names in.

Now we can probably change that so that if this comes up again you can have an email list where you could access all of us directly from your email and that will be a lot easier.

Commissioner LYONS: I know. I should have done that. And I believe I did tag you on one of those on something I sent out. I think I sent it to you for at least having the speaker to be aware.

Speaker BERGSTROM: You probably -- if you sent it to me, it probably went right to delete. No, I'm just kidding.

Speaker BERGSTROM: So take it up -- So, Ed, take that up with Ron.

Commissioner CAKOUNES: I just wanted to, if I may, Mr. Speaker, I can see Mr. Lewis's concerns.

Commissioner LYONS: I can too.

Commissioner CAKOUNES: Absolutely the Assembly should have been notified or could have been notified. Maybe I'll even go out on a board and say should have.

But as far as the Fire Training Academy committee, there's no legal obligation to have you there. That committee has a purpose, has a charge, and has nothing to do with the day-to-day operations of the Fire Academy.

And if you want to talk about notification, all right, the meeting -- the Wednesday prior to that Friday notification or that Saturday illegal meeting -- not illegal, I'm sorry, emergency meeting, I believe it was Monday or Tuesday you guys -- the Fire Training Academy committee had a meeting and became aware of this October 17 foam discovery and neglected to tell us, the Commissioners, or anyone else about it. I, as a sitting Commissioner, had to learn about it Friday from the press.

Commissioner LYONS: Right.

Commissioner CAKOUNES: And, quite frankly, we did the right thing. We saw in

the paper that there could have possibly been a use of this foam which we the Commissioners have said not to be used on that site. And we were told -- we discovered in the press that it may possibly have been deployed there.

Now when three of us can't talk so the next best thing was to call an emergency meeting. And, quite frankly, we're not obligated to notify you and we certainly aren't obligated to notify the committee. The Assembly of Delegates, I will say, probably should have been notified because this was a -- I was very concerned about this reading it in the paper.

Commissioner LYONS: I was too.

Commissioner CAKOUNES: Come to find out on Saturday we came forward with things and we were able to keep the Fire Academy open. We had contractual obligations that needed to be met and this meeting had to be held. And I will standby that it was a correctly posted meeting and a correctly run meeting.

Commissioner LYONS: Thank you, Leo.

Mr. LEWIS: I never said, Mr. Cakounes, I never said that you had a legal obligation and, in fact, I stated that you had no legal obligation to notify us.

Commissioner LYONS: Yes, he did.

Mr. LEWIS: What I said is it would've been courteous to notify those Assembly members who were on the committee.

Commissioner CAKOUNES: And it would've been equally courteous for the committee to notify this board on the Wednesday when you met telling the Commissioners that you were in knowledge of that action that happened on October 17 so that the rest of this committee didn't have to learn about in the paper like the Commissioners did.

Speaker BERGSTROM: Leo, this is my meeting. All right.

Commissioner CAKOUNES: Thank you.

Speaker BERGSTROM: I'll control it. Right now, I'm going to control it in another direction. Okay. Pat.

Mr. PRINCI: I'm really glad that we're figuring out the meeting issue and that's just so important, especially when our largest working community, our lowest population by density's community, my community, the residents of Hyannis' water is polluted because of the Fire Training Academy. I think the issue goes much more beyond on how this meeting was set up.

I was never notified either, none the less. It's just so disturbing to know that, you know, that there was still foam that was being used at that site, especially when all --

Commissioner CAKOUNES: That's not proven to be true.

Mr. PRINCI: None the less, I just want to get to the core of what happened at that emergency meeting. I did read in the paper that there was a cease-and-desist with all training operations. Can you elaborate on that?

Commissioner LYONS: Okay. So, like Leo, I did not really know the details of that episode of the knowledge that there was a substance found that was questionable of its content, and it was thought to be this toxic substance, but we didn't really know. This is how it's being related.

This came to me also through the papers and the fact that it was known and not come to us, and here we have a facility -- one of our operations that we have been adamant about not using any toxic materials there. We are facing, you know, a retribution; we have to fix this, mitigation because of this.

So, to me, I called counsel that night and I said this is wrong that this is continued. Nobody has addressed this. If we had known about it Wednesday, we could have addressed it. I want to make an executive decision that we cease all operations until we discover what we -- we rule out that that is a harmful chemical or not. And I was not in the vein of waiting to find out what it was before we made a decision about the academy.

So I sent out a cease-and-desist of operations that evening as an executive -- as the chair of the executive board because there was no other executive available.

Speaker BERGSTROM: You told -- excuse me, I don't mean to interrupt you. You told me that you talked to County Counsel.

Commissioner LYONS: I did. I put this all -- I went this all over with Bob Troy and I appreciate that he was available Friday night. And then a communication came back from George Russell saying we have -- you can cease-and-desist but we have contracts and we have scheduled activity there tomorrow, which I really assumed was not going to be happening with the weekend and that we could take this up Monday morning.

However, with knowing that, I just felt that that was a conversation that I needed to have with the Commissioners to go further since there was contractual obligations, and I wasn't going to just do that decision on my own. So I called an emergency meeting to review that decision and how we were going to go forward and that's how that happened.

Mr. PRINCI: But I think part of it is how --

Speaker BERGSTROM: Is your mic on?

Mr. PRINCI: Sure. Who used it? How did the foam get there?

Commissioner LYONS: Well that's what's being investigated.

Mr. PRINCI: I mean it just mysteriously appeared there? I mean we had problems that have been brought up in the past with poor recordkeeping and so forth. So I would obviously hope that the executive branch has now put forth measures of proper record-keeping and who's there and when they're there and what they're using.

Commissioner LYONS: And they are going to be monitored.

Mr. PRINCI: Okay. But I just don't understand why I can't go back and tell residents in my community that I represent how it got there. I can't. I have nothing to say.

Commissioner LYONS: I know.

Mr. PRINCI: I have no information, absolutely nothing.

Commissioner LYONS: And I agree with you, Pat. We don't know.

Commissioner CAKOUNES: This is why we were very concerned and this is why we called a special meeting; okay? But we were told by the directors that the foam -- the fire suppression foam was not used on that property.

And what was discovered was a 2 foot by 2 foot square patch of a substance that was referred to as foam. It could have, in fact, been soapy water. And we don't know if Joy, and I shouldn't say Joy, if dishwashing liquid contains this perfluorinated chemical substance that we're concerned about - PFCs.

So one of your questions, if I may, Mr. Speaker, I want to just answer Mr. Princi's question directly. You should know that there were five items or six items that we voted on that day. And one of them is a full investigation to be performed by County staff as to the source of the substance found on October 27 and report the findings and filings with the County Commissioners.

The second thing was that a full test for the PFCs be performed by County staff on all substances and practices performed on the site to include but not limiting to the

following. The testing of all the water at the point source and after the deployment of such water. The testing of all products used during a training exercise on the site to include, but not limited to, dry chemicals, fire extinguishers, and soaps; all inputs.

A full account of all chemicals and input products stored at the site either currently used for training exercise or previously used and no longer being deployed shall be tested.

And these all products shall be included in Section B. And a disposal plan for all products stored, yet not used, shall be implemented in County staff hazardous waste disposal unit shall oversee the process.

At the earliest possible date, a report shall be submitted to the County Commissioners with the findings and actions under one and two.”

And then this is the big one: “Until such time a full report is submitted to the Commissioners on all actions specified in 1 and 2 or until otherwise notified by the County Commissioners, the Fire Training Academy shall operate under the following conditions.

The Academy shall conduct all classroom trainings as scheduled, all fire suppression activity shall strictly be limited to water only. No additives, such as dry chemicals, soap, or any other input shall be applied. A Fire Academy staff member and representative shall be present at the site and use of the property for any training activity. This person shall be responsible for implementing the rules and regulations set forth in this motion.”

So that’s the action that was taken in that emergency meeting, and I will try to supply your Chair -- your Clerk with a copy of that electronically so you can all get it.

Speaker BERGSTROM: Yes, Linda.

Ms. ZUERN: I also have a question about meetings. This morning I saw in the Cape Cod Times an article about an executive meeting that was supposed to be held today, and that caught me by surprise this morning too.

I thought the interview process was going to continue for the County Administrator, and today it seems as if another path was going to be taken. So I’d just like the Commissioners --

Commissioner LYONS: There wasn’t another path. There was discussion on that Saturday meeting a concern about why we did not know that information and that I was trying to get the right language in time for the deadline of 48 hours.

When I passed that deadline, my instructions were to set it up as a separate meeting to follow our meeting. So they could for like 3 o’clock because it was before 3 o’clock.

That somehow got mixed in the communication, like things do, and it got attached to the agenda as it -- as a revision to the agenda, and it was supposed to be a separate meeting agenda.

So because of the way it was done and when I saw that it was on the agenda and I knew that it was wrong, I had it removed. So that's the end of that.

Speaker BERGSTROM: Just let me --

Ms. MCAULIFFE: Wait a minute. She didn’t answer her question. What about the process?

Ms. ZUERN: We were just talking about the --

Speaker BERGSTROM: Is this in Executive Session or not?

Commissioner CAKOUNES: No.

Commissioner LYONS: No. So there was no Executive Session so there’s nothing really further to discuss.

Speaker BERGSTROM: Well, I mean --

Commissioner LYONS: It was an opportunity to have a discussion and it was --

Speaker BERGSTROM: Yes, all I'm concerned with is if the laws about Executive Session state that personnel matters have to be held in Executive Session, then how can we - in other words, are we privy to discuss personnel matters?

Commissioner CAKOUNES: We didn't have the meeting.

Commissioner LYONS: We didn't have the meeting.

Speaker BERGSTROM: You know, that would normally be held in Executive Session?

Commissioner LYONS: It never existed so.

Speaker BERGSTROM: I know the meeting didn't exist but if personnel matters -- now I can't say, you know, I think the head of health and -- or I think the head of -- I think Tom Cambareri is a bonehead and I want you to fire him, that's Executive Session.

Commissioner LYONS: The citation -- the citations are what took me the time to make sure I had the proper citations of what I was doing.

Speaker BERGSTROM: I'm not criticizing you. I just want to know the path that we can continue to discuss matters that would normally be --

Commissioner LYONS: There are certain personnel matters you cannot discuss and there's some that you can.

Ms. MCAULIFFE: But that's not her question.

Speaker BERGSTROM: Well, what was the question?

Ms. MCAULIFFE: What's going on with the County Administrator process?

Speaker BERGSTROM: Okay. I just wanted to put everybody --

Commissioner CAKOUNES: I just want to answer or clarify one thing. A statement was made that we discussed it at that special meeting. I have the copies of the minutes of that special meeting. I never discussed anything about the County Administrator's position or seeking a new path on hiring a County Administrator at that -- by the way, it was November 21<sup>st</sup> was that special meeting.

The only thing on that agenda was the Fire Training Academy and that's the only thing I talked about. If anything else was discussed at that meeting in regards to hiring an Administrator, I wasn't privy to it, and I want that on the record.

Commissioner LYONS: There was not a discussion about hiring an Administrator. It was an opportunity to discuss the situation but it's gone. It's passed. So let's let it go.

Speaker BERGSTROM: If you feel free to answer Linda's question --

Commissioner LYONS: So as far as the -- so we got word today from Mr. Kobayashi that they have several applicants and they're meeting with us next week -- the applicants are not but the search committee and Mr. Kobayashi is meeting next week. So we will have something more to report on that.

Speaker BERGSTROM: Okay. Jim.

Mr. KILLION: Thank you, Mr. Speaker. In reference to that article that the Delegate from Bourne had mentioned, I'm wondering if Commissioner Cakounes could just make some clarification?

One of the items in there is that you got a phone call at 5 o'clock on Monday from Julia Taylor, the Falmouth Delegate, to the County Assembly. Taylor told him that during the Executive Session, Paul Niedzwiecki, Executive Director, of the Cape Cod Commission would be brought forth as the Acting County Administrator candidate.

Can you give us more detail on that conversation that you had with Ms. Taylor?  
There was no really specific quotes in here.

Commissioner CAKOUNES: Thank you. First of all, I want to clarify another thing too. We did have an Executive Session scheduled for -- rightly so scheduled on our meeting. It was in regards to a letter that we received and we responded to that, and that had absolutely nothing. But the agenda, when you look at it, the first Executive Session that we did hold today had absolutely nothing to do with the situation of the County Administrator or hiring or anything like that. It was a completely unrelated other Executive Session.

So, some people have been confusing the two but I just want that out there in the public. Thank you for allowing me to do that.

In answer to your question, Mr. Killion. I was called by the newspaper and I received the new agenda at, I don't know, 3:05 I think it was sent out. I probably opened it sometime around four and was completely taken off-guard and taken-back by the language that was written. It was not -- it was language specific to reviewing the contract of the County Administrator, and it also stated that we'd be returning to open session to talk about appointing an Interim County Administrator. And I had absolutely no idea where that language came from or what it was in regards to.

At 5 o'clock or ish, I got a phone call from Ms. Taylor. She told me she was calling me out of courtesy and that she had had a discussion with Commissioner Flynn. I believe she said she had a brief discussion with Commissioner Lyons, and she told me she had a discussion with Paul Niedzwiecki.

And what was going to come out of that Executive Session was that Mr. Brillhart was going to be released and a new name was going to be brought forward, and it was going to be Mr. Niedzwiecki. That's where I got that information. I had no prior information to it other than that phone call.

And although maybe missing a few semantics, I did not tape the phone conversation but that's the gist of what was expressed to me.

I immediately became very angry. I felt that I had been completely left out of any types of discussion in this manner, and immediately said that there's no way I'd be supporting this avenue anyhow.

And for the record, we do have information from -- well, it was already expressed that we have candidates that have submitted their résumés, and you will be, hopefully, discussing that at our next meeting.

Mr. KILLION: So just to follow up in another statement, she goes on to say that she actually approached Mr. Niedzwiecki in late October. So you didn't discuss a conversation that she may have had with Mr. Niedzwiecki?

Commissioner CAKOUNES: Again, all I can testify is that, you know, she told me she had a conversation with him and he'd be interested in taking over the County Administrator's position.

I believe whether it was actually said or was implied, I believe it was for an interim basis though. I don't remember having a conversation saying that he wanted to be the full-time Administrator but on an interim basis.

And if you do look at the way that the agenda was written, it actually refers to a chapter of the General Law of our Charter which states that it's a 90-day appointment. It's called an Acting Administrator and then there's only one 90-day appointment after that.

For the record, people need to know we've been referring to Mr. Brillhart as an

Interim Administrator. He's not an Interim Administrator. He is the County Administrator.

His contract clearly states that he is the County Administrator, and he has been hired for an indefinite time period until we find a new full-time County Administrator. So he's not an Acting and he's not an Interim; he is the County Administrator according to his contract.

Speaker BERGSTROM: Leo, can I ask you a question? I understand you're upset that you weren't notified in advance of the premise of this meeting. In a better process, how would you wish to have been notified of this?

Commissioner CAKOUNES: First of all, the meeting was agendaed to have in specified contract negotiations. As you all know, the members that I served with here know that I do my homework. I would like to have a contract ahead of time so I know what I'm negotiation and know what I'm looking at. A 48-hour notice would not have made me any happier, please believe me. I'm a little upset at the fact that the 48-hour notice was not met because I would have rather had this discussion at one of our meetings.

Obviously, if we're thinking about firing our now County Administrator and hiring another one, I would've wanted to have some give-and-take discussion on that, and I don't think that that meets the criteria for an Executive Session. Executive Session under the chapter and verse that was placed there is contract negotiations. Unless we were going to be calling in Mr. Brillhart to review his contract, which by the way he wasn't notified on this either. So, again --

Speaker BERGSTROM: So you're saying that you basically felt that the meeting did not -- your complaint -- there's two complaints here. One is that you weren't notified in advance of the subject matter. But you're also complaining that the subject matter didn't meet the definition of Executive Session. Now what I'm asking you is how would you want to have been notified?

Commissioner CAKOUNES: All I just wanted to have is an open and fair and transparent board.

Speaker BERGSTROM: Right.

Commissioner CAKOUNES: How would you feel if you found out that the majority of this board made a decision to replace you tomorrow and put Leo in there and you show up the day of the meeting and it's all done.

Speaker BERGSTROM: No, I promised myself I wouldn't get into this.

Commissioner CAKOUNES: Obviously, there was discussions had by my fellow Commissioners and other members to put together which I have referred to in the press as a coo because I don't know what other word to use.

Speaker BERGSTROM: Do you know that these two people discussed this among themselves?

Commissioner CAKOUNES: I was told that they discussed it. Amongst themselves, no. No.

Speaker BERGSTROM: Okay. So you don't know that they discussed this --

Commissioner CAKOUNES: No, but discussing someone using a third party is also a violation of Open Meeting Law. You can't use a chain discussion and get around the Open Meeting Law; okay?

Speaker BERGSTROM: I just --

Commissioner CAKOUNES: You know if you really want to get into violating Open Meeting Law and discussing things, I'd be more than happy to come forward with

peer statement showing you on numerous of times how this has happened in the past.

Speaker BERGSTROM: Maybe you should file an official complaint.

Commissioner CAKOUNES: I've already planned on doing that, and according to the Open Meeting Law, I had to wait until after the meeting because it would not have been appropriate to file before the meeting. And seeing that the meeting did not happen and this issue has really not been brought up except for questions from your members, then I really have no grounds to file an Open Meeting Law complaint.

Speaker BERGSTROM: I mean otherwise it's going to --

Commissioner CAKOUNES: If the meeting had gone forward, you guarantee I would have.

Speaker BERGSTROM: I'm not taking a stand on this, but this could linger on and it's beyond the legal expertise of the people in this room and you too, even though you say you know about it. I think an opinion from the Attorney General would be a lot more clarifying than us arguing about it here. Anyway, I've said my peace.

Commissioner CAKOUNES: I'm not arguing.

Speaker BERGSTROM: Who else has to say something? Brian, you had your hand up.

Mr. O'MALLEY: So at the end of all this discussion, it's unclear to me about what I read in the newspaper today and what is the actual status? The paper made it look like this was a plea, it's a done deal, and Mr. Brillhart is no longer our Administrator. Now we've been told he is the full-time Administrator and Paul Niedzwiecki has not been. Where do we stand?

Commissioner LYONS: Well, a lot of those details are things that were around. I probably had about as much knowledge as Leo, even less so because I didn't have some of the conversation that he implies that I had. And in trying to bring this to a conversation that we could have, I was going -- I was attempting to have an Executive Session so that this could be discussed and if a decision was going to be made and a decision could be made. But no decisions were made. No plan was in place.

It was an opportunity to look at -- there was concern that we did not know about this -- about this other occurrence at the Fire Academy plus there were several other things. And not all of the facts are correct in that story. Everyone is telling their own story, which was why it would've been good to have had an Executive Session to be able to have discussed everybody's opinion in a room together so that we could all hear it at once and have a conversation.

You know, we have very -- we have big stuff ahead of us in this next year, and everybody's talking about semantics and who said what, and nobody really wants to deal with what we have to deal with. And this was an attempt on my part to bring parties together so that there could be a communication instead of all these various threads of information coming forward.

I only got some hearings of things, and I know that I did not know a whole story. I know that Leo did not know a whole story, and I assume that Pat knew, you know, it was probably about as much as we did because we did not have an opportunity to discuss anything. This was that opportunity.

I would have kept the meeting had it been posted on a separate meeting for 3 o'clock.

Unfortunately, it got attached to that agenda. And knowing when I saw it on the agenda, I didn't have to be called or anything. I just said that was wrong because that's why

we're spending so much time on it, and I asked for it to be removed.

Speaker BERGSTROM: All right. Let's move on. Pat.

Ms. KING: We're not moving on.

Mr. O'MALLEY: I'm sorry. I'm sorry.

Speaker BERGSTROM: All right. Listen, we'll take it one at a time.

Commissioner Flynn wants to respond. And, also, she's been mentioned so she should have a chance to speak.

Commissioner FLYNN: Well, I think I do need an opportunity to weigh-in here. It's pretty obvious from this whole discussion that the three of us had never discussed this as a board.

Commissioner LYONS: Right.

Commissioner FLYNN: And we've not had these conversations. So everything that's happening is happening either because of hearsay or because one of us may have spoken to someone else, and I did speak to Julia Taylor.

Julia's a member of the screening committee. She also happens to be neighbor and a very good friend and someone I have known for many, many years. And we did talk about this, and why would I not talk to her? She's a member of the screening committee. She's on the Assembly. She knows a lot about County government. And we did talk about would I, as a board member, consider Paul Niedzwiecki as an Interim Administrator?

And, you know, my response to questions like that is unless they're all together out of the question and out of line, I would say so. But I thought I could consider that, sure.

Does it mean that I am going to considerate it? That I want to have that discussion with the board? We never have had that discussion. We probably should have. I don't necessarily mean about Paul but about where we stand now in terms of hiring an Administrator.

Yesterday, I learned now that Dr. Kobayashi has about 9 candidates that he's been able to put together through another search process. It may not be 9; it may be less than that. But that's very positive. So maybe that, in fact, that is moving forward.

But we have conversations with different people at different times, but we don't discuss them together unless they're on the agenda. So I think to try to make something out of this is futile because there's really nothing.

And I realize that that was in the paper yesterday. And, you know, I don't know how it all happened, maybe because it was on the agenda to begin with.

But there's been some confusion. There's been some misinformation. There's been a lot of talk without any substance, and I think it's time to just move on. Michael is here.

Nothing has happened. We're working together. We need to work together and we're moving forward.

Speaker BERGSTROM: Marcia, did you have something to say and then we'll move up the line?

Ms. KING: Do you want to finish what you were saying, Brian, before?

Mr. O'MALLEY: Yes.

Ms. KING: You go and then I'll go.

Mr. O'MALLEY: Yes, I'm trying to understand how Geoff Spillane, the Cape Cod Times reporter, got all this information when it hasn't been discussed. There's been no public meeting. Where did this all come from?

Ms. TAYLOR: I can answer that.

Commissioner LYONS: There you go.

Mr. O'MALLEY: Okay.

Speaker BERGSTROM: Julia, do you have an answer for Brian?

Ms. TAYLOR: The short answer is I called Leo to tell him that I had had a conversation with Pat Flynn about maybe Paul Niedzwiecki would consider being an interim person. I had called -- the paper is accurate. I had called Paul and said, "I'm worried that we're going to have difficulty finding someone." We've discussed this already here, and would you consider it? He didn't say -- he didn't exactly leap at it, believe me. He said -- I begged him -- he said he would consider it as an interim. I told Pat that. She and I discussed it. What would be the pros and cons of that?

I never had a conversation with Sheila about it until she called me last night after this had all, you know, come up and that was a brief conversation. But I had not called her to discuss this. So there was no back-and-forth, whatever, about that.

I heard then that there was going to be this agenda item, that it might come up. So I thought, oh, I feel bad if I haven't said something to Leo.

I called Leo. He didn't like the idea. He talked about the agenda issues. I said, "I can't speak to that. I have nothing to do with the agenda. It's nothing to do with me, but this is what I have done. I can only tell you what I've done which was I called Paul Niedzwiecki. I asked him if he would consider it; he said he would consider it. I called Pat, asked her what she thought.

I believe that the newspaper article came about because Leo called Ron Beaty who then called the newspaper. The newspaper then called me, both the Patriot and the Times, and I will always speak to the newspaper and I will always tell them exactly what --

Commissioner CAKOUNES: Can I see the mic, please.

Commissioner LYONS: She's not finished.

Ms. TAYLOR: Now, that's what I know about it.

Commissioner CAKOUNES: For the record, Mr. Speaker, I called the newspapers. I called the radio station because I was mortified at what happened and what went on. And I would like to know that with just a discussion between Ms. Taylor and Ms. Flynn but, ironically, this Executive Session to review a contract and to hire and Interim Director, that's exactly what it says, appears on the agenda.

And it's been told by the Chair now that, well, we put that on there for an open discussion, why does it have to be in Executive Session then? What contract did she intend on reviewing in Executive Session?

Speaker BERGSTROM: Well I --

Commissioner CAKOUNES: This is the problems and the questions that I need answered because, quite frankly, I don't believe any of them. I know exactly what was going to go forth if this meeting was posted correctly and I'm sorry that it wasn't.

Speaker BERGSTROM: Well, you know --

Commissioner LYONS: Well, unfortunately, nobody called me to ask my intent of the --

Commissioner CAKOUNES: Why don't you tell us your intent then?

Commissioner LYONS: I just put it out there. There was a conversation. I know that there was -- I thought there was recognition that we have a problem, and we have a problem --

Speaker BERGSTROM: Well, you know, --

Commissioner LYONS: No, please let me finish.

Speaker BERGSTROM: I just -- okay. Go ahead and finish up.

Commissioner LYONS: And I hear these things going on. I do not like everybody sort of knowing something and know there's no vehicle to come together. So that was my attempt to have an informed process. That was going to come out into open session after to have that process over but we could have a conversation as to the future of this County.

Commissioner CAKOUNES: Whose contract were we going to be looking at in Executive Session?

Speaker BERGSTROM: Leo.

I Chair this meeting otherwise it's going to get out of hand; okay?

Commissioner LYONS: Thank you.

Commissioner CAKOUNES: I apologize.

Speaker BERGSTROM: We'll go with Deborah first and then I'll go to Ed and down the line.

Commissioner LYONS: You know, I'm done.

Deputy Speaker MCCUTCHEON: I want to go back to Mr. Princi who's concerned about the water that the people where he lives are drinking. Now what I understand has happened here is that almost a month after this foam is discovered, there's a big rush to have a meeting on a Saturday, which is followed by a huge interest in throwing Mr. Brillhart under the bus, and putting Mr. Niedzwiecki in his place. And we can't even get things noticed properly to happen in a meeting where people can be present and can hear about what's happening.

I think that this is sort of -- this is disorganized at best and ludicrous that it takes three Commissioners and I'll put Leo in for blame too because somebody -- I find it overwhelming that we can't even get a meeting called without this kind of controversy and particularly after something -- over something that important.

If it can wait three weeks or four weeks to reveal the fact that there is some substance that's potentially in the Barnstable water, I don't think that it makes any sense at all to be proceeding on 48-hours notice to try to replace the County Administrator. This just seems -- it seems like the priorities here have gotten messed up.

Speaker BERGSTROM: Yes, Marcia. I'm sorry. I thought you --

Ms. KING: No, no. I just kind of was trying to be polite about it, but I didn't realize I had given my time. I'm back on the search issue.

I feel like six people on this committee, which Julia is one --

Commissioner CAKOUNES: Seven.

Ms. KING: How many people; seven?

Commissioner CAKOUNES: Seven.

Ms. KING: Okay. When was there a vote to give Julia the authority to talk to Paul Niedzwiecki and offering jobs? I know it might have been just in passing, but when I read that article, I almost fell off my chair. And that she's quoted and admits that she did all this. I'm stunned by that. Why do you have a committee? Why are you wasting time with all of this? I mean this is just -- this is horrible.

And I'm really surprised at you, Julia, since you are so particular about all this stuff that you would do this. I am just flat-out surprised. Forget that you're throwing Brillhart under the bus because I agree with Deborah on that one. You're conflating the two issues, the fire issue with this. And that's a way to do it.

But I'm shvitzing over -- that's a Yiddish term -- is that when was Ms. Taylor given the authority to ask Paul to come over here and join us?

Speaker BERGSTROM: She was given the authority when she was elected by the people of Falmouth. She's an elected official, Marcia. She can do anything she wants. She doesn't answer to anybody.

Ms. MCAULIFFE: Yes, she does.

Speaker BERGSTROM: No. She can do anything she wants.

Ms. MCAULIFFE: Read the Charter. Read the Charter.

Speaker BERGSTROM: I've read the Charter.

Ms. KING: Mr. Speaker, then why do you have that committee that we all should be out there calling everybody. I thought the committee had a purpose and had a function, and there was seven people to discuss the candidates that were brought forward, not seven people going out and calling all their friends and doing that type of thing. That's what, you're right, we can all do whatever we want.

Speaker BERGSTROM: You can.

Ms. KING: And many people have done a lot of bizarre things.

Commissioner LYONS: Yes, people go to the radio in the morning and call the newspaper.

Ms. KING: When was the other six members of the committee, you know, just disappeared and that -- or all seven of them out there calling people? And then again why do you have --

Speaker BERGSTROM: I'm not going to argue with you.

Ms. KING: -- why do you pay someone for --

Speaker BERGSTROM: We give a report to the Commissioners. They fulfilled their obligation. They did what they were asked to do.

Commissioner CAKOUNES: Mr. Speaker, can I respond to that, please?

Speaker BERGSTROM: Yes.

Commissioner CAKOUNES: I've asked to be put on the agenda at our next scheduled meeting to have the search committee come in and for us to be openly and discuss and review the process that we're going to take in form this time forward with not only the nine new applicants, but from my understanding, there are two or three that have applied we're going to have to discuss in a meeting how the Commissioners want to move forward.

I want to discuss at that meeting the bias that some of the search committee members have and their ability to function in an open manner and bringing forward a candidate to fulfill the requirements which are in our present Charter.

And, quite frankly, I also want to discuss maybe not even having a search committee. There are only 12 applicants. There's no reason why the three County Commissioners, our HR director, and maybe one other individual to do the process. And I'm hoping we're going to have that discussion at an open meeting at our next meeting.

Ms. KING: Can I ask you -- I didn't want to -- I thought -- I didn't think there were any candidates the first time out. That's why you went back -- there were only two candidates that were acceptable, and you went back out and started this whole thing again at an expense?

Commissioner CAKOUNES: Can I answer that?

Commissioner FLYNN: No. I'm just going to respond to Marcia's other statement about why was Julia doing this. My response is its leadership. If people are a member of a

committee, they see things aren't going anywhere and they have some ideas that they want to kind of move them forward, that's what you do. And you say, "Let's see if we can't resolve this issue. Let's see if we can't bring some other piece -- some other aspect of the discussion, other than where we are." You know, we're in -- like in a still pond and nothing is really moving. So I call it leadership.

Speaker BERGSTROM: All right. Let's see what Ed has to say. Ed.

Mr. LEWIS: I'm not going to get into that. There's enough people in the middle of this. I just want to respond to Commissioner Cakounes on one issue. When the meeting was held with the Fire Academy, two things, with Mr. Cambareri, two things.

That meeting according to our chair with Joe Maruca from the West Barnstable, I believe it is, Fire Department, he asks that those meetings -- all of them be posted. So I believe that meeting was posted. It was an open meeting.

Number two, at that meeting was your liaison, Mary Pat Flynn. Your liaison was at the meeting.

Commissioner CAKOUNES: Thank you.

Mr. LEWIS: And, therefore, if you are not notified, then I'm sorry, and I don't mean to throw Mary Pat under the bus, not at all, but that's why you have a liaison to that meeting.

Commissioner CAKOUNES: That's what we're doing today, throwing people under the bus.

Commissioner LYONS: That's the name of the game today.

Speaker BERGSTROM: Let me just jump in here.

Commissioner LYONS: And guess what, everybody can get under that bus.

Speaker BERGSTROM: Let me jump in here for a minute because on the Fire Training Academy. A lot of words are being thrown around and I know that we use these words interchangeably, but you said that a toxic substance was found in the ground.

Commissioner LYONS: A possible -- a questionable --

Speaker BERGSTROM: Well, it --

Commissioner LYONS: -- it was not unknown if it was toxic or not. So I felt --

Commissioner CAKOUNES: Sorry. You got it wrong.

Speaker BERGSTROM: Even -- let me finish.

Commissioner CAKOUNES: You're absolutely wrong.

Speaker BERGSTROM: Even if you had identified it as what you're looking at, all right, it is still not -- it is still not designated as a toxic substance.

Commissioner LYONS: Right. I agree.

Speaker BERGSTROM: The substance that incurs in that is in your clothes right now.

Commissioner CAKOUNES: That's correct.

Commissioner LYONS: I agree.

Speaker BERGSTROM: It's in your nonstick frying pan. If my car -- if I visited the Fire Training Academy and my car went on fire and I was in it, the Barnstable Fire Department would show up and they would spray my car with that foam. And they do it at every fire department across the country. I'm not saying -- the only reason I'm saying this is that when you throw words around like toxic substance and poisoning people --

Commissioner LYONS: Exactly.

Speaker BERGSTROM: -- and you're blowing this totally out of proportion. There

are no minimum standards for this stuff right now.

Commissioner LYONS: Right.

Commissioner CAKOUNES: That's correct.

Commissioner LYONS: That's right.

Speaker BERGSTROM: So even if you found a concentration of it, you would not be able to say this concentration violates the minimum standards because there are no minimum standards. And who's responsible for security at the Fire Training Academy when the fire people are not there? Who's responsible? It would be the Barnstable Police Department, I assume.

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: I mean we ought to post something there.

Commissioner LYONS: And that really is the crux of the problem, not what was the substance or who used it, it is the management, ongoing management that was in question.

Speaker BERGSTROM: So right now we have not determined -- we have not analyzed that sample to see exactly what it contains.

Commissioner CAKOUNES: The sample that was found on October 17 was sampled by Tom Cambareri and it came up positive with PFCs – perfluorinated chemicals.

It is a substance of emerging concern. It is not a toxic -- it doesn't have a carcinogen. It's not known to cause cancer. It has no toxic label on it. That's the problem because if it had a toxic label on it, we would know what things had it in it. But because this is a chemical with emerging concerns, there are no government regulations that require manufacturers to put on their label that this is in it.

So it, in fact, could be located in dishwashing liquid or a fire extinguisher that's hanging on the wall. The reason why we had the meeting so quickly was it was portrayed in the newspaper that the foam was being used during training activities there and that was not the case. And we determined that that was not the case and that's why we asked to have all the inputs there tested because it might come out that the dry chemical that these use to through on fires has this PFCs in it. It might come out that the water that they're spraying and mixing up with the soap is where the source of the PFCs comes from.

Speaker BERGSTROM: Try to be a little more emphatic about this.

Commissioner CAKOUNES: Well, because I'm concerned equally with you that more people are saying that this is -- we polluted wells and it's a toxic substance. It's not.

The town of Barnstable has a lot more to worry about about the dioxane that's in their water than they do about this.

Speaker BERGSTROM: Well let's not get into that.

Commissioner CAKOUNES: And, believe me, we have no dioxane in the Fire Academy.

Speaker BERGSTROM: Yes, Ned.

Mr. HITCHCOCK: Thank you, Mr. Speaker. I would like to ask us to get back to the agenda.

Commissioner LYONS: Yes. Thank you.

Mr. HITCHCOCK: We have rehashed these things over and over and over again to very little advantage. And I think it's time to get on with business, not to ignore or dismiss the issues which I think are substantial but to stop going over the same old same old.

Speaker BERGSTROM: I think you're right, Ned. I think that this will probably be part of a further discussion probably outside of this building.

We now have -- do you have something, Ed, to say that's going to put this to a conclusion?

Discussion: County Complex Re-design

Mr. LEWIS: Are we talking about 8b at this point?

Speaker BERGSTROM: Yes, b.

Mr. LEWIS: 8b, which the Commissioners if they would not leave yet. This is a question for them.

Commissioner LYONS: Oh.

Mr. LEWIS: There is something called the County complex redesign which is on our agenda.

Commissioner LYONS: Yes.

Mr. LEWIS: I have just a question as it relates to that because -- and I know that there's an Ordinance which is going to come forward with the way the bonding is worded from construction, and I'm not questioning that.

But as I understand it, the redesign involves moving the Assembly of Delegates and moving the Clerk for the Assembly of Delegates. And as this is, as I understand it, you can correct me if I'm wrong, an elected board as against an employee, a department that is employee of the County. I would hope that this elected board will have some input as to what happens when this move occurs because I think it would be, again, disrespectful. I use that term for someone to come forward and say the Assembly is being moved and you're going to be in X place in the basement somewhere, wherever it is, and you had no say in the matter. And I don't think -- and I think that this board should be treated in a way different than any department that works for the Commissioners or their town or their County Administrator when we don't, in fact, and we should have input into what happens.

I don't question the idea that the courts need more room and all of the basis for the redesign and what you're going to do, I understand that. But I just hope that the Assembly will be given some input and that the Clerk and her quarters and where she's going to be moved to will be given the same input.

Thank you.

Commissioner LYONS: You're welcome.

Commissioner CAKOUNES: Are you going to answer him?

Commissioner LYONS: Well, I'm going to say that I hear what you're saying and that we will make sure that you're involved in those conversations as they go forward because I haven't. So, it would be good for us all to know what the plan will be and what it will look like.

I know that there is a need. They're trying to meet the court's needs. We're all working to do that. We're all part of the same team. We want to make sure that everybody is happy here as we go forward, and it's in our fiscal interest to do that. And as we open up more space, that actually adds more income believe it or not.

Now how it's being done, where it's being done, I haven't seen those plans either, Ed, so I would like to be able to be part of that conversation as it's happening as well, and I will put that forward to those people who are in charge of this, and Leo is one of them, who is kind of driving this train.

Speaker BERGSTROM: Why don't we let Leo say what he's going to say.

Commissioner LYONS: So we can let him finish but I agree.

Commissioner CAKOUNES: With all due respect, Mr. Lewis, you will not be involved in the discussions and where you're going no matter what the chair has suggested; okay. We have very limited space.

We -- myself, the facilities manager, and Mr. Niedzwiecki have looked at a number of different options. I will assure you though that one of the ideas of what's going to happen is that the Assembly will move up to the -- I believe it's called the Oceanview Room, not the Innovation Room.

Commissioner LYONS: Harborview Room.

Commissioner CAKOUNES: Harborview Room. So you will be having a full bank of windows with a gorgeous view. And the area that we've designated for our new Clerk is in the lower-level. It's presently being used by the, I believe, the septic loan betterment people, but don't quote me on that. The office has a window much larger than the one she has now. So, quite frankly, if you guys want to complain, the alternatives are a lot worse.

This is a function of the Administrator; all right? This is not a function of either the Assembly or the County Commissioners. The Administrator is the one that will tell people where their offices are going to be, and we are going to affirm to that.

Once this plan is put together, he will be -- he or she if there's a new one at the time will be laying out where people are going to have to go. The money that you'll be looking at is to refurbish the old jail. Two of the wings that are not being occupied now will be under construction while you are occupying the new Harborview Room, and then eventually offices will be moved into there. And we'll see what kind of space comes up and what kind of open meeting space.

The problem is finding open meeting space, sir, and there's not a lot of it. If it was just finding Janice an office, it would not be a problem. But it's finding a meeting space not only for the Assembly, but for at least once a week the Cape Cod Commission and not counting other meetings that we may hold that need room of this size, and the only one we have available is the Harborview.

So that's basically what's on the table, and I don't want to lie to you and tell you that you're going to have input because there's really not much input. There's nowhere else to go. We've worked out -- there's only so many squares.

Speaker BERGSTROM: Leo, I put this on the agenda because I asked you two or three -- two weeks ago --

Commissioner CAKOUNES: Yes.

Speaker BERGSTROM: -- I said, "Have you hired a firm to do a needs assessment?" Which normally, and I've gone through needs assessment to do, you know, changes in Town Hall and so on. What they do is they go around and they interview the various departments. They say what is your operation like? How many employees do you have? What do you need for facilities? Who do you talk to? Do you want to be adjacent to certain -- and you said, "Oh, we're almost there." So I assume you meant that you were going to hire a professional and not have a farmer do it.

Commissioner CAKOUNES: No. We had someone do that for us prior to this round. It was some information that we relied on as far as a square foot space needed and required by personnel, and the Building Needs Assessment Group used all that information.

I'm sorry; I said we took one off the shelf that we had paid for before. Nothing's really changed much. The Assembly still has 17 members. The County Extension Service still has needs for their space that they have. So it wasn't prudent for us to rehire another

individual and do the same work again.

So our facilities manager had access to a lot of that information, which was professionally paid for in the past.

Now as far as the interim move, there's not going to be, to my knowledge, there's not going to be hired a group to come in and help us with the interim move. However, Mr. Niedzwiecki is working on the bigger picture, which is going to be possibly a new building here on this site, and there will be a firm hired to help with that.

Speaker BERGSTROM: Can't you understand how annoying it is when decisions are made behind your back and you're not aware of them?

Commissioner CAKOUNES: I certainly can. I can sympathize with you.

Speaker BERGSTROM: People are talking to each other.

Commissioner CAKOUNES: I can sympathize with you. But, unfortunately, Mr. Speaker, the deployment of where offices are located in the County complex is not a matter in which the Speaker of the Assembly has input in. I'm sorry.

It's a little different in my case. But I do agree with you, it is lousy but, you know what, we only have so much space, and I think you're all going to be pleased with the plan when you see it.

Speaker BERGSTROM: I don't know how you can bait me like this. Anyway, go ahead, John.

Mr. OHMAN: Thank you, Mr. Speaker. So in this discussion that you had with Mr. Niedzwiecki and Mr. Tebo and whoever else was involved, was there any discussion about moving the Cape Cod -- the Barnstable County Commissioners office space? There must be a great need there.

Commissioner CAKOUNES: Not -- pardon me? Actually, there isn't.

Mr. OHMAN: There's no need in the Superior Courthouse?

Commissioner CAKOUNES: Actually, there is not, sir. The Superior Courthouse now is very satisfied.

Mr. OHMAN: Hard to believe that.

Commissioner CAKOUNES: We have moved out CLC and given them -- and have just recently completed a renovation where there is a holding cell now, and there's going to be also a new holding cell built with plumbing in it. There's also going to be a men's -- a female and male holding facility.

We are also in the middle of doing some further construction. I don't know if you've been over there or not, but Mr. Brillhart's office has been moved. Our human rights -- I'm sorry, not human rights. Our Human Resource Officer has their own office now, a new office. And because the CLC's office is gone, there's some renovations that's going to happen there where that wall will be taken down and that Commissioners room will actually become the largest room. We no longer are going to be able to use Room 11 and 12, which is Superior Court uses for Grand Jury. So we're going to be giving them that.

No, quite frankly, sir, they're very happy with the space that they've got and they're not looking for anymore at this time.

However, in the next two years, yes, there is talk on the table about moving the Commissioners out. And one site that has been earmarked and looked at, and, again, this is very, very preliminary is the Open Cape building. So, it is in discussion but it's not in Phase 1.

Phase 1 at the Superior Courthouse is near completion, and they're very happy with

the space that they have. By the way, they have almost 3/4 of the cellar to for storage and stuff and they're very happy over there.

The two areas that we're hearing from quite a bit at this time is this building and this room and also where the Extension Service is located over in the Registry of Deeds building. There's a dire need for space at the Registry of Deeds building. Family Court is being held out in the hallways. It's a deplorable situation. We need to step up at the plate and do something over there very quickly, very quickly.

Speaker BERGSTROM: Who do you mean? Whose "we"?

Commissioner CAKOUNES: The County. We need to get the Extension Service out of there.

Speaker BERGSTROM: There are people in this room who think that they are the County.

Commissioner CAKOUNES: Well, we, like all of us, need to get somebody out of there.

We need to get the Extension Service out of there and get them that space because they're in dire need of that. If I had to rate right now which is the most important needs of the state, it would absolutely be that building over there and this one would be second.

Speaker BERGSTROM: All right. Do we have anything more to add to this discussion?

Mr. OHMAN: My last question. Where's the money coming from to pay for all these moves?

Commissioner CAKOUNES: The bond that you're about to vote, and I do take personal responsibility for that in the FY16 budget. We allocated \$250,000 to be bonded.

Unfortunately, I used the language for redesign of the County complex and our bonding agents believed that that was actually physical design work, drawing on paper.

And the Ordinance that you have in front of you is going to just change that request from asking for a design to construction. It's still the allocation of the original 250,000 that we asked for in the 2016 budget. So it will be bonded.

Speaker BERGSTROM: Yeah, but that's what's confusing us, Leo, is that if there's no money for design, where is the design coming from?

Commissioner CAKOUNES: Again, the design language was improper language, and I apologize for that.

Speaker BERGSTROM: I mean there's going to have to be a design before -- you can't just let the carpenters lose on the property and say do what you want.

Commissioner CAKOUNES: No. We have estimates from professionals, estimates range -- and I think it was \$238,000 which encompassed not only the structural designs because there are going to be some needs of removing structural members over at the jail to make sure that they meet the requirements of building code and that they can be removed.

So there is money in that \$250,000 construction thing which includes construction drawings and construction design, if you will.

And, again, I believe the number was \$238,000 but don't hold me to that. And please understand something, if we make this move, the money that the County will be getting back by the reallocation of space to the state will certainly aid in helping us pay for that \$250,000 bond because we do seek a lot of income from the state.

For instance, you're going to be having in front of you an Ordinance in regards to a sand truck. And, you know, if we purchased that sand truck, a percentage of that is going to

be reimbursed to the County because that sand truck is used to sand properties which is leased to the state. This is a big picture.

Speaker BERGSTROM: It will be easier for us -- in a snowstorm, it will be easier for us to climb the hill up to the Harborview conference room.

Anyway, John.

Mr. OHMAN: Well, what bothers me is \$250,000 is kind of a drop in the bucket where you're looking at. If you're going to create a courthouse with that?

Commissioner CAKOUNES: Absolutely no, sir. You're missing this whole thing.

This series of moves is being broken up into a series of steps. We've already started the first step by giving the Superior Court rooms up and giving them the space that they need at the Superior Courthouse. The funds have already been allocated for that. The state is reimbursing us a lot for the special things that we're doing over there with the new space that they're getting.

Then the second part of Phase 1 is to, once again, move the Assembly and the Extension Service up to the jail and rehab the jail so that it is good enough for them. It has nothing to do with the big picture on whether the state decides to go out for an \$80 million bond and build a new courthouse here on this site, okay. It's part of this discussion but it has nothing to do with it. We're moving regardless. We're going to be moving because we need to provide this space to our tenants right now.

Even if the state decides to leave and go somewhere else and build a new Superior Courthouse and a new District Courthouse somewhere else, they're still going to be our tenants for the next eight years. So this move needs to be done just to give them the space that they need in that interim period. Do not confuse the two projects, please.

Mr. OHMAN: I was not confusing two projects. I'm talking about if you have to build a Family Court. If the Family Court's meeting in the corridor, there must be a reconfiguration going on once the Cape Cod --

Commissioner CAKOUNES: That's correct, and that money is picked up by the state. Any space that we give them, as I just said, sir, when we allocated them the space after we physically moved out to Cape Light Compact, and we gave the space over there at the Superior Courthouse to the Superior Court, they provided us with their designs from DCAM on exactly what they wanted. They design the holding cells. They design where the toilets go. They pay for all that.

Mr. OHMAN: But their reimbursement timing is usually 18 to 24 months after construction from my 18 years on the Assembly. We don't get that money right away. We don't get the rent right away. It's all backloaded and you --

Commissioner CAKOUNES: There's definitely --

Mr. OHMAN: The money's got to come from now and then it's got to come through the Assembly, and I just need to know in what scope that money will be and what's needed and how it's going to come. \$250,000 doesn't sound like much to me.

Commissioner CAKOUNES: It's not. It's a small amount.

Speaker BERGSTROM: Leo, I don't want to belabor this but, but I believe the Chairman of the County Commissioners told us she has not seen any of this. Now you're talking about directly dealing with the state and the court system.

And so then the question still arises, "Who the hell is we"? If the elected officials in charge of the County complex don't know what's going on --

Commissioner CAKOUNES: Mr. Niedzwiecki has been ordained with a task of

being our new facilities manager.

Speaker BERGSTROM: Right.

Commissioner CAKOUNES: And he has a --

Speaker BERGSTROM: But he's not a County employee and anything he does would need the approval of elected officials, at least that's the way I think about it.

Commissioner CAKOUNES: Once again, space allocation is the -- not, necessarily, the responsibility of the County Commissioners. It falls to our Administrator. And our Administrator is the one who decides space allocation.

And in regards to funding, you may want to ask Mr. Tebo to come in because from what I understand, the state does have money that's allocated for reconstruction and he gets it a lot quicker than he does for things like, for instance, if we were to do the courthouse roof and do it all for \$350,000 and then give them a bill for that, for their share of it, yes,

Mr. Ohman, you are correct, that takes a little while to be reimbursed.

But things that have been going on over there, the state does have money allocated, and it's my understanding that they get it a lot quicker, a lot quicker.

Speaker BERGSTROM: Well, all right. I guess we've beaten this --

Mr. OHMAN: Perhaps we do have to have Mr. Tebo in here or Mr. Niedzwiecki.

Speaker BERGSTROM: But we've been informed we have nothing to say about it, John. Do we really want to --

Commissioner CAKOUNES: I'm sorry, sir, but the question was asked directly through the County Commissioners if they were going to have input on where the Assembly of Delegates were going to be located. And I did not want to leave here giving any misleading information that you were all going to be able to have a say or even look at different options; there are no options. There are no rooms the size of this room except for the Harborview Room.

And I'm sorry but it would be misleading to tell you that you all have input. Obviously, you're all elected officials. Obviously, this is all done out in the open. I'm not doing anything behind closed doors. My meetings with Mr. Niedzwiecki and Mr. Tebo are not posted, but you're certainly welcome to contact any one of us and walk around the complex with us and let you know what -- how the plans are coming together.

Speaker BERGSTROM: I've never been part of any organization, and I've been a part of a few, where designs on facilities have not been brought before the elected officials.

Never in history and we redesigned our Community Center; we redesigned our Police Station; we redesigned our Fire Station. We redesigned every building in Chatham and every one of them came before the Board of Selectmen to approve it.

And you're telling me that the elected officials of Barnstable County are not going to have anything to say about what you and Paul Niedzwiecki decide and the manager decides that's where people are going to go?

Commissioner CAKOUNES: Oh, no. I think the deal will come up in front of our meetings when the plan is completed and the funding is enlarged, I will be presenting along with Mr. Niedzwiecki and Steve.

But, again, I just don't want to be misleading like there's some really other options that can be made here. I mean there's not --

Speaker BERGSTROM: I'm taking a vow of silence.

Commissioner CAKOUNES: There's not an awful lot of things or places we can go. It's either go up to the -- either stay where we are and continue to neglect our tenants

or renovate and go up to the old jail. This is not discussion of building the new building.

That's a whole other discussion. I guarantee you that will be out and everyone's going to have input on that one.

Speaker BERGSTROM: Right.

Commissioner CAKOUNES: Because even the voters are going to have input on that.

Speaker BERGSTROM: Thank you for lingering on after your colleagues have abandoned us. I appreciate it.

Commissioner CAKOUNES: Well, I mean I try to do my best and let you know what's going on.

Speaker BERGSTROM: All right. Well --

Commissioner CAKOUNES: But you've got to ask too sometimes.

Speaker BERGSTROM: Linda.

Ms. ZUERN: Would it be possible to set up a tour maybe before one of our meetings, maybe an hour before, and just go around and see what the changes are?

Speaker BERGSTROM: I don't see why not unless it's not ready for public consumption.

Commissioner CAKOUNES: I think if you ask either Mr. Tebo -- I don't know if you want to go as a group. If you would like to meet me here someday, I would be more than happy to give you a tour of the facility, any part of the facilities. That's entirely up to you. If you want to do it for a group, I won't speak for Mr. Tebo -- well, I will speak for Mr. Tebo; I'm sure he will be more than happy to meet you all as a group and take you on a tour.

Speaker BERGSTROM: Okay.

Commissioner CAKOUNES: We went on the tour of the entire facility when we had our Building Needs Committee together but we, again, I've been to the kind of corner of the building so I know that. But to answer your question, I think that could be very easily done.

Ms. ZUERN: Thank you.

Speaker BERGSTROM: Well, thank you very much, Leo. I'll see if I can arrange that and the Clerk will arrange that.

Ms. ZUERN: Thank you.

Speaker BERGSTROM: Why don't we move on to nine, Communications from Public Officials? None.

Any Communications from Members of the Public?

### Assembly Convenes

Speaker BERGSTROM: Okay. The Assembly will now convene. The Finance Committee Reports and Minutes. John, why don't you take this and tell us what's up.

### Committee Report

Mr. OHMAN: Thank you, Mr. Speaker. The Assembly of Delegates met to discuss Proposed Ordinance 15-11, which essentially has a plethora of, you all got it in your

packages, of four pages of authorized but not spent money bonding.

So what this does is essentially clean the books of all of these small items. Some were \$2,000. Some are \$1,600. They vary. But it's basically money that was authorized for bonding but was not spent and will never be spent. The total amount I believe is \$405,000.

So it's a lot. So what it really does is it replenishes our credit line. It's pretty straightforward and I ask for your support. I would move this Ordinance 15-11 as presented.

Ms. TAYLOR: Second.

Speaker BERGSTROM: Okay. You have to get the approval of the minutes first, John.

Mr. OHMAN: Oh, my apologies.

Ms. MCAULIFFE: Move approval of the minutes.

Deputy Speaker MCCUTCHEON: Second.

Mr. OHMAN: Discussion? Hearing none. All those in favor?

Speaker BERGSTROM: Okay. Now you're --

Assembly Vote:

Proposed Ordinance 15-11

To rescind the following amounts of duly authorized and unissued Barnstable County debt.

Barnstable County Hereby Ordains:

The following amounts of authorized and unissued debt are hereby rescinded:

For the purpose of funding costs associated with the paving, parking lights and exterior improvements in the County Complex as authorized in Barnstable County Ordinance 99-09 the amount of \$425 is rescinded.

For the purpose of funding costs associated with ceiling improvements and restoration work in 1<sup>st</sup> District Court as authorized in Barnstable County Ordinance 00-12 the amount of \$2,165 is rescinded.

For the purpose of funding costs associated with new lighting in 2<sup>nd</sup> District Court in Barnstable County Ordinance 00-12 the amount of \$4,263 is rescinded.

For the purpose of funding costs associated with replacement fan coil units in the Police Service Building in the County Complex as authorized in Barnstable County Ordinance 00-12 the amount of \$1,624 is rescinded.

For the purpose of funding costs associated with A/C units in the Police Service Building in the County Complex as authorized in Barnstable County Ordinance 00-12 the amount of \$3,000 is rescinded.

For the purpose of funding costs associated with fencing and lighting in the County Complex as authorized in Barnstable County Ordinance 01-17 the amount of \$514 is rescinded.

For the purpose of funding costs associated with Fan Coil units in the Police Service Building in the County Complex as authorized in Barnstable County Ordinance 01-17 the amount of \$8,000 is rescinded.

For the purpose of funding costs associated with replacement of gasoline and oil tank located at the Police Service Building in the County Complex as authorized in Barnstable County Ordinance 01-17, the amount of \$3,730 is rescinded.

For the purpose of funding costs associated with a Financial Software System in the County Finance Department as authorized in Barnstable County Ordinance 04-13 the amount of \$2,962 is rescinded.

For the purpose of funding costs associated with ADA Improvements at 2<sup>nd</sup> District Court as authorized in Barnstable County Ordinance 05-12 the amount of \$11,000 is rescinded.

For the purpose of funding costs associated with Window Replacement in the Superior Court House as authorized in Barnstable County Ordinance 05-12 the amount of \$15,678 is rescinded.

For the purpose of funding costs associated with New Flooring in the County Complex as authorized in Barnstable County Ordinance 05-12, the amount of \$5,000 is rescinded.

For the purpose of funding costs associated with Fencing and Lighting in the County Complex as authorized in Barnstable County Ordinance 05-12 the amount of \$3,411 is rescinded.

For the purpose of funding costs associated with purchase of a Plasma Spectrophograph as authorized in Barnstable County Ordinance 05-12 the amount of \$643 is rescinded.

For the purpose of funding costs associated with Laboratory Information System as authorized in Barnstable County Ordinance 05-12 the amount of \$986 is rescinded.

For the purpose of funding costs associated with a new Septic System at the Cove as authorized in Barnstable County Ordinance 06-12 the amount of \$8,210 is rescinded.

For the purpose of funding costs associated with a Building Addition at the Cove as authorized in Barnstable County Ordinance 06-12, the amount of \$1,541 is rescinded.

For the purpose of funding costs associated with Electrical Service Upgrades at the RDO Building as authorized in Barnstable County Ordinance 07-04 the amount of \$5,785 is rescinded.

For the purpose of funding costs associated with Window Replacement in 1<sup>st</sup> District Court as authorized in Barnstable County Ordinance 07-04 the amount of \$19 is rescinded.

For the purpose of funding costs associated with Driveway Repair and Repaving at 2<sup>nd</sup> District Court as authorized in Barnstable County Ordinance 07-04 the amount of \$3,771 is rescinded.

For the purpose of funding costs associated with Paving and Repairs to roadway and parking at the County Complex as authorized in Barnstable County Ordinance 07-04 the amount of \$3,171 is rescinded.

For the purpose of funding costs associated with Fencing and Lighting in the County Complex as authorized in Barnstable County Ordinance 07-04, the amount of \$387 is rescinded.

For the purpose of funding costs associated with Electrical System Improvements in Superior Court as authorized in Barnstable County Ordinance 08-05 the amount of \$10,851 is rescinded.

For the purpose of funding costs associated with Insulation in Superior Court House as authorized in Barnstable County Ordinance 08-05 the amount of \$9,009 is rescinded.

For the purpose of funding costs associated with purchase of an AA Spectrophotometer as authorized in Barnstable County Ordinance 08-05, the amount of \$861 is rescinded

For the purpose of funding costs associated with Window Replacements in the in 1st District Court as authorized in Barnstable County Ordinance 09-03 the amount of \$4,896 is rescinded.

For the purpose of funding costs associated with Electrical Improvements in the Registry of Deeds as authorized in Barnstable County Ordinance 09-03 the amount of \$28,004 is rescinded.

For the purpose of funding costs associated with Improvements to the County Telephone System as authorized in Barnstable County Ordinance 10-04 the amount of \$3,002 is rescinded.

For the purpose of funding costs associated with Major Software System updates as authorized in Barnstable County Ordinance 10-04 the amount of \$13,831 is rescinded.

For the purpose of funding costs associated with Elevator repair and improvements at the Registry of Deeds as authorized in Barnstable County Ordinance 10-04 the amount of \$4,828 is rescinded.

For the purpose of funding costs associated with Paving at the Farmhouse Property as authorized in Barnstable County Ordinance 10-04 the amount of \$56,309 is rescinded.

For the purpose of funding costs associated with Telephone System Improvements for the County as authorized in Barnstable County Ordinance 11-06, the amount of \$6,320 is rescinded

For the purpose of funding costs associated with roof replacement in Superior Court as authorized in Barnstable County Ordinance 11-06 the amount of \$39,535 is rescinded.

For the purpose of funding costs associated with Elevator repair/replacement in Superior Court House as authorized in Barnstable County Ordinance 11-06 the amount of \$34,759 is rescinded.

For the purpose of funding costs associated with purchase and installation of a Fire Alarm Panel in the Registry of Deeds as authorized in Barnstable County Ordinance 11-06, the amount of \$399 is rescinded

For the purpose of funding costs associated with Emerging Contaminants in the County Health Lab as authorized in Barnstable County Ordinance 11-06, the amount of \$463 is rescinded

For the purpose of funding costs associated with the purchase and installation of a Fire Alarm Panel in the Second District Court as authorized in Barnstable County Ordinance 12-04 the amount of \$10,125 is rescinded.

For the purpose of funding costs associated with Repairs to the Barn at the County Farm as authorized in Barnstable County Ordinance 12-04 the amount of \$47,235 is rescinded.

For the purpose of funding costs associated with Repairs to the Garage at the County Farm as authorized in Barnstable County Ordinance 12-04 the amount of \$23,275 is rescinded

Total rescinding amount of \$402,805

**Mr. OHMAN: Now I will once again move Proposed Ordinance 15–11 as printed.**

**Ms. MCAULIFFE: Second.**

Mr. OHMAN: Is there discussion or questions?

Mr. LEWIS: Mr. Speaker.

Speaker BERGSTROM: Go ahead. Actually, John is running this section. Oh no, I guess I am.

Mr. LEWIS: Mr. Ohman, in the motion, does it not have to signify the specific dollar amount which I believe was \$402,805? I don't know if it does --

Mr. OHMAN: If you would like me to amend that to put in that exact amount, I will do so. I would like to make a friendly amendment that this Ordinance be designated with a dollar amount of \$402,805.

Mr. KANAGA: Second.

Mr. OHMAN: Thank you.

Speaker BERGSTROM: You're supposed to call for a vote, John.

Mr. O'MALLEY: I move the motion as amended.

Mr. LEWIS: Second, third, sixth.

Mr. OHMAN: Okay. Any further discussion?

Clerk O'CONNELL: Roll call.

Speaker BERGSTROM: Yes.

**Roll Call Vote on Proposed Ordinance 15-10:**

**Voting "YES" (91.21%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Edward Lewis (4.55% - Brewster), 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 (8.79%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham).**

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 15–11 passes with 91.21 percent of the Delegates voting yes; 8.79 percent absent; now known as Ordinance 15–11.

**Report from the Clerk**

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

Clerk O'CONNELL: I just wanted to remind you that I'm going to start to work next week on the schedule for the budget. And I had a few people indicate that it was all clear with regards to scheduling meetings.

So I'd like to try to start them on the 24<sup>th</sup> of February. That will be a week after we receive the budget and possibly scheduling every week -- every Wednesday in March for committee meetings, being that April you will need a meeting of the chairs and then a public hearing. So that would take up the two regularly scheduled Assembly meeting times in April. So the last week in February and the month of March can be intense.

Now I know it doesn't involve everyone at all times. It depends on what committee

you serve on or whether or not you are able to or want to attend other meetings as well. But that's where I'm going to go, and the sooner I can get that schedule out, it's good for you and it's good for department heads for planning purposes. And that's it.

Reminder, holiday gathering next meeting.

Speaker BERGSTROM: And a jolly time will be had by all, I'm sure.

Mr. LEWIS: Mr. Speaker.

Speaker BERGSTROM: You're going; aren't you, Leo?

Commissioner CAKOUNES: Don't drink the punch. Are you kidding me? I wouldn't go to a party that would have me as a guest.

Speaker BERGSTROM: Well we need a Santa Claus. Ed, go ahead.

Mr. LEWIS: Madam Clerk, do you have a date in mind as to when we're going to take the vote on the budget?

Clerk O'CONNELL: Well, it definitely has to happen by the end of May. So I guess that's as definitive as I can get. It could be the first Assembly meeting in May or it could be the second meeting in May. As was the case this year, I think it was the second meeting in April.

And the reason why that happened is there were no other issues that needed additional time to flush out. We did that at the Assembly meeting but you'll have a little bit of additional time this year being that once the public hearing is scheduled, typically the vote follows that.

So if the public hearing is the second meeting in April, then you'll probably vote on the budget the first meeting in May.

Mr. LEWIS: Thank you.

### Other Business

Speaker BERGSTROM: Any other business? Yes, first Jim and then Suzanne.

Mr. KILLION: Thank you, Mr. Speaker. After reading the article in the Times this morning that we obviously had a great deal of debate about, I put together a Resolution which I was going to put forward based on some of the comments here today and based on - and I think it is important that we move forward with the Resolution as the Delegate from Wellfleet pointed out that we should look at this at a later date.

I'm going to read the Resolution.

"It is to direct the Speaker of the Assembly of Delegates to investigate potential violations of both Barnstable County Charter and the Open Meeting Law by a member/members of the Assembly and by County Commissioner or Commissioners.

Now, therefore, be resolved that the Barnstable County Assembly of Delegates proclaims in order to insure the integrity of Barnstable County government, the Assembly of Delegates shall exercise its right under Section 2.7, Inquiring Investigation, of the Barnstable County Charter to investigate potential violations of Section 2.6, Prohibition, which in part states that no member of the Assembly of Delegates shall individually or collectively seek to influence the Board of Regional Commissioners to dismiss, to appoint or, to promote any person to any position in the Executive Branch of the Cape Cod Regional Government or any relative action thereto."

And I'm submitting this and it has also been endorsed by the Delegate from Mashpee and the Delegate from Yarmouth.

Speaker BERGSTROM: Okay. You can submit that and we will discuss it at a further date. Meanwhile, I'll run it by County Counsel. Okay.

Speaker BERGSTROM: Any other business to be brought before the board?

Mr. PRINCI: Just real quickly to let everyone know that right after following this meeting is the Barnstable Village Christmas Stroll. Please feel free to stick around and enjoy yourselves. It's a great event.

Speaker BERGSTROM: Okay.

Deputy Speaker MCCUTCHEON: Don't drink the water.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Just a recommendation. I would recommend that every member of the Assembly go back and read the Charter and read the responsibilities. I think we have a habit and a custom and a tradition of doing things in a certain way. And I think that those of us who are new are a little bit more by the book because we have to read the book. And I think everyone should take a moment to go back and read the Charter so that you understand that you can't just do whatever you want whenever you want.

Thank you.

Speaker BERGSTROM: Okay. Anything else? Wake up.

Deputy Speaker MCCUTCHEON: Move to adjourn.

Speaker BERGSTROM: Okay. Do we have a second? Come on, second?

Mr. PRINCI: Second.

Speaker BERGSTROM: The ayes have it.

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:25 p.m.**

**Respectfully submitted by:**

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

List of materials used at meeting:

- Unapproved 11-18-15 Journal of Proceedings
- Proposed Ordinance 15-13
- Proposed Ordinance 15-14
- Finance Report on Proposed Ordinance 15-11
- Proposed Ordinance 15-11
- Proposed Resolution 15-07