Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, December 21st, 2016, session of the Cape Cod Regional Government, Assembly of Delegates.

I’d like to call this meeting to order. And we will begin -- first of all, asking if someone’s recording it?

MR. ALBRIGHT: (Raised hand.)

Speaker BERGSTROM: Yes, it’s being recorded by someone other than our normal recorder.

So, we’ll begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

(Moment of silence.)

Speaker BERGSTROM: Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (81.63%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), 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 (18.37%): James Killion (9.58% - Sandwich- remote participation 4:10 p.m. to 5:20 p.m.), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham).

Clerk O’CONNELL: Mr. Speaker, we have a quorum with 81.63 percent present; 18.37 percent absent.

Speaker BERGSTROM: Thank you.

You have in front of you today’s Calendar of Business. Do you have any additions or corrections to the calendar? Hearing none. I need a motion to accept.

Mr. OHMAN: So moved.

Ms. MCAULIFFE: Second.

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

Opposed?

(Motion carried.)
Speaker BERGSTROM: Okay. You also should have received a copy of the
Journal of December 7th, 2016, our last meeting. Are there any additions or corrections
to the Journal? Yes, Brian?
Mr. O’MALLEY: Having reviewed those minutes, I move adoption as
distributed.
Mr. LEWIS: Second.
Speaker BERGSTROM: Okay. I need a motion to -- I have a motion to
approve; do we have a second?
Ms. MCAULIFFE: Second.
Speaker BERGSTROM: Second, okay. All those in favor? Aye.
Opposed?
(Motion carried.)
Speaker BERGSTROM: I am now going to call a recess at 4:05 p.m. because
we have a Public Hearing scheduled for 4:15. So we’re in recess until the Public
Hearing.

4:10 p.m.
Speaker BERGSTROM: I'm going to entertain a motion to amend the calendar
of business and take number nine and let the Commissioners come up while we’re
waiting for the Public Hearing.
Deputy Speaker MCCUTCHEON: So moved.
Mr. MCMANUS: Second.
Speaker BERGSTROM: All those in favor? Aye.
(Motion passed.)

Communications from the Board of Regional Commissioners and Proclamations to
Delegates King, Martin and Taylor

Commissioner FLYNN: Thank you, very much. In case I forget, because I
could, I want to wish you all a very Merry Christmas and a Happy New Year. We'll
start out with that.
So, what we have today is -- first of all, I have some Proclamations for
members who have chosen not to run again, and they are Marcia King; I see who isn’t
here, and Teresa Martin who isn’t here, but Julia Taylor is here.
So what I want to say is, if you can hear me, that Julia Taylor has represented
the town of Falmouth on the Barnstable County Assembly of Delegates from 1991 to
2016. I mean you beat my record, Julia.
And who actually served as a Falmouth representative on the Barnstable
County Charter Study Committee as Vice Chair at its first organizational meeting held
in December of 1987, and also served on the 1995, 2005 to 2006, and 2013 to 2014
County Charter Review Committees.
She served also as Speaker of the Assembly during the fifth and sixth sessions,
97 through 2000 and on various standing committees. She served as the longest seated
Delegate in the history of the Assembly of Delegates having served 13 consecutive
sessions totaling 26 years of service and receiving the honorary position of Dean of the
Assembly in 2016.
Therefore, the County Commissioners expressed their appreciation for the hard work and dedication of Julia Taylor for her many contributions and willingness to always help improve the quality of life for the residents in her community.

Therefore, we have set our hand and caused the seal of the County of Barnstable to be affixed on this 21st day of December in the year 2016.

Commissioner FLYNN: You’re a star in the planets, you really are, and my neighbor, by the way.

Ms. TAYLOR: We live literally next-door.

Commissioner FLYNN: We live next-door to each other. And I can’t imagine the Assembly -- I know I don’t have a microphone -- but I can’t imagine the Assembly without you. It’s always such a smile to walk in the door and find you here.

But Susan Moran will be replacing you, so we’ll smile at her too because we have a lot of confidence in her ability to carry on what you have done.

Thank you so much, Julia.

Ms. TAYLOR: Thank you, Pat.

Commissioner FLYNN: And these are for Teresa Martin and Marcia King

Mr. OHMAN: She’s coming late.

Commissioner FLYNN: So in terms of business, I would like to suggest or mention to you that we’ve had two meetings since we were last here. And, today, we had a very interesting, I think, and relevant meeting with the Cape Cod Economic Development Council. In December is when appointments are made and they came before us because we do appoint members to the EDC.

And, actually, Susan Moran who will be joining you from Falmouth come January was also appointed to the Cape Cod Economic Development Council.

So at least the town of Falmouth will be well represented going into the future.

And we also appointed Victoria Goldsmith to the Barnstable County HOME Consortium, and just a lot of other business matters.

Sheila Lyons was not here today. She’s away but she participated remotely and that was her last meeting. So she will not be -- we will probably meet next week, it’s possible, and she will not be here for that. So we bid her a fair farewell going into the future and hope that she will at some point in time find something else in the County that might interest -- that interests her so she can bring all her knowledge and experience back to the table, perhaps, in some other setting.

Leo.

Commissioner CAKOUNES: Yes, if I can. Thank you. I'm going to just go with today's meeting. As the Chair had mentioned, there was just a number of different things that we did, you know, approving some grants, creating some funds, boilerplate stuff.

However, there were two items on there that I do believe you should be aware of. Some time ago we came to you and had the Licensing Agreement with the town of Orleans in order to access a piece of property that they own, which is referred to as the Putnam Farm. It’s on the backside, if you will, of the property that we own where the Orleans courthouse is.

And after some long work put in not only by myself but County Counsel and their counsel, those documents were executed today. There are two documents, and just to give you a brief explanation.

One of them is a Licensing Agreement for the town to use the section of land
for the purposes of accessing the property in the back.

And the second one is because that roadway, if you will for lack of better explanation, crosses over and under the power lines. And the power lines -- we own the property, we, the County, the power lines’ company, Eversource, has a Licensing Agreement or easement, if you will.

So there is what’s called a Tri-Party Agreement which for that section or that leg of the roadway that crosses over underneath the power lines in which Eversource, the County, and the town of Orleans would be executing.

So it's a little confusing if you see it on the agenda. Its two items but they were both executed by us today. And I’m sure the town is going to be moving forward quite quickly on it.

The only other thing I would like to say is that, once again, I think we did not give you a report on our December 14th meeting. Let me just change recalls here -- change files. We met on the 7th and gave a report to you.

At that time, I was called on the carpet by the Dennis representative because I had neglected to give you a report on our third meeting in November, but I couldn't find the file because we never had that meeting.

So I’m happy to report to Mr. Ohman that the Commissioners did not meet on that Wednesday before Thanksgiving. That's why I neglected to give you a report on that particular day.

However, we did meet on December 14. And, once again, I won’t bore you with the particulars, but there is one vote that was taken -- two votes actually were taken that I think you need to be brought up to speed on.

One, as many of you probably know, that a gentleman that was under contract with us as the Cape Cod Water Collaborative -- I’m going to use the term “Executive Director”; I’m not sure what his official thing was, has given us his resignation. He will be leaving and not providing us the services anymore after January 1.

And in that contract, there is language that his duties revert back to the County. So on the 14th; we actually took an action which delegated his duties to the Chair of the Commissioners and the County Administrator.

Today, however, that action was revisited and the words of the Chair of the County Commissioners were taken out. So as of today, the County Administrator will be taking over the duties of that particular position on a temporary basis until we decide how we’re going to move forward on that.

Let’s see; we did a modification on the Registry of Deeds’ salary. I reported to you on that earlier. I had neglected to put in a start date so that was a very minor correction. Once again, there were some contractual grant agreements, approval of leaves of absence, septic betterments.

The big one that you’re all waiting for though was that there was a discussion and a vote on the Transitional Agreement between the Cape Light Compact and Barnstable County.

As many of you remember and probably going to hold my feet to the carpet; you all know that we’ve been working on some kind of a Transitional Agreement. And I had promised that I would at least give it to you so you'd be able to look at it and weigh in on it.

Due to timeframes and because Commissioner Lyons requested that it be put on the agenda prior to your meeting, the action was actually taken in that Separation
Agreement -- Termination Agreement has been actually executed.

I believe to my knowledge you all have received it. In fact, I think you received it shortly after I received it, the day before last week's meeting, but I, out of just trying to save my own face, I voted against it.

However, I do want to say for the record I did not vote against it because of any problems that I personally had with the agreement itself. I think the agreement itself is going to function okay as we move forward especially in the next couple of months. So I only voted against it out of principle, I guess, but it did get the required majority votes of the Commissioners so it is now in effect.

With that said, I don't want to get into anything longer other than offer you my sacrificial -- again, I'll take the bullet on this one.

Speaker BERGSTROM: Fallen on your sword, Leo.
Commissioner CAKOUNES: I've fallen on the sword.
Speaker BERGSTROM: All right. We've got a question there from Suzanne.
Ms. MCAULIFFE: It’s not a question; it's a comment. I'm very disappointed that the Assembly wasn't at least given the courtesy of looking at the agreement before it was signed.

We understand it's not in our purview to -- and it's not our authority to sign it, but we were given assurances. We had been told for months that we would get to see the agreement.

And I did have several questions, and it's not the sort of thing were you can write down your questions because it's an informational thing. And I think that the Assembly should be informed on the agreement especially since it could be a long-term agreement. And this may be coming up and up again.

So I just don't like the way the Assembly of Delegates was treated by the County Commissioners and the County Administrator on this issue.

And I thank you, Leo, for standing up for the Assembly and at least giving us a voice, and that even though we don't sign it, it was very important to us.

Thank you.

Speaker BERGSTROM: Ed.
Mr. LEWIS: Two things; I believe it's on our agenda, so I would hope that we could hold comment until that agenda item comes up, No. 16.

But the question I do have for the Commissioners is as it relates to the Water Collaborative and the action that you did take regarding from an interim standpoint to control to the County Executive -- to Jack; I believe that's what you said?

Commissioner CAKOUNES: I'm very sorry you misunderstood what I said. The contract that we have with this particular individual clearly stated that if the position was to be vacated for any reason or purpose that the duties of that position would revert back to the County.

Mr. LEWIS: Right.
Commissioner CAKOUNES: And it’s the obligation of the Commissioners to appoint someone to take over that duty.
Mr. LEWIS: I see.
Commissioner CAKOUNES: So we didn’t change. It was always a temporary appointment.
Mr. LEWIS: No, I understood that.
Commissioner CAKOUNES: Okay.
Mr. LEWIS: I just said what you've done is to give the temporary duties to the County Administrator.
Commissioner CAKOUNES: That is correct. Thank you.
Mr. LEWIS: Am I correct?
Commissioner CAKOUNES: Yes.
Mr. LEWIS: And the only question I have -- I understand that it is -- it was in Mr. Gottlieb's contract. And what I was curious about, because I don't have a copy of it, whether that language was also in the ordinance that created the Collaborative and created the position if it did of an executive director whether the ordinance also stated that in the event the Executive Director leaves that it reverts to the County and the Commissioners then appoint somebody.
Commissioner CAKOUNES: I can answer that through the Speaker and tell you that I have both of those documents with me, and I'll be happy to research it and report to you after the meeting.
To my knowledge, I believe that it is not mentioned in the ordinance. It was -- I strictly went to the contract because, once again, this is an employee, that’s a contractual employee for the County, and I did not even bother looking at that time to find a cross-reference to the ordinance which created the relationship. I was more concerned of what happens after this person is gone. But I will have that answer for you today. I have both documents with me.
Mr. LEWIS: Thank you.
Speaker BERGSTROM: All right. Brian.
Mr. O'MALLEY: If you could clarify; you just used an expression “contractual employee.” Is it contracted services or has he been an employee?
Commissioner CAKOUNES: No, he’s a contracted service.
Mr. O’MALLEY: And was this a full-time position?
Commissioner CAKOUNES: Full-time -- the contract did not refer to hourly rate or how many hours a day the person has to put in. It was for an X amount of dollars spread out over a 12-month period. And payments were made that were invoiced, and payments were made to the individual on a monthly basis prior to this individual invoicing the County.
Mr. O’MALLEY: Okay. But what I’m asking really is this was relatively a full-time position? Not hours, I mean how many hours were being paid out of these invoices? What my concern here is this is all winding up on the County Administrator’s plate. What plans do we have to resolve this expeditiously? He doesn't have room in his week, I’m sure.
Commissioner CAKOUNES: Thank you. That's why I originally made the motion to have the Chair of the County Commissioners also aide the Administrator in this.
But I will assure you that, and we’ve also been assured by the individual that’s leaving this particular position that between now and April not an awful lot is going on. Any of the outstanding contracts or any of the outstanding grant agreements have already been formulated, brought forth, and approved by the County Commissioners.
The only duties now and to make sure that the parties of those contracts meet their requirements, i.e. if Leo was getting a grant from the feds before the County releases their money to make sure that Leo gets that grant from the feds so that the County writes a check and then matches it.
So it's more or less bookkeeping and there’s not going to be a lot of what I would consider this particular job description.

Mr. O'MALLEY: To follow that through, would it have been your expectation had this individual not tendered his resignation that his invoices for the next few months would've been minimal?

Commissioner CAKOUNES: No. His invoices -- the invoice -- the way it's been -- the typical contract has been and, again, I’m going to paraphrase dollars right now; it was a bottom-line amount of I believe it was $70,000 or $75,000, but for sake of argument say it was $70,000, and that payment was split up into a 12-month period. So, basically, the invoiced amounts were for $6,300 and change plus any expenses that were approved under the contract, the contractual agreement. So did the County save any money? Yes, the County saved about 3 times 6 or 4 times 6.

Mr. O’MALLEY: Thank you.

Commissioner CAKOUNES: And for the record by the way, and I think and, again, I don't want to go off and belabor on this too much, but for the record the Commissioners/the County never asked or even indicated that they were looking for this particular individual to set -- send in their resignation. That needs to be said publicly. This came to us as a big surprise to the Commissioners as it did to the public.

Speaker BERGSTROM: Ed.

Mr. LEWIS: With all that in mind, has there been a plan put together as to the future and a search for a new executive director or is there -- because with the Assembly creating the Collaborative through an ordinance, I would assume that the Assembly will be a party to whatever plan is put forth as it relates to a new executive director for the Water Collaborative or whatever else happens with the Water Collaborative.

We’ve all received a letter from the chair of the body -- the governing body of the Water Collaborative, if you will, asking us to get involved.

So I would assume we’re asking the different boards of selectmen to get involved. So I would hope that there has been some sort of plan discussed. I know there’s been a plan in the press, and I know you’ve stated -- made some statements about all the different agencies that are involved with water testing and that kind of thing as to whether there’s been any discussion by the Commissioners as a group; whether there’s been any discussion with the County Administrator.

I know we haven't had any discussions as an Assembly at least not on the record. And so I believe even though it's -- the winter is not a big time for water testing and stuff like that, but I think we need to put in a plan so that come April 1 or even before that the Water Collaborative is moving forward in whatever direction it's supposed to.

Commissioner CAKOUNES: I’ll give you the short answer on that one. Absolutely positively yes. We are entering our budget season right now and although the Commissioners have not formally talked about any restructure, I know and feel very comfortable that in our budget hearings there will be a lot of that being discussed.

I, personally, have talked with Jack and I've talked with other members, the departments here as we’re going through budgets, so yes. And I will say to you that in regards to the Assembly being involved, if, in fact, there’s a change to the ordinance or the structure of the Cape Water Collaborative or a change to anything that requires the original ordinance to be changed, you absolutely will have a vote and have input on it.
However, if we were to move forward and not do any changes at all and just hire someone else or put an RFP out for someone else to fill this position, I don't see that as something that would probably require your vote.

Mr. LEWIS: I just --

Commissioner CAKOUNES: But certainly if the ordinance changes, yes, we are required to have your support.

Mr. LEWIS: Thank you, Commissioner.

Speaker BERGSTROM: Yes. Deborah.

Deputy Speaker MCCUTCHEON: I think the Assembly is concerned, Commissioner, that the support be before the fact rather than after the fact. And I perhaps misunderstood something you said that one of the Commissioners that wanted the agreement that had already been -- with CLC to be put on the agenda prior to our meeting so that it could be presented to us as a complete --

Commissioner CAKOUNES: No, I didn't say that. I said that one of the Commissioners requested that this Termination Transition Agreement be placed on the agenda on the December 14th meeting because it was stated that she was not going to be able to attend the December 21st meeting, today's meeting, and wanted to have it addressed immediately. I never said that she did it to circumvent any authority of the Assembly, please.

The only other thing I want to add to that is that, again, and this goes to my position on it; I did not feel that this was a time-sensitive action and would have felt very comfortable in having it postponed and did ask to have it postponed but it didn’t and it went forward with a 2 to 1 vote.

Deputy Speaker MCCUTCHEON: Well, I did, I guess, I did write down what you said when you said it. I guess our stenographer will be the truth on that one because what I understood you to say was that it be put on the agenda prior to our meeting.

Commissioner CAKOUNES: That's correct.

Deputy Speaker MCCUTCHEON: Okay.

Commissioner CAKOUNES: But the person who requested it did not specifically say, “I want this put on the agenda prior to the meeting.” And if I said that, I want to clarify it.

The reason why that I understood the Commissioner asked to have it put on the agenda is because it was planned to be that person's last meeting, and she wanted to weigh in on this issue. That's the way I understood the request, and I don't want to speak any longer for why this person asked or didn’t ask for it but it was put on the agenda.

Deputy Speaker MCCUTCHEON: Well, I thank you for that clarification. I am concerned that representations are made in this meeting almost every meeting as to things that are going to involve the Assembly and how things are going to be handled, and it's important that we be able to take your word as your bond in these matters. You would agree with that; wouldn’t you?

Commissioner CAKOUNES: Absolutely. That's why I voted no on this particular document.

Deputy Speaker MCCUTCHEON: Thank you.

Speaker BERGSTROM: Leo, are you saying that this was going to be Commissioner Lyons’ last meeting was last week?
Commissioner CAKOUNES: That's what I was led to believe, yes, and that she participated today remotely.

Speaker BERGSTROM: All right. So I guess the question is does the current Board of Commissioners, which is overseeing this process, be the ones to vote on it or should we wait until the next board of Commissioners including people who are not part of the process to vote on it?

Ms. MCAULIFFE: It’s already voted.

Speaker BERGSTROM: I know, I know, but I’m saying that that was the decision before the Commissioners. And although I agree with what Deborah said and what Suzanne said, there’s other considerations -- I’m a firm believer that the people who negotiated and sit in and negotiate contracts should be the ones who vote on it and not, you know, we’ve had this discussion before but anyway.

Commissioner CAKOUNES: The only comment I’d like to make on that is this is not a binding contractual agreement that came out of the woodwork. And this has been a long time in the making, and it's basically a separation agreement.

And, once again, I don't really see it as being something that any one particular Commissioner, either myself or Commissioner Flynn or Commissioner Lyons worked on. You know, I take your statements and I’ll compare it to the Licensing Agreement that I worked on very diligently with the attorneys. Commissioner Flynn was aware of what's going on but I put a lot of time into it. And if I was leaving in January, yes, I would like to see it come to its fruition because I had worked on it.

But this particular document wasn’t anything that I believe that -- I know I didn't work on it personally and I know Commissioner Flynn didn't. So, it could've waited.

Speaker BERGSTROM: Yes, Linda and then Lilli.

Ms. ZUERN: I just have a question about the agreement. The copy that we have is not signed by the Cape Cod Light Compact.

Commissioner CAKOUNES: Neither is ours.

Ms. ZUERN: Okay. So they have not signed this yet then?

Commissioner CAKOUNES: I don’t know that question. I don’t know how to answer that. Do you know the answer?

Administrator YUNITS: It was signed.

Commissioner CAKOUNES: Pardon me?

Administrator YUNITS: It was signed.

Commissioner CAKOUNES: Our Administrator has informed me that it has been executed by the Cape Light Compact.

Ms. ZUERN: Okay. Thank you.

Speaker BERGSTROM: Lilli.

Ms. GREEN: Thank you. So I have a number of questions. First of all, I see Mr. Troy in the audience, and I want to thank him again for his memo and for coming before us and answering questions, and I appreciate that he's here again today.

And I would like to say that I did attend the Commissioners’ meeting last Wednesday when this did come up, and I did remind the Commissioners that it was the Assembly's understanding that you were going to come before the Assembly, that you had told us that you would, and that it was not something that needed to happen by the end of the year. But if it did, there was still time, that there was still one more Assembly meeting and that you still have a Commissioners meeting.
I was very hopeful that you would not have signed this agreement, but as you said, two Commissioners did vote to sign the agreement. I appreciate Commissioner Cakounes for keeping his word and not voting to sign it.

I did have some questions at the time, and I don't know if the questions were answered. You know, in my initial read, the Chair of the Cape Cod -- Cape Light Compact is signing this agreement, yet Maggie Downey who is the Compact Administrator has signed other agreements. And I ask was there a reason for that and is there anything that the County needs to be aware of from a liability standpoint if the chair of the Compact as opposed to the Compact Administrator signs this contract? I don't know if that was -- you said that you would look into it, Commissioner Cakounes, but I don't --

Commissioner CAKOUNES: If I could answer one at a time, Mr. Speaker.
Yes, you did ask that question, and Maggie has informed us that the Board of CLC took a formal vote and authorized the Chair to execute the Termination Agreement. And, quite frankly, I think that we're okay with that, and the attorneys have reviewed it, and they're okay with it too.

Speaker BERGSTROM: You guys wanted to jump so now you jump.
Ms. GREEN: Thank you. But, again, too, as I told you, there are a lot of smart people on the Assembly, and there could have been a lot of insight given to this. I since have some questions and I'll ask Bob when that topic comes up at the end.

But as far as the Cape Light Compact is concerned, I did have another question that is not pertaining to that item 16 on the agenda and that is that I did have a list of questions that I was asking when Mr. Yunits was before the Assembly two meetings ago. He asked me to put it in writing. I sent a letter on December 5. At the last Assembly meeting, the County Administrator said that he had forwarded my letter to the County Attorney and to the Cape Light Compact Attorney, BCK Law.

As of today, I have not received any of the answers to those questions.
Commissioner CAKOUNES: Have you?
Commissioner FLYNN: No.
Ms. GREEN: I sent them to the County Clerk. The County Clerk has sent them to all the members of the Assembly, and I’d like to make that a public record because that would be -- those answers would have been -- some of those answers would have helped me to make a determination and also some of the Assembly members to ask appropriate questions regarding this Termination Agreement that the County entered into with the Cape Light Compact.

So I do want to make that part of the public record so the public can see the questions that I'm asking because I do think that those questions still do need to be answered. And to piggyback onto that --

Commissioner CAKOUNES: Well, can I answer one at a time?
Ms. GREEN: Yes.
Commissioner CAKOUNES: In regards to your questions, they were -- thank you for putting them in writing; the Chair did request that you put them in writing; you did that. We have forwarded them on to different people and we have not heard the response back. As soon as we do, we will make sure that not only you get them but all the Assembly members get them along with the questions.

But as of presently, and I just got a nod from our Administrator, we do not have the answers to those questions yet.
Ms. GREEN: Well thank you for that answer. I do appreciate that. But another item that I did bring up at your Commissioners meeting is that the Cape Light Compact announced over a week ago that they have entered into an extension of their energy contracts. That is for the members, meaning Barnstable County as well as our towns, and also for the ratepayers.

We thought that because they said it was an extension or I assume because they said it was an extension, they might be entering into an agreement with the current supplier which is ConEdison Solutions. We know that ConEdison Solutions is selling that division to another company, to Constellation Energy, but it is a totally different energy company that they’ve entered into this contract with.

My understanding is a two-year contract and it’s over $70 million a year, who signed that contract?

Commissioner CAKOUNES: Mr. Speaker.
Ms. GREEN: Was it a County employee?
Commissioner CAKOUNES: Mr. Speaker, this is way beyond my purview as a County Commissioner.

Speaker BERGSTROM: I understand.
Commissioner CAKOUNES: Questions like that need to be directed to the Cape Light Compact, not to us. We have no control over what they do.

Speaker BERGSTROM: So what you’re saying is you didn’t sign that contract?

Commissioner CAKOUNES: I absolutely didn’t sign the contract, no.
Ms. GREEN: And so the County employee signed the contract and with what, an 04 number of the County? I don’t know. Do you know?
Commissioner CAKOUNES: Can I please -- no, I don't.
Ms. GREEN: Does Commissioner Flynn know?
Commissioner FLYNN: No. I don’t know either.
Commissioner CAKOUNES: No.
Ms. GREEN: And was there a procurement process? I mean if this was an extension -- do we know?

Commissioner CAKOUNES: I don't know that.
Ms. GREEN: Okay. Thank you.

Speaker BERGSTROM: Okay. I originally called for a recess because we had a Public Hearing at 4:15 p.m. but, under pressure, I folded and now it’s 4:40 p.m., okay, and we will now hold the Public Hearing.

Commissioner CAKOUNES: So we’re done?
Speaker BERGSTROM: You’re done.
Commissioner CAKOUNES: Thank you.
Commissioner FLYNN: Thank you.
Commissioner CAKOUNES: Don't shoot the messenger.

Public Hearing on Proposed Ordinance 16-10: Oaths of Office (4:40 p.m.)

Speaker BERGSTROM: I have the notice of Public Hearing here.
Mr. OHMAN: Mr. Speaker, I move to waive the reading.
Deputy Speaker MCCUTCHEON: Second.
Speaker BERGSTROM: All those in favor of waiving the reading say “Aye”? 
Okay. So I guess we should explain what this is all about. Okay. This is about the Proposed County Ordinance 16-10 to authorize the Clerk of the Regional Cape Cod Government to swear into office any and all elected or appointed officials at the Cape Cod Regional Government.

Okay. So do we have any discussion on this Ordinance?

MS. O’CONNELL: Well, you have one person that signed up, but I don’t see the person in the room.

Speaker BERGSTROM: Okay.

MS. O’CONNELL: They signed up to speak.

Speaker BERGSTROM: Well, in that case --

Mr. OHMAN: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. OHMAN: I would like to know how this came to be. Our County Clerk has regularly sworn people in for all the County positions through the past. Can you tell me why this is even on the agenda?

Speaker BERGSTROM: I could but I’m probably not the best one to do that. Do we know?

Clerk O’CONNELL: Well, it’s a public hearing and you can take public comment from anyone.

Speaker BERGSTROM: Yes.

MS. O’CONNELL: And it seems like Leo’s probably going to make a comment.

Speaker BERGSTROM: Leo, tell us.

Commissioner CAKOUNES: This came to be because a member of the public questioned the authority of our County Clerk, Barnstable County Clerk, having the authority to swear people in. Unfortunately, the member of the public is assuming that Barnstable County operates as a County government under the state statute, and that’s not the case in what we operate here.

What we operate here is Barnstable County Government known as -- I’m sorry, Barnstable Regional Government known as Barnstable County. And we operate under a Home Rule Charter.

And it came to our attention that although we -- we, the Commissioners, I wasn’t one at the time, but the Commissioners appointed happened to be the Clerk of the Assembly to also double as the Clerk of Barnstable County.

At that time, they didn't really put a, for lack of a better explanation, a job description, if you will, to exactly what the duties of this person are. So after consultation with our attorney, County Counsel, we found the best way to do this was just to do a little housekeeping, cross the i’s and dot the t’s (sic), and now officially appoint the County Clerk as the person to do the swearing in for Barnstable County.

The other option we did have was to petition the Governor and to follow state law. But the Commissioners felt strongly opposed to that because once you cross that line and you start adhering to state law, someone could question your ability to be self-governed under our Home Rule Charter.

So we decided to do it this way, and it seemed to be the best and cleanest way. I hope that answers everyone’s questions.

Mr. OHMAN: Yes. So a random member of the public, Mr. Commissioner?

Commissioner CAKOUNES: It’s not my business to reveal that information.
Speaker BERGSTROM: Well, right now, whether a random member of the public could be appointed or not is not germane to Ordinance 16-10. Okay. So do we have any other comments on 16-10? Do I have a motion?

Mr. O’MALLEY: So moved.

Deputy Speaker MCCUTCHEON: Second.

Speaker BERGSTROM: Well we have to vote on it? Mr. OHMAN: I move -- Mr. Chair, I move to close the Public Hearing. (4:45 p.m.)

Speaker BERGSTROM: Okay.

Deputy Speaker MCCUTCHEON: Second.

Speaker BERGSTROM: Okay. The Public Hearing is now closed. And now we have tributes from the Assembly of Delegates.

Clerk O’CONNELL: You’re voting on it when the Assembly convenes.

Deputy Speaker MCCUTCHEON: Okay.

Clerk O’CONNELL: When the Assembly convenes, that’s when you vote.

Tributes from Assembly of Delegates to Delegates King, Martin and Taylor

Tribute Mashpee Delegate King

Speaker BERGSTROM: Can I have your attention, please? Although she’s not with us today, I have a tribute to the Delegate from Mashpee, Marcia King.

“We, the members of the Barnstable County Assembly of Delegates, hereby recognize and pay tribute to the exceptional record of service by our colleague Marcia King, Delegate from the town of Mashpee since May 2000.

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

Marcia has held several leadership positions during the past nine terms, and she had diligently supported those measures important not only to our own community but to the entire County.

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

Marcia served on various ad hoc and Standing Committees, including Natural Resources, Government Regulations, Economic Affairs as Vice Chairperson, Public Services, and Finance’s Chairperson, and was very active on every committee on which she served. Marcia has a sound background and solid experience in government, and she provided effective insight and recommendations when reviewing the County’s fiscal policies and expenditures. Marcia King earned the respect of her fellow Delegates because of her fairness and forthrightness on issues.

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

And if she's in Hawaii, I hope she's listening. I wish I was there.

Tribute – Eastham Delegate Martin

I have here a tribute to Teresa Martin who’s the Delegate from Eastham.
“We, the members of the Barnstable County Assembly of Delegates, hereby recognize and pay tribute to the exceptional record of service by our colleague Teresa Martin, Delegate from the town of Eastham since January 2009.

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

Teresa Martin has held several leadership positions during the past four terms, and she had diligently supported those measures important not only to her own community but to the entire County.

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

Teresa served as Deputy Speaker of the Assembly from January 2013 through December 2014. Teresa served on various ad hoc and Standing Committees, including the Fire Training Academy Needs Assessment Committee, Telecommunications and Energy, Government Regulations, Finance, Natural Resources, Health and Human Services, and as Chairperson to Economic Affairs, and was very active on every committee on which she served.

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

Teresa Martin earned the respect of her fellow Delegates because of her fairness and forthrightness on issues.

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

Though I hope Teresa is listening.

Tribute – Falmouth Delegate Taylor

Speaker BERGSTROM: Julia C. Taylor; C for commitment.

“We, the members of the Assembly of Delegates, hereby recognize and pay tribute to the exceptional record of service by our colleague Julia C. Taylor, Delegate from the town of Falmouth since January 1991.”

I was just a young lad then.

“Julia C. Taylor has in numerous ways demonstrated qualities of leadership and commitment as a public servant that have contributed to the accomplishments of the Assembly of Delegates in Barnstable County, and we thank Julia for her outstanding work as a Delegate.

Julia C. Taylor has held several leadership positions during the past 13 terms, and she had diligently supported those measures important not only to our own community but to the entire County.

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

Julia served as the Falmouth Representative on the Barnstable County Charter Study Committee as Vice Chair at its first organizational meeting held in December 1987.

Committee, and she supported ideas that generated interest in delivering high quality retail services to the citizens of the town on Cape Cod.

Julia served as Speaker of the Assembly of Delegates during the 5th and 6th sessions, 1997 through 2009, and on various ad hoc and standing committees including the Special Commission on County Governance, Community Affairs, Governmental Regulations, Health and Human Services, Economic Affairs and most recently as Vice Chairman of the Standing Committee on Finance, and was very active on every committee which she served.

Julia has the distinct honor of serving as the longest-seated Delegate in the history of the Assembly of Delegates. Having served 13 consecutive sessions totaling 26 years of service and received the honorary position of Dean of the Assembly in 2016.

Julia has a sound background and solid experience in government and she provided effective insight and recommendations when reviewing the County’s fiscal policy and expenditures.

Julia C. Taylor earned the respect of her fellow Delegates because of her fairness and forthrightness on issues.

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

Julia.

Ms. TAYLOR: Thank you.

Speaker BERGSTROM: All the institutional memory we’re going to lose now.

Ms. TAYLOR: Give me a call.

Speaker BERGSTROM: A gift from us.

Ms. TAYLOR: How wonderful. Well, I fortunately didn’t write a speech, but I did want to say two things.

I very much enjoyed my time on the Assembly, and I’ve appreciated my colleagues and the Commissioners, and it's been a good experience. It's very nice to work in local government because you can sometimes get stuff done and you can see the accomplishments without some of the frustrations that I think people have at higher levels of government.

I appreciate the list of some of the things I've done. I would say that my most important contributions have been that I brought Diane Thompson in as the original or the second but very -- 26 years ago -- Clerk. She set a standard that was wonderful for the workings of the Assembly.

And I also was able to be involved in hiring Janice, and so that has turned out to be, you know, great.

I even got to be involved in select -- encouraging Sue Moran to run for the seat and she did it, so you're all set here if she sits here. And I got to be on the committee that recruited Jack.

Now I had nothing to do with Mary, which I would've taken pride in, but I wouldn’t have understood the technical details of what we were looking for there, so I can’t take credit for that at all.

But, honestly, I think the -- I bring all this up because I think the strength of the County is in its elected officials and in its outstanding employees. And I think if we
can keep that in mind, and if people will continue to bring the qualities that they have to their work here, I think we can go forward with a lot of confidence.

Thank you.
Speaker BERGSTROM: Thank you.

Speaker BERGSTROM: Okay. We’re moving on. Do we have any communications from Public Officials? Do we have any communications from Members of the Public? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene, and we will have a Finance Committee report and Assembly vote on Proposed Ordinance 16-09 for fiscal year 17, cost-of-living-allowances.
John.

Finance Report on Proposed Ordinance 16-09

Mr. OHMAN: Thank you, Mr. Speaker. This report on Proposed Ordinance 16-09; we met on -- as a Standing Committee in a Public Hearing on December 7th at 3:00 p.m. We had all five members of the Finance Committee there.

The Proposed Ordinance is to appropriate and transfer the sum of $185,000 from the Salary Reserve Account to the Operating Budget for the purpose of implementing a 2 percent cost-of-living adjustment to the current employees who have not received a COLA for fiscal year 2017.

There was a disparity if you worked in a certain part of the County, be that the Cape Cod Commission, or the Cape Light Compact, or you were a union employee, you got a cost-of-living, COLA. And the disparity was that if you were not in one of those parts of the County government, you did not.

And it came to our attention through Delegate Princi that this would be unfair since they had done their due diligence and not had a deficit spending process at the end of the fiscal year that we could afford to retroactively pay them in a fair manner.

We had a couple of discussions. I think that Delegate McAuliffe wanted to make it retroactive only to January 1, which would save the County about $80,000 and that was discussed but not passed on affirmatively.

And at the end, we voted 3 to 2 to pass it on to the Assembly. And as such, I would ask you to vote affirmatively on Proposed Ordinance 16-09 as printed.

Proposed Ordinance 16-09: The Cape Cod Regional Government, known as Barnstable County hereby ordains:
That Barnstable County’s operating Budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, be increased by making the following supplemental appropriation:
Appropriate and transfer the sum of $185,000.00 from the “Salary Reserve” account to the FY2017 Operating Budget for the purpose of implementing a 2% Cost of Living Adjustment (COLA), to current employees who have not received a COLA for FY2017, including those union members who may negotiate a COLA.
for FY2017 and retroactive for all current employees meeting these criteria to July 1, 2016.

Speaker BERGSTROM: Okay. I'll take that as a motion. Do I have a second?
Mr. MCMANUS: Second.
Speaker BERGSTROM: All right. So second. Do we have any further discussion on this? Yes, Deborah.
Deputy Speaker MCCUTCHEON: I was on the committee that heard this proposition in the Finance Committee, and I was one of the people that voted against it.
I was very distressed that this was not part of the original budget that we voted upon. I think management’s job here is to bring us a budget that’s realistic that meets the needs of employees and departments and this Assembly. And that we shouldn't be getting surprises later and getting representations in behest of actions taken that are not -- that turn out not to be reliable in the end.
Back in May of 2016, Mr. Yunits represented to us that this tax increase that we voted and that I supported was simply for -- it's not a gravy train. The health care cost and other employee-related costs, that's what we anticipate we will need next year. That was Mr. Yunits on May 14th, 2016.
We now are presented with the increase that relies upon that tax increase for its funding. And I oppose this. I oppose this because I don't believe that we are building our organization on the backs of the workers. I do think that when management comes to us with a budget, it ought to be a complete budget. If there’s going to be cost-of-living increases, those should be in that budget.
I know everybody feels good and I'm sort of Scrooge here on Christmas Eve with Tiny Tim is out there in the hallway waiving his little cane. And I'm saying when we do this, we should be doing this as part of the budget. This ought not to be piecemeal addressing the budget, and I voted for a tax increase, that representation was we needed that money to keep the County from going under. It was not represented to us that we needed that money to give employees largely in the upper-level -- upper echelon of our employees the cost-of-living increase.
So I opposed this then and I oppose it now. Thank you.
Speaker BERGSTROM: Linda.
Ms. ZUERN: I also oppose it, and I believe we had discussion during the budget time about the discrepancy of some of the employees, especially the Cape Cod Commission employees getting more money because the money was coming from grants and not from the County government.
But I would say the Cape Cod Commission should decrease the salaries or take that COLA away to make it fair, and that we should not increase the budget at this time.
I agree with Deborah that this should be discussed at budget time and not later on adding in just because we got more tax revenue. And that tax revenue, I did vote against that deeds’ tax. So I certainly wouldn't support using that money for the COLA now.
Thank you.
Speaker BERGSTROM: Julia.
Ms. TAYLOR: Well, I think that Mr. Yunits made it pretty clear at the Finance Committee hearing that they had -- management or the Administrator or the Commissioners had not sought the COLA at the time they submitted the budget
because they were very concerned about how much was going to match up with the expenses.

They also made that worry very clear to the different department heads. And by a great deal of effort, money was saved, not spent, and so there was money that could be used for this or another purpose and the end of the year.

I think there’s no matchup between the deeds tax and this money. The deeds tax is one of many sources of revenue, and this is one of many expenses that you can decide or not decide to pay for.

But, to just equate it with the deeds tax I don't think is accurate. I guess I had forgotten -- I mean I hadn’t forgotten we were going to vote on it, but I hadn’t really been thinking of that when I was talking about the employees, but I do consider that they are the strength of the County, and I don’t think this is an unreasonable thing to vote. It's not to say I wasn't interested in Mr. Yunits’ plans for the future and Mary’s thinking on how we’re going to structure our entire pay scale and how it may be redone. I'm sure you all will hear more about that and may well want to support such a thing. But this is the old system for at least this year, and I will vote in favor of the COLA.

Speaker BERGSTROM: Okay. I saw Brian first and then we'll move down this way.

Mr. O'MALLEY: I’m going to speak in favor of this ordinance. I think at the time when we decided during the budget process last year that there were enough imponderables in the budget, and it appeared to be rather threatening this coming fiscal year; it appeared to be threatening.

And I think through the work of many of these employees, the situation looks better. It's not unheard of at all for us to make transfers during the year beyond the time of the budget. We approve these all the time, so I don’t find that this is an exceptionally unusual sort of an event.

And I think we asked for -- work on improving the revenue base. We asked for control of expenditures. And from what we heard at our last report from the fiscal department, we’ve done that. And I think it's reasonable to bring everybody up onto the same cost-of-living increase that has been enjoyed by some of the employees.

Speaker BERGSTROM: Okay. Ed. First we'll start with Ed McManus. Did you have your hand up first, Ed?

Mr. MCMANUS: I think Ed Lewis had.

Speaker BERGSTROM: Ed Lewis, okay.

Mr. LEWIS: I'm a little confused by the letter that Ms. McIsaac sent on the 19th, which I believe we all received. A portion, as I understand it, of the 145 employees were eligible for this COLA enhancement if we vote for it, did receive a merit increase of up to 4 percent or a 4 percent merit increase. And some of the people who were in that group were in this 145 also received a longevity increase.

So it's not that they didn't receive any increase. A 4 percent merit increase in today's economy is a pretty healthy merit increase. Most unions won’t get a 4 percent increase, merit increase in last year, the year before, the year before that, and probably not next year.

And so I understand the thought process behind this. I agree with what -- it’s not unusual but, then again, it is unusual to a certain respect to say, “Well, we’ve got the money now so let’s go back and give everybody a COLA that they didn’t get.”
I think it's our responsibility to look at the budget. I agree with Julia. It has nothing to do with the deeds’ tax whatsoever. We looked at the budget. We made a decision on the budget. Apparently the merit pay did not get into the budget or at least didn’t get into the discussion as it relates to the budget.

I have a problem with going with a COLA six months later and saying, “Well, we’ve got the money now, let's go ahead and do it and give everybody an extra 1,200 to $1,300.”

So I’m probably going to vote against this. Thank you.

Speaker BERGSTROM: Pat.

Mr. PRINCI: I'll be voting for it. I proposed it. And part of the reason why I did it is because throughout my years of experience in this County, I have seen the hard work and dedication of the many men and women that makeup our staff here. I’ve seen them over the years rely on less people to do more work. We’ve been clear since I’ve been the Chair of the Human Service Committee. We’ve been clear to many of these agencies that work with us that we’re not looking to increase any more staff that they’re going to have to get the work done with less resources.

And not only have they done that, they’ve done that to the level where we’ve had seen monies coming back into our coffers as a result of their hard work.

It is okay to put these measures forward through a budget cycle. It happens constantly at the state level and even the federal level whereby when revenues aren’t always assumed to be as strong as they may be, we’re not likely to give the employees the raises that they should.

We’re talking about 2 percent here. It's a minimal amount. It’s a total of $185,000. It is in great fairness if you’re a County employee and you’re not working for a certain department where those people did get the increase and you may have been bumped from that department back into a department that is getting the increase or not getting the increase.

There needs to be some semblance across the board. And I’ve been reassured by the County Administrators that are here now that as they go forward we’ll be seeing as we look at budgets not just for next year and the year after when we look at these COLAs, we’ll be looking at these COLA’s 5 years out, even 10 years out.

And that's the best budget practices, and that’s what I hope to see going forward here. But to me, I don't feel that we should be penalizing the major resources that we have, our people, as a result of past poor budget management practices relative to the COLA increases.

And lastly in closing I said, you know, we constantly -- our employees here are being looked at, you know, nationally throughout the state as resources to those governments too. And, in part, it’s our employees that are bringing the monies into the County through various grants and other resources that are out there.

We have a strong County right now. I'm hopeful that it’s going to continue to be that way. I’m very hopeful with the current management that we have in there so that we won’t be looking at this from a year to year standpoint; we’ll be looking at it for many years.

And I hope and urge you to support this, please.

Speaker BERGSTROM: Lilli.

Ms. GREEN: Thank you, Mr. Speaker. I know I'm a newbie, but I have been trying to understand this issue. And I believe that the people that have been speaking
against this ordinance have valid points, but I think this ordinance makes good fiscal sense.

From my understanding, there’s a morale issue at stake here. And I think that this amount of money to make things fairer for all of the County employees makes sense.

And I will support it because I think that our employees, our County employees, are doing good work. And I think that there have been a lot of changes this past year. And as things sort of normalize in the next year or two, I don’t think that we’ll find that we’re facing the situation again. And I think it’s only fair to pass this ordinance and give our employees what they deserve.

Thank you.

Speaker BERGSTROM: Okay. Ed McManus. You haven't spoken yet?

Mr. MCMANUS: No. At the discussion of the budget last year when we were taking a whole variety of issues, pay being one, level of support for the Arts Foundation being another; whether or not we continue to host an employee Christmas party being another. I mean there were a number of things that were eliminated out of that budget. And one of the things that went was the COLA increase for the essentially unrepresented employees. And at the time I spoke against it. I thought it was a bad practice to treat your employees inequitably.

From all accounts, there have been some morale problems over the year. I come from a town of Harwich that before I was a selectman, our senior management employees had been in a union and they voted out of it feeling that the elected officials would take their interest into account at appropriate times and in appropriate ways.

Unfortunately, we wound up hiring while I was, regrettably, while I was selectmen, not my choice, but an Administrator who didn’t seem to feel standing up for his senior employees was important, and they voted to go back into a union, which has created innumerable problems in how my town operates now. And I think that's the last thing you want to put yourself in a position in. And doing things like treating employees inequitably on the basis of how pay is given is really a bad way to start that.

Speaker BERGSTROM: Okay. Linda.

Ms. ZUERN: We are representatives of the public, and if you wanted to talk about fairness, there are a lot of people in the public that are not getting a 4 percent pay raise or a 6 percent pay raise. In fact, they’ve been taking a decrease in their salary for several years now.

So, nobody’s been talking about equitable treatment of, you know, the public sector as well.

Mr. PRINCI: That's not true.

Ms. ZUERN: And I don't consider this a transfer. It’s now going from one account to another. It's just extra money that’s in our budget at this point that we want to use. I don't consider that a transfer. So, thank you.

Speaker BERGSTROM: Yes, Pat.

Mr. PRINCI: Where are you getting information that employees in the private sector aren’t getting compensated in these times of current? Are you saying that or is that --

Ms. ZUERN: That’s just from people I talk to.

Mr. PRINCI: Okay. Because in actuality the private sector employees are being compensated reasonably during these current economic times.
Speaker BERGSTROM: Okay. Suzanne.
Ms. MCAULIFFE: When this cost-of-living increase came up last year, I was very vocal about the inequity of it and the mismatch it created with certain groups getting -- certain departments getting cost-of-living and it was going to set up and allay this unfair atmosphere. That’s, unfortunately, is what’s happened.
I’m very concerned that going forward we know that we don’t have the money. We know that we have the $7 million elephant in the room. We know that we have infrastructure needs. We know that we have OPEB liabilities. We know that we don’t have money. We know that we’re in financial difficulties.
That’s why we made the decision to perhaps restrict employees where we could and it was unfair. I think going forward there should be a policy in place County-wide all County employees for the next budget. I think that after we voted the deeds tax and the public will perceive giving employees more money or cost-of-living on top of other monies that some employees are getting as a bad faith gesture on our part.

Having sat as a guardian of the people's money for many, many years, people do not like taxes raised and then at the end of sort of a backdoor increase in salaries. And I say this knowing that our people are very valuable and they work very hard.
So I put it on us, to the Administration and the Assembly and the County. We did not do what we should have done in the Assembly. And I think that after we voted the deeds tax and the public will perceive giving employees more money or cost-of-living on top of other monies that some employees are getting as a bad faith gesture on our part.

Mr. LEWIS: I’ll second.
Speaker BERGSTROM: Well that brings up an interesting situation because there may be people who support the entire increase which means they will vote against your --

Ms. MCAULIFFE: That's fine.
Speaker BERGSTROM: And then in turn when -- but, in other words, if your amendment passes, then there’s no guarantee that they’re going to get anything. In other words, they both could go down in flames; do you know what I’m saying?
I’m just warning you that you -- be careful what you wish for because it could come back to bite you.
Ed. But now we’ve got to speak to the amendment.
Mr. LEWIS: Well, I have a question because -- if I may and maybe we can suspend the rules and I can get an answer to the one -- the question because it says -- I’m trying to find out how many employees are County employees? How many of those County employees are with the Commission? How many of those County employees are with the Compact? How many of those County employees are union employees? And how many are not union employees because it appears, and maybe I don’t know where they all are, that we have a lot more employees in the County than I thought we had. Because, supposedly, the Commission -- those employees got an increase. The Compact, those employees got an increase, and the union employees, those employees got an increase. And still we have 185 employees.
Ms. MCAULIFFE: A hundred and forty-five.
Mr. LEWIS: A hundred -- well, they get some form of increase. Okay. So I don’t know whether it’s 145 or what, and I’m trying to figure out where all those employees are.

I understand we have different, you know, whether they’re all part-time employees, full-time employees, employees that are employed because of grants and not from directly related to County funds.

That’s one of the reasons that I’m also, you know, by the way, every town has employees that work exceptionally hard. And I have a great deal of respect for the employees, and I don’t think this is that issue to make it into some kind of a sympathy issue. This is more an issue of the finance. I agree with what Linda said before.

And just for your information, Pat, and anybody else who knows, those of us who are on Social Security have not had one penny increase in three years, not one penny. So for those of us -- those people who are on Social Security, just so they’re also taxpayers. So I just don't know where all these employees are.

Speaker BERGSTROM: Anyway, let me jump in here for a minute. The clock is ticking. I hope everybody understands what the cost-of-living increase is. Okay. It is put in place so that the value of your salary does not erode with inflation. All right. It's not an extra bene.

What it is -- it’s supposedly and in a lot of towns, especially my town of Chatham, it's based on the consumer price index, which means if inflation goes up a certain amount, your salary goes up a certain amount to compensate so that you don't lose ground.

Now let me just take a quick poll of the people in this room. How many people here support themselves on a salary?

Speaker BERGSTROM: Okay. We’ve got two; we’ve got three. You have to give yourself a salary there, Brian?

Mr. O’MALLEY: Yes.

Speaker BERGSTROM: Most people in the world live on a salary, all right, and that determines -- their lifestyle determines what they can do and how they can support their children and so on and so forth.

And I think that sometimes some of us who live on Cape Cod, so I’m including myself who are self-employed and our finances go up and down don’t really remember or maybe we forget what it’s like to live on a set salary and have to go the life on it.

So I think that, to be honest with you, that the administration was very candid with us when we passed the budget. They said right now we need the increase in the deeds tax so that we don't go into a deficit. All right. We don't know how much money we’re going to get from the Registry, so we’ll be conservative.

Now since then there’s been some increase in the amount we receive and this is one of the items that we intended to restore.

You know, I just -- maybe it's my background and stuff, but I really sympathize with people who get a paycheck, you know. And maybe some of us can increase our efforts, maybe the business cycle goes up a little bit and we do a little better or, you know, I get more clams and I have a good year. But if you live on a salary, that's what you get. All right. You get merit increases but it’s limiting.

So I’m going to support this, and I think that, you know, we’re all going to be gone soon but the County employees are going to be here, and they’re going to need some support from us if they’re going to continue to do a good job.
So that’s my little speech. Anyway. So, are we ready to take a vote on the amendment?

Clerk O’CONNELL: On the amendment, there’s a motion and a second, so this is on the amendment.
Speaker BERGSTROM: On the amendment.
MS. O’CONNELL: And could I have clarification please as to what you’re changing it to just so --
Ms. MCAULIFFE: I’m changing it to exactly half the amount. So its $84,250 because it would be a 6-month increase as opposed to a 12-month, and this is all an estimate anyway.
Clerk O’CONNELL: Wouldn’t half be $92,500?
Ms. MCAULIFFE: Excuse me, is my --
Ms. MCAULIFFE: Isn’t it $168,000?
MS. O’CONNELL: No. The ordinance as presented says $185,000.
Ms. MCAULIFFE: The ordinance I have is $168,000. Oh, I’m sorry. I’m sorry. I don’t have the correct -- okay.
Clerk O’CONNELL: So it would be $92,500.
Ms. MCAULIFFE: $92,500 all right. I was looking at the wrong number.
MS. O’CONNELL: So that’s what you’re amending the figure to.
Ms. MCAULIFFE: Yes.
MS. O’CONNELL: Everything else stays the same. It’s just the change in the figure of $92,500.
Deputy Speaker MCCUTCHEON: Wait a minute. What I understood the amendment to be that it would be effective the first of the year.
Ms. MCAULIFFE: Yes, not retroactive.
Deputy Speaker MCCUTCHEON: So it only wouldn’t be retroactive?
Speaker BERGSTROM: Right.
MS. O’CONNELL: Well then you’re changing the language in the ordinance so.
Ms. MCAULIFFE: I’m sorry.
MS. O’CONNELL: And that’s got to be --
Ms. MCAULIFFE: A bigger deal?
MS. O’CONNELL: It is. And I think one of the reasons is because it might present, for lack of a better word, like a logistical processing problem with --
Ms. MCAULIFFE: All right. If the second will withdraw, I’ll withdraw the amendment.
Mr. LEWIS: I’m not sure. If I may, Mr. Speaker?
Speaker BERGSTROM: Yes.
Mr. LEWIS: I’m not sure where that logistic of what the amendment actually does. It takes the COLA, the increase that begins January 1 and goes through the end of June as against beginning in the end of -- the beginning of July.
And you’re offering -- you're not making it retroactive for six months. You’re beginning it on the 2 percent on January 1st as against -- and many union agreements don’t do that. They’ll give them a percentage beginning in January as against in July so that they get something for the year but they don’t --
Clerk O'CONNELL: Well, if I may? I think because of the way our payroll is split on the two week cycle, I think if the amendment said, “Effective the first payroll period in January,” that would --

Ms. MCAULIFFE: Okay. Strike the retroactive and put effective the first payroll period in January.

Speaker BERGSTROM: All right. Are you all clear on that?

Yes, Chris.

Mr. KANAGA: Sorry, just to clarify. We’re talking now about basically striking the last clause of the second paragraph and getting rid of a retroactive for all current employees meeting this criteria to July 1 and inserting --

MS. O’CONNELL: Yes, I think it says --

Mr. KANAGA: Effective the first payroll period.

MS. O’CONNELL: -- after FY17 if it said “Effective for all current employees on the payroll beginning with the first payroll of January 2017,” and then you would change your amounts in the proposed ordinance to $92,500 in the paragraph and also below it. I think that --

Mr. KANAGA: Thank you. That's all.

Ms. MCAULIFFE: Sorry.

Speaker BERGSTROM: Okay. Now this is not a vote on the -- in other words, this vote -- the only effect this vote will have is to change the ordinance. Then the ordinance -- the changed ordinance has to be passed for anything to happen, okay, so we know that.

MS. O’CONNELL: And it has to be by rollcall at this point because I think Jim Killion has joined the meeting? Jim, are you there? Jim? Sorry.

Ms. MCAULIFFE: He has to leave at five.

Speaker BERGSTROM: So he left.

MS. O’CONNELL: So you can vote just on accepting the amendment and then you’ll take a vote on --

Speaker BERGSTROM: Why don’t we take a roll call vote. I’m requesting the roll call vote.

MS. O’CONNELL: Okay.

Mr. MCMANUS: Before -- could I have the --

Speaker BERGSTROM: We’re not clear on it yet?

Mr. MCMANUS: -- the actual wording read one last time quickly.

Speaker BERGSTROM: Go ahead.

Clerk O’CONNELL: Appropriate and transfer the sum of $92,500 from the Salary Reserve Account to the FY17 Operating Budget for the purposes of implementing a 2 percent cost-of-living adjustment to current employees who have not received a COLA for FY17, including those union members who may negotiate a COLA in FY17 effective for all current employees on the payroll beginning with the first payroll of January 2017, and it would be $92,500. So that you’re not going back to any employees who have left or on the payroll from July until December. It's going to start in January effective with the first payroll whether you have as current employees.

Speaker BERGSTROM: That's the amendment.

Clerk O’CONNELL: Yes.
Mr. MCMANUS: Well, you know, I know what the intent of the amendment is by the maker but by saying “All employees on the payroll,” you leave yourself open for people who were on the payroll in July that got a cost-of-living increase are now getting another one.

Clerk O’CONNELL: Well, I guess that’s why I said for all current on the payroll beginning.

Mr. MCMANUS: Earlier in this you define a group of employees. Instead of saying all employees, you say those employees referred to above still on the payroll.

Speaker BERGSTROM: You know I don’t --

Clerk O’CONNELL: See this is the problem --

Speaker BERGSTROM: Excuse me, but an amendment was put on the floor. If you want to change the amendment, you have to amend the amendment, all right, which would take us forever. So you can’t just say let’s say this; let’s say that.

An amendment was put on the floor. It was passed and seconded as written.

The maker of the amendment agreed to a change. Okay. Now, if you want to amend the amendment, instead you should do that right now and say exactly how you want to amend the amendment and then we’ll take a vote on that. Do you understand what I’m saying?

Mr. MCMANUS: I understand what you’re saying.

Speaker BERGSTROM: Okay. Do you have an amendment to the amendment?

Mr. MCMANUS: No. I’m just saying it’s a bad amendment.

Speaker BERGSTROM: Okay.

Mr. MCMANUS: I’ll vote against it.

Speaker BERGSTROM: Vote against it.

Clerk O’CONNELL: That’s the complication with amending things on the fly and not having it in writing trying to accommodate --

Speaker BERGSTROM: So we have the amendment on the floor proposed by Delegate --

Deputy Speaker MCCUTCHEON: McAuliffe.

Speaker BERGSTROM: -- yes, and she agreed to the change, and the second agreed to the change, right?

Mr. LEWIS: I guess I did.

MS. O’CONNELL: So you want a rollcall vote on the amendment but it’s not voting on the amended ordinance?

Speaker BERGSTROM: Right.

Proposed amendment to Proposed Ordinance 16-09: The Cape Cod Regional Government, known as Barnstable County hereby ordains;

That Barnstable County’s operating Budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, be increased by making the following supplemental appropriation;

Appropriate and transfer the sum of $92,500.00 from the “Salary Reserve” account to the FY2017 Operating Budget for the purpose of implementing a 2% Cost of Living Adjustment (COLA), to current employees who have not received a COLA for FY2017, including those union members who may negotiate a COLA for FY2017 on the payroll beginning with the first payroll of January 2017.
Voting “YES” (27.45%): Christopher Kanaga (2.73% - Orleans), Edward Lewis (4.55% - Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Linda Zuern (9.15% - Bourne).

Voting “NO” (54.18%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green (1.27% - Wellfleet), 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).

Absent (18.37%): James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham).

Clerk O’CONNELL: On the amendment 27.45 percent voting yes; 54.18 voting no, and 18.37 percent are absent. Amendment failed.

Speaker BERGSTROM: Okay. So the amendment fails. Now we have a vote on the main amendment as originally put in front of you.

Mr. LEWIS: The main motion.

Ms. MCAULIFFE: The main motion.

Speaker BERGSTROM: The main motion put in front of you.

Clerk O’CONNELL: Okay.

Speaker BERGSTROM: I think we beat this to death.

Proposed Ordinance 16-09: The Cape Cod Regional Government, known as Barnstable County hereby ordains:

That Barnstable County’s operating Budget for Fiscal Year 2017, as enacted in Ordinance No. 16-06, be increased by making the following supplemental appropriation:

Appropriate and transfer the sum of $185,000.00 from the “Salary Reserve” account to the FY2017 Operating Budget for the purpose of implementing a 2% Cost of Living Adjustment (COLA), to current employees who have not received a COLA for FY2017, including those union members who may negotiate a COLA for FY2017 and retroactive for all current employees meeting these criteria to July 1, 2016.

Voting “YES” (53.25%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green (1.27% - Wellfleet), 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).

Voting “NO” (28.38%): Christopher Kanaga (2.73% - Orleans), Edward Lewis (4.55% - Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Linda Zuern (9.15% - Bourne).

Absent (18.37%): James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham)

Clerk O’CONNELL: Mr. Speaker, Proposed Ordinance 16-09 passes with 53.25 percent voting yes; 28.38 percent no, and 18.37 percent are absent.

Speaker BERGSTROM: ’Tis the season to be jolly including me. Ed.
Mr. LEWIS: Just as a statement and a highlight, this vote and the vote before it shows why the Charter needs to be revisited as it relates to the voting that we vote because every absent is a no vote, regardless of how you voted, regardless of what ordinance is out there. Every absence is a no vote and that is disgraceful because if someone doesn’t -- these people are absent for whatever reason, but if someone doesn’t want to vote on something, they know it’s a no vote if they don’t show up. And there needs to be a revision of the Charter that allows the quorum that the majority of the quorum, however, if there’s 80 percent here then 41 percent passes, not 54. It’s just the wrong way to do business.

Speaker BERGSTROM: Okay. I’ll now move on to report from the Clerk.

Mr. LEWIS: What happened to 16?

Speaker BERGSTROM: Oh, wait a minute.

Ms. MCAULIFFE: We have to vote for the oath.

Speaker BERGSTROM: Oh, excuse me. I missed that one. We’ll now have a vote on the --

Ms. MCAULIFFE: 14.

Speaker BERGSTROM: -- yes, the Oath of Office -- what's the number on it?

Deputy Speaker MCCUTCHEON: 16-10.

Speaker BERGSTROM: 16-10. I think we’ve discussed this already, so why don’t we take a vote, a rollcall vote.

Ms. ZUERN: Yes, but I didn’t hear a motion to take the vote.

Speaker BERGSTROM: Oh.

Proposed Ordinance 16-10: The Cape Cod Regional Government, known as Barnstable County hereby ordains:
The Clerk of the Regional Cape Cod Government is hereby authorized to swear into office any and all elected or appointed officials of the Cape Cod Regional Government.

Ms. MCAULIFFE: Good point. I move -- we have to revote. I move Ordinance 16-10, Oath of Office.

Deputy Speaker MCCUTCHEON: I thought it was previously moved.

Mr. O’MALLEY: Second.

Speaker BERGSTROM: It's been moved and seconded. Now we’ll take a vote.

Proposed Ordinance 16-10: The Cape Cod Regional Government, known as Barnstable County hereby ordains:
The Clerk of the Regional Cape Cod Government is hereby authorized to swear into office any and all elected or appointed officials of the Cape Cod Regional Government.

Voting “YES”(78.90%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), 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).
Voting “NO” (2.73%): Christopher Kanaga (2.73% - Orleans).
Absent (18.37%): James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham).

Clerk O’CONNELL: Mr. Speaker, Proposed Ordinance 16-10 passes with 78.90 percent of the Delegates voting yes; 2.73 percent voting no; 18.37 percent absent.

Speaker BERGSTROM: Okay. The County Commissioners will be meeting in the room adjacent to our meeting room if any of the members wish to attend that meeting they’ll be right in there.

Report from the Clerk

Speaker BERGSTROM: Report from the Clerk.
Clerk O’CONNELL: Good evening. I just want to remind everyone that you have mileage logs in your folders. If you would kindly review those, sign them, and turn them into me before the end of the meeting. Some already have.
And other than that, I just want to remind everyone that the centerpieces that are adjacent to your signs are for you. And Julia, you can actually remove your sign from the holder and take that with you tonight.
And with that, I want to add that it has been a pleasure to serve with Ron Bergstrom as speaker. He’s the only Speaker that I have known in my tenure here with the Assembly. And this is our last meeting where you will be seated to my right. There will be somebody new I guess at the next meeting. And I just want to say that it’s been a pleasure and an honor to serve.
Speaker BERGSTROM: Okay. Thank you. You’ll find that other Speakers are not nearly as grumpy as I am.

Other Business

Speaker BERGSTROM: Okay. Now we go up to Number 16, other business, and this is an Assembly discussion. I say this with trepidation, an Assembly discussion regarding the Cape Cod Light Compact Termination Agreement signed by the County Commissioners. Does anybody have anything to say?
Speaker BERGSTROM: Hearing none.
Ms. MCAULIFFE: Wait a minute. Wait a minute. I just wanted to say -- I want to thank Mr. Troy for being here for the past six weeks or so. We’ve been wanting to have our questions answered about specifically the memo he wrote about the Cape Light Compact wanting to amend their agreement and that it would be outside the Charter if they did.
To me now, because the agreement has been signed, it’s moot. And I appreciate your availability, and I think going forward I'm cynical enough to think that the agreement perhaps isn’t going to go as smoothly as everybody’s going to wish. So it would be around for a while. It could linger and perhaps on the next go around when we do actually get involved if they need -- if they don’t -- if they can't complete the terms of the agreement, then we will have another opportunity to ask questions.
But thank you, very much, for being available. In my mind, it's over.

TOWN COUNSEL BOB TROY: Mr. Speaker.

Speaker BERGSTROM: Yes. I can suspend the rules --

**Mr. OHMAN:** I will move to suspend the rules to let Mr. Troy speak.

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

(Rules suspended.)

TOWN COUNSEL BOB TROY: I, first of all, want to express my apologies for not being here at the last meeting. I didn't know about it. I am always available to be at the Assembly.

I think you'll see if you look at my written opinions that I have always consistently emphasized the fact that this is a bicameral form of government, and I'm available at any time. And I will be -- I am scheduled for January 18th if there's any questions, legal questions that you want to put on the agenda.

The way -- I actually was in Sandwich -- I'm 20 minutes away -- last meeting. The way in which -- the protocol has been that I am authorized by the Speaker. So I, frankly, was not aware that there were even requests that I be here.

I'm happy -- I respect this body very, very much. I'm here now. I think if you're all satisfied, I do not have to answer any questions. Obviously, I think this was planned. Everyone else has run in the other room except for me, so I'm stuck here.

But I do think that the agreement that was signed by the County Commissioners, and I had nothing to do with the scheduling or any of that. I apologize to the Assembly that you were told that it was going to be before you and it was not.

But I believe that it does represent a very, very substantial improvement over the existing Administrative Services Agreement. It is a Termination Agreement. It has a drop-dead date. The Cape Light Compact and Barnstable County are finished at the very end.

If there is an extension of December 31st of 2017 and there is provisions for indemnification. There are provisions for protection of the County that previously were not covered in the Administrative Services Agreement. And, quite frankly, what happened and I think until my opinion and until the matter was referred to me, I think what was happening is there was kind of a de facto division or an emancipation, if you will, by the Cape Light Compact that they decided that they would kind of do what they wanted to do, and it did not come before the Assembly, and, frankly, didn’t come before the Commissioners.

After the conferences that we had, it became very clear that it was a mutual decision. The Compact does not want to remain with the County. They expressed a lot of dissatisfaction with the way that they perceive that they were treated by the County.

So we did everything we can and that's why it's labeled a Termination Agreement to say in the next six months or possibly, the latest, in the next 12 months, the County was protected given what had happened and what had transpired.

Speaker BERGSTROM: Okay. Well thank you for that. Everybody clear? Yes, Lilli.

Ms. GREEN: Thank you, Mr. Speaker. I appreciate the opportunity. And I appreciate Mr. Troy what you just said to the Assembly and your hard work in drafting and finalizing this agreement.

I do believe that the Assembly might've added some insight. And, to me, it seems like the County had a negotiating power that it doesn't have any more with the
Cape Light Compact as the Cape Light Compact searches for another fiscal agent. I mean it seems like they have one foot in and one foot out.

And prior to this agreement, it seemed that the County could terminate at any point in time. And now I think it's -- I mean as much as I would like to see something resolved, it seems that the power has shifted to the Cape Light Compact and they can do what they want to do, and it’s an agreement with the County and the Cape Light Compact. Is there a response to that?

TOWN COUNSEL BOB TROY: Well, the only response I would say is that the Cape Light Compact currently, now that this agreement has been signed, has a contractual relationship with the County that would require it if the Assembly has questions and wants to make inquiries, the Assembly has the authority under the Charter to require the Compact and its Administrators and employees to come here and answer the kind of questions that you have.

And I know that you have -- you have asked. Unfortunately, I certainly don't have either the knowledge or the expertise to answer those questions. And I think those questions need to be answered by the Compact. And I think that one of the high -- let's put it a different way. One of the strengths of the agreement, the Termination and Transition Agreement is the fact that the Compact is still subject to the jurisdiction of the County in terms of it having a contractual relationship.

So I don't think things have changed as much as you have described.

Ms. GREEN: And I appreciate you making that statement. So I know that the Speaker has asked the Compact Administrator a number of times to appear before the Assembly and that hasn’t happened for one reason or another. Are you saying that the Speaker can now -- can ask the Compact Administrator and require the Compact Administrator to appear before the Assembly and answer questions?

TOWN COUNSEL BOB TROY: There’s a procedure in the Charter that the Assembly has extremely broad powers of subpoena and interrogation and can require anyone who has either a relationship with the County, either a direct department of the County or somebody who has the type of contractual relationship that is in this agreement to come before the Assembly and answer their questions.

That’s my opinion. Now I don’t know whether the Compact agrees with that but that's a different issue.

Ms. GREEN: Right. And as you said, as you know because you follow the Assembly, there was a Proposed Resolution by representative Killion from Sandwich for the Cape Light Compact to become a County department similar to perhaps in nature to the Cape Cod Commission.

And I would like to propose this as the similar resolution tonight put it on the record for our next meeting --

Speaker BERGSTROM: You have to submit that in writing.

Ms. GREEN: I have it submitted. I have it in writing here.

Speaker BERGSTROM: Oh, so you’re going to have to run it by County Counsel to see whether or not we have the legal authority to do this.

Ms. GREEN: Well, is that appropriate to ask now? Do we have --

Speaker BERGSTROM: I suppose so. You can ask him if you want.

Ms. GREEN: All right. Shall I hand this to him?

Speaker BERGSTROM: No, you hand it to me. You hand it to the Clerk.

Ms. GREEN: To you, okay. But I would like to submit this upon approval of
the County Counsel for the Cape Light Compact to be a County department.

And I believe you came before us before and talked with us at the Assembly level about the Cape Light Compact becoming a County department, that there was a process and a procedure to do so. Thank you, Janice.

TOWN COUNSEL BOB TROY: Mr. Speaker, I would have to review that.

I’m not prepared today to review it and respond.

Speaker BERGSTROM: Yes.

TOWN COUNSEL BOB TROY: I would say this is that to be a County department, it’s much like a relationship. You need two willing entities. And in this case, it’s very, very clear that the Compact is not interested in becoming a County department. That’s why they have signed the agreement that says that they’re done, and they no longer want to have any relationship with the County after the Termination Agreement takes effect and the drop date; the fact that they are moving on to whatever they do.

Ms. GREEN: So they have to find a fiscal agent. And it’s my understanding that the fiscal agent has to also be a member of the Compact. So that would mean either the County or one of the towns. And if it’s a substantive change to the Compact, it’s my understanding that they have to go back to the towns.

So that would be more than just a vote of their board of directors. It would have to go back to the boards of selectmen and town meeting at the various towns --

Speaker BERGSTROM: Are you asking? Are you asking or telling?

Ms. GREEN: Yes. Am I correct in that assumption? I don’t know if I am, but I do think that that’s my assumption.

Mr. LEWIS: You’re wrong.

Speaker BERGSTROM: Yes.

Ms. GREEN: Do you know, Mr. Troy, do you have any knowledge of that?

TOWN COUNSEL BOB TROY: I do not know that, and, happily, I think one of the high points of the agreement is that’s really the Cape Light Compact’s problem. They’re going to have to figure out what they have to do and how they’re going to have to do it, and they’re going to have to pay for it. I don’t think that the County should have to pay to have their problem solved.

Ms. GREEN: Thank you. I really appreciate your time.

Speaker BERGSTROM: Okay. Ed. There’s one thing I want to hear, Ed.

Mr. LEWIS: No, I know. I’m not going to get into it. You really ought to read the Intermunicipal Agreement and find out what they can do and what they can’t do.

But there’s a Termination Agreement/Separation Agreement. It’s been signed, you know, let it go. Let them go. They’re going to leave. Let it go. And if there’s any thought of bringing Mr. Troy in, which is costing us money, and I don’t blame him for that, that the whole Assembly ought to vote whether we’re going to bring this up again and not have one or two or three delegates constantly, constantly, constantly bug everybody. Let it go. It's over.

Speaker BERGSTROM: I agree, Ed.

Ms. MCAULIFFE: Move to adjourn.

Ms. ZUERN: Second.

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:45 p.m.
Submitted by:

Janice O’Connell, Clerk
Assembly of Delegates

List of materials used and submitted at the meeting:
- Business Calendar of 12/21/16
- Unapproved Journal of Proceedings of 12/7/16
- Standing Committee on Finance Report – Proposed Ordinance 16-09
- Proposed Ordinance 16-09
- Memo and information dated 12/9 from Finance Director re: Proposed Ordinance 16-09
- Public Hearing Notice - Proposed Ordinance 16-10
- Legal Opinion from County Counsel re: Proposed Ordinance 16-10
- Proposed Ordinance 16-10
- Cape Light Compact Termination/Transition Agreement
- Proposed Resolution 16-10 submitted by Wellfleet Delegate Green
- Letter dated 12/5/16 sent to County Administrator from Wellfleet delegate Green re: questions related to Cape Light Compact