

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES
APPROVED Journal of Proceedings - December 3, 2014**

Speaker BERGSTROM: Good afternoon. Welcome to the December 3rd, 2014, session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this meeting besides our normal recording? Hearing none. Okay. In that case, I will 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 (65.22%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham) Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster).

Absent (34.78%): Richard Anderson (9.15% - Bourne), Julia Taylor (14.61% - Falmouth).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 65.22 percent of the Delegates present; 34.78 percent absent.

Committee of the Whole

Speaker BERGSTROM: Okay. We'll now need approval of today's Calendar of Business.

Deputy Speaker MARTIN: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Moved and seconded. No additions or corrections to the Calendar? Hearing none. All those in favor say "Aye." Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of November 19, 2014. Any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: Move to approve.

Ms. MCAULIFFE: Move to accept.

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

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. We do not have the Board of Regional Commissioners here, so we will have to skip that item.

Do we have any communications --

Clerk O'CONNELL: The County Administrator's here. Maybe he's got something from the Commissioners?

Speaker BERGSTROM: Yes, Mike, do you have anything to tell us? Were you at the Commissioner's meeting today?

ADMINISTRATOR BRILLHART: I was, yes.

Speaker BERGSTROM: Could you step up to the microphone because it's being recorded. Just give us a brief run down on what occurred.

ADMINISTRATOR BRILLHART: Mr. Speaker/Delegates, they had quite a few items today to cover. They did go into session regarding the two Ordinances that were recommended for approval by this board.

Their actions were reviewed through the County Counsel, and they recommended disapproval of both actions and the rationale would be forthcoming. That's the two Ordinances that were the key for discussion today.

Speaker BERGSTROM: And that pretty much was what they did?

ADMINISTRATOR BRILLHART: They looked at other items. We had two staff discussions from a couple of departments over the last couple of months. The Commissioners have been hearing updates from each of the departments on what's been happening during the fiscal year. And we're going to put that into a synopsis of all the departments and actions and we'll submit that along with the quarterly Treasurer's Report.

Speaker BERGSTROM: Okay. Thank you. Yeah, Pat, do you have a question?

Mr. PRINCI: I just wanted to -- you might not be able to answer this, but as I'm understanding it, tonight's workshop's been scratched from taking place, the newly elected workshop.

And I was just -- I heard things that the Commissioners may be looking to try and put something like this together perhaps after the new year. Is there anything you could possibly report on that?

ADMINISTRATOR BRILLHART: Yes. As you have mentioned, it has been canceled. And I believe the Commissioners now want to come and have discussion with the Assembly to agree on a time and a format. So there was some concerns about that format.

Speaker BERGSTROM: Okay. Thank you.

ADMINISTRATOR BRILLHART: Okay.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Thank you. I was present at the meeting today and I know that the gentleman from the IT Department, Bill Traverse, gave a presentation. And I've already discussed it with Janice, do you think it's possible that we could have him come here and give the same PowerPoint to the Assembly? Because IT is a large chunk of our new expenditures, if you will, in the budget, and I think it might be pertinent for the legislative body to hear that presentation.

ADMINISTRATOR BRILLHART: Yes, we could bring him forward.

Mr. CAKOUNES: Great. Thank you.

Speaker BERGSTROM: Okay. Well, thank you.

ADMINISTRATOR BRILLHART: You're welcome.

Communications from Public Officials

Speaker BERGSTROM: Are there any Communications from Public Officials?
Hearing none.

Communications from Members of the Public?

Assembly Convenes

Speaker BERGSTROM: Okay. The Assembly will now convene, and we we'll begin with Committee Reports. Have there been any committees that have met since we last -- I don't think so.

Report from the Clerk

Speaker BERGSTROM: So how about a report from the Clerk?

Clerk O'CONNELL: Okay. I'm on. I want to remind the people who have not turned in their conflict of interest forms. They'll certainly be due by the next Assembly meeting. And I think that would be, the last I checked unless I'm wrong, I think its Jim, Dick who's not here and Cheryl who wasn't here.

Ms. ANDREWS: Yes, I've got it.

Clerk O'CONNELL: Great. Thank you. The next item is your preferences for standing committee selection which will be done by the new Speaker in January. I still have a few people remaining to get me that information. And, admittedly, it's not due for a few more weeks, but it's just a friendly reminder. I think its Ron, Jim, Deborah, John and Pat. Everyone else I'm squared away with.

Again, another reminder about the holiday gathering, which will take place after the next Assembly meeting.

Also a reminder that there is a Human Rights Day breakfast taking place that I notified you about. You have a separate invitation in your folder today. Let's see. I made a copy of that and Human Rights Day breakfast.

Ms. ANDREWS: Jan, does the check go to you for the party?

Clerk O'CONNELL: It would go to the Dolphin.

And that's Wednesday, for the Human Rights Day Breakfast, December 10.

Now the RSVP date for that was December 1 but maybe they can still squeeze a few more people in. If you haven't already committed and you wish to do so, I think I see someone in the audience that might be able to help with that if you're a last-minute attendee.

And another item is regarding the MMA conference. We're getting to the point where if you want to register for that conference, I need to process that through the accounting system here in the County, I need to do that pretty quick or else you're going to have to book the conference and then I'll have to get you reimbursed after the

conference.

So if you're still on the edge about that, please let me know within the next couple of weeks so I can get all those accommodations and those reservations taken care of for you.

And the last item, which I know I'm not allowed to discuss so I'm not asking for discussion and we're not going to discuss it is --

Ms. ANDREWS: Well let's discuss not discussing it.

Clerk O'CONNELL: The information that I sent you in the packet regarding what's going to happen possibly next year with -- I'm looking at reviews for budgets. I know that's something that the new Assembly will be taking up. I'm going to recommend they take it up immediately on January 7. And that's basically now a heads up for you and for department heads to give that some consideration.

And if another plan comes forward, so be it, but that's the best I could do on trying to make a suggestion and we'll see what happens come January.

That's it. That's all I have to report on and no discussing.

Ms. ANDREWS: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. ANDREWS: It just occurred to me that this may be the first election cycle where you have folks joining that will be getting County email addresses. I might be wrong about that but I think maybe I'm right.

Speaker BERGSTROM: Yes.

Ms. ANDREWS: And so you might not necessarily have a system set up for them, and I caught onto it out in Provincetown back in May because I wasn't aware -- I wasn't used to web-based.

Clerk O'CONNELL: I already do.

Ms. ANDREWS: So you have it all set up?

Clerk O'CONNELL: I already do. I'm all set and ready to go.

Ms. ANDREWS: So they'll be able to get their passwords January 1.

Clerk O'CONNELL: I'm ready with ID tags and --

Speaker BERGSTROM: And they'll be able to get all the same extraneous stuff that we get.

Ms. ANDREWS: Actually -- very nice.

Clerk O'CONNELL: Technically, that can't be activated until the 1st of January.

Ms. ANDREWS: That's right. That's right.

Clerk O'CONNELL: In looking at the calendar for January, we won't be putting out an agenda until January 2. So that's great because they'll be activated and that's when the agenda will come out with all the backup materials.

If that were not the case and you were meeting on like the 3rd of January, I have emails of the new Delegates.

Ms. ANDREWS: And do they --

Clerk O'CONNELL: And as necessary, I get them information that they need to have in order to --

Ms. ANDREWS: But will you be handing them something in an envelope that gives them the password?

Clerk O'CONNELL: No. They're going to contact the IT department and make

those arrangements. But I've already forewarned the IT department to get --

Ms. ANDREWS: So how --

Clerk O'CONNELL: -- whatever structure they need ready and set up.

Ms. ANDREWS: So how are you going to tell the new officials that they need to call IT?

Clerk O'CONNELL: Either I call them, I talk to them personally, or I send them an email to their personal email.

Ms. ANDREWS: Got it. Super. Thank you.

Speaker BERGSTROM: Thank you. So that's it from the Clerk; right?

Clerk O'CONNELL: That's all I have.

Other Business

Speaker BERGSTROM: Okay. Under "Other Business" we have the discussion regarding the Registry of Deeds revenue. You know you heard from Jack Meade. He gave us a pretty much of a heads up through I think October -- until the end of October as to where we stand.

I'm going to turn this over to Jim, who I know has been going over this with a fine tooth comb/pencil.

Mr. KILLION: Thank you, Mr. Speaker. As we mentioned before, I think I'd like to request that Mr. Meade come in and answer a couple of questions for us, and also perhaps we should have him here on a semi-regular basis seeing as we do rely quite a bit on the funds in the Registry.

And over the last several years there's been some inconsistencies in terms of projections and actual revenues. So I would like to ask him a few questions about that.

Speaker BERGSTROM: Well we can do that but he doesn't necessarily have to come but, you know, I would think that anticipating revenues and the activity of the real estate market is probably an inexact science.

Mr. CAKOUNES: I'm equally concerned if not even a little bit more concerned about this situation also. After listening to Mr. Meade's presentation to the County Commissioners, I actually had some email correspondence with his office and then actually met with him today.

You know the reality is that a portion of his revenue is running about the same as last year and then another portion is running a little higher. And if everything goes on the same, we may come out to the same where we ended last June -- actuals, which by the way was almost 8 to \$900,000 shy of what we anticipated revenue to be.

So, I would really encourage you as you move forward to keep an eye on this and to possibly maybe even revisit opening the budget again to do a budget review and some possible reductions in areas.

I think we're getting very close to some areas where I think we're running out of money, quite frankly.

I drew the attention of the Assembly two weeks ago to the letter written by Mr. Brillhart and I asked specifically, Number 9, the Bond of Capital Projects, be something that you keep an eye on.

And, once again, I don't know if we're going to have enough time for this Assembly to do it between now and our next meeting, but I would encourage you that in

January you put this on your agenda immediately as you begin to look at the forecast for our next year's budget, you really take a strong look at the budget we're in because I'm not feeling, personally, comfortable that we're going to be able to make it until June without transferring a substantial amount of money from our savings to make the end of the budget. And I certainly would want to know more about the bonding projects.

So I would also ask that -- I join my colleague that asked if Mr. Meade come in and maybe speak to you and give you a very, very brief presentation so you'll understand exactly what his concerns are and what yours should be too.

Thank you.

MS. MCCUTCHEON: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCCUTCHEON: I, too, am concerned about this decrease, the change in revenues from the projections that we've seen over the last couple of years. I remember that the Register when he came in here to talk about his budget and the income was very, very firm that this money was going to be there and that we could rely upon it and that's two years running. He was very clear about it.

And I'm a little concerned about the way the budget appears to not have much connection to what is actually spent or what it's actually spent on or when it's actually spent. I mean we talked about this in terms of capital projects, but I think the budget becomes much more hypothetical when you look at these kinds of changes in revenue.

So I agree he should come in and we should talk to him about it, but I think there's an overall problem with lack of attention to tying the reality to the paper, if you would.

Speaker BERGSTROM: Okay. You know, for those who have been here for a few years, it was Mark Zielinski's practice to come in at the beginning of January and explain the budget process basically to the new Delegates, but, of course, everybody sat in for a refresher course.

And I think it would behoove us in the next Assembly -- if the next Assembly decides to have someone basically to lay out the budget process both along with Leo's request, which is to see where we are in the current fiscal year, and then to, at this point in January, the Commissioners and Mr. Brillhart and also Bob Lawton will have at least some preliminary idea of where the next budget is going. I don't know if they will have heard from all the departments at that point.

But I think that -- I agree with you. I think that we should start the first meeting of the year reviewing the budget, both past and future because it is, as Deborah says, a complex document that seems to be hard to get ahold of.

Anyway, anything else on this? The Chairman of the Finance Committee is being quiet. Anyway, okay.

Discussion regarding elected officials workshop; Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I asked that this be put on the agenda prior to the knowledge that it had been canceled, and I did not specifically call up and ask that it be taken off because some of my concerns and comments are still pertinent.

The fact that this meeting was somehow established and put together without any open meeting discussion either on our end or the Commissioners' end I found very discerning and I was, as you saw two weeks ago, not happy with the process.

And I had stated then and I was asking my colleagues then not to attend the meeting because I thought it basically just continued the approval of openly violating Open Meeting Law.

I did send out an email to my colleagues and I do have a hard copy if anybody in the audience wants it today. I went on the state website for Open Meeting Law and downloaded the document of the 10 reasons why or how a governmental body can go into an executive session.

The only reason why I copied that document is because nowhere in the state website did I see there any explanation where a governmental body can deliberate – discuss, deliberate and come to some kind of conclusion other than two ways, in an open body or in executive session.

So the idea that I believe it was Commission Lyons expressed last week or two weeks ago that some things in government need to be done or should be done or not be done in open session I really take issue with.

So I have sent that link to you and I've also, once again, I have a copy of the 10 things. They're pretty specific and I assure you putting on a forum for newly elected officials is not one of the 10 things that warrants an executive session.

The reason why I wanted to discuss this today is because, first of all, the meeting was established without public forum. It was then subsequently canceled without any public forum or without any general meeting.

And now I'm hearing through the grapevine that there is going to be some discussion in January about doing this again. And because I won't be here and because I'm not sure if I'm going to be included in the discussions over there, I wanted to take this opportunity to ask you people that if you are so lucky to be asked to have some input on this forum that you first of all stress the fact that education for the public meeting law needs to be included. In fact, more so than what the duties or obligations of the new County Commissioner should be.

There are a lot of things that our newly-elected officials and many of our old elected officials need to be brought up to speed on and this is certainly one of them.

And then secondly, and I've just kind of been reminded by other speakers' comments, I found when I came here new that Mark's presentation on County financing was essential and also a very good educational tool. So I would hope you would also include that in this forum.

Once again, I appreciate the time to discuss it. I asked that it be put on the agenda just so we wouldn't be violating any Open Meeting Law by discussing it.

So, thank you.

Speaker BERGSTROM: Yes, we'll go with Cheryl first and then Deborah.

Ms. ANDREWS: Since this is almost my -- almost last time to address you as a fellow Delegate, I just wanted to leave you with two thoughts.

First, I did watch the video of this meeting that I missed. And I'll just leave it at that and say I'm glad -- grateful for the fact that I can watch it on TV because reading about it would not have done it justice.

But, once again, it seems to support a point a number of us have made over and over which is as long as you have a three-member Board of County Commissioners, then any time two bump into each other in the hallway, this is -- they have a problem. All they have to do is talk to each other about any County issue and they've violated the law.

And whether they mean to or not, I don't even want to get into that one. But I think it continues to support and there are other reasons to support having a five-member Board of County Commissioners. One reason would be to have them grasp the concept of acting on camera all the time. That would be much easier for them to do without it being such a problem.

And then there are other issues, which is do you want to see them run Countywide? A lot of people still think if we chop the Cape up into five sections and had one from each that might be a nice way of doing it.

Debate that in the future, but it's my way of saying it's been a pleasure of serving with you. I am coming to the party. I'm feeling much better.

But I hope this issue of Charter review doesn't just die. And out of sheer exhaustion, political exhaustion and emotional, I can see how you'd want to give it a rest for a while, but it would be too bad because there were some good ideas that came out of it, and going to a five-member Board of County Commissioners was one.

And if you decide to take it up, I'd be happy to participate in any way you ask me to or at least keep my town apprised of your discussions because this one point, what you're talking about here, goes right back to what we talked about with Charter review.

And the other comment would be I hope if County officials decide to have a forum next year, it does make sense to do it more after everyone's empaneled, not before.

But this section here called, "Insights into the Role of the Assembly of Delegates" I would hope would be populated by people from the Assembly of Delegates.

What an idea.

So would the Speaker and the Deputy Speaker and all of you, particularly Finance Chairman, whoever you folks end up being, push for that. Take control over this. They can say whatever they want; the Assembly should say whatever they want as far as what your roles are.

And bless you all. It's been fun serving with a vigorous Assembly of Delegates. So that's what I have to say about that. Thank you.

Speaker BERGSTROM: Okay. Anyone else? Yes, Suzanne.

Ms. MCAULIFFE: Yes, I would like to second what was just said, and I think that that was one of the reasons why I was so interested in serving on Charter review is because of the broken County government as I see it.

I'm a fortunate product of open, good government. And it's unfortunate when you come into a system whereby practice or just longevity or just this is the way things have always been done, you find that things get a little -- I want to say slipshod, but I don't think it's necessary or intentional. It's just the way the County has always operated.

And I think that you're right, that this board operates in open and a very public way and I think that's what is the goal going forward.

A second point; in the town of Yarmouth years ago when we brought new committees on board, we would do a general orientation that wasn't about the specific jobs or the specific committees but it was more Open Meeting Law, how to, you know, be in a public meeting, a little bit about the responsibilities of what chairman does and what

they can and cannot do, sort of the distinction between conducting business in public as opposed to conducting public business.

And these are just fine details that I think people who get elected to a board for

the first time, you know, I think it really helps them to hear that.

So going forward, if we sit down and do have a chance to plan this out, I think it would be very worthwhile starting with what Leo said in terms of making sure that we start off with what's an Open Meeting Law and what's a Conflict of Interest and what are your general elected official responsibilities as opposed to someone's sort of idea about what they did on the boards before.

So we'll miss you and thank you. We'll miss all our retiring Assembly members.

Ms. ANDREWS: Yeah, I'll keep an eye on you.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: I find myself often agreeing with Suzanne about the things that she says. I think that there is a strong flavor here in this as proposed of a warmed-over meal.

For the four years I've been in the Assembly, there's been this constant serving up of an agenda to reform County government by getting rid of the Assembly which has been often led by the people who are listed here as the people who are going to talk to the new Delegates.

So I think that this is a good idea that there be an orientation along the lines that it's been discussed. But I think I'm tired of this warmed-over meal, and I think that if we're going to do Charter review, we should do honest and open Charter review. We should go through the entire Charter. We shouldn't just start with something that somebody's got a pet peeve about. We should go through the entire thing. We should talk about what makes sense and what makes sense -- what doesn't.

And, frankly, I agree with the idea of five County Commissioners, but I'm not married to any that --

Mr. PRINCI: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. PRINCI: Are we having a discussion on Charter review?

Speaker BERGSTROM: No, I know. I know. I know it's getting -- I'm being tolerant but it is getting away from the --

Where did we start on that? We started on the --

Mr. CAKOUNES: The workshop.

Speaker BERGSTROM: We're talking about having a forum and what that forum will contain.

Ms. MCCUTCHEON: Okay. Fine. I'll go back more on that piece. Because I think those are but a few of the subjects that should be discussed in this forum. And, frankly, I've had that meal and I didn't like it the first time.

Thank you.

Speaker BERGSTROM: Okay. Well, we will discuss with -- I assume that the Commissioners, according to the report we got from Mr. Brillhart, are going to come back to us with a proposal and we can negotiate as to how this will proceed. Okay.

Mr. CAKOUNES: Let me know; okay.

Speaker BERGSTROM: I just want to mention we have in our audience Bob Lawton who is going to do our -- I'll introduce Bob. He's sitting back there. He was the Town Manager in Yarmouth going back to the days of the original settlers.

And he's now been recruited to help with our budget. So you can aim your

barbs at him when the time comes. But he's certainly got a lot of respect throughout the Cape, so I'm sure he's going to give us a good, candid assessment of where we stand.

So, with that, is there anything else to be brought before the Assembly? Yes, Leo.

Mr. CAKOUNES: Well this is going to be the last year you would have gotten cranberries from me. So I just want to tell you that most of you all know that I lost my crop this year to the hail, so we did not have any fresh-picked cranberries. We lost the entire crop on both locations.

However, we did have a small amount of water-picked cranberries. Now water-picked cranberries cannot be given to you in a plastic bag so you can take home. So what we've done is, like I always do, is we contract and we have sweetened, dried cranberries made.

So over there in a box, I have a little box of sweetened, dried cranberries for everyone for their holiday gift from me.

Speaker BERGSTROM: Thank you, Leo. Okay. Is there anything else? Wait a minute. Suzanne.

Ms. MCAULIFFE: Yes. I don't know where to take this so I'm going to perhaps through you to Mr. Brillhart because CVEC is an entity that we really have no authority over but sort of serendipitously end up approving CLC and CVEC.

They took an action in hiring special counsel to help them with the Inspector General -- the matters of the Inspector General, and they made this law firm "Special Municipal Employees."

So through you to Mr. Brillhart to CVEC, they need to talk to State Ethics because a senior lawyer at State Ethics said, "That when you have a regional group and they can create special municipal employees but you have to have the approval of every single board of selectmen -- board members of that group." And I believe that also involves the County, because we are members of CVEC but also every single town.

So have them call Deirdre Rooney. She's at State Ethics to make sure that they're going by the book because I'm a little -- feeling a little flapping in the wind on certain things. So I just want to make sure that I'm aware of this and I think that this needs to be taken care of.

Thank you.

Speaker BERGSTROM: Yeah, I meant -- I talked to Suzanne. I know that's a little bit out of our bailiwick, but at least you guys through her are aware of it.

So, anything else?

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor say "Aye"? Opposed?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:35 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates