

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings – March 19, 2014

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, March 19th session of the Cape Cod Regional Government, Assembly of Delegates.

Before I call the meeting to order, there's no one recording this besides our regular recording?

Okay. And also before I call to order, I'd like to congratulate Pat Princi on the new addition to his family.

Commissioner DOHERTY: Faith in a growing America.

Speaker BERGSTROM: Future politician, I can tell right away.

Speaker BERGSTROM: Okay. So we'll now call the 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 (81.54%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth). Absent (18.46%): Richard Anderson (9.15% - Bourne), Christopher Kanaga (2.73% - Orleans), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 81.54 percent of the Delegates present; 18.46 percent absent.

Committee of the Whole

Speaker BERGSTROM: Thank you.

I'll now need a motion to approve the Calendar of Business.

Ms. MCAULIFFE: So moved.

Ms. KING: Second.

Speaker BERGSTROM: It's been moved and seconded. All those in favor, say "Aye."
"Opposed?"

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of March 5th, 2014. Are there any additions or corrections to the Journal?

Deputy Speaker MARTIN: Move to Accept.

Ms. KING: Second.

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. Now we come to our favorite section of the agenda, the Communications from the Board of Regional Commissioners.

We have a live Commissioner here in our stage.

Mr. SCALESE: Introduce yourself.

Ms. MCAULIFFE: Yes, we're not sure who you are.

Commissioner DOHERTY: Oh, those of you who have forgotten who I am, I'm Bill Doherty; I'm a Barnstable County Commissioner and proudly serving as such for 12 years. Actually, 13 if you count the year that I was given credit for because I started in November.

However, the only thing I have to report as far as ongoing activities is we did discuss the responsibility that we had to Patrick to take a look at his request for funding.

So we did put that -- that should be going on the agenda for discussion next week and you should see that.

Other than that, we had several reports from the Economic Development Commission. And, let's see, in 2015 there's going to be an oyster week that is going to be done here, so I'm really excited about that because it's an international conference and --

Speaker BERGSTROM: Is your mic on, Bill?

Commissioner DOHERTY: No. I remember Tommy Bernardo did this to me once. He shut it off on purpose. Maybe you're not just used to have me coming anymore.

Speaker BERGSTROM: I don't know; maybe you're not plugged in here.

Commissioner DOHERTY: Well, I've heard that before. Well I can speak really loud.

Speaker BERGSTROM: You're on now, Bill.

Commissioner DOHERTY: All right. So, in any case, there were a lot of reports that were made. I want to congratulate the fact that Leo was there at our meeting and offered some comments with regard to some of the things we were looking at.

Let's see, what else did we do, Leo? I don't remember all of it. We did so much, through the Chair, but in any case, we --

Oh yes. The IT made a report on where they are on a draft basis. There was a request to approve the beginning of contract negotiations with regard to the OpenCape and CapeNet as far as starting moving forward on that.

And that's about the sum and substance of it. The Economic Development people came in to talk about where they're allocating funds. So it was just sort of a general discussion.

Actually, the Economic Development people, have they not come over here to talk about --

Ms. KING: No.

Deputy Speaker MARTIN: No.

Commissioner DOHERTY: They should. Okay. I think Marcia would appreciate that if they came over and actually talked about what they were doing.

Ms. KING: No, Marcia would not.

Commissioner DOHERTY: I always live in hope.

Speaker BERGSTROM: Anyway, any questions for Commissioner Doherty?

Yes, Leo.

Mr. CAKOUNES: I did attend the meeting today, Bill --

Commissioner DOHERTY: Under the Open Meeting laws, I don't think I'm allowed to talk about anything that isn't on your agenda, but go ahead, Leo.

Mr. CAKOUNES: No, I did attend the meeting, but I just wanted -- you did mention the Strategic Information Technology Plan, and I would just like to give that a little kind of a real star of importance especially for my fellow colleagues here on the Assembly.

I believe you all have it emailed to you. I know I got it as a member of the Finance Committee. Its 70-plus pages. There is going to be a quite large commitment of County government to this department.

And I would ask, through Bill, that we all really pay some close attention to it as we near the budgetary talks because this department is really, really moving forward, and I encourage everyone to look at that plan.

Commissioner DOHERTY: Thank you, Leo. I appreciate your comments on that because it is an important area.

Speaker BERGSTROM: Anybody else? Well, thank you, very much.

Commissioner DOHERTY: Thank you for having me. I enjoyed your hospitality.

Speaker BERGSTROM: Okay. Are there any Communications from Public Officials?

Commissioner DOHERTY: Michael is here if you want to talk to him.

Speaker BERGSTROM: Yes, well, I mean, I don't know if anybody has any questions for our Administrator.

Commissioner DOHERTY: You wanted one; there he is.

Ms. KING: No, we didn't want one.

Speaker BERGSTROM: No, we're all set so far. We'll grill him when the budget comes along.

Assembly Convenes

Committee Reports & Minutes / Assembly Votes:

Speaker BERGSTROM: Okay. The Assembly will now convene, and we will start with committee report and minutes from the Health and Human Services Committee. That would be --

Ms. MCAULIFFE: Mr. Chairman --

Speaker BERGSTROM: Do we have a quorum?

Clerk O'CONNELL: No, we don't.

Speaker BERGSTROM: We don't have a quorum.

Clerk O'CONNELL: So we have to skip over that today.

Speaker BERGSTROM: Okay. The Finance Committee Report on Proposed Ordinance 14-02. I guess this is going to go to you, Leo.

Mr. CAKOUNES: Thank you, Mr. Chairman. John's not here so I'm going to be reading this.

It was March 12th, 2014. We had a Public Hearing on Proposed Ordinance 14-02; 14-02 has two sections in it.

The first section covers the County Dredge for a total of \$221,000. That is broken into

five different areas. The gist of it is that, first of all, there has been a broken dredge pump which happened over on the island, and there's some repair costs of \$101,000. There was also a rental of a large machine, an excavator because of the subsequent problems with that broken pump and getting the pump out and getting the dredge moved.

The other three items under that category are really related to some new work that is coming in that was not anticipated.

So some of this money we will be recouping because, obviously, when we fund ahead of new projects, we charge for the dredge and we get that money back. The dredge repair, obviously, is one that was just unforeseen.

So I happened to motion and it was seconded that we recommend approval to the full Assembly for Proposed Ordinance 14-02, Section 1.

Mr. Speaker would you like me to just make a full report on both of these sections or do you want to go ahead with a motion on each section?

Speaker BERGSTROM: You know that brings up an interesting point, Leo, because we have one Ordinance in front of us with two sections. So I don't know if that's --

Mr. CAKOUNES: Well, if I may, Mr. Speaker?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: I did ask that question specifically because this situation has come for us before and that's why this actually is broken into two sections.

Ironically, both sections, and if you don't mind, I will give the report on the second-half of Proposed Ordinance 14-02, but the outcome is the same. We voted in favor of it. If I had -- one was negative and one was plus, I probably would ask the floor to take them one --

Speaker BERGSTROM: Well, I can take a vote on both sections of the Ordinance if that's the case. If they both passed, then they both passed. If they don't, then we may have to do some little parliamentary tricks here.

Mr. CAKOUNES: Well just to give you a report then on Section 2, if I may, Mr. Speaker?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: We have the member of the Fire Training Academy in front of us. This is specifically directly related to the increases of the salary line of the budget.

There is an increase in people coming and using the facility. So, obviously, we have to back-end the paying of the people to be there and to help.

Specifically, there was an increase in Mass. Maritime. We've also been taking on some new ones, New England Maritime and the New England Bedford Fire Department -- I'm sorry, New Bedford Fire Department.

I would like my colleagues to know that this expenditure of \$19,500 is, in fact, going to return to the General Funds around an estimate of around 31,000. So, quite frankly, its money well spent.

With that said, I did make a motion and it was seconded to recommend the approval to the full Assembly to Proposed Ordinance 14-02, Section 2, in the amount of 19,500 for the Fire Academy.

And that's my report.

Speaker BERGSTROM: Okay.

Ms. MCAULIFFE: Mr. Chairman.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: We do have a quorum for Health and Human Services.

Speaker BERGSTROM: Yes, I just realized that. I'm going to take that after -- we'll go back to that after we do this.

Okay. Leo, has it ever been discussed to the Finance Committee how the funds that are -- come in to pay for this are handled? I know that if we have an expense, we have to list it and it has to be spent through an Ordinance. But, you know, there's no evidence of -- even though we know that the funds are coming, what's the evidence that they're coming? How do they -- can you inform how they are presented to us?

Mr. CAKOUNES: Well, the first section of this Proposed Ordinance is specifically for the County Dredge. And the County Dredge, if you will, is basically a revolving fund situation. The money comes out of the County Dredge account, and whatever monies we do make we put back into specifically that line item in that account.

It gets a little kind of, I don't want to say confusing, but you need to actually take a look at it when we get close to the fiscal year because there are projects that obviously extend over the fiscal year where we've dedicated monies but we haven't started the project yet.

But, once again, the monies for the first half of this Proposed Ordinance are, in fact, in a designated revolving fund for the County Dredge.

Speaker BERGSTROM: Okay.

Mr. CAKOUNES: The second one, however, is monies that will come out of the General Fund of the County coffers and, quite frankly, just gets returned back in there.

I guess it's our due diligence to look at the line items when FY 15's budget comes back to see that we, in fact, are meeting the projected income revenue coming in from that department.

In your budget books it does have specific line items for budget revenues. And I did ask that question specifically with the Fire Academy because I wanted to know if the \$19,500 needed to be also included in FY 15's budget, but I was told at that time that it was not necessary because they feel they're going to be tweaking their business, if you will, and be able to cover it with what they're requesting.

I hope that answers your question.

Speaker BERGSTROM: Yes, it does. It does pretty much. Does anyone have any other questions about this?

Okay. We're going to take a vote on Proposed Ordinance 14-02, which includes both of these expenditures.

Proposed Ordinance 14 - 02: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No.13 - 03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Mr. CAKOUNES: Mr. Speaker, do you actually need a motion to do that? I know my report said our subcommittee did it.

Speaker BERGSTROM: Yes, well, no.

Ms. TAYLOR: I'll move the report -- I'll move the Ordinance as recommended.

Speaker BERGSTROM: Yes, I mean I'm not trying to add any confusion to this but you know how you see my points, I've got an Ordinance in front of me. It's got several things in it, you know, and really it should be presented as two different Ordinances. But if we --

Ms. TAYLOR: Well it could be but I'm moving the whole thing.

Speaker BERGSTROM: Okay. We'll see what happens here.

Ms. KING: Second.

Speaker BERGSTROM: Moved and second. Okay. Any other further questions?
We'll take a vote on this.

Roll Call Vote on Proposed Ordinance 14 - 02: To add to the County's operating budget for Fiscal Year 2014, as enacted in Ordinance No.13 - 03, by making supplemental appropriations for the Fiscal Year two-thousand and fourteen.

Voting YES (81.54%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Deborah McCutcheon (0.93% - Truro), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Patrick Princi (20.92% - Barnstable), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Absent (18.46%): Richard Anderson (9.15% - Bourne), Christopher Kanaga (2.73% - Orleans), John Ohman (6.58% - Dennis).

Clerk O'CONNELL: Mr. Speaker, Proposed Ordinance 14-02 passes with 81.54 percent of the Delegates voting yes; 18.46 percent are absent: now known as Ordinance 14-01.

Committee Minutes:

Speaker BERGSTROM: Okay. Thank you. I'll now go back to the Health and Human Services minutes for approval, and we'll go to Suzanne.

Ms. MCAULIFFE: Yes. The minutes have been made available on the website to everyone, if you haven't had a chance to read them. And I believe we quoted on every group that came before us for their recommendation except for the Human Rights Commission because there was a discrepancy in what they were asking for and what they were funded by the County Commissioners.

So going forward, I think I'm going to need a little bit more information to know what the -- how the discrepancy sorts out.

But the Human Services Committee did recommend all the other subgroups that came forward for their budgeted amounts with that exception because we weren't sure what happened to the requests versus the funding.

In addition, there were one or two items in the Human Rights Commission that we weren't sure what the rationale was for in terms of increasing a director's salary by \$5.00 an hour and not increasing their hours, things like that.

So it's just so that you know that there were some questions on a specific subpart of the Human Services budget and that's the Human Rights Commission. Not big money but just little questions.

Speaker BERGSTROM: Suzanne, if your committee members present have gotten the minutes, we usually approve the minutes, so you basically need a motion to approve the minutes.

Ms. MCAULIFFE: Okay. Could I have a motion to approve the minutes?

Mr. PRINCI: I would move that we approve the minutes from the subcommittee meeting.

Speaker BERGSTROM: So we've got -- who is here and who else is --

Ms. MCAULIFFE: Tony, Patrick, myself.

Speaker BERGSTROM: Okay.

Ms. MCAULIFFE: And Deborah's on the committee; she just wasn't at that meeting.

Speaker BERGSTROM: Well we have enough to approve the minutes if no one objects. Okay. So motion to approve the minutes and a second?

Ms. MCAULIFFE: Is there a second?

Mr. SCALESE: Second.

Speaker BERGSTROM: Okay. So you're running the show so you have to call for a vote.

Ms. MCAULIFFE: Okay. Yes, all those in favor?

Mr. SCALESE: Aye.

Mr. PRINCI: Aye.

Ms. MCCUTCHEON: Abstained.

(Motion passed.)

Speaker BERGSTROM: Okay. So do we now have a report from the Clerk?

Report from the Clerk

Clerk OCONNELL: Thank you, Mr. Speaker. Today concluded our last committee meeting for budget review. The next meeting will be April 2, and that will be a meeting with Finance and all the chairs of the standing committees with the exception of Government Regs.

I believe it is the 16th of April just to fast-forward a little bit that will be your Public Hearing on the budget. And that's the budget news for now.

With regards to a statement that was made earlier by the Delegate from Harwich, I did receive a copy of the IT Report, the Strategic Report. I did forward it to the committee as I was requested to do, but I have not yet forwarded it to the full Assembly. And I will do that tomorrow morning, so be on the lookout for that in your mailbox.

And that's it for today.

Other Business

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

Yes, Leo.

Mr. CAKOUNES: As I expressed earlier when Bill was up, I did attend the Commissioner's meeting. There was a report filed by the CDC license plate money, and I have a copy of it here for those of you that maybe didn't get it when you came in a little late. I want to make sure that everybody -- and I will give a copy to the Clerk so she has for our files too.

And the second thing, if I may, Mr. Speaker, there's a movement abreast and every one of our towns are seeing this in regards to talking about withdrawing from the Cape Cod Commission.

And I'd like to know if it can be maybe figured into our timeframe that I believe that we should at least put it on our agenda maybe after the budget is done to at least talk about it. I mean we are representatives of our communities. And if this action does move forward, I believe it would be an impact to County government and I think we need to at least address it.

And I respectfully request maybe that the Speaker think about putting it on the agenda

for a future discussion.

Thank you.

Speaker BERGSTROM: I can do that, Leo, and I'll contact the Commission to get the understanding of how the act was passed, who has authority to do what. I mean I think there are little confusions about the process here. So we'll at least deal with that.

Anybody else have anything to say? Yes, Ned first.

Mr. HITCHCOCK: I guess I'll start with the question and that is I wondered whether the Charter Review Committee is going to resume meeting? That's the question.

And then if they do, I wish they would address the concerns that Mr. Curran expressed in his memo to the committee: the question of whether to have an elected county executive, the addition of a recall possibility to the Charter, and some discussion of the possibility of making some or all of the Cape Cod Commission elected.

Speaker BERGSTROM: Yes.

I will pass those -- I've been holding back on meeting in the Charter Review Committee because we've had some ongoing discussions, not involving me or the committee, but involving Jan -- staff basically as to where this is going.

Mike seems to be -- we're concentrated right now on exactly defining what the actual Charter says now, which is something we've drifted away from. In other words, we're sort of casually observing what is in there.

His feeling is, and I agree with him, is the Charter says what it says so we should observe its conditions and so on. So we're trying to relate that to the current practices in Barnstable County.

But, yes, the Charter Review Committee members, and I'm not going to mention any names, have said in no uncertain terms, "I don't want to have too many more meetings," and I don't blame them.

So when we refine exactly what we're going to be deciding and voting on, we'll do that. And we have Mr. Curran on board for a little while longer. And I will include your requests in our deliberations as soon as possible.

Mr. HITCHCOCK: Thank you.

Speaker BERGSTROM: Okay. Now, Cheryl.

Ms. ANDREWS: Thank you, Mr. Speaker. I think you answered my question. It was more a process question for me as well. And various members of the public are calling us up and asking us, gee, can the Charter Review talk about this, or can the Assembly talk about that.

And I don't really feel like writing up an entire Ordinance to ask the Charter Review Committee to deliberate on something if a simple suggestion to you will accomplish the same purpose.

So if you're saying that's all we need to do, then that's enough for me. Do you have any idea how long the committee, you know, what their timetable is?

Ms. MCAULIFFE: Two more weeks.

Speaker BERGSTROM: Well, I would say that it was going to be before May 1, I would say. I don't want to bring anything of any substance before the committee while we're discussing the budget but we'll see.

I mean the time to really go into the ballot is run down to a precious few. So we're going to see what we can do within the authority we have to change and not to go to anything that's substantial enough to have to go through the whole process because that can take forever.

Ms. ANDREWS: Okay. Well given your remarks and I'll simply say on the recall issue, I was curious to hear what the committee would say only because --

Speaker BERGSTROM: The say, "Let's not do what Provincetown did."

Ms. ANDREWS: That's exactly right.

Speaker BERGSTROM: To use it as an example. No, I'm only kidding. We'll consider -- we actually did consider the recall, and we voted not to include it but I'll bring it up again.

Ms. ANDREWS: Well, okay.

Speaker BERGSTROM: Is that right, Julia?

Ms. TAYLOR: Yes.

Speaker BERGSTROM: Yes.

Ms. ANDREWS: Okay. That's important. No, I didn't realize that.

And the second one was the issue of the membership of the Cape Cod Commission being elected rather than appointed.

Speaker BERGSTROM: See, the problem is that the Cape Cod Commission --

Ms. TAYLOR: That is not in our Charter.

Speaker BERGSTROM: -- is set up by a separate piece of legislation --

Ms. TAYLOR: That's not in our Charter.

Ms. ANDREWS: It's not?

Speaker BERGSTROM: -- over which we have no authority whatsoever.

Ms. ANDREWS: Okay. So that's in the Commission Act then?

Speaker BERGSTROM: Yes.

Ms. TAYLOR: Could I --

Speaker BERGSTROM: Julia.

Ms. ANDREWS: Again, that's helpful. Thank you. That's good. That's all we need to know.

Ms. TAYLOR: I mean I don't think it's crazy for the Assembly to discuss, but I don't -- I think there's two major reasons why I would not want that discussion to go anywhere.

One, opening up the Cape Cod Commission at the State House runs some serious dangers from basically real estate lobbyists and developers who would be happy to gut it, frankly.

Now, there could be legitimate things that would be good to change that would need a Charter change by the Commission. I'm not aware of any but there could be. But there is that risk if those are brought up.

I, personally, consider that this is enough of a regulatory agency that I feel strongly that it should be an appointed rather than an elected.

Speaker BERGSTROM: Well, we won't get into that under "Other business."

Ms. TAYLOR: Right. So that's why I'm not interested in it coming up, but I don't see it as being relevant to the Charter Commission at all.

Speaker BERGSTROM: The only thing that I see -- the only other thing I see we do relevant to the Cape Cod Commission, and I'll have to discuss this with the Commissioners, is that it's part of the budget of Barnstable County.

Now we've been told in the past that we don't have any say over that because they have their own revenue stream. However, I have not read that anywhere in the Charter or anywhere else.

Ms. TAYLOR: No, Mr. Speaker, we definitely have review of their budget.

Speaker BERGSTROM: Right.

Ms. TAYLOR: That is completely separate from their governance.

Speaker BERGSTROM: Well, I'm just trying to say these are the ties we have to the -- we have oversight over the budget. We have to pass on changes to the Regional Policy Plan, and we also have to approve any DCPCs. So that's where we are.

So before we go too far down that road, we'll accept Leo's suggestion.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: We'll put it on the agenda, and we'll beat it to death.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: All right. Anybody else have anything else to say? In that case --

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor

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

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates