

**CAPE COD REGIONAL GOVERNMENT - ASSEMBLY OF DELEGATES
CHAMBER OF THE ASSEMBLY OF DELEGATES
FIRST DISTRICT COURTHOUSE
ROUTE 6A, BARNSTABLE, MA 02630**

APPROVED Journal of Proceedings - March 2, 2016

Speaker BERGSTROM: Good afternoon. Welcome to the March 2nd, 2016, session of the Cape Cod Regional Government, Assembly of Delegates.

I'd like to call this meeting to order. And before we commence with our agenda, I'd like to ask is anybody in this room recording this besides our normal recording artist?

MR. ROLF PECHUKAS: Yes, I'm right here representing Laura Kelley.

MS. LAURA KELLEY: TV.

Speaker BERGSTROM: All you have to say is that you're recording.

MR. ROLF PECHUKAS: Yes.

Speaker BERGSTROM: Okay. Good. As I now call this meeting to order, we will begin with a moment of silence to honor our troops who have died in service to our country and all those serving our country in the Armed Forces.

Speaker BERGSTROM: That's silence.

(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 (78.90%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Edward Lewis (4.55% -Brewster), Teresa Martin (2.30% -Eastham), 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), Linda Zuern (9.15% - Bourne).

Absent (21.10%): Marcia King (6.49% - Mashpee), Julia Taylor (14.61%- Falmouth – arrived via remote access at approximately 4:30 p.m.).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 78.90 percent of the Delegates present; 21.10 percent absent.

Speaker BERGSTROM: Thank you.

You have in front of you the Calendar of Business. Are there any additions or corrections to the Calendar? Hearing none. I'll need a motion to approve.

Ms. MCAULIFFE: Move approval of the Calendar.

Mr. LEWIS: Second.

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

(Motion carried.)

Speaker BERGSTROM: You should also have received a copy of the Journal

of February 17th, 2016. Does anybody have any corrections to the Journal?

Mr. O'MALLEY: I move approval with one correction. And I'm going to say I characteristically pay closer attention to what I said. So on page 19, under me, --

Speaker BERGSTROM: Glad you do.

Mr. O'MALLEY: -- it reads, "It's confusing as all ghettos," and, in fact, "confusing as all get out" is what I said.

Speaker BERGSTROM: Okay. That's a technical correction. With that, I'll need a motion to approve.

Mr. LEWIS: Second.

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

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Now we have Communications from the Board of Regional Commissioners and the introduction of County Administrator Jack Yunits to the Assembly of Delegates. So, step up to the mic.

Commissioner FLYNN: Good afternoon. In lieu of any -- oh, I do have to tell you first off, I have a Proposed Ordinance for you that the Commissioners have voted on and it is to increase the deeds tax from \$1.35 to \$1.53 effective July 1, 2016.

Speaker BERGSTROM: To reduce the tax?

Commissioner FLYNN: Increase.

Speaker BERGSTROM: Increase.

Commissioner FLYNN: Did I say reduce?

Speaker BERGSTROM: I don't know.

THE AUDIENCE: No, you didn't.

Commissioner FLYNN: What?

Mr. OHMAN: That's not 36 cents.

Commissioner CAKOUNES: Per 500.

Mr. OHMAN: Oh, per 500.

Commissioner FLYNN: Per 500.

Speaker BERGSTROM: Well, we're not going to argue about it.

Commissioner FLYNN: Yes.

Speaker BERGSTROM: We're going to receive it. If it's defective, we'll deal with it.

Commissioner FLYNN: That's what it says.

Speaker BERGSTROM: Okay.

Commissioner FLYNN: You can interpret it after you see it; how's that? Well, in lieu of a report today, I am very happy to introduce to you today our new County Administrator Jack Yunits to my right. Jack has been here since Monday, so this is his third day; so you still have to be nice to him, you know. He's new.

He has great public service experience in many different areas. He was the, as I said earlier, the mayor Boston -- he was the mayor of Brockton actually for 10 years. And he is an attorney and he has and continues to practice arbitration and mediation.

We are so happy to have him. He was welcomed, I must say, very well by the County employees and he's happy to be here. And I think he can tell you more than I

can. So, Jack.

Speaker BERGSTROM: Before we meet Mr. Yunits or if you've already met him, I'd like to go around the table and introduce the members of the Assembly --

Commissioner FLYNN: Great.

Speaker BERGSTROM: -- that he'll be working closely with over the next few years. So we'll start with Dr. O'Malley.

Mr. O'MALLEY: Jack, good to meet you, again. I'm a primary care physician in private practice in Provincetown for almost 40 years.

Mr. KILLION: Good afternoon. I'm Jim Killion and I represent Sandwich at the Assembly. I'm in manufacturing.

Mr. LEWIS: Nice to see you again. My name is Ed Lewis; I'm the representative from Brewster. I spent nine years as a Board of Selectmen, five years on the Finance Committee. I'm currently on the regional -- Nauset Regional School Committee as well as this. I look forward to working with you and wish you lots of luck. And you're in the perfect spot with the County Commissioners if you're a mediator and an arbitrator.

Mr. OHMAN: John Ohman; we've met already. Nice to have you aboard. I'm from Dennis.

Administrator YUNITS: Thank you.

Mr. MCMANUS: I'm Ed McManus. I represent Harwich. Before coming here to this body, I served as a Selectman in Harwich for 11 years. In the life before that in California, I served as a school board member, a councilmember, and a mayor of my town there.

Administrator YUNITS: Good for you.

Ms. MCAULIFFE: Suzanne McAuliffe; I represent Yarmouth, and I come with nine years as a member of the Board of Selectmen and 16 years on a regional school committee. I'm very much looking forward to working with you. And we are very happy to have a strong administrator to lead us forward. Thank you.

Administrator YUNITS: Thank you.

Deputy Speaker MCCUTCHEON: Hi, I'm Deborah McCutcheon; I'm from Truro. I'm a practicing attorney. I have been for, I don't know, close to 150 years, but at least 35. I have the smallest vote on the Assembly, .9 percent. I don't even have one; I have 9/10 of 1 percent of one vote. I'm also the Deputy Speaker.

Speaker BERGSTROM: Okay. The smallest vote but the loudest voice, I think is how it goes.

I'm Ron Bergstrom. I'm the Speaker of the Assembly. Before I came here and actually while I was here I served four terms on the Chatham Board of Selectmen. I also chaired for a number of years our local Regional Transit Authority. So now I'm a herder of cats here.

Administrator YUNITS: Okay.

Clerk O'CONNELL: Hi, Jack. I'm the Clerk, 29 years of government and volunteer experience, and I think we'll probably be talking to each other quite a bit.

Ms. MARTIN: Hi. I'm Teresa Martin from Eastham and the usual mix of, you know, committee and town background, as well as a couple of decades of experience with technology, media, and nonprofit management.

Mr. PRINCI: Hi. I'm Pat Princi and I was very happy to see you get hired. I looked through your qualifications and so forth, and I'm more than encouraged that

you're the right person to help with some of the problems that we're experiencing in Barnstable with the pollution relative to the Fire Training Academy, so welcome aboard.

Administrator YUNITS: Thank you.

Ms. ZUERN: Hi. I'm Linda Zuern. I represent Bourne. I've been on various boards including three terms as a Selectman. And I have a learning center, that's what I do when I'm not doing political things. So welcome.

Administrator YUNITS: Thanks.

Mr. HITCHCOCK: Ned Hitchcock from Wellfleet; good luck.

Mr. KANAGA: Hi, Jack. I'm Chris Kanaga from Orleans and I'm an actor. And on the side, I'm an attorney in private practice.

Speaker BERGSTROM: All right.

Administrator YUNITS: Well, Chris, to be a good lawyer, you have to be a good actor.

Administrator YUNITS: Thank you, everybody. Jack Yunits; I'm originally from Brockton. I've had a cottage down here on the Cape since I was about four years old. Actually, we rented and then we built when I was 15 years old, the cottage that we still own in Dennis. And we're very blessed to ever had that experience, believe me. I thank my parents an awful lot in the summer for that.

And I know, Doc, you drive the car pool up from the lower-Cape, so you can call me on those long drives anytime you want.

It really is a pleasure. I spent the first part of this week meeting with staff and trying to understand how the departments interact and what their present purpose is and how we can make everything a little more efficient.

And I must tell you that I've been very, very impressed with the staff over there; very impressed. Everybody seems to be helpful, and everybody seems to want to make a difference in a positive way, and seems to be on board with the idea that we have to do a better job working together as a team. So that excites me.

The Commissioners have given me a pretty aggressive agenda, and I think it's time for that. We all know, I mean, you're dealing with a tough tax issue right now that nobody likes to raise taxes but sometimes it has to be done.

If that passes, my call to duty is going to be to make sure that every nickel that we take in is spent wisely. No stones will be left unturned in terms of making sure that the assets we presently have of providing us the highest and best return and not being put at risk.

That's what I was charged to do. I was charged to make the County more accessible. It was charged with the duty of making the County more transparent and providing a face that's uniformly shown throughout the public is an important part of the new message going forward, and I look forward to doing that.

I was, likewise, an attorney. I was a trial attorney for 16 years in the Brockton area until I got this crazy idea that I could make my city a little bit better by running for mayor. And I promised my wife I would only stay one term; I stayed five terms. So it was tough to go back to private practice after getting beat up for 10 years.

In Brockton, where we do have a legacy of boxing, so you learn how to get knocked down and crawl back out of the rings. But after 10 years I wasn't -- and I have to be honest with you, it was great to go back to the private sector because at the time we had three children in college and one on the way, and it left me to be in a position

where I wasn't in debt but debt-free at the end of it all.

Yearning to get back into the public sector never really left me. I think I grew up with that through my father who was never an elected official but was always a volunteer and it was a great lesson in life. I had roles with the local hospitals on their boards. I was, in fact, just recently, head of the steering committee to raise money for a new oncology unit with Beth Israel Hospital and Brockton Hospital in Brockton.

And I was the incorporator of the Brockton's first Boys and Girls Club back about 25 years ago, and since then, 22,000 kids have gone through that club so we've made a huge difference there.

So I understand volunteerism, and I understand that you are really volunteers. The time you put into this job for the little bit of compensation you get makes you volunteers. And that means you care and that makes me want to work harder.

So I'll be accessible, as I said to the Commissioners, I'll be accessible whenever you need me. Please don't hesitate to call. Please don't hesitate to ask me to go to your communities when you need something done or just a face from the County and I'd be happy to accommodate that.

Sooner or later I'll be down here full-time. The cottage is a little bit small in the summer because I own it with my brothers and sisters, and their kids, and all our grandkids. So until we find a more permanent address, I might commute a little more than I want to but will be here. And I will be a face that you guys can call upon when you need me.

So thank you, so much, for giving me this opportunity. I think we're all on the same page and we know our mission is to make it work better. Thanks.

Speaker BERGSTROM: You don't have a report from your meeting today, Pat? You're not going to tell us what you did?

Commissioner FLYNN: Well, yes. We had a Proclamation because April is National County Government Month, in case you would like to know that.

We also reviewed and approved a proposed ordinance of which I just presented to Jan on the deeds excise tax.

We ratified a Resolution which, actually, came back to us in terms of transfers for the medical -- Medicare Match Pathways Internship (for Resource Development Office).

We also approved \$500 for the Mercy Otis Warren Woman of the Year selection committee. It's something we do each year or we are asked to do each year, and we found a way to make that happen this year.

And then we had our usual request from the South Shore Race Management Group to use the courthouse parking lot on the evening of May 19 for their event, and we do that on weekends. In fact, we decided we really do have to have more formal policies for that, but it's worked very well in the past when they have come and asked to use the County complex on weekends for parking. Because, you know, the village has a lot of activity on the weekends and it's very helpful because there's not much parking on 6A.

And that's pretty much what we did today.

Speaker BERGSTROM: Thank you.

Commissioner LYONS: We did have an Executive Session.

Commissioner FLYNN: We did have an Executive Session but I can't talk about that yet.

Speaker BERGSTROM: Well, are there any questions from the Assembly on those points? Pretty straightforward.

Well, thank you, very much.

Commissioner FLYNN: Thank you.

Speaker BERGSTROM: And we look forward to the new regime here in Barnstable County.

Commissioner FLYNN: Me too.

Speaker BERGSTROM: Okay. Do we have any -- next on our agenda is communication from Public Officials. Do we have any public officials who wish to speak? Hearing none.

Items 10 and 11 are communications from members of the public. Item 11 is communication from members of the public regarding Proposed Amendment to County Charter entitled Barnstable County Bill of Rights. So we'll hear that after there are any other communications from members of the public on any other topic? Does anybody else want to speak on any topic besides that?

Communications from Members of the Public Re: Barnstable County Bill of Rights

Speaker BERGSTROM: All right. Then we'll go to Number 11. There's been a sign-up sheet for those who wish to speak. I have it in front of me. I'll call out the names. Please, we're pretty lax here but we -- you do have to limit the time you speak and try not to be redundant. If somebody's made a point already that you wish to make, you know, you can simply get up there and say, "Listen, I'm for this. Thank you, very much."

But we'll give you a couple minutes anyway. But if you go too long, it really takes away from others who wish to speak after you because our time is limited. So we'll go from there.

So first to speak is Bruce Taub from Orleans. Is there a Bruce Taub here?

Mr. BRUCE TAUB: Yes, sir.

Speaker BERGSTROM: There he is.

Mr. BRUCE TAUB: Thank you all, very much, for this opportunity to speak with you. I am an attorney practicing in Orleans, Massachusetts. And I have been asked to set this Bill of Rights proposition within a Constitutional context.

I do so by suggesting to you that the two themes that are familiar to you, whether you're a lawyer or not, are the one notion of the Constitution as a living document and the other notion as the Constitution as so-called originalist as if it should be interpreted as the framers. Somehow we interpret or understand what they meant and that position is most associated with recently deceased Justice Scalia.

There is no doubt that the collective greatness of the framers crafted a document that captured some degree of idealistic imagination about how our nation should be constructed and governed. Yet, to take one simple example, many owned slaves. Some owned as many as 300 slaves. Does the originalist perspective suggest we should embrace in totality what they wrote? I suggest not.

A similar example might be the question of same-sex marriage. Same-sex marriage was inconceivable to the framers of the Constitution and, yet, under the Equal Protection Clause, same-sex marriage is now recognized as a right within our nation supported by the Supreme Court.

It's the Tenth Amendment that sets this whole thing up. The Tenth Amendment says, "The powers not delegated to the United States by the Constitution nor prohibited by it to the states are reserved to the states for the people." And that's what's happening here is that certain rights that are being identified in this new Bill of Rights are rights reserved to the citizens and the representative of the citizenry in the Commonwealth.

It's the Tenth Amendment that makes the strongest case for the Constitution as a living document. And so to your Constitution, I would argue, is a living document. It doesn't limit us to a specific theory of construction but gives us a vision of a Constitution whose boundaries are dynamic and congruent with the needs of society as society changes. And nobody can doubt that we have a rapidly changing society, and our sense of our needs as a community in relationship to the environment, in relationship to the federal government are evolving all the time.

I wish to cite two cases for you just so that this doesn't seem like a complete abstraction. Justice Holmes, a very famous justice in the case of *Missouri v. Holland* said the Constitution of the United States called into life a being the development of which could not have been foreseen by the most gifted of its begetters. It was enough for them to realize or hope they had created an organism, a nation. The case before us must be consider in the light of our whole experience and not merely in that of what was said a hundred years ago.

And so, too, as you consider this bill before you, these amendments before you, I urge you in the spirit of Justice Holmes to consider them in the light of the evolving situation on Cape Cod as you understand it.

One last quote and I'll be complete. Thomas Jefferson said, "I am certainly not an advocate for frequent and untried changes in laws and constitutions. But I know also that laws and institutions must go hand-in-hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions changed with the change of circumstances, institutions must advance also and keep pace with the times. We might as well require a man to wear the coat that fitted him when a boy as requiring civilized society to remain ever under the regiment of its less-informed ancestors."

So the Constitution isn't merely the law. The Constitution is the source of the concepts for the governing of society. And that's what I assert you have before you is a series of concepts. These are not laws. They are precepts. These are not suggestions but these are the ideals that will govern this body as it goes about its deliberative business.

Of course laws have to be fixed and clear so people can understand and abide by them. But the Constitution and your Constitution is more than a set of laws. It provides guiding concepts which then provide the foundation for the laws. Times change; your Constitution should change. Thank you for your time.

Speaker BERGSTROM: Mr. Taub has demonstrated the outside limits of my patience. Okay. So let that be your guide, all right. Lee Roscoe.

MS. LEE ROSCOE: I'm brief. Hello. Thank you for letting me address you today. My name is Lee Roscoe. I've written articles on wildlife in the environment, regionally, locally, and nationally. I've been a state-commended environmentalist saving 300 acres at Santuit. I've got grants from Woods Hole and other organizations as an environmental educator.

And I've learned that we need to champion our local ecosystems because they cannot speak for themselves. Habitats in the denizens, the rooms in nature's house and their furniture have a right to remain uncontaminated for their own sake because in damaging them we disrupt the web of life in ways we do not fully understand.

But it's not just for their own sake but for ours as human beings as well; for the environment is not some lofty, out there in the Amazon idea, no. It is our Cape Cod earth, water, salt and fresh, ground and surface, and our air right here upon which we depend for our very health for our livelihoods, for our economy.

Whether we live with our biomes and primary sufficiency fish the seas or plant sustainable agriculture or whether those bios provide us with income through more attenuated means in the tourist industry in goods and services, we need to make choices about our home because we live here and it affects us. The environment is us.

A community Bill of Rights would set a new standard in self-governance, one in which we, the people, could secure a safe environment at the local level for ourselves and our families instead of federal and state institutions and now with the possible transpacific partnership even more distant, international governing bodies, determining at a distance rules and regulations which often do not serve the local good but, instead, that are private profit at worst, and bureaucratic incompetence, and, oh, bad science at best.

Whether determining how to limit nitrification, how to handle wastewater, whether or not we want our aquifer poisoned by known carcinogens and mutagens present in herbicides such as glyphosate; whether or not we want to be subject to the cancer-producing spewings of a failing radioactive energy facility, such as Pilgrim, and a potential radiation catastrophe which could effectively kill the Cape. These should be our decisions.

We do not want to give up our most local control, our most important local control to out-of-county and out-of-state directors. We want our own say. When we plead Cape-wide by referendum to close Pilgrim when we vote County-wide a mandate to stop NStar from spraying not once but twice; when our elected representatives cannot even get a fair hearing with corporate CEOs.

A Barnstable County BOR, Bill of Rights, would help us achieve our protective goals, fight back, and win as it has in other communities against such as fracking and become a model for the rest of the nation.

In conclusion, other counties, cities, and towns across the nation and around the world are enacting, and I make mention some of them: Maine, Vermont, Pennsylvania, New Hampshire, Virginia, Ohio, California; countries: Bolivia, Ecuador, and just yesterday England and Wales have enacted these constitutional amendments or are in the process of so doing at the county level and at the country-wide level.

So, other counties, cities, and towns across the nation are enacting these groundbreaking addendums to their constitutions, laws, and bylaws to assure public health and safety, to give human beings in community with their integral, natural systems; to give communities on the ground within their ecosystems, and on behalf of the feedback between those ecosystems and those human beings legal standing to deal with federal and state regulations.

Barnstable's global, unique, and fragile ecosystems and its interdependent, rare, and unique human beings deserve a BOR. Thank you for your time.

And my last request is that let this come to the people for a vote whether you're

for it, against it, or have questions. That will give us eight months to educate everyone and, finally, to allow the people to decide.

Thank you, very much.

Speaker BERGSTROM: Thank you. Is it Laura Kelley or Lauren Kelley from Eastham? Is it Laura?

MS. LAURA KELLEY: That's me. Yes. Hi. I'm Laura Kelley. I live in North Eastham. Can you hear me all right?

THE AUDIENCE: Yes.

MS. LAURA KELLEY: I am a lifelong resident of Cape Cod. Thank you for allowing us to speak with you today on this really important matter. It's a great opportunity for our County.

The future well-being of the Cape depends principally on how well we can meet the challenges to the environment. The purpose of our appearance today is to explain why we feel the voters of Barnstable County should be able to adopt the Barnstable County Bill of Rights. This is based on the idea that our residents, by right, are entitled to a clean healthy environment. The voters have the right to vote on what they support. We wish for this Bill of Rights to be on the ballot in November for residents to decide for themselves.

If adopted by a majority of voters, this bill will encourage Barnstable County officials to take actions in support of a safe environment. This does not require county officials to do anything specific but it would be a public expression recognizing that elected county officials should play a positive role in securing a clean and healthy environment for everyone.

We come to you today to ask for your yes vote to allow this to be on the ballot in November. It is up to the Cape voters to vote on what they believe in.

The right to clean drinking water. As most of you know, I helped create POCCA. We're an organization educating how to protect our Cape Cod aquifer. For over five years, we've been reaching out to Eversource with scientific facts that prove harm from the pesticides used for vegetation management. Since that didn't stop more spraying, for the past two years I've been on the agenda to inform the selectmen what's going on. And all 15 Cape Boards of Selectmen wrote documents against herbicidal use by Eversource along powerlines.

Unfortunately, MDAR, the Massachusetts Department of Agricultural Resources allows Eversource to use herbicides despite the wishes of every Cape town.

This proposed Bill of Rights will give more standing in a situation like this. What if our water becomes undrinkable? For whatever reason, it will be incredibly expensive we don't do all we can now to protect our most precious natural resources.

Why do we want the Bill of Rights? We want to prevent any poisoning of citizens and our aquifer, such as the recent poisoning of the Aurora River in Colorado and the lead poisoning of the people and especially the children of Flint, Michigan.

What can we do to safeguard our waters ensuring us a longer existence here? The Bill of Rights can help us protect our waters from chemicals, from radiation, and from herbicides.

Thank you for your time and consideration on this important opportunity. It is up to us to do all we can to protect drinking water for our children and our children's children. This is a solid way to help protect our health and our livelihoods for generations to come.

Thank you for supporting proposed Bill of Rights written specifically for Barnstable County.

Thank you, very much.

Speaker BERGSTROM: Okay. Thank you. We've had three speakers so far and they've taken an average of five minutes a speaker. So there are another 18 speakers to go. So do the math in your head. Hopefully, you guys brought some dinner with you. If this continues, we're going to be here for four hours.

I'm trying to be tactful here. So we've got Debra McCulloch.

MS. DEBRA MCCULLOCH: Hi.

Speaker BERGSTROM: Are you Debra?

MS. DEBRA MCCULLOCH: Yes, I am. I'm Debbie McCulloch, and I am co-owner of Pure Joy Farm in Truro. I sometimes get Debbie McCutcheon's mail -- Deborah McCutcheon's mail.

I'm also a registered nurse at Cape Cod Hospital. As a farmer and a nurse, I believe that all of our residents possess the right to consume locally produced, nontoxic food if they choose to.

In Section 5 of our proposed Bill of Rights, it reads, "The residents possess the right to grow, raise, produce, sell, or distribute foods generated from sustainable farming practices free of contamination from pesticides and genetically modified organisms and to collect harvest and distribute all resulting seeds.

And why am I spelling this out? Because something is fundamentally broken in our country where the money interests have more rights than the people. Corporations and such as Syngenta and Monsanto pour millions of dollars into the coffers of politicians who find friendly or -- I'm sorry -- corporations -- how about that; put on the glasses. Corporations such as Syngenta and Monsanto pour millions of dollars into the coffers of politicians who find -- who they find friendly or useful to their agendas. Most of these politicians accept these monies for their election or reelection bids.

The politician is now beholding to the corporation. This occurs at almost every level of government. This wreaks of corruption and this, the very essence of citizens united, which places big corporations' desires before the health of community. Small communities such as ours in Barnstable County that have virtually no rights when pitted against these mega conglomerates.

Some of these multi-billion dollar industries have bought up nearly 80 percent of the world's smaller seed companies. They have tinkered genetically with these seeds to prevent them from creating viable offspring seed. Nearly gone are the days where the farmer can grow and collect their own seeds for next year's crops. Many farmers must exclusively buy their seeds every year from these mega corporations. Monsanto sells Roundup Ready Seed. This means these crops are genetically engineered to be able to withstand heavy applications of Roundup whose active ingredient is Glyphosate.

The latest World Health Organization assessment has deemed that Glyphosate is probably carcinogenic to humans. Just last year, the California EPA issued plans to list Glyphosate as known to cause cancer. Monsanto has created big headaches for farmers whose organic crops have become contaminated by drift. Monsanto sends their detectives into other fields to test for this possibility. Any contamination --

Speaker BERGSTROM: Excuse me, Ms. McCullouch. As much as I would like to tackle the problems of the world, we're going to have to concentrate on the

ordinance that's in front of us.

Ms. DEBRA MCCULLOCH: Okay.

Speaker BERGSTROM: Just deal with us little people here on Cape Cod, and we'll deal with the bigger issues, you know, the national audience.

Ms. DEBRA MCCULLOCH: All right. Well --

Speaker BERGSTROM: You for the Bill of Rights?

Ms. DEBRA MCCULLOCH: I'm for the Bill of Rights because here a lot of the huge corporations lobby members of Congress to make it tougher on the small organic farmer to get their produce to market helping politicians draft legislation like insisting that the small farmer pay exorbitant fees to label their food as organic.

And at Pure Joy Farm, we cannot afford to pay this fee for that label and can legally only use the word natural to describe how our produce is grown.

Many of us are desperate to grow our own food that is healthy, organic and non-GMO and to provide this alternative choice for our local community. We, organic farmers on Cape Cod, are currently beginning to enjoy a Renaissance. Local farmer's markets are sprouting up in almost every town in Barnstable County. Some of us are now able to supplement our incomes or even make small livings growing organic foods for our communities.

Local schools are benefiting from this that the children in some of these schools are being taught the forgotten art of farming through local farmers enjoying their rewards in some of their school lunches through programs such as the Truro's Successful Farmer's Market -- Farmers in the School Program.

And at Pure Joy Farm, we use natural methods to remediate our soil, but also we use companion planting and natural plants for pest mitigation. We collect our own heirloom seeds but I also want to address Delegate Cakounes' concern. We also use organic pesticides.

Commissioner CAKOUNES: Commissioner Cakounes.

Ms. DEBRA MCCULLOCH: I'm so sorry -- Commissioner Cakounes. We do use organic pesticides ourselves. We don't look to force this type of natural gardening or farming on anyone else or prohibit the use of pesticides if a farmer should choose that option. But many of the farmers I speak to don't want big business through corporate dollars to state, local, or federal politicians to curb our sustainable farming practices.

Speaker BERGSTROM: You're going to have to wrap this up.

Ms. DEBRA MCCULLOCH: We want to have produce free of contamination from pesticides and genetically-modified organisms and to collect, harvest, and distribute all resulting seeds if that is what we choose to do.

I'm asking you to please consider allowing the democratic process to work by allowing our voters to decide this issue. Thank you.

Speaker BERGSTROM: When I first became a Delegate, we had a Speaker who sat here and had a buzzer. And after three minutes of somebody speaking, the buzzer would go off. I don't know if you remember that. So I was sitting there and I said I'm never going to do that. But, now, I'm thinking it might not be such a bad idea.

So to prevent me from doing that, we're going to be brief. Okay. So we've got Betsy Smith for the Harwich Conservation Trust or -- Betsy Smith.

Ms. BETSY SMITH: That's the extent of it.

Speaker BERGSTROM: Go for it.

Ms. BETSY SMITH: Yes. My name is Betsy Smith. I live in Brewster. I did not write this. I am reading this on behalf of Matt Cannon from the Harwich Conservation Trust and he's an AmeriCorps Cape Cod alum.

Cape Cod has fragile Biosystems, especially our heavily used water resources. We know that drinking water can be easily contaminated as happened in Eastham a few years ago. We know that nitrogen loading can devastate the health of our ponds and bays, which impacts commercial and recreational opportunities and natural biological processes.

Although we have made some strides to protect the environment by giving people the right to benefit from natural systems, we will ensure that future generations can enjoy the Cape's resources.

As Lee Roscoe observed, a couple speakers before me, because we cannot give nature the right to protect itself, it is our responsibility to safeguard nature's processes. Some of the most immediate threats are being thwarted but there are many ecological threats on the horizon.

And Debbie McCullouch just pointed out, we may see GMO seeds threaten organic farmers. We may see oil and gas companies push back against the renewable, more independent forms of electricity. We may even see our water resources modified and sold for profit at the expense to local citizens. These threats are real and I think we should take the step of trying to assert our right to protect ourselves from the degraded and unsafe environment.

Matt ended with this plea; may the Assembly today do the right thing and vote in favor of the Bill of Rights for Barnstable County so it gets onto the ballot in November for all Cape Cod citizens to have a chance to vote on it.

I'm going to add something very brief of my own that Matt could not have added. As a six-year survivor of bilateral breast cancer, I am seriously concerned with the stuff that I might be ingesting when I drink the water. Okay. Please, give me the right to vote, as everybody here wants the right to vote so that we can regulate our own health.

Thank you, very much.

Speaker BERGSTROM: Thank you. The noise you hear -- the Delegate from Falmouth, Julia Taylor, is with us in spirit and also on the phone because we allow people to remotely participate. She has a large vote so she's taking time out to be with us, like I say, over the phone and she will vote on whatever you present.

Ms. TAYLOR: Ron.

Speaker BERGSTROM: Julia, yes.

Ms. TAYLOR: I will try to stay on until the vote but I may not be able to but I'm here now.

Speaker BERGSTROM: Well, if they want your 14 percent, Julia, they're going to have to speed up the process because, otherwise, you're going to be gone. I'll inform them.

Ms. TAYLOR: I have to leave -- I have to get off the phone at 5:30 your time.

Speaker BERGSTROM: Okay. Jim Garb; is it?

MR. JIM GARB: Yes. Good afternoon. My name is Jim Garb. I'm a physician and I live in Yarmouthport. I'd like to thank the Assembly for this opportunity to speak in favor of the Barnstable County Bill of Rights.

I'd like to focus my remarks on the issue of clean drinking water. The

unsuccessful attempts by all 15 Cape towns to stop Eversource from applying toxic herbicides to control vegetation under their powerlines when other non-toxic methods are readily available is one example of why such an amendment is necessary.

As a physician, Board Certified in preventive medicine, I believe that Eversource's continuing use of these hazardous chemicals represents a significant health risk to the population of Cape Cod.

I'd like to, very briefly, explain some of the science behind these concerns. The chemical of concern in this case is Glyphosate, the active ingredient in herbicides made under a dozen trade names, most notably Monsanto's Roundup.

However, in addition to Glyphosate, these commercial formulations contain other chemicals, so-called Atrovents. Early research examined the effects just of Glyphosate alone and found inconclusive results about effects on human health. However, more recent work has shown that Roundup is always more toxic than its active ingredient alone. The Atrovents added to the formulation, although previously considered to be inert and nonhazardous are now thought to alter human cell permeability allowing more of the hazardous chemicals to enter the cell and amplify the toxicity of glyphosate.

Indeed, the combination of these chemicals is up to 1,000 times more toxic than the active ingredient alone. The Cape is a fragile environment with a single source aquifer. Glyphosate is found in rivers and streams. The incidents of breast cancer on the Cape is elevated and exposure to environmental toxins is thought to be playing a role increasing our burden of exposure to hazardous chemicals is unnecessary and needs to be challenged. This amendment will give us a mechanism to successfully challenge these harmful practices. Thank you.

Speaker BERGSTROM: Thank you. Mr. DeWitt, Ed DeWitt from Falmouth.

MR. ED DEWITT: Thank you. Ed DeWitt. I'm the Executive Director of the Association to Preserve Cape Cod. APCC is 5,000 Cape Codders who are interested in protecting the environment of Cape Cod.

Some of you have told me that our economy is our environment and I agree with you that our economy is our environment. We're also very unique in that our sole source aquifer where we get our drinking water is also where we put all of our waste, whether it be septic, whether it be from the Fire Academy, whether it be how we handle unwanted vegetation across the Cape Cod. We're putting all of those things into the same place that we're taking our drinking water out. And we need extra protection because we are unique in this regard.

And I think it's really incumbent upon the Assembly, upon the people of Barnstable to take those extra protections in our drinking water to make sure that our economy doesn't suffer because imagine a Flint-type of occurrence on Cape Cod and what that would do for our economy.

So APCC very much supports this. Thank you

Speaker BERGSTROM: Thank you. Dennis Minsky, Provincetown.

Mr. DENNIS MINSKY: Good afternoon. I took quite a bit of time to write this. I've driven all the way from Provincetown to read it. However, heeding your plea, I have two pages here and I'm going to read one of them; okay?

Speaker BERGSTROM: Okay.

Mr. DENNIS MINSKY: In the hopes that my generosity will elicit a positive vote for this amendment. So my name is Dennis Minsky. My credentials, I am the

chairman of the Provincetown Conservation Commission, chairman of the Open Space Committee but I'm speaking as an individual.

The question before us today that is how best to achieve this goal, the goal that everyone else has talked about. There's a vibrant tradition of community involvement on Cape Cod that goes back centuries. Individual citizens and our individual towns making a difference and, in some instances, making a distinction creating the unique communities that distinguish the Cape and make it a more interesting region in which to live.

This local level of connection in which individuals can speak and be heard and make contributions make things happen or more often make things not happen is central to who we are.

This brings me to the point of today's hearing, the consideration of a proposed amendment to the County's Home Rule Charter, the so-called Barnstable County Bill of Rights. It's intuitive that especially in an area as distinctive as the Cape historically and right down to the present individual rights should be celebrated and strengthened. We should affirm the rights of a community and individuals in that community to have a voice in the fundamentals of their existence.

Of course the elephant in the room is the issue of NStar's or Eversource's ongoing spraying of herbicides in the face of the petitions of all 15 towns on the Cape against it.

Another David and Goliath example would be Provincetown's efforts to assert jurisdictional control over its waters against the deprivations of hydraulic clamors with the state Division of Marine Fisheries right against us and the state DEP nowhere to be found.

This single issue or these issues may, in fact, be the impetus for this proposed amendment, but we should not be limited to thinking about them. If we randomly picked up local newspapers at 20-year intervals going back as far as you want, we would see particular issues and priorities rise and fall, come and go. The underlying reality has been and always will be local control, sovereignty, self-governance, and individual rights. Whether we are considering all the issues that have already been mentioned, we need an extra layer of protection or enfranchisement, if you'd like.

I urge you to vote in the affirmative to adopt the proposed Bill of Rights amendment, bring it to the people. Doing so will confirm the historical trajectory of proud and independent communities composed of active and engaged citizens working for the preservation and sustainability of our beloved Cape Cod. And thank you for your time.

Speaker BERGSTROM: Okay. Thank you. Clare Bergh, Harwich.

Ms. CLARE BERGH: Good afternoon. My name's Clare Bergh; I'm from Harwich. I own a horse farm in Harwich. In October of 2014, my body, my animals, my property, and my clients who board at my horse farm were assaulted with toxic chemicals which trespassed on my property by NStar spraying along the powerlines, which abuts my horse farm.

My rights to protect myself and my farm were denied because we were not warned of this happening. I have the right to choose what my being is exposed to. No one has the right to force anything on me.

Within a couple of hours of the chemical exposure, my torso and arms were covered in a rash. I developed headaches and all of this lasted for over a three-week

period of time. This should never have happened. What does the future hold?

This matter was brought before the Harwich Board of Selectmen, Mass. Department of Agriculture Resources, and NSTAR. The Board of Selectmen ignored my request to protect. NStar didn't have much to say, and MDAR stood up in front of everyone and said, "The chemicals being used are safe for everyone."

Yet, the warning label state to where gas masks, eye protection, and hand protection when spraying these chemicals. MDAR was supposed to be overseeing the spraying but they were nowhere to be found. Perhaps it wasn't such a safe place to be after all.

I have the right to choose to say no to chemical trespass. We all need to have this right to protect our families, properties, animals, food supply, our wonderful fresh air on Cape Cod, and, most importantly, our aquifers.

Please pass the proposed Bill of Rights so others will not be harmed the way I have been. Thank you.

Speaker BERGSTROM: Thank you. David Scandurra.

Mr. DAVID SCANDURRA: Hello. I'm actually reading a letter on behalf of Benjamin deRuyter, Brewster Selectman. Sure. Dear Mr. Speaker, it is my pleasure to write a letter in support of the proposed amendment to the County Charter entitled, "Barnstable County Bill of Rights" and submitted by Delegate Brian O'Malley of Provincetown.

The rights asserted by Delegate O'Malley's proposed amendment will serve the people of Barnstable County insofar as they will help to provide the tools necessary to protect our communities maintain our drinking water, promote the development of sustainability of our local food system, and to empower municipalities to develop clean, renewable energy.

The beliefs and values expressed in this document are exemplary of what I believe is important to the residents of Barnstable County. I support Delegate O'Malley's efforts and the efforts of the hard-working individuals who helped draft this proposed amendment. I strongly urge the Assembly to vote to support the proposed amendment. Sincerely, Benjamin DeRuyter.

Speaker BERGSTROM: Thank you. Sprout, Phyllis Sprout? Did I get that right?

Ms. PHYLLIS SPROUT: Yes, you did.

Speaker BERGSTROM: Okay.

Ms. PHYLLIS SPROUT: Phyllis Sprout from Mashpee. I'm coming with no prepared remarks other than the fact that I'm a farmer in Mashpee and we worked very hard to develop just over two acres of land into a very large growing concerns for our farm. We do not use Roundup. Tried it in the past, don't like it. We don't use it. So if anyone wants to help come pull weeds, be my guest. We don't use it.

I am really opposed to this, with all due respect to Attorney Taub, I'm an originalist. And whether the founding fathers legally held slaves at the time when they wrote the Constitution doesn't make a bit of different to me. I do not see this Bill of Rights as being a very effective tool in solving the situations that are normally held and dealt with by local already appointed boards from the state down to the local level. I mean I had people coming on my farm saying, "Do you have your pesticides locked up?" "Yes, I do." Some of them are natural; some of them are synthetic.

But, you know, it's a funny thing when it comes to pesticides, when you look at

the reentry time into an area that's been sprayed with pesticides, sometimes the natural ones have four times the reentry time as the synthetic one. Just because it's synthetic doesn't always mean that it's less toxic.

I'm upset that this is coming to a vote here. I just don't think you have the authority in your Charter to even do this. And it makes me upset because I think you're going to be creating a level of bureaucracy with the mushy language in this document that's going to come in and it's going to affect people's primary private property rights. It's almost a slap in the face to every local Board of Health to say that, well, you can't do your job right so we're going to come in and do this Charter. I just don't like it and that's my comment. Thank you.

Speaker BERGSTROM: Okay. Thank you. Just a comment; obviously, this would have to go before the voters. We haven't got the power to impose anything on anybody. The Charter change goes before the voters and they'll, ultimately, decide if it gets that far.

Jim Wolf.

Mr. JIM WOLF: Hi, everybody. I'm Jim Wolf. I am from Yarmouth, and I'm here to tell you a story because I've listened to some really great stuff --

Speaker BERGSTROM: Hopefully, it's a short story.

Mr. JIM WOLF: It's going to be a short story. I'm here to speak about energy. I work as Cape Air's sustainability director. I'm involved in a lot of the energy -- renewable energy development but this kind of energy is little bit different.

So part of what I do is about process, and I think that's what you're being asked to do is to take a little process here and think about maybe this is something that the people should look at.

At Cape Air, we're trying to grow with our small company values into a large company and that's very difficult, and it really is about going to the people and saying how can you maintain your individuality?

So, we have a volunteer policy which I took advantage of last year. I found myself out on the powerlines in Harwich with a set of loppers with about 20 people. I think I was the youngest one. Went for six Wednesdays, cleared the powerlines mechanically with a bunch of retired people and loppers.

And one day -- one of the last Wednesdays, a young woman showed up. She couldn't have been older than 25 and everybody almost died of heart attacks right there because we weren't used to having somebody that young there.

And before we got started, she said, "I came for my baby. This is the first time I have been away from my baby since my baby was born; my first child." And, so, you know, she became the star of the day. We were all looking; is she all right? Is she strong enough? Etcetera, etcetera, and we proceeded to lop for two hours, which is what we did each week. We got about a half a mile done in 6 or 7 weeks with this old crew.

I remember talking to her that day at the end and she said, "You know, we should do this everywhere. How long are the powerlines? We can do this everywhere. We don't have to have the spray." She had said that the reason she was there was because she wanted to do something to protect her child.

So this is the question she asked; we should do this everywhere, and the answer that she got from Matt Cannon, who was mentioned here before, was, "We can't because we don't have permission." She said, "Who owns the land; the power

company that won't give you permission?" The answer to that was, "No."

And so in the end, this young woman, whose name I do not know, said, "Why?" Okay. So what I would say to you all, guys and gals, is why can't the people incorporate some rights that helps to define the role of government in Barnstable County so that people with energy, which is what I was supposed to speak about, can get out there and use their energy to keep this place the way it's supposed to be.

Thank you very much.

Speaker BERGSTROM: David Karam or Karam?

Mr. DAVID KARAM: Thank you. David Karam; I'm from Brewster. I do design/build residential work. Hi, Ed. I'm also a farmer and a runner. So I spent a lot of time at the powerlines in Brewster, and I echo the last comments about alternative to spraying.

So here's my brief note to the Assembly of Delegates. I am in support of this Bill of Rights for Barnstable County and will speak on 5, the right to sustainable food.

As a civil society, we have a right to food and agricultural practices that are sustainable, humane, and non-toxic. We have a right to food and agriculture sources that prioritize nutrition and well-being over profit and production.

We have a right to transparent access of information by policymakers and private-sector corporations who currently conceal and manipulate data consequently altering nature, the environment, and the animal kingdom for a perceived personal benefit.

As a society that values sustainability, we have a responsibility to hold our elected officials and corporations to the scrutiny of sound science and common sense thereby rejecting the old profit-driven model and supporting a new mandate for local food and agriculture -- agricultural enterprises as a national priority.

Please pass this motion today in order to be cited by all Cape Cod citizens on the November ballot. Thank you.

Speaker BERGSTROM: Okay. Michael Hall, Provincetown, somewhere beginning with a "P"; Mr. Hall.

Mr. MICHAEL HALL: Michael Hall. Hi. I grew up in Chatham actually --

Speaker BERGSTROM: Yes.

Mr. MICHAEL HALL: -- but I hold residency in Provincetown now. I'm a real estate broker. I practice in some of the upper-Cape, most of the lower-Cape, and certainly the outer-Cape.

I'm in support of this Bill of Rights. I think it gives the local residents the tools to protect themselves, to protect the natural resources that we all hold dear. And I can see how if this is passed, if this goes before the voters and is approved that this could enhance property values. I think this would be really great for the Cape. And I urge you to pass this so it can go before the voters. Thank you, very much.

Speaker BERGSTROM: Thank you. Mimi Frank.

Ms. MIMI FRANK: Yes. My name is Mimi Frank and I'm from Falmouth and I will be brief and I do not have a prepared statement. I came today as a lifelong resident of Cape Cod and a Mayflower family, so, I mean, I go way back. There isn't anybody who loves the environment and the Cape as much as I do. However, I would ask that you please vote against this.

The problem I have is we're adding more and more and more bureaucracy. One of my problems is I'm always watching you guys on TV -- by the way, you always look

great.

But I had to come today because I know we're working on things like budget. Some of the things that bothered me on this was litigation costs, all the rest of that.

So if I have a problem in the town of Falmouth, and I think my local officials do an awesome job, by the way, I can now come to the County and if it's not rectified the way I like it, can I go ahead and sue the County?

I think we're adding a whole other dimension here that does not need to be there. Thank you, very much. Please vote no.

Speaker BERGSTROM: Thank you. Suzanne Bryan. We're doing well here now. Keep up the good work.

Ms. SUZANNE BRYAN: Hi. My name is Suzanne Bryant. I didn't actually know signing that little piece of paper meant I'd come up and talk. But I grew up in Eastham and I'm now currently an observer with the National Marine Fisheries Service. And I got my undergrad in Environmental Studies and International Studies and what unpinned my entire education was water issues. I've done Restoration Ecology. I've looked at it from a policy standpoint. I've looked at macro/micro scales economically in the environment and all of it, and I'm really excited about this.

So I really hope -- I looked over the entire Bill of Rights. I was like, wait, how does this not already exist? This thing is awesome. It inspires me and I would absolutely love if you vote yes to be part of whoever is going to get people to vote for it on the ballot in November. And I'm 26 years old so this makes me excited.

Speaker BERGSTROM: Thank you. The Chatham Fishing Fleet is always good to the fisheries observers.

Ms. SUZANNE BRYAN: They are really good.

Speaker BERGSTROM: Well, maybe not always. Well, maybe sometimes. Maybe once in a while; okay.

Ms. SUZANNE BRYAN: I get to work with the Cape guys though; excited.

Speaker BERGSTROM: Nancy Eldredge. Not here? Hello? Oh, there you are.

Ms. NANCY ELDREDGE: I'm here. Hi. I'm Nancy Eldridge. I'm born and raised in Chatham. I'm 76 right now. My son called me 78 the other day didn't think that was nice. I've been a fortunate person because my family -- well, I guess I would put it this way. My three brothers and I, four children in the family and numerous dogs, we grew up on the edge of Oyster River, which is now very, very populated. And we grew up with a family; my dad and my mom who lived in a very simplified way. He shot food for us. Once a year, he would go deer hunting. He did a lot of fishing. We did a lot of clamming and shellfishing. We would have duck for food and once in a while a goose even though they were kind of skinny when you got past those feathers.

We had that sort of an upbringing which brings me back to a very simplified way of sharing with you. I've heard many different plans now to help the environment. I've heard many, many different opinions, all of which I appreciate hearing.

I do have to say, however, that we can at least in our minds individually start at a very simple place. And for thousands of years indigenous native people of this continent have always talked about the mother Earth and the way that we look that way is to say that the creator gave this planet to us as a gift and we have to be the caretakers.

To be a caretaker means to watch over all of the environment to make sure nothing is coming to harm it. And that reason leads me to what I used to say to my

children when I was teaching a long time ago that everything we eat comes from the Earth. Everything we drink comes from the combination of Earth and sky. Everything that we wear comes from the Earth. All you have to do is just trace it back to its origins. Everything that we use, including this, the chairs, everything comes with an origin of the Earth. It's very simple. Why wouldn't we want to take care of this? After all, it's a gift to all of us. It's a gift to humanity. We are the caretakers. We are the stewards.

I guess that's really all I really want to say. I hope that at least a good many of these suggestions to be possibly put on the ballot in November would be considered very, very thoroughly. And I want to say that if we poison the Earth in any way, we poison ourselves.

Speaker BERGSTROM: Thank you. George Hall.

Mr. GEORGE HALL: My name is George Hall, and I want to thank -- thank you for having us be able to speak. It means a lot. I also want -- I'm grateful that we have good water on the Cape or at least pretty much as far as we know its good water. That seems to be a big issue that we've been talking about today, especially when we're hearing what's going on in Flint, Michigan.

I feel empowered to be able to speak with people here today. I don't know if you know that people in Flint, Michigan didn't just wake up one day and find out that their water is messed up. They've been working -- they've been speaking in front of people like you at meetings like this for years and trying to correct the problem. And only now are we hearing about it and, basically, they don't have any power. They're speaking but they don't have any power to do anything. So that's my concern. The Bill of Rights seems to be a tool.

I am also concerned beyond just our one aquifer and the water issue, and we've had some people speak about the concerns what this will do. Will this be more bureaucracy? Could this be used in a way that stops -- that causes us to not have rights to be free? It's a governing principle; the Bill of Rights are governing principles. I think we should be able to vote on this to figure out what it is. They're not regulations; they're governing principles, right? So that's important to have. We need to have powers -- people to speak out when things don't go right. That's all. Thank you, very much.

Speaker BERGSTROM: Okay. Helen Miranda Wilson from Wellfleet.

Ms. HELEN MIRANDA WILSON: I currently serve on the Board of Selectmen but I'm speaking as an individual. I've also been a Water Commissioner, on the Zoning Board, on the Planning Board, Watershed Advisory Committee, too many other things.

Speaker BERGSTROM: Don't forget about beekeeper. You're a beekeeper.

Ms. HELEN MIRANDA WILSON: Yes. I'm in the Barnstable County Beekeepers Association. I would like to address something that hasn't been brought up. This is a Home Rule state where there are zoning bylaws which are passed by Town Meetings or by the Town Council in Barnstable, with our conservation regulations, our environmental regulations, our Board of Health regulations and so forth.

The towns, the municipalities are allowed to pass regulations or bylaws that are stricter than the states. And that's good because they're tailored to local needs.

There is an interesting loophole, however. If you go to the state's pesticide

boards set of regulations in the CMR, I believe, which I've done, they're very specific about places where you can't use pesticides and other related herbicides, (Inaudible), whatever. They say these areas are not a good place to use these poisons, and then they say unless you do it just so. This is a loophole.

One of the things this Bill of Rights would do would allow a local community to say we don't want to use any kind of chemical substance to inhibit or kill other natural things because it's not a good idea, and we would like to make it stricter than the state laws and regulations. This is just absolutely conventional across-the-board in all land use regulations and bylaws except for this. Maybe there are some other loopholes. It's very strange and I think we have come to a point with our culture and with our environmental situation where we can start to push back about this.

I urge you to send this issue, which is more general than just what happens on with Eversource to the people and ask them if they want to get this standing and be able to have these rights.

Last thing I want to say is on the Wellfleet warrant for the Annual Town Meeting, we have a general bylaw that addresses these issues that I also hope will give us standing -- will also give us standing. Thank you.

Speaker BERGSTROM: Thank you. Christopher Freeman from Barnstable.

Mr. CHRISTOPHER FREEMAN: Hi. My name is Christopher Freeman. I signed that sheet just to show that I'm present. I didn't expect to speak but a commercial shellfisherman, I make all my living from the environment -- directly from the environment, and I'm using the same technology that everybody else does.

I'm in favor of writing down and having a Bill of Rights because, essentially, the corporations have rights because people have rights and they form corporations to sell a product. You can't patent an animal but you can create a compound or do whatever. You're selling a product and that's to make money. I'm making money; I'm selling a product. It's the natural product.

I guess I could go on but I'm in favor of writing things down because they have things written down and we should be able to read them.

Speaker BERGSTROM: Thank you. Rouf Pechukas. Rouf Pechukas.

Mr. ROLF PECHUKAS: Rolf.

Speaker BERGSTROM: Rolf.

Mr. ROLF PECHUKAS: Yes, Rolf from Wellfleet. I would just say that I live adjacent to the powerlines in Wellfleet. I get sick every couple years, and I wasn't even aware of the spraying originally. But I would get so sick that I'd be bedridden. I'm not a sick guy. I don't ever get sick, except every couple years I am destroyed. Ears, eyes, nose, throat, gastrointestinal; I can't even lift my arm, and all I want is a clean breath of air and a glass of water.

So this is not minor stuff. This is pretty big stuff and it seems unnecessary, right? There's lots of ways to clear land. You don't need to spray; you can chop it down. It doesn't even need to be people with loppers. You can have a big mower come through. I'm sure that people would be happy to pay a couple extra pennies on their electric bill if it's a little more expensive to do it that way.

But I'm very much in favor of giving you guys a little bit of teeth to choose how they clear the powerlines.

I would also just quickly add that sometimes it's cheaper to do the right thing overall if we can avoid -- I mean the powerlines go up and down the Cape. We're

talking about probably tens of thousands of families that are affected by or adjacent to the property. If you've got poisoning going on that creates a whole bunch of cancers or diseases, that's expensive, right? Mowing the law is cheap. Okay. That's it. Thanks.

Speaker BERGSTROM: Thank you. I have one more speaker, Leo Cakounes, and I will rigidly enforce the time regulations on Mr. Cakounes.

Commissioner CAKOUNES: Thank you, Mr. Speaker. I appreciate you giving me the opportunity to respond. I enjoyed hearing everything I heard today up here. And I emphasize and agree with a lot of their passion. But I'm here to tell you that I believe it's being focused in the wrong place.

Make no bones about the fact that what you're voting on here today, okay. This not, oh, let it go to the voters. This is not if you don't do this, you're going to be promoting bad drinking water and you're promoting killing our environment. That's not what you're being asked here today to do.

Here today you're being asked to put forth an amendment to the Barnstable County Charter. The last time I was before you under the open session, I read to you Section 1.4 off the Charter, and I will, because my time is brief, only read the last sentence. "Cities and towns are to remain the broad repository of local police powers in terms of the rights and powers to legislate for the general health, safety, and welfare of their inhabitants."

Please understand something; Barnstable County government is not like Maine, Vermont, Ohio, or California. Those county governments have police power; we don't. Barnstable County government was formulated for one reason and one reason only and I won't bore you by reading the Preamble of the County Charter, but it was formulated in order for the county government to help the towns work across the town borders.

Now I'm going to put my farmer's hat on. And by the way, I do want to make reference when you are deliberating, I will not read -- I'm sorry -- I will not read the actual verse, but Section 3-3 of the Powers and Duties of the County Commissioners and nowhere does it state in there from (a) through (k) that the County Commissioners have powers or authority over property owners or residents of Barnstable County.

Under 2-8, the Assembly of Delegates powers, under nowhere (a) through (h) does it state that you, the Assembly of Delegates, can tell that gentleman that was up here previously that he has the right to come onto my private property and cut down some weed that he thinks that somebody may be spraying on because that's, I assume, that's what they're asking you.

It was said here this evening that you people are going to have the right to be able to tell private property owners what they can and cannot do by allowing others to enter their property. You don't have that in the current Charter.

And under 1-6, the entire county government, that's where the regulations or the powers and duties of county government are located. And nowhere in 1-6 does it state that the county government has the power or the authority to do that.

I have a problem with the first gentleman that got up and spoke. He was very eloquently in explaining us the ten amendments or the ten original Bill of Rights, which I will tell you for fact that was probably deliberated and discussed far more input in it than even the Declaration of Independence. Our founding fathers had a problem and discussed a Bill of Rights. I take that term extremely, extremely serious.

We started with ten, and he is correct, the last one says that whatever's not there shall be leaved to the states or the people. It doesn't say the states or the counties. But,

again, we won't go there.

It was said here at this microphone a number of times and I wrote some things down. One is that the county officials can now take action if this is passed. And I have a problem with that because as I expressed earlier, you have no authority to take action under your Charter.

I do not feel that -- and by the way for the record also, not only am I a County Commissioner, but I'm standing before you here today as a farmer. And as a farmer that does not operate a farm in order to supplement my income. I operate a 64-acre organic farm and that is my main source of income.

And if you really want to get into the depths of the Bill of Rights, I really take issue with the fact that, first of all, I don't know why you, Barnstable County, think you have the authority over me, a resident of Barnstable, to tell me that I have a right to go somewhere and buy something or a right to do something. Because, obviously, if you're saying that, you're implying that you're going to change it around the other way and tell me that I can't do things.

And nowhere in this Bill of Rights does it say that organic -- I was very respectful, Mr. Chairman -- Mr. Speaker to other people who were up here.

Speaker BERGSTROM: Yes, you have the right to speak, Leo. Just --

Commissioner CAKOUNES: If I'm getting long, I apologize but I'm about to wind it up.

Speaker BERGSTROM: Indulge me because I have to take a vote on this. I'm just asking for your indulgence, okay?

Commissioner CAKOUNES: Thank you. And I'll just conclude by saying that your vote here against this this evening which I hope that you do vote against it is not because you don't agree with every previous speaker that was up here and how valuable not only our drinking water or our environments are, but the bottom line is you do not have the authority to grant me, a resident of Barnstable County, a Bill of Rights. And I think it's an improper use of your authority as a government official.

Thank you.

Assembly Convenes

Speaker BERGSTROM: Thank you. Okay. Now the Assembly will now convene. Now once the Assembly convenes, we cannot take any testimony or comment from the audience, so you guys are all done, okay, including you.

Commissioner CAKOUNES: I wasn't that long.

Speaker BERGSTROM: No, no. I'm not talking -- your fellow Commissioner.

Commissioner CAKOUNES: Oh.

Speaker BERGSTROM: Okay. So now the Assembly will now convene, and we will discuss Proposed Amendment to County Charter: "Barnstable County Bill of Rights" submitted by Delegate O'Malley. I don't know how much longer Julia will be with us. We'll have to consider --

Ms. TAYLOR: Ten minutes.

Speaker BERGSTROM: We don't necessarily have to vote on this today, but this will be the last time we take public comment on it. Okay. That's all I have to say. Brian, did you want to introduce this?

Mr. O'MALLEY: Thank you, Mr. Speaker. I want to thank -- I particularly

want to begin by thanking Speaker Ron Bergstrom and Clerk Jan O’Connell for facilitating this hearing. I know that along the path here there have been a few moments where I wasn’t quite sure of how to run this.

I want to begin by introducing an amendment. I move to amend the Barnstable County Bill of Rights Proposed Charter Amendment by deleting articles --

Speaker BERGSTROM: Brian, you have to put it on the floor first before you can amend it....in front of us until you do that.

Mr. O’MALLEY: There’s another uncertain moment.

Speaker BERGSTROM: So move to support the amendment.

Ms. MCAULIFFE: Put the amendment on the floor.

Speaker BERGSTROM: Put the amendment on the floor.

Mr. O’MALLEY: I move to put the amendment on the floor.

Mr. KANAGA: Second.

Speaker BERGSTROM: Moved and seconded. Now you can amend.

Mr. O’MALLEY: Okay. I move to amend Barnstable County Bill of Rights Proposed Charter Amendment by deleting Article 3 and Article 7 as previously submitted and adjusting the article numbering with the last -- to now be numbered Article 6. And I have a copy -- I have a copy of -- the Clerk should have copies of the Proposed Charter Amendment as amended.

Speaker BERGSTROM: All right. Do we have a second on the amendment?

Mr. LEWIS: Second.

Speaker BERGSTROM: Okay. It’s been moved and seconded. I have no idea what it is but I’ll -- yes, Brian.

Deputy Speaker MCCUTCHEON: Can I ask a question?

Speaker BERGSTROM: Yes, Deborah.

Deputy Speaker MCCUTCHEON: Dr. O’Malley, I did not understand the amendment but I did second it because I wanted to get a fair debate. Can you tell me again which two articles you’re removing?

Mr. O’MALLEY: Article 3 and Article 7. I’ll speak to that when the time comes.

Deputy Speaker MCCUTCHEON: Okay. I thank you, sir. Thank you.

Speaker BERGSTROM: Now we have the amendment on the floor. Okay.

Mr. O’MALLEY: Right.

Speaker BERGSTROM: Anybody else like to speak for or against the amendment? Brian.

Ms. MCAULIFFE: Can we hear the rationale?

Speaker BERGSTROM: What’s that?

Ms. MCAULIFFE: Can we hear the rationale?

Speaker BERGSTROM: Yes, that’s what he’s going to do.

Mr. O’MALLEY: Article 3 was the one that read, “Right to Constitutional Protection in a Workplace.” And after our prior discussion, I had to concur -- I had the discussion with the Delegate -- Orleans Delegate Kanaga regarding the rights for him to prohibit --- people carrying guns into his workplace because of citing their Second Amendment rights. As someone who keeps guns out of my workplace, I had to concur. And that’s the reason why I agree. That’s a loophole that I don’t want to leave in and I don’t like it so it’s out.

With respect to Article 7, which is the right -- I’m sorry -- the enforcement by

Barnstable County or any resident through an action in equity.

Ms. MCAULIFFE: That's not on the table.

Mr. O'MALLEY: It was originally Article 8; it got renumbered 7. Oh, that's correct. I stand corrected. The articles that were deleted were actually Article 3 and Article 8 in the original draft. Me wrong.

Ms. MCAULIFFE: So we have to re-motion it.

Mr. O'MALLEY: You want me to remotion it, okay. I withdraw the previous motion and move to amend the Barnstable County Bill of Rights Proposed Charter Amendment by deleting Article 3 and Article 8 as previously submitted, adjusting article numbering for the last, now being Article No. 6.

Speaker BERGSTROM: First, I don't want to be too demanding about this but you -- who seconded it?

Mr. KANAGA: I'll second than --

Speaker BERGSTROM: No, no, first she has to remove her second.

Deputy Speaker MCCUTCHEON: I withdraw my second and second this new article.

Speaker BERGSTROM: Okay. Fine. Now, Brian, tell us what you -- what's the title of this Article 3?

Mr. O'MALLEY: The title of this article is read, "Enforcement by Barnstable County or any resident through an action in equity."

Speaker BERGSTROM: We don't have that.

Mr. O'MALLEY: That's in the original as originally submitted.

Clerk O'CONNELL: Brian, the one that's before the Assembly titled "Barnstable County Bill of Rights" is the one that you submitted on the 20th of January. That's the one that's in effect that's before the Assembly.

Mr. O'MALLEY: And that one has Article --

Ms. MCAULIFFE: It has Article 8 in it.

Clerk O'CONNELL: Right. It has Articles 1 through 8.

Mr. O'MALLEY: 1 through 8 so --

Clerk O'CONNELL: You want to remove Article 3?

Mr. O'MALLEY: 3 and Article 8.

Clerk O'CONNELL: Okay. Three is "Right to Constitutional protection in the workplace, in public places, and privately-owned spaces"?

Mr. O'MALLEY: That's correct.

Clerk O'CONNELL: Eight is "Enforcement of Barnstable County through an action in equity"?

Mr. O'MALLEY: That's correct.

Clerk O'CONNELL: Okay. So then the copy --

Mr. O'MALLEY: So the copies that you have should now have simply six articles.

Clerk O'CONNELL: Right.

Mr. O'MALLEY: And I would ask for that to be distributed. With respect to Article 8, Brewster Delegate Lewis expressed to me his concerns at the potential legal implications of this one. Our counsel has advised that this is such a well-established legal principle in any case that it does not need to be reiterated here.

And so I request approval for the amendment with these -- for the amendment to the County Charter to have these two articles deleted.

Speaker BERGSTROM: Okay.

Clerk O'CONNELL: Do you have this in a new format, Brian?

Mr. O'MALLEY: I -- yes.

Clerk O'CONNELL: Okay. Let's have it.

Speaker BERGSTROM: I don't think that's -- I think we can delete these without having to worry about the format right now.

Mr. O'MALLEY: Thank you.

Speaker BERGSTROM: Okay. So, we understand this, we're not adding anything or changing anything. We're simply deleting two of the sections of the County Charter per Dr. O'Malley's amendment. Okay. So, now, do we need a voice vote?

Deputy Speaker MCCUTCHEON: Linda Zuern has a question, please, sir.

Ms. MCAULIFFE: We haven't discussed --

Speaker BERGSTROM: Oh, discuss it.

Deputy Speaker MCCUTCHEON: Ms. Zuern has her hand up.

Speaker BERGSTROM: Okay. Yes, Linda.

Ms. ZUERN: I'd like to know if you're going to take on Article 8 and you have this Bill of Rights how it's going to be enforced.

Speaker BERGSTROM: Yes, Doc.

Mr. O'MALLEY: The answer to that is there's nothing to enforce. These are not regulations. These are not rules. We're simply asserting that we have these rights. Enforcement should there be something that we want to call enforcement, and we've talked much about herbicide spraying on the powerlines today; there's nothing in this that would require enforcement. Simply, if it were our decision as a government -- as a regional government to do something about it, this would give us the legal backing to do it. But there's no -- there's nothing that's going to be violated here. These are not rules. These are not regs so there's nothing to be enforced.

Speaker BERGSTROM: Well, are we specifically addressing the deletion of these 3 and 8 now? Because we have to do that before we can discuss the content of this.

Mr. O'MALLEY: Well, Article 8

was --

Speaker BERGSTROM: The enforcement.

Mr. O'MALLEY: A right to legal action, so I would assume so.

Speaker BERGSTROM: Okay. Yes, Chris.

Mr. KANAGA: I'd just like to say I thank the Delegate from Provincetown for proposing these deletions and I'm fully supportive.

Speaker BERGSTROM: Okay. Why don't we take a vote on that?

Deputy Speaker MCCUTCHEON: On the amendment.

Ms. MCAULIFFE: On the amendment?

Speaker BERGSTROM: On the amendment, all right, to delete 3 and 8. Do we need a voice vote on that?

Commissioner CAKOUNES: You have to; she's on the telephone.

Deputy Speaker MCCUTCHEON: I have a point of order or a point of personal privilege; I'm not quite sure which.

Speaker BERGSTROM: Sure.

Deputy Speaker MCCUTCHEON: I think it's a convenience for a member to

be able to call in, but I think Dr. O'Malley deserves a fair hearing on this bill.

Speaker BERGSTROM: Well, he's going to get a fair hearing but he -- technically, we need 51 percent or we need 66 percent to pass this, and if we lose 14 percent, his bar is that much higher.

So it's up to him to decide whether he has the advantage of speaking further on this amendment and maybe persuading some of us. And at the same time losing potential 14 percent of the vote or whether he wants to speed up with that 14 percent still in the room, which is what I've been trying to do for the last two hours. Do you understand that?

Deputy Speaker MCCUTCHEON: I do. I'm simply --

Speaker BERGSTROM: Okay. Yes, Linda.

Ms. ZUERN: I would be in favor of getting rid of Article 8 but I would like something else in there that explains what is -- how you are going to enforce these. Because when you have rights, like we have Constitutional rights, that are broken, we do --

Speaker BERGSTROM: Julia.

Ms. TAYLOR: Well, I would just comment there's nothing in the Bill of Rights in the American Constitution that discusses enforcement. We know that enforcement comes through the courts. But, anyway, I'm going to have to hang up soon so that's it.

Speaker BERGSTROM: Okay. Thank you for calling in. Yes, Ed.

Mr. MCMANUS: In article -- Section 1.6, I guess its Article 1, item (b) and under the powers generally of Cape Cod Regional Government -- the Cape Cod Regional Government under (b) has the power to adopt, amend, enforce, and repeal ordinances and resolutions as provided in Article 2 and subject to blah, blah, blah.

The issue is that's not identified how we enforce it either. I mean the County enforces a lot of things, but it's not in as specified what that procedure is in our Charter as it stands now.

Speaker BERGSTROM: Okay. I'm going to take a voice vote on these amendments. All those in favor of the amendment that was to delete those two sections say "Aye." Opposed?

(Amended Motion passed.)

Speaker BERGSTROM: Okay. So now we're on the main motion which is the Amendment to the Barnstable County Charter Bill of Rights, and so do we have any further discussion on that? Doc, you got a quick intro here?

Mr. O'MALLEY: I would just comment that I like -- I'm a great component of consensus process, and, in essence, what just happened here is, in my way of thinking, that way a group of smart people get together and make things work right.

There were issues that expressed with the original formulation of this document and I heard them. And I listened to what I was told and I decided that in the interest of moving the thing forward -- see, consensus only works when we all have, essentially, the same goals. When we're all aboard, we're all looking out for the welfare of this County and I believe that; I believe that fully.

So it's my intent and always will be my intent here to work with others to say, "What are your concerns? How can I address them?"

I want to thank the Democracy School Team that I went to school with and learned so much with and who worked weekly for months and months to draft this

thing. I want to thank all the people along the way who have given us advice and helped us out today.

The public statements this afternoon expressed what I think is a very wide-spread concern felt for this community for our natural environment. You've heard from a great diverse group of people about different ways we might protect this place, that the Bill of Rights would have helped to develop this. A legal protection that's stronger than what we've got. They've expressed this wish to us that we make these concerns be a County focus; our mission statement, if you would.

You all know that I'm relatively speaking a neophyte to the elected officials of the world, but I spent a very long time out in the not-for-profit sector, the 501(c)(3) world. And there, we always had mission statements. Our mission statements define what are we here to do?

The parallel here is that this, in a sense, this Bill of Rights defines what is the overarching concern that we need to focus on as a County government to protect this resource. This mechanism is not at all novel. It is embedded in long-standing and little discussed what's known as defining law under the law. It confers legal standing. It gives a voice. It is not a rule.

Under our Home Rule Charter, we are in a Home Rule state. We have a Home Rule Charter. We have the right to pass regulations to protect ourselves. It's been done by over 200 counties across the -- communities across the country. And the state of New Hampshire is considering a statewide effort. If adopted by the voters, it would pose no new costs and no new regulations.

What really we're asking -- what these engaged residents are asking is that we put into the ballot -- let the voters decide. I support -- I really would support the assertion by this Assembly of that it will play a guiding role into protection of these declared community rights. My goal would be a consensus decision today. I ask for your fearless support. Thank you.

Speaker BERGSTROM: Julia, are you still with us?

Ms. TAYLOR: Yes.

Speaker BERGSTROM: Oh, okay.

Deputy Speaker MCCUTCHEON: Call the question.

Speaker BERGSTROM: I'm moving this right along. Ed.

Mr. LEWIS: I support this Bill of Rights. I think for all the reasons what Dr. O'Malley said and a lot of what was said here in this audience today.

Whenever you pass something, it usually goes to legal counsel or, in the case of laws, they go to attorney generals. They go to courts to find out. I would strongly urge that we pass this and it will go to legal counsel.

I have trouble when someone in an audience tells me this -- we don't have the right to do this; I don't know. You may be right. We don't have the right to do this, but I'll let someone else with a legal background, our counsel, tell us we don't have the legal rights.

I think there is nothing more important than protecting what we have; the water that we drink, the land that we live on. People don't move here for the weather. They move here because of the beauty of this place, and I think we should do everything in our power to protect it.

And if this Bill of Rights gives us any opportunity to do that, I think the County should do the right thing and pass it now.

Speaker BERGSTROM: All right. Well, I'm going to take a privilege and I'm going to cut off debate right now.

Ms. MCAULIFFE: No. I object.

Speaker BERGSTROM: Well you can object all you want but --

Ms. MCAULIFFE: I object.

Ms. ZUERN: Oh, that's not fair.

Speaker BERGSTROM: Okay. You've objected.

Ms. MCAULIFFE: You have not given this due -- the due time that it needs before the Assembly. And if you don't want to not have Falmouth present, then I suggest we table this so that we can give it the discussion that it needs.

Speaker BERGSTROM: That's up to Dr. O'Malley. But if I want to cut off debate, I can cut off debate.

Ms. MCAULIFFE: But if you want Julia to participate, then I would recommend tabling this so that we have a proper discussion from the full Assembly.

Ms. ZUERN: I second.

Speaker BERGSTROM: Suzanne, you're not in charge.

Ms. MCAULIFFE: I know that.

Speaker BERGSTROM: I'm cutting off debate. That's not debatable.

Ms. MCAULIFFE: I haven't had a chance to say a word, Mr. Speaker.

Speaker BERGSTROM: Well that's fine.

Mr. O'MALLEY: That's not --

Ms. MCAULIFFE: No, that's not fine.

Mr. O'MALLEY: Under the circumstances, I move that we table this to a time certain.

Mr. KILLION: Second.

Speaker BERGSTROM: All right. That means you have to withdraw -- well, I'll table it to --

Ms. MCAULIFFE: A time certain.

Speaker BERGSTROM: All right. All those in favor of tabling it, say "Aye." "Opposed".

Ms. MCAULIFFE: Some people said no.

Clerk O'CONNELL: You want a voice vote.

Speaker BERGSTROM: Yes, get a voice vote.

Mr. PRINCI: Any discussion on that?

Ms. MCAULIFFE: She's on the phone; we have to do the roll call.

Mr. PRINCI: Mr. Speaker, we're here. It's on the agenda. We've heard public comment. We've got a lot of work ahead of us. If we have to stay a little later, then let's stay a little later and maybe talk about it.

Speaker BERGSTROM: Well, here's the deal. I don't want to be too rough about this but one of the privileges I have as Speaker is to cut off debate. Whether you like it or not, it's not an issue. If I cut off debate, it's cut off, okay. I'm the rule in this room. All right. I have cut off debate on this and that's it.

Now you can either table it or you can vote it. You decide.

Mr. O'MALLEY: I moved to table and it's been seconded.

Ms. MCAULIFFE: We have to have a roll call.

Speaker BERGSTROM: Can I have a roll call on that.

Roll Call Vote on motion to table discussion and vote on proposed amendment to county charter titled “Barnstable County Bill of Rights” submitted by Delegate O’Malley. (78.90%):

Voting “YES” (59.16%): Ronald Bergstrom (2.84% - Chatham), Ned Hitchcock (1.27%- Wellfleet), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O’Malley (1.36% – Provincetown), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).

Voting “No” (32.05%): Edward Lewis (4.55% -Brewster), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).

Absent (8.79%): Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham).

Clerk O’CONNELL: Okay. Mr. Speaker, the motion to table it I think till a date certain which will be identified, I guess, after the tally is 59.16 percent voted yes; 32.05 percent voted no; 8.79 percent absent.

So, therefore, motion to table the vote passes.

Speaker BERGSTROM: Okay. It’s tabled. We will schedule a vote on that at some future date. Okay. Now --

Ms. TAYLOR: One comment before I leave; I can call in on the 16th, if you table it for then. So that’s all I can tell you.

Speaker BERGSTROM: Yes, we won’t be taking public comment so it will be a lot easier.

Ms. TAYLOR: Okay.

Report from the Clerk

Speaker BERGSTROM: Do we have a report from the Clerk?

Clerk O’CONNELL: Just to say that the budget process is moving along. A little bit complicated this year in terms of all the issues and things that are going on at the Assembly that you will need to be weighing in on.

But I try to keep you updated regularly, send you all the emails that I get from Finance, which should help everyone with the process of dealing with their committee assignments.

And that’s it for now.

Other Business

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

Deputy Speaker MCCUTCHEON: Yes. I have some business to be brought before the Assembly.

Speaker BERGSTROM: Okay, Deborah.

Deputy Speaker MCCUTCHEON: Mr. Speaker, I, at the request of the Clerk and the Speaker, I withdrew my petition to change the legislative and administrative

financial operation of Barnstable County to eliminate the Barnstable County Commissioners. I would refile it at this time in a revised edition making it a proposed ordinance.

I'm not sure that I agree - just to take a moment. I'm not sure that I agree that it is properly filed as a proposed ordinance, but none the less, I want it on the floor and I want it to be able to be heard.

I did consult with counsel and I have some questions for our lawyer about what the proper procedure is. Therefore, I am refileing it today as a proposed ordinance for anybody who had a copy of it and read it. It's now there's a third revision page -- which is paginated better and it has a lot of corrections of typographical errors. I don't think there's a big substantive change in it.

I am also filing today a petition for a voter referendum. The way I read Article - I believe it is 9 of the Charter, I believe the Assembly has the authority to refer a Charter amendment that changes the Board of County Commissioners to a voter referendum through the Clerk without more. And I am moving for such a referendum by a petition filed today.

Speaker BERGSTROM: Okay. We will schedule those for a hearing before the Assembly.

Deputy Speaker MCCUTCHEON: Thank you, sir.

Speaker BERGSTROM: Is there any other business to be brought? Yes, Ed.

Mr. LEWIS: I don't know how we do this but I want to -- so I'm asking.

Attorney Troy, our counsel, gave us an opinion a couple of meetings ago as to any of these Charter revisions whether they -- it was a long-winded opinion as to whether it was two-thirds or majority; if certain things were two-third and certain things are majority.

And in my experience, that's an opinion by an attorney, and it may be the correct opinion; it may not be the correct opinion. In every case, one attorney loses; one attorney wins, and only a judge gives a final decision. And I'd like to find a way to get a second opinion, if you will, as to whether or not what Attorney Troy said is correct. I find it difficult to understand something as important as Charter revisions to a Home Rule Charter that the Delegate from Truro and the Delegate from Barnstable has introduced and that only takes a majority of the Assembly but something else which is quite mundane takes two-thirds. Now that may be correct because Beacon Hill surprises me with the way they do legislation.

But I would like to find a way to get a second opinion from some attorney. I don't know how we go about doing that since I don't know if we control the legal budget, maybe the Commissioners control it.

So I would ask the indulgence of the Speaker to come back to me with some kind of form as to whether that's possible.

Speaker BERGSTROM: That's already been discussed, Ed, and I will discuss it further with the Commissioners and also with Attorney Troy.

Mr. LEWIS: All right.

Speaker BERGSTROM: Any other business to be brought --

Deputy Speaker MCCUTCHEON: Mr. Speaker, if I could just respond to the Delegate here with that question. I looked at Attorney Troy's analysis and just took it a step further and wrote him a series of questions. They may answer your question. I have not given everybody copies of the questions because he hasn't written answers

yet.

But I agree with you that we need to clarify what the process is.

Mr. LEWIS: Okay.

Speaker BERGSTROM: Okay. I need one more motion.

Deputy Speaker MCCUTCHEON: Motion to adjourn.

Mr. HITCHCOCK: Second.

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

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

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates

List of materials used at the meeting:

- Unapproved 2-17-16 Journal of Proceedings
- Proposed Ordinance 16-05 (Deeds Tax Increase) submitted by Commissioners
- General Public Comment Sign Up Sheet (2) for hearing on proposed amendment to change county charter (Barnstable County Bill of Rights)
- Proposed amendment to county charter titled ‘Barnstable County Bill of Rights’ submitted by Delegate O’Malley on 1-20-16
- Proposed Amendment to county charter titled ‘Barnstable County Bill of Rights’ as amended by Delegate O’Malley on 3-2-16
- Proposed Ordinance 16-06 changing the legislative, administrative and financial operation of Barnstable County so as to eliminate the Barnstable County Board of County Commissioners submitted by Delegate McCutcheon
- Petition for Barnstable County Voter Referenda to amend the County Charter submitted by Delegate McCutcheon