

**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 - May 18, 2016

Speaker BERGSTROM: Good afternoon. Welcome to the May 18th session of the Cape Cod Regional Government, Assembly of Delegates.

Before I call this meeting to order, I'd like to point to everybody's attention that fact that we have a new Delegate, Lilli Green, has been appointed Delegate from Wellfleet to take over for Ned Hitchcock who, unfortunately, left us to greener pastures in New Bedford. So, welcome aboard.

Ms. GREEN: Thank you.

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

(Moment of silence.)

Speaker BERGSTROM: Thank you. We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (94.97%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Edward Lewis (4.55% -Brewster), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), Edward McManus (5.67% - Harwich), Brian O'Malley (1.36% - Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).

Absent (5.03%): Christopher Kanaga (2.73% - Orleans).

Arrived Late: Teresa Martin (2.30% -Eastham - @ 4:05 p.m.).

Speaker BERGSTROM: Thank you. I'll now need a motion to approve today's Calendar of Business.

Deputy Speaker MCCUTCHEON: So moved.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. Moved and seconded. Any additions or corrections? Hearing none. All those in favor of approval of the Calendar, say "Aye." Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of May 4th, 2016. Are there any additions or corrections to the Journal?

Mr. O'MALLEY: Mr. Speaker, I have read through the Journal and offer approval with no corrections.

Speaker BERGSTROM: Okay. Do I have a second?

Ms. KING: Second.

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

(Motion carried.)

Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay. We have two of the three Commissioners here with us today. So, we'll now get communications from their various goings-on.

Commissioner FLYNN: Good afternoon. I'm glad to see Leo here. I thought he might be out on the farm shearing sheep.

Commissioner CAKOUNES: I'm heading right after this -- right after public comment, I'm gone. Sheep shearing day today, if anybody would like to come to attend after the meeting.

Mr. LEWIS: Careful with the machine.

Commissioner FLYNN: Just a couple of things today. One of the actions that the Commissioners took today at their regular meeting was to vote on a letter of support for Bridgewater State University's request to join Project Connect, which is part of the Bridgewater State University's IPARE Consortium which has to do with personnel regulations.

And they're seeking an economic development grant from the feds for identifying workforce training skills on Cape Cod, which is I think a really good thing and a great idea because as times change and businesses leave and new businesses come and the landscape changes from time to time, so do the needs of the workforce and skills change. So I think it's a great idea that Bridgewater is doing this and we were happy to support them in that effort.

This Saturday at 2 o'clock is the graduation at the Fire Training Academy. And if any of you are interested -- I've been to a couple of them at least and they're always well attended, especially by family members. And most of the fire training -- the fire personnel who were trained through the County actually come from the Lower Cape because they're mostly volunteers.

The Upper Cape, you know, the larger towns have more of a permanent, professional staff, whereas the Lower Cape really relies a great deal on volunteers. So the Fire Training Academy, I think, fills an important role there in providing training for the volunteers in the towns.

So it's a great event, a lot of children and spouses and aunts and uncles and everybody else, so it's always a great event.

And then on that Monday, May 23rd, is the first day of the Cape Cod Summit, which is the Cape Cod Commission's annual workshop, sort of; I guess they call it a workshop. It's going to be at the Resort and Conference Center beginning, I guess, at 8:00 a.m. probably till 4 p.m. Monday and Tuesday. I think some of you probably attended that in the past.

Our County Administrator is in Boston this afternoon so he won't be here. But he did tell me today that he expects to have a report from the auditors fairly soon and that will be very helpful. We'll have a good idea of where the auditors think we are.

You may have noticed, and I hesitate to say this because we have yet to speak to Jack Meade at the Registry, but we have been aware that there's been a considerable increase in the sale of property the last couple of months. So we're going to look

forward to a report from them later this month on where we stand in terms of revenues from the real estate sales.

Leo, do you have anything you want to say?

Commissioner CAKOUNES: Yes, a couple things just on today's meeting. We also had a discussion and actually took a vote to support the Cape Cod Commercial Fishermen's Alliance Seaport Economic Council application for a grant, and we're just going to be acting as fiscal agents for them through the Cooperative Extension.

And I know that many of you, especially the Finance Committee members here on the Assembly are always concerned; I just want you to know that through Jack's efforts and the staff's efforts we are making sure that as we act now as fiscal agents in things like this, we will be reimbursed for any costs or expense that we incur.

And I actually made the motion and it was supported by all three Commissioners and that language is in this application that we're putting out. So it's a good thing, and it's certainly -- we all supported it, but I just wanted to add that as a footnote to let you know that we are moving forward of being very, very fiscally responsible.

The other thing, too, is today we did -- we started a new process at the County Commissioners meetings is when a staff member asks for out-of-state travel expense to go to either a seminar or an education program or anything that might certainly help them in what they do for us, we now are requesting that when they get back that they come in front of us and give us an update. It's been going on for about two months now.

I'll tell you, today, I think I really saw the value in this. We had three staff members report to us today, and it's just a great way to stay in contact with our department heads and know what they're doing and see the education that they're getting and also see the needs that they may have in the future to be competitive in the fields that they work for us.

So I only mention that because you may want to -- I know that your agendas lately have been awful big but certainly if you have any free time in your agendas, you may want to consider just having some of these people come in. It's really, really a great informational opportunity.

Today, obviously, I think we meet -- we did not report on the 11th. I didn't check my calendar, so we had a meeting since your last meeting that -- well, we did not report on. And, basically, that was not a lot happened during that meeting. We did ratify all the budget ordinances that you guys approved because they get subsequently approved by us, forwarded to you, and then back to us again for final approval. So we ratified all of those. The capital expenditure one and, obviously, the whole budget one.

And just made a couple of approvals for requests of use of the property here. The Barnstable Village Cultural Association -- actually, we didn't -- we tabled that one because we needed some more information, but they're looking to put a Meet the Nature-Framed Project -- Arts Meets Nature-Framed Project. It's going to be a little thing that's going to be out in our front yard.

So things like that that we approved, but other than that, that's about it.

So, thank you.

Speaker BERGSTROM: Are there any questions for the Commissioners on

their recent activity? Yes.

Ms. MCAULIFFE: Just a comment, Bridgewater has opened a campus on-Cape in South Yarmouth. So I'm hoping that this grant will give them some information, then, perhaps, they can target some educational offerings. Because I know right now it's a Bachelor's degree and I think some Masters credits, but I think it's mostly education is there's one other area that they concentrate on. So we actually have a Bridgewater satellite campus on the Cape. So this is really relevant to keeping education local. I think that's great.

Can I just comment on that? I believe that's why they asked for our approval and endorsement too. Because, as you know, their home campus, if you will, is not in Barnstable County.

Ms. MCAULIFFE: Right.

Commissioner CAKOUNES: But now with their satellite here, they want us on board with this too, and that's one of the reasons why and we really supported it wholeheartedly.

Speaker BERGSTROM: Patrick.

Mr. PRINCI: Yesterday, I smelled smoke all across the mid-Cape really bad. I even received a couple of phone calls from residents in Barnstable asking me about it, asking if there was an operation of the Fire Training Academy and I told them it was unlikely.

Commissioner CAKOUNES: I was going say it -- I was really going to say a joke but I didn't. It's so touchy that I'm not going to.

Now, what happened, sir, is, if you want to know?

Mr. PRINCI: Yes.

Commissioner CAKOUNES: There was a brush fire in the town of Harwich and it cleared about three and a half acres or almost four acres of land in what's called the Bells Neck Conservation area of Harwich.

And if you have an opportunity to see an aerial of that area, there are a number of different islands out there. Some of them are accessible by roadway but some are just nature islands which are completely not accessible by any vehicles whatsoever. And it was a tough time for our firefighters to get out there.

But to my knowledge, it was pretty much under control within an hour or an hour and a half after it went off. But there was some smoke. We had reports that it was well past our Osterville area where they were smelling it.

Mr. PRINCI: Does the Fire Training Academy get involved with controlled burns?

Commissioner CAKOUNES: Not to my knowledge. The Cape Cod Cooperative Extension does though.

Mr. PRINCI: Okay.

Commissioner CAKOUNES: Through Barnstable County, but to my knowledge, the Fire Academy doesn't.

Speaker BERGSTROM: Yes, I have two questions. First of all, have you guys talked about a summer schedule at all? I mean have you planned anything out or does it go week by week?

Commissioner FLYNN: It's on our agenda for next week.

Speaker BERGSTROM: Oh, okay. The other question I have is there's a letter in the paper today about the dredge being parked for a long time in Bass River. I

know that it broke down in Mill Creek in Chatham and it was basically a tourist attraction for several months.

So I'm just wondering if the people of the Dennis-Yarmouth could get some relief from the dredge, not that it's not picturesque but, you know.

Ms. MCAULIFFE: They do have to go around it.

Speaker BERGSTROM: They do have to go around it. So I'm just mentioning that. I'm not expecting an answer but it's on my mind.

Commissioner CAKOUNES: You're not going to get one.

Speaker BERGSTROM: Okay. All right. So anything else? Well, thank you very much.

Commissioner CAKOUNES: Thanks.

Commissioner FLYNN: Thank you.

Speaker BERGSTROM: Next item is communications from Public Officials? Are there any public officials who wish to speak?

Okay. Communications from Members of the Public; do we have any members of the public who wish to speak? Yes.

Communications from Members of the Public

Mr. LEWIS: Helen, you're a public official.

Speaker BERGSTROM: That's true too.

Ms. HELEN MIRANDA WILSON: Okay. I'm Helen Miranda Wilson.

I am a public official. I'm on the Select Board in Wellfleet. My name is Helen Miranda Wilson, and I'm here, not as a representative of the whole board, but I am on it.

So I want to address Mr. Princi's Charter amendment proposal. Our board, for other reasons, we weren't discussing this Charter amendment. We looked into the whole issue of our representation on the Assembly of Delegates and there was a very clearly stated consensus from members of the board that we wanted to keep our individual towns' voice.

Now, I do understand wanting to look at a different way of doing things. I get it. I think that's salutary. However, having five groups that are clumps of different municipalities of the 15 different municipalities, without identifying them in this amendment to vote on that without having that information to discuss and weigh before voting on the language would seem to me to be a huge mistake.

The Outer Cape is quite different than the larger part of the Cape; we all know that. But even Eastham, which has a deeper and wider land mass, particularly in terms of water, is very different than Truro and Wellfleet. And Truro and Wellfleet are really very different from Provincetown because Provincetown gets all its water from Truro. There are issues like that that would make it impossible to clump even those three towns at the tip with anything else.

Further, with only five voting members, a quorum would be three. And once that person from the unusual part of the Cape couldn't show up, that would seem to me to be very dangerous. You'd have to have, to my mind, at least seven and, again, the municipalities to my mind would have to be identified before this language could be voted on. Even though there would be one person from each municipality on the

Financial Advisory Group in this Charter amendment, they don't have a vote. The Assembly of Delegates makes the votes.

Thank you.

Speaker BERGSTROM: Thanks. Okay. Does anyone else wish to speak?

Commissioner CAKOUNES: I would.

Speaker BERGSTROM: Did I hear a voice?

Ms. MCAULIFFE: Yes, Leo.

Speaker BERGSTROM: Oh, Leo. Okay.

Mr. LEO CAKOUNES: Yes, I waited until public comment --

Speaker BERGSTROM: You're going to have to identify yourself.

Mr. LEO CAKOUNES: My name is Leo Cakounes. I'm a local farmer in the town of Harwich. And also for true disclosure, I am a County Commissioner but I stand before you today with my comments as a private citizen, not as a County Commissioner.

You have a number of different things on the agenda today, and I won't belabor you with constantly reviewing my arguments on a couple of them, but I would respectfully ask on the particular thing on your agenda which I will call as the O'Malley Resolution which you'll be taking up relatively soon.

I ask you to consider that back in January -- January 21st, 2011, the County prepared a white page, if you will, I'll use that as my explanation, a report. After months, months of biweekly, meeting twice a week of a number of different people who heard extensive reports and saw extensive documents on both sides of this issue. I would ask before you vote something that is a magnitude as this has, especially for what I consider not only farmers but golf course people, landscapers, and residents; it's not just an NSTAR thing to us. It may be to you but it's not to us.

I would ask that you, at the very least, one of you, respectfully, amend the Ordinance or Resolution and at least attach that white sheet to it. I won't go through it but I will tell you that everyone that attended and came to that meeting were all highly respectable individuals and put a lot of their time into it. Some of them are in this room today.

And to just bypass the work that they did is not only -- it's just right. It's just not right and it should, at the very least, be included in this Resolution if you choose to move forward with it.

Secondly, and again, I'm just going to keep my comments really brief on the restructuring discussions that you're going to have later on. I would argue, once again, as I've argued in the past, it doesn't really matter how we're going to restructure County government or any government. I think it's kind of funny now because since we've been looking at doing here or I should say you've been looking at doing it here, I've not only in the press but by some people that the town of Barnstable is thinking about restructuring their government. And I think it's ironic because here we are looking at a proposal that mirrors what they're doing, and I guess they're not happy with it because there are people that are looking at restructuring their government.

So, I only want to go back to say -- I'm not going to go over -- hash over things that I've said in the past, but, basically, I know, out of personal experience, not only sitting where you are but sitting where I am now, the only really problem with the County government structure is the three-member board. Three-member boards just don't work. And as far as I'm concerned, it's very difficult for an individual to run for

a seat such as that. But as far as getting rid of the executive body and getting rid of the legislative body and trying to work out some combination, I would just ask you again, as I asked prior, to just wait. It's not - not working. Okay. We just went through a budget process. All of you weighed in on it. Every town weighted in on the budget process. That's the way it should be. The checks and balances are working.

And, right now, we have an exceptional, exceptional executive director that has done more in the last four or five months, four months really, not even four months than has been done in the last three years. And we really need to let this work its way through because we are doing -- there's a lot going on, a lot going on. And I think if -- even if you gave him another six months, you'll be shocked at what's going to be happening. I'm very, very pleased to report that. Again, I don't want to cross the line of being a public official but thank you, again, for your time, and you guys know where I stand on these issues so I'm not going to belabor it any longer.

Thanks.

Speaker BERGSTROM: Thank you. Anyone else? Any member of the public wish to speak? I see a member of the public approaching the microphone.

Ms. LAURA KELLEY: Good afternoon. Hello. I'm Laura Kelley. I want to thank you for allowing me to speak today. I would like to speak just briefly on behalf of what Leo mentioned. I was on that ad hoc committee back in January 2011 where there were only two of us on the board. I just want to kind of say on the other side. It was about 15 members, and most of them were from MDAR and Eversource speaking about what they were going to do onto our land with us saying in opposition of that. There was a vote that, unbeknownst to us, came up the last day. We've really done all we can to remove our names from this whole unfortunate situation. We call it obsolete. It was a good learning session for six months granted, but the outcome was completely unfair as far as voting goes.

So I don't see any benefit of attaching that to this particular issue because this is strictly about the YOP, the Yearly Operational Plan that Eversource is to maintain vegetation on the powerlines with the use of five different types of herbicides. This is not about farmers. This is not about other companies. This is strictly about one thing and one thing only. There's just nothing about anybody else in this letter. The mission of the request is to prevent more herbicide use by Eversource to reach out to our governor at this time requesting he step up and get involved to stop more unnecessary herbicide spraying.

Do you realize eight towns are on the YOP this year? Thirteen towns last year; the year before nine towns, and the year before that eight towns. So each year it's been more than half of the 15 Cape towns because it's four years in a row. They used to spray -- excuse me, they used to mow once every seven years to maintain the same vegetation.

Do you know every Cape Cod town individually sent a document to MDAR requesting to not allow this to happen in their town? But the state overrides the towns' desires regardless allowing more unnecessary use. There are other successful ways that would be healthier in the long run; don't you think? How many organizations on the Cape are investing thousands of dollars to protect our natural resources here and then to let Eversource spray thousands of gallons over years of time? It just seems counterproductive to me.

MDAR is in charge of the approval for Eversource's YOP. The YOP is out

now until June 3rd at 5 p.m. So now is the time to write MDAR and we're asking for businesses and locals to as well.

I stand before you today asking this Assembly to represent your town to respect the request of your boards of selectmen. Your individual town has written documents opposing the YOP, and some towns for a number of years.

We wish you act on the precautionary principle here, especially when there are other successful alternatives to this particular situation. There are some situations where herbicides are necessary; I will admit that, but not in this case. Not year after year.

What's the cost of doing nothing? We need to make wise choices today and choose preventative measures. This is a nonnegotiable. You have constituents. It's in your best interest, especially considering other countries are banning some of these herbicides as we speak. We've got to have the forethought of the future.

Thank you, very much.

Speaker BERGSTROM: Thank you. Does anyone else wish to address the Assembly? Hearing none.

Assembly Convenes

Speaker BERGSTROM: Now the Assembly will now convene, and the first order of business will be the Proposed Resolution 16-03, powerline right-of-way maintenance submitted by Delegate O'Malley. And I'll send it over to Brian O'Malley and he can give us an intro.

Proposed Resolution 16-03:

Whereas the governing body of every Barnstable County town has voted repeatedly, to request that the Massachusetts Department of Agricultural Resources (MDAR) deny all Vegetation Management Plans (VMPs) and Yearly Operating Permits (YOPs) for Eversource/ formerly NSTAR which include the use of herbicides to maintain power line rights-of-way on public and others' private land; and,

Whereas these petitions to challenge the applicability of existing MDR Regulations to the distinctive hydrology of Cape Cod have regularly been peremptorily denied; and,

Whereas the sole-source aquifer just beneath our sandy soil is the only fresh water available to residents of and visitors to Cape Cod for all our needs; preserving its quality from contamination is a vital concern; and,

Whereas the Preamble to our Barnstable County Home Rule Charter states that the defined purpose of our regional government is "...to deal with regional issues which transcend the existing boundaries of municipal governments;"

Now, Therefore, the Regional Government of Barnstable County Resolves to call upon Governor Charles Baker, by delivering this Resolution, to require MDAR to deny any power line vegetation management plan within Barnstable County, which includes the application of herbicides including glyphosate and its adjuvants, and similar others.

Mr. O'MALLEY: Thank you, Mr. Speaker. Certainly during the very extended debate on the proposed Bill of Rights a few months back, we heard from a very broad spectrum of the community. And one of the things that came out during that testimony was concerns about groundwater. And that, frankly, this particular issue about the application of herbicides through a broad swath of land all the way across the Cape was the thing that motivated so many of us that motivated the original effort. It goes the length of the Cape, and as a speaker just pointed out for many years mechanical methods were used or available, readily available, would put people to work and we'd avoid the toxicity.

So I'm not going to repeat any of that. Just to summarize these very salient facts. Every one of the chemicals involved in these applications has been documented to have significant human toxicity. And their use in combination represents a really dangerous experiment, ecological experiment, toxicological experiment over our groundwater. We know that cancer induction, cancer promotion, chromosomal damage, chronic kidney disease have all been linked scientifically to the exposure to glyphosate.

Glyphosate residues are found in the great majority of bodies of water in this country and in almost all of us in the Western world. We take urine samples; we all are urinating glyphosate. We're all exposed to it. And, as was pointed out, every one of our towns governing bodies has gone on record to call for non-chemical means of vegetation. So the towns that are in the crosshairs this year are Barnstable, Bourne, Brewster, Dennis, Falmouth, Orleans, Sandwich, and Yarmouth.

As was pointed out, the planned spraying -- the comment period by the state will close on June 3rd. It's the intent of this Resolution for us to go on record in support of each of our 15 towns fulfilling our obligation to deal with issues that transcend municipal boundaries as our Charter says for the permitting of herbicide use for powerline maintenance and looking for an exemption from the state for this region owing to our unique hydrogeology and I ask for your support.

Speaker BERGSTROM: Thank you. Do we have any other comments? Yes, Suzanne.

Ms. MCAULIFFE: Just a question. Can we be assured that this Resolution is specifically targeting just powerlines and will not have implications in other areas? There won't be any unintended consequences?

Speaker BERGSTROM: I think that this is a comment period to the decision by the state as to what they're going to do.

Ms. MCAULIFFE: Right.

Speaker BERGSTROM: So I don't know what's on the table.

Ms. MCAULIFFE: Well, I guess what I'm asking is -- a Resolution I want to make sure that doesn't have unintended consequences, so that's why I'm asking that question because I have no issue with wanting to support a letter, but I don't know about a board resolution.

Speaker BERGSTROM: Well maybe Dr. O'Malley knows the issue that we're directly commenting on. Yes, Brian.

Mr. O'MALLEY: Through you, Mr. Speaker. The now -- the after the whereas parts of this Resolution, the now is simply the regional government calls upon the governor by delivering a copy to cause MDAR to deny any powerline vegetation management plan within Barnstable County which includes the application of

herbicides.

This is absolutely explicit to this issue. It does not impact herbicide use in any other place; not on cranberry bogs, not on golf courses, not anywhere else. This is very explicit.

Speaker BERGSTROM: And I think for total disclosure, it's not binding. We're asking the Governor to do something and so on.

Ms. MCAULIFFE: Right. We're weighing in.

Speaker BERGSTROM: Any other comment? Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. If I could also correct some questions to the Delegate from Provincetown?

It's my understanding through reading not only the report that was done by the County in 2011 but also other sources that, in fact, the amount of herbicide that NSTAR uses is actually a small fraction of what is discharged into the ground on Cape Cod.

So the question being shouldn't we be addressing that as well? I'm kind of unclear as to why we're addressing a very small segment of this usage into the Delegate from Yarmouth's point. I don't understand how it would not be able to translate this request into a more broader request?

Speaker BERGSTROM: Yes, Brian. You can respond.

Mr. O'MALLEY: Through you, Mr. Speaker. Because -- that's correct. That is statistically correct. This represents a relatively small portion of the whole body. I mean walk into Home Depot and you'll see pallets stacked with gallon jars of Roundup. That's not an issue that we think is okay; it is simply that this is the single most widespread pervasive use across the Cape. This is a strip that goes from the Canal to Truro. We don't get sprayed in Provincetown. We get our water from Truro, however, so we're concerned.

It is simply the major user and it can be done in other ways. They've done it in other ways before. There is no good reason for them to continue doing powerline maintenance this way.

Speaker BERGSTROM: Let me just try to clear things up here. Now, the Governor is about to take some action. He's going to take action on NSTAR's request; am I right or is it some broader issue?

Mr. LEWIS: Eversource.

Speaker BERGSTROM: Eversource's request, so that we are commenting on that. We're asking -- telling him not to allow in that request the spaying. So we're not making policy here. We're just saying yes or no to advising him as to what to do. So we can't go outside -- we cannot in this Resolution go outside of what the issue is before him.

Mr. O'MALLEY: That's correct. Yes.

Speaker BERGSTROM: Okay. Ed.

Mr. LEWIS: I think if you -- to get into a larger issue as it relates to herbicide use throughout the county or throughout the country in the various areas, whether they be farms and whether they be golf courses and all this other stuff, I think you get yourself involved in something you're going to need a lot more comment from a lot of different people.

But when you're dealing with what we're dealing today, which is the herbicide use on the right-of-way that Eversource maintains to run their powerlines, I think it's a

wise decision on the part of Dr. O'Malley and everybody here to let the Governor know that we are -- we don't want them to do that, that there are other ways that they can take care of vegetation. I think it's a wise move.

Since boards of selectmen and councils all over the Cape have taken this action, I think it's wise for the County to do that as it relates to this one issue.

So I commend Dr. O'Malley for bringing this forward, and I will support it and vote for it.

Speaker BERGSTROM: Now, do we have another Ed that wants to comment?

Mr. MCMANUS: Yes. Basically I mirror some of Ed Lewis's comments. This is a specific permit application that Eversource has made to MDAR, and it's a process that is separate and apart from homeowner's use of herbicides. It's a use that because the large-scale nature of it, they have to go through a permitting process and it's a permitting process that all the 15 towns on Cape Cod have voted should be denied.

Speaker BERGSTROM: Yes, I'm going to vote for this. You know, I'm not someone who worries about chemicals. I mean I worry about chemicals but we're inundated with chemicals. They're used for everything and I mean I don't mind, you know, I don't mind eating a non-genetically engineered piece of corn, you know, but I do mind biting into a wormy apple. So I mean there are appropriate uses for chemicals and so on.

Every town, as I mentioned, every town on the Cape has voted to ban spraying. Now regarding -- relating to what Leo said, there's an argument to be made and they made the argument that this is not harmful. But the two things that I'm looking at is, first of all, that Cape's against it, and, secondly, what happens if it passes? What happens if the Governor says, "No, you can't spray"? Is the world going to fall apart? All that's going to happen is they're going to have to mow it just like they did every seven years. So I feel comfortable regardless of what the underlying science is to say let them keep cutting it. We don't want it. It's our backyard so we should have it.

So I'm hoping it will get a good support from the Assembly. Well -- yes, Ed.

Mr. LEWIS: One other comment. I know when you said that Eversource has said that it is not harmful and they've said that, and what if they're wrong?

Mr. KILLION: If I may, Mr. Speaker?

Speaker BERGSTROM: Yes, I'll recognize -- okay. Let's go. Yes, Jim.

Mr. KILLION: Just to speak to that. I do have a copy of the report that the County did and there are several motions that were entertained in here. And this panel, just so you understand, was made up of Massachusetts Department of Agricultural Resources, which is MDAR; Mass. Department of Environmental Protection, DEP; NSTAR; Cape and Islands Farm Bureau; Cape Cod Golf Association; Landscape Association; Cape Cod Cooperative Extension; Natural Resource Conservation District; Green Cape, Cape Cod for a Truly Green NSTAR; Cape Cod Mosquito Control; State Representatives, and Barnstable County Commissioners.

So it was made up of a rather broad spectrum of people including quite a few professionals, and their conclusions were quite the contrary to what the Delegate from Brewster has put forth. And, in fact, they were following all the rules and that the products and the treatment were not harmful.

So I think it's kind of unfair to make comments to the contrary when, in fact,

the facts would dictate otherwise. Thank you.

Speaker BERGSTROM: Yes, Deborah, and then I'll go back to Dr. O'Malley.

Deputy Speaker MCCUTCHEON: I think this is one of those situations where a little bit may be too much because there's such a lot of it floating around in the first place. I think, you know, I'm on the Conservation Commission in Truro, and I don't like to confess it right here in this group, but we do allow it on occasion the use of Roundup to kill things that cannot be gotten rid of any other way.

If that is going to be allowed and maybe it ought to be banned, but if that's going to be allowed, we have to be sensitive that there's a cumulative effect, and I think it's the cumulative effect that we're dealing with here, because there are many other ways to manage the grass of the powerlines so I support this.

Speaker BERGSTROM: Brian, did you want to make a comment?

Mr. O'MALLEY: Yes. Just in response to a question raised by the Delegate from Sandwich. That report generated in 2011 is now relatively ancient history in terms of what we know scientifically about some of these chemicals. The worldwide epidemic of chronic kidney disease that has appeared in the last few years in the equatorial regions of the world where this chemical is heavily used is now killing off -- it is the number one killer of middle-aged agricultural worker men in much of Central America and Southeast Asia. This has all come up in the last several years. So I would have to say that 2011 report is kind of ancient.

And I do have an amendment to introduce, Mr. Speaker.

Speaker BERGSTROM: An amendment?

Mr. O'MALLEY: A brief amendment.

Speaker BERGSTROM: Sure.

Mr. O'MALLEY: In the last paragraph after the sentence beginning distribution it reads, "Copies of this Resolution shall also be delivered to both State Senators and all Representatives for Barnstable County to the General Court."

I would like to add a final sentence. "In addition, a copy shall be delivered to John Lebeaux, Commissioner of the Department of Agricultural Resources," and his address is included.

Counsel advised us that MDAR should be included in this -- in this caution.

Speaker BERGSTROM: Doc, who makes the decision?

Mr. O'MALLEY: MDAR does but it's actually the Commissioner. This is probably the person who actually makes the decision.

Speaker BERGSTROM: That's always good to copy him.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. It's been moved and seconded. Do we have any comment on that? All those in favor say "Aye." Opposed? Okay.

(Amendment carried)

Speaker BERGSTROM: Yes, Lilli Green.

Ms. GREEN: I'm speaking on the Resolution. I would agree with Ms. Kelley that the precautionary principle should come into play here and also with some of the other Delegates that have voiced that position.

It's too infrequent that we adhere by the precautionary principle, and if there's a chance that there is harm, I think we err on the side of caution, especially in this Resolution which is very specific. And the Resolution which all of our Boards of

Selectmen have endorsed.

So I will be voting in favor of it.

Speaker BERGSTROM: Okay. I'm going to call for a voice vote on this.

Mr. O'MALLEY: We have an amendment --

Speaker BERGSTROM: Oh, the amendment. I'm sorry.

Speaker BERGSTROM: We approved the amendment.

Clerk O'CONNELL: We already approved the amendment.

Speaker BERGSTROM: Yes.

Clerk O'CONNELL: So now this is on the amended Proposed Resolution.

Proposed Resolution 16-03 as amended:

Whereas the governing body of every Barnstable County town has voted repeatedly, to request that the Massachusetts Department of Agricultural Resources (MDAR) deny all Vegetation Management Plans (VMPs) and Yearly Operating Permits (YOPs) for Eversource/ formerly NSTAR which include the use of herbicides to maintain power line rights-of-way on public and others' private land; and,

Whereas these petitions to challenge the applicability of existing MDR Regulations to the distinctive hydrology of Cape Cod have regularly been peremptorily denied; and,

Whereas the sole-source aquifer just beneath our sandy soil is the only fresh water available to residents of and visitors to Cape Cod for all our needs; preserving its quality from contamination is a vital concern; and,

Whereas the Preamble to our Barnstable County Home Rule Charter states that the defined purpose of our regional government is "...to deal with regional issues which transcend the existing boundaries of municipal governments;"

Now, Therefore, the Regional Government of Barnstable County Resolves to call upon Governor Charles Baker, by delivering this Resolution, to require MDAR to deny any power line vegetation management plan within Barnstable County, which includes the application of herbicides including glyphosate and its adjuvants, and similar others.

Notice of this Resolution shall be also delivered to both State Senators, and all Representatives for Barnstable County. In addition a copy shall be delivered to John Lebeaux, Commissioner of the Department of Agricultural Resources.

Roll Call Vote on Proposed Resolution 16-03 Voting "YES"(66.59%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), 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), Brian O'Malley (1.36% - Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Linda Zuern (9.15% - Bourne).

Voting "PRESENT" (30.68%): (James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Julia Taylor (14.61%- Falmouth).

Absent (2.73%): Christopher Kanaga (2.73% - Orleans).

Clerk O'CONNELL: Mr. Speaker, Proposed Resolution 16-03 as amended passes with 66.59 percent of the Delegates voting yes; 30.68 percent voting present or abstaining, and 2.73 percent absent.

Speaker BERGSTROM: Thank you. Okay. Moving right along. We now have a vote on Proposed Resolution 16-04, which is a transfer of \$55,000 submitted by the County Commissioners.

John, did you look at this?

Proposed Resolution 16-04:

To approve certain budget transfers for fiscal year 2016 in accordance with Barnstable County Ordinance 15-02.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates Proclaims:

The following transfer, between budget groups one and two for Fiscal Year 2016, is approved for the Human Services Department:

Decrease Salaries-Human Services account 0013101-5100-0173 \$55,000.00

Increase Prof/Tech Services-Human Services account 0013102-5239-0173 \$55,000.00

Mr. OHMAN: Actually, this is a Resolution. It wasn't required to be looked at by the Finance Committee. We did not look at it, but we do have someone here that might be able to speak with directly if we can suspend the rules.

Speaker BERGSTROM: Yes, there was a memo that went out in the past. If you guys -- if anyone's not comfortable with exactly what we're doing, we can suspend the rules and have the finance director discuss this. Do you guys know what we're doing?

Mr. OHMAN: I would actually like to suspend the rules and listen to the Director of Finance.

Speaker BERGSTROM: All right. Why don't we put it on the floor first. So does somebody want to move this?

Mr. MCMANUS: Mr. Chair, I move that we approve the Resolution 16-04.

Ms. MCAULIFFE: Second.

Speaker BERGSTROM: Okay. Moved and seconded. Now I need a motion to suspend the rules. John, do you want to make that motion?

Mr. OHMAN: So moved.

Ms. MCAULIFFE: Second.

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

Ms. KING: No.

(Motion to suspend the rules carried).

Speaker BERGSTROM: Mary, you're up.

Finance Director MCISAAC: Good afternoon. This Proposed Resolution is before you for the transfer on behalf of the Human Services Department. As you know and we've talked about it all during the budget process, we instituted a hiring

freeze and there are some additional monitoring requirements that the department has, and we agreed that we would allow the hiring of a consultant to do those monitoring services which required a transfer over from the salary line into the consulting line in order to pay a consultant in lieu of hiring a full-time person.

Speaker BERGSTROM: Okay. Do we have any questions on that? You know what we're doing? Yes, John first and then Ed.

Mr. OHMAN: Thank you, Mary. This \$55,000 is to hire one consultant. Is this expected to go on every year because I know the directionality of this HOME Consortium is more labor-intensive, less revenue.

Finance Director MCISAAC: Sure. I don't have the answer to how long the longevity of the commitment is, but it is likely that we'll revisit that during this budget year because this year will be the year in which we have to reevaluate whether we continue with the HOME loan program or not. It comes up in a cyclical fashion and I believe its three years. So in this year we need to review whether we want to continue the program or not. So, in the process of that review, we'll decide how to best carry it forward if it will carry forward.

Speaker BERGSTROM: Yes, Ed.

Mr. LEWIS: Just for clarification, was this the same program that was done under the Commission?

Finance Director MCISAAC: Yes.

Mr. LEWIS: With Paul Ruchinkas who did that?

Finance Director MCISAAC: Yes.

Mr. LEWIS: And if I recall correctly, when the Commission -- when it was transferred to Human Services, an individual who had been monitoring it when Paul retired was doing that at the Commission level and was transferred over to the Human Services Department in order to do this same job.

And I'm just a little bit confused; is that person not doing the job anymore but is still working there with the Human Services? Has she or he gone back to the Commission? There seems to be --

Finance Director MCISAAC: The person that was transferred is working in the Human Services Department, but the level of responsibility in the labors that were transferred were more than a full-time person's responsibility. There's always been a demand for more than one full-time person.

Mr. LEWIS: If I could follow up through the Chair?

Speaker BERGSTROM: Yes.

Mr. LEWIS: When this was transferred, were we aware that one person could not handle this and we should have -- since the Commission transferred this, because I recall this whole conversation last year, and were we aware that one person couldn't do this and yet it was done by one person prior or was done by Paul and this person? There were two people?

Finance Director MCISAAC: There were two people in the Cape Cod Commission staff working for the HOME program. One was transferred over when the entire responsibility was moved to Human Services.

Mr. LEWIS: And the one person when Paul retired?

Finance Director MCISAAC: I'm not sure about the staff changes. I was not here.

Mr. LEWIS: He was in charge of it and then someone was -- I'm not going to

vote against it.

Finance Director MCISAAC: Sure.

Mr. LEWIS: But I'm saying it appears that there was some sleight-of-hand here. We changed the direction -- we changed where it was being handled from the Commission over to here.

Finance Director MCISAAC: Yes.

Mr. LEWIS: The Commission, they got Paul's salary because he left. They kept it and they only transferred one person and now we've got to hire another person. So, it's a little confusing, if you understand what I'm saying.

Finance Director MCISAAC: Well the budget money is there. It's being transferred from Salaries to Consulting in order to hire a consultant rather than another employee with benefits for a segment of the responsibility which is the monitoring.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: The reason the Commission kept Paul's salary was because he was an affordable housing specialist, and he wasn't able to do his job because of the responsibilities of the Consortium. So they kept that position with the idea that now they would have someone who could do affordable housing planning which wasn't going on at the level that it should have gone up because he was so busy with Consortium.

Now the Consortium, I agree with you, I don't think it's a bill of goods. I just think that when we took this on, we knew that we took on a huge commitment with declining resources and increasing revenues needed to keep it going. There's a huge monitoring piece to this that commits us to perhaps two people.

So I heard you say that this is going to be looked into this year.

Finance Director MCISAAC: It is.

Ms. MCAULIFFE: And if someone is needed, they're needed. And I agree with saving the money in terms of not getting into benefits and all those things with a full-time person, but it may be that this is a two full-size person job and we just need to come to terms with that.

So I'm glad that you're going to be evaluating it this year. I also think we need to evaluate whether we want to continue this program in the way that we're continuing it because it really is -- we may not have a choice. But it really is way more than I think we anticipated.

Speaker BERGSTROM: All right. Yes, Ed.

Mr. MCMANUS: As I understand it in the budget we passed, we provided for a body in the department's salary line.

Finance Director MCISAAC: That's true but given the nature of the cyclical timing of where you opt in or opt out and that coming inside of fiscal '17, we decided that it made more sense not to add to the employment base in consideration of the fact that, you know, there still could virtually be layoffs and you wouldn't hire someone for several months and that be the person that would leave.

So it makes more sense at this time to cover the responsibilities with someone that you would hire just to do that as a consultant rather than hire a person.

Mr. MCMANUS: Finishing my point --

Finance Director MCISAAC: Sure.

Mr. MCMANUS: There is money put into the budget to provide for this person; however, we also chose to freeze hiring in the budget year which we --

Finance Director MCISAAC: As much as possible.

Mr. MCMANUS: -- to provide, yes, to provide for this activity which we provided the salary for --

Finance Director MCISAAC: Right.

Mr. MCMANUS: -- the option and only option is to hire a consultant.

Speaker BERGSTROM: Just, you know, I understand that we don't know where this program is going as far as our participation. So, perhaps, it makes sense to hire a consultant because we wouldn't have to be faced with the prospect of laying someone off.

But one of the big things about, you know, you hear all the time about Cape Cod, oh, there's no good jobs; we're losing people, and here I am saying, well, you know, we don't want to hire somebody and give them benefits. It's easier for us to just hire a consultant.

Finance Director MCISAAC: Right.

Speaker BERGSTROM: I mean I'm willing to go for this. But I hope that if it is decided, and I guess it will be decided by us because we'll look at the budget again next year. This is going to be a continuing program that we're going to have to do two things. One is we're going to have to find a revenue source to cover it because the revenue source, as Suzanne says, is declining. And also, I think, we're going to have to hire somebody, you know, give them a job.

Finance Director MCISAAC: Right.

Speaker BERGSTROM: So, anyway, --

Finance Director MCISAAC: Well, I think that comes with a commitment to continue it. So as the cycle comes up in the middle of next year, that's the point at which we decide if there's a commitment to continue.

Speaker BERGSTROM: By the middle of next year you mean -- you're talking about midwinter coming up?

Finance Director MCISAAC: It is likely, yes.

Speaker BERGSTROM: Ed.

Mr. LEWIS: I would hope that long before next winter that the HOME Consortium, like any other program that the County has, because I believe we had a commitment from Jack and from you that we're going to look at all the programs that we have and make decisions about what we would go forward with and what we wouldn't.

Finance Director MCISAAC: Right.

Mr. LEWIS: So that we don't wait until the budget time when everything is rushed and everything is --

Finance Director MCISAAC: Right.

Mr. LEWIS: -- that we can, way in advance, we go over and make decisions, and I would hope that that commitment is still there.

Finance Director MCISAAC: It is.

Mr. LEWIS: Thank you.

Speaker BERGSTROM: Well, I think it's time to take a vote on this. So we'll take a voice vote again.

Proposed Resolution 16-04:

To approve certain budget transfers for fiscal year 2016 in accordance with Barnstable County Ordinance 15-02.

NOW, THEREFORE,

BE IT HEREBY RESOLVED that the Barnstable County Assembly of Delegates Proclaims:

The following transfer, between budget groups one and two for Fiscal Year 2016, is approved for the Human Services Department:

Decrease Salaries-Human Services account 0013101-5100-0173 \$55,000.00

Increase Prof/Tech Services-Human Services account 0013102-5239-0173 \$55,000.00

Roll Call Vote on Proposed Resolution 16-04 Voting “YES”(97.27%): Ronald Bergstrom (2.84% - Chatham), Lilli-Ann Green - (1.27% - Wellfleet), (James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), 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), Brian O’Malley (1.36% – Provincetown), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).
Absent (2.73%): Christopher Kanaga (2.73% - Orleans).

Clerk O’CONNELL: Mr. Speaker, Proposed Resolution 16-04 passes with 97.27 percent of the Delegates voting yes; 2.73 percent absent.

Speaker BERGSTROM: Thank you.

Speaker BERGSTROM: The next item on our agenda --

Mr. MCMANUS: Mr. Speaker. Point of order.

Speaker BERGSTROM: Yes, what do you want?

Mr. MCMANUS: You indicated we were going to take a voice vote but it appears we took a roll call vote.

Speaker BERGSTROM: Well, I voiced my opinion and so did everybody else.

Mr. MCMANUS: I just wanted to make sure we hadn't changed terminology.

Report from the Clerk

Speaker BERGSTROM: Okay. Next item on our agenda is Report from the Clerk.

Clerk O’CONNELL: Yes, quickly. Jack asked me, as the Commissioner informed you, to remind you that there will be a Strategic Planning Session June 15th at 12:30 p.m. at the Harborview and you’re invited to attend.

Also, to let you know for the next Assembly meeting on June 1, we anticipate the auditors coming in to speak to the full Assembly regarding the financial reports for fiscal year 2015. I do not have hard copies to provide to you at this point. You will get a hard copy when you come to the meeting on the 1st, but I do hope to be able to send you an electronic version the weekend prior because that's when the Commissioners will receive the information so you will get it as well. But you will get a hard copy when you come to the meeting on the 1st.

And that's all I have to report today.

Other Business

Princi's Petition for Proposed Charter Changes

Speaker BERGSTROM: Okay. Thank you. Now under other business we will have first the Assembly discussion and vote on petition -- the petition for a Charter change submitted by Delegate Princi. So I'll turn it over to Patrick and he can tell us what he's up to.

Mr. PRINCI: Mr. Speaker, we all know what this is. We talked about it. We've had some discussion. We had a Public Hearing on it. There are not many changes except for the "Filling of Vacancies." The Filling of Vacancies originally was through the municipalities; however, that would've been problematic. Now, the filling of the vacancies is done by the current board of the Assembly of Delegates with input from the municipalities. They post the vacancy. If there is a vacancy within six months of the term, that person would hold that seat until the election. So that was cleaned up a little bit.

I also want to amend it slightly to just clean up a couple of other areas.

On page 1 --

Speaker BERGSTROM: Well, you're going to have to amend it.

Mr. PRINCI: Okay.

Speaker BERGSTROM: I mean you can either do the amendments, you know, you should -- do you have written copies? Did you copy this down?

Mr. PRINCI: Yes.

Speaker BERGSTROM: So you should submit written copies. If you have them, distribute them to the -- so they have it in front of them; do you know what I'm saying?

Mr. PRINCI: Okay. Well this is more or less just striking out one section, one section that's already written, along with replacing a typo where I would be replacing on page 1 of 10. Section 2.1(b) An "Assembly of Delegate" on the Term of Office -- can strike "Commissioners." Insert Assembly of Delegates.

Second sentence, strike "Commissioners" insert "Assembly of Delegates.

On Section 2.1(c) where it says

"Commissioner" again "Delegate," and, again, further on down where it says "Commissioner" to "Delegate."

Speaker BERGSTROM: I'm going to just -- I want to make sure I go through this right. What happens is you've submitted this petition, okay, it has to go on the floor first. In other words, it has to -- then you can offer those amendments to change it. You can't amend it before it's on the floor.

Mr. PRINCI: Oh, okay.

Speaker BERGSTROM: So, what I mean, so if you want to --

Mr. PRINCI: Sure.

Speaker BERGSTROM: -- if you want to --

Ms. KING: I'll move it.

Speaker BERGSTROM: Okay. Do I hear a second?

Mr. KILLION: I'll second it.

Speaker BERGSTROM: Okay. Moved and seconded. So now it's on the

floor. So now you can propose amendments either singularly or as a series.

Mr. PRINCI: Okay. The amendments before mentioned on the first page where it says, “Commissioners,” replace with “Assembly of Delegate and/or Delegate.”

Strike Section 2.11, Excessive Absences.” After discussion, to me, it seems that that decision, if people decide not to show up for meetings, that decision should be made by the voters. So, therefore, we need to strike that.

And under 2.10, Filling of Vacancies, I would like to strike where it says, “Board of Selectmen or Town Council shall” and replace that with “Assembly of Delegates.”

Mr. LEWIS: Where are you?

Mr. PRINCI: Oh, I’m on 7 of 10, Section 2 point -- 2-10, the Filling of Vacancies.

Mr. MCMANUS: Can you redo that now?

Mr. PRINCI: Okay. Page 7 of 10, Section 2-10, “Filling of Vacancies,” further down in the paragraph under (i), second to last sentence where it states the Board of Selectmen or Town Council shall” strike that and insert “Assembly of Delegates.”

And then on, further down, on Section 2.11 -- 2-11, “Excessive Absences” strike that. Those are my amendments.

Clerk O’CONNELL: May I ask for clarification?

Speaker BERGSTROM: Janice, do you want to ask --

Clerk O’CONNELL: I just -- I got that last part, but I wanted to go over page 1 again.

Mr. PRINCI: Sure.

Clerk O’CONNELL: Could you redo page 1 so I understand what it is your --

Mr. PRINCI: Okay. I can just submit it to you.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Is there a reason why we didn’t get an up-to-date clean copy of this? This is kind of a very confusing way to deal with --

Mr. PRINCI: Sure.

Ms. MCAULIFFE: -- a very lengthy proposal. It would have been appropriate to resubmit.

Mr. PRINCI: I’d be happy to talk about any confusion you might have.

Ms. MCAULIFFE: No, I’m just saying --

Mr. PRINCI: It’s very simple amendments.

Ms. MCAULIFFE: -- this is a procedural comment.

Mr. PRINCI: Sure.

Ms. MCAULIFFE: Through the Speaker to you.

Speaker BERGSTROM: Well, let me --

Ms. MCAULIFFE: No, I’m just going to say that if you have a lot of amendments, it would have been more helpful to our confusion to have an updated, kind of clean copy.

Speaker BERGSTROM: I have not gotten any advance notice of these copies. I should say at this point that I have had unofficial, kind of casual discussions with the county attorney as to what constitutes a major enough change that the original petition

is no longer what we're voting on.

In other words, it's a question -- I mean you could have a petition that says one thing and then you could amend it to mean something completely different and no one would have a heads up.

I'm going to rule from the chair here that I'm going to allow your amendments and I'm going to rule, and I may be wrong, who knows, somebody could object to it that your amendments does not significantly enough change the petition that you would have to resubmit it. That's what I -- because I want a clean vote on this, and I don't want procedural problems to come up so.

Mr. PRINCI: I, just as we discuss this, it seems as if throughout the discussion --

Speaker BERGSTROM: If you make those amendments, you're going to have to --

Mr. PRINCI: Okay.

Speaker BERGSTROM: If you want to speak to the amendments you can, but if you're going to speak to the petition, you have to get the amendments approved first.

Mr. PRINCI: Okay. Those amendments are as stands.

Speaker BERGSTROM: Okay. They've been moved and seconded. Yes, Ed.

Mr. LEWIS: I don't know if I'm out of order here but I would --

Speaker BERGSTROM: I'll let you know if you are.

Mr. LEWIS: -- but I would mirror comments that were made prior to this during public session. I'm not sure how anybody can vote on a change, essentially a change to the Home Rule Charter with this when you have the regional districts which is the five people that are going to be the Assembly of Delegates and we haven't spelled out where they're coming from.

We just say there's District 1 is composed -- comprised of this, and 2, 3, 4, and 5. I mean, make no mistake, I'm against it under any circumstances because I believe that every town needs to be represented. I'm sorry.

I stand with what Commissioner Cakounes said a long time ago; I don't think there's a problem with the structure as much as how we work within the organization or how we do our job sometimes. I don't think the structure's wrong. But to have this stated -- state here that there's District 1 is comprised of blank; District 2 -- I don't think you can vote on that because you don't really know what you're doing.

Speaker BERGSTROM: Ed, we have to address the amendments and get those out of the way before we can discuss them. We can discuss the entire thing, but I'd like to get the amendments out of the way first so. Yes, Ed. So that we know what we're voting on.

Mr. MCMANUS: Mr. Chair, I got the changes of the amendments on page 7. I understand from your comment of our Clerk that there was some amendment on page 1?

Speaker BERGSTROM: Yes. The changes were made to the --

Mr. MCMANUS: Wording.

Speaker BERGSTROM: Yes, Ed. Yes, Janice, tell him what it is.

Clerk O'CONNELL: I can tell you what they are now.

Mr. MCMANUS: Okay.

Clerk O'CONNELL: Page 1, Section 2-1(b), Term of Office, first word "Commissioners" is supposed to say "Assembly of Delegates."

Same paragraph, second sentence, the “Term of Office” for strike
“Commissioners,” “Assembly of Delegates.”

Next session Item (c), “Eligibility,” second sentence strike the word
“Commissioner,” “Assembly of Delegate.”

Next sentence, same Section (c), strike the word “Commissioner,”
“Assembly/Delegate -- Assembly of Delegate.”

I think that’s it.

Mr. PRINCI: It is. Thank you.

Speaker BERGSTROM: So it's basically those amendments are simply a
consistency of language in referring to the elected officials of the proposed Charter
change.

So anyway, anybody else have -- no, all right. So we’re going to take a vote on
the amendments. Okay. Let's take a voice vote on all of this.

Ms. KING: No.

Speaker BERGSTROM: I mean a --

Ms. KING: A roll call.

Speaker BERGSTROM: -- a roll call vote; sorry.

Clerk O’CONNELL: And that’s just on the amendments.

**Roll Call Vote on Proposed Amendments to Princi’s Petition for Proposed
Charter Changes Voting “YES”(90.69%): Ronald Bergstrom (2.84% - Chatham),
Lilli-Ann Green - (1.27% - Wellfleet), (James Killion (9.58% - Sandwich), Marcia
King (6.49% - Mashpee),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), Brian
O’Malley (1.36% – Provincetown), Patrick Princi (20.92% - Barnstable), Julia
Taylor (14.61%- Falmouth), Linda Zuern (9.15% - Bourne).
Voting “No” (6.58%): John Ohman (6.58% - Dennis).
Absent (2.73%): Christopher Kanaga (2.73% - Orleans).**

Clerk O’CONNELL: Proposed amendments to the Princi Charter Change
Petition passes with 90.69 percent voting yes; 6.58 percent voting no; and 2.73 percent
absent.

(Amendments carried.)

**Speaker BERGSTROM: Okay. Now we will open discussion on the
amended petition.**

Deputy Speaker MCCUTCHEON: I’d like to ask a question.

Speaker BERGSTROM: Yes. Go ahead, Deborah.

Deputy Speaker MCCUTCHEON: Patrick, you amended your proposal in
Section 2-10 about the filling of vacancies, but I don’t understand in article -- page 1 of
your proposal how one gets elected. If I understand the thrust of this, in, for example,
Barnstable which has 20 percent, there would be one municipality from which the
person could move and be -- have to be removed from office; it would be a vacancy,
right?

Ms. TAYLOR: We don't know that.

Deputy Speaker MCCUTCHEON: Well that’s what he’s proposed; is that not
correct?

Mr. PRINCI: What I'm proposing -- I don't understand your question.

Deputy Speaker MCCUTCHEON: Okay. Well let me ask this question a little bit differently. If you have a member of this five person body who comes from a town that is part of a district with another town, let's just for purposes of this discussion assume that one could be Dennis and the other could be Sandwich. Under this language in Article 2(c), the person who moves from Dennis even into Sandwich his office declared vacant by the remaining members of the Assembly of Delegates. It says, "If he moves from the municipality from which originally elected." Did you read that the same way I read it?

Mr. PRINCI: How I read it is that when I mentioned municipality and the filling of vacancies, it's basically a posting of the vacancy in the municipality within the district.

Deputy Speaker MCCUTCHEON: And that's not what I'm asking you. What I'm asking you is the language in Section 2(c) where it says, "A Commissioner" and you said that would be "Assembly of Delegate who during a term of office moves from a municipality from which elected shall forthwith be deemed to have resigned and the office shall be declared vacant."

So if your person, hypothetically, is from Dennis in a district which is Dennis and Sandwich, if they move from Dennis, their position is vacant; is that right?

Mr. PRINCI: Yes, to any other district, that's right -- to any other region.

Deputy Speaker MCCUTCHEON: I cannot --

Speaker BERGSTROM: Let me just jump in here. Pat, what happens is, and I thought you amended that language. But what's happening here is you have a Commissioner who moves from the municipality from which elected shall forthwith be seen to have resigned. Well, of course, in your petition, a Commissioner is not elected from a municipality. Commissioners are elected from their district.

Mr. PRINCI: I'd like to amend that to read "district."

Speaker BERGSTROM: You'd have to amend it to read "district." So, and then -- why don't we hold off on this.

Mr. PRINCI: Let me just -- if I could just mention something?

Speaker BERGSTROM: Yes.

Mr. PRINCI: I'm a realist. I know I don't have the votes to support this. I know I don't. I knew I was up against tough odds coming into this whole process knowing that I'm looking to essentially go through a board and ask them to eliminate ourselves; it doesn't happen. It didn't happen the last time we had a Charter Review Commission that came before us with changes that eliminated us and it's not going to happen now. And in my inclination, I don't think it will ever happen.

So out of the interest of diplomacy and -- I would like to withdraw this proposal, Mr. Speaker. I definitely do not have the votes to support this. I'll now be focusing -- I also don't want to call members out as far as whether or not because all we're doing here is we're just trying to put something to the voters to let the voters of this region have a say in how they want to be governed. I said that over and over again. And we can stop anything that we want at this level to making it to the voters.

So I'd like to withdraw this, Mr. Speaker. My efforts are now going to turn into looking at the provisions in our current Charter to change the current Charter.

As Mr. Cakounes mentioned earlier what the town of Barnstable is doing, which a lot of the towns in the area do, we have an elected independent Charter

Commission, not a Charter Review Committee appointed by the Speaker of the Assembly, not Charter changes coming from the Assembly to possibly eliminate the very board that we serve on.

So, I'll withdraw this. I'm going to be filing something at the next meeting that's going to look into changing the Charter as it relates to formation of a Charter Committee or Commission which would then be elected within the region. It's a more subjective way at reviewing a Charter. It's a more professional way of reviewing a Charter and it gives the people a say in how they want to be governed.

Once that Charter Review Committee meets for a year and reviews the Charter and recommends any changes, those changes won't be going to us. Those changes will be going directly to the legislature and then, it turn, to the voters.

So with that, I'll leave it.

Speaker BERGSTROM: Julia, you'd have to -- if he withdraws his motion, you have to withdraw your second. Is that an affirmative that you want to withdraw your second?

Ms. TAYLOR: Yes.

Speaker BERGSTROM: Let me say something before we go ahead. My purpose as Speaker was to see that this had a fair hearing; okay? Regardless of whether I'm for it or against it, my job is to see that if somebody submits something it goes before the Delegates and it's not -- it doesn't die the death of a thousand cuts but it's judged on its intent and its purpose. And I was hoping that that's what we could do with this. The last time we had a Charter Commission I voted against the recommended changes, but I also voted to put it before the voters.

Now, unfortunately, when we had a Charter Commission, we had an attorney that we hired who was right there and he could review the language and he could go over the text. Pat is not an attorney, and, unfortunately, this is a legal document. And if I wrote it, it probably would be as inconsistent as when he wrote it. It's just the nature of the beast.

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: But anyways, so. I'm sorry that we're not going to get an up or down vote on this.

Ms. TAYLOR: Mr. Speaker.

Speaker BERGSTROM: Yes, Julia.

Ms. TAYLOR: Leo pointed out that I had made the motion to put it on the floor and I will consider withdrawing it. I did want to -- you've heard my views on this before. But I would like to say, once again, if you're going to have a regional government, it should consist of not towns. I don't represent the town of Falmouth. I happen to have been elected by the voters of Falmouth and it is they I represent.

I feel I would be perfectly capable of representing people from a nice mishmash of places. And, in Falmouth, where one of our state reps represents some precincts of Falmouth, all of Martha's Vineyard, and all of Nantucket, it turns out that the elected representative is from Nantucket, the smallest in terms of number of voters of any of those groups.

So I think the -- I just don't buy the idea that we represent the towns. I think it's very important that we not represent the towns. And it's very important that we represent the voters. I will withdraw the motion.

Speaker BERGSTROM: Okay. Now do you withdraw your second, Pat?

Mr. PRINCI: Yes.

Speaker BERGSTROM: I don't know how much more discussion I want to have on this because I don't want to get into a foo fight if there's no motion on the floor. Okay. But I'll grant you and Ed a quick discussion.

McCutcheon's Petition for Proposed Charter Changes

Deputy Speaker MCCUTCHEON: Thank you, Mr. Speaker, and I appreciate Patrick's candor in his efforts in this regard. I agree with him that what we need is a robust and open discussion of the issues, not the technicalities, and we need to have a vote of the people who live in Barnstable County.

I very much disagree that it is really easy for the little small -- people from a very small town like Nantucket to be able to run on the Cape. But that's not an issue that we need to answer. It's not even one we need to debate.

I think what we need to debate is what is going to function the best in this -- in Barnstable County in 2017, '18, '19, '20 moving forward for the people that we represent which is the whole County. I think Patrick's in good faith trying to make that happen and I am too.

And I intend and do at this point withdraw my Resolution. I'm not going to put it on the floor, so I'm not going to have to have somebody agree that I can withdraw it. I'm withdrawing it.

Speaker BERGSTROM: Looks like I'm going to have earlier dinner than I expected. Okay.

Well, I'd just like to point out that there is a provision in the Charter for the election of a Charter Commission independent of both the Assembly and other County officials. Unfortunately, it's very, very complicated process, and you can refer to the Charter where it will mention it. Perhaps an easier process -- I agree with Patrick -- perhaps an easier process in -- I think in Chatham when we did -- when the individual towns do Charter reviews, they're actually appointed by the Selectmen. But they had a controversy in Barnstable where they weren't elected -- were they elected?

Mr. PRINCI: They were.

Speaker BERGSTROM: They were elected by the people directly. So that is an issue and it's a legitimate issue. But, anyway, it's not an issue that we're going to discuss any further today.

Mr. MCMANUS: Mr. Chair.

Speaker BERGSTROM: Yes.

Mr. MCMANUS: Can I briefly have the floor?

Speaker BERGSTROM: Oh, sorry. I recognize you.

Mr. MCMANUS: You know, I understand the comment that's indicating that we're simply putting this to the voters, but, quite honestly, as an elected representative of the voters of my town to vote for something to put in front of the voters that I don't believe in, I don't think that's what they elected me to do.

If I'm going to put something before the voters, it's something I feel I need to be in support of or at least believe in in some fashion. I think, personally, my feeling the problem is trying to create a regional government consisting of five Commissioners or Assemblymen or supervisors or whatever you want to call them when you have 15 towns.

Speaker BERGSTROM: Ed, remember this is no longer on the floor.

Mr. MCMANUS: This will be very brief.

Speaker BERGSTROM: Okay. Keep that in mind.

Mr. MCMANUS: I know.

Speaker BERGSTROM: Okay. Just keep that in mind.

Mr. MCMANUS: But everybody else -- a number of people have had the ability to have their say and I have been giving this a lot of thought. But the issue that's the gorilla in the room is the issue of the expense of regionally instituting wastewater. And there are many towns who are fearful that their assessed valuation will be taxed to provide wastewater services in other areas of the Cape, and that's the issue that everybody is fearful, and that's why towns want to remain to have a person sitting at the table discussing the regional plan on how we do that.

Ms. MCAULIFFE: Move to adjourn.

Deputy Speaker MCCUTCHEON: Second.

Ms. MCAULIFFE: Oh, I didn't see you, Jim.

Speaker BERGSTROM: Jim, did you have a short comment that's apropos?

Mr. KILLION: Thank you, Mr. Speaker. I just want to thank both the Delegate from Provincetown and Barnstable for bringing these forward, and, unfortunately, they were cut short. I did look forward to discussing --

Mr. LEWIS: Truro.

Mr. KILLION: -- the merits on this. I'm sorry. The efforts of the Truro member, and as I said --

Mr. LEWIS: Truro.

Mr. KILLION: Yes, I got the correction. Thank you. And I wish we had an opportunity to debate it. I was looking forward to it this evening.

I feel your frustration, Mr. Princi, because change does not come easy, unfortunately. But I believe we should discuss the merits of changing government. We did have this discussion. We've had Charter review. We went to various towns. We discussed with them what they felt, so I don't think this is a matter that we've ever taken lightly.

Thank you.

Speaker BERGSTROM: Now, before we do -- before we make our final motion, is there any other business to be brought before the Assembly? Hearing none.

Ms. MCAULIFFE: Move to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All in favor? Aye. Opposed?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:15 p.m.

Submitted by:

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

List of materials used at the meeting:

- Business Calendar of 5/18/16
- Unapproved Journal of proceedings of 5/1/16
- Proposed Resolution 16-03
- Proposed Amendment to Proposed Resolution 16-03
- Proposed Resolution 16-04
- Memo of 5/16/16 from Human Services Director Beth Albert regarding Proposed Resolution 16-04
- Princi’s 5/4/16 Petition for Proposed Charter Changes
- McCutcheon’s Memo of 4/20/16 and Petition for Proposed Charter Changes
- County Counsel Robert Troy’s Opinions dated 4/22/16, 3/22/16, and 3/11/16