

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings - July 2, 2014

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

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

(Moment of silence.)

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

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

Roll Call (53.09%): Richard Anderson (9.15% - Bourne), Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Teresa Martin (2.30% - Eastham), Patrick Princi (20.92% -Barnstable).

Absent (46.91%): Christopher Kanaga (2.73% - Orleans), Marcia King (6.49% - Mashpee), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis – arrived @ 4:10 p.m.), Anthony Scalse (4.55% - Brewster), Julia Taylor (14.61% - Falmouth).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 53.09 percent of the Delegates present; 46.91 percent are absent.

Speaker BERGSTROM: Okay. I'd like to thank the Delegates who've attended. You know we're obligated by the Charter to have two meetings a month, unless there's some -- if we get an earthquake or something. So I know it's a busy time of year but.

Committee of the Whole

Speaker BERGSTROM: Anyway, I'll start off. I'll need approval of today's Calendar of Business.

Deputy Speaker MARTIN: So moved.

Mr. HITCHCOCK: Second.

Speaker BERGSTROM: Moved and seconded. Any additions or corrections?

Hearing none. All those in favor say "Aye." Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of June 18. Are there any corrections or additions to the Journal?

Leo.

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: Mr. Speaker, I'm very sorry. I didn't print off the first page. But at our last meeting, our representative from Truro made a correction to the journal of 6-18-14,

and that correction was missing from the actual approval of the journal.

Clerk O'CONNELL: Can I weigh in on that?

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: Sure.

Clerk O'CONNELL: Leo, what I've been doing is I've been following Robert's Rules with regards to amendments that are made to journals. And what Robert's Rules specifies is you actually go back and make the change in the journal, the correction as cited, and you only make mention of that there is an amendment. You do not have to in the current journal detail the page and the terms and all of that.

It's happened a couple of times. It's happened several times and that's how I follow that.

Ms. ANDREWS: But what he's saying I thought was that if someone makes a correction, let's say they change the word from "red" to "black," you're going to change the word from "red" to "black" in the final version that ends up on the website; right?

Clerk O'CONNELL: Correct.

Ms. ANDREWS: Okay.

Clerk O'CONNELL: Correct.

Mr. CAKOUNES: Never mind. Thank you.

Speaker BERGSTROM: All right. That being said, do we have a motion to approve the Journal?

Deputy Speaker MARTIN: So moved.

Mr. HITCHCOCK: Second.

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

Opposed?

(Motion carried.)

Speaker BERGSTROM: We have the usual number of County Commissioners with us today so we will skip Item 8.

Do we have any Communications from other Public Officials?

Do we have any Communications from Members of the Public?

Assembly Convenes

Speaker BERGSTROM: Okay. In that case, the Assembly will now convene. I don't know if we've had any committees' meeting. I sort of think not. It doesn't sound like we have.

Speaker BERGSTROM: So we'll go to a Report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Reporting just that at the next Assembly meeting, which I believe is the 16th of July, we will have a presentation from the County Administrator on the County's Capital Plan.

And we will also be hearing from the Commissioners as well as probably something scheduled on the agenda by the Speaker related to the Charter Review Committee's final recommendation that the Assembly didn't take any action on. It was Recommendation D.

And that's it. That's all I have.

Other Business

Speaker BERGSTROM: Okay. Under “Other Business.” The Attorney General’s letter to the Cape Light Compact.

Mr. CAKOUNES: Mr. Speaker, I have a question for the Clerk under the Clerk’s Report?

Speaker BERGSTROM: Excuse me?

Mr. CAKOUNES: Could I have a question, please, for the Clerk?

Speaker BERGSTROM: Sure. Question away, Leo.

Mr. CAKOUNES: I know that there was a submission of a Resolution. Does that need to be submitted? It was done by email. Do you need a physical copy handed to you at this meeting to make that official?

Speaker BERGSTROM: Are you talking about this?

Clerk O’CONNELL: Yes.

Mr. CAKOUNES: Okay. I will dig one out. Thank you.

Clerk O’CONNELL: Okay. Let me know if you need help with that.

Speaker BERGSTROM: Okay. The Attorney General’s letter to the Cape Light Compact. I wasn’t -- Did I originate this or did you originate this, Leo? Leo?

Mr. CAKOUNES: I’m sorry.

Speaker BERGSTROM: Did you want to carry this or -- I don’t remember why this is on the agenda, whether I put it on or --

Mr. CAKOUNES: Well I asked for it to be put on.

Speaker BERGSTROM: Okay.

Mr. CAKOUNES: So if you want me to.

Speaker BERGSTROM: Yes. So you can carry the ball.

Mr. CAKOUNES: Okay. Thank you. I got emailed to me, as most of you did through a person who follows County government and our meetings, and I opened it and read it. And then I asked that the Clerk forward it to all of you from me because I know that many of you when they see large emails come in, you don’t have the time to read all of them. And I thought it would be probably earmarked if it was -- if it came directly from me.

I’m very concerned, and I do want us to have the opportunity to at least discuss what is going on between the Attorney General’s office and the Cape Light Compact.

As many of you may or may not know, and just for sake of discussion here today, I’ll try to sum it up as quick as possible because it is quite lengthy. The Attorney General’s office did ask/request I believe it was over 21 questions for some response from Cape Light Compact. Out of those 21, I believe only two or three were answered.

And now there has been a motion filed by the Attorney General’s office which is a motion to compel and from what we received the other day, a letter dated June 27, 2014, from BCK Law is Cape Cod Light Compact’s response to the Attorney General’s motion to compel.

And I’m very concerned that not being an attorney and just so those people at home that are listening and for those of you that did not have the opportunity to read any of these documents, just the three documents that I mentioned, the original request, the answers, and then this, the motion to compel, and this particular document that I mentioned today, you’re talking about over a hundred pages in literature that you had to sit down and muddle through and read and a lot of it is in legal terms.

I thought that it would be prudent for us seeing that we are the Legislative body of the

County to at least bring this up, so that we are aware of it and discuss it in an open meeting so that the public is aware of it.

And, quite frankly, I'm a little concerned and I was kind of wishing that our member, who's an attorney, was here that could help us with really understanding what our exposure in this whole back-and-forth possible litigation that's going to come forward from the Attorney General's office and Cape Light Compact.

So that's why I put it on the agenda. I do have some documents in front of me. I don't want to get into them in depth, but I would like to at least have an opportunity to discuss this in an open session and see how the rest of you may feel about how we should proceed being, once again, the Legislative body of the County.

Speaker BERGSTROM: Leo, did I hear you say that -- has Cape Light Compact responded -- sent an official response to the Attorney General?

Mr. CAKOUNES: Yes, they have. It was a BCK Law -- it was dated June 27, 2014.

Speaker BERGSTROM: Okay.

Mr. CAKOUNES: And I believe it is about --

Speaker BERGSTROM: Okay. I have it in front of me.

Mr. CAKOUNES: It's about 30 pages -- 24 pages.

Speaker BERGSTROM: Okay. I haven't had a chance to read this but, yeah, that's the gist of it.

Anyway, do you have any questions for Leo on this or anybody else?

Yes, Cheryl.

Ms. ANDREWS: Thanks, Leo, for saving me from reading a hundred pages because I'm not going to. I did read the Cape Cod Times article to the extent that we can bullet proof it so that we can follow along in the press; that is certainly helpful.

I guess I had two questions. One was from what I read in the paper, it seemed to imply that if CVEC didn't exist or any other entity outside the CLC that received funding from CLC, this issue wouldn't be in front of the Attorney General. That was one, the way I read it.

And then the other one was the attorney's answer seemed to imply, well, most of your questions have nothing to do with that -- what's that refiling they're doing with DPU and, therefore, what are you asking all these questions for anyway?

And I guess that part intrigues me. In other words, do you have a sense for reading all this that that matters? I mean the Attorney General, they can kind of investigate anything they want, can't they, regardless of -- what's that called; Aggregation Plan? Isn't that what it is that the CLC's going for with DPU?

Speaker BERGSTROM: Yes.

Ms. ANDREWS: They're really two separate issues; aren't they? And that's where I had --

Speaker BERGSTROM: I'll let Leo respond, but, yes.

Mr. CAKOUNES: Well, again, I'm amiss because I'm not an attorney, but I have read most of the documents. So my comments are strictly from how I understand them. Please take that with a grain of salt because, again, I'm not an attorney.

You are correct. The actions of the Attorney General's office were based on the DPU filing, and the DPU filing is because Cape Light Compact is going through a refiling of this plan. And sections of that plan have been questioned.

And now the Attorney General has kind of widened its questions. And the response from Cape Light Compact is, well, you can't ask us that because it's not in your purvey,

within the scope of strictly reviewing the DPU plan.

So other things have come out of this, and these are things that, ironically, our own subcommittee has identified and, quite frankly, I'm glad that the Attorney General has identified them because I feel that we weren't amiss.

When you look at the mil adder charge, which is not what -- is not attached to the generation charge of electricity, but it's kind of like a little surcharge that Cape Light Compact puts on their people that they're selling electricity to, they have increased that mil adder charge.

And the Attorney General's argument is that because you are using those funds for the creation of CVEC and for paying legal fees that are outside the basic, everyday premise of how Cape Light Compact runs, this now is considered a tax as opposed to a service fee.

And, once again, the document is very long. It's very lengthy. There are a lot of legal terms. I can't really tell you legally if I agree one way or the other, but, basically, that's where it stands right now. They do reference a number of cases. I know we here have discussed the *Emerson College* case a couple of times. We also had discussed the *Lowell* case.

So it looks like it's going to be an ongoing legal battle. It's beyond I think any of us agreeing or disagreeing because it's, again, it's quite lengthy.

I'm a little concerned personally because when you do read the response, Cape Light Compact is taking the stand, "Well, it's not a tax because people can opt out." And as anybody knows that you can choose your own provider today. You don't have to go with Cape Light Compact. So they put a lot of weight on the fact that because individuals can "opt out," it's really not considered a tax.

That's fine but no one has addressed the fact that Cape Light Compact is the default supplier to them. So, in other words, if someone were to get -- move into Harwich, for example, into one of my apartments and have the electric bill changed over to their name and they did not specifically check that they wanted an "Other supplier," the default supplier would be Cape Light Compact.

And that is kind of unfair when you consider and you kind of listen to how they're talking about, well what is a tax. And is "opting out" enough or should actually choose Cape Light Compact be the threshold?

Once again, I think there's going to be an awful lot more of this to come. And --

Speaker BERGSTROM: Well, anyway, yeah, I read -- I haven't read BCK Law's response, but I did read the reasoning of the Attorney General. And that reasoning, basically, they say there's two ways that government entities raise funds; they're taxes and fees. We all know that from our towns; right?

They say that only the Legislature can impose a tax. In other words, towns get their taxing authority from the Legislature and they feel that if this is a tax that the Cape Light Compact was not authorized to tax you. They're only authorized to do whatever it is that they were allowed.

They say it's a fee. Then it goes to this *Emerson College* case. And there's three ways that you check whether it's a fee. First of all, as Leo said, you can opt out, but the fee has to be specifically spent on people who pay the fee. It can't be for a general purpose.

So if I pay a dump fee, I get a sticker and I can use the dump, but if you don't have a sticker, you can't. And the same thing with a lot of other things. What they're saying is that - and Cape Light Compact has used this rationale in the past saying, "Oh, we do great things for the rate payers."

But the fact is they do -- that's for the general class of ratepayers. The Attorney General is saying, "It can't be the general class. It has to be the people who pay the fee."

For instance, we pay a fee for the Energy Efficiency Program; right? So if I call Cape Light Compact, they'll come and check my house. But if I'm not a customer of Cape Light Compact, they won't. I'd have to call somebody else.

But the uses that they put this mil adder to basically are not specifically targeted toward the people who are paying the mil adder fee. So that's why the Attorney General says, "That's not an appropriate use of a fee."

They've also in the fine print questioned the legal expenses for the Cape Light Compact. They said, "Hey, what are all these legal expenses?" You know, it would be interesting to find out to go into towns -- I think, I know Bourne has made separate agreements, and Mashpee is to find out what it cost them to put up wind turbines and so that was opposed to the legal cost of having Cape Light Compact do it. But it's something that the Attorney General wants.

But I mean, basically, Cape Light Compact said, "Look, we're not going to give you the information." I mean I read the same article as Cheryl read. And there was an ambivalent statement made by the attorney for the Cape Light Compact saying, "Well, you know, we'll give you whatever you want but that's not relevant." But I don't know that they're going to give them whatever they want. So I think that the statement wasn't quite as clear cut.

And, also, I say about any kind of controversy, you have to ask, "What's at stake here?" There's nothing at stake for the Attorney General to do this. In other words, they've got plenty of things they can do. It's not like they don't like Cape Light Compact. If this was a civil suit, it would be one question. You know, you've got people who are suing for one reason and people are defending. But the Attorney General has no reason to file this suit unless they think there's something wrong.

BCK Law has every reason to give this response. They're going to give you a response. I mean if somebody catches you looking over a dead body with a knife in your hand, you're going to hire an attorney and he's going to say, "Ron didn't do it." That's what they'll say. "We didn't do it." They're going to say that regardless of what the facts are.

I haven't gone into it but it will be interesting. So my only concern is I don't know what the relationship is between Barnstable County, Cape Light Compact, the Commissioners, and the Assembly of Delegates. I assume that we're not going to be involved in this.

But as Leo pointed out, many times, every time he's had a chance, every check that they write comes out of Barnstable County's books.

Mr. CAKOUNES: Right.

Speaker BERGSTROM: So, do you want to say that again?

Mr. CAKOUNES: No. I just want to add one thing to that --

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: -- to clarify it too. And many of times, and you can go back and look at the record, I have read into our Journal and our record minutes from the Commissioners.

At almost every meeting they are voting the expenditures of Cape Light Compact. They are taking a vote to spend \$100,000 here, \$50,000 here, and \$200,000 there. Okay. We are connected to this.

What our legal exposure is, I can't answer that. But if you take the time to read just even the last document that BCK sent out, it does reference the Intergovernmental Agreement,

which created Cape Light Compact, and the County is part of that Intermunicipal Agreement. And that's how we have defined our relationship with them. So it's --

Speaker BERGSTROM: One has to presume by now that the Attorney General has a copy of the report that our committee did. We pretty much circulated it to everybody who wants it or doesn't want a copy. So I mean I don't see it would make any sense for us to send it.

But anybody else have any thoughts on this?

Yes, Pat.

Mr. PRINCI: I just think -- I want to, first, thank Mr. Cakounes for all of his hard work on this issue. Coming in, I didn't really understand as much about these issues, but I certainly do now.

And we're talking with the CLC and other interested parties. I've come to a conclusion that we, as a delegation, weren't getting our answers basically. And by filing that Resolution to forward the matters to the Attorney General and the Inspector General, we were basically looking for assistance from more weight to get some of the answers.

And it appears at this point the Attorney General's office isn't getting some of the clear answers that they want.

So I'd like to just suggest that, you know, it is -- relatively, it's a new process and these legal processes do go on. They'll likely be a response from the Attorney General to the Cape Light Compact letter, which I'm sorry I haven't read in detail. I will.

So, perhaps, we should just -- I would suggest we wait and see what type of action the Attorney General now takes and then revisit this at a later meeting for possible action from us.

Speaker BERGSTROM: Yes.

Deputy Speaker MARTIN: And if we are -- and we do have a concern about liability, why not get an appropriate legal response from County Counsel.

Speaker BERGSTROM: I think that's an excellent idea, and I don't think we need a Resolution to do that. He's our counsel and he's going to tell us that if we like it or not.

Mr. CAKOUNES: As a true farmer, you set a trap and you just wait for the fox to walk into it.

I happen to have a Proposed Resolution that I'm prepared to file today with my cosponsor Mr. Killion to, in fact, instruct the Speaker to -- and I will read it in its entirety, but, again, this has to go through the process.

"To immediately prepare a list of no less than three qualified firms to represent counsel in these matters are appropriate. At the first regularly scheduled meeting, once the information has been provided to the Assembly, shall, by majority, select a legal counsel to prepare a list of qualified firms."

In other words, I believe and Jim believes that we, as the Legislative body, Barnstable County need to have separate counsel. And the reason why, and I'll argue all this when this Proposed Resolution comes forward, but I just want you people to remember that the Resolution that Mr. Princi was referring to that this, the Legislative body, asked help from the Attorney General's and Inspector General's office, that was vetoed by the Commissioners, the Executive body.

So, we're here today looking at these documents. It's not in reference to that letter that we sent asking them for help. Please, let's be specific on that. These letters were generated specifically because of the DPU filing.

Now that's not to say that they didn't read our request and maybe somehow that played into them asking some more questions, I don't know that. But, officially, that

Resolution was vetoed by the Executive branch of Barnstable County government.

So, also, and again I don't want to get into discussing why we need separate counsel, but I just want you people aware that we, too, believe that we do and we're prepared to file this Proposed Resolution, and, hopefully, we can discuss why then.

Speaker BERGSTROM: All right. We can't really talk too much about the Resolution.

Mr. CAKOUNES: No, you can't.

Speaker BERGSTROM: But I, also, am going to submit a Proposed Resolution that will state that the Assembly authorizes me, as Speaker, to send a letter to the Assistant Attorney General, and I'll read it....

Please be advised that the Barnstable County Assembly of Delegates has been apprised that the Office of the Attorney General has issued a motion to compel to the Cape Light Compact as it relates to the Revised Municipal Aggregation Plan.

It is our understanding that your office is attempting to ascertain the nature of mil adder -- of the mil adder charge that the Compact adds to each kilowatt hour.

So I'll get a copy to you before you leave and it's going to have typos, I know that. Okay.

As you may be aware, the Assembly has devoted time in an attempt to address constituent concerns regarding the business relationship between the Cape Light Compact and the Cape and Vineyard Electric Corporation.

Ms. ANDREWS: Cooperative.

Speaker BERGSTROM: Despite that defect that Barnstable County is the fiscal agent for both CLC and CVEC, we found both entities less than forthcoming with details of their operation.

In September of 2011, the Assembly voted to convene a Special Committee in an attempt to disprove serious allegations regarding transparency and questionable business practices.

In their final report, the Special Committee drew numerous conclusions. However, what may be the most relevant to your investigation was the recommendation that the matter be referred to the Massachusetts law office of the Inspector General.

After months of testimony from members of the public and representatives from both CLC and CVEC, the Special Committee concluded that the Assembly did not possess significant legal authority to obtain all of the relevant documentation.

In closing, the Assembly offers its full cooperation to the Office of the Attorney General concerning this matter. Please feel free to contact our office if we may be of any assistance.

So, basically, it just says we looked into this. We couldn't get the answers that we wanted, and we're willing to cooperate with the Attorney General. It will not contain any allegations or any, you know, he said/she said. Basically saying, yes we looked at this and we couldn't really come to any conclusion and we support your investigation, and we'll cooperate any way we can.

So I'll have a copy of this either made available to everyone before the next meeting free of typos and misspellings. Okay.

Mr. CAKOUNES: Do you want a motion to set that now?

Speaker BERGSTROM: Well, it really should be submitted as a Proposed Resolution -- I think.

Mr. KILLION: We can just make a motion for you draft the letters. There's nothing

wrong with that.

Speaker BERGSTROM: Okay. So if you make a motion for me to draft a letter but then you have to approve the letter. Okay. Yes. Well, I'm just telling you.

Ms. ANDREWS: Well, teach us a little bit, Ron. Do we usually approve all of your correspondence?

Speaker BERGSTROM: If I correspond to somebody and say the Assembly on such and such a day voted to do this; no, you don't have to approve that. But if I ask somebody to do something or request something or say, "Hey," I'm just trying to observe protocol here.

Ms. ANDREWS: I guess as this non-farmer, I'm simply saying your letter the way you read it sounds like pretty much a traditional correspondence piece which says this is what happened. It's in the minutes.

Speaker BERGSTROM: Well, if you want to make a motion and have me send a letter, but if someone pops up and objects, and usually you're the one that pops up and objects.

So if you agree with it, then, you know, we'll be fine.

Ms. ANDREWS: I have no memory of such a thing, Ron.

Mr. CAKOUNES: Make a motion.

Ms. ANDREWS: Don't need one.

Mr. OHMAN: Make a motion.

Ms. ANDREWS: Don't need one. That's what I'm saying.

Speaker BERGSTROM: Can we have a motion on this?

Mr. CAKOUNES: I would move that the Speaker draft a letter outlining the sentiments which he just read into the record.

Mr. KILLION: Second.

Speaker BERGSTROM: Moved and seconded. Any further discussion on this? Okay. All those in favor, say "Aye". Opposed?

(Motion passed.)

Speaker BERGSTROM: Okay. I'll draft it and I'll send you all a copy of that. If there's anything in there you don't like, you can jump up and complain.

But we're still on the topic of -- is there anything more to be said about this -- oh, about Leo's Proposed Resolution, we can't discuss that now.

But I will, having it in my hand, I will also run it by County Counsel because we could get into a turf -- not a turf war but a sense -- you have to go through the Charter; we have to go through the Manual of Governance; we have to make sure that there's nothing -- there's no roadblock -- legal roadblock can be thrown in our way having separate counsel.

And I have also discussed this matter occasionally with law firms that deal with municipalities and so on, and they said to me you don't need to have a counsel on hand. If you have a legal matter, you can simply refer it to one of them, and for whatever they get, \$100 an hour, which I guess is probably more like \$500 an hour, they'll give you an opinion.

So it's not like you say, well, okay, we've got hire this firm, but we should decide on what firm to use if, indeed, the Resolution passes.

Leo, do you understand that?

Mr. CAKOUNES: I do. Thank you. And not in discussing this, because I understand it's not before us, but I just want to remind everyone very quickly that even through the budgetary process, we had the Legislative board and the Executive board on different sides of an issue and one attorney advising both of them.

Speaker BERGSTROM: Okay. Well, all right. If there's nothing more to be said. I

mean, there is.

Yes, Ned.

Mr. HITCHCOCK: There we go. It seems to me that for those of us who don't do legal-ease very well, it might be kind of useful in some way or another to find an attorney who could digest some of this stuff and do an on-the-one-hand and on-the-other-hand, because I mean I read a good bit of this last missive. I haven't read the others. And it's all very rational and logical and all that kind of stuff. It didn't strike me that it's right.

But I want to, you know, it would help me if somebody could just say, do a digest of these newer documents.

Speaker BERGSTROM: Well, that's the interesting part, Ned, because in looking at these documents, I thought to myself, you know, like I said an example of, an attorney's going to defend you if you do something wrong.

Mr. HITCHCOCK: Sure.

Speaker BERGSTROM: So now the question is who is directing the defense of the Cape Light Compact? In a sense, it's also Barnstable County.

Mr. HITCHCOCK: That's right.

Speaker BERGSTROM: We're part of the complaint. We're part of the defendants. So in a way --

Mr. HITCHCOCK: We're on both sides of that.

Speaker BERGSTROM: We're on both sides of the issue. And I, you know, unfortunately, we're not -- we, the Assembly is not directing the defense. They're defending it and they're speaking on behalf of Barnstable County. And I think it behooves the Assembly of Delegates to decide whether or not we want to be part of that or whether we want to take a hands-off say approach in saying, look, you know, you can take whatever submission you want from the BCK Law or any others, but it doesn't come from us.

I mean, that's it. So, yes. I don't know. I agree with you. It's a complex legal problem of standing. Who's got standing in this? I'll find out from Troy, our attorney, and I also will make other arrangements to find out alternatives, you know.

Ms. ANDREWS: And I guess my comment would be its not just standing from the way I'm looking at it that's an issue. It's more of who's got exposure.

You folks over there seated, at least some of you are nodding your heads that you seem to think somehow the entity, the corporation of Barnstable County, is somehow potentially exposed. I'm not convinced yet.

If, I'm not saying you're wrong, I'm just saying that somebody's going to have to make that case. If that is the case, then it would be appropriate for any, you know, for the Executive to defend the County. And I wouldn't necessarily think I would want to interfere.

So I'll be interested to hear, you know, the full conversation. I've seen it both ways. But in the end, you know, I --

Speaker BERGSTROM: Well, it will be interesting to see if the Commissioners put this on their agenda and discuss it and let's hear what they have to say.

Yes, Leo.

Mr. CAKOUNES: Once again, I'm not an attorney, but I will tell you that Cape Light Compact employees are employees of Barnstable County. All of them. Cape Light Compact, I mean, employees are employees of Barnstable County.

Cape Light Compact's funds are commingled in the same bank account as Barnstable County funds under a separate account number. We went through that during the budget questioning if you remember. In our own budgetary process, we have separate numbers

attached to it but the cash and the funds are comingled with the County funds so.

Ms. ANDREWS: And I'm very clear that -- what you do with the actual dollar, from my perspective, is not necessarily germane. What the question is is, legally, is Barnstable County in any way, financially or otherwise, responsible for any decision making of the CLC or any expenditure of funds. That's really the issue. And I think for me, personally, the jury's still out.

Speaker BERGSTROM: Okay. Well, we're not going to resolve this today. I'm sure that by the time it's resolved in the courts, we'll all be old and gray, if we aren't already.

Anyway, so. Moving right along. Is there anything else to be brought before the Assembly?

Pat.

Mr. PRINCI: I just have a quick comment to make. I was out on Main Street in Hyannis Monday night with my family and it's thriving. It's safe. It was fun.

And I want to bring to the Assembly's attention a member constituent of mine, Mr. Andrade, brought in, "The Guide to Accessible Dining." The town of Barnstable put together a nice guide for people with disabilities for accessible dining. Over 50 restaurants in the Main Street, Hyannis area.

So I will be getting some more copies and I'll keep them here with the Assembly. Thanks.

Speaker BERGSTROM: Yes, actually, I was down in downtown Hyannis not long ago eating at a restaurant there. It really is a lively place. So it's good to be back.

Okay. Anything else?

Deputy Speaker MARTIN: Motion to adjourn.

Mr. HITCHCOCK: Second.

Speaker BERGSTROM: Anybody object? No? Okay. All those in favor say "Aye."
(Motion carried.)

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 4:40 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates