

**CAPE COD REGIONAL GOVERNMENT  
ASSEMBLY OF DELEGATES  
APPROVED Journal of Proceedings - September 17, 2014**

Speaker BERGSTROM: Good afternoon. Welcome to the Wednesday, September 17th session of the Cape Cod Regional Government, Assembly of Delegates.

Is anyone recording this meeting?

Okay. We have someone recording the meeting besides our regular recording.

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

(Moment of silence.)

Thank you.

We will now stand for the Pledge of Allegiance.

(Pledge of Allegiance.)

Speaker BERGSTROM: The Clerk will call the roll.

**Roll Call (96.34%): Cheryl Andrews (1.36% - Provincetown), Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Anthony Scalese (4.55% - Brewster), Julia Taylor (14.61%- Falmouth).**  
**Absent (3.66%): Christopher Kanaga (2.73%- Orleans), Deborah McCutcheon (0.93% Truro).**

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 96.34 percent of the Delegates present; 3.66 percent absent.

**Committee of the Whole**

Speaker BERGSTROM: Thank you. You should have in front of you the Calendar of Business. Are there any additions or corrections to the Calendar?

Deputy Speaker MARTIN: Move to approve.

Ms. KING: Second.

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

(Motion carried.)

Speaker BERGSTROM: You should have also received a copy of the Journal of September 3, 2014. Any objections or corrections to the Journal?

Ms. MCAULIFFE: Move to approve.

Speaker BERGSTROM: Hearing none. Okay. Moved and I assume --

Ms. KING: Second.

Speaker BERGSTROM: -- seconded. Okay. All those in favor of approving the Journal, say "Aye." Opposed? Okay. We have with us --

Mr. HITCHCOCK: One abstention.

Speaker BERGSTROM: One abstention.

Ms. ANDREWS: Two then.

Speaker BERGSTROM: Two.

(Motion carried.)

Speaker BERGSTROM: Okay. We have with us two of the County Commissioners today. Welcome.

Communications from the Board of Regional Commissioners

Commissioner FLYNN: Yes, thank you, Mr. Speaker. It's nice to see all of you again at the end of the summer where the traffic is a lot less than it was.

I was listening to the Town Engineer in Falmouth today. They've been doing some studies of pedestrian traffic and car traffic and so forth, and in the month of July, 6,000 people walked up and down Main Street within a two block area. That's really hard to believe.

Anyway, moving on. I just have two items I wanted to mention. The first is you've been aware, I'm sure, that Michael Brillhart, our County Administrator, and the Commissioners have been working on a space analysis of the needs of the County complex which includes all those who have space on the County complex which is obviously all the County employees, the District Attorney's Office, the courts, the Superior and District, the Cape Cod Commission and all the other services that are provided in the complex.

And, as you know, we have the old jail which a good part of it is sitting there vacant.

We also have a building, the white house, which was built in 19 I think 36 as a home for the sheriff and that's what it has been until the sheriff left and moved elsewhere.

And the AmeriCorps staff has been there for a while. That's a building that is in pretty poor disrepair so we have to look at that.

So we will be coming to you within the next several weeks, certainly before the end of the year with some options, some planning options that we have for the complex.

The second thing I wanted to mention is you're going to hear a report today from the County Administrator and the Acting Treasurer regarding the end of the year. And you will notice that the revenues from the Deeds Excise Tax for this last fiscal year, budget year, is a little bit less than what we anticipated. It's been at least more customary in the time that I've been a Commissioner that the revenues have usually exceeded our estimates. And that didn't happen this year.

Now that doesn't mean that we have a lot to be worried about but it is a signal and it's sending us a message. And we have to be very careful to know what this message really is. So we are looking very carefully at the Deeds excise tax revenue. We've met with Jack Meade, the Register of Deeds, and we're looking -- we can't really forecast it but you can trend it and that's what we're looking at because we don't want to be caught short this year because we're already 77,000 less because of the vote that the Assembly took on the 2-1/2 percent.

So we have to look at our budget very carefully this year and we intend to do that. So we have, as I said before, we don't want to get caught anywhere in line with the -- or in time rather. We're finding out that our revenues really are not what we expected them to be.

So just to let you know that we are carefully watching both our revenues and our expenses. Over the next three months, we'll be meeting with Jack Meade again in October to take another look at what the excise tax looks like.

So, that's it for today.

Commissioner LYONS: I just wanted to report that last week I had the great privilege and honor of attending the AmeriCorps 20-year celebration up at Tufts University. I went up on the bus with our new allotment this year. We have 32 new students who have arrived ready to go, and this was their swearing-in and also a celebration of the 20th anniversary.

I'm not sure -- it has been covered on the paper. There is an article by the Massachusetts head, Emily -- and I'm going to forget her last name, about AmeriCorps today (Inaudible). And I think that you should read it because it does sort of underline not only what AmeriCorps is about throughout the country but the benefits that we've had from participating in that program over the last 15 years.

And it was quite inspiring. I was really -- it was much more than I expected it to be and there was a telecast from the White House so they were all sworn in at the same time. And this was legislation that was written and passed with the push of Ted Kennedy and it was written into law during Clinton. So he was there as well as President Obama.

And, of course, there's been over almost a million students have gone through this program, many of whom are members of Congress. They just elected the first person to the state -- federal Senate -- I mean to the federal Senate. And many are corporate leaders or leaders of social nonprofits that are really making a difference in the world.

So I'm very proud that we are a sponsor of this program and it was quite an inspiring day, and I do want to welcome and congratulate our new group and I hope they have as an exciting time ahead of them.

And the other thing I wanted to say is that at the end, there's all these different groups from around the state, and the big one is City Year because they do a lot of work in the schools and it is phenomenal. They did highlight a lot of the accomplishments they have made for inner-city youth. So I would like to see if we could expand it and maybe bring some of that program into some of our schools.

But regardless, I was like, oh, you know, all the (Inaudible) are getting the big deal. But they had a film to show the students like what their year ahead would be like and what was going on around Massachusetts.

I would say 65 percent of that was Barnstable County. So went up there and I said, "Gee, that was really great and thank you for highlighting us." They said, "Well, when we were interviewed this morning on WBUR, they wanted us to highlight one of our groups around the state and it was Barnstable County."

So they think that we've done a fabulous job and they did get a lot of kudos that day. So I just wanted to relate that very good work on the part of AmeriCorps and Darlene Johnson-Morris who puts tremendous effort and her staff into that.

I also just wanted to say that we're moving ahead with our Substance Abuse Task Force. I think you realize that we pulled this together back in January. It is a very comprehensive group of members of the law including Judge Julian and Representative Hunt attends, members of the public health and health community counselors and stakeholders from each community of the Cape.

We will be coming out with a report. We hope to finalize it by the end of December. It should be out on January 1. But it's been quite an informative task for us. It is held I believe on the second Thursday of the month. I'll probably have that wrong now, but you can check on the Barnstable Human Services website. But they're doing great work and I do look

for you to look for the work that they're doing in the future.

Thank you. Oh, and there was just one other comment I wanted to make. I was looking through my emails today. I see that Mr. Ridley is here in the audience, and in the email that I was reading by Mr. Bibler already trying to discredit whatever credibility Mr. Ridley would bring forward and comment on Cape Light Compact since he has quite a history with it.

It was noting that he's asked to be on the agenda, and I actually thought he was going to be on the agenda today. So, I do hope that you do ask Scott. He has a wealth of information and can answer many of your questions if you do, indeed, want those answered.

And, you know, I just was not surprised by seeing that email, and I hope that that email does not sway your judgment and helps you keep an open -- you instead keep an open mind. Thank you.

Speaker BERGSTROM: Okay. Are there any questions for the Commissioners? Yes, Leo.

Mr. CAKOUNES: Our current County Executive's contract ends pretty soon. Are you people considering having any movement towards hiring a new County Administrator?

Commissioner FLYNN: Yes, we are, but we're also considering extending Mr. Brillhart's contract for a short period of time. As you know, we will have a new Commissioner following the November election. And we think it only appropriate that since there are only three Commissioners that all three Commissioners who will be here for the next couple of years be the ones who make the decision on a new County Administrator. And we will inform you of any decisions we make regarding extending that contract.

Mr. CAKOUNES: Thank you.

Speaker BERGSTROM: Yes, Pat.

Mr. PRINCI: Whatever information that you might be able to provide us with regarding the ARC, if there's been any movement. I'm just asking because constituents are asking me about it, and they're also asking me hypotheticals about my position on certain projects that could be in there.

And it's awfully hard as a sitting Delegate to make decisions and have viewpoints on issues that are, one, in executive session, and, two, there's nothing even before us on that matter.

Do you anticipate anything sooner?

Commissioner FLYNN: If you're referring to a purchase by the County; is that what you're referring to of ARC?

Mr. PRINCI: A purchase? Where it is in the executive session right now? If we might be seeing anything anytime soon?

Commissioner FLYNN: No.

Mr. PRINCI: Anything you might have to report?

Commissioner FLYNN: No. We have had no discussions regarding ARC either in open session or executive session. And we really have no plans as yet.

Commissioner LYONS: I have no idea what's going on with that at this point. As a matter of fact, Suzanne, you brought this up right before the budget, I believe, and I said that I did know that there were discussions going on. I know that Bill Clark was assisting in some of those as sort of an advisor, but I have heard nothing since around that time.

Speaker BERGSTROM: Maybe Suzanne can clue us in.

Ms. MCAULIFFE: I had an extensive conversation with Seth Rolbein from Senator Wolf's staff and there is a lot going on. And because of negotiations right now, I asked for an update from Senator Wolf's office. They are still in negotiations and something should be forthcoming very, very soon, within a few weeks.

But there are different plans proposed in terms of splitting the property and making different business plans. There is \$750,000 in funding approved for a conservation purpose and there's a million and a half in a bond bill which has not been appropriated.

So there is some money out there, not enough so it will require other money but there is also a plan afoot. And I think Senator Wolf's office will be happy to catch everybody up-to-date once they have more of their ducks in a row.

Commissioner LYONS: Right. But at this point, there's really been no involvement. I mean they've sort of stepped -- we're not necessary so we're not in.

Ms. MCAULIFFE: Right. And I think the plan isn't necessarily too involve the County.

Commissioner LYONS: Right. Exactly.

Speaker BERGSTROM: Just, you know, I was going to ask the same question Leo was going to ask because obviously it's mid-September, and if you were going to put out a search, we would probably know it by now. It takes time to do those things.

And I'm saying the commitment was made but the -- and I feel uncomfortable discussing with Mr. Brillhart here. There's no reflection on him.

Commissioner LYONS: Right.

Speaker BERGSTROM: This goes back to our original discussion a year ago before he was even hired that you would be looking for a new Administrator by November.

I mean if you want to extend his contract, I'm sure that's within your purview. But the fact that we're going to have a new Commissioner coming up, well, we knew that last year. It wasn't like a surprise. You know, I mean, well, maybe it was a surprise but there's an election every two years.

So I just hope that this is -- since this is an important post that whatever decision you make you make, you know, within a reasonable timeframe and get the process rolling because to let it linger like this is unfair to the people involved; do you know what I mean? It's not a criticism; it's just an observation.

Commissioner FLYNN: No. Well I don't think it's really unfair yet to anyone right now. It's really a personnel matter and when we're ready to do something about it, we'll let you know.

Speaker BERGSTROM: Yes, but the thing is you said you would do something and you didn't do it. That's what I'm pointing out.

Commissioner LYONS: Yes, but there's been circumstances that have happened this past year that were unforeseen that have to do with personnel issues as well which have changed a lot of the way we have to do something because we have to -- we're looking at a budget season ahead of us.

So there are reasons for our decision and it's not as though we wanted to say we were going to do something, we didn't do it. It's because of circumstances beyond our control at this point.

Speaker BERGSTROM: All I'm going to say is that we shouldn't have to ask you that. That's my only additive to that.

Commissioner LYONS: As soon as we know something, we'll let you know.

Speaker BERGSTROM: Leo. I'm trying to get out of this.

Mr. CAKOUNES: I don't want to deliberate this matter but I am very concerned about it. I remember when you hired the interim Administrator. I specifically asked the questions, you know, will that person be allowed to apply for the job long-term? Why did you only go out for one year? I have all the minutes of that meeting in front of me.

And I do have the minutes that said that you have no intentions whatsoever of keeping this person on for more than a year. In fact, I believe Ms. Flynn said, and I quote, "Not only would it be wrong, it would be illegal."

So with that said and not to deliberate this any longer, I do suggest -- it's just a suggestion -- that you do run it by your County Counsel. You did advertise this position specifically for one year. I do know many people here on Cape Cod that would have loved to apply for the position if they thought it was going to be more than a year, irregardless of what may or may not have happened for circumstances that came about.

But with that said also, I don't think it's fair to keep extending contracts whether it is one year or three months; we're not sure what that's going to be. So I'll be interested to find where you guys do go from here with that because, once again, there were people out there that probably would have applied if they had thought that under some strange circumstance this could've turned into a long-time position.

So I just caution you and hope that you would run it by your counsel. It was advertised as a one-year position.

Speaker BERGSTROM: We're getting a little far afield from the communications. So, anyway. With that, you're off the hook.

Commissioner LYONS: Thank you.

Speaker BERGSTROM: Okay. Communications and discussions with County Administrator Michael Brillhart and Acting Finance Director Joanne Nelson regarding fiscal year 2014, which is the one that has just closed; right?

Clerk O'CONNELL: Yes.

Speaker BERGSTROM: I always get that confused. So how did we do?

#### Communications from County Administrator and Acting Finance Director

ADMINISTRATOR BRILLHART: Mr. Speaker/Delegates, good afternoon. Michael Brillhart, County Administrator along with Joanne Nelson, County Accountant and the Interim Finance Director.

The fiscal year 2014 budget has been closed. There's a requirement, as you know, that we have a Treasurer's Report that is submitted each year to the Department of Revenue. And we will present that as part of the Annual Report which we prepare each year and submit to the Department of Revenue.

It was a tough fiscal year. The Treasurer's Report, which I believe you have in front of you, looks at the revenues that came in and the appropriated expenditures that went out. And so from that in all of the reserved balances, the accountant has prepared this Treasurer's Report to give you an update as to where we stand and we're here to try to address any questions that you may have.

So with that very brief introduction, Joanne and I are here to try to address any

questions that you may have.

Clerk O'CONNELL: I have a few extra copies here for the Delegates that weren't able to make a copy. I don't know if I have enough for everyone but I can pass it down.

Speaker BERGSTROM: Leo, did you want to ask something about the procedure here or something or do you want to wait until we get the presentation?

Mr. CAKOUNES: Oh, I didn't know you were doing a presentation. Okay. Great. Absolutely.

Speaker BERGSTROM: We have to hear from our Interim -- what's your title?

Ms. JOANNE NELSON: Acting.

Speaker BERGSTROM: -- Finance Director.

Ms. JOANNE NELSON: Yes.

Speaker BERGSTROM: Okay.

Ms. JOANNE NELSON: The Treasurer's Report shows all of the beginning fund balances as of July 1, 2013. And on page 1, we have the revenues of the General Fund and the expenditures of the General Fund which continue onto page 2.

And then we have Other Funds on page 2. So it shows all the activity, you know, the beginning fund balances, your revenues, your expenditures, and then your ending fund balances.

And after the other special revenue funds and agency funds, we have our Federal Grants, State Grants, Local and Other Grants. So it's a nice report that shows all the activity in a reformat.

And on page 7, the last page of the report, it gives you Fund Balance information on the General Fund, Capital Projects and the Cape Cod Commission.

This is a draft form and Michael and I are discussing what the Commissioners -- the Reserves for the General Fund. So, the General Fund Revenues for FY'14 were \$15.9 million. It was down from FY'13. We went down in the Registry Business Revenues and we were down in the Court Rental Revenues.

And we had in the General Fund 16 million in expenditures. So the total General Fund balance has decreased by about \$250,000.

Speaker BERGSTROM: So, do we have any questions on this? I have a question.

Ms. JOANNE NELSON: Sure.

Speaker BERGSTROM: To be honest with you, balancing my checkbook is about all I can handle at this point in time.

What is the amount that we have on hand if you deduct unpaid bills in liability -- things that, in other words, things that -- money that was scheduled to be spent and simply hasn't been paid, the bills and stuff like that?

Ms. JOANNE NELSON: For the General Fund?

Speaker BERGSTROM: Yes.

Ms. JOANNE NELSON: So we have right now a draft amount of Unreserved Fund balance for the General Fund of about \$4,600.

Speaker BERGSTROM: All right. \$4,600.

Ms. JOANNE NELSON: Yes.

Speaker BERGSTROM: So that is money that was appropriated for fiscal '14 but not spent?

Ms. JOANNE NELSON: Correct.

Speaker BERGSTROM: And is not intended to be spent?

Ms. JOANNE NELSON: Correct. Yes.

Speaker BERGSTROM: Okay. That's not a lot.

Ms. JOANNE NELSON: No.

Speaker BERGSTROM: So you came pretty close on the estimates of what you --

Ms. KING: Actually, that's a lot.

Speaker BERGSTROM: That's what I thought. I just asked the question because I --

Ms. JOANNE NELSON: Yes.

Clerk O'CONNELL: How does that compare to last year?

Speaker BERGSTROM: A former finance director, in another state will go unmentioned, is asking me how does that compare to last year's amount?

Ms. JOANNE NELSON: Last year it was similar. At the end of FY'13, we had an Unreserved Fund balance in the General Fund of \$500.

Speaker BERGSTROM: Now, we have had appropriations made during the year that have come to us; didn't we? We had the 750,000; was that last fiscal year? Do you remember? Anybody?

Ms. JOANNE NELSON: For the supplemental?

Speaker BERGSTROM: Yes, spending.

Ms. JOANNE NELSON: Yes. And those were set aside at the end of last fiscal year.

Speaker BERGSTROM: Last year.

Ms. JOANNE NELSON: So that's how they were funded.

Speaker BERGSTROM: So the last fiscal year we had that extra 750,000?

Ms. JOANNE NELSON: Correct.

Speaker BERGSTROM: But we won't have it this year?

Ms. JOANNE NELSON: No.

Speaker BERGSTROM: Okay. And do you know if that was a carryover? In other words, is that 750,000 was an accumulated carryover over of several years or was it generated just in the last fiscal year?

Ms. JOANNE NELSON: That 750,000 was --

Speaker BERGSTROM: In 2'13.

Ms. JOANNE NELSON: -- just last fiscal year.

Speaker BERGSTROM: Just 2'13.

Ms. JOANNE NELSON: Yes.

Speaker BERGSTROM: Okay. Thank you. Anyone. Yes, John.

Mr. OHMAN: Thank you, Mr. Speaker. I just want to thank you for coming before us. Under Appropriation Expenditures, I'm well aware of that 800-pound gorilla called "Retirement-Retired Sheriff Employees' Fund, 1.2 million."

But what does the next line down mean? "Retirement-Early Retirement Incentive"? Who is involved in that?

Ms. ANDREWS: John, what page?

Mr. HITCHCOCK: Where are you, John?

Ms. ANDREWS: What page?

Mr. OHMAN: I'm sorry; page 2, top left.

Ms. JOANNE NELSON: When we receive an invoice from the Barnstable County Retirement Association when we had early retirement options to employees several years ago,

they separated that cost and that's what that is.

Mr. OHMAN: And that's an annual expense that remains somewhere near there?

Ms. JOANNE NELSON: Yes, it varies every year but, yes, we've been paying it.

Mr. OHMAN: And that's from several years ago?

Ms. JOANNE NELSON: Yes. I want to say maybe it goes back 10 years. If you want more information on that, I can contact the Retirement Association, like how they come up with that amount.

Mr. OHMAN: No, I just was not aware of it, actually, that we were paying 104,000 early-retirement. I don't remember that program.

Speaker BERGSTROM: Leo, did you have your hand up?

Mr. CAKOUNES: First of all, thank you very, very much. I know you have huge shoes to fill.

Ms. JOANNE NELSON: I do.

Mr. CAKOUNES: And I've in the last six years been wrestling with Mark with his accounting. So I have some personal experience of what you may be going through.

But really, you really stepped up to the plate with this and I really thank you. Its information that we needed, and I know it was a lot of work to put together.

One thing that might help me and, I don't know, maybe the rest, under Budget Revenues, if we could maybe on the final version put in the budgeted amounts on the same sheet of paper so that we can really see with one glance what we're talking about, the difference in the revenues that we projected and the revenues that we actually got. I don't think that's necessary for the whole exercise here, but especially just projected revenues if that's something that you could pull out.

Ms. JOANNE NELSON: Right now or in the future?

Mr. CAKOUNES: Oh no. In the future; no, no.

Ms. JOANNE NELSON: Okay. So just for the General Fund or all of them?

Mr. CAKOUNES: Well, I think General Fund is enough.

Ms. JOANNE NELSON: Okay.

Mr. CAKOUNES: I think all of them if you really need that information, you can go back to the budget. I certainly do that and I feel comfortable doing that. But it's just as far as referencing this sheet and we've heard a number of times today that the expected revenue from the Registry of Deeds is down. You know, that's a big statement.

It would've been nice to have to the left of that the actual projected revenues so we can see how much down it is and, you know, are we -- I don't know, it just helps a little bit.

Ms. JOANNE NELSON: Okay.

Mr. CAKOUNES: And that's the only thing. The other thing is near the end of the last page and this is where I always kind of -- I always need Mark to help me kind of understand and grasp things. And these are all the Stabilization Funds that we have because I don't want people leaving here today thinking that we only have \$4,600 in the bank. It's important that people understand that we do have some designated reserve funds that we haven't spent last year and are already, I don't want to say encumbered or transferred, but reinvested maybe is the right term to be used in this coming fiscal year.

I mean we obviously didn't spend \$450,000 in legal fees. And the insurance reserve we have \$300,000 and I'm sure we didn't spend all of that.

So there's more than just 4,500 in our checking account.

Ms. JOANNE NELSON: Correct. That's the unreserved.

Mr. CAKOUNES: Yes, for those people at home.

Ms. JOANNE NELSON: Yes.

Mr. CAKOUNES: Okay. Thanks. But thank you, again. That was a great job really and I won't do it justice by looking at it in the few minutes here today. I certainly will have some questions for you.

Ms. JOANNE NELSON: Okay.

Mr. CAKOUNES: And maybe we can get together and you can help me try to understand Mark's accounting methods. Thanks, again.

Ms. JOANNE NELSON: Okay.

Speaker BERGSTROM: I'm going to let Pat speak about this for a minute. But I'd like to point out the bank account balances. This is something that the Assembly has trouble grasping or getting their hands around in a sense because we are dealing with the budget of the County, the operating budget of the County for the buildings and so on.

But the bank account runs through a bunch of revenue streams that have nothing to do with us; do you know what I mean? I mean I assume that the Power Supply Reserve Fund of 1,400,000 has something to do with the Cape Light Compact.

Ms. JOANNE NELSON: Yes.

Speaker BERGSTROM: You know, I assumed that the Energy -- I don't know about the Energy Fund money market, I don't know what that -- who's the owner -- who does that go to?

Ms. JOANNE NELSON: That is for the Energy Efficiency Funds.

Speaker BERGSTROM: The Energy Efficiency Funds.

Ms. JOANNE NELSON: Yes.

Speaker BERGSTROM: Okay. Yes. But that's the money market. But you also have --

Ms. JOANNE NELSON: And that is different from the Power Supply Reserve Fund.

Speaker BERGSTROM: Power Supply Reserve Fund.

Ms. JOANNE NELSON: They are different funds. Yes, different funds.

Speaker BERGSTROM: But it would be for our purposes, and I know that Leo has struggled with this and I have struggled with this to understand the budget that we deal with less all of these other things that we don't deal with.

In other words, what is the County's liability? What is the County's cash on hand? What do we have? I mean in a town government, which I keep -- I know people keep telling me, "We don't do it like a town government." I think that's part of the problem.

In town government, all accounts are closed at the end of the fiscal year. Everything that you expend is gone and you have to reappropriate it every year. We have these lingering revenues -- I've given the speech to previous people for years, so don't feel pointed out. But I just think that we have to have a comprehensive discussion before the budget is presented as to how it's presented. In other words how it's broken down because I think some of the Delegates have a problem with how the budget is presented and how the accounts are handled. It's all run through one bank account. But, you know, it's hard to track money anyway.

Did you want to say something, Pat?

Commissioner FLYNN: I just wanted to -- because I'm a member of the Barnstable County Retirement System, I just wanted to speak to the issue about the retirement costs, the

early retirement. And it was about 8 or 10 years ago that the Legislature enacted like legislation that would allow State, County and Municipal employees to take advantage of an early-retirement. And that was based on their age and their years of service. They had to meet those two criteria.

So each municipality and the County thought well here's an opportunity for people because they needed to cut costs. We were approaching the tanking of the economy and it was an opportunity to have people retire and then maybe be in a much better financial position. But as it turned out, people did retire but then most of them were replaced. And so the costs were really were greater by having the early-retirement than not having it.

And so that's what we still pay for. And it's not just through the County; it's through the towns as well.

Speaker BERGSTROM: Yes, okay. So fiscal year '14 -- yeah, go ahead. Suzanne.

Ms. MCAULIFFE: I just have two questions. We're talking about these bank balances. And this is the first time seeing this so I'm guessing. You have a Governmental Investment account with a fund balance of 11 million. Is that the fund out of which you pay your salaries and your bills or is that truly an investment? I can't imagine having an investment fund with \$11 million in it.

Ms. JOANNE NELSON: It is.

Mr. CAKOUNES: Twelve.

Ms. MCAULIFFE: Twelve.

Ms. JOANNE NELSON: It is one of the accounts that we invest our money in.

Ms. MCAULIFFE: Okay.

Ms. JOANNE NELSON: Most of our deposits do go into that account. And we pay our accounts payable bills from that account, that first account that you see. And then our payroll expenditures from the payroll account.

Ms. MCAULIFFE: Okay. So the investment account, what is that money used for? The 11 -- 12 million.

Ms. JOANNE NELSON: We are trying to get the most interest as we can. We get more interest on that account than the checking for the accounts payable and the payroll.

Ms. MCAULIFFE: It's a revenue generator.

Ms. JOANNE NELSON: Yes.

Ms. MCAULIFFE: But eventually some of this money is then going to go towards bills?

Ms. JOANNE NELSON: Yes. We make transfers. Yes. We keep as little as possible in the accounts payable checking account and the payroll checking account because they don't earn as much interest.

Ms. MCAULIFFE: Okay. That makes sense. I have another question.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Is the Energy Fund money market, 6 million --

Ms. JOANNE NELSON: Yes.

Ms. MCAULIFFE: -- and what is that?

Ms. JOANNE NELSON: The Energy Efficiency Funds are required to have their own bank account.

Ms. MCAULIFFE: Right.

Ms. JOANNE NELSON: The County only has one checking account for accounts

payable, one checking account for the payroll expenditures. So what we do is we do transfers for the energy efficiency activity for their warrants and their payroll.

Ms. MCAULIFFE: But then why do we have a money market?

Ms. JOANNE NELSON: Their revenues are deposited in there because they are required to have a separate bank account.

Ms. MCAULIFFE: Right. But a money market account as opposed to?

Ms. JOANNE NELSON: That will earn them more interest.

Ms. MCAULIFFE: And then you pay bills out of that?

Ms. JOANNE NELSON: No, we can't. All bills are paid out of one bank account.

So then we'll do a transfer. If they had a warrant for \$100,000, then we'll transfer out of their account into our accounts payable bank account \$100,000.

Ms. MCAULIFFE: Okay. So you call one an investment account because it's not a money market but it is invested. And the other is in a money market and that's why you call it that.

Ms. JOANNE NELSON: Yes.

Ms. MCAULIFFE: Okay. Thank you.

Speaker BERGSTROM: Let me ask you a question on that. The government investment account, does that remain relatively constant or is it depleted and then replenished? I mean this is the balance as of the end of the fiscal year 14.

Ms. JOANNE NELSON: It's a snapshot picture.

Speaker BERGSTROM: Okay.

Ms. JOANNE NELSON: And we earn, you know like I said before, more interest on that account. That's where most of our deposits go into. And then when we need money to pay payroll and accounts payable, we do transfers.

Speaker BERGSTROM: Well, what I'm getting at is if its \$11 million and today you get a bill for \$100 and then tomorrow you get \$100 in and it remains constant at \$11 million, you essentially have \$11 million dollars of cash on hand.

In other words, money that's not -- you have \$11 million of equity but if it's depleted completely let's say at the end of the year and then replenished by a big check from the Registry of Deeds, then you can say, well, that's a whole different story.

So the question is how low does that account get?

Ms. JOANNE NELSON: In the past few years, not that low. When I first started about 20 years ago, I would have to do cash flow to see where we are and we used to have to tax anticipation notes, bond anticipation notes. We haven't done that in a long time.

Speaker BERGSTROM: So you could say that consistently in that account as you're getting money in and paying it out, you have 8, 9, \$10 million?

Ms. JOANNE NELSON: I don't know the exact amounts but we're at a comfortable amount.

Speaker BERGSTROM: I wish I was that comfortable. Anyway, yes, Leo.

Mr. CAKOUNES: Thank you for reminding me, Mr. Speaker. In my request during budget season to actually see all the numbers that we are dealing with as opposed to those that just might be directly related to the government operation and the ones that we may have control over voting on up or down.

I think it's very, very important, and I'm hoping that next year's budget cycle -- the new people sitting here on the board will have a budget handed to them that is going to have

all these numbers in it because I think they're all really, really relevant to the operation of what we do here as a business.

We are in the business to manage other people's money. We may not have wanted to be in that but we are. We are fiscal agents. And you people as a legislative body -- I won't be here next year -- hopefully, I'll be at another level of government. But you people are the ones that should have access to all these numbers and understand these numbers and understand how they come in and out of our single paying checkbook as was just stated from different accounts.

Yes, I agree that it may not be something that we can vote on up or down in the budget, but I really do believe they should be somewhere in the budget so they can be seen by everyone.

So, thank you for putting them here. I know Mark always put them here too, but for some reason they don't seem to go into the budget process and I'm hoping next year they will.

Speaker BERGSTROM: Anybody else? Well, thank you.

Ms. MCAULIFFE: Thank you.

Mr. CAKOUNES: Good job.

Speaker BERGSTROM: The same time next year with the same presentation.

#### Communications from Members of the Public

Speaker BERGSTROM: Next on the agenda we have Communications from Members of the Public. Are there any members of the public who wish to speak? Okay. We have one there and one there. We'll start with you. We'll start with that gentleman there.

Mr. PETER KENNEY: Avoid bone spurs if you possibly can. Good afternoon. My name is "Hey You" from Yarmouth. I'm glad that the Speaker got his usual remark out of the way first.

I had an interesting afternoon last week. I went to the Cape Light Compact meeting. I was the only member of the public there.

Mr. CAKOUNES: You need to get a life.

Mr. PETER KENNEY: Yes, well, I may be about to start one. The question was asked by Mr. Crowell from Dennis what are the legal bills running roughly for CLC. Because in 2013, there about '13 -- \$1 million, that's a lot of money, a lot more than the County and the number came up with 110-115,000.

But then between 2007 and 2008 there was a bump that was the word used by the Administrator. There was a bump. And it was a 100 percent bump. Or as Clouseau would say a "beump" (phonetic).

And the reason for the doubling in one year of Cape Light Compact's legal fees is sitting in this room. The reason stated on the record by the CLC Administrator was this sudden barrage of information requests by Mr. Bibler, quote "By Mr. Bibler and others." That's how the beump (phonetic) happened.

My recollection is that around 2007-2008, Cape and Vineyard Electric Cooperative was being formed. In fact, it was formed officially in September of 2007. And I further recall that there was substantial involvement of CLC's counsel in that matter. As Ms. Downey, herself, said last week, "CLC formed CVEC."

But Eric Bibler is the guy responsible for all of the initial legal expenses. If you ask

Mr. Bibler when he submitted his first information request, it wasn't 2007, it wasn't 2008; it was 2011.

And sitting next to the Cape Light Compact Administrator, right at her elbow, was their attorney. "Yes, that's right. Yes, that's right. That's the bump, you know, 2007. Yes."

Speaker BERGSTROM: Mr. Kenney, can you push the microphone back?

Mr. PETER KENNEY: Yes.

Speaker BERGSTROM: Usually I ask people to put it closer but in your case --

Mr. PETER KENNEY: Thank you. I should have remembered that.

So, I'm going to say something which you may not appreciate hearing, but there's really only one way to describe this. It's not a misstatement. It's not a mistake. It's not an error. It's not a misreading of the history or the calendar of CLC or CVEC or the County, it's a lie. It's an on the record for public consumption in the course of doing business in a public body lie.

And we now recently have a letter from the Massachusetts Attorney General citing another lie and saying so. That when CLC was asked recently for a copy of the minutes of a particular meeting, the statement was made on April 15 that the draft -- that the minutes were only in draft form. Guess what? We find out they were voted on April 12. That too was a lie.

Now I have one simple question. How long are we, the citizens, you the Assembly, you the Commissioners going to tolerate this? It simply must stop.

Speaker BERGSTROM: Thank you. I saw another hand in the back there. Would you please step --

Mr. ERIC BIBLER: I'm not as upset about this as Mr. Kenney but I'll just -- didn't mean to comment on this but I will.

I wanted to just give you a couple of updates and then I wanted to speak to some issues that I think should be of specific interest to the Assembly and Barnstable County. I meant to make some comments at the Finance Committee meeting but I didn't realize there would be no public comment.

But walking in the room, I just want to say that Mr. Ridley let me know that he took exception to the information that I provided in an email today. So I just want to say a few things about that.

I did watch the video of the previous meeting where Mr. Ridley spoke with Stephan Wollenburg, I referred to that. I did note the objections of several Delegates to receiving this information in a format where they couldn't engage because it was during public comment.

I noted the letter that Mr. Ridley sent to the Speaker, which I would not have known about except that it was in the Cape Light Compact's meeting packet for September 10, which is published online, and I noticed that he had written asking to be put on the agenda today.

So I took the trouble to put on my green eyeshade and go back through the Cape Light Compact financials and just start entering payments and dates to Ridley Associates out of the Cape Light Compact financial information.

I also found in the County Commissioner's minutes where they approved a contract. And I found a copy of the RFP that the Cape Light Compact issued. And I've provided all of those source documents. I didn't expect anyone to take my word for it.

The financial accounts are on the Cape Light Compact's website and I totaled them up. And my point was as follows, and I said this in the letter, I said explicitly I don't have any problem with Mr. Ridley or any other consultant for the Cape Light Compact coming to speak

before this body.

But I didn't see anywhere in the letter that Mr. Ridley was asking to come in the company of the Executive Administrator, the Treasurer or the Barnstable County Representative to the Cape Light Compact. And I'm not sure whether this was going to satisfy your desire to engage in dialogue.

Furthermore, I noted that I quoted from the RFP which specifically stated that the duties to be performed by the contractual party under that contract were largely marketing, media, advertising, outreach, and those kinds of things.

So I think it's a valid point to say that I'm not sure that the best representative of the Cape Light Compact to appear before you and answer their questions is someone who may even be as knowledgeable as Mr. Ridley if he did participate in the formation of the Cape Light Compact.

I feel that the people who are accountable, meaning the people who run the place, the people who keep the books and your own representative to that body are the appropriate people to appear before you.

And I thought it was noteworthy that there was an ongoing and fairly substantial financial relationship. Now I asked Mr. Ridley why he took exception. He said he characterized it as a stream of misinformation. And I asked him if --

Speaker BERGSTROM: Mr. Bibler, you're not going to debate with Mr. Ridley here.

Mr. ERIC BIBLER: No, I'm just --

Speaker BERGSTROM: In other words, --

Mr. ERIC BIBLER: -- I asked him to speak; I hope he will. That's all I'm saying.

Speaker BERGSTROM: I know but I mean just because what --

Mr. ERIC BIBLER: Okay.

Speaker BERGSTROM: You can tell us something but you can't go back and forth to somebody else.

Mr. ERIC BIBLER: Point taken. So that's my position is what I'm trying to make clear.

Speaker BERGSTROM: Yes.

Mr. ERIC BIBLER: The open meeting law complaint I think is significant. The ruling is significant. I objected to the fact that there were some rather elaborate deliberations on the part of CVEC and they did not list the meeting exhibits that were used as the basis for their deliberations.

My point in the Open Meeting Law complaint was that these deliberations -- the meeting minutes are often very cryptic and it's difficult to know what was actually discussed unless you can get copies, and you don't know what to ask for if they don't list them. And the law requires that every public body provide a list of the meeting exhibits used.

So I filed a complaint on April 15, and the response was that they weren't required to list the exhibits because the meeting minutes were only in draft form.

The Attorney General investigated and determined that, in fact, CVEC had approved the same version of the minutes with no less the meeting exhibits on April 10, which is to say that that was disingenuous at best and basically ruled that it -- the situation -- that I was correct but the situation had been rectified because the Cape Light Compact agreed to publish the list of meeting exhibits but it was a violation. I spoke to them today to confirm that that understanding is correct.

But more to the point is that there are complaints -- you should know that there are Open Meeting Law complaints pending for a chronic failure to list meeting exhibits, which is the same problem for meetings going back to the beginning of CVEC and also for a failure to state with specificity the topics that are discussed during executive session.

CVEC has written back and offered to review minutes for the past year and rectify those problems. In my position, the Attorney General has said the public record for all intents and purposes has disappeared if they don't go back to their very first meeting, review their minutes and provide a list of all those exhibits.

That's still awaiting adjudication. I think that's a valid transparency issue to say, "I want to know what exhibits you considered in 2011, '12, and '13," you know, for the entire calendar year. I believe that's a valid point.

Now there have been other meetings where the Cape Light Compact has estimated that in April of 2013 there was a big discussion about how they're spending \$8,000 a month responding to my specious Open Meeting Law complaints and public records request.

First of all, you should know that there have been violations of Open Meeting Law and there have been violations of Public Records Law.

But more to the point, if you go to the Cape Light Compact website today and also CVEC's website, you will find a great deal of information. You will find a lot of detailed financial information on the Cape Light Compact. You will find lots of documents like Administrative Service Agreements and the like.

What I hope -- if you checked your inbox, I've copied you on every request and every reply. The point is every document that's there was initially refused. Or, when I requested that it be publicly disclosed, the answer was, "It will be disclosed to you at a price but only to you and please bring your certified check."

So I think that it should not be lost on anyone that these two public bodies which basically belong to you at least the Cape Light Compact does because it's not an entity, it's just an agreement among parties. These public bodies had a choice. They could have been reasonable and decided to disclose financial information that virtually every public body discloses.

Instead, they elected to fight tooth and nail to avoid disclosing the information at great expense and go through multiple layers of appeal process and so forth. And I don't have hundreds of thousands of dollars to hire people to fight that battle on my behalf. I've written all those letters myself and followed up all of those appeals and everything else. So I hope that's not lost on you.

If I could just take a minute and talk to issues that I think are germane -- directly germane to you.

Speaker BERGSTROM: Yes, you're going to have to move along.

Mr. ERIC BIBLER: Okay. The financial issues. It seems to me this whole idea of cost accounting's gotten lost. I hope you haven't lost track of that. I think the first aspect of any government or any business is to understand where the money comes from and where it goes.

There was a lot of discussion about that in the spring. And the first thing I think you need to do is, you know, you can determine the value of the goods and services that you were providing to other agencies. The finance director said in January of this year that that would be easy to do. And I would encourage you to do it.

I think there are two other major issues if you may have the Department of Revenue in here that you should focus on. One is that this County has -- I don't even know the number -- it's over a dozen employees that are on the payroll of the County and the County is reimbursed for their salary and benefits by the Cape Light Compact. They're employees of the County.

There's an obvious question here and you can begin with Ms. Downey; who did they report to? Do they have an Annual Performance Review? And there out there doing God knows what. Do they even have to report back to anybody in the executive branch as to what their activities are? They're County employees. They're yours. The Cape Light Compact is not an entity. It doesn't have a payroll essentially.

And then the third thing is Administrative Services Agreements. I think you should pay close attention to those in view of these recent rulings by the DPU and also the Attorney General that say that the Cape Light Compact's not an entity; it's just an agreement.

There's this procurement process that requires the approval of procurements over \$10,000 by the executive branch of this government. And they've all been approved with the exception of Renewable Energy Certificates. I think it was February of 2010 the County Commissioners gave blanket approval for all rec transactions, millions of dollars worth of them, present, past and future. You don't have to bother putting them in front of us.

Now if I were in your shoes, I would think, boy, that sounds like a considerable liability to give preapproval to employees that aren't really employees to go out and make many millions of dollars of procurements and I don't know a thing about it.

So I think these are issues that you should bring to the attention of the Department of Revenue. I hope they accept your invitation. I think it's a prudent thing to do.

Thank you.

Speaker BERGSTROM: Thank you. There's one other gentleman who wishes to speak.

Ms. KING: Point of order, Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. KING: I'm a little dismayed. I guess I didn't realize we were having a CLC discussion today. It's not on the agenda. This is the third speaker of it.

Speaker BERGSTROM: We're not having a discussion. We're having a public forum in which public -- members of the public can say -- if they want to talk about the trilateral commission, they can talk about the trilateral commission. That's the rules. They can talk about anything how relevant or irrelevant it is that as long as we don't have discussion with them. I have as little --

Ms. KING: No --

Speaker BERGSTROM: -- I have less patience than you do, but that's the rules under public forum.

Ms. KING: Well, public -- first of all, we don't have to have public comment.

Speaker BERGSTROM: No, we don't.

Ms. KING: And you control it. You can put all this onto an agenda item. It's just that I guess, you know, we're hashing stuff that we've hashed over repeatedly.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: And we're not done yet.

Ms. MCAULIFFE: Point of order.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: This is for the public. So is Mr. Ridley speaking as a member of the public or as a consultant to the Cape Light Compact, which is an employee of the Cape Light Compact?

Speaker BERGSTROM: Well --

Ms. MCAULIFFE: Which would be different than a member of the public.

Speaker BERGSTROM: Well, you know, we usually have a spot on there for public officials. But I don't -- I have no idea. Why don't you ask him.

Mr. SCOTT RIDLEY: Under Open Meeting Law, the chairman of the body always has determination as to who gets to speak. So, it's up to you, Mr. Bergstrom.

Speaker BERGSTROM: Yeah, I understand that. I understand that. But I was -- this was going to be -- somehow, as I expected, is turning into a big imbroglio. But you're up there now, so speak.

Mr. SCOTT RIDLEY: Thank you for the opportunity to speak. My name is Scott Ridley. I'm a resident of East Harwich. I'm a principal of Ridley & Associates, a consulting firm. My focus has been on energy for the past 30 years.

Way back at the beginning I worked with the Cape Light Compact from the conception of the Compact through development of its key documents and its programs.

And it was about 7 years that I did that, and I did that with teams of other associates that we bring in who are specialists in their fields, whether its economists or attorneys.

And Mr. Bibler's letter that was referenced earlier, he referenced an amount of money that I made in a previous engagement with the Cape Light Compact which was over a period of seven years and it wasn't money just paid to me. It was paid to the team. It was paid through my firm and it was paid to other associates that we have working on this project.

So, as far as his misinformation, he alludes in his letter that I received the amount of money that he specifies and I did not receive that amount of money.

Similarly, I'm under a current contract with the Cape Light Compact, and the project has another team. We have three other firms working with us on this. So, again, the amount of money that he specifies that I am receiving, I am not receiving that money. I'm receiving a portion of that money and it's shared among the team according to the budget that we have. So those are two of the pieces of misinformation.

The other misinformation was that I gave a lengthy presentation to this body the last time I was here. I was told when I started it was the public comment period. I had three minutes. I believe I kept it to three minutes and maybe just above that.

He also stated that I didn't disclose the fact that I had a contract with the Compact and I was currently consulting with him and, of course, I did when I began speaking. So that's why I referred to a stream of misinformation that he presented.

And, unfortunately, it's similar to other misinformation that Mr. Bibler has provided and has misled you with. And this really leads to the purpose of my comments today.

I had both emailed Mr. Bergstrom and made a phone call to him and sent a letter to him requesting that I be put on the agenda so I could come in and have a dialogue.

When I was here for the public comment period previously, there was some frustration that was expressed that we couldn't have a dialogue. And so I thought it would be great to have a dialogue. Let the Compact talk about some of the fundamental misconceptions that are there. I believe you've been misled which, again, is why Mr. Bibler I think has an issue with

me and tries to discredit me because he knows that I know a lot more than he does.

So, where we are right now is we're at a point where you're having these other people from the public come in and interpret or misinterpret things, present you with these issues, some of which are complete non-issues in which you're mixing up documents.

Mr. Kenney referred to the Cape Light Compact and he was referring to a document from the Attorney General's office that has to do with CVEC, not the Cape Light Compact. He mixed the two organizations together.

Speaker BERGSTROM: You know I'm going to tell you the same thing I told Mr. Bibler is that you're basically here to say something to us.

Mr. SCOTT RIDLEY: Okay.

Speaker BERGSTROM: In other words, you're presenting --

Mr. SCOTT RIDLEY: Well, let me --

Speaker BERGSTROM: -- what we have received in emails, you can't be assured that -- I mean I didn't even look at my email today. So, basically, what went on in cyberspace is not really relevant to us unless you tell us -- unless he says something to us in public forum and you can get up and dispute it, but what goes on in the emails, it doesn't lend itself to come in here and start arguing.

Commissioner LYONS: You just let Mr. Bibler go on for --

Mr. SCOTT RIDLEY: That's fine.

Speaker BERGSTROM: I know, I know but I stopped --

Commissioner LYONS: -- what the emails were saying. So, you know.

Mr. SCOTT RIDLEY: That's fine. But just let me make my point here. The point that I'm leading up to is the receiving a lot of misinformation and clearly what has to happen is that dialogue that many of you desire.

And although you're leading down a path right now to require counsel and perhaps get into litigation. The usual process for when you have disputes with other parties is mediation and mediation always takes place as a serious effort at mediation prior to considering any litigation.

And I believe that things are at a point now given all the acrimony and in order to have a fruitful dialogue that you should consider mediation with the Cape Light Compact and the County. Make it a public mediation process. It can be very well structured according to rules that you both agree on, the kinds of questions that you have to ask can be answered with help of a mediator and can be facilitated through a mediator. And you'll be able to finally develop some resolution I think on these issues that you're looking at.

If you determine to go to litigation and you have attorneys being paid on one side and attorneys being paid on another side, that's going to be a wonderful thing for the people of Barnstable County to see with two arms of County government battling it out with each other to what purpose. Because when you get to the end of the line regardless of what's determined, you're going to have to sit down and work things out. And it would be a mediated process most likely to work things out.

So why not cut to the chase and start thinking about mediation. And although I haven't received any response to the letter and my previous request to come before you and speak, I'm making the same request orally that I be allowed to come in and speak to you. And we have a dialogue to begin talking seriously about mediation and resolving these issues between the County and the Compact and the Assembly.

Thank you.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: Yes, Suzanne.

Ms. MCAULIFFE: Yes, I'm very dismayed to hear litigation mentioned. It does explain a lot. It does explain a lot about why the Cape Light Compact I think is afraid to come in and talk to us. I think that they have a mindset that somehow they're going to be involved in litigation.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: So I think that, you know, get that out of your mind. From my perspective --

Speaker BERGSTROM: I'm going to take --

Ms. MCAULIFFE: Okay. But --

Speaker BERGSTROM: I may take a page out of Marcia's book and say that we can't really beat this to death any more than we have.

Ms. MCAULIFFE: Okay. I would just like to say then -- I would just like to say that my request to have Cape Light Compact on the agenda was to have the officers of the Cape Light Compact come in because we had some specific questions about the Cape Light Compact. It is not that we are going towards a path of litigation.

That was my request to have them on the agenda, and I think that I wanted to make that clear that it's not that I need a discussion about other things. I just have some specific questions for the officers of Cape Light Compact.

Thank you.

Speaker BERGSTROM: I've been deliberately dragging my feet on this. You know, I brought it up at the last meeting as to potential having a meeting between the Assembly and Cape Light Compact. The sense of the Delegates were that they wanted us to be -- wanted everyone to be there. It wouldn't be a private meeting between representatives, if I remember this correctly. I said, "Yes, bring them in."

Then the question comes up -- you see I want this to be -- if, indeed, we are going to have what you're now calling a mediation, I want it to be productive and that's important. I don't want us to have another yelling session, as we've just had now back-and-forth.

Mr. SCOTT RIDLEY: Right.

Speaker BERGSTROM: It has to be productive and whether it's productive or not depends on who's going to be at the table and what the rules are. And that's what -- that's why you're not on today. It's not because I don't want you on. It's just because I have to determine in discussing with some of the other Delegates who should be here and what we should discuss and whether we should have any public comment at all. If I have public comment, I'm going to have 50 people in the room battling it out and in the corridor.

So I will try to put you on the agenda. I will try to put the Cape Light Compact if they so desire on the agenda to speak to us but we're going to have to negotiate as to who's going to do the talking.

And we're also going to have -- this is the first time I've heard the word "mediation." Before that, it's always been we want to come in and explain; do you know what I mean? But mediation, which means that we have issues and you have issues.

Mr. SCOTT RIDLEY: Correct.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: I have a question for you, Mr. Speaker.

Speaker BERGSTROM: Yes.

Mr. CAKOUNES: Could you ask the previous speaker if, first of all, I want to just clarify something, that they are presently under contract with Cape Light Compact; Number 1.

And the second question through you Mr. Speaker, the appearance here today is it as an individual, a citizen, or is it in behalf of Cape Light Compact? Same two questions I asked the last time the Speaker was here.

Mr. SCOTT RIDLEY: Through you, Mr. Speaker, the answer to that question is I've been a citizen of Barnstable County for more than 20 years. I grew up in part on the Cape.

Mr. CAKOUNES: Why are you here today?

Mr. SCOTT RIDLEY: Excuse me. Let me speak, please. So, I'm speaking in part as a citizen of the County and the kinds of events I've watched unfold, and the concerns that I hear from fellow citizens. I'm also under contract to the Compact and I'm here in behalf of the Compact as well.

I made the suggestion to them that I come here today. No one asked me to come. I made the suggestion that I come here today and speak.

In terms of the mediation, I think it's very important to understand that you need a structured mediation. You need to have a professional mediator come in to be able to soothe the acrimony that's here at present.

And I think you have to first talk about how the mediation would be structured. Otherwise, you're looking at something that might not be productive.

Speaker BERGSTROM: Yes, I agree. Suzanne.

Ms. MCAULIFFE: I'm not comfortable having an outsider dictate how this board operates. As a board or an Assembly, we have the obligation and the ability and the right to ask people to come in and have a discussion with us.

I am just dumbfounded to hear words like litigation and mediation for something that is just information sharing. We would not send -- we would not go for mediation if we were coming to discuss someone. Any board or elected body would never consider coming right in for mediation if you have a disagreement. You have a discussion. You have questions.

And I am just dumbfounded that we are being told that there's going to be a mediation and I object.

Speaker BERGSTROM: Let's cut this off right now because, you know, either Mr. Bibler or Mr. Ridley could have given us some heads up and simply said that they're going to come and discuss this.

Mr. SCOTT RIDLEY: I planned on speaking for three minutes.

Speaker BERGSTROM: I know but we've got -- I'm not objecting to you speaking. What I'm saying is we can't go any further down this road because it's not noticed on the agenda. If we have a substantive discussion on an issue that's not on the agenda then we get into trouble.

Mr. SCOTT RIDLEY: If you put me on the agenda, I'd be happy to come back in and discuss this further.

Speaker BERGSTROM: And that's all we can say about this.

Mr. SCOTT RIDLEY: Thank you.

**Assembly Convenes**

Speaker BERGSTROM: Okay. The Assembly will now convene and we'll start with committee reports.

John, do you want to report or do you want to wait until you have –

### Committee Reports

Mr. OHMAN: Sure, Mr. Speaker. Back to my notes if they exist. We did have a public hearing today regarding Proposed Ordinance 14-03 in conjunction with a regular meeting of the Finance Committee.

The issue to discuss was whether we should transfer \$10,000 from the County -- from the Commissioner's legal fund to the Assembly for a specific purpose -- purposes of finding out a process by which we can't request legal funds from the Commissioners. If that sounds confusing, it is.

Mr. CAKOUNES: And other related.

Mr. OHMAN: And other related activities out of the Barnstable County Charter. We had an extensive discussion about it. At the end of it, there was a public hearing. We suspended it for further discussion. And I would invite all of the members of the Assembly to come to the next public hearing when we schedule it.

Speaker BERGSTROM: Okay. Thank you. I think that's the only committee report we have.

### Report from the Clerk

Speaker BERGSTROM: Is there a report from the Clerk?

Clerk O'CONNELL: Yes. Thank you, Mr. Speaker. Good afternoon, all. Just a few small items. You have mileage logs in your individual folders that I would appreciate if you could sign and turn them in today. I've received a few. I'm still waiting on Julia, Teresa, Leo, John, and Jim's. After the meeting, you can pass those to me. I'd appreciate that.

And there were also some other materials that I put in your folders today. One was a report that I received and that you received from AmeriCorps and for the 15th anniversary edition. Thank you. There's the prop. I love props.

And I know that many of you are often talking about what organizations or what your County is doing specifically for your town. And very nicely in the back of the report, they have a by-town breakdown of the services and things that AmeriCorps did for individual towns on the Cape.

And that's all I have for today.

### Other Business

Speaker BERGSTROM: Okay. Under other business, I have one item under other business. If you remember the last recommendation of the Special Commission on County government -- not the Special Commission on County government, but our committee to review the County Charter was that we get together with the -- we get together with the Commissioners and the Assembly and hash out any differences we might have over

interpretation of the Charter.

In talking to Janice and also looking at the schedule ahead, I realize that one -- over 25 percent of this body is going to turn over in the next few months and a third of the Commissioners are going to turn over.

So I've decided that this is an issue that's going to have to be dealt with by the next Assembly after it convenes in January. And so those -- everybody's going to be here for two years will be at the table. And starting the new Assembly, we can then get on the same page as to any differences that we and the Commissioners and the Administrator might have.

So don't look forward to that on any future agendas for a little while.

Ms. ANDREWS: Can I comment on that?

Speaker BERGSTROM: Yes, sure, Cheryl.

Ms. ANDREWS: I do respect what you're saying but I guess I'm going to offer a slightly different way of looking at it.

I'm serving as a Selectman right now in the town going through a great deal of transition. And there's -- the same question comes up all the time, "How much do you put off until I have a new Town Manager? Or how much do I put off until the next election?" And, of course, the risk is things get put off for an awful long time.

I guess I'd throw the concept back to you that, you know, a lot of the people in this room have a lot of history with you. You're absolutely right. You need to do a lot of work when you get your new groups together.

But you could also have probably some substantial discussions this year and at least outline, you know, have people put to paper where they see some of the areas that should be addressed in the future. And then you've at least made some progress towards this so that you don't -- you don't absolutely stall it for the rest of the year.

It's just a thought.

Speaker BERGSTROM: Well, no, I agree with you, Cheryl. But I mean if we were making a decision on some, you know, building a new building or doing something where our experience would be really important, it would be different.

But if this session -- if the next Assembly decides to go ahead with a new session, it's more of an educational thing. It's more of a sitting down -- we're not breaking any new ground. We're simply going over the old ground and deciding what it means, what the relationships are between the various branches of government, and that decision is going to have to be made by the people who are going to live under it.

But I agree. Any input that those of you who are retiring or moving on to other things, I had a great meal at the Lobster Pot the other day. The town was packed.

But anyway, any input you can give is appreciated.

Ms. ANDREWS: Well, again, it's not so much me giving input to you, Ron, as much as it took me a certain amount of time at this table to listen to you and some of the senior members a long period of time to understand the process, understand how the budget system works out.

I spent what a year trying to understand what an alternate the Finance Committee was because you asked me to do it and I didn't -- I realized it didn't mean anything.

You know, it's not in writing. Well, it's true. So it's not in writing so you have to sit here for a long period of time to catch on. And if we do nothing for the rest of the year and then you have all these new people who haven't a clue, it's an opportunity I think that you've

kind of lost a little bit.

So, that's my thought.

Speaker BERGSTROM: Anyway, any other? Yes, Jim.

Mr. KILLION: Yes, thank you, Mr. Speaker. About a year ago, I believe, we had the Fertilizer DCPC, and I wonder if we can get an update on where that was. The last I heard maybe one town had signed up.

Mr. CAKOUNES: Not yet.

Mr. KILLION: Not yet. And I was hoping --

Speaker BERGSTROM: They were given some kind of years --

Mr. KILLION: No, I understand that but I know we appropriated money for the extra workloads. I believe we gave them 30 or 35,000 for mailing that I didn't get.

So I'd like an update if we could.

Speaker BERGSTROM: Sure. We'll get that. Okay. Deputy Speaker.

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: Leo, do you have something?

Mr. CAKOUNES: Since we're asking for updates, I was just wondering, Mr. Speaker, if you could inform us on where we are with the selection of attorneys and possibly just give us an update on how that's going.

Speaker BERGSTROM: Well --

Mr. CAKOUNES: In the future. You don't have to answer now.

Speaker BERGSTROM: All right. I don't have the answer now.

Mr. CAKOUNES: Thank you.

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor say, "Aye."

**Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:20 p.m.**

**Respectfully submitted by:**

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