

**CAPE COD REGIONAL GOVERNMENT
ASSEMBLY OF DELEGATES**

APPROVED Journal of Proceedings -September 3, 2014

Speaker BERGSTROM: Good afternoon. Welcome to the September 3rd, 2014 session of the Cape Cod Regional Government, Assembly of Delegates.

I'll call this meeting to order. Is there anyone recording this meeting besides our normal recording apparatus? No? Hearing none.

Okay. We'll start 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.)

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 (92.82%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73%- Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% -Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable), Julia Taylor (14.61%- Falmouth).

Absent (7.18%): Cheryl Andrews (1.36% - Provincetown), Ned Hitchcock (1.27% Wellfleet), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Mr. Speaker, we have a quorum with 92.82 percent of the Delegates present; 7.18 percent absent.

Committee of the Whole

Speaker BERGSTROM: Okay. Thank you.

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

Deputy Speaker MARTIN: So moved.

Ms. KING: Second.

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

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of August 20, 2014. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: Motion to approve.

Ms. KING: Second.

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

Mr. ANDERSON: One abstention.

Speaker BERGSTROM: Okay. We have one abstention.

(Motion carried.)

Speaker BERGSTROM: Okay. We do not have any of the Commissioners with us.

So we'll move on to -- Did they have a meeting today?

Clerk O'CONNELL: No.

Speaker BERGSTROM: They didn't have a meeting today so they're not going to grace us with their presence.

Communications from Cape Cod Commission Executive Director

Speaker BERGSTROM: We'll move on to agenda item number 9, which is communications and discussions with Cape Cod Commission Executive Director Paul Niedzwiecki concerning the 2008 Water Quality Management Plan involvement and process.

I asked Paul to come in. I know he's going to have a series of public hearings. He promised me he's not going to go over every single line of the Water Quality Management Plan. He's just going to give an overview of how we got here, what the Commission's rule is, what their authority is and where we go from here.

So you got it.

Mr. PAUL NIEDZWIECKI: Thank you, Mr. Speaker. For the record, Paul Niedzwiecki, Executive Director of the Cape Cod Commission, and that's for the opportunity to address the Assembly today and answer any questions about the 208 process to date. And thanks for the mandate to not bring a PowerPoint presentation. Always useful.

Where are we in the 208 update process? Well, in January of 2013, the Commonwealth designated the Cape Cod Commission as the regional area planning agency for the purposes of updating --

We were designated as the regional area planning agency to update a Water Quality Management Plan pursuant to Section 208 of the Federal Clean Water Act.

The last time that plan -- the first and last time that plan was addressed for the Cape was in 1978. They directed us to update that plan with a focus on nitrogen and the nutrient management problems that we have on Cape Cod.

So we began that process in earnest in July of 2014 after all the contractual issues with the state had been worked out and we started the stakeholder engagement process.

So we had two -- we split up the Cape into four areas; Upper Cape, Mid-Cape, Lower Cape, and Outer Cape, and we had a meeting in each of those four sub-regions last summer, the first one to sort off kickoff the process and talk to potential stakeholders.

The second one to immediately get into issues of cost and affordability understanding that those issues marbled through everything else that we would be discussing.

We then put together a stakeholder engagement group that had over 170 stakeholders Capewide. We organized them into 11 watershed working groups. Those 11 groups each met three times in the fall of 2014 to discuss baseline conditions, potential technologies, the strategies and the criteria for watershed scenario planning.

We then took that output. We had a Capewide meeting in January 2014, this past January. It had over 300 people in attendance, and we discussed the output of that. And then we organized those 11 groups back up into four sub-regional groups. We met three more times in the spring to discuss those issues around implementation. How we would really discuss last fall the things based on watershed boundaries which is the jurisdiction of the problem. And then in the spring we moved towards the jurisdiction of potential solutions. So we expanded that discussion.

We had a target date of June 1 of this year to file a draft with Massachusetts

Department of Environmental Protection and the U.S. EPA.

So on June 3, we filed that draft with them, and we've been discussing that with those two agencies since then. And then what we did on August 15 is we issued that draft plan to the public for a 90-day comment period. So that brings us up to date right now.

So the 208 plan itself in the narrative form as been issued is out for 90 days of public comment.

There will be four hearings associated with that. They are in the four sub-regions. So the first hearing is going to be on September 10 on the Outer Cape from 4 to 6 p.m. at Wellfleet Preservation Hall.

The next meeting will be on Wednesday, September 24 from 4 to 6 p.m. at the Chatham Community Center.

The next meeting will be Tuesday, October 7, 4 to 6 p.m., and that will be held in the Innovation Room here in the County Complex on the top of the hill.

And the final sub-regional meeting will be held on Tuesday, October 21, on the Upper Cape at Mashpee Town Hall from 4 to 6 p.m. So those are the next four series of sub-regional meetings.

We will also be issuing this Friday a series of watershed reports. So there are 57 watersheds that were studied. They were grouped into 42 watershed groups for the purpose of reporting. So there will be specific reports issued on each watershed. And we will make those all available at the same time on Friday.

And then we'll be working and convening stakeholders again at the same time prior to these public meetings to go through the application of the principles in the narrative to the particular watersheds and try to work through how they might be applied at that point.

So that the narrative of the draft plan that's out has eight chapters. There is an introduction and an executive summary. Then there's the first chapter -- really deals with the engagement -- the stakeholder engagement process. Section 208 of the Federal Clean Water Act put as much of an emphasis on community outreach as it does on the technical review.

Chapter 2 really looks at the baseline conditions on the Cape, environmental baseline conditions.

Chapter 3 looks at all the available technologies that we've examined as possible solutions to the problem.

Chapter 4 really deals with the technical review of those watershed reports and our approach to dealing with and providing information on a watershed by watershed basis.

Chapter 5 deals with regulation.

Chapter 6 deals with planning and growth management issues.

Chapters 7 deals with finance and affordability.

And Chapter 8 really deals with the recommendations and the implementation that come out of this process. And those recommendations are really for groups.

One thing that we learned through the process is that there are things that we need more information on. So there are a lot of information-related recommendations.

The other thing that we learned is that there needs to be more support on a regional basis. We need to give more support to these local efforts at trying to solve this problem on a watershed basis. So there are recommendations about strategies, how we can provide more support.

The other is regulatory reform. I think one of the biggest outputs of this plan is a request to state and federal regulators to show some regulatory flexibility in how communities

go about trying to solve this problem. So we have some movement from the state and federal agencies on that issue, and I think that that should be helpful moving forward.

One of the reforms relates to the Commission itself. Every community that goes through the process of wastewater planning now wants to access funds, has to put together a comprehensive wastewater management plan. That plan, because it requires MEPA review, is also jointly reviewed by the Cape Cod Commission. And we should not be reviewing municipally generated, systemic plans like they're a supermarket. And that's currently what we do now.

So we are committed to change that process to make it one that is more geared towards technical assistance and support and to expedite that process and not put them through a review process that doesn't fit the nature of the plan.

So I am committed to do that as soon as possible. And that discussion will be wrapped into the Regional Policy Plan that we are in the process of beginning to look at and update as part of our five-year update.

The final section is about finance and how can we make locally generated projects more affordable and how can we get more non-Cape based resources to support some of the solutions that come forward.

So that is available. We have available to you the introduction and executive summary for your review. The rest of the plan is available at the Cape Cod Commission website online.

And as an addendum to this, we're going to give you a copy, but we've also recently gone towards sort of a town by town-based newsletter about Commission activity that we will be providing the Cape Cod Commission members. So we provided each of you a copy of that town-based report.

So if you're interested, we'd like to put you on that list too. And we would appreciate any feedback you have on that outreach in a way that we can improve communication.

So that's sort of my update and I would be glad to respond to any questions.

Speaker BERGSTROM: Okay. Do any of the Delegates have any questions for Paul on this?

Yes, Leo.

Mr. CAKOUNES: When you mentioned the steps that presently you have to follow due to a regular DRI as opposed to -- you compared this to the regular development and some municipality. Changing that aspect of the Commission, that's something that we do like when we adopted the changes for Chapter H; right?

Mr. PAUL NIEDZWIECKI: Absolutely.

Mr. CAKOUNES: We do that in house?

Mr. PAUL NIEDZWIECKI: Yes.

Mr. CAKOUNES: And it's something that you will start the process and it will eventually come in front of the Assembly for a vote; won't it?

Mr. PAUL NIEDZWIECKI: Yes. You will have a recommendation no later than this spring to change the process.

Mr. CAKOUNES: Good. Thank you.

Speaker BERGSTROM: Anyone else have anything?

Yes, Suzanne.

Ms. MCAULIFFE: Just as you remember where the rubber hits the road is when the money comes up.

Mr. PAUL NIEDZWIECKI: Yes.

Ms. MCAULIFFE: It's not necessarily the plans; it's the money. So I think from our experience in Yarmouth, even with as much outreach and community education as we could do, people really weren't that involved, even though we had probably a dozen community meetings, until it came to a vote for money and then they didn't want to hear about the plan. They didn't want to hear about the solution. It was the money that was the issue.

So just take your lessons from those of us who have struggled and not been successful is whatever you can do in terms of helping with the financing will go a long way towards selling whatever your solutions are.

Mr. PAUL NIEDZWIECKI: And I appreciate that comment and know that that is integral. I would say that the Yarmouth's sort of experience with the CWMP process had a huge impact on me and I think on this process.

And if we look at what the town of Falmouth has done recently sort of in response to that. What the regulatory process to date requires towns to submit a Comprehensive Wastewater Management Plan which has you build out a wastewater system to the municipal boundaries. And to the extent that you share those boundaries, you may be building this huge phased system that doesn't meet water quality standards in those shared watersheds.

So what we pleaded with the state and the feds is to consider a targeted watershed program. So where there are watersheds where there is consensus, they should be able to qualify for SRF funds without having to build a CWMP that inherently has you build it out to municipal borders that you have to hang a really big number on. And then you're put in the position of having to explain to people, "Well, it's a phase project and it's really not going to be that much and don't be afraid of the number."

So I think the Yarmouth experience directly impacts that recommendation which we've been able to put in place in Falmouth. So it's had a huge impact on us. So we're very cognizant of that. So, thank you, Suzanne.

Speaker BERGSTROM: Marcia and then Julie.

Ms. KING: So, Paul, have you been able to get the state and feds to agree that as a County we can apply for SRF funds? Is that approved?

Mr. PAUL NIEDZWIECKI: Falmouth went through the process and we were able provisionally through the MEPA process to get them approved for a targeted watershed. So really what they are going for is just the funding for the Little Pond watershed where they have limited options and consensus around a way forward. And that vote never would have passed Falmouth Town Meeting if they had been required to go through the old process.

So we already have a provisional. We've been effective and the 208 process has been effective and influenced in the state giving them the confidence to do something less than that. And so that has been a huge improvement.

Speaker BERGSTROM: Julia.

Ms. TAYLOR: Well, I was going to just comment that Falmouth had an almost -- there was virtually no opposition. The only opposition at Town Meeting came from people who had very specific concepts about particular ways of dealing, composting toilets and things like that, which are going to, in fact, be used somewhat and experimented with.

So we got lucky that we had the help and we had the state be reasonable and rational and we hopefully can go forward. I mean it's only the first of many steps.

But would you tell me again where the Mashpee meeting is?

Mr. PAUL NIEDZWIECKI: The Mashpee meeting is at Mashpee Town Hall on October 21 from 4 to 6 p.m.

Ms. TAYLOR: Thank you.

Speaker BERGSTROM: Okay. John.

Mr. OHMAN: Thank you, Mr. Speaker. Paul, I know this is important to watershed-based, but out of those 8 sections, where are you going to try to get the towns, either the 2 or 3 together, that share those watersheds. Where does that process begin?

Mr. PAUL NIEDZWIECKI: Well, we looked at that. It sort of spans sort of the regulatory section and the planning and growth management section. So what we try to do in the stakeholder process is outline existing formats for towns to cooperate in shared watersheds. They went to inter-municipal agreements and water pollution abatement districts and all of the strategies, none of which are perfect for the scenario.

But the effort and the focus of the plan has been that the selection of strategies has to remain a local process. It's got to be a locally-driven process in order for there to be buy-in.

And I think that starts to inform how you're going to do that. What kind of agreement; what kind of inter-municipal agreements are going to be necessary in order to make that happen?

Mr. OHMAN: All right.

Speaker BERGSTROM: Paul, I just want to make a few things clear because there's been a lot -- I know having gone through this issue in Chatham, there's a lot of back and forth on this, and, of course, the Commission always seems to be accused of all sorts of diabolical schemes.

So you were mandated to do this basically by the courts. Okay.

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: And nothing in this plan gives the Cape Cod Commission anymore authority than it had before the plan. In other words, are you taking it upon yourself anymore regulatory authority?

Mr. PAUL NIEDZWIECKI: Yes, we were not mandated by the courts. We were designated by the Governor.

Speaker BERGSTROM: Okay.

Mr. PAUL NIEDZWIECKI: And now having said that, there is a court case out there. CLF is the plaintiff, EPA is the defendant. No state, county, or local parties have been joined as of yet. There are a number of counts all of which have been dismissed except for one.

And that one count in the litigation that's outstanding raises a question about whether town's that have received SRF funds on the Cape or are applying for them can qualify or qualified appropriately because there wasn't an updated 208 plan.

So that the judge gets orderly reports and very detailed reports based on the process that we are engaged. So we are connected to that process but we're mandated as part of it.

And I think you're right. There is nothing in the plan that gives the Commission anymore authority than we already have in joint review. And, in fact, the output of the plan is to try to make that process that towns already have to go through make more sense and be easier to do.

Speaker BERGSTROM: Yes. I know that one of the issues that comes up is the fact that you have to have a Comprehensive Wastewater Management Plan. And that word "comprehensive" causes a little problem because, you know, when Chatham -- one of the big debates was are we going to sewer the whole town?

Mr. PAUL NIEDZWIECKI: Right.

Speaker BERGSTROM: We had concentrated areas that were an issue in a watershed,

let's say, in the south facing estuaries which definitely needed remediation. And we did the science to determine what the MTDLs, whatever they are, you know, had to be cleared up.

Then I see that Falmouth has taken another approach and also Hyannis -- Barnstable's taking other approaches as they start going piece by piece and saying, "This is where the critical areas are, let's address those," which is sort of a more bang for the buck thing because by the time you sewer the Outer Cape, you're not really remediating that much.

I mean is it -- are we still mandated -- in other words, how is the planning stage looking at a comprehensive review versus specific targets that we're trying to clear up?

Mr. PAUL NIEDZWIECKI: The plan is clear and it wants -- it almost mandates a change in how we view that. The problems are based on their watersheds. And so the state, you know, I don't think should be mandating anything from local entities that are generating a plan that go beyond that.

I mean if a town comes forward in a watershed that is degrading a water body and had a plan to fix it, they should be allowed to fix it. And they should also qualify for state funds in order to do that.

And to mandate a plan that addresses out to the municipal borders and even having done that doesn't meet water quality standards in shared watersheds and two-thirds of them are shared; that just doesn't make any sense.

And so I think what we've been able to do with a Capewide effort is to establish that baseline philosophy and that state's been very receptive to it to date.

Speaker BERGSTROM: Yes, I have to say that Chatham overbuilt our treatment plant -- I don't want to say overbuilt the treatment plant, it built it for, basically, a grow-out scenario, which is another issue that underlies all of this is that that's the issue is how big is the Cape going to get? You know, and if we're mandated to say, well, here's the number of house lots and here's the number of people. Each house could be occupied year-round and so on.

So some of those state requirements really create a problem for the towns. But we have since, and I'm speaking out of turn because I haven't talked to the people in Chatham lately, but we decided, I think, that to put some of the areas that don't need a lot of remediation on the back burner and pick up some of East Harwich which does, you know, which we could hook up to very easily.

So if Harwich would stop dragging their feet, we would do that.

It was actually UMass Dartmouth has created the delay.

But if you in your discussions with the state can free up the towns to give them a little more flexibility to deal with specific watersheds, and, like you say, rather than say Chatham has a wastewater -- you know, Bass -- like John suggests, Dennis has a wastewater management plan; Yarmouth has a water -- and they're basically just picking up the last house before the border. I think that's really going to be a positive approach.

Yes, Teresa.

Deputy Speaker MARTIN: I just wanted to thank you, Paul, for taking this approach. I was there in January and have been following this and reading it, and I can see a huge difference in the dynamics --

Mr. PAUL NIEDZWIECKI: Yes.

Deputy Speaker MARTIN: -- since the focus had been on watersheds. And for the first time, I actually hope that we're going to get somewhere.

So I think you should get a couple thumbs up for pushing the watershed approach and

making it real and engaging people in a very real way.

So I just personally want to thank you.

Mr. PAUL NIEDZWIECKI: Thank you. I would say the stakeholder engagement process has really been the best part of the process for me. It's certainly more interesting than technical review side. And there's been a lot of input from a lot of people around the Cape. So I think to the extent that the plan has strengths, it's due to their participation.

Speaker BERGSTROM: All right. Are we -- yes, Patrick.

Mr. PRINCI: One quick question. As we talk about watersheds, and I see these upcoming public hearings, now have there been, as you're setting these up and I know that it's open to the public and everyone's obviously invited, and I would urge everyone out there to attend.

I want to thank you too, Paul, and the staff at the Commission as far as the information goes. I, often times, am encountered with questions from constituents and I don't always have the answer. And sometimes I can even just go on my phone and pull up the answers so I'm not speaking off-the-cuff. The information that you have available on the website is very helpful for everyone.

But when you set up these regional meetings to discuss this, are you inviting certain stakeholders from certain watersheds to attend meetings at the same time rather than --

Mr. PAUL NIEDZWIECKI: Yes.

Mr. PRINCI: Okay.

Mr. PAUL NIEDZWIECKI: So these meetings -- the public hearing part of the meeting runs from 4 to 6. And we're trying to get stakeholder meetings that run 2 to 4. So we want to be very efficient about peoples' times. We want the stakeholders to be there and then we want the public to show up too.

Speaker BERGSTROM: Okay. Well, thank you, very much, Paul. We look forward to these public hearings. And you're going to finalize this report after the series of public hearings?

Mr. PAUL NIEDZWIECKI: Yes. There may be a fifth meeting. That would be a Capewide meeting. We're going to see how the stakeholder engagement piece goes. The public comment period will close on November 15. We'll respond to those public comments probably over the next 60 days so we expect that by January 15 we'll have a final filed with DEP/EPA.

Speaker BERGSTROM: Do you feel currently -- and I'm going to ask a fiscal question now because you mentioned January 15. That's when we start getting the budget. Do you feel that the Commission has the staff to deal with these issues?

Mr. PAUL NIEDZWIECKI: Yes.

Speaker BERGSTROM: Okay.

Mr. PAUL NIEDZWIECKI: Yes, we have the staff and the support that the state has given us. You know, we have used it to build the capacity that we need but we're not building into the base of our budget in a way that's unsustainable. So that's not been our practice. That's not what we're going to do.

Speaker BERGSTROM: Okay. Thank you.

Mr. PAUL NIEDZWIECKI: Thank you.

Speaker BERGSTROM: Okay. Do we have any Communications from Public Officials?

Communications from Members of the Public

Speaker BERGSTROM: Do we have any Communications from Members of the Public?

I see a member of the public in the back. Please step to the microphone and identify yourself. Thank you.

Mr. JAMES ROGERS: James Rogers, Sandwich. I'd like to ask for your help in obtaining some financial records from Cape Light Compact, specifically fiscal year fund financials for all accounts at the Cape Light Compact for fiscal 2014.

Secondly, audited financial statements for CLC for fiscal year 2012 and thereafter.

And, lastly, the ever elusive complete chart of accounts for Cape Light Compact.

If you look at the minutes of the September 2012 Cape Light Compact meeting, and I won't read them, Cape Light Compact promised to provide audited financial reports for fiscal 2012 and thereafter. Well, where are they?

At this same meeting, Cape Light Compact promised to provide regular updates on finances in the form of fund financial documents. Where they?

You may recall that these promises were made as a reaction against employing an independent auditor, independent of their regular auditor to examine CLC's books. And you may also recall that the Cape Light Compact representative from Sandwich came to the meeting with a letter from Sandwich Selectmen strongly recommending an independent auditor.

So I repeat, I'm looking for what was promised by Cape Light Compact. Nothing confrontational about it. I'm confident that the Assembly shares my interest in obtaining the promised financial information that the Assembly will itself request this information as I have.

Thank you.

Speaker BERGSTROM: Okay. I don't usually respond to public comment because otherwise we get into issues that are sometimes are off the agenda.

But if you make a written request for this information and submit it through a Delegate who can then, in turn, submit it as a Resolution; I'm just trying to go through the process.

In other words, submit it to us; all right? We'll submit it as a Resolution to request that information. And if the Assembly approves that Resolution, we will then send a letter and ask for that information.

But as far as just asking me to do it or asking us to do it, I can't -- I'm a stickler for process. Unlike other entities, I'm a stickler for process.

Mr. JAMES ROGERS: Thank you.

Speaker BERGSTROM: Okay. Any other members of the public wish to comment? Yes, I see another member of the public back there.

Mr. PETER KENNEY: Takes me a while to get my leg going, courtesy of bone spurs. Before going into what I wanted to say, I was the vice chairman of the Yarmouth Water Quality Advisory Committee and went through the war.

Just one quick example to ratify what Paul said. We based our comprehensive plan on three watersheds; one of which we share because it's on the boundary with the town of Barnstable, Lewis Bay. And one of which we share with the town of Dennis because it's Bass River.

We all assumed the state did too, that the worse of the three watersheds would be the one in the middle that was all ours. No. Surprisingly, it was Bass River and the results were

horrible.

It took us almost a court process to get the University of Massachusetts at Dartmouth to release their results on their study of that exact watershed claiming, “Well, it’s property of the Commonwealth.” Well, excuse the hell out of me, who are we? We finally did get the information.

But my point is Yarmouth and Dennis simply must find a way to collaborate if that watershed is to be improved or saved or bettered. I think we’re well underway with Barnstable now.

But I encourage you to take what Paul said to heart. I think -- am I saying this? I approve highly of what the Commission has done. Anyway, please don’t quote me.

I want to ratify what the previous citizen said and, again, not in a confrontational way but, you know, we’re entitled to information from our public bodies when they are spending public funds; when they are dispersing millions of dollars in funds which people who have electric meters must pay if they want to continue having electricity.

CLC assured us that they would provide the information which they now say does not exist. Really? When a County employee, namely the person who heads CLC, was promoting Cape and Vineyard Electric Cooperative and soliciting membership by the individual towns, Mrs. McAuliffe well remembers the meeting in Yarmouth where the presentation was made. The representation was made in answer to a question of “How are you going to fund this?”

CVEC was to keep title to 10 percent of all the power generated by projects which they facilitated. That would be their walking around money. They would sell their power to towns who for one reason or another, did not have the ability to cite large solar systems or they would wholesale it to large users: the jail, the hospital, the college; pick one.

The funds derived from that would provide CVEC with the money to pay the million - one million dollars in legal fees they paid in 2013. Those legal fees resulted -- I don’t know if it was unforeseen or just unfortunate, resulted from the fact that CVEC had to go to bat individually with town after town in the interconnect process and all the DPU and the star of Mishawka’s (phonetic) goes along with bringing a large solar system online. It’s not like plugging in an appliance.

But that money came off of people’s electric bills from the additional mil adder that is supposed to be for conservation and energy efficiency. And, no offense, it was the town of Barnstable who changed the rules saying, “No, you’re not getting 10 percent of our power. You’re not getting 1 percent. You’re not getting a tenth of 1 percent. We get 100 percent.”

The understanding being that CLC has this river of revenue coming in. All I want to do is to see the tide chart on it. I want to see how much was paid, on what basis and to whom. Fairly simple request.

The assured us they would do this over a year ago and written requests, plural, have been made. The response to which has been, “That information doesn’t exist.” This is not good.

So I’ll submit a letter to my representative. But is it such a big deal to ask them to show us the books?

Speaker BERGSTROM: Thank you. Are there any other members of -- I hesitate to ask, any other members of the public wish to comment? Hearing none.

Assembly Convenes

Speaker BERGSTROM: The Assembly will now convene. I don't think we have any committee reports. We have to get these committees up and going. So we'll go to Report from the Clerk.

Report from the Clerk

Clerk O'CONNELL: Yes, I just want to let everybody know that the next Assembly meeting on the 17th of September I anticipate the County Administrator coming in with the Acting Finance Director, that would be Joanne Nelson, to give us a presentation on fiscal year 2014 and the status because that's closed out now. And we'll probably get the Treasurer's Report at the same time. So that will be the 17th, the next time we meet.

And just as a little bit of a follow-up to what Paul said. He read you a list of public hearing dates and places. I've provided everyone with a copy of the revised notice that they came out with. It was a change from the one that I emailed to you earlier.

So I've also emailed to you the revised notice, and you also have a copy of that in your folder today to take with you if you'd like.

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

Other Business

Speaker BERGSTROM: Okay. We now move on to other business. Do we have a -- you should have received a copy of a motion. I'm going to turn this over to either Suzanne or Leo to follow up.

Ms. MCAULIFFE: I'll start --

Mr. CAKOUNES: I'll second that.

Ms. MCAULIFFE: -- and then Leo can fill-in what I forget. I also want to start by thanking Leo for doing the lion share of this -- more than the lion share. I had approached him about trying to help me put together -- put some business before the Assembly and he really pulled this together very nicely.

And this came about as a result of the DOR, the Department of Revenue, putting forth a statement about things that you should do before you prepare your annual budget.

And it's in the first paragraph of the motion -- it sounds like a Resolution because it's a "Whereas," but it's a motion. And it just says that you should be looking at all your sources of revenue and in addition just kind of doing a general review.

And I think that a lot of times, you know, when we do our budget, we're kind of shooting in the dark a little bit or kind of getting things in bits and pieces. And I think it would be helpful if we did invite the DOR in to help us do our business and specifically on the budgetary peaks.

But I also think that as part of the motion there are a couple of other things that are referenced in addition to the financial operations, which is the number -- the first list of their technical assistance services.

There's an analyzed government structure to see if there's anything that we could be doing differently in terms of -- and these would all just be recommendations to us. These aren't DOR regulations. These are we're taking a look at this big picture and this is what we think might help you. And then also explore feasibility of doing some regionalization.

One of the reasons I think it's important that we look at the budget issues is that we do

have a lot of departments that do generate revenues and we have a lot of revenue streams that do come in. And I think it would behoove us to look at the not necessarily the legality but how tightly are we running these systems? Are we bringing users fees in to put into the general budget which is not something you should be doing? Are we bringing fees in that are appropriate to the particular department? Are we allocating expenses appropriately to different departments?

I think this is information that would help us do our jobs in terms of looking at the actual County budget.

I know it seems like it's a big step and I know it seems like a lot, but I think that bringing it in as a motion, my intention, and Leo was the one who had made the suggestion to me, is it's part of our work, part of how we want to do business, and perhaps trying to get a better understanding of our financial integrity and whether it could be tweaked.

And as I said, these would be recommendations. There's nothing that's going to be coming down in terms of, you know, the DOR knows it because it's a regulatory agency sometimes is a bit of an issue. But I think that this would be something that would be very useful to us.

So that's why Leo and I are bringing this forward and bringing it forward in terms of a motion because it would be a request on behalf of the Speaker to invite the DOR in to take a look on three specific technical assistance services.

And you have the motion before you. I don't know if you want it read into the record?
Speaker BERGSTROM: Yes, why don't you read it, Suzanne.

Ms. MCAULIFFE: Okay. The motion is "We move that the Speaker of the Assembly of Delegates of Barnstable County contact Mr. Zack Blake of the Department of Revenue, or appropriate representative, to schedule Technical Assistant Services as described in Number 1, financial -- excuse me, "Review Financial Operations"; Number 3, "Analyze Government Structure" and Number 6, "Explore Feasibility of Regionalizing Consolidating Services" of all the Barnstable County financial operations, including yet not limited to County Departments and agencies in which the County acts as a Fiscal Agent. This action shall take place before the preparation of the FY '16 Budget process."

Mr. CAKOUNES: Second.

Speaker BERGSTROM: Okay.

Ms. MCAULIFFE: And I would just say that this may be a big process so it would be initiating now, not necessarily with the intent of having all the answers before we start our budget by January, but it may be that we can at least get something going and something started.

Speaker BERGSTROM: Okay. Yes, Patrick.

Mr. PRINCI: I have a few questions. Now was this just something that just came about on a whim or was there something that you might have noticed that triggered this to be filed or was it just something that you thought would be a good governmental measure to take on behalf of this body?

Mr. CAKOUNES: Can I answer that, Mr. Speaker?

Speaker BERGSTROM: Go ahead, Leo.

Mr. CAKOUNES: A while back, I don't have the date exactly, actually the Department of Revenue sent out a notice to all municipalities across the state, and you have a copy of that notice. It's titled, "User Fees from the Department of Revenue." And it

specifically states that's -- and that's why I copied under the first "Whereas" the first paragraph of that notice coming from the Department of Revenue.

Basically what their concerns are that after the Proposition 2-1/2 passed in 1980 that a lot of municipalities are using user fees and funding their general fund with them.

For example, a municipality may have a marina and is charging so much for a mooring in a marina and that money is going to the general fund, and that general fund funds the police department. Well, that in the Department of Revenue's eyes is not correct. That fee for that mooring should be placed in some kind of either revolving fund or earmarked directly for the betterment of the moorings. That's the difference between a fee and a tax.

Mr. PRINCI: And another question I had. If anyone on the Assembly may know, through you Mr. Speaker, has the Assembly as a body or any other entity within the County asked for this type of thing before that anyone may know of?

Speaker BERGSTROM: That I couldn't tell you.

Mr. PRINCI: Do you know if there's any monetary costs involved?

Speaker BERGSTROM: I've been looking -- I've been looking at --

Mr. PRINCI: Like they come in and look at our finances and then say, "Okay. Now you owe us this amount of money for our services." I mean I think it's a great idea --

Mr. CAKOUNES: Well, if I could answer that question to my knowledge.

Mr. PRINCI: I just don't want to like saddle us with any extra expenses is what I --

Mr. CAKOUNES: I'll be happy to answer that question to my knowledge. The County has not taken advantage of this particular technical service that the DOR puts out.

However, if you go on the Department's website, you will see that the town of Yarmouth took advantage of it. And to my knowledge, and I have not been able to find any cost related to their aid in technical services.

And this is why again, this is not a Resolution. It's not an Ordinance. We're not asking for money, but we're basically asking the Speaker to contact the Department of Revenue and get the information and find out.

The answer may be they can't and don't have the ability to come down in this budget process that we're in right now. But to answer your question specifically, there is one local town that I know used it and that was the town of Yarmouth.

Speaker BERGSTROM: All right. Suzanne.

Speaker BERGSTROM: But not the County, to my knowledge.

Ms. MCAULIFFE: And my experience is similar to Leo. I saw the user fee memo and I thought, "Gee, I wonder if that, you know, that would be something useful to look at across the County."

The town of Yarmouth to clean things up ended up putting almost everything in Enterprise Funds so that your septage -- whatever came in on your septage fees went into an Enterprise Fund which were then only spent on septage things. The golf revenues only came into the Golf Enterprise Fund so that there wasn't a comingling and there wasn't any gray areas about where funds were going.

Now if you needed to charge back \$50,000 for the administration of the golf department because of whatever the town provided in administration that was something that we could take care of. But we did not take the golfer's fees and then put them into the general fund.

And I think it was the result of the DOR saying you need to keep your monies where they belong.

Mr. PRINCI: Did you get a bill from them?

Ms. MCAULIFFE: That I don't -- I don't believe we did.

Mr. CAKOUNES: I didn't see any.

Ms. MCAULIFFE: Yes, I don't believe we did, but I can't say for sure.

Speaker BERGSTROM: Okay. Marcia.

Ms. KING: In my working with the town of Barnstable and I worked with the town before that usually DOR -- actually, it's local services, they don't charge because what they're doing is they're trying to help you to help them because all the money that we generate for the Commonwealth.

So I would be shocked if there was a bill. I've never seen one and I've worked with DOR before on a town level. I would assume it's the same for the County.

Speaker BERGSTROM: Yes, Deborah.

Ms. MCCUTCHEON: Yes, I'd like to add to that. When the DOR helps local communities every year file their CPC reports and various other things without ever charging for any of that assistance.

So local services isn't connected to the revenue raising arm of DOR. It's connected to the information and training and parts of it that try to keep this all -- but they remember my password when I can't remember it.

Speaker BERGSTROM: Okay. Yes, I want to bring up a couple of sore subjects here. First of all, as far as this motion goes, what's the downside? I mean I don't see any downside in asking. I mean it's not going to cost us anything and they could come in.

We now know that our long-time treasurer who handled all the finances of the County is no longer with us, and he may come back; he may not. But the time being we have someone else looking at it. We also have the new Administrator who I'm sure is extremely competent but he's also new to the process, coming in to a different --

I mean all of us, like for instance myself, I'm familiar with municipal finance, and I came into the County and I did things totally different. So who was I to say what's right and wrong.

So I think the timing on this is pretty good but, and there's always a but; I know that a lot of it -- whenever we do something, we have to anticipate that there may be some criticism of it and a lot of it falls on Janice and not me, but we are now acting. We're asking somebody to do something.

It's not inform -- the Charter says that we act through Resolutions and Ordinances. Now this is a motion. We made a resolution once to ask somebody to do something. We asked the Inspector General to come in and look at CLC. And our attorney, the County Attorney, said, "No, that calls for action." In other words, the Charter says if it calls for any action -- it was my interpretation that we weren't calling for any action on the County part.

In other words, if I wrote a letter to somebody and said, "Please turn the music down across the street," that's not asking the County to do anything.

So I feel that we have a right to ask the Department of Revenue or anybody else to do anything so long as we're not asking for any action on behalf of the County but that might be disputed. All right. So I'm just saying roadblocks may be put in our way.

Yes, Julia.

Ms. TAYLOR: Well, I think it's less that roadblocks may be put in our way. But let's be realistic, you and I are not going to be doing any work with the DOR. Nothing -- they won't need to talk to me; I won't need to produce any papers. I won't need to show them my

computer system, etcetera, etcetera. I won't have anything to do, nor will Leo or Suzanne.

However, there will be County employees who would have a lot of work generated by this kind of request. That may or may not be a bad idea, but we think -- it's the kind of thing I would want to have maybe brought up with the people who would be organizing and then actually doing the work. And they might be thrilled with it and think it won't be extra work for them. And, in fact, it will be breakthrough new ideas, etcetera, etcetera.

But before I voted for it, I would want to know how they plan to budget their time and energy especially when we are in this situation without Mark. I'd want to find out about that.

Speaker BERGSTROM: Okay. Yes, Deborah.

Ms. MCCUTCHEON: And just in case anybody was napping when this was first brought up, I just want to point out that it's likely to be seeing this action if it passes as a direct encouraging against some of the issues we've raised with CLC and other parts of the County's budget.

You know that currently there's litigation between CLC and the Department of Revenue or at least the Department of Public Utilities as to whether or not that the mil adder is a tax or a user fee. If it's a tax, they can't have it. If it's a user fee, they can.

Given that it's paid by the ratepayers to do funding for non-ratepayer projects, it seems to be a pretty strong argument.

I'm simply saying that in terms of passing this kind of a motion, we'll all be aware that this is going to be seen as a part of that effort to clarify how County finances are handled. That being said, I'm certainly in favor of it.

Speaker BERGSTROM: Okay. Leo.

Mr. CAKOUNES: First of all, I am an elected representative of the town of Harwich to serve on the Legislative body of County government. I could care less what anybody up or down the ladder cares about what actions I'm bringing forward here today.

I brought this forward along with my cosponsor, Suzanne, because we think it's the right thing to do. We collect, as a County, a number of different fees. We collect fees in the health department for water sampling. We collect fees and there's fees collected in the County Extension Service.

I would argue that every department head who collects fees would love to be able to make sure that those fees are staying in their department, making sure that those fees are going to be allocated towards buying/upgrading new equipment so they can continue to charge those fees.

So I don't think it was improper at all to ask them for their position on this first. It's a very vague motion. It's the beginning of the process.

We do have a Finance Committee. It is a subcommittee of the Assembly. I would presume, maybe that's the wrong thing to presume anything, but once our Speaker was to contact the Department of Revenue, I would presume he would either send this to the Finance Committee, have them meet with them or maybe the Government Regulations Committee, which is a subcommittee of the Assembly, put together some documents and some areas of our concerns. And it's all in our budget. It's all really simply allocated. I don't think this is going to be something that's going to be a forensic audit, if I can use that filthy word. I think this is something that the Department of Revenue probably does quite frequently and probably does it quite happily and easy.

So I would hope that you would support it because, once again, it just is the first step. No allocation of money. No allocation of even time yet. It just says to contact them to find

out.

As I said previously, this may be something that they can't even do by FY'15. They might say to us, "Hey, we'll put you on the schedule for next year."

But let's do the right thing as the Legislative body of the County and have this technical service reviewed. Why not? As was said previous, there's nothing wrong with it. Let's begin the process today though.

Thank you.

Speaker BERGSTROM: John.

Mr. OHMAN: Thank you, Mr. Speaker. I'm concerned about the large scope of the work that may be involved in this, especially the Registry of Deeds. We get a lot of our general income from them and those are considered fees too.

Is that something that we really want to get into and have our general funds commandeered by the Registry of Deeds?

I mean that's a big scope of work that you're asking for and I'm, actually, really concerned about it.

Speaker BERGSTROM: Okay. Yes, Suzanne.

Ms. MCAULIFFE: And people who know me, in fact, I guess I had been sanctimonious at one time, that was Mr. Kenney when I was on the School Committee; I would rather have things done correctly and have proper open government than kind of look the other way or worry about loss of revenues or worry about ruffling feathers.

I think it's an obligation for the elected officials to try and do the best that they can do for their constituents, and I think the best is to not necessarily look the other way if you're worried about a legality or a loss of revenues. I think we should have our house in order.

Speaker BERGSTROM: Okay. I've got a couple of things. First of all, this really goes right into our wheelhouse as far as fiscal area. I mean remember the budget is passed by the Assembly. I know it's recommended by the Commissioners and so on and they have the veto power, but as the Legislative body of Barnstable County, we essentially pass the budget.

So we're responsible for it. We can't turn around and say, oh, the Administrator or the Commissioners did this or that and the other thing. We pass the budget and we approve it. So it's on our responsibility and I think it's a wise decision to have someone come in and to look at it.

Now as far as this being seen as a way of investigating various aspects of the County's fiscal policies and other associated organizations, you know, I do not want to get into an intramural battle with this. I can't -- I mean we are not pressing a case for or against anybody. We are calling in an independent agency to look at our budget, especially when we called into the IG to look at it. We didn't say, "We want you to do this." We said, "You're an entity that looks at something, why don't you look at this."

Now we're looking to DOR and we're saying, "You give advice and counsel people on their financial practices, why don't you look at this." I can't imagine anyone would disagree with that except I recognize Julia's objection saying, "Well maybe it's going to be expensive or a hassle."

I think and I hope that the Commissioners agree to this. The timing is right, and it is simply a wise practice. I think it's a wise practice to do on a regular basis because budget's change, how they're submitted, what's in them changes over the course of 10, 15, 20 years. And practices and court cases come along and they change how things should be done. So I think it's a good idea.

So we will -- if there's anybody else --

Deputy Speaker MARTIN: I have one.

Speaker BERGSTROM: Yes, Teresa.

Deputy Speaker MARTIN: I actually have a question. The scope of work is actually quite large when you look at those three things. So what happens if things come back with responses? Who makes the changes and how does that happen because we've had reports and feedback from all kinds of organizations before.

So is this just another spinning of the wheels and how is this different?

Mr. CAKOUNES: I think it's greatly different. When the Department of Revenue takes the time out to review your financial practices and come up with suggestions, I'm sure that they're going to put timeframes on it is when you're allowed to change your practices to meet the state and legal requirements.

I know in Harwich we had the same thing and I mentioned previous about boat moorings. We were spending money collected from boat fees and to general funds. And they said, you know, you can't do that. And it took a year but we had to go through a Legislative body, which is Town Meeting. We had to create a Marina Revolving Fund and now all the boat fees go through that and everybody's happy. The Department of Revenue is happy. The town's happy and the boaters are thrilled.

So I don't see this as being a large -- a burdensome task because, once again, this is what they do and I'm sure they would come down and do it in sections and say, "Let's look at this first."

I only put in the regionalization aspect on this -- I believe, it's what, Number 6 just because I know everybody feels regionalization is the keyword and maybe there's some fees that other towns are collecting that we possibly can collect for them and make it beneficial for the communities too. I don't know.

But I put it in three sections because, quite frankly, I believe they will look at it in three sections. I don't think they're going to come down and look at all three of them in one fell sweep.

Ms. MCCUTCHEON: Mr. Speaker.

Speaker BERGSTROM: Yes, go ahead.

Ms. MCCUTCHEON: You know I've been a member of this august body for about four years now. And all too often, I hate to do this if it were more harm than good, but I support what Suzanne said that we've got to be open and we need to pursue having our house in order.

All too often in this -- in our deliberations, we pause at the point of what will we find out here and then we decide we don't want to know. And I think that's the wrong way to go.

Speaker BERGSTROM: All right. Before we take a vote, if this passes, I will have Janice write up a letter to the Department of Revenue which will state more or less than "We wish to schedule technical assistance service" -- this is all from the motion.

"We wish to schedule Technical Assistant Services as described in Number 1, "Review Financial Operations"; 3, "Analyze Government Structure" and 6, "Explore Feasibility of Regionalizing Consolidating Services" of all Barnstable County operations, including yet not limited to County Departments and agencies in which the County acts as Fiscal Agent."

I'm not going to include the last sentence because they may tell us they can't do it. But that's basically what I'm going to ask.

So, I'm going to stick with the -- if the motion passes, I'm going to stick with the

language of the motion in making that request, just so you know what we're voting on.

Leo.

Mr. CAKOUNES: I would very much appreciate you doing that, and just in case the members of the esteemed body here cannot realize and want to know where I got these specific numbers from, it is actually right off of their website, "List of Technical Assistance Services." There's 1 through 7 and I picked the three and used their numbering.

So I agree with you, sir. I believe we should take it just as the motion is written.

Speaker BERGSTROM: Okay. Is there any other comment on this? John.

Mr. OHMAN: So let me understand, are you going to edit the motion to --

Speaker BERGSTROM: Excuse me?

Mr. OHMAN: Are you going to send this letter along exactly or are you going to take the last line off?

Mr. CAKOUNES: Last line.

Speaker BERGSTROM: Well, I mean I could include the last line, but the fact is that we may have to go along with their schedule and not ours.

Mr. CAKOUNES: Right.

Speaker BERGSTROM: In other words, I don't know if we can mandate them to do something by a certain time.

Mr. CAKOUNES: Yes.

Speaker BERGSTROM: "The action shall take place before the preparation of the fiscal year '16 budget, which would actually be a year and a half; wouldn't it?"

Mr. OHMAN: No.

Ms. KING: No. It's January.

Speaker BERGSTROM: The next budget is the fiscal '16 budget?

Ms. KING: Yes.

Speaker BERGSTROM: Okay. And that's the preparation of the fiscal '16 budget.

Ms. KING: Yes.

Ms. MCAULIFFE: Yes.

Speaker BERGSTROM: Okay. And that's preparation of the fiscal '16 budget begins in December.

Mr. OHMAN: Yes.

Speaker BERGSTROM: So I don't think we can --

Mr. CAKOUNES: That's why it's appropriate.

Ms. TAYLOR: Not going to happen.

Speaker BERGSTROM: Well --

Mr. CAKOUNES: Ask the question.

Ms. MCAULIFFE: Let them tell us.

Ms. MCCUTCHEON: Yes, let's let them tell us no. Leave it there.

Speaker BERGSTROM: All right. Well, I can include that if you want but I know what answer I'm going to get from the state. They don't act with undo haste.

Okay. Are we there? We know what we're voting on. So I guess we'll take a voice -- a roll call vote on this.

Now we know that the motion has been moved and seconded.

Mr. ANDERSON: I have a question.

Speaker BERGSTROM: Oh sure.

Mr. ANDERSON: I'm sorry. If you're not following the exact words as Leo and

Suzanne put into that motion, don't we have to change that to say that -- strike the last sentence or whatever?

Speaker BERGSTROM: Well, it says "We move the Speaker of the Assembly of Delegates of Barnstable County," which is me, to contact Mr. Zack Blake so on. And I'm just saying -- and then it describes what I will say to him in the letter.

So that's what I'm saying is I'm going to say exactly what it requests me to say in the letter. So the motion is for me to send that letter with that language.

Mr. ANDERSON: But you said -- I thought a minute ago you just said you were going to remove the last sentence which was --

Speaker BERGSTROM: Well, I can include the last sentence if that means we have to amend the motion.

Clerk O'CONNELL: Nobody's amended it so it's still in there.

Speaker BERGSTROM: It's still in there, yes.

Clerk O'CONNELL: So if you take a vote, it's going to be --

Speaker BERGSTROM: It's going to be in there if we take a vote. Anyway --

Mr. CAKOUNES: Take a vote.

Roll Call Vote on Motion that the Speaker of the Assembly of Delegates of Barnstable County contact Mr. Zack Blake of the Department of Revenue, or appropriate representative, to schedule technical assistant services, for a review of financial operations, an analysis of government structure and to explore the feasibility of regionalizing consolidating services for all Barnstable County financial operations, including and not limited to County Departments and agencies in which the County acts as a Fiscal Agent. This action shall take place before the preparation of the FY '16 Budget process.

Voting YES (78.21%): Richard Anderson (9.15% - Bourne), Ronald Bergstrom (2.84% - Chatham), Leo Cakounes (5.67% - Harwich), Christopher Kanaga (2.73% - Orleans), James Killion (9.58% - Sandwich), Marcia King (6.49% - Mashpee), Teresa Martin (2.30% - Eastham), Suzanne McAuliffe (11.02% - Yarmouth), Deborah McCutcheon (0.93% - Truro), John Ohman (6.58% - Dennis), Patrick Princi (20.92% - Barnstable).

Voting NO (14.61%): Julia Taylor (14.61% - Falmouth).

Absent (7.18%): Cheryl Andrews (1.36% - Provincetown), Ned Hitchcock (1.27% - Wellfleet), Anthony Scalese (4.55% - Brewster).

Clerk O'CONNELL: Your motion passed with 78.21 percent voting "Yes"; 14.61 percent voting "No"; and absent 7.18.

Speaker BERGSTROM: Okay. So the motion passes. I will, with the Clerk's assistance, I will rough up that letter and I will send a copy to everyone before I send it out for your comments and objections. How's that? She's saying yes because she's going to do it.

Clerk O'CONNELL: I'd say draft it and just send it and send them a copy.

Speaker BERGSTROM: Yes.

Ms. TAYLOR: You've already got the language.

Other Business

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

Mr. CAKOUNES: Mr. Speaker.

Speaker BERGSTROM: Yes, Leo.

Mr. CAKOUNES: Thank you, Mr. Speaker. I would ask, respectfully, like to ask the Clerk, we had a presentation from CLC when they gave us their agreed-upon accounting procedure, I believe was the right term, last year. And they did say at that time that they were in the midst of preparing their actual audited financial statements.

So I would respectfully ask the Clerk to contact CLC and find out where they are in that process. And if it is completed, maybe we can consider scheduling them to come and give it to us because that's the way we had left the last meeting.

Thank you.

Clerk O'CONNELL: Which fiscal year?

Mr. CAKOUNES: I believe that they were going to do the last three. So it would be the current year we're -- the one we just finished, which would be '13. Obviously, '14 we're in the middle of -- '15 we're in the middle of. It would be '12, '13 and '14, I believe.

And, again, I don't have that accurate number. I just remember they made a presentation a year ago doing the previous I think it was 15 years and then told us that they were going to get back in touch with us with the actual audited financial reports and we haven't heard from them.

Speaker BERGSTROM: All right.

Clerk O'CONNELL: I think, Leo, if -- I don't know now, this was a while ago, you're right, and was it that they had a draft or it was a preliminary, and then it was finalized in the fall that that might be on the Web but they did not make any presentation.

Mr. CAKOUNES: It's not on the Web, and I would respectfully ask that they make a presentation.

Clerk O'CONNELL: Okay.

Speaker BERGSTROM: I hesitate to broach this subject but a couple of the representatives from Cape Light Compact who were here before us on public forum several meetings ago have requested that we have a sit down with Cape Light Compact so members of the Assembly and members of the Cape Light Compact to discuss the issues that we've had, you know, that had been in controversy. And to be honest with you, I haven't responded and I'm kind of reluctant to do that.

First of all, because we're all volunteers and we ask enough of you already, you know, to have this kind of meeting. And also I'm not so sure that we would get anything out of it. So keep that in mind.

Ms. MCAULIFFE: Mr. Speaker.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: Yes, Joyce Flynn has been contacting me asking me to sit down one-on-one with her to have a meeting of the minds as well.

My response to her was that as a member of the public body that I would be happy to have them come in and meet with the public body and conduct whatever information sharing it would like to do in public on camera and transcribed.

I don't like this way of we'll sit down with a few people and kind of get you to

understand it. I don't understand why. They come before us three or four times now and presented information to us. Why we can't have them on the agenda and they could do a presentation if they'd like or we could have our questions.

And my request for the public tonight was going to be to ask you to put them on the agenda.

Speaker BERGSTROM: Well, the problem with that, Suzanne, and I'll have to speak bluntly here, is whenever we've had a sit-down with Cape Light Compact, it's consisted of them telling us in a very patronizing way that if we just understood their issues and if we just understood how they did things, we would have seen that everything's fine.

It's never been a negotiation. It's never been, "Well, yes, we understand your concerns and here's what we're going to do." It's always been preaching to us about how we don't know what we're talking about.

So I mean unless there's some movement on that, it doesn't make any sense to sit down.

Ms. MCAULIFFE: Okay. Now I'm going to go on record as objecting to a subcommittee of this body meeting with the Cape Light Compact. I think that's out of our -- I think that's out of the public domain.

Speaker BERGSTROM: I agree. Yes, Julia.

Ms. TAYLOR: I agree with Suzanne. There's no need to have any meeting other than an Assembly meeting. But I do object to your tone of voice and description. I don't think that's entirely accurate.

But I would think that in the interest of further understanding and transparency, we would certainly want to proceed.

Speaker BERGSTROM: Well I just have this request pending and I haven't responded. So I just wanted to see --

Ms. TAYLOR: No. I would say that the more info, the better.

Speaker BERGSTROM: Yes, Deborah.

Ms. MCCUTCHEON: If I may, this has been -- a request has been made several times because I recall three occasions in which the Cape Light Compact people came during public comment and threw a bunch of documents at us and then left with us having no opportunity to ask any questions and I think if we have --

Ms. TAYLOR: Because it wasn't on the agenda.

Ms. MCCUTCHEON: -- if we have them on the agenda with an opportunity to ask questions in a structured agenda so they don't get to get up and leave after they've given us whatever paper they're going to give us, then I'm in favor of doing that.

Speaker BERGSTROM: Okay. We'll I'll have to sit down with Janice and we'll have to look at it. Because if we have a meeting where CLC is on the agenda, this place is going to be filled with people. The public comment period is going to last about an hour and a half.

Deputy Speaker MARTIN: We don't have to take public comment.

Speaker BERGSTROM: I mean we don't have to take public comment. That's true. I'm sorry I'm being negative about this, but I'm just concerned with procedure. That's all.

Ms. MCCUTCHEON: Just have it be a special agenda.

Speaker BERGSTROM: Well, I will ask them if they can meet with us but not privately, in front of the whole Assembly and we'll see where we go from there and then I'll get back to you guys.

Anyway, anything else?

Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. Following up on our Resolution 14-01, a discussion with County Counsel on filing a Proposed Ordinance which just seeks to transfer funds from our shared legal costs to the Assembly's legal fund for the purpose of hiring special counsel or the purpose of determining our ability to hire special counsel which is what Mr. Troy is recommending.

Speaker BERGSTROM: All right. We will have this on the agenda at our next meeting.

Deputy Speaker MARTIN: Motion to adjourn.

Ms. KING: Second.

Speaker BERGSTROM: All those in favor of adjourning?

Whereupon, it was moved, seconded, and voted to adjourn the Assembly of Delegates at 5:10 p.m.

Respectfully submitted by:

Janice O'Connell, Clerk
Assembly of Delegates