Speaker BERGSTROM: Good afternoon. We’re all anxious to get started. So I will call this meeting of the Cape Cod Regional Government, Assembly of Delegates to order of the Wednesday, July 16th session.

And we will begin our meeting 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: Is there anyone recording this meeting besides our normal recording?

Okay. In that case, the Clerk will call the roll.

Roll Call (70.76%): Cheryl Andrews (1.36% - Provincetown), Ronald Bergstrom (2.84% Chatham), Leo Cakounes (5.67% - Harwich), Ned Hitchcock (1.27% - Wellfleet), 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), John Ohman (6.58% - Dennis), Patrick Princi (20.92% Barnstable).

Absent (29.24%): Richard Anderson (9.15% - Bourne), Deborah McCutcheon (0.93% - Truro – arrived @ 4:05 p.m.) Anthony Scalese (4.55% - Brewster) Julia Taylor (14.61% Falmouth – arrived at 4:10 p.m.).

Clerk O’CONNELL: Mr. Speaker, we have a quorum with 70.76 percent of the Delegates present; 29.24 percent absent.

Speaker BERGSTROM: Okay. We’ve heard from a couple more Delegates having a little traffic problems, but we expect that Julia and Deborah may be able to join us.

Committee of the Whole

Speaker BERGSTROM: We will now -- I need a motion now to approve today’s Calendar of Business.

Deputy Speaker MARTIN: So moved.

Ms. KING: Second.

Speaker BERGSTROM: Okay. All those in favor, say “Aye.” Opposed?

(Motion carried.)

Speaker BERGSTROM: You should have received a copy of the Journal of July 2, 2014. Are there any additions or corrections to the Journal?

Hearing none.

Deputy Speaker MARTIN: Move to approve.

Ms. McAULIFFE: Second.

Speaker BERGSTROM: Moved and seconded. All those in favor of approving the Journal say “Aye.” Opposed?

(Motion carried.)
Communications from the Board of Regional Commissioners

Speaker BERGSTROM: Okay now communications from and discussion with the Board of Regional Commissioners regarding suggested process and format related to Recommendation “D” of Charter Review Committee Report.

And there they are. Please step up to the microphone.

Commissioner FLYNN: Thank you, Mr. Speaker. I actually thought that was going to come on later as a discussion item rather than in our report. But you can -- I mean it’s up to you; you can handle it anyway.

The only report I wanted to make to the Assembly is that we're in the process of making some temporary personnel decisions, and we will forward to you in writing what those are within the next week.

Speaker BERGSTROM: Yes. The agenda’s a little awkward. Normally we would have a normal discussion group and then on to that. But you can discuss with us anything you want.

Commissioner LYONS: Bill Clark has something to talk about.

Commissioner FLYNN: Yes. Would you allow Bill Clark to speak using some of our time?

Speaker BERGSTROM: Sure.

Commissioner FLYNN: He has something important he’d like to say.

Mr. BILL CLARK: Good afternoon and thank you for letting me say a few things.

As you know, typically in August we have a tour of our department projects. We go to a different part of the Cape every year and look at projects and invite you all to come.

This year we’re not going to do a tour. We have decided it’s a little different. It’s the 100th Anniversary of our department.

So, to celebrate that, and, no, I haven’t been here for a whole hundred years. A couple of people have asked that.

Commissioner LYONS: Yes, about a decade short.

Mr. BILL CLARK: We’re going to have an open house on August 27 at the Yarmouth Cultural Center. And I’d like you to save the date, please, and love to have you all. You’ll be getting an invitation in the mail.

But we'll have presentations from staff and others on the department and a little history of what’s happened since then President Wilson signed into law Cooperative Extension nationwide. So we’re part of a nationwide Cooperative Extension.

Locally, we’re part of the University of Mass., Amherst. And, obviously, the bigger picture, we’re part of the Barnstable County.

So, anyways, I'm just here to say -- ask you to save the date, and you’ll be getting more information in the mail. And I look forward to seeing you. It will be 4 to 6 p.m. We’ll have some, obviously Cape Cod grown, local refreshments, light, will be there and presentations and so forth.

So, I hope you can make it. Thank you.

Commissioner FLYNN: Thanks, Bill. Do you want to say something?

Commissioner LYONS: No.

Commissioner FLYNN: No? That’s it.

Commissioner LYONS: Okay. So we’ll come back.
Speaker BERGSTROM: Well we can have Janice explain.

Clerk O'CONNELL: Here’s how the agenda is structured. Under agenda item 8, Communications and Discussion, meaning you can communicate and discuss with the Delegates your position, I guess, I will reference with regards to Recommendation D. We know Recommendation D is to have a joint meeting between the Commissioners and the Delegates with a facilitator.

You may recall that the Assembly discussed this at a previous meeting. You were privy to that and you sent a letter making comment that one of the suggestions that had been made by Delegate Cakounes you thought was a good idea and you would be I guess open to considering that or whatever else may be done.

Now what would happen typically is the Delegates and you will communicate, discuss the pros and cons of this. And then when the Assembly convenes, the Delegates amongst themselves would discuss or talk about what direction they’re going to decide to take, if they decide today, and they will vote on it at that point in time if they decide to vote on a direction.

Commissioner FLYNN: So my understanding then is this is -- when it becomes part an agenda -- when it becomes part of your meeting for the Assembly, we don’t participate in that discussion. So we can participate now?

Speaker BERGSTROM: Now. In other words, we’ll have the general discussion now. It’s kind of awkwardly set up. That’s my fault. I didn’t review the agenda. I just had the items put on.

Commissioner FLYNN: I thought it was going to be like a joint discussion.

Speaker BERGSTROM: Well, it is right now. You can discuss it.

Commissioner FLYNN: Okay. All right.

I happened to be here at the meeting when the -- at the Charter Review Committee meeting, the last one, where the attorney that worked with you made the suggestion that each of us, the Assembly members and the Commission members should really go over and read again the Charter as it pertains to their responsibilities and become thoroughly familiar with it, and then begin to act according to the Charter.

That he thought there were some aspects in the Charter that none of us were really complying with. I don’t know. I really haven't looked at it yet that carefully but I plan to do that.

And then that was the first thing that we should do is try working according to the Charter that guides us and tells us which way to go. And maybe if we started doing that, then we could figure out what we need to do going forward, what kinds of opportunities for communication; what kinds of other opportunities that we might want to have to work together, and I’m thinking communication such as the Commissioners coming here, communication in some other format that might work better so that your more apprised of what the County does because it is complex and it’s complicated. Complex and complicated, and it’s very difficult sometimes to just try to come and say something at one of your meetings that we should find a better way of communicating them. And I think that was the thing.

The other thing was that we are the same government. You’re not a separate government and we’re not separate from you; we just have separate functions.

We have the Executive functions and you have the Legislative functions but we’re still part of the same County. And when we take our oath of office, we take an oath to uphold not only the rules and regulations and the General Laws of the Commonwealth, but we also take an oath to uphold the rules and regulations in the Charter in the County. I mean that's part of what we do.
So I think the Charter expects that we will work together and not be conflict. And so I think we need to find some ways to how we can do that. And I think communication is a big huge problem.

If there’s information that you need, there ought to be I think a prescribed way in which you let us know what that is, and a prescribed way for us to make sure you get that information.

But it shouldn’t all be just paper. There should be a place or a forum where we can occasionally and that to be determined how often that we could actually talk together about the issues that are important to the County and what the directions are that we need to take.

Because the status quo never remains a status quo; it changes. And if we don’t plan for the changes, they’ll happen anyway. And there may be changes that we don’t want. So planning, as everybody’s always heard this, so planning is half the job. And that’s our job right now is doing a lot of planning so that we anticipate things that come up.

So I think having that discussion about each other’s roles as they pertain to the Charter as well as how they pertain to a government that can work.

Commissioner FLYNN: Of course we don’t have a great model in Washington, DC, but maybe we can create a model that we can send to them. And if we can make it work, maybe they could make it work.

Do you want to say something?

Commissioner LYONS: No, this was in response to Leo. You put forward that we have a facilitator and have a conversation, and I think that that’s a fine thing to do so that we can all sort of hash out whatever.

Whatever anybody’s conceived notions are or misconceived notions are or maybe we’re all in that bucket and we all need to be reestablished and familiarized as to our roles as you say.

Commissioner FLYNN: And I think we had a little -- we didn’t have a discussion, but there was some conversation around that recommendation from the attorney, from Michael, and I think he was the one, too, who suggested that we shouldn’t try to manage this ourselves as the state bodies, but we should have a facilitator who has a very clear understanding of what the scope of services are to come in and work with us to achieve whatever goals we decide we want to accomplish.

Speaker BERGSTROM: Okay. Does anybody have any comments on this? Leo.

Mr. CAKOUNES: First of all, thank you very much for appearing here today. Thank you very much for your letter. As you see, I put it in plastic and I’m going to save it forever because only two times have the Commissioners agreed with something that Leo Cakounes said, and one of them had a caveat that said I had to sign an affidavit that I would not run for public office or you wouldn’t agree to it. So I’m kind of quite proud of this. Thank you.

Commissioner LYONS: I’m not sure if we did that one.

Mr. CAKOUNES: My idea specifically on my comments of that day was basically just have a workshop to have somebody present the County Charter as it is written today and go through every single paragraph so that not only everyone here on this board but everyone affiliated with your Executive office, plus even if members of the public wanted to attend, they could sit in the audience and see.

After having thought about it a little bit today, I went through the Charter again, and I said to myself, well, you know, what kind of idea can I bring forward to expedient this and to maybe put something on the table.

It’s a lengthy document as you know. I think, and I would like to throw out for discussion purposes today and find out how you people feel about it, that we possibly hold three what I will call -- what did I call them in my --
Commissioner LYONS: Workshops.
Mr. CAKOUNES: -- workshops possibly at 3 o'clock on a regularly scheduled Assembly meeting because there are more of us than there are of you guys, so we want to make sure we get everyone to attend. And we dedicate that one hour from 3 to 4 to look specifically at the Charter.
And it was my intentions to put a timeframe on it and put a -- layout a program so that we would look -- first look at the first one-third of the Charter, which is really dedicated to your Executive branch.
And then maybe the second time we meet for that hour, we would look at the second and third part of the Charter, which is the Legislative branch.
And then save the final third time that we meet to review the last part, which is pretty much dedicated to policies and procedures.
I had thought that if we sat and tried to cram it all into one session and we had questions and answers, it would have to be a five-hour session. I mean it’s just not something we’re going to get through.
And, again, through you, Mr. Chair, I’d like to just throw that up as a first discussion point to see if not only my members here would be interested but if you board would be interested to do something like that?
Speaker BERGSTROM: Yes, just a question for the County Commissioners. If, indeed, we were to follow Leo’s suggestion and the suggestion of other people, and the suggestion of Attorney Curran, how -- we would have to get a facilitator in some -- I mean what timeframe are we looking for before we could begin?
Commissioner FLYNN: Well, I think some of us have mentioned the Consensus Building Institute because we’ve had experience with them before, some of us here who worked on the base in the 90s. I think we just have to put out a scope of services and let them know what we were looking for, the timeframe and dates, and then they’d have to be agreed to by them. So I don’t know. I would say probably not before September.
Speaker BERGSTROM: Okay. It just struck me that may not -- I’m presuming, you know, the Charter, which I’m trying to interpret on my own, says that the Assembly acts through Resolutions and Ordinances.
Whether or not as scheduling a joint meeting would require a Resolution; I don’t think. I mean if it did, we could -- Leo could formally submit one or someone else could but we couldn’t.
Commissioner FLYNN: What usually what happens there is that each board opens their own meeting and then you meet jointly. So, each one would convene a meeting. You’d convene a meeting of the Assembly; I convene the meeting of the Commissioners and then we all meet together.
Speaker BERGSTROM: So I’m thinking that a simple vote of this Assembly to participate would be -- well, actually, we probably don’t even need a vote to schedule. I could, as Chairman, could schedule a meeting at that time. I’ll probably have to get the procedure down so we don’t trip ourselves up.
Commissioner FLYNN: Right.
Commissioner LYONS: If I could just comment on this. I mean I think it’s a great suggestion. When I was on the Assembly nobody -- they hand you a book and say, you know, now you’re an Assembly person so read the Charter and there you go.
And I always felt that that wasn’t great. I got a lot of flack or misunderstanding when I said there’s no education for us. I mean when you’re elected to a Board of Selectmen, you can go to the MMA and have -- they give you all the nuts and bolts about municipal government and how things work. When you’re elected to a state office, it’s the same thing.
So I think that this is an overdue exercise. I did ask for this to happen when we first became Commissioners and, you know, Attorney Troy came and basically read the Charter, which wasn’t very enlightening. I mean we all did that. So we need someone to help us not only facilitate the conversation but also be familiar with the law and Charter law.

So I’m all in favor of this and I think that it’s going to take more than one session because I think that there’s -- I think it’s a very good opportunity for us to really come to a place where we all have an understanding and all our questions are talked and we can vet out any, you know, anything that’s been bothering people on either side and kind of get rid of it so we can go forward.

Speaker BERGSTROM: Yes, Teresa and then Leo.

Deputy Speaker MARTIN: Yeah, I like the idea because one of the mantras we hear over and over is nobody understands what the County is what it does, and what different branches do.

Commissioner LYONS: Exactly.

Deputy Speaker MARTIN: And so if this is videotaped and it’s public, it would also serve a purpose of having a permanent record of part one, what is the Executive function? Questions/answers with somebody who can support what the Charter actually says. This is what it says. Here’s the relevant thing.

Part 2 is Assembly of Delegates and Part 3 is everything else. And so anybody in the public who has questions will then have a resource that we are learning but we’re also communicating what it is that this structure is about to the larger public, and I think that's very important.

Speaker BERGSTROM: Okay. Yeah, I would just like to say at this point that, you know, we could have lawyers present and we could argue over the words of the Charter, but, you know, even the Supreme Court disagrees 5 to 4 on meanings of the Constitution and so on.

I think I agree with Leo’s suggestion and I think this would be a good thing. But really, what I’m aiming for is agreement between the Commissioners -- some kind of agreement as to what these terms mean, you know. If it goes, you know, who knows who could interpret it one way or another.

But, for instance, one of the powers of the Assembly is to approve all borrowing. Well, how does that work? How does that -- you could argue it differently but you don't really have to argue at all. All you have to do is sit down and decide what the process would be for approving capital projects and so on.

And once we have that agreement and everyone’s onboard, I think it would make life a lot easier in the future. So we will see where we go.

What do you think, Cheryl?

Ms. ANDREWS: I think it's a great idea too. To the extent that we all live our lives through legal documents that, as you said, can be interpreted by whoever reads them to the extent that maybe a significant amount of the Charter we all read the same way and then maybe there’s some sections that we don’t.

If there’s sections in particular -- if it gets turned into a document that is sort of an agreed-upon document by both groups and it’s in English, that would be a real marvelous thing for everybody here plus anyone else who wants to run for any of our offices in the future.

So I look forward to seeing sort of who you bring in to help us achieve that because that will be where the rebel meets the road as far as getting someone with legal skill as well as the facilitation role and moderator role.
Speaker BERGSTROM: Oh, Leo?
Mr. HITCHCOCK: Leo, you were next; weren’t you?
Mr. CAKOUNES: No, go ahead.
Mr. HITCHCOCK: Okay. I had a couple of thoughts. I’m very interested in this. I’m not so sure we need facilitation in the usual sense of that word. I think we need a good teacher.

I think that we -- what my imagination was let's develop a study group where like this course is a course on the County Charter, you know, first group, first meeting, you know, three or four meetings. Meet from say September to December; 2015 we’re supposed to have an actual Charter Review Committee to review the Charter.

So this would give us 3 or 4 months to begin to do our homework to do that sort of thing. It seems to me we need to look at the Charter. We need to look at those two other big things that modify the Charter, the Governance Procedures and the Administrative Code because they influence and sometimes clarify and sometimes don’t clarify what it is we’re at.

Mr. HITCHCOCK: So, it would seem to me that it ought to be like a seminar on the Charter open to the Assembly, to the Commissioners, and probably even to County Administrators who are relevant to this task because we all have to chip in and participate in one way or another.

I think we meet four or five times between September, say, and so forth. I do think it's crucial that the person who does the teaching should be well-informed in governance.

I, too, have experience with the Consensus Building Institute. If they don't know what you’re talking about, they’re really good at helping you talk about what you want to talk about. And that’s not from my perspective what I’m interested in and what we should be interested in. We need to get to some kind of clear understanding with good help.

Now, you know, I overheard Mr. Curran talking about this, “You guys need to read this thing and see what’s going on.” Someone like him; if not him, someone like him who’s well-informed in this area is who we should be looking at.

Speaker BERGSTROM: Leo.
Mr. CAKOUNES: I really just want to clarify my thoughts on what this actual seminar or workshop is. We are not a Charter Review Committee. We are not going to be making changes. We do not need in my estimation to have a facilitator or a third-party coming in now and making suggestions or helping us change the Charter. That's not what I intended.

What I intended was, as my colleague just said, a teaching seminar where we will be able to ask specific questions, find out if we’re happy if that’s the way it’s being interpreted.

And if we’re not, then we can ask, “Well, what’s the language that we should add to say this” so that we can compile information in the event in the time that we do a Charter Review.

And I have to say that I think the only person that we really should ask is our County attorney, Attorney Troy. And the reason why I say that is because if we get a third-party, even a highly qualified attorney, if they read the Charter in a certain way and interpreted it that way to us and he disagrees with it, we’re back at stage one again.

He’s our County attorney. He's the guy we go to to say, “What do we have to do to do this and do this now?” He’s the man that I feel should be putting on the seminar to teach us what the Charter says today and how we are either acting correctly or not, and then we can discuss later on whether we should be changing it or not.

Thank you.

Speaker BERGSTROM: All right. Just two things. First of all, I share Ned’s skepticism of facilitators. You know we’re going to have somebody up there with basically a big blackboard and every time you say something, he writes it on the blackboard. That’s not going
to help.

Ms. ANDREWS: No.

Speaker BERGSTROM: You know I’ve been through a few of those sessions and they usually don’t go anywhere.

But as far as Leo’s suggestion, I’m going to disagree with Leo a little bit because when you have an attorney, especially an attorney for the County, you’re going to be asking him to make decisions on things. And we ask Attorney Troy a question; we ask him a question about hiring some counsel and stuff. He doesn’t tell you right off the top of his head. He goes back and he looks and researches it and looks up the law, looks up precedent and so on.

So that’s why I say we’re not looking for clear and unambiguous legal decisions on what the Charter means. We’re looking for, basically, an agreement, a two-party agreement between the Assembly and the Commissioners. And that I think would be a lot easier to get at than to, you know, parse the language and look at everything else.

Commissioner LYONS: Right.

Speaker BERGSTROM: So I think -- I don’t know if Attorney Troy would be the one to -- you’re really putting him on the spot and you’re asking him to make the decisions. And, you know, I don’t know if he’s prepared to do that or wants to do that.

Anyway, that’s where I am.

Commissioner FLYNN: I was thinking about this and about Leo’s comments and also Ned’s. They make a lot of sense. And maybe instead of just bringing somebody in, if each of our separate bodies read the Charter on our own and figured out what is in this Charter that we’re doing and doing well? What’s in the Charter that we’re not doing well?

Like, for instance, we were not in the practice of presenting you with the Capital Advisory Plan -- our Capital Plan and we should have been doing that. So we need to do that.

We can figure that out. We don’t have to have a joint meeting to figure out there was something in the Charter that we really weren't doing. And maybe after each body figures out what they weren’t doing and how they can do it that we come together and then communicate on what we’ve learned by doing that. And then have a meeting to discuss how we can work together and communicate better rather than just trying to have a discussion on the Charter.

Because I don't think it's that complex and that difficult to know. I mean we’ve been following it for a long time, but maybe not following it the way we should. And I think each one of us can figure that out. Those are my comments. And I still think it's a really good idea to have a joint meeting. I really support that.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: Thank you. My apologies for missing the beginning of this discussion because I think it's really one that is well warranted. And I generally agree with Leo’s approach.

Let me just say that being an attorney and I know that all attorneys express well-reasoned and completely supported decisions all the time. The other side, however, might have a completely different opinion.

So relying upon lawyers to always be right is sort of like -- I'm not sure I’ve got the analogy. I just remind you that lawyers are advocates and we tend to be better advocates than we are truth-tellers in many situations.

That being said, the thing I would comment about Leo’s approach is that it’s both broad, both very broad and too narrow because if you limit yourselves to talking in the first instance about the Commissioners and the second instance about the Assembly, I think what we’re really looking for is a way to talk about how these two bodies work together and ought to work
together because I think in our separate ways we perceive some dysfunction.

And so I would support Leo’s model of the three sessions. Primarily to have one to talk about the Commissioners and what we see and what the Commissioners see as their powers and obligations and interface with us.

And then a second one to talk about the Assembly and what we see it as our powers, limitations, and interface. And then a discussion that is more of a little free for all, I think.

Speaker BERGSTROM: Yes, Sheila.

Commissioner LYONS: If I could just say -- I see your point, and lawyers will always say what you sort of want them to say sometimes and they’ll support whatever argument needs to be supported.

However, I think what we feel and what you feel and how we can all interpret things doesn’t necessarily mean it jives with municipal and county law. So I think it’s good to have someone who can clarify the law and where those boundaries go. Not just what we think -- what our responsibilities are or what we feel they are, I do think you need some sort of legal guidance. Not interpretation necessarily, but guidance as to, well, you’re not understanding that you only go so far because of chapter, you know, this is in General Law and you need someone there just so that we’re not kind of going on our own.

So I think that three sessions, if they have to be five sessions, I mean whatever it takes, but I think that we have to come up with communication and understanding and an understanding how do we communicate. A lot of times we think we might have communicated something, we might have stated something, but we didn’t give you a lot of details because we didn’t have all the details and it’s a great idea. But, you know, as it goes on maybe you don’t understand it all.

So I think that there’s not a lack of transparency is what has been stated. I think its poor communication. And I think that that’s something that we can all fix and I think we all want to because we are a part of this County government and it’s a reflection on all of us.

Speaker BERGSTROM: Anybody? One thing. You know, if I had to do this by magic instead of having to work at it, I would have a copy of the Charter in front of me and I would have it -- I would go over the whole thing, highlight different areas, let’s say there’s a certain chapter, I would highlight the areas that were in any way ambiguous or anyway in contention and I would put a note in the margin saying, “Does this mean this or does this mean this” or whatever. So go over the entire thing so that -- and this is in advance because if we opened up a session, a joint session, we could go rambling on about generalities for days.

It's more to deal with any ambiguous language in the Charter or any dispute as to how that language would be interpreted is really what we’re trying to get at.

And it’s going to be a lot of work on the part of the Commissioner and the Delegates because we’re going to have, you know, this has to be ready -- I would say that this has to be ready in front of us and having received it quite a ways before we sit down for the first session so we’ll know exactly what -- and, you know, it can be compiled in some sense with both the individual comments and also we could compile it with a master document where any of the major controversies or major misinterpretations lie, but, you know.

I agree with Leo’s suggestion. I’m just saying that if we go down this path, we’re going to have to do the work that goes along with it. And it’s going to have to be ready during the first session.

Leo.

Mr. CAKOUNES: I think my greatest fear just keep to fruition on this discussion. I believe there are two things going on here. I'm advocating for an educational workshop where
members of this board, members of the Executive board can come, go through the existing Charter and understand what is written there.

I am not advocating a Charter Review Committee that we would be making suggestions and changes to that Charter at those meetings.

Ms. ANDREWS: Right.

Mr. CAKOUNES: First of all, the timeframe doesn’t make sense because many of us, I know I won’t be here in January. We all have gone through the Charter change procedure so we know that this doesn’t work.

But what I’m hoping will come out of just this informational kind of educational workshop to understand the Charter, what will come out for each of us who will be here in January, those of you that will be back, will have written down specific changes that you want to see come forth, and you’ll be able to hand them to the Charter Review Committee either as an entire board/committee voted or as an individual if you wanted to just pass it in as your thoughts.

And, hopefully, it will be taped. You’ll be able to reference, you know, the discussion that was had and why you personally feel that section of the Charter does not meet the requirements that you think it ought to.

I think we’re going down a real bad road if we turn this into an almost, what, 21-person Charter Review Committee. That’s tough to do.

Speaker BERGSTROM: Leo, on that suggestion that we review the Charter for any deficiencies in it, I’m saying we review the Charter so that we have a mutual understanding of what the existing Charter means.

So, in other words, the words in the Charter can mean a lot of different things to different people. It could mean something different to the Commissioners and to us.

What I want to do is go through there, sit down with everybody and say, okay, “Section 27, Paragraph 3 says,” are we all onboard understanding what that is and what the responsibilities are? Not to suggest that we’re going to change it.

Yes, Jim.

Mr. KILLION: Thank you, Mr. Speaker. That was my question I was going to bring up for Leo to clarify it. I believe the Commissioners are here to talk about Recommendation D; that's what they're bringing.

And it’s very clear in Recommendation D, the second paragraph; they’re talking about Charter review that we can come up with suggestions to put on the ballot in 2016. It is another Charter Review Committee, essentially.

And I think we need to clarify if that’s what we want to do, and it sounds sort of like Leo doesn’t and if that’s what the Commissioners want because it was my understanding with Leo’s discussions earlier that this was just going to be about looking at the Charter, finding what our roles were, and if we were following it accordingly, both the Legislative and Executive branch.

And this discussion seems to be morphing into what Recommendation D was.

Commissioner LYONS: Right. I tend to agree with you. I do think that this would be an excellent opportunity for an education not only of everyone here but for anyone who is listening as to what are the roles and responsibilities and powers and the separation of powers that are built into the Charter so we all understand how we function. And then if there are problems with our communication, we can establish those procedures and protocols to communication back and forth and responsibilities on that communication.

Speaker BERGSTROM: Yes, Julia.

Ms. TAYLOR: I also apologize for coming late. But I think, and I say this because I’m a teacher type and have been a teacher; I think that we need to have it truly be educational, and I
think that’s what everyone wants.

That does require the homework and the preparation. You can’t just have the teacher show up and tell us. We have to actually do the document work and mark up ourselves and then have some assistance, a teacher acting as coach.

But student as learner, we have to be the learners and then we can have some help from a coach.

I have some doubt as to whether Attorney Troy is perfect for it just because he does have a different role that, I don’t know, something about it just makes me think I’d rather do it a different way.

So I agree with it doesn’t need to be Charter Review; I agree with that. I’m kind of tired of what at the moment.

So I think it should be educational but we have to do the homework first and then we can have someone to help guide our informed intelligent discussion based on having done the homework.

Speaker BERGSTROM: Okay. Anybody else have any comments? I mean we can do this one of two ways. I could simply schedule a meeting at the same time assuming that -- but I want a sense of the Assembly if you’re willing to go forward with this. So I mean is somebody going to make a motion that we go forward with this?

Ms. KING: We’re not in session. Why don’t we do that in session.

Speaker BERGSTROM: Oh, okay. Yes, that’s right. We’ll do that in session. That’s right.

Ms. MCAULIFFE: Are we finished with this topic for now? I have a question.

Speaker BERGSTROM: Yes, we’ll revisit it later on.

Ms. MCAULIFFE: Okay. I just had two questions for the County Commissioners while they’re giving their regional report.

Speaker BERGSTROM: Ask away.

Ms. MCAULIFFE: One is it’s been brought up that the Assistant County Administrator, Maggie Downey, is paid a hundred percent by CLC and still seems to be holding the title called Assistant County Administrator.

Is that going to be addressed in your plan that’s coming out next week?

Commissioner FLYNN: Yes.

Ms. MCAULIFFE: Okay. Good. And then the other -- and this is my paranoia. You had an Executive session on a land purchase today, and I just, you know, if it is the ARC property, I just need to remind you that everybody’s very interested in that and you (Inaudible) Executive session about land purchases. You know, that’s one area where you may want to -- if it is the ARC property, you may want to consider communicating so the paranoia doesn’t open --

Commissioner FLYNN: Well, it wasn’t just necessarily a purchase. It was acquisition but it was leasing. It was various -- and we did not designate the property because we could not at this stage. But thank you for your comments.

Ms. MCAULIFFE: Yes, I just wanted to let you know that from the beginning we had -- people who are in this room were very interested. And we, also, if we’re going to be including anything down the road, we need to be brought along not just presented with something after-the-fact. Thank you.

Speaker BERGSTROM: Okay.

Commissioner LYONS: There is one other thing I would just like to touch upon and that is the Cape Light Compact. And there is much discussion about that and I think
misunderstanding as to what is happening with the Cape Light Compact and the DPU.

First of all, this is a political battle between the Attorney General's office and the DPU. The Cape Light Compact happens to be -- is under the DPU’s authority. So, therefore, whatever happens to the DPU will have an impact on the Cape Light Compact.

But this is not an Attorney General investigating the Cape Light Compact. It is they challenging the authority of the DPU as they have done in Franklin County, in the town of Lowell, and now they are taking it on once again in this area of an aggregate.

And, also, when people think that there are individual towns that are being represented against their will that is also not the case. Where there is communication given to either the Attorney General or the DPU, all the towns are listed as member towns of the Cape Light Compact. And it is specifically stated acting together as the Cape Light Compact. So the towns are the Compact just like our towns are the County.

And so when those responses are given, each town is listed but as a whole of a membership of the Cape Light Compact. If the towns were being represented individually, the language would speak differently and the language would state individually and acting together as the Cape Light Compact but it does not state individually. The Compact is the Compact that is comprised of a membership of towns and counties. So they are listed but they are not individual members. They are members of a whole.

So when people are feeling that their town is being spoken for or misrepresented, that is not the case. It is the board and the representatives that are appointed by each town. It is the Compact, not the individual towns.

So when people are making statements, particularly since we’re all part of a one group here, it would be good to be having a clarification as to what we’re speaking about.

Ms. MCCUTCHEON: Mr. Bergstrom.

Speaker BERGSTROM: The last thing I want to do is open up a discussion on this.

Commissioner LYONS: I just wanted to make this clarification because it has been stated out there in public, and we -- you’re misunderstanding that the argument is not with the Cape Light Compact between the Attorney General; it is with the DPU. This has been brought up before. It is a political year, and this is a political battle. And it is not a reflection of the Cape Light Compact. The Cape Light Compact happens to -- their authority is the DPU, so they happen to be impacted by whatever the decision will be. But at this present time, they are following the letter of the law as it is stated through the Attorney General's office and the DPU. The Attorney General is challenging it but not the Cape Light Compact. They are challenging the DPU.

I’m just trying to make this clarification because people are misunderstanding.

Speaker BERGSTROM: You’re not making a clarification. You’re making a statement of fact that people are going to disagree with; me included.

Commissioner LYONS: Well, then you just don’t want to believe what a fact is. That’s the nature of the world today and it’s called truthism, I think.

Speaker BERGSTROM: All right. Let’s -- yes, do you want to say something there, Deborah, before I start ranting?

Ms. MCCUTCHEON: It didn’t want to rant. I just in making this assessment, you said, “It does not state individually”; what “it” were you referring to?

Commissioner LYONS: Whenever a -- whenever there is a communication or if there is the argument or a response given to the Attorney General’s Office and has been felt that there have been responses made by the Compact on the behalf of individual towns without asking the individual towns.
Ms. MCCUTCHEON: Okay. So I understand you’re talking about submissions to the Attorney General’s--

Commissioner LYONS: To the Attorney General’s Office. And they’ve always stated acting together as the Cape. They will list the member towns and they will say, “Acting together as the Cape Light Compact.”

Commissioner FLYNN: Or just the Compact.

Commissioner LYONS: If or just -- the Compact. But if they were -- if we -- if they were making an argument on behalf of each of the towns individually, they would have to state individually, “This is being acted upon” -- and let me make sure I get the language right, “Individually and acting together.”

So that means the towns are individual but they’ve decided to take the stand together, so they’re in a way individual. That's not the case.

Ms. MCCUTCHEON: I’m just trying to understand where you derived this opinion. You derived it from reading the pleadings that are being submitted or you derived it from talking to the participants in front of the Attorney General’s Office, or you derived it from reading the newspaper; you derived it from reading things that have been submitted?

Commissioner LYONS: I am responding to statements that have been made at public meetings that the Cape Light Compact --

Ms. MCCUTCHEON: Okay. I’m just asking where you got your information.

Commissioner LYONS: I have gotten it from the Compact and their attorneys.

Ms. MCCUTCHEON: So you’re here speaking for them today?

Commissioner LYONS: I am. I am speaking for them.

Ms. MCCUTCHEON: Okay.

Commissioner LYONS: But I’m also speaking just to make sure that you are aware of what the situation is. It's not against the Cape Light Compact. It is against the DPU -- it’s a fight between the DPU and the Attorney General. The Compact --

Speaker BERGSTROM: The Compact is being accused of violating state law, not violating DPU regulations.

Commissioner LYONS: It is not --

Speaker BERGSTROM: If they murder somebody --

Commissioner LYONS: -- being accused of state --

Speaker BERGSTROM: Yes. They are being -- they’re rightfully accused of violating state law. Okay.

Ms. MCCUTCHEON: Yeah. I think the problem is --

Speaker BERGSTROM: Sorry.

Ms. MCCUTCHEON: -- speaking for the Compact, I didn't understand that you were their advocate.

Commissioner LYONS: I am not their advocate. I am trying to make a clarification.

Ms. MCCUTCHEON: Well, I’m not sure I agree with the clarification. I just wanted to know where the information you relied upon came from.

Commissioner LYONS: Yes.

Ms. MCCUTCHEON: You’ve answered that question. So, thank you.

Commissioner LYONS: You’re very welcome.

Speaker BERGSTROM: Anyway, we don’t want to get too far down this road. But, Leo, I knew you had something to say on this.

Mr. CAKOUNES: I would just like to say that I personally have gone in front of my
Board of Selectmen and I submitted them a letter with three questions on it, and basically they were very simple questions. I asked them if they were aware of the filing, and I asked if they had taken a vote to support that position of that letter.

And by the way, I’m not sure if you’ve done it or not, but I’ve gone to the DPU website and the Docket No. is 14-69. There are probably 15 different filings. Only one, not all 15, only one dated July 8, 2014, submitted by the BCK Law starts out with the first paragraph saying, “On behalf of” and then it lists the towns. And you are correct; it does say in there, “As acting together as Cape Light Compact.”

My question as a citizen of the town of Harwich when I appeared before them was specifically to know who gave the authority or is voting the position of this particular document dated July 8? Was it the Board of Selectmen? They are the Executive body of Harwich or was it their representative to the Cape Light Compact board? And if it was their representative, I specifically asked for that specific meeting that that happen and the minutes so I can see it.

I never once said anything -- I don’t know what everybody's all upset about. I’m just looking for information and wanting to know if the towns realized that this is going on.

So, thank you though for your information. It helps.
Commissioner LYONS: Okay. Thank you, Leo. Is there anything else?
Speaker BERGSTROM: Have we exhausted that subject for the time being?
Mr. CAKOUNES: I have some more.
Clerk O’CONNELL: That’s not on the agenda.
Mr. CAKOUNES: That’s not on the agenda but they’re in front of us; we can’t ask them anything?
Speaker BERGSTROM: Well --
Commissioner LYONS: No. There are some things that can’t be -- that can’t really be delved into unless it’s communications.
Speaker BERGSTROM: Despite the subject being broached.
Commissioner LYONS: Well, I was giving a communication. I wasn’t deliberating.
Speaker BERGSTROM: Okay.
Mr. CAKOUNES: Can I just ask a general question then regarding a statement that was already made, Mr. Speaker?
Speaker BERGSTROM: Go ahead, Leo.
Mr. CAKOUNES: You said specifically when you first sat down that you were going to be bringing us -- and I apologize for the terms, but you’re going to be looking at restructuring -- filling positions, I'm not sure exactly what you legally said, temporary positions, and you asked us to wait until we saw that document, when it's completed.

Under that specific comment, will you be in that comment -- in that action be addressing the new County Administrator because to my understanding, the current County Administrator we have only had a one-year contract and will be leaving in October.
Commissioner FLYNN: No.
Mr. CAKOUNES: So will that correspondence be --
Commissioner FLYNN: This will be a memo regarding some personnel changes, and it will include whatever positions that we have decided need to be modified. And that's all I’m going to say about it right now. But it will be very clear in the memo.
Mr. CAKOUNES: Thank you.
Speaker BERGSTROM: Okay.
Commissioner LYONS: Also, can I just make -- just for everybody’s knowledge, the contract of the Administrator today is the end of November, not the end of October.
Mr. CAKOUNES: Thank you.
Speaker BERGSTROM: Okay. Well, thank you, very much. We will discuss the Recommendation D later on after the Assembly convenes.
Speaker BERGSTROM: Are there any Communications from Public Officials?
Ms. KING: You’re missing Number 9.

Communications and Presentation from County Administrator Michael Brillhart

Speaker BERGSTROM: Oh, discussion -- I’m sorry. I missed that. Communications, discussion and presentation by County Administrator Michael Brillhart of County’s Five-Year Capital Plan.
ADMINISTRATOR BRILLHART: Mr. Speaker/Delegates, good afternoon. Michael Brillhart, County Administration.
I realized that during the budget process there were a lot of concerns raised by Delegates, rightly so, regarding the County’s Capital Improvement Program, which is a five-year document that expresses some of the capital projects being or anticipated recommended to be implemented over a five-year timeframe.
In looking at the way this year’s fiscal year ’15 budget was created, each of the individual departments had a line item or two regarding capital projects.
So what I thought I would do today is give a little bit of an explanation, a little bit more clarity in regard to the capital improvement program being proposed out of the fiscal year ’15 budget.
And I believe that I’ve submitted a document to the Clerk to be able to pass out to each of the Delegates here. If no one has one, let me know and I’ll see if we can make a copy.
Ms. MCAULIFFE: I don’t have one.
Clerk O’CONNELL: It was in your packet.
Mr. OHMAN: I had nothing in my packet.
Clerk O’CONNELL: Yes, you did. It was an attachment in your packet, the five-year plan.
Mr. OHMAN: Oh, okay.
Clerk O’CONNELL: So if you didn’t print a copy, I’m more than happy to go over and make a copy for you.
Ms. MCAULIFFE: Thank you. I apologize.
Ms. MCCUTCHEON: I apologize too.
Clerk O’CONNELL: It’s all right.
Mr. HITCHCOCK: I didn’t print it.
Speaker BERGSTROM: The Assembly will recess for however long it takes to make these copies. Sorry about that.
ADMINISTRATOR BRILLHART: That’s all right.

(Assembly recessed at 4:50 p.m.)
(Assembly re-convenes at 4:55 p.m.)

Speaker BERGSTROM: Okay. The Assembly will now come out of recess. Thank you for your patience, Michael, and we’ll proceed.
ADMINISTRATOR BRILLHART: Mr. Speaker/Delegates, I thank you again. We understood that during the budget process for fiscal year ’15 there needed to be a little bit greater
clarity regarding the Capital Improvement Program, specifically for the projects proposed in the 2015 budget as well as the four following years. Those projects that we deemed to be appropriate but would not be funded during the fiscal year ’15.

So, if I could, I would like to go through and describe a little bit about the projects listed on this sheet and to let you know that during the fiscal year 2016 budget there’s anticipated to be a little bit more clarity on which particular projects would be presented for the Assembly to recommend approval on and adopt as part of the ’16 budget.

Just to go over this sheet, the first column is “Project Name” and it’s just a very brief description on each of the projects by department. And the department is listed and underlined in bold, as an example, “Health & Environment,” followed by the “Research Development Office, Cooperative Extension, Information Technology and Facilities.”

Not all the County departments are listed on here because some departments don’t have capital improvement projects scheduled for ’16. As an example, Human Services is not shown. There’s not a particular capital improvement. Most of their funding is under operational and grant funding.

But if I could, let me explain a little bit more about this sheet. As I’ve mentioned each of the project names and departments, if you look at the second column, it says “Total Project Costs.” Each of these projects has a project cost. And at the very first encapsulated line at the bottom of the Health & Environment is the total project cost of each of these followed by the total project cost of each of the following five years.

On the second sheet, after facilities at the very bottom have two total costs. The first one is the “Total Project Costs” of the five-year capital improvement program followed by the adopted fiscal year ’15, which represents 2.119 million.

That 2.119 million represents the entire capital projects adopted by this Assembly for fiscal year ’15. So I just wanted to give you that clarification as to where these numbers are coming from.

As mentioned, the third column says “Adopted Fiscal Year ’15 Projects.” As an example under the Health & Environment, you have the purchase of a VOC concentrator and auto sampler. That was a project identified under the adopted fiscal year ’15 budget.

The four following columns are proposed fiscal year ’16, ’17, ’18 and ’19 budgets. These are, again, projects that are recommended that need to be accomplished but not under the adopted fiscal year budget.

As an example, if you look at the sixth item, “Purchase of new ion Chromatograph.” This is a piece of equipment currently in our Health & Environment department. The current equipment works functionally, but by fiscal year ’19, the anticipation is that Department will need a new piece of equipment.

So these are planned for, so-to-speak, projects but not included within the fiscal year ’15 budget.

What I’ve done is I’ve taken each of the capital projects, divided it according to the department, according to the funding for fiscal year ’15 and those that are not within the ’15 budget for the proposed year.

I didn't want to overwhelm in a spreadsheet, but I wanted to keep it as simple as possible so that you can see the projects that both were recommended and adopted under ’15, and those particular capital improvements that need to be accomplished or anticipated to be accomplished over the next five years.

Speaker BERGSTROM: Leo.

Mr. CAKOUNES: Thank you. Under Cooperative Extension, could you tell me what a
Coastal Explorer replacement is? Is that a boat or a vehicle?

ADMINISTRATOR BRILLHART: That, and Bill’s not here, but I believe that is a piece of aquatic equipment that’s used on the water.

Mr. OHMAN: No.

ADMINISTRATOR BRILLHART: No?

Mr. OHMAN: It’s a big van. It’s an educational tool.

ADMINISTRATOR BRILLHART: Oh. Replacement van.

Mr. OHMAN: I think we’re in our third generation of that.

Mr. CAKOUNES: And it costs a hundred grand?

Commissioner LYONS: Oh yes.

Mr. CAKOUNES: Okay.

Mr. OHMAN: They go to every school on Cape Cod.

Ms. MCAULIFFE: They’re all tricked out.

Mr. OHMAN: Right. Yes, it goes to every school on Cape Cod, to the grammar schools on Cape Cod and other events. I think it was at the Brewster Conservation Day on Saturday. I saw it there. So it goes around the Cape as well promoting what we have as environmental treasures on Cape Cod.

Commissioner LYONS: And education also.

Speaker BERGSTROM: Are you all set, Leo?

Mr. CAKOUNES: Thank you, Mr. Speaker. Under Cooperative Extension still, I notice in FY’18 we are replacing three vehicles. Do we think that’s prudent planning? I understand that this is a plan and we’re not really stuck to it as you just said. As we start to do these fiscal years way out, we will change them. But I thought the whole idea behind a plan was to kind of not have group purchases. So maybe we might want to take a second look at that or maybe look at the vehicles and see if we can spread them out to maybe one in ’19 and buy one a little earlier.

Ms. KING: There is one in ’16.

Mr. CAKOUNES: I see that but it’s got three in ’18.

And the third question, if I may Mr. Speaker, is under “Facilities,” the storage building near the rear of the Registry of Deeds building for $140,000, do you have any information on that?

ADMINISTRATOR BRILLHART: Mr. Speaker/Delegate, yes, this is a particular request by facilities to put in and develop a storage building.

In essence, there are equipment that are stored on-site or tried to be stored on-site that are out in the wet. We have equipment that we use for the blades, for the trucks that are left out, things that we need during the wintertime.

So this storage facility building would be a combination of putting those types of equipment under roof and if as an example if we need to make some very minor type repairs on a lawn mower, putting on a blade or fixing equipment on a blade that goes onto a truck, that will be able to be accomplished within that storage building.

Mr. CAKOUNES: So this will become basically the facility’s workshop or a storage shed?

ADMINISTRATOR BRILLHART: It could be. The initial thrust is we need storage but it could be used for those other types of things as well.

Mr. CAKOUNES: Can you comment on the very last thing, “Miscellaneous” for 101,200 what that might comprise of? And I don’t need an in depth list, but just a ballpark. I mean $100,000 is an awful big miscellaneous line item.

ADMINISTRATOR BRILLHART: Yes. Delegate Cakounes, this is miscellaneous
because there are various types of buildings where we didn’t identify something that needed to be accomplished at this point in time, such as on the outside along Main Street there’s a large granite wall that is starting to tilt a little bit. We haven't done surveys. We haven’t done any type of engineering studies, but if something starts to take shape or that building has gone from 3 inches to 6 inches, then this miscellaneous would allow us to do necessary engineering work.

And similar to any other of the County facilities whereby something is bad and we need to do quick equipment replacement that wasn’t identified as a project in the ’15 budget.

Mr. CAKOUNES: If I may, Mr. Speaker, just one final question, and I’m going to put you on the spot and I certainly will take your truthful answer to this. But we were told that when you were hired back in October 16, the Commissioners were in front of us long before you actually came here, but told us one of the priorities that they were going to ask you to do was to reevaluate the space in the buildings that we currently own here. And I think the comment was even made that a number of the different courts are asking for expansion.

Have you had an opportunity to put together a plan such as that? And then I’ll tie it to this five-year improvement plan, does that plan that you have for the major relocating of offices tie into this Capital Improvement Program that you’ve submitted today?

ADMINISTRATOR BRILLHART: Mr. Speaker.

Speaker BERGSTROM: Yes.

ADMINISTRATOR BRILLHART: Delegate Cakounes, I’m in the very initial stage of looking at what I would call office space needs. I’m looking at the overall campus and the facilities that we do have, the number of staffing that we do have and the various spaces owned by the County and either leased to County or leased, as an example as you mentioned, by the Superior Court system.

So I don’t have at this point in time any specific numbers or recommendations. What I would like to do is first of all is give some analysis to the regional Commissioners and then maybe, possibly at your direction, come back and have a sit down conversation with all of the Delegates.

Mr. CAKOUNES: I look forward to that.

ADMINISTRATOR BRILLHART: I think it’s a very critical need. I have been approached by the Trial Court who, as you know, those of you that are here on Tuesday and Wednesday at 11 o’clock in the morning, there are no vacant spaces for parking. This is a very tight space. The Trial Courts have said they would like more space. But simply giving them more space is a tough proposition because what I would go look at all of the space that are currently here owned by the County.

So we are in the initial stages. Unfortunately I don’t have enough information to bring forward in that regard.

Mr. CAKOUNES: Thank you, very much. I appreciate it.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Yes. I want to thank you for this. I’m very interested in seeing capital outlining. I think it’s very important.

And just a couple of questions, sort of comments. I see -- I think for me, and this isn’t a criticism but just for me in terms of the next time you do this, at the end when you do your totals, if you also did totals for ’16, ’17, ’18 and ’19.

ADMINISTRATOR BRILLHART: Yes.

Ms. MCAULIFFE: Then I could look at what the total projected costs are and then have that fund sort of matchup over five years as opposed to -- because right now all I have is a total projected cost and then what’s approved for this year.
So it doesn’t tell me, you know, how that’s going to kind of phase out. And the reason that interests me is I'm interested in looking at the ups and downs and whether you’re kind of taking, for instance when the 350,000 comes off IT, then that year perhaps you’re going to put that in to something else, kind of keeping the funding at a level spot so that you’re not like this trying to use the capital budget as a bank account for other accounts. And then when you have money putting into capital because we all know that capital is not attended, it sometimes is more costly to kind of catch up.

 ADMINISTRATOR BRILLHART: That's right.

Ms. MCAULIFFE: So that will give me a better picture to see overall over five years. And then, also, I voted the facilities plan. The fact that you have it planned out past 15 tells me that that’s a work in progress and that maybe the type of conclusion of your work. And, frankly, when you were hired and that project was identified, to me, that’s the sort of project of someone who’s been here a while, who knows the system, who knows how everything works. I think it would have been a very large task for someone to do that while they’re acclimating and getting in in a very busy County government.

So, I don’t -- if you get a head start, that’s great. But I look forward to what the facilities five-year capital plan is going to be because we all know that there are old buildings and old properties around. Thank you.

 ADMINISTRATOR BRILLHART: You’re welcome.

Speaker BERGSTROM: Just let me ask you a question in regards to what Suzanne just said. You’re going to get this a lot because a lot of us have worked in different towns and stuff and done different things different ways.

For instance in Chatham, we sort of had a Capital Improvements Fund and we would draw from that for stuff like this and we would replace the money at the end of the year. And that way, as she suggested, the capital budget was kept separate from the operating budget (Inaudible) mix.

You know, I think what we were trying to get at is an understanding -- I guess really what the Assembly, at least from my standpoint, wants is a division between capital expenditures and operating budget.

So if you look at the operating budget and say, “Okay, we’re doing the same things we did last year and it’s costing us 2 percent more” or something like that. And in the past it’s been clouded up because a lot of these projects and the dredge and stuff were included right in as expenses and revenues and so on.

So this is tremendously helpful. It gives us an idea of -- and it also gives us a reference as to what we’re spending each year.

So I mean you’re in the business of doing this, but as long as the capital is separated from the operating budget and we get a clear understanding each budget cycle of individual capital expenditures, it's one thing to have planned obsolescence in the sense that we know in fiscal year ’19 we’re going to have to replace certain equipment and we’re planning for that and so on.

I don't know if you would wait to plan for that by simply appropriating the money in 2019 or whether you would have some kind of an ongoing reserve fund for certain capital expenditures.

And then there are the major capital expenditures which I mean replacing a piece of equipment is sort of -- it’s sort of part of the operating budget. I mean you have to buy pencils and replace the ones you use. But I think the Assembly is more interested in any major capital projects that, you know, a new IT, you know, so on.

So, this is a step in the right direction. I think it will help a lot when we have our next
budget cycle.

Anyway, Pat.

Mr. PRINCI: Thanks very much for being here. That’s for this forecast for the next five years out.

I also wanted to say -- I'm looking at the facilities part of this, and I know that Commissioner Flynn and I had some discussions early on post budget regarding many capital improvements to this area here, which is in the town of Barnstable.

I would just please ask that you forward anything, any plans or whatnot, over to the town of Barnstable Growth Management Site Plan because we might -- the town might have some projects underway in the area that could coincide with, for instance, drainage. I mean I’m not certain on this, but if they do have any projects that they’re looking to do, perhaps it would be best if we all work together on it instead of us knowing after-the-fact what’s going on.

ADMINISTRATOR BRILLHART: We’ve actually just recently discussed with town managers the work that we’re attempting to do through the budget. And they concurred that they would be more than happy and would like to work with us on some particular projects, especially around the Barnstable Village/Main Street.

Mr. PRINCI: Thank you.

Speaker BERGSTROM: Cheryl.

Ms. ANDREWS: I’ve just got a quick question. My question just had to do with formatting. I was curious on the left-hand side where you list the various requests from the departments; did you order those in terms of priority? I would have but I was -- I wanted to ask because especially with Health & Environment you can see how that's exactly the way it planned out over time but some of the other departments didn’t.

So does this get prioritized in this particular document by anyone?

ADMINISTRATOR BRILLHART: It does not.

Ms. ANDREWS: I know from my perspective it would be helpful if it does. I’m always curious, you know, from the department heads’ perspective what they think is the most important thing that we do first.

So that's why I asked. Thanks.

Speaker BERGSTROM: Deborah.

Ms. MCCUTCHEON: Thank you. I want to thank you for putting this together. I think it was raised a couple of years ago and we kind of looked for it and I think it’s a good start.

I just wanted to ask you on the facilities, one of the questions that came up both this year and the year before in the budget was whether there was kind of a frontloading of facilities projects so that these chunks of money were in the budget when they couldn’t possibly handle all those projects in one year.

And I know that the facilities projects are all -- there’s nothing strung out for the five years. Is there reason for that or do you have any --

ADMINISTRATOR BRILLHART: Yes. That was raised by myself with staff where you can see under the total project cost of 1.74 million, I went to the facility staff and I sat down and I said, “Can you realistically develop all of these projects during the fiscal year because it is a lot of work?”

And so they went back and said some of these projects that we have that we would like to see accomplished over the next five years, we have to scale back and only look at those things that we feel comfortable doing under fiscal year ’15, which represents the $1.214 million budget.

As Delegate McAuliffe had mentioned, why aren’t all the other years laid out? And that’s because for facilities and the types of work they do maintaining and replacing types of
things, it's hard to look at the third and the fourth and the fifth year out because they’re looking at a one-year horizon, what things they can accomplish that need to be improved or reinvented or rehabilitated within that timeframe.

So I can certainly appreciate looking at the outer years, but it’s very difficult for facilities to be able to do that because they’re focusing their attention on the immediate projects over the next year.

It’s not totally impossible, it’s just a little bit more difficult so-to-speak.

Ms. MCCUTCHEON: I understand that, and, again, I want to thank you for putting this together for us.

Speaker BERGSTROM: Okay. Yes, Leo.

Mr. CAKOUNES: Like I say, if you’re going to ask 100 people, you’re going to get 100 different responses. So, I’ll give you mine anyhow.

I would encourage the facilities to in fact extrapolate those numbers out into a year. For the only reason it’s better to have them there, it’s better than whoever’s sitting here next year sees the projects, sees that it was on a plan.

We have to all remember and realize this is just a capital plan. It doesn't mean a darn thing. All its doing is giving us a heads-up of what projects are coming down the pike and what expenditures we need to be aware of.

For instance, the Superior Court exterior building repair has been discussed for a while and it’s a really important issue for that particular building, and I would hate to see it be pushed aside because emergency things comes up.

So it continually appears on this five-year plan even if we put it in FY ’16 this year, don’t do it in ’16, why don’t we push it to ’17. If we keep pushing it out, at least we know the problem is there.

Like that wall that you mentioned. I’ve heard that now for two years, and it’s very important that the new people sitting here know that that’s an important issue and I think that’s how they can realize it is through these plans.

So I also would encourage, you know, to push your department heads and say, you know what, let’s put them in there somewhere. We’re not going to hold you to it. Put them out there so that everybody knows that they’re there and they’re coming down the pike.

And I also think it helps us balance. As Suzanne was asking, it gives us an idea of the monies that we’re looking at. Hopefully, we can keep that $2.199 million even each year because it seems to be a comfortable figure that we can support.

Thank you.

Speaker BERGSTROM: Suzanne.

Ms. MCAULIFFE: Yes. I would like to second that. I’m comfortable in a situation where when I was on the school committee bonded by a million every five years and we had our list, and we just went through the list. And it was purely for capital or maintenance and then we’d do it again, and we do it again, and it becomes a very useful tool I think for what we know down the road 5, 10, 15 years whatever that things are going to start to wear out and then in terms of your departments it makes them -- let’s you get your facilities assessed, which I understand is a big project.

Because as money’s coming down, you have years where you’re going to have, you know, several hundred thousand dollars, and then that might be where you start bumping up your facilities a little bit more.

And we all understand that stuff comes up yearly and maybe they’re used to operating “What can I handle this year?” But I think they need to think out because there maybe that $3
Speaker BERGSTROM: Yeah, what happens to -- let’s say we appropriate $100,000 for a project and it doesn’t get spent the fiscal year, either the contracts aren’t set or something happens, next thing you know, we’re -- where does this money go? Where is it hiding, Mike?

ADMINISTRATOR BRILLHART: It would stay into the Trust Fund Account where it was put in as part of the budgeting process. So, as an example, if there was a renovation of the courthouse to install new brick, there would be -- the revenue and expenditure would be in the Trust Fund Account for that particular year under facilities.

And if the project weren’t done as an example in 2016, then it would be shown in the 2017 budget unless the Assembly and the Board of Regional Commissioners decided that that wasn’t a priority project and they wished to put those funds somewhere else.

Speaker BERGSTROM: The only reason I’m asking is because we’ve had in the past, we’ve had various Reserve Funds sitting here and there, you know, and we would ask your predecessor there, say, “Hey, you’ve got 500,000 sitting over there.” And he’d say, “Well, you know, 100,000 is set aside for this and 50,000 set aside for that.”

So it wasn’t clear as to what money was encumbered and what wasn’t. You know, and the town government, as far as I understand have been doing that for quite a few years, they basically -- you clear the books at the end of the fiscal year and the Town Meeting reappropriates everything the next fiscal year. Of course, we don’t do that so a lot of these carryovers become, you know, especially if you carryover for more than one year, they start to muddy up the waters.

So, I mean, I’m hoping at some point we can find a structure in which we identify those monies and the specific projects that are put aside if they’re encumbered for a certain purpose by a vote of the Assembly or the Commissioners that that’s clearly identified.

So if we say, “Hey, we need a quick 50,000,” as often times Commissioners will come to us and say, “We need $50,000 to do this,” and I’ll say, “Well, why can’t you take it out of that,” and they say, “Well, we can’t take it out of that because that's for that.” You know, “You have to take it out of this because this is” -- so, maybe it’s me, but I think it could be a little clearer as to what the money is encumbered for.

Commissioner LYONS: It helps you understand.

Speaker BERGSTROM: Anyway, anything else? Well, thank you, very much. That clears up a lot of issues.

ADMINISTRATOR BRILLHART: You’re welcome.

Speaker BERGSTROM: Okay. Are there any Communications from Public Officials? Any Communications from Members of the Public? Hearing none.

**Assembly Convenes**

Speaker BERGSTROM: The Assembly will now convene. I don’t think there any Committee reports. As far as I know, we haven’t met.

So we’ll go into Report from the Clerk.

**Report from the Clerk**

Clerk O’CONNELL: Nothing to report.

Speaker BERGSTROM: That’s what they said in the Alcazar. You don’t know what the Alcazar is but I’ll tell you the story.
Other Business

Speaker BERGSTROM: So now we will have -- under “Other Business,” Assembly discussion and vote regarding Charter Review Committee Report Recommendation D or other alternatives.

So I’ll start with Leo so he can clarify his proposal. How’s that, Leo?

Mr. CAKOUNES: Well, I don't want to repeat myself all over again because I think it's pretty clear what I would like to see happen. I don't believe it's a huge issue. I believe that it can be done with just a simple motion here today to ask the Speaker to structure three meetings in which we will have a workshop on the current County Charter.

And before I make that motion, and I know if someone wants me to put in or have in the motion, who we should have facilitate that meeting, whether it be an attorney, whether it be a facilitator group or leave it up to the decision of the Speaker. I mean that’s kind of what I would like to discuss to find out. I think we agreed on the format.

Speaker BERGSTROM: Okay. Well, I, you know, as far as I can tell, we don't need -- actually need a vote on this, but I would like to because I could schedule -- simply schedule a meeting as I normally do and the Commissioners would schedule a meeting, but I would like to just presume that we’re all on board here. Is that my understanding? Okay. Anybody going to jump up and complain?

Ms. MCAULIFFE: Consensus.

Speaker BERGSTROM: All right. As far as the facilitator/lawyer --

Mr. CAKOUNES: Moderator.

Speaker BERGSTROM: -- we’re going to see who’s available. So maybe we should not include that in the motion and I can present that -- that's why I asked the Chairman of the Commission what the timeframe is. This isn’t going to happen tomorrow.

So we can run a couple alternatives before both the Commissioners and the Assembly get an approval. They’ve mentioned one already, that organization that Ned thinks less than highly of, and there are a couple other suggestions too.

So I will, in that case, together with the Chair of the Commission, schedule a meeting and inform the Assembly as soon as we’ve settled on a date; is that all right?

I assume it’s not -- you say it’s not going to be until September so don’t put off any vacation plans.

Ms. ANDREWS: I think the key to this being successful will be the choice of support, whoever comes in. The word “facilitator” doesn’t sound right here. You’re looking for someone who’s going to bring us expertise, whether it’s someone who’s familiar already -- I hope it’s somebody who already understands our Charter.

But I hope you folks have a great dialogue about what we need because that’s going to be the key to whether this succeeds.

Mr. PRINCI: Since we’re discussing this prior to any type of workshop, would there be any public comment? I’m just wondering.

Speaker BERGSTROM: You know, I hadn’t thought of that but I would think that public comment would be very problematic.

Mr. PRINCI: Okay.

Speaker BERGSTROM: Yes. Teresa.

Deputy Speaker MARTIN: You say it’s to educate.

It’s not a Charter review, once again. It’s to educate what it says now. So it’s a statement of this is what the Charter is, this is what it means; hopefully the person moderating
has knowledge and can say, “Here’s what it says. Here’s what it means. Here’s what it says. Here’s what it means.” Like a nice little class I think is --

Ms. ANDREWS: Charter school.

Deputy Speaker MARTIN: Yes, Charter school, yes, exactly. It’s Charter school. And we record it and then everyone who wants to know what the Charter says has a source to go and look at it ongoing.

Speaker BERGSTROM: Yes.

Ms. MCAULIFFE: You know, I don’t want anyone to be afraid of an attorney because that’s sort of what Attorney Curran did for the Charter Review Committee is that he was sort of our expert in terms of what’s out there, what the options were, what things mean without giving opinions on what we should do.

Deputy Speaker MARTIN: Right.

Ms. MCAULIFFE: So I think that, you know, people, don’t be afraid of someone like Attorney Curran who he’s not going to come in and give us a Charter Review Committee. Just tell us what’s what and what it means. And certainly I think he wrote this Charter, so I think he knows what it means.

Speaker BERGSTROM: Okay. Well, in that case, I will --

Mr. CAKOUNES: You do not want a motion on this, Mr. Speaker? Because we don’t need it.

Speaker BERGSTROM: I don’t need a motion.

Mr. CAKOUNES: Okay. You just want to clarify.

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

Ms. MCAULIFFE: Move 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 5:25 p.m.

Respectfully submitted by:

Janice O’Connell, Clerk
Assembly of Delegates