

Minutes of
Cape Cod Commission
Parliamentary Procedure Training Session

Cape Cod Commission
Conference Room
3225 Main Street, Barnstable, MA

September 17, 2009

A Parliamentary Procedure training session of the Cape Cod Commission was held on Thursday, September 17, 2009 at 12:00 noon in the Cape Cod Commission, Conference Room, 3225 Main Street, Barnstable, MA. Commission Members in attendance: John Harris, Peter Graham, Elizabeth Taylor, Joy Brookshire, Sue Pommrehn, John H. McCormack, Jr., Sheila Lyons, Roy Richardson, and Michael Blanton.

Jessica Wielgus, Commission counsel, introduced and provided background information on James Lampke, Esq. the Director of the Selectmen and Councilor's Association and Robert Ritchie, Esq. the General Counsel for the Commonwealth's Department of Agricultural Resources, formerly the Municipal Law Director for the Commonwealth's Office of the Attorney General.

Attorney Lampke said it's important that municipal and county officials conduct proper hearings and explained protocols for conducting a hearing after proper notice has been provided. He said there are two types of hearings adversarial and non-adversarial and said hearings conducted by the Commission would be considered non-adversarial in nature. He said a general guide to follow when conducting meetings and hearings is a board must act as a body, a board should proceed in the most efficient manner possible, a board must act by at least a majority, every member must have equal opportunity to participate, a board's rules of procedure must be followed consistently, and decisions should be based on the merits, not on manipulation of the rules. Attorney Lampke reviewed handouts: his memo to the Commission dated September 17, 2009; *How to Hold an Error Free Hearing*; *Issues Relating to the Hearing Itself*; and *Voting on Matters Affecting Abutting or Nearby Property* by the State Ethics Commission.

Attorney Ritchie discussed written decisions and stressed the importance of consistency. He recommended creating a template form to be used when writing decisions and said a good template would provide consistency. He discussed the process for conducting hearings and meetings and

explained how the use of shall and should are used in regulations. He discussed the Mullen rule and guidance for the members' conduct.

Paul Niedzwiecki, Executive Director of the Commission, referred to the Commission's adjudicatory process regarding energy-related projects that come before the Commission and asked how a hearing officer would be used during those hearings.

Attorney Ritchie explained that a hearing officer would hear sworn testimonies and receive evidence at the hearings and then report the findings to a subcommittee or the full Commission. He said there are courses available to train individuals to become hearing officers.

There was discussion by Commission members as to who would serve as a hearing officer and said it should be someone with a legal background as opposed to a Commission member or subcommittee member.

Following their presentations Attorney Lampke and Attorney Ritchie entertained questions from Commission members and staff.

The training session adjourned at 2:45 p.m.

Respectfully submitted,

Elizabeth Taylor, Secretary