Cape Light Compact  
Joint Powers Entity Director’s Meeting  
Open Session Meeting Minutes  
Wednesday, April 12, 2017

The Cape Light Compact Board of Directors met April 12, 2017, in the Innovation Room, Open Cape Building, Barnstable County Complex, 3195 Main Street, Barnstable, MA 02630 at 2:30 p.m.

PRESENT WERE:
Colin Odell – Brewster  
Robert Hannemann – Chilmark  
Fred Fenlon – Eastham  
Andrew Gottlieb – Mashpee  
Richard Toole – Oak Bluffs  
Thomas Donegan – Provincetown  
Joshua Peters – Sandwich  
Joseph Buteau – Truro  
Sue Hruby – West Tisbury

LEGAL COUNSEL
Jeff Bernstein, Esq., BCK Law, PC  
Erin O’Toole, Esq., BCK Law, PC

STAFF PRESENT
Maggie Downey, Administrator  
Austin Brandt, Power Supply Planner  
Phil Moffitt, Residential Program Manager  
Margaret Song, Commercial and Industrial Program Manager  
Briana Kane, Planning and Evaluation Manager  
Lindsay Henderson, Analyst  
Jacob Wright, Special Projects Coordinator

PUBLIC PRESENT
Chris Rogers, CPA, Clifton Larson Allen  
Michael Embury  
Joyce Flynn, Yarmouth  
Richard Elkin, Wellfleet  
David Anthony, Barnstable  
Peter Cocolis, Chatham  
Ron Zweig, Falmouth  
Martin Culik, Orleans  
Robert Schofield, Bourne
RECOGNITION OF MEMBERS AND DIRECTORS

Maggie Downey, by direction of Colin Odell, recognized the current JPA Directors and Alternates. Maggie informed the group that Chatham and Bourne have voted, but paperwork hasn’t been received yet, along with Aquinnah.

PRESENTATION BY CHRIS ROGERS, CLIFTON LARSON ASSOCIATES: FINANCIAL OPERATIONS OF THE JPE

Chris Rogers provided a presentation differentiating the Business Officer and Treasurer. He explained that the Treasurer’s role served as the one who’s signing the checks, warrants, and reconciling the budget. Whereas the Business Officer will identify the chart of accounts and systems to be used, policies and procedures, and be responsible for processing the Compact’s transactions.

Chris explained that there are a lot of details that will have to be hashed out once a Treasurer is identified and hired, including the process by which checks are cut. He went on to state that the position’s scope of work should fall under $50,000.

Maggie Downey specifically stated that the Business Officer is the Comptroller, and should be referred to as a Business Officer from here on for clarity purposes.

Lastly, Chris stated that before we go out to buy a financial system, we should be sure it accomplishes the functions we require, such as if we decide we want to use electronic funds transfer, or EFT.

ORGANIZATIONAL ITEMS FOR DISCUSSION AND POTENTIAL VOTE

A. ESTABLISH EFFECTIVE DATE OF JPE AS 4/12/2017

Tom Donegan moved, Mashpee second.

Tom Donegan moved to establish the Joint Powers Entity Effective date as April 12, 2017. Andrew Gottlieb seconded and voted by roll call as follows,

Colin Odell – Brewster       Yes        Richard Toole – Oak Bluffs       Yes
Robert Hannemann – Chilmark Yes        Thomas Donegan – Provincetown    Yes
Fred Fenlon – Eastham        Yes        Joseph Buteau – Truro           Yes
Andrew Gottlieb – Mashpee   Yes        Sue Hruby – West Tisbury         Yes

Motion carries in the affirmative (8-0-0),
B. **ELECTION OF CHAIRMAN**

Tom Donegan moved that the term of the current positions be until July 1, 2017. Andrew Gottlieb seconded and voted by roll call as follows,

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Motion carries in the affirmative (8-0-0),

Richard Toole nominated Colin Odell for Chairman, Joseph Buteau seconded. Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

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Motion carries in the affirmative (8-0-0),

C. **ELECTION OF VICE CHAIRMAN**

Tom Donegan nominated Robert Schofield for Vice Chairman, Joseph Buteau seconded. Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

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Motion carries in the affirmative (8-0-0),

D. **ELECTION OF SECRETARY**
Sue Hruby nominated Richard Toole for Secretary, Joseph Buteau seconded. Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

Colin Odell – Brewster  Yes  Richard Toole – Oak Bluffs  Yes  
Robert Hannemann – Chilmark  Yes  Thomas Donegan – Provincetown  Yes  
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes  
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes  

Motion carries in the affirmative (8-0-0),

**E. ELECTION OF INTERIM TREASURER**

Andrew Gottlieb nominated David Anthony for the position of Interim Treasurer, Richard Toole seconded. Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

Colin Odell – Brewster  Yes  Richard Toole – Oak Bluffs  Yes  
Robert Hannemann – Chilmark  Yes  Thomas Donegan – Provincetown  Yes  
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes  
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes  

Motion carries in the affirmative (8-0-0),

**F. ELECTION OF BUSINESS OFFICER**

**MOTION TO BE HIRED AS COMPTROLLER BE HIRED AS THE INTERIM BUSINESS OFFICER FOR CLC**

Richard Toole made a motion Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

Colin Odell – Brewster  Yes  Richard Toole – Oak Bluffs  Yes  
Robert Hannemann – Chilmark  Yes  Thomas Donegan – Provincetown  Yes  
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes  
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes  

Motion carries in the affirmative (8-0-0),

**G. APPOINTMENT OF JPE ADMINISTRATOR**

Tom Donegan nominated Margaret Downey for the position of JPE Administrator, Fred Fenlon seconded. Hearing no other nominations, Colin Odell moved for a vote by roll call as follows,

Colin Odell – Brewster  Yes  Richard Toole – Oak Bluffs  Yes  
Robert Hannemann – Chilmark  Yes  Thomas Donegan – Provincetown  Yes  
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes  
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes  

Cape Light Compact JPE Board of Directors Meeting  
April 12, 2017 Meeting Minutes
Motion carries in the affirmative (8-0-0).

**H. Appoint BCK Law as CLCJPE Legal Counsel**

Colin Odell raised a concern regarding whether the inclusion of BCK Law without a competitive bidding process was within Mass General Law, but Maggie Downey and Tom Donegan both clarified, citing that legal services are exempted from the bidding process.

Tom Donegan moved the Governing Board to appoint BCK Law as counsel for the Cape Light Compact Joint Powers Entity, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster  Yes  Tom Donegan – Provincetown  Yes
Robert Hannemann – Chilmark  Yes  Joshua Peters – Sandwich  Yes
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes
Richard Toole – Oak Bluffs  Yes

Motion carried in the affirmative (9-0-0)

**I. Ratify the Actions of the Compact Administrator for Contacting Cape Cod Municipal Health Group and Barnstable County Retirement**

Tom Donegan moved the Governing Board to ratify the Cape Light Compact’s Administrator’s submission of a letter to the Cape Cod Municipal Health Group (CCMHG) petitioning for membership of a new unit, Cape Light Compact JPE, in the CCMHG, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster  Yes  Tom Donegan – Provincetown  Yes
Robert Hannemann – Chilmark  Yes  Joshua Peters – Sandwich  Yes
Fred Fenlon – Eastham  Yes  Joseph Buteau – Truro  Yes
Andrew Gottlieb – Mashpee  Yes  Sue Hruby – West Tisbury  Yes
Richard Toole – Oak Bluffs  Yes

Motion carried in the affirmative (9-0-0)
J. **Authorize the CLCJPE Administrator to execute a lease for office space**

Tom Donegan moved the Governing Board to authorize the JPE Administrator to execute a lease for office space, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

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Motion carried in the affirmative (9-0-0)

K. **Authorize the CLCJPE Administrator to apply for a Tax Identification Number on behalf of the CLCJPE, open back accounts and execute documents needed to conduct business**

Tom Donegan moved the Governing Board to authorize the JPE Administrator to complete and submit the necessary and required paperwork to obtain a Federal Tax Identification Number and Execute Documents needed to conduct business on behalf of the Cape Light Compact Joint Powers Entity; the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

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Motion carried in the affirmative (9-0-0)

L. **Authorize CLCJPE Administrator to serve as CLCJPE Public Records Access Officer**
Tom Donegan moved the Governing Board to appoint the JPE Administrator to serve as the Cape Light Compact Joint Powers Entity Public Records Officer, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster  
Robert Hannemann – Chilmark  
Fred Fenlon – Eastham  
Andrew Gottlieb – Mashpee  
Richard Toole – Oak Bluffs

Yes  
Yes  
Yes  
Yes  
Yes  

Tom Donegan – Provincetown  
Joshua Peters – Sandwich  
Joseph Buteau – Truro  
Sue Hruby – West Tisbury  

Yes  
Yes  
Yes  
Yes  

Motion carried in the affirmative (9-0-0)

M. DESIGNS LOCATION OF POSTING CLCJPE MEETING NOTICES FOR OPEN MEETING LAW (OML)

Tom Donegan moved the Governing Board to designate the Cape Light Compact web site as the official location for posting Cape Light Compact Joint Powers Entity meeting notices, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster  
Robert Hannemann – Chilmark  
Fred Fenlon – Eastham  
Andrew Gottlieb – Mashpee  
Richard Toole – Oak Bluffs

Yes  
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Yes  
Yes  
Yes  

Tom Donegan – Provincetown  
Joshua Peters – Sandwich  
Joseph Buteau – Truro  
Sue Hruby – West Tisbury

Yes  
Yes  
Yes  
Yes  

Motion carried in the affirmative (9-0-0)

N. DOPT REMOTE PARTICIPATION POLICY
Tom Donegan moved the Governing Board to adopt the attached Policy and Procedures for participating remotely in meetings of the Cape Light Compact Joint Powers Entity, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster                  Yes  Tom Donegan – Provincetown       Yes
Robert Hannemann – Chilmark            Yes  Joshua Peters – Sandwich         Yes
Fred Fenlon – Eastham                   Yes  Joseph Buteau – Truro            Yes
Andrew Gottlieb – Mashpee               Yes  Sue Hruby – West Tisbury         Yes
Richard Toole – Oak Bluffs              Yes

Motion carried in the affirmative (9-0-0)

O. **ADOPT PUBLIC MEETING PROTOCOLS**

Maggie Downey referred everyone to the attached Public Participation meeting protocols, and clarified that they are pretty standard.

Tom Donegan moved the Governing Board to adopt the attached Public Meeting Protocols, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

Colin Odell – Brewster                  Yes  Tom Donegan – Provincetown       Yes
Robert Hannemann – Chilmark            Yes  Joshua Peters – Sandwich         Yes
Fred Fenlon – Eastham                   Yes  Joseph Buteau – Truro            Yes
Andrew Gottlieb – Mashpee               Yes  Sue Hruby – West Tisbury         Yes
Richard Toole – Oak Bluffs              Yes

Motion carried in the affirmative (9-0-0)

P. **VOTE ON TREASURER’S BOND**

Maggie briefly explained that the Interim Treasurer would not be expected to expend funds on behalf of the JPE, and as a result the Treasurer’s Bond should be set at 0 until a permanent Treasurer is selected by the Directors.
Tom Donegan moved the Governing Board to set the Treasurer’s Bond at zero until such time as the Treasurer is set to expend funds, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

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Motion carried in the affirmative (9-0-0)

Q.  VOTE ON OPERATIONAL TRANSFER DATE

Maggie Downey explained that now that a majority of towns had come on board with the JPE, and from advice from Chris Rogers, he recommended the board move up the Operational Transfer Date to July 1, 2017, in order to avoid running 2 sets of books.

Tom Donegan moved the Governing Board to set the Operational Transfer Date of July 1, 2017, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.

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Motion carried in the affirmative (9-0-0)

R.  AGREE AT A FUTURE DIRECTOR’S MEETING TO REVISE JPA’S EFFECTIVE DATE, OPERATIONAL TRANSFER DATE, AND OTHER SCRIVENER’S ERRORS

Maggie briefly explained the necessity to revise the Joint Powers Agreement to reflect the new Effective and Operational Date, and to rectify any clerical errors with the document at a future meeting.
**DISCUSSION AND VOTE ON TRANSITION PLAN**

Maggie Downey directed everyone to the draft Succession Plan document, which outlined the Plan to fully transition from the Cape Light Compact under the Intergovernmental Agreement, to the Cape Light Compact organized under the Joint Powers Agreement. She requested the board move to approve the draft document.

*Tom Donegan moved the Governing Board to vote to approve the draft Transition, Asset Transfer and Succession Plan, and the JPE Administrator is authorized and directed to take all powers necessary or appropriate to implement this vote and to execute and deliver all documents as may be necessary or appropriate to implement this vote.*

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*Motion carried in the affirmative (9-0-0)*

**DISCUSS DATES FOR NEXT CLCJPE DIRECTORS’ MEETING(S)**

Maggie Downey stated that due to other commitments and the difficulty in getting a meeting prepared and ready by May 10th, that the Board move the meeting to May 12th to coincide with the Cape Light Compact Governing Board Meeting. A sense of the board of directors indicated this was acceptable, and a time prior to the governing board meeting would be acceptable. To accommodate for Vineyard Directors, 10AM was the agreed upon time, on Friday, May 12th.
DISTRIBUTE OML MATERIALS AND INSTRUCTIONS FOR RETURNING CERTIFICATIONS

Maggie and Jeff Bernstein indicated that there was a link to Open Meeting Law certifications at the back of the packet, and encouraged the Directors to visit the website and follow the instructions provided, along with all the publications regarding Open Meeting Law already provided.

ADJOURNMENT

Joseph Buteau made a motion to adjourn, seconded by Tom Donegan and voted by roll call as follows,

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Motion carried in the affirmative (9-0-0)

Meeting adjourned at 4:31PM.

Respectfully submitted,

Jake Wright  
Special Projects Coordinator

LIST OF DOCUMENTS AND EXHIBITS

- Cape Light Compact Joint Powers Entity 4/12/2017 Agenda
- Open Meeting Law Links