

**Cape Light Compact JPE
Governing Board and Executive Committee
Open Session Meeting Minutes
Wednesday, October 11, 2017**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, October 11, 2017 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00PM.

PRESENT WERE:

1. Joyce Flynn, Chair, Yarmouth
2. David Anthony, Secretary, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Peter Cocolis, Executive Committee, Chatham
5. Richard Toole, Executive Committee, Oak Bluffs – by phone
6. Thomas Donegan, Executive Committee, Provincetown
7. Richard Elkin, Wellfleet
8. Sue Hruby, West Tisbury
9. Martin Culik, Orleans
10. ChristiAne Mason, Wellfleet Alternate
11. Jay Grande, Tisbury
12. Fred Fenlon, Eastham
13. Tim Carroll, Chilmark - by phone
14. Wayne Taylor, Mashpee – By phone
15. Colin Odell, Brewster

ABSENT WERE:

16. Michael Hebert, Aquinnah
17. Vacant - Sandwich
18. Jarrod Cabral, Truro
19. Robert Hannemann, Duke's County
20. Brad Crowell, Dennis
21. Paul Pimentel, Edgartown
22. Ronald Zweig, Vice-Chair, Falmouth
23. Valerie Bell, Harwich

Members/Alternates
physically present: 11
Members present by phone: 3

LEGAL COUNSEL

Audrey Eidelman, Esq., BCK Law, P.C.

STAFF PRESENT

Briana Kane, Planning and Evaluation Manager
Joanne Nelson, Comptroller
Austin Brandt, Senior Power Supply Planner
Lindsay Henderson, Analyst and Marketing
Jacob Wright, Special Projects Coordinator

Joyce Flynn called the meeting to order at 2:06 as a meeting of the Executive Committee. Joyce Flynn recognized Richard Toole of Oak Bluffs, Wayne Taylor of Mashpee, and Timothy Carroll of Chilmark, who were all remotely participating due to geographic distance.

Jay Grande arrived at 2:09 pm, achieving a quorum.

PUBLIC PRESENT

There were no members of the public present.

PUBLIC COMMENT

There were no members of the public present.

OVERVIEW OF NEW VIDEO CONFERENCING CAPABILITIES, AUSTIN BRANDT

Austin Brandt provided a brief tutorial of the new call-in systems for utilization by the Board.

Richard Elkin explained that he felt that a letter should be sent to the Attorney General's office requesting that the Open Meeting Law requirements regarding physical attendance be relaxed due to the option of video participation. Joyce Flynn felt that the Board needed to get a better idea of how effectively the video conferencing ability functions for the Board.

APPROVAL OF MINUTES

Due to the volume of minutes to be approved, the Secretary, David Anthony, reviewed the minutes in chronological order.

The Board considered the January 11, 2017 CLC IGA Meeting Minutes. *Martin Culik moved the board to accept the amended minutes, seconded by Richard Elkin and voted by roll call as follows:*

- | | |
|-----------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | abs |
| 6. Fred Fenlon – Eastham | yes |
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |
| 9. Martin Culik – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | abs |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (12-0-2)

The Board considered the August 2, 2017 CLC IGA Meeting Minutes. *Martin Culik moved the board to accept the amended minutes, seconded by Peter Cocolis and voted by roll call as follows:*

- | | |
|-----------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | abs |
| 6. Fred Fenlon – Eastham | yes |
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |
| 9. Martin Culk – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | abs |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (12-0-2)

The Board considered the August 2, 2017 CLC JPE Meeting Minutes. *Martin Culik moved the board to accept the amended minutes, seconded by Robert Schofield and voted by roll call as follows:*

- | | |
|-----------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | abs |
| 6. Fred Fenlon – Eastham | yes |
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |
| 9. Martin Culk – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | abs |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (12-0-2)

The Board considered the September 13, 2017 CLC JPE Meeting Minutes. *Robert Schofield moved the board to accept the amended minutes, seconded by Peter Cocolis and voted by roll call as follows:*

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|-------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | yes |
| 6. Fred Fenlon – Eastham | yes |

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|-----------------------------------|-----|
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |
| 9. Martin Culik – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | abs |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (13-0-1)

CHAIRMAN’S REPORT

1. NEW MAILER FOR CUSTOMERS ON DISCOUNT ELECTRIC RATE

Briana Kane provided a copy of the mailer that is being mailed to low income residents on the Cape and Vineyard by Housing Assistance Corporation (HAC). Richard Elkin asked if this was a generic mailer that was going out or if it was specific to our programs. Briana Kane replied that it was Compact specific, and explained that the mailer is specifically targeted at lower income residents, and Housing Assistance Corporation won’t be submitting it to customers who aren’t on the electric discount rate, or on fuel assistance. Joyce Flynn suggested that Board Members could nudge individuals in their respective town governments who handle low income residents with this mailer. Briana Kane followed on by saying that Senior Centers could be a good place to approach with the idea of approaching staff to help them disseminate the information to the lower income seniors in the area.

OVERVIEW OF OPERATING AND ENERGY EFFICIENCY BUDGETS, PETER COCOLIS

Peter Cocolis started by going over both the Operating and Energy Efficiency Budgets. Peter Cocolis reminded the board that the Operating budget is a six month transitional budget. Peter Cocolis gave a brief explanation to the board of the responsibilities of the Treasurer vs. the Comptroller. Joanne Nelson explained that she, as the Comptroller, has ‘Read Only’ access to the bank accounts, and that only the Treasurer has actual access to the funds. Peter Cocolis explained that the Comptroller is exploring new financial software that better meets the reporting needs of the Compact, and the Comptroller is working with a consultant to determine a software solution. Thomas Donegan inquired if the reserved funds; including funds allocated to the OPEB liability, were successfully transferred from the County. Joanne Nelson replied that this is in process, and there are multiple steps required to establish an OPEB trust fund.

DISCUSSION AND POTENTIAL VOTE ON PROVIDING NOTICE TO MEMBERS REGARDING SPECIFIC PROPOSED AMENDMENTS TO JPA CONCERNING EFFECTIVE DATE OF JPA, OPERATIONAL TRANSFER DATE, MINOR CLARIFYING EDITS TO JPA AND CORRECTION OF SCRIVENERS ERRORS, AUDREY EIDELMAN

Audrey Eidelman of BCK went over the changes the Board had gone over for the JPA, which all fall under the threshold of substantive changes and will not require the Joint Powers Agreement to go back to the member towns to vote on. David Anthony asked a clarifying question that the statement in the motion is twofold, in that

it acknowledges that the package will be sent to the member towns thirty days in advance as per the rule. Jay Grande from Tisbury inquired if this would be a weighted vote, and Audrey Eidelman indicated it would not.

Thomas Donegan moved that the Governing Board vote, consistent with Article XV of the Joint Powers Agreement, notify the Cape Light Compact JPE members of the proposed amendments to the Joint Powers Agreement as set forth in the redlined JPA distributed to the Governing Board at this meeting; and that the CLEJPE Administrator is authorized and directed to take all actions necessary or appropriate to implement this vote, and to execute and deliver all documents as may be necessary or appropriate to implement this vote. Seconded by Colin Odell and voted by roll call as follows:

- | | |
|-----------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | yes |
| 6. Fred Fenlon – Eastham | yes |
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |
| 9. Martin Culik – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | yes |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (14-0-0)

OVERVIEW OF RECENT UPDATES TO MASSACHUSETTS OPEN MEETING LAW, DISCUSSION AND POTENTIAL VOTE ON PROPOSED REVISIONS TO COMPACT’S REMOTE PARTICIPATION POLICY, AUDREY EIDELMAN

Audrey Eidelman provided a presentation giving an update on changes to the Open Meeting Law, utilizing a power point presentation (included in back of Board Packet). One of the substantive changes involves remote participation, in that the categories for participation remotely have been removed in lieu of allowance of remote participation if physical attendance would be unreasonably difficult. As a result, the new Cape Light Compact JPE Remote Participation Policy has been revised to comply with this. David Anthony, Martin Culik and others have requested that the Board take up a discussion on attendance issues and remote participation in reference to the Open Meeting Law on the November Agenda.

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|-------------------------------|-----|
| 1. David Anthony – Barnstable | yes |
| 2. Robert Schofield - Bourne | yes |
| 3. Colin Odell – Brewster | yes |
| 4. Peter Cocolis – Chatham | yes |
| 5. Tim Carroll – Chilmark | yes |
| 6. Fred Fenlon – Eastham | yes |
| 7. Wayne Taylor – Mashpee | yes |
| 8. Richard Toole – Oak Bluffs | yes |

- | | |
|-----------------------------------|-----|
| 9. Martin Culik – Orleans | yes |
| 10. Thomas Donegan – Provincetown | yes |
| 11. Jay Grande – Tisbury | yes |
| 12. Richard Elkin – Wellfleet | yes |
| 13. Sue Hruby – West Tisbury | yes |
| 14. Joyce Flynn – Yarmouth | yes |

Motion carried in the affirmative (14-0-0)

BOARD MEMBER UPDATES

David Anthony asked about the recent CVEC Request for Proposal that was just submitted. Austin Brandt explained that there is an interest from some towns for unfulfilled need on municipal rooftop space for solar panels. Now that the landfill projects were completed in 2015, these projects are beginning to form and the request for proposals were submitted.

Richard Elkin explained that the towns of Eastham, Wellfleet, Truro and Provincetown are working together on a solarize project.

ADJOURNMENT

Peter Cocolis motioned to adjourn, seconded by Colin Odell and voted by roll call as follows:

Respectfully submitted,

Jacob Wright

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice / Agenda
- January 11, 2017 Meeting Minutes
- August 2, 2017 IGA Meeting Minutes
- August 2, 2017 JPE Meeting Minutes
- September 13, 2017 Meeting Minutes
- Housing Assistance Corporation Mailer
- Operating Fund Budget July 1 – September 30, 2017
- Energy Efficiency Budget through August 2017
- BCK Law Memorandum Re: Amendments to the JPA
- First Amended and Restated JPA of the CLC JPE
- Cape Light Compact Remote Participation Policy
- Open Meeting Law Guide, dated 10/6/17
- Massachusetts Open Meeting Law, G.L. c. 30A, § § 18-25, date
- Office of Attorney General (OAG) Regulations, 940 CMR 29.00
- BCK Law’s Open Meeting Law Update PowerPoint Presentation