



TOWN OF WELLFLEET

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**BOARD OF
SELECTMEN**

**TOWN
ADMINISTRATOR**

May 19, 2017

JPE Administrator
Cape Light Compact JPE
3195 Main Street
Open Cape Building
Barnstable, MA 02630

Please be advised that on May 16, 2017, the Wellfleet Board of Selectmen voted to appoint Richard Elkin as the Town's Director and Christiane Mason as the Town's Alternate Director to the Cape Light Compact Joint Powers Entity.

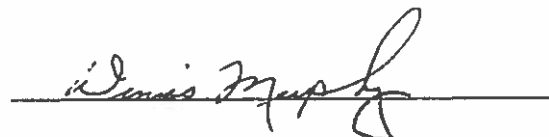
Best regards,
Dan

Daniel R. Hoort
Daniel R. Hoort
Town Administrator
Town of Wellfleet
300 Main Street
Wellfleet, MA 02667
(508) 349-0300

**JOINT POWERS AGREEMENT
OF THE CAPE LIGHT COMPACT JPE**

AUTHORIZED AND AGREED TO BY:

Town of: Wellfleet



Printed Name: Dennis Murphy

Title: Chair, Board of Selectmen

Date: May 16, 2017

A copy of the authorization, vote or resolution adopted by the Town is submitted concurrently herewith.



DRAFT
**Wellfleet Board of Selectmen
Minutes of May 16, 2017
Wellfleet Senior Center**

Present: Selectmen Dennis Murphy, Chair, Helen Miranda Wilson, Janet Reinhart, Berta Bruinooge, Jerry Houk; Town Administrator Dan Hoort, Assistant Town Administrator Brian Carlson;

Chairman Murphy called the meeting to order at 7:02 PM.

Announcements, Open Session and Public Comments

- Murphy went over the protocol of the meeting. He said this meeting will be a work session where public comments will be allowed only in the beginning, and then it will become a work session among the Selectmen, Attorney John Giorgio and Cape Light Compact representative Austin Brandt.
- Wilson announced that the pollen season has begun.
- Lilli Green updated the Board on 1. The recent order by President Trump's Administration to suspend all activities of the Cape Cod National Seashore Advisory Commission; 2. The Assembly of Delegates has passed the Cape Cod Commission budget with changes and had reinstated the Cape Cod Water Protection Collaborative; 3. There will be a public hearing about the re-organization of the Cape Light Compact on May 17.

Business: Discussion of and consideration to join Cape Light Compact Joint Powers Entity (JPE) and sign the Cape Light Compact Joint Powers Agreement (JPA)

Dick Elkin explained the Joint Powers Agreement and the responsibilities, obligations and powers of the new Joint Powers Entity. He said that the JPE will have the same programs and the same mission as the inter-governmental agreement; According to him the Board members will be essentially the same, with the one difference that the functions of the JPE will be outsourced out of Barnstable County and will function independently under the Department of Public Utilities. He said that 17 towns have already joined the JPE and signed the JPA. The cutoff date to join is July 1, 2017.

Lilli Green urged the Selectmen to wait until the end of June to make a decision. She expressed concerns of transparency and fiscal responsibility by Cape Light Compact (CLC). She had prepared seven pages of questions that were not answered by CLC. According to her it will be in the best interest of all participating members if CLC were to become a department of Barnstable County.

David Mead Fox, Alternate on the Energy Committee, Robert Shapiro, Energy Committee member and Cristiane Mason, alternate member on CLC spoke in favor of the proposed restructuring.

Attorney John Giorgio of KP Law and CLC representative Austin Brandt answered Selectmen's questions. Attorney Giorgio said that the new JPE will have more liabilities and the individual members will not be liable. The JPE will have the authority to hire its own employees. He explained that this transition is possible based on the Municipal Modernization Act. Giorgio addressed concerns about the weighted vote and explained that the intent of the JPA was to change as little as possible, therefore the weighted vote stayed the same way as in the old inter-governmental agreement. He said that there will be an independent business manager to oversee and assume all the authority of a Town Accountant. According to him all financials of the JPE will be audited and will have to be filed with and approved by the DPU. Based on this, he was of the opinion that there will be multiple layers of financial oversight. He confirmed that the Attorney General and the DPU have opened a public comments period, but the new entity has been formed, regardless of whether Wellfleet decided to join or not join. Wilson wanted to better understand what CLC does and if individuals must join. Brandt answered Wilson's question by explaining that the CLC is one of

the energy distributors that buys power in bulk and delivers competitively priced electric power. EHe said that every Eversource customer on Cape Cod is automatically enrolled and then can opt out and revert back to Eversource's pricing. Brandt also talked about the energy efficiency programs offered by CLC to residents, businesses and municipalities. Houk wanted to know if the restructuring will reduce the electric bill. Brandt answered that the JPE will not change the rates, but it will change how CLC runs its programs. Wilson wanted to better understand if Wellfleet would be impacted if the Town decided to not participate in specific programs that will impose a financial impact and what would happen in this case. Giorgio read the statute from the JPA in response to this question. Based on the JPA, there will be no liability to Wellfleet if the Town does not vote to accept the financial obligations. Elkin said that he has proposed an amendment on the financial obligation on individual towns, and this will be reviewed with the next substantial modification of the JPA. Lilli Green said that actually the CLC does not always offer the lowest rates. She brought up the Emerson College Case to the attention of the Board. Murphy wanted to know what happened with the Ice Bearer. Brandt answered that based on DPU a modification has been filed a response is pending. Murphy had questions about a financial oversight and fiscal responsibility, and wanted to know how a private entity can operate under the same benefits as a municipal entity. He asked how overhead will be handled. Brand answered these question by explaining the programs and saying that if the offered programs are no longer cost effective, they will not be allowed under the state law. He also explained that the staffing budget is limited to be under \$1M. Murphy wanted to confirm that the CLC will be subject to the public procurement law. Giorgio confirmed that the Open Meeting Law, Public Procurement Law and Conflict of Interest Law will be governing the JPE. At the end of the discussion Wilson wanted to postpone voting on this, because she wanted to review the answers provided by Giorgio to Hoort on the same afternoon of the meeting. Bacon and Reinhart were ready to vote. Houk could wait or vote. Murphy was also ready to vote and said that if Wellfleet would like to make a change, it should join and make the change from within.

MOTION 217-348: Reinhart moved and Bacon seconded that the Board of Selectmen vote, pursuant to General Laws chapter 40, section 4A ½, as follows:

- (1) to join the Cape Light Compact Joint Powers Entity (JPE);
 - (2) to authorize Dennis Murphy, Chair of the Board of Selectmen¹ to execute the Joint Powers Agreement of the Cape Light Compact JPE subject to final review by Town Counsel;
 - (3) to appoint Richard Elkin as the Town's Director and Cristiane Mason as the Town's Alternate Director to the Cape Light Compact Joint Powers Entity
- (4) to take any other action necessary or relative thereto. The motion passed 5-0.

Adjournment

MOTION 217-349: Wilson moved and Reinhart seconded to adjourn the meeting at 8:26 pm. The motion passed 5-0.

Respectfully submitted,

Michaela Miteva, Executive Assistant

Public Records Materials

¹ GPA. In accordance with G.L. c. 40, §4A ½, this is the chief executive officer of a city or town, or a board, committee or officer authorized by law to execute a contract in the name of the governmental unit.