# Cape Light Compact JPE Board of Directors Meeting

DATE:

June 14, 2017

LOCATION:

Innovation Room, Open Cape Building

3195 Main Street, Barnstable County Complex

TIME:

2:30 p.m. – 4:30 p.m.

### **AGENDA**

- 1. Public Comment
- 2. Approval of Minutes /
- 3. Potential Vote on Treasurer
- 4. Discussion and Potential Vote to Designate CLCJPE Chief Procurement Officer
- 5. Discussion and Potential Vote to Join Massachusetts State Public Retirement System
- 6. Discussion and Potential Vote to Designate the CLCJPE Administrator as the Appointing Authority Relative to Hiring CLC Staff
- 7. Discussion and Vote to Carry Over Compact Staff Accrual Benefits as of June 30, 2017 to the CLCJPE as of July 1, 2017
- 8. Discussion and Potential Vote on Cost of Living Increase for Staff and Buy Back of Compensatory Time Effective July 1, 2017
- 9. Discussion and Vote to Offer Basic Life Insurance to CLCJPE Employees
- 10. Discussion and Vote to Authorize CLCJPE to Review and Approve CLCJPE Administrator's Expense Reports and Timesheets
- 11. Discussion and Potential Vote Regarding Implementation date and related matters regarding CLCJPE Accounts Payable/Treasury functions
- 12. Administrator's Report
  - a. Update on Personnel Policies for CLCJPE Employees
  - b. Discuss Policies and Procedures for Board Consideration
  - c. Reminder to Submit OML Certifications

# Cape Light Compact, JPE Board of Directors Meeting Open Session Meeting Minutes Friday, May 12, 2017

The Cape Light Compact JPE Board of Directors met on Friday, May 12 2017, in the Innovation Room, Open Cape Building, Barnstable County Complex, 3195 Main Street, Barnstable, MA 02630 at 12:41 p.m.

## PRESENT WERE:

- 1. Colin Odell, Chair, Yarmouth
- 2. Robert Schofield, Vice-Chair, Bourne
- 3. Ronald Zweig, Falmouth
- 4. Peter Cocolis, Chatham
- 5. Valerie Bell, Harwich
- 6. Thomas Donegan, Provincetown
- 7. Sue Hruby, West Tisbury
- 8. Paul Pimentel, Edgartown
- 9. Richard Toole, Member at Large, Oak Bluffs by phone
- 10. Andrew Gottlieb, Mashpee
- 11. Rob Hannemann, Chilmark
- 12. Brad Crowell, Dennis
- 13. Joshua Peters, Sandwich
- 14. Jarrod Cabral, Truro

## **ABSENT WERE:**

- 15. Michael Hebert, Aguinnah
- 16. Fred Fenlon, Eastham

Members/Alternates physically present:

13

Members present by phone: I

## LEGAL COUNSEL

Jeff Bernstein, 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
Jacob Wright, Special Projects Coordinator

### Public Present

Christiane Mason, Wellfleet Richard Elkin, Wellfleet Martin Culik, Orleans David Anthony, Interim Treasurer, Barnstable

Chr. Odell opened the meeting at 12:41 P.M and recognized that one member was participating remotely due to geographic distance.

### PUBLIC COMMENT

There were no members of the public present.

Maggie Downey stated that all except Barnstable, Falmouth, Orleans, Tisbury and Wellfleet have now joined the Joint Powers Entity successfully, and welcomed all of the new Directors on board.

### CONSIDERATION OF MEETING MINUTES

The Board considered the April 12, 2017 Meeting Minutes. Andrew Gottlieb moved the board to accept the amended minutes, seconded by Peter Cocolis and voted by roll call as follows:

1. R. Schofield - E	Bourne	abs	11. Thomas Donegan – Provincetown	yes
2. Colin Odell – B	rewster	yes	12. Richard Elkin - Wellfleet	yes
3. Peter Cocolis –	Chatham	yes	13. Sue Hruby – West Tisbury	yes
4. Robert Hannem	ann – Chilmark	yes	14. Joyce Flynn – Yarmouth	abs
5. Brad Crowell -	Dennis	abs		
6. Paul Pimentel -	Edgartown	abs		
7. Ronald Zweig -	- Falmouth	yes		
8. Valerie Bell – F	larwich	abs		
9. Andrew Gottlie	b – Mashpee	yes		
10. Richard Toole	<ul> <li>Oak Bluffs</li> </ul>	yes	2	

Motion carried in the affirmative (9-0-5)

### INTRODUCTION OF COMPACT COMPTROLLER

Joanne Nelson introduced herself to the Joint Powers Entity Governing Board as the new Comptroller for the Compact. She briefly explained her position at the Compact and her current responsibilities. She presented the Board of Directors a scope of work for the Treasurer, and will present a recommendation for the position of Treasurer to the Board at the next meeting.

Robert Schofield moved the board approve the attached scope of services for the Cape Light Compact JPE Treasurer, substantially in the form as presented, and for the Interim Treasurer to present his recommendation for the position of Treasurer to the full Board at its next meeting.

The JPE Administrator is authorized and directed to take all actions necessary to or appropriate to implement this vote, and to execute and deliver all documents as may be necessary to implement this vote. Seconded by Peter Cocolis and voted by roll call as follows:

1. R. Schofield - Bourne	yes	11. Thomas Donegan - Provincetown	yes
2. Colin Odell – Brewster	yes	12. Richard Elkin – Wellfleet	yes
3. Peter Cocolis – Chatham	yes	13. Sue Hruby – West Tisbury	yes
4. Robert Hannemann – Chilmark	yes	14. Joyce Flynn – Yarmouth	yes
<ol><li>Brad Crowell – Dennis</li></ol>	yes		·
<ol><li>Paul Pimentel – Edgartown</li></ol>	yes		
<ol><li>Ronald Zweig – Falmouth</li></ol>	yes		
8. Valerie Bell – Harwich	yes		
<ol><li>Andrew Gottlieb – Mashpee</li></ol>	yes		
<ol><li>Richard Toole – Oak Bluffs</li></ol>	yes		

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

Robert Schofield moved the board authorize the Interim Treasurer, David Anthony, to open the CLCJPE bank accounts, and is directed to take all actions necessary, and/or appropriate to implement this vote. Seconded by Peter Cocolis and voted by roll call as follows:

<ol> <li>R. Schofield - Bourne yes 11. Thomas Donegan – Provincetown y</li> </ol>	es/
2. Colin Odell – Brewster yes 12. Richard Elkin – Wellfleet yes	'es
3. Peter Cocolis – Chatham yes 13. Sue Hruby – West Tisbury yes	es
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5. Brad Crowell – Dennis yes	
6. Paul Pimentel – Edgartown yes	
7. Ronald Zweig – Falmouth yes	
8. Valerie Bell – Harwich yes	
9. Andrew Gottlieb – Mashpee yes	
10. Richard Toole – Oak Bluffs yes	

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

### ADMINISTRATOR'S REPORT

Maggie Downey briefly noted that the proposed Human Resources Policies and Procedures manual for the CLCJPE employees is still in rough draft, and that much of the policies and procedures would be very similar to the policies and procedures that govern staff now as County employees.

Maggie Downey went on to reference the upcoming vote on Employer and Employee contribution levels for health insurance, stating that the proposed levels are the same contribution level employees are currently

Draft Minutes subject to correction, addition and Committee Board Approval paying while with the county. David Anthony pointed out that it is very difficult to go back once you have decreased employer contributions, and recommended that things stay as they are.

Thomas Donegan moved that the Cape Light Compact employees contribute 25% of the cost of health insurance premiums offered by Cape Cod Municipal Health Group (CCHMG) and that the Compact/employer contribute 75% of the cost of the health insurance premiums offered by CCHMG, and the JPE Administrator is authorized and directed to take 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 Robert Schofield and voted by roll call as follows:

1. R. Schofield - Bourne	yes	11. Thomas Donegan - Provincetown	yes
2. Colin Odell – Brewster	yes	12. Richard Elkin – Wellfleet	yes
3. Peter Cocolis – Chatham	yes	13. Sue Hruby – West Tisbury	yes
4. Robert Hannemann – Chilmark	yes	14. Joyce Flynn – Yarmouth	yes
5. Brad Crowell – Dennis	yes		•
6. Paul Pimentel – Edgartown	yes		
7. Ronald Zweig – Falmouth	yes		
8. Valerie Bell – Harwich	yes		
9. Andrew Gottlieb – Mashpee	yes		
10. Richard Toole - Oak Bluffs	yes		

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

Andrew Gottlieb left at 1:43 PM.

## DISCUSSION AND POTENTIAL VOTE ON ARTICLE V(D) OF THE JOINT POWERS AGREEMENT

Richard Elkin of Wellfleet stated that he had been asked by his Board of Selectmen to bring the issue of weighted voting before the board, and to request the section regarding weighted voting be stricken from the Joint Powers Agreement, believing it would go a long way in order to secure the votes necessary for Wellfleet to come on board as a member of the Joint Powers Entity. The stated reasoning was that Wellfleet was concerned about potential costs being assessed to the town without its consent. Counsel Jeff Bernstein and several other members explained that a material change of that nature would be problematic at this time, and suggested that the policy the Cape Light Compact had always had was to never assess a financial obligation on a member town without its consent, and there was no reason why the JPE could not adopt a policy to continue this practice shouldn't continue going forward.

Robert Schofield moved that the Board adopt a policy similar to that of the original Cape Light Compact, in that no town would ever be assessed a cost without its consent. Seconded by Peter Cocolis and voted by roll call as follows:

1.	R. Schofield - Bourne	yes	10. Thomas Donegan - Provincetown	yes
2.	Colin Odell - Brewster	yes	11. Richard Elkin – Wellfleet	yes
3.	Peter Cocolis - Chatham	yes	12. Sue Hruby – West Tisbury	yes
4.	Robert Hannemann - Chilmark	yes	13. Joyce Flynn – Yarmouth	yes
5.	Brad Crowell - Dennis	yes	•	

Paul Pimentel – Edgartown	yes
Ronald Zweig – Falmouth	yes
Valerie Bell – Harwich	yes
Richard Toole - Oak Bluffs	yes
	Paul Pimentel – Edgartown Ronald Zweig – Falmouth Valerie Bell – Harwich Richard Toole – Oak Bluffs

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

## DISCUSSION AND POTENTIAL VOTE ON ADOPTING ROBERTS RULES OF ORDER, NEWLY REVISED

Colin Odell stated that he wished to bring more structure and procedure to the Board Meetings, and suggested Robert's Rules of Order may be a good way to perform this. Tom Donegan stated that he had serious concerns about Roberts Rules, for one that the Newly Revised Edition is a very thick volume, and it creates a disparity between those individuals who are well versed in the rules versus those who are not. Tom Donegan stated that a better solution may be to adopt one of the more abbreviated sets of rules that Boards of Selectmen typically use, similar to the one Provincetown uses. He suggested that he could provide some examples at the next board meeting, and Colin Odell agreed that may be a good course of action going forward.

### **ADJOURNMENT**

Joyce Flynn moved the board to adjourn, seconded by Peter Cocolis and voted by roll call as follows:

1.	R. Schofield - Bourne	yes	<ol><li>Thomas Donegan – Provincetown</li></ol>	yes
2.	Colin Odell – Brewster	yes	<ol> <li>Richard Elkin – Wellfleet</li> </ol>	yes
3.	Peter Cocolis - Chatham	yes	12. Sue Hruby – West Tisbury	yes
4.	Robert Hannemann - Chilmark	yes	13. Joyce Flynn - Yarmouth	yes
5.	Brad Crowell – Dennis	yes		
6.	Paul Pimentel – Edgartown	yes		
7.	Ronald Zweig - Falmouth	yes		
8.	Valerie Bell – Harwich	yes		
9.	Richard Toole - Oak Bluffs	yes		

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

Board adjourned at 2:17 PM.

Respectfully submitted,

Jacob Wright

## **LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda
- April 12, 2017 Minutes
- Scope of Services, Cape Light Compact Treasurer
- Cape Light Compact Joint Powers Agreement



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# **Appoint CLCJPE Treasurer**

REQUESTED BY: David Anthony and Joanne Nelson

## Proposed Motion(s)

I move the CLCJPE Board of Directors vote to appoint Tammy Glivinski of Glivinski & Associates to serve as the Cape Light Compact Joint Powers Entity Treasurer from July 1, 2017 through December 31, 2017. At the end of this period, the CLCJPE Board may elect to reappoint the Treasurer. The cost of Treasury services for this 6 month period is \$16,080.

The CLCJPE 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.

# **Additional Information**

The Treasury Scope of Services is attached.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Dispositio
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May 31, 2017

### SCOPE OF SERVICES- Cape Light Compact (CLC)

### Weekly Onsite Fiscal Oversight (2-4 hours per week @ \$95 per hour)

- -Weekly review of Accounts Payable and warrants
- -Insure compliance of disbursement requests
- -Insure supporting documentation and appropriate approvals prior to disbursement
- -Weekly check run and signing of checks
- -Review Payroll Hours and timesheets (if needed)
- -Approve for submittal by Comptroller

## Monthly/Quarterly/Annual Fiscal Oversight (6-8 hours per month @ \$120 per hour)

- -Management of funds to maximize per Investment Policies established by Board (as needed)
- -Coordinate Borrowing as needed and approved by Board
- -Quarterly Payroll reconciliation of 941/WR1 to General Ledger
- -Review of monthly transactions request adjustments (if needed)
- -Review Accruals
- -Review Financial Reports prepared by Comptroller
- -Assist with Fiscal year-end work for Audit
- -Liaison with Auditor as needed
- -Financial Committee and Board meetings as requested
- -Recommend and insure Best Business Practices are followed
- -Other fiscal services as outlined in the Scope of Services provided by Cape Light Compact

### Non-Recurring Services (12-15 hours @\$150 per hour)

 -Compilation of a Fiscal Policy and Procedures Manual in compliance with Non-profit standards (Also compliant with municipal standards where applicable)

### **FEES FOR SERVICES**

June 1, 2017 - December 31, 2017 Estimated \$2,680 monthly not to exceed \$16,080 January 1, 2018 - June 30, 2018 Estimated \$1,480 monthly not to exceed \$8,880

23G2 White's Path South Yarmouth, MA 02664 508-398-9300 www.capecodcfo.com



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# **Appoint CLCJPE Chief Procurement Officer**

REQUESTED BY: David Anthony and Joanne Nelson

# Proposed Motion(s)

I move the CLCJPE Board of Directors vote to appoint the CLCJPE Administrator to serve as the Chief Procurement Officer for the Cape Light Compact Joint Powers Entity.

The CLCJPE 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.

# **Additional Information**

The Compact Administrator presently serves as the Chief Procurement Officer for the Compact and this vote will continue this practice.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition
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# Massachusetts State Public Retirement System

REQUESTED BY: Maggie Downey

## Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to join the Massachusetts State Retirement System and accept the provisions of Massachusetts General Laws Chapter 32 Sections 1-28 inclusive.

This vote will establish a contributory retirement system for the employees of the CLCJPE. A letter shall be submitted to the Massachusetts State Retirement System requesting official acceptance effective January 1, 2018.

The CLCJPE 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.

# **Additional Information**

The Compact Administrator presently serves as the Chief Procurement Officer for the Compact and this vote will continue this practice.

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# Designate CLCJPE Administrator as Appointing Authority

**REQUESTED BY: Maggie Downey** 

## Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to designate the CLCJPE Administrator as the Appointing Authority for the CLCJPE.

The CLCJPE 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.

# **Additional Information**

Article IX, Section K(iv) of the Joint Powers Agreement (Agreement) authorizes the CLCJPE Administrator to hire and supervise all staff. Designating the CLCJPE Administrator is consistent with this section of the Agreement and will allow for continuity of terminology between the Agreement and Human Resources Polices and Procedures.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition
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## **Staff Accrual Benefits**

**REQUESTED BY:** Maggie Downey

## Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to carry-over all Compact staff accrual benefits as of June 30, 2017 to the CLCJPE as of July 1, 2017.

The CLCJPE 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.

# **Additional Information**

This vote will allow Compact staff to carry over all accrued time from the County to the CLCJPE. The only option to a carry-over would be to pay Compact staff for all accrued time earned as of June 30, 2017.

Second by:	# Aye	# Nay	# Abstain	Disposition
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	Second by:	Second by: # Aye	Second by: # Aye # Nay	Second by: # Aye # Nay # Abstain



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July 1, 2017 – December 31, 2017 Employee Cost of Living Adjustment (COLA)

**REQUESTED BY:** Margaret Song

# Proposed Motion(s)

I move the CLCJPE Board of Directors vote to approve a July 1, 2017 -December 31, 2017 employee cost of living adjustment (COLA) in the amount of 2%.

The CLCJPE 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.

# **Additional Information**

Cape Light Compact's approved energy efficiency budget and operating budget includes a 2% COLA for Compact employees.

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**Employee Accrued Time** 

**REQUESTED BY:** Maggie Downy

Proposed Motion(s)

1) I move the CLCJPE Board of Directors vote to pay out all compensatory time for eligible staff.

The CLCJPE 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.

# **Additional Information**

Consistent with the Compact Board's discussion and vote in June of 2016, the Compact is in the second of a two-year plan to eliminate staff accrued compensatory time. Reduction of compensatory time shall reduce the Compact's liability resulting from staff accruing compensatory time in the past. Eligible employees are all employees with accrued compensatory time.

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## **Basic Life Insurance for CLCJPE Staff**

**REQUESTED BY:** Maggie Downey

# Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to authorize Basic Life Insurance to all CLCJPE employees through AFLAC. The CLCJPE shall pay 75% of the cost of the premium and the employee shall pay 25% of the cost of the premium.

The CLCJPE 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.

# **Additional Information**

Compact staff presently have this benefit through Barnstable County. Offering this will allow for continuity in the employee benefit package. The annual cost to the CLCJPE is \$2,558

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition
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# **CLCJPE Administrator's Expense Reports and Timesheets**

REQUESTED BY: Maggie Downey

# Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to authorize the CLCJPE Chair to review and approve the CLCJPE Administrator's expense reports and submit the expense report for payment, and to review and ratify the CLCJPE Administrator's submission of a bi-weekly timesheet.

The CLCJPE 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.

# **Additional Information**

If adopted, the CLCJPE chair will review and approve expense reports in advance of submitting to the Comptroller. Timesheets will be reviewed and approved after submission.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition
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Accounts Payable/Receivable and Treasury Functions

REQUESTED BY: Maggie Downey

Proposed Motion(s)

I move the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to ratify the actions of the CLCJPE Administrator regarding contacting Eversource to direct the Systems benefit charge and the Energy Efficiency Reconciliation factor funds to the CLCJPE bank account established for this purpose, and to direct the CLCJPE Administrator to contact NextEra Energy, and all other funding sources associated with operating the CLCJPE, and to request that they direct their funds to the CLCJPE bank accounts identified by the CLCJPE Treasurer.

The CLCJPE 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.

# **Additional Information**

The CLCJPE Administrator shall work with both the Comptroller and the Treasurer to ensure that the CLCJPE continues to receive funds in a timely manner needed for the operation of its programs and services.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition



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**Transfer of Fiscal Affairs** 

REQUESTED BY: Maggie Downey

Proposed Motion(s)

I move the Board vote that the Compact JPE Administrator, consistent with Article VII(K) of the Compact's Inter-Governmental Agreement and the Transition, Asset Transfer and Succession Plan, is authorized and empowered and directed to do any and all acts and things, and to make and execute any and all instruments, papers and documents which shall be or become necessary, proper or convenient on behalf of the Compact JPE to transfer management of the Compact's fiscal affairs to the Cape Light Compact JPE.

The CLCJPE 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.

# **Additional Information**

The CLCJPE Administrator shall work with both the Comptroller and the Treasurer to ensure that the CLCJPE continues to receive funds in a timely manner needed for the operation of its programs and services.

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition
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