

Cape Cod Metropolitan Planning Organization (MPO)

**Cape Cod Commission Conference Room
3225 Main Street
Barnstable, MA 02630**

Minutes of Monday, December 19, 2011

<i>Name</i>	<i>Representing</i>
Clinton Bench	Deputy Director, Office of Transportation Planning (OTP)/ Chairman, representing Secretary/ Chief Executive Officer (CEO) Richard A. Davey, Massachusetts Department of Transportation (MassDOT)
Pamela Haznar, P.E.	MassDOT Highway Division District 5 Office representing Frank DePaola, P.E., Administrator, MassDOT Highway Division
William Doherty	Chair, Barnstable County Commissioners
Peter Graham	Chairman, Cape Cod Commission (CCC) Member, Truro
Jason Steiding	MPO Representative, Mashpee Wampanoag Tribe
Wayne Taylor	Mashpee Selectman, Sub-Region A Rep., (A= Bourne, Sandwich, Falmouth, and Mashpee)
George Allaire and Yarmouth)	Yarmouth, Sub-Region B Rep. Alternate, (B= Brewster, Chatham, Dennis, Harwich, and Yarmouth)
Aimee Eckman Wellfleet)	Eastham Selectman, Sub-region C Rep., (C= Eastham, Orleans, Provincetown, Truro, and Wellfleet)
Tom Cahir	Cape Cod Regional Transit Authority (CCRTA), Administrator
Wayne Lamson	Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority (SSA)
Roger Parsons	Town of Barnstable
Gloria Freeman	West Chatham Association, Inc.
Dan Meserve	West Chatham and its businesses
Bill Tuxbury	West Chatham Association, West Chatham
Rick Leavitt	West Chatham Village and Business Association
Tom Bernardo	Chatham
Simon Wright	Plymouth and Brockton Street Railway (P&B)
John Powers	Pedestrian and Bicycling
Sallie Riggs	Bourne Financial Development Corporation (BFDC)
Chris Adams	The Delahunt Group, LLC
Calli Cenizal	MassDOT OTP
Timothy Kochan	MassDOT District 5 Office
Glenn Cannon	CCC
Priscilla Leclerc	CCC
Lev Malakhoff	CCC
Steve Tupper	CCC
Clay Schofield	CCC
Sarah Korjeff	CCC
Tabitha Harkin	CCC
Phil Dascombe	CCC

Minutes Summary:

The Cape Cod Metropolitan Planning Organization (MPO) held a public meeting to discuss and re-establish MPO election procedures, and to open the MPO Sub-Region Election ballots and tally them.

Meeting Materials:

- Agenda
- Draft minutes of the previous MPO meeting (September 26, 2011)
- Cape Cod Metropolitan Planning Organization (MPO) Sub-Region Election Process, December 2011
- MPO Electorate Opinion, MassDOT Senior Counsel Monica Conyngham (October 7, 2011)

Meeting Materials: (continued)

- UPWP Year End Review Presentation
- West Chatham Association submission of a note and signatures related to the Route 28 section George Ryder Road to Barn Hill Road.

Call to order: Chairman Clinton Bench called the meeting to order at 10:03 a.m., and introductions proceeded around the room.

Minutes of September 26, 2011: Bill Doherty, County Commissioner, moved approval of the draft minutes and with a second by Wayne Taylor, approval of the minutes carried with one abstention (George Allaire, Sub-Region B).

Opportunity for Public Comment:

Gloria Freeman and Bill Tuxbury of the West Chatham Association submitted a copy of petitions signed by 1,729 persons, of whom 32 are business owners. Mr. Tuxbury reported that the Association does not want tax dollars to be spent to eliminate the turning lane on Route 28 in West Chatham. He added that the group is not opposed to the project going onto the TIP [Transportation Improvement Program]; however, all citizens are not in favor of the cross-section put forth by the Board of Selectmen.

Bill Doherty inquired about the specific Route 28 location.

Bill Tuxbury replied that it is the section of Route 28 approximately from George Ryder Road to Barn Hill Road.

Dan Meservey, West Chatham resident and business owner, mentioned that he currently owns the gas station as the third generation, and stated that the third lane, a turning lane, has worked favorably, but the current proposal has eliminated the turning lane. Business has suffered with the sewer construction and we do not want to see new construction yet.

Clinton Bench, MassDOT, thanked those that spoke under the public comment item.

MPO Sub-Region Member Election Process

Glenn Cannon, CCC Technical Services Director, presented the proposed MPO Sub-Region Member Election Process along with the MassDOT counsel's letter to David Mohler. Mr. Cannon reminded the group that a question about the MPO election process in regards to the Open Meeting Law had been raised, and MassDOT counsel consulted directly with the Massachusetts Attorney General's Office and the resulting opinion basically is that MPO Sub-Region Members may be elected "...by written ballots, including absentee balloting and balloting through authorized designees."

Bill Doherty offered that at the MPO meeting in September an election process was voted that now should be rescinded. Bill moved to nullify the previous MPO election process, seconded by Aimee Eckman, and there was unanimous consent to the motion.

John Powers raised his hand to speak and mentioned that the Regional Transportation Plan included safety, and there is a need to complete the streets on Cape Cod for safety.

Clinton Bench, MassDOT, stated that this topic should come under the Year End Review agenda item, and when Mr. Powers could not hear his reply, Mr. Bench suggested that staff speak with Mr. Powers.

Mr. Bench then turned back to Glenn Cannon and stated that the MPO Election Process should be established for every election, and perhaps staff could present the process without dates at a future meeting for adoption.

Peter Graham, CCC, moved to reaffirm this election process as presented. The motion was seconded by Bill Doherty.

Peter Graham inquired about the mechanics of the MassDOT counsel letter, and who David Mohler is—the addressee.

Clinton Bench, MassDOT, replied that after discussion about the MPO election process here on Cape Cod, there were similar questions in other regions with similar elections for local MPO Members, and that is why David Mohler, who is the Executive Director of MassDOT Office of Planning, inquired of senior counsel about the elections and the Open Meeting Law. MassDOT counsel then provided this opinion in consultation with the Attorney General's office.

The MPO then approved the election process through unanimous consent.

Clinton Bench, MassDOT, then suggested that the staff put together a more generalized MPO election process without dates that would allow the election process to be permanently in place. He then added that he personally did not see that the ballots needed to be opened here at the MPO meeting, however, since that was the plan, then we will continue with the agenda while CCC staff open and tally the ballots received.

MPO Year End Review (Unified Planning Work Program (UPWP) for FY 2011)

Glenn Cannon, CCC Technical Services Director, presented an overview of the accomplishments during Federal Fiscal Year 2011.

Reports and Other Information

MassDOT: Ms. Haznar presented a brief update on projects.

CCRTA: Tom Cahir, Administrator, CCRTA, mentioned continued cooperative efforts with the Seashore and Glenn at the CCC that are benefitting the region. Mr. Cahir reported that the new operations contractor is working well, and on-time performance is up for the CCRTA services.

CCC: No report at this time.

MPO Sub-Region Member Election Process RESULTS: Lev Malakhoff, CCC, announced the newly elected MPO Sub-Region Members:

Michael Richardson, Mashpee Selectman, for Sub-Region A MPO Representative, (A= Bourne, Sandwich, Falmouth, and Mashpee)

Curtis Sears, Yarmouth Selectman, for Sub-Region B MPO Representative, (B= Yarmouth and Dennis)

Sims McGrath, Orleans Selectman, for Sub-region C MPO Representative, (C= Brewster, Harwich, Chatham, and Orleans)

Austin Knight, Provincetown Selectman, for Sub-region D MPO Representative, (D= Eastham, Wellfleet, Truro, and Provincetown)

Clinton Bench thanked all the members who have served and congratulations to the new members.

Wayne Taylor moved certification of the vote as announced, seconded by Peter Graham, and the vote was certified by unanimous consent.

Other Business: none.

Next Meeting: The next meeting was set for MPO Training on Monday, January 23, 2012, at 10:00 a.m., here in the CCC Conference Room.

Adjourn: The meeting adjourned at 11:35 a.m.