

Cape Light Compact Governing Board
Wednesday, November 20, 2013
Open Session Meeting Minutes

The Governing Board of the Cape Light Compact met on Wednesday, November 20, 2013 in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

Present were:

Joyce Flynn, Chairwoman, Yarmouth
Robert Schofield, Vice-Chair, Bourne
Peter Cocolis, Treasurer, Chatham
Barry Worth, Secretary, Harwich
Peter Cabana, Member at Large, Dukes County
William Doherty, Barnstable County - by phone
David Anthony, Barnstable
Deane Keuch, Brewster
Timothy Carroll, Chilmark - by phone
Brad Crowell, Dennis – by phone
Fred Fenlon, Eastham
Thomas Mayo, Mashpee
Ronald Zweig, Falmouth
Richard Toole, Oak Bluffs
Peter Fontecchio, Truro
Kathy Hubby, Wellfleet
Sue Hruby, W. Tisbury

Absent Were:

Michael Hebert, Aquinnah
Edgartown - Vacant
Sharon Lynn, Provincetown
Everett Horn, Sandwich
William Straw, Tisbury
Timothy Twombly, W. Tisbury
Kenneth Rowell, Orleans

Legal Counsel:

Jeffrey Bernstein, Esq., BCK Law, PC

Staff Present:

Maggie Downey, Compact Administrator
Margaret Song, Residential Program Manager
Briana Kane, Sr. Residential Program Coordinator
Matthew Dudley, Residential Program Coordinator
Lindsay Henderson, Marketing & Data Analyst
Meredith Miller, C&I Program Manager
Vicky Marchant, C&I Program Analyst
Nicole Price, C&I Program Planner
Miles Malone, C&I Intern
Joseph Soares, Sr. Power Supply Planner
Stephan Wollenburg, Sr. Power Supply Planner
Philip Moffitt, EM&V Analyst
Debbie Fitton, Energy Education Coordinator
Karen Loura, Administrative Assistant

Media & Public Present:

John Cunningham, former Cape Light Compact Governing Board Member from Brewster
James Rogers, Sandwich
Eric Bibler, Connecticut
Patrick Cassidy, Cape Cod Times Newspaper

CALL TO ORDER

At 2:05 pm, Chairwoman Flynn called the meeting to order and introduced Stephen Wollenburg, hired to fill the position of Sr. Power Supply Planner becoming vacant with the retirement of Joseph Soares. Stephan provided a brief summary of his background and education.

PUBLIC COMMENT

E. Bibler submitted a copy of an email letter. He said there are transactions in the audits which do not appear in the information submitted in response to the Assembly of Delegates. He asked for clarification on a \$600,000 appropriation for Renewable Energy Certificates (RECs). Specifically he asked if it is to fill a deficit or what. He asked if they are losses. James Rogers said Power Supply is not on today's agenda and asked if a Request for Proposals (RFP) is issued that it be uploaded to the Compact's website.

CONSIDERATION OF MEETING MINUTES

The Board then considered the September 11, 2013 Meeting Minutes. B. Worth offered a correction on page 2 in the ASHRAE Level II Audits for Municipal Projects paragraph to change the word "do" to "due" so that the sentence will read: "Towns are getting held up due to the STRETCH Code." R. Toole requested a correction in the same paragraph to insert the word "considering" so that the sentence will read: "Oak Bluffs is considering applying for Green Communities Status..." *R. Schofield moved the Board vote to accept the minutes as corrected, seconded by P. Cocolis and voted unanimously in favor with B. Crowell, P. Cabana and K. Hubby abstaining.*

TREASURER'S REPORT

P. Cocolis then reviewed FY 2014 Operating Budget and 2013 Energy Efficiency Budget (January-October) based upon the 3-year Plan. He stated that the of Out-of-state travel budget will be offset by a transfer from In-State travel. He said there will likely be remaining funds in the Insurance line item.

LED STREETLIGHT PROJECT

M. Miller informed the Board that K. Galligan, Project Manager is on vacation and a progress report will be provided at the next meeting. She requested the Board provide a supplemental budget of \$150,000 for additional work which is not energy savings. She said that amount will be sufficient for the entire project. It is for brackets, nuts, & bolts. In the past, the Town's would have been responsible for this work. It is not covered in the current Operation & Maintenance Agreement (O&M) which is between the Vendor and the Town and is for the lights. The Vendor is Siemens. The EMS is between the Vendor & CLC. Discussion followed. *B. Worth moved the Board vote to approve the establishment of a Streetlight Improvement Budget in order to repair and/or improve streetlights associated with the LED retrofit project for the period of January 1, 2014 through June 30, 2014 in the amount of \$150,000, seconded by P. Cocolis and D. Keuch. Discussion followed. This amount would be added as a line item to the budget. B. Schofield re-read the motion. The Board voted unanimously in favor (17-0-0)*

MAIN STREETS PROJECT

M. Miller provided a power point presentation on the new Main Streets Project initiative targeting businesses. The program provides for no co-pay for recommended energy efficiency measures and the Customers can choose which measures to take. A program evaluation will be shared with the Board once complete.

2012 TOWN HOME ENERGY ASSESSMENT COMPETITION

L. Henderson provided a Power Point Presentation to report on the success of the Home Energy Assessment Competition.

REPORT OF THE CHAIR

- Chr. Flynn reported on an Assembly of Delegates resolution.
- 10/8/13 Letter from Richard Knabel, Chair, W. Tisbury Board of Selectmen and her response dated 10/17/13.
- Executive Committee Elections will take place at the January Meeting.
- With the retirement of J. Soares, Cape Light Compact will need to designate a representative to the Cape & Vineyard Electric Cooperative Board of Directors. *She reviewed the position and involvement required. P. Cocolis moved to nominate Stephan Wollenburg, seconded by P. Cabana. D. Anthony asked if he is willing to accept the nomination. S. Wollenburg said yes, and he is enthusiastic. The Board then voted unanimously in favor.*
- Chr. Flynn also announced a CLC Board Meeting on 12/11/13.

F. Fenlon asked about fees charged for Public Records Requests. M. Downey explained fees for photo copies and staff time are estimated in response to a records request. F. Fenlon asked if the Compact has received any payments in the past two months. M. Downey responded there have not.

ADMINISTRATOR'S REPORT

M. Downey reported on a meeting to review the Municipal Power Supply RFP process was held on November 19, 2013 and was attended by several representatives of the 52 or so entities participating. Atty. Bernstein explained the Cape Light Compact facilitates the RFP and is a party to the contracts. Each town or entity provides a listing of electric accounts and executes the contract for electricity. D. Anthony said Towns see it as a benefit in long-term budgeting from a policy standpoint.

Review of Executive Session Meeting Minutes

It was agreed M. Downey & Barry Worth will conduct a review of Executive Session Meeting Minutes to determine if any could be released to the Public Record. M. Downey said they will do as many as possible and try to report at the December Meeting but thought more likely it would be the January Meeting.

UPDATE OF AGGREGATION PLAN

M. Downey provided a Power Point Presentation relative to Updating the Aggregation Plan and she reported work is being done to update the Aggregation Plan which is the document submitted to the DPU when the Compact sought approval as an aggregator. Atty. Bernstein explained that for many years the Cape Light Compact was the only aggregator but now others exist and have brokers who are paid a mil adder. M. Downey said much of the updating is housekeeping and in the procurement process which has evolved. Atty. Bernstein said the Lowell decision was expected to be provided by the end of October but is not out yet. The Compact will need to address any issues which may come out in the Lowell decision. .

CVEC UPDATE

J. Soares reported on a number of Phase I PV Groundbreaking Ceremonies taking place recently. Under SREC I systems must be online by June 30, 2014. Phase I & Phase II are required to go into service by 6/30/14 in order to qualify.

EXECUTIVE SESSION

At 3:32 p.m. Chr. Flynn requested a motion to enter into Executive Session to review and approve Executive Session Meeting Minutes and to discuss litigation strategy. She declared that an open meeting may have a detrimental effect on the litigation position of Cape Light Compact and that the Board would not return to open session at the conclusion of Executive Session this day.

Prior to leaving the room for the executive session a member of the public, E. Bibler, requested a copy of the Board Meeting Packet. Chr. Flynn said the packet would be posted to the Cape Light Compact Website tonight. M. Downey said if not tonight - tomorrow.

R. Zweig moved the Board vote to enter into Executive Session pursuant to MGL Ch. 30A§21(a)(3) & (10) for the purposes of considering Executive Session Minutes and to discuss potential litigation, seconded by P. Cocolis and voted unanimously in favor by roll call vote. R. Cunningham, Atty. Bernstein and staff were permitted to remain.

Respectfully submitted,

Karen E. Loura
Administrative Assistant

- Copy of 10/30/13 Letter from Rebecca L. Tepper, General Counsel, Dept. of Public Utilities re: Cape Light Compact Municipal Aggregation Plan.
- Copy of 11/13/06 Letter from M. Downey to Jorge J. Lopez, CES re: November 3rd Meeting.
- Copy of 11/4/14 Response from M. Downey to E. Bibler relative to PRL Request of 10/28/13.
- 2013 Budget (Jan. – October, 2013) and 11/15 YTD Budget Report.
- 11/15/13 Cape Light Compact LED Streetlight Retrofit Project Update
- 11/20/13 Main Streets Initiative Presentation – M. Miller
- Copy of 10/8/13 Letter from Richard Knabel, Chair, W. Tisbury Board of Selectmen to J. Flynn.
- Copy of 10/17/13 Response from J. Flynn to R. Knabel.
- Copy of proposed AOD "Resolution 13-___" submitted by Leo Cakounes, Harwich
- Copy of 11/6/13 email letter from Joyce Flynn to E. Bibler relative to his 10/28/13
- 11/12/13 Power Point Presentation Entitled: Updating the Cape Light Compact's Aggregation Plan

Reviewed by Barry Worth on: 12/19/13