

Cape Light Compact Governing Board
Open Session Meeting Minutes
Wednesday, March 11, 2015

The Governing Board of the Cape Light Compact convened on Wednesday, March 11, 2015 at 2:00 p.m. in Room 11/12, Superior Court House, 3195 Main Street, Barnstable, MA 02630.

PRESENT WERE:

1. Dr. Joyce Flynn, Chairwoman, Yarmouth – remotely by phone
2. Robert Schofield, Vice-Chair, Bourne
3. Peter Cocolis, Treasurer, Chatham
4. Peter Cabana, Member at Large, Dukes County
5. Barry Worth, Secretary, Harwich
6. David Anthony, Barnstable
7. Deane Keuch, Brewster
8. Timothy Carroll, Chilmark - remotely by phone
9. Brad Crowell, Dennis
10. Frederick Fenlon, Eastham
11. Ronald Zweig, Falmouth
12. Thomas Mayo, Mashpee
13. Richard Toole, Oak Bluffs
14. Raymond Castillo, Orleans
15. Thomas Donegan, Provincetown
16. Everett Horn, Sandwich
17. Richard Elkin, Wellfleet
18. Susan Hruby, W. Tisbury @ 3:05 p.m.

ABSENT WERE:

19. Michael Hebert, Aquinnah
20. Paul Pimentel, Edgartown
21. Peter Fontecchio, Truro
22. Sheila Lyons, Barnstable County

VACANCIES:

23. Tisbury

LEGAL COUNSEL:

Jeff Bernstein, Esq., BCK Law, PC

STAFF PRESENT:

Margaret Downey, Administrator
Stephan Wollenburg, Sr. Power Supply Planner
Margaret Song, Residential Program Manager
Lindsay Henderson, Marketing & Data Analyst
Meredith Miller, C&I Program Manager
Philip Moffitt, EM&V Manager
Karen Loura, Administrative Assistant

OTHERS

Seth Rolbein, Mass. Senator Dan Wolf's Office
Robert Ritchie, Esq.

CALL TO ORDER

V. Chr. Schofield called the meeting to order at 2:02 p.m. The meeting notice/agenda having been posted pursuant to the Open Meeting Law on the Cape Light Compact website.

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION

V. Chr. Schofield requested a motion to enter into Executive Session pursuant to MGL Ch. 30A § 21(a) (3) and § 21(a) (10) for the purpose of discussing litigation strategy and related power supply issues related to DPU 14-69. He declared that an open session may have a detrimental effect on Cape Light Compact’s litigating position and its ability to conduct business in relation to other entities making, selling or distributing electric power and energy and a detrimental effect on the litigating position of the public body. The Governing Board will return to Open Session at the conclusion of Executive Session. *B. Worth moved to enter into Executive Session, seconded by P. Cabana and voted by roll call vote as follows:*

- | | | | |
|----------------------------|-----|------------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 10. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Yes | 11. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 12. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 13. R. Castillo, Orleans | Yes |
| 5. T. Carroll, Chilmark | Yes | 14. T. Donegan, Provincetown | Yes |
| 6. B. Crowell, Dennis | Yes | 15. E. Horn, Sandwich | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet | Yes |
| 8. F. Fenlon, Eastham | Yes | 17. J. Flynn, Yarmouth | Yes |
| 9. R. Zweig, Falmouth | Yes | | |

Motion carried in the affirmative (17-0-0).

At 3:11 p.m. the Board returned to Regular Session.

PUBLIC COMMENT

No public present.

CONSIDERATION OF MEETING MINUTES

The Board then considered the January 14, 2015 Open Session Meeting Minutes. D. Anthony offered two corrections. *B. Crowell moved to accept the minutes as corrected, seconded by P. Cabana and voted unanimously by roll call vote as follows:*

- | | | | |
|----------------------------|-----|------------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 10. B. Worth, Harwich | Yes |
| 2. R. Schofield, Bourne | Yes | 11. T. Mayo, Mashpee | Yes |
| 3. D. Keuch, Brewster | Yes | 12. R. Toole, Oak Bluffs | Yes |
| 4. P. Cocolis, Chatham | Yes | 13. R. Castillo, Orleans | Yes |
| 5. T. Carroll, Chilmark | Yes | 14. T. Donegan, Provincetown | Abs |
| 6. B. Crowell, Dennis | Yes | 15. E. Horn, Sandwich | Yes |
| 7. P. Cabana, Dukes County | Yes | 16. R. Elkin, Wellfleet | Yes |
| 8. F. Fenlon, Eastham | Yes | 17. S. Hruby, W. Tisbury | Yes |
| 9. R. Zweig, Falmouth | Yes | 18. J. Flynn, Yarmouth | Yes |

Motion carried in the affirmative (17-0-1).

TREASURER’S REPORT

P. Cocolis reported on expenditures through 3/11/15. The February and March reports will be posted on the website as part of the Board Meeting Packet.

CONTRACT PROCESS

M. Downey reviewed a draft Contract Tracking Spreadsheet for Compact contracts. The tracking sheet is completed by staff and is sent to P. Cocolis, Treasurer for his review and approval prior to submitting Contracts/Amendments to the County Commissioners for execution. She explained that the contract tracking sheet will be part of the Treasurer’s Monthly Meeting Report, and the Board will be asked to ratify his actions. P. Cocolis added that M. Downey, Chief Procurement Officer, and staff issue Request for Proposals (RFP) or

participate on the statewide RFP and choose vendors. He said he checks funding availability and provides oversight per Administrative Services Agreement with Barnstable County. It was noted that that the Cape Light Compact will begin to pay for County services and space in FY16. *P. Cocolis moved the Board vote to approve the following process regarding contracts to be executed by the Barnstable County Commissioners:*

- 1) Compact Administrator/Chief Procurement Officer presents contract information to the Compact Treasurer sufficient to allow for determination of whether such contract is consistent with approved budget(s);*
- 2) If Treasurer determines such contract is consistent, contract is forwarded to the County Commissioners for execution;*
- 3) Compact Treasurer will report on contracts presented to the Commissioners at Compact Board Meetings;*
- 4) Compact Board will vote to ratify actions of Treasurer regarding contracts, seconded by J. Flynn.*

There was a brief discussion concerning the Administrative Services Agreement being out of date and the possibly of review, discussion and update. *The Board then voted by roll call vote as follows:*

- | | | | |
|-----------------------------------|------------|-------------------------------------|------------|
| <i>1. D. Anthony, Barnstable</i> | <i>Yes</i> | <i>10. B. Worth, Harwich</i> | <i>Yes</i> |
| <i>2. R. Schofield, Bourne</i> | <i>Yes</i> | <i>11. T. Mayo, Mashpee</i> | <i>Yes</i> |
| <i>3. D. Keuch, Brewster</i> | <i>Yes</i> | <i>12. R. Toole, Oak Bluffs</i> | <i>Yes</i> |
| <i>4. P. Cocolis, Chatham</i> | <i>Yes</i> | <i>13. R. Castillo, Orleans</i> | <i>Yes</i> |
| <i>5. T. Carroll, Chilmark</i> | <i>Yes</i> | <i>14. T. Donegan, Provincetown</i> | <i>Yes</i> |
| <i>6. P. Cabana, Dukes County</i> | <i>Yes</i> | <i>15. E. Horn, Sandwich</i> | <i>Yes</i> |
| <i>7. B. Crowell, Dennis</i> | <i>Yes</i> | <i>16. R. Elkin, Wellfleet</i> | <i>Yes</i> |
| <i>8. F. Fenlon, Eastham</i> | <i>Yes</i> | <i>17. S. Hruby, W. Tisbury</i> | <i>Yes</i> |
| <i>9. R. Zweig, Falmouth</i> | <i>Yes</i> | <i>18. J. Flynn, Yarmouth</i> | <i>Yes</i> |

Motion carried in the affirmative (18-0-0).

ENERGY EFFICIENCY PROGRAM

1. 2015 Mid-term Modification (MTM)

M. Song provided a Power Point Presentation providing the 2015 overview of proposed mid-term energy efficiency plan modifications. (Attachment A). There was discussion about the amount of increase and the return on investment. There was discussion about the Whole House Energy Services vendor and whether it was one vendor or multiple vendors. M. Song noted that it is multiple vendors. Currently there is a lead vendor and energy efficiency measures are installed by other vendors. The MTM is for the calendar year.

T. Carroll disconnected from remote participation at 3:55 p.m.

B. Crowell left the meeting at 4:01 p.m.

M. Miller described the upstream lighting program buying down the cost through lighting distributors to provide instant rebates. She said incentive dollars result in great MWH savings.

There was discussion about the Yarmouth and Eastham natural gas moratoriums. The moratorium is driving more and more participation in Cape Light Compact's Programs.

M. Downey stated that the Compact has a three year energy efficiency budget, which is reconciled annually through the Energy Efficiency Reconciliation Factor (EERF). Consistent with DPU directive, budget increases with a 2% or greater bill impact require an MTM approval by the DPU. M. Downey said as was discussed at the last meeting discussions with National Grid over sharing savings for gas customers were not finalized so Cape Light Compact must now seek funding to offset amount expected from National Grid. There was discussion about the timing of the new summer power supply rate and MTM bill impact of \$3.49. There will be a one month overlap of charges during the month of June, 2015.

There was discussion about the program costs that impacted the Plan. The Efficient Neighborhoods⁺® Program was an overwhelming success and drove expenditures significantly upwards. In addition, the Heat

Loan Program, an increase in home audit requests and Commercial/Industrial Upstream Lighting Initiative contributed to the need for MTM. The Energy Efficiency funding revenue is paid by Ratepayers as part of the distribution charge.

There was discussion about the possibility of using the existing budget as a cap and discontinue programs until next year. Staff does not recommend discontinuing programs which help to mitigate the high cost of winter electricity. The programs have been promoted. Not only Cape Light Compact but other State Program Administrators are also tripping the 2% bill impact. T. Mayo said it may not be apparent but the programs are saving users' money. Staff believes the DPU will approve the MTM. M. Downey said the Compact is always trying to balance bill impacts. With Board approval, the Compact's MTM will be submitted to the Mass. Department of Public Utilities for review and approval.

B. Worth moved the Board vote to approve the submission of the Compact's mid-term modification (MTM) to the Mass. Department of Public Utilities for review and approval, seconded by P. Cocolis and voted by roll call vote as follows:

1. D. Anthony, Barnstable	Yes	8. B. Worth, Harwich	Yes
2. R. Schofield, Bourne	Yes	9. T. Mayo, Mashpee	Yes
3. D. Keuch, Brewster	Yes	10. R. Toole, Oak Bluffs	Yes
4. P. Cocolis, Chatham	Yes	11. R. Castillo, Orleans	Yes
5. P. Cabana, Dukes County	Yes	12. T. Donegan, Provincetown	Yes
6. F. Fenlon, Eastham	Yes	13. E. Horn, Sandwich	Yes
7. R. Zweig, Falmouth	Yes	14. R. Elkin, Wellfleet	Yes
		15. S. Hruby, W. Tisbury	Yes
		16. J. Flynn, Yarmouth	Yes

Motion carried in the affirmative (16-0-0).

P. Cabana asked for a topic for discussion of plug-ins on next agenda.

2. Town of Falmouth Energy Efficiency Cap Waiver Request

S. Wollenburg provided review of the incentive granted by the Board at the July 9, 2014 Meeting. There was a misunderstanding on the basis of the numbers provided to the Compact in the vendor's initial submission. As a result, the Town is eligible for an incentive of no more than \$450,000 vs. the previously approved amount of \$250,000. This omission was discovered during further project review. The Benefit/Cost Ratio (BCR) for the entire Falmouth Project including upgrades at 12 buildings is calculated to be 1.36 and an estimated annual savings of \$80,000 and 409,820 kWh. *D. Anthony moved the Board vote to revise the waiver of the \$150,000 incentive cap for the Town of Falmouth ESCO Project, previously approved on July 9, 2014 increasing the cap to allow for a project incentive of no more than \$450,000, from the previously approved waiver of \$250,000, seconded by P. Cocolis and voted by roll call vote as follows:*

1. D. Anthony, Barnstable	Yes	8. B. Worth, Harwich	Yes
2. R. Schofield, Bourne	Yes	9. T. Mayo, Mashpee	Yes
3. D. Keuch, Brewster	Yes	10. R. Toole, Oak Bluffs	Yes
4. P. Cocolis, Chatham	Yes	11. R. Castillo, Orleans	Yes
5. P. Cabana, Dukes County	Yes	12. T. Donegan, Provincetown	Yes
6. F. Fenlon, Eastham	Yes	13. E. Horn, Sandwich	Yes
7. R. Zweig, Falmouth	Yes	14. R. Elkin, Wellfleet	Yes
		15. S. Hruby, W. Tisbury	Yes
		16. J. Flynn, Yarmouth	Yes

Motion carried in the affirmative (16-0-0).

Administrator's Report

1. Response to E. Bibler & J. Rogers 2/24/15 OML Complaint.

The Board then reviewed and discussed the 2/24/15 Open Meeting Law (OML) Complaint lodged by Eric Bibler, Weston, CT and James Rogers, Sandwich, Mass. The Board also reviewed a draft response.

Atty. Bernstein noted the complaint was not made on a timely basis since several alleged violations related to the October 24, 2012 Executive Session Meeting minutes which were posted in un-redacted form on October 10, 2014. Notwithstanding the failure to timely file the complaint, the draft response cites the authority provided by the Open Meeting Law Purpose 10, for a public body to list subjects without compromising the purpose of the executive session. The draft concludes no violation of the OML occurred with respect to the session held October 24, 2012.

The Board also reviewed copies of a February 25, 2014 Bibler OML Complaint and October 20, 2014 Letter to Eric Bibler. Due to the sheer volume of complaints and allegations lodged constantly, there was discussion as to the line between free speech and harassment. There was discussion about the legal and staff expense created by the many frivolous and meritless complaints.

The Board carefully discussed the 6 listed alleged violations set out in the 11-page email complaint dated February 24, 2015.

The Board then reviewed the draft response and generally concurred, subject to a correction in the 4th paragraph as follows:

“The un-redacted minutes remained on the Compact’s website for the next six weeks. For some reason, when the Compact’s website was updated on November 24, 2014 the ~~unredacted~~ redacted minutes were inadvertently posted. This was corrected on February 22, 2015...”

The Board members then each expressed their support of the response to be sent as corrected. There was also a brief discussion about cyber harassment and the intersection between harassment and First Amendment rights.

2. Board Schedule & other Administrative Updates

- M. Downey asked to add an April 1, 2015 meeting for a presentation on the Energy Efficiency Penetration Study being conducted by Opinion Dynamics Corporation. This is the only agenda item and staff will explore using a webinar for remote participants. This is an informational session with no votes required.
- The next Regular meeting is scheduled for April 8, 2015 and a quorum will be needed.
- M. Downey reported due to the lack of a quorum the February 11, 2015 meeting was canceled. The C&I Informational Presentation and 2013 Annual Report Presentation were made. All handouts are available.
- The Board acknowledged receipt of a Press Release relative to Mass. Offshore Wind Lease Auction Results (Bureau of Ocean Energy Management) announcement of provisional lease winners OffshoreMW and community based partner Vineyard Power Cooperative.
- M. Downey reported the 2015 major events list has been distributed via email to members prior to the meeting. There was discussion about dehumidifier turn-in events possibly occurring at farmers markets. Members were asked to bring ideas to the April 1st & 8th meetings.
- A C&I Energy Efficiency Programs Presentation is scheduled to take place at the Eastham Elks Lodge on March 26, 2015. Members from the lower-cape region were encouraged to promote businesses, restaurants, friends and family to participate.

CVEC UPDATE

- S. Wollenburg reported only the Barnstable and Dennis/Yarmouth Regional School PV Systems remain not yet connected. The systems have been installed awaiting interconnection by Eversource.

At 5:04 p.m. the meeting adjourned.

LIST OF DOCUMENTS & EXHIBITS:

- Meeting Notice/Agenda
- Draft January 15, 2015 Meeting Minutes
- 1/14/15 & 3/11/15 Operating Budget Expenditure Totals Reports
- 2015 Energy Efficiency Program Budget
- 2014 Energy Efficiency Budget/Actuals (January Through Mid-December) comparison report.
- 2015 Energy Efficiency Budget/Actuals (January Through January) comparison report.
- 2015 Proposed Mid-term Modification (MTM) Power Point Presentation
- 2/24/15 OML Complaint of E. Bibler, Weston CT & J. Rogers, Sandwich MA
- Draft response to 2/24/15 OML Complaint of E. Bibler, Weston CT & J. Rogers, Sandwich MA
- Statement from OffshoreMW & Vineyard Power Cooperative: Mass. Offshore Wind Lease Auction Results

Minutes reviewed by B. Worth, Secretary on March 24, 2015.