

**Cape Light Compact Governing Board**  
**Meeting Minutes**  
**October 24, 2012**

The Governing Board of the Cape Light Compact met in regular session on Wednesday, October 24, 2012 in Rooms 11 & 12, Superior Court House, 3195 Main Street, Barnstable, Mass. 02630

**Present were:**

William Doherty, Chairman, Barnstable County  
Peter Cocolis, Treasurer, Chatham  
Peter Cabana, Member @ Large, Dukes County  
Barry Worth, Secretary, Harwich  
David Anthony, Barnstable  
Deane Keuch, Brewster  
Timothy Carroll, Chilmark – (Remotely via telephone)  
Brad Crowell, Dennis  
Fred Fenlon, Eastham  
Tom Mayo, Mashpee  
Richard Toole, Oak Bluffs  
Kenneth Rowell, Orleans  
Everett Horn, Sandwich  
Peter Fontecchio, Truro  
Kathy Hubby, Wellfleet  
Joyce Flynn, Yarmouth

**Legal Counsel:** JoAnn Bodemer, Esq., BCK Law, Counsel

**Absent were:**

Michael Hebert, Aquinnah  
Robert Schofield, V. Chairman, Bourne  
Vacant, Edgartown  
Ronald Zweig, Falmouth  
Sharon Lynn, Provincetown  
Bill Straw, Tisbury  
Tim Twombly, W. Tisbury

**Staff Present**

Maggie Downey, Compact Administrator  
Briana Kane, Sr. Res. Program Coordinator  
Meredith Miller, C&I Program Manager  
Vicki Marchant, C/I Program Analyst  
Nicole Price, C&I Program Planner  
Karen Loura, Administrative Assistant

Margaret Song, Residential Program Manager  
Matt Dudley, Residential Program Coordinator  
Philip Moffitt, EM&V Analyst  
Debbie Fitton, Energy Education Coordinator  
Gail Azulay, EM&V Analyst

**Public Present**

James Rogers, Sandwich  
Andrea St. Germain, DY Regional School Committee

Preston Ribnick, Wellfleet

This meeting was video recorded by P. Ribnick as a private citizen.

**CALL TO ORDER**

With a quorum present, Chr. Doherty called the meeting to order at 2:00 p.m.

**PUBLIC COMMENT**

P. Ribnick alleged violation of the Open Meeting Law concerning meeting notice posting requirements and urged the board to disassemble. He said if the meeting continues he will file an OML complaint with the

Attorney General. J. Rogers provided public comment.

J. Flynn introduced Andrea St. Germain, Dennis/Yarmouth Regional School District. She said she would like to publicly express the District's appreciation to Cape Light Compact as they have achieved the Cape & Island Renewable Energy Collaborative's 2012 Clean Energy Green Action Award for Retrofit/Renovation. Everyone cheered and congratulated the DY Regional School District.

B. Crowell announced the Environmental Protection Agency (EPA) award to the Dennis Union Church for achieving Energy Star Certification. Dennis Union Church was invited to the White House as one of the first churches in the Country to achieve this Certification. The event was entitled "Greening Congregations through Energy Efficiency," and was held on September 13<sup>th</sup>. The Cape Light Compact identified and underwrote the services of a professional engineer to review and certify (a necessary prerequisite) the Energy Star application documents. Everyone cheered and congratulated the Dennis Union Church.

M. Downey informed the Board that she contacted the State concerning allegations of open meeting law violations received via email from P. Ribnick at 12:30 pm that the meeting was not posted on the Cape Light Compact's Calendar of Events. This Events Calendar is not an official Public Meeting Notice resource and is intended to publicize participation in local community-based activities such as Home & Garden Shows, Local Festivals, Informational Sessions, etc. to promote programs. The meeting agendas are posted at the Superior Court House public bulletin boards and on our website on the Meeting Agendas tab in compliance with the Open Meeting Law. The State has confirmed there is no violation in this case. M. Downey said she will ask the Board to vote on a "Meeting Posting Policy" at a future meeting.

Chairman Doherty invited the members present to state their names for the benefit of T. Carroll participating remotely by phone.

#### **APPROVAL OF MEETING MINUTES**

The Board then considered the September 12, 2012 Regular Session Meeting Minutes. *P. Cocolis moved the board vote to approve the minutes, seconded by K. Rowell.* P. Cocolis then offered a clarifying amendment to page 3, at bullet so that the sentence will read: "P. Cocolis asked ***if it is appropriate to request*** copies of the CLC Public Information video." and on Pg. 4, 2<sup>nd</sup> ¶, 6<sup>th</sup> sentence to read "...CLC's responsibility and rights to support CVEC ***and the amendment is an appropriate measure*** to fund CVEC through the next 2-3 years." P. Cabana offered an amendment to Pg. 4, 7<sup>th</sup> ¶ so that the sentence will read: "...under the Green Communities Act qualifying them ***for the ability to access \$140,000 and more from the State.***" *The Board then voted unanimously in favor to approve the amended minutes with T. Carroll, F. Fenlon and B. Crowell abstaining.* Upon request of T. Mayo, M. Downey agreed to send meeting minutes once amended.

#### **TREASURER'S REPORT**

P. Cocolis then distributed the Cape Light Compact Special Revenue Funds Report as of 9/30/12 (Attachment A). He said there is about a 4% variance as of 9/30/12 and we are pretty much on target. There was discussion about the stability of the power supply revenue which has been somewhat predictable and stable. M. Downey said it could change if the market drops.

**BARNSTABLE COUNTY ASSEMBLY OF DELEGATES RESOLUTION 12-05** The Board then discussed the AOD Resolution 12-05. (ATTACHMENT B)

- **Item A** - It was agreed the practice outlined in this item is currently the practice of the Cape Light Compact. Discussion followed. *P. Cocolis moved that the CLC Board vote to take no action on Assembly of Delegates Resolution 12-05A, seconded by B. Crowell and voted unanimously in favor.*
- **Item B** – There was discussion concerning the AOD recommendation to retain unaffiliated counsel to review conflict of interest issues. *F. Fenlon moved that the Board vote to reject the Assembly of Delegates recommendation to engage separate legal counsel to review whether there are any conflict of interest issues involving CLC existing counsel, seconded by B. Worth and voted unanimously in favor.*
- **Item C** – There was discussion about the AOD recommendation to prohibit individuals from serving on both CLC and CVEC. This is within the purview of the appointing authority of the member counties or towns and Cape Light Compact would subvert local authority to so prohibit. D. Anthony said Barnstable considered this and decided not to appoint the same individual to both boards over concerns of potential conflict but this decision belongs to the appointing entity. *R. Toole moved the Board vote to reject the Assembly of Delegates request to prohibit members of CLC from serving on the Cape & Vineyard Electric Cooperative, Inc. (CVEC), seconded by D. Anthony and voted unanimously in favor.* B. Worth noted, for the record, that his resignation from CVEC was not due to this issue.
- **Item D** – *J. Flynn moved that the Board vote to reject the Assembly of Delegates request that CLC have separate legal counsel from CVEC, seconded by K. Rowell.* B. Crowell asked to hear pros and cons from Counsel. P. Cocolis said CLC founded CVEC and financed the organization and has an interest in shared counsel. He said he cannot see where there would be a conflict of interest of any kind. Any such conflicts would be addressed. P. Cabana supports continued shared counsel as long as CLC is the funding agent seeing it as an advantage to CLC. Once CVEC becomes financially independent it may be a time to consider separate counsel. D. Anthony said such type of restrictive language could potentially have unintended consequences. He supports rejecting the request. *B. Crowell said he supports further discussion before voting and would prefer to table the matter to the next meeting and so moved, seconded by K. Hubby. A majority of the Board then voted in opposition to tabling the matter to next meeting. A majority of the Board then voted in support of the motion of J. Flynn (15-1-0).* Chr. Doherty said he is still in favor of hearing from Counsel on this matter at the November meeting.

**ENERGY EFFICIENCY PROGRAM UPDATE – PROPOSED EXECUTIVE SESSION PURSUANT TO MGL CHAPTER 30A §21(A)3 AND §21(A)10**

At 3:05 p.m. Upon statement from T. Carroll, participating remotely that no other individuals are present and/or able to hear the discussion at his location and a pronouncement from Chr. Doherty that the Board would not reconvene in regular session, *D. Keuch moved the Board vote to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 3 to discuss pending regulatory litigation relative to the 2013-15 Mass. Joint Statewide 3-year electric and gas energy efficiency plan (DPU 12-xx) and Chapter 30A §21(a)10 to discuss municipal aggregator proprietary commercial or financial information, seconded by Peter Cocolis and voted unanimously in favor by roll call vote.*

Respectfully submitted,

*Karen E. Loura*

Administrative Assistant

Reviewed by B. R. Worth, Secretary

Cape Light Compact  
Special Revenue Funds  
as of 10/31/12

Description	Fund 0027 Energy 2012	Fund 2006 Solarize Our Schools	Fund 2161 Energy Audit Grant	Fund 2162 Energy Effic Conserv Block	Fund 8038 Energy Efficiency Reserve Fund	Fund 8046 Power Supply Reserve Fund	Fund 8073 RPS RECS Fund	Fund 8074 CLC Operating Fund	Fund 8075 CLC Green Fund
Und Balance as of 7/1/12	929,741.39	81,208.66	4,500.00	0.00	106,600.50	1,058,076.70	0.00	60,629.57	127,420.91
<b>Revenues</b>									
SBC Revenues	1,491,595.00								
RGGI Revenues	476,556.77								
FCM Revenues	309,310.05								
EEERF Revenues	1,646,676.31								
Other Income									
Bank Interest Income	114.17								
Energy Audit Grant-Application Fees									
Energy Audit Grant Revenue									
Energy Effic Conserv Block Grant Rev									
Mill Adder Revenue						418,662.25			
Power Supply Reserve Fund REC Revenue						267,769.00			
RPS RECs Revenues									
CLC Green Fund Revenue								40,403.62	
CLC Green Fund REC Revenue									
<b>TOTAL REVENUES</b>	3,924,252.30	0.00	0.00	0.00	0.00	686,431.25	0.00	0.00	40,403.62
<b>TOTAL TRANSFERS</b>						(988,920.00)		988,920.00	
<b>TOTAL EXPENDITURES</b>	6,492,647.60	0.00	6,100.00	0.00	0.00	139,615.00	0.00	624,151.14	19,566.44
Und Balance	(1,638,653.91)	81,208.66	(1,600.00)	0.00	106,600.50	615,972.95	0.00	425,398.43	148,258.09