

**Cape Light Compact Governing Board
Open Session Meeting Minutes
Wednesday, October 14, 2015**

The Governing Board of the Cape Light Compact convened on Wednesday, October 14, 2015 at 1:30 p.m. in the Innovation Room, Open Cape Building, 3195 Main Street, Barnstable, MA 02630.

PRESENT WERE:

1. Dr. Joyce Flynn, Chairwoman, Yarmouth
2. Robert Schofield, Vice-Chair, Bourne
3. Peter Cocolis, Treasurer, Chatham
4. Barry Worth, Secretary, Harwich
5. Sheila Lyons, Barnstable County @ 3:30 p.m.
6. David Anthony, Barnstable
7. Deane Keuch, Brewster
8. Timothy Carroll, Chilmark – remotely by phone
9. Frederick Fenlon, Eastham
10. Paul Pimentel, Edgartown
11. Ronald Zweig, Falmouth
12. Thomas Mayo, Mashpee
13. Richard Toole, Oak Bluffs
14. Raymond Castillo, Orleans
15. Thomas Donegan, Provincetown
16. Joshua Peters, Sandwich
17. Joseph Buteau, Truro
18. Susan Hruby, W. Tisbury

ABSENT WERE:

19. Michael Hebert, Aquinnah
20. Brad Crowell, Dennis
21. Dukes County - vacant
22. Tisbury - vacant
23. Richard Elkin, Wellfleet

Members Physically present: 18
Members Participating by phone: 1

LEGAL COUNSEL:

JoAnn Bodemer, Esq., BCK Law, PC

OTHERS:

Habitat for Humanity

- Vicki Goldsmith
- Kate Wing, 28 Sesame Street

STAFF PRESENT:

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

PUBLIC PRESENT

Brian O'Malley, Provincetown
Steve Krintzman, Yarmouthport

CALL TO ORDER Chr. Flynn called the meeting to order at 1:30 p.m. The [meeting notice/agenda](#) was posted on the Cape Light Compact website pursuant to the Open Meeting Law on Friday, October 9, 2015 @ 1:24 p.m. .

PUBLIC COMMENT:

Kate Wing rose to express her appreciation to Cape Light Compact as her family was able to get into their home at 28 Sesame Street about 4 months ago. She described her prior circumstances paying high rent and heating a poorly insulated home with oil. Although Cape Light Compact would have upgraded the insulation, her landlord would not agree to have the work done. An inspector involved in the program said hers was one of the most energy efficient homes ever seen.

M Downey said that the Cape Light Compact Governing Board recently approved allocation of additional funds to continue purchasing SRECS. She said the Compact will continue to look forward to working with Habitat for Humanity on Cape Cod and Martha’s Vineyard. She introduced Austin Brandt, who replaced Stephan Wollenburg as the Cape Light Compact Power Supply Planner, he was the Town of Provincetown’s Energy Manager & Conservation Agent.

PUBLIC MEETING PROTOCOLS

The Board reviewed a draft of proposed Public Meeting Protocols by BCK. There was discussion about the amount of time allotted for public speaking and adding language enabling variances at the discretion of the Chair. There was discussion about the desire to conduct cordial and productive meetings and compliance with the Open Meeting Law. There was discussion about not engaging speakers at the risk of discussing items not listed on the agenda and ways to correct false and/or misleading public statements. There was a suggestion that the Chairman invite comments/corrections from the Board Members following Public Comment. There was discussion about placement of audio recording devices and adding that any video recording equipment must be stationary and placed at the discretion of the Chair. There was discussion about making extra Board Meeting Packets. *B. Schofield moved the Board vote to adopt the Cape Light Compact Public Meeting Protocols dated October 14, 2015 as amended, seconded by P. Cocolis. The Board then voted by roll call as follows:*

- | | | | |
|-----------------------------|-------------|------------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| S. Lyons, Barnstable County | Not present | 10. T. Mayo, Mashpee | Yes |
| 2. R. Schofield, Bourne | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 3. D. Keuch, Brewster | Yes | 12. R. Castillo, Orleans | Yes |
| 4. P. Cocolis, Chatham | Yes | 13. T. Donegan, Provincetown | Yes |
| 5. T. Carroll, Chilmark | Yes | 14. J. Peters, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Yes | 15. J. Buteau, Truro | Yes |
| 7. P. Pimentel, Edgartown | Yes | 16. S. Hruby, W. Tisbury | Yes |
| 8. R. Zweig, Falmouth | Yes | 17. J. Flynn, Yarmouth | Yes |

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

COMMENTS FROM THE BOARD

F. Fenlon announced a new organization named Protect Our Cape Cod Aquifer and urged members to follow-up with them. They are seeking relief from Eversource spraying around homes and there is a case in court. He distributed information about the group.

CONSIDERATION OF MEETING MINUTES

B. Worth, Secretary presented the draft September 16, 2015 Meeting Minutes and noted 3 minor typographical errors. T. Mayo corrected that it was T. Donegan not himself who met with the Attorney General at the bottom of page 3 and requested changes to paragraph 3 on page 2 for clarification. T. Donegan also offered a clarifying amendment. By agreement. *B. Schofield moved the Board vote to accept the minutes as amended, seconded by R. Castillo and voted by roll call vote as follows:*

- | | | | |
|-----------------------------|-------------|------------------------------|-----|
| 1. D. Anthony, Barnstable | Yes | 9. B. Worth, Harwich | Yes |
| S. Lyons, Barnstable County | Not present | 10. T. Mayo, Mashpee | Yes |
| 2. R. Schofield, Bourne | Yes | 11. R. Toole, Oak Bluffs | Yes |
| 3. D. Keuch, Brewster | Yes | 12. R. Castillo, Orleans | Yes |
| 4. P. Cocolis, Chatham | Yes | 13. T. Donegan, Provincetown | Yes |
| 5. T. Carroll, Chilmark | Yes | 14. J. Peters, Sandwich | Yes |
| 6. F. Fenlon, Eastham | Yes | 15. J. Buteau, Truro | Yes |
| 7. P. Pimentel, Edgartown | Yes | 16. S. Hruby, W. Tisbury | Yes |
| 8. R. Zweig, Falmouth | Yes | 17. J. Flynn, Yarmouth | Yes |
- Motion carried in the affirmative (17-0-0).*

TREASURER’S REPORT

P. Cocolis distributed the Energy Efficiency (EE) budget vs. actuals Report (January-September). He said spending is approximately 50% complete through September. This budget will end at end of December with full reconciliation in March. He noted that the Compact’s budgets are fully reconciled each year and closely reviewed by Department of Public Utilities. He said the Compact is basically in good shape.

P. Cocolis distributed copies of the 10/14/15 Operating Budget Expenditures Report. He said Retirement Board Assessment which is provided to payroll will be reviewed for accuracy (allocations; participants, etc.) relative to the deficit appearing in the Retirement Fund. If found to be correct, the budget can absorb this amount in the short term but he would request a supplemental budget at an upcoming meeting. He reported spending is at 29% which is where it should be. He reported the Marketing budget is negative around \$2,000.00 T. Mayo said Municipalities have Finance Committees to oversee “unforeseen expenses” and asked if the Compact has similar. M. Downey said the Auditor recommended all additional appropriations come to the Board for approval/supplemental budget adjustment vote. There was discussion about adding a notation to the document in the Retirement line. It was agreed the matter will be covered in the minutes which are posted within a couple days of meeting.

2016 & 2018 ENERGY EFFICIENCY PLAN

M. Downey distributed copies of a Power Point Presentation entitled 2016-18 Energy Efficiency (EE) Plan proposed for the October 30, 2015 Filing. F. Fenlon asked if the closing of the Pilgrim Power Plant will have an impact on EE Programs. M. Downey responded there will be no impact on the EE plan. The Cape Light Compact proposed 3 year budget is approximately \$126M. The Compact’s programs reflect Board approved enhancements, which reflect higher incentive levels and programs targeting customers who are hard to reach and hard to serve. . She reminded the Board that the Compact, unlike the other Program Administrators, does not collect performance incentive dollars so Cape and Vineyard ratepayers are not paying in to this fund (\$100 million dollars). There was discussion about the last 3-year plan budget. There was discussion about how well the Compact is meeting goals for 2013 & 2014.

Brian O’Mally, Provincetown arrived to the meeting @ 2:56 p.m.

There was discussion about the bill impact and consumer impact. Compact Management staff distributed a table showing [historical bill impact](#) data.

S. Lyons, Barnstable County arrived to the meeting @ 3:30 p.m.

The Board reviewed the previous bill impacts. Although there was consideration about extending an enhanced heat loan to income eligible participants, it was decided not to further indebt Low Income participants. There was discussion about implementing programs fuel neutral. Atty. Bodemer said the Compact can legally implement programs across fuel types. There was discussion about customers contributing to the Energy

Efficiency Fund as part of both their Gas and Electric Bills. M. Downey reviewed the history with National Grid and the sense of the Compact was that the Compact will continue to serve gas customers upon request.

T. Carroll – disconnected from the phone at 3: 45 p.m.

The Department of Public Utilities will decide who will administer the programs to natural gas customers. M. Song said the sector mix on Cape Cod is predominantly residential vs large commercial. The Compact is more than 50% committed to residential customers. This has to do with the type of measures which are of a different caliper than other program administrators. The Compact's measures are deeper and more comprehensive than the others.

B. Schofield mentioned that Eversource is advertising energy efficient lightbulbs. The Compact is not focusing spending on lighting.

M. Downey spoke about Demand Response.

M. Song asked for a general sense of the board on the proposed new residential enhancements. The Board indicated they are in support.

Meredith Miller provided an overview of the Commercial/Industrial & Municipal Proposed Plan. 40-60% of budget is used on Energy Efficiency for Municipalities.

There was discussion about serving Commercial Gas Customers. P. Pimentel suggested turning the matter over to the DPU to decide. S. Hruby suggested leaving the situation with Commercial Gas Customers as is.

T. Donegan said there are social and economic low income organizations (i.e., arts organizations & theaters, etc.) which he believes is an underserved group. He said there are cultural/arts entities with annual operating budgets of less than \$2 million. All own property and pay heating and electric bills. He believes these organizations will provide huge energy savings. There was discussion about defining parameters to target low income organizations. It was suggested to qualify the organization would have to be a 501(3) c in existence for 5 years or more with bylaws and an annual operating budget of \$10 million or less. T. Donegan said these are businesses struggling to pay energy bills and often occupy large open poorly insulated buildings. T. Mayo mentioned the laws of unintended consequences adding that if the organization is a 501 (3) c and can afford to make energy efficiency improvements they should not be included. He is not in support of incentivizing all 501 (3) c organizations. The sense of the Board was in support to double budget for non-profit incentives.

R. Schofield moved the Board vote to approve the proposed goals and budgets presented by staff for the 2016-2018 Energy Efficiency Plan, and authorize submission of the proposed Plan to the Massachusetts Department of Public Utilities. The Compact 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, seconded by P. Cocolis and voted unanimously in favor. (17-0-0 with S. Lyons present and voting). NOTE: Since T. Carroll had disconnected from the phone – no roll call vote was required.

ADMINISTRATOR'S REPORT

Review Proposed Response to Eric Bibler – 9/28/15 Open Meeting Law Complaint

The Board then reviewed and discussed the draft response to the 9/28/15 Open Meeting Law Complaint lodged by Eric Bibler of Weston CT. M. Downey asked for a sense of the Board with regard to their comfort with the response. The sense of the board was in support of the response.

M. Downey said the regularly scheduled November Board Meeting falls on Veteran's Day. She has a conflict on 11/18 due to a meeting with the Advisory Council. The Board will take up the 6th Amendment to the Bylaws. D. Anthony suggested that since the bulk of change is to Section K it may be alright if she were not present. R. Zweig said the MMA voted to bump up renewable production and lift the Net Metering Cap. He said they are mostly concerned with energy security. P. Pimentel said there is a need to have the ability to do some longer term hedging.

At 4:48 p.m. the Board adjourned.

Respectfully submitted,

Karen E. Loura
Administrative Assistant

LIST OF DOCUMENTS & EXHIBITS:

- Board Meeting Notice/Agenda
- Draft Public Meeting Protocols
- September 16, 2015 Open Session Meeting Minutes – Draft
- 10/14/15 Operating Budget Expenditure Report
- 2013-15 Energy Efficiency Budget Comparison Report (January – September, 2015)
- 2016-18 Energy Efficiency Plan Power Point Presentation
- Historical Bill Impacts Table dated 10-12-15
- Draft response to 9/28/15 Open Meeting Law Complaint filed by Eric Bibler, Weston CT

Minutes reviewed by B. Worth on 11/12/15