

**Cape Light Compact
Governing Board and Executive Committee
Open Session Meeting Minutes
Wednesday, July 13, 2016**

The Cape Light Compact Governing Board and Executive Committee met on Wednesday, July 13, 2016 in the Innovation Room, Open Cape Building, Barnstable County Complex, 3195 Main Street, Barnstable MA 02630 at 12:36 p.m.

PRESENT WERE:

1. Joyce Flynn, Chair, Yarmouth
2. Peter Cocolis, Treasurer, Chatham
3. Ronald Zweig, Secretary, Falmouth
4. Richard Toole, Member at Large, Oak Bluffs – by phone
5. David Anthony, Barnstable
6. Deane Keuch, Brewster at 12:54 pm
7. Andrew Gottlieb, Mashpee
8. Thomas Donegan, Provincetown
9. Joshua Peters, Sandwich
10. Joseph Buteau, Truro
11. Richard Elkin, Wellfleet
12. Sue Hruby, West Tisbury
13. Sheila Lyons, Barnstable County at 1:32 pm

ABSENT WERE:

14. Paul Pimentel, Edgartown
15. John Ally, Dukes County
16. Chris Galazzi, Orleans
17. Michael Hebert, Aquinnah
18. Tim Carroll, Chilmark
19. Fred Fenlon, Eastham
20. Brad Crowell, Dennis
21. Valerie Bell, Harwich
22. Robert Schofield, Vice-Chair
23. Tisbury - vacant

Members physically present: 12
Members present by phone: 1

LEGAL COUNSEL

Jeff Bernstein, Esq., BCK Law, PC

STAFF PRESENT:

Maggie Downey, Administrator
Austin Brandt, Power Supply Planner
Phil Moffitt, Residential Manager
Lindsay Henderson, Analyst
Margaret Song, C&I Program Manager
Linda Stella, Administrative Assistant

Chr. Flynn opened the meeting at 12:36 pm and declared this meeting as an Executive Committee Meeting only, as only ten members of the Board were physically present and a quorum of 12 was needed to convene as the Governing Board; four members of the Executive Committee (one member participated remotely) out of five Executive Committee Members forming a quorum of the Executive Committee and a total of eight Governing Board members were present.

J. Bernstein stated that the best guidance from the Attorney General's office is that non-Executive Committee Board Members may participate in discussion but cannot discuss with board members who are not present at the meeting. Today's Executive Session is to update board members, and there will be no decisions made by the Executive Committee.

Chr. Flynn introduced the new board member from Mashpee, Andrew Gottlieb. A. Gottlieb stated that he is in his 3rd year as Selectman and is currently chair of the Board of Selectmen and works on wastewater issues with the Cape Cod Water Protection Collaborative.

EXECUTIVE SESSION

At 12:41 p.m., Chr. Flynn moved that the Executive Committee enter into Executive Session Pursuant to M.G.L. Chapter 30A M.G.L. 30A, §21(a)(3) and §21(a)(10), to discuss the update on Compact and NGRID Agreement for Natural Gas Heated Homes, the Litigation strategy regarding Electric Distribution Companies and Interstate Natural Gas Pipeline Capacity Contracts, DPU 15-181, DPU 16-05 and DPU 16-07; and Litigation strategies related to Grid Modernization and Plans filed by Massachusetts Distribution Companies (DPU 15-120 and 15-122) and declared that an open session may have a detrimental effect on the Cape Light Compact’s litigating position and that disclosure of confidential and competitively-sensitive financial information will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy. Chr. Flynn stated that the Executive Committee would return to Open Session at the conclusion of Executive Session.

Seconded by P. Cocolis and voted by roll call as follows:

- | | |
|--------------------------|-----|
| 1. P. Cocolis – Chatham | yes |
| 2. R. Zweig – Falmouth | yes |
| 3. R. Toole – Oak Bluffs | yes |
| 4. J. Flynn – Yarmouth | yes |

Motion carried in the affirmative (4-0-0)

D. Keuch arrived at 12:54 pm.

S. Lyons arrived at 1:32 pm.

Executive Committee returned to open session at 1:36 pm. Chr. Flynn stated that there was now a quorum of the whole Board, so they would proceed as the Governing Board.

PUBLIC COMMENT

There were no members of the public present.

CONSIDERATION OF MEETING MINUTES

The Board considered the June 8, 2016 Meeting Minutes. *After discussion, S. Hruby moved the Board vote to accept the amended minutes, seconded by P. Cocolis and voted by roll call as follows:*

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|---------------------------------|-----|--------------------------|-----|
| 1. D. Anthony – Barnstable | yes | 9. J. Peters – Sandwich | yes |
| 2. S. Lyons – Barnstable County | yes | 10. J. Buteau – Truro | yes |
| 3. D. Keuch – Brewster | yes | 11. R. Elkin – Wellfleet | yes |
| 4. P. Cocolis – Chatham | yes | 12. S. Hruby – W Tisbury | yes |
| 5. R. Zweig – Falmouth | yes | 13. J. Flynn – Yarmouth | yes |
| 6. A. Gottlieb – Mashpee | abs | | |
| 7. R. Toole – Oak Bluffs | yes | | |
| 8. T. Donegan – Provincetown | yes | | |

Motion carried in the affirmative (12-0-1)

The Board considered the June 13, 2016 Meeting Minutes. *After discussion, P. Cocolis moved the Board vote to accept the amended minutes, seconded by R. Elkin and voted by roll call as follows:*

- | | | | |
|---------------------------------|-----|---------------------------|-----|
| 1. D. Anthony – Barnstable | yes | 9. J. Peters – Sandwich | yes |
| 2. S. Lyons – Barnstable County | yes | 10. J. Buteau – Truro | yes |
| 3. D. Keuch – Brewster | yes | 11. R. Elkin – Wellfleet | yes |
| 4. P. Cocolis – Chatham | yes | 12. S. Hrubby – W Tisbury | yes |
| 5. R. Zweig – Falmouth | yes | 13. J. Flynn – Yarmouth | yes |
| 6. A. Gottlieb – Mashpee | abs | | |
| 7. R. Toole – Oak Bluffs | yes | | |
| 8. T. Donegan – Provincetown | yes | | |

Motion carried in the affirmative (12-0-1)

ENERGY EFFICIENCY – COMMERCIAL & INDUSTRIAL PROGRAM

1. Presentation on New Construction Program – Weidt Group
 - Sean Tully, from the Weidt Group, presented the Board with the New Construction Incentive Program. He reviewed the Incentive Program and the process. The Board asked questions and M. Song elaborated on the particular details available for Cape Light Compact participants. S. Tully stated that they reach out to architects and builders to gain participation in the program. He said that, ultimately, the most savings and incentives occur when they are able to assist in the early stages of design. M. Song related that Compact staff often inform her of new projects and encouraged the Board Members to contact her with any new projects. She stated that the Weidt Group meets with the project team, and because of the tool that they use, decisions are able to be made at the time of the meeting rather than having to wait for engineers to do further design work.
2. Discussion on Commercial & Industrial Incentives – Margaret Song
 - M. Song reviewed the Green Communities Legislation and the cost per annual kWh vs. benefit-cost ratio (BCR). She stated that the Compact’s BCR is lower than the rest of the state because we offer higher incentives. She said that other Program Administrators (PA) turn down projects because the BCR is too low. M. Song relayed that Codes and Standards are going up every 3 years and this effects the projects that are accepted. The Board was asked to consider if they support increasing the cost per kWh above what we have in the existing Three-Year Plan. It was determined that CLC would continue to operate on the \$1.00 per kWh. and M. Song would monitor costs.

POWER SUPPLY DISCUSSION ON RECS AND RPS REQUIREMENTS – AUSTIN BRANDT

- A. Brandt presented to the Board more information (Beyond the Basics) about Renewable Energy Certificates (RECs), given that the Compact is looking to have more green in the power supply aggregation. He explained what the Renewable Portfolio Standards are in Massachusetts and the minimum requirements that need to be met. A. Brandt also explained the various types of RECs. The Board inquired about the impact of prices and was concerned that the Compact may lose more customers if prices increase. M. Downey and A. Brandt explained that they would most likely pay a little more, but they will also be getting a greener supply which is what a lot of customers are looking for nowadays.

S. Lyons left at 3:16 pm. Chr. Flynn stated that the Board had lost its quorum and was now meeting as an Executive Committee.

TREASURER’S REPORT

P. Cocolis reviewed the Contract Summary sheet listing Contracts and Amendments he has approved, for the period of June 6 through July 13, 2016, which have been forwarded to the County Commissioners for execution and requested the Board vote to ratify his actions. He stated that going forward they will add onto the spreadsheet to which fund the contract was allocated. D. Anthony asked why the contracts were exempt from competitive procurement, and M. Downey stated that they were competitively procured; that will be amended on the form.

P. Cocolis moved the board vote to ratify the actions of the Compact Treasurer relative to Compact contracts from June 6, 2016 through July 13, 2016. 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 J. Flynn and voted by roll call as follows:

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|--------------------------|-----|
| 1. P. Cocolis – Chatham | yes |
| 2. R. Zweig – Falmouth | yes |
| 3. R. Toole – Oak Bluffs | yes |
| 4. J. Flynn – Yarmouth | yes |

Motion carried in the affirmative (4-0-0)

P. Cocolis then presented the Energy Efficiency budget and the Operating Fund budget through June 30th. He stated that the Operating Fund was at the end of the Fiscal Year, and that money that remains in the budget will go back into the Power Supply Reserve Fund.

CHAIRMAN’S REPORT

1. New Board Member Packet - Chr. Flynn stated that she would skip the Board Member Packet discussion until next meeting due to time constraint.

Discussion of June Meeting with Representative Hunt – M. Downey stated that there was not a quorum of the Board at the Rep. Hunt meeting so the Board members present, except those on the Executive Committee, were not able to engage in a dialogue with him. She stated that she had a meeting scheduled for Monday with Representative Tim Whelan.

ADMINISTRATOR’S REPORT

- FY17 COLA and Salary Reserve – M. Downey stated that staff has accrued vacation time and compensatory time on the books and the County has directed all departments to plan how to eliminate this liability over the next 3 years. M. Downey stated that the employees who have compensatory time are now exempt employees so they will not accrue any more compensatory time.

P. Cocolis moved the board vote to allow eligible Compact staff to buy-back up to three weeks of vacation and/or compensatory time in FY17. 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 J. Flynn and voted by roll call as follows:

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|-------------------------|-----|--------------------------|-----|
| 1. P. Cocolis – Chatham | yes | 2. J. Flynn – Yarmouth | yes |
| 3. R. Zweig – Falmouth | yes | 4. R. Toole – Oak Bluffs | yes |

Motion carried in the affirmative (4-0-0)

M. Downey stated that the County has asked for a vote from the Board for the Cost of Living Adjustment, even though the Board voted it as part of their FY17 budget.

P. Cocolis moved the board vote to approve the FY17 employee cost of living adjustment (COLA) in the amount of 2%, and to request that Barnstable County implement the COLA as of July 1, 2016. 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 J. Flynn and voted by roll call as follows:

- | | |
|--------------------------|-----|
| 1. P. Cocolis – Chatham | yes |
| 2. R. Zweig – Falmouth | yes |
| 3. R. Toole – Oak Bluffs | yes |
| 4. J. Flynn – Yarmouth | yes |

Motion carried in the affirmative (4-0-0)

- Update on Administrative Services Agreement – M. Downey has just received comments back from Barnstable County, and it is asking that the Operating Fund budget be reviewed and presented to the County Commissioners. T. Donegan asked if this will require a change in the Inter-Governmental Agreement. M. Downey stated that they will talk further about this at the September Board Meeting.
- Update on Insurance Coverage – M. Downey stated that the County Finance Director wants the Compact to get a separate quote for insurance, as we have previously been covered under the County’s policy. Massachusetts Interlocal Insurance Agency (MIIA) has said that the Compact should be separate because our programs are not under the jurisdiction of the County.
- Legislative Update – M. Downey gave an update on the Senate version of the Energy bill and noted that there were a lot of advocates on all sides. The Power Supply language for new renewable contracts will likely give basic service an advantage over competitive supplier rates. The Compact was not able to add an amendment related to preventing cross-subsidization related to RECs purchased by distribution utilities through long-term renewable contracts. She stated that the Senate version includes a committee on Energy Efficiency established to look at how Energy Efficiency programs are done. The Compact is able to be on that committee as we are a municipal aggregator with a certified energy efficiency plan. She also noted that community empowerment proposal was put through as a pilot.

A. Gottlieb left at 4:31 pm.

M. Downey stated that Property Assessed Clean Energy (PACE) was put in the legislation which is a betterment on property to install renewable energy.

OVERVIEW OF REVISED PUBLIC RECORDS LAW

- J. Bernstein stated that he will discuss this more at a subsequent Board Meeting due to time, but that they Compact needs to follow this.

BOARD MEMBER UPDATE

No updates from the Board Members.

Meeting adjourned at 4:39 pm.

Respectfully submitted,
Linda Stella

LIST OF DOCUMENTS & EXHIBITS

- Meeting Notice/Agenda
- June 8, 2016 Meeting Minutes – Draft
- June 13, 2016 Meeting Minutes – Draft
- Press Release Announcing Grant for Solar on Low Income Homes
- C&I New Construction Presentation from the Weidt Group
- C&I Presentation on Incentives
- Summary of Contracts – 6/6/16-7/13/16
- FY 16 Operating Budget Report dated 7/12/2016
- 2016 Energy Efficiency Budget through 6/30/16
- The Wonderful World of RECs – Part 2 7/13/16