

**Cape Light Compact  
Governing Board and Executive Committee  
Open Session Meeting Minutes  
Tuesday, October 11, 2016**

The Cape Light Compact Governing Board and Executive Committee met on Tuesday, October 11, 2016 in the Innovation Room, Open Cape Building, Barnstable County Complex, 3195 Main Street, Barnstable MA 02630 at 2:14 p.m.

**PRESENT WERE:**

1. Joyce Flynn, Chair, Yarmouth
2. Robert Schofield, Vice-Chair
3. Ronald Zweig, Secretary, Falmouth
4. David Anthony, Barnstable
5. Fred Fenlon, Eastham
6. Valerie Bell, Harwich
7. Thomas Donegan, Provincetown – until 4:11 pm
8. Joseph Buteau, Truro
9. Richard Elkin, Wellfleet
10. Sue Hruby, West Tisbury
11. Paul Pimentel, Edgartown
12. Martin Culik, Orleans Alternate
13. Joshua Peters, Sandwich
14. Richard Toole, Member at Large, Oak Bluffs – By phone at 2:20

**ABSENT WERE:**

15. Deane Keuch, Brewster
16. John Ally, Dukes County
17. Michael Hebert, Aquinnah
18. Brad Crowell, Dennis
19. Tisbury - vacant
20. Tim Carroll, Chilmark
21. Peter Cocolis, Treasurer, Chatham
22. Andrew Gottlieb, Mashpee
23. Sheila Lyons, Barnstable County

Members physically present: 13

Members present by phone: 1

**LEGAL COUNSEL**

Jeff Bernstein, Esq., BCK Law, PC

**STAFF PRESENT:**

Maggie Downey, Administrator  
Austin Brandt, Power Supply Planner  
Meredith Miller, EM&V Manager  
Lindsay Henderson, Analyst  
Greg Abbe, Analyst  
Jacob Wright, Special Projects Coordinator

**PUBLIC PRESENT:**

Richard Andre – Vineyard Power

Chr. Flynn opened the meeting at 2:14 pm and recognized Board Members that were participating remotely by phone due to geographic distance.

**PUBLIC COMMENT**

There were no members of the public present.

**CONSIDERATION OF MEETING MINUTES**

The Board considered the September 14, 2016 Meeting Minutes. *Chr. Flynn moved the Board vote to accept the amended minutes, seconded by R. Schofield and voted by roll call as follows:*

- |                            |     |                              |     |
|----------------------------|-----|------------------------------|-----|
| 1. D. Anthony – Barnstable | yes | 9. T. Donegan – Provincetown | yes |
| 2. R. Schofield - Bourne   | yes | 10. J. Peters – Sandwich     | yes |
| 3. F. Fenlon - Eastham     | yes | 11. J. Buteau – Truro        | yes |
| 4. P. Pimentel – Edgartown | yes | 12. S. Hruby – West Tisbury  | abs |
| 5. R. Zweig – Falmouth     | yes | 13. J. Flynn - Yarmouth      | yes |
| 6. V. Bell – Harwich       | yes |                              |     |
| 7. R. Elkin – Oak Bluffs   | yes |                              |     |
| 8. M. Culik – Orleans      | yes |                              |     |

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

R. Toole joined meeting via phone at 2:20 pm.

**UPDATE ON ADMINISTRATIVE SERVICES DISCUSSIONS WITH BARNSTABLE COUNTY**

Maggie Downey discussed a news article that was passed out to the members, and explained she had met with Bob Troy, Jack Yunits, and Compact counsel the previous week to discuss the Compact’s fiscal agent arrangements. All parties agreed that in accordance with MGL Chapter 164 Section 134 counties are not legally authorized to be a municipal aggregator. The authority to administer energy efficiency and power supply programs and associated budgets is under the control of the Compact member towns.

A follow-up meeting has been scheduled for Nov. 14. M. Downey also explained that consensus was reached during the meeting that the County Commissioners are not required to execute contracts. J. Buteau asked if the question of the Compact paying rent to Barnstable County had been resolved. M. Downey and J. Flynn both confirmed that rent is indeed being paid. M. Downey bound insurance coverage for general liability, public officials, property and crime and umbrella the Compact on 9/21 with Massachusetts Interlocal Insurance Association, after soliciting quotes and finding them the most affordable. J. Flynn asked M. Downey and the Compact’s Legal Counsel to draft a definition of fiscal agent for board members to use in public forums. J. Flynn also asked M. Downey to begin using a Compact email address, and wants updated numbers on both legal costs the Compact has paid in dealing with Barnstable County issues as well as the amount we have paid the County for various services.

**PRESENTATION ON PROPOSED OFFSHORE WIND PROJECT, RICHARD ANDRE, VINEYARD POWER**

Richard Andre provided a presentation on the offshore wind projects. The Federal Government’s original area was reduced by half after meeting with commercial fishermen in regards to the wind farms’ potential location. The zoned areas were created in response to prevailing winds and there’s equal shallow and deep pockets in each zone. R. Andre went on to explain that the zones went to auction for developer in 2014 and two have been purchased. Developers are required to pay \$500,000 in rent per year until they begin developing electricity. Vineyard Power has partnered with one of the developers to give community input on the project. Survey work has already begun with local indigenous tribes to determine if previous settlements or other artifacts are located on the sites. V. Bell asked if the Federal government had done any preliminary assessments prior to auctioning the sites to which R. Andre said they had conducted environmental assessments, as well as requiring developers to issue environmental impact statements. R. Elkin asked what the kWh cost will be once

the wind turbines begin generating electricity. R. Andre replied by saying that the cost could be 12-18 cents per kWh over the next 20 years.

**CHAIRMAN’S REPORT**

J. Flynn introduced the Compact’s new Special Projects Coordinator, Jake Wright. She went on to discuss board member packets and the cover letter introduced during the previous Board meeting and asked if a list of acronyms could be added so as to alleviate confusion.

**ADMINISTRATOR’S REPORT**

1. P. Cocolis was not present, Maggie stated the budget reports are included in the Board packet. No actions were taken from September through October.
2. M. Downey stated that mediation efforts with National Grid regarding Residential Energy Efficiency Services for gas heated homes proved unsuccessful.
3. M. Downey stated that the Annual Report for 2015 is complete and will be passed out at town presentations on it.

**EXECUTIVE SESSION**

At 3:59 P.M., Chair. Flynn moved that the Governing Board Meeting enter into Executive Session Pursuant to M.G.L. Chapter 30A M.G.L. 30A, §§21(a)(3), to discuss the update on pending regulatory litigation strategy (DPU 15-166) regarding a dispute between National Grid and the Compact related to provision of residential energy efficiency services to homes heated with natural gas. Chair Flynn stated that the Governing Board would not return to Open Session at the conclusion of Executive Session.

Seconded by R. Schofield and voted by roll call as follows:

- |                            |     |                              |     |
|----------------------------|-----|------------------------------|-----|
| 1. D. Anthony – Barnstable | yes | 9. T. Donegan – Provincetown | yes |
| 2. R. Schofield - Bourne   | yes | 10. J. Peters – Sandwich     | yes |
| 3. F. Fenlon - Eastham     | yes | 11. J. Buteau – Truro        | yes |
| 4. P. Pimentel – Edgartown | yes | 12. R. Elkin – Wellfleet     | yes |
| 5. R. Zweig – Falmouth     | yes | 13. S. Hruby – West Tisbury  | yes |
| 6. V. Bell – Harwich       | yes | 14. J. Flynn - Yarmouth      | yes |
| 7. R. Toole – Oak Bluffs   | yes |                              |     |
| 8. M. Culik – Orleans      | yes |                              |     |

*Motion carried in the affirmative (14-0-0)*

**BOARD MEMBER UPDATE**

No updates from the Board Members.

Meeting adjourned at 4:33 pm.

Respectfully submitted,  
Jacob Wright

**LIST OF DOCUMENTS & EXHIBITS**

- Meeting Notice/Agenda
- September 14, 2016 Meeting Minutes – Draft

- Petition for Ruling from National Grid
- Cape Light Compact FY17 Operating Budget Report dated 10/7/16
- Vineyard Power Geophysical Survey Presentation
- Cape Light Compact Annual Report 2015
- 2016 Energy Efficiency Budget through September