

Cape Light Compact JPE Executive Committee & Governing Board Meeting

DATE: Wednesday, February 14, 2018
LOCATION: Cape Light Compact Offices – MV Conference Room
261 Whites Path, Unit 4, South Yarmouth
TIME: 12:30 – 4:30 p.m.

AGENDA

- 12:30 PM Presentation and Discussion on Compact Pension and OPEB Liabilities, Christian Rogers, Clifton Larson Allen
- 1:15 PM Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) and (10) to discuss matters below, to return to open session:
1. Regulatory litigation strategy. DPU 17-05, 2017 Eversource Rate Case
 2. Update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's Request for an Advisory Ruling, DPU 17-95, Potential Vote
 3. Competitively Sensitive Power Supply Procurement and Pricing Discussion
- 2:30 PM Public Comment
- Approval of Minutes
- MA State Ethics Training, Jeff Bernstein
- Chairman's Report
- Fiscal Report, Peter Cocolis ✓
- Meeting Protocols Update, Tom Donegan
- Administrator's Report:
1. Presentation and Discussion on CLC Board Member Email Accounts
 2. 2019-2021 Energy Efficiency Plan Update
 3. Discussion of Questions from the Attorney General's Office
- Energy Efficiency
1. 2018 Customer Rebates Update, Lindsay Henderson
 2. Commercial & Industrial Program: 2018 Main Streets Offering, Margaret Song
- Board Member Update (Reserved for Updates on Member Activities the Chair Did Not Reasonably Anticipate Would be Discussed – No Voting)

**Agenda Action Request
Cape Light Compact
Meeting Date: 2/14/18**



- Aquinnah*
- Barnstable*
- Bourne*
- Brewster*
- Chatham*
- Chilmark*
- Dennis*
- Dukes County*
- Eastham*
- Edgartown*
- Falmouth*
- Harwich*
- Mashpee*
- Oak Bluffs*
- Orleans*
- Provincetown*
- Sandwich*
- Tisbury*
- Truro*
- Wellfleet*
- West Tisbury*
- Yarmouth*

Support of Executive Committee Action of February 7, 2018

REQUESTED BY: *Joyce Flynn*

Proposed Motion(s)

I move the CLCJPE Board of Directors vote to express and record its support of the Executive Committee's February 7, 2018 actions.

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.

Additional Information

Record of Board Action

Motion by:	Second by:	# Aye	# Nay	# Abstain	Disposition

**Cape Light Compact JPE
Governing Board and Executive Committee
Open Session Meeting Minutes
Wednesday, January 10, 2018**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, January 10, 2018 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 1:00PM.

Present Were:

1. Joyce Flynn, Chair, Yarmouth
2. David Anthony, Secretary, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Peter Cocolis, Executive Committee, Chatham
5. Richard Toole, Executive Committee, Oak Bluffs
6. Thomas Donegan, Executive Committee, Provincetown
7. Valerie Bell, Harwich
8. Martin Culik, Orleans
9. Colin Odell, Brewster
10. Richard Elkin, Wellfleet
11. ChristiAne Mason, Wellfleet Alternate
12. Paul Pimentel, Edgartown
13. Brad Crowell, Dennis
14. Tim Carroll, Chilmark – by phone
15. Ronald Zweig, Vice-Chair, Falmouth – by phone
16. Sue Hruby, West Tisbury – by phone, joined the meeting at 1:41
17. Jay Grande, Tisbury – by phone, joined the meeting at 1:15
18. Fred Fenlon, Eastham, joined the meeting at 1:45
19. Robert Hannemann, Duke's County, joined the meeting at 2:18

Absent Were:

20. Jarrod Cabral, Truro
21. Michael Hebert, Aquinnah
22. Vacant - Sandwich
23. Wayne Taylor, Mashpee

Members/Alternates

Physically present: 15

Members present by phone: 4

Legal Counsel

Jeffrey Bernstein, Esq., BCK Law, P.C.

Rebecca Zachas, Esq., BCK Law, P.C. – by phone

Staff Present

Greg Abbe, Senior C&I Senior Analyst

Austin Brandt, Senior Power Supply Planner

Maggie Downey, Administrator
Lindsay Henderson, Analyst and Marketing
Briana Kane, Planning and Evaluation Manager
Margaret Song, C&I Program Manager

CONSULTANT

Kevin Galligan, Galligan Energy Consulting Inc.

PUBLIC PRESENT

Peter Doyle, Barnstable

Joyce Flynn called the meeting to order at 1:06. Joyce Flynn recognized Jay Grande of Tisbury, Ronald Zweig of Falmouth, and Sue Hruby of West Tisbury, who were all remotely participating because physical attendance at the meeting would be unreasonably difficult.

Open Session Vote on entry into Executive Session pursuant to M.G.L. c. 30A §§21(a)(3) to discuss matters below, to return to open session:

1. Regulatory litigation strategy. DPU 17-05, 2017 Eversource Rate Case
2. Update on Regulatory Litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's Request for an Advisory Ruling DPU 17-95

Joyce Flynn at 1:08 moved to enter into Executive Session pursuant to MGL Chapter 30A §21(a) 3 to discuss strategy with respect to pending regulatory litigation relative to DPU 17-05, the Eversource Rate Case and to provide an update on regulatory litigation and discussion of strategy related to the Compact's Aggregation Plan, DPU 14-69, and the Compact's request for an Advisory Ruling, DPU 17-95.

The recordkeeper of today's executive session, shall be Compact staff. The Executive Session meeting minutes shall be presented to the Compact's Secretary for review and approval.

I declare that an open session may have a detrimental effect on the Cape Light Compact's litigating position. The Governing Board will return to Open Session at the conclusion of Executive Session. Seconded by Peter Cocolis.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Not present for this vote
Fred	Fenlon	Eastham	Not present for this vote
Paul	Pimentel	Edgartown	Yes

Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Not present for this vote
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Not present for this vote
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14 – 0 – 0)

At 3:00 PM, Joyce Flynn asked for a motion to end executive session, moved by Robert Schofield, seconded by Bob Crowell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Abstained
Fred	Fenlon	Eastham	Abstained
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Abstained
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Abstained
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (14 – 0 – 4)

PUBLIC COMMENT

There were no members of the public present.

APPROVAL OF MINUTES

The Board considered the December 13, 2017 Meeting Minutes.

Martin Culik moved the board to accept the minutes, seconded by Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (18 – 0 – 0)

CHAIRMAN'S REPORT

The Board discussed closing the nominations hearing no new nominations.

Tom Donegan moved the Board to close nominations, seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Yes
Richard	Elkin	Wellfleet	Yes

Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (18 – 0 – 0)

1. Elections for 2018 Officers and Executive Committee Members

Motion to accept nominations the slate of nominations as presented

- Joyce Flynn, Chair, Yarmouth
- Ronald Zweig, Vice-Chair.
- David Anthony, Secretary, Barnstable
- Robert Schofield, Executive Committee, Bourne
- Peter Cocolis, Executive Committee, Chatham
- Richard Toole, Executive Committee, Oak Bluffs
- Thomas Donegan, Executive Committee, Provincetown
- Tammy Glivinski, Treasurer
- Joanne Nelson, Business Officer

Moved by Robert Schofield, seconded by Martin Culik.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (18 – 0 – 0)

FISCAL REPORT, PETER COCOLIS

Peter Cocolis reviewed the Operational Budget handout and noted 2017 would be finalized in February 2018. Peter Cocolis also reviewed the Energy Efficiency budget handout, again noting that the expenditures were through November and would be finalized in February 2018.

MEETING PROTOCOLS UPDATE, TOM DONEGAN

Joyce Flynn asked to move this to February's meeting.

ADMINISTRATOR'S REPORT:

1. Discussion and Potential Vote on Aggregation Plan Amendments

Maggie Downey indicated the changes were for the limited purpose of updating the sections of the plan that address the organizational structure of the program and its operations and removes and replaces all references to the prior inter-governmental agreement and Barnstable County. No changes to the enrollment process were included at this time. Jeffrey Bernstein indicated pages 2, 3, 7, and 8 are 90+% of the changes. David Anthony asked about the members and Dukes County and the status of Dukes County as a member. Thomas Donegan asked if this was the compliance filing with the ruling. Jeffrey Bernstein indicated this filing was to address changes to JPE but did not change customer enrollment. Thomas Donegan asked if the auditor could be added to the org chart under the Board. Maggie Downey indicated that would not be consistent with the current structure of the JPE. Richard Elkin asked to have the footnote explained on page 14.

Motion made by Robert Schofield to vote to approve the proposed revisions to the Cape Light Compact's Aggregation Plan, seconded by Martin Culik.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (18 – 0 – 0)

Aggregation Plan: New Customer Enrollment Language

Motion made by Martin Culik to vote to authorize the Compact Administrator to file the following change to the Compact's Aggregation Plan on January 29, 2018 should the DPU not issue a stay in response to the Compact's appeal or separate judicial stay is not issued, seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (18 – 0 – 0)

2. Overview and Discussion of Compact Operating Budget Legal Expenses

Maggie Downey indicated that the legal expenses discussion would be continued to the February Board Meeting.

Additional updates from the Compact Administrator:

Maggie Downey asked for new W-9's for each Board Member. The Storm Assistance Heating System Handout was reviewed with the Board. Additionally, on January 16th the auditors will be in the offices to discuss OPEB and more details will be sent out once received from the auditors.

3. Discussion on CLC Board Member Email Accounts

Maggie Downey indicated that counsel wanted to make the Board aware about concerns using their own emails (particularly under the Public Records Law) and the ability to use your CLC specific emails. Sense of the Board is to have a unique Cape Light Compact email address. Staff will come back to board with a proposal for review.

POWER SUPPLY STRATEGY DISCUSSION, AUSTIN BRANDT

Austin Brandt reviewed the Power Supply Strategy presentation and asked what if any changes would the Board wish to see to the Power Supply program; continue with the current program, purchase renewable power, or a combination of the two.

Maggie Downey asked the Board to start with policy question first "Do we want to have a lower rate than utility Basic Service?". Richard Elkin as for a ballpark number, do we currently pay 1 mil over, what happens if we pay 2 mil, 3 mil, 4 mil. Paul Pimentel indicated that he had to take into account his personal desire vs. advocating for the towns and its customers. Towns and customers would most likely choose to stay lower than Basic Service. Thomas Donegan indicated there is a push for green with competitive supply. Valerie Bell mentioned that the bottom line is price, so it is fine line to allow for some green to support, but not have customers walk away from the Compact because of price. The people she has talked with are happy with the current program, and if we move to far away from that price point, customers might walk away. Austin Brandt indicated the Board should consider what customers' threshold was, 1 cent can do a lot in advancing renewable options but would be a significant price increase. Richard Elkin asked how much the added cost for more green was, and how much do we allow ourselves to hedge into the future? Richard Toole indicated this truly is a balancing act and while he would pay more, others won't and he doesn't want to lose customers. Peter Cocolis stated we are in a position now where we don't know what is going to happen with the DPU. Chatham residents like that we are 100% green and that we are advocating for them. Rob Hannemann asked as we go into a new contract with a supplier, is it possible to specify no coal? Austin Brandt indicated that unless we are willing to purchase from specific generating sources, our electricity will come from the ISO NE generating mix we have discussed previously. Jeffrey Bernstein indicated that Brookline has a 25% RPS at 11.098 cents. Maggie Downey asked the Board how they feel about carbon free nuclear, not from Pilgrim. The sense of the Board was not to support nuclear. Colin Odell asked about soft green and more aggressive green, do we give customers multiple green options?

Brad Crowell left the meeting at 4:30.

Robert Schofield brought up our prior offering of 100% green and 50% green and basic. He believes we should continue on the same path currently taken, and the same vain to keep customers. Martin Culik asked about stakeholder meetings and if they were discussing Power Supply. Maggie Downey indicated the stakeholder meetings were to discuss energy efficiency.

Richard Toole left the meeting at 4:32.

ENERGY EFFICIENCY: C&I PROGRAM UPDATE ON CUSTOMER DIRECTED OPTION, GREG ABBE

Greg Abbe reviewed the Customer Directed Option PowerPoint.

MA STATE ETHICS AND OPEN MEETING LAW TRAINING, JEFF BERNSTEIN

Moved to the February meeting

ADJOURNMENT

Motion to adjourn made at 4:45 moved by Robert Schofield, seconded by Peter Cocolis.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes

Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Timothy	Carroll	Chilmark	Left the call
Brad	Crowell	Dennis	left
Robert	Hannemann	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Paul	Pimentel	Edgartown	Yes
Ron	Zweig	Falmouth	Left the call
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	left
Thomas	Donegan	Provincetown	Yes
Jay	Grande	Tisbury	Left the call
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Left the call
Joyce	Flynn	Yarmouth	Yes

The Board then voted unanimously by a show of hands as there were no remote participants at the time of this vote in favor to adjourn.

Motion carried in the affirmative. (12 – 0 – 0)

Respectfully submitted,

Briana C. Kane

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice / Agenda
- December 13, 2017 Meeting Minutes
- Operations budget
- Storm Assistance Heating System Handout
- Power Supply Discussion
- Customer Directed Option (CDO)

Summary of the Conflict of Interest Law for Municipal Employees

All municipal employees must be provided with this summary of the conflict of interest law annually.

All city and town employees must be provided with this Summary of the Conflict of Interest Law for Municipal Employees within 30 days of hire or election, and then annually. All city and town employees are then required to acknowledge in writing that they received the summary.

This summary of the conflict of interest law, General Laws chapter 268A, is intended to help municipal employees understand how that law applies to them.

This summary is not a substitute for legal advice, nor does it mention every aspect of the law that may apply in a particular situation. Municipal employees can obtain free confidential advice about the conflict of interest law from the Commission's Legal Division at our website, phone number, and address above. Municipal counsel may also provide advice.

The conflict of interest law seeks to prevent conflicts between private interests and public duties, foster integrity in public service, and promote the public's trust and confidence in that service by placing restrictions on what municipal employees may do on the job, after hours, and after leaving public service, as described below. The sections referenced below are sections of G.L. c. 268A.

When the Commission determines that the conflict of interest law has been violated, it can impose a civil

Municipal employees may not accept gifts and gratuities valued at \$50 or more given to influence their official actions or because of their official position. Accepting a gift intended to reward past official action or to bring about future official action is illegal, as is giving such gifts. Accepting a gift given to you because of the municipal position you hold is also illegal. Meals, entertainment event tickets, golf, gift baskets, and payment of travel expenses can all be illegal gifts if given in connection with official action or position, as can anything worth \$50 or more. A number of smaller gifts together worth \$50 or more may also violate these sections.

Example of violation : A town administrator accepts reduced rental payments from developers.

Example of violation : A developer offers a ski trip to a school district employee who oversees the developer's work for the school district.

Regulatory exemptions . There are situations in which a municipal employee's receipt of a gift does not present a genuine risk of a conflict of interest, and may in fact advance the public interest. The Commission has created exemptions permitting giving and receiving gifts in these situations. One commonly used exemption permits municipal employees to accept payment of travel-related expenses when doing so advances a public purpose. Another commonly used exemption permits municipal employees to accept payment of costs involved in attendance at educational and training programs. Other exemptions are listed on the Commission's website.

Example where there is no violation : A fire truck manufacturer offers to pay the travel expenses of a fire chief to a trade show where the chief can examine various kinds of fire-fighting equipment that the town may purchase. The chief fills out a disclosure form and obtains prior approval from his appointing authority.

Example where there is no violation : A town treasurer attends a two-day annual school featuring multiple substantive seminars on issues relevant to treasurers. The annual school is paid for in part by banks that do business with town treasurers. The treasurer is only required to make a disclosure if one of the sponsoring banks has official business before her in the six months before or after the annual school.

other words, it does not matter if a lot of money is involved or only a little. It also does not matter if you are putting money into your pocket or taking it out. If you, your immediate family, your business, or your employer have or has a financial interest in a matter, you may not participate. The financial interest must be direct and immediate or reasonably foreseeable to create a conflict. Financial interests which are remote, speculative or not sufficiently identifiable do not create conflicts.

Example of violation : A school committee member's wife is a teacher in the town's public schools. The school committee member votes on the budget line item for teachers' salaries.

Example of violation : A member of a town affordable housing committee is also the director of a non-profit housing development corporation. The non-profit makes an application to the committee, and the member/director participates in the discussion.

Example : A planning board member lives next door to property where a developer plans to construct a new building. Because the planning board member owns abutting property, he is presumed to have a financial interest in the matter. He cannot participate unless he provides the State Ethics Commission with an opinion from a qualified independent appraiser that the new construction will not affect his financial interest.

In many cases, where not otherwise required to participate, a municipal employee may comply with the law by simply not participating in the particular matter in which she has a financial interest. She need not give a reason for not participating.

There are several exemptions to this section of the law. An appointed municipal employee may file a written disclosure about the financial interest with his appointing authority, and seek permission to participate notwithstanding the conflict. The appointing authority may grant written permission if she determines that the financial interest in question is not so substantial that it is likely to affect the integrity of his services to the municipality. Participating without disclosing the financial interest is a violation. Elected employees cannot use the disclosure procedure because they have no appointing authority.

Example where there is no violation : An appointed member of the town zoning advisory committee, which will review and recommend changes to the town's by-laws with regard to a commercial district, is a partner at a company that owns commercial property in the district. Prior to participating in any

benefit worth \$50 or more, or cause another person to do so.

Example of violation : A public works director directs his secretary to fill out time sheets to show him as present at work on days when he was skiing.

(f) Appearance of conflict. Acting in a manner that would make a reasonable person think you can be improperly influenced is prohibited. (See Section 23(b)(3))

A municipal employee may not act in a manner that would cause a reasonable person to think that she would show favor toward someone or that she can be improperly influenced. Section 23(b)(3) requires a municipal employee to consider whether her relationships and affiliations could prevent her from acting fairly and objectively when she performs her duties for a city or town. If she cannot be fair and objective because of a relationship or affiliation, she should not perform her duties. However, a municipal employee, whether elected or appointed, can avoid violating this provision by making a public disclosure of the facts. An appointed employee must make the disclosure in writing to his appointing official.

Example where there is no violation : A developer who is the cousin of the chair of the conservation commission has filed an application with the commission. A reasonable person could conclude that the chair might favor her cousin. The chair files a written disclosure with her appointing authority explaining her relationship with her cousin prior to the meeting at which the application will be considered. There is no violation of Sec. 23(b)(3).

(g) Confidential information. Improperly disclosing or personally using confidential information obtained through your job is prohibited. (See Section 23(c))

Municipal employees may not improperly disclose confidential information, or make personal use of non-public information they acquired in the course of their official duties to further their personal interests.

III. After-hours restrictions.

While many municipal employees earn their livelihood in municipal jobs, some municipal employees volunteer their time to provide services to the town or receive small stipends. Others, such as a private attorney who provides legal services to a town as needed, may serve in a position in which they may have other personal or private employment during normal working hours. In recognition of the need not to unduly restrict the ability of town volunteers and part-time employees to earn a living, the law is less restrictive for "special" municipal employees than for other municipal employees.

The status of "special" municipal employee has to be assigned to a municipal position by vote of the board of selectmen, city council, or similar body. A position is eligible to be designated as "special" if it is unpaid, or if it is part-time and the employee is allowed to have another job during normal working hours, or if the employee was not paid for working more than 800 hours during the preceding 365 days. It is the position that is designated as "special" and not the person or persons holding the position. Selectmen in towns of 10,000 or fewer are automatically "special"; selectman in larger towns cannot be "specials."

If a municipal position has been designated as "special," an employee holding that position may be paid by others, act on behalf of others, and act as attorney for others with respect to matters before municipal boards other than his own, provided that he has not officially participated in the matter, and the matter is not now, and has not within the past year been, under his official responsibility.

Example : A school committee member who has been designated as a special municipal employee appears before the board of health on behalf of a client of his private law practice, on a matter that he has not participated in or had responsibility for as a school committee member. There is no conflict. However, he may not appear before the school committee, or the school department, on behalf of a client because he has official responsibility for any matter that comes before the school committee. This is still the case even if he has recused himself from participating in the matter in his official capacity.

Example : A member who sits as an alternate on the conservation commission is a special municipal employee. Under town by-laws, he only has official responsibility for matters assigned to him. He may represent a resident who wants to file an application with the conservation commission as long as the matter is not assigned to him and he will not participate in it.

(c) Inside track. Being paid by your city or town, directly or indirectly, under

anyone other than the municipality on a matter that you worked on as a municipal employee.

If you participated in a matter as a municipal employee, you cannot ever be paid to work on that same matter for anyone other than the municipality, nor may you act for someone else, whether paid or not. The purpose of this restriction is to bar former employees from selling to private interests their familiarity with the facts of particular matters that are of continuing concern to their former municipal employer. The restriction does not prohibit former municipal employees from using the expertise acquired in government service in their subsequent private activities.

Example of violation : A former school department employee works for a contractor under a contract that she helped to draft and oversee for the school department.

(b) One year cooling-off period. For one year after you leave your municipal job you may not participate in any matter over which you had official responsibility during your last two years of public service.

Former municipal employees are barred for one year after they leave municipal employment from personally appearing before any agency of the municipality in connection with matters that were under their authority in their prior municipal positions during the two years before they left.

Example : An assistant town manager negotiates a three-year contract with a company. The town manager who supervised the assistant, and had official responsibility for the contract but did not participate in negotiating it, leaves her job to work for the company to which the contract was awarded. The former manager may not call or write the town in connection with the company's work on the contract for one year after leaving the town.

A former municipal employee who participated as such in general legislation on expanded gaming and related matters may not become an officer or employee of, or acquire a financial interest in, an applicant for a gaming license, or a gaming licensee, for one year after his public employment ceases.

(c) Partners. Your partners will be subject to restrictions while you serve as a

I, (print your first and last name): _____,

an employee at

(name of your municipal agency or department): Cape Light Compact, IPE

hereby acknowledge that I received a copy of the summary of the conflict of interest law

for municipal employees, revised November 14, 2016,

Signature

Date

Municipal employees should complete the acknowledgment of receipt and return it to the individual who provided them with a copy of the summary. Alternatively, municipal employees may send an email acknowledging receipt of the summary to the individual who provided them with a copy of it.

CONTACT

David Giannotti, Public Education and Communications Division Chief

Address

One Ashburton Place, 6th Floor, Room 619, Boston, MA 02108

[directions](#) →

Phone

(617) 371-9505

Online

David.Giannotti@state.ma.us

Fax

Cape Light Compact JPE
Operating Fund 001 (01/01/18-12/31/18)
Budget Report
For the Month of January 2018

	<u>Budget Amount</u>	<u>Actual Amount</u>	<u>Remaining Amount</u>	<u>Remaining %</u>
REVENUE				
OPERATING FUND CY18-TRANSFERS IN	848,765.00		848,765.00	0.00%
OPERATING FUND CY18-INTEREST INCOME	0.00	46.14	(46.14)	
TOTAL REVENUES	848,765.00	46.14	848,718.86	
EXPENSES				
OPERATING FUND CY18-ADVERTISING (POWER SUPPLY)	85,000.00	502.50	84,497.50	99.41%
OPERATING FUND CY18-AUDIT FEES	11,250.00		11,250.00	100.00%
OPERATING FUND CY18-BANK FEES	500.00		500.00	100.00%
OPERATING FUND CY18-BUILDING RENOVATIONS	4,500.00		4,500.00	100.00%
OPERATING FUND CY18-COMPUTER EQUIPMENT	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-CONTRACTUAL	55,000.00		55,000.00	100.00%
OPERATING FUND CY18-CUSTODIAL SERVICES	4,438.00	236.64	4,201.36	94.67%
OPERATING FUND CY18-FINANCIAL SOFTWARE SYSTEM	6,250.00		6,250.00	100.00%
OPERATING FUND CY18-FOOD SUPPLIES	1,500.00		1,500.00	100.00%
OPERATING FUND CY18-GROUP INSURANCE	19,790.00	1,586.54	18,203.46	91.98%
OPERATING FUND CY18-IN STATE TRAVEL	16,000.00	1,216.42	14,783.58	92.40%
OPERATING FUND CY18-INSURANCE	10,600.00		10,600.00	100.00%
OPERATING FUND CY18-INTERNET	2,700.00	305.30	2,394.70	88.69%
OPERATING FUND CY18-IT SERVICES	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-LEGAL SERVICES	263,660.00		263,660.00	100.00%
OPERATING FUND CY18-MEDICARE	2,060.00	73.16	1,986.84	96.45%
OPERATING FUND CY18-MISC FRINGES	7,090.00		7,090.00	100.00%
OPERATING FUND CY18-MISC RENTALS	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-OPEB LIABILITY	7,100.00		7,100.00	100.00%
OPERATING FUND CY18-OUT OF STATE TRAVEL	5,600.00		5,600.00	100.00%
OPERATING FUND CY18-OUTREACH/MARKETING SERV	15,000.00		15,000.00	100.00%
OPERATING FUND CY18-PAYROLL SERVICES	1,500.00	109.66	1,390.34	92.69%
OPERATING FUND CY18-POSTAGE	26,000.00	50.25	25,949.75	99.81%
OPERATING FUND CY18-PRINTING	12,500.00		12,500.00	100.00%
OPERATING FUND CY18-PROFESSIONAL DEVELOPMENT	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-RENT	22,500.00	1,875.00	20,625.00	91.67%
OPERATING FUND CY18-RETIREMENT	35,447.00		35,447.00	100.00%
OPERATING FUND CY18-RETIREMENT LIABILITY	5,300.00		5,300.00	100.00%
OPERATING FUND CY18-SALARIES	141,790.00	5,045.74	136,744.26	96.44%
OPERATING FUND CY18-SALARY RESERVE	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-SHIPPING/FREIGHT	500.00	49.98	450.02	90.00%
OPERATING FUND CY18-SOFTWARE LICENSES	3,750.00		3,750.00	100.00%
OPERATING FUND CY18-SPONSORSHIPS	35,000.00	3,100.00	31,900.00	91.14%
OPERATING FUND CY18-SUBSCRIPTIONS	5,000.00	3,250.00	1,750.00	35.00%
OPERATING FUND CY18-SUPPLIES	2,500.00	11.99	2,488.01	99.52%
OPERATING FUND CY18-TELEPHONES	6,540.00	84.30	6,455.70	98.71%
OPERATING FUND CY18-TREASURY SERVICES	5,000.00		5,000.00	100.00%
OPERATING FUND CY18-UNPAID BILLS	2,000.00		2,000.00	100.00%
OPERATING FUND CY18-UTILITIES	400.00	112.50	287.50	71.88%
TOTAL EXPENSES	848,765.00	17,609.98	831,155.02	97.93%
CHANGE IN NET POSITION	0.00	17,563.84		

Cape Light Compact Code of Conduct Policy for Board Members

The Cape Light Compact adopts this Code of Ethics and Conduct to ensure that all officials, while exercising their office, conduct themselves in a manner that will instill public confidence and trust in the fair operation and integrity of the Cape Light Compact

The member Towns, citizens and customers of The Cape Light Compact are entitled to have fair, ethical and accountable governance. To this end, the public should have full confidence that Directors:

- Comply with both the letter and spirit of the laws and policies affecting the operations of the Compact
 - Are independent, impartial and fair in their judgment and actions;
 - Use their public office for the public good, not for personal gain
 - And conduct public deliberations and processes openly, unless required by law to be confidential, in an atmosphere of respect and civility.
-
- Members must administer board positions with integrity, honesty, truthfulness and adherence to the absolute obligation to safeguard the public trust.
 - Members will strive to appreciate differences in approach and point of view and treat citizens, staff, partner organizations and others with courtesy, respect, and professionalism.
 - Attendance and participation in meetings is an important part of fulfilling our obligations as Directors.
 - The Chair will ensure that all Directors have the opportunity for input of fair and balanced knowledge and perspectives.
 - Directors should commit to studying and analyzing the problems and issues that come before them, listen to requests/questions, ask for clarification if

necessary, and provide complete, knowledgeable, accurate, precise information regarding inquiries.

- Members should disclose any personal or business interest which may result in actual or perceived conflicts of interest , and any issue which may preclude fair and impartial deliberation not only to their appointing authority but also the Executive Committee of the CLC.
- Directors should take care to seek the advice and input of their appointing authorities as well as various stakeholders in their communities and carefully weigh that advice in their deliberations. Successful governance of the Compact relies on the cooperative efforts and proactive communication between Town officials, the Directors and the staff of Cape Light Compact JPE.
- Disorderly conduct, including rude or intimidating behavior, utilizing obscene, abusive, threatening or intimidating language or actions will not be tolerated.
- As representatives of the Cape Light Compact, members are expected not to discriminate against, or harass, anyone with regard to race, sex, color, religion, national origin, citizenship, marital status, sexual orientation, gender identity and expression, age, disability, military, veteran status or any other protected status or classification under federal, state or local law,
- Directors will comply with the various 'good government' statutes and regulations including the Open Meeting Law, Conflict of Interest statute, and Public Records Law.

Open Meeting Law

Maggie Downey

From: Rusteika, Matt (ENE) <Matt.Rusteika@MassMail.State.MA.US>
Sent: Wednesday, January 31, 2018 1:22 PM
To: Rusteika, Matt (ENE)
Subject: Mass Save Listening Sessions

Dear Councilors, PAs, and stakeholders,

DOER has scheduled **five listening sessions** for this spring to provide the public with an opportunity to offer comment on the Mass Save programs.

The times and locations for the meetings are listed below. **Please mark your calendars!** Dates for two additional sessions—in Lowell and Springfield—are forthcoming and will most likely take place in April.

Please do circulate this to constituents, colleagues, and friends, particularly those who are located further afield from Boston. We are endeavoring to spread the word about these events, and any amplification you can provide would be a big help.

Also, please feel free to contact me at this email address, or at the phone number in my signature (below the list of dates), with any questions. Thank you,

Matt Rusteika

BOSTON

Great Hall at Codman Square Health Center
6 Norfolk Street, Boston (Dorchester), MA 02124
February 28, 2018 from 6-8pm

FALL RIVER

Bristol Community College, Room C111
777 Elsbree Street, Fall River, MA 02720
March 8, 2018 from 6-8pm

SALEM

Salem State University, Marsh Hall, 2nd floor
71 Loring Avenue, Salem, MA 01970
March 14, 2018 from 6-8pm

MASHPEE

Mashpee Public Library
64 Steeple Street, Mashpee, MA 02649
March 19, 2018 from 6-8pm

WORCESTER

MA Department of Environmental Protection
8 New Bond Street, Worcester, MA 01606
March 29, 2018 from 6-8pm

Questions from the Attorney General's Office Relative to the Cape Light Compact's Aggregation Plan Compliance Filing in Response to the Advisory Ruling from the Department of Public Utilities (D.P.U. 17-95) on the Compact's Internal Reorganization to a Joint Powers Entity in Accordance with the Joint Powers Agreement Statute, G.L. c. 40, §4A ½

February 14, 2018

AGO Question #1: Please refer to the Foreword of the Redlined Revised Aggregation Plan. Please provide a copy of the Cape Light Compact's Joint Powers Agreement, dated April 12, 2017.

CLC Response: The April 12, 2017 Joint Powers Agreement is on the Compact's website under Governing Documents and is referred to as the "Original Joint Powers Agreement": <http://www.capelightcompact.org/about/>. The Compact Board meeting packets also provide a thorough public record of the Compact's discussion of its internal reorganization to a Joint Powers Entity. Board meeting packets can be found at <http://www.capelightcompact.org/meeting-center/>.

AGO Question #2: Please refer to the Foreword of the Redlined Revised Aggregation Plan. Please provide copies of all "votes, resolutions or other authorizations" of the boards of selectmen of the Cape Light Compact's members regarding those members' entry into the Joint Powers Agreement.

CLC Response: Compact member Towns' votes to reorganize as a Joint Powers Entity are located on the Compact's web site at <http://www.capelightcompact.org/about/> under Governing Documents.

AGO Question #3: Please provide copies of any and all amendments to the Joint Powers Agreement and any documentation reflecting votes or other authorization to make any such amendment.

CLC Response: Amendments to the Joint Powers Agreement (Agreement) are made consistent with Article XV of the Agreement. Notices of the proposed amendments were sent to Members consistent with Article XV. The Compact Board meeting packets and meeting minutes have the red-lined versions of the Agreement distributed to Member Towns and Board members, and the December 13, 2017 Compact Board vote to amend the Agreement. Both the initial and amended Agreements can be found at <http://www.capelightcompact.org/meeting-center/>. The final December 13, 2017 Amended and Restated Joint Power Agreement can be found at <http://www.capelightcompact.org/about/> under Governing Documents.

AGO Question #4: Please refer to Section 2.2 of the Redlined Revised Aggregation

Plan. Please explain why the Cape Light Compact proposes to strike the language “and the most competitive market rates available.”

CLC Response: The Compact struck this language from the Revised Aggregation Plan in accordance with the Advisory Ruling issued in D.P.U. 17-95 on December 29, 2017 at page 11, which directed the Compact to “[replace] all references to the prior inter-governmental agreement” and to “include any other changes that result from the Compact’s transition to a joint powers entity.” The Power Supply Goals, Policies and Purposes listed in Section 2.2 are thus no longer taken from the prior inter-governmental agreement and instead are taken from the Joint Powers Agreement, Article II. The phrase “and the most competitive market rates available” was not included in Article II of the Joint Powers Agreement. Elimination of this language was designed to reduce customer confusion because the Compact believes the language may give customers the impression that the Compact will always have the lowest retail electricity rate at all points in time, which is impossible. Having the lowest retail rate at all points in time is impossible as the Compact offers a fixed price and energy market prices fluctuate constantly. To note, while this language is not specifically included in Article II of the Joint Powers Agreement or in Section 2.2 of the redlined Aggregation Plan for the aforementioned reasons, the description of rate-setting in Section 6 of the Aggregation Plan remains unchanged and makes clear that, “[t]he generation charge/supplier charge for each customer class, or any customer grouping by load factor or other appropriate pricing category, will reflect the Compact’s best efforts to secure the best terms and conditions and the most competitive market rates available *at the time of contracting with competitive power suppliers.*” (Emphasis added.)

AGO Question #5: Please refer to Section 2.3.1 and 2.3.3 of the Redlined Revised Aggregation Plan. Please disclose whether the Cape Light Compact’s Power Supply Program is still “designed to reduce the amount consumers pay for electric energy” and “designed to reduce the cost of a kilowatt hour of energy.” If the answer is “yes,” please provide all reasons why the Cape Light Compact believes that it can provide savings from Eversource’s basic service rate.

CLC Response: Yes, the Compact’s power supply program continues to be designed to reduce the cost of electricity supply for participating customers. The Compact seeks to achieve this goal through negotiations with suppliers to obtain favorable terms and conditions and the lowest available energy pricing for our customers at the time of wholesale energy procurement(s). However, the Compact’s Aggregation Plan does not state that the Compact believes it can always provide savings as compared to Eversource’s basic service rate. To the contrary, the Compact’s Aggregation Plan explicitly states on page 19, “[d]ue to fluctuations in competitive electric market prices and basic service rates, Compact generation/supplier charges may not always be lower, and are not required to be lower than the Local Distribution Company’s basic service rate. The Compact’s potential pursuit of a higher percentage of renewable energy than required under the Massachusetts Renewable Portfolio Standard (“RPS”) may also result in rates higher than basic service.” In addition, the concept of a price benchmark for municipal aggregation is outmoded, as

the obligation for a municipal aggregation rate to be below the Standard Offer rate ceased to be in effect 13 years ago.

AGO Q#6: Please refer to <http://www.capelightcompact.org/cape-light-compact-is-going-100-renewable-and-announces-pricing/>. Please identify all provisions of the Redlined Revised Aggregation Plan that describe the Cape Light Compact's "green aggregation."

CLC Response: Section 2.2, 2.31, and 2.32 provide an overview of the Compact's power supply program and its potential pursuit of green/renewable energy options. These sections are designed to give the Compact flexibility in the design of its power supply program, and be responsive to Compact members. The Compact's Aggregation Plan need not nor is it intended to provide every single detail of how it intends to pursue the objectives contained in these sections.

Customer Rebates/Incentives 2018



**Cape Light
Compact**

Working Together Toward A Smarter Energy Future

1. Chimney Balloon

\$35 rebate A removable, reusable, and durable device that helps to stop airflow, odor, and debris from flowing through your chimney

2. Heating Systems, Controls, & Water Heaters

\$100-2500 rebate for oil & propane heating systems.

3. Central Air Conditioning

up to \$500 rebate for central cooling and central heat pump systems.

up to \$300 rebate per indoor unit for mini-split heat pump systems.

4. Efficient Thermostats*

limit 4 per customer (oil & propane) **\$25 rebate** for programmable thermostat.

Up to \$125 rebate for Wireless Enabled thermostat.

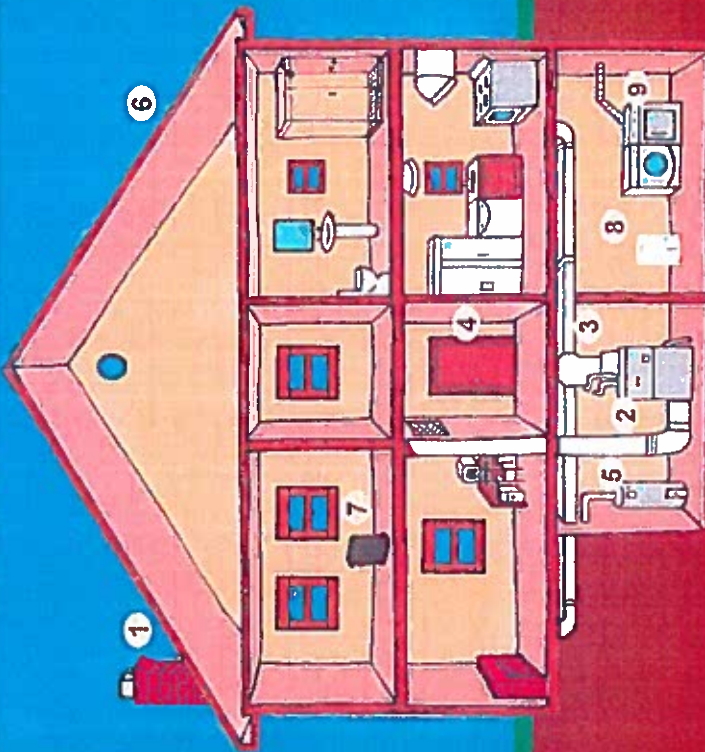
Cape Light Compact's Home Energy Assessment

Includes **Free** replacement of inefficient light bulbs, **Free** air sealing, early clothes washer rebate and will cover **75%** of the cost to install recommended insulation for eligible homes. Please call **(800) 797-6699** to schedule your free home energy assessment today!

Additional benefits available for income qualified customers.

Mass Save® HEAT Loan Program

The HEAT Loan Program provides loans up to \$25,000 with **0%** interest and terms up to 7 years for approved measures. ** To apply for the loan you must own a one to four-family home and have a home energy assessment. To view eligibility requirements, please visit www.capeightcompact.org/heat.



5. Heat Pump Water Heaters

up to \$750 rebate for qualified electric hot water replacements.

6. Solar Domestic Hot Water

\$500-1500 rebate for solar domestic hot water heating systems. Rebate amount depends on number of household members. Pre-approval required and must replace electric hot water heater.

7. Appliances

\$40 rebate for an ENERGY STAR® Room Air Cleaner.

8. Dehumidifier

\$30 rebate on ENERGY STAR® certified dehumidifiers.

9. Clothes Dryer

\$50 rebate for ENERGY STAR® certified electric clothes dryers.

*Natural gas equipment related rebates are available through GasNetworks at www.gasnetworks.com.

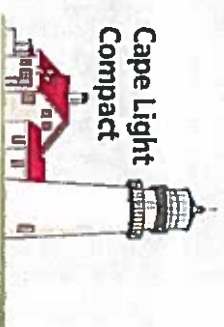
*** Subject to lender approval.



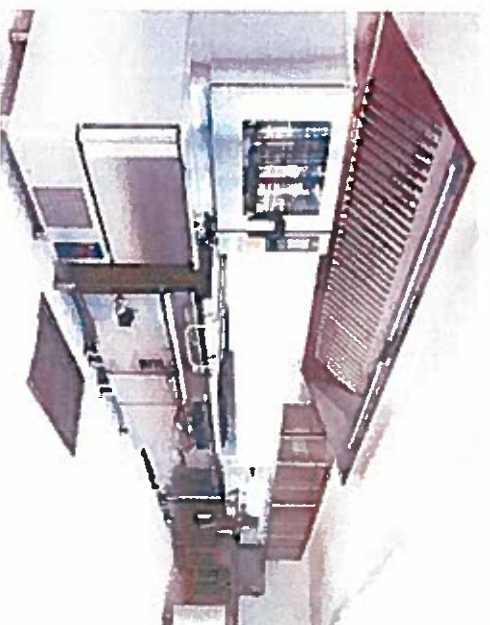
www.capeightcompact.org/ResRebates

Commercial Incentives

Cape Light
Compact



- NEW! Instant Rebates up to \$2,000 for Electric Kitchen Equipment from participating vendors
 - Ovens, Dishwashers, Fryer, Ice Machines and more!
- Upstream Lighting – instant incentive at participating distributors
- Upstream HVAC – efficient equipment available at participating distributors
- Small Business Fridge and Freezer Recycling
- Applications
 - Lighting & Controls
 - Vending Controls
 - Motors & Drives
 - Energy Management Systems
 - Chiller
 - Compressed Air
 - Custom Path



More Information



For Residential Rebates

Visit www.capelightcompact.org/resrebates

For Commercial Incentives

Visit www.capelightcompact.org/business-incentives

Or Call 1-800-797-6699

Sponsor of:

