

**Cape Light Compact JPE  
Governing Board  
Meeting Minutes  
Wednesday, January 8, 2020**

The Cape Light Compact JPE Board of Directors met on Wednesday, January 8, 2020 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00 PM.

**Present Were:**

1. Peter Doyle, Alternate, Barnstable
2. Robert Schofield, Executive Committee, Bourne
3. Colin Odell, Brewster
4. Peter Cocolis, Executive Committee, Chatham
5. Brad Crowell, Dennis
6. Erik Peckar, Dukes County – **By Phone**
7. Alan Strahler, Edgartown
8. Ronald Zweig, Chair/Executive Committee, Falmouth
9. Valerie Bell, Harwich
10. Richard Toole, Executive Committee, Oak Bluffs – **By Phone**
11. Martin Culik, Executive Committee, Orleans
12. Nathaniel Mayo, Provincetown
13. Richard Elkin, Wellfleet
14. Sue Hruby, West Tisbury
15. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

**Absent Were:**

1. Michael Hebert, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Timothy Carroll, Chilmark
4. Fred Fenlon, Eastham
5. Wayne Taylor, Mashpee
6. Leanne Drake, Sandwich
7. Kirk Metell, Tisbury
8. Jarrod Cabral, Truro

**Members/Alternates:**

Physically present: 13

Present by phone: 2

**Legal Counsel:**

Jeffrey Bernstein, Esq., BCK Law, P.C. – By Phone

**Staff Present:**

Austin Brandt, Senior Power Supply Planner

Dan Schell, Marketing and Communications Coordinator

Maggie Downey, Administrator

Margaret Song, C&I Program Manager

Megan Terrio, Comptroller  
 Melissa Allard, Senior Administrative Coordinator  
 Mona Boumghait, Massachusetts Maritime Academy Intern  
 Phil Moffit, Planning and Evaluation Manager

**Public Present:**

None.

Ronald Zweig called the meeting to order at 2:00 PM. Ronald Zweig recognized Erik Peckar of Dukes County and Richard Toole of Oak Bluffs who were remotely participating because physical attendance at the meeting would be unreasonably difficult.

**PUBLIC COMMENT:**

There was no public comment.

Ron Zweig introduced the Compact’s Massachusetts Maritime Academy Intern, Mona Boumghait. She will be working with the Compact until the end of February.

**APPROVAL OF MINUTES:**

The Board considered the December 11, 2019 Open Session Meeting Minutes.

Sue Hruby stated that at the top of page three she doesn’t think she said, “transfer stations.” Maggie Downey asked if she thought stating “that many solar panels have been installed throughout the Cape and Vineyard” was consistent with her remarks. Sue Hruby answered yes.

*Martin Culik moved the Board to accept the minutes as amended and to release them as amended, seconded by Robert Schofield.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Abstained
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (14-0-1)*

**CHAIRMAN’S REPORT:**

1. Elections for 2020 Officers

*Maggie Downey asked if there were any nominations for Chair. Martin Culik nominated Ronald Zweig. Seconded by Peter.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

*Maggie Downey asked if there were any nominations for Vice Chair. Peter Cocolis nominated Joyce Flynn. Seconded by Valerie Bell.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

*Maggie Downey asked if there were any nominations for Secretary. Peter Cocolis nominated David Anthony. Seconded by Robert Schofield.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

*Maggie Downey asked if there were any nominations for the position of Treasurer. Ronald Zweig nominated Glivinski and Associates, Inc. Seconded by Sue Hruby.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

*Maggie Downey asked if there were any nominations for the position of Business Officer. Joyce Flynn nominated Megan Terrio. Seconded by Richard Elkin.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes

Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

## 2. Elections for 2020 Executive Committee

Maggie Downey asked that if there were any nominations for the officer seats on the Executive Committee members beyond the Chair, Vice Chair, Secretary, Treasurer and Business Officer nominations. She stated that Peter Cocolis, Richard Elkin, Martin Culik, and Robert Schofield were nominated at the previous Board Meeting.

*There were no new nominations. Ron Zweig moved the entire slate of Peter Cocolis, Richard Elkin, Martin Culik, and Robert Schofield. Seconded by Joyce Flynn.*

Peter	Doyle	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Alan	Strahler	Edgartown	Yes
Ronald	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

*Motion carried in the affirmative (15-0-0)*

## 3. Questions for Eversource from Last Month's Meeting

Maggie Downey asked the Board what it would like to do about the questions that were not answered during Eversource's presentation during the last meeting. Richard Elkin stated that the Compact should send Eversource the questions and then set up a time to have them present their answers to the Board. Colin Odell stated that he would like to get the answers before the Board Meeting to see if more information is needed. Ron Zweig asked if Board Members could add questions. Maggie Downey stated that she will send the list of questions to the Board and if anyone wants to add any they can email her back.

#### **OVERVIEW OF 2019 OPERATING AND EFFICIENCY BUDGETS, PETER COCOLIS:**

Peter Cocolis stated that the Compact's spending is under budget for both the Energy Efficiency and Operating Budgets. Peter Cocolis stated that 81% of the Energy Efficiency Budget has been spent. There is about \$5 million in invoices that are still pending. Maggie Downey stated that once the invoices are processed the Compact would have spent between 95-97% of the Energy Efficiency Budget. Peter Cocolis stated that 68% of the Operating Budget has been spent based on invoices received as of today's meeting date. There are also some outstanding invoices to be paid under the Operating Budget.

Maggie Downey stated that at the March Board Meeting the Compact will present the year end data along with the saving goals. Richard Elkin asked what the headers stand for. Phil Moffit stated that "EMV" stands for Evaluation, Measurement and Verification, "STAT" stands for Sales, Technical Assistance and Training, and "PP&A" stands for Program Planning and Administration. Maggie Downey stated that these terms are defined by the Department of Public Utilities ("DPU") and the DPU determined how the reports would be laid out.

Richard Elkin asked where the \$5 million in outstanding Energy Efficiency invoices are coming from. Phil Moffit stated that \$5 million in vendor invoices have been submitted, reviewed by appropriate staff, but have not yet been entered into the Compact's energy efficiency database. Richard Elkin asked if there are any other invoices that haven't come in. Maggie Downey stated that each of the program managers know what is still outstanding. All 2019 vendor invoices are due by January 15<sup>th</sup>.

Peter Cocolis reviewed the Power Supply Fund Balance Analysis worksheet. The total mil-adder revenue for 2019 is \$900,220.02. The interest income from January through November 2019 is \$15,200.65. The operating expenditures year to date is \$600,399.50. Peter Cocolis, referring to the handout, then asked what the interfund transfers (\$29,070.00) are. Maggie Downey stated that it is the money, previously approved by the Board, that was used for solar PV projects with Habitat for Humanity. The fund balance at the end of 2019 is \$1,135,631.31. After the 2020 Operating Budget is appropriated, the unallocated fund balance is \$265,805.75.

Peter Cocolis stated that the Reserve Fund could be used for legal if needed. Maggie Downey stated that it could be used to reduce power supply rates, but the Compact would need a bit more in the fund before having an impact on rates. Richard Elkin asked what the difference is between a reserve fund and free cash. Peter Cocolis stated that the Reserve Fund was established by a vote of the Board and these funds could be appropriated for unforeseen expenses as further approved by the Board. Free cash is funds that have not been appropriated by the Board. Colin Odell stated there are plenty of references for how the reserve fund can be used with a vote of the Board. The Compact would not have to go back to using free cash if the \$250,000 Reserve Fund is fully funded. Richard Elkin asked why not fully fund the Reserve Fund now. Maggie Downey stated that the Board could do a budget amendment to fund the \$250,000 reserve fund in 2020. Colin Odell stated that this would be an appropriate topic after 2019 balances have been closed. Maggie Downey stated that the Compact can bring it back for the April Board Meeting.

#### **DISCUSSION OF OTHER POST EMPLOYMENT ("OPEB") AND RETIREMENT LIABILITIES:**

Maggie Downey stated that the Compact has been allocating funds for its OPEB liability since 2016. Allocation is based on payroll. It will be fully funded within the next four years or less. Free cash could fund some of it. Richard Elkin asked why there is such a decrease in Retirement Liability from 2017 to 2018. Maggie Downey stated that the Compact funded what was appropriated each year. The Compact is proposing to put the liabilities into a trust as permitted by Massachusetts General Laws.

Richard Elkin asked about putting it into a trust. Maggie Downey stated that it will be discussed at the March Board Meeting. Valerie Bell asked if the Compact is separated from Barnstable County Retirement Association. Maggie Downey stated that the Compact is a member of Barnstable County Retirement Association. However, it has its own actuarial and liability accounts. Valerie Bell asked if employees contribute. Maggie Downey stated employees contribute 11% of their salary each pay period. Richard Elkin asked how old the actuarial analysis is. Maggie Downey stated that it was done in 2019.

#### **UPDATE ON PROPOSED CAPE & VINEYARD ELECTRIFICATION OFFERING (“CVEO”), AUSTIN BRANDT:**

Austin Brandt reviewed the Proposed Cape & Vineyard Electrification Offering PowerPoint. He stated that the Compact is in the process of finalizing its budget. Once that is done it will be sent to the Energy Efficiency Advisory Council (“EEAC”). If it approves the program it will then be sent to the DPU for its review and approval.

Peter Cocolis stated that even some people who are making 81% or higher than the state median income is also struggling. Austin Brandt stated that that is true. However, this time around the Compact is focusing on people more in need. Austin Brandt stated that only single-family homes are eligible for the program. Richard Elkin stated that, in his opinion, not serving low-income customers in multifamily establishments may be biasing the statistics. Maggie Downey stated that the initial offering is for single family, deed restricted homes (homes restricted for income eligible individuals). They can be rental properties. Austin Brandt stated that it is difficult to install solar on multimeter multifamily homes and be able to have it benefit the customer. Maggie Downey stated that the Compact will investigate using Department of Housing and Community Development (“DHCD”) funds and working with towns on new low-income construction.

Maggie Downey stated that the program is designed to pursue the goals of 2018 amendments to the Green Communities Act, strategic electrification, storage and renewable technology. Heat pumps are highly efficient, but for low-income customers their electric bill can be a burden. That is why the Compact proposes to install solar and storage as well to reduce total energy bills. Martin Culik asked how much it will cost. Austin Brandt stated that it will cost \$50,000 for the solar and storage. The cost of heat pumps has not yet been determined. Richard Elkin stated that it sounds high. Maggie Downey stated that the Compact uses the Massachusetts Clean Energy Center data. Richard Elkin stated that the data is old.

Valerie Bell asked if there were any net metering credits involved. Austin Brandt stated that the projects will be will not be eligible for Solar RECs because that program has been replaced by Solar Massachusetts Renewable Target (SMART). Richard Elkin asked if Solar Massachusetts Renewable Target (SMART) was included. Austin Brandt answered yes. Austin Brandt stated that the Compact is looking into the revenue from the clean peak standards, but there is very little information available at this time on pricing. He stated that the Compact estimated costs based on the best available information. As with all energy efficiency programs, anything that isn’t spent on the program is fully reconciled through the DPU the following year. Richard Elkin asked if SMART requires the homes to be deed restricted. Austin Brandt answered no. Ron Zweig asked if ownership would revert to the customer if it’s a deed restriction house if the customer were to sell their house. Austin Brandt stated that it becomes the owner’s asset. Margaret Song stated that with the deed restriction it makes it so the house can only be sold to a customer within a certain defined income bracket.

Maggie Downey stated that the program is addressing how low-income customers are already paying for all those who already have solar. Colin Odell asked if the Compact would go out to negotiate for heat pumps as it has done for solar. Austin Brandt stated that the Compact will go out to bid for heat pumps too and will select one or two installers. It will be competitively procured.

Brad Crowell stated that this program has been designed to get through the DPU, but not to solve all of the social problem. Austin Brandt stated that the Compact is trying to also solve the social problem as well. Richard Elkin stated that there are other factors such as trees surrounding a home and therefore solar can't be installed. Austin Brandt stated yes, there are many factors to take into consideration. Colin Odell asked if there is a Third-Party Owner ("TPO") for the heat pump portion of the program. Austin Brandt answered no.

Martin Culik stated that this program is going to be in high demand and is a monumental marketing piece. Austin Brandt stated that the marketing will be targeted since the Compact can only serve 250 customers. The Compact doesn't want to cause an issue by having to turn away a lot of people. Marketing will be done through the Towns, Habitat for Humanity and other nonprofit housing organizations. Sue Hruby stated that it will be a great marketing piece once it is finished.

#### **ADMINISTRATOR'S REPORT, MAGGIE DOWNEY:**

##### 1. Update on DPU 19-136, 2020 Energy Efficiency Surcharge

Maggie Downey stated that the Compact has provided the DPU with requested information on shared costs such as documentation for rent, salary, benefits, etc. The issue of shared costs is an open item at the DPU; Maggie Downey will keep the Board updated as new information is presented.

##### 2. Review Documents Sent to CLC Board

Maggie Downey stated she emailed out the following documents: Summary of Conflict of Interest Law for Municipal Employees, Office of the Attorney General: Open Meeting Law Guide and Educational Materials, Office of the Attorney General: 940 CMR: Open Meetings, and Office of the Inspector General: How to be an Effective Board Member of the Public Board or Commission. She stated that there are two signature pages that need to be signed and returned to her on the Open Meeting Law and Conflict of Interest documents.

##### 3. Review Annual Meeting Attendance Requirements

Maggie Downey stated that she'll be reviewing Board Members' attendance for the year. Martin Downey stated there are a few towns whose board members haven't been present at any Board Meetings. Maggie Downey stated that Aquinnah said it would submit the required attendance waiver letter. Valerie Bell stated that maybe the Board can meet on the Vineyard once a year. Maggie Downey stated that she would be happy to, but the Compact has tried this before and there was not a good turnout.

Richard Elkin asked if the Compact had other options to the open meeting law when it comes to getting around the rule about Board Members having to be physically present. Maggie Downey stated that she doesn't think there is a way to handle it. Jeffrey Bernstein stated that as a JPE, the Compact could seek legislative or other authorization but under current law, remote participation did not count for quorum purposes under the Open Meeting Law. Maggie Downey stated that even getting the Vineyard towns to participate remotely would help with the Compact's internal attendance requirements.



#### 4. 350.org Asked to Present to Board at February Meeting

Maggie Downey stated that 350.org has asked to come and present to the Board in February. She stated that she had discussed with members of 350.org that Board Members wouldn't be able to vote on anything unless given permission from their town.

Brad Crowell stated that unfortunately the topic has become very political and the Compact is not a political advocacy group. He believed that it could cause potential problems. Sue Hruby stated that the Vineyard has its own version of 350.org. She also stated that it could take up a lot of time during the Board Meeting. Nate Mayo stated that he would like to hear what they are trying to do at a municipal level and finds it appropriate to the Compact. Maggie Downey stated that they did ask if the Compact could advocate/lobby and she informed them that they could not lobby and a vote in support would have to be discussed with their appointing authority/town. Members of 350.org would like to present to the Board. Brad Crowell stated that they could talk during public comment. Colin Odell stated that then it would keep it out of the part of the meeting where the Board would need to comment or vote. Maggie Downey stated she will let them know that they can speak only during public comment. Nate Mayo asked if the time for them to speak during public comment could be extended. Maggie Downey answered yes as long as approved by the Chair.

#### 5. Select Board Meetings

Maggie Downey stated that the Compact is setting up times to meet with each town's Select Board/Town Council. She stated that Melissa Allard will send along a calendar invite when the date has been set.

#### **ADJOURNMENT:**

*Motion to adjourn made at 4:06 PM moved by Peter Cocolis, seconded by Colin Odell.*

Respectfully submitted,

Melissa Allard

#### **LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice/Agenda
- December 11, 2019 Draft Meeting Minutes
- 2019 Energy Efficiency Budget
- 2019 Operating Budget
- Power Supply Fund Balance Analysis worksheet
- OPEB and Retirement Liability & Fund Balance Analysis worksheet
- Cape & Vineyard Electrification Offering – Update PowerPoint