

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, December 16, 2020**

Pursuant to Massachusetts Governor Charles D. Baker's Order Suspending Certain Provisions of the Open Meeting Law on March 12, 2020, the Cape Light Compact JPE Board of Directors met on Wednesday, December 16, 2020 at 2pm. The meeting was held through a Zoom videoconference for members of the Board with audio call-in available for members of the public.

Participating Remotely Were:

1. David Anthony, Secretary/Executive Committee, Barnstable
2. Robert Schofield, Executive Committee, Bourne
3. Colin Odell, Brewster
4. Peter Cocolis, Executive Committee, Chatham
5. Timothy Carroll, Chilmark
6. Brad Crowell, Dennis
7. Erik Peckar, Dukes County
8. Fred Fenlon, Eastham
9. Alan Strahler, Edgartown
10. Ronald Zweig, Chair/Executive Committee, Falmouth
11. Valerie Bell, Harwich
12. Martin Culik, Executive Committee, Orleans
13. Nathaniel Mayo, Provincetown
14. Leanne Drake, Sandwich
15. Bob Higgins-Steele, Truro Alternate
16. Sue Hruby, West Tisbury
17. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. Forrest Filler, Aquinnah
2. Wayne Taylor, Mashpee
3. Richard Toole, Executive Committee, Oak Bluffs
4. Kirk Metell, Tisbury
5. Jarrod Cabral, Truro
6. Richard Elkin, Wellfleet

Legal Counsel Participating Remotely:

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

Staff Participating Remotely:

Austin Brandt, Senior Power Supply Planner

Maggie Downey, Administrator

Melissa Allard, Senior Administrative Coordinator

Public Participants:

None.

Joyce Flynn called the meeting to order at 2:04 PM.

PUBLIC COMMENT:

There was no public present, and no public comments were submitted to the Board in writing under the public comment guidelines.

Ron Zweig joined meeting at 2:06 PM.

APPROVAL OF MINUTES:

The Board considered the November 4, 2020 Open Session Meeting Minutes.

Peter Cocolis moved the Board to accept the minutes as amended and to release them as amended, seconded by Timothy Carroll.

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Joyce	Flynn	Yarmouth	Yes

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

REPORT OF EXECUTIVE SESSION MINUTES REVIEW GROUP ON REVIEW OF EXECUTIVE SESSION MINUTES AND RELEASE OF CERTAIN MINUTES:

Maggie Downey stated that she, Jeff Bernstein, legal counsel, and David Anthony, Secretary, reviewed executive session minutes and determined that the purpose under which the Executive Session minutes of February 14, 2018 and July 17, 2019 were withheld as Confidential was no longer applicable and that the minutes should be released.

CHAIR REPORT:

Ron Zweig expressed appreciation for the great privilege and honor of being Chair of the Board for the past year. He stated that he will be on the Board next year but will be stepping down as Chair. Therefore, the Board must nominate someone else.

2020 OPERATING AND ENERGY EFFICIENCY BUDGET REPORTS:

Peter Cocolis reviewed the Operating Budget. The Compact has spent about 75% of the budget. He stated that retirement and OPEB liability invoices will be paid at the end of the month. The Compact will most likely be under budget for the year.

Peter Cocolis reviewed the Energy Efficiency Budget. He stated it started off slow due to the COVID pandemic and did not take off until the last few months. The Compact has spent 57% of that budget. Peter Cocolis stated that Maggie Downey signed off on \$1.5 million in invoices this week. He stated that the Compact will be under budget in some of the sectors. Maggie Downey stated that the Compact is on track to reach its three-year savings goals.

Martin Culik asked if other Program Administrators (PAs) are facing the same situation in terms of underspending. Maggie Downey answered yes because of COVID-19 all PAs' 2020 budgets are underspent. She stated that the Compact was back up and running before the rest of the state because there were fewer cases of COVID on Cape Cod. She stated that she is not sure whether the other PAs will achieve savings goals.

Peter Cocolis asked whether the Board wants to continue to review the status of the Operating and Energy Efficiency budgets at the monthly Board meetings. Maggie Downey stated she is looking for a sense of the Board if it wants to discuss this further and if yes, she would include the subject on the January's board meeting agenda. Sense of the Board was to put this on the agenda.

Robert Schofield and Sue Hruby joined the meeting at 2:18 PM.

POWER SUPPLY PRICING OVERVIEW:

Austin Brandt reviewed the power supply pricing for the upcoming term, December 2020 through June 2021 meter reads. The Compact's residential electric rate is 11.85 cents/kWh and Eversource's is 11.88 cents/kWh. The Compact's electric rate for small commercial customers is 11.60 cents/kWh and Eversource's rate is 11.17 cents/kWh.

Erik Peckar asked what percentage of customers have opted into the local green program. Austin Brandt stated that he thinks there are less than 50 customers. He stated he is working with Dan Schell for more targeted marketing.

ADMINISTRATOR'S REPORT, MAGGIE DOWNEY:

1. Open Nominations for 2021 Officers and Executive Committee

Maggie Downey stated that nominations are open for the Compact's Officers and Executive Committee. Nominations will remain open until the January Board meeting, and the final vote will occur at the meeting.

Maggie Downey asked if there were any nominations for Chair. Robert Schofield nominated Martin Culik. Seconded by Sue Hruby.

Maggie Downey asked if there were any nominations for Vice Chair. Ron Zweig nominated Joyce Flynn. Seconded by Robert Schofield.

Maggie Downey asked if there were any nominations for Secretary. Peter Cocolis nominated David Anthony. Seconded by Ron Zweig.

Maggie Downey asked if there were any nominations for the position of Treasurer. Martin Culik nominated Tammy Glivinski, Glivinski and Associates, Inc. Seconded by Robert Schofield.

Maggie Downey asked if there were any nominations for the position of Business Officer. Peter Cocolis nominated Megan Terrio. Seconded by Sue Hruby.

Maggie Downey noted that the three Compact Officers (not the Treasurer) have served as members of the Executive Committee and that the Board typically elects seven members to serve on the Executive Committee (the Joint Powers Agreement requires a minimum of five members serve on the Executive Committee). She asked that if there were any nominations for the other our Executive Committee member seats.

Peter Cocolis nominated Robert Schofield. Seconded by Sue Hruby.

Robert Schofield nominated Richard Elkin. Seconded by Sue Hruby.

Sue Hruby nominated Erik Peckar. Jeff Bernstein stated he needed to look into whether he would be allowed to serve. Later in the meeting Jeff Bernstein advised that he would not, as only governing board members with full voting authority (e.g. municipal members) could act on the Executive Committee.

Colin Odell stated he would be willing. Tim Carroll nominated Colin Odell. Seconded by Robert Schofield.

2. Discuss and Potential Vote on 2021 Operating Budget

Maggie Downey reviewed the proposed 2021 Operating Budget. She stated Megan Terrio sent her an updated spreadsheet showing where she is estimating the Compact's accounts to be. She stated at the end of the year after an appropriation of the Operating Budget the Compact will end with approximately \$606,513 left in the power supply reserve fund. She stated the number will go down as it does not include all the expenditures for calendar year 2020.

Colin Odell asked if it reflects any of the reserve fund that the Compact had established or is it exclusive of that. Maggie Downey stated it will include \$185,000 for the contingency fund. She stated it is a line item in the \$935,616 for the proposed CY21. The Compact did not appropriate anything for the contingency fund for this calendar year. Colin Odell stated that the \$606,53 does not include any of the contingency fund. Maggie Downey stated that was correct.

Bob Higgins-Steele joined the meeting at 2:45 PM.

Peter Cocolis moved the CLCJPE Board of Directors vote to appropriate the Cape Light Compact Joint Powers Entity Calendar Year 2021 Operating Budget in the amount of \$935,616.00.

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 Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes

Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

3. Discuss and Potential Vote on 2.0% Cost of Living Adjustment (COLA) for Calendar Year 2021

Maggie Downey stated the Compact historically has a separate vote for the staff COLA. The COLA is included in the 2021 budget under staff salaries. The 2% COLA is consistent with the Cape and Vineyard towns that have responded to the Compact’s human resources survey.

Joyce Flynn moved the CLCJPE Board of Directors the Board vote to approve a 2021 employee cost of living adjustment (COLA) in the amount of 2.0%. The effective date is January 1, 2021.

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 Tim Carroll.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

4. Update on Rural Energy Savings Program (RESP) Loan from the Rural Utilities Service (RUS)

Maggie Downey stated that the RESP loan application has been submitted to the US Department of Agriculture Rural Utilities Service. She stated she would send it out to any Board Members who want to review it. Martin Culik asked if the Compact has communicated with our federal representatives that this has been submitted to the USDA. Maggie Downey stated that it is on her to do list. Martin Culik asked what the timeline for approval. Maggie Downey stated it will take up to 90 days.

5. Discuss Affirmation of Compact Administrator as Chief Procurement Officer

Maggie Downey stated that the Board appointed her the Chief Procurement Officer in 2017. Counsel recommended that it is a good practice to affirm this vote periodically. She stated the Compact is beginning to put together the next 3-year energy efficiency plan and there is discussion at the state level on making changes to the Request For Proposals (RFPs) process. She stated that she, under Massachusetts General Law, Chapter 30.B., the Compact is only authorized to execute a 3-year term for a contract unless she receives authorization for a longer contract terms from her appointing authority. Historically, the Compact enters into a 3-year contracts with the ability to extend up to another 3 years. This happens most often on RFPs issued on a statewide basis by the utility Program Administrators.

David Anthony stated that Barnstable has traditionally not liked to give open ended approvals. He stated that this vote does not set an end date when Maggie Downey would have to come back to the Board. He asked how long the contract terms are usually. Maggie Downey stated that on average they are for a 6 year term. She stated that the Compact could set a limit of 10 years for energy efficiency contracts and that should work fine. David Anthony stated that he endorses that amendment to the motion.

Martin Culik moved that the Cape Light Compact Joint Powers Entity (CLCJPE) Board of Directors vote to affirm the Compact Administrator continue to serve as the Chief Procurement Officer (CPO) for the Compact, and to authorize the CPO to negotiate contract terms of up to 10 years for Energy Efficiency Program contracts that the CPO deems to be in the best of the Compact.

The CLCJPE 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 Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
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Valerie	Bell	Harwich	Yes

Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

6. Update on Proposed Energize Cape and Islands Effort

Maggie Downey gave an update on the Energize Cape and Vineyard effort. She stated that there is a group that is trying to take the Energize the Outer Cape model and do it for all of Cape Cod and Martha's Vineyard. Energy Efficiency is the foundation of this effort, along with pursuing strategic electrification through heat pumps and pairing that with solar and battery storage. Maggie Downey stated that there will be a request coming to the Board in 2021 for funding for such an initiative. There are many towns that are showing interest in the program.

ADJOURNMENT:

Motion to adjourn made at 3:12 PM moved by Robert Schofield, seconded by Colin Odell.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Yes
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Nate	Mayo	Provincetown	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- November 4, 2020 Draft Meeting Minutes
- 2020 Operating Budget
- 2020 Energy Efficiency Budget
- Power Supply Pricing Press Release
- Proposed 2021 Operating Budget