

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, July 21, 2021**

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, July 21, 2021 at 2 p.m. 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. Peter Doyle, Barnstable Alternate
3. Robert Schofield, Executive Committee, Bourne
4. Francis Erdman, Bourne Alternate
5. Colin Odell, Executive Committee, Brewster
6. Peter Cocolis, Chatham
7. Timothy Carroll, Executive Committee, Chilmark
8. Brad Crowell, Dennis
9. Erik Peckar, Dukes County
10. Fred Fenlon, Eastham
11. Alan Strahler, Edgartown
12. Richard Toole, Executive Committee, Oak Bluffs
13. Martin Culik, Chair/Executive Committee, Orleans
14. Leanne Drake, Sandwich
15. Jay Grande, Tisbury Alternate
16. Bob Higgins-Steele, Truro Alternate
17. Richard Elkin, Executive Committee, Wellfleet
18. Sue Hruby, West Tisbury
19. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth
20. Mike Duffy, Yarmouth Alternate

Absent Were:

1. Forest Filler, Aquinnah
2. Ronald Zweig, Falmouth
3. Valerie Bell, Harwich
4. Wayne Taylor, Mashpee
5. Nathaniel Mayo, Provincetown
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

Legal Counsel Participating Remotely:

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

Staff Participating Remotely:

Austin Brandt, Senior Power Supply Planner

Lindsay Henderson, Commercial & Industrial Senior Analyst

Maggie Downey, Administrator
Melissa Allard, Senior Administrative Coordinator

Public Participants:

None.

Martin Culik called the meeting to order at 2:01 PM.

PUBLIC COMMENT:

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

APPROVAL OF MINUTES:

The Board considered the June 9, 2021 Open Session Meeting Minutes.

Colin Odell moved the Board to accept the minutes as amended and to release them as amended, seconded by Joyce Flynn.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Abstained
Brad	Crowell	Dennis	Yes
Erik	Peckar	Dukes County	Yes
Fred	Fenlon	Eastham	Did not vote due to technical issues
Alan	Strahler	Edgartown	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (13-0-1)

Jay Grande joined meeting at 2:06PM.

CHAIR REPORT:

1. Introduce New Town of Bourne Alternate Board Member

Martin Culik stated that the Board has a new Bourne alternate named Francis Erdman who has joined us today and asked him to introduce himself. Francis Erdman stated he has always had an interest in ecology and the

environment and has been wanting to get involved in environmental actions. He has some experience in the energy sector while working at various software companies.

2. Testimony at Public Hearing on House Bill 3360

Martin Culik stated that the Compact testified at the public hearing on House Bill 3360 and in addition to that the Compact had a nice letter from Association to Preserve Cape Cod (APCC) in support of the Compact's testimony. He stated that we hope to see some progress with the legislation advancing as soon as possible.

3. Future Board Meetings

Martin Culik stated there has been questions about in person meetings. The Compact has an exemption from the State until April 2022. He stated that he had a conversation with Maggie Downey about resuming a hybrid meeting for those who can join in person possibly in September or October depending on the room upgrades at the Compact's office and the status of the COVID situation.

Sue Hruby joined meeting at 2:30PM.

DISCUSSION AND POTENTIAL VOTE TO AMEND ARTICLE V. D, MANNER OF ACTING AND QUORUM OF THE CAPE LIGHT COMPACT JOINT POWERS AGREEMENT (JPA) AND TO AUTHORIZE COUNSEL TO PREPARE A SECOND AMENDED AND RESTATED JPA INCORPORATING THE SAME

Martin Culik stated that Maggie Downey has been getting positive responses from Towns on the proposed changes to the JPA. Maggie Downey stated that she attended several Select Board meetings, and the proposed changes were enthusiastically endorsed. She stated that she has only received support as of now and no opposition. Regarding whether to continue Board meetings remotely, she stated that it is up to the Board to decide on whether to continue doing virtual meetings until April 2022 or to change the quorum requirements through an amendment to the JPA.

David Anthony stated he contacted the Barnstable town attorney, and her initial response was that this may be unnecessarily confusing and too complicated a solution. He stated that she suggested it may make sense to put this on hold but did not give any specifics. He stated that if the Compact is not in a rush, he could follow up with her.

Jeff Bernstein stated that the quorum problem has been a long-standing issue for the Compact since before COVID-19. The Compact has a hard time making sure that a majority of the Board Members were present and what happened a number of times is that the Compact's Board had to meet as an executive committee, not allowing the Board Members outside of the executive committee to engage in vote on the agenda items.

Richard Toole asked if it would change whether remote participation would count towards the quorum. Jeff Bernstein answered that they won't count towards the physical quorum. He stated as a joint powers entity the Compact can set its quorum requirements. He stated that the proposed change would have a two-part process where the Compact would need to have a majority of the executive committee physically present to obtain a quorum and then additional Board members would be able to fully participate in the meeting. As of right now remote participants do not count towards quorum and that would require a change to state law. Colin Odell asked if the legislative extension to April 2022 is for remote meetings or does it give the latitude for hybrid meetings. Jeff Bernstein stated that there is the latitude to meet in a hybrid form and for quorum purposes those who attend remotely would count towards a quorum.

David Anthony stated that Barnstable is struggling with its hybrid meetings and if the Compact is moving towards hybrid it needs to make a commitment to accommodate the public both in person and remotely. Jeff Bernstein stated that currently members of the public do not use video but use the number to call in. Austin Brandt stated that the Compact is putting together a Zoom Room that would allow remote participants to see those in the room and those in the room to see the remote participants. Maggie Downey stated that if the Compact were to make edits to the proposed change, she would have to send out notifications to the Towns all over again.

Richard Elkin commented that long term, if the Zoom Room works well, the Compact could try and establish one on Martha's Vineyard so that they can get together and have public present. He also stated that he supports the motion. It makes the quorum easier and does not change who can vote. Colin Odell stated that he is also in favor of this change. He stated that he sat through several meetings where the executive committee was making decisions instead of the entire Board.

Richard Toole moved the CLCJPE Board of Directors vote to amend the Compact's First Amended and Restated Joint Powers Agreement as presented in the June 4, 2021, Memorandum from BCK law, Compact Counsel, and to authorize Compact Counsel to prepare a Second Amended and Restated JPA incorporating the proposed amendments with an effective date of July 21, 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 Colin Odell.

David	Anthony	Barnstable	Abstained
Robert	Schofield	Bourne	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Did not vote due to technical issues
Alan	Strahler	Edgartown	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	No
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

Motion carried in the affirmative (13-1-1)

ADMINISTRATOR'S REPORT:

1. Review, Discuss and Potential Vote Regarding the Eversource Grid Modernization Plan, DPU 21-80, Using the Compact's Consumer Advocacy Worksheet

Maggie Downey stated that in the Board Packet there is a consumer advisory worksheet on DPU 21-80, which is the updated filing of the Eversource grid modernization plan. She stated consistent with the Compact's directive from the DPU, when the Compact is working on consumer advocacy issues that involves energy efficiency funds the worksheet must be filled out and presented to the Board.

Alan Strahler moved the Cape Light Compact JPE Board of Directors vote to adopt a process to allocate consumer advocacy costs between the Compact's energy efficiency and operating budgets as follows:

- 1. After identifying a regulatory matter, rulemaking proceeding, legislative action or other activity relating to or affecting the Compact's administration of its energy efficiency plan or its provision of power supply (taken together, "Consumer Advocacy Matter"), the Compact Administrator will provide the Board with pertinent information regarding the Consumer Advocacy Matter and present a completed consumer advocacy worksheet (as attached) for the Board's consideration and review.*
- 2. The Board will thereafter vote to authorize and direct the Compact Administrator to take all actions deemed necessary or appropriate to implement the Compact's participation in the Consumer Advocacy Matter (subject to any limitations imposed by the Board), and to execute and deliver all documents as may be necessary or appropriate to enable and effectuate such participation.*

Seconded by Bob Schofield.

Maggie Downey stated Alan Strahler brought to her attention a Martha's Vineyard related issue. She stated that when Eversource filed the original grid modernization docket, it proposed two battery storage projects, one in Provincetown and one on Martha's Vineyard. She stated that recently Eversource announced that it is no longer pursuing the project on Martha's Vineyard. Last weekend Martha's Vineyard lost one of its cables and five additional diesel generators were sent over to provide electricity to Martha's Vineyard customers. Eversource's justification for not doing the battery storage is that it is more cost effective to install a cable and less impact on rate payers. Alan Strahler stated that people on Martha's Vineyard believe that they need both the cable and the battery storage. Maggie Downey asked Jeff Bernstein if there was a way to address that Eversource withdrew its battery project and whether it was a part of this docket. Jeff Bernstein stated that it is not a part of DPU 21-80, but Eversource is supposed to make a storage filing later this year. He stated that he went back to a document that it filed about six weeks ago, DPU 21-30, where it cancelled the Martha's Vineyard project because the project cost was purportedly too high. He stated that he thinks there will be an opportunity for the Compact to get involved later this year. There will be a separate regulatory proceeding and the Compact could send a letter earlier. Sue Hruby stated that she believes that the Compact needs to comment to the DPU regarding the cancellation of the Martha's Vineyard battery storage project. She stated that the projections of future power supply needs show that the Vineyard will not have the amount of electricity it needs.

The Board then proceeded to vote on the Motion:

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

Fred	Fenlon	Eastham	Did not vote due to technical issues
Alan	Strahler	Edgartown	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

3. Main Streets Handout

Maggie Downey stated that Lindsay Henderson brought to her attention that there is a delay with installation of recommended measures with our small businesses. Lindsay Henderson stated that Main Streets has been successful so far. She stated that there are labor shortages, and the Compact is experiencing a ten-week backlog right now for installations. RISE Engineering has been trying to recruit people to work for it. She stated that if anyone knows electricians looking for work to get in touch with her.

4. Introduction of New Senior Power Supply Planner, Mariel Marchand

Maggie Downey stated the Compact hired a new power supply planner, Mariel Marchand, and asked Mariel to introduce herself. Mariel Marchand stated she grew up in Barnstable Village and received both her undergraduate and graduate degrees from Tufts University. She was an analyst working on the budget for the energy and environmental affairs secretariat, then worked at the Massachusetts Department of Energy Resources mainly on the implementation of their solar projects. She recently left a research consulting firm focused on water policies to take the job with the Compact. She stated she is excited to get back into the energy space and back on Cape Cod and is looking forward to working with everyone.

5. Discuss creating social media posts for interested Board Members

Maggie Downey stated that many business and public entities on social media will share posts about themselves and asked if Board Members wanted to do that about themselves to get in touch with her. She stated it makes it more personable.

6. Update on Energize the Cape & Vineyard Proposal

Maggie Downey stated that the Compact is working out the details. It is taking longer than anticipated. She stated that she hopes to have more of an update at the September Board Meeting.

7. Update on USDA Rural Utilities Service Loan

Maggie Downey stated that she sent an email this week to the USDA on the RESP Loan because the Compact was supposed to hear an update in June, but never did.

8. Discuss Vacation Buy-Back Proposal for Compact Staff

Maggie Downey stated that she is going to be bringing back in September a request to waive the Compact’s personnel policy section on the vacation buyback and allow staff that are not usually eligible to sell accrued vacation time. She stated she will get the number of interested staff and budget impact and bring the issue back to the Board in September.

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:

Martin Culik at 3:52 PM moved to enter into Executive Session pursuant to M.G.L. c. 30A §21(a)(3) and (10) to (1) review and approve executive session minutes which contain discussions regarding pending or imminent regulatory litigation and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to a proposed Low-Income Community Solar project (when the release of the discussion would have a detrimental effect on the Compact’s negotiating position); (2) to discuss pending or imminent regulatory litigation and trade secrets and confidential, competitively-sensitive or other proprietary power supply information related to a proposed Low-Income Community Solar project and the 2022-2024 Energy Efficiency Plan, not to return to open session thereafter. 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
Fred	Fenlon	Eastham	Did not vote due to technical issues
Alan	Strahler	Edgartown	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Jay	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Jay Grande left meeting at 4:20PM.

ADJOURNMENT:

Motion to adjourn made at 4:25 PM moved by Joyce Flynn, 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
Fred	Fenlon	Eastham	Did not vote due to technical issues
Alan	Strahler	Edgartown	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
Leanne	Drake	Sandwich	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Sue	Hruby	West Tisbury	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- June 9, 2021 Draft Meeting Minutes
- 2021 Operating Budget
- 2021 Energy Efficiency Budget
- Proposed Amendment to the First Amended and Restated Joint Powers Agreement of the Cape Light Compact JPE
- Consumer Advocacy Worksheet: MA Department of Public Utilities (DPU) 21-80, Eversource Grid Modernization Plan
- Consumer Advocacy Worksheet
- D.P.U. 21-80