**Cape Light Compact JPE**

**Governing Board**

**Meeting Minutes**

**Wednesday,** **January 12, 2022**

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, January 12, 2022 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. Robert Schofield, Executive Committee, Bourne
3. Francis Erdman, Bourne Alternate
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Brad Crowell, Dennis
8. Alan Strahler, Edgartown
9. Matthew Patrick, Falmouth
10. Martin Culik, Chair/Executive Committee, Orleans
11. Nathaniel Mayo, Provincetown
12. Leanne Drake, Sandwich
13. Bob Higgins-Steele, Truro Alternate
14. Richard Elkin, Executive Committee, Wellfleet
15. Erik Peckar, West Tisbury
16. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

**Absent Were:**

1. Forest Filler, Aquinnah
2. Fred Fenlon, Eastham
3. Valerie Bell, Harwich
4. Wayne Taylor, Mashpee
5. Dion Alley, Executive Committee, Oak Bluffs
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

**Legal Counsel Participating Remotely:**

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

**Staff Participating Remotely:**

Briana Kane, Residential Manager

Maggie Downey, Administrator

Melissa Allard, Senior Administrative Coordinator

**Public Participants:**

None.

Martin Culik called the meeting to order at 2:03 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 December 8, 2021 Open Session Meeting Minutes.

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

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| --- | --- | --- | --- |
| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Tim | Carroll | Chilmark | Yes |
| Brad | Crowell | Dennis | Yes |
| Matt | Patrick | Falmouth | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | Yes |
| Leanne | Drake | Sandwich | Yes |
| Erik | Peckar | West Tisbury | Yes |
| Joyce | Flynn | Yarmouth | Absent |

*Motion carried in the affirmative (11-0-0)*

**Alan Strahler, Bob Higgins-Steele and Richard Elkin joined the meeting at 2:08PM.**

**Chairman’s Report:**

1. **Recognition of new Board Member, Erik Peckar, from West Tisbury**

Martin Culik stated at the December Board meeting Sue Hruby had mentioned that she was stepping down and Erik Peckar would be taking her place. He stated that Erik Peckar was officially appointed by the West Tisbury Board of Selectmen last week, and he welcomed Erik as a voting member.

1. **Elections for 2022 Officers**

Maggie Downey noted that nominations for the Compact’s Officers were still open and at the December Board meeting Martin Culik was nominated for the position of Chair, Joyce Flynn for Vice-Chair, David Anthony for Secretary, Tammy Glivinski for Treasurer, and Megan Terrio for Business Officer. She asked whether there were any other nominations for these positions. No other nominations were made for the 2022 Compact Officer positions. Maggie closed the nominations and asked for a motion to elect the Compact’s Officers for 2022 as presented.

*Robert Schofield moved the entire slate of Martin Culik, Joyce Flynn, David Anthony, Tammy Glivinski, and Megan Terrio for Compact Officers. Seconded by Colin Odell.*

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| --- | --- | --- | --- |
| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Tim | Carroll | Chilmark | Yes |
| Brad | Crowell | Dennis | Yes |
| Alan | Strahler | Edgartown | Yes |
| Matt | Patrick | Falmouth | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | Yes |
| Leanne | Drake | Sandwich | Yes |
| Bob | Higgins-Steele | Truro | Yes |
| Richard | Elkin | Wellfleet | Yes |
| Erik | Peckar | West Tisbury | Yes |
| Joyce | Flynn | Yarmouth | Yes |

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

1. **Elections for 2022 Executive Committee Members**

Maggie Downey noted that the nominations for the Executive Committee were still open. She stated that the holder of Chair, Vice-Chair, Secretary, Tim Carroll, Richard Elkin, Colin Odell, and Robert Schofield were nominated for Executive Committee Members at the December Board Meeting. She then asked whether there were any other nominations for the Executive Committee.

Alan Strahler nominated Erik Peckar. Maggie Downey stated that would give the Board eight Executive Committee Members if all were elected. Tim Carroll withdrew his name to make it seven nominees. Maggie closed the nominations and asked for a motion to elect the Compact’s Executive Committee for 2022 as presented.

*Martin Culik moved the entire slate of Martin Culik, Joyce Flynn, David Anthony, Richard Elkin, Colin Odell, Robert Schofield, and Erik Peckar as the 2022 Executive Committee. Seconded by Richard Elkin.*

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| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Tim | Carroll | Chilmark | Yes |
| Brad | Crowell | Dennis | Yes |
| Alan | Strahler | Edgartown | Yes |
| Matt | Patrick | Falmouth | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | Yes |
| Leanne | Drake | Sandwich | Yes |
| Bob | Higgins-Steele | Truro | Yes |
| Richard | Elkin | Wellfleet | Yes |
| Erik | Peckar | West Tisbury | Yes |
| Joyce | Flynn | Yarmouth | Yes |

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

**Energy Efficiency: Update on 2022-2024 Energy Efficiency Plan (DPU 21-126) and the 2022 Energy Efficiency Surcharge (DPU 21-119), Maggie Downey**

Maggie Downey stated that the 2022-2024 Energy Efficiency Plan (Plan) has been filed and the Compact is waiting for an Order from the Department of Public Utilities (DPU). By statute the DPU has until January 31st to issue its Order on the Plan

Maggie Downey reviewed the Residential and Commercial bill impact PowerPoint slides. She stated that she updated them to reflect the 2022 energy efficiency surcharge (EES) that was approved by the DPU in late December 2021. In the EES Order the Compact was required to remove CVEO, as well as to utilize the shared cost allocation from the current three-year plan, which was developed by the Board in 2018. She stated that as a result there are changes in the bill impacts. For the residential bill impacts the energy efficiency charge increases from 9.6% to 13.9% of the total bill. As for the commercial bill impacts, the energy efficiency charge increases from 5.2% to 7.6% of the total bill.

Brad Crowell asked if Maggie Downey had comparable figures for other Massachusetts Program Administrators (PA). Maggie Downey stated that she does not have the bill impacts for the other PAs available; however, she noted that they increased from the previous three-year plan primarily due to strategic electrification initiatives. She stated that she can gather that information and provide it to the Board before the next meeting.

Erik Peckar asked when will the Compact transition to the 2022-2024 energy efficiency programs. Maggie Downey stated that the Compact cannot offer any of the incentives from the 2022-2024 Energy Efficiency Plan until it has been approved by the DPU in the Plan Order due by January 31, 2022. Erik Peckar asked if customers who are having their audits done this month are still being offered lighting installations. Briana Kane stated that lighting is not being offered at the start of this Plan year because it was not included as a measure in the filings made by the Compact’s or other PAs.

Nate Mayo asked if this percentage increase is going to be devoted to energy efficiency programs that would then be returned to them through participation in the Compact’s energy efficiency programs. Maggie Downey stated that that was correct.

Martin Culik asked what percentage of the Cape Cod and Martha’s Vineyard population utilizes the energy efficiency programs during the calendar year. Maggie Downey stated that the Compact files that statistic annually but has not yet closed the books on 2021. Martin Culik asked if she knew what it was in the previous year. She stated that she does not have that on hand but can send it later by email. Briana Kane stated that on average she plans for there to be around 5,000 home energy assessments annually. Also, a town-by-town quarterly report is sent to each Board Member which lists the number of participants for that quarter as well as a cumulative total for the year. Maggie Downey stated that she also shows the number of participants over the past several years in her presentations to the selectboards. Martin Culik stated that it is always important for the Compact to keep pushing the energy efficiency programs because the EES funds program that are there for people to use.

**Administrator’s Report:**

1. **Review Documents Sent to CLC Board**

Maggie Downey stated that there are several documents in the Board Packet. Each Board Member is required to review and sign the Summary of Conflict-of-Interest Law for Municipal Employees and Office of the Attorney General: Open Meeting Law Guide and Educational Materials paperwork and send it back to her. She stated that she’ll send reminders to those who do not send them in before the next Board meeting.

**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 not return to open session:**

*Martin Culik at 3:01 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 and potential vote on pending or imminent regulatory litigation related to Massachusetts Department of Public Utilities 20-40, Cape & Vineyard Electrification Offering (CVEO) and the 2022-2024 Energy Efficiency Plan, DPU 21-126, and the 2022 Energy Efficiency Surcharge, DPU 21-119, not to return to open session thereafter****.*** *Seconded by Robert Schofield.*

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| --- | --- | --- | --- |
| David | Anthony | Barnstable | Yes |
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| Tim | Carroll | Chilmark | Yes |
| Brad | Crowell | Dennis | Yes |
| Alan | Strahler | Edgartown | Yes |
| Matt | Patrick | Falmouth | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | Yes |
| Leanne | Drake | Sandwich | Yes |
| Bob | Higgins-Steele | Truro | Yes |
| Richard | Elkin | Wellfleet | Yes |
| Erik | Peckar | West Tisbury | Yes |
| Joyce | Flynn | Yarmouth | Yes |

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

Respectfully submitted,

Melissa Allard

 **List of Documents and Exhibits:**

* Meeting Notice/Agenda
* December 8, 2021 Draft Meeting Minutes
* Residential and Commercial Bill Impacts PowerPoint Slides
* 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
* Office of the Inspector General: How to be an Effective Board Member of a Public Board or Commission
* First Amended and Restated Joint Powers Agreement of the CLCJPE
* Cape Light Compact Aggregation Plan, dated April 4, 2018
* Cape Light Compact Code of Conduct for Board Members