

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, July 13, 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, July 13, 2022, at 2:00 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. Peter Cocolis, Chatham
4. Brad Crowell, Dennis
5. Alan Strahler, Edgartown
6. Scott Mueller, Falmouth Alternate
7. Valerie Bell, Harwich
8. Wayne Taylor, Mashpee
9. Dion Alley, Executive Committee, Oak Bluffs
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. Forrest Filler, Aquinnah
2. Colin Odell, Executive Committee, Brewster
3. Timothy Carroll, Executive Committee, Chilmark
4. Meghan Gombos, Dukes County
5. Matthew Patrick, Falmouth
6. Kirk Metell, Tisbury
7. Jarrod Cabral, Truro

Legal Counsel Participating Remotely:

Audrey Eidelman Kiernan, Esq., KO Law, P.C.
Erin O'Toole, Esq., KO Law, P.C.

Staff Participating Remotely:

Izzi Caplan, Communication Coordinator
Maggie Downey, Administrator
Margaret Song, C&I Program Manager
Mariel Marchand, Power Supply Planner
Melissa Allard, Senior Administrative Coordinator

Public Participants:

None.

Martin Culik called the meeting to order at 2:03 PM.

PUBLIC COMMENT:

No public comments were submitted to the Board in writing under the public comment guidelines.

APPROVAL OF MINUTES:

The Board considered the June 8, 2022, Open Session Meeting Minutes.

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

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Abstained
Alan	Strahler	Edgartown	Yes
Scott	Mueller	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Dion	Alley	Oak Bluffs	Abstained
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 (14-0-2)

The Board considered the May 11, 2022, Executive Session Meeting Minutes.

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

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Abstained
Alan	Strahler	Edgartown	Yes
Scott	Mueller	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes

Dion	Alley	Oak Bluffs	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 (15-0-1)

CHAIRMAN’S REPORT:

Martin Culik asked Scott Mueller the new Alternate Board member for the Town of Falmouth to introduce himself. Scott Mueller stated he is a retiring attorney. He stated he has spent the past 35 years in energy law around the country. He stated that for the last 9 years he has worked as a solo practitioner. He has done a lot of work with a group called Good Energy which is a municipal aggregation consultant and worked with about 50 cities and towns in Massachusetts helping them develop their municipal aggregation plans.

Martin Culik stated that Fred Fenlon is retiring from the Board. Maggie Downey stated that Fred Fenlon has been a Board Member for at least 22 years. Martin Culik asked the Compact to send a heartfelt thank you from the Board and staff. Maggie Downey stated that she is putting something together to send to him. Martin Culik stated that the Compact is looking for a new Eastham representative.

Martin Culik stated that we will be starting the hybrid board Meetings on September 14, 2022. He stated that the conference room is ready.

DISCUSS AND POTENTIAL VOTE ON UPDATES TO COMPACT REMOTE PARTICIPATION:

Martin Culik stated that the Board talked about the Remote Participation Policy during the last meeting. The Policy has been updated and is in the packet.

David Anthony moved the Cape Light Compact JPE Board of Directors vote to adopt the proposed edits to the Compact 's Remote Participation Policy as presented.

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 Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Alan	Strahler	Edgartown	Yes
Scott	Mueller	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes

Dion	Alley	Oak Bluffs	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 (16-0-0)

UPDATE ON E-BIKE GRANT PROGRAM, MARIEL MARCHAND:

Mariel Marchand gave an update on the E-Bike Grant Program. She stated that there are now six bike shops participating in the program. The program launched to customers on June 24th. She stated that the Compact has received 65 applications and have issued 36 vouchers so far. Martin Culik asked what the value of the voucher is compared to the bike. Mariel Marchand stated that the voucher is 75% of the cost of the bike, up to \$1,200.

Erik Peckar asked if there were still no bike shops participating that are located on Martha’s Vineyard. Mariel Marchand stated that was correct. She stated that the Compact continues to try and recruit a Vineyard bike shop. Many shops seem to be interested but are unable to get the paperwork done with how busy they are. Erik Peckar asked when the application deadline is. Mariel Marchand stated there is no application deadline. Martin Culik asked if there was a certain number of vouchers the Compact can issue. Mariel Marchand stated that there is a fixed amount of money available from the grant and believes that it will equate to about 200 vouchers.

STREETLIGHT MAINTENANCE CONTRACT, MARGARET SONG:

Margaret Song reviewed the Outdoor Area Lighting Request for Proposals (RFP) PowerPoint.

Margaret Song stated that the Compact has been assisting Towns and Fire Districts with maintenance contracts for over 20 years. The Compact issues an RFP on behalf of interested towns and fire districts for maintenance, including coordination of warranty, and conversions to LED. She stated outdoor lighting consists of streetlights, traffic lights, or other applicable lighting.

Margaret Song stated that Siemens, which has been the Compact’s long-term vendor was recently purchased by Yunex. She stated that the contract ended June 30, 2020, and Yunex no longer provides services in this area. She stated that the Compact went out for bid at the request of the towns. The Compact has received two bids and ultimately the towns decided to split the bids between the two responding vendors. It is a three-year term contract with possible extension for two years. Margaret Song stated that in the past people have been referred to the 1-800-LIGHTS-On which is owned by Yunex, so it is no longer the correct telephone number to report outages. She stated that each community will designate a public number.

Richard Elkin asked if people are to call the phone number if they see a light out or the fire or police department. Margaret Song stated that in Barnstable, the fire district owns the streetlights. For most communities the towns own the streetlights except for Aquinnah and Eastham. In those cases, the DPW are responsible. She stated that some communities want to have a public facing number, whereas in others they have requested that it does not go to the public. Richard Elkin asked if the Board could get the list. Margaret Song answered yes, as soon as it is available.

STATE BUILDING CODE UPDATE, MARGARET SONG:

Margaret Song reviewed the Draft Code Update PowerPoint.

Margaret Song stated that this presentation is to purely share information. She stated that the Department of Energy Resources (DOER) is seeking public comments on Stretch Energy Code and Specialized Codes. Written comments are to be submitted by August 12, 2022 at 5pm to stretchcode@mass.gov with “Building Code Comments” in the subject line. There will be a virtual public hearing on August 8, 2022 at 1pm.

Margaret Song reviewed the energy code definitions for current base energy code, current stretch energy code, updated base energy code, updated stretch energy code, and specialized code. She stated that currently it is in draft for review and public comment, and they are hoping to finalize in Fall 2022. She stated that July 1, 2024 will be when the stretch code is adopted. Towns that have adopted the stretch code will automatically adopt the new stretch code unless they opt out. She stated that for the specialized code, legislation requires availability for adoption by December 24, 2022. She stated that they are requiring at least 6 months to get acquainted with it before it can be enacted.

Margaret Song reviewed the stretch code proposal for residential and commercial, as well as the proposal for specialized code for residential and commercial construction. Valerie Bell asked if green communities will automatically adopt the new stretch codes. Margaret Song stated that adoption is automatic for green communities unless the town chooses to opt out of being a green community. Dion Alley asked if there were programs to help financially with getting the older buildings the structured wiring that they need or should we be telling the owners to start putting money aside. Margaret Song stated that this question has been posed to the DOER about how this will be done if there is no historical exemption. She stated that she does not think this has been answered yet. Maggie Downey stated that this would be an excellent public comment to send in from the town of Oak Bluffs. Peter Cocolis asked how the construction community is reacting to these proposals. Margaret Song stated that not everyone is aware of what is being proposed and that DOER is trying to raise awareness so that they can have input and have less pushback when established. She stated that the Compact does provide trainings once the codes have been established.

Brad Crowell asked if the Compact has a unique point of view or expertise that might be useful to the towns as they sort through their options and are there any thoughts on strategizing how the Compact may be able to help with implementation. Margaret Song stated that DOER has hired their own code experts to help communities to understand what the implications are. She stated that as part of a statewide effort the Compact has a contract with Performance Systems Development, and they can be contacted to provide code expertise. She stated that one of the things the Compact will have to figure out is how the energy efficiency programs will be impacted. She stated that the Compact will have to determine what it can do and how it can best incentivize folks.

Richard Elkin stated that the Compact arranged seminars for contractors on what the new codes were in the past. He stated that the contractors were grateful that they were able to continue their education on Cape Cod and he believe that the Compact should plan on regional seminars again to educate them on the new codes before they are adopted. Margaret Song stated that the Compact is happy to do that, and that Performance Systems Development has been reaching out to them. There has been some in person trainings in the past and virtual options as well.

ADMINISTRATOR’S REPORT:

1. New Community Education Grant

Maggie Downey stated that she wanted to share with the Board about the Mass Save Community Education Grant opportunity. She stated it is for specific education efforts in environmental justice communities. She will send an email with the information and the list of environmental justice communities.

2. 2019-2021 Term Report Filing to the MA DPU due on August 1, 2022

Maggie Downey stated that she wanted to make the Board aware that the Compact is working on the 2019-2021 Term Report Filing which is due to the Department of Public Utilities (DPU) on August 1st. She stated that it is to look back on the Compact’s energy efficiency spendings and savings. The DPU’s major focus is that the Compact has not been able to spend the entire 10% statutory low-income budget. She stated that the staff has done a deep dive into why that is and how difficult that 10% requirement is without being able to serve customers who heat with natural gas and expand and fund things like the Cape and Vineyard Electrification Offering (CVEO) program.

3. Program Administrators Working with MA Division of Energy Resources on Anticipated High Fossil Fuels and Electric Prices in the Winter 2022/2023

Maggie Downey stated that the PAs are working with DOER, the Office of the Attorney General (AGO), and DPU on how to prepare customers for the increases in energy rates this coming winter. Once that has been finalized, she will send out to the Board.

OPEN SESSION VOTE ON ENTRY INTO EXECUTIVE SESSION PURSUANT TO M.G.L. c. 30A §§21(A)(3) TO DISCUSS MATTERS BELOW, TO NOT RETURN TO OPEN SESSION:

Martin Culik at 3:29 PM moved to enter into Executive Session: (1) pursuant to M.G.L. c. 30A §21(a)(3) to review and approve the June 8, 2022 Executive Session Minutes regarding a consumer advocacy worksheet and regulatory litigation strategy concerning the Eversource Rate Case, DPU 22-22 and litigation strategy regarding DPU 22-55, Eversource's Capital Investment Proposal for Cape Cod. Seconded by Robert Schofield.

David	Anthony	Barnstable	Yes
Robert	Schofield	Bourne	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Alan	Strahler	Edgartown	Yes
Scott	Mueller	Falmouth	Yes
Valerie	Bell	Harwich	Yes
Wayne	Taylor	Mashpee	Yes
Dion	Alley	Oak Bluffs	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 (16-0-0)

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- June 8, 2022, Draft Open Session Meeting Minutes
- May 11, 2022, Draft Executive Session Meeting Minutes
- Agenda Action Request: Approve Edits to Compact's Remote Participation Policy
- Remote Participation Policy
- Outdoor Area Lighting RFP PowerPoint
- Draft Code Update PowerPoint
- Summary of Proposed Energy Code Update and Municipal Opt-In Specialized Code
- Mass Save Community Education Grant
- 2022 Operating Budget