

**Cape Light Compact JPE
Governing Board
Executive Session Meeting Minutes
June 9, 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, June 9, 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.

Present Were:

1. Forest Filler, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Brad Crowell, Dennis
7. Erik Peckar, Dukes County
8. Fred Fenlon, Eastham
9. Alan Strahler, Edgartown
10. Ronald Zweig, Falmouth
11. Richard Toole, Executive Committee, Oak Bluffs
12. Martin Culik, Chair/Executive Committee, Orleans
13. Nathaniel Mayo, Provincetown
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

Absent Were:

1. Timothy Carroll, Executive Committee, Chilmark
2. Valerie Bell, Harwich
3. Wayne Taylor, Mashpee
4. Kirk Metell, Tisbury
5. Jarrod Cabral, Truro

Legal Counsel:

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

Staff Present:

Austin Brandt, Senior Power Supply Planner

Maggie Downey, Administrator

Melissa Allard, Senior Administrative Coordinator

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); and (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, not to return to open session thereafter. Seconded by Joyce Flynn.

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|---------|----------------|--------------|--------------------------------------|
| Forest | Filler | Aquinnah | Yes |
| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Brad | Crowell | Dennis | Yes |
| Erik | Peckar | Dukes County | Yes |
| Fred | Fenlon | Eastham | Did not vote due to technical issues |
| Alan | Strahler | Edgartown | Yes |
| Ron | Zweig | Falmouth | Yes |
| Richard | Toole | Oak Bluffs | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | 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)

APPROVAL OF MINUTES:

The Board considered the April 21, 2021 Executive Session Meeting Minutes.

Robert Schofield moved the Board to accept the minutes as amended, seconded by Ron Zweig.

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|---------|-----------|------------|--------------------------------------|
| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Brad | Crowell | Dennis | Yes |
| Fred | Fenlon | Eastham | Did not vote due to technical issues |
| Alan | Strahler | Edgartown | Yes |
| Ron | Zweig | Falmouth | Yes |
| Richard | Toole | Oak Bluffs | Yes |

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|---------|----------------|--------------|-----|
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | 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 (15-0-0)

Brad Crowell left meeting at 4:00 PM

Forest Filler left meeting at 3:50 PM

Erik Peckar left meeting at 3:30 PM.

LOW INCOME COMMUNITY SOLAR PROJECT:

Maggie Downey stated that the Compact requested intervenor status to participate in Department of Public Utilities (DPU) 20-145 for the low-income community shared solar and how it relates to the Solar Massachusetts Renewable Target (SMART) guidelines and, in particular, the upcoming technical session. She stated that the SMART guidelines were amended to require municipal aggregators to have explicit language on low-income community shared solar in their Aggregation Plan or refile their Aggregation Plan to include that language. Boston, Newton, Chelsea, and the Compact's 21 towns have asked the DPU to be granted intervenor status. She stated that this proceeding will start with a technical session, and she is not sure what the parameters/details of the technical session will be yet. She stated she spoke with representatives from the City of Boston regarding the position that the DPU does not regulate municipal aggregators beyond approval of the Plan and how the proposed revisions to the SMART guidelines are an overreach of DPU authority. She stated as soon as she knows more, she will share with the Board. She stated that this may be an issue that the Board may need to decide how strongly it wants to object and what action to take to challenge the DPU's regulatory authority over the Compact.

ADJOURNMENT:

Motion to adjourn made at 4:02 PM moved by Richard Toole, seconded by Ron Zweig.

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|---------|----------------|--------------|--------------------------------------|
| David | Anthony | Barnstable | Yes |
| Robert | Schofield | Bourne | Yes |
| Colin | Odell | Brewster | Yes |
| Peter | Cocolis | Chatham | Yes |
| Fred | Fenlon | Eastham | Did not vote due to technical issues |
| Alan | Strahler | Edgartown | Yes |
| Ron | Zweig | Falmouth | Yes |
| Richard | Toole | Oak Bluffs | Yes |
| Martin | Culik | Orleans | Yes |
| Nate | Mayo | Provincetown | 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
- April 21, 2021 Draft Executive Session Meeting Minutes