

**Cape Light Compact JPE  
Governing Board and Executive Committee  
Open Session Meeting Minutes  
Wednesday, November 8, 2017**

The Cape Light Compact JPE Board of Directors and Executive Committee met on Wednesday, November 8, 2017 in the Martha's Vineyard Conference Room at the Cape Light Compact JPE Offices at 261 Whites Path, Yarmouth MA 02664 at 2:00PM.

**PRESENT WERE:**

1. Joyce Flynn, Chair, Yarmouth
2. David Anthony, Secretary, Barnstable
3. Robert Schofield, Executive Committee, Bourne
4. Richard Toole, Executive Committee, Oak Bluffs – by phone
5. Colin Odell, Brewster
6. Brad Crowell, Dennis
7. Fred Fenlon, Eastham
8. Valerie Bell, Harwich
9. Wayne Taylor, Mashpee
10. Martin Culik, Orleans
11. ChristiAne Mason, Wellfleet Alternate
12. Sue Hruby, West Tisbury
13. Robert Hannemann, Chilmark Alternate – by phone
14. Robert Hannemann, Dukes County – by phone
15. Jay Grande, Tisbury – by phone

**ABSENT WERE:**

16. Michael Hebert, Aquinnah
17. Vacant - Sandwich
18. Jarrod Cabral, Truro
19. Paul Pimentel, Edgartown
20. Ronald Zweig, Vice-Chair, Falmouth
21. Peter Cocolis, Executive Committee, Chatham
22. Thomas Donegan, Executive Committee, Provincetown
23. Dick Elkin, Wellfleet
24. Tim Carroll, Chilmark

Members/Alternates

physically present: 11

Members present by phone: 4

**LEGAL COUNSEL**

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

**STAFF AND OTHER COMPACT CONSULTANTS/CONTRACTORS PRESENT**

Maggie Downey, Compact Administrator  
Briana Kane, Planning and Evaluation Manager  
Phil Moffitt, Residential Manager  
Margaret Song, Commercial & Industrial Manager  
Joanne Nelson, Comptroller  
Austin Brandt, Senior Power Supply Planner  
Lindsay Henderson, Analyst and Marketing

Jacob Wright, Special Projects Coordinator  
Chris Rogers, CliftonLarsonAllen, LLP  
Tammy Glivinski, Treasurer, Glivinski and Associates

Joyce Flynn called the meeting to order at 2:18PM. Joyce Flynn recognized Richard Toole of Oak Bluffs, Robert Hannemann of Chilmark, and Jay Grande of Tisbury, who were all remotely participating due to geographic distance.

### **PUBLIC PRESENT**

Mike Duffy, Yarmouth Energy Committee  
Peter Doyle, Barnstable

### **PUBLIC COMMENT**

There were no members of the public who wished to speak.

### **APPROVAL OF MINUTES**

The Board considered the October 11, 2017 Meeting Minutes. *Colin Odell moved the board to accept the amended minutes, seconded by Robert Schofield and voted by roll call as follows:*

- |                                  |     |
|----------------------------------|-----|
| 1. David Anthony – Barnstable    | yes |
| 2. Robert Schofield - Bourne     | yes |
| 3. Colin Odell – Brewster        | yes |
| 4. Robert Hannemann – Chilmark   | yes |
| 5. Brad Crowell – Dennis         | yes |
| 6. Fred Fenlon – Eastham         | yes |
| 7. Valerie Bell – Harwich        | abs |
| 8. Wayne Taylor – Mashpee        | yes |
| 9. Richard Toole – Oak Bluffs    | yes |
| 10. Martin Culik – Orleans       | yes |
| 11. ChristiAne Mason – Wellfleet | yes |
| 12. Sue Hruby – West Tisbury     | yes |
| 13. Joyce Flynn – Yarmouth       | yes |

*Motion carried in the affirmative (12-0-1)*

### **CHAIRMAN’S REPORT**

#### **1. BOARD MEETINGS: FREQUENCY, ATTENDANCE, OML REQUIREMENTS**

Joyce Flynn stated she felt this should be an easy issue to resolve, given that remote participation is something we can utilize. However, the state requirement that half of member towns must be physically present continues to pose a problem. Joyce Flynn recommended that all towns who have not nominated an alternate do so quickly, as well as looking to begin having meetings every other month.

Maggie Downey spoke with legal counsel upon request from the Board regarding an inquiry to the Attorney General's office regarding getting an exception to the quorum. The primary method being espoused involves having a primary meeting place on Martha's Vineyard that would count for quorum purposes via videoconference, in addition to the normal meeting in South Yarmouth. Maggie Downey went on to state that it is critically important for the Board to have a quorum during the next twelve months given the next three-year plan coming up.

Jeff Bernstein stated that the way to approach this would be to ask the Attorney General's office if the Joint Powers Agreement would constitute a sufficient authorizing provision to allow for a variation of the quorum requirement. Jeff Bernstein asked the board if they wished him to ask the Attorney General's office if they'd be willing to allow an alternate quorum requirement as stated earlier via an amendment to the Joint Powers Agreement to accommodate a satellite location. Jeff Bernstein indicated it may be as simple as sending an email to the Attorney General's office. The consensus was that continued discussion with the Attorney General's office on this issue made sense.

**Jay Grande, Tisbury, joined the meeting by phone at 2:41 PM.**

## **2. BOARD MEETING PROTOCOL UPDATE**

Joyce Flynn stated that due to Tom Donegan's absence, the plan is to address the preliminary findings at the December meeting, with the hope of finalizing by January.

### **PRESENTATION AND DISCUSSION ON 2016 DRAFT FINANCIAL STATEMENTS, CHRISTIAN ROGERS, CLIFTON LARSON ALLEN**

Clifton Larson Allen provided a presentation regarding the audit status of the Cape Light Compact, JPE. Currently, the audit is still in progress. He stated that some of the financial highlights will change once the audit is completed. Chris Rogers stated that the two major items holding back finishing the audit are Pension and OPEB chargebacks, which are still outstanding. He stated that the board will need to review whatever allocation Barnstable County provides them with, and make a decision if the methodology seems reasonable.

Chris Rogers stated that there had been no disagreements with Cape Light Compact management over the course of the audit. Chris went on to state that he felt there was no need to present this as anything other than a full year audit, with simply a memo stating that there was a transition.

Maggie Downey stated that the numbers being utilized are estimates, and an actuarial analysis will be conducted in 2018 and will be available starting in the third quarter of 2019.

## **OVERVIEW OF 2018 ENERGY EFFICIENCY SURCHARGE**

Maggie Downey and Briana Kane provided a presentation on the 2016-2018 Energy Efficiency Budget, initially covering the funding sources: The System Benefits Charge, the Forward Capacity Market, the Regional Gas Initiative, and the Energy Efficiency Surcharge.

Briana Kane stated that the November 1 filing allows for the Compact to ‘true up’ projections. The current filing should be approved by December for projections. Briana Kane went on to explain that budgets, savings and projections begin in earnest in August. By the time October rolls around, actuals are being reviewed through September, and then projecting through year end to gain a clear idea of where things stand.

Brad Crowell inquired that the fourteen million dollars over that 2017 carryover was a surplus, and not a deficit, to which Briana Kane agreed, stating that they were funds that were collected but not spent.

Valerie Bell inquired why there was such a tremendous surplus that wasn’t spent. Maggie Downey and Phil Moffitt both explained that this was largely due to Residential Programs and National Grid’s filing, 16-169, which temporarily halted the Compact’s ability to service gas customers. Phil Moffitt explained that Residential is now working at full speed, and is oversubscribed in multiple programs, which along with the removal of the cap on insulation, has resulted in significant increased spending that should assist in keeping them on track.

## **ADMINISTRATOR’S REPORT**

### **1. REVIEW AND DISCUSS PROPOSED CALENDAR YEAR 2018 OPERATING BUDGET**

Maggie Downey explained that Peter, while absent today, has seen the financial documents and reviewed them. After explaining the line items, Maggie Downey stated that the biggest changes are that salaries have gone down, due to Austin’s involvement in Demand Response and less on Power Supply. Legal expenses were detailed on a separate page within the board packet for 2018, which comes with notes (located on the last page of the board packet). Maggie Downey also explained that sponsorships were moved from Energy Efficiency to the Operating Fund due to persistent questions from the Department of Public Utilities.

### **2. NOMINATIONS OPEN FOR EXECUTIVE COMMITTEE IN DECEMBER**

Maggie Downey stated that nominations will be open in December for the Executive Committee, which will then be voted on in January.

### **3. PROPOSED AMENDMENTS TO THE JOINT POWERS AGREEMENT**

Maggie Downey reminded everyone that the proposed amendments to the Joint Powers Agreement are to be voted on at the December board meeting. At the previous meeting in October the Board voted to provide notifications to the member towns of the proposed changes and such notifications have been provided.

### **4. 2019-2021 ENERGY EFFICIENCY PLANNING PROCESS UPDATE**

Maggie Downey explained that the 2019-2021 stakeholder meetings scheduled are to gain feedback early on to help shape the next three-year plan. Maggie Downey explained that the notifications to these member organizations are going to be going out tomorrow, with materials also going out in advance.

#### **5. UPDATE ON OUTER CAPE ENERGIZE: SOLAR AND MORE**

**Maggie Downey noted that the Compact will be prioritizing participants that are under any deadlines for having an audit completed.**

**Brad Crowell left at 3:49PM**

The meeting concluded at **3:49PM** due to loss of a quorum of the board.

Respectfully submitted,

Jacob Wright

#### **LIST OF DOCUMENTS AND EXHIBITS:**

- Meeting Notice / Agenda
- October 11, 2017 Minutes
- Clifton Larsen Allen Presentation
- CLC JPE 2018 Energy Efficiency Surcharge Presentation
- CLC JPE 2017 Energy Efficiency Budget through Sept 2017
- CLC JPE Operating Fund Budget 7/1/17-10/31/17
- CLC JPE 2018 Operating Budget
- CLC JPE 2016-2018 Mil Adder Revenues
- CLC JPE 2018 Legal Services Budget