

**Cape Light Compact JPE
Governing Board
Meeting Minutes
Wednesday, May 12, 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, May 12, 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. Forrest Filler, Aquinnah
2. David Anthony, Secretary/Executive Committee, Barnstable
3. Peter Doyle, Barnstable Alternate
4. Colin Odell, Executive Committee, Brewster
5. Peter Cocolis, Chatham
6. Timothy Carroll, Executive Committee, Chilmark
7. Brad Crowell, Dennis
8. Erik Peckar, Dukes County
9. Fred Fenlon, Eastham
10. Alan Strahler, Edgartown
11. Ronald Zweig, Falmouth
12. Richard Toole, Executive Committee, Oak Bluffs
13. Martin Culik, Chair/Executive Committee, Orleans
14. Nathaniel Mayo, Provincetown
15. Jay Grande, Tisbury Alternate
16. Bob Higgins-Steele, Truro Alternate
17. Richard Elkin, Executive Committee, Wellfleet
18. Joyce Flynn, Vice Chair/Executive Committee, Yarmouth

Absent Were:

1. Robert Schofield, Executive Committee, Bourne
2. Valerie Bell, Harwich
3. Wayne Taylor, Mashpee
4. Leanne Drake, Sandwich
5. Kirk Metell, Tisbury
6. Jarrod Cabral, Truro
7. Sue Hruby, West Tisbury

Legal Counsel Participating Remotely:

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

Staff Participating Remotely:

Dan Schell, Marketing and Communications Coordinator
Maggie Downey, Administrator
Megan Terrio, Comptroller
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 April 21, 2021 Open Session Meeting Minutes.

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

David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Tim	Carroll	Chilmark	Yes
Brad	Crowell	Dennis	Yes
Fred	Fenlon	Eastham	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Richard	Toole	Oak Bluffs	Yes
Martin	Culik	Orleans	Yes
John	Grande	Tisbury	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes

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

Joyce Flynn joined meeting at 2:05PM.

CHAIR REPORT:

Martin Culik stated that there was a report on May 6th in the media on the solar industry. The solar industry currently has 231,000 employees and is going to need 900,000 to accomplish what President Biden wants to do in the industry. That means the CLC’s plan of work that includes workforce development is a good idea.

Martin Culik stated that Provincetown, Truro, Wellfleet, Eastham, and Bourne have participated in solarize or energize programs through the Massachusetts Clean Energy Center (MA CEC). He stated that Yarmouth is rolling-out its program this year. He stated that that the solarize/energize program has been operating for about 10 years and is no longer going to be funding new programs beyond 2021.

A working group consisting of members of town energy and climate committees and the Cape Cod Climate Change Collaborative developed an energize plan for the Cape and Vineyard. Martin indicated that he was

briefed on these plans by Megan Amsler from Self-Reliance. He also indicated that Maggie has been participating in the planning meetings representing CLC.

Martin stated that Barry Margolin from the Yarmouth energy committee has a presentation today and, on the slides, there will be wording identifying the proposed roles and responsibilities of the CLC. The presentation is a proposal for the CLC Board to consider and decide whether to participate in the Energize program moving forward.

Nate Mayo joined meeting at 2:14PM.

PRESENTATION ON ENERGIZE THE CAPE & VINEYARD, BARRY MARGOLIN

Barry Margolin reviewed the Energize Cape & Vineyard (Energize) slides. He stated that Energize is a proposed 2022 initiative of the CLC in partnership with the Cape Cod Climate Change Collaborative to scale up consumer adoption of energy efficiency, rooftop solar PV and storage, air source heat pumps, and electric vehicles.

Barry Margolin stated that it is proposed that the CLC be the lead project manager while Cape Cod Climate Change Collaborative would oversee recruiting, training, and coordinating volunteers to implement Energize through neighbor-to-neighbor marketing. The town energy and climate committees would assist with the volunteer efforts. He stated that the MA CEC, administrator of the former Solarize program, could provide the CLC with technical assistance for program administration; the Green Energy Consumers Alliance will expand its Drive Green program to Cape Cod to encourage wider adoption of electric vehicles; and Cape Cod Five would serve as financing partner with its Solar Loan program for solar PV.

Barry Margolin reviewed the proposed functions for CLC and Cape Cod Climate Change Collaboratives. (See slide number 5 of the presentation for detailed list.)

Barry Margolin reviewed the key solar strategies. The CLC would (1) issue a Request for Proposals from solar installers to offer a fixed price, discounted below prevailing market costs, for solar installations and battery storage, (modeled on the MA CEC RFP template); and (2) provide staff technical support and contract for professional engineering support to work closely with the evaluation team. Also, the CLC, together with the community networks and town energy committees, would assemble a community evaluation team to assess competing proposals and select an installer or group of installers with the best proposal(s). He stated that the selected installers would work with the volunteer networks in each town to identify potentially interested homeowners and small businesses, follow up leads, and complete installations and volunteer community coaches will assist customers in their decisions about proposed solar installations.

Barry Margolin reviewed the program timeline. He stated that they are requesting approval from the CLC board in June 2021 to move forward with further planning and development of a budget request to be presented to the board in October.

Peter Cocolis stated that it is a great idea; however, as this moves forward there needs to be more detail on who oversees what aspects of the program.

David Anthony stated that he is trying to understand what the Energize program is looking to accomplish and its goals, and whether it aligns with the CLC's goals. He stated that he is not convinced with what he has seen and wants to know what the CLC would be approving at the June board meeting and exactly what obligations it would have.

Maggie Downey stated that the CLC has always helped and participated in town solarize/energize efforts because energy efficiency is the foundation of these efforts. She stated that the CLC is being asked more and more to provide advice and guidance on small scale solar installations on residential properties. She noted that the 2018 amendment to the Green Communities Act requires Energy Efficiency Plans to pursue strategic electrification and the new climate law will establish greenhouse gas reductions for the 2022-2024 Energy Efficiency Plan. She stated that the solar piece is more integral to strategic electrification and helping customers manage their overall energy usage. She stated that Energize does align with the aggregation plan and Joint Powers Agreement (JPA). She stated that it is a policy call, and CLC staff is looking for direction from the Board on whether to fill this role.

Ricard Elkin stated that he supports the effort, and it seems similar to the Outer Cape Energize program that started back in 2018. One major difference is more emphasis on electric vehicles. He stated that he does not believe that this program should have an ending point. Dick noted that an Energize type program should be offered continuously so that it can become more widely adopted by towns and residents within the towns. He stated that when dealing with the entire Cape and Vineyard it does not seem appropriate to only choose one vendor as that would not allow everyone who wanted to participate to do so.

Brad Crowell stated that the CLC has a couple of obligations here. He asked whether the effort would be consistent with the CLC's responsibilities under Article two of the JPA and whether this is a good investment for the consumers that we serve. He stated that there is not a lot of detail in the presentation on what the program plans to achieve, and he believes that understanding those objectives is critical to his assessment.

Tim Carroll stated that he supports the idea, but also needs more details.

Colin Odell stated the CLC's costs in this program are more than \$100,000 because the staff are not volunteers. He stated that he believes it will be necessary to prepare an estimate of the cost of staff time and other in-kind services to develop an estimate of the full cost of this effort. He stated the CLC is going to have to understand the impact of this program on the operating budget.

Maggie Downey stated that she will prepare the budget information requested by Colin. She stated she reassigned the power supply planner tasks, and this position will now have the bandwidth to assume the Energize tasks. Therefore, salary costs for the power supply position will be reallocated from the energy efficiency budget to the operating budget.

Maggie Downey stated that there is a Regional Energy Planning Agency (REPA) grant program that was just posted by DOER for up to \$150,000 that could allow the CLC to facilitate a Energize-like offering to customers. All paperwork must be submitted by July 9th. She stated that if there were interest from the towns in pursuing funds for this effort, she would update the Board at the June Board Meeting.

Brad Crowell asked that if greenhouse gas reduction is such an important part of our mission in the future, then should it be a part of Article two of the JPA. Maggie Downey stated that she believes it already is because it is a new requirement of the Energy Efficiency Plan which is explicitly referenced in the JPA.

Martin Culik stated that he would like the executive committee and any other board members to meet before the next board meeting. He asked if a decision at the next meeting is important. Maggie Downey stated because of the REPA grant it would be necessary. Barry Margolin stated that he does not think that there are any consequences if it takes longer for the CLC to decide. Martin Culik stated that the board needs a staff and funding analysis. Also, it needs a determination whether it does fit under the joint powers agreement so that we

are comfortable. He stated that he would like a decision no later than July and then asked the executive committee members whether they were available to meet before the June board meeting. Sense of executive committee members was yes, they supported meeting before the June board meeting.

DISCUSSION ON PENDING BILLS RELATED TO REMOTE PARTICIPATION UNDER THE OPEN MEETING LAW, JEFF BERNSTEIN

Jeff Bernstein stated that there are three primary legislative vehicles that the CLC board may want to support. He stated two are very similar and are in this month's board meeting packet. These two bills (Senate Bill 2104 and House Bill 3213) would allow remote participants to count towards quorum requirements. The third bill is similar to SB 2104 and HB 3213, but it applies to state boards, agencies, and entities. He stated it perhaps could be amended to include joint powers entities like the CLC.

Jeff Bernstein stated that there are two routes the board can take. The first is to support these legislative efforts and the second would be to amend the joint powers agreement. He stated that the CLC could change its quorum requirement for the Governing Board (e.g. to a physical quorum of the Executive Committee) and then allow remote participants to fully participate as long as the lower physical quorum was met.

Martin Culik asked how the board should proceed. Jeff Bernstein stated that the board might wish to support the two bills in the board packet. He stated those are broader and may have legislative traction. He stated that the board should also consider amending the quorum requirements in the CLC's JPA. Richard Elkin stated he supports the concept but mentioned that the technology for a hybrid meeting should be approved. Jeff Bernstein stated that the legislative proposals do address technology. They provide provisions about public access and how documents are provided.

Martin Culik asked for a sense of the board on continuing to move forward and submit a letter to the Cape and Island delegation in support of SB 2104 and HB 3213. Sense of the board is yes.

Jeff Bernstein asked if the board would also like a fuller presentation on the possibility the CLC amending the joint power agreement. Sense of the board is yes, put it on a future agenda.

2020 YEAR END REVIEW OF COMPACT FUNDS, MEGAN TERRIO

Megan Terrio reviewed the 2020 Fund Balances PowerPoint. She stated that this is the year-to-date 2020 fund balances, and it has not been audited yet.

Megan Terrio stated that the system benefit charge and Energy Efficiency Reconciliation Factor (EERF) came in right as planned along with the true ups. In the energy efficiency programs she stated the CLC overspent in residential programs compared to planned expenditures and underspent in low-income and commercial programs due to COVID-19.

Megan Terrio stated the CLC mil adder, which funds the operating budget, collected around \$900,000. She stated that the CLC's operating budget expenditures were underbudget in 2020. She said that after appropriating the 2021 operating budget, the unreserved fund balance of funds is \$423,476.53. Megan Terrio reviewed the historical mil adder and operating budget expenditures trends. Peter Cocolis asked what the delta is between the blue line and the orange on slide number 8. Megan Terrio said it is about \$125,000 to \$150,000. Richard Elkin stated maybe some of the money could be used for marketing the CLC's power supply program, especially the local green program. Peter Cocolis stated that the CLC must look at the budget first since it is looking to build a reserve fund.

Megan Terrio reviewed the remaining Other Post-Employment Benefits (OPEB) liability by fund. The CLC has funded it almost entirely through 2020. She stated that it is a moving target as the actuarial numbers change and that the CLC may need to appropriate additional funds over time. She stated that the board has allocated funds in this year's budget.

Megan Terrio reviewed the remaining retirement liability fund and stated that it is also in good shape. She stated that the board has allocated funds in this year's budget, and that the total; unfunded pension liability is \$22,521 as of December 31, 2020.

ENERGY EFFICIENCY:

1. Residential HVAC Update: Rebates, New Equipment and Proposed for 2022-2024, Dan Schell

Dan Schell reviewed the Residential HVAC PowerPoint. He stated that for the next three-year Energy Efficiency Plan the CLC is making many changes to the current HVAC offerings. For propane and natural gas, the CLC will be eliminating incentives for non-condensing heating systems and only offering incentives for condensing heating equipment. Incentives will no longer be available for oil boilers.

Dan Schell stated that a lot of what is included in this plan revolves around the background work needed to make this transition. The CLC has included developing a preferred contractor network. He stated that the CLC wants to make sure that the contractors that are making HVAC recommendations to customers are recommending HVAC systems are the right size and qualify for incentives.

Dan Schell reviewed how air source heat pumps work and the incentives the CLC provides for installing new equipment. He stated that incentives for air to water heat pumps and geothermal heat pumps will be added to the Mass Save and CLC website this week.

Brad Crowell stated in the CLC's strategic electrification offering the CLC acknowledges that the large-scale adoption of this technology puts a lot of stress on the transmission systems. He asked if that has been considered for this offering and if not, should it? Dan Schell stated that, that is outside the scope of the CLC's energy efficiency programs. Maggie Downey stated that the distribution company, Eversource, is aware of the electrification goals and the impacts to the distribution system. It will be upgrading its systems as needed.

Richard Elkin asked when a RISE home energy auditor does an energy audit, do they look at the heating system and give customers a short version of this presentation? Dan Schell stated yes, they are discussing the heating system. They look at the efficiency of the current system and give the customer informational literature at each audit. Richard Elkin stated that it would be nice if RISE would walk through it with the customer while they were there and not just hand out a brochure. Maggie Downey stated for income eligible programs that conversation happens at a very detailed level. It is pointed out to customers that they do have an aging HVAC system and what their options are, but there is no recommendation made or push for electrification at this time. The CLC is going to have a conversation with vendors and contractors as this goes forward.

2. Update on April 30th Draft 2022-2024 Massachusetts Energy Efficiency Plan

Maggie Downey stated that the five-page summary for the CLC's Draft 2022-2024 Energy Efficiency Plan and the email with the link and dates for the listening public comment sessions is in the board packet. She stated that board members can participate as individual or a member of their energy committee.

ADMINISTRATOR’S REPORT:

1. Cape Cod Commission’s Draft Climate Action Plan

Maggie Downey stated that the Cape Cod Commission has completed its draft climate action plan and it is out for public comment. She stated that the CLC did review and comment on sections that pertained to energy efficiency. She stated that the Commission is accepting comments until May 24th.

2. Letter from the City of Boston to the MA Department of Public Utilities on Low Income Community Solar Projects

Maggie Downey stated that she wanted to make sure board members saw the letter from the City of Boston to the Department of Public Utilities (DPU) on Low Income Community Solar Projects (LICSS). She stated that she has not seen that the DPU has responded but will let the board know when it does. She stated that most likely DPU and DOER are not going to resolve this issue for months which mean customers are losing out on revenue from community shared solar projects.

3. Martha’s Vineyard Climate Week: Climate to Thrive

Maggie Downey stated that the CLC will be participating in Martha’s Vineyard Climate Week. She is not sure whether it will be virtual or in person yet.

4. REPA Grant

Maggie Downey stated that the CLC is looking to the towns to see what they need help with. The priorities of the REPA grant are new green communities, existing green communities, regional clean energy planning, and net zero planning. There needs to be an MOU between the town and compact if the town wants assistance. She stated those are due July 9th.

Fred Fenlon, Richard Toole, and John Grande left before adjournment.

ADJOURNMENT:

Motion to adjourn made at 4:41 PM moved by Colin Odell, seconded by Joyce Flynn.

Forest	Filler	Aquinnah	Yes
David	Anthony	Barnstable	Yes
Colin	Odell	Brewster	Yes
Peter	Cocolis	Chatham	Yes
Brad	Crowell	Dennis	Yes
Alan	Strahler	Edgartown	Yes
Ron	Zweig	Falmouth	Yes
Martin	Culik	Orleans	Yes
Nate	Mayo	Provincetown	Yes
Bob	Higgins-Steele	Truro	Yes
Richard	Elkin	Wellfleet	Yes
Joyce	Flynn	Yarmouth	Yes

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

Respectfully submitted,

Melissa Allard

LIST OF DOCUMENTS AND EXHIBITS:

- Meeting Notice/Agenda
- April 21,2021 Draft Meeting Minutes
- Energize the Cape & Vineyard PowerPoint
- 2020 Fund Balance PowerPoint
- Residential HVAC PowerPoint
- Summary of the 2022-2024 MA Joint Statewide Three-Year Electric & Gas Energy Efficiency Plan
- Letter to DPU from City of Boston
- 2021 Energy Efficiency Budget
- 2021 Operating Budget