

1 **Cape & Vineyard Electric Cooperative, Inc.**
2 **Executive Committee**
3 **Executive Session Meeting Minutes**
4 **Thursday, June 20, 2013**
5

6 The Executive Committee of the Cape & Vineyard Electric Cooperative, Inc. met in Open Session on
7 Thursday, June 16, 2013 at 9:45 a.m. in the Conference Room 11/12, Barnstable Superior Courthouse,
8 3195 Main Street, Barnstable MA 02630
9

10 **PRESENT WERE:**

11 John Checklick, President/Director, Falmouth
12 Charles McLaughlin, V. President/Director, Barnstable
13 E. Mark Zielinski, Treasurer/Director, Barnstable County
14 Charles Hanson, Director, Brewster
15 John Scott, Director, Chatham
16 Joseph Bayne, Director, Eastham
17 Lawrence Cole, Director, Harwich
18 William Straw, Director, Tisbury
19 Jennifer Rand, Director, W. Tisbury
20 Steven Gavin, Director, Yarmouth
21

22 **ABSENT:**

23 Joseph Soares, Director, Cape Light Compact
24 Peter Cabana, Executive Member/Director, Dukes County
25 Paul O'Keefe, Director, Bourne
26 Richard White, Director, Dennis
27 Vacant, Edgartown
28 Michael Richardson, Director, Mashpee
29 Richard Toole, Director, Oak Bluffs
30 John Jannell, Director, Orleans
31 David Gardner, Director, Provincetown
32 James Killion, Director, Sandwich
33

34 **COUNSEL & STAFF PRESENT:**

35 Jeffrey Bernstein, Esq., BCK Law, LLC
36 Karen Loura, Administrative Assistant
37 Ron Collins, Project Manager
38 Liz Argo, Consultant
39

40 **AMERICAN CAPITAL ENERGY, SOLAR PHASE I DEVELOPER**

41 The Executive Committee met in Executive Session to hear an update from American Capital Energy
42 concerning progress on Phase I of the Solar PV Project. Tom Hunton, President & CEO and co-founder
43 and Eric McLean, Executive Vice President of Operations said the financing is closing this week and they
44 anticipate payment to Nstar to also be made this week. They believe funding \$1.7 million is key to start
45 development. ACE said it is very clear that their projects are in under the new DOER Regulations and
46 they expect construction to begin mid-July as a worst case scenario. Financiers are awaiting publication
47 from the DOER to provide funding. ACE said they will be able to provide CVEC with a confidential project
48 construction schedule.
49

50 Actions by DOER created a huge pause in the process but their decision to include all projects within the
51 first 400 MW with an Interconnection Services Agreement which are shovel ready are approved for
52 inclusion. They reported that Nstar is required to provide a schedule but they had to file for dispute
53 resolution and go through that process because Nstar did not want to provide schedules. They now have
54 a contract with Nstar. Nstar may use their own employees or contract out the work.
55

56 The Stoney Brook project in Brewster will take the longest to complete. It is estimated to take 6-7
57 months to lay 1.5 miles of line. ACE reported they can do all their work in 3-4 months and the critical
58 path is Nstar.
59

60 The Town of Tisbury will require setting of new poles and service lines.
61

62 There was discussion about development of the Edgartown Landfill. A notice has been received it will
63 not be in SREC I. ACE said if CVEC wants to pursue this site, they can maybe work it through in SREC II.
64

65 Atty. Bernstein reported the State is encouraging roof and landfill development and discouraging systems
66 in green fields.
67

68 There is an estimated 400 total construction jobs created with this development. There was discussion
69 concerning the number of local jobs and multiplying effect on local hotels, restaurants, etc. A majority of
70 subcontractors will be Massachusetts based companies. IBEW workers union will be providing workers
71 out of the Cape hall and then on to other halls as needed. It is estimated 15-20 ongoing jobs for
72 maintenance.
73

74 There was discussion concerning the 3/31/14 deadline and the inclement winter weather posing safety
75 concerns which would cause schedule delays. ACE is requesting force majeure language. ACE will hire
76 snow removal contractors if necessary to avoid schedule delays. They have Health & Safety plans in
77 place. There is a \$600,000 budget for snow removal including wheel barrels, sleds and shovels. The goal
78 is not to install foundations in January and February. They intend to use Precast which present less
79 concern. However, they are not certain if it is cast on Cape Cod. ACE is confident it will meet the DOER
80 deadline. Licensed electricians will be placing electrical equipment. The "rack" is electrical equipment.
81 ACE said there is no way Canton issues will occur. ACE said every site will have a site manager to work
82 with Towns. Wesson & Sampson will also be on site.
83

84 There was discussion concerning Nstar's decision between Cash-out or allocation method of accounting.
85 Atty. Bernstein said there are 30 days from when the system is ready to come on line for Nstar to decide
86 on a method.
87

88 ACE will soon have project schedule and will share with CVEC. ACE will make an announcement once
89 Nstar is paid likely next week due to the Holiday. The developer's schedule depends upon Nstar's
90 Schedule. Once ACE supplies their schedule to Nstar the allocation or cash out question will be answered.
91 ACE said weekly and monthly reports can be issued.
92

93 Subcontractors being used for the Vineyard Project will utilize their own barges to transport equipment.
94

95 There was discussion concerning publicity and groundbreaking.
96

97 There was discussion concerning contract negotiations and R. Collins said a true-up of ISA between
98 CVEC/Town/ACE is needed. ACE said Memorandums of Understanding will be converted to contract
99 amendments.
100

101 Broadway Electrical

102 At 12:00 noon, the Committee met with John Gallagher and Jonathan Winslaw of Broadway Electric to
103 hear an update on Phase II Solar PV. All A List projects are approved by the Dept. of Energy Resources
104 and are qualified for SREC's. Nstar is adding a new transformer which requires approval from the Town
105 of Barnstable and has said the solar panels at the airport will not be on line until the fall of 2014.
106 Interconnection applications are in process.

107
108 There was discussion concerning ISA and the need to resolve the issue of the System of Assurance to
109 transfer net metering rights to CVEC. The process needs to be started as soon as possible and a signed
110 EMS is needed. L. Argo reported all of the agreements have been executed except for 3 Barnstable
111 projects. These are being signed today.

112
113 There was discussion relative to the time-line and risk of missing net-metering credits. The committed
114 Purchase pricing will not work if the projects cannot be net-metered. Atty. Bernstein said Broadway
115 needs to apply ASAP and make sure the timing works. He suggested perhaps issuing a side-letter to the
116 agreement. There was concern that timing may not work with the system of assurances for public
117 projects.

118
119 There was review of Phase II project status.

120
121 L. Cole said Monomoy High School Building Subcommittee is seeking to install solar panels on the
122 building while it is under construction. He asked if it could substitute with a previous Harwich Project It
123 has been broached with DOER who is favorable but have not rendered a decision. Broadway would be
124 willing to include this project in the next round. It was agreed he may want to have the High School prep.
125 The roof for solar and wait to decide if it is economical to pursue a solar system. CVEC is willing to
126 include it in Phase III but it will not be known until 2014 what the new regulations will be. L. Argo said
127 Edgartown Landfill site will move from Phase I to Phase III. It was noted that Monomoy is not a member
128 of CVEC and regulations are not clear for projects beneath a certain size.

129
130 Certification that Barnstable High School roof is solar ready is needed.

131
132 Clarification that the W. Tisbury Landfill was closed properly and a post closure use permit is needed.
133 Broadway needs to know what is in the landfill.

134
135 The Committee took a break from 1:10-1:22 pm

136
137 Atty. Bernstein the provided a Power Point Presentation titled Solar Carve-out Program Update dated
138 6/19/13. (Attachment A). There was review of proposed comment shown on page 5. *C. McLaughlin*
139 *moved the Committee vote to have BCK Law file comments with DOER, seconded by M. Zielinski and voted*
140 *unanimously in favor by roll call 3-0-0.*

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