

12-7-2009

East Bay Energy Consortium Meeting Minutes, December 7, 2009

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Recommended Citation

East Bay Energy Consortium, "East Bay Energy Consortium Meeting Minutes, December 7, 2009" (2009). *East Bay Energy Consortium Meeting Minutes*. Paper 14.
<http://docs.rwu.edu/ebecminutes/14>

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East Bay Energy Consortium

December 7, 2009

Library Board Room

Roger Williams University

Meeting called to order at 8:35 a.m. List of attendees:

Anne Wolff Lawson, Lee Arnold, Bob Palumbo, Dan Mendelsohn, Joseph Fraioli, Christine Weglowski Forster, Andy Teitz, Joe DePasquale, Judy Newcomb Gross, June Speakman, Allan Klepper, Barbara Grotta, Jeanne Napolitano, Andy Shapiro, Walter Burke, Philip Hervey, Jeanne Boyle, Diane Williamson, Dennis Culberson, Garry Plunkett, Gary Gump, with guests from RWU Law School: Ryan Smith, Brian Fielding, Dennis Esposito, Susan Farady

Agenda Item A:

Call to Order made by Lee Arnold at 8:35am.

Agenda Item B:

Minutes from the 11/2/09 meeting were reviewed. A motion (DePasquale/Napolitano) was accepted and approved with corrections:

1. Garry Plunkett: Correction on page 2, under Technical Committee update, third bullet. Change "Doug Esmond" to "Doug Smith".
2. Andy Shapiro: Correction on page 3, second bullet. Change the word "contract" to "contact".

Agenda Item C: (No vote was made on the November Legal Committee meeting minutes)

Legal Committee Update:

1. Approval of bylaws: the draft bylaws were reviewed. Andy Teitz passed out clean copies of the draft bylaws. No substantive changes were made by the Legal Committee. Motion (Shapiro/Fraioli) to rename the draft bylaws "Rules and Procedures" per the request of the Technical Committee. June Speakman asked why the Technical Committee discussed items which were of Legal Committee content. Joe DePasquale

responded that the Technical Committee discussion was about whether EBEC is entertaining the idea of incorporation too early. Andy Shapiro requested a point of order. He moved to follow the agenda or modify the agenda. Phil Hervey suggested that Andy Teitz be present at Technical Committee meetings due to overlapping content with the Legal Committee. Andy Teitz recommended transitioning to the student presentations and return to this topic afterwards.

2. Report from RWU law student researchers Ryan Smith and Brian Fielding. Susan Farady, Director of the RWU Marine Affairs Institute at the Law School, introduced the students and their advisors, Jonathan Gutoff, Dennis Esposito.
 - a. Ryan Smith: focused on the context of regulatory framework EBEC will have to contend with. He concentrated on the six southern municipalities of EBEC and recommended EBEC work with the Coastal Resource Management Commission (CRMC).
 - b. Brian Fielding: focused on the choice of entity – specifically to “authorize formation of a municipal quasi-public agency to act as agent for the purpose of entering into public and private contracts related to its mission.” He recommended a broad and flexible approach and used the Florida Municipal Power Agency as a successful model.

Andy Shapiro thanked the students and commended them on their fine work. Christine Weglowski Forster requested a copy of Ryan’s presentation. Susan Farady agreed to distribute the presentation to EBEC via email. Gary Gump requested follow up research on other types of quasi-public entities. Brian agreed to follow up.

3. Motion to continue Legal Committee Minutes
4. Election of Officers was tabled until the next meeting due to time constraints
5. Walter Burke mentioned that he was asked to contact the state Ethics Board regarding legal representation of EBEC. He was informed that there was no conflict of interest with Ursillo, Teitz, and Reich.

Agenda Item D: (No vote was made on the November Budget Committee meeting minutes)

Budget Committee Update: Joe DePasquale volunteered to discuss recent Budget Committee activity.

1. The Arnold Group proposal to EBEC is based on the contract which was in place with Roger Williams University. It is proposed for January 1 – June 30, 2010 and will include the same work, drafting agendas, reporting monthly to RIEDC and the RI Foundation. The fee is proposed to stay the same: \$1,880.00 per month, @ 6 months = \$11,280.

Diane Williamson asked if the end date should be extended. Lee Arnold responded that RWU set the pattern for twice yearly contracts. Walter Burke added that he would like The Arnold Group to additionally follow up on grant opportunities for EBEC.

Phil Hervey asked to review the current EBEC budget expenditures and obligations:

\$ Amount	Description
\$7,500	Research/RWU Law Fellows
\$12,000	Legal Counsel fees (capped)
\$31,500	ASA/Consultant fees
\$695	Advertisement for RFQ
\$25	Registration of EBEC name with the Secretary of State's registry
=\$51,720	

Andy Shapiro estimates legal fees may cost another \$5,000 - \$10,000 until the end of the ASA contract. June Speakman asked about the role of Roger Williams University, the role of Anne Wolff Lawson as administrative support, and financial commitment from the university. Anne Wolff Lawson added that she has been informed that the Institute for Leadership and Public Service has no

immediate plans on changing the existing role of the university and its support. The recommendation made was to keep The Arnold Group aboard and appropriate the funds mentioned above. The recommendation was approved by the full consortium membership.

2. Attorney Andy Teitz's proposal: the current amended bill stands at \$4,968. Motion (Speakman/Burke) to pay \$4,968. Vote to approve. Motion (Speakman/Weglowski Forster) to appropriate \$7,000 towards payment of Attorney Teitz. Andy Shapiro asked how the motion deals with the November 16th letter to be considered as a contract. June is fine with that. Andy Teitz clarified that it is a standard engagement letter. He sees needing another attorney with PUC experience down the line. Christine Weglowski Forster agreed with the fact that the letter is also a form of invoice. Lee Arnold suggested approving the letter as presented. Once officers are elected, a point person will be appointed on these matters. Mayor Napolitano asked why Attorney Teitz was involved so heavily with the legal research students. He responded that he was asked by Susan Farady and the students. Walter Burke/Joe DePasquale – called the question. A vote to approve followed. Motion (Speakman/Weglowski Forster) to have the letter signed as a contract by Bristol Town Manager Diane Mederos. Approved. Motion (Speakman/Gump) to approve rules and procedures approved as well.

Agenda Item E: (No vote was made on the November Technical Committee meeting minutes)

Technical Committee Update: Andy Shapiro asked Dan Mendelsohn of ASA to report to the group. Dan discussed three major foci:

1. Data: load and property
 - Received load data from all towns except East Providence. ASA has access to property data (GIS/ID of town properties from Tiverton, Warren, Middletown, Portsmouth and Newport.
 - Dan still needs Bristol, Barrington, Little Compton and East Providence to submit. ASA can ask the Rhode Island League of Cities and Towns for data gathered by their REAP energy program.
 - Dan also needs to know the growth plans for each town.

2. Project Definition

- Overall the goal is to offset energy costs.
- Savings – bottom line here is 10% in energy savings.
- Capacity
- Single focus on wind or multiple focus on renewable energy?
- EBEC will own all projects

3. Screening criteria development

Joe Fraioli mentioned that towns can track heating and that BTU's can be translated into kilowatts. Joe DePasquale asked Joe Fraioli if he could write a memo on the geo-thermal aspect and submit to EBEC. Dan Mendelsohn said that electricity can't be converted from BTU conversion per RIEDC. School data could be an issue because it may or may not be included in REAP data, which can skew analysis. Dan added that each town needs to submit annual kilowatt hour usage to him as well. ASA is working on wind speed criteria. They need the GIS data, available land areas, zoning data, and any abutting property data. The schedule of ASA deliverables begins in February, 2010.

Technical Committee Report:

Andy Shapiro detailed that there was a discussion of projected legal costs. Two forms of legal assistance is estimated in two phases of the project. We need to get a sense of legal responsibilities from here forward.

The next meeting will be held on Monday, January 11, 2009 at Roger Williams University at 8:30 a.m. in the Library Board Room.

Agenda Item G:

Motion (Plunkett/DePasquale) to adjourn at 11:28 a.m.

Minutes submitted by Anne Wolff Lawson, Institute for Leadership and Public Service at Roger Williams University (awlawson@rwu.edu or (401) 276-4844).

