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East Bay Energy Consortium Meeting Minutes

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2-12-2010

East Bay Energy Consortium Joint Committee Workshop at the Corporate Offices of Applied Science Associates, February 12, 2010, Meeting Notes

East Bay Energy Consortium

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Recommended Citation

East Bay Energy Consortium, "East Bay Energy Consortium Joint Committee Workshop at the Corporate Offices of Applied Science Associates, February 12, 2010, Meeting Notes" (2010). *East Bay Energy Consortium Meeting Minutes*. 23.

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East Bay Energy Consortium
Joint Committee Workshop at the Corporate Offices of Applied Science Associates
February 12, 2010
Meeting Notes

Technical Committee members present: Dennis Culberson, Joseph DePasquale, Joseph Fraioli, Gary Gump, Mayor Jeanne-Marie Napolitano, Garry Plunkett, Andy Shapiro (Committee Chair)

Budget Committee members present: Joseph DePasquale, Mayor Napolitano

Legal Committee members present: Joseph DePasquale (Committee Chair), Joseph Fraioli, Mayor Napolitano, Andy Shapiro

Also present: Allan Klepper, Christine Weglowski Forster, Attorney Don Wineberg (Guest), Dan Mendelsohn (ASA), Lee Arnold and Robert Palumbo (The Arnold Group, LLC)

Opening Comments

Andy Shapiro welcomed people and opened the meeting by asking Lee Arnold to present an update on the Treasure's report given that Diane Williamson was unable to attend due to personal reasons. Lee had created an updated budget report and distributed the report to the group for discussion. Lee pointed out that with the information available to him, there could be sufficient funds available to cover projected costs with two provisos: all cities and towns follow through on their monetary pledges to the Consortium (\$12,000 has been pledged but not all funds have been received) and costs for phase two of the feasibility study do not exceed the \$75,000 projected costs.

Andy was concerned about the certainty that all financial pledges would come to fruition and a discussion followed regarding the budget item. Joe DePasquale volunteered to once again contact the cities and towns to press them for the financial contributions and agreed to report his findings at the March 1st full Consortium meeting. Lee volunteered to inquire about the in-kind contributions from cities and towns from Diane Williamson.

Andy thanked Lee for his report.

Negotiation of Phase II Consulting Fee with ASA

Dan Mendelsohn began his presentation by suggesting that phase two negotiations could only take place after the Consortium decides what will comprise phase two activities. Andy referred to the RFP for phase two and asked if those items in the RFP were to be included. Dan agreed but given cost considerations, some activities might be completed by cities and towns. Dan would like to present a line item budget which would describe the cost of each activity in detail. He also mentioned that other potential costs outside of

phase two parameters could include an analysis of the Drew Dzykewicz (RI Renewable Energy Cooperative) proposal and legal costs associated with the determination of the East Bay Energy Consortium legal structure. Joe mentioned his discussions with Larry Kunkel and that Larry would submit a document outlining his thoughts on EBEC as a legal entity.

Dan then presented a PowerPoint addressing his research conducted in phase one and suggested a timeline for phase two decisions:

March 1st – Final presentation of phase one and define what's possible for phase two

March 1st – April 1st – With EBEC input, complete phase two negotiations

April 1st – Consortium approves phase two activities and fees.

Dan presented a chart listing relevant information on sites identified through his research which met minimal criteria for wind turbine generation. The majority of good sites reside in Tiverton. An electrical engineer will gather information on sites next week for further evaluation.

Dan suggested that task one of phase two would be to identify the top three projects in great detail. Since there is no single site which could accommodate all the necessary turbines to meet municipal loads, the top projects identified would include some mixing and matching of various sites.

Andy then asked Dan for the base fee expected to evaluate each identified project. Dan responded by saying if his company had to evaluate each project from the beginning, the cost would be in the range of \$40,000 to \$70,000 per project depending on what activities the municipalities would perform. However, since he now has preliminary information through phase one and the fact that there are three projects; the cost would approximate \$30,000 per project or \$90,000 for phase two activities.

Andy then asked to temporarily place this discussion on hold so that he could report on the recently released RFP for legal services. Following the approved legal procedure for the Town of Bristol in soliciting bids, three firms were sent the RFP for legal services (capped at \$10,000): Nixon Peabody, LLC, Ursillo Teitz & Ritch, Ltd., and Chace Ruttenberg & Freedman, LLP. The response date for the RFP is February 22nd and the appropriate committees of the Consortium will meet to review the proposals and submit their recommendation at the March 1st Consortium meeting.

Christine asked why there is a need for legal services for phase two. Don Wineberg responded that EBEC must be in a legal structure which would be acceptable to the legislature and also be in a position to apply for funding for the next phase. Also, legal comments regarding the Drew Dzykewicz proposal would be beneficial to the Consortium.

Returning to the phase two discussion, attention turned to the town of Little Compton. Noting that there is an abundance of town and state land under conservation criteria, there

is a need to gather more information regarding wind turbine generating possibilities. Joe Fraioli noted that much of the open land is for agricultural purposes and that town buy in may be difficult. Also, state land through DEM might be an easier sell. Joe DePasquale suggested that there is a need for a discussion on public outreach including conservation matters once sites have been identified.

The next question addressed the need for met data or sodar metering. This decision would be based on who will provide the ultimate funding.

Dan will look at all the necessary tasks in more detail; and list them with cost considerations so the Consortium will have a list of options to consider.

The group then broke for lunch and was given a tour of the ASA facility and its various projects and services.

The Rhode Island Renewable Energy Cooperative (Drew Dzykewicz)

After lunch, Andy gave a brief overview of the Dzykewicz project.

Located in Tiverton, the project has approximately 650 acres under its control with an option on another 600-700 acres. If EBEC committed to the project, there would be no need for financing up front as the developer would in essence provide a turn key wind energy generation project. The estimated cost of the project is \$120 million (which also includes 19,000 solar collectors not part of the Consortium deal). The developer would collect funds from National Grid through the metering process, deduct their investment and maintenance costs and distribute the balance of funds to cities and towns. Cities and towns of the Consortium would have to transfer their right of producing 3.5 megawatts of power per net metering legislation to the developer.

The developer is asking for a letter of interest from the Consortium with respect to this project. Inherent in this letter would be a stand still agreement with the developer in which the Consortium would not contact other developers and this developer would not contact other communities.

A discussion of this project ensued. Christine commented that EBEC is not a legal entity and therefore cannot bind the cities and towns to any agreement. Andy suggested that EBEC would not form into a legal entity until phase two was completed. Joe DePasquale was concerned that if the net metering legislation became more community friendly in the future, the cities and towns would be unable to take advantage of the increased benefits. Alan felt cities and towns were so strapped for money that they might be inclined to look positively at this arrangement because of no financial investment. Dan suggested that there are other options which incorporate 0% investment options. Joe DePasquale questioned whether EBEC was investing into a private profit making company and should EBEC be a profit making entity itself. All agreed that more analysis of this project is warranted and Dan agreed to provide this service if requested by EBEC.

Joe DePasquale made a motion to draft a letter to the developer that EBEC was interested in learning more about the project but that EBEC will not commit to anything else. Gary Plunkett seconded the motion. Andy asked that the motion be amended to allow Don Wineberg to compose the letter and that the developer agree to allow Dan Mendelsohn the opportunity to evaluate the project. The amended motion passed unanimously and the draft letter will be presented to the Consortium for approval.

The joint committee meeting was adjourned at 2:00 PM.

Respectfully submitted,

Dr Lee H. Arnold
Mr. Robert P. Palumbo, MBA
The Arnold Group, LLC