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Middlebury Energy Committee (Virtual) Wednesday, November 9, 2022 at 9:00 am Town Offices (Large Conference Room)

Minutes

Present: Dan Rafferty, Steve Maier, Lindsey Fuentes-George, Bill Cunningham, Ross Conrad, Howard Widelitz

Guests: Jen Murray, Jonathan Miller

Meeting called to order at 9:03 am

Purpose of the meeting:

Howard started the meeting by stating the purpose of this meeting. This need for this discussion stems from earlier discussions regarding the Summit Housing development and the desire on the part of the Energy Committee for this to be a low- or fossil-free development project. The concern is we are in a climate crisis and more needs to be done to reduce fossil fuel consumption. The statutes defining the role of Energy Committees were written when there was not as much focus on climate change as there is today. In a previous discussion, Jen Murray clarified the role of the Energy Committee as advisory to the Selectboard on energy related issues. The Energy Committee would like to be more integrated into the process and work collaboratively with other town entities (e.g. Planning Commission) to have a greater influence when making decisions around energy issues.

- Jen asked for examples of how we envision our involvement with the Planning Commission on these issues. Although there is not a clear sense of the changes, one example would be influencing changes to the residential energy codes or standards to ensure greater energy efficiency.
- Jonathan suggested solar access or access to other renewable energy during the planning process.
- Steve referred to a Selectboard discussion when there was a sense the Energy Committee was told to stay in our lanes and what other lanes is it possible for the committee to be in when working on these issues. If there are other lanes, what types of responsibilities could be assumed by the committee.
- Jen thought a good place to start is to state the role of the Planning Commission and then see where the Energy Committee could be integrated into those jobs and responsibilities as Steve mentioned. Bill wanted to offer advice from his experience with Tri Valley Transit (TVT). He said it was very important for TVT to be part of the process during the four-year bridge construction since stops needed to be moved around to accommodate the construction. The process required compromises when planning the work. He agreed with Jen's approach to identifying the process and where the Energy Committee could be involved during the planning process.
- Lindsey asked if Jen could also speak to the trends in other communities and how they are addressing these issues if she is aware. How are they integrating energy related issues into their processes? Jen couldn't speak to it at the time but thought this was a good opportunity to see what is being in other towns. Steve mentioned Hartford having a paid Energy Coordinator.

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Other towns in Orange County have come together to hire someone to work on energy planning.

- Steve stated the issue is more around the scope of the Energy Committee work. Should it be expanded beyond the limited issue of energy into other areas such as transportation. Jen brought up the work being planned to have Ted Redmond come in to help develop comprehensive climate plan that would bring all the entities together to work on these broader issues. She sees town entities such as the Energy Committee and the college offering ideas for what they would like to see in the plan and then working collaboratively on the solution. Jen sees this as the forum for influencing decisions on energy and tangential issues.

Town Planning Process:

- Jen proceeded to describe the role of the Planning Commission. It is set up in the state statues to work on updates to the town comprehensive plan and updates to the town zoning regulations. Zoning regulations are supposed to follow the town plan. The town plan has different chapters in the town plan including a town energy chapter. The town plan doesn't have "teeth" but the zoning regulations do, so that is the path for influencing decisions. As the town planner, Jen has to balance between the different things people want, whereas the Energy Committee doesn't need to worry about balancing different desires and can advocate for what they want.
- Steve said not all town goals are reflected in zoning ordinances or regulations, so how are those implemented? Dan added to this question by citing an example in the energy section of the town plan identifying goals where it discusses reviewing town zoning and subdivision regulations for opportunities to incentivize smaller dwellings and energy efficiency. It is not clear how these get implemented.
- Jen added that another thing the Planning Commission can do is to commission studies and projects. Since they can't do all these projects themselves, this might be taken on by another entity such as the Energy Committee.
- Whereas the Planning Commission is focused on the planning process and related projects and studies, Jen said the Development Review Board (DRB) is the only board to review and approve development incoming applications. The design advisory committee is the only committee to advise the DRB on decisions. Steve asked where does the Conservation Commission fit in. Jen said they are working on that and it will become advisory to the DRB in the future. Steve asked if the Energy Committee could also become advisory to the DRB in the future. Jen said comments on projects can be provided by anyone. Dan asked when we will see Summit's sketch plan to be able to comment. Jen said November or December.

Comprehensive Plan:

- Howard reiterated a point made in a previous discussion about the Town Comprehensive Plan wanting the town of Middlebury to be a model town around energy. If we wanted to work towards that the Energy Committee could help provide ways in which this can be achieved.
- He identified other much larger cities not allowing for any fossil fuel infrastructure in future development. How do we move the town in that direction. Jen thought the planning process as envisioned by John Barstow working with Ted Redmond provides an opportunity for that. Jen is supportive of the Energy Committee developing a town energy plan, just not following the Enhanced Energy Plan template.
- Citing the process previously discussed, Steve said to work toward a fossil fuel free model or something similar would require a campaign to obtain community support to help move it through an approval process.
- Jen said she can keep the Energy Committee in mind when topics are coming to the Planning Commission in which we would have interest.

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Moving Forward:

- Howard said there are going to have to be difficult decisions such as weighing affordable housing an energy efficiency. The two aren't necessarily opposing factors since affordable housing also needs to factor in the cost of living in the home. If people are paying five dollars a gallon for heating oil, that is not affordable to some people. There needs to be a way to discuss these issues for a comprehensive solution.
- Jen said there is not necessarily an orderly process to follow but that is something we need to work toward. Some of the processes are easy to define. Jen said she has many internal strategy discussions with the town manager and in addition looks to solicit input from public meetings. The process for making decisions should factor in the Town Master Plan and even consider issues around Diversity, Equity and Inclusion.
- We need to work on these processes to make them more orderly for us to plug into.
- Jen's bottom line is for us to keep the communication lines open.

Bristol Array

- Howard stated an issue arose with the Bristol Array of which the town has a 15% stake such that the panels had to be reconfigured resulting in 12% less production an originally communicated to the Series B members.
- Aegis Energy and the Acorn Energy Co-op came up with a proposal to reimburse the members for approximately \$140,000 of the \$213,000 shortfall. Steve added Coop Insurance is also included in the proposed settlement. This would amount to recovering about 70% of the loss. Howard thought this is a reasonable proposal and is about the best we could expect without involving lawyers and receiving a possibly lower reimbursement.
- Steve said he has to abstain from the vote as a member of the Acorn Energy Coop board, but can offer some more information. He said toward the end of the process of designing the array and early construction there arose an issue with the landfill slopes such that they had to change the design which ended up having to move panels closer together in that part of the array. The increased shading reduced the output. Acorn Energy had just learned about this the past summer. In the whole scheme, it changes the payback period from about 12 years to 13 years. Not terribly significant.
- Steve agreed that this is probably the best settlement we could hope for.
- Dan asked if we revise our modeling of how does this factor into the bond payment. Howard said it will affect the cash flow but not totally sure if it would remain a positive cash flow even though there was some margin in the original numbers. Howard said he will go back and look at the numbers to get a better sense of how the cash flow is impacted.
- Before he had to drop off the call, Bill stated he was in favor of accepting the proposal. Mie Roy had also stated his approval to Howard prior to the meeting.
- Jonathan said there should have been something in the agreement to provide communication for any changes affecting the output to be immediately communicated. We should have this included in future agreements.
- Before the vote, Ross said the alternatives aren't as attractive as the proposal put forward.
- Of the three remaining non-abstaining members (Dan, Ross and Howard), they were all in support of accepting the proposal. This is in addition to Mike Roy and Bill voting through proxy for their approval.
- Result: Committee approved the settlement as proposed.

Meeting adjourned at 10:05