

Orleans Renewable Energy Committee Meeting

Orleans Town Hall

April 12, 2012

4:00 PM

Minutes

✓ ORLEANS TOWN CLERK
K. Kelly
12 MAY 24 3:45PM

In Attendance: David Abel, Mary Jane Curran, Victor Nordlinger, Richard Philbrick, Chris Galazzi

Absent: David Hubbard

FinCom: Paul Rooker

1. M. Curran distributed copies of a letter from CVEC received late 4-4-12 and reviewed with the board.

2. M. Curran related her meeting with John Jannell with the board regarding the timing of his receipt of updated information from CVEC including an email J. Jannell received from Ron Collins of CVEC. The email by R. Collins addressed the question of why the two sites are approximately the same size but produce different amounts of power. Because the Landfill is sloped the panels are spread further apart and thus there are fewer. Apparently CVEC updated their proposals to the Landfill and Watershed and did not inform J. Jannell until soon before the BOS meeting held April 4th. J. Jannell explained to M. Curran that the plan was dated March 26th. It was unclear to the committee the actual timing of this since the meeting packet for the BOS had been distributed the week before and contained the updated information. No explanation was provided for why CVEC changed their mind and decided to present the Watershed proposal.

3. Town Administrator, John Kelly, provided a memo to J. Jannell and M. Curran dated April 11, 2012 in response to questions posed to J. Jannell by David Abel of the OREC pertaining to alleged RFP, contractual and statutory requirements for the Town to sign an agreement with CVEC within 30 business days of the awarding of the contracts in Round II as stated by J. Kelly at the BOS meeting held April 4th. A copy is attached hereto. J. Kelly states that a review of the documents by J. Kelly found that "*there is **no specific reference** (emphasis added) as to when the documents need to be executed by the Town in either the RFP or the template documents.*" Further, there "*was **no specific date referenced in the award letter** (emphasis added) for the List A sites and we have made a request to CVEC to provide a copy of their agreement with Broadway Electrical Company so that we can confirm the required deadline for the Town to executed the CVEC agreements fort the landfill site following Town Meeting authorization on May 7th.*"

D. Abel noted that this confirms his original understanding that there was no statute requiring the Town to sign any agreement with CVEC as stated by J. Kelly at the meeting of the BOS April

4th, and that, in fact, it indicates that the only requirement would be a result of a business decision by CVEC to compel the Town to sign an agreement by any certain date or timeframe.

There was further discussion regarding a timetable to pursue an RFP in the second half of J. Kelly's memo, the sum total of days being 190. His conclusion was that *"This means the Board will not have the option to compare the results of the Town's RFP with CVEC's proposal for either the List A or B sites."* It was noted that the methodology did not appear to make sense for several of the "tasks". For instance, "Retain Consultant Design Services" is listed as 45 days. It was noted that a design consultant could be retained in one day with minimal preparation. In fact the OREC already has received one proposal from a reputable firm to provide same services. Instead, J. Kelly adds the days all up to arrive at the largest figure possible, which does not make sense for some of the items. Further, it was noted that the decision by CVEC to allow until September 3rd for the town to obtain Article 97 approval is arbitrary i.e. it is a business decision, not a regulatory one. No one has suggested that Article 97 approval can be obtained that quickly, though we all can hope. It was noted by D. Abel and C. Galazzi that it was very likely that CVEC would simply extend the proposal once September 3 arrived in order to ensure they could do the Watershed site.

M. Curran will contact J. Kelly to confirm and clarify the timetable.

D. Abel made a motion to support the CVEC proposal for the Landfill. The vote was: FOR 4 AGAINST 0.

Discussion returned to the Watershed. P. Rooker recited a list of pros and cons he had arrived at and would share with the FINCOM. Discussion of them ensued.

D. Abel agreed with several of the observations. However, he pointed out that "free" legal work is not is not actually done for free as it still needs to be vetted by counsel as would any vendor's proposal....the town will be signing contracts with CVEC and must have them reviewed.

Admin costs assumed by CVEC and thus saves the town expense; DA explained that is not actually true because this service is assumed by any vendor as part of the deal, therefore the CVEC bid is no different.

Management Fee – P. Rooker reiterated earlier point that there is no explanation thus far of apparent contradiction of the 1 cent adder and/or 300k annual fee as contained in the EMS. This must be pursued

Ownership - option not offered to the town by CVEC bid...only CVEC has the option to buy at set dates.

Motion by C. Galazzi to support article for town warrant to authorize BOS to pursue contract for Watershed if it should be deemed the best option for the town after the results of bidding on an RFP are completed.

Motion was seconded and the vote was 3 FOR and 1 AGAINST.

R. Philbrick stated he voted against, not because he was not in support of solar at the Watershed, rather he wished to expand the authorization to include for any location.

Adjourned at 6:20 pm.