



## **East Bay Energy Consortium**

### **Representing the following Communities:**

Barrington	Newport
Bristol	Portsmouth
East Providence	Tiverton
Little Compton	Warren
Middletown	

Chair – Jeanne-Marie Napolitano, Vice Chair - Christine Weglowski Forster  
Treasurer- Philip Hervey, Secretary- Jeanne Boyle

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Regular Meetings are held the first Monday of the month  
The Old Statehouse 240 High Street Bristol, RI  
8:30 a.m.

## **Meeting Minutes Monday Dec. 5, 2011**

Present: Beth Milham – Newport; Dennis Culberson, Gary Plunkett – Tiverton; Gary Gump – Portsmouth; Deb Crowley – ASA; Eric Busch – Rustpoint; Christine Weglowski Forster – Middletown; Caroline Wells – Warren; Jeanne Boyle, Wayne Barnes – East Providence; Joe Fraioli - Little Compton; Diane Williamson – Bristol; Phil Hervey – Barrington; Tom Moses - Moses & Afonso; Sarah Cookson – AIPC; Tim Faulkner – EcoRI News

1. Call to order - Noting that a quorum was present, Christine Weglowski Forster called the meeting to order at 8:47am. Introductions were made and the board reviewed the Agenda.
2. Approval of November 2011 minutes. Motion to accept with a correction to heading. Gump/Plunkett/  
Unanimous.
3. Guest presentation/ Sarah Cookson, Aquidneck Island Planning Commission (AIPC): Cookson was welcomed and thanked the board for the opportunity to speak. Cookson explained that AIPC proposes to act as an “energy clearinghouse” for information on renewable energy, energy efficiency, and the RIEDC Renewable Energy Fund, for Newport County where AIPC is located and possibly Bristol County as well. Cookson requested from EBEC a letter of support for the concept. Questions from the board were: because EBEC is formed of municipalities outside of Newport and Bristol counties is it appropriate to comment, and a request for more information. Cookson will provide supplemental information to the board.
4. Project Manager’s Report/ Eric Busch:
  - a. Site Control: Busch reported that the immediate issue is site control, because the fire & water boards were approached by Apex Wind with an option to develop a similar project on land EBEC intends to use. Busch reported that a briefing memo was introduced by Cecil Leonard, Tiverton Councilor, to the Tiverton Town Council. This memo will be on the agenda at the Council’s December meeting. The memo is a list of issues pertaining to the use of the site. The Tiverton Town Council plans to schedule an executive session, tentatively set for January 30, at which meeting EBEC and Apex will make presentations. In preparation, Busch is working with EBEC’s contractors to refine budget numbers, and will work with EBEC counsel to prepare land use options.
  - b. Project Economics: A financial model with a time frame has been prepared for the project.
  - c. Municipal Presentations: Garry Plunkett and Busch reported on a presentation to the Tiverton Town Council, and the questions and concerns that were raised at that meeting. The board agreed that the project needs to make economic sense for the host community as well as the nine members.

- d. Additional Projects: The inclusion of solar panels at the bases of turbines is a concept now on the table and the most likely model is to have a third party develop this area. The board asked Busch to continue research into the feasibility of incorporation of a solar installation at the site.
- e. Next Steps, Priorities: A meeting with National Grid (NG) and EBEC counsel Moses and Afonso is anticipated for mid-December, to hear NG's requirements concerning interconnection and its cost, and NG's proposals for purchase of the electricity generated. Draft of revenue sharing agreement is in the works. Other upcoming issues are legislative support, PUC requirements.
5. Met Tower, Wind Data Report/ ASA: A motion was made to move this report to a future date by Forster/ Gump/ Unanimous.
6. EBEC Choice of Entity/ Tom Moses: Attorney Moses reported that after a review of entity options, Moses' opinion is that EBEC should form a public agency by legislative act. Enacting legislation could provide that EBEC has a distinct legal existence from the state and its constituent municipalities could enumerate its powers and limit the liability of its constituents, directors and officers. It could also provide EBEC the power to issue bonds on its own behalf to finance a wind energy system, and deem that EBEC is performing an essential government function, thereby making EBEC's bonds eligible for tax-exempt status without having to comply with Rev. Rul. 63-20 or 501(c)(3) status. A public agency created by legislation would also not require attorney general or RIPUC approval. As a result of all of these considerations, it appears that organizing as a public agency would be the best option for EBEC, assuming that EBEC had the necessary support in the Rhode Island General Assembly. A nine member board with appointees from all nine municipalities, in the manner of a corporate board, would be the best governance structure. Forster requested that Moses prepare a draft resolution for eventual submission to member municipalities. A motion was made that board supports counsel's opinion that the public agency is the best choice for EBEC. Gump/Hervey/Unanimous.
7. Report on OER meeting/ Christine Weglowski Forster: Forster reported on a December 2 meeting at OER with Ken Payne, with E. Busch attending. Payne has retired from his position as director since this meeting, but was generous with his time and expertise. The discussion included the current renewable energy legislation, and recent PUC approval of provisions for implementation of those statutes. Forster noted that while current net metering legislation was crafted with EBEC's project in mind, the decrease in the renewable energy credit (REC) price and in the price of natural gas, the latter affecting the standard rate, could mean that net metering may not be the best option for EBEC. Dr. Payne confirmed that separate contracts under distributed generation provisions, particularly for the solar element of the project, or a power purchase agreement remain options. Payne agreed to remain available as an advisor to EBEC should the board require his expertise. The board expressed its pleasure that Dr. Payne will continue to be involved in the project.
8. Treasurer's Report/ Phil Hervey, Eric Busch: Account balance of \$275,293.00 with \$63,030.00 spent to date. A concern raised at the November meeting, an anticipated eventual shortfall of \$33,000.00, could be covered if the board agreed to transfer funds designated for lobbying and public relations, if the funds were not needed in those budgets, to areas of greater need. Due to the accelerated schedule for site control, budget items scheduled for later in the project may need to be addressed earlier and some flexibility would benefit the project. A motion to accept the treasurer's report was made by Boyle/ Gump/ Unanimous.
9. Next meeting January 9, 2012.
10. Motion to adjourn Gump/ Hervey/ Unanimous. Adjournment at 9:50am

Submitted: Christine Weglowski Forster with Nathan Shorty