

**Regular Meetings are held the first Monday of the month**

**The Old Statehouse 240 High Street Bristol, RI**

**8:30 a.m.**

**Meeting Minutes FINAL**

**Monday March 5, 2012**

**Present: Jeanne Napolitano, Beth Milham – Newport; Garry Plunkett – Tiverton; Gary Gump – Portsmouth; Daniel Mendelsohn – ASA; Eric Busch – Rustpoint; Christine Weglowski Forster – Middletown; Phil Hervey – Barrington; Caroline Wells – Warren; Jeanne Boyle, Wayne Barnes – East Providence; Joe Fraioli – Little Compton; Diane Williamson, Juan Mariscal – Bristol; Tom Moses – Moses & Afonso; Hannah Morini – RI EDC; Tim Faulkner – EcoRI News, Teresa Crean, URI/CRC/RESP**

**1. Call to order/ Jeanne Napolitano: The meeting was called to order by J. Napolitano at 8:40 AM.**

**2. Approval of February 6th 2012 minutes. Plunkett/ Forster. Unanimous.**

**3. Renewable Energy Siting Partnership (RESP) Event/ Christine Weglowski Forster, Eric Busch: E. Busch updated the group on RESP's scheduled Rhode Island Renewable Energy Day, which is confirmed for Saturday, March 31st beginning at 9AM and concluding at 3:45PM. Busch reported that Teresa Crean would advance the final agenda upon completion. The event will be hosted by Roger Williams**

University and EBEC. Busch informed the group that RESP has planned a full conference, and that the all-day event has been scheduled to comprise of three segments including opening remarks, a segment with a number of speakers in a break-out session format, and speaking panels. RESP has planned to unveil their siting tools in an interactive lab presentation as well.

Busch reminded the group of EBEC's pronounced participation in planning opening remarks, hosting an EBEC concept break-out session, and inclusion as a member of a speaking panel; preparation of remarks would be completed by Busch and Forster, and the group agreed that the remarks would focus on current status of the group's work on EBEC's legislative formation. Forster requested that members begin preparing to relate EBEC's message to the general public in "our first opportunity." C. Wells reminded the group to invite their council members. W. Barnes alerted the group that RESP has had their funding extended through the end of October 2012, allowing them to produce a report, convene a technical committee review, and have the public comment. J. Fraioli suggested that this event would offer EBEC the opportunity to express site-control uncertainty in a request for support for the Tiverton project.

4. Draft Entity Legislation Update/ Tom Moses: T. Moses reported that the group received an amended draft of EBEC legislation and proposed draft ordinances and resolutions for the nine member communities. Moses reported that Forster joined him in a recent meeting with the three Aquidneck Island municipal Solicitors and the Town Manager for Middletown. He reported that the meeting was very

interesting, and that he had yet not received any feedback. Moses also reported that he had spoken with Tony DeSisto and Andy Teitz separately and both expressed their support for EBEC. Moses informed the group that Ursillo, Teitz, & Ritch also represented the Towns of Bristol and Barrington. The group discussion focused on future meetings with other Town Solicitors.

a. **Status and Legislative Schedule:** Moses turned the discussion to changes in the incorporation clauses of EBEC legislation reflecting Indicia of Government Authority inherent in Imminent Domain. He would later report that Draft Entity Legislation had been submitted to the General Assembly (GA) in accordance with the Public Bill Introduction deadline of February 16th. He reported that these changes created a super vote and veto expressly reserved for the specific community involved. Moses stated that action involving this clause would require the vote of that community member specifically and the support of a majority of the board. Moses reminded the group that municipal land could not be considered under this clause. Moses reiterated that tax-exempt financing was only available to those organizations sanctioned with the Indicia of Government Authority; of which again, the power of imminent domain was viewed as the least intrusive designation.

Moses reported that he has met with the Speaker of the House, and Mr. Fox directed Moses to meet with John Flynn, Chief Counsel to the Speaker. Moses noted that changes discussed at the February 6th meeting were included. G. Gump inquired if other staffers at the GA were involved; highlighting Beth Cotter, Senior Policy Analyst for the

**Speaker. Moses reported that he is working with Marie Ganim, the Senate President's Deputy Chief of Staff. Forster and Moses confirmed and reported that "2012 -- H 7592 - the East Bay Energy Consortium Act" had been submitted, of which Representatives Raymond Gallison of Bristol, district 69, was a sponsor (included also are Representatives Jan Malik, D- Warren 67; Richard Morrison, D- Bristol 68; John Edwards, D- Tiverton 70; Arthur Handy, D- Cranston 18). Moses restated the importance of building support now, of which he noted the Senate President shared this sentiment.**

**Moses confirmed that associated meetings on 2012 -- H 7592 would take place in late session. Napolitano reported that the Senate President's office was currently vetting 2012 -- H 7592 and EBEC would be meeting with Ms. Paiva Weed's Office soon to review their questions and concerns. Moses directed the group to converse with their constituent town councils, and offer support to questions on 2012 -- H 7592.**

**b. Leadership Outreach, Aquidneck Communities Breakfast / Christine Weglowski Forster: Forster outlined the future March 20th breakfast meeting scheduled to present the EBEC concept to the assembled Towns' Leadership. The continental breakfast and meeting is being planned to begin at 8:30AM, at Roger Williams University (RGW)'s Bay Point Inn on Aquidneck Island. Forster acknowledged new policy changes that will limit future facilities use to only those groups directly connected with the University. Forster then noted a long relationship with RWU. She also explained that EBEC would be hosting this event and explained associated**

**Facilities' cost. Gump suggested that some towns may contribute to expenses for this meeting as a professional courtesy.**

**Forster noted that the knowledge of EBEC's legislation was widespread. Moses directed that any EBEC members speaking with the legislature register with the State as lobbyists for EBEC. He noted that he and firm partner Mark Ryan have registered as lobbyists representing EBEC interests. Forster instructed that a web-form on the Secretary of State's website would allow EBEC members to register as lobbyists over the internet. Group discussion noted concerns involving uncertainty in the Tiverton project; J. Boyle urged EBEC to expect to address future questions. The group noted Jerry Falise. The group discussion then focused on coordinating a plan to schedule the resolution adoptions by member Town Councils by April 2012. Moses noted that the legislative session would end in late May. The group discussion continued, focusing on the importance of the March 20th meeting as an educational instrument to build support for 2012 -- H 7592. Napolitano remarked that the meeting was expected to run an hour. The group agreed that legislators should be invited.**

**Group discussion returned to concerns involving Indicia of Government Authority clauses in EBEC legislation, and a perception that the Towns would be ceding power to EBEC. Concern was expressed that this issue will arise at the March 20th meeting. Moses reaffirmed the necessity of the Imminent Domain clause in relation to tax-exempt financing. Moses also discussed future EBEC board membership requirements and the need to balance "interest in renewable energy" and "professional experience." Moses stated that,**

**“Boards should be a diverse group of people.” Moses returned group discussion to the super-vote previously mentioned. Moses advised EBEC to address “bumps in the road,” and not be hindered by isolated opinion amongst a full spectrum, regarding 2012 -- H 7592. P. Hervey suggested that as a remedy EBEC employ Development Agreements with language that limits the use of the Imminent Domain clause in those projects. Boyle emphasized Hervey’s point, that “to be able to respond to the people in Tiverton, who might be concerned, characterizing their concern” would address this issue positively. Forster noted the importance of information and education. Busch reported that he planned on writing a simple letter outlining the March 20th meeting with Tiverton directly. The group discussion focused further on final details of the March 20th meeting, and concluded discussion.**

**5. Highlights of Status Report, Tiverton Town Council/ Garry Plunkett:**

**G. Plunkett reported on a recent meeting held with the Tiverton Town Council. He noted recent developments associated with Jerry Falise, and he reported that he did not expect anything further. Plunkett also shared information concerning calls for independent 3rd party review of proposed land uses for the Fish Road site in Tiverton. Group discussion then focused on the appropriateness of which entities would be responsible for funding such a study. Plunkett also reported having breakfast with Cecil Leonard. Boyle commented on a study completed by East Providence with Source One which confirmed the viability of the ASA report.**

**b. Next Steps/Priorities: Busch continued the discussion by**

highlighting necessary review of Critical Path benchmarks. He noted that due to required activities including environmental impact studies and pending status of Site Control agreements in Tiverton the approaching deadline for Power Purchase Agreements to National Grid in the coming summer could not be realistically met. Moses reviewed the meeting with National Grid where he re-outlined their process for the group. Moses remarked that due to the timeframe constraints it would be necessary to lengthen the expected outlook by one year. Busch highlighted the opportunity in adding a further year to the timeframe, and the group consensus reflected that sentiment in regards to achieving site-control and completing an Environmental Impact study. Napolitano reviewed that Moses would be meeting with the General Assembly in the coming month, and reminded the group that they contact their Town Council Members. She highlighted the upcoming meetings on March 20th and 31st. Busch alerted that he would send accompanying invitations and materials to members, and concluded the discussion

**6. Next meeting April 2nd, 2012 at 8:30am.**

**Motion to adjourn by Gump/ Plunkett. Unanimous at 9:44AM.**

**Submitted: Nathan Shorty**