

Thetford Energy Committee 10/14/14 Draft Minutes

Meeting started: 5 PM

TEC Attendees: Bob Walker, Ellen Blumberg, Chris Hebb, Mike Kiess, Alice Stewart

Others: Phebe McCosker, From VLS - Samantha Mashler, Gregg Freeman and Viggo Fish

Review and approve minutes from 9/16/14 meeting - Unanimously accepted as written.

United Church of Thetford Hosted Group Net Metered Array – Mike reported waiting on CPG and VT Fire Marshall approval. Going forward with a simple agreement between owners and will replace with more complex agreement when a template is available. Mike calling people who have started other small GNM projects. Bob please pass Jeff Forward contact info to Mike.

Volunteer Assisted Weatherization Project – Ellen and Bob spoke with Jill Graff following last meeting and she explained that if money from OCT was given to the town in the form of grants to be used to complete subsequent VAW jobs, the money could roll through and remain in the fund she already established for this effort. The OCT agreed to this way of handling the money and signed the MOU. Bob signed it on behalf of the TEC and sent it on to the Town for signing. Donn Downey reported before the meeting that the SB signed the MOU.

Bob is organizing a workshop for the VECAN conference that will feature our VAW efforts and similar efforts by Habitat for Humanity. Bob will work with Habitat to find someone to help put together the powerpoint slides and present at VECAN. He will suggest checking to see if Jim Masland, the project supervisor or the homeowner might be willing to participate.

Eric Solsaa of Rutland worked on a Habitat job in Barnard. Bob checking to see if Eric is interested and can participate.

Bob is organizing a workday to build the interior double-sided storm windows at our first VAW job to take place Nov. 1, in conjunction with the statewide Button Up Day of Action. Statewide organizers are looking for videos of actions for that day. Does anyone want to help make a video – filming making of the storms and a tour of the other VAW actions we did. This might be used in the VECAN conference workshop. We also discussed organizing an open home tour of Lorraine's VAW job as part of the BU Day of Action. We could use our budget to buy refreshments and help promote.

We decide to hold Open House at Lorraine's on Nov 1st as a good way for people to see what they can do themselves, and to consider being VAW recipients, some small demo items like spray foam, weather-stripping, adjusting windows and doors, etc.

Mike get in touch with Bob to define volunteer needs and start to recruit people.

Alice please check with the 9th grade film crew. Daniel Goldberg dangoldberg.yola-site.com another potential videographer.

Residential Solar, Air Source Heat Pump and PACE/Efficiency Measures Forums – At last meeting we agreed to hold several forums in the coming months focused on PACE, heat pumps, community solar and high efficiency pellet stoves. Bob has organized a training session for UV ECs on PACE Mon. 11/3, 6:30-8:30pm, Basement of Tracy Hall in Norwich. Bob will send out invites to this presentation to ECs – all are encouraged to attend. Bob will try to organize two community PACE workshops in Nov & Dec, but we'll do ours after New Year.

VLS could present on community solar if we give them a date.

TEC Budget – Ellen encouraged all planning to attend the 12/6 VECAN conference to submit invoices for their admission to her as soon as possible. Other bills due and use of remaining TEC budget: REV admissions, VAW refreshments and posters – and on our use of funds in the Volunteer Assisted Weatherization account. Bob asked SB when 2015 budget is due. Will pass word on when he hears.

Community Solar Updates and Discussion –

Samantha Mashler, (SamanthaMashler@vermontlaw.edu) 802 831 1056, Gregg Freeman and Viggo Fish from the VLS Energy Clinic attended and updated on issues related to land ownership, liability, financing mechanisms and site limitations.

Ownership – the land is still owned by Upper Valley Regional Landfill Corporation, Frank Barker was sole member and is deceased and corporation has not filed annual reports. The corporation has been inactive for more than 5 years – their window for re-activation has passed. VLS is following up with Secretary of State to see whether the land goes to the state or Barker’s heirs if the corporation is terminated. Taxes have been waived since the 90s, abated since 2006. Town may end up buying land from heirs or state. *If town has Urban Renewal Program, eminent domain could be a path to ownership. Mike please ask Donn Downey.* Settlement requires State involvement in sale of the property.

Liability – Town can be **partially** exempt from **CIRCLA-CERCLA** liability if it can take ownership by Involuntary Acquisition for unpaid taxes or abandonment. Abandonment requires a court determination by a judge – costly and some uncertainty. Town can also be **partially** exempt by Bona Fide Prospective Purchaser status – actions require communication with previous owners and no additional contamination caused by actions of the town.

We should also **If we** make **a** covenant with EPA and ANR not to sue, **this would allow for further shield from possible liability.**

Potential liability to 3rd parties. Past lawsuits between Barker, his insurance companies, local landowners affected by pollution from the landfill, the town and the state resulted in settlements that would protect the town from suit by any of these parties for existing pollution. The town could still be sued if it caused a new discharge and environmental damage. It is possible that other 3rd parties could sue the town if it took ownership and they were harmed by pollution from the site. This is unlikely as pollution from the site has been diminishing over the years and is currently within water quality standards. Town could probably get insurance for these liabilities for a reasonable cost.

Site Funds - Bob said ANR reported that there is about \$90,000 remaining in a fund for ongoing site monitoring. Gregg found in the settlement that a large fund was set aside public benefit and may still be available for use by the town, possibly for development of the PV array. VLS trying to find out from ANR if there is money that has not been allocated and what it could be used for and what responsibilities for future upkeep/monitoring at the site would shift to the town should it take ownership.

Array Size and Placement – It seems feasible from Bob’s measurements to locate the array (up to 450kW) on uncapped area. Gregg and Viggo trying to get detailed maps of capped area from ANR. The cap is made of plastic and clay. May need some future maintenance, so some advantage in not building on cap. ANR owns the cap and is responsible for maintenance. Viggo checking to make sure responsibility of cap will stay with ANR even if town buys the land.

Water distribution piping – from well to pump house to residences, are in the area where we may want to place array. We need to locate these pipes to avoid damaging the system. Viggo will check with ANR on engineering maps of piping system.

Capacity – The 3-phase line has room for 450kW production. Green Lantern suggested a 200kW-300kW array would meet town and Academy needs. Brian Boland is interested in doing a 150kW net-metered array on the same 3-phase line, which would cut into the 450kW capacity on the line.

Financing – VLS believes that federal tax benefits would go only to developers or power off-takers from the project who have a tax burden in proportion to the amount of power they used from the site. Since the town and TA would use most of the power from the site, there may be little advantage in recruiting a big local business to be part of the project. Green Lantern rep had suggested to Bob that we might want to seek out another local town or school to be an additional off-taker if there is extra power.

Taxes – Individual tax credit for GNM arrays is not clear. To safely offer tax benefit, Town could form a for-profit corporation and investors would be shareholders and could tax advantage as shareholders. VLS Energy Clinic group is looking at tax implications of GNM and will evaluate if Town gets more benefit from setting this up as a municipal/school project or a residential GNM project

REV conference takes place 10/16 & 17. Joel, Phebe and Bob will be attending. TEC needs to reimburse Joel & Phebe \$30. Joel also asked Ellen if he could get reimbursed for his over-night motel stay for the 2-day conference, but we did not get a chance to discuss it.

VECAN Conference 2014 – Saturday Dec 6th, 2014 at Lake Morey Inn.

http://www.vecan.net/ai1ec_event/vecan-conference/?instance_id=220843 has some info. Registration will open by mid to late Oct.

Energy Tip –

Next TEC Meeting Date – Tues Nov. 11 (Veterans Day), 5:00 PM, at town hall.