

Meeting notes, Town Facilities Working Group meeting
January 13, 2020, 4 pm, Tracy Hall

Attending: EEI Services - Mike Davey, James Harrington; Selectboard - Mary Layton; Energy Committee - Charlie Lindner (via FaceTime), Linda Gray, Aaron Lamperti; Finance Committee - Cheryl Lindberg; Town staff: Herb Durfee

Public: Sandie Anderson (present 4:15-5:20), Christopher Ashley (until 5), Linda Cook, Steve Flanders (until 5:20), Reeve Williams (present 4:15-5:20)

Cheryl Lindberg moved, Mary Layton seconded that Aaron Lamperti facilitate the meeting; unanimously approved. By consensus Linda Gray was selected to take notes for minutes.

The next item was to review the agenda. There was discussion about how to proceed in addressing the OML violation on 1/2/2020 and agreement to first ratify the discussion/actions from the improperly-warned meeting on 1/2 (as opposed to declaring them void), and then separately discuss what action to take to assure that similar violation do not occur in the future. See 1 V.S.A. § 314(b): " In order to cure a violation, within 14 calendar days after a public body acknowledges a violation, the public body shall cure the violation at an open meeting by ratifying, or declaring as void, any action taken at or resulting from a meeting in violation and adopting specific measures that actually prevent future violations. "

Cheryl Lindberg moved, Mary Layton seconded a motion to revise agenda item 8 to read: " Review remaining action items as necessary", with the understanding that this agenda item would include discussion of specific measures to prevent future violations. Unanimously approved.

Herb Durfee moved, Cheryl Lindberg seconded a motion to make public comments next on the agenda, and to combine agenda items 3, 5, 6, and 7 into one item. Unanimously approved.

Public comments: Steve Flanders said he would like to make comments later in the meeting after more discussion had occurred; Linda Cook recalled that at the 1/2 meeting she asked about when the meeting had been warned.

As part of reviewing the content of the 1/2 meeting, Linda Gray read aloud the minutes of the 12/16 meeting. Herb Durfee moved, Mary Layton seconded a motion to confirm the 12/16 meeting minutes as an accurate reflection of the 12/16 meeting. Unanimously approved.

Linda Gray read aloud the notes summarizing the 1/2 meeting. Mary Layton moved, Herb Durfee seconded correcting the notes to read: "There was discussion of the nature of energy performance contracting, highlighting that the selection of qualified contractors takes place through the RFQ. Vt statute (16 VSA sec 3448F) governs energy performance contracting for school districts." Approved 5 to 0 with Cheryl abstaining, as she was not present on 1/2.

Mary Layton moved, Herb Durfee seconded a motion to accept the amended meeting notes as an accurate reflection of the discussion that took place on 1/2. Approved 5 to 0 with Cheryl abstaining, as she was not present 1/2.

Steve Flanders asked whether Vermont towns have authority to engage energy performance contractors. Mike Davey noted that he had asked lawyers for EEI (from Downs Rachlin Martin) to research this, since EEI's work in Vermont has been with school districts, which are explicitly authorized by Vermont statute to engage energy performance contractors. He noted that generally towns in Vermont have projects that are too small to interest energy performance contractors. Their research indicated that towns have the authority; he will ask them to put their opinion in a letter that he can share with the Selectboard.

Mike reiterated that all work done by EEI to date has been without any financial assistance from the Town and that the Town will not pay EEI unless the Selectboard decides to take the proposal to voters and voters approve it.

Cheryl Lindberg asked about EEI's work in Bennington, Mike explained that the project in Bennington was completed successfully after a delay due to the selection process. (EEI was selected, there were questions about the process, EEI was selected in a 2nd process, and the project went forward.)

Steve Flanders recalled the difficulty of getting voter approval for the \$2 million public safety building project and urged that more details of the energy project be shared with voters, including costs/benefits of various energy options and a separate metric for reducing carbon. Christopher Ashley highlighted that last year town voters mandated strong climate actions and urged that the proposal be sent to the Selectboard. Reeve Williams agreed, noting that finding reasons not to do something is a big stumbling block. Linda Cook asked whether the forest land in Norwich was large enough to absorb municipal emissions, and said that how the project is built and implemented is the key test. Mike Davey noted that one reason that performance contracting is popular is because the performance contractor stands behind everything in the project from design to installation to long-term performance, often expressed humorously as "one throat to choke."

Discussion of the RFQ process included this information:

- the text of the RFQ reads "The objective in issuing this Request for Qualifications (RFQ) is to provide a competitive means by which to select a Qualified Provider with whom to negotiate a final performance contract for a comprehensive program which will reduce costs and upgrade facilities in the identified buildings."
- Herb Durfee outlined the timing: the RFQ was put out through multiple avenues the first week of July, with July 29 as the deadline to respond. There were multiple inquiries about it, and one response was received.

Steve Flanders recommended a narrative of the project that would include HVAC systems at the end of their life, replacement cost options, code issues.

Aaron Lamperti moved, Mary Layton seconded to ratify the decisions made at the mis-warned meeting on 1/2, as complemented by today's discussion; unanimously approved. There was agreement for Mike Davey to prepare a short PowerPoint presentation for the Selectboard meeting on 1/15.

On the issue of specific measures to prevent future violations, Cheryl Lindberg moved, Mary Layton seconded to recommend 1) a pocket guide to the Open Meeting Law requirements, 2) including OML information on the town web site, 3) creating a brief description of the specific procedures in Norwich for warning meetings/agendas and posting minutes, and 4) training for committees by the Selectboard. Unanimously approved.

Because the work of this working group is done, it has no future meetings, so the follow-up on these items will be managed by the Selectboard.

Aaron Lamperti moved, Mary Layton seconded a motion to adjourn at 5:30. Unanimously approved.

submitted by Linda Gray