

TOWN OF BEDFORD
May 28, 2020
ENERGY COMMISSION MINUTES

A meeting of the Bedford Energy Commission was held on Thursday, May 28, 2020 via the Zoom Meeting Platform.

Present: Jeff Kerr (Chair), John Russell (Vice Chair), Denise Ricciardi (Town Council Liaison), John Schneller (School Board Liaison), Andrew Gillis, Bing Lu, Tim Paradis, Rick Sawyer (Town Manager), Bill Foote (School Board Liaison Alternate joined meeting at 7:10 pm)

Absent: Lori Radke (Town Council Alternate), Sarah Braese

I. Call to Order: Chairman Kerr called the May 28, 2020 meeting of the Bedford Energy Commission to order at 7:00 PM and read a statement:

- *Due to the state of emergency declared by the Governor as a result of the COVID-19 pandemic in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.*
- *Please note that there is no physical location to observe this meeting which was authorized pursuant to the Governor's emergency order; however, in accordance with the emergency order I am confirming that: A) We are providing public access to the meeting by telephone, with additional access live on BCTV Comcast Channel 22, or streaming online by going to the town website and choosing "BCTV" under "Departments" and clicking on "Channel 22". We are utilizing an online platform called Zoom for this electronic meeting. All members of the Commission have the ability to communicate contemporaneously during this meeting through this platform. The public has access to contemporaneously listen, and if necessary, participate in this meeting through dialing the following phone number: 1-646-558-8656 and entering the meeting ID: 84989963449#. Password: 391254#; B) We have previously given notice to the public of the necessary information for accessing the meeting, including how to access the meeting using the telephone which is listed at the top of the agenda on the town website; C) If anybody has a problem accessing the meeting via the phone, please email us at rsawyer@bedfordnh.org. In the event the public is unable to access the meeting, the meeting will be adjourned and rescheduled.*
- *Please note that all votes that are taken during this meeting shall be done by roll call vote. Let's start the meeting by taking roll call attendance. When each member states their presence please also state whether there's also anyone in the room with you during this meeting which is required under The Right to Know Law: Jeff Kerr (alone); John Russell (alone); Denise Ricciardi (alone); John Schneller (alone); Andrew Gillis (alone); Bing Lu (alone); Tim Paradis (alone); Rick Sawyer (alone).*

II. Quorum Count: (5)

III. Approval of Minutes – April 23, 2020

MOTION by Mr. Russell to approve the April 23, 2020 minutes. Seconded by Mr. Gillis. Vote taken (1 abstention, Mr. Schneller) – All others in favor via roll call vote – Motion Passed 6-0.

IV. Reports of Members and Committees

a. Legislative update

Ms. Ricciardi reported that things are not normal yet, and the legislature is still closed. Her understanding is that the Senators have to pick and choose what bills are going to be put forward and considered essential, and which bills will not be put forward. Due to COVID-19 things have not really progressed as of yet. There are no new initiatives and they are going to be deciding some of the things that were on the table what will go through and be able to be discussed, and what is going to be considered left to be brought through again at another time.

b. School projects

Mr. Schneller reported that there are no new school projects to discuss. He said the schools are essentially in the same position as the legislature. The main focus of the School Board right now is to make sure that we get through graduation. It's a pretty complicated process of getting small groups of people through, and it will happen over a 3-day process, but Bob Jazokos and Mike Fournier and his team are working very hard to that degree, but there's no opportunity to introduce new projects or discuss new things.

V. Special Orders

a. Election of Chair

Chairman Kerr said that typically election of the Chair for the next year is done in March, but since the terms have been moved from March to May, and since new members are not seated yet., he asked for a roll call vote of whether the commission members want to have a roll call vote to elect a new Chair this month or defer the vote until next month.

MOTION by Mr. Schneller to defer voting on the election of Chair of the Energy Commission to next month. Seconded by Ms. Ricciardi.

Mr. Russell said that he is upset that Jeff Kerr is not being returned, because he has been an excellent Chair. Mr. Russell said his vote would have been for Chairman Kerr to continue on as Chair of the Energy Commission.

In order to provide context for everyone on the call to what Mr. Russell was discussing, Chairman Kerr explained that the Town Council met last night and that he was not reappointed to the Energy Commission and that there would be two new commission members joining next month. Chairman Kerr said he is now in the awkward position of whether to move forward with the agenda for tonight's meeting, or what happens during this meeting, and said that guidance from the rest of the Commission would be helpful. He said it's their Commission, and he would respect everyone's wishes of what they would like to do, but he needed some input.

Mr. Lu said that if Chairman Kerr was not coming back, they would have enough people since the whole committee is not here to do the vote, so it would probably make sense to defer the vote until next month. Not counting the alternate, Chairman Kerr indicated that there is really only 1 person

missing so he doesn't know that you will get better participation than this at any other particular meeting. He said that there will be 2 new members joining. He said that he put this on the agenda because initially, new members are typically not made Chair. Obviously, members should have a vote as to who is the Chair, but his thought was that the selection could take place this month. Mr. Lu felt that there is not that much difference between doing it this month compared to next month.

Town Manager, Rick Sawyer said that he didn't know if they had rules of procedure on this, but typically all these types of elections are done once the new board is seated; so, all he can say is that all the other boards will be waiting until their new members are present to make this decision. In that sense, Mr. Lu said it seems that we would have no choice but to wait until next month. Chairman Kerr said he doesn't know that there is any written rule and thought it was up to the Commission. There is a motion on the table to defer voting on a Chair until next month, and if the motion does not pass you can vote today for a Chair, and if the motion does pass you can wait until next month to elect a Chair.

It was noted at this point in the meeting (7:10 pm) that Mr. Foote had joined the meeting. Mr. Schneller asked Mr. Foote if he was aware of the discussion they were in the midst of. Mr. Foote indicated he was aware. Mr. Foote said, as someone who himself was a Parks and Rec Chair who got fired for disagreeing with the Town Council 10-12 years ago, to say he is appalled is an understatement. Mr. Foote asked if the Town Council gave him any reason why they were not reappointing Chairman Kerr to the Energy Commission, or if they just voted no. Chairman Kerr said he got an email this morning telling him he was not reappointed. "Well played," Mr. Foote said. "Thank you for saying that" Mr. Russell said. Mr. Foote said it is unfortunate because Chairman Kerr is a good Chair. "Oh, absolutely," Mr. Russell agreed.

Vote on motion taken via roll call vote – all in favor. Motion Passed 6-0.

VI. Old Business

- a. Solsmart – No report was given in Ms. Braese and Ms. Radke's absence.
- b. Electricity Usage – Library big electricity consumer
 - A. DPW purchased an Eyedro 3 phase energy monitor with web interface. Peter Barbuto set the system up in March to get baseline data during April.

Chairman Kerr asked if Peter Barbuto had been in touch with Mr. Lu and Mr. Gillis because Chairman Kerr had given him their email addresses and asked Barbuto to give them access to the data. Mr. Gillis said he had received the information from Mr. Barbuto but had not logged in yet. Mr. Lu didn't notice receiving it. Chairman Kerr advised him to take a look again, and if he doesn't find it to contact Mr. Barbuto.

- c. Change transfer station policy to put recyclables in solid waste – Pyrolysis pilot plant

Mr. Foote reported there was nothing to report. He only made it up to the Pyrolysis pilot plant up north once, and assumes that they are probably closed up due to Covid-19 and probably wouldn't even want non-personnel up there potentially spreading any infection up North because they are seeing less of an impact of the virus than we are in the Southern portion of the State. His intent is to wait for the COVID-19 situation to calm down a bit before he contacts them again. He will be bouncing around up North at least for the next few seasons until winter; between now and then he is sure he'll be able to stop in and get a chance to see the operations and be able to report back.

d. Incinerator tour

Mr. Russell reported that there was no progress on getting the incinerator tour arranged. He will try and get it organized and report back next month. Chairman Kerr said he would be surprised if they let groups of people come through and do that anyway (due to the COVID-19 virus).

e. Municipal aggregation committee presentation

Chairman Kerr said that after the presentation that he gave last month Mr. Paradis, and Mr. Lu gave him some feedback. He took that and passed the presentation on to our Town Council liaisons, Ms. Ricciardi and Ms. Radke and also sent it on to David Gilbert (Town Council Chair). Chairman Kerr has received no feedback on it.

f. June 5 CPNH (Community Power NH) Summit

Chairman Kerr reported that Community Power New Hampshire (CPNH) is having a Summit on June 5th. Since he will no longer be Chair, he highly recommends that someone step up and contact Henry Herndon and see if you can get yourself invited to that. It will give you a good understanding of what Community Power New Hampshire is and how that might be part of the solution this town is looking for in regard to municipal aggregation.

VII. New Business

a. Town Council response to Municipal Aggregation presentation

Chairman Kerr indicated that Ms. Ricciardi and Mr. Gilbert from Town Council asked him to redo the presentation on municipal aggregation, which he did. He sent it to them but has received no response. He asked Ms. Ricciardi for a response. Ms. Ricciardi said that they have not discussed it together jointly. She said it would go on the agenda and the presentation would be done for all members of the Town Council. She seemed confused and said she was unclear with what Chairman Kerr was asking her. She said that you have to ask the Chairman to put something on the agenda. She asked if Chairman Kerr sent him something to look at but failed to ask him specifically to put it on the agenda. Chairman Kerr said that he followed Ms. Ricciardi's directive, per the email thread in which she said that we should redo the whole process. The process as it was explained in the email was to send it to Mr. Gilbert, which was what he did. He indicated that he didn't see anything instructing him to request that it be put on the agenda, so he is looking for feedback.

Ms. Ricciardi argued that the original conversation was that you had to ask the Chairman to get it put on the agenda. She said it doesn't get discussed unless it goes on the agenda because it has to be in a public format. Regardless of whether it is on the agenda, Chairman Kerr asked Ms. Ricciardi if she looked at the presentation and had any feedback on it. Ms. Ricciardi said she looked at it and thinks it is something to consider.

Chairman Kerr asked if anybody had any comments or questions. Mr. Schneller commented that he understands the workings of the Town Council, and unless they have changed, the Town Manager (Rick Sawyer) would have a discussion with the Chair of the Town Council to set the agenda in advance of the next meeting. He asked Mr. Sawyer if that discussion had taken place.

Mr. Sawyer said the Town Council Chairman has discussed that and at this time he has indicated that he is not ready to place it on the agenda. Mr. Sawyer said he could certainly reach out to him to see if there is more feedback he would like to provide the Commission before he puts it on the

agenda or if there is more information he needs in order to place it on the agenda, but at this point his direction to Mr. Sawyer has been to not have it on the current agenda.

Mr. Schneller asked Chairman Kerr for any follow-up comments. Chairman Kerr said one of the problems he has with the Commission, the way this Commission is run, and the way that Town Council is run is that there is very little direction from the Town Council to this Commission. There is no feedback from the Town Council to this Commission, yet from what he understands, he is not being reappointed to the Commission because it is felt that two new people can do a better job than he can do (he indicated that was a direct quote Mr. Gilbert made last night). Chairman Kerr said given that Mr. Gilbert has given him no direction and given him no feedback in terms of what he might be doing wrong, he finds it very disappointing that he would be removed from a position that he volunteered for and that he had expressed interest in continuing. It's just very disappointing and it makes him wonder why anyone would volunteer to do things in this Town when volunteers have been treated the way he has been treated.

Chairman Kerr entertained a motion to adjourn.

Before adjournment, Mr. Russell said that he just wanted to thank Chairman Kerr for everything he has contributed, "you put your heart and soul into it," he said. "For sure, Jeff, good work," Mr. Gillis added. Chairman Kerr said evidently it was not appreciated.

Mr. Russell said sometimes he listens to Chairman Kerr, Mr. Gillis and Mr. Foote talk and he actually doesn't know what's going on and he is honestly learning from the three of them and it has been incredible.

Chairman Kerr said that he has enjoyed working with everyone on the commission and said it has been a learning experience for him as well, and he appreciates the time that they've spent together.

Mr. Paradis said he has been quiet thus far because he is a little bit floored and does not have enough experience to know what would happen next. He posed a question to those with more experience and said that obviously a lot of the agenda was driven by Chairman Kerr and Jeff was the liaison for the Town Council and has done a lot of work around the area of municipal aggregation and a lot of other things. Mr. Russell is the Vice Chair right now, but is there any liaison to whomever will be the next Chair as far as a transition about what Chairman Kerr has done and what the next Chair will be asked to do in general or do we as a community just collaborate and figure it out and the next person who is the Chair basically has to pick up scraps from our feedback. Mr. Paradis just wanted to know what the next step in the process is. He again indicated how floored and shocked he was and is looking for next steps.

Chairman Kerr said that he could pass things he is currently controlling like the Google Group and the Facebook page on to the next Chair or delete them, whichever should be done. If no one comes back to him by the next meeting he will delete them. He said there is also a map of the trash pickup that we did, so someone needs to step up and say that they want to own/control these things in his stead, or he will just get rid of them. He assumes they will vote in a Chair next month, and since you will not have a Chair yet next month you will not have an agenda unless somebody would like to put one together.

Mr. Paradis wanted to know how they can be in order. The commission has been trying to be in order and do things the right way and now there is no direction even as far as who is the one who builds the agenda. In order to stay compliant within the rules, he asked Mr. Sawyer if there is any statute or rule about what they do if there is no Chair. Chairman Kerr thought it would work the

same way as if he was unable to attend the meeting. In his absence Mr. Russell would run the meeting because he is the Vice Chair. Mr. Russell supposes he could set the agenda and run the meeting next month and call for a vote and so forth. Mr. Sawyer jumped in and said it would be appropriate if the Vice Chair were to set the agenda and he and Dawn Boufford can work with him to get the agenda set and then he would call the meeting to order and ask for that first vote and if he is elected Chair, he would continue on. Otherwise, whoever is elected Chair would continue the meeting from there, but Mr. Russell would be the one to set the next agenda.

Because he is a new member, and very surprised, Mr. Paradis asked procedurally, if the Commission has to elect a Chair at the next meeting, or can they have another meeting with the two new people and then push the vote to the July meeting. He asked how we would even know who would be interested in being Chair and wanted to know if that just happens in the next meeting with two new people. "Pretty much," Mr. Foote replied. Mr. Paradis would like to understand what to do, because losing Chairman Kerr is such a loss, that we need to know what to do to at least make this Commission effective.

Mr. Foote said the last time something like this happened was 12-years ago and it was him, so, he can certainly feel what Chairman Kerr is going through right about now. He said he would have expected more of Dave Gilbert than that because he was there when he watched me get hosed, and to have him turn around and hose you is really bad form. He expected he would be making a small phone call to Mr. Gilbert in a few minutes.

Ms. Ricciardi didn't think that's the interpretation, although she's sure that is how he is feeling. Mr. Foote said, "That's *absolutely* the interpretation!" Ms. Ricciardi stated that the discussion was that we have lots of people who want to volunteer and it's nice to give other people opportunities. Mr. Foote said, "You've got to be kidding me," Mr. Russell said they are are talking about a Chairman, a tight team. It just doesn't make sense.

Mr. Paradis said he really enjoyed being on this Commission, but if someone said they want to give somebody a shot at it. He enjoyed his year, but he would sacrifice himself so Jeff Kerr can stay on. He said the commission is great, and he looks forward to the meetings monthly, but Tim Paradis is not Jeff Kerr. If they want new blood, pick somebody else and he'd raise his hand if he needed to.

Mr. Gillis indicated that there was an open spot, so they could have just gotten a new person, anyways. Mr. Lu agreed and said that he thinks that kind of thing needs to be discussed in front of us instead of behind us. We could make this a much more smooth transition.

Mr. Paradis said he doesn't know what it speaks to as far as the effectiveness. If it is because there is a lack of effectiveness and we are losing somebody without as much of a discussion of what next steps are and the pros and cons. Maybe it's because he's new and doesn't know procedures, but he said it just doesn't seem to line up to him at all. Mr. Russell agreed. He thought they all felt the same way.

Mr. Foote asked to hear what Chairman Kerr was feeling. Chairman Kerr said that he appreciates everyone's comments.

Mr. Schneller wanted to let others know that he has also been bounced from commissions. "As the Chair?" Mr. Foote asked. "No, not as the Chair," Mr. Schneller answered. "Yeah, that makes it extra special," Mr. Foote said incredulously.

Mr. Paradis asked if there was any way to appeal this procedurally. Mr. Sawyer indicated there is not. Mr. Sawyer said that obviously, Town Council member Ms. Ricciardi is in this meeting and she can pass on the Commission's reflections to the full Council and can certainly pass on your offer to step aside, if that's what you really want to do, or if he'd rather sleep on it first. He said to email him and he would pass that on to the Council as well.

Chairman Kerr said he had no interest in continuing after today, forget it, Tim.

Ms. Ricciardi stated she would be happy to do that if he would like. Chairman Kerr said, "Denise, given that you were the deciding vote to cast me off the Council, I really find your enthusiasm a little bit disingenuous." Ms. Ricciardi said it wasn't. It was to express what was just discussed. You have to stick to the charter, and the bylaws in the Energy Commission. Mr. Russell shook his head and said he didn't understand what she meant by that.

Mr. Schneller offered that his preference would be that this discussion does not devolve into "somewhat of a public food fight" and he's absolutely engaged in that in the past in the town, but feels it may be something better discussed offline as a personal discussion.

Chairman Kerr indicated we could adjourn, but as we are currently in discussion as a matter of parliamentary procedure we need to have the discussion.

Mr. Paradis indicated he is not trying to get into a "food fight". While he is very disappointed it is helpful for him, a year into volunteering in the Town, to understand this procedure going into the future. He asked Ms. Ricciardi, "When you say were are trying to stay within the Bedford Energy Commission/Town charter, I just don't understand what you mean by that." From a legal standpoint he asked her to elaborate more on that. Ms. Ricciardi said that it needs to stick to energy, not topics of some of the things that were said about the Transfer Station. Those things fall under Jeff Foote's (Director of Public Works) job and she said that was partly what was discussed. That you have to stick to those guidelines and stick to just energy.

"Let me get this right," Mr. Foote said, "The Energy Commission might have been ranging a little farther than the charter. Wouldn't it have made more sense to explain it to the Energy Commission as a group that 'you're ranging too far' rather than fire the Chairman? Maybe I'm missing something here. Does the flogging still continue until the attitude changes? Is that where you are coming from?" Ms. Ricciardi again stated that it was decided that it would be nice to bring in some new people. Mr. Foote said, "I can't believe it. That is such a cop out!" Ms. Ricciardi stated that she was sorry he felt that way, but you need to address it with everybody, not just her. She was sitting there getting beat up on this. They are just trying to do the best, the right thing or what they think is the right thing.

Mr. Paradis told Ms. Ricciardi that he's actually not beating up on her. He was asking, you are the liaisons or the representation of the Town Council and he's trying to ask questions so that he has a better understanding because, candidly, he's been within the group for a year and to him, recycling and things that happen in recycling do have some sort of a reach into energy. Let's say I wanted to be Chair, I would like to know the boundaries to which I can and cannot play in. Although it may feel like you're being beaten up on, He's trying to understand the boundaries. He said it seems like "what's done is done" but if we want to be effective moving forward we need to understand the parameters. What are the parameters so that we know whether we are overreaching or not? As Ms. Ricciardi is the Town Council Liaison for the Energy Commission he said we are asking her for clarification.

Ms. Ricciardi said that Dave Gilbert told her, once the new Chair is selected that he is going to have a chat with that person and explain the guidelines. Chairman Kerr thought it would have been nice to have that chat before and asked shouldn't that be part of a forum, so that he can present those guidelines in our meetings so that everybody is aware of that? Mr. Lu asked. Mr. Foote agreed and said that should at least be the minimum.

Chairman Kerr asked to address the recycling for a moment. He said that in the last two annual reports the Energy Commission has quoted the transfer station volume and usage; so, recycling in the transfer station is strictly within the bounds of the Energy Commission. He said it has been since before he was even on the Commission, so he is unsure where this is coming from.

Again, Mr. Schneller said he doesn't think this is anything that is going to get resolved at the Energy Commission level. He thinks the discussion has to take place between the Town Council and people on the Energy Commission who may have questions about what we are talking about now. He thinks that's the right venue for the discussion. Mr. Paradis asked, in all due respect, what is the appropriate venue? If we are all gathering as a group, what is the appropriate venue as an Energy Commission to ask these questions? He said he is unsure what Mr. Schneller means. Should it be a side email? Mr. Paradis thinks the Energy Commission should be able to ask questions about the charter that we play in overall, and if there's some concern, then Ms. Ricciardi would go back to Mr. Gilbert with the Energy Commission's questions about their charter and ask him to please clarify that. He doesn't understand where else we would voice that concern or question. He said he just doesn't know where the proper forum would be.

Mr. Schneller is happy to have input from other people, but said he would think that if you have questions, you should pick up the phone and call Dave Gilbert or call one of the four Council members who actually had a vote in the matter, or one of the 7 Town Council members who voted. He said you could also ask the 3 that were on the other side of the vote. That might be even more productive to ask them what their perspective was on the other side of the vote. As he understands it, there is no appropriate forum where Energy Commission collectively gets to have a debate head-to-head with the Town Council and discuss thoughts on parameters or the charter. He thinks the best place to start is to pick up the phone and say, "Here's what's on my mind" or "What's on your mind? What went on?" He said at the school board level they've taken difficult votes (budgetary and otherwise) and he said he's been completely open and candid. He said they were difficult and even he and Bill Foote have butted heads on some issues, and we've come to terms, we understand each other, we take our votes, and we move on. He thinks the best thing is to keep an open dialogue or to generate a dialogue so that you can get answers to your questions. He doesn't think you will get answers individually pinging people on the Energy Commission and he thinks you would do better talking to the people who actually took the votes. That is his opinion and his suggestion and he will entertain if anyone has a better suggestion or opinion he would welcome that.

Mr. Paradis said it's more that we are in a group discussion, and there is already somebody who was there and could give feedback (Ms. Ricciardi) and as a member of the Town he would want the discussion as to why an important member of one of the Commissions was not asked to come back. In fact, he would rather have that in a public forum rather than a private phone call in the back channels. He would like more transparency, not as a Commission member, but as a Town taxpayer. He thinks this is an appropriate venue to ask a question, not because he wants an answer out of a current Council member, and he doesn't want to put Ms. Ricciardi in a bad spot, but more along the lines that this would be the perfect venue to ask a question where everyone can see so

there is no misalignment or malice or feeling like we've gone behind backs to get answers that the Town is not made privy to.

Mr. Schneller thanked him for his response, and said he is not suggesting he does any back benching, or probing, digging. It would just be to understand what each side of the vote were talking about and thinking about, and he said there is a public forum for you to express your perspectives and concerns if you have them. He said there should be a forum for you to discuss them. He suggested stepping up to the Town Council at a Town Council meeting and tell them that you don't think this was transparent and say, "Here are 3 ways that could have been more transparent" or "I think it would have better served the town if you would have done x-y-and-z rather than a-b-and-c". There is the ability to step up to them on BCTV in a public forum to State that. He said he hadn't talked to Ms. Ricciardi about it, but his guess is that she does feel a little bit awkward and put on the spot and maybe rightfully so. He suggested asking Town Council members "What's on your mind"; "How did that go down"; "What was on the other side of the table", "What were they thinking", "Why wasn't it a 7-0 vote as many things are at the Town Council", and pound the drum as a public issue. Mr. Paradis thanked him for his response and said he was just trying to learn.

VIII. Reminders: Next upcoming meeting is Thursday, June 25, 2020

IX. Adjournment

**MOTION: A roll call vote was taken to adjourn the meeting at 7:43 P.M.
Vote taken-all in favor. Motion Passed 6-0.**

Respectfully submitted by,
Tiffany Lewis