

## **Woonsocket City Council Renewable Energy Sub-Committee**

### **Meeting Minutes of 21 March 2019**

The Woonsocket City Council Renewable Energy Sub-Committee convened a meeting in the Second Floor Conference Room at City Hall at 6:38 pm on Thursday, March 21, 2019.

Sub-Committee members Jon Brien, John Ward and James Cournoyer were present. Chairman Brien presided over the meeting.

Also in attendance were the following:

- Mayor Lisa Baldelli-Hunt
- Director of Public Works, Steven D'Agostino
- Representatives from Green Development, LLC (Mr. Mark DePasquale; Hannah Morini; Matt Sullivan)

#### **Approval of the 8 February 2019 meeting minutes:**

Committee member Cournoyer made a motion to approve the minutes of 8 February 2019. Committee member Ward seconded the motion. A vote was taken and the minutes were approved unanimously on a 3-0 vote.

#### **Public discussion regarding Green Development LLC and renewable energy projects with the City:**

Chairman Brien opened the discussion by noting that Mayor Baldelli-Hunt had, on 14 March 2019, sent a list of questions and he invited the representatives of Green Development LLC to respond to the questions.

It was further noted that Green Development LLC had, on 20 March 2019, provided written responses to the Mayor's questions. Their responses were sent the City Clerk, who in turn forwarded them on to the entire City Council on 21 March 2019. The Mayor, however, had not yet received the written responses.

Ms. Hannah Morini gave an overview of Green Development's responses to the Mayor's questions. Mr. DePasquale provided additional commentary and clarifications regarding the questions.

Mayor Baldelli-Hunt then had some follow-up questions to which members of Green Development responded.

Mayor Baldelli-Hunt stated that she was in support of pursuing a renewable energy contract, however, she felt that the RFP that was issued was “not in the best interest of the City or the respondents”. She indicated that she believed the RFP should have identified specific locations to be bid on, as opposed to the open-ended approach that was taken. She also criticized the use of the Narragansett Bay Commission (“NBC”) who provided a preliminary review and analysis of the RFPs. She questioned the propriety of using NBC since NBC had purportedly done work with Green Development LLC in the past. She suggested that NBC had initially recommended four respondents and that the Sub-Committee had simply rubber-stamped NBC’s recommendation.

In response to the Mayor’s assertions that the RFP had not been prepared in the best interests of the City, Chairman Brien and Committee Member Cournoyer reminded the Mayor that the Sub-Committee had prepared a DRAFT RFP that was then submitted for approval to the Council as a Whole. The Council as a Whole then unanimously passed a Resolution, 18R07, on 22 January 2018 wherein the Council resolved that the *“Administration prepare a revised draft RFP for renewable energy projects...”* and through that process the Administration (i.e. the Mayor and her staff) were afforded an opportunity to draft the RFP in a manner they believed to be most appropriate and that it was disingenuous to now suggest that it was not prepared to her satisfaction.

With respect to the Mayor’s suggestion that the RFP should have identified specific sites in which the respondents were to bid on, it was explained to the Mayor that this issue was previously considered and discussed amongst and between the Administration and the Council prior to the RFP being finalized and, based on those discussions, it was decided that the RFP would not identify specific locations, but instead would be left open-ended in an effort to ensure that the City would not preclude respondents from coming up with any and all ideas. The objective was to have the respondents, who were the experts, as opposed to the City who were not well versed in renewable energy, determine the best possible locations / scenarios. The approach taken was based on the desire to not stifle any creative ideas by limiting respondents to specific locations. Further, since the RFP requested proposals for both public *and private* properties, it was not feasible for the City to identify potential *private* locations. Lastly, it was explained to the Mayor that the City held a pre-bid conference wherein the Administration could have easily identified any

preferred locations that they wanted the respondents to consider. In short, it was explained to the Mayor that the issue she was raising at this late hour had already been well considered and that her criticisms were unfortunate given that she and her staff had ample opportunity to make respondents aware of any locations they, the Administration, deemed worthy of review prior to the respondents' final RFP submissions.

With respect to the Mayor's suggestion that there was some form of impropriety associated with the use of the NBC to assist in the initial review and analysis of the RFPs, the Mayor was again reminded that the Council as a Whole unanimously requested the NBC's assistance, with concurrence from the Department of Public Works and Engineering, reflective of the fact that the City did not have any experience or expertise relative to renewable energy RFPs / projects. NBC provided the City, free of charge, the benefit of their resources, experience and expertise. Further, the Mayor was told that, contrary to her incorrect assertion, NBC did not recommend four respondents. Rather, based on the information the Administration provided to the NBC, they noted that three respondents were compliant with the RFP requirements, that Green Development had the most megawatts of renewable energy already operating in RI and that Green Development provided the highest discount rate and the best financial package of the compliant respondents. Notwithstanding their observations relative to Green Development, the NBC recommended that the *"City interview the potential proposers to hear their proposals and discuss the PPA (Purchase Price Agreement) contract issues to ensure that a Net Meter Credit agreement that is most advantageous to the City is realized"* (emphasis added). NBC further recommended that the City engage an outside renewable energy professional and outside legal counsel with expertise in renewable energy and that the *"City perform ... due diligence necessary to review the project proposals and negotiate and finalize a contract"* (emphasis added). It was also explained to the Mayor that based on the information that the City's Administration provided to the NBC, NBC initially concluded that three of the seven respondents were compliant with the RFP requirements, however, based on RFP addendums that NBC had not been made aware of, certain of the respondents that were previously deemed non-compliant were in fact compliant.

Committee Member Brien expressed his disappointment in the Mayor's comments and her suggestions of impropriety and non-transparency, and most importantly, her inappropriate smearing of the NBC and their staff given that the NBC provided invaluable assistance, insights and learnings to the City at no charge. Councilman Brien further reminded the Mayor that at all times her Administration via the Public Works and Engineering

departments had been active participants in the entire process and that she personally had not bothered to attend a single meeting or ask a single question up until one week ago on 14 March 2019, thus it was most disappointing and disingenuous to hear her negative public comments at this late hour. It was further noted that the NBC provided an extensive written memorandum memorializing in the most transparent way possible their findings and any suggestion of non-transparency or impropriety was simply misguided, false, wholly without merit, politically or financially motivated, counterproductive and just down right disappointing – and if the Mayor had bothered to attend the meeting that was held with the NBC or had she bothered to actually read the NBC’s memorandum, she would have known that they merely provided the City with invaluable insights relative to how renewable energy programs work and, contrary to the Mayor’s false assertions, they were most transparent and recommended that the City interview all of the proposers that were deemed compliant and conduct all necessary due diligence to ensure that the City makes the best decision in the interests of the City – all of which was a far cry from the uninformed and nefarious narrative proffered by the Mayor. Lastly, the Mayor was reminded that it was her Administration that managed the RFP process – including the issuance of the RFP, the pre-bid conference where respondents could have been advised of any specific locations that she and her administration deemed worthy of consideration, review of the locations selected by the respondents to determine whether or not they were feasible, as well as managing the follow-up questions, etc. Chairman Brien told the Mayor that her comments and insinuations at this late hour were counter-productive and an insult to the Sub-Committee, the Council as a Whole, and most unfortunately, the NBC.

Director D’Agostino stated that he did not support putting solar on City owned land in North Smithfield around the City’s reservoirs out of concern for potential contamination and the need to clear-cut trees in a water-shed area.

## **Recess**

A motion for a 10-minute recess was made by Committee Member Brien. Committee member Ward seconded the motion and the motion passed unanimously on a 3-0 vote.

The Committee reconvened after a 10-minute recess.

## **VOTE TO GO INTO EXECUTIVE SESSION**

**42-46-5 (a) (5) Any discussions or considerations related to the acquisition or lease of real property for public purposes, or of the disposition of publicly held property wherein advanced public information would be detrimental to the interest of the public.**

**Meeting of Sub-Committee and members of the City's Public Works and Engineering departments with Green Development, LLC to discuss proposal and follow up questions.**

A motion was made by Committee Member Cournoyer to enter into Executive Session pursuant to 42-46-5(a)(5) to discuss the potential leasing of City-owned real property. The motion was seconded by Committee Member Ward and the motion passed unanimously on a 3-0 vote.

The Committee then entered into Executive Session, along with the Mayor and the Director of Public Works. Representatives from Green Development had left during the earlier recess and did not return. They did not participate in the Executive Session. A discussion ensued with regard to locations that submitted by various RFP respondents.

No votes were taken in Executive Session.

The Committee came out of Executive Session and voted unanimously to seal the minutes.

**Vote on whether or not to recommend to the City Council that authorization be granted to the Administration to begin contract negotiations with a specific vendor.**

The above Agenda items was not acted upon – no action or vote was taken on this matter.

The meeting was adjourned at 8:55 pm.