

**AVON CLEAN ENERGY COMMISSION
AVON ROOM BLDG. #1 TOWN HALL
MINUTES
February 21, 2018**

I. CALL MEETING TO ORDER

The meeting was called to order at 7:20 p.m. by Chairman Bernard Zahren in the Avon Room, Building 1, Town Hall. Members present: Chairman Bernard Zahren, Jeffrey Macel, Christine Winter, and Venkata Anupoju. Members absent: Don Phelan, William Shea and Richard Kretz. Advisory member present: Jonathan Craig. Staff members present: Brandon Robertson, Town Manager and Grace Tiezzi, Assistant to the Town Manager.

Mr. Zahren introduced the newest member of the Avon Clean Energy Commission, Venkata Anupoju. Mr. Anupoju stated that he currently works for Aetna in Information Technology and in the past he worked for a steel company in India. He is looking forward to working on this Commission in order to use some of his experience as well as to learn more about these issues.

II. APPROVAL OF THE PRECEDING MEETING MINUTES – December 20, 2017

Mr. Macel made a motion to approve the December 20, 2017 meeting minutes as written. Mr. Zahren seconded the motion, which was unanimously approved.

III. COMMUNICATIONS FROM THE AUDIENCE

There were none at this time.

IV. OLD BUSINESS

Microgrid RFP Update

Mr. Zahren stated that the Town made a valiant attempt last year, in terms of the microgrid, although they did not get all of the pieces together on time. He questioned if the State would be reopening the bids. Ms. Tiezzi stated that there is currently no update. The State has not published the Round 4 winners and nothing has been announced about having a Round 5.

Regarding the new town center, Mr. Robertson stated that there is nothing new to report at this point. Mr. Macel questioned if the Comprehensive Energy Strategy discussed any changes; he is unsure if they have any provisions on microgrids. Mr. Zahren stated that he is unaware of anything on microgrids, although they are taking up shared solar among other things.

Mr. Robertson thanked Mr. Zahren for all the time he has spent on the microgrid project. They have learned a tremendous amount in the process and would have pursued it further if they could have.

Mr. Zahren also thanked Mr. Macel for his work on the project.

Update on Proposed Ordinance Prohibiting Waste Associated with Natural Gas and Oil Extraction

Mr. Zahren stated that this Commission and Town staff are looking at the efforts being made to get Towns to pass a regulation on the waste materials from fracking. He stated that he wanted to make clear that the Clean Water Action is a different non-profit organization than the Food and Water Watch, which was the presenter at the last meeting.

Mr. Zahren stated that Mr. Robertson took this issue to a recent Town Council meeting. Mr. Robertson stated that this topic was discussed by the Town Council on February 1st. This was a first review of the

draft language and background materials, which included an opinion from the Town Attorney. The Council had an initial discussion on the relevant background and purpose of the Ordinance. This issue is very interesting with technical, legal and enforcement issues. Mr. Robertson stated that there is a moratorium currently in place, which was adopted by the Legislature in 2014. The moratorium remains in place until either the DEEP adopts regulations or the Legislature takes further action. The House did adopt a Bill last year, although it never got out of the Senate. He stated that, in terms of the moratorium, it is unlikely that the Legislature will take action this session, although a hearing has been scheduled this week with the Environment Committee. They have asked Mr. Robertson to testify on behalf of CCM.

Mr. Robertson stated that the legal issues are interesting because the concept is one of pre-emption; the State has indicated that they intend to regulate this issue in its entirety. The issue is that the moratorium language, as it stands in Food and Water Watch's opinion, is insufficient in two ways. One way is that the language talks about natural gas and is silent on oil fracking waste. Secondly, the language, as it exists, does not include part of the process that involves the initial drilling of the well. Mr. Robertson stated that the Town does not have the resources to evaluate these claims or to enforce an ordinance like this. If the ordinance was adopted, he would question what responsibilities the Town would need to take on. He stated that Town staff is currently trying to get an understanding of the need, what the requirements are in terms of enforcement, and what costs and staff requirements might be associated with this as well. They are trying to control for risk; define the risks; as well as determine if government intervention is necessary to control for that risk. The Town of Avon wants to exercise their responsibilities responsibly.

Mr. Craig questioned if there was risk of waste coming from another State. Mr. Robertson stated that his understanding is that it would be unlikely although he cannot discount it entirely. Ms. Winter stated that it would come mostly from the Pennsylvania area. They are currently shipping the waste out of that State because they cannot use it there.

Mr. Robertson stated that an advocacy group has been working at the State level to get this more restrictive language adopted, although they have not been successful. He feels that it is, in part, a political strategy to go to communities to have them adopt the language in order to build pressure when it comes to the Legislature. He stated that when he testifies on behalf of CCM, he will state that Towns do not have the resources to evaluate these claims and they do not know if there is any merit to these concerns. He will also let them know that communities, some of which have adopted this language, are hearing from residents that they are concerned. He will be asking them to take these concerns into account. He does not believe it would be good for 169 Towns and Cities in Connecticut to adopt their own ordinance, ultimately forming a "quilt-like" patchwork pattern. Mr. Robertson stated that he does not feel like he can make a recommendation to Avon's Town Council as of yet since he is still learning about this issue. He will be watching other communities as well as the Environment Committee, which has an active Bill before them. He stated that he will give an update to the Town Council at their next meeting.

Ms. Winter stated that they need to pay attention to the Bill, which is exactly the same one that came out of the House. She feels that it is confusing and incomplete and has failed to protect the Town's people and they cannot count on the State to take care of this. It seems that the Town would have more control over the language at the local level.

Dean Applefield, 24 Oxbow Drive, stated that he is an environmental attorney, although he is here and speaking as a resident of the Town of Avon. He stated that this Commission, he is assuming, has interest in pursuing the use of natural gas because it burns cleaner than other fuel sources. He stated that some are encouraging the use of natural gas, but do not want any of the waste from that material brought into their State. In reality, this is saying that other people in other places should have to face the consequences of that waste, but not Connecticut. Mr. Craig stated that the industry needs to react to the consumer. Currently, fracking is being done in an irresponsible way. The chemicals that are being used and the way in which they are disposing of the waste and not processing it at the site, is the industry's fault and not the consumer. Mr. Applefield stated that the environmental consequences from the fracking process are problematic. In general, the fracking process is environmentally destructive. He believes it is not right to say that it is the industry's problem and not my problem, wanting the benefits, but none of the

burdens. Mr. Applefield also stated that there is currently no evidence that fracking waste is coming into Connecticut; there has not been any action taken against anyone who was in violation of the moratorium. If Connecticut bans waste from coming into the State, that would be impacting interstate commerce, which is illegal.

Reading from the Town Attorney's memo, Mr. Macel stated that the fracturing waste statute grants DEEP exclusive authority to issue permits for handling fracturing waste and to grant permits for any beneficial re-use of fracturing waste within the State for such things as de-icing. He stated that these are the types of things that could end up in Avon. He stated that this is a preemption issue. Mr. Robertson stated that they will continue to look at this issue; there are a lot of moving parts to it. Mr. Zahren stated that the Town has spent a great deal of time on this issue. Although it is true that natural gas is cleaner than coal, he would like to see a regulation passed that has tighter restrictions on the leakage of these wells. Natural gas contains methane, which is more potent than carbon dioxide as a greenhouse gas; this is a real threat to the entire world, not just the Town of Avon. He stated that there are many issues that this Commission can advocate for.

Mr. Robertson stated that an area which he has been spending a great deal of time, and this Commission might find interesting, is the storm water management plan. He would be willing to have someone come to a meeting and talk to the Commission about this. He stated that the Town has a plan in place to control run off materials and how it gets processed once it runs into the storm sewers.

Mr. Zahren stated that there is a lot of activity in this current Legislation session, trying to shore up renewal energy provisions. The Clean Water Action Group has sent out memos, which he distributed to the Commission members. He stated that they hold regular podcasts and conference calls on a lot of these issues, some of which may be appropriate for this Commission to follow.

V. NEW BUSINESS

Discussion: Pursuit of a Multi-Town Energy – Related Initiative

Mr. Zahren stated that there was a coalition of five towns when Avon did their first Comprehensive Energy Plan, which included West Hartford, Bloomfield, Avon, Simsbury and Farmington. At that time, these towns were able to get a \$250,000 grant, which was only to be used for energy planning. Instead of doing one process with all 5 towns, they agreed to each town getting \$50,000 in order to define what was best for each. He stated that Peregrine Consultants from Boston, MA was hired and gave Avon a baseline of all the energy use at all facilities run by the Town and Board of Education. This was the basis on which they set their energy efficiency goal, which was to reduce their consumption of energy on a per square footage basis. This goal of an almost 20% reduction was accomplished. The Town is still trying to continue to reduce their consumption of energy that produces greenhouse gas emissions. He suggested getting back together with these five towns, with the possibility of including Canton and others as well, to have a dialogue about what is going on in the local community. The Commission members agreed. Ms. Tiezzi stated that she did get contact information for staff member in each of these communities. She will reach out to them to see if they would be interested.

Discussion: Working Groups

Mr. Zahren stated that they have had subcommittees in the past, although they have never formalized any other than the one for the microgrid last year. He stated that this Commission has not gone out beyond the Town facilities very aggressively to try and educate people other than the energy efficiency audit. He feels that this Commission should have more of an outreach and possibly hold public meetings to discuss what can be done to be more renewable, sustainable and carbon neutral, etc. He stated that he is open for ideas on what possible subcommittees should be charged with.

Mr. Zahren suggested subcommittees continuing on the path toward a possible microgrid and/or solar pv opportunities. Mr. Macel stated that he found the Comprehensive Energy Strategy very interesting and

would like to see awareness regarding this by the time it was enacted. Ms. Winter stated that she could see Mr. Macel's idea dovetailing with the multi-town initiative. Mr. Craig stated that they could stay basic and encourage LED lighting instead of florescent lights; and although new buildings are up to code, older buildings are not as efficient. Mr. Anupoju agreed with Mr. Craig. Ms. Winter stated that part of this Commission's charge is to educate. She suggested that they do more within the school system. She suggested inviting high school students to their meetings. Mr. Zahren stated that in the past, they did have students as non-voting members. There was also a Green Club at the school as well. Ms. Winter stated that there is an Early College Experience program, (ECE) at the high school, which relates to the environment. Several students from this program may want to consider coming to their meetings. Mr. Anupoju stated that banners could be hung at the schools to inform and educate students as well.

VI. ADJOURN

Ms. Winter made a motion to adjourn the meeting at 8:40 p.m. Mr. Anupoju seconded the motion, which was unanimously approved.

Respectfully submitted:
Chairman Bernard Zahren

Attest: Alison Sturgeon, Clerk