

Town of Cape Elizabeth – Energy Committee

Meeting Minutes

Date: February 13, 2025

Time: 7:00 PM – 8:00 PM

Location: Town Hall Chamber

Attendance:

- Present: Sam Milton, Richard Parker, David Kane, Ian Sample, Roise Blenkhorn, David Bagdasarian
 - Absent: Vince Flaherty, Niko Dietsch
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Agenda Topics:

1. Approval of Previous Meeting Minutes

- Previous minutes were not available at the time of the meeting. Approval tabled until the next session.
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2. Freedom of Access Act (FOAA) Overview

- Brief training on the Maine Freedom of Access Act (FOAA):
 - o Ensures transparency in government meetings and communications.
 - o Training required within 120 days of taking office.
 - o All emails/documents related to public business are public records unless exempt.
 - o Any meeting with 3+ members must be public.
 - o No deliberations or decisions may be made outside of public meetings.
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4. Solar Project Update (Encore)

- Encore missed the second amended deadline to bring the solar array online.
- Current analysis projects \$31,000 savings in Year 1, with that credit currently going to the ice rink.
- Concerns voiced over:
 - o Failure to meet deadlines
 - o Significant variance between original and current contract terms
 - o Absence of transparency and poor communication from Encore
- Key Findings:
 - o Contractual savings dropped from originally projected \$1.2M to \$744k over 20 years.
 - o NEB rate assumptions and PPA rate shifts significantly affect savings estimates.

- o Final signed contract lacks a clear seven-year buyout clause unless Encore fails to deliver by 2030.
 - o Encore claims equipment was ordered, but no evidence has been provided.
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5. Committee Discussion & Recommendations

Key concerns raised:

- The town may have legal grounds to terminate based on missed deadlines.
- Need for clarity on:
 - o Permits held
 - o Procurement and construction timeline
 - o Maintenance and inspection responsibilities
 - o Access to live performance data from the field

Recommendations proposed:

1. Immediate legal review by David Littell (Town Energy Counsel).
 2. Require:
 - o Proof of permits
 - o Milestone tracking and timeline
 - o Penalty clauses for non-performance
 - o Assignment of a town-side project manager to monitor progress
 3. Consider renegotiating or reissuing an RFP if Encore fails to proceed.
 4. Create a formal memo to the Town Manager by Monday outlining concerns and requests.
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6. Broader Sustainability Planning

- Discussion on Climate Action Plan implementation and committee's evolving role.
 - Committee supports expanding scope from "Energy" to Sustainability, covering:
 - o Building codes and procurement policies
 - o School-specific initiatives
 - o Shared sustainability staffing across departments
 - o Grant opportunities and EV infrastructure
 - Committee recommends breaking action items into three paths:
 1. Municipal leadership examples
 2. Community initiatives
 3. School district engagement
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8. Next Steps

- Committee to draft memo summarizing:
 - o Solar contract concerns and legal questions

- o Revised committee charge and authority
 - o Recommendations for internal policies that support climate goals (e.g., purchasing procedures)
 - o Need for workshop with Town Council and School Board
 - Next meeting will include formal review of minutes and check-in on memo delivery and response.
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Adjournment

- Motion to adjourn passed.
 - Meeting concluded at approximately 8:00 PM.
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Next Meeting:

- **Date:** February 20, 2025
- **Location:** Jordan Conference Room, Town Hall