

Town of Lincoln
Green Energy Committee (GEC)
Meeting Minutes
Special Meeting Held by Zoom 2/24/22 at 1830 EST

Remote Participation Protocols:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the www.lincolntown.org. For this meeting, members of the public who wish to listen or watch the meeting may do so in the following manner:

Join Zoom Meeting

<https://zoom.us/j/94235388880?pwd=bkFNN0hY2NMRllldnlWdHNzMVFIQT09>

Meeting ID: 942 3538 8880 Password: 460113

Dial by your location: 646- 876- 9923

No in-person attendance by members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Minutes of the meeting will be posted on the Town's website as soon as possible after the meeting

Meeting was called to order at 1834 EST

GEC Members present: Harvey, Kern, Klem, Hutchinson and Shorb

Others present: BOS liaison Glass

The meeting began by noting Ed Lang's absence, his pending surgery, and wishes for his well-being.

Approval of minutes

Shorb asked for additional comments on the latest (Hutchison edits) draft minutes for our 2/10/2022 meeting. Harvey raised concern about naming issues for our efforts to develop a plan for the Town to address climate issues. Shorb suggested that naming discussions were ongoing and that the draft minutes of the 2/10/2022 meeting reflect this. Motion to approve 2/10/2020 minutes made by Shorb and seconded by Hutchison.

Ayes: Harvey, Kern, Klem, Hutchinson and Shorb

Nays: None

Discussion of gas restrictions warrant article and motion

This special meeting was called to discuss the warrant article and related motion, regarding restricting fossil fuel hookups (e.g., natural gas services) for new construction and "major modifications" within the Town of Lincoln

Shorb recounted his discussion with the Town Administrator Tim Higgins, Assistant Town Administrator Dan Pereira, and the Town's outside counsel, Lauren Goldberg, pertaining to process and draft warrant language. His summary generally followed the written synopsis in an

email he had sent the GEC on Feb. 23 (See excerpt from that email in the Appendix at the end of these minutes.)

Klem asked who is actually sponsoring this warrant article. Shorb responded that legally it is a citizen's petition since that is how it was presented to the Town with 18 signatories; the signatories named will not be listed; the warrant article is simply the short statement that was on the form signed by the signatories; the motion that will be associated with the warrant article will contain the detail.

Klem asked what other towns had passed similar home rule petitions and how they addressed renovation. Shorb responded that Acton and Lexington defined a renovation as that disturbed 75% or more of the residence floor area as a "major modification" that would be subject to the new requirements, and 50% for commercial buildings; Brookline used 50% for both; Concord did not address renovations; and Arlington didn't submit specific language to the Legislature.

Harvey asked if legislature approval is likely. Shorb responded that it seems unlikely, in part because the Legislature is considering a bill that would make local rule authorization unnecessary and legislators would prefer a statewide solution rather than town-by-town authorization. However, Shorb suggested that Lincoln's submission of a local rule petition would add motivation to the legislature to pass a bill that has been filed that would provide that statewide solution.

Hutchison asked whether including the specific bylaw-like language, rather than just a simple request for home rule authority, added anything to motivating the legislature. Shorb conceded probably not, but noted that adding that detailed "meat" in the citizen petition could lend support to efforts to have the Commonwealth adopt a more aggressive "net zero" stretch code than the one recently proposed.

Klem voiced a concern about the strategy of GEC supporting the citizen petition when the group she leads is in a year-long process to determine how Lincoln will deal with climate change and is worried about GEC over-reach and the GEC not having received Planning Board review and guidance. She is especially concerned about inclusion of "major renovations".

Kern voiced a similar concern about over-reach, noting that the GEC's focus should be on the actions within Lincoln, rather than taking on the role of lobbying for statewide legislation.

Shorb responded to Klem that the GEC had already agreed that we might later agree to delete the "major modification" language, if for example that seemed appropriate in response to Planning Board concerns.

Klem asked what would be the process for making such a change. Shorb replied it would require another vote by the GEC. Klem again asked for more clarity as to whether this (the warrant article and motion) was a GEC "thing" or something the GEC was simply going to endorse.

Glass suggested that the answer would shape who presents to other boards and at Town Meeting.

Paul replied that Trisha O'Hagan from Mothers Out Front could be the presenter at Town Meeting or that he (Shorb) could do so, since he was also one of the petition-signers, and that whoever did so could also say the GEC had voted to support it..

Hutchinson suggested any GEC debate and vote on things such as whether to remove the "major modification" language would be better done at our regular March 10 morning meeting rather than during this evening meeting. He also expressed concern that no one has begun to make Town-wide outreach/education efforts to explain the actions we are considering. Shorb noted that he had recently sent Hutchinson an email outlining the plan for Town-wide outreach/education efforts, and that so far Shorb, Harvey, O'Hagan and Chatfield had volunteered to work on that.

Glass reminded the meeting that language for the next Selects' Letter (leading up to Town Meeting) will be adopted at their meeting on March 7 and that we should have language in that letter mentioning the warrant article and any planned public education meetings.

Klem concurred and suggested getting information out via Lincoln Talk and Lincoln Squirrel. Sees Shorb role as getting more visibility for the issue addressed by the proposed bylaw and whether it is as a citizen or Chair of the GEC. She expressed concern about how this initiative relates to the climate action planning activity. Shorb replied that they are not inconsistent with each other and can move forward together.

Shorb said he will talk to O'Hagan about what role she/Mothers Out Front (MOF) would like to play in advocating for the detailed motion before and at Town Meeting.

Klem reiterated concerns about public confusion about (A) Shorb's role as both GEC Chair and citizen petitioner and (B) not having enough information to address several substantive concerns she has raised about the draft motion.

Hutchison said we'd been over all this in the last meeting. Klem said she is still concerned.

Shorb reminded the meeting that we had voted in the last meeting to approve the proposed Bylaw language including "major modifications", but with the understanding that the latter could be removed if the Planning Board or other concerns arose before Town Meeting. Shorb said he would seek input from some Planning Board members and will present at the March 8 Planning Board meeting if possible.

Hutchison suggested a Zoom informational session organized by the GEC before Town Meeting, suggesting March 14-22 timeframe. Three topics for inclusion: (1) Town action to adopt 100% Class 1 MA RECs (100% Clean Electricity) for Lincoln municipal electricity consumption (Hutchison lead); (2) Climate Action Lincoln support for \$5,000 stipend for Jen

Curtin, Assistant Town Planner, in Town budget (Klem lead), and (3) Home Rule/Bylaw for Gas Hookups (Shorb lead).

Glass suggested fixing a date for the Zoom outreach session(s) for inclusion in Selects' letter.

Glass noted we had a regular meeting March 10th and could use it rather than a special meeting March 9th for Zoom outreach planning; general concurrence from those present.

Klem moved to adjourn; Hutchison seconded.

Ayes: Harvey, Kern, Klem, Hutchinson and Shorb

Nays: None

Meeting adjourned at 1944 EST

Submitted by Edward Kern

APPENDIX: (Excerpt from Shorb email to GEC members 2/23/22)

"FYI, here are the main points from my call this morning with Tim Higgins, Dan Pereira, and the Town's outside counsel, Lauren Goldberg. Some of the information was surprising, but she seems quite competent and I believe she knows what the law is.

Legal discussion

1. She said the language to be printed in the warrant must be exactly what was on the citizen petition. (FYI, that language is simply "To see if the Town will vote to request home rule legislation to establish the authority to restrict the installation of fossil fuel infrastructure in major new construction.")
2. She said the Town must describe its origin in the warrant as "Citizen petition" (rather than "Green Energy Committee"), because that's how the signatures were collected and that's how it qualified for the warrant.
3. The actual motion to be voted on can be much more detailed, such as what we voted to approve at our last meeting. That motion language must be finalized by March 18. We already voted on the final language (subject to subsequent minor tweaks from legal review etc.), so we don't necessarily need to revisit that, but in theory we could.
4. She has not yet done a detailed review of what we voted on, but can do that soon.
5. She confirmed that its overall structure is legally valid -- i.e., a petition to the legislature that, if the legislature approves, would make our bylaw-like detail the law in Lincoln via state statute. No separate Town action (e.g., at another Town Meeting) would be required.

6. However, the legislative approval would also give Lincoln the authority to pass and amend new bylaws in this area. (So for example, I think we could if we wanted to pass a bylaw that put the same language in our local code, to make it easier to find.)

Strategy discussion

She and Tim both believe that it is very unlikely that the state legislature will actually approve our petition, for several reasons, and I think they probably are right. Lauren and Tim made the good point that, as the GEC does its educational campaign in preparation for Town Meeting, we should be transparent about that.

However, she also agreed (and I guess Tim did also) that it nevertheless could make sense for us to move ahead for the other reasons we have discussed within the GEC, i.e., to (A) externally, push certain state-level policymakers and (B) within Lincoln, heighten awareness of the climate crisis. In that sense, having Town Meeting pass the motion would be "both aspirational and practical", as Lauren nicely put it: "aspirational" in that the legislature isn't likely to adopt it and "practical" in that such a vote nevertheless may have constructive real-world effects.

The specific state-level policymakers I'm thinking of include:

- the state legislature, which has a bill pending that would allow all towns to pass bylaws restricting gas hookups (Lincoln's vote at Town Meeting could be another weight in the balance favoring that bill)
- the MA Dept. of Energy Resources, whose recently-released outline of a potential "net zero stretch code" is woefully inadequate (more to come soon on that)
- the MA Dept. of Public Utilities, which is dragging its feet in (A) updating its incentives in the Mass Save program and (B) developing a plan to wean MA off gas generally.

I'm not sure any of the above means that the GEC needs to vote on any of the above this Thursday night. Nevertheless, I propose to hold the meeting as scheduled, at least so people can ask any questions & make any comments on the above."