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**BBRS Energy Advisory Committee (EAC)**

Chairman Meskus took roll call:

Layla D'Emilia, or designee*	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Patrick Woodcock, or designee**	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Zbigniew Wozny	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Tom Moberg	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent
Emily Paparella-Vice Chair	<input type="checkbox"/> present	<input checked="" type="checkbox"/> absent

Curtis Meskus-Chair	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
John Anderson	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Jonathan Bruce	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent
Gabriel P. Stallions	<input checked="" type="checkbox"/> present	<input type="checkbox"/> absent

\* *State District Building Inspector Adelle Reynolds participated as the designee for DPL Commissioner, Lyla D'Emilia.*

\*\* *Ian Finlayson designee for DOER Commissioner Patrick Woodcock.*

**September 14, 2020 Meeting Minutes**  
General notes on format of these minutes

- *These minutes represent general points of discussion by members and audience participants during the regular meeting session. The minutes are not intended to be a verbatim account of discussions.*
- *Votes are noted as **MOTION** by, seconded by, and whether it was a unanimous or split vote.*
- *Agenda topics as numbered may be in the same order as they appear on the meeting agenda.*
- *The meeting agenda is listed as **EXHIBIT A**; others are listed sequentially as addresses during the meeting.*

**Regular Meeting Portion**

**Roll Call.** Chairman Curtis Meskus opened the meeting about 10:02 am by taking roll call. Ian Finlayson, Adelle Reynolds, Zbigniew Wozny, Curtis Meskus, John Anderson, Jonathan Bruce, Gabriel Stallions all identified themselves as present.

1. **Review/Vote** approval of the August 3, 2020 EAC meeting minutes. On a **MOTION** by Jonathan Bruce, seconded by Adelle Reynolds, it was majority vote to approve as amended (**EXHIBIT B**). Jonathan Bruce offered under discussion item 2 changing in the 3<sup>rd</sup> paragraph, "estimate" to "estimated", in the 7<sup>th</sup> paragraph change "constriction" to "construction". Under item 3 change "introduce" to "introduces". Adelle Reynolds offered in the 6<sup>th</sup> paragraph change "RRES" to "HERS". Ian Finlayson offered a change to clarify what he said during the discussion under item 2. He expressed interest in clarifying the information he said about having an oversupply of renewable energy. He expressed that Massachusetts has



an overabundance of renewable energy is in relation to what regulations currently require and offered this as an amendment to item 2. Some Committee member expressed concern that providing context or adding clarifying language outside of the meeting is not appropriate. Ian Finlayson expressed concern with voting these meeting minutes without his amendment is inappropriate. He would like to explore recording advisory committee meetings. BBRs Board Counsel Charles Kilb spoke about DPL policy would need to be considered since recording meetings is generally outside the practice of the board under DPL.” Roll Call: Adelle Reynolds, Curtis Meskus, Jonathan Bruce, Gabriel Stallions, and John Anderson all voted in the affirmative. Ian Finlayson voted in the negative. Zbigniew Wozny abstained. Five in the affirmative and one in the negative the motion passed.

2. **Review\Vote** code change proposal 11-06-2019 that proposes to amend Appendix 115 AA and the four tasks the BBRs sent to EAC (**EXHIBIT C**). Chairman Meskus informed the group he received from some Committee member’s answers to the 4 tasks assigned to the EAC by the BBRs (**EXHIBIT D**).

Jonathan Bruce spoke about the legal implications, and that it is not clear what happens in situation in which renewable credits are not available.

Ian Finlayson agrees with Jonathan Bruce and spoke about the intent is not to have energy contracts looked at after the Certificate of Occupancy issued.

Gabriel Stallions expressed concerns that this approach leaves unresolved risks that arise during construction. Issues relating to the acquisition of renewable energy before the C of O need a process. An example would be a harsh winter during the building construction might change the amount of available renewable energy.

Ian Finlayson expressed it is his belief that the energy code has limits, and requiring a building to meet energy targets after the C of O would extend the energy code requirements.

Jonathan Bruce offered a motion that there are significant legal challenges to the proposal that are unanswered. No one seconded.

Adelle Reynolds spoke about most people do not understand the requirements to maintain net-zero buildings.

Chairman Meskus spoke about the building official process includes receiving an energy-rating index from a HERS Rater and that is the end of their role. He also spoke about building officials’ aren’t trained to examine and verify contracts between energy suppliers and property owners.

Jonathan Bruce thinks the BBRs authority to get involved with contracts between energy suppliers and building owners is an unanswered legal question.

Ian Finlayson asked Counsel Charles Kilb to provide some information as to the BBRS authority to regulate energy contracts between energy suppliers and building owners. Counsel Charles Kilb talked about the building code controlling contracts is new territory and he does not have additional information to offer at this time.

Ian Finlayson motioned that that the EAC does not have the legal expertise to provide a recommendation to the BBRS. No one seconded.

Jonathan Bruce, John Anderson and Gabriel Stallions spoke about this group not having legal expertise but does have the technical expertise to provide recommendations to the BBRS about adopting energy code requirements.

Jonathan Bruce renewed his **MOTION** that the EAC believes there are significant legal implications that remain unanswered. Seconded by Adelle Reynolds it was a majority vote to approve. Roll Call: Adelle Reynolds, Zbigniew Wozny, Jonathan Bruce, and John Anderson all voted in the affirmative. Ian Finlayson, Curtis Meskus, and Gabriel Stallions voted in the negative. Four in the affirmative, three in the negative, the motion passed.

Chairman Meskus opened discussion on the cost portion of the EAC task. Ian Finlayson spoke about the Department of Energy Resources has commissioned studies on residential buildings and commercial buildings and the results should provide some answers to some of this question, and the results of these studies should be available in January for residential buildings and March for commercial buildings.

Jonathan Bruce spoke about the costs to incorporate the energy code requirements has increased over time and the increases relate to the energy code changes. He spoke further as a developer; he has not experienced a decrease in construction costs. His expectation is that new energy code requirements will bring more cost to the construction process. We have heard about having enough renewable energy for today's requirements. Unconfirmed is whether we have enough for the requirements in proposal.

On a **MOTION** by Jonathan Bruce and seconded by John Anderson that there are significant upfront costs and expected costs in the future. Roll Call: Adelle Reynolds, Zbigniew Wozny, Jonathan Bruce, and John Anderson all voted in the affirmative. Ian Finlayson, Curtis Meskus, and Gabriel Stallions voted in the negative. Four in the affirmative, three in the negative, the motion passed.

The discussions on the motion included the following:

Chairman Meskus asked Jonathan Bruce to clarify the term "significant". Jonathan Bruce explained he did not have a cost analysis to offer at this time, but he has experienced increased costs for electric service and other energy code requirements.

John Nunnari spoke about code changes do bring costs but new requirements also bring benefits. As an example he spoke about solar panels bring costs but the costs end after that purchase. He also spoke about the costs are not known but the proposal, as presented is optional.

Adelle Reynolds spoke about researching costs to build to the proposal, but she has not received much information from this effort.

John Anderson spoke about the proposal require upfront costs and the savings are in the future.

Zbigniew Wozny spoke about construction costs will increase because more modeling of the building needed. The building envelope checks is one example.

Ian Finlayson spoke about utilizing the building roof for solar is an example to reducing costs.

Climate Change Program Manager, City of Somerville spoke about the Cities interest in having the proposal adopted by the BBRS as a stretch energy code has to do with the fact that developers in the City are choosing not to build net-zero.

Jonathan Bruce spoke about what he is hearing from this discussion is that no one challenges the upfront costs.

Ian offered an amendment to the motion that there are returns over time. Jonathan Bruce spoke about not supporting the amendment

3. **Adjourn.** On a **MOTION** by Jonathan Bruce, seconded by Ian Finlayson, it was a unanimous vote to adjourn the regular meeting at about 11:50 am. Adelle Reynolds, Zbigniew Wozny, Curtis Meskus, John Anderson, Jonathan Bruce, Ian Finlayson, and Gabriel Stallions all voted in the affirmative. Next meeting November 2<sup>nd</sup>.

**EXHIBITS:**

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- A. Meeting Agenda
- B. Minutes for the August 3, 2020 Energy Advisory Committee (EAC) meeting as amended.
- C. Code Change Proposal 05-06-2020 – MA E-Z Code Chapter 115 -Appendix AA.
- D. Committee Member Answers to the 4 tasks related to code change proposal 11-06-2019 Net Zero.