

The Watertown Environment and Energy Efficiency Committee working group BERDO met remotely via Zoom at 5:30 PM on Tuesday, August 27th, 2024.

The following members and staff were present: Brian Hebeisen (chair), Silas Fyler (Energy Manager), Pat Rathbone, Jocelyn Tager, Ernesta Krackiewicz

Others present:

The meeting started with a quorum at 5:00 with Brian Hebeisen presiding.

1) Announcements

1. Silas to update the regulations document with agreed changes and send to committee members within a few days.
2. Committee members to review updated regulations document before next meeting.
3. Silas to meet with Steve Magoon in the next 1-2 weeks to review the BERDO and regulations.
4. Silas to remove the building types appendix and replace with reference to EPA Portfolio Manager building types.
5. Committee to discuss State BERDO implications at next meeting.
6. Committee to discuss plan for moving BERDO forward to City Council at next meeting.
7. Silas to update penalties section to match BERDO penalties, not Boston regulations.
8. Committee to meet on Tuesday, September 3rd at 5:30 PM.
9. Silas to convey committee's desire for regulations to be presented to City Council with minimal changes from staff.

Team Review and Injury Sharing

Brian presented a document for team review, while Pat and Ernesta's discussed technical issues with screen sharing. Brian proposed ending the meeting early to determine if another one was necessary, and Pat confirmed the scheduled end time. Brian also suggested not discussing the state program at that moment, but if time permitted, they could briefly touch on any new, unexpected topics. The team agreed to this plan.

Document Revision and Reorganization Discussion

Brian presented a rewritten section of a document, which the team discussed in detail, focusing on section 16.3.2. Brian and Silas agreed to review the changes together, with Silas responsible for ensuring the correct numbering and indentation were maintained. There was some confusion about the changes to the italicized section, but it was clarified that the rewritten section was 16.3.2 in general. Brian also presented a work in progress document, highlighting changes made to emphasize the primary purpose of the fund, which is to minimize the impact of climate change by reducing emissions. Pat and Jocelyn indicated their support for Brian's changes, and the team also discussed reorganizing the document for clarity, with Brian suggesting the breakout of certain bullet items.

Language Changes and Document Revision

Brian, Silas, Jocelyn, Pat, and Ernesta's discussed changes to language regarding public hearings for funding decisions. They agreed to strike a certain part of the document, leaving it to the City Council to

modify if necessary. They also reviewed and approved simplified language regarding the effect of appeals on building owner compliance obligations. Lastly, they discussed the need for Silas to revise the document's structure and bulleting.

Document Changes and Paragraph 17.2

Brian, Pat, Jocelyn, Silas, and Ernesta's discussed and agreed on several changes to their document. They decided to remove two old items and moved on to the current issues. The main focus was on paragraph 17.2, which was deleted in its entirety, including the part about any alleged violation. They also agreed to remove the notice of probable violation, but keep the notice of violation with potential for penalties. The team clarified that the warning for the first penalty was considered a redundancy and was eliminated.

Building Owners' Notice of Violation Process

The team discussed the process for building owners to dispute notices of violation. Brian, Pat, Silas, and Ernesta's agreed to remove the word "hearing" from the process, as it was decided that the department would make the decision, not a board. They also clarified that any appeals must include a memorandum from the owner, not the department. The team then turned to discuss penalties, agreeing that the penalties should match those in the BERDO, not the higher numbers from the Boston general regulations. Silas was tasked with updating the penalties table to reflect this.

Department and Review Board Appeals Process

The team discussed the process of appealing decisions made by the department and the role of the Review Board in handling penalties and appeals. They agreed that the department should handle appeals to violations rather than the Review Board to prevent the board from being overwhelmed. The team also debated the possibility of a two-tiered process for appeals, where appeals would first go through the department before being considered by the Review Board. The specifics of this process were not finalized, and the team agreed to decide on the next steps, with the possibility of rewriting regulations and giving more oversight to the Review Board if necessary.

Compliance Schedules and Penalty Criteria

Pat was exhausted but agreed to let Silas rewrite a document for her. The team then discussed compliance schedules, with Brian suggesting improvements for clarity and readability. There was a debate about the inclusion of a specific word related to violations, and the team decided to leave it out. The team also deliberated on the criteria for waiving or reducing penalties for non-compliance, with no clear resolution reached. The issue of the potential long-term impacts of small discrepancies was raised but remained open for further consideration.

Review Board Appeals Process Discussion

The team discussed the process of appeals of Review Board decisions. Brian suggested that the appeals should be handled by the department in person and not through written notices or public hearings. The team agreed to eliminate the section for notice of appeal hearings. There was also confusion about who would publish the notices of appeal, but it was decided that the appellant would be responsible for this. Lastly, Brian brought up two points about the appendix, but did not elaborate further as no changes could be made.

Energy Star Classification and Reporting Changes

The team deliberated on changes to the classification and reporting of building types in the Energy Star portfolio, agreeing to adopt the system used by the EPA Portfolio Manager. Concerns were raised about the energy usage of certain building types, with a decision to remove the current system and refer to the EPA's definitions. The team also planned to discuss the state bird and its implications, as well as their current status and future plans following the finalization of regulations. The next meeting was scheduled for Tuesday at 5:30 PM, with Brian, Jocelyn, Silas, and Pat attending, and Ernesta's not due to her travel plans.

Project Regulations and BERDO Review

Silas informed the team that Steve would review the project regulations and the BERDO, which would then be presented to the Department and the City Council. There was a discussion about the delay in submitting the BERDO, with the team acknowledging that the Council would not accept it without regulations. The team also discussed the need for sample buildings, but Silas indicated that this approach was not successful and they would move on. The team agreed to wait for Steve's feedback after he reviews the regulations and the BERDO. The team also discussed the progress of the Birdo regulation project, with Brian indicating that the project was almost complete, and the team emphasized the importance of respecting the process that had been followed. The team agreed to wait for the city council's review before sharing the regulations more widely.