

The Watertown Environment and Energy Efficiency Committee working group BERDO met remotely via Zoom at 5:00 PM on Tuesday, August 20th, 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

Next Steps

1. Pat to rewrite sections 17.1.6 and 17.1.7 and send to the group before the next meeting.
2. Silas to remove references to "individual compliance schedules" throughout the document.
3. Silas to prepare a clean version of the regulations up to Section 17 and send to the group before the next meeting.
4. Silas to create a summary of Review Board meeting requirements and timelines.
5. Silas to change references from "Review Board" to "Department" for issuing notices of violation.
6. Silas to mark unresolved issues in the document.
7. All members to review the revised regulations before the next meeting.
8. All members to be prepared to discuss the appendix at the next meeting.
9. All members to attend the final regulation meeting on Tuesday, June 27th at 5:30 PM.

RFP for Home Performance Contractor and Inspection Updates

Silas informed Pat and Jocelyn about a forthcoming Request for Proposal (Rfp) from the city for a home performance contractor to partner with Mass Save. Jocelyn expressed interest in the opportunity and asked Silas to notify her when the Rfp is issued. Additionally, Jocelyn shared her recent experience with a building inspection and her subsequent discussion with Scott and Tony about installing skylights and screening to prevent mosquitoes. Brian mentioned that Tony, the planning inspector, would be visiting Parker in the near future.

Watertown Cooperative Nursery School Closure and Regulation Matters

Jocelyn announced the impending closure of the Watertown Cooperative Nursery School due to low enrollment and financial issues. The group agreed to schedule their final regulation meeting, and after considering various dates and times, they decided on Tuesday, the 27th at 5:30 PM. Brian committed to reminding himself about this meeting.

Document Review and Timeline Adjustment

The team, consisting of Brian, Pat, Jocelyn, and Silas, discussed a particular section of a document, specifically point 1.6. There was some confusion about sharing the document, but Silas managed to display it on his screen. The team noticed a discrepancy regarding penalties, which Pat and Jocelyn pointed out had been altered. The team agreed to review the document, with Silas facilitating this by

sharing his screen. The rewording of certain language was also discussed, with Pat clarifying that it was minor and did not change the content, but aimed to make the progression more logical. Brian and Jocelyn agreed to accept the reworded language, and Pat's efforts were appreciated. Brian also acknowledged that he had not rewritten a section he was supposed to, which affected the timeline.

Document Review and Revision Proposals

The team, including Brian, Pat, Jocelyn, Ernesta's, and Silas, focused on reviewing and editing a document, specifically section 17 concerning enforcement and penalties. They decided to remove the term "individual compliance" throughout the document, with Silas tasked to search for and remove all instances of the term. Brian proposed removing a section from the regulations regarding the necessity of the Association demonstrating notice to its members for review board decisions applicable to Condominium associations. Jocelyn, Pat, and Silas agreed to this proposal, suggesting instead that the Association should simply notify its members. The team agreed on this approach, with the revised section stating that appeals must be brought by the Association, and the Association must provide notice of such appeal to its members.

Department's Public Hearings and Appeals

The team discussed the requirement for the department to hold public hearings on appeals within 90 days. Brian expressed his concern about the city being forced to adhere to an arbitrary timeframe, but Jocelyn and Pat agreed that having a deadline is reasonable and beneficial. The team decided to keep the 90-day limit for now and Silas agreed to create a review document to clarify the frequency and requirements for the Review Board's meetings. The discussion also touched on the procedure for appeals where the appellant fails to appear at scheduled hearings.

Appeal Dismissal and Unforeseeable Circumstances

The team discussed the conditions under which an appeal could be dismissed. Jocelyn proposed that an appeal could be dismissed without notice if the appellant was unable to attend due to unforeseeable circumstances, such as a heart attack. Brian suggested that the department should have the discretion to decide if the circumstances were truly unforeseeable. The team agreed that an explanation should be provided to the department if an appellant was unable to attend. The final decision was that an appeal would be dismissed if the appellant did not provide an acceptable explanation to the department.

Document Formatting and Content Discussion

The team discussed the formatting and content of a document, specifically focusing on section 17.1. Brian suggested that a paragraph should be inserted into the text, which would result in the sentence being split in two. The team agreed on this solution, and also decided to remove certain phrases, such as "individual compliance schedules" and "appellants shall carry the burden of proof". The team also briefly touched on the topics of hardship and deferral compliance plans.

Review Board Termination and Compliance Plans

The team discussed the process of terminating a Review Board compliance and the associated burden of proof. Pat clarified that when terminating a hardship or deferral compliance plan, the city must demonstrate why the plan is being stopped. The team also debated the responsibility of terminating compliance plans, ultimately deciding that the department should have the authority to terminate plans.

They agreed to remove the option for individual compliance schedules and to leave the current regulations largely unchanged, with the exception of this clarification. The team also discussed the complexities of government language and the role of lawyers in risk avoidance.

Revised Regulations Document Discussion

Brian, Pat, Silas, and Jocelyn discussed the revised regulations document. They agreed to keep the current version as it is, with the understanding that the city council could modify it if necessary. Pat requested a draft of the revised regulations before the last meeting, which Brian agreed to provide. Silas agreed to send a document with all markups removed for Pat to review. They also discussed and agreed to omit certain sections of the document, including a redundant provision that an appeal shall not stay a building owner's compliance obligations. Pat agreed to rewrite these sections and combine them for clarity.

Department Notice Issuance and Review Board Powers

The team discussed the process of issuing notices for violations within the department. Brian proposed that the department should be the one issuing notices, not the Review Board, as the Review Board's power was limited to reviewing deferral and hardship plans. The team agreed that the department should issue a warning before issuing a fine, and that the Review Board should not have the power to issue notices of violation. They also discussed the language in the Berto, deciding to remove the phrase "notice of probable violation" and keep the "notice of violation" to maintain the current warning mechanism.

Reviewing and Revising Documentation and Regulations

The team discussed the language used in their documentation, agreeing on changes to be made, including the removal of a section related to review boards and a notice of violation. They also debated the role of the Review Board in hearing violations and appeals from building owners, with a decision not being reached on whether to expand its functions. The team acknowledged the time-consuming appeals process and agreed to dedicate more time to this task, with the next week's meeting being a key part of this effort. They also recognized the need to review and possibly revise the appendix and other regulations, with a focus on ensuring these changes were made efficiently and comprehensively.