SELECTBOARD AGENDA & MEETING NOTICE

Mon., September 25, 2023

***Indicates item added after the 48 hour posting
bold underlined time = invited guest or advertised hearing
(all other times are approximate)

Location: Town Hall, 2nd floor meeting room, 325 Main Road, Gill

5:30 PM Call to Order (If the meeting is being videotaped, announce that fact. If remote participation will occur, announce member & reason, & need for roll call voting)

Old Business

- Review of Minutes: 8/29/22, 9/12/22, 10/11/22, 11/21/22, 12/5/22, 12/19/22, 1/30/23, 2/13, 2/27, 3/13, 3/28, 3/30, 4/10, 4/24, 5/8, 5/22, 6/5, 6/20, 7/3, 9/11
- Municipal Aggregation of Electricity & proposed new guidelines from Mass. Dep't of Public Utilities – possible letter from Selectboard and/or Energy Commission on proposed guidelines and possible letter to Gill legislative delegation for support of filed legislation bill H. 3852

New Business

- Declaration of Surplus Equipment from Town Hall
  - Large assortment of "old" books; see attached list
- Healey-Driscoll administration listening tour on "how the Commonwealth can continue strengthening its partnership with, and support of, our cities and towns"
- Appointment – Erick Padillo as a firefighter through June 30, 2024
- Other business as may arise after the agenda has been posted.
- Public Service Announcements, if any
  - MA Community Health Equity Survey
  - Fall 2023 "Clean Sweep" Bulky Waste Recycling Day – Sat. Oct. 21st 9AM-Noon
- Warrants
  FY24 #6 Vendors ($520,186.86) & Payroll ($41,208.04) – reviewed & signed on 9/11/23
  FY24 #7 – review & sign

Adjournment

Other Invitations/Meetings:

Date	Time	Event	Location
Mon 10/9		Columbus Day holiday	
Tues 10/10	5:30 PM	Selectboard Meeting	Town Hall
Thus 10/12	11:00 AM	Reception for completion of French King Bridge safety barriers	French King Restaurant, Erving
Mon 10/23	5:30 PM	Selectboard Meeting	Town Hall

DRAFT EMAIL TO LEGISLATIVE DELEGATION

Dear Representative / Senator _____:

I trust this message finds you well. I am writing to express our growing frustration and deep concern with the performance of the Massachusetts Department of Public Utilities in its oversight of municipal aggregation plans, which is directly and negatively impacting our efforts in the Town of Gill. The Department is hampering our work, and the work of many other communities, in two regards.

First, our efforts to implement and operate a municipal aggregation plan to enhance electricity supply procurement for our residents have been hindered by the Department's micromanagement in the form of excessive and continually evolving requirements. We firmly believe the legislation authorizing aggregation plans emphasized integrating the plans within the "competitive market," thus entrusting decision-making authority for plan operations with local communities. Yet, the Department's excessive regulation strangles our potential to introduce innovative services for our residents, support the Commonwealth's climate goals, and pursue plan structures that would provide substantial benefits to Environmental Justice communities.

Second, the Department process to review new and updated plans is unacceptably long. Some new plans have languished for over 50 months, while even simple, one or two sentence amendments have dragged on for more than 48 months.

In August 2023, the Department opened a proceeding to review "Guidelines" and a "Template Plan" it claims will facilitate a more expeditious review. We do not believe the Department's proposed process will improve the situation. In fact, we fear it will make things worse by further curtailing flexibility and local control. The Department's apparent favor for overly rigid frameworks may be effective in the regulation of monopoly utilities but it is incongruous with local efforts to provide valuable options for residents and to assist the Commonwealth in tackling its formidable energy and environmental goals.

We expect to submit comments detailing our concerns with the Department's proposed approach. We intend to argue the Department should return to its former approach to aggregation plan review from the early 2010s, prior to its escalation in micromanagement. This

approach can be implemented today and does not require any added rulemaking procedures, forms, or guidelines.

We are concerned the Department may be resistant to consider alternative perspectives. Accordingly, we would appreciate your encouraging the Chair of the Department or the Secretary of the Executive Office of Energy and Environmental Affairs to consider our suggestions with an open mind. For your convenience, we have drafted a suggested note or email that you or your staff could forward to either of these individuals.

Please let me know if you have any questions on this request.

We will share our written comments with your office. We very much appreciate your continuing support and assistance as we seek to advance the interests of our residents.

Draft message to Department Chair/Secretary of EOEEA

Dear _____:

I represent the Town of Gill, which is seeking to continue to operate a municipal aggregation plan to address its energy, environmental and Environmental Justice interests. These efforts have been frustrated by substantial delays at the Department and the Department's adoption of a number of overly restrictive policies and requirements. While I appreciate the Department's recent efforts to consider these problems in docket D.P.U. 23-67, I note many of the existing or proposed aggregation plans in my district are concerned the Department's approach will not address the delays and over management and may well exacerbate ongoing problems. These communities have advised me they plan to submit comments in that proceeding describing the concerns with the proposal and offering a simple and more constructive alternative.

I encourage the Department to carefully consider these comments and to implement policies and practices that will enable aggregation plans to advance the energy, environmental and Environmental Justice policy goals of the

Commonwealth.

Thank you for your consideration.

[DATE] 2023

To:
The Honorable Jeffrey N. Roy
House Chair, Joint Committee on Telecommunications, Utilities, and Energy
State House Room 43

The Honorable Michael J. Barrett
Senate Chair, Joint Committee on Telecommunications, Utilities, and Energy
State House Room 109D

Dear Chair Roy, Chair Barrett, and Members of the Committee,

As municipal leaders committed to helping our residents access affordable electricity, and providing options to combat the global climate crisis at the local level, we write to you today to voice our support and call for the advancement of H.3852, *An Act supporting electrical load aggregation programs in the Commonwealth*, sponsored by Representative Tommy Vitolo of Brookline.

H.3852 will empower municipalities with existing electrical load aggregation programs (also known as municipal aggregation programs) to more effectively update and operate their programs and foster the expansion of these programs to other cities and towns throughout the Commonwealth.

This bill was informed by a diverse group of municipal leaders and aggregation program administrators with years of experience operating aggregation programs in our state. It was first filed as H.3219 by Representative Roy and S.2145 by Senator Lewis, and it was then refined into H.3852 filed by Representative Vitolo.

Electrical load aggregation programs allow cities and towns to procure power for their own residents, often at a lower cost and with a higher clean energy percentage than what residents would otherwise receive through the default utility basic service. As a result, aggregation programs, especially those considered "green" because of their higher percentages of renewable energy, represent a vital tool for municipalities to advance local environmental goals in a cost-effective manner for their communities. Many communities with active programs achieved significant cost savings over this past winter when basic service rates reached historic highs. While we recognize that future savings cannot be guaranteed, we are proud of this accomplishment, and know that we can do so much more.

The legislature created load aggregation as part of the Electric Utility Industry Restructuring Act of 1997, and by 2013 the DPU had established a review process that effectively authorized local officials to operate programs without regulatory impediments, provided that programs comply with specific consumer protections. Now, however, unwarranted barriers are hindering communities from taking full advantage of the opportunity presented by aggregation.

Nearly half of the cities and towns in the Commonwealth do not yet have a program at all. Twenty-two of these municipalities have submitted aggregation plan proposals to the DPU for review, only to get stuck

in the queue, often waiting well over a year, and in some cases for over four years, for a response. This excessive delay has deterred many of the remaining municipalities from even pursuing a program.

The DPU currently interprets the statute to require that aggregation plans include nearly every detail of program operations. Therefore, any adjustment to those details requires a community to file a plan amendment with the DPU for its review and approval. State level oversight is an important feature to ensure that programs function in a fair and equitable manner. However, additional guidance is needed from the legislature to recognize and clarify that aggregation rules must allow local municipal leaders to adapt their programs based on local decision making. H.3852 would do just that.

Under H.3852 and subject to review and approval by the DPU, aggregation plans would be required to describe the structural elements of the proposed programs: how they will be organized, how they will make decisions, and how they will set their rates. Any changes to these structural items would require a plan amendment and approval by the DPU. The implementation elements, such as specific renewable energy levels, electricity supply options, and format of letters to consumers, would be governed by the local decision-making process outlined in the plan, and changes would not require an amendment. This clarification of responsibilities and authority would provide municipal leaders with the much-needed flexibility to adapt program operations more effectively and reduce the regulatory burden for DPU. Importantly, H.3852 also retains all the critical consumer protections and adds additional provisions that promote program transparency and protect consumer data.

It is important to note that the DPU opened a proceeding in August 2023 to address some of the issues H.3852 seeks to solve, such as reducing review time and clarifying rules for aggregations. However, the proposal falls short because it codifies the DPU's current interpretation of the statute. As an example, without H.3852, if every aggregation program desired to add the same, simple new offering (say, a discount to low-income customers from Community Shared Solar), the DPU would have to review and approve over 150 amendments. Without H.3852, therefore, we can expect an ever-expanding approval backlog at DPU and continued restrictions on municipal decision-making. The result is that our aggregation programs will be unable to adapt to the needs of our communities or the market.

As communities across the Commonwealth feel the real-time environmental and economic consequences of the climate crisis and as we work to hit our statewide climate goals and transition to a just clean energy economy, it is more important than ever that Massachusetts electricity consumers have access to energy options that are as sustainable, reliable, and cost-effective as possible.

We, the undersigned municipal officials, join our colleagues in the Legislature in wholeheartedly and enthusiastically supporting H.3852 and respectfully request that you advance the bill favorably out of committee. Thank you for your support and consideration.

Sincerely,

COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF PUBLIC UTILITIES

Investigation by the Department of Public Utilities on its own Motion into Establishing Guidelines for Municipal Aggregation Proceedings	)	D.P.U. 23-67

INITIAL COMMENTS OF THE [TOWN/CITY] OF _____

I. INTRODUCTION

The [Town/City] of _____ ("[Downtown]") submits these Initial Comments in response to the Notice of Investigation and Request for Comments issued by the Department of Public Utilities ("Department") on August 15, 2023. [Downtown] appreciates the Department opening this investigation to seek improvements in the review process of municipal aggregation plans and in their successful operations. Municipal aggregation has been a tremendous success throughout the Commonwealth for several years. [Downtown] agrees with the Department that the current review process needs to change, and it appreciates the opportunity to bring forward issues regarding ongoing operations. In these comments, [Downtown] offers observations about the Department's proposed Guidelines and Template Plan ("Proposal") and recommends an alternative proposal.

II. NEED FOR ACKNOWLEDGEMENT OF MUNICIPAL ROLE

Load aggregation programs empower municipalities to develop electricity supply offerings customized to the unique needs of their residents and businesses. Such offerings provide benefits including electricity cost control, reduction of greenhouse gas emissions, and support for renewable energy development. Load aggregation programs may provide consumers access to solutions that they could not find otherwise. For municipalities to effectively offer such solutions, they must be empowered both to create and adapt their aggregation programs in a timely manner and to communicate with consumers within their

community using methods that reflect local needs and preferences. As municipal officials, we ask that the Department respect our role, our judgment, and our ability to operate programs that benefit our citizens. We ask for this respect throughout any work product produced from this docket, and in particular on issues of local decision making and flexibility as discussed below.

III. COMMENTS ON THE DEPARTMENT'S PROPOSAL

A. Establishes Rules with Uncertainty for Continuing Due Process.

In its Vote and Order the Department makes clear that, through this docket, it will establish rules governing the operation of municipal aggregation programs. It also states that the guidelines "are intended to be updated over time to capture and incorporate changes in Department policies." We are familiar with agency rules and the typical rulemaking process, which affords stakeholders standard legal rights, including the opportunity to submit comments and rights to appeal. We are unfamiliar, however, with the process surrounding Department guidelines. For example, how and with what frequency will the Department make changes to guidelines? It is not clear whether local officials and other stakeholders will consistently have legal rights with respect to such guidelines commensurate with those afforded under, for example, Department rules. We are concerned that guidelines could be continually updated at the sole discretion of the Department. If true, then this fails to instill confidence in any on-going consistency, predictability, or consideration of local interests.

B. Fails to Offer Process Improvements.

We appreciate the Department's acknowledgement that its current plan review process needs repair. However, the Proposal does not introduce any significant changes to streamline the process or rectify identified problems. As the Department noted, the Proposal primarily memorializes all the same filing requirements and directives, a process that has led to the Department's current backlog with some plans pending for over four years. We fail to see how codifying a deficient process into a template plan creates efficiencies. The concept of a template

plan itself is not an advancement from the administrative practices adopted by the three aggregation consultants over the last 5 to 10 years. As we understand it, each consultant uses a common template plan nearly identical to plans previously approved by the Department to facilitate Department review. If there are any changes to those templates, they are done almost exclusively in response to Department directives.

C. Burdens the Plan and Review Process.

The Proposal burdens plan documents with an increasing amount of operational details – details that are likely to change from time to time -- and all subject to Department review and approval. With over 225 programs expected to be operating within two years and a Department proposal that invites a steady stream of plan amendments, we are extremely concerned that the Department will be unable to manage a consistently large backlog of filings and therefore long delays for approval will continue. If true, then we haven't succeeded in making any improvements. An obvious solution, and consistent with the principle set out above, is to have operational details under the authority of local officials (consistent with current statutory language), maintained and updated outside plans in a manner that is more readily accessible to consumers (e.g., the program website).

D. Promised Review Timelines Unattainable.

The Department states that it will seek to conduct its reviews within four to six months (depending on eligibility for "expedited review"). We have no reason to doubt that the Department has been diligent in its efforts to complete aggregation plan reviews and approvals. We recognize that general workload and relative priorities will impact the pace of approvals and that the overall workload facing the Department in the coming years is projected to increase rather than lessen. Consequently, we believe that the Department will need to substantively change the existing process to have any hope of speeding its review process from 48 to 4

months. Without a substantial change in the Department's plan review process and oversight role, the target review times would seem unattainable.

E. Erosion of Local Control

[Downtown] believes that the proposal runs counter to the original legislative intent to empower communities to make their own decisions, including setting rates and accepting responsibility for operational details. For example, the Department proposes that, for 'expedited review', programs must offer a product with a power supply mix identical to basic service and offer only one additional product. [Downtown] fails to see a correlation between the number of desired products and the speed of Department plan review. How does a third product contribute to more review time? Moreover, the Department should not be seeking to expand its authority, either directly or through inducements, over decisions appropriately left to local officials. [Downtown] and not the Department should make all decisions about program products, including number of products, product definition, and the product designated for automatic enrollment.

F. Lack of Flexibility is Likely to Create Missed Market Opportunities and Hinder Innovation

The Proposal may hinder a program's ability to adapt to unique market conditions or take advantage of emerging opportunities. For example, under the Proposal filed plans must pre-specify a launch date and then re-schedule, if necessary, no earlier than every six months. However, it is nearly impossible for a community to name a future date that will be favorable for launching a program. A beneficial date depends on market conditions, which change continually. If a community forgoes the initial launch date, then the 6 month stay-out period could cause the community to miss-out on taking advantage of favorable conditions that may arise within the 6-month period. Delays in launches caused by forced stay-out periods could result in a substantial lost opportunity for consumers to support and benefit from the use of a higher proportion of renewable energy.

Under the Proposal, a plan must pre-specify any products that it intends to offer. This interferes with prudent local decision-making that finalizes product selection only *after* first obtaining market pricing for different product options. Product definitions (for example, the quantity of voluntary renewables) are best made after comparative pricing is revealed. Changes in forward market prices for both energy and renewable attributes typically influence final decisions on product selection. This proposal prevents such prudency to the detriment of consumers.

In its Proposal the Department would require that a community file an amended plan if it wishes to offer any new product and such a request shall be subject to Department approval. Such a review and approval requirement, particularly if slow, could greatly hinder innovative ideas. For example, the City of Boston's low-income solar program, a program of considerable interest to other communities, has been held up by the Department for nearly three years. Loss of flexibility and the ability to act expediently could prevent communities from capitalizing on favorable market dynamics.

G. Excessive and Costly Micro-Management

The guidelines create inefficiencies by unnecessarily intruding into the minutiae of operational matters rather than deferring to the expertise of local leaders. For example, each original and amended plan filing must now be accompanied by a petition, signed by counsel "directly representing" the municipality. This unfairly and unnecessarily imposes new and additional program costs, particularly on small communities that will have to contract for such services. The Proposal also removes local discretion and sound judgment in the manner and method of communications with constituents. Local officials and their staff are the resident experts on communication practices most effective and efficient.

H. Treats Aggregation Programs akin to Third-Party Suppliers

The Department previously recognized key differences between municipal aggregation and third-party suppliers but has now reversed itself to impose unnecessary requirements on plans. The requirements force-fit inapplicable consumer protection measures that only create unnecessary burdens and operational costs. For example, the Department incorrectly characterizes transitions to new contracts as identical to auto-renewals in third-party contracts. Consequently, suppliers may be forced to drop certain customers from the program (a customer who voluntarily selected an optional product and who fails to select a product offered in the subsequent contract would be dropped to basic service). The Department also requires programs to convey information specifically constructed for contracts with third-party suppliers. This is duplicative and potentially confusing to consumers who already receive pertinent information from Department-scripted opt-out notices. Finally, the Department generally fails to recognize that aggregation programs and practices are significantly different than third party suppliers and therefore warrant permanent waivers from certain non-applicable supplier rules.

I. Risks Hindering the Ability to Address Environmental Justice Concerns

The proposal is a codification of the Department's most recent practices and proclivities. Recent plan orders strongly suggest that the Department is distrustful of local decision making; It favors top-down standardization and uniformity. By denying local officials an uncluttered canvas to think, innovate, and more easily put into action new ideas tailored for unique consumer groups, the Department's oversight construct interferes in the ability of municipalities to advance the equitable distribution of benefits in Environmental Justice communities, a priority for us and for the Executive Office of Energy and Environmental Affairs. Local officials should be afforded the flexibility to leverage local familiarity and capability to precisely target programs that best suit their community. Examples of Department policy that cause us concern include its inability or unwillingness to allow Boston's low-income solar program to proceed, its refusal to allow municipalities to utilize their own carefully researched language access materials, and its

strict and limited allowances for use of an operational adder, a funding source that could be useful to advance novel benefits tailored for local concerns.

J. Fails to Explain the Transition to these New Requirements

While not clear, the Proposal suggests that all currently approved plans (approximately 167) will be required to file amended plans to comply with these new proposed requirements. There are also 22 plans and 15 plan amendments currently pending with the Department. Approximately 39 additional communities have obtained local approval (majority vote of town meeting, town council, or city council) to prepare and file plans. It is difficult to believe that the Department has the capacity to review and approve some 228 filings in its pledged four to six-month review timeframe.

IV. WE NEED TO GET THIS RIGHT

We acknowledge that the Department has been under increasing pressure to complete its review of the significant backlog of pending aggregation plans. We appreciate the Department's efforts in preparing its Proposal and trying to put forth a process to carry out its duties more expeditiously. Several communities stuck in this backlog and many more currently preparing plan filings are no doubt eager for a speedy resolution. Nonetheless, we urge the Department to carefully consider the concerns presented in these comments and be willing to accept that the overall approach and construct of the draft Proposal will not produce satisfactory outcomes for either the Department or for municipalities.

Based on the total sum of aggregation programs approved, pending, and soon to be filed, we understand that somewhere close to 75 percent of total investor-owned utility consumer load is likely to be served by aggregation plans within the next two years. The exchange of ideas and deliberations in this docket need to proceed thoughtfully so that participating consumers who will soon comprise the vast majority of all ratepayers in the Commonwealth are given due deference and not forced to make compromises out of haste.

V. ALTERNATIVE PROPOSAL

The Department should return to its former approach to aggregation plan review from the early 2010s, prior to its escalation in micromanagement. This approach can be implemented today and does not require any added rulemaking procedures, forms, or guidelines. The Department then recognized the opportunities and protections available through aggregated service (customers are always free to opt out, municipal officials do not have a profit incent and are highly familiar with its citizens' interests and preferences). At that time, the Department was able to promptly complete aggregation plan reviews, in large part because of the informal and logical use of template forms across communities by aggregation consultants.

VI. CONCLUSION

[Downtown] recommends that the Department abandon its Proposal and replace it instead with the alternative proposal described above. Taking such action would finally clarify and appropriately align the respective responsibilities of the Department (over specific statutory elements) and municipal officials (over operational details). All the important consumer protections would continue. Importantly, our proposal would significantly lessen the administrative burden for the Department thereby making it feasible for the Department to succeed in its objective to expedite its review of municipal aggregation plans.

Thanks to the Department, this docket provides the opportunity to get things right. We strongly urge the Department not to be hasty by simply ignoring our comments and pushing through its own proposal. Our proposal will allow the Department and municipalities to proceed in a reasonable timeframe by simply re-establishing the process and oversight role that the Department itself established and managed successfully not that long ago.

Respectfully submitted,

Dated: October 6, 2023

Investigation by the Department of Public Utilities ("Department") into Establishing Guidelines for Municipal Aggregation Proceedings
(Docket D.P.U. 23-67)

Key areas of concern from the Department's proposal

A Continuing Trend in the Department's Distrust of Local Decision-Making: The Department continues its apparent mistrust in the role, judgment, and ability of municipal leaders to competently plan and manage aggregation programs.

Establishes Rules with Uncertainty for Continuing Due Process: In this docket the Department seeks to establish "rules governing operation of a municipal aggregation program." It also states that Guidelines "are intended to be updated over time to capture and incorporate changes in Department policies."

- Rules, and any changes to rules, are ordinarily established through a well-established adjudicative process that affords stakeholders standard legal rights, including providing comments and rights to appeal.
- The Department rarely, if ever, establishes guidelines. How and with what frequency the Department will make changes to guidelines is unknown.
- It is not clear whether local officials and other stakeholders will consistently have legal rights with respect to such guidelines. commensurate with those afforded under Department rules.
- Guidelines that could be continually updated at the sole discretion of the Department fail to instill confidence in any on-going consistency, predictability, or consideration of local interests.

Fails to Offer any Process Improvements: The Department acknowledges that its current review process needs repair, but its proposal fails to make any changes that actually streamline the process or rectify identified problems.

- The proposal "memorializes" all the same filing requirements and review process that was taking the Department over three years to review and approve.
- Simply codifying a deficient process into a template does not create efficiencies.
- The concept of a template plan is not an advancement from the administrative practices adopted by the three aggregation consultants over the last 5-10 years.

Burdens the Plan and Review Process: The proposal burdens plan documents with an increasing amount of operational details – details that are likely to change from time to time -- and all subject to Department review and approval.

- With over 225 programs expected to be operating within two years and a Department proposal that invites a steady stream of plan amendments, a large backlog of long-pending filings seems likely to continue.
- Operational details that change over time, should instead be under the authority of local officials and maintained and updated outside aggregation plans in a manner that is more readily accessible to consumers (e.g., the program website).

Promised Review Timelines Unattainable: The Department pledges to conduct plan reviews within four to six months (depending on plan eligibility for "expedited review").

- The Department's general workload and relative priorities will impact the pace of approvals.

- Its overall workload in the coming years is projected to increase.
- Consequently, the Department will need to substantively *change* the existing process to have any hope of speeding its review process from 48 to 4 months.
- Without such change, the target review times seem unattainable.

Erosion of Local Control: The proposal runs counter to the original legislative intent to empower communities to make their own decisions, including setting rates and accepting responsibility for operational details. For example, the Department proposes:

- for 'expedited review', programs must offer a product with a power supply mix identical to basic service and offer only one additional product.
- to further restrict local decision making over the use and communication of an operational fee to support program costs.

Lack of Flexibility is Likely to Create Missed Market Opportunities and Hinder Innovation: The proposal may hinder a program's ability to adapt to unique market conditions or take advantage of emerging opportunities. For example:

- Filed plans must pre-specify a launch date and then re-schedule, if necessary, no earlier than every six months.
    - It's nearly impossible for a community to name a future date that will be favorable for launching a program. A beneficial date depends on market conditions, which change continually. If a community forgoes the initial launch date then the 6 month stay-out period could cause the community to miss-out on taking advantage of favorable conditions that may arise within the 6-month period.
    - Delays in launches caused by forced stay-out periods could result in a substantial lost opportunity for consumers to support and benefit from the use of a higher proportion of renewable energy.
- Plans must pre-specify any products that it intends to offer.
    - This interferes with prudent local decision-making that finalizes product selection *only after* first obtaining market pricing for different product options.
    - Product definitions (for example, the quantity of voluntary renewables) are best made after comparative pricing is revealed. Changes in forward market prices for both energy and renewable attributes typically influence final decisions on product selection.
    - This proposal prevents such prudency to the detriment of consumers.
- A community must file an amended plan if it wishes to offer any new product and such request is subject to Department approval.
    - Review and approval requirement, particularly if slow, could greatly hinder innovative ideas. For example, the City of Boston's low-income solar program has been blocked by the Department for nearly three years (D.P.U. 20-145).
    - Loss of flexibility and ability to act expediently could prevent communities from capitalizing on favorable market dynamics.

Excessive and Costly Micro-Management: The guidelines create inefficiencies by unnecessarily intruding into the minutiae of operational matters rather than deferring to the expertise of local leaders. For example:

- Each original and amended Plan filing must now be accompanied by a petition, signed by counsel "directly representing" the municipality. This unfairly and unnecessarily imposes new and additional program costs, particularly on small communities that will have to contract for such services.

- The Proposal removes local discretion and sound judgment in the manner and method of communications with constituents. Local officials and their staff are the resident experts on communication practices most effective and efficient.

Treats Aggregation Programs akin to Third-Party Suppliers: The Department previously recognized key differences between municipal aggregation and third-party suppliers but has now reversed itself to impose unnecessary requirements on plans. The requirements force-fit inapplicable consumer protection measures that only create unnecessary burdens and operational costs. For example, the Department:

- Incorrectly characterizes transitions to new contracts as identical to auto-renewals in third-party contracts. and consequently may force suppliers to drop certain customers from the program (a customer who voluntarily selected an optional product and who fails to select a product offered in the subsequent contract would be dropped to basic service).
- Requires programs to convey information specifically constructed for contracts with third-party suppliers. This is duplicative and potentially confusing to consumers who already receive pertinent information from Department-scripted opt-out notices.
- Generally fails to recognize that aggregation programs and practices are significantly different than third party suppliers and therefore warrant permanent waivers from certain non-applicable supplier rules.

Risks Hindering the Ability to Address Environmental Justice Concerns:

- Recent plan orders strongly suggest that the Department is distrustful of local decision making.
- By denying local officials an uncluttered canvas to think, innovate, and more easily put into action new ideas tailored for unique consumer groups, the Department's oversight construct interferes in the ability of municipalities to advance the equitable distribution of benefits in Environmental Justice communities.
- Local officials should be afforded the flexibility to leverage local familiarity and capability to precisely target programs that best suit their community.
- For example, the Department's:
    - inability or unwillingness to allow Boston's low-income solar program to proceed.
    - refusal to allow municipalities to utilize their own carefully researched language access materials.
    - strict and limited allowances for use of an operational adder, a funding source that could be useful to advance novel benefits tailored for local concerns.

Fails to Explain the Transition to these New Requirements:

- While not clear, the proposal suggests that all currently approved plans will be required to file amended plans to comply with these new requirements (~167 active/approved plans).
- There are 22 plans and 15 plan amendments are currently pending with the Department.
- Approximately 39 additional communities have obtained local approval to prepare and file plans.
- It is difficult to believe the Department has the capacity to review and approve some 228 filings in its pledged four to six-month review timeframe.

We Need to Get this Right

- The Department has been under increasing pressure to complete its review of the significant backlog of pending aggregation plans.
- Communities stuck in this backlog and many more currently preparing plan filings are no doubt eager for a speedy resolution.
- Nonetheless, the Department's overall approach and construct will not produce satisfactory outcomes for either the Department or for municipalities.
- Close to 75 percent of total investor-owned utility consumer load is likely to be served by aggregation plans within the next two years.
- Given the clear need to fully reconsider the Department's Proposal, deliberations in this proceeding need to proceed thoughtfully so that consumers enrolled in aggregation programs -- who will soon comprise the vast majority of all ratepayers in the Commonwealth -- are given due deference and not forced to make compromises out of haste.

Alternative proposal

The Department should instead re-establish its earlier review process: The Department should return to its former approach to aggregation plan review from the early 2010s, prior to its escalation in micromanagement. This approach can be implemented today and does not require any added rulemaking procedures, forms, or guidelines. The Department then recognized the opportunities and protections available through aggregated service (customers are always free to opt out, municipal officials do not have a profit incent and are highly familiar with its citizens' interests and preferences). At that time, the Department was able to promptly complete aggregation plan reviews, in large part because of the informal and logical use of template forms across communities by aggregation consultants.

TOWN OF GILL

MASSACHUSETTS

GILL REFERENCE & BOOK CONSOLIDATION: 8/8/23

Type of Book:	Years:
1. Mass. Appeals Court Reports	1972 – 1991
2. Acts And Resolves of Mass.	1947, 1949, 1950, 1952, 1953, 1955, 1957-1959, 1962 1964, 1965, 1967-1982
3. Mass. Reports (Supreme Court)	1870-1933, 1971-1980
4. Mass. Special Laws	1806-1804, 1822-1881, 1902-1908
5. Acts And Resolves of the Province of Massachusetts Bay	1692-1756
6. Laws & Resolves of Massachusetts	1780-1787, 1804-1805
7. Acts & Resolves of The Province Massachusetts Bay Appendices	1692-1780, 1703-1780
8. Supplement To the Public Statues Of Mass.	1882-1888, 1889-1895
9. General Laws of Mass.	1921 Ch. 128-282 1921 Index
10. Mass. Public Documents	1879 (Nos. 10-16)
11. Agriculture of Mass.	1896, 1910-1912, 1914

Municipal Relief Ideas – list from FRCOG on 09/19/2023

Procurement:

- Change 30B language to allow RFPs for bids between $10,000 and $50,000
- Re-align thresholds between schools (now $100k) and municipalities ($50k)
- Eliminate requirement for legal ads

State Bid List:

- Reduce filing paperwork burden
- Be more small-business friendly, especially to attract more western MA businesses

Public Health:

- Pass SAPHE
- Add language to 105 CMR 590 – the Food Code – to allow for regional permitting of Food trucks (similar to how regional permitting of septic installers is allowed under Title 5 - -- 310 CMR 15.501)
- Overflow shelters, used during winter months, can only be opened for 60 days but winter lasts longer. (Churches are exempt from this reg, so sometimes towns use churches). Recommend changing the regulation.
- Regulatory reference in the MA food code should be changed to automatically adopt the most recent Federal Food Code so departments can stay in compliance with FDA standards (this allows for MA towns to meet federal standards and get federal funds).

Emergency Response:

- Make it legal for towns under 10k to share an EMD. Current rule requires 1 per town, not allowed to share. (Built into civil defense laws)

Climate Resilience:

- Provide funding to create regional resiliency plans – think regionally, act locally

Remote meetings:

- Allow remote meetings without a quorum or any members required to be physically in a room
- Do not require all meetings to be hybrid – not feasible for most small towns

Prevailing wages:

- Do away with the requirement
- Create a threshold for small jobs – do away with the “dollar one” requirement
- Create more flexibility so that prevailing wages in Heath are not tied to union contracts in Springfield

Recycling and Waste Disposal:

- Shift expense of disposal and recycling programs to product manufacturers and away from municipalities
- Update the Bottle Bill

Building Code:

- Change definition of B&B back to old definition so industrial sprinkler systems not required

Town Finances:

- Amend MGL Chapter 44, Section 33B to extend the allowable time for budget transfers following the end of fiscal year. Currently select board and finance committee may vote to transfer between line items until 7/15. Should allow transfers to happen up until the accounting books are closed and state reports need to be filed.

Regulatory Change ideas:

- Change optional Short-term Rental Community Impact fee options to make them more favorable to small towns in our region (MGL 64G, section 3D(a) and (b)). Few small towns that aren't vacation communities have opted to invoke this (Leverett has, and it does not bring in much money at all). The first local option should allow a town to add fee for perhaps any non-owner occupied STR (with some kind of verification step that it's indeed not owner occupied). Section 3D(c) requires towns to dedicate not less than 35% of the community impact fees to affordable housing or local infrastructure projects. For more information on how towns receive these fees, see the Frequently Asked Questions on page 4 under "Are there any restrictions on how a municipality spends these funds?" It's a separate item tracked by DOR so even if it's part of a sum sent to a town each quarter, it's easy to look up how much money comes in just for that extra fee.
- (maybe) Look to VT Home Act of 2023, Act 47 for consideration of next round of housing-related zoning reforms in areas outside the MBTA service areas. Consider reduced zoning barriers to Accessory Dwelling Units and manufactured housing as part of that mix.

SMALL TOWN ADMINISTRATORS of MASSACHUSETTS

September 19, 2023

Lieutenant Governor Kim Driscoll
Massachusetts State House
Office of the Governor
Boston, MA 02133

Dear Lieutenant Governor Driscoll,

I would like to thank the Administration for the opportunity to provide this feedback on behalf of the Small Town Administrators of Massachusetts (STAM). More than half of Commonwealth towns qualify as "small towns." We classify small towns as communities with populations less than 12,000 residents. More than 95 of those qualifying small towns are members of STAM.

Small towns face unique challenges that are important for our state partners to understand. Our members represent some of the communities most vulnerable to financial decisions and unfunded mandates made at the state level. Additionally, we often have far fewer resources available to address statutory requirements, grant opportunities, and state paperwork.

As our member towns range in size from a few hundred residents up to 11,992, we have a varied list of ideas and suggestions that we wish to share with you as part of your listening tour. These suggestions and recommendations would allow small towns to better provide services without dramatically increasing costs to residents. Please note we collected these from our membership and although we grouped them for clarity, they are not in priority order.

- Streamline and amend procurement laws to meet the needs of small towns. Recommendations from our membership include:
    - Increase the procurement thresholds to reduce the administrative burdens on towns with limited staffing.
    - Eliminate the requirement for advertisement in a newspaper. This would apply to public hearing notices, procurements, and any other statutory advertising. This adds costs to procurement without a clear gain.
    - Combine the state procurement mandates (OSD and Central Register)
    - Consider exemptions from the prevailing wage law for small towns to limit the tax impact on residents for smaller projects.

- Streamline state grant processes. Recommendations from our membership include:

    - Require only one set of authorization forms at the start of the fiscal year or when staff changes occur. This limits continually filing the same paperwork for the same employee as the executor in small towns is often the same employee.
    - Combine administrative filing requirements for grants to remove redundancy. The state offers many grant programs that require the same administrative information. Limit continued information submitted to just the grant's scope of work to decrease the administrative requirements on small towns.
    - Provide grant funding upfront to reduce the need for reimbursement requests. Hold the final payment until all documentation has been satisfactorily received.

- Increase Chapter 90 funding and application efficiencies. Recommendations from our membership include:

    - Simplify the paperwork process; distribute money upfront like with the final iteration of WRAP and ensure proper spending with audits.
    - Emphasize road miles in the Chapter 90 formula to help small towns keep up with road maintenance costs without additional local tax burdens.
    - Increase annual state funding to $330 million. This matches Massachusetts Municipal Association (MMA) and STAM legislative priorities.

- Assist small towns with long-deferred capital needs by increasing state investments in targeted projects and cost-saving measures. Recommendations from our membership include:

    - Provide access to state-funded design and engineering services for small towns that need to pay a premium for these services from third-party providers.
    - Establish and fund a municipal building assistance authority.
    - Assist small towns with prioritizing and funding small bridge projects.
    - Incentivize small towns to invest in sustainability, climate change, and emergency preparedness efforts as the costs are prohibitive.

- Expand G.L. c. 44, §33B to allow budget transfers beginning in January. This gives small towns necessary financial flexibility between fall and spring town meetings.

- Incentivize regionalization efforts. Small towns must provide all the services required of larger towns without the staff and budget. Creativity and flexibility to fill ever-increasing vacancies and provide high-quality services without increasing taxes requires funding and focus. Regionalization efforts in small towns are necessary, but also politically difficult. Funding helps incentivize change.

- Establish a regional financial commission, like the regional planning agencies that can assist small towns with resources in financial positions that are getting increasingly more difficult to fill (Accountants, Treasurers, etc.).

- Implement a part-time police academy that meets the POST requirements. Requiring officers to be full-time academy trained is causing a financial hardship and creates staffing difficulties.

- Continue to address Chapter 70 funding. Regional schools represent the largest portion of small towns budgets and the largest hurdle for meeting annual budgeting requirements. A true rural factor for regional school aid as recommended in our legislative priorities is vital for small towns to provide adequate municipal services.

- More realistic PILOT assessments on State owned land. The assessment should be based on developable land's developed tax value as state owned land prevents development in small towns.

- Provide greater flexibility in the Open Meeting Law to allow small towns to continually attract volunteers and provide the meeting options that best suit their residents.

- Establish state emergency funds for disasters when impacts do not meet FEMA thresholds. This would allow communities to keep their Chapter 90 and Stabilization accounts for essential capital projects even when facing disaster repair/relief costs.

- Establish a State Bank for local borrowing. All communities could borrow at a set rate.

- Establish a small-town advisory committee to make recommendations to the administration about legacy laws and requirements in need of modernization. An example of the type of recommendations this committee could make includes removing the requirement for notarized signatures on the Animal Inspector Nomination forms. Many of our town halls do not have a notary and it should be sufficient to have the Town Clerk sign-off.

In addition to these suggestions, STAM has a highly active Legislative Affairs Committee, chaired by Ryan McLane, our Vice President. We would like to take this opportunity to share with the Administration the legislative priorities established by the Committee and advocated for across the Commonwealth by our STAM membership.

- Include a **RURAL FACTOR** or similar recognition in all state programs (eg. affordable housing, transformative development initiatives, rural school districts).

- Reform the state-owned land **PAYMENT IN LIEU OF TAXES (PILOT)** program to ensure more equity for towns constrained by necessary land preservation.

- Provide funding and technical assistance for town clerks and under-staffed towns to facilitate **COMPLIANCE WITH THE VOTES ACT**.

- Reform the **CHAPTER 90 FORMULA**; increase total funding to more than $330 million per year; consider extending or merging Winter Road Assistance Program funds.

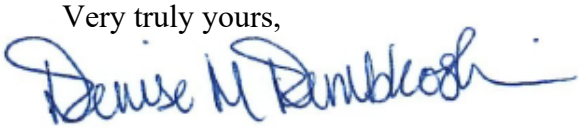
- Create a **MUNICIPAL BUILDING ASSISTANCE AUTHORITY** (public safety; municipal buildings) and dedicate a steady revenue stream for long-term viability.

- Engage with small community leaders about impacts, include funding sources, and preserve local options when considering permanent amendments to **HYBRID AND REMOTE PUBLIC MEETINGS** requirements.

While the 351 municipalities that make up the Commonwealth all share similar duties, one size does not fit all in terms of legislation, regulations, and programs. We are encouraged by this collaborative approach and your desire to learn more about the smallest towns in the State. Our goal is collaboration between the Administration and our Legislators to find a way to write laws and regulations that meet the needs of Cambridge and Colrain, Watertown and Wendell, and Boston and Buckland.

Thank you for your efforts to learn from our communities to make government more effective, efficient, and fiscally manageable. Our members look forward to the listening tour this fall to further expand upon our suggestions. We genuinely appreciate all the Administration does on behalf of all cities and towns in the Commonwealth.

Very truly yours,



Denise M. Dembkoski
STAM President
Stow Town Administrator

TOWN OF GILL FIRE DEPARTMENT

APPLICATION FOR EMPLOYMENT

Date: 8/05/23

Personal Information:

Name: erick badillo Home Phone:

Address: 100 Washington St Greenfield MA Cell Phone: [redacted]

(No. Street / City / State)

Email Address: [redacted] SSN: [redacted]

Are you eighteen (18) years of age or older? ✓ Yes ___ No

Do you have a valid Massachusetts Driver's License? ✓ Yes ___ No List state, number, expiration date, and type/endorsement: MA [redacted]

Education and Training:

	Name/Location	Course of Study	Years Completed	Degree
High School:	GHS Greenfield MA		4	✓
College:	Wesleyan	neuroscience	1	

Please list any information regarding your qualifications, skills, and experience in FIRE/EMS positions such as licenses, trainings, certifications, etc. Include copies of all certificates if possible.

Employment History:

Present employer: Yankee Candle

Address:

Supervisor: Heather Stevenson Telephone:

Position Title and Duties: Retail Associate

Reason For Leaving:

Dates of Employment: May 2020

Past Employer:

Address:

Supervisor: Telephone:

Position Title and Duties:

Reason For Leaving:

Dates of Employment:

Past Employer:

Address:

Supervisor: Telephone:

Position Title and Duties:

Reason For Leaving:

Dates of Employment:

May we contact the employers listed above? ✓ Yes ___ No If no, indicate which:

Please Read And Complete Carefully:

1 If hired, can you provide proof of citizenship and legal right to work? ✓ Yes ___ No

2 Have you ever been fired or asked to resign from any job? If yes, please list employer, date, and reason below. ___ Yes ✓ No

3 Is there any reason that you could not adequately perform the essential duties of the position for which you have applied? ___ Yes ✓ No

4 Have you been cited for any moving violations in the last three years? ___ Yes ✓ No

5 Have you had any motor vehicle accidents in the last three years ___ Yes ✓ No

6 Has your driver's license ever been suspended, revoked, denied, or canceled? ___ Yes ✓ No

7 Has your medical certification (EMTs) ever been investigated, suspended, or revoked? ___ Yes ✓ No

Explain in full detail all "Yes" answers below (other than #1 above).

Are you currently charged with or have you ever been convicted of a felony? (Include any finding or plea of guilt.) If yes, provide a detailed description including dates, locations, charges, and disposition. Additional documentation may be necessary.

NO

Additional Information:

Briefly describe why you wish to become a member of this department.

I want to establish myself in a fulfing eviroment and overall provide a servie to the community.

Please provide at least three (3) professional/work-related references to whom you are not related.

	Name	Employment/Job Title	Contact Number
1	Charlie Hyde	Business Owner	413 221 5028
2	Stuart Elliot	Fire Chief	413 834 1162
3	Jim Symmers	Retail Manager	302 528 3331

You may provide any other information that you feel is relevant to the review of your application.

I **certify** that all information provided in this application is true and complete. I understand that any false information or omission may disqualify me from further consideration and may result in my immediate dismissal if discovered at a later date.

I **authorize** the investigation of any or all statements contained in this application and also authorize and hold exempt any person, school, current and past employers (except as previously noted), and organizations from any legal liability in making such statements. I hereby fully waive any rights or claims I have or may have against all current and/or former employers and their agents, employees, and representatives, and damages that may directly or indirectly result from the use, disclosure or release of any information by any person or party, whether such information is favorable or unfavorable to me. I further waive any claim against the Town of Gill, the Gill Fire Department and its agents and representatives, and any outside agency utilized by the Town of Gill or the Gill Fire Department as a result of any information which is obtained in this investigation.

I **understand** that this application or subsequent employment does not create a contract of employment nor guarantee employment for any definite period of time. If accepted for employment, I understand that I have been hired at the will of the Town of Gill and the Gill Fire Department and my employment may be terminated at any time with or without cause and with or without notice, at the option of the employer or myself.

The Town of Gill is an Equal Opportunity employer.

Signature: [redacted] Date: 8/10/23