

**Brandon Select Board Meeting  
November 23, 2015**

**NOTE: These are unapproved minutes, subject to amendment and/or approval at the subsequent board meeting.**

**In Attendance:** Doug Bailey, Seth Hopkins, Ethan Swift, Devon Fuller

**Also in Attendance:** Dave Atherton, Wayne Rausenberger, Kathy Rausenberger, Richard Baker, Lou Faivre, Anna Scheck, Bill Moore, Lee Kahrs, Laura O'Brien, Jeff Stewart, Linda Stewart, Dick Kirby, Arlen Bloodworth, Phyllis Reed, Daryl Burlett, Aaron Svedlow, Liz Peyton, C. J. Walsh

**1. Call to order**

The meeting was called to order by Doug Bailey - Chair at 7:05PM.

**a) Agenda Adoption – Motion** by Seth Hopkins/Ethan Swift to adopt the agenda as presented. **The motion passed unanimously.**

**2. Consent Agenda**

**a) Select Board Meeting Minutes – November 9, 2015**

**Motion** by Seth Hopkins/Ethan Swift to approve the minutes of the November 9, 2015 Select Board meeting. **The motion passed with one abstention – Devon Fuller.**

**3. Town Manager's Report**

Dave Atherton reported Daryl Burlett and he met with Holly Knox and John Kamb from the U.S. Forest Service to discuss the Churchill Road Bridge. They have an interest in moving forward and VTrans will be contacted regarding funding. Ethan Swift asked if there is consideration in using the bridge that was engineered. Mr. Atherton stated it would have to be re-engineered and there will likely be other options that are less costly, but it is uncertain what will be done at this point. Mr. Atherton met with VHB to discuss the Bridge 114 and Segment 6 projects and it was decided to no longer use their services for these projects. The Town will be the local project manager going forward and VHB could be used on an on-call basis if needed. There was a Staff meeting with Larry Smith of VLCT to discuss new options for health insurance. There will be savings to the Town if the new plans are used. Work on the budget continues, with department heads playing an important role in creating the budget. The Wastewater garage has a new asphalt floor and heat has been installed. There are three beaver dams on the Neshobe River that are causing flood issues and the Town has received approval from the state to remove them. Mr. Atherton met with Ranger Solar last week. The Town Office renovation is moving along. There have been issues with the water line, but the project is moving forward and issues are getting resolved quickly. The Phase 1 Environmental Assessment for Newton

Road was approved on Friday and KAS will be here next week to perform the work. In the Recreation Department, the premier production of Snow White and the Seven Dwarfs will be held December 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> at OV. Tickets can be purchased at Carr's or the Town Office. There are 14 seats remaining for the December 5<sup>th</sup> New York City bus trip and 8 tickets remaining for the December 11<sup>th</sup> Boston Celtics game. Flagship Movie tickets are on sale at the Town Office for \$25.00. Youth basketball season starts November 30<sup>th</sup>. Glass Class for adults and children is on December 1<sup>st</sup> and adult volley ball has moved to Tuesday evenings beginning December 1<sup>st</sup> at OV North Campus.

#### **4. Comments for Items not on the Agenda**

Anna Scheck advised there was a copy of the Town Plan mailed last Friday to all concerned parties. There were some small changes made relative to solar sites, information that had been received from the highway superintendent and recreation information that were significant enough to warrant a start-over of the hearing process. The Planning Commission will be scheduling their hearing on December 21<sup>st</sup> (due to a delay, the hearing is now scheduled for December 28<sup>th</sup>).

#### **5. Friends of the Town Hall**

Dave Atherton advised there has been discussion and review of the accounting error that had been on the books indicating the Friends of the Town Hall (FOTH) owed the Town \$26,449.76. The Town Clerk was able to trace back the amount and it has been recommended to zero out the account.

**Motion** by Devon Fuller/Seth Hopkins to correct the Friends of Town Hall account to zero, removing the \$26,449.76 accounting error. **The motion passed unanimously.**

Kathy Rausenberger thanked the Select Board on behalf of the FOTH. The group will continue to raise funds for further renovations of the building. Mr. Bailey also thanked the FOTH for all their efforts.

#### **6. Ranger Solar**

Liz Peyton, Development Manager for Ranger Solar for the Brandon site, provided a handout of a PowerPoint presentation and advised that their team had first presented the project to the Select Board four weeks ago. They were present to provide additional information on the project and answer any questions. C. J. Walsh, Development Manager for southern Vermont and Maine, and Aaron Svedlow, Environmental Permitting Director, were also in attendance. Ms. Peyton stated information on the company, site selection and natural resource issues will be discussed.

C. J. Walsh provided background on the company, noting it is based out of Burlington, Vermont. Ranger Solar was started by Adam Cohen and Paul Harris, who came from Pioneer Green

Energy, a company that has done several energy projects throughout the U.S. Aaron Svedlow, Permitting Director, has done several solar projects throughout New England. The company works closely with towns to avoid natural resource impacts.

Liz Peyton stated there was a question on the site selection process and how Brandon was chosen. She noted there were a few things considered. The State of Vermont passed House Bill 40 that mandates utilities purchase 55% from renewable energy sources. This is an aggressive renewable energy goal and from there they looked at the electrical infrastructure and reviewed all substations to determine where the electrical grid is the strongest. The Florence substation is one of the most robust in Vermont. The developer will assume all costs of the emission upgrades. The City of Rutland also has a strong demand for electricity. The land use and siting point was also reviewed. They do not want to put it near Route 7 or around a lot of houses. They wanted an area that is south-facing and clear. The property on the Syndicate Road in Brandon is flat and does not have a lot of houses. Since the last meeting, there were natural resource studies done on the 113-acre property. The impacts will be low, but they do realize there are some wetland impacts and they will have to minimize and mitigate the natural resource impacts. The project originally started out as a 20 megawatt project; however, the project size may change. It is still thought to be a good place for the project, but the project size may need to be smaller. This does not impede the project or compromise the tax benefits, as the tax will be on a per megawatt basis and will have similar benefits to the Town. It is anticipated the 45-day application will be submitted during the first quarter of 2016, with permits obtained in late spring or summer. A map of the proposed site was presented, as the company had received permission from the owner to share this information. Facility contracts from the state allow them to sell the power to the utilities. The power will be sold to the state utilities at \$78.18 per megawatt, compared to smaller projects that are paid at a rate of \$121.00 per megawatt hour. A 3<sup>rd</sup> party firm calculated the financial savings should be around \$4.5 million for Vermont rate payers. Solar Ranger is working with the Town of Brandon on additional compensation and more firm numbers will be determined in the future.

Linda Stewart asked if they have done a project this large in the New England. Solar Ranger is solely doing projects in the New England and they have a pipeline of 500 megawatts and on average their projects are 20 megawatts. Ms. Stewart suggested a public hearing be held to discuss the project, outside of a regular Select Board meeting. She stated this is in the Wildlife Corridor, which runs from the Adirondacks to Maine, and may restrict fencing of the project. Liz Peyton stated the reason for fencing the project is for animals' safety and the fencing would only be where the solar project is and not the entire property. Aaron Svedlow stated the Protective River Corridor has been assessed and there will be a substantial corridor in the area that will not be affected by the project.

Lou Faivre questioned the time frame of the project and noted there are a lot of projects that do pastures for grazing. It was noted the property owner has only cattle and there may be a plan to graze the cattle. The project is being permitted for 40 years and if the project were to be extended, the permit would have to be renewed. As part of the permitting, they are

required to have a decommission plan for the project and anything that is put on the property will be removed at the end of the project life at the expense of the developer.

Anna Scheck asked what kind of development would be necessary, noting that Ranger Solar had indicated they would pay for electrical upgrades required. Liz Peyton advised the transmission upgrades necessary will be determined, as a result of an assessment of the Florence substation. It is thought the upgrades will be minimal and there is not a significant amount of infrastructure needed. If there are changes to the plan after the 45 day submission, the Town will be notified. Ms. Peyton stated it will be a meticulous plan submitted to the PSB and they do not foresee any changes once the permit application is submitted. Mr. Svedlow stated the maximum footprint will be submitted and studies will continue. Ultimately for the Certificate of Public Goods, there will be more refined information on the project that is intended to be built. It was questioned what herbicides will be used since it is close to the wetlands. Mr. Svedlow stated the site will be mechanically maintained and no herbicides will be used. Based on the wetland lineation, it is believed that the project can avoid all wetlands and stay out of the 50 foot buffer, flood zones and the river area.

Lou Faivre asked if the credits will be sold out of state. Liz Peyton stated they will be for sale to the Vermont utilities and they can choose to buy the recs. There will be the opportunity for the Vermont utilities to purchase now or in the future, if they do not choose to purchase at this time. In the years to come, they will likely find it more attractive to purchase the energy. Mr. Svedlow noted if the recs are sold out of state, they would be subsidizing renewable energy for Vermont.

Wayne Rausenberger stated some towns have had promises made for solar projects that developers did not follow through on and questioned how Brandon can be assured this will not happen. Liz Peyton stated Ranger Solar has attended two Select Board meetings and there is full disclosure on the project. She agreed that there can be some misunderstandings and they do not want to overpromise or make promises that they are unsure that they can deliver. They try to compensate by having an open relationship with the Town to make sure that it is a good contribution to the Town. Any supplemental tax payments would have a binding agreement.

Ethan Swift stated tropical storm Irene did a lot of damage in Brandon and the Town is still in the process of doing some buyouts in the flood plain. They worked with the Agency of Natural Resources to come up with a Flood Resiliency Plan and have made great progress to help protect the downtown from future floods. The Otter Creek functions in much the same way as the Neshobe River. Most of the roads along the flood plain were under water and bridges were impassable and he is concerned about the location of the project as there is concern about future encroachments in the flood plain. Aaron Svedlow advised there are a few different types of foundations and construction methods that can be employed. The project would avoid the FEMA flood plain and the FEMA 100 year area. There is no movement of materials because of the topography of the site. Mr. Swift cautioned there have been four or five storms of the magnitude of Irene and noted that the Otter Creek flood plain serves an important function. Mr. Swift stated there has been a study that shows there is a 67% increase in water events. Mr.

Svedlow stated the Natural Resource Atlas and shared maps have also been reviewed. These are Class 2 and 3 wetlands and the project is placed to have a 50-foot setback from all wetlands. There has been a survey done to delineate the wetlands. Ms. Peyton stated after the additional research was done, it is thought the scale of the project will be smaller. There is still going to be a project on the property and Ranger has no intention of impacting any constraints on the properties. Mr. Swift expressed concern of pinching down the corridors for the large animals to move through. Ms. Peyton advised it is difficult to summarize what will happen to the legal hunting, but the landowner lives close to the property and he will be able to see what is going on with the property. Mr. Swift stated there was discussion of the size and he thought the largest solar project in the state it is a little over 2 megawatts. Ms. Peyton stated it is actually a little over 5 megawatts and GMP has proposed a number of 5 megawatt projects. Mr. Svedlow advised the larger projects are the same technology, just more equipment and there is economy of scale going larger. The project would be insured and there would be requirements if adjacent to a flood plain. A flood could potentially impact the project and they are looking to site the project to minimize the potential. Mr. Swift also noted there was a Fluvial Erosion Plan adopted and Mr. Svedlow stated the project is completely outside that area. Mr. Swift questioned if the developer was under the gun to build in 2016 because of the tax credits going away. Ms. Peyton stated the only tax credit is the investment tax credit and based on the business plan, they don't need the tax credit to make the project viable. The project will not need to be completed in 2016.

Linda Stewart questioned where Ranger Solar is getting their regional investment and financing, being a new company. It was noted they have a single equity private investor that has financed them. This group has also funded many renewable energy projects across the U.S. It was questioned the process for decommissioning of the project and it was noted the decommissioning should not be that different from a smaller project as they are all the same parts, fences, roads, etc. and they are required to have a bond for the decommissioning. Mr. Svedlow stated this project is required to have a bond, and many smaller projects are not required. In addition to the state requirement, the lease has a commitment clause. There is also a requirement for larger projects to have money in escrow for maintenance of the project. Lou Faivre asked how large the project is in Vergennes and it was not known, but it was thought to be in the 1 to 2 megawatt range.

Doug Bailey stated this project is in a place that is not seen. He does not like to see panels along Route 7 and he applauds their efforts and also sees this project as a revenue stream for the state. He would rather see a project at an out-of-site location. Liz Peyton stated the Town would realize about \$100,000.00 annually for a 20 megawatt project, or \$3 million over the life of a project. There would be supplemental funding for the state education fund to maximize the funding. Devon Fuller asked how much smaller it is anticipated to be and Ms. Peyton stated it will probably be around 10 to 15 megawatts as opposed to 20 megawatts. Daryl Burlett asked if Ranger Solar has put in for their Certificate of Public Goods for the Ludlow project and it was noted this has not been submitted yet.

Lee Kahrs stated with the resiting and reduction to 10 to 15 megawatts, how much of the parcel will be used. Ms. Peyton stated it is estimated it will be about 50 acres. Dick Kirby asked how the solar power gets transported to where it is supposed to go, as the 46KB is not a high voltage line. Mr. Svedlow stated there would be a small step-up transformer that would be added. The 46KB has substations and it is their understanding that this part of the grid system is very robust and has a capacity for a 20 megawatt or larger project. The electrons are consumed closet to the generation source. Mr. Svedlow stated there will be a study done on how it will interact with the generation of the utility station. From what is understood, it is a fairly robust system and would not require more than minor upgrades. The actual information about the utility system is confidential. Ethan Swift recommended the Board file for intervenor status to allow for recommendations to be made by the Town during the certification process.

**Motion** by Ethan Swift/Devon Fuller to direct the Town Manager to file for Intervenor status when the Solar Ranger project application is filed. **The motion passed unanimously.**

Devon Fuller noted the Town should continue to be players to the completion of the project to provide recommendations during the process.

Seth Hopkins stated it would behoove the Town to officially support this project, assuming all questions are answered and suggested that at the next Select Board meeting, he would ask the Board to consider a Resolution of Support for the project.

## **7. McKernon Solar Project**

Dave Atherton reported the Town has received an application from PSB concerning a Certificate of Public Goods for the McKernon Group. Information on the solar project was provided to the Select Board. Mr. Atherton suggested the Board also motion to request Intervenor status for this project.

**Motion** by Ethan Swift/Devon Fuller to direct the Town Manager to file for Intervenor status for comments to the PSB for the solar project proposed by the McKernon Group. **The motion passed unanimously.**

Seth Hopkins asked for clarification of the 1<sup>st</sup> question on Page 9 that indicates the system is not near a historic site. Mr. Hopkins stated from his understanding, the Brandon Training School is considered to be a historic site and he questioned if the “no” is incorrect. If this is yes, there is other information that needs to be obtained from the state’s Historic Preservation Department. Mr. Atherton stated in filing for party status, these questions could be asked.

Linda Stewart asked if the map shows complete screening from Route 7 and the recreation area. Devon Fuller stated they had proposed to place some trees on the site. Mr. Bailey noted he had visited the two proposed solar sites and the McKernon project will likely require substantial tree plantings, as it will be visible from both Route 7 and the Recreation area. There will be information in the new Town Plan relating to screening for solar projects. Mr. Hopkins

stated it also indicated there is a sewer line running through the area. Daryl Burlett has marked out where the sewer line is located. Mr. Atherton stated this would be another item that would need to be reviewed and noted the Town will have to file for status and document what the concerns will be. Anna Scheck stated the nearest residence should also be 500 feet from the project and it appears the Wintergreen residence is closer than 500 feet. It was noted the 45-day application had been filed on November 13<sup>th</sup>.

## **8. FY16/17 Year Budget**

Doug Bailey reported there have been numerous budget meetings. The next budget meetings are scheduled for December 1<sup>st</sup> at the Lilac Inn and December 16<sup>th</sup> at the Town Hall. Dave Atherton had provided a proposed working budget to the Select Board for their review and comments for discussion at the next budget meeting. The December 1<sup>st</sup> budget meeting will concentrate on discussion of buildings, grounds and highways with Daryl Burlett and discussion of the Zoning and Assessor's office with Dave Atherton. Mr. Bailey noted the meetings have been very positive.

## **9. Local Option Tax**

Dave Atherton reported there has been some wordsmithing done at the state level on the Town Charter and it has been sent back to the Town for review, prior to it being sent to Representatives Shaw and Carr for submission to Committee. Seth Hopkins expressed concern that the Charter language had been approved by the voters and questioned how the wording had been changed. The Select Board directed the Town Manager to compare the two documents to determine what changes have been made prior to sending it to the local representatives.

## **10. FEMA Projects/Segment 6/Bridge 114**

Dave Atherton reported the Town has received the go-ahead for the Phase 1 study on Newton Road. KAS will be doing this work. The Newton Road project will be funded through HMPG and the remaining percentage through another redevelopment, with no financial obligations for the Town.

Mr. Atherton has had discussions with the people from the Historic Preservation Group regarding the LED lights in the downtown for Segment 6. Initially there was concern about LED's being unsuitable for historic projects, however, the requirements have changed and it is now acceptable.

Mr. Atherton stated the scoping study for Bridge 114 is being reviewed. Doug Bailey noted the new bridge in Middlebury has a very low cement wall, with the remainder a metal railing that offers views of the river. It was noted that this bridge is not on a federal highway and did not require federal funding.

## 11. Town Office Project

Wayne Rausenberger stated everything is going well with the project. The steel should go in by Christmas and they have started to cut through from the existing town office to the common area. The retaining wall outside was completed and they are waiting to get the water line rerouted. There was an issue with the water line being too close to the sewer and the Water Department will be assisting with this issue.

It was questioned what the status of the overflow culvert project is. The Town Manager advised that the town is waiting for the final design from DuBois and King for the overflow culvert project. Mr. Burlett advised this project has been accelerated. Mr. Atherton stated the Town has been contacted by the people involved with the HMPG to ask when the final numbers will be available, as there are funds available to be applied for.

## 12. Fiscal

### ***a) General Fund Warrant – November 23, 2015 - \$1,136,663.62***

**Motion** by Seth Hopkins/Devon Fuller to approve the General Fund warrant of November 16, 2015 in the amount of \$1,136,663.62. **The motion passed unanimously.**

Dave Atherton noted the majority of this warrant is for the school tax.

### ***b) Wastewater Fund Warrant – November 16, 2015 - \$26,098.61***

**Motion** by Devon Fuller/Seth Hopkins to approve the Wastewater Fund warrant of November 16, 2015 in the amount of \$26,098.61. **The motion passed unanimously.**

## 11. Adjournment

**Motion** by Ethan Swift/Devon Fuller to adjourn the Select Board meeting at 8:39PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary