

**Brandon Select Board Meeting  
March 28, 2016**

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

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

Others In Attendance: Dave Atherton, Dick Kirby, Anna Scheck, Lee Kahrs, Arlen Bloodworth, Bernie Carr, Richard Baker, Chris Stewart, Paul Harris, Jonathan Willson

**1. Call to order**

The meeting was called to order by Dave Atherton at 7:01PM.

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

**2. Approval of Minutes**

**Motion** by Devon Fuller/Seth Hopkins to approve the minutes of the March 14, 2016 Meeting. **The motion passed unanimously.**

**3. Town Manager's Report**

Dave Atherton reported the town office will be closed April 4<sup>th</sup> to the 6<sup>th</sup> for the move back to 49 Center Street. Last week was the final week for people to come in and make payments or payment plans for delinquent taxes/sewer. Payments will now have to be made at the attorney's office. As of March 21<sup>st</sup>, there was \$161,139.42 in delinquent taxes and \$65,026.57 in sewer bills that had not been paid or a plan made. The list is relatively small, property wise. The Town has received the Certificate for Public Good on the Green Lantern Solar project and the legalities should be wrapped up in a week or two. The Vermont Agency of Commerce and Community Development visited the Town on March 14<sup>th</sup> to view the progress and bookkeeping in reference to the CDBG for the Town Office renovation and were impressed with the project. Mr. Atherton attended the March 15<sup>th</sup> Main Street meeting and a Town Office ribbon cutting and open house was discussed for April 1<sup>st</sup> from 3PM to 7PM. Mr. Atherton met with Lauren Oates, State Hazard Mitigation Officer, and David Conger of Dubois and King on March 22<sup>nd</sup> to discuss preparations for Phase 2 of the Overflow Culvert project. Paperwork should be in by the end of the week. A decision has been made to keep the mowing of town property in-house as it is more cost-effective to purchase a mower than to contract out. Mowing will be done during the week and not on Sunday mornings. Mr. Atherton represented the Town's interest in a mobile home abandonment issue at a hearing on March 23<sup>rd</sup> at Rutland Superior Court. More information will be provided to the Select Board at the next meeting. Mr. Atherton met with the Friends of the Town Hall to discuss building maintenance and a

Memorandum of Agreement will be drafted for clarification. The Town is still looking for a representative and alternate for the Mosquito District. Devon Fuller asked if the plans are finished for the Overflow project. Mr. Atherton confirmed plans are finished, but they have had difficulty coordinating with Ms. Oates, which was the reason for the meeting. The bid process is part of Phase 1 and everything will be ready to go out to bid. Mr. Fuller asked if there will be a new MOA for the town hall. Doug Bailey stated the MOA is about 10 years old and is outdated. Mr. Bailey and Mr. Atherton have met with Friends of the Town Hall (FOTH) representatives to discuss maintenance. The Town would like to maintain the building and the FOTH will schedule the events. Mr. Bailey stated it was a good meeting and there was discussion of Mr. Burlett being involved with all of the town's buildings and grounds. A new MOA will be drafted and after both parties have reviewed the document, it will be brought before the Select Board. Mr. Atherton stated the FOTH have done a phenomenal job with the renovations to the town hall. Ethan Swift asked about the outstanding property issue where the inverter will be located for the Overflow project. Mr. Atherton has met with the landowner and he is willing to do whatever the Town needs to do. The Town may acquire an easement or the property, which will be discussed with the landowner. Mr. Swift stated with the submission of an RFP, there might be some urgency around this issue. Mr. Atherton stated this is currently not an urgent issue as there is no funding in Phase 1 for obtaining an easement or for acquiring property. The property acquisition is in Phase 2 of the project that has been sent to FEMA for approval. Seth Hopkins asked if it is the intent to have permanent town staff do the mowing. Mr. Atherton advised that Lou Phelps, who helps with plowing, will be the person doing the mowing.

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

There was no discussion held.

#### **5. Annual Financial Plan – Town Highways**

Dave Atherton stated Daryl Burlett has prepared this plan that is sent to the state to show the funding for the projects that the Town has for the upcoming fiscal year and how much is being spent.

**Motion** by Seth Hopkins/Tracy Wyman to approve the annual financial plan for town highways as presented. **The motion passed unanimously.**

#### **6. VTrans TA65 Request for Reimbursement – Wood Lane**

Dave Atherton stated this is another report that Daryl Burlett provided for the grant to fund the Wood Lane culvert replacement.

**Motion** by Devon Fuller/Ethan Swift to approve the request for funding of the Wood Lane Culvert Project. **The motion passed unanimously.**

Doug Bailey advised the payment is in the warrants. Dave Atherton stated the project can be started once the Town can get in the river.

## **7. VT Rail Stop**

Dave Atherton reported a letter has been received from VTrans indicating the Vermont Rail Council's only proposed stops for the Amtrak train are Middlebury, Vergennes and Burlington. Mr. Atherton spoke with Chris Cole of VTrans to request that Brandon be considered for one of the stops. Mr. Atherton also spoke with a representative from Amtrak a couple of months ago who indicated it would not be a major issue to have a whistle stop in Brandon. Seth Hopkins does not see the demand to be extraordinary, but the Brandon innkeepers do bring people to the Rutland train stop and he feels this would be a reasonable to request make. Mr. Hopkins stated that Amtrak does not make decisions on the stops and it is strictly a decision of VTrans and any lobbying should be directed to VTrans. Bernie Carr suggested the Main Street Group and the Brandon Chamber could also write letters in support of a whistle stop. Richard Baker stated the Rutland Region Transportation Council also discussed this item and Mr. Atherton suggested that the Transportation Council could also send a letter of support. Mr. Hopkins will draft a letter on behalf of the Select Board for their review and signing at the next meeting.

## **8. Davenport Solar Project Agreement**

Dave Atherton stated representatives from Ranger Solar were present to answer any questions relating to the Davenport Solar Project agreement. Paul Harris advised they have been making progress throughout the winter on finalizing a site plan with more detail to apply the appropriate setbacks and avoid the wetlands. This site plan can be moved forward, with permitting to begin in the summer. An Economic Development agreement was presented to the Board that is similar to the Ludlow agreement with payments at the beginning of \$100,000.00 for road improvement projects and \$48,750.00 for community programs or economic development activities and thereafter an annual payment of \$30,000.00 in years 1 to 5 for community programs, economic development activities or other services and an annual payment of \$21,500.00 in years 6 to 40 for the same. This is in addition to tax revenues and improvements on the property and school tax. Doug Bailey clarified this is the solar project proposed for the south end of Carver Street with the intent to file a 45-day notice and they are asking the Select Board to provide a letter of support. Mr. Bailey reiterated the terms of the Economic Development agreement and noted they are looking to file the 45 day permit in April and the T48 in May with construction to begin next year. Ethan Swift asked the difference between Davenport vs. Ranger Solar. Paul Harris advised all of their projects have individual names and the projects are structured as individual companies and each project operates independently as its own company. Anna Scheck asked if the project was reduced in size. It is just under 20 megawatts and is a little less than 100 acres and is broken up into 3 individual projects. Seth Hopkins asked if the decommissioning is bonded and if the bond is held by a wholly owned subsidiary. Mr. Harris advised the decommission is held with the state through the D48 process. Devon Fuller questioned if the funds for road improvements are specifically for Carver Street and it was noted that they are not. The project will also be funding the repairs

needed for Carver Street to accommodate tractor trailers. Mr. Swift stated there are portions of the road that would need to meet the Road and Bridge standards and would require culverts to be installed. Mr. Harris deferred these decisions to Aaron with regard to the specific details of what would be done, noting the details would have to be provided through a road spec. Mr. Carr questioned if they would be considering access from the West Street Road. It was noted that the bridge would not meet specifications for these types of vehicles. Ethan Swift asked about the renewable energy credits, as he understands the market is outside the state. Mr. Harris stated they would be available for sale outside the state and they would be available to Vermont utilities, however, they are more valuable in other states. Mr. Swift stated if the recs are sold out of state, they would not go towards the Vermont renewable plan. Mr. Harris stated the recs would be available throughout New England and can be traded any time. Mr. Harris noted the energy is plugged in and sold to VT utilities and that benefit is staying in Vermont. Devon Fuller asked if the decommission will be under Davenport and Mr. Harris stated it will be placed through the creditor that will be the owner of Davenport. Ethan Swift stated so far this represents a fourfold increase in what has been built in the state and questioned how their other projects have been moving through. Mr. Harris advised the process has been working well and the Coolidge project is moving along. Mr. Harris stated the projects that are being studied are on a timeline that they are comfortable with. VELCO has indicated this area could use additional power and upgrades will hopefully be minimal. They are currently moving through the Certificate of Public Good for the Ludlow project. Mr. Swift stated there was talk of the investment energy credits and how that affects their tax credit. Mr. Harris stated the tax credit goes to 2019 with reduced reductions from then until 2022 and this project will be within that timeframe. Doug Bailey asked if the process goes through, how long it would take to construct. Mr. Harris advised the project would be four to seven months and the construction project is relatively straightforward. If started in the spring of 2017, they would likely be operational in the fall of 2017. It was questioned whether Davenport would carry flood insurance. Mr. Harris stated as the developer, they carry insurance, plus insurance and warranties are carried throughout the project. There are various insurances that can be taken out to mitigate the risk. Mr. Swift questioned how they were advised that the project meets the town's expectations. Mr. Harris stated the letter references that when it is signed and it makes that assumption. If the Town is not comfortable with the language, it could be changed, however, they hope to use the document in support of the project and it is more that the Town is working together with them on the project.

**Motion** Seth Hopkins/Tracy Wyman to approve and sign the Davenport Solar project agreement as presented. **The motion passed with one "no" vote – Ethan Swift.**

## **9. Draft Resolution of Support for Ranger Solar**

**Motion** by Seth Hopkins/Tracy Wyman to adopt the resolution of support for the Ranger Solar project as presented.

Devon Fuller stated there is nothing that indicates Davenport, just Ranger Solar. It was noted the resolution should be change to indicate Davenport.

**Motion** by Seth Hopkins/Tracy Wyman to amend the draft by striking “Ranger Solar” and replacing “Davenport” in each occurrence.

Ethan Swift stated he has articulated his concern and he is not necessarily opposed to the project, but does not think it is the best location near the flood plain. There is a solar siting guideline and critical wildlife corridors should be avoided. He appreciates the efforts to portion out the project and he sees the shape reflects the change based on the wetlands. It is considered to be a critical wildlife corridor and he does not agree with the project where it is located and it cuts against his core principals and he cannot support the resolution.

**Motion passed with the change of the wording from Ranger Solar to Davenport (resolution noted on the Town’s website under Select Board meeting packet) with one abstention – Ethan Swift.**

Mr. Bailey read the resolution and called the vote to the original motion.

Devon Fuller noted concern with the 100-year flood plain issue, as it will likely not be another 100 years before another flood and he is worried about the placement of the solar panels. If they are damaged beyond being useful, Mr. Fuller asked if the project will then be decommissioned. Paul Harris stated that if something catastrophic happened, a decision would be made to either fix the panels or fully decommission the project. Mr. Fuller asked if the project takes into consideration the flood plains to assure that they are out of the danger. Mr. Harris advised that concrete pads could be installed to elevate where there could be flooding to assure that the risks are mitigated. Mr. Fuller stated the Town has an overflow culvert project with the intent to flood the flood plains and not the town. Ethan Swift stated there have been instances when there are arrays built and there were issues and it was his understanding the H-structures were going to be the method used. Mr. Harris stated recommendations would be made for what is suitable for that project. Mr. Swift advised that the National Flood Insurance map was not based on measured elevations and it doesn't reflect what the actual flood plains are. There are high water marks that were taken around the Otter Creek that would show that the heights are higher than the 100-year flood plain delineation. Mr. Swift stated there are policies in the Town Plan and a study was done as part of the strategy is to avoid future encroachments from the flood plain. Bernie Carr stated he would like assurance that the people that are making the decisions about the project are taking the input into consideration. Mr. Harris stated that anyone that will have a role in the project will coordinate with the state agencies and consultants will assure that they will take all the information back. Ethan Swift advised that he is creating a slide presentation on this subject and would share it with Ranger Solar.

**The motion passed with one “no” vote – Ethan Swift.**

Dave Atherton requested that Ranger Solar keep the Town informed when they are moving forward with the project.

## **10. Property-Assessed Clean Energy Agreement**

Dave Atherton stated action is required by the Select Board concerning a resolution for the Property-Assessed Clean Energy program (PACE) that was passed at town meeting.

**Motion** by Devon Fuller/Ethan Swift to approve the PACE resolution for the adoption of the PACE program.

Seth Hopkins stated this action was done on February 29<sup>th</sup> and requested a correction to the date. Mr. Atherton stated will go through the draft and make the appropriate changes and request Efficiency Vermont redraft the resolution.

**Motion** by Devon Fuller/Ethan Swift to table approval of the PACE resolution to the next meeting. **The motion passed unanimously.**

## **11. FEMA Projects/Segment 6/Bridge 114/Overflow Culvert**

Dave Atherton reported he has sent a list to VTrans for the Segment 6 right of ways that need VTrans approval for scope of work changes, deeds that need to be changed or need land owner clarification by VTrans or CLD. There are minimal rights of ways left that are in VTrans hands for follow-up. Regarding Bridge 114, Daryl Burlett and he have been reviewing the engineering work contract and there will be another draft for approval. The overflow culvert was discussed in the Town Manager's report and Mr. Atherton hopes to have news at the next meeting regarding hazard ministrations. Mr. Atherton stated if everything falls in place, the bridge will start during the second Segment 6 project season. If all goes as planned, the schedule is for Segment 6 to start in 2017 at the fire station and move north. The bridge would be the first part of the second season. Doug Bailey asked if the highway will remain open. Mr. Atherton reported they have come up with a traffic plan due to the wide parking areas where traffic can be detoured. Ethan Swift asked who will do the redesigned of the station for the overflow culvert. Mr. Atherton reported that section of Segment 6 was broken out and there was rework of the sewer main and the water where different businesses are connected. Mr. Atherton believes the sewer is below where the culvert is and the water was redesigned to the other side. As of right now, it is thought these are cleared. The utilities will have to work around the project and it is assumed that they will have to go over it. Mr. Swift asked if they are thinking of aligning the overflow culvert and the bridge project. This has been considered and VTrans thinks that the bridge should be done in connection with Segment 6. Bernie Carr asked how they know what is under the road. Mr. Atherton advised they did a drill and it is all ledge underneath that part of Route 7. There is fiber optic on Seminary, but it is not thought that it goes up Route 7. Mr. Carr asked if they have been in contact with Steve Zorn. Mr. Atherton advised that the exit for this project is going to be south of their property and will run on the line of the Russell property. Mr. Atherton will request some drawings to allow everyone to have a visual of this project.

## 12. Town Office Project

Dave Atherton reported there will be an open house this Friday from 3PM to 7PM and the staff will be moving in next week. The Fire Marshal will be inspecting the property on Wednesday. It was questioned whether the employee parking will be available. Devon Fuller asked if there will be enough room for staging for Segment 6 and employee parking behind the Mobil station. Mr. Atherton stated it was determined that the parking lot could accommodate 50 cars. Mr. Atherton advised that he has also discussed the staging with other landowners for the Route 7 project. Doug Bailey stated it is important that employees do not park in front of the local businesses and Mr. Atherton confirmed this would not happen. Devon Fuller wished to thank Blaine Cliver, Robert Black, Wayne Rausenberger and Jeff Stewart for all the work they have done on this project. Mr. Atherton also thanked Devon Fuller for the work he has done.

## 13. Fiscal

### ***a) Annual Postage Machine ACH Fee - \$50.00***

**Motion** by Devon Fuller/ Ethan Swift to approve the annual postage machine ACH fee in the amount of \$50.00. **The motion passed unanimously.**

### ***b) General Fund Warrant – March 28, 2016 - \$268,806.70***

**Motion** by Devon Fuller/Seth Hopkins to approve the warrants of March 28, 2016 in the amount of \$268,806.70. **The motion passed unanimously.**

### ***b) Wastewater Fund Warrant – March 28, 2016 - \$24,238.73***

**Motion** by Devon Fuller/Tracy Wyman to approve the Wastewater warrant of March 28, 2016 in the amount of \$24,238.73. **The motion passed unanimously.**

## 14. Adjournment

**Motion** by Devon Fuller/Seth Hopkins to adjourn the Select Board meeting at 8:20PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary