

## **Brandon Select Board Meeting March 12, 2018**

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

**Board Members In Attendance:** Devon Fuller, Doug Bailey, Seth Hopkins, Tracy Wyman, Brian Coolidge

**Others In Attendance:** Dave Atherton, Bernie Carr, Richard Baker, Bob Clark, Dick Kirby, Lee Kahrs, Chris Brickell, Jeff Stewart, Barbara White, Tom White, Frank Spezzano, Ettie Spezzano, Natalie Steen, Sam Julian, Stephanie Jerome, Eric Millard, Kim Faber

### **1. Call to order**

The meeting was called to order by Seth Hopkins at 7:00PM.

**a) Agenda Adoption – Motion** by Doug Bailey/Tracy Wyman to adopt the agenda as amended. **The motion passed unanimously.**

Following Item 10, addition of item to consider purchase and sales agreement and 1061 notice for 27 Walnut Street

### **2. Election of Select Board Officers**

**a) Election of Chair**

**b) Election of Vice-Chair**

**c) Election of Clerk**

**Motion** by Devon Fuller/Brian Coolidge to appoint Seth Hopkins as the Chairperson of the Brandon Select Board.

**Motion** by Brian Coolidge/Tracy Wyman to appoint Doug Bailey as the Vice-Chair of the Brandon Select Board.

**Motion** by Tracy Wyman/Brian Coolidge to appoint Devon Fuller as the Clerk of the Brandon Select Board.

**Motion** by Devon Fuller/Tracy Wyman to close the nominations. **The motion passed unanimously.**

**Motion** by Brian Coolidge/Tracy Wyman to request Devon Fuller - Clerk to cast one ballot for the above nominations. **The motion passed unanimously.**

### **3. Designation of Select Board as Other Statutory Bodies**

- a) *Board of Liquor Control (Title 7, Section 166)*
- b) *Board of Health, (Title 18, Section 604)*
- c) *Board of Sewer Commissioners*  
*A/K/A: Board of Sewage System Commissioners (Title 24, Section 3506)*  
*Board of Sewage Disposal Commissioners (Title 24, Section 3614)*
- d) *Housing Board of Review (Title 24, Section 5005)*

**Motion** by Tracy Wyman/Devon Fuller to designate the Select Board as other statutory bodies as noted above. **The motion passed unanimously.**

#### **4. Establish Meeting Schedule, Time and Location**

- a) *Second and Fourth Mondays*
- b) *7:00PM*
- c) *Brandon Town Hall*

**Motion** by Doug Bailey/Tracy Wyman to maintain the current meeting schedule of every 2<sup>nd</sup> and 4<sup>th</sup> Mondays of the month for the Brandon Select Board meetings beginning at 7:00PM in the Brandon Town Hall. **The motion passed unanimously.**

#### **5. Adopt Meeting Rules and Procedures**

- a) *Robert's Rules of Order for Small Boards*

**Motion** by Devon Fuller/Brian Coolidge to utilize Robert's Rules of Order modified for Small Boards as the operational preference for the Brandon Select Board meetings. **The motion passed unanimously.**

#### **6. Designate Official Newspaper**

- a) *Official – The Reporter*
- b) *Alternate – The Rutland Herald*

**Motion** by Doug Bailey/Tracy Wyman to appoint The Reporter as the designated official newspaper and to appoint the Rutland Daily Herald as the alternate newspaper. **The motion passed unanimously.**

#### **7. Approval of Minutes**

- a) *Approval of Minutes – February 21, 2018 - Select Board Meeting for Union Contract Negotiations*
- b) *Approval of Minutes – February 26, 2018 - Select Board Meeting*

**Motion** by Tracy Wyman/Brian Coolidge to approve the Select Board minutes as noted above. **The motion passed unanimously.**

## 8. Town Manager's Report

Dave Atherton noted it was good to see everything pass during voting. Mr. Atherton reported the utility work continues for Segment 6 and the bi-weekly meeting is scheduled for March 14<sup>th</sup>. There will be another public forum scheduled before the project gets up and running again. Alpine Construction will be in Town on March 23<sup>rd</sup> to review the underneath of Bridge 114. The Town will meet with Alpine Construction to review the timeline. The Town has signed an agreement with Federal Lands and the U.S. Forest Service for the Churchill Road Bridge. The Town has also been able to include in the project the small bridge further North on Churchill Road. The project will include the replacement of the wood structure with a concrete culvert, as a result of the additional funding received. VTrans has reviewed the plans for the Union Street Sidewalk project and has made more revisions to the plans. The DuBois & King engineers are currently addressing the revisions. The delinquent tax status is as follows: property taxes of \$135,104.28 of which \$105,754.32 is in payment plans or bankruptcy and sewer is at \$139,120.78 that includes the current billing. There was a large sewer break on Mill Lane that discharged some sewer into the Neshobe River. The break had been contained and repaired within 24 hours. Mr. Atherton noted it made national news. Devon Fuller questioned if the Union Street sidewalk was scheduled for this construction season. Mr. Atherton reported it has not gone out to bid yet, but will likely be done this season. Doug Bailey requested an updated version of the Project Tracker be provided to the Select Board at the next meeting and suggested a quarterly update be provided. Mr. Atherton reported the Project Tracker is updated as needed and is posted on the Town's website. Mr. Atherton questioned if the document is needed on the website due to the discussions that are held during the Select Board meetings. Mr. Bailey suggested it might not need to be on the webpage, but would like the Select Board to have a quarterly update. Devon Fuller suggested Park Street be included in the report. Mr. Atherton advised the report has been updated and completed projects have been removed. Mr. Bailey noted the report provides the percentile of completion and the funds that are needed and is a little more advanced than the discussions during the meetings. Mr. Atherton will provide an updated Project Tracker to the Board for discussion at the next meeting.

## 9. Comments for Items Not on the Agenda

Devon Fuller reported the clock on the Congregational Church is in need of repair. Dave Atherton will contact the clock repairperson.

## 10. Park Street Bond Approval

Dave Atherton advised this is a bond for preliminary engineering for \$9,650.00 and the Select Board will see a few more of these requests going forward for this project. This is related to work that has already been approved and is in conjunction with the bond that was approved. Mr. Atherton noted it is the intent to have one bond at the end, if one is required.

**Motion** by Devon Fuller/Tracy Wyman to approve the Park Street bond for an amount not to exceed \$9,650.00 with 0% interest, 0% administration fees and forgiveness at the end. **The motion passed unanimously.**

## 11. 27 Walnut Street

Dave Atherton reported there has been an offer made on the burned out house on 27 Walnut Street. It is the same purchase price offer the Board accepted on the River Street property that was sold last year and the agreement would have similar language regarding clean up within a year. Mr. Atherton noted it is a good way to get the property back on the tax roll and start collecting taxes on it. The offer came in today and Mr. Atherton had a purchase and sales agreement for the Board's consideration. A notice will be posted for 30 days. Mr. Atherton believed this is the best the Town can get for this property and advised if the Town were to clean up the property to put up for sale, it would cost between \$8,000.00 and \$10,000.00. Devon Fuller questioned if the property had to be advertised for other potential interested parties. Mr. Atherton reported a notice would be posted for 30 days that will provide other interested parties the opportunity to come forth with an offer.

**Motion** by Tracy Wyman/Devon Fuller to approve the purchase and sales agreement in the amount of \$2,000.00 for 27 Walnut Street. **The motion passed unanimously.**

## 11. Conti Solar Presentation

A presentation was provided by Eric Millard, VP of Development for Conti Solar (See Attached), a solar development, engineering and construction company based in Edison, NJ. They are focused in the Northeast and are part of a larger group that does infrastructure projects. In terms of solar, they are focused on taking projects from infancy to the permitting approval process, design and construction. Conti is trying to support the State's renewable energy standards that have a goal of 55% this year and up to 75% in 2032. Conti is involved in the State's SPEED program for midscale project development. The Brandon proposed Brandon project is 2.2-megawatts, which is a small-scale project. The project is a racking system that are usually kept 2 to 3 feet from the ground. The top of the rack would be 9 feet from the ground and would be galvanized steel that will be very sturdy. The project will also include a pad-mounted inverter. The location of the project would be at the intersection of Park Street and Country Club Road. It is expected there will be a setback to be respectful of people's view. The property is mostly farmland and is a good parcel for solar as it gets full access to the sun. As many panels as possible will be on the western side of the parcel as it has minimal view shed, but the project will require use of a little of the eastern side. The entrance is at the northeast corner of the site where it will be tied into the grid. There are a number of trees and hedges that are proposed to minimize the view shed. Devon Fuller stated the Town Plan talks about using indigenous foliage and the proposed ones are not. It was noted the trees would be willows that would be in the 12 – 15 foot range. The trees are grown in Fairfield Vermont and they specialize in those types of trees. They are often used as snow fences along I87. A maintenance plan for the trees and foliage will be in place for the first couple of years. A species was chosen that will grow quickly and will last. The condition of the area was considered, due to the wetlands and arborvitaes would not look natural. The remainder of the foliage is native to Vermont. According to the State, they are not invasive species. The red oak is negotiable as far as location, with the purpose being to break up the visual aspect and take the line of sight down the road. The long-term benefit will be a very good row of street trees. Smaller trees could be planted that would have less transplant shock as larger trees will have more liabilities in terms of transplant success. Doug Bailey questioned if the remainder

of the property would remain a cornfield and was confirmed that it would. Dick Kirby questioned how this works with the power company. Mr. Millard advised the project is done in conjunction with the utilities with a contract in place with the State to sell power to the utilities. The work is done through Interconnection and they have worked with GMP to assure there will be no major issues. Mr. Hopkins noted he is an officer in the organization that abuts the property to the south and asked what percentage of panels are in the western area and it was noted it would be 70%. The construction timeline is a few months at most and after that, there would be very little traffic. There will be preventative maintenance about 4 times per year. From the mobilization to completion will be about 3 to 4 months. Tom White asked for clarification of a dark spot on the map and it was advised that would be the inverter. The lines would connect along the access road and would run along existing poles. Stephane Jerome advised the Town Plan has two caveats; the Town does not want projects to take up agricultural lands or be visible from the roads. It was questioned why there are no trees from the Masonic Temple and the Forte property as they are viewing the project and it was noted there will be a willow hedge. Ms. Jerome questioned if the project would be viable without the field bordering Country Club Road and it was noted that it would not be viable. Bob Clark met with the company and noted that more screening was added, however, his property is on the hill near the corner and they would have constant view of the project and would be impacted visually. He also noted there are bicyclists, tourists and walkers that will have their experience affected. Mr. Clark stated this area is more like a residential area than an industrial area and this is too large of a project for this type of area and he hopes it is not approved. Mr. Millard advised this project would power about 500 homes or 25% of Brandon and will create 40 – 50 jobs during construction. It will generate tax revenue for the Town of \$8,800.00 in annual school taxes and \$160,000.00 in municipal taxes over the 25-year project life. The tax revenue is based on the production and revenue of the system and is the State's standard operating procedure. The underlying real estate property is not included in the calculation. The addition of the project raises the value of the property and the production of electricity. Mr. Millard noted the State has different ways of calculating to normalize projects throughout the state. Ettie Spezzano stated it does not sound like enough money when changing the Town and she does not feel it is not worth it.

Mr. Millard advised Conti is going through archeological and environmental due diligence. They are also working heavily on aesthetics and have reviewed final results from GMP and are working on an agreement with them. Conti Solar has initiated the 45-day notice for the Certificate of Public Good process and will be submitting the petition in early April. They will continue work on the studies and engaging with the residents as best they can. Bernie Carr questioned how sites are determined. Mr. Millard advised the properties have to be flat, close to an electrical structure and environmentally acceptable. There also has to be landowners who are interested in developing solar. It is a long process and there is less than a 10% rate of properties that are suitable. The transmission lines have to be suitable for the property. Barbara White asked what will happen with the project after 25 years and whether it will be turned back to farmland. Mr. Millard advised when the project is completed; the company would remove the panels. The State requires a decommission bond be in place prior to permitting the project. Devon Fuller asked how they are insured and it was noted Conti would have insurance on the loan, similar to purchasing a house, as the bank has requirements for liability insurance. Doug Bailey stated the land behind the Masonic Temple would be much more agreeable if it is in the two sets of tree lines. Mr. Millard advised they researched the different scenarios and it is not possible to

downsize the project to optimize the system. They have moved as much to the northwest portion as possible. Dick Kirby asked what the attraction for Vermont is for solar, as he prefers to see open fields rather than fields of panels. Mr. Millard advised the State has determined they want to promote renewable energy such as solar projects, but there could also be wind turbines, hydro that has many environmental issues or nuclear. Mr. Fuller asked what other states are driving renewable and it was noted those states include Massachusetts, Rhode Island, New York, New Jersey and Maryland. Conti also works in Ohio, Minnesota, California, Georgia and Florida. Mr. Carr asked why solar fields are decommissioned and Mr. Millard advised that efficiency degrades after several years and it would cost more to maintain them. It is hard to predict what is going to happen with energy prices and in the future, there may be interest in redoing projects. Mr. Bailey noted Vermont has become a tourist-type state. The Board has been presented with numerous projects, but most have a location that is not as viewable. Mr. Bailey is not against solar panels, but Park Street is one of the major tourist areas in the Town. He likes landowners to do what they want with their land, but he does not like to see panels all over the place. Kim Faber stated there is a small solar project behind Olivia's Croutons that she is not opposed to. Ms. Faber purchased near the field that is being proposed because she feels like she is near the country and does not like that the fields will be filled with solar panels. She wished they could find a place that would be more hidden. Dave Atherton asked who is buying the power and Mr. Millard advised the State is buying the power and is the flow-thru entity. Mr. Fuller thought solar is a great way to go and likes that the State is pushing it, and he likes the screening of the project. He does see a problem as the Town Plan indicates not using viable agricultural fields and projects not being near greenways. Park Street Extension also has the ability to be a developable area and is an area that is heavily biked and walked and he wished they could find another spot. Mr. Millard advised Conti has tried to find another site and this particular parcel was for sale. Tracy Wyman liked the screening, but would like to see the oak trees out of the Town's right of way so that when they do crown, they do not affect the right of way. Frank Spezzano also supports solar power, but the area chosen is not the best due to aesthetics. His problem is what advantage Brandon will get, as he did not think the tax revenue is enough and felt there are other areas that would be available with less disruption. Dave Atherton asked if there have been studies on the effects of the housing market when there is a solar project in the area. Mr. Millard stated there have been a number of studies done that he could provide to Mr. Atherton. Mr. Atherton noted panels placed in open spaces must have a negative effect on properties that no longer have a scenic view. Mr. Millard stated there are conflicting studies and there are many factors that go into it. Bernie Carr stated there are many undeveloped lands in Vermont and questioned what attracted the company to this site. Mr. Millard advised Conti monitors real estate and reviews maps to determine regions that have a grid. Many things need to align to make a project work. Sam Julian advised for this project size, one needs to be close to a substation. The company often finds that the projects need to be close to populated areas because of the robust utility grids and it is better from a grid standpoint to be closer to the load. Mrs. Spezzano stated she moved from NJ to not look at these and hoped that they find another location. Stephanie Jerome stated the Planning Commission thought it is taking up agricultural land and has a view from the road that concerns residents. Mr. Millard stated the types of projects are usually on agricultural land and this project is not setting a precedent. Ms. Jerome noted there have not been any projects that she is aware of that use agricultural land in the area and the Town has done a good job of being a supporter of solar, but keeping it hidden so that there is no aesthetic damage. This one project is out of the norm. Natalie Steen advised that she is a

Brandon resident and has been working with Conti on this project and noted the aesthetic impact will be reviewed with the Quechee test. Ms. Steen has seen many solar projects and it is more common than not in Vermont. She stated there are projects that have effects on many homes and Conti hired people from the area to assist with aesthetics. Ms. Steen advised the Quechee test is an objective analysis in looking at different parameters and criteria and they have been doing these projects for decades.

**Motion** by Devon Fuller/ Doug Bailey that the Select Board, Town of Brandon and Planning Commission request party status as this project moves forward.

Seth Hopkins stated the 45-day notice has been filed, but the request for party status is usually done when the petition is filed.

Devon Fuller and Doug Bailey rescinded their motion. Mr. Fuller requested the Town Manager remind the Select Board and Planning Commission when the 45-day notice has been exhausted to apply for party status.

Lee Kahrs asked if the project requires local DRB permitting and it was noted that it does not. Seth Hopkins stated for solar sitings, the towns receive deference when solar is included in a town plan Stephane Jerome advised the Planning Commission is working on an enhanced Energy Plan, but there is solar siting language in the current Plan. Richard Baker asked if the project is eligible for renewable energy credits. Mr. Millard stated the credits will be sold to utilities in Vermont.

## **12. Davenport Solar Discussion**

Dave Atherton reported a letter was received from a concerned property owner regarding Davenport Solar's liability in the event of a flood. Mr. Atherton spoke with the landowner who brought up some good points should the area flood and the potential for the solar panels to flow down Otter Creek. Seth Hopkins noted from the solar presentation this evening, it appears that the companies carry liability insurance. Mr. Atherton and Mr. Moore will research Davenport Solar's liability coverage for this project, as the Town is not involved in the project.

## **13. Appointments**

- a) Tree Warden – Wayne Kingsley*
- b) Fence Viewers - Cindy Bell, John Reynolds and Todd Nielson*
- c) Green-up day Coordinator – Jim Leary*
- d) Inspector of Lumber, Shingles and Wood – John Reynolds*
- e) Weigher of Coal – Lou Faivre and Olya Hopkins*
- f) BLSG Insect Control District Representative – Wayne Rausenberger*
- g) Budget Committee - Jan Coolidge, Anthony Peduto and Doug Sawyer*
- h) Rutland County Solid Waste District Representative – Gabe McGuigan*

**Motion** by Devon Fuller/Tracy Wyman to approve the appointments noted above. **The motion passed unanimously.**

Seth Hopkins noted that Olya Hopkins is his spouse. Mr. Hopkins thanked Carol Bertrand for her participation on the Budget Committee and noted the Budget Committee would now be a committee of three. Devon Fuller noted his preference for odd numbered boards, but would not be adverse to someone joining the Committee, if they are interested in participating. Mr. Hopkins advised another Representative and Alternate for the BLSG Committee and an Alternate for the Solid Waste District is needed. Anyone interested in serving in one of those positions were encouraged to contact the Town Manager.

#### **14. Fiscal**

##### ***a) General Fund Warrant – March 12, 2018 - \$110,070.20***

**Motion** by Doug Bailey/Devon Fuller to approve the warrants of March 12, 2018 in the amount of \$110,070.20. **The motion passed unanimously.**

##### ***b) Route 7 Construction Warrant – March 12, 2018 - \$65,297.16***

**Motion** by Devon Fuller/Doug Bailey to approve the Route 7 Construction warrant in the amount of \$65,297.16. **The motion passed unanimously.**

Brian Coolidge questioned the large figure for this warrant. Dave Atherton reported there is still engineering work and utility work taking place. Mr. Atherton advised one of the design changes is due to the ongoing issues with Kennedy Park sewer and in lieu of current events; the line will be going across Route 7 to Green Park.

#### **17. Adjournment**

**Motion** by Brian Coolidge/Tracy Wyman to adjourn the Select Board meeting at 8:40PM. **The motion passed unanimously.**

Respectfully submitted,

Charlene Bryant  
Recording Secretary