

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
DECEMBER 19, 2011**

APPROVED

MEMBERS PRESENT: Charles Russell, Chairperson; Winslow Ladue, John Owen, Ed Stone, Dennis Delaney.

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Lars Cartwright, Ellie Russell, Stephen Colvin, Rebecca Boucher, Mark Kane, Scott Mapes, Mike Yantachka, Ray Applegate, Sherry Applegate, Thomas Nola, Linda Gilbert, Al Gilbert, Carrie Spear, Peter Joslin, Dorothy Pellett, Brian Thompson, Robert Gibson, Sue Smith, Clark Hinsdale III, Jason Pidgeon, Raven Davis, Gerald Bouchard, Jenny Cole, Peter Walker, Meg Walker, Sylvia Knight, Robert Wright, Ed Sulva, Bruce Bernier, Paul Landler, John Quinney, Ed Amidon, Kurt Wetrell, Senator Diane Snelling, Josh Bagnet, John Limanek, Bob Hyams, Jennifer Adsit, Ian Pomeville, Chris Davis, Chris Myeck, Michael Jordan, Ray Curtis, Meg Modley, David Stewart, Jim Donovan, Jessie Bradley, Stephen Brooks, Vincent Crockenberg, Nancy Wood, Charlotte News; Carol Casey, Charlotte Citizen; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 6:05 p.m.

ADJUSTMENTS TO AGENDA

None.

PUBLIC COMMENTS

Linda Gilbert, resident, stated that she had a complaint regarding the delinquent tax notification process. On November 14th she had paid her property taxes and received a stamped and dated receipt from the Town Clerk. On November 22, she received a letter from the Town Clerk notifying her that she was delinquent in paying her property taxes. She was assessed \$820.68 penalty and \$102.58 in interest. She took her paid receipt to the Town Clerk's office, which was closed for the Thanksgiving holiday. She went again after the holiday and the Town Clerk discovered she had mistakenly recorded \$100 in paid taxes instead of \$10,000. The Town Clerk could have found that mistake during the 12 days she had the check before it was deposited. This shouldn't happen in a small town. The Town should look at its procedure, suggested Ms. Gilbert.

CHARLOTTE SOLAR FARM Public Hearing – Discussion only

Mr. Russell briefly reviewed a procedure for taking testimony on the proposed Charlotte Solar Farm.

APPLICANT COMMENTS

Scott Mapes, Project Engineer for the Charlotte Solar Farm, explained a proposed fixed solar panel project located off Hinesburg Road. The project would use 15 acres of a 40+

acre parcel. The 280 watt panels would be sited in an open field in a southerly design. The applicant has met with Vermont Fish and Wildlife agents regarding possible impacts to natural resources. The panels could be shifted 250' to the north so that they would be within 50' of a forest edge. The applicant has been in contact with the Department of Agricultural regarding a soils reclamation plan that must be in place. The Charlotte Conservation Commission has identified the forest as a Clay Plain forest. The project would not impact the forest, said Mr. Mapes.

PUBLIC COMMENTS

Stephen Colvin, adjoining landowner, narrated a power point presentation, and noted that the proposed project was not consistent with the Town Plan (Table 2.2, East Charlotte Village District and Section 5.6.1, General Polices), would negatively impact surrounding residential homes property values, did not pass the "Quechee" Test, and would have undue adverse impacts in a rural zoned area. The Selectboard should send a letter to the Public Service Board (PSB) seeking party status stating that the Town does not support the proposed project, said Mr. Colvin.

Ed Sulva, resident and former lawyer that had done some PSB work, said that he had no position regarding the project. The Selectboard could file a motion to intervene taking a position that the developer ameliorate the aesthetic effects of the project on surrounding properties to the PSB. At a minimum, the Selectboard could help negotiate more screening without taking a position that the proposed solar project was good, or not, suggested Mr. Sulva.

Tom Nola, a neighbor to Mr. Colvin, said he had spent a long time rebuilding his home. He understood the need for solar energy, however, he had several questions and concerns regarding the project. Were there incentives for the Town to support the project. Will the Town benefit from taxes, or power. What are the legalities should the power system break down. Who would be responsible and what were the costs. A loss of his property value was a concern. Could the project go elsewhere. He pays an inordinate amount of property taxes, and he likes the rural nature of the Town. He would like to see real numbers of what the project would do now, stated Mr. Nola.

Clark Hinsdale III, owner of the land the project would be located on, said that he had read about the Town's proposed solar project for Thompson's Point. This project was not on Town land. It was private property. The financial arrangements were a private matter. The only impacts would be in siting the panels in an agricultural field, said Mr. Hinsdale.

Mr. Nola said that he was concerned that a 'good neighbor' policy was not being followed.

Gerald Bouchard, resident and Charlotte Planning Commission member, said that according to Attachment C 1/5, the land used was 'open pasture', which was a deceiving picture. The term 'agricultural pasture' was misleading to the PSB. An agricultural pasture, to him, meant an open field with rocks and brush, which was different than a hayfield, said Mr. Bouchard.

Sylvia Knight, resident, asked if herbicides would be used on the land to keep weeds in check. Mr. Hinsdale replied that the fields would be mowed. Mr. Mapes said that no herbicides would be used. Ms. Knight suggested that the applicant put a land management statement in writing.

Peter Walker, Hinesburg Road, spoke in opposition of the proposed project. There was no protection for the neighbors. This project would set a precedent for other locations in Charlotte. There was no provision in the application that no other solar panels could be added at a later time. The site would occupy a 550' by 940' area and the panels would be 10' high. There was no way you could not see it. Siting the project was a concern, said Mr. Walker.

Mr. Mapes explained that the project was locked into a maximum of 2.2 megawatts. To expand it would require a PSB application. The PSB would define a foot print plan and any changes to that plan would require PSB hearings, said Mr. Mapes. Rebecca Boucher, Dunkiel Saunders, Attorney, reiterated that the proposal was capped at 2.2 megawatts.

Josh Bagnat, Dorset Street, asked if a fence would go around the solar farm, and if there was a reason for night lights. The Town should be involved in the process. This project is a large project. The Town should get some type of benefit, such as a reduction in electrical rates, suggested Mr. Bagnat. Mr. Mapes explained that a 6-7' high fence was proposed for security and to keep people and animals out of the area. There were no exterior lights proposed. Landscaping details were not fully completed at this time, said Mr. Mapes. Ms. Boucher pointed out that the 45 day notice period was just a start to the process.

John Quinney, Spear Street, spoke in support of his neighbors comments. The original application was filed a long time ago. The Selectboard has a duty to file for party status with the PSB to protect the public, said Mr. Quinney.

Meg Walker, Hinesburg Road, said she lived across the road from the proposed project site. Were health, noise, or radiation studies done, asked Ms. Walker. Mr. Kane explained that any noise, which was not much noise, was from the inverter that converted DC power off the solar panels into AC power. The inverter was located far from the road. The solar panels would be oriented toward Hinesburg Road. The property unglutes downward and they won't be visible from the road. Noise issues would be addressed during the process, said Mr. Kane.

Ms. Knight asked where the transmission line along the Charlotte-Hinesburg Road for the project would be situated, and how would it be maintained. Mr. Mapes said there was an existing connecting line on Hinesburg Road. An underground cable from the installation to the road would connect at an existing Green Mountain utility pole, explained Mr. Mapes.

Raven Davis, resident, said that in general she supports alternate energy. She has lived in Charlotte for 35-40 years. She encouraged people to review a film about mountain top removal for coal. People pay the price for that type of energy. It pollutes water wells and the air, but we all benefit from the dirty energy. She was concerned regarding the talks about a proposed Canada-Texas pipeline. In this case, the solar installation could be removed and the agricultural land use restored. People need to take a part in terms of environmental impacts. Solar has a modest impact, said Ms. Davis.

Bruce Bernier, adjacent landowner, stated that the proposed project was a commercial project. He was in favor of solar projects. There were places for commercial projects in Town in an established commercial zone. This project is not proposed in the commercial zone. The power company would benefit and the solar farm would benefit. Home values would be reduced. The energy generated would only power up to 300 homes. State and federal subsidies would pay \$0.25 per kW hour to the power company, and the power company would charge a higher residential rate. If we want the project then do it like the Starksboro project was done where the power produced benefits the town and school versus a private company, said Mr. Bernier.

Mr. Colvin said that his children are 7 and 10 years old. He was concerned that his kids would climb over a fence into the installation. What was the danger of getting electrocuted, asked Mr. Colvin. Mr. Mapes said it was safe to walk around the panels. Ms. Boucher said that the PSB would review that as part of the application and details would be brought out then. The applicant was not prepared tonight to discuss this, said Ms. Boucher. Mr. Kane said that the plan at the 45 day notice level would get the project on the table. The applicant was here to take comments and find a way to mitigate concerns. Landscaping was a part of the process. The "Quechee" process Mr. Colvin mentioned involved impacts on the average person. The 'public at large' looked at minimizing impacts. A solar project doesn't have broad impacts with this location. This is a listening process tonight. The PSB would formalize the process and details would address most of these concerns, said Mr. Kane.

Mr. Delaney asked if the applicant had any plans for mitigation of property taxes of the neighbors. Ms. Boucher replied that property value impacts would be addressed at the PSB hearings. If someone stated their property value would be impacted 50-75 percent then they would need to provide evidence, said Ms. Boucher. Mr. Delaney asked if it was shown that there was a 75 percent impact on property values would the applicant be prepared to answer my question. A second question was what would happen to the installation if, as technology advances, the panels became obsolete. Would the applicant post a bond to ensure that the agricultural land would be cleaned up and restored, asked Mr. Delaney. Ms. Boucher replied that as part of the Certificate of Public Good and the application process the PSB would ensure there would be a decommissioning plan, financial security, and a soil reclamation plan in place. Legal conditions regarding financing are binding from the PSB. A decommissioning fund is required so that at the end of life the land could be restored, said Ms. Boucher.

A Sheehan Green resident said that this was not the property for this project. The Vergennes Route 7 solar panels and the Spear Street project are eyesores. There were other fields behind this one that are shielded from view. The project would put a commercial business in an agricultural field.

Mr. Russell explained that a Special Joint Planning Commission/Selectboard meeting would be held Tuesday, 12/20/2011 at 6:00 p.m. A decision would be made regarding next steps. That could include sending a letter to the PSB, or not. This project was in a pre-application stage for the public, the Selectboard and Planning Commission to make comments on before the application was filed to the PSB on 01/03/2012. Party status allows a person to participate in the PSB process. The PSB would schedule a public hearing in Charlotte and questions could be answered during that process, said Mr. Russell. Ms. Boucher clarified that persons would need to file written supportive evidence with the PSB. Direct testimony should be in writing for the 01/03/2012 PSB hearing, said Ms. Boucher.

There were no further questions.

BUDGET REVIEW – discussion only
Charlotte Park and Wildlife Oversight Committee

Jenny Cole, Jessie Bradley, Sue Smith and Bob Hyams reviewed a proposed FY2012-2013 budget that included a line item of \$1,500 for winter clearing. The agricultural lease was producing \$1,000 more in revenue. There was concern that there may be need for a bridge repair/maintenance fund in the future.

Mr. Ladue asked if the Overlook tree clearing work should be put out to bid. Ms. Cole explained that the work was being done piece meal. The committee was trying to work with people for a reasonable cost. A fair amount has been spent on trail repair work so far. There was no amount included for invasive removal at this point. Next year the committee would seek \$1,000 for clearing at the Overlook and hedgerow. A line item for brush clearing was a new project to push brush back from the trail. The Overlook portion was separated out of the budget proposal to clarify what the money was used for, explained Ms. Cole.

Mr. Ladue suggested that the committee write up what will be accomplished, for example; widening trails. If it was for view improvement, then it should say ‘improving the view from A to B’. It should be outcomes based, said Mr. Ladue. Ms. Cole said that one total dollar amount would be used for the Town Report.

Mr. Ladue stated that a capital budget master plan that included a topic, a year, and an amount was needed for each facility – the Park, Beach, etc. Ms. Bradley asked if the Town could generate a form that could be used.

Mr. Ladue asked if there were any grants possible this year. Ms. Smith replied she was not sure.

Ms. Cole noted that a discussion regarding a Varney Farm access was needed.

Conservation Commission

Bob Hyams reviewed a proposed FY2012/2013 budget. Expenses were \$800 total to date.

Mr. Ladue reported that he had met with Alan Quackenbush regarding a Class I Wetland program. There were state grants available for Frogbit and water sampling work. Could the Conservation Commission help apply for those grants between now and the March application dates, asked Mr. Ladue. Mr. Ladue would e-mail grant information to Mr. Hyams.

Fire and Rescue – Capital Budget

Chris Davis, Ian Pomerville, Ray Curtis, Michael Jordan, Meg Modley, and David Stewart reviewed a brief history of the Charlotte ambulance service.

Mr. Pomerville explained a current ambulance capital replacement budget. The current A-1 ambulance was out of service for 100 hours due to mechanical breakdowns. It died again last week in the ER bay. It was in for repairs and there was no word from the garage what the problem was at this point. It was broken down for 20 days in October. Shelburne Rescue loaned Charlotte an ambulance. An ambulance has been rented at \$300 per week. A new ambulance cost \$180,000, said Mr. Pomerville.

Mr. Ladue asked if renting an ambulance was more cost effective versus purchasing a new one. Mr. Curtis noted that Charlotte was the only District 3 service without a backup ambulance.

Mr. Owen asked if the department had a reliable ambulance and replaced that vehicle every five years, would that do. Mr. Pomerville replied no. Getting a loaner from a neighboring town was getting harder to do. A rental ambulance was not always a better vehicle either, said Mr. Pomerville.

There was further discussion regarding the sale of the old ambulance, which was to help purchase a new one as voted by the Town at Town Meeting, a Board question if it was possible to share the cost of a spare ambulance with a neighboring town, and a review of written proposed solutions.

Mr. Russell suggested ordering an ambulance box that could be swapped out onto a new chassis as needed. Mr. Pomerville pointed out that the chassis' were not interchangeable. A box would need to go on a same chassis, said Mr. Pomerville.

Mr. Jordan explained that new EPA safety standards were coming in 2012 and with those standards would be a higher cost.

Mr. Pomerville explained that the department had no funding in place for options 2 and 3, but option 1 could be funded. Mr. Davis explained that the department was asking the Selectboard to consider \$0.2 cents on the tax rate versus \$0.015 cents. There was a place

holder in 2017-2018 for a new pumper. The 1980 and 1993 trucks would be phased out and a single replacement truck would be purchased in 2016-2017. The department was trying to consolidate vehicles, said Mr. Curtis.

Mr. Russell said he would like to hear what the new mechanic found regarding a diagnostic of the ambulance before making any decisions. He had maintenance cost concerns regarding the purchase of a used ambulance from South Burlington's Fire Department, said Mr. Russell. Mr. Ladue spoke in support of waiting until the new mechanic reported back.

Mr. Pomerville said that the South Burlington Fire Department was taking delivery of their new ambulance next week. If Charlotte bought the South Burlington truck that would be our backup rig, said Mr. Pomerville.

Mr. Russell asked if snow chains on a new rig were possible rather than having 4-wheel drive. Mr. Davis replied that a four wheel drive ambulance was better.

Mr. Stone suggested that the department wait to find out what the issue was with the A-1 truck before purchasing the used South Burlington truck. The purchase was up to the Fire and Rescue department, but if you buy it, you own it, said Mr. Stone. Mr. Pomerville stated that the department was looking for Board support to have two ambulances in the bay for service as a long term solution.

Mr. Russell asked if there were two trucks would the department run them with two crews, or one. Mr. Pomerville replied one crew. The other ambulance was only for backup, said Mr. Pomerville.

David Stewart said he spoke with the new mechanic and the person that was donated the payment of the bill. As of Thursday the mechanic couldn't find a problem, said Mr. Stewart. Mr. Russell asked if the mechanic could leave a psi gage on so the truck operator could see the pressure when the truck failed. Mr. Pomerville said that he would contact the Selectboard when he hears from Field's Automotive.

BOARD OF LISTERS: GRAND LIST ERRORS & OMISSIONS – action under consideration: approve

MOTION by Mr. Delaney, seconded by Mr. Stone, to approve the Grand List Errors and Omissions as presented.

VOTE: 5 ayes; motion carried.

WEST CHARLOTTE VILLAGE WASTE WATER PROJECT – action under consideration: approve article for Town Meeting

Mr. Ladue reported that the West Charlotte Village Wastewater Committee met last week and posed a question to be offered at the March Town Meeting. Should the question be an advisory vote by Austrian ballot, or as an article, asked Mr. Ladue.

Mr. Russell said that it was a Selectboard decision.

Mr. Stone said that once the Board went through the process, then what. We either continue to study it, or do something substantial. He was in favor of an article at Town Meeting, and to put it in the Town Plan. A question was - what would it cost, asked Mr. Stone. Mr. Ladue said that the committee recommendation was that if it was adopted then a cost could be decided.

Mr. Owen spoke in support of the project. If someone in the village needed septic then options were available, said Mr. Owen.

Mr. Ladue suggested posting the report details on the Town website. Mr. Russell suggested adding that "The Town would reserve capacity for the Town..." to the posting. Details should be referenced as well, said Mr. Russell. Mr. Ladue suggested that once the Town offers service then details could be codified.

Mr. Delaney spoke in support of the project. It is a Selectboard decision, said Mr. Delaney. Mr. Ladue briefly reviewed that the committee held numerous public meetings, made a report and asked the Selectboard for a decision. The Selectboard said no, let's take it up at the Town Meeting.

Mr. Owen said it should be a Selectboard decision.

Mr. Stone said that more specific information should be added. For example; 500 gallons per day capacity would be reserved for West Village failed septic systems. Mr. Ladue stated that details regarding capacity, a reserve, etc, were all in the report.

MOTION by Mr. Delaney, seconded by Mr. Ladue, to place an Article regarding the West Charlotte Village Wastewater project for consideration at the 2012 March Town Meeting as written, and to lay the question on the table.

VOTE: 5 ayes; motion carried.

(NOTE: the following motion was made later during the meeting and appears here for continuity.)

MOTION by Mr. Owen, seconded by Mr. Delaney, to table the motion made to bring the West Charlotte Village Wastewater project to the 2012 March Town Meeting, and to bring the question up on the Charlotte Selectboard 01/09/2012 agenda.

VOTE: 5 ayes; motion carried.

AUDIT OF TOWN FINANCIAL STATEMENTS FOR YEAR ENDING JUNE 30, 2011 – action under consideration: approve statements and management discussion and analysis

MOTION by Mr. Stone, seconded by Mr. Owen, to approve the Audit of Town Financial Statements and Management Discussion and Analysis for the Year Ending June 30, 2011.

VOTE: 4 ayes, 1 abstention (Mr. Ladue); motion carried.

SYLVIA KNIGHT – REQUEST FOR LETTER TO VERMONT SECRETARY OF AGRICULTURE REGARDING USE OF HERBICIDES AT THE VELCO SUBSTATION – action under consideration: approve letter

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a request to send a letter to the Vermont Secretary of Agriculture regarding the use of herbicides at the VELCO Substation.

DISCUSSION:

Mr. Ladue asked what the standards were for the three compounds found at the VELCO substation. Ms. Knight explained that there were no standards established for the three compounds discovered there. These are relatively new herbicides that are used in low concentrations because they are exceedingly toxic to plants, said Ms. Knight.

In response to questions, Ms. Knight said that ALS inhibitors were found in water pooled in the southwest corner of the substation. Four herbicides were used in the mixture. She needed the help of the Selectboard to protect Charlotte’s natural resources related to underground drainage, non-target species damage, and unintended movement of herbicides into the surrounding water and land, explained Ms. Knight.

Mr. Stone suggested that Ms. Knight should attached supportive documentation and specific legislation to the proposed letter.

Mr. Owen noted that on page 2, paragraph 3, a reference of the noted journal article should be done.

There was discussion regarding evidence of surface water contamination, and if there was contamination of the ground water, which was in a clay base.

Ms. Knight would e-mail supportive documentation regarding non-target damage to Mr. Ladue.

The Selectboard would consider a re-drafted letter at the 01/09/2012 Selectboard meeting.

Mr. Stone and Mr. Owen withdrew their motion.

CO-HOUSING TRAIL – action under consideration: authorize applications for Wetland and ACT 250 permits

MOTION by Mr. Stone, seconded by Mr. Owen, to authorize the Co-Housing Trail applications for Wetland and ACT 250 permits.

DISCUSSION:

Mr. Bloch reviewed that the draft Wetland application was almost ready. An easement that was needed could happen next month.

VOTE: 5 ayes; motion carried.

APPEAL BY CARL MOULTON AND TAYLOR HARMELING OF PLANNING COMMISSION'S DECISION RE: FINAL PLAN APPLICATION FOR A SUBDIVISION AMENDMENT, APPLICATION #PC-11-13 – action under consideration: authorize Town Attorney to enter an appearance, and designate Selectboard member(s) to represent the town in any mediation meeting
MOTION by Mr. Stone, seconded by Mr. Owen, to authorize the Town Attorney to enter an appearance, and to designate Charles Russell and Dennis Delaney, Charlotte Selectboard members, to represent the Town in any mediation meeting regarding an appeal by Carl Moulton and Taylor Harmeling of the Charlotte Planning Commission's decision regarding a Final Plan application for a subdivision amendment, Application #PC-11-13.

VOTE: 5 ayes; motion carried.

MINUTES: December 12, 2011

Approval of the 12/12/2011 was deferred to the next Selectboard meeting.

TOWN BUDGET – discussion only

Mr. Russell asked if the Selectboard wished to use Thompson Point lease funds to reduce the tax rate, or spend on sidewalks.

ARTICLES FOR TOWN MEETING – discussion only

Mike Yantachka explained a request to add a proposed petition as a ballot item on the Town Meeting agenda related to a 2009 Supreme Court decision to change wording in the Constitution that defined 'people' to include corporation/business rather than as individual people.

Mr. Ladue asked if the Resolution went forward, would that mean that other states would have to adopt the change as well. Would it compel federal action, clarified Mr. Ladue. Mr. Yantachka explained that adoption of the Resolution would be a mechanism to send a clear signal to Vermont's Congressional representatives that the Constitution was "...of, for and by the people..." as individual persons.

Mr. Ladue, Mr. Owen, and Mr. Delaney supported the proposed Article. It was a First Amendment item and should be considered cautiously. This involves money and politics and was a serious question, said Mr. Delaney. Mr. Yantachka said that it would not change the First Amendment.

Stephen Brooks said what the Resolution would do would remove corporations from spending money on political campaigns. It would remove 'corporations as 'persons. The body of law regarding commercial codes of law would fall apart. If the word 'persons' was removed then he would support it, said Mr. Brooks.

Ms. Cole reviewed an article suggested by the Sidewalk Committee for the March Town Meeting. Mr. Russell said that the Board could discuss it at the 01/09/ 2012 meeting. He was concerned regarding a proposed sidewalk/curb in front of the Old Brick Store, which

would narrow the travelway in that area. The Sidewalk Committee should talk to Carrie MacKillup, suggested Mr. Russell.

NEXT STEPS FOR TOWN SOLAR PROJECT – discussion only

Mr. Owen said that Thompson's Point was not the best place for a Town solar project. A group was needed to find another proposal, and find another site.

Mr. Ladue suggested speaking to the Energy Committee regarding a site, then put the project out to bid.

Mr. Owen noted that Vince Crockenberg and Steve Weissbaum have volunteered to work on a proposal. He would discuss it with the Energy Committee to screen Town land options, and ask private landowners if any wanted to participate, said Mr. Owen.

Mr. Ladue suggested that a cleared area at the Overlook may be a possible site.

SELECTBOARD UPDATES

Mr. Delaney spoke in support of seeking party status at the PSB hearings regarding the proposed Charlotte Solar Farm application.

APPROVAL OF BILLS AND WARRANTS

The Selectboard signed bills and warrants.

EXECUTIVE SESSION

MOTION by Mr. Stone, seconded by Mr. Ladue, to recess the regular meeting and enter Executive Session to discuss employee salaries.

VOTE: 5 ayes; motion carried.

The meeting was recessed and the Selectboard entered Executive Session at 9:45 p.m.

The Selectboard adjourned Executive Session and reconvened the regular meeting at 10:34 p.m.

No action was taken.

ADJOURNMENT

The meeting was adjourned at 10:35 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary