

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
MAY 31, 2012**

APPROVED

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

ADMINISTRATION: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Meg Walker, Thomas Nola, John Pane, Elizabeth Bassett, Ellie Russell, Gerald Bouchard, Peter Joslin, Edd Merritt, Charlotte News; Dorothy Pellett, Charlotte Citizen; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 5:01 p.m.

ADJUSTMENTS TO AGENDA

None.

CHARLOTTE SOLAR, LLC

Mr. Russell reviewed a brief history of a pre-application process regarding the proposed Charlotte Solar, LLC project and a Town letter sent in December, 2011, related to the Public Service Board (PSB) pre-application comment process. Some adjustments to the project were proposed by the applicant that addressed some concerns, but not to the Town's satisfaction, said Mr. Russell.

Mr. Russell listed possible Town options that included continued participation via intervener status, litigation, or to withdraw from the process. The Town has consulted with the Town Attorney and David Raphael on options based on the Town Plan and bylaws. Concerns were the project's proximity to neighbors, public travel ways, legal expenses and continued use of the land for agriculture, explained Mr. Russell. Mr. Bloch clarified that Town Plan language didn't exclude a solar farm use from that area, or Hinesburg Road.

Mr. Russell said that the Town Attorney had advised the Selectboard that some of the process needed to be done in Executive Session in the Town's best interests, but mostly discussion have been conducted in public.

There was discussion regarding a total of expenses to date of approximately \$20,000 with further expenses anticipated; concerns related to impacts on neighbors (Mr. Russell said that it was the PSB's role to approve or deny the project, and the Town was trying to negotiate neighbors concerns as much as possible via approval of a stipulation agreement); and questions raised by Thomas Nola related to property tax impacts on his property, what benefits were to be gained by neighboring property owners, how the

proposed solar farm would be taxed and if it would be re-taxed after a 25-year period, and that the Selectboard should protect resident's rights.

Mr. Russell reported that the Vermont Supreme Court ruled that there were no undue adverse effects on a view related to a solar array project located on Route 7. This ruling has made it more difficult to deny future solar projects. It is a legal process and the PSB has to weigh all considerations including constraints laid out in the Town Plan and bylaws, said Mr. Russell.

Ms. Bassett asked if the Selectboard could use Town Plan or bylaw language not previously considered for arguments. In private and public the Town has said it was not in support of the project, but with the stipulation agreement it sounds like the Town was OK with the project, said Ms. Bassett. Mr. Russell pointed out that the agreement language partially addresses Town concerns. Ms. Walker suggested saying that the Town was strongly against the project. Mr. Pane suggested that the Town not enter into the agreement, and just say the Town was not in support of the project.

Mr. Merritt asked for clarification of the power grid transmission and distribution lines along Hinesburg Road. Mr. Russell explained that the power lines were three-phase power lines that went to Hinesburg. Mr. Merritt asked if the solar project would require a line expansion. Mr. Russell replied that has not been clarified, but has been brought up a number of times.

Mr. Nola expressed concern that any electric power generated by the solar arrays would interfere with cable, telephone, and internet reception. Mr. Russell explained that the PSB would be involved with technical aspects of the project.

MOTION by Mr. Owen, seconded by Mr. Ladue, to enter Executive Session for the purpose of discussing a proposed Stipulation Agreement related to the proposed Charlotte Solar, LLC project, and to invite the Selectboard Clerk and Planning Commission members to attend.

VOTE: 4 ayes, 1 nay (Mr. Stone); motion carried.

The Selectboard and Planning Commission members entered Executive Session at 5:30 p.m. Mr. Stone did not join the Selectboard in Executive Session.

Planning Commission members, Mr. Joslin, Ms. Russell and Mr. Bouchard came out of Executive Session and rejoined the audience, and Mr. Stone joined the Selectboard in Executive Session. at 6:06 p.m.

MOTION by Mr. Ladue, seconded by Mr. Owen, to come out of Executive Session.

VOTE: 5 ayes; motion carried.

The Selectboard came out of Executive Session at 6:10 p.m.

No action was taken.

MOTION by Mr. Stone, seconded by Mr. Owen, to approve a Stipulation Agreement between the Town of Charlotte and Charlotte Solar, LLC, signed by Andrew Raubvogel, dated May 30, 2012, and to authorize the Town Attorney to sign the Stipulation Agreement on behalf of the Town of Charlotte subject to receiving confirmation in writing that if the interconnective study requires a significant change to the height or location of the power poles on Hinesburg Road the Town will not be precluded from participating in the proceedings with regard to that issue.

VOTE: 3 ayes, 2 nays (Mr. Winslow, Mr. Delaney); motion carried.

Mr. Russell briefly reviewed points of the Stipulation Agreement.

Ms. Walker asked if there was a site drawing that accompanied the agreement. Mr. Bloch handed Ms. Walker a copy of a site map and pointed out that the solar panels were shifted west and north.

Mr. Pane asked if the PSB required a de-commissioning fund to cover removal of the equipment after a 25 year period. Mr. Russell replied yes.

Ms. Bassett thanked the Selectboard for all the time spent on the different issues.

Mr. Nola asked who would be responsible for legal costs in terms of liability. Mr. Stone replied the Charlotte Solar, LLC.

Mr. Russell explained a draft of an interconnection study. There were no anticipated poles changes on Hinesburg Road. The Charlotte Solar, LLC lawyer was agreeable to adding the stated language of the motion, said Mr. Russell.

CHARLOTTE FIRE AND RESCUE UPDATE

Mr. Russell reviewed that Ian Pomerville lived out of state. It was too late to schedule a meeting with the Charlotte Fire and Rescue departments for Friday, June 1, 2012, at 4:00 p.m. The Selectboard could schedule a meeting for Monday, June 4th, or at the regularly scheduled Selectboard meeting on June 11th, said Mr. Russell.

Following further discussion, Mr. Russell suggested that he and Mr. Ladue draft a list of issues, comments/concerns and options to forward to the Fire and Rescue via e-mail in advance of meeting with them on Monday, June 4th at 7:00 p.m.

ADJOURNMENT

MOTION by Mr. Ladue, seconded by Mr. Owen, to adjourn the meeting.

VOTE: 5 ayes; motion carried.

The meeting was adjourned at 6:50 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary