

**TOWN OF CHARLOTTE
SELECTBOARD
MINUTES OF MEETING
(from tape)
NOVEMBER 25, 2011**

APPROVED

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

ADMINISTRATION: Absent: Dean Bloch, Selectboard Assistant.

OTHERS PRESENT: Carol Casey, Charlotte Citizen; and others.

CALL TO ORDER

Mr. Russell, Chairperson, called the meeting to order at 3:30 p.m.

**NANCY SABIN—REQUEST FOR ONE YEAR EXTENSIONS FOR
FEASIBILITY GRANT AND CONSTRUCTION GRANT FROM THE
CHARLOTTE HOUSING TRUST**

Mr. Russell briefly reviewed that Ms. Sabin's Charlotte Housing Trust grant would expire at the end of November.

MOTION by Mr. Owen, seconded by Mr. Ladue, to approve a request by Nancy Sabin for a one year extension for Feasibility grant and construction grant from the Charlotte Housing Trust as presented.

VOTE: 5 ayes; motion carried.

**TOWN SOLAR PROJECT ON THOMPSON'S POINT—APPLICATION FOR A
CERTIFICATE OF PUBLIC GOOD - *Action under consideration: rescind
remainder of motion from October 6, 2011 (a portion of which was already rescinded
on October 17, 2011) to amend the application for a Certificate of Public Good for
siting 14 solar trackers south of the northern-most community mound on Thompson's
Point***

(NOTE: a portion calling for "a Special Town meeting for 7:00 p.m. on Thursday November 10, 2011 in the Charlotte Central School multi-purpose room" was already rescinded at the October 17, 2011, Charlotte Selectboard meeting).

Mr. Russell reviewed that the Selectboard would consider a vote to rescind a motion approved at the October 6, 2011, Selectboard meeting regarding a Certificate of Public Good for a proposed Town solar project on Thompsons' Point Road.

Mr. Owen asked if this would just site the trackers at the present site location, and the Board would vote that up, or down. Mr. Russell said that it would revert the site to the original location from the current location. Mr. Ladue clarified from the current location staked in the field. Mr. Russell replied right. If we don't vote to rescind this that would

mean the location would be by the northern-most mound and we haven't applied for that. A 'yes' vote would mean that the location would move back to the original location. A 'no' would mean back up by the mound where it wasn't feasible and we haven't put in an amendment to reflect that, said Mr. Russell.

Mr. Delaney asked the first one would mean it would stay at Thompson's Point. Mr. Russell explained that there were two locations at Thompson's Point. A 'yes' would mean you want the project to continue, and a 'no' would mean that you are ready to stop work on this project, said Mr. Russell. Mr. Ladue corrected that a 'no' means you favor a location that was earlier agreed to.

MOTION by Mr. Ladue, seconded by Mr. Stone, to rescind the remainder of a motion from October 6, 2011, which states: "to amend the application for a Certificate of Public Good for 14 solar trackers to be placed on Town land south of the northern most community mound on Thompson's Point."

DISCUSSION:

Mr. Owen asked for clarification of just what the Selectboard was doing. What was the proposed motion approving. Which of the two motions did Mr. Ladue approve, asked Mr. Owen. Mr. Ladue replied the agenda item for 3:35 p.m. The first question was if the Board would move to change the location of the solar trackers from the previously approved location to the location that is currently staked in the field. Mr. Owen replied yes, because that is what we talked about. Mr. Ladue said that is what our current application is.

Mr. Russell said that the Board could vote yes on the proposed motion, and on a next vote no. Mr. Owen said that for him, this clears it up. Mr. Ladue pointed out unless we don't support the current location. Mr. Owen replied he did not support the current location.

Mr. Russell said that if the Board voted no on this first motion that might put the Certificate of Public Good application that we may receive into legal jeopardy. Mr. Ladue repeated that the Certificate of Public Good might not be for this site that we are currently discussing. We didn't amend the Certificate. He believed the Board made a request to have the Certificate amended to follow their vote, said Mr. Ladue. Mr. Russell said that we voted to do that. We never put the paper work in because we never worked through the feasibility, said Mr. Russell.

There was further discussion regarding a previous vote that was approved, and that was not now supported.

Mr. Russell asked for a straw poll regarding the project in general.

Mr. Owen reviewed three items:

1. There were financial aspects to consider. There was no question that he would support a project.

2. Do the citizens of Charlotte support it. He believed that as a whole that the majority of people would be for it. The people against it feel that strongly.
3. The Planning Commission was split on whether a conservation district is appropriate. Three members said no, three said yes. Of those three that said yes, two said that where these trackers would be located was not appropriate. That is what swayed him. He was not for this proposal. He felt that there were a lot of opportunities as expressed by people. A question was if the Town cared enough about alternative energy to do something about it. In terms of kilowatts, Clark Hinsdale's proposal would dwarf this proposal. On the other hand, we strongly need to do something. If we turn this down he would like to see the Energy Committee look into other proposals. Other proposals may cost more, but the Town might support those if they were serious, stated Mr. Owen.

Mr. Ladue said that he couldn't support the current location as staked in the field. He could support the location as agreed to by the group and voted on. When the vendor was approached regarding that location, the vendor could not support that, explained Mr. Ladue.

Mr. Stone noted that a letter from Gertrude Hill had been received.

Mr. Stone stated that he was against both locations.

Mr. Delaney noted that the proposal has gone through a long process. It was his judgment that the Selectboard has done an outstanding job in vetting the proposal. The Selectboard acted in the best interests of the Town, and the Selectboard Chair deserves a thank you. He did not support the location, said Mr. Delaney.

Mr. Russell said he agreed with a lot of what has been said. One lesson learned was that putting a solar tracker project into a conservation district on Thompson's Point, depending on the eyes of the beholder, if a good site, or bad site, with mitigation with some trees, it would have been better. He would vote in favor to represent the people in Town that supported this project, said Mr. Russell.

Mr. Russell asked Mr. Ladue if he was going to vote in favor to move the location. Mr. Owen asked what the Board was voting on. He would vote yes, or no, on the third thing, said Mr. Owen. Mr. Russell said that Mr. Ladue was clear that he was not in support of either location. Mr. Ladue stated that he did not support the location as currently proposed. Mr. Stone said he would vote no. Shouldn't the Board vote on the real issue, which would make the other issue moot, asked Mr. Stone.

Mr. Russell asked if the Board was for the project, or not. We put an application in for a location as viable as applied for and that could be received any day now. Mr. Delaney asked if the site on the application was for.... Mr. Russell replied as already picked out on Thompson's Point with an available power pole. Mr. Delaney said he did not support that site.

A lady in the audience asked if the vote was for moving forward with this proposal, or on this location. There were two different things. If the Town moves forward after this with some kind of research on siting a solar project would you want to eliminate one location from consideration by a vote. There are various reasons to vote yes, and some reasons to vote no, related to the process, or related to the timing, said the lady.

Mr. Ladue said his suggestion was to move forward with the questions on the agenda. The Board votes on that. We get to the end point as discussed, and then have a general discussion on next steps, said Mr. Ladue.

Mr. Russell said that since he would vote in favor, it was not a concern that the vote would be unanimous. If perchance we change our mind later on, then he would be the only one allowed to make a motion to reconsider the question. It was a parliamentary point, said Mr. Russell.

The lady said the reason she thought of the question was that in some discussions there were questions if Thompson's Point people could put solar panels on their lots. There were problems with that due to trees and beach and were not suitable. What if the Thompson's Point people wanted to put up solar panels and where would they put them, she asked. Mr. Russell replied that this would not preclude that. Mr. Delaney said that his understanding was that it was about sites, not if this should be a proposal or not. Mr. Russell said that there were several issues in Mr. Owen's decision somewhat based on the Planning Commission. One was that whether it should be in a conservation district, and if this was the right site within a conservation district, said Mr. Russell. Mr. Owen said his vote represents this project on that site, nothing else.

Mr. Ladue clarified his motion was whether to move the location from where we last voted it to where it is currently staked in the field.

Mr. Russell reviewed that the Board asked the Planning Commission and the Conservation Commission to render an opinion. The Conservation Commission was for it, and the Planning Commission was split. Within that split three members didn't think it was right for a conservation district. We didn't get to this question of the scenic roads. The Planning Commission didn't go as far as Jim Donovan went in terms of analyzing the effect on scenic roads. He wanted to respect the Planning Commission, but he was concerned about using not strictly followed standards within the Bylaws to make their decision. It was important if a landowner came in with a project that the Planning Commission used the standards that existed. In this case, they were well aware that there were deficiencies in our scenic roads standards. He didn't want an applicant held to standards that the Planning Commission would like to have versus the ones that were defensible in court. In this case, he didn't think that 'adverse impacts on an area of high public value being a scenic road from Flat Rock' was a clear enough written standard for the Planning

Commission to rule against it. However, we asked for an opinion as a landowner, said Mr. Russell.

Mr. Russell called for a vote.

VOTE: 1 aye (Mr. Russell), 4 nay (Mr. Stone, Mr. Delaney, Mr. Owen, Mr. Ladue; motion failed.

Mr. Russell thanked all for their input.

TOWN SOLAR PROJECT ON THOMPSON'S POINT—POWER PURCHASE AGREEMENT WITH ALL EARTH RENEWABLE TO BUY OR LEASE 14 SOLAR TRACKERS CAPABLE OF PRODUCING 60 KW FOR THREE FIVE-YEAR PERIODS, OR LEASE LAND WHERE TRACKERS ARE LOCATED TO ALL EARTH RENEWABLES - *Action under consideration: approve Power Purchase Agreement*
No action taken.

ADJOURNMENT

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

VOTE: 5 ayes; motion carried.

The meeting was adjourned at p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary