

**TOWN OF CHARLOTTE  
SELECTBOARD  
MINUTES OF MEETING  
SEPTEMBER 12, 2011**

*Approve September 26, 2011*

**MEMBERS PRESENT:** Charles Russell, Chairperson; Winslow Ladue, John Owen, Ed Stone, Dennis Delaney (via computer telecommunication).

**ADMINISTRATION:** Dean Bloch, Selectboard Assistant.

**OTHERS PRESENT:** Carrie Spear, Peter Doremus, Tom Mansfield, Jim Laberge, Dorothy Pellett, Spin Richardson. Suzy Hodgson, Dean Leary, David Blittersdorf, Caleb Elder, Jennifer Chiodo, Anne Bijur, Catherine Hughes, Hans Ohanian, Michelle Lussier, Gerald Bouchard, Susan Crockenberg, Vincent Crockenberg, Ellie Russell, Steve Denton, Nancy Wood, Charlotte News; Carol Casey, Charlotte Citizen; and others.

(NOTE: the agenda was heard out of order, but appears as warned for continuity.)

**6:15 p.m. SITE VISIT: Doremus camp, 260 North Shore Road, Lot 154, Thompson's Point**

**CALL TO ORDER**

Mr. Russell, Chairperson, called the meeting to order at 7:02 p.m.

**ADJUSTMENTS TO AGENDA**

None.

**PUBLIC COMMENTS**

None.

**MINUTES**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the minutes of 08/08/2011, as written, with edits.**

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

**MOTION by Mr. Owen, seconded by Mr. Ladue, to approve the minutes of 08/15/2011, as written.**

**VOTE: 5 ayes; motion carried.**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to approve the minutes of 09/06/2011, as written, with edits.**

**VOTE: 3 ayes, 2 abstentions (Mr. Delaney, Mr. Stone); motion carried.**

**TRACTOR PARADE COMMITTEE, OCTOBER 9, 2011 – action under consideration: close Spear Street from Nichols Farm to Sheehan Green Road**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to close Spear Street Extension/Hinesburg Road intersection from the Nichols Farm to Sheehan Green Road on Sunday, October 9, 2011, from 1:30 p.m. to 2:30 p.m., for the 11<sup>th</sup> Annual Tractor Parade, and that the Town of Charlotte officially sanctions the East Charlotte Tractor Parade.**

**DISCUSSION:**

**Ms. Spear submitted a letter, dated 09/12/2011 regarding a request to close the Spear Street/Hinesburg Road intersection for the Tractor Parade. In response to Board questions, Ms. Spear explained that the intersection was closed to traffic for one hour last year. There were about 6 cars on the east side that were delayed at the intersection during that hour. Detour signs onto Dorset Street, Prindle Road, and Mt Philo Road would be posted to shift traffic around the four corners, said Ms. Spear.**

**Mr. Russell asked if one lane could be opened to put local only traffic through Steve Denton's driveway for northbound traffic, or could someone monitor a one lane. Ms. Spear said that cars would be directed into Steve's driveway and into a big field for parking. She needed to know today if the four corners could be closed. There are ways to go north around the four corners, noted Ms. Spear.**

**Mr. Stone suggested that placing detour signs at the different road corners and allowing only local traffic through the Spear Street/Hinesburg Road corners would solve the issue.**

**Mr. Ladue asked Ms. Spear to submit a traffic plan for the tractor parade at the next Selectboard meeting.**

**AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Owen, to close Spear Street from the Nichols Farm to Hinesburg Road.**

**VOTE: 5 ayes; motion carried.**

**PETER DOREMUS – REQUEST FOR AUTHORIZATION TO REPAIR SEAWALL AT 260 NORTH SHORE ROAD, LOT 154 AT THOMPSON'S POINT – action under consideration: authorize repair**

Mr. Russell briefly reviewed that a site visit was conducted this date, at 6:15 p.m., and a Site Plan submitted by David Marshall, Civil Engineering, Inc.

Mr. Doremus explained a plan to pour a concrete wall faced with stone to make the wall look as natural as possible. Right now he would not be working in the water, said Mr. Doremus.

Mr. Russell pointed out that the lot was Town owned land and there was a question if the request required ZBA review, or not. Mr. Mansfield, Zoning Administrator, explained that the wall could be repaired. It is restoration and maintenance of an existing seawall. It is a Town decision to sign the application, said Mr. Mansfield.

Mr. Russell clarified that if the Town signed the application, then the Town was authorizing the work to be done on Town land. The ZBA application has a line for the landowner signature, said Mr. Russell.

**MOTION by Mr. Owen, seconded by Mr. Ladue, to authorize a repair of the seawall at 260 North Shore Road, Lot 154 at Thompson's Point, and to authorize the Charlotte Selectboard Chair to sign the ZBA application on behalf of the Town of Charlotte if necessary.**

**DISCUSSION:**

Mr. Ladue asked if there was a concern putting concrete near exposed tree roots at the bank. Mr. Doremus replied that the intent was to mitigate any damage to trees while maintaining and repairing the wall. The only damaged tree was where bark was stripped off. Concrete would not be poured around the tree. The tree was integral to the bank stability, said Mr. Doremus. Mr. Russell said that the Charlotte Tree Warden should be consulted.

**VOTE: 5 ayes; motion carried.**

**HEALTH ORDER TO REPAIR FAILED WASTEWATER DISPOSAL SYSTEM AT 863 GUINEA ROAD, OWNED BY SHAWN AND BETHANY BEDARD – action under consideration: approve Health Order**

Mr. Mansfield reported that the Health Order was reviewed by the Town Attorney. The order needs to be signed by the Town, explained Mr. Mansfield.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a Health Order to repair a failed wastewater disposal system at 863 Guinea Road, owned by Shawn and Bethany Bedard, and to authorize the Charlotte Selectboard Chair to sign the order on behalf of the Town of Charlotte.**

**VOTE: 5 ayes; motion carried.**

Mr. Russell signed the Health Order documents.

**SITING SOLAR ENERGY COLLECTORS ON TOWN PROPERTY – action under consideration: authorize submission of an application for a Certificate of Public Good**

**MOTION by Mr. Ladue, seconded by Mr. Owen, to authorize submission of an application for a Certificate of Public Good to site solar energy collectors on Town property by all Earth Renewables, and to authorize the Charlotte Selectboard Chair to sign the Certificate of Public Good application on behalf of the Town of Charlotte.**

**DISCUSSION:**

Mr. Russell reported that the Town had recently received a second proposal to site solar panels on Town land by All Terrace.

Ms. Hodgson, Energy Committee representative, explained that the Energy Committee did not have a cost analysis spreadsheet done. The committee agreed that the Selectboard should further investigate both proposals. The second proposal

was received too recently for the committee to review. As an individual, she reminded the Selectboard that the Town Plan encourages the Town to consider installation of solar panels as a clean energy source, said Ms. Hodgson.

Mr. Russell reviewed that there was an up-front cost to the Town of \$1,000 to lease the solar equipment. Ms. Hodgson said that a Public Service Board agreement would set a six cent per kW rate that would be good for ten years.

Mr. Ladue asked if there was an application fee. Mr. Blittersdorf replied that there was no application fee.

Mr. Elder said that there could not be two permits issued for two projects at the same location.

Mr. Blittersdorf reviewed a 30 day timeline for application review and a 60 day review for the contract. Any complication will stop the application. The fixed price of 6 cents is legislatively set for ten years currently, and it is spelled out in the contract. If the Town is still leasing the equipment after ten years, then the rate goes to retail as per the contract, said Mr. Blittersdorf.

Mr. Leary expressed concern regarding rate discrepancies and noted that the Town was now paying one half a cent. Mr. Elder explained that GMP rates generally go up two times per year. That discrepancy will exist until the rates go up again, said Mr. Elder.

Mr. Ladue said his concern was to make the proposal clearly cash positive. Mr. Blittersdorf said that GMP would propose a 3 percent increase this fall. He could not guarantee a cash positive proposal if the Town believes rates would go down, said Mr. Blittersdorf.

In response to Board questions regarding the value of aging solar technology after a 10 year lease period, Mr. Blittersdorf said that a Fair Market Value of the equipment was estimated at 30 percent. Parties entered into the lease agreement assuming good faith, said Mr. Blittersdorf.

Mr. Ohanian explained electric rate research he has done. Over the last 60 years the increase of electric rates closely matched the rate of inflation. The rate of inflation is estimated at 2-2.1 percent for the next 25 years. With a low rate increase the proposal makes no sense, said Mr. Ohanian.

Mr. Stone asked if the Town was authorizing a Certificate of Public Good application. Mr. Russell replied yes. Mr. Stone suggested that the Town should discuss the certificate application, and then determine next steps. Mr. Russell pointed out that there are two proposals for siting solar panels on Town land. What was the Energy Committee recommendation, asked Mr. Russell. Ms. Hughes asked if the Town had two weeks to file a Certificate of Public Good. Mr. Blittersdorf

replied no. All Terrace was suggesting permitting a solar array on the east side of Thompson's Point Road and All Earth Renewables was seeking a permit on the west side. Our application must be in by the end of the year, or we are done.

Mr. Leary asked who would bear the cost of the applications. Mr. Russell replied that the companies would.

Ms. Hodgson said that the Energy Committee was recommending that both companies submit an application. The committee has not had time to review the All Terrace proposal, reiterated Ms. Hodgson.

Mr. Leary asked if someone else was leasing the Town property. Mr. Russell explained an agricultural lease on the same site. The agricultural lease would not impact the solar array equipment, said Mr. Russell.

Mr. Leary stated that it seemed like a zero net gain for the Town. Mr. Leary asked why the energy companies didn't propose to lease the Town property if the projects were financially feasible. Ms. Hughes explained that the energy companies needed to partner with a town for the federal subsidies. Mr. Blittersdorf said that towns do this to gain a 70 percent discount for a customer base of more than 200 people. The IRS rules state that we can't say what the fee structure is. This program is being done all across the US, said Mr. Blittersdorf.

Mr. Richardson asked if the Town would be obligated to purchase the leased equipment at the end of the lease period. The cost to maintain and mow the land under the equipment was a concern, said Mr. Richardson. Mr. Blittersdorf replied that the Town was not obligated to purchase the equipment, and explained that there could be a longer term lease. The company would cover maintenance for the leased equipment, clarified Mr. Blittersdorf. Mr. Elder suggested that at the end of 15 years the company would like an option to lease the land if the Town decided not to purchase.

Ms. Crockenberg spoke in support of the project.

Ms. Bijur, Charlotte resident and All Earth Renewables employee, said that in Charlotte there were 29 customers that have solar trackers. Ms. Bijur read a statement received from a Charlotte resident with a solar tracker into the record that addressed clean energy benefits versus dirty fossil fuels and coal extraction. The Town Plan states a support of renewal energy. The Town should take advantage of federal tax credits, said Ms. Bijur.

Sandy (?), Charlotte resident, said she leases a solar tracker. The Town needs to think of economies of non-renewable versus renewable energy. Her solar energy service has been outstanding, stated Ms. (?).

Mr. Crockenberg said this was a no cost, risk free way to deal with climate change. The discussion regarding revenue should be set aside. We can do this as a community, said Mr. Crockenberg.

Mr. Delaney reiterated his concerns expressed at a previous Selectboard meeting, and asked what exactly would be authorized if the motion was passed. Mr. Russell clarified that the energy company would apply for a Certificate of Public Good, and then the Town would decide to pursue the project, or not. Mr. Blittersdorf explained that they would need to do a parallel process to submit the Certificate application. If the Town waited for 60 days then we hit the end of the year, which is a problem, said Mr. Blittersdorf. Mr. Ladue asked if the Certificate of Public Good application was submitted would we have two weeks to sign a contract. Mr. Blittersdorf replied yes. Mr. Elder explained that the permit application to VEIC needs to be submitted to reserve a spot. The term "financing" in the contract refers to a rebate available to the Town, which is 75 cents per kW Hour for the company and 2-2.50 cents per kW Hour for the Town, said Mr. Elder.

Mr. Ladue asked if the Town wanted to purchase the equipment were there any subsidized loans available. Mr. Elder replied there were no loans. The Town could pass a bond, said Mr. Elder.

Mr. Delaney said a concern was if after 5, or 10 years and the Town decided it doesn't want to continue the program, must the solar collectors be left in place for another 10 years. Can we write a contract with an 'opt out' for the Town that the collectors would be removed, asked Mr. Delaney. Mr. Elder reviewed a contract clause that if the system underperforms by 20 percent then the company would take the equipment out for free. Mr. Delaney asked if in 5 years the solar technology improves, would the Town have an opportunity to opt out if it wants to go with the better technology. Mr. Elder said that solar obsolescence is different. Trackers would continue to produce electricity at the price per the contract. A part of the renewable concept is to keep the equipment in place. If the Town had a specific concern the company would like hear it. The up front cost could be raised as a non refundable deposit to remove the equipment before the lease ends, suggested Mr. Elder. Mr. Delaney said for clarification that the equipment would have to malfunction in order to opt out. Mr. Elder replied yes.

Ms. Wood asked if the company would lease the Town land. Mr. Elder replied that it was not a circumstance planned for. A fee per acre could be added to the contract, suggested Mr. Elder.

Mr. Leary asked if the solar project would replace any carbon energy footprint. Also, the economy of energy is out of balance related to subsidies for coal and oil versus renewable energy. The real economic cost is unknown. A solution may be to get rid of non-renewable energy subsidies, suggested Mr. Leary.

**Ms. Chiodo said that Vermont has a clean power mix. An advantage of solar is summer peak hours; during the summer, purchase power made by coal.**

**Mr. Leary expressed concern that the Selectboard was giving a portion of land in the public trust to a private enterprise. Mr. Russell reiterated that the Town land selected would also involve an agricultural lease.**

**AMENDMENT to the motion by Mr. Ladue, seconded by Mr. Owen, to add: for a proposed site on Town property located to the west of Flat Rock Road.**

**DISCUSSION:**

**Mr. Delaney clarified that he was in favor of the proposal, but he was uncomfortable with the speed of the process, and was uncomfortable with a federal subsidy. The project should stand on its own two feet. He hopes there would be further discussion, stated Mr. Delaney.**

**VOTE on the amended motion: 4 ayes, 1 nay (Mr. Stone); motion carried.**

Mr. Russell asked Mr. Blittersdorf and Mr. Elder to send the proposed power purchase documents to the Town Attorney for review.

There was further discussion regarding a proposed site south or north of Flat Rock Road to the east side of Thompson's Point Road (Mr. Elder pointed out that two projects could not come off the same GMP pole); if the All Terrace proposal would require a bond vote; and a discussion to pin point an exact site location. Mr. Elder explained that the All Terrace proposal could take more time. If the Town decided to go with the All Terrace proposal then the Certificate of Public Good permit could be amended for All Terrace.

**THOMPSON'S POINT AGRICULTURAL LEASE AND MAINTENANCE AGREEMENT – action under consideration: approve lease for agricultural use and maintenance agreement with Steve Denton**

**MOTION by Mr. Stone, seconded by Mr. Owen, to approve a Thompson's Point Agricultural Use Lease agreement with Steve Denton for a period of 5 years to include areas A, C, D, E and G, to be seeded for hay only, and at the end of the 5 year lease to be re-seeded for hay.**

**VOTE: 5 ayes; motion carried.**

Mr. Ladue suggested setting a date for lease payment. Mr. Denton suggested a November payment date.

**STEVEN DAVIS – REQUEST TO NAME PRIVATE ROAD “CAMEL VIEW LANE” – action under consideration: approve name**

Mr. Russell noted that the road name was cleared by the E-911 Coordinator.

**MOTION by Mr. Stone, seconded by Mr. Ladue, to approve a request by Steven Davis to name a private road “Camel View Lane” as presented.**

**VOTE: 5 ayes; motion carried.**

**VERMONT LEAGUE OF CITIES AND TOWNS TOWN FAIR – action under consideration: appoint Selectboard member to attend and represent the Town**  
**MOTION by Mr. Stone, seconded by Mr. Owen, to appoint Charles Russell to attend and represent the Town of Charlotte at the Vermont League of Cities and Towns Town Fair on 10/06/2011.**

**VOTE: 5 ayes; motion carried.**

**USE OF TOWN ROADS FOR ROAD RACES – discussion only**

Mr. Bloch reviewed that a proposed road race was postponed by the Recreation Commission. It was suggested we postpone the discussion until the commission has a process in place for vetting events.

Mr. Owen noted that Shelburne Police Chief, Jim Warden, had pointed out concerns of liability resulting from untrained volunteers directing a large volume of bicycle race traffic, which would create a liability for the Town.

Mr. Richardson expressed concern that there were safety issues when volunteer traffic control people don't know what they are doing.

Mr. Laberge spoke in favor of non-profit fundraising events versus bike racers racing for time.

The Selectboard members asked staff work with the Recreation Commission to provide a draft policy for Board review.

**SELECTBOARD UPDATES**

**1. Quarterly Police Report**

Mr. Owen briefly reviewed police presence on Greenbush Road, Mt Philo Road, and Carpenter Road. He would contact residents on Greenbush Road who had complained about speeding cars to see if they were satisfied with the police patrols.

**2. Meetings with committees prior to budget process**

Mr. Russell suggested that the Board meet with committees prior to any budget discussions, and asked staff to draft a schedule for the next Board meeting. Mr. Ladue suggested a list of questions on a form to use to include: what are department needs, what has been accomplished, how the Selectboard can help, etc.

**3. Prokop violation resolved; recovery of fees**

Mr. Russell noted that the trailers on Mt Philo Road were removed. Mr. Mansfield explained that currently, \$560 was expended and there may be additional expenses of up to \$1,200-2,000 in attorney fees if the Town pursues it further. The court will award the Town \$560, but the Town Attorney has recommended the Town submit a Motion to Dismiss, said Mr. Mansfield.

**MOTION by Mr. Ladue, seconded by Mr. Owen, to authorize the Charlotte Zoning Administrator to instruct the Town Attorney to file a Motion to Dismiss regarding the Prokop violation.**

**VOTE: 5 ayes; motion carried.**

**4. Other**

The next Selectboard meetings scheduled: 09/26/2011 and 10/03/2011. The October 3<sup>rd</sup> meeting to include a public hearing regarding solar energy collector project(s).

**APPROVAL OF BILLS AND WARRANTS**

The Selectboard signed bills and warrants.

**ADJOURNMENT**

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

**VOTE: 5 ayes; motion carried.**

The meeting was adjourned at 9:16 p.m.

Respectfully submitted, Kathlyn Furr, Recording Secretary