

West Windsor Selectboard
Draft Minutes
November 9, 2015

Present: Selectboard members Dick Beatty & Tom Kenyon; Planning Commission members Mark Isenberg, Barbara Truex & Al Keiller; School Board members Art Keating & Bob Young; Town Forest Committee Chair Laura Stillson; Mike Spackman (Highway Foreman & Fire Chief), Martha Harrison (Town Administrator), Amy Rusiecki (VT 100), Mike Doten (VT 100), Laura Farrell (Mt. Ascutney Outdoors), Bill Stillson, David Jaacks, Dave & Tracey Dugdale, Ann Mathews, Liz Weber, Bill Ley, Vicky Jones, Curt Peterson (VT Standard), Aaron Gonthier (Windsor on Air)

1. Call to Order – Dick Beatty called the meeting to order at 6:30 PM.
2. Changes or additions to the agenda – first payment for sewer contract; estimate from Kingdom Cleaners; update on Mt. Ascutney Outdoors; request to use Town Hall for fundraiser
3. Public Meeting: Ascutney Meadows Solar Project – Dick said the Selectboard and Planning Commission have reviewed the letter from Attorney Matthew Stern, on behalf of MFW Associates, regarding their plans to petition the Public Service Board (PSB) for a Certificate of Public Good to construct a solar facility on 3.3 acres of land at the corner of Route 44 and Ski Tow Road here in West Windsor, where the old resort septic plant was located. Dick said Attorney Stern will be available by phone to answer questions. Dick pointed out the location of the proposed facility on a map. Barbara said one key element for the Planning Commission (PC) is visibility and it appears to be a good location in that regard. The other requirement, Barbara said, is that it be constructed within 5,000' of a substation and, although it does not meet that requirement, there appears to be an electrical connection fairly close to the proposed location. Based on those two factors, Barbara said, the Planning Commission concluded that it looks like a viable project. Dick said it's his understanding that the project developer plans to connect with Green Mountain Power through an existing transformer on the property. Dick said the PC and the Selectboard are authorized to represent the town before the PSB. Dick said the town has questions about access to the site, which would appear to be from Hotel Road. Hotel Road is a private road but it may become a town road shortly so the town would have concerns about damage to the road from heavy equipment. Dick noted the Fire Chief's concerns about dealing with a fire at a solar facility and suggested that the town ask the developer to provide any special training or equipment needed. Dick said screening is another possible concern. Dick noted that solar facilities have a useful life so the town might want to ask the PSB, as a condition of approval, to require the developer to provide funds for decommissioning the facility and restoring the site. Dick opened the meeting to public comment. Bob Young asked about safety if, for example, a child were to touch any of the components. Dick said the proposal indicates the developer's intention to put a fence around the facility but it does not say what type of fencing is proposed. Tom asked who would decide if or when the facility should be decommissioned. Dick said he doesn't know what the useful life of a solar facility is but it would be helpful to know that there is funding available to remove it when the time comes. Art Keating asked who would be responsible for the infrastructure costs to get the power from the site to the school or the town hall, and who would be responsible for maintenance costs. Dick said the developer would connect to a transformer so the energy would flow to Green Mountain

Power and GMP would distribute it. Dick noted the developer's offer of a 15% reduction in energy costs for the town and the school if they sign up to accept power from the facility for a 10-year period. Dave Dugdale said a number of years ago, at Town Meeting, the voters approved an article exempting renewable energy from property taxes. Dave asked if this project would fall under that exemption. Dick said the PC has raised that issue as well and it's his understanding that the exemption applies to private facilities. Dave disagreed. David Jaacks said the intention was that the appraised value of the property would not increase based on the value of the renewable energy equipment installed. David said, regarding the useful life of a solar facility, it's likely that when the panels are no longer efficient, they would be swapped out for more efficient panels, which represent about 1/3 of the cost of the facility. David noted that West Windsor has a trunk line of 3-phase power running from the substation on Churchill Road along Route 44 to the resort. As a result, David said, West Windsor has existing infrastructure which makes it a more attractive location for developing a solar facility. David said when a town is involved in a project, the financial incentives to the developer are greatly enhanced. David encouraged the town to look at the specific financial language associated with the town being involved in the project as a user of the energy produced. Mike Spackman said he'd like to know if there is some way to shut the facility down in the event of a fire. Tom said if the grounds are not properly maintained, there could be a grass fire at the facility. Dick echoed Tom's concern and noted that the grass is not cut at the facility at the intersection of Route 106 and Route 10 in North Springfield, nor is there much screening or fencing. David Jaacks said there is another facility in Springfield with a gravel base that is well-maintained and properly manicured. Barbara said she thinks the PSB should know that the proposed site is at the entrance to the town's largest development, which is why the visual aspects, including proper maintenance, are so important. Dick agreed that it is important to get that into an MOU with the developer or get it into the Certificate of Public Good, so that it's enforceable. Dick said it's his understanding that the developers of solar facilities don't necessarily hold onto them; it's common for them to be sold off to distant corporations. Matthew Stern introduced himself via phone and offered to answer questions. Regarding fencing, Matthew said they don't know yet what type of fencing they're going to use but they will follow National Electric Codes that relate to fencing and will make sure Green Mountain Power and the fire department have access if it's locked. Matthew added that GMP will be able to disconnect the facility if there's an emergency. Matthew said MFW would be happy to meet and discuss the training needs of the fire department. Tom asked about the trees along Hotel Road. Matthew said there are no plans to cut those trees currently; if they don't propose cutting trees when they submit the application to the PSB, the Certificate of Public Good will not authorize them to do so. Matthew said the town can submit comments to the PSB now but the more important time to submit comments is during the 21-day period following the actual filing of the application. Al Keiller asked if the business plan for the project includes any municipal tax. Matthew did not know. Al asked how a municipal tax would affect the project. Matthew said he's sure MFW would want to include the municipal tax in their model. Matthew said he knows there is a state uniform capacity tax. Matthew said he was not aware of the exclusion of renewable energy facilities in West Windsor. David Jaacks spoke about the economic and environmental benefits of renewable energy. Al said it's important for the town to understand the economics of the project and to know whether the entire town will benefit, as they would if a municipal tax is applicable, or whether the benefits consist of a 15% reduction in electricity costs for specific town buildings. Martha said when the town voted to exempt

renewable energy structures, the article referenced 32 V.S.A. §3845, which refers to structures “used on the premises for private, domestic or agricultural purposes, no part of which may be for sale or exchange to the public.” Barbara said the Listers have indicated that the proposed facility would be exempt in accordance with the 2010 town vote, so we need to get clarity on that. Dick thanked Matthew Stern for his participation. David Jaacks suggested that the power for the rope tow could be drawn from the solar facility.

4. Consider signing Letter of Intent to purchase electricity from solar facility – Dick noted a draft letter of intent from the project developer. Dick said he would like to have input from the entire Selectboard before signing the letter. Barbara asked about the capacity of a 500 kW facility. Aaron said the average household uses 7 kW. Dick said the Letter of Intent does request meter ID #s, annual usage and annual payments. Art Keating said the school spends about \$1,200 per month on electricity. The Selectboard and Planning Commission agreed that we need to know how much energy is currently being used by town buildings. Barbara said excess capacity could possibly be used to power the ski facilities on the mountain. Dick noted that the project developer needs Letters of Intent sufficient to accept the entire 500 kW output. David noted the difference between getting a percentage of the output and getting a percentage reduction in costs. **Tom moved to table consideration of signing the letter of intent. Dick seconded the motion, which passed unanimously.**
5. Sign Town Clerk’s orders – The Selectboard agreed to sign orders at the end of the meeting.
6. Town Clerk/Treasurer’s Report – The Town Clerk was not present but left cemetery deeds for the Selectboard to sign at the end of the meeting.
7. Announcements/Public Comment – None
8. Application for Public Assembly, Vermont 100 Race (1850 Silver Hill Road), July 15, 2016 to July 17, 2016 – Amy Rusiecki said the race organizers would implement the same control procedures they have had in place for the past two years to control traffic, noise, etc. Dave Dugdale said the location and the 24-hour aspect of the race are a problem. Dave reminded the Selectboard of their promise to move the race to the mountain as soon as the property is purchased. Dave referenced the Town Plan and a letter sent by the Selectboard to all property owners. Dave said the negotiations for the purchase have taken longer than expected but he would like the Selectboard to stick to their word. Dick said he thinks all the Selectboard members should weigh in on this. **Dick moved to table consideration of the application. Tom seconded the motion.** Tom affirmed Dave’s remarks but said the Selectboard couldn’t consider the issues until they had an application in front of them. Laura Farrell, the founder of the Vermont 100 event, spoke on behalf of the event, which benefits VT Adaptive Ski and Sports. Laura said the mountain is an option for the runners but the horse riders don’t feel it’s an option for them. Tracey Dugdale said she almost hit two horses last year. Tracey said she supports the event but it’s time for it to move to an appropriate location in town. Dave said the town has 1,800 acres on the mountain and he doesn’t understand why the VT 100 can’t take place there. Mike Doten said the organizers have to plan the event a year in advance. Mike said it’s still unknown what’s going to happen with the Base Lodge, and Route 44 is a safety concern for the riders. Mike said he thinks the organizers have done a great job mitigating the concerns of the neighbors on Silver Hill. Mike said he was not aware of Tracey’s close call with the horses and the organizers can’t address issues if those issues are not brought to their attention. Dave said if the runners and riders can cross Route 4 in West Woodstock, they can certainly cross Route 44 in West Windsor. Amy noted that one is a day time crossing and the other is a night time crossing but agreed that the crossing issue can be addressed. Regarding the Base Lodge, Dick said it’s not part of the purchase at this point.

Laura said it would be problematic if the Base Lodge were being demolished at the same time as the event. Dick suggested considering this further at the Selectboard's next evening meeting. Meanwhile, Dick suggested that the event organizers and the neighbors communicate with each other. Tom requested a map of the race route and information about the needs associated with the event (e.g. power, parking). **Dick called for a vote on the motion, which passed unanimously.**

9. Highway Foreman's report – Mike said the lines have been painted on the new black top, and fall scraping is being touched up. Mike asked when the sewer contractor is going to do the Brook Road crossing. Tom suggested that Mike contact Bob Moulton. Tom noted that the contractor needs the fire department's trailer moved. Mike said most of the ditches have been cleaned but people are putting debris in the road and the ditch and he would like to hand-deliver a letter to the people who are doing it. Mike said we need to look at the amount of money we're putting in our capital equipment budget. Mike said Charlie Weld is willing to fill-in for Erik Boedtke while he's out.
10. Access to Town Forest from Kimball Farm Road – Dick said the town has received an opinion from Attorney Paul Gillies that the town is the owner of the property between the Jones and Connors properties. Vicky Jones requested a copy of the letter. Laura Stillson said this topic came up at the Town Forest Committee meeting the other night and Dennis Lemire said he has the original agreement between Marie Johnson and the town regarding public access through that property. Laura said Dennis was planning to contact Ted Siegler about it. Tom suggested that Martha contact Dennis and find out more about this. Dick agreed. Laura gave the Selectboard a plaque recognizing West Windsor for its stewardship of the Town Forest.
11. Village sewer project update – Martha said we're going to need some short-term financing so our engineers are going to review their cash flow projections and let us know how much they think we need. Martha said the first invoice is in tonight's orders but the December invoice is going to be a lot higher. Martha said the bond bank needs some additional information from the town, which she will provide as soon as possible, and then the bank will call a board meeting so they can act on our application for a CWSRF loan. Martha said HUD has also not released our CDBG grant funds. Martha said last year the Selectboard authorized the Town Treasurer to borrow up to \$200,000 from the town but it looks like we're going to need more than that. Tom noted that the contractor hit hard pan so they're going to use a stronger bit but otherwise everything is going well.
12. Water system update – Dick noted that the Department of Public Service sent a letter to the Public Service Board (PSB) recommending that the PSB approve the asset purchase agreement for the water system without further proceedings or delay. Tom said he got an estimate of \$1,650 from Kingdom Cleaners to clean up the debris in the Base Lodge. Dick agreed that the work should be done. Dick noted that the water operator needs to be able to safely access the booster pumps in the Base Lodge.
13. Discuss Boundary Line Adjustment with Mountainside Condo Assoc. – Dick noted that the proposal is to swap 2.44 acres of condo land for 2.44 acres of the land being acquired by the Trust for Public Land. Tom noted that, before the condo association moves Deer Run Road, they will need a highway access permit. Dick said the association's attorney is aware of the permit requirements. Dick said it is unknown whether or not Mountainside's old well is on the land they're acquiring. If it is on the land they're acquiring, Dick agreed that they should be responsible for decommissioning it. If not, Dick said, we should stick with the MOU

that's already in place. Dick noted that Mountainside is paying for the survey for the land swap.

14. Mountain property acquisition update (tasks to be done before closing) – Dick noted that there is a check list of things that need to be done and who is responsible for doing them. Dick noted that the town has not received the title insurance commitment or the draft management plan, and that the closing is supposed to occur on or before December 15th.
15. Discuss Base Lodge option agreement – Dick said the town has not received a response from Mark Blundell so we have no option to purchase the Base Lodge and it is not part of the closing scheduled for December 15th.
16. Police Report: October – Dick noted many burglar alarms at the Base Lodge. Tom noted continued vandalism (e.g. broken windows).
17. Other Business – Budgets: Dick asked when budget discussions will occur. Tom said they usually begin in early December. Town Hall event: Dick said Ray Shannis would like to hold a fundraiser dance for Mt. Ascutney Outdoors (MAO) at the Town Hall on December 12th from 7:00 to 9:30 PM. **Tom moved to approve the use of the Town Hall on Saturday, December 12th, for a fundraiser for MAO. Dick seconded the motion, which passed unanimously.** Dick asked if MAO should file an application for public assembly. Tom said yes, if there are going to be more than 100 people. Schuck culvert payment schedule: Mike said he would like to get the project done this fall. Tom suggested recording the amount owed by the property owner as an account receivable. After discussion, Tom and Dick agreed on a payment schedule of one-third by 11/30/15, one-third by 12/31/15, and one-third by 1/31/16, with the understanding that an extension is acceptable if necessary and that there will be no aggressive collection actions by the town. Drop Box: Martha said we're going to have to pay with a credit card and the town does not have one, although the highway department does. David Jaacks said the town could get a pre-paid debit card from the bank rather than a credit card. Solar project: David Jaacks suggested that the town talk to Mark Tanney about his experience with a commercial solar project. Dick distributed a list of suggested recommendations to the PSB about the solar project and asked Martha to put them on town letterhead. Dick noted the need to file the recommendations this week. Christmas Bazaar: Ann Mathews noted the upcoming Christmas Bazaar.
18. Approve Minutes: October 26 – **Tom moved to table the minutes of October 26. Dick seconded the motion, which passed unanimously.**
19. Adjourn – **At 8:45 PM, Tom moved to adjourn after signing the town clerk's orders and the cemetery deeds. Dick seconded the motion, which passed unanimously.**

Respectfully submitted,

Martha Harrison