

Shaftsbury Select Board Meeting

In person at Cole Hall and via Zoom

January 3, 2023

1. Call to Order

The meeting came to order at 6 p.m. Present were selectpersons Art Whitman (chair), Mike Cichanowski, Martha Cornwell, and Joe Barber. Also present was town administrator David Kiernan as well as several citizens.

2. Conflict of Interest Statement

No one reported a conflict of interest with any item on the agenda.

3. Minutes

There were none.

4. Warrants

Mr. Whitman reported that he had signed a warrant for \$89,931.75, for the purchase of the property next door. He reported that the old barn on the property has been cleaned out and the building has been secured. A lean-to on the back of the barn will be torn down come spring. SB members signed the warrant. Mr. Kiernan reminded everyone that ARPA funds were used to purchase the land.

Check warrant #22, \$58,270.95. Mr. Cichanowski moved to approve the warrant. Ms. Cornwell seconded the motion, which passed 4-0-0.

5. Announcements

Mr. Whitman reminded citizens that members are needed for the Economic Development Committee (a standing committee) and the Cole Hall Committee (which will be temporary). Contact any SB member or Mr. Kiernan to express interest.

6. Public Comments

There were none.

7. Treasurers Report

Melanie Dexter reported on the cash flow situation. She said many delinquent taxes have come in. An "interest" entry should be corrected in future. The voter-approved transfer to reserves was made today. Reserves for January note a lot of "water" in and out, including the payment to North Bennington. A small addition to the ARPA fund resulted when the state decided to allocate across all other towns ARPA funds not collected by a few towns.

8. Solar Project off of Holy Smoke Road and East Road

Mr. Whitman noted that by law, the Town has no jurisdiction over solar projects.

Jeff Nelson of VHB, a regional engineering firm and consultant to Shaftsbury Solar, presented the project. Also presenting was Reed Wills of VHB. Mr. Nelson emphasized that the night's presentation is the first step in a process that will unroll over time and that many pieces will be reported upon in future. Mr. Wills reported that a decommissioning bond will be posted; his company sees the project as a temporary use of the land. He said it has taken his firm about 18 months to organize the basic information required by the state and to develop a plan of sufficient detail to present to the public.

Mr. Nelson described the site plan included in the 45 day notice received by Town entities and neighbors of the proposed site. He said most of the proposed array is located in land already cleared of trees, although some clearing will be necessary. A fence would be installed for safety reasons. The site topography will be left largely as is. An existing transmission line owned by Green Mountain Power in the SE corner of the site will provide access to the grid. The company is hoping to receive permission to access the site from US Route 7. A proposal to create a break in the limited access R-O-W has been submitted to VTRANS. Landscape screening is proposed along Holy Smoke Road, on the north side of the array, and at the access off Route 7.

Mr. Nelson noted that, now that these plans are in hand, substantive follow up conversations with neighbors, either one on one or with groups, can begin.

Mr. Wills noted that less than half the parcel is to be developed. Where existing screening is provided by deciduous trees, evergreen species will also be added.

Andrea Bacchi asked the presenters to talk about the benefits of solar power. Mr. Wills remarked that every hour their project generates electricity, a less efficient fossil fuel plant is not running and greenhouse gasses are not being emitted both locally and over a wider area.

Mr. Nelson said the project would generate taxes for the Town and for the state Education Fund. He said that at the end of its useful life the land will be returned to its present agricultural character. The solar farm will be a quiet and non-polluting source of power. He said the company could help the town in others ways, such as building a charging station in town.

In response to a question from Mr. Barber, Mr. Wills said at least a portion of the energy will stay local but that they haven't signed a contract with a customer yet. Mr. Wills said they are open to suggestions as to how to use the approximately 100 acres they will be acquiring that will not be devoted to the solar project.

Kit Ausschnitt, an abutter, asked why some of the other acreage, more distant from Holy Smoke Road, couldn't be used for the arrays. He said he would like to preserve the quiet of the neighborhood. He said cutting down a tree to put up a solar panel doesn't make any sense. He asked that attention be paid to wildlife habitat. He and Mr. Barber expressed concern that if Vermont were not getting the power, the array shouldn't be built here. He asked if renewable energy credits would be sold, and if so, where.

Mr. Wills said to whom they will sell the power will be a question answered by the time construction starts, probably no earlier than a year from now.

Mr. Ausschnitt asked for the names of other projects the neighbors might reach out to. Mr. Wills mentioned a project of about 30 acres in Coxsackie in New York this is almost complete.

Abutter Bob Hain asked how a solar farm is assessed and what kind of tax revenues might be projected. Mr. Nelson said tax revenues to the town and state education fund would likely be about \$100,000 annually to each.

Jim Poole of 708 Holy Smoke Road said the proposal would locate panels about 250 feet from their property. They are concerned to protect their view, and their quiet. He said runoff from the site drains toward their property. Mr. Nelson said he looked forward to talking with Mr. Poole about possible changes that could be made to the site plan.

Neighbor Michael Albus said Holy Smoke Road has a significant water problem. Mr. Nelson said his firm has thirty-seven engineers working on stormwater plan designs for Vermont projects. Mr. Nelson said Vtrans permitted a temporary access off Interstate 91 in the Northeast Kingdom to construct a renewable energy project. Mr. Nelson said the Public Utility Commission is the final arbiter for the project. Permits will also need to be secured from the Agency of Natural Resources. Mr. Wills said by law and because they wish to be a good neighbor the project will not create additional runoff on Holy Smoke Road.

Kit Ausschnitt asked whether light would be emitted by the array. He said he values their dark nights on the road. Mr. Wills said any lights are used only for work purposes and would not be left on at night.

Mr. Wills and Mr. Nelson said they anticipate building the array during the 2023-2024 construction season.

Mr. Whitman said the Select Board's greatest concern is the road. He said if the cut-off from Route 7 is not permitted, he believes the Board and the Planning Commission will ask that Holy Smoke Road be brought up to state standards, and possibly paved. Mr. Nelson said the project would access Holy Smoke from East Road, not from the north. He reiterated that their preference is the Route 7 access.

Mr. Barber said he is concerned that perhaps only a portion of the energy might benefit Vermonters and that he wouldn't want a solar array near his house.

9. Proposed Ordinance on closing of Dexter Trail

Mr. Whitman reminded the Board that a tabled motion to close the legal trail (LT2) needed to be brought back to the floor. Ms. Cornwell so moved. Mr. Barber seconded the motion. Ms. Cornwell said she has concerns. Mr. Whitman said the applicants are certainly entitled to privacy, but that he believes that the Brown's right to access their improvements should be protected, and that other people have indicated they use the trail for motorized recreation. Mr. Barber said everyone on the trail should have the right to access their properties. Mr. Kiernan restated the motion approving closure of the Dexter Trail (LT2) to motorized traffic. Votes to approve ordinance zero, 3 votes against, and one abstention. Motion fails 0-3-1.

Mr. Kiernan noted that the firearms ordinance and the animal control officer kennel provision both become effective on January 5, 2023.

10. FY24 Budget discussion

Mr. Kiernan said a last minute change to health insurance coverage needs to be incorporated in the budget, and a new request from the Bennington County Conservation District has come in. He said the revised budget will be ready for vote at the next meeting.

11. DPW Report

Mr. Kiernan said mud is unavoidable given this weather and that the forecast for the DPW is "mud." They are doing what they can.

12. Other Business

There was none.

13. Review of Action Items

The Town may wish to host some informational meetings for the solar project in the future.

Mr. Kiernan suggested that the SB and the PC should send a joint letter to the PUC sharing their concerns about the Holy Smoke Road. Mr. Whitman and Ms. Cornwell agreed to meet to that end on Jan. 24 (the date of the next PC meeting) via Zoom. The board discussed the tax benefit the solar project might provide the town, which could total as much as 4% of this year's budget.

14. Adjournment

Mr. Cichanowski moved to adjourn at 8:03 p.m. Mr. Barber seconded the motion, which passed 4-0-0.