

## **Town of Shaftsbury Select Board**

February 20, 2023

In person at Cole Hall and remotely via Zoom

### 1. Call to Order

The meeting came to order at 6:31p.m. Present were Art Whitman (chair), Tony Krulikowski, Martha Cornwell, and Joe Barber. Also present was town administrator David Kieran.

### 2. Conflict of Interest Statement

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

### 3. Minutes

Ms. Cornwell moved to approve the January 30 minutes. Mr. Krulikowski seconded the motion. Mr. Whitman noted while he attended the meeting, vice-chair Mr. Krulikowski presided over the meeting. With that adjustment, the minutes passed 4-0-0.

Mr. Krulikowski moved to approve the February 6 minutes, adjusted as above to reflect that the vice chair presided over the meeting. Ms. Cornwell seconded the motion, which passed 4-0-0.

### 4. Warrants

- Check warrant # 27, \$441. Mr. Krulikowski moved to approve the warrant. Ms. Cornwell seconded the motion, which passed 4-0-0.
- Check warrant #28, \$83,210. The motion passed 4-0-0.

### 5. Announcements

Ms. Cornwell noted that the Town Meeting will be held on Monday March 6, with a potluck supper at 5 p.m. and the meeting beginning at 6 p.m. Folks are urged to bring dishes to share. The election will held on Tuesday March 7 at the Town garage on North Road.

Mr. Kiernan reported that the Clerk and Assessor's offices will be moved upstairs during this week while work goes on downstairs. Access to the vault will be very limited if in fact it will be at all available.

### 6. Public Comments

Ken Harrington spoke and asked that the Shaftsbury Select Board adopt the Town of Bennington's solar facilities screening requirements. Mr. Barber said he thought the town's solar policy was designed for individual landowners, not for large energy facilities. Ms. Cornwell said she thought Mr. Harrington was referring to Bennington's solar ordinance. Mr. Harrington also said the solar proposal violates parts of section 9 of the zoning bylaw and parts of section 7 of the subdivision regulations. He asked for the Select Board to organize a special election so the community can vote on the proposal. He said if the Shaftsbury Solar company would reduce the size of the array and place screening it would reduce neighbor opposition.

Michael Albus of Holy Smoke Road said the town needs to take a position on the solar project as the Public Utility Commission (PUC) will indeed take the town's opinion into consideration. He also asked whether town officials have had contact with the solar company going back to 2017, as company executive Mr. Wills implied, so said Mr. Albus. Mr. Whitman said the Select Board first heard about the proposal a few months ago, and that he has been on the Select Board since 2014.

Tom Smith of Blueberry Hill Road spoke. He thanked the Town for hosting the Feb. 8 public meeting. He said he heard apprehension, resistance, and opposition at the meeting. He asked what process the Town would take to make clear it the Town is against the project. Ms. Cornwell said the

process of submitting comments to the PUC is outlined in documents on the town's website. Mr. Kiernan said the Shaftsbury Solar company's application has not been formerly filed. Once it has been filed the formal process will begin. Mr. Barber asked about the term "gender expression." Mr. Harrington said the Select Board has been stalling on the solar project.

#### 7. Treasurers Report

The treasurer was absent and no report was available.

#### 8. DPW Report

Mr. Kiernan said the crew has been grading. Two bids are going out this week: a culvert on Granger Hollow (which is grant funded), and work on Howard Park (including in the end a dog park, repairs to the tennis courts, and other amenities – also grant funded). Mr. Kiernan said most of the work at the park could be done by local contractors. Mr. Barber said the ruts on Daniels Road are very deep.

#### 9. Other Business

Mr. Barber moved to adopt the Town of Bennington Solar Ordinance. Mr. Krulikowski said he would be concerned about passing an ordinance that can't be enforced. There was no second. Mr. Barber moved to organize a special election to vote "no" on the solar project. Mr. Kiernan said such a vote would be non-binding. He said such an election could cost in excess of \$10,000. Mr. Harrington said if the Select Board voted it would give the PUC important information. Mr. Whitman said a special election wasn't appropriate until a final application has been filed. Ms. Smith of Blueberry Hill Rd. said a town declaration against the project would be huge for some residents whether it has any impact or not on the PUC. There was no second on the motion. Ms. Cornwell moved to put on the agenda for the next meeting a discussion of the Bennington solar ordinance. Mr. Whitman said a vote wasn't necessary but board members could simply agree to discuss it. He also noted that the discussion would have to wait until the March 20 meeting.

#### 10. Review of Action Items

Mr. Kiernan will get out the bids for road work.

Ms. Cornwell reported that the Planning Commission will examine the bylaw sections Mr. Harrington referred to.

#### 11. Adjournment

Ms. Cornwell moved to adjourn at 7:13 p.m. Mr. Barber seconded the motion, which passed 4-0-0.