

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Monday, April 1, 2019  
6:30 PM  
REGULAR MEETING

MINUTES  
APPROVED 4/15/2019

Select Board Members Present: N. John Arrison  
Daniel Boyer  
David Fuller  
Kelly Murphy  
Michael Todd

Select Board Members Absent:

Ed Morris, Town Manager

Others Present:

Edith Stillson	Julia Lloyd Wright	Josh Dauphin	Ray Stapleton
Gary Eastman	Victor Veve	Tracey Dauphin	Mychael Spaulding
Jeff Epstein	J. Compo	Darlene Kelly	Sven Fedorow

1. Executive Session as per 1 V.S.A §313(3)(E) AVFD Possible Litigation – 6:30 PM

Motion: To enter executive session as per 1 V.S.A §313(3)(E) AVFD Possible Litigation

Made by: Mr. Arrison Second: Mr. Todd

Vote: Unanimous in favor

The board entered executive session at 6:32 PM.

At 6:55 PM, the executive session was recessed. No motions were made.

2. Call to Order

Ms. Murphy reconvened the meeting in open session at 7:00 PM.

3. Comments from Select Board and Town Manager

Mr. Todd asked that “agenda review” be added to the top of each agenda to facilitate re-arranging the agenda at the start of each meeting.

Ms. Murphy thanked all those who participated in the Town Challenge. The Select Board Team came in 3<sup>rd</sup> out of 10. This year’s challenge had the most teams ever in 8 years of the Challenge.

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Mr. Morris said the Library's 2<sup>nd</sup> annual Easter egg hunt will be on April 13<sup>th</sup>. Donations are being sought of items to fill the eggs with. Donations can be dropped off at the Town Office during the next week.

#### **4. Comments from Citizens on topics not on the agenda**

There were no comments from citizens.

#### **5. Introduce Town Solar Proposal**

This was a first-time introduction to this. Mr. Morris had been working with Dave Bonta and then ended up talking to Green Lantern Solar about building a small array at the highway garage to offset the Town's power. This led to looking at three sites across town and possibly putting in a larger solar array to help offset the town's power needs.

Tonight's goal was to introduce the project. Mr. Morris has talked to a couple of other solar companies to get monetary proposals from multiple companies. He then introduced Victor from Green Lantern and turned the presentation over to him.

Mr. Veve and Mr. Morris walked three possible sites for the array: the highway garage, the capped landfill at the transfer station, and the town sand pit in the Bow. Each would be a 500-KW ground mounted system. Slides showing an aerial view of each proposed site were shown with the solar arrays graphically added in. Each site would have 2200 panels and take up 3-4 acres. The slides shown were not final design – Mr. Veve stressed that he would work with the town to accommodate any site constraints or concerns at each site.

The preferred sites are the transfer station and the sand pit. The highway garage site would have to be deemed a preferred site by the permitting boards.

Distance to 3-phase power in the Bow may require a reduction in the size of the array at the Bow sand pit.

Green Lantern strives to find sites that will keep the arrays out of sight.

Each project will require its own Act 248 permit process. (The sand pit site will require working with both Act 250 and 248.) There is no cost to the town for the permitting. The benefits to the town include use of land that may be currently under-utilized; tax revenue; and 35 years of lease payments (20 year-lease with 3 5-year extensions).

The panels produce electricity and credits. The electricity gets put back onto GMP's grid and the credits are transferred to where they will provide the most benefit to the town. The overall value to the town is in the range of \$750,000 - \$800,000 over the 20 years of the lease.

The panels are warranted for 25 years. The life expectancy of them is 35 – 50 years. The leases are set for 20 years to reflect the warranty of the panels.

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Sites are restored to their original state when the lease expires. Bonds are not posted for these projects. They must attest to the state that the sites will be reclaimed.

Each project must be set up as a separate corporate entity. The question was raised, how do we know each corporation will be sufficiently capitalized to fund the decommissioning 20 years in the future? Mr. Veve was unable to answer the question, but said he would find out.

The panels can't be located in wetlands.

Ms. Murphy suggested having a conversation with the school. Mr. Morris said he has spoken to Mr. Baker about it.

Mr. Veve explained net metering thus: if you are paying GMP \$100, you would now pay GMP \$0 – you pay \$90 to Green Lantern and keep \$10. You save 10% on your electric spending.

Green Lantern pays all costs associated with the facility.

Green Lantern has 60+ projects throughout the state in a wide variety of settings.

Gary Eastman uses the lower portion of the land in the sand pit for producing hay. He is in favor of solar panels, but opposed to putting them on agricultural land.

Ken Young uses the upper land at the sand pit to grow corn. He was unable to attend this meeting, but Mr. Eastman said Mr. Young is also opposed to putting panels on ag land.

Mr. Arrison said Cavendish chose to own their own panels and so far, the numbers are coming out right. Mr. Veve said it is hard to take advantage of the federal tax credits that way.

Mr. Todd said that ag lands are protected in Weathersfield through the zoning bylaws. Mr. Fedorow pointed out, however, that Act 248 only looks at the Town Plan. The zoning bylaws do not apply to these projects.

Mr. Todd said that the Planning Commission has been working for months on the question of where to site renewable energy facilities. There are concerns about lands being consumed by them that the Commission feels are not appropriate. Mr. Veve was invited to attend a Planning Commission meeting to join in the discussion.

This discussion will be continued.

### **6. Cell Tower Discussion**

Mr. Fedorow submitted his findings and conclusion regarding the completion of the cell tower project in Ascutney. After many frustrating years, we now have a fully erected green bottle brush. They did what they said they would do. A thank you was extended to all parties who helped to put pressure on the company to finish this.

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Mr. Todd said it would help (the Planning Commission) to get guidance from the select board on what they think these towers should look like.

### **7. Regional Energy Plan Discussion**

Mr. Fedorow said the Planning Commission has been working on energy discussions for 4 months. A representative of the Rutland Regional Planning Commission addressed the Commission at their last meeting. She has concerns with how the state is handling permits.

The Commission is considering collaborating with other towns to bring concerns to the legislature and holding public meetings around town to gather residents' input.

Concerns include the inability to require performance bonds for site reclamation and the exclusion of local zoning in the permitting process.

Ms. Murphy asked what he would like from the select board.

Mr. Morris said he had invited Mr. Fedorow to the meeting to let the board know what's going on. He said this is a "hot topic" with the Planning Commission. The last Commission meeting was videotaped so board members can watch it and see what was discussed. It will also be available for viewing on the town's website.

Mr. Boyer said that in his experience at Okemo, technologies become obsolete very quickly and felt the equipment won't be worth what Green Lantern said it would be after 20 years. There would be no guarantee where the company or the technology will be by then.

Mr. Todd said the state wants to be at 90% renewable energy by 2050, and because some people find solar panels unattractive, the Planning Commission started having a conversation about where they should be sited so as to minimize visual impacts and retain Weathersfield's rural character.

Mr. Todd said the Planning Commission reviewed the state's enhanced energy plan and was dismayed at the level of control assumed by it – the circumventing of local zoning, the prohibition on stopping them; the inability to shield them or require bonding on them.

They feel perhaps they should start similar conversations with other towns before submitting something to the state.

The Planning Commission is not opposed to renewable energy projects, but they feel there must be a better way to do it. They would like the state to slow down and give local government some say in their development.

Ms. Murphy agreed with the idea of hosting public meetings to gather input, but asked that factual information be on hand beforehand. She suggested speaking with towns that have renewable energy facilities and see how they feel about them – how has it worked out – is there anything they would do differently if the opportunity arose.

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At this point, it was 8:00 PM and Ms. Murphy closed the discussion so the board could move on to the fire discussion.

### **8. Fire Discussion – 8:00 PM**

In light of the fire services budget being voted down, there remain two decisions to be made, primarily what to do with the Fire Commission and what type of budget to offer for a new vote.

Mr. Morris presented two versions of the Fire Commission 2020 budget – one as a straight allocation, the other as a line itemed budget like any other department. They differed by \$1 because of rounding functions of the software - \$171,047 and \$171,048.

Ms. Murphy posed two questions – is this the dollar amount that the board wants to present and does the board want to do a flat \$25,000 appropriation or should the allocation be itemized based on prior spending?

To start the discussion, Mr. Arrison made the following motion:

**Motion:** Approve the sum of \$171,048 for fire services for FY19-20

**Made by:** Mr. Arrison                      **Second:** Mr. Boyer

**Discussion:** Josh Compo asked if this might be the time to absorb some of the fund-raising burden into the budget since it seems we won't have a full-time chief.

Mr. Todd said the amount of funds raised was very different between the two departments and asked how that might be addressed. Mr. Morris said whatever the amount becomes, it needs to be the same for both sides. Josh Dauphin acknowledged the large difference in funds raised between the two departments and said, "how much of that fund-raising money goes into the total operations – for both departments there is a big difference of the "needs" and the "wants" – the operations side versus what we would like to have." He said the \$8,000 he quoted for his department is the profit from their fund-raising. Not all of it goes into his operations.

Mr. Morris said the town paid last year \$22,500, which was not enough to cover operations for WWVFD. Seeing the need to cover that gap, the allocation was increased to \$25,000 with additional funds for PPE.

Mr. Todd suggested adding \$8,500 per department to help reduce the fund-raising need. The proposed budget is at \$25,000 plus \$4,500 for PPE.

Josh Compo remarked that it seemed like the town was taking a step backwards. Ms. Murphy said she preferred to view it as taking a time-out. Discussions relative to the future form of fire services will continue. However, in the meantime there is a time constraint to get a new budget to the voters before July 1<sup>st</sup>.

Mr. Arrison was not in favor of adding the \$8500 to his motion.

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**Vote on the motion:** 1 in favor; 4 opposed; motion fails

Ms. Murphy called for an alternative motion. Mr. Fuller asked Mr. Morris how the additional \$8,500 would be allocated. Mr. Arrison was opposed to itemizing it.

Mr. Dauphin was in favor of allocating the funds for PPE to keep up with rotation of the bunker gear and hose as there isn't enough money to cover operations and equipment.

Mr. Compo said he thought the town should be truly funding the operations of fire services in the town, but a piece of that is having accountability of where the taxpayers' money is going which is something that has been lacking over the years. He felt any equipment purchases should be approved by the town. There should be a dollar amount for Mr. Morris to approve; above that maybe would require board approval. Day-to-day expenses should just be covered.

Mr. Stapleton said the town has no control over funds raised, hazmat funds or donations with private nonprofit organizations. Those funds don't necessarily go into operational expenses and are often used to buy things the department desires to have that the budget doesn't cover. A municipal department would have a budget that would be controlled by the town.

Ms. Murphy said that the nonprofits would continue to exist as auxiliaries to the municipal department so they can continue to raise funds for things the budget won't cover. That function wouldn't change.

Mr. Morris said the \$25,000 that was in the original budget is what's needed for day to day operations; money over that is for equipment and extras.

Mr. Stapleton said fundraising should be defined as to funds for operations or funds for other desires.

**Motion:** Authorize sum of \$188,048 for support and operations of fire services

**Made by:** Mr. Todd   **Second:** Mr. Fuller

**Discussion:** Mr. Fuller asked how much money is in the reserve account for equipment. He then suggested making the equipment allocation into a separate article. Ms. Murphy said she was in favor of that idea. The \$171,048 is what the departments said they could live with. The \$17,000 recognizes the need for PPE.

Mr. Fuller asked to amend the motion to authorize a sum of \$171,048 for support and operation of fire services with an additional \$17,000 to the nonmotorized equipment reserve fund as a separate article. Mr. Todd agreed with the amendment.

Ms. Murphy said, "There will be a letter that is written to the fire departments that states that breakout. And this time, there is no money given until that letter is signed."

Mr. Dauphin asked for assurance that the nonmotorized reserve allows them to purchase more than just PPE.

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The current balance of the nonmotorized reserve account is \$12,700. The purpose of the firefighting equipment reserve is for capital equipment purchases.

Ms. Kelly asked if the board had ever asked for a 990 or audited financials from each department to see if fundraising is necessary. Ms. Murphy agreed and said she had stated as such several years ago. However, the 990 may not give the information sought and audited financials are not required for a such small budgets.

Ms. Murphy asked to have the motion restated:

**Motion:** To authorize \$171,048 for support and operation of fire services with an additional \$17,000 to be added to the firefighting equipment reserve

There was considerable discussion about how much should be in the reserve.

**Vote:** Unanimous in favor

Discussion then turned to the wording of the warning.

Article 1: Shall voters of the Town of Weathersfield dissolve the fire commission? (Mr. Morris consulted with VLCT on the wording for this. Their advice was to keep it as simple as possible.)

Article 2: \$171,048

Article 3: \$17,000 for reserve

(Motion to extend the meeting to 9:30. Made by Mr. Todd; seconded by Mr. Boyer. All were in favor.)

Ms. Murphy conducted a poll:

In favor of one department? 4 yes, 1 no

In favor of one municipal department? 4 yes, 1 no

In favor of full-time paid chief? 3 yes, 2 no

Paid part time chief? 5 no

Volunteer chief? 2 yes, 3 no

Continue this conversation and brainstorming on this at the select board level? 3 yes, 2 no

Continue this at a committee level? 2 yes, 3 no

Mr. Todd asked to have a discussion of audits and setting a date for them to be in on the next agenda.

### **9. Approve Local Emergency Operations Plan**

**Motion:** To approve the 2019-2020 Local Emergency Operations Plan

**Made by:** Mr. Todd **Second:** Mr. Fuller

Mr. Morris asked to have two campgrounds added to the plan – Crown Point and one other.

Mr. Todd modified his motion to include the campgrounds

**Vote:** All in favor

### **10. Review minutes from previous meetings – 03/18/2019**

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### **Additions/corrections/deletions:**

- a. Ms. Murphy asked that it be made clear in the discussion on page 3 of fire services meetings with the chiefs and the town manager that she was not a regular participant nor did she at any time feel it was appropriate for a select board member to be a regular participant in those discussions.

**Motion:** To approve the minutes of March 18

**Made by:** Mr. Todd **Second:** Mr. Boyer

**Vote:** Unanimous in favor

### **11. Approve Army Corps. Police Contract**

**Motion:** To approve

**Made by:** Mr. Fuller **Second:** Dan Boyer

**Vote:** Unanimous in favor

### **12. Approve Town Road Financial Plan**

**Motion:** To approve the FY2020 Town Financial Road Plan

**Made by:** Mr. Boyer **Second:** Mr. Fuller

**Vote:** Unanimous in favor

### **13. Large Gathering Permit/Wellwood Orchard**

**Motion:** To approve both applications

**Made by:** Mr. Todd **Second:** Mr. Boyer

**Vote:** Unanimous in favor

### **14. Discuss Late Fees and Payment Approval**

Mr. Morris provided a detailed explanation of what he was seeking and asked for the following motion: To authorize Treasurer to allow payments to be made prior to Selectboard authorization for the purpose of minimizing late fees, if the proper checks and balances have been met and the Town Manager, Finance Director, and Treasurer all agree the payment is in the best interest of the Town, and they sign a document authorizing the payment that is submitted to the Selectboard with the warrant.

Mr. Morris said this is prudent for the town – it will prevent accruing late charges unnecessarily. With the described process and documentation, the auditors will be comfortable with it.

**Motion:** To authorize the Treasurer to allow payments to be made prior to Selectboard authorization for the purpose of minimizing late fees, if the proper checks and balances have been met and the Town Manager, Finance Director, and Treasurer all agree the payment is in the best interest of the Town, and they sign a document authorizing the payment that is submitted to the Selectboard with the warrant.

**Made by:** Mr. Todd **Second:** Mr. Boyer

**Vote:** Unanimous in favor

### **15. Appointments**

- a. **Budget Committee – Cynthia Porter**

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- b. Energy Coordinator – Julia Lloyd Wright
- c. Martin Memorial Hall Trustees – Marilyn Houghton
- d. Southern Windsor County Regional Planning Commission – Peter Daniels
- e. Zoning Board of Adjustment – John Broker-Campbell, Alex Gleeson
- f. Conservation Commission – Heather Shand

**Motion:** For the slate to be approved

**Made by:** Mr. Arrison **Second:** Mr. Boyer

Mr. Todd said he still has concerns about John Broker-Campbell and listed them for the board. Ms. Murphy said she felt as though the board was targeting one person. She said the board just approved someone for the Planning Commission that they knew nothing about. It's not the board's usual practice.

**Motion to call the question**

**Made by:** Mr. Arrison **Second:** Mr. Boyer

**Vote:** 3 in favor, 2 opposed

**Motion (restated):** To approve the slate of appointments

**Vote:** 3 in favor, 2 opposed

**16. Approve Warrants**

**Motion:** To approve the warrants for April 1, 2019 as follow:

General Funds	Operating Expenses	\$29,568.46
	Payroll	\$14,724.52
Highway Fund	Operating Expenses	\$12,418.19
	Payroll	\$13,052.65
Solid Waste Management Fund	Operating Expenses	\$7,944.36
	Payroll	\$1,479.87
Library	Operating Expenses	\$0.00
	Payroll	\$1,939.48
Grants	Operating Expenses	\$0.00
Agency Monies	Operating Expenses	\$0.00
Reserves		\$249.00
Long Term Debt		\$0.00
Grand Totals	Operating Expenses	\$50,180.01
	Payroll	\$31,196.52

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**Made by:** Mr. Arrison      **Second:** Mr. Boyer  
**Vote:** Unanimous in favor

**17. Future Meeting Agenda Items**

**18. Adjourn**

**Motion:** To adjourn the meeting

**Made by:** Mr. Boyer    **Second:** Mr. Arrison

**Vote:** Unanimous in favor

The meeting adjourned at 9:30 PM.

Respectfully submitted,

*deForest Bearse*

**WEATHERSFIELD SELECTBOARD**

\_\_\_\_\_  
N. John Arrison, Selector

\_\_\_\_\_  
Daniel E. Boyer, Selector

\_\_\_\_\_  
David Fuller, Vice-Chairperson

\_\_\_\_\_  
Kelly Murphy, Chairperson

\_\_\_\_\_  
Michael Todd, Clerk