

SUNDERLAND SELECT BOARD

Regular Meeting - May 21, 2018

1. Call to order by Mark Hyde
2. Board members present
 - a. Jon French, Mark Hyde, Steven Bendix, and Melanie Virgilio
 - i. Rick Timmerman, absent
 - b. Audience
 - i. Marc Johnston (Road Foreman), Rose Keough (Town Clerk/Treasurer), Sam Gullard (Conti Solar), Eric Millard (Conti Solar), Rick Davis, II (Delinquent Tax Collector), John Scholl (Resident), Jean Scholl (Resident), Terry Putnam (Resident), Edward Cotter (Resident), Judy Cotter (Resident), Margot Page (Resident), Scott York (Safe Roads), Marie Litowinsky (Safe Roads), Colleen York (Safe Roads), Julie Hutchinson-Smith (Resident), Tracee Boynton (Arlington), Ruby Boynton (Resident), Lisa Saflrenn (Brookline), Lenore Mae (Brookline), John Mae (Brattleboro), Brandon Hodges (Resident), Andrew McKeever (GNAT), William French (GNAT), Judy Booklert (Sandgate), John Corcoran (Sandgate), Peter Van Haverbeke (Zoning Board), Valerie Takvoriam (Resident), and Judith Ackerhatt (Resident)
3. Session recorded by GNAT-TV
4. Approval of Minutes from May 7, 2018
 - a. Motion made to approve the previous meeting minutes made by Bendix, seconded by Virgilio, motion passed
5. Report from Road Liaison and/or Highway Foreman
 - a. Getting ready for North Road and Kansas Road paving projects
 - b. Highway grants

- i. \$20,000 grant water quality improvement/culvert on Prouty Hill Road 80/20 grant
 - 1. Town of Sunderland will be responsible for \$5,000
 - 2. Motion made to allow Mark Hyde to sign a \$20,000 water quality improvement, culvert grant (80/20) for Prouty Hill Road, in which the Town of Sunderland will be responsible for \$5,000, made by French, seconded by Bendix, motion passed
- ii. Kansas Road paving grant for \$75,280 (80/20)
 - 1. Motion made to allow Hyde to sign \$75,280 grant for paving of Kansas Road by Bendix, seconded by French, motion passed
- iii. Kansas Road paving quote for \$94,000
 - 1. Motion made to allow Hyde to sign Kansas Road paving quote for \$94,000 made by French, seconded by Bendix, motion passed
- iv. Municipal Roads Aids and Grants Program from BCRC, select board has decided it is not interested at this time.
- c. Kansas Road paving will begin after Memorial Day
 - i. Kansas Road and North Road paving projects will last about a week and a half
- d. Safe Road discussion on approach to grants and feedback from state - Marie Litowinsky
 - i. Scoping study of 2016 identified area near Town Garage that required improved safety measures for cyclists, drivers, and pedestrian use
 - 1. Project cost about \$150,000
 - 2. Grant denied for this project due to small scope

- a. Grant representative suggested applying for a smaller scope grant with a 50% match
- ii. New question is what the Town's approach should now be
 - 1. Litowinsky would like to apply for smaller scope grant, but it is due by June 22, 2018
 - a. She questioned whether it would need a town vote
 - b. Hyde pointed out that the cost would need to fit into the Town's current plan of \$30,000, which has already been approved by voters
 - c. Hyde also shared that the Sunderland Highway Department members would be willing to help with labor and equipment
 - d. Litowinsky asked for letter of agreement from select board to grant application
 - e. Johnston discovered another possible grant to apply for which would be a VTrans paving grant (90% match) if a wider paving project was performed
 - i. Preparation for paving would be completed first, then the section prepped would be paved in the next few years
 - f. Litowinsky said that the smaller scope grant would require that the project be completed within a year and a project design must be submitted upon approval
 - 2. Colleen York (Safe Roads) suggested that the Safe Roads committee member(s) meet with Johnston to go over information
- iii. Motion made by Bendix to allow Hyde to write a letter of agreement in application for the small scope grant with a 50% match to be

made by the Town of Sunderland upon approval, seconded by Virgilio, motion passed

6. New Business

- a. Delinquent tax collector discussion about written procedure, Richard Davis
 - i. Davis would like to create a town policy regarding delinquent tax collecting
 - ii. Each month following receipt of warrant, the tax collector will send a notice to each delinquent taxpayer including the amount of taxes owed, as well as penalties and interest owed
 - iii. The only payment arrangements that will be considered are plans in that will result in payment of bill within the calendar year
 - iv. If the tax on personal property is not paid in full within 30 days, the tax collector will seek authorization from the Select Board to place a lien on the property
 - v. Partial payments will be applied to the interest portion of the amount due, then the remainder will be divided proportionally between the principal amount of the tax and the 80% fee
 - vi. If no payment arrangements are made within two months, or if prior agreement has not been met, the tax collector will begin: tax sale of property, or as much of property as necessary to pay the taxes plus cost of fees
 - vii. Cost of preparing or conducting a tax sale and legal fees up to 15% of the delinquent tax amount will be charged to the delinquent taxpayer
 - viii. Hyde pointed out section informing that if deadline date has passed and delinquent taxes have not been paid, the tax collector will proceed with the tax sale as stated in state law
 - 1. Tax sales would occur once a year around November

2. If property is not purchased at tax sale, other alternatives will be sought
- ix. Virgilio suggested that more specific dates be given for clarification
- x. Hyde suggested that definitions be given for clarification
- xi. Current delinquent tax information
 1. As of May 21, 2018, for the 2017-2018 tax year, \$39,000 is owed the town in delinquent taxes with interest and penalties
 2. There remain back taxes due for 2015-2016
 3. Total delinquent taxes with interest and penalties is \$57,529
 - a. Hyde commented that this figure is the lowest he has ever heard
- b. Solar discussion on possible Sunderland site (Kansas Road), Eric Millard, Conti Solar
 - i. Parcel of interest is located on Kansas Road near the border with Arlington
 - ii. Nothing will be built on the road, nothing should be seen from the road or neighboring homes
 - iii. Benefits to the town include local workers to be utilized in build, property taxes will be paid on behalf of project (\$15,000 annually), renewable energy
 1. project will almost meet the town's renewable energy goal as outlined by the Regional Planning Commission for the county
 - iv. Peter Van Haverbeke asked for current zoning and acreage of the property in question, it is currently a 15 acre residential property
 - v. Ed Cotter, lives across from project, commented that he disagrees that the project will not be visible
 1. Cotter also commented that this Sunderland location is an option should the current location in Brandon, Vermont, be turned down

2. Millard clarified that the Brandon project has met with local opposition due to concerns of visibility, despite plan for planting trees as a screen
 - a. The current contract that Conti Solar has with Green Mountain Power does not allow for relocation in relation to current contract
 - b. Millard indicated that the Sunderland project will take place whether the Brandon project proceeds or not
- vi. Judy Cocoran asked if Springfield is a potential location, Millard confirmed
- vii. Ed Cotter commented that this project would be violation of the town's zoning policies
 1. Millard commented that this concern is why the Conti Group is approaching the Board, and that variances can be granted
 2. Hyde commented that zoning is optional for the state as this will go before the Public Utility Commission (PUC) who will decide where the project will go
- viii. Resident expressed opinion that Hyde's comment is minimizing the town's control over the project's destination
 1. Resident expressed opinion that the state will consider the position of the town, but may not follow
 2. Hyde responded that this may be true, unless the town has an Energy Plan in place, which the Planning Board is currently working on
 - a. Area in question is not included in current Draft Energy Plan, which will go before the Planning Board this month

- b. Suggested areas for solar in the current Draft Energy Plan include the former Casella landfill, and a commercial industrial section (South of Kansas Road)
- 3. Same resident asked if the BCRC report carried any weight, Hyde answered no
 - a. Same resident questioned Millard if the former landfill was considered, Millard said it was, but that it was found unsuitable due for various reasons, as was the second location south of Kansas Road
- ix. Margot Page, resident, asked if the Sunderland project currently has a PUC application approval, Millard responded no, the project is still in the early stages
- x. Questions and corresponding answers by Steve Bendix
 - 1. Length of lease, 25 years
 - 2. Would decommissioning of the site be included, yes
 - a. Will a bond be provided, it can
 - 3. Where will the decommissioned solar panels go since they are currently not recyclable, Millard answered that he hopes that in 25 years we will have more options available than just the landfill
 - 4. At which substation will the connection to the grid occur, Millard responded that they will connect through existing fiber optics to the present power lines
 - 5. Transmission voltage, in the range of 13 KB
 - 6. What will the angle of the collection panels starting from the base of the field to the top of the field be, between 20-25 degrees
 - 7. The pedestals will be elevated 2-3 feet to 7-8 feet off the ground

8. Where will the Renewable Energy Credits go, will stay in Vermont
- xi. Virgilio asked what the relationship between the property owner, the town, and Conti Solar look like should the project move forward
 1. Millard responded that Conti Solar will be leasing a portion of the property and will be responsible for maintenance of the property, including property access, stormwater runoff concerns
 2. If the property were to be sold, the lease would sell with it
- xii. Terry Putnam, resident, commented that he can see the field on the property in question during winter months
 1. Putnam asked if there will be timber removal, Millard responded no, except for perhaps some small trees going east to west
- xiii. Hyde read letter from John Noe, property owner of potential solar project, expressing reasons supporting project
- xiv. Judy Ackerhatt asked for clarification of the location of potential access road
 1. Close to the house, may exist on current road, or to the east of the road
 - a. The barns will not need to be removed
- xv. Richard Davis asked how long the company has been in existence, and whether there are subsidies available for this particular project, yes
- xvi. Bendix asked if any buildings will be constructed to support the solar panel operation, Millard answered no, there will be some cement platforms which will contain equipment
- xvii. Hyde asked about potential evergreen screening to prevent visual during winter

1. Millard said that this would be considered with landscaping details
- xviii. Resident asked about glare
1. Millard answered that glare is only a concern if a project will be located near airports due to angle
- xix. Page asked about Act 250 concerns in relation to the project
1. Hyde commented that the PUC circumvents Act 250 concerns
 2. Page will investigate further
- xx. Virgilio asked how involved the town may be in landscape architect concerns, etc.
1. Millard explained that Conti Solar will involve the town as much as possible in hopes of cultivating a positive relationship
- xxi. Virgilio asked about completed projects by Conti Solar in Vermont
1. Millard gave Stratford, Vermont as an example
 2. Hyde shared that he spoke with the Brandon Town Manager, who expressed the town's only concern as being the location
- xxii. Rose Keough asked who will maintain property should a storm occur
1. Millard responded that Conti Solar will be responsible for storm response as well as regular landscaping
- xxiii. Julie Hutchinson-Smith asked who would pay for the build
1. Millard explained that the money earned from the potential contract with the State of Vermont, as well as the utility companies, to buy the energy produced will pay for the build
 2. Hutchinson-Smith asked if any of her personal energy costs will be affected

- a. Millard answered that she may experience an indirect potential decrease
- 3. Hutchinson-Smith asked about potential property value loss in former projects
 - a. Millard answered no
 - b. Page commented that she has heard of significant property value decrease
 - c. Millard commented that he has heard the opposite, and that there isn't currently reliable data
- 4. Ed Cotter asked about wildlife concerns
 - a. Millard answered that in the past wildlife corridors have been created to aid with such concerns
 - b. This will be specifically studied should the project proceed
- 5. Valerie Takvoriam (resident) asked how many panels will be installed
 - a. About 8,400 panels
 - b. Takvoriam questioned potential for extension
 - i. Millard answered that legally they cannot, as well as geography concerns limiting expansion
- 6. Resident questioned potential concerns in the use of the land/estate intent
 - a. Millard commented that they will be in touch with the current owners
- 7. Resident expressed concern over proposed fence height in relation to deer safety
 - a. Millard commented that environmental/wildlife studies will be conducted for such reasons
- 7. Review of Bills, Correspondence, and Signing of Select Board's Orders

- a. New law enforcement contract with Bennington County Sheriff from July 1, 2018 to June 30, 2019
 - i. Price increase from \$42.74 to \$43.75/hour
 - ii. Motion made by Bendix to sign new law enforcement contract with Bennington County Sheriff from July 1, 2018 to June 30, 2019 at \$43.75 an hour, seconded by Virgilio, motion passed
- 8. Motion to adjourn made by French, seconded by Virgilio, motion passed

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'SMW'. The letters are stylized and cursive, with the 'S' being a large loop, the 'M' having three distinct peaks, and the 'W' being a series of connected loops.

Stephanie Muñoz Wells