

**BENNINGTON SELECT BOARD MEETING
BENNINGTON FIRE FACILITY
130 RIVER STREET
BENNINGTON, VERMONT 05201**

MONDAY, APRIL 25, 2016

MINUTES

BOARD MEMBERS PRESENT: Tom Jacobs – Chair; Michael Keane-Vice Chair; Jim Carroll; Donald Campbell; Justin Corcoran, Jeanne Connor; Jeannie Jenkins

Absent: None

ALSO PRESENT: Stuart Hurd, Town Manager; Dan Monks, Zoning Administrator & Assistant Town Manager; Michael Harrington, Economic & Community Development Director; Keith Whitcomb, Bennington Banner; Linda E. Bermudez – Secretary; (14) Citizens

At 6:00 P.M., **Tom Jacobs** called the meeting to order.

1. PLEDGE OF ALLEGIANCE

2. CONSENT AGENDA (A-B)

A) Minutes – April 11, 2016

The following name corrections were requested: *Agenda Item #5 Solar Facilities Amendment to the Town Plan* – Laura Block was the resident of Apple Hill who spoke. Same Agenda item - Paula Corkey was the member of the Arts Council who also spoke. Lastly *Agenda item #6 Act 46 Impact on Local Schools* – Donna Leep thanked the Select Board.

B) Warrants

There were no questions.

MOTION: Michael Keane motioned and Jeanne Connor seconded to accept and approve the minutes of April 11, 2016, *(with name corrections as noted)* as well as the warrant as submitted. Motion passed unanimously

3. CITIZENS

Dave Frederickson stepped forward to correct a story in Bennington Banner regarding the Jack Appleman development between South Street and Silver Street. He then questioned who is responsible for checking if the developer is in compliance with their project. The Manager explained if conditions are placed on a local (Building or Zoning) permit then the Town will

check it. If a condition is placed on the Act 250 Permit then the State is responsibility to follow up. Dan Monks confirmed that on the local level the development is in compliance.

4. OTTER CREEK SOLAR LLC PROJECTS REVIEW

Dan Monks noted this *proposed* solar project has already sent the "45-Day Notice" to the Town and the abutters of the site. This allows the Town Select Board, Planning Commission and the Regional Commission to preliminarily review and comment to the Public Safety Board (PSB) and the applicant. The Planning Commission has completed their review and forwarded comments onto the PSB (*see attached*). Mr. Monks then read the comments and concerns of the Planning Commission. The applicant receives all comments (filed with the PSB) before filing the actual application so they may address any concerns accordingly.

Donald Campbell asked if the Planning Commission's comments would count as the Select Board's opinion. Mr. Monks suggested that if the Select Board agrees with what the Planning Commission found they should reiterate those thoughts and/or concerns.

Brad Wilson, Ecos Energy LLC, stepped forward as the applicant representative. He noted that although this is all one parcel of land it will be addressed as (3) projects (Battlecreek #1, #2, & #3). He presented a brief overview of the project. This would be a local electrical grid project with no moving parts. He apologized for not having great detail on this project design this evening. This is because the project is in the extremely early stage of development. There is no application with the PSB as of yet; only the 45-day Notice which is only a petition to apply. This allows the developer to notice, meet and work with property abutters and the Town in order to develop an actual design for the project. The "46th" day would not be until May 24th, 2016. At that point we could submit an application; however we do not expect to have a proper design in place for much longer than that. It will be months before we actually apply with PSB. We want to work with both the Town and the neighbors to develop a plan that they all can support.

Mr. Wilson continued by displaying several maps of the proposed site describing the make-up of the land. Wetlands were cited along with the required (50)ft buffers etc. He also noted which portions were zoned Industrial and which were Rural Residential. He again stated that this is just a conceptual design only. They are very open to changes and how to improve the site design. They are very aware that sections #2 and #3 are very sensitive areas. The applicants have set up an open informational meeting at the Vermont Veteran's Home on Wednesday April 27, 2016. They will make this presentation again and be open for comments and questions from the public. Mr. Wilson presented his contact information and stated he was available for comments and questions at any time. He may be reached by phone at (612) 460-8605 or via e-mail at brad.wilson@ecosrenewable.com. He also noted the website which currently has the 45-day notice posted and any and all future documents will be posted for viewing as well at www.battlecreeksolarproject.com.

Tom Jacobs stated he agrees with the Planning Commission's statements. He is interested in see how this project changes further down the road and will wait to comment then.

Jeannie Jenkins stated that in these (3) projects some are more viable than others. What would be the minimum size to make this worth it? Mr. Wilson stated he is unsure of that number right now.

Michael Keane asked if they had a contract with Green Mountain Power (GMP). Mr. Wilson stated they are still in negotiations. Mr. Keane continued by asking how many of these type projects they have completed and what the exit strategy would be. Mr. Wilson stated they have completed (19) across the nation. Their company is unique in their objective is to develop, build, hold and operate a project till its end; unlike other companies who will prepare and then

sell the project before its built. The PSB ensures there is a De-commissioning plan in place before approval. Funds are held in escrow and can be revisited and adjusted through the life of the project to ensure the proper amount has been calculated.

Jeanne Connor asked for some examples of where the (19) other projects have been. Mr. Wilson listed California, Michigan, Indiana, Georgia and Sudbury, VT as some examples. Ms. Connor continued by asking when siting a location if it seems too problematic have they abandoned it. Mr. Wilson stated this happens often. If proven to be too problematic for a project, they then move on to scout a new location.

Lastly Ms. Connor asked what the benefits to Bennington would be. Mr. Wilson listed grid reliability, meeting renewable energy goals set by the Regional Commission Plan and property tax payments.

The Manager stated that the industrially zoned portion is a good project however #2 & #3 really need to be taken seriously. He suggested they do everything needed to secure approval on those portions. It could have a negative impact to the Harwood Hill area.

Justin Corcoran asked more questions regarding decommissioning and insuring the equipment.

Jim Carroll had questions regarding the taxing and what they could be if a building was built on that site instead. The Manager stated too many variables to determine the difference in taxes for a building (of unknown size purpose etc.) vs. solar project.

Mr. Carroll then suggested the property owners donate the wetlands portion of the property to the Town. Mr. Wilson stated they would be open to that discussion. Agency of Natural Resources (ANR) has a huge list of regulations for solar projects. They provide protection for specified habitats not general forested areas. Once we receive their report we can analyze those protected areas including wetlands and see what needs to be avoided by this project.

Donald Campbell asked if they were willing to do this project without selling the Renewable Energy Credits (REC's) out of state. Mr. Wilson stated that in 2017 there would be hard requirements Vermont will need to meet. They will be targeting the utilities. Right now we are in negotiations with GMP to sell these REC's to them.

Joe Krawczyk, resident of Rice Lane stepped forward. He read a prepared statement and asked it be made part of the minutes. Mr. Krawczyk stated this is not the right location for this project. He listed many concerns including (2) chemicals used to clean the solar panels. His well is 500 feet deep and Bennington sits on one of the largest aquifers in the state. Mr. Krawczyk also noted that GMP already has 50% of their portfolio in renewable energy.

MOTION: Michael Keane moved and Donald Campbell seconded a motion to accept Joseph Krawczyk's written statement as part of tonight's minutes (*please see attached*). Motion Passed Unanimously

Jim Carroll asked if any common ground could be met. Mr. Krawczyk stated section #2 & #3 affect him personally. He would like to see the plan first. The business neighbors need to be considered as well.

Mr. Carroll then asked Mr. Wilson if they had looked at any of the "preferred" sites listed in the Solar Ordinance/Town Plan. Mr. Wilson stated he would be open to looking at them for a future/additional project. They have already purchased this property and it is zoned for this type of project. Brownfield and rooftop solar projects are a different type project. They are very expensive to develop and currently the ratepayers do not support that type of expense.

Pamela Corkey stepped forward as an abutter. She wanted to thank both the Select Board and Mr. Krawczyk. She feels they have addressed most of her concerns.

Mary Morrissey stepped forward and read a prepared statement from Bennington Project Independence (BPI). They were careful in fulfilling historic and land preservation when they developed their property in this vicinity of Harwood Hill. They feel this project would impact negatively the tourist perspective and the oldest Apple Orchard in the State of Vermont. BPI asks the Select Board to deny the request.

Tom Jacobs stated this was just a preliminary overview of a possible project. We will follow with continued interest and be kept fully informed. Mr. Wilson concluded by stating there was a lot of work ahead them. It may be four to five months before they would be before the Board again.

Mr. Jacobs thanked all who participated this evening.

MOTION: Donald Campbell moved and Jeannie Jenkins seconded a motion to have the Town Manager write a letter on behalf of the Select Board to the Public Service Board reiterating the concerns listed in the Planning Commissions statement. Motion Passed Unanimously

5. LENDING INCENTIVE DISCUSSION

Michael Harrington stepped forward to present. He stated in the Select Board's packet was a draft of lending incentives to promote Economic Development, growth and even relocation. There would be no new money required for these incentive programs. This money already exists in the loan programs.

Three models were discussed including loans to address development of mixed-use properties (living space upstairs), low interest loans and a match loan to finish and/or continue renovation work that may have slowed down due to lack of funds.

Jeannie Jenkins would like to see the applicants encouraged to use additional programs like SVDC and Efficiency Vermont. Tom Jacobs asked that be made part of the requirements in the applications. We need to market those programs.

Jim Carroll expressed frustration with "ideas". They are all worthless if not implemented.

Tom Jacobs stated we need to let property and business owners know these programs are out there. He acknowledged this is just a draft and asked Mr. Harrington to continue editing and return next meeting.

Michael Keane asked the status of the "Vacant Property Ordinance". Mr. Harrington stated a draft had been sent to the State's Attorney's office. It did not meet the threshold and was returned to us. We then revised it and returned to their office. This past Friday they returned it back to us. There are still more questions but we are closer. He hopes to bring it before the Select Board in the next one or two meetings scheduled.

Tom Jacobs asked Mr. Harrington to return the next meeting with the Loan Incentive edits and they will continue this discussion.

6. SET BOARDS & COMMISSIONS SCHEDULE

The Manager asked if the Board would like to interview all candidates, including those up for re-appointment. The Board agreed to interview all candidates.

Michael Keane would like to know more about their budgets and effectiveness. The Manager suggested they invite the different Boards to a Select Board meeting for a presentation/discussion. Tom Jacobs agreed.

The Manager stated he would contact the Select Board with suggested dates for interviews. Monday evenings seemed to be available for all Select Board members.

7. 2016 LIQUOR LICENSE APPLICATIONS

The Manager noted there was only second-class renewal this evening. There is one more application outstanding. They are all due by May 1st. The application was circulated for signatures.

8. MANAGER'S REPORT

The Manager announced Townwide Hydrant Flushing would begin Monday May 2nd and continue through Friday May 13th. The Water Department begins on the East end of town and moves West. If your water is discolored, run the cold water only till it runs clear.

St. Gobain has agreed to fund two engineering firms to prepare plans to connect all currently contaminated wells in Bennington and North Bennington to municipal water. This includes Apple Hill, Houghton Lane and Michael's Drive.

Several homes and businesses on Northside Drive that are still on wells were found to be contaminated. Many already have stubs on their property to connect to municipal water. Waite Drive is a small private road off of Northside Drive with three homes. There is a stub to run a water main down the road. If St. Gobain does not fund this work, the State of Vermont noted they would fund it out of their emergency fund.

9. OTHER BUSINESS

Tom Jacobs asked about the tutorial for Select Board's. The Manager stated it would be scheduled for the first part of June. It will cover Select Board authorities, activities, ethics, conflicts of interest etc. We hope to have it here in Bennington and invite surrounding towns to attend.

Michael Keane attended a session on PFOA's at Bennington College. It covered identifying and analyzing the chemical. There is a real dedication from the State on this subject. They would like to conduct a presentation for the Select Board.

Mr. Keane also thanked Joe Krawczyk for their recent trip to Montpelier. They spoke with many legislatures who gave positive and complimentary comments about our Town Plan and Renewable Energy Ordinances.

Jeannie Jenkins announced the Job Career Expo on April 28th, 2016. It will be held from 11:00am till 2:00pm. All are welcome.

Ms. Jenkins also stated she attended a BCIC meeting recently where SVDC gave a presentation. They would like to come and speak with the Select Board also.

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Lastly, Ms. Jenkins stated she attended an open house at Abacus. There were approximately (40-50) people present. It was a great tour and a great business in Bennington.

Donald Campbell thanked the people at EXPOsion. This is what the community is about.

Jeanne Connor encouraged everyone to attend the new exhibit at the Bennington Museum. It is a 3D digital exhibition and runs through June 15th, 2016. Free Community day is also coming up.

Tom Jacobs advised the board that there was a need to go into Executive Session to discuss a real estate matter and request that the board find that premature general public knowledge would place a person involved at a substantial disadvantage and move into Executive Session.

Motion: Donald Campbell moved and Jim Carroll seconded a motion finding that an Executive Session be held on a real estate matter, as premature general public knowledge would place a person involved in the subject matter at a substantial disadvantage. Motion passed unanimously

10. EXECUTIVE SESSION

A) Real Estate

Respectfully submitted,



Linda E. Bermudez
Secretary