

Select Board Members
 Peter Hood, Chair
 Mary Just Skinner,
Vice Chair
 Phil Hyjek
 Steve Martin
 Liz Scharf

MINUTES
MIDDLESEX SELECT BOARD
Tuesday, April 7, 2020
5:00 PM
HELD REMOTELY VIA CONFERENCE CALL

MINUTES

PRESENT: Chair Peter Hood, Vice Chair Mary Just Skinner, Members Steve Martin, Phil Hyjek and Liz Scharf. Treasurer Dorinda Crowell. From Aegis – CEO Nils Behn, Director of Business Development Eric Phaneuf, and Business Development Manager Brad Hash. Cindy Hill, attorney for abutting landowner Jim Gallagher, also present. Planning Commission Chair Sandy Levine, Vic Dwire, ORCA and Select Board Assistant Sarah Merriman.

Call to Order/Amendments

Peter called the meeting to order at 5:08 PM and welcomed guests. Sandy said she was attending mostly to see how the conference call worked out in preparation of the Planning Commission's meeting the following week.

Deferring Aegis's Request for a Letter of Support

Aegis, a Waitsfield renewable energy company, submitted documents to the Board asking for a "letter of support" from the Board to the VT Public Service Board designating a vacant lot owned by Stephen Van Esen at 58 Center Road as a "preferred site" for a 150 KW solar project. Peter said he was inclined to let the Planning Commission review its own request at its April 15th meeting and then refer its recommendation to the Select Board. But since the Aegis members were present, the Board decided to let them make their pitch.

Nils explained that the proposed project would construct 550 solar panels on Van Esen's 1-acre lot abutting Kingsbury Company's office building and 802 Storage. The power created would be enough to offset energy for 30 homes, so not on a utility scale. It won't be visible from Center Road or any abutting residences. TJ Kingsbury has indicated he is willing to sign a waiver of setback. Aegis has mailed 45-day notices to the abutting landowners and the Town. A Certificate of Public Good cannot be submitted until that 45-day period expires. Aegis needs a "letter of support" from the two municipal entities – the Select Board and Planning Commission – as well as the Central Vermont Regional Planning Commission so it can receive a Certificate of Public Good for the project because Middlesex does not have existing "preferred sites." Preferred sites are usually rooftops or, for example, landfills and gravel pits. Since this location is so well hidden, Nils said it is a "great candidate" for a preferred site.

Jim, whose property abuts this development, said he worries about the loss of wildlife habitat and stormwater runoff. He's already had issues with other buildings there overshadowing his property, he said. Nils said they would be very careful to minimize run off. Peter asked Sandy if this comports with the recently passed 2019 Town Plan. Sandy said energy projects are exempt from zoning, though she confirmed there are no preferred sites in town.

Cindy, representing Jim, said neither the Board or the Planning Commission is under any obligation to submit these letters of support now or ever. The Board could wait for Aegis's proposal to wind its way through the Public Service Board hearing process before considering weighing in. She reiterated Jim's concern about this project's effect on the habitat and a nearby stream bank. She said there is no benefit to the Town by submitting a letter of support so early in the process.

Mary, who is also a member of the Washington Electric Coop Board, asked several questions about who would benefit from the array. In response, Nils said this would generate energy for WEC and would be used to power the medical-marijuana greenhouse in the 58 Center Road complex. Were the greenhouse abutting the solar array, Aegis would not need letters of support. However, Kingsbury's office building is between the two properties. Nils said he hoped to have a contract within a month or two, cautioning that parties are reluctant to enter into a contract that might be "conceptual." They want a project that's a "sure thing." Mary asked if they could receive a Certificate of Public Good without these letters of support; Nils said without these letters, the Certificate of Public Good will not be issued.

Eric explained that revenue is substantially less if the array is not housed on a preferred site. There is a 22.9% difference in revenue which Nils said would effectively kill the project since a 22% reduction in revenue would put them under water. Liz asked for comparable projects in the area – Nils said there is a similar one behind the big picture theater in Waitsfield, and another at the Town of Warren that powers the Warren schools and recreational field. A slightly smaller one – 80 KW – is on the Waitsfield Town Garage.

The Board thanked them for their presentation and agreed to defer making a decision on the letter until its next meeting. Nils, Eric, Brad, Sandy, Cindy and Jim left the meeting.

Approving the 2020 Local Emergency Management Plan & CVRPC's Request to Share

MOTION: Steve moved and Mary seconded approving the updated 2020 LEMP. The motion passed unanimously.

MOTION: Mary moved and Phil seconded granting the Central Vermont Regional Planning Commission formal permission to share updated LEMP information with other Local Emergency Planning Committees and municipal officials in Washington County upon request. The motion passed unanimously.

Approving the FY21 Annual Financial Plan for Town Highways

MOTION: Steve moved and Phil seconded approving the FY21 Annual Financial Plan for Town Highways. The motion passed unanimously.

Approving the Certificate of Compliance for Road and Bridge Standards

MOTION: Steve moved and Liz seconded approving the Certificate of Compliance for Road and Bridge Standards. The motion passed unanimously.

Treasurer's Report

Dorinda said she'd received Noyle John's renewal for insurance at Welch Park and questioned where the Association was in reorganizing its structure. Peter said the Association needed to hire an accountant and possibly garner one more signature on the documents. Dorinda said after July 1, the Town should not be accepting documents or processing money on behalf of Welch Park.

Dorinda asked the Board about seeking a one-year note to offset potential loss of tax revenue due to the economic downturn of COVID-19. The Town is slated to make an education payment to the State in the ballpark of \$760,00 - \$800,000 and the Kellogg-Hubbard Library is owed \$30,000 from the allocation the voters approved at the March 2019 Town Meeting. Dorinda noted the Board collectively agreed not to send out late notices apprising tardy tax payers of the 0.5% interest rate occurring on

unpaid amounts of 2019 taxes and has yet to address what happens when unpaid amounts become delinquent in May. The VT Legislature is supposedly addressing these issues; Peter suggested holding off on taking any action until then. The Board agreed.

OTHER BUSINESS

MOTION: Steve moved and Liz seconded renewing the Town’s animal-hold contract with the Central Vermont Humane Society for 2020 and allow Sarah to sign on the Board’s behalf. The motion passed unanimously.

MOTION: Mary moved and Steve seconded approving the March 17, 2020 Select Board minutes. The motion passed unanimously.

All orders were reviewed and approved via email.

CORRESPONDENCE: The Board reviewed an April 3, 2020, letter from the VT Agency of Human Services, Department for Families and Children apprising the Town that youth ages 13-18 in DCF’s juvenile delinquency system and in the custody of the Department of Corrections will be temporarily housed in the Middlesex Therapeutic Community Residence on Route 2, the previous patients having been transferred to the secure psychiatric facility in Berlin. Peter told the Board that he had participated in a conference call with members of the Agency on Thursday, April 2nd during which he was apprised of the move and assured that the youth would be supervised 24/7 in the locked facility. The Board agreed there was no need to notify abutting residents since this decision had already been made public in the media, but that if anyone called in concern, they should be sent the letter and directed to DCF.

The meeting adjourned at 6:26 PM.

Respectfully submitted by Sarah Merriman, Town Clerk/Select Board Assistant

THE ABOVE MINUTES WERE APPROVED AS A WARNED AGENDA ITEM AT A REGULARLY SCHEDULED MEETING OF THE MIDDLESEX SELECT BOARD ON APRIL 21, 2020.

PETER O. HOOD, CHAIR

MARY JUST SKINNER, VICE CHAIR

PHILIP HYJEK

STEVEN MARTIN

ELIZABETH SCHARF