

**TOWN OF RUTLAND  
SELECT BOARD**

MINUTES: March 8, 2016

Board members present: Josh Terenzini, Mary Ashcroft, John Paul Fagnant, Chris Kiefer-Cioffi, Joe Denardo

Meeting opened at 6:30 P.M. with the Pledge of Allegiance.

Town Administrator Mr. Joseph Zingale, Jr. opened the floor for nominations for Board Chairman. Mr. John Paul Fagnant nominated Mr. Josh Terenzini. Ms. Mary Ashcroft made a second to the nomination. Mr. Zingale called for the vote. Nomination passed unanimously.

Mr. Terenzini opened the floor for nominations for Clerk of the Board. Mr. Fagnant nominated Ms. Ashcroft for Board Clerk. Ms. Chris Kiefer-Cioffi made a second to the nomination. Mr. Terenzini called for the vote. Nomination passed unanimously.

The Board presented Former Chairman of the Board Mr. Stan Rhodes with a plaque of appreciation for his service to the Town of Rutland.

The Board reviewed the minutes of February 23, 2016 meeting. Ms. Ashcroft moved to accept the minutes as printed. Ms. Kiefer-Cioffi made a second to the motion. Mr. Denardo cited that certain statements regarding Mr. Yankowski's presentation were left out of the minutes. Mr. Zingale pointed out to Mr. Denardo that everything said at a meeting doesn't need to go into the minutes, only actions taken. Motion passed 2-0, Mr. Fagnant abstaining, and Mr. Denardo and Ms. Kiefer-Cioffi unable to vote.

Questions from the Floor.

Mr. Terenzini asked Mr. Red Grover how his project was going. Mr. Grover said Information has been given to the Town Attorney for review.

Mr. Brad Wilson from Ecos Solar updated the Board regarding changes to Otter Creek Projects one and two:

- Ecos is continuing to work closely with neighbors around the site and is addressing their concerns.
- Ecos has brought in the services of an aesthetics consultant to evaluate the visual impact of the site to meet the needs of the neighbors and the Town.
- Originally the projects were two solar projects on the same piece of property, a combined total of 7.2 megawatts ac.
- The development footprint is 34 acres.
- The plan had originally had a 100 foot buffer of existing vegetation on the northern part of the property on Cold River Road and to the south. However, after meeting with the

aesthetics consult, reviewing the Rutland Town solar sighting standards, and speaking with the neighbors, it has become apparent that will not be enough to accomplish the level of screening.

- The far northern part of the property slopes southward away from the northern property, therefore giving an element of visual prominence.
- Ecos Solar has reduced the size of the project, removing 800 kilowatts of solar entirely from the project, which is a 10% reduction in the system size. This will create a significantly larger buffer between the project and the northern property boundary of 310 feet of existing vegetation.
- After the project is finished, if there is any sign of visibility, Ecos will provide additional screening.
- Ecos will keep the 100 foot buffer on Cold River Road from the Easterly direction. Across the street there are residents elevated above Cold River Road. Ecos is proposing to bring in transplanted mature trees to fill in where is vegetation is weak.
- At the southeastern corner where the proposed project begins, in addition to the 100 foot buffer, Ecos is proposing to install 5-6 foot tall berms with mature trees on top.
- If there are any holes post construction, Ecos will work with the land owners to put screening on their own properties at their direction.
- Ecos is in the beginning stages of requesting a class two wetlands permit from the Agency of Natural Resource (ANR), to use property on the northern part of the western area of the property, thus removing the solar entirely from the area of Cold River Road causing total screening. This would need ANR approval.
- At the last meeting it was stated that this project would generate \$21,000.00 in taxes for the Town. In the spirit of wanting to work with the Town, Ecos is proposing “development fee” or a “tax fairness payment” to satisfy the Town. It would be a structured, one time, up- front payment, not an annual payment, and would ask the Town to come to Ecos with a number they feel is appropriate.

Mr. Wilson proposed Ecos sponsoring the Town with a 150 Kilowatts net metering project, thus generating revenue for the Town. He feels this would be more lucrative than a one- time payment.

Mr. Wilson told the Board that he has met with Mr. Ted Hubbard, Mr. David Fucci, and Mr. Charles Fisher to discuss the visual impact of the project. Mr. Wilson said he also had a neighborhood meeting. He said his presentation is a result of their feedback.

Mr. Joe Denardo inquired regarding the impact of wildlife in the area: He said the site does not have any rare, threatened or endangered wildlife, species or habitat. And that the Agency of Natural Resources concurs. Mr. Denardo asked about the deer population. Mr. Wilson stated the site is not a deer wintering yard.

Town resident Jim Snee asked the effect of clearing the wetlands, and in the future if the owners abandon the property who will be responsible for clearing the land for other uses.

Mr. Wilson stated Ecos is just starting to explore the wetlands use with the ANR. In addition, Mr. Wilson explained the Public Service Board (PSB) requires a decommission fund be established remove the equipment and return it to a natural state.

Town Clerk & Treasurer Ms. Donna Zeller inquired regarding the Ecos tax payment, a possible prepayment, and if Ecos would consider donating solar panels to the Town roof and net meter, or on Town land such as Northwood Park.

Mr. Wilson said in addition to an annual tax payment to the Town, Ecos could make a cash payment for additional revenue for hosting the Ecos project. Mr. Wilson explained Ecos isn't able to build a solar project, but if the Town had a piece of land or a 150 kilowatt net metering project they wanted to pursue, they are open to donating solar modules as an alternative which would be more beneficial to the Town in the long run.

Ms. Zeller asked Mr. Wilson additional questions.

Town resident Mr. Kevin Smith asked what the current and proposed land use is for the property. Mr. Wilson explained the current land use designation is industrial/commercial.

Town resident Ms. Gwen McShay asked how the lands will be cleared and whether herbicide or pesticide will be used.

Mr. Wilson said Ecos will recede the property in a native, slow growing vegetation that will be low maintenance. There will be no herbicide or pesticide used.

Ms. McShay asked if Ecos would be open to planting wildflowers. Mr. Wilson said wildflowers have been used in past projects, however they would need to be low growing as to not interfere with the solar panels. They are open to working with a local landscape or architect for a seed mix for the project.

Ms. Ashcroft introduced and thanked members of the Rutland Town Planning Commission present: Mr. Jerry Stearns, Mr. Dana Peterson, Ms. Barbara Pulling, and alternate to the Rutland Town Planning Commission Mr. Fred Nicholson for attending the meeting. Ms. Ashcroft asked if the Commission has looked at the Otter Creek solar projects one and two and whether the changes conform to the Town's solar sighting standards.

Ms. Pulling said Commissioners would meet with Mr. Wilson at their next meeting.

Town resident told the Board he is in favor of relocating the proposed Cold River Road solar panels into the class 2 wetlands to the north.

Town resident Mr. Byron Hathaway told the Board that solar energy does nothing for base loading in the state. He asked Mr. Wilson if there is anything that can be done regarding storing solar power. Mr. Wilson said Ecos has no plans to add storage in the future. The technology for battery storage for large scale solar is not cost effective. It also brings up environmental concerns as batteries have chemicals.

Town resident Mr. Jeff Leonard cited examples of places in the surrounding areas where solar is visible and impacts the vision. He asked Mr. Wilson about his boss and how he is fighting a windmill project where he lives in Cape Cod, yet pursuing projects in Vermont. Mr. Wilson would not comment about the Cape Wind article. Mr. Wilson talked about the vegetation Ecos will be using, and how they realize how important aesthetics are to Town residents, and how they are working with the Town, residents and neighbors on how they are intent to cause as little visibility as possible.

Town resident Mr. David Fucci commended Mr. Wilson for being amendable throughout the process unlike GoSolar. He cited the Cape Wind article, quoting Mr. Malone of Ecos Solar fighting a wind project where he lives. Mr. Fucci quoted in the article that Mr. Malone "didn't want to see it, and it was going to decrease his property values". Mr. Fucci read a section from the Rutland Herald regarding the energy policy report. He feels the state of Vermont is prostituting our land for other people's benefits in different states. Mr. Fucci commented on the great job the Planning Commission did at their last meeting, and praised their hard work. He said that Mr. Joe Denardo was the person who had the biggest protest of the proposed is Mr. Joe Denardo, who wants to put a solar project on his property. As a newly elected Selectman, Mr. Fucci strongly believes Mr. Denardo should recuse himself from voting on solar issues and should have let the public know that was his plan before he ran for Selectmen.

Town resident Mr. William Cohen requested information regarding tax credits. Mr. Wilson stated Ecos does not have a contract with Green Mountain Power (GMP) to sell the Renewable Energy Credits (RECS) for this project. He said an offer has been made through a federal organization called PURPA. He explained two scenarios whereof GMP can have the RECS, or decline and get a lower rate for the electricity. Vermont does not have a Renewable Portfolio Standard (RPS) which means the RECS are useless. The state is currently working on legislation on how RECS will be used in the state.

Mr. Leonard asked why Ecos didn't consider more remote properties, like Route 22A. Mr. Wilson said they are looking at properties like that in the state.

Mr. Jerry Stearns asked what is the PURPA rate and the cost of the project. Mr. Stearns calculated that 7.2 megawatts produces 7,200 kilowatts per hour at 100% capacity, and estimated Ecos will be making \$21,000,000.00 after the cost of the project yearly, while Town residents are paying only 1% in taxes. Mr. Stearns asked if the Town should be compensated further.

Mr. Stearns commented that Green Mountain Power has one of the greenest portfolios in the state and feels that Ecos should not be helping them.

Mr. Fucci asked if Tom and Michael Malone and are owners and the biggest shareholders in the company. Mr. Wilson replied this is correct.

Ms. Gwen McShay asked what is the useful life of the equipment. Mr. Wilson said 20-40 years. He said the decommission process requires Ecos to return the property to a natural state. She stated she did not see a lot of harm in this project, as there are other things happening in the world that are doing a lot more damage to the environment.

Town resident Mr. Theodore Hubbard, III inquired regarding a cash option, Mr. Hubbard asked if the cash options are bribes. Mr. Wilson stated this isn't how it has to be, Ecos is trying to work with the Town so the project is supported by the community.

Town resident Don Tuttle said the project has no benefit to the Town as it doesn't create jobs. Mr. Wilson cited a report from the state of Vermont that solar projects have created over twenty thousand jobs in the state.

Mr. Terenzini closed the presentation.

Town Planning Commission Chair Ms. Barbara Pulling reported:

- 1) Ms. Pulling reported to the Board regarding the Commission's Town Plan hearing on March 1, 2016.

Town SWAC & Transfer Station Representative Mr. Richard Lloyd reported:

- 1) Mr. Lloyd said there will be household hazardous waste collection day on Saturday, April 9, 2016 from 8:00 A.M. to 11:30 A.M. Mr. Lloyd cited examples of what may be picked up (chemicals, poison, and pesticides).

Town Emergency Management Director and Transportation Council Representative Mr. Martin Wasserman reported:

Not present.

Town Clerk & Treasurer Ms. Donna Zeller reported:

- 1) Ms. Zeller congratulated all new Select board members.
- 2) Ms. Zeller said the old copiers in the Town Hall are not able to be used as printers. The new machines that will be installed this week are saving the Town \$150.00 per month. Ricoh will be maintaining the machines.
- 3) Friday, April 1, 2016 dog licenses are due. The fee is \$9.00 for a spayed/neutered dog and \$13.00 for an intact dog.
- 4) Friday, April 22, 2016, scholarship applications are due at the Town Hall. Applications may be picked at the Town Office or with guidance counselors.
- 5) Tuesday, May 10, 2016 the final tax payment is due.
- 6) Ms. Zeller presented a notice from Vermont League of Cities and Towns (VLCT) for upcoming seminars to the Board.

- 7) Ms. Zeller thanked the poll workers who assisted with the Town Meeting/Presidential Primary elections. Ms. Zeller reported 1, 588 residents voted for Town meeting and 1,580 vote in the Primary, which is a new record.
- 8) Ms. Zeller presented liquor licenses to the Board for Johnny Boys and Holiday Inn. Ms. Zeller said Chief Dumas had reviewed and approved them. Mr. Faignant made a motion to approve the licenses. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 9) Ms. Zeller reported she has not had any communication with the Delinquent Tax Collector since the last meeting. She said she has not received a corrected cash receipt report or list of delinquent tax collectors from the last year. Mr. Terenzini asked Mr. Zingale, Jr. to talk with Delinquent Tax Collector Chris Howe and add him to the agenda for the next meeting.
- 10) Mr. Terenzini asked for clarification on what happened on Town Meeting Day. Ms. Zeller said she received 1,600 Presidential Primary ballots from the state. Ms. Zeller cited the series of events that caused an approximately 15 minute delay. Ms. Zeller said nobody was turned away, anyone who came in was told about the events causing the delay. She stated there were people outside of the polling place saying the Town was out of ballots, and believes this is a violation of the polling place rules. Ms. Kiefer-Cioffi asked what the cost of the ballots is to the Town. Ms. Zeller stated about \$1,100.00 for 1,500 ballots, 20 testing ballots and sample ballots. The ballots are purchased by LHS who also maintain the machines and stand by the Clerks if there is a problem with the ballot, and are the least expensive. Ms. Kiefer-Cioffi asked what is done with the ballots. Ms. Zeller explained the ballots need to be kept for a length of time before being disposed of depending on the election.
- 11) Mr. Faignant asked if Ms. Zeller has heard from VLCT with regard to the issue of Ms. Zeller striking names from nomination petitions. Ms. Zeller said if Mr. Faignant filed a judgement the VLCT would review it and decide on representation. Mr. Faignant requested Ms. Zeller send him the email from the VLCT regarding the issue.

Rutland Town Road Commissioner Byron Hathaway reported:

- 1) Mr. Hathaway requested he be able to put out paving bids.
- 2) Mr. Hathaway requested he be able to create bid specifications for line striping to be put out to bid.
- 3) Mr. Hathaway will be meeting with the School Board on Monday, March 15, 2016 to give an update in preparing the grant for a storm water project that may help with paving at the school. Mr. Terenzini suggested the School Board Liaison attend the meeting. Mr. Faignant made a motion to nominate Ms. Ashcroft for School Board Liaison. Ms. Kiefer-Cioffi made a second to the motion. Motion passed 4-1, Ms. Ashcroft abstaining.

- 4) Mr. Hathaway cited there is a match requirement for the grant. It may not have to be 100% match, and suggested the Board offer some type of match. Mr. Zingale, Jr. suggested Mr. Hathaway check with Act 250 regarding the proposed project.
- 5) Mr. Hathaway requested he be able to apply for a safety equipment grant through VLCT. In the amount of \$5,000.00. It is a 50-50 match, and a senior municipal representative has to sign the grant.
- 6) Mr. Hathaway reported on February 25, 2016, there was a heavy rain event that caused damage on Cold River Road and at Dewey Field. Mr. Hathaway has reported these to the state and is hoping for a declaration from the Federal Emergency Management Association (FEMA).
- 7) Mr. Hathaway reported an issue on Colonial Drive in which Town resident Mr. Tuttle contacted Mr. Hathaway regarding a drainage issue between Mr. Tuttle and a neighbor. Mr. Tuttle is looking for some kind of relief from the Town in the form of a stone line ditch between himself and the neighbor. Mr. Tuttle described the issues he is currently experiencing and said he has tried to resolve the issue himself and has been unsuccessful. Mr. Terenzini requested the Highway Committee and Road Commissioner make a site visit to determine the damage and report back to the Board.
- 8) Mr. Hathaway asked who will be responsible for getting the doors that were delivered to the Town Fire Station for the Town Hall renovations on election day. Mr. Terenzini asked Mr. Zingale, Jr. to contact Mr. Smalley to get the doors back to the Town Hall.

Town Administrator Mr. Joseph Zingale, Jr. reported:

- 1) Mr. Zingale circulated the contract for the renovations for signature. Ms. Ashcroft moved for the Chairman sign the contract as presented. Mr. Fagnant made a second to the motion. Motion passed unanimously.
- 2) Mr. Zingale, presented the Town Report in book form to the Board.
- 3) Mr. Zingale said the Town's traffic consultant Resource System Groups have submitted a report and are talking with the state with regarding closing a portion of Cop John Drive for the benefit of BJ's as well as traffic safety. It will not happen unless BJ's gets a permit.
- 4) Mr. Zingale, reported Andreas Torrizo the Town's storm water consultant will be at the next Select Board meeting on Tuesday, March 22, 2016. Mr. Zingale, asked if it is legal to adopt an ordinance that applies only to a certain area. Mr. Fagnant stated the Town could adopt an ordinance limits application as long as it is a definable standard. Mr. Torrizo will be also meet with the Planning Commission.

- 5) Mr. Zingale reported the renovations will begin in the next few days. He requested the Board hold the next several meetings at the Town Fire Station.

Town Fire Chief Mr. Francis Cioffi reported.

- 1) Mr. Cioffi presented to the Board the Town's newest full time firefighter Dylan Marr. Mr. Marr has had a background check, passed it and is on his 6 month probation. During his probationary period he will get a Vermont driver's license. Mr. Fagnant made a motion to approve the Chief's recommendation. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously.
- 2) Mr. Cioffi reported he has received some correspondence from the VLCT regarding the lawsuit of the Town Fire Department's sprinkler system.

Town Representative to the Rutland Planning Commission Mr. Fred Nicholson reported:

Mr. Nicholson had nothing to report.

Town Police Chief Ed Dumas reported:

Rutland Town Police Chief Mr. Ed Dumas presented the Police report dated January 2016.

- 1) Mr. Dumas stated there were no stats available for the meeting.
- 2) Mr. Dumas reported Officer Washburn has been working on the ESCEROL grant. He stated the government didn't like something on memorandum of understanding (MOU). It was sent back and will need the Chair's signature.
- 3) Mr. Dumas stated the letter from the mall management to Stephen Bernard was sent to the Town's attorney Kevin Brown. Mr. Dumas received an email from the Diamond Run Mall manager Jay Morrell saying the mall is wants to reduce Sheriff's Department patrol at the mall to Friday 4:00 P.M.-10:00 P.M., Saturday 10:00A.M.- 10:00 P.M., and Sunday 11:00 A.M.-5:00 P.M. The rest of the time coverage will be upon the Vermont State Police and the Rutland Town Police Department. Sheriff Stephen Benard will be submitting a price for the Sheriff's Department coverage to the mall. Mr. Terenzini cited the 1997 agreement with the mall to have law enforcement present at all hours of operation. The Board did not take action.
- 4) Mr. Terenzini asked how much time goes into preparing the monthly statistical report. Mr. Dumas stated four to five hours. Mr. Terenzini suggested the Board may not need a

monthly report and to send the issue to the Police committee. Mr. Dumas will bring the report to the next meeting for the new members of the Police Committee to view.

Rutland Town Recreation Director Mike Rowe reported:

- 1) Baseball and softball sign up is going well and urged residents to sign up early.
- 2) Mr. Rowe would like to start the Dewey Field parking improvement project.
- 3) Mr. Rowe will be setting the opening of the pool date soon. Mr. Terenzini stated it is a capital improvement fund and the funds from there should be used for the project. Mr. Fagnant moved to use money from the capital improvement fund for the Dewey Field project up to \$30,000.00. Ms. Kiefer-Cioffi made a second to the motion. Motion passed unanimously. Mr. Hathaway asked if the voters have to vote on capital expenditures. After some discussion the Board agreed to table Mr. Fagnant's motion and seek counsel with the Town Attorney.
- 4) Mr. Rowe received a call from Billy Barra who is retiring from his duties at Dewey Field. Mr. Rowe wished him well and thanked him for the job he's done. He will continue to work at the transfer station. Mr. Rowe looked to the Board for guidance on filling the position by April 1, 2016, no later than the middle of April. Mr. Terenzini said Mr. Rowe can start advertising and the Recreation Committee will view all applications.

The Board reviewed correspondence:

The Board received six letters from Town residents opposed to the Ecos solar project

The Board received the resolution from the Town of Bennington.

Mr. Terenzini congratulated Ms. Kiefer-Cioffi and Mr. Denardo for getting elected to the Board and to Mary Ashcroft as Clerk of the Board. He said collaboration should be the theme of this Board. He also thanked the voters of the Town.

Mr. Nicholson suggested the Board collaborate with BJ's on the issue of the Sheriff's Department wanting to cut hours of patrol. Mr. Fagnant said the Sheriff's contract with the mall is a stand-alone issue and has all the merit it needs to succeed.

Ms. Terenzini made a motion to adjourn. Ms. Ashcroft made a second to the motion. Motion passed unanimously. Meeting adjourned at 9:20 P.M.

