

**SHARON SELECTBOARD
REGULAR MEETING
Minutes (DRAFT)
Monday, November 4, 2019**

Board Members Attending: Joe Ronan, Kevin Gish, Mary Gavin
Staff Present: Margy Becker, Deb Jones, Frank Rogers
Members of the public: Christian Pelletier and Mary Russ, White River Partnership;
Representative Tim Brigland; Sue Sellew (Planning Commission),
Jon Harrington, P.E. (Horizons Engineering), Keenan Haley,
Principal (Sharon Elementary), Residents Kyle Gilbert, Jodi
Harrington; Martha Staksus (VP Development, Norwich
Technologies, Kevin Davis (VP Sales, Norwich Technologies)

Joe Ronan called the meeting to order at 6:30PM.

Public Comments:

There were no public comments.

Review/Approve Agenda:

Kevin Gish made the motion to approve the agenda. Mary Gavin seconded. The motion carried.

Selectboard Reports:

Mary Gavin announced the FY21 South Royalton Rescue budget will likely result in an eighteen cent (\$.18) increase in the per capita fee for the Town of Sharon. Kevin Gish and Joe Ronan continue to participate in "4-town" consortium sub-committee and steering committee meetings.

Approval of Minutes:

A motion was made by Mary Gavin to approve the minutes of the emergency meeting held on October 18, 2019 (to consider action on opioid litigation) without any modifications. Kevin Gish seconded. The motion carried unanimously.

Mary Gavin made the motion to approve the minutes of the regular meeting on October 21, 2019 without changes. Kevin Gish seconded, and the motion carried.

Mary Gavin made the motion to approve the minutes of the special meeting on October 28, 2019 in which Selectmen discussed employee health insurance options. Kevin Gish seconded and the motion carried.

Approval of Warrants:

Check warrants were approved.

Road Foreman Reports & Highway Business:

- The Town experienced very little road damage during the Halloween storm; mostly tree damage;
- Blaktop will pave culvert trenches on Howe Hill tomorrow (Nov. 5);
- Frank will follow-up with Chase Site Services for rates for winter maintenance of Sharhart Road and report back to the Selectboard on Nov. 18.
- The crew will maintain Ogden Lane this winter, thanks to the progress of the Ward family in cleaning up debris that had previously blocked the right-of-way.
- Frank Rogers will attempt to contact the private contractor who plows the Butterworth's driveway to inquire whether he/she is available to plow the remainder of the driveway to Downer Road, which is a class 3 road.
- Frank Rogers inquired whether it was the crew's responsibility to provide parking area(s) for cross country skiers at each end of Downer Forest Road. He was informed that yes, this was a long-standing tradition. Margy Becker will contact Tim Morton (State Forester) and the Conservation Commission to arrange future discussions with Selectmen to revisit this policy.

Bond Vote Results:

Selectmen acknowledged the favorable 112 – 11 margin in the Australian ballot vote held October 29th. The 30-day period during which voters can petition to reconsider the question expires November 29th. At that time the Town Clerk may certify the vote, and the Finance Manager can begin the process of making application to the bond bank.

Jon Harrington, Horizons Engineering, indicated he is working on bid specifications. The intent is to bid in December. Deb Jones stated bond interest rates will be known in January. It was agreed another meeting with the Pomfret Selectboard should be scheduled for the near future.

Horizon's Engineering Proposal: School Parking lot and access road paving Repairs

Jon Harrington presented Horizon Engineering's proposals for pavement repairs to the school parking lot and access road (TH61 Class 3). Soils borings indicate a layer of silt. Jon is advocating reclamation to a depth of 12" followed by placement of fabric and then 4" of pavement for an estimated project cost of \$60,000 (inclusive of 20% contingency). The parking lot is estimated at 1362 square yards. It is in poor shape, and the Town has indicated the road crew will not plow it this winter.

Jon Harrington further recommends the Town address repaving the road to the school (TH61) at the same time. He recommends similar treatment for an estimated price tag of \$116,689.

Selectmen and Finance Manager Deb Jones called attention to the fact that Horizons' original recommendation for treatment of the school access road in their revised Paving CIP was for a 1" shim at approximately \$10,000. This recommendation preceded information from soil borings.

Keenan Haley (Principal, Sharon Elementary) indicated he hopes the school will move forward with paving next summer and that are funds to do so. Selectmen indicated their wish to further discuss Horizons' proposal for TH61 reclamation and its request that the Town consider bidding this small project as part of the paving projects to be financed by the bond. Jon Harrington indicated there would be cost savings if the Town took this approach.

Rte. 132 Stormwater Operating Permit (Revocation at request of Town):

Mary Gavin made the motion to accept and sign the form entitled "Stormwater Discharge Permit Revocation Request" as provided by the Agency of Natural Resources ("ANR"). Kevin Gish seconded. The motion carried.

Margy Becker reported the ANR will credit this past summer's stormwater operating fee payment (\$1854) towards the spring 2020 MRGP annual fee.

Broad Brook Access to White River:

Mary Russ and Christian Pelletier met with the Selectboard to further discuss preliminary plans for a small parking area for the White River access in the vicinity of Broad Brook Cemetery off River Road. The Town now owns land adjacent to the cemetery known as "the Rikert Parcel". The land is subject to a conservation easement and management plan agreed to by the Town, White River Partnership, and VT River Conservancy back in March 2017.

Mary Russ reported the chain link fence across the existing and signed "Broad Brook Access" field access is unlocked. The intention is to prevent vehicular access there. Christian Pelletier reported the development of the "Broad Brook Access" will require fill to be brought in. Additional signs will be placed.

Kevin Gish commented he had hoped the WRP would consider parking on the easterly side of the cemetery (away from Broad Brook). Mary Russ indicated the WRP is willing to consider the alternative roadside parking area just to the right of the cemetery. This area is level with River Road and would not require deposition of any fill. Selectmen encouraged Mary Russ to proceed with submittal of the Recreation Trails grant application to cover the costs of develop in the parking area and signage improvements. The grant application is due in December.

Norwich Technologies:

Selectmen met with Martha Saksus (VP Development) and Kevin Davis (VP Sales) of Norwich Technologies ("NT") to further discuss final details of a decommissioning plan and fund for the Rte. 132 solar installation adjacent to the Day Historic District. The draft document discussed is a "First Amendment to Memorandum of Understanding Regarding Norwich Technologies VT 132 Solar Project". The amendment indicates NT shall pay four (4) annual installments of \$5,000 and a fifth "true-up" payment to the Town with "the goal of bringing the account balance up to an expected \$40,000 in 2042." The Town will deposit the payments into an interest-bearing account, and it is to be the sole owner of the account. The Town is agreeing to hold the

payments in the account for the useful life of the solar project. It also agrees that it shall make payments from the account only for decommissioning activities not undertaken by NT. The Town agrees to remit the unexpended balance of the account back to NT (or its successor) upon satisfactory completion of decommissioning.

The decommissioning plan is amended to include removal of above-ground and below-ground infrastructure. NT is required to restore vegetation to the site in accordance with any applicable rules, regulations, and permits.

Selectboard member Mary Gavin requested that the initial payment to the Town be increased to \$10,000, indicating that she felt NT had not negotiated in ‘good faith’ over the past two years. Kevin Gish stated his satisfaction with the proposal “as-is”. Joe Ronan inquired as to NT’s position. Kevin Davis indicated NT would be willing to make an initial payment of \$10,000.

Jodi Harrington, resident, inquired how the \$40,000 estimate was arrived at, and Kevin Davis explained a contractor had provided an original estimate of \$32,500 to remove and properly dispose of all panels and equipment.

Kevin Gish made the motion to approve the final decommissioning documents as amended. Mary Gavin seconded. The motion carried.

Norwich Technologies – Raymond Road Solar:

Kevin Davis explained Norwich Technologies (“NT”) is interested in moving ahead with the proposed 500kW net-metered solar array proposed for Raymond Road. New rates set in July make the project feasible. NT’s May 2019 “45-Day Notice of Application” is still in effect. The 180-day period expires in November. NT hopes the Town will reconsider issuing a ‘preferred site’ letter, now that an agreement on decommissioning the Rte. 132 facility had been reached. Last June the Selectboard had taken formal action to decline issuance of said letter, citing NT’s failure to complete negotiations on decommissioning.

Sue Sellew clarified the Planning Commission’s position of last June was not to support issuance of a ‘preferred site letter’ at that time. She indicated that progress has been made with enhanced energy planning. The Energy Committee has done its planning. The energy chapter of the town plan has not been finalized, however. The Planning Commission is now looking at draft maps of sites for proposed alternative energy facilities. The Town Plan will be amended all at once. The Planning Commission has applied for a planning grant to support this initiative. Amendments will be crafted over the next year.

Jodi Harrington stated more people than abutters should know about the Raymond Road proposal. She asked the Town to “get the word out.” Mary Gavin inquired whether the Selectboard should hold a public information meeting regarding the proposal – perhaps in December? Martha Saksus clarified NT intends to begin the permitting process over again, since she has not yet held discussions with abutters. The Selectboard agreed it will schedule future public discussions concerning the Raymond Road project and issuance of a ‘preferred site’ letter

at a future date. Martha Saksus will attend the November 12 Planning Commission meeting to informally discuss the project and determine the progress of ‘enhanced energy planning’.

Finance Manager Reports:

Deb Jones reported she is now in the process of collecting bids for a new one-ton truck. Additionally, she is now in the process of accepting applications for road crew.

Burgess Report – Town of Norwich:

Selectmen briefly discussed details of the Norwich case. They expressed concern that despite the Town’s policy that no fund transfers be made without Selectboard authorization, they occurred. Deb Jones has provided Selectmen a copy of the Town’s internal controls policy. Mary Gavin suggested the Selectboard may want to consider asking the Treasurer to provide bank reconciliation reports on a scheduled basis for Selectboard review.

Sharon Academy Video Surveillance Policy:

Joe Ronan commented that the policy is missing language concerning managing the video footage as ‘public records’. He agreed to further discuss the matter with Andrew Lane directly. Meanwhile the Board suspended further consideration of the policy.

Revised Local Emergency Management Plan (“LEMP”):

Margy Becker has revised the 2019 LEMP adopted last May to note changes in nomination of Fire Chief and Assistant Chief.

Motion by Kevin Gish to approved the revised LEMP. Second by Mary Gavin. The motion carried.

Selectboard Assistant Reports:

Motion by Mary Gavin to approve the Agreement for Strays as revised and submitted by Country Animal Hospital for the remainder of 2019. The motion was seconded and carried unanimously.

Margy Becker expressed frustration with lack of progress on the website. She and the designer now hope the new site will “go live” on December 1. There have been many requests for building maintenance she has attended to, which pull her off Selectboard business. The Town is looking for a contractor to perform maintenance on town buildings, which include the garage, library, town offices, Old School House, and Historical Society building.

Opioid Litigation:

Joe Ronan reported the recent letter to all towns from the Vermont attorney general indicates the Town may be best served to remain in the Class action suit. He questions whether the Assistant

Attorney General's advice to him that the Town would be better off withdrawing from the Bennington suit. Joe Ronan stated his objective, in considering avenues to participate in opioid litigation, is to make sure the Town is not going to pay lawyers twice and that it maximize its potential payout. The Selectboard will take final action on the Class Action suit at its November 18 meeting.

Public Comments:

Jodi Harrington and Selectmen briefly discussed possible avenues for fundraising for the Armstrong family.

Representative Tim Brigland:

Selectmen met with Tim Brigland and various topics of concern to the Board were discussed, including the feasibility of reclassifying Howe Hill Road in order to receive increased state aid and cyber security.

Executive Session (Personnel):

Motion by Mary Gavin to enter executive session at 9:10PM with the Finance to discuss a personnel matter. The motion was seconded by Kevin Gish and passed unanimously.

The Selectboard exited from executive session at 10:03PM. No formal action was taken.

Adjournment:

Mary Gavin made the motion to adjourn at 10:03PM. Kevin Gish seconded. The motion carried.

Submitted by, Margy Becker