

Town of Shaftsbury

Special Select Board Meeting
Cole Hall and remotely via Zoom
Monday, January 30, 2023

1. Call to Order

The meeting came to order at XXX. Present were selectpersons Art Whitman (chair), Mike Cichanowski, Martha Cornwell, Tony Krulikowski, and Joe Barber. Also present was town administrator David Kiernan.

2. Conflict of Interest Statement

No one reported a conflict of interest with any item on the agenda.

3. Minutes

The January 16 minutes were approved 5-0-0.

4. Warrants

- Check warrant #25, \$58,407.35. The motion to approve passed 5-0-0.
- Payroll warrant #15, \$26,220.94. Mr. Cichanowski moved to approve the warrant. Mr. Barber seconded the motion, which passed 5-0-0.

5. Announcements

Ms. Cornwell reported that the Planning Commission will hold a special meeting on Wednesday Feb. 8, 6 p.m., at Shaftsbury Elementary School, to host those wishing to comment on the Holy Smoke Rd. solar project. A panel of experts including local representatives will be present. Zoom will be an option but may be problematic; she urged folks to attend in person if possible.

Mr. Kiernan said construction will take place in the clerk's office next week beginning Tuesday and perhaps extending into Monday the following week. The clerk will accept visitors upstairs in Cole Hall but access to clerk functions will be limited.

Mr. Krulikowski noted that tonight's special meeting was called to warn the town meeting and adopt a proposed budget for the new fiscal year. He asked that comments on the solar project be limited.

6. Public Comments

He asked Jesse McDougall, neighbor, to explain the citizen comment process. Mr. McDougall said the deadline to submit public comment through the Public Utility Commission's website is Friday this week. He said the process took about ten minutes and urged all to enter their concerns. Those comments will go to the developer. He argued the Town has a role to play in the process, even though it is not a decision maker.

Ms. Cornwell said she carefully read the PUC's document and understood it to say that comments received within the 45-day period ending February 2 will be shared with the developer. Once the developer's application is submitted, the formal process will begin, during which testimony can be offered by citizens. Several other steps will also be taken.

Kit Ausschnitt said the opponents have hired a lawyer but don't know if she will be needed. He said his personal hope is that the developer will abandon the project.

A citizen said the group hopes the Select Board will decide the solar project is too big for the community.

Mr. Krulikowski said it is the PUC that needs to hear citizen comments, not the Select Board.

A resident of 7A in the village said there is already a solar farm across the street from her home. She said such arrays were at odds with the state's Green Mountain State reputation.

Mr. Harrington said the Select Board should pass a resolution against the solar project. He said he would want to see something on the Town ballot about the town's taking action on the project.

Harry Burgess said the PUC is stealing the state's mountain tops and fields.

Mr. Barber asked whether the fire department is prepared to handle a fire.

Tony D'Nofrio said a prohibition against such projects should be placed in the bylaws.

Edie Smith said she is concerned about preserving the rural quality of the town.

People in the audience talked with one another publicly about what steps could be taken to fight the project.

Mr. Kiernan said a special meeting would have to be held by the end of the week to place a vote on the ballot at Town meeting.

Mr. Whitman noted that any motion should be made under "other business," not under "public comments."

A citizen asked about other solar arrays in town.

Andrea Bacchi said anyone with a business or thinking about opening a business can get no-cost business advice from an SBA-related state entity. Vtsvdc.org.

7. Approval FY24 Budget

Mr. Kiernan reported the budget projects a 5.5% increase. He said he made some adjustments in the budget he submitted earlier, including a reduced sheriff's budget (as a result of that office's workforce restrictions); a lower fuel oil budget for the garage to reflect actual costs there; reductions in sidewalk funds because costs cannot be incurred until FY 2025. Increased costs include those at the transfer station (fees aren't covering weights as well as they might).

Mr. Cichanowski moved to adopt the budget. Ms. Cornwell seconded the motion, which passed 5-0-0.

8. Approval Town Meeting Warning

Mr. Cichanowski moved to approve the warning as presented. Mr. Barber seconded the motion. On discussion, Ms. Cornwell outlined two options: warning a non-binding vote on the Australian ballot, or a floor vote on the Monday night Town meeting. Mr. Kiernan noted a third option, a motion raised on the floor to discuss and vote on the solar project. Mr. Harrington said more people would vote via Australian ballot than from the floor. Mr. Whitman pointed out that there is no formal proposal on which to vote. Mr. Cichanowski noted that a quickly thrown together resolution could hamper future actions the Town might wish to take. Ms. Bacchi asked, if the Town Plan supports solar, can the Select Board oppose solar? Ms. Cornwell said the Town Plan complies with state laws. An "Enhanced Energy Plan" could cover solar more thoroughly. Shaftsbury does not have such a plan. The motion passed 5-0-0.

9. Economic Development Committee Proposed Appointments

Rick Bennett, Emily Cowperthwaite, Marita Cockburn, and Andrea Bacchi volunteered to serve. Mr. Cichanowski moved to approve the appointment of the above persons to the Economic Development Committee. Ms. Cornwell seconded the motion, which passed 5-0-0.

10. Other Business

Ms. Cornwell volunteered to serve as the contact person between Freepoint Solar and the Planning Commission and Select Board. She thought Freepoint should have a seat at the panel on February 8. She noted she'd be retiring from the PC in March. Mr. Cichanowski and others noted that

the PC rather than the SB is the logical contact for Freepoint, and that both would play an increasingly smaller role in the future. Mr. Whitman said anything from the SB should come from the SB in its entirety and not from just one person.

Mr. Krulikowski says Barry Mayer is retiring from his role as trustee of public funds. Mr. Whitman moved to draft a resolution of thanks for Mr. Mayer and present him with a plaque. Mr. Barber seconded the motion, which passed 5-0-0.

Ms. Cornwell asked whether the SB would like the PC to work on an Enhanced Energy Plan. Ms. Cornwell said she thought it required funding. Mr. Kiernan said the budget for the PC is too small to cover such a thing (it's about \$900 annually). Mr. Whitman moved to ask the PC to look into the plan and to fund it if found necessary. Mr. Cichanowski seconded the motion. He noted it would be focused on going forward. The motion passed 5-0-0.

11. Review of Action Items

Mr. Mayer's plaque.

Initiating the Economic Development Committee.

Warning Town Meeting.

Ms. Bacchi reported that a fundraiser for Nicki Burnham's family will be held at the Elks Lodge this Saturday.

12. Adjournment

Mr. Cichanowski moved to adjourn at 8 p.m. Mr. Barber seconded the motion, which passed 5-0-0.