

# MINUTES FROM 05/23/2017 SELECTBOARD MEETING

**PRESENT:** Chairman, Tyler Gotshall, Alton Brusco, Lee Kimball, Chuck Pease, Clerk, Donna L. Bohannon

**GUESTS:** Darwin (Jr.) Cameron, Joan Whitesell, Carol Behrman, Shane Brown, Lorna Jarvis, Kelley Tessier, Pat Boutah, Jason Pollard, Holly Adams, George Boutah, Terry Tatro, Joe Kwiatkowski, Dale Bourgeois, Tracy Bourgeois, Delores Baez, Leeann Porto, Luke Shullenberger (Alburgh Missile Base Solar, LLC), Joseph (Skipper) Deyo, Ashleigh Deyo, David Rugh (Town attorney via phone), Eric Derry (Town attorney, via phone).

**6:30pm** – Interview Selectboard candidate – rescheduled from 05/18/2017.

- Michael Lamphere was not available for interview.
- *At 6:36pm Tyler Gotshall motioned to enter into Executive for the appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting; - 1 V.S.A. § 313(a)(3) – seconded by Chuck Pease – all in favor – motion carried – Board in Executive Session.*
- *At 6:50pm Tyler Gotshall motioned to leave Executive Session – seconded by Lee Kimball – all in favor – Board out of Executive Session.*
- Appointment of Selectboard member discussed further in the meeting.

**7:00pm - OPEN REGULAR MEETING:**

At 7pm Chairman, Tyler Gotshall called the open meeting to order.

**ADJUST AGENDA** (if needed):

- One adjustment was requested.

- **Adjustment #1:** A letter from Josh Bagnato was received with an update of progress for the transmission line on Bay Road. The letter came with a request for a letter of approval of the project.

**EXECUTIVE SESSION:** For the purpose of negotiating or securing of real estate purchase or lease options associated with the Missile Base Solar Lease. 1 V.S.A. §313(a)(2). – with Town Attorney’s; Eric Derry and David Rugh.

- *At 7:02pm Tyler Gotshall motioned to enter Executive Session for the purpose of negotiating or securing of real estate purchase or lease options associated with the Missile Base Solar Lease. 1 V.S.A. §313(a)(2). – with Town Attorney’s; Eric Derry and David Rugh – seconded by Chuck Pease – all in favor – motion carried – Board in Executive Session.*
- *At 7:24pm Lee Kimball motioned to leave Executive Session – seconded by Tyler Gotshall – all in favor – motion carried – Board out of Executive Session.*
- The public were invited back into the room and the open meeting resumed.

**OLD BUSINESS / UPDATES / TABLED TOPICS AND / OR WAITING RESULTS:**

- VWSD, LLC and/or Green Lantern Development (D.B.A. Alburgh Missile Base Solar, LLC) – Open discussion about the proposed solar project.
  - Luke Shullenberger arrived after Executive Session for negotiations began.
  - This portion of the agenda was discussed after Executive Session ended.
  - Luke introduced himself to all present and gave a brief overview of the project.
  - He expressed that Alburgh Missile Base Solar, LLC will be working close with the Department of Environmental Conservation to fill in the monitoring wells on the site.
  - The project does not require the excavation of the soil. The company will not be disturbing the soils on the site.
  - Alburgh Missile Base Solar, LLC will be considered a tenant of the Town of Alburgh.
  - Payments will be \$2500 per year with a 1% escalator, payments will start as soon as the project is up and running.

- Rental payments of \$208.33 will begin as soon as the Lease Agreement is signed by both parties.
  - Benefits to the Town include a lease payment of \$2,500 per year, tax revenue and a saving to the school of approximately \$2,000 - \$3,000.
  - Lease terms as written are 20 years with 2 five-year option to renew.
  - Green Lantern requires the thirty-year lease agreement to obtain financing for the project.
  - If Green Lantern defaults on the agreement, the Town can terminate the lease.
  - The lease agreement states that if the Town wants to sell the property they would be required to have a cash deposit equal to two renewal term rental payments, equaling \$6,000 from the purchasing party.
  - The Lease Agreement is written so that Green Lantern will be allowed 2 – five year renewals unless they are in default.
  - Green Lantern can sublease or re-assign the project without consent of the Town provided certain criteria are met.
  - They would like to begin construction in July and would have a 12-month period to complete the project.
  - If they are late completing the project, they have an option to extend the feasibility/construction 2 times for 6 months each time.
  - Luke, on behalf of Green Lantern Group presented a check in the amount of \$2,000 as payment for part of past attorney fees.
- *Tyler Gotshall motioned that the Board enter Executive Session for the purpose of negotiating or securing of real estate purchase or lease options associated with the Missile Base Solar Lease. 1 V.S.A. §313(a)(2). – with Town Attorney’s; Eric Derry and David Rugh – seconded by Chuck Pease – all in favor – motion carried – Board in Executive Session.*
  - *Tyler Gotshall motioned to leave Executive Session – seconded by Chuck Pease – all in favor – motion carried – Board out of Executive Session.*
  - The public were invited back into the room and the open meeting resumed.
    - Green Lantern is the sole owner of the project – VWSD is no longer involved.

- *Alton Brusco motioned that the Lease Agreement with Green Lantern Group, D.B.A as Alburgh Missile Base Solar. LLC be agreed on as proposed and signed – seconded by Chuck Pease – all in favor – motion carried.*
  - Agreement was signed, witnessed and notarized.
  - Memorandum of Lease was signed, witnessed and notarized.
  - 2-page Memorandum of Lease Agreement will be recorded in the land record books as of 05/24/2017.
- Nuisance Properties Ordinance proposal – update/review
  - Town Attorneys David Rugh and Eric Derry remained on the phone and walked the Board through their suggested changes to the proposed Ordinance.
  - They suggested that the Enforcement Officer be someone other than a Selectboard member so the defendant has someone to appeal to if they do not agree with the decision of the enforcement officer.
  - A lien can only be placed on a property if the Town has a building code. Alburgh does not have zoning or building codes. Attorney Derry cited title 24 section 2291.
  - If there is a “No Trespassing” sign on the property, the Town cannot enter the property without a search warrant.
  - The Planning Commission will be provided copies of the revisions that the Town attorney made and they will have a chance to make any changes they feel are important and they can ask questions of the attorneys.
  - Tabled until further notice.
- Shane Brown – Update on progress
  - Shane provided a copy of the paperwork from the engineer and Lee read it to all present.
  - The issue with the dogs has been addressed and taken care of.
  - The noise from the generator has been eliminated and cannot be heard by the neighbors.
  - The Shed is off the neighbors’ land.

- The State is coming to investigate a wet-land marker that is on the property.
- The water line may have to be sleeved but he has taken some of the steps needed to get water to his home.
- The power company will be visiting his home at their convenience to assess the possibility of power.
- Shane has a meeting with Alburgh Housing Finance to try and secure funds for these projects.
- Shane will continue to update the Board and the public on the progress.
- Properties in violation of Junk and Litter Ordinances - update Kelley Tessier – Greenwoods Road complaints.
- Michael and Samantha Florio -
  - The Florio's have been sent a letter, a copy of the litter ordinance and a health violation report via certified mail.
  - Neighbors reported that they have been throwing garbage bags of trash out the front door.
  - It was also reported, the dogs bark constantly and they leave their yard.
  - Animal Control will be asked to visit the Florio's.
  - Health Officer Kimball will visit the Florio's to assess the situation.
  - H.O. Kimball will issue another health order after he visits the property.
- Chuck and Julie Pease –
  - The Pease's were sent a letter, health order and appropriate ordinances via certified mail.
  - Animal Control visited the property and assessed the conditions of the dogs. She made recommendations that the Pease's have utilized.
  - There has been a lot of work done in the yard which looks and smells much better.
  - Chuck will continue to work on improvements.
- Victoria Giroux –
  - A fire had destroyed a shed on that property and it is still there and smells like smoke.

- It has been heard that they just received permission from the insurance company to remove the building.
- H.O Kimball will continue to monitor the situation.
- Dawn Lozell –
  - There is concern about several large trailers that are being placed together on her property.
  - There is not a violation of any ordinances – no action at this time.
- Larry Benjamin –
  - Step one has been completed and no response has been made.
  - The Board will have to take further action to resolve this situation.
  - Current Enforcement Officer is Terry Tatro.
  - Lee Kimball will visit the property as the Health Officer with Terry Tatro, the Enforcement Officer.
  - Tabled until the next regular meeting currently scheduled for 06/13/2017.
- Garbage complaint from 04/11/2017 meeting – Vantine Ave. –
  - Both properties owners of the Vantine Avenue properties will be contacted by Health Officer Kimball.
  - Tabled until the next regular meeting currently scheduled for 06/13/2017.
- Selectboard vacancy – Appoint from people interviewed on 05/18/2017 and 05/23/2017
  - Michael Lamphere was not able to attend the interview therefore the Selectboard eliminated him as a candidate<sup>3</sup>.
  - Chairman Gotshall expressed his concerns about appointing another Selectboard member that is also on the Fire Department.
  - There was some discussion about the legality of allowing three members to only have one vote,
  - *Lee Kimball motioned to appoint Jan Tatro as Selectman for the remainder of the year and until elections in March 2018 –*
  - There was some discussion from the audience and Lee withdrew his motion.

- Carol Behrman reminded all present that Skipper had received a fair number of votes at the last election.
- Tyler made it clear that he would always recuse himself from topics that pertained to the Fire Department.
- *Lee motioned that they appoint Joseph (Skipper) Deyo as Selectman for the remainder of the year and until elections in March 2018 – seconded by Alton Bruso – 2 ayes - 2 nays – motion defeated.*
- *Tyler Gotshall motioned that they appoint Jan Tatro as Selectman for the remainder of the year and until elections in March 2018 – seconded by Chuck Pease – 2 ayes - 2 nays – motion defeated.*
- *Tyler Gotshall motioned that the vacancy be reposted – seconded by Chuck Pease – all in favor – motion carried.*
- Selectboard vacancy will be posted until 5pm on 06/13/2017, interviews will be scheduled the following week, appointment will be made at the 06/27/2017 meeting.

**NEW BUSINESS:**

- Delores Baez – Concerns about the Lake Shore / potential construction.
  - Delores was concerned about construction that is taking place near her property on South Main Street.
  - She gave a brief history of the situation and explained that the neighbors have cut trees and disturbed the shoreline near her home.
  - She and others would like to see some simple zoning in place in Alburgh.
  - The Board suggested that she contact the State about the shoreline. Her husband had been given information about the shoreline protection.
  - She can update the Board if there are new developments.
- Lorna Jarvis – Properties in Town that need attention.
  - Lorna is concerned with the appearance of some of the properties in the Village as Alburgh is the “gateway into Vermont.
  - She was glad to hear that the Board is addressing some of these issues and would like to continue to see improvement.

- She made a formal complaint against the property owned by Danny and Wanda Duchaine at 142 US Route 2 South.
- Health Officer Lee Kimball will investigate this complaint.
- Potential co-purchase of “Grain Shed” with Fire Department
  - Tyler has contacted the owner of the old “Grain Shed” and asked for a “bottom dollar” price that they would accept for the property.
  - He was told that an offer could be made.
  - It is a 2-acre parcel of land and is assessed by the Town for \$145,000.
  - This property could be an asset to both the Fire Department and the Town of Alburgh.
  - Further talks will take place between the two entities.
  - The 06/13/2017 meeting will begin at 6PM, the Selectboard will walk around the property to assess the potential. Tyler will invite the Fire Departments executive committee to join them.
  - Tabled until the next regular meeting currently scheduled for 06/13/2017.
- Review Highway Foreman job description.
  - Tabled until the next regular meeting currently scheduled for 06/13/2017.
- **Adjustment #1:** A letter from Josh Bagnato was received with an update of progress for the transmission line on Bay Road. The letter came with a request for a letter of approval of the project.
- Clerk read the letter from Josh Bagnato that requested a letter of approval for the project from the Alburgh Selectboard.
  - Tabled until the next regular meeting currently scheduled for 06/13/2017.

#### **VISITOR INPUT:**

- George Boutah feels that there should be more than one person at a site visit when the Health Officer needs to visit a property that has had a complaint filed against it.
- There was mention of the revitalization committee.



- Terry Tatro suggested that if conference calls are going to be used regularly that a conference call speaker be purchased so both ends of the line can hear each other and be understood.

**APPROVE THE FOLLOWING MEETING MINUTES:**

- **05/09//2017 SELECTBOARD MEETING**

- *Chuck Pease motioned to accept the minutes from the 05/09/2017 meeting as written – seconded by Lee Kimball – all in favor – motion carried.*

**APPROVE INVOICES AND / OR OVERWEIGHT PERMITS:**

- No Overweight Permits.
- All invoices approved and signed.

**ADJOURN**

- *At 11:07pm Lee Kimball motioned to adjourn – seconded by Alton Brusio – all in favor – motion carried – meeting adjourned.*

Respectfully submitted,  
Donna L. Bohannon  
Alburgh Town Clerk

Please note the above minutes HAVE NOT been approved. Approval or changes to the minutes will be addressed at the next regular meeting, currently scheduled for 06/13/2017