

JAMAICA SELECTBOARD
Monday, August 28, 2017 at 7:00 P.M.
At the Jamaica Town Office Meeting Room
Minutes

Selectboard present: Paul Fraser (Chair), Andy Coyne, Lexa Clark, Judith Flower, Joel Bluming

Others Present: Lou Bruso (Lister), Veda Bassett (Planning Commission Chair), Rebecca Ohm, Kristi Lembke, Ralph Meima, Kristina Meima, Rich Melanson (Cameraman), Pam Tweedy (Minute Taker)

Paul Fraser called the meeting to order at 7pm.

1. Call for any late additions to the agenda.

- a. Judith – Transfer Station update
- b. Joel – Water Engineer update

2. Approve the minutes of the Aug 14th Selectboard meeting.

MOTION: Lexa Clark moved to approve the minutes from August 14th as written.

Second: Andy Coyne.

Motion passed.

3. Approve time sheets for: town office, listers, highway, and transfer station.

Completed after public meeting.

4. Sign Selectboard orders.

Completed after public meeting.

5. Discuss, and act on, the report from the Muzzy Fund Committee.

Paul Fraser distributed copies of the report from the Muzzy Fund Committee regarding a Jamaica resident who requested funds. 2 Committee members voted yes and 1 voted no to approve a one-time payment of \$1470.

MOTION: Andy Coyne moved to follow the committee's recommendation.

Second: Joel Bluming.

Motion passed.

6. Discuss waiving the final day of waiting period to appoint a new Planning Committee member.

MOTION: Joel Bluming moved to give up the last day of the 15 day vacancy period.

Second: Judith Flower.

Motion passed.

MOTION: Andy Coyne moved to appoint Rebecca Ohm to the Planning Commission.

Second: Judith Flower.

Motion passed.

7. Discuss the report from the Attorney regarding the Net Metering Agreement and possibly decide our direction.

Paul Fraser explained that due to the legal wording of the Net Metering Agreement received from Green Lantern Development LLC, it was forwarded to the Town's Attorney Paul Gillies, who then forwarded it to his Partner Gerald Tarrant for further review. The final report from the Attorney was finally received and a decision should be made.

Ralph Meima of Green Lantern was present and asked to say a few words about the project. Mr. Meima explained that the initial proposal was for extra capacity at their Springfield project, which has since been claimed by a school. However, they have another project in Guilford which has been permitted and offers the same incentives as the Springfield project. They are also currently obtaining permits for a project in Newfane, but the incentive will not be as high.

Paul Fraser stated some of Mr. Tarrant's points, mostly concerning the lack of protections for the town, considering there is little to no litigation on solar projects yet. Lou Bruso, who has experience dealing with Net Metering

Agreements through his work with the WSWMD, explained that the Green Lantern projects are low risk/low reward, so he sees no risk in signing up. Lou also mentioned his only hesitation would be around the potential for new technologies popping up in the coming years, such as anaerobic digestion, which the town might want to use in the future instead of solar. The agreement with Green Lantern is a 20 year contract.

MOTION: Joel Bluming moved to adopt the net metering agreement.

Second: Andy Coyne.

Discussion: Lou Brusco said he'd like to see "Schedule C" of the agreement first, which is where the numbers are laid out – he's concerned the estimated usage includes the town's streetlights, which are not eligible for solar credits.

AMENDMENT: Judith Flower amended to motion to make the agreement contingent upon the review of Schedule C.

Second: Andy Coyne.

Amendment Passed.

Original motion failed - 2 yes, 3 no.

Paul asked Lou to review Schedule C and the information will be presented at the next Selectboard meeting.

8. Review and consider a second Errors and Omissions Report from the Listers.

Lister Lou Brusco presented 3 more errors in property assessments.

MOTION: Lexa Clark moved to accept the Errors and Omissions.

Second: Joel Bluming.

Motion passed.

9. Discuss the response from the Town Attorney regarding client privilege and access.

MOTION: Joel Bluming moved that all Town or Selectboard-related correspondence, in any format (electronic, print or voice) with Town Counsel, originating with any Selectboard member, be copied/shared with all other Selectboard members. Any release to the public of privileged material so shared must be voted on by the entire board.

Second: Judith Flower

Joel's emphasis was that the Paul Gillies is the Attorney for the entire Selectboard, not just the Chair. Discussion ensued surrounding whether or not this would violate Open Meeting Law, how to determine what constitutes privileged material, and how to protect the Board if ever something were to go to litigation and their emails became 'discoverable'.

Motion failed – 2 yes, 3 no.

10. Discuss Open Meeting Law regarding Special Committees.

Paul Fraser explained that the board is struggling with how to maintain individual privacy with the Muzzy Fund distribution and committee meetings. His suggestion is that the committee operates in the fashion of an 'executive committee', which would help protect the identity of the individual. Joel worries that this violates Open Meeting law. Paul's argument was that Open Meeting Law was not designed for a Board handling private funds.

MOTION: Lexa Clark moved that the Board move the fund to an organization such as Senior Solutions to help people in need, and it may only be used by Jamaica residents.

Second: Joel Bluming.

Discussion: Paul said the Board first needs to figure out if doing so is even legal and specify which organization they would give the money to.

AMENDED MOTION: Lexa Clark moved to have the Board legally find out if the funds can be moved to a private organization that helps people in need.

Second: Joel Bluming.

Discussion: Andy Coyne expressed frustration with the proposed changes after the Board just worked to set up the guidelines and committee. Lexa explained that the Board was just trying to handle everything the right way. Paul added that in the 50's when the bequest was made, there wasn't the plethora of social services available that there are now.

Motion passed, 4 yes, 1 no.

Paul received permission from the Board to contact the Attorney about the legality of moving the money. Joel asked that Paul contact VLCT first, and Paul agreed.

11. Discuss having a speaker from BDCC address the Selectboard.

Joel Bluming stated that someone from the nonprofit 'Brattleboro Development and Credit Corp' would like to talk to the Selectboard about helping the Town develop economically. The Board agreed.

12. Time for public concerns.

Planning Commission Update: Veda Bassett said the draft Town Plan has been sent to surrounding towns and they have 30 days to provide feedback. The PC will hold a hearing on Sept 25th at 5pm regarding the new Town Plan. Then it will go to the Selectboard and she hopes they will vote to adopt it at their Nov 13th meeting, before the old plan expires. Veda also announced there will be no PC meeting on Labor Day, Monday Sept 4th. Paul Fraser applauded Veda for her dedication.

Kristi Lembke: She and some others in town are planning a 'Fall Festival' which will be on the Saturday of Columbus Day weekend, October 7th, from 10am to 4pm. Vendors will be set up along the street. Lexa Clark said she will contact the sheriff's office regarding coverage for that day.

13. Additions to the Agenda.

Water Engineer update: Joel said he is awaiting estimates from Beck Engineering and Chrissy Haskins regarding an assessment of public water possibilities in Jamaica village.

Transfer Station update: Judith said after 2 weeks of disarray, the new motor is in the compactor and it is working great. She would like to thank the residents, who were very respectful of all the changes. A special thanks to Chris Clark who put in the new motor, and Sparky Electric who removed the old one on short notice. Judith also gave thanks to Transfer Station attendant Dan Miller for all his hard work in dealing with the situation.

Lexa Clark moved to adjourn. Andy Coyne seconded. Meeting adjourned at 8:45pm.