

**TOWN OF GROTON
SELECT BOARD MEETING
December 18, 2012**

In Attendance: Christina Goodwin, Kyle Andrews, Miles Sinclair, Pamela Hamel (Administrative Assistant)

Audience Members Present

Christina called the meeting to order at 7:03pm.

Christina motioned to approve the minutes of December 11 as written, Kyle 2nd, so voted.

OLD BUSINESS

Cemetery Annex/Patti Bailey

The Board reviewed the paperwork and deed with Patti Bailey for the new annex to the River Road Cemetery. It was noted that there were special circumstances in the transfer which suggest that the full price of the property was either more or less than its fair market value. These included the addition of two cemetery plots for Ms. Bailey as well as the Town paying for all the subdivision, recording and legal fees. **Miles motioned to sign the real estate transfer and tax declaration forms, Christina 2nd, so voted.** Ms. Bailey signed the deed (notarized by the Town Clerk) and a real estate transfer tax declaration.

Transfer Station

Kyle visited the transfer station on Saturday just before it was dark. He tightened the screws and adjusted the lights on the pole, and believes the concern for lighting in the recycling area can be resolved that way. He and Christina will take a look at it this week.

December 27 Work Session

The Board's December 27 work session will begin at 4:00pm.

Joint Meeting with Danbury, Grafton and Alexandria Boards

The Board discussed possible dates to make available to meet with the three Boards. Dates chosen were Thursday, January 10 or Monday, January 14 beginning anytime between 6:00 and 7:00pm, preferably at 6:00. Groton would like to host.

Building Permit Guidelines

The Board is proposing to clarify the Building Permit guidelines by changing the following sentence to include specific language regarding foundations: "Building permits are required for any new construction (including modular and manufactured homes **and foundations, but excluding the excavation of cellar holes**).” They will bring this before the people for comment in conjunction with this year's budget hearing sometime in early February.

Hebron Fire/EMS Contract

The Town of Hebron has submitted a proposed contract for Fire/EMS services for the next three years.

The Board will make a counter offer.

Junkyard/Kolomick

Kyle reported that he spoke with John Kolomick at Mr. Kolomick's home yesterday. He noted that at least two (2) vehicles have been removed in the last week and possibly a third based upon the most recent photos submitted by the Junkyard Dog, Ken Knowlton. Mr. Kolomick said he has three (3) vehicles which he is trying to take parts from to make at least one good vehicle. He also said that Mr. Knowlton is telling him one thing and then telling the Board something else. The Board does not know who is saying what but a lot of times people only hear what they want to hear. Miles confirmed that every report from the Junkyard Dog to the town is forwarded to the property owner so the owner knows what is expected of him. The Board reviewed the most recent photos taken by Mr. Knowlton. Kyle pointed out the vehicles that have been removed. At this point he does not know if the property would be considered in compliance, however the property owner is now working with them, and he let Mr. Kolomick know that their policy has always been that when the owner begins to work with the Town then the Town works with them. There will be no additional inspections until spring. Should that inspection prove that the property is now in compliance then any legal proceedings will be stopped. Kyle would like to give a copy of the complete file to Mr. Kolomick to insure that he has all the documents.

NEW BUSINESS

Bill Jolly

Bill Jolly from Orange Road addressed the Board and the audience. He said he heard that there was a meeting to approve the installation of a met tower that would determine whether or not Spruce Ridge, which is directly south of his front door, is ideal for a wind farm. He takes issue with how the service was made (Mr. Jolly's certified letter was returned to the Town as unclaimed) and how the vote was handled.

Mr. Jolly believes that previous Boards and this Board have been somewhat hands off in the process of the Town approving or disapproving a met tower. It is also his understanding that a met tower is the last opportunity the Town will have to preclude a company from putting in a wind farm. He doubts that people moved here because they anticipated what would be an industrial community to live in. He bought his land for his future generations. In a phone conversation he expressed to Select Board member Miles Sinclair that he would like this Board to take a stand against future wind development. He is here tonight because Miles told him the Board would not get involved unless they hear from the majority of Groton property owners. Regarding the current wind farm, Groton Wind, Mr. Jolly says the Town has no recourse against Iberdrola Spain. He believes there are serious defects in the decommissioning plan, and that it lacks assurance that decommissioning would be completed. The Town does not have a bond but a letter of credit only. He says it will cost 2.5 million to decommission but the letter of credit is for \$600,000. He does not fault the Select Board for this but believes the law firm did not take care of this. The Town should have a bond, not letter of credit. \$600,000 is not a sufficient amount for decommissioning even with the offset of the cost of steel. Iberdrola came up with the decommissioning numbers and he believes they are way off. There is no way to determine what the cost of steel will be in 20 years. In addition, he does not feel that the Town would be able to get anything from Iberdrola in Spain.

Now the Town is dealing with a Portuguese company. He wants the Board to do something now so future generations will not be stuck with a huge expense. The legislative intent of the Town's current Zoning Ordinance is that Groton will be a rural, residential community. He believes the Town and Cardigan range will be negatively impacted by another wind farm, and that it will destroy the fabric of what makes Groton what it is; rural America. Mr. Jolly submitted a letter to the Board that he asked be read at the next

Board meeting which will be January 8. He is trying to avoid litigation however he is speaking with counsel. He believes his property will be negatively impacted. He also said he is willing to 'fix' the current decommissioning agreement with Groton Wind (due to his background in risk mitigation) at no charge to the Town.

Christina and Kyle would like to think about what Mr. Jolly said before responding. Miles responded to a few points:

- Mr. Jolly's certified letter went out pursuant to statute and was returned to the Town as unclaimed
- Groton adopted the current Zoning Ordinance in large part due to the North American Training Lodge. At that time the town adopted a zoning ordinance which was presented by ballot vote and voted on a second time (due to a posting error) and was approved. The Ordinance talks about a rural residential community and allows commercial development if certain criteria has been met.
- The Groton Wind Project has been a very open and transparent process from beginning to end. They went through the statutory process that the law set out for a proposal of this nature.
- Groton Wind LLC received local approval to install two met towers on Fletcher Ridge.
- EDP Renewables recently received a special exception for a met tower. They go before the planning Board for site plan review on the 19th.
- If a wind farm is of a particular name plate capacity output, by statute, the state assumes jurisdiction for the approval process. It does not go through the towns. It is his understanding that this provides a consistent procedure (unified process) for these companies to go through instead of a hodgepodge of different requirements that could exist in every community. This was adopted by our legislature. Thus if EDP Renewables does get approval to install a met tower this will be the Town's last official review of that proposal. The public does have an opportunity for input through the Site Evaluation Committee process.
- Mr. Jolly is asking the Board to take a position against future wind development. Miles had told him that the Select Board, in his opinion, needs to hear from the majority of the people. This is what they did regarding Northern Pass. The Board conducted a survey and Miles personally contacted over 100 people. Then the Board sent the results of the survey to the state (Governor and Representatives).
- Right now the only thing before the Town is the installation of a met tower.
- Throughout the negotiations and permitting process with Groton Wind, they repeatedly gave updates to the audience regarding the agreements reached with the Company. They spent many hours working through the agreements. This included discussions, disagreements, research, etc. The Board got expert opinions and advice from counsel when they felt they needed it. None of these decisions were made quickly or lightly. All the public documents are available. One of the hardest fought battles was over the decommissioning agreement. Ultimately they decided that if the Company's credit rating fell below an A⁻ then additional security (beyond the parental guarantee) would have to be provided. This is where the letter of credit came in. If the parental guarantee is not sufficient then this letter of credit can be used. In addition, the Company must provide an updated decommissioning cost schedule every five (5) years pursuant to the Decommissioning agreement. The current cost is \$23,000 per turbine in addition to what they get from salvage for the materials.
- The Site Evaluation Committee was not persuaded that the wind farm would have an unreasonable adverse affect on a number of items including property values.

Mr. Jolly's responded that the Company's number for decommissioning is \$23,000 per turbine. He stated that it is \$104,000 per turbine which is the amount listed in the agreement, and he thinks that the Board did not mitigate the plan and has left the town at risk. If the tax advantages for the Company are gone and they turn the switch off and go home, what is the Town going to do to make sure we are protected? He feels the Board dropped the ball and believes that we are not insured. A letter of credit is worthless in the event of a bank failure. They should require a bond. We need to make sure we are protected.

2012 Funds to Encumber

Christina motioned to encumber \$2,350 for Andover Geologic and \$9,000 for the mobile radios which were approved in warrant article number 21, Kyle 2nd, so voted. The Town has a contract with Andover Geologic for annual Landfill Reporting and with Ossipee Mt. Electronics for the radios.

Memo to Trustees

Kyle motioned to sign the letter to the Trustees of the Trust Funds to transfer \$10.64 from the Perambulation Non Capital Reserve Fund, Christina 2nd, so voted. This expenditure was for the paint used to mark the monuments and blaze some trees on the Groton/Plymouth Town Line.

Work Session with Matt Fysh

When the new section of the Town House was built there was no fire escape for the second floor. The Fire Chief recommended installing a second egress through the current Planning Board storage area out the back of the building. The Board will meet with a contractor to look at the proposed location and get a quote for the work on January 12 at 9:00am.

Newfound Area School District (NASD)

In March voters in the NASD approved a 2% tax cap on school budgeting. The way the State Statute for this is currently crafted any surplus reduces the amount that can be raised by local taxes the next year. The bill's author has stated that this was not the intention of the bill and is an unintended consequence. The District had a \$700,000 surplus (which was used to lower the amount raised in local taxes) meaning that the 2% tax cap would be on \$700,000 less than what was actually approved by the voters. In addition the school received an \$185,000 reduction in State Aid. Senator Forrester has asked whether or not the Board supports Fast-Track corrective legislation to change this in time for this year's budget. A future permanent legislative change is in the works. The Board is in agreement with this corrective legislation. Slim Spafford reported that Groton's budget committee representative as well as the majority of the budget committee is in favor as well.

OTHER BUSINESS

Ron Madan suggested that when someone is addressing the Board they be limited to ten (10) minutes for personal opinions. He stated that he was on the Board when they were working on these agreements with Groton Wind and the Board spent many hours working and discussing what was best for the Town.

The Watsons asked for the list of abutters who were notified of the upcoming Planning Board public hearing regarding EDP Renewables request to install a meteorological tower. Pam has this list in the office.

Patti Bailey stated her concerns over wind development because of the problems with some wind farms in California. She does not believe that these towers are bad looking but she does not like the electric lines that are now running through Plymouth. She asked the Board to keep vigilant. She has been told that once the met tower gets passed local zoning and planning, the Town will lose its authority over a possible future wind farm and the project will fall under the State.

In addition she requested clarification about the snowmobile trails. She was under the impression that they were supposed to be open and now she has heard that they are closed.

Miles responded that initially the Company did not believe there was going to be an impact to

snowmobile trails but as the project progressed they realized that Rt. 11 from Rumney to Groton would be impacted. The trail crossed the new road about 5 or 6 times and needed to be rerouted. Miles has spoken with Rumney Snow Drifters' president John Dow. The Club obtained a quote for \$42,000 for the work (which, in Miles' opinion, is a number that can be worked on). They received a \$20,000 grant from the State and \$5,000 from the Groton Wind charity fund (with a possibility of more in 2013) to do the reroute. In addition, the Hardy Country Snowmobile Club recently voted to donate \$1,000 to the project. They do expect the trail to be open this year. The club could also do some fund raising for the project. The trail was closed last year due to construction. It was pointed out that the project is still technically considered under construction with about one month of work still to be done in the spring, and that all property owners have the right to make a determination regarding whether or not to allow trails on the property and their location.

By law the Town would have no jurisdiction over a proposed EDP wind project because of its size. They do have jurisdiction over the installation of the met tower. Ms. Bailey said that a wind farm will impact our area, tourism, etc. There was continued discussion regarding the process for permitting these projects. Ms. Bailey was encouraged to contact her state representatives.

Kyle motioned to adjourn at 9:45pm, Miles 2nd, so voted.

Respectfully Submitted,
Pamela Hamel