

## **Seymour Lake Association**

### **Board of Directors Meeting - 9/10/15 @ 1:30 p.m.**

**Present:** Chuck Nichol, Linda Buzzell, Jean McKenney, Tim Buzzell, Dave Anderson, Bruce Barter, Peggy Barter, Alan Franklin, Woody Woods

**Present by phone:** Lyman McWain

**Not Present:** Erik Lessing, Ted Jewett, Frank Antonelli

**Also Attending:** Candy Moot, Tom Bonneville, Jim McWain, Larry Labor

#### **1. Lawsuit**

Chuck told us that Jim Dumont had read all the filings and his opinion is that we are not going to win our case. Chuck asked a friend and attorney, Jerry Diamond, if he would review the Superior Court docketing and he said yes. He felt the most significant issue is #4 - which stated we had 30 days to appeal after the 2009 and 2013 rulings and we did not. Unless we could get a negative opinion, we were out of luck. We felt that nowhere in those letters of 2009 and 2013 from ANR did it say it was a final "Decision" or that we had 30 days to appeal. Chuck asked David Kelley if there a definition of a Decision in the VT Supreme Court. He didn't know but was going to do a quick research to see if they had addressed this.

Chuck said that Erik Lessing is still in favor of dropping the case. Candy said that it was in our favor that Ron Kolar and Tim Buzzell had given the Court everything we had from ANR and SLA. We still have 30 days to appeal the decision. Alan Franklin feels we would be hard pressed to get an attorney to do the appeal and is in favor of dropping it. After a great deal of discussion about the Issue of Preclusion, whether we really got a Decision from ANR in 2009 or 2013, costs of the appeal, we decided to wait and hear from David Kelley about a definition of "Decision" and then have a vote whether to go forward. Woody asked if we still have the alternative to buy the dam. Chuck said he and Tim are researching that. Candy asked how we feel about an email vote.

Dave Anderson made a **Motion** to authorize the BOD for this issue to have an email vote by Oct. 15th after David's research. Peggy Barter seconded. Approved.

#### **2. Solar project proposed in Morgan - Valley Rd/Toad Pond Rd**

Chuck felt we should at least discuss this issue as it is definitely a Town and Lake issue and asked Larry Labor, Select Board Chair, what SLA could do to help them. Larry said that they had just received a letter from the Public Service Board, giving them 45 days to file as an Intervenor. Abutters were notified about three weeks ago. The developer has bought 219 acres with about 5.5 acres for the project. The Town is very concerned about water runoff from the panels and what it would do Lake water quality. Also concerned about ridgeline development and aesthetics.

Candy said that she had a discussion with an attorney, Annette Smith, who has a 501c whose sole purpose is to help Towns with this process. Annette says this is actually a 21 day "Fast Track" process and the Town really only has until Sept. 24th.

Note: As an aside, after the meeting Chuck did some research and indeed, the Town actually has only 21 days from date of receipt to file as an Intervenor.

After discussion by all the board members, including getting Northwoods involved in wetlands delineation, soils etc., it was decided that Chuck would do an email blast to SLA members giving them a heads up about the proposed solar project. He will also post the information of our website with links to the PSB letter. He said that SLA would be taking no position on this issue. Another email would go out later giving Town meeting date urging people to attend. This meeting has to be warned 30 days for a binding Town vote. Residents and non-residents can attend.

Peggy made a motion to adjourn at 3:05 p.m., seconded by Tim and approve.