

Monkton Special Select Board Meeting Minutes

January 23, 2013

(Approved 2/11/13)

Monkton Town Hall

1. Call to Order: Chair J. Phillips called the meeting to order at 6:02 PM
2. Select Board (SB) Members Present: Anne Layn, John McNerney, John Phillips, Stephen Pilcher

Others Present: 26 community members (sign in sheet attached to hard copy)

3. Legal Representation for Town of Monkton at 1/30/13 PSB Hearing: Select Board Chair John Phillips explained that this special meeting was called in response to requests by a number of community members that the Select Board hire an attorney to represent the town's interest before the Public Service Board (PSB) pre-hearing conference on January 30, 2013.

Jennifer Baker gave some history of where we are in the process and explained that at this meeting, VT Gas is seeking a very compressed PSB schedule as they move through the process of gaining approval for the pipeline. She expressed the concern that with a compressed schedule, the town or affected individuals may not have the time to prepare an adequate response at various steps in the process. She expressed support for the town hiring an attorney at least at this step with the goal of assuring that the schedule adopted allows the town a reasonable opportunity to respond at various future steps on the process.

John McNerney commented that his understanding was that this hearing was not about whether or where to put the pipeline, or who gets what service. It is for setting the schedule on the process for future filings and hearings.

Henry Boisse noted that the Addison County Regional Planning Commission (ACRPC) has voted to support the concept of the pipeline. They have also reviewed Monkton's concerns and voted unanimously to support Monkton's complaint about getting the pipeline off the road and away from houses. He asked if the efforts of a lawyer for the town would just be duplicating ACRPC's efforts.

Mike Bayer explained that while ACRPC has agreed to intervene on this issue, they also have a responsibility to represent the whole county. They agreed on this issue, but that doesn't mean they will be able to fully represent Monkton on all issues throughout the PSB process: the interests of the region as a whole may conflict with the Town of Monkton's interests at some point. Mike further explained that the Chair of the Select Board and of the Planning Commission are statutory interested parties. However, none of our town officials have the legal expertise to properly represent Monkton in this process. He supported having the town retain legal counsel to represent us at this stage. Mike expressed a goal for the attorney at the upcoming hearing: What we are looking for is a schedule that allows us to respond timely during the process to come. This first step

helps preserve our options down the road, without necessarily committing the town to further involvement, if we are satisfied with how things are progressing.

A number of others in attendance spoke in support of the town hiring an attorney. It was clarified that what is being considered here is retaining legal representation just for this step, and to represent the interests of the town. McNerney commented that individual residents may still wish to hire legal representation to support their own interests, as the town's interests may not always be 100% aligned with that of every individual resident.

Steve Pilcher moved, and John McNerney seconded: **The town retain a lawyer to represent the Town of Monkton at the PSB prehearing conference on January 30, 2013. Cost not to exceed \$5,000.** Motion passed unanimously.

4. Adjournment: **Motion made by S. Pilcher to adjourn at 6:30 PM; seconded by A. Layn. Voted and approved.**

Minutes submitted by John McNerney