

Monkton Select Board Meeting Minutes

December 30, 2013

(Approved 01/06/14)

Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:04 PM.
 2. Select Board (SB) Members Present: Anne Layn, Roger Parker, Jr., John Phillips, Stephen Pilcher

SB Member Absent: John McNERNEY

Others Present: Jennifer Baker, Eric Carter, Peter Close, Kris Goldstein, Gene Hall, Ivor Hughes, Sheryl Knauth, Billy Porter, George Whitney, Ric Wolak and Bill Joos

3. Announcements: 1) the Vermont State Police Community Advisory Board rescheduled its meeting to 6:30 PM on January 22, 2014 @ the New Haven barracks. 2) Janet Dermody emailed the SB a formal notice of resignation from her DRB position. 3) J. McNerney has finished the listing of town officials, which is posted online. 4) The Public Service Board (PSB) awarded a Certificate of Public Good to the Addison Natural Gas Project (ANGP).

- #### 4. Regular Business:

- a. **Approve Minutes** of Previous Meetings: The SB reviewed the regular meeting minutes of December 9th. J. Phillips moved to approve the 12/09 minutes as written; A. Lavn seconded the motion. Voted and approved.

- b. The SB reviewed and approved the following **check warrants**:

- A/P# 31211, 12/11/13, \$ 17,728.85
 - A/P# 31213, 12/13/13, \$ 297,593.54
 - A/P# 31217, 12/17/13, \$ 11,448.13
 - A/P# 31220, 12/20/13, \$ 20,474.00
 - A/P# 31223, 12/23/13, \$ 58,268.42
 - A/P# 31224, 12/24/13, \$1,600,000.00
 - P/R# 31216, 12/16/13, \$ 9,393.66
 - P/R# 31230, 12/30/13, \$ 17,571.31

- c. There were no **overweight permits** to review.

- d. **Public Comment** (Guests): S. Pilcher confirmed that the SB will discuss the 2014 budget. I. Hughes expressed concern about the 13% increase in taxes last year. I. Hughes hopes to work with the SB to minimize any future budget increase(s).

- ## 5. Old Business:

- a. Porter Curb Cut Application (3118 Rotax Rd): R. Parker reported on his site visit with Road Commissioner Wayne Preston. R. Parker confirmed that the location and sight distances are acceptable. R. Parker shared detailed observations, and recommended a metal culvert (over plastic). The SB referred the applicants to

Zoning Administrator Kenneth Wheeling to confirm specific distances involved. R. Parker referenced the existing curb cut, which Mr. Porter hopes to retain (but not use). Mr. Porter expressed concern about the cost to relocate the first curb cut, if that was mandated. R. Parker shared general parameters on the installation and maintenance of the culvert. With discussion concluded, **R. Parker moved to approve the Porter Curb Cut application 13-040 as submitted; A. Layn seconded the motion. Voted and approved.**

- b. Norris et. al v. Town of Monkton BCA – Docket Nos. 208-9-12 Ancv & 209-9-12 Ancv: S. Pilcher commented on the matter, reviewed details, and mentioned his conversation with the Listers. The resulting question is how to reimburse the appellants, Peter and Dolores Norris, and Michael Norris, all of whom have paid their 2013 taxes due in full. **J. Phillips moved to pay Norris et. al the amounts owed (Peter Norris, Parcel ID# 02.216.022.002, \$699.81, and Michael Norris, Parcel ID# 02.206.066.001, \$6651.55) as calculated for the 2012 and 2013 tax years by the Monkton Listers** (see attachments); **R. Parker seconded the motion; voted and approved.**
- c. Public Area Ordinance (copy attached): S. Pilcher reviewed the reformatted ordinance; attorney David Rath provided additional language to the draft previously reviewed, and suggested minor changes. A. Layn asked about the modified content. S. Pilcher advised that D. Rath cited a different section of the law. **A. Layn moved to adopt the Public Area Ordinance as written, for submission and public consideration following established procedure (including a 60-day comment period); R. Parker seconded the motion. Voted and approved.**
- d. PACE Program Contract: Jay Frater was unable to attend tonight's meeting. R. Parker reviewed the documentation and asked if participation in the program is mandatory ("no"). The National Bank of Middlebury is financing the program. The SB is prepared to proceed, but will withhold formal action tonight. S. Pilcher will invite a PACE representative to visit the SB at its next regular meeting to discuss further and sign the contract(s).
- e. Town Plan: S. Pilcher asked if there are areas in the revised Town Plan containing substantive changes. If not, S. Pilcher proposes a Special SB meeting on Monday, 1/6 to receive the new Town Plan. I. Hughes asked when the public might have access to the plan document, to make comment(s). The revised plan document is available at town hall, and will be posted online in the near future. **The SB has scheduled a special meeting for January 6, 2014 at 7:00 PM to receive the new Town Plan.**
- f. Willowell (Sam Burr): S. Pilcher shared comments about his discussion with attorney Liam Murphy, who advised that a member of the Development Review Board (DRB) might need to testify. L. Murphy shared his opinion that a budget of \$2,000–3,000 would be reasonable. (L. Murphy also confirmed that he would gladly appear before the SB @ no charge to discuss this and all other legal matters on which his firm has worked). S. Pilcher introduced the SB to the audience.

Adjacent landowner G. Hall shared his concern about Willowell's use of its site, believing Willowell to be largely unresponsive and disrespectful of its neighbors. Other audience members shared their concerns. R. Wolak mentioned several specific points of the agreement made at the time he purchased his property, which adjoins Willowell's land. S. Burr provided insights, especially on the history of the project. S. Pilcher reiterated that the SB is here to consider the question of funding the \$2,000-3,000 budget, and have a DRB member testify. S. Pilcher advised further that the SB is not here to adjudicate the merits of any party's claims. P. Close spoke about the DRB's actions. **J. Phillips moved to approve funding an amount not to exceed Liam Murphy's quote of \$2,000-3,000 for Willowell-related town legal expenses; R. Parker seconded the motion. Further discussion followed.** A. Layn shared concerns about the legal process (and related costs). S. Burr confirmed scheduled trial dates of January 23-24, 2014. **Voted and approved.** S. Pilcher asked P. Close to identify a DRB member who can attend the 1/23-24 trial, and testify if called upon.

6. New Business:

- a. MAHUS Facilities Advisory Committee: Eric Carter presented information on behalf of the Renovation Project Committee, whose members have visited with all five town SBs. The project's architect visited MAUHS and reported their findings, which included 5 points of discussion. E. Carter shared a webpage address, provided a timeline, and mentioned the many meetings and actions to date. A vote on the project is likely, with the timing to be determined. E. Carter solicited questions from the SB.
- b. Addison County Sheriff's Department: S. Pilcher shared a letter and survey form from the sheriff's department, which would welcome an opportunity to attend a forthcoming SB meeting. The SB suggested meeting with the sheriff soon after town meeting day in March 2014. The SB will solicit feedback on the new Public Areas Ordinance from the sheriff, with whom S. Pilcher will communicate. Overall, the town is pleased with services provided by the sheriff's department.
- c. Green Up Day Coordinator: S. Pilcher will contact Janet Kimball to confirm if she wishes to continue in this position in 2014.
- d. Green Mountain Getaway MS Bike Ride: The SB received a letter from the National Multiple Sclerosis Society (NMSS) seeking permission for their annual fundraising ride on 8/2-3, 2014. The ride is exceedingly well planned and staffed. The SB has no concerns, and approves use of local roads in Monkton. S. Pilcher will advise NMSS.
- e. Boro Cemetery Request: The SB continues to seek an individual interested in managing the town-owned cemeteries. In response to a citizen's request, R. Parker asked if the SB needed to establish a burial fee. J. Phillips commented on his research of cemetery associations around Vermont. The SB decided to postpone further discussion/consideration until next its next regular meeting. J. Phillips confirmed that information relative to Monkton's cemeteries is located in

the town hall vault. R. Parker asked how the remaining available space is determined, particularly when records may be lacking. The SB will revisit this item at a forthcoming SB meeting.

- f. Bristol Recreation Department Request: S. Pilcher received a call regarding funding from an employee of the Bristol Recreation Department. In 2013, Monkton voters approved \$1,500.00 for Bristol Rec, which is seeking a funding increase to \$2,000.00 this year. The employee mentioned several statistics related to programs and attendance by Monkton residents. **R. Parker moved to authorize \$500.00 in 2014 for the Bristol Recreation Department. There was no second; the motion failed.** A brief discussion followed. **J. Phillips moved to level fund the Bristol Recreation Department in 2014 at \$1,500.00; A. Layn seconded the motion. Voted and approved 2-1** (R. Parker voted against the motion). The SB discussed briefly the merits of reducing funding appropriations overall.
- g. Vermont Gas Right-of-Way Permit: The SB circulated a letter dated 12/30/13 drafted by J. Baker. J. Baker shared her concerns about the lack of information provided, in her opinion, by Vermont Gas Systems (VGS) related to the ANGP slated to travel through Monkton. S. Pilcher commented on his review of the Right-Of-Way documentation. A. Layn requested that the SB sign a copy of the letter and forward the copy along with the Memorandum of Understanding (MOU) attached. J. Phillips asked if the SB's position is justified by a policy. J. Baker asked questions related to permits the town issues. S. Pilcher will draft a letter for SB signature, and include the MOU. A SB member asked if the town should consult with attorney Josh Diamond about the possible need for a bond. J. Phillips suggested referencing frost heaves and overweight permits for Monkton roadways, both of which are included in the MOU. A "no through trucks" policy is also posted. The SB thanked J. Baker for submitting her letter.
- h. Climate Change Article: S. Pilcher shared an article he recently received about climate change, the Clean Air Act, and the Environmental Protection Agency, among other details. Shall the town ratify any such resolution for consideration at Town Meeting 2014? The SB took no action. For further consideration at a forthcoming meeting.
- i. Current Financials (Bill Joos): The Budget Status Report for December was circulated.
- j. Budget – Development Review Board (DRB): DRB Chair Peter Close appeared and circulated a proposed 2014 budget, which was reviewed line-by-line. The SB asked various questions, and suggested several minor modifications.
- k. Determine Time/Date of Next Meeting: The SB scheduled a special meeting on Monday, January 6, 2014 at 7:00 PM to receive the new Town Plan.

7. Other Business: a) S. Pilcher asked if the circulation of the SB meeting information packet was working well ("yes"). b) R. Parker asked about hosting a small celebration to honor a member of the town road crew who retires on 12/31/13. The Monkton SB acknowledged with respect, sincere appreciation, and great affection the 31 years of dedicated service provided by Marcel Cousino, who retires tomorrow from the town's Highway Department. The SB wished Marcel and spouse Zandra and family many years of health, happiness and adventure together, and expressed its appreciation for a job well done. Thank you, Marcel. c) R. Parker mentioned the box culvert repair required on Monkton Rd, and shared a \$6,400 quote from his firm, R. Parker Excavation, for the sake of comparison. J. Phillips provided a brief update on the responses to the accident by VLCT (to insurance-related inquiries by the town) and the Vermont State Police. It was noted that other construction bids would be requested; W. Preston will manage the project.
8. **Adjournment: A. Layn moved to adjourn at 9:23 PM; R. Parker seconded the motion. Voted and approved.**

Minutes submitted by Bill Joos

SBMinutes20131230