

Monkton Select Board Meeting Minutes - Final
January 27, 2014 (Approved 2/24/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 6:04 PM.
2. Select Board (SB) Members Present: Anne Layn, John McNerney, Roger Parker, Jr., John Phillips, Stephen Pilcher

Others Present: Jennifer Baker, Claire Broughton, Thea Gaudette, Don Gould, Nancy Menard, Renee McGuinness, Louise Selina Peyser, Maren Vasatka, Ed Wagerman, and Bill Joos

3. Announcements: 1) T. Gaudette appeared to announce that the town received an award of \$56,490 toward the construction of a park and ride facility. 2) L. Selina Peyser wrote a complaint letter to the SB regarding eminent domain and VGS/ANGP. S. Pilcher read the letter to the audience. L. Selina Peyser also shared her concerns in person. S. Pilcher circulated a copy of the letter to the SB.

4. Regular Business:

- a. **Approve Minutes** of Previous Meetings: The SB reviewed the regular meeting minutes of January 20th. J. McNerney noted that a correction was required in item 6b. to reference a Planning Commission term of office. **R. Parker moved to approve the 1/20 minutes as amended; A. Layn seconded the motion. Voted and approved.**
- b. The SB reviewed and approved the following **check warrant**:
 - P/R#40127, 01/27/14, \$8,996.98
- c. The SB reviewed and approved the following **overweight permits**:
 - D&F Excavating & Paving, Inc. dba Addison County Asphalt Products
 - Vermont Electric Power Company, Inc./Vermont Transco, LLC
- d. **Public Comment**: 1) D. Gould visited to express concern about the process by which voters approve budgets annually. D. Gould presented 71 signatures in favor of his petition to mandate an Australian ballot on expenditures exceeding \$10,000. D. Gould believes “the town has outgrown the process.” D. Gould read the petition, and believes his petition will “extend the democracy” to all voters. 2) R. McGuinness appeared to discuss an article she wants to have appear in the warning for the 2014 town meeting. R. McGuinness confirmed that she gathered 137 signatures from around town, and provided her rationale for why the article should appear in the warning. R. McGuinness believes that Monkton voters should decide the content of the article, and can amend the language from the floor, if necessary. E. Wagerman asked that the SB support having the article appear, and believes that it will help him personally (and others like him) if the town supports the article. M. Vasatka shared her many concerns about dealing with VGS over the last two years, and noted that VGS said they could not answer

any of her specific questions. M. Vasatka confirmed her receipt of the certified letter from VGS regarding eminent domain. M. Vasatka shared the opinion of many that VGS has not acted in good faith.

5. New Business:

- a. Petition re: Budget Voting Process: D. Gould submitted suggested language for an article to be considered at Town Meeting. Town Attorney David Rath reviewed the submission and provided an opinion that the petition as written is illegal. The SB has options related to the submitted article. R. Parker said he wanted to have a legal document in place before any discussion occurs. J. McNerney asked for confirmation of the submission deadline for Town Meeting (Thursday, 1/30). J. Phillips explained that the budget cannot be separated out and voted point-by-point; the budget must be voted on in its entirety. It was noted that submitted budget amounts cannot be amended if the budget is voted on by Australian ballot. A lengthy discussion followed. **J. McNerney moved to warn an article to vote the budget by Australian ballot at the 2014 Town Meeting using the language provided by Attorney David Rath; the motion was seconded by A. Layn. The SB voted 4-1 against the motion, which failed.** J. Phillips mentioned an opportunity exists to study the issue further.
- b. Petition re: Addison Natural Gas Pipeline: There was no initial discussion. **J. Phillips moved to not include (i.e. reject) in the Town Warning an article brought by petition by Renee McGuinness. Instead, J. Phillips urged proponents of the article to bring it up under Other Business (and vote there). A. Layn seconded the motion.** A detailed discussion followed. R. McGuinness read the article. J. Phillips believes strongly that the article should not be part of the warning, but rather be found in Other Business. Despite J. Phillips' comments to the contrary, R. McGuinness believes very much that the pipeline is "town business." J. Phillips again urged placement in Other Business. S. Pilcher mentioned activity by Cornwall. A. Layn asked if the message of the article contradicts the MOU. No one believes there is any legal ramification. J. Phillips withdrew the motion bolded immediately above. A revised motion followed: **R. Parker moved to have Renee McGuinness' petition included as an article in the Town Warning; J. McNerney seconded the motion. The motion to include passed 3-1-1 (J. Phillips voted against; S. Pilcher abstained).**
- c. New Article Re: Agricultural and Natural Areas (ANAC) Funding: The SB discussed discontinuing the annual .02 funding mechanism via the Grand List, and instead appropriate a set amount for 2014 (\$10,000). Further discussion followed. **A. Layn moved to accept the article for publication in the Warning as written; J. Phillips seconded the motion. Voted and approved.**
- d. Vermont Gas Eminent Domain Warnings: S. Pilcher confirmed that CHA, acting as the agent of VGS, produced the eminent domain letter. The SB considered the range of possible responses to the letter. J. McNerney believes that CHA/VGS is not negotiating in good faith. An audience member asked how VGS could "decline to answer any questions, but then play the eminent domain card."

M. Vasatka wants the town to enforce the MOU. S. Pilcher mentioned that the MOU was included in the Certificate of Public Good, which the PSB can enforce. Those in attendance shared repeated stories over and over evidencing a lack of good faith shown by ACH/VGS. The SB asked landowners to copy and forward the letters they received, which the SB will send on to its attorney.

- e. New Landowners Affected by PSB Order: S. Pilcher explained the situation to the SB. S. Pilcher mentioned that David Crandall is one such landowner. The SB considered the question: to what extent does the SB wish to become involved?

6. Old Business:

- a. Determine Time/Date of Next Meeting: The SB will meet again at Monkton Town Hall on **Wednesday, January 29, 2014, at 7:00 PM** to hold an evidentiary hearing.

7. Other Business: a) S. Pilcher presented another article for consideration/to be considered for addition to the Warning. The article involves the purchase of a loader by the Highway Department. After a brief discussion, **R. Parker moved to approve the article to appear involving the purchase of a wheeled loader at a cost not to exceed \$100,000. J. McNerney seconded the motion. Voted and approved.** The SB briefly discussed payment options for the loader, if the article is approved. b) S. Picher read Homeward Bound's \$250 request letter dated 10/21/13. **J. McNerney moved to approve an appropriation of \$250.00 to Homeward Bound; the motion was seconded by R. Parker. Voted and approved.** c) J. Baker mentioned the recent news about drug use by VGS contractors. d) The SB and Listers received a letter from Peter Norris, Sr. asking if the valuation approach used by the listers is subject to change. ("No," per the listers).

8. Adjournment: **A. Layn moved to adjourn at 8:26 PM; R. Parker seconded the motion. Voted and approved.**