

Monkton Select Board Meeting Minutes - Final
February 24, 2014 (Approved 3/10/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:01 PM.
2. Select Board (SB) Members Present: Anne Layn, John McNerney, Roger Parker, Jr., John Phillips, Stephen Pilcher

Others Present: Jennifer Baker, Peter Close, Thea Gaudette, Attorney Damien Leonard, Renee McGuinness, Andrew Peterson, Maren Vasatka, and Bill Joos

3. Announcements: S. Pilcher announced that tonight would be J. Phillip's last regular meeting as a SB member.

4. Regular Business:

- a. **Approve Minutes** of Previous Meetings: The SB reviewed the regular meeting minutes of January 27th, which required a minor correction. **J. Philips moved to approve the 1/27 minutes as amended; A. Layn seconded the motion. Voted and approved.** The SB then reviewed the regular meeting minutes of February 10th. **J. McNerney moved to approve the 2/10 minutes as written; J. Phillips seconded the motion. Voted and approved.**
- b. There SB reviewed and approved the following **check warrants**:
 - A/P#40211, 02/11/14, \$15,702.75
 - A/P#40223, 02/23/14, \$ 8,445.47
 - P/R#40224, 02/24/14, \$ 8,574.56
- c. The SB reviewed and approved the following **overweight permits**:
 - G. Stone Commercial
 - J. Hutchins, Inc.
 - r.k. Miles, Inc.
 - Lawrence J. Miner (dba Miner Excavating & LJM Construction, LLC)
 - Pike Industries, Inc.
- d. **Public Comment**: 1). A. Peterson appeared to share concerns about his recent dealings with the Development Review Board (DRB). A. Peterson provided a brief history of his project, his attendance at DRB meetings, document exchange, including maps, and confirmed his contact with Zoning Administrator Ken Wheeling. K. Wheeling confirmed the town's receipt of A. Peterson's submissions. A. Peterson expressed his dismay at the various delays and resulting confusion. A. Peterson asked the SB to direct the DRB to schedule a hearing, but the SB questioned whether it has any authority to act. Regardless, S. Pilcher offered to confer with the DRB to ascertain a project status, and advise A. Peterson accordingly.

5. New Business:

- a. Review of Brisson and Willowell Legal Cases: D. Leonard appeared to share case summaries and answer questions. The two cases are being heard in the Environmental Court. Regarding Willowell, an appeal began in 2012. D. Leonard reported that a merits hearing convened in January 2014, with a decision expected in late May 2014. The DRB/town asked the Court to impose conditions, including a bond requirement. D. Leonard confirmed that an appeal is likely, regardless of the next decision. The Brisson Stone case is far more involved than Willowell, and involves two cases within one, as D. Leonard explained. On January 30th, 2014, the Court ruled in the town's favor. D. Leonard understands that Brisson Stone will appeal the Court's decision. D. Leonard answered specific questions and provided minute details. D. Leonard explained the interaction of courts, attorneys, plaintiffs and issues. D. Leonard confirmed that appeals to the Supreme Court are typically 6 months in duration (if not requiring even more time). S. Pilcher asked about the town's exposure and participation, and also asked about financial ramifications. D. Leonard warned that Supreme Court appeals can be lengthy and time consuming, which can result in significant legal fees. The SB thanked D. Leonard for appearing.
- b. Selectboard Procedures: S. Pilcher mentioned the procedural changes he brought about with his assumption of the Chair's role. S. Pilcher wants to invite discussion of the way in which the SB operates. S. Pilcher mentioned the agenda, and timing of the meeting preparation. S. Pilcher also commented about the public comment section of the agenda. S. Pilcher responded to a question about public comment by the audience at anytime during a SB meeting. S. Pilcher welcomed input from all SB members. S. Pilcher asked if the SB packet should be made available on the town's website. The SB commented favorably about the SB packets.
- c. Animal Control Update: S. Pilcher shared details about his experiences dealing with an ongoing neighbor vs. neighbor dispute involving a large, at-large dog. The question is whether the Monkton Animal Control Officer (ACO) can write citations ("yes," per the Addison County Sheriff and VLCT's Senior Attorney). A video was viewed by an ACO from a neighboring town. After reviewing the video, the ACO determined that two citations were necessary. S. Pilcher solicited SB assistance in the matter. One neighbor wants violations issued for every time the dog wanders onto his property. S. Pilcher has worked with the Monkton ACO to ensure that all parties are treated with courtesy and respect. R. Parker agreed to work with the ACO on this matter. J. McNerney expressed his appreciation to S. Pilcher for all of his work-to-date.
- d. Report from Vermont Gas Systems (VGS) Right-of-Way (R-O-W) Meeting: T. Gaudette reported briefly on her visit with the Addison County Regional Planning Commission (ACRPC), to whom she explained that VGS was not performing/following through as previously agreed. Adam Lougee of ACRPC has researched how to enforce the agreed upon conditions/rules; T. Gaudette will

circulate the email she received. T. Gaudette reported on her “eminent domain conversations” with John Gilbert of VGS. J. Gilbert advised that VGS is willing to meet with the SB/residents to discuss eminent domain concerns. S. Pilcher mentioned the MOU and eminent domain. T. Gaudette provided a detailed overview of recent dealings with ANGP. M. Vasatka advised that her neighbor received specific information about the Vasatka property before she even learned anything. M. Vasatka pointed out that VGS is pursuing options and not easements. M. Vasatka mentioned an April 2014 start date (for drilling). S. Pilcher reported that he, R. Parker and Road Commissioner Wayne Preston visited VGS on February 13th to discuss a list of questions the Town had compiled regarding the VGS ROW permit application. Some of the answers to those questions follow: VGS agreed to provide a full-sized set of plans. VGS also agreed to provide a complete written narrative of the work to be performed. ECI (Engineers Construction, Inc.) is the only contractor hired to date by VGS. ECI will perform the directional boring, per R. Parker. VGS advised the Town that less blasting is anticipated; instead VGS will use a large directional saw. The group also discussed eminent domain concerns. John Hines of ROW agent CHA attended the meeting. S. Pilcher shared the Town’s concerns about the use of eminent domain in the negotiation process. CHA has logs of landowner communications, a copy of which they were not willing to share. The group also discussed the reports of drug use by pipeline workers. VGS advised that the pipeline is checked 5 times, with a newly hired 3rd party reviewing all prior work. S. Pilcher inquired of the SB: how does the SB wish to move forward on the issue of eminent domain? S. Pilcher mentioned a recent Josh Diamond letter that was circulated by email. The SB agreed to send the letter, and to circulate copies widely.

- e. Town Meeting Preparation: S. Pilcher mentioned legal expenses. The SB contemplated questions that may be of interest to the audience.

6. Old Business:

- a. PACE Contract: S. Pilcher completed the contract for PACE, and explained all the pieces and how they work. **J. McNerney moved to approve the resolution to approve PACE guidelines; seconded by A. Layn. Voted and approved. A. Layn moved to sign the Program Administrative Agreement between the Town of Monkton and Efficiency VT; J. McNerney seconded the motion. Voted and approved.** The SB executed the PACE resolution (copy attached).

7. Other Business:

- a) Determine Time/Date of Next Meeting: The SB will meet again at Monkton Town Hall on **Monday, March 10, 2014 at 7:00 PM** for its next regular meeting.
- b) S. Pilcher commented on a résumé received from Corinne Farwell regarding an open ANAC position. Corinne is interested in serving, and current ANAC members would welcome her. **J. Phillips moved to appoint Corinne Farwell to one of the open ANAC positions; motion seconded by J. McNerney. Voted and approved.** The SB asked P. Close about the questions raised by A. Peterson. P. Close replied that the applicant should complete the forms in their entirety, just as any other applicant would.
- c) The SB discussed

the maintenance of town-owned roadways. J. Phillips made the distinction between a class 3 versus class 4 roadway. S. Pilcher asked if a SB member would be willing to assume responsibility for monitoring the situation. What did the DRB say on the issue? J. McNerney will pursue further information. d) The inaugural Town Fair is scheduled for Sunday, March 2nd @ 2:00 PM at MCS. Please join Steve! e) The BCA/Board of Abatement Hearing is scheduled for Thursday, 2/27 @ 6:00 PM at Monkton Town Hall.

8. Adjournment: **J. Phillips moved to adjourn at 9:14 PM; A. Layn seconded the motion. Voted and approved.**

Minutes submitted by Bill Joos

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