

Monkton Select Board Meeting Minutes - Final
April 14, 2014 (Approved 4/28/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:00 PM.
2. Select Board (SB) Members Present: Henry Boisse, Ann Layn, John McNerney, Stephen Pilcher

Select Board (SB) Member Absent: Roger Parker, Jr.

Others Present: Jennifer Baker, James Carroll, Esq., Bill Ellis, Esq., Constance Pell, Esq., Jane Palmer, Nate Palmer, Wayne Preston, Maren Vasatka, and Bill Joos

3. Announcements: a) A. Layn & H. Boisse attended the SB Institute in Rutland on Saturday, 4/12. H. Boisse commented that it was time well spent, a very good and informative session. b) S. Pilcher received a call about apparent vandalism at a local cemetery. Several gravestones were knocked over. S. Pilcher asked for outside assistance from Bob Wahl. c) The SB commented briefly on the Addison County Regional Planning Commission (ACRPC) approval of Phase II of the Addison Natural Gas Project (ANGP). d) S. Pilcher attended the recent Addison County Solid Waste Management District (ACSWMD) meeting. There will be upcoming issues before the community. Act 148 will mandate yard/organic waste collection (with mandatory recycling to result over time). An official from the ACSWMD will meet with the SB to discuss. e) The SB discussed the need to communicate new appointments ASAP to all impacted parties. f) S. Pilcher confirmed that he received a petition on Saturday, April 12, 2014 regarding recent action by the ACRPC. The petition asks the SB to direct the ACRPC to reconsider its recent approval of Phase II of the ANGP.

4. Regular Business:

- a. **Approve Minutes** of Previous Meetings: The SB reviewed the regular meeting minutes of March 24th. There were no requests for edits or additions. **J. McNerney moved to approve the 3/24 minutes as written; A. Layn seconded the motion. Voted and approved (H. Boisse abstained).**
- b. The SB reviewed and approved the following **check warrants**:
 - A/P# 40324, 03/24/14, \$ 18,448.33
 - P/R# 40407, 04/07/14, \$ 8,359.93
- c. The SB reviewed and approved and the following **overweight permits**:
 - Dennis W. Casey
 - Champlain Valley Plumbing & Heating, Inc.
 - Doug Cole dba Cole Trucking
 - Moe DuBois Excavating, Inc.
 - S.B. Collins, Inc.
 - Feed Commodities International, Inc.
 - Roy French & Son, Inc.

- Gauthier Trucking Co., Inc.
- Keenan Construction Company / Pro Pressure Washers
- David M. Newton, Inc.
- Scott Oberle dba Oberle's Bulldog Trucking
- Alan J. & Glenna Piper dba AJ Piper Excavating
- Randall Fisher dba R&J Trucking
- R. Parker Enterprises, Inc. dba Parker Excavation
- C. Perry Trucking, Inc.
- Thomas Steadman dba T&C Trucking, LLC.
- Ronnie Wells dba Wells Trucking

d. Public Comment: None

5. New Business:

- a. Town Attorney: J. Carroll and C. Pell of English, Carroll, & Boe, Middlebury, appeared in response to a request from S. Pilcher. The incumbent town attorney departs the country in June for an extended period. J. Carroll provided a brief introduction of his firm and its capabilities. The SB asked several questions, including whether the firm has experience with delinquent taxes and ordinances ("yes"). J. Carroll provided a fee schedule. A. Layn asked about consideration of DRB issues, and the SB mentioned pending cases, and provided specific details. S. Pilcher solicited questions from the SB for the attorneys. **H. Boisse moved to name English, Carroll & Boe, P.C. as the town's legal counsel; seconded by A. Layn. Voted and approved.**
- b. VT Gas Docket 7970 Legal Representation: S. Pilcher confirmed that Joshua Diamond, Esq. requested a release of counsel, which was granted. S. Pilcher reported that Bill Ellis has been retained as counsel for the referenced matter. S. Pilcher explained his visit with Charlie Huizenga at the ACRPC meeting. S. Pilcher shared a brief history of recent action and confirmed the request of Josh Diamond to withdraw voluntarily from the case. B. Ellis provided a historical overview of his work and experience. B. Ellis does not foresee a great need for his services at this time with this case; B. Ellis expects that he will provide oversight. S. Pilcher asked for a typical expense expectation for appeals received by the VT Supreme Court. B. Ellis responded that significant fees result when legal briefs are filed with the Court. H. Boisse expressed reservation about what service B. Ellis would provide for the Town. H. Boisse asked several specific questions, to which S. Pilcher and J. McNerney responded. S. Pilcher explained why the town needs an attorney of record for the matter. B. Ellis referenced the Memorandum of Understanding (MOU). J. Baker commented on adherence to the MOU by Vermont Gas Systems, Inc. (VGS) and its designated contractors once construction begins.
- c. Digital Parcel Maps: S. Pilcher conferred with Russell Graphics to secure a quote for the updating of digital parcel maps for a single year (\$800), with an ongoing fee of \$200. **J. McNerney moved to approve Russell Graphic's proposal of \$800 to update digital parcel maps, with an ongoing expense of \$200.00; seconded by H. Boisse. Voted and approved.**

- d. Right-of-Way Agents Code of Conduct: S. Pilcher prepared a document that he has circulated as a discussion draft to the ACRPC (Adam Lougee) and the State of Vermont Public Service Department (Louise Porter, Esq.) and Eileen Simolardes (VGS). The SB reviewed the document, and offered various comments. S. Pilcher is prepared to revise the document as necessary. J. Baker asked if a follow-up meeting with the Public Service Department has been scheduled (“no”).
- e. Highway Grant: W. Preston confirmed receipt of a state grant for \$175,000.00 to reclaim a section of Bristol Road. The Highway Department will regrind the road, add 4½” of gravel, and then pave. W. Preston explained that a finish pavement coat would follow next year, after the asphalt has had time to settle. S. Pilcher asked also about the Monkton Rd guardrail project. R. Parker Enterprises will apparently complete the job, with details to be determined.
- f. Loader Bid: W. Preston appeared and confirmed that he and his crew have tested two loaders. W. Preston selected the John Deere 524K loader with a 3 yard bucket (versus the 2¾ yard bucket on the machine to be replaced). W. Preston confirmed that the trade-in value of the JD544 loader being replaced is approximately \$25,000.00. The new machine warranty will be for 1 year. W. Preston presented the extended warranty, which he views as expensive. W. Preston believes the JD 524K purchase will prove to be an excellent value to the town. **J. McNerney moved to approve the purchase of the John Deere 524K loader from Northrax for \$88,844.00 (net after trade). A. Layn seconded the motion. Voted and approved.** The SB executed various related documents. The SB authorized the Treasurer to spend up to \$30,000 from the Capital Equipment Fund.
- g. Unfilled Appointments - Town Positions: A brief discussion followed. S. Pilcher mentioned the Emergency Manager’s position, and wondered if the fire department might have a member who might be interested. S. Pilcher noted that two alternates need to be appointed to the ACRPC.
- h. Emergency Management Plan Updates Due 5/1/14: The SB discussed this item briefly. A. Layn offered to provide a copy of the plan for further review. There was no action taken at this meeting.

6. Old Business:

- a. SB Mission Statement: The SB tabled a larger discussion of creating a mission statement. Several members, however, did provide feedback. R. Parker and J. McNerney will provide more information later.
- b. Personnel Performance Review: A copy was provided to W. Preston for his review. W. Preston will provide feedback and share any edits/other content changes directly to A. Layn.
- c. Animal Control Update: This topic was tabled for tonight’s meeting, given R. Parker’s absence.

- d. Fire Warden: The SB reviewed and signed the Vermont Town Forest Fire Warden Appointment Form dated April 14, 2014. Curtis Layn is the designated Town Forest Fire Warden for a term to commence on July 1, 2014 and terminate on June 30, 2019.
 - e. Request for Bids - Mowing: The SB considered briefly the various cemeteries to be mowed. No bid document has been circulated, but Town Clerk Sharon Gomez did prepare a notice that will appear in *The Addison Independent*. This topic will be discussed further at the next regular SB meeting on 4/28.
7. Other Business: a) Determine time/date of next SB meeting. The SB will meet next at **Monkton Town Hall on Monday, April 28, 2014 at 7:00 PM** for its regular meeting. b) S. Pilcher advised that the cell phone used by the Animal Control Officer (ACO) is inoperative. The SB discussed various cell phone options, plans, and expected costs to replace the phone. S. Pilcher will pursue further.
8. Adjournment:
J. McNerney moved to adjourn at 9:05 PM; seconded by A. Layn. Voted and approved.