

Monkton Select Board Meeting Minutes - Final
May 12, 2014 (approved 5/28/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:05 PM.
2. Select Board (SB) Members Present: Henry Boisse, Ann Layn, John McNerney (8:37 PM arrival), Roger Parker, Jr., Stephen Pilcher

Others Present: Holly Acker, Jennifer Baker, Claire Broughton, Sam Burr, Deb Gaynor, Ivor Hughes, Mike Hurlburt, Teresa A. Kuczynski-ACSWMD, Delores Norris, Peter Norris, Jane Palmer, Nate Palmer, Louisa Selena-Peyser, Melanie Peyser, and Bill Joos
3. Announcements: a.) A settlement was agreed upon between the Town and Ward Preston relative to the value assigned by the Listers to a barn W. Preston owns. B.) Sam Burr resigned from his position with the Monkton Planning Commission.
4. Regular Business:
 - a. **Approve Minutes** of Previous Meetings: The SB reviewed the regular meeting minutes of April 28th. There were no requests for edits or additions. **H. Boisse moved to approve the 4/28 minutes as written; A. Layn seconded the motion. Voted and approved.**
 - b. The SB reviewed and approved the following **check warrants**:
 - A/P# 40429, 04/29/14, \$25,015.18
 - P/R# 40505, 05/05/14, \$ 9,622.43
 - c. The SB reviewed and approved and the following **overweight permits**:
 - John Cheeseman
 - Clement Cox dba Cox Trucking Inc.
 - Goodro Lumber Company, Inc.
 - Many Excavating, Inc.
 - Gary Moulton
 - T. Palmer LLC dba T. Palmer Excavating
 - d. Public Comment: None
5. New Business:
 - a. Recertification of Recycling Center: T. Kuczynski, District Manager of the Addison County Solid Waste Management District (ACSWMD), shared details and deadlines about Act 148. T. Kuczynski also spoke about the renewal certification for Monkton's recycling permit, which expires on 6/30/14. T. Kuczynski stated some concern about the timing of the renewal, given the forthcoming changes in recycling rules. Regardless, the ACSWMD recommends the renewal of existing terms. It was noted that Monkton's annual recycling tonnage has declined over time. In response to S. Pilcher's inquiry, T. Kuczynski confirmed that the renewal application as presented is "ready to go." **H.**

Boisse moved to submit Monkton's renewal application for a recycling permit. A. Layn seconded the motion. Voted and approved. Discussion continued, with the following matters noted: some money (approximately \$40,000) exists in a capital improvement plan/fund. Monkton's roll off containers are in decay, with holes and considerable rust, due to age. T. Kuczynski asked if the town wished to consider replacement(s). A matching grant program exists (50%, up to \$15,000). It is believed that a roll off costs +/- \$5,000, a figured that requires confirmation. R. Parker will research container costs. The group discussed briefly the receipt and processing of yard wastes. S. Pilcher asked about tire recycling. T. Kuczynski responded, and advised that funding may become available. I. Hughes shared details about recycling in the UK, including the use of biodegradable bags by individual households. T. Kuczynski commented on current routes used by haulers around the county and mentioned that an opportunity might exist for franchising/private haulers to expand.

- b. Multi-Lot Parcels (Peter Norris): P. Norris distributed a packet of information regarding multi-lot property assessments. P. Norris believes that recent court cases reinforce that Monkton Listers' current practice is "out of line." P. Norris referenced *Scott vs. Newport*. P. Norris believes that legal challenges may result for the Town if the Listers do not change their approach prior to finalizing the 2014 Monkton Grand List. P. Norris referenced the Norris litigation from 2013. P. Norris indicated that his conversations with the Listers revealed that no change(s) in approach is contemplated today. P. Norris shared specific details of one example, which provided a wide range of appraised values. S. Pilcher read a passage from a recent court decision, and P. Norris commented on certain particulars of the case adjudicated by the Vermont Supreme Court. R. Parker commented on subdivision development costs in Monkton. S. Pilcher solicited SB feedback on the points made by P. Norris. H. Boisse referenced the VT Supreme Court decision, and likewise spoke about the lack of influence the SB has over the Listers. P. Norris returned to the details of the Supreme Court case. R. Parker suggested that the SB meet with the Listers to better understand the issues. R. Parker also suggested that any town-wide reappraisal to follow should be performed by an outside appraiser. S. Pilcher offered to P. Norris to have the town's attorney (Jim Carroll) review the Listers' current practice. The SB concurred.
- c. Boutilier Curb Cut Application: R. Parker confirmed that his site visit to 381 Morgan Rd uncovered no issues whatsoever involved with the application, for which no conditions need to be stipulated. The property is located on a dead-end road, and no culvert will be required. **H. Boisse moved to approve the Boutilier curb cut application as submitted; A. Layn seconded the motion. Voted and approved.**
- d. Letter re: Involvement with Palmer Appeal: Attorney Bill Ellis, who represents Monkton, suggested that the Town forward a letter to the VT Supreme Court indicating the Town will not participate. The SB reviewed the draft letter contained in tonight's information packet. The SB agreed to send a letter.

6. Old Business:

- a. SB Mission Statement: The SB discussed this topic very briefly. Several words describing qualities for the SB were considered.

- b. Cemetery Vandalism: S. Pilcher reported that further damage was done to gravestones in the Monkton Boro Cemetery. Bob Wahl quoted \$200 to epoxy the broken stones together. The VT Old Cemetery Association will reimburse 66% of the cost. A. Layn visited the cemetery and returned with photos. A. Layn suggested that the vandals pay restitution. The restorative justice program may apply in this scenario. **A. Layn moved to accept the Wahl Landscaping bid of \$200 to repair the damaged headstones in Boro Cemetery. Seconded by H. Boisse. Voted and approved [4-0-1(J. McNerney abstained)].** A. Layn mentioned the need to develop a cemetery maintenance policy. A. Layn offered to work on that.
- c. VELCO Well Contamination Update: S. Pilcher advised that not much new information exists. S. Pilcher read from the formal DEC complaint (a Notice of Alleged Violation), and listed the remedies the state has asked VELCO to provide to the McGuinness family, including a new well by May 15, 2014. A site visit occurred on April 30th; S. Pilcher was present, as were 2 VELCO representatives, and engineer Steve Revell, who represented the adjacent landowners (Ted and Renee McGuinness). A site review was completed. M. Hurlburt asked about the potential of surface water contamination. M. Peyser confirmed that her mother submitted an inquiry to the Public Service Board (PSB). M. Peyser believes a conflict of interest exists with VELCO consultants providing assessments. VELCO, per S. Pilcher, has the freedom to select its own consultants. M. Peyser reiterated her concern about the propriety of consultants providing assessments. J. Baker asked the Town to file a letter with the Agency of Natural Resources (ANR)/PSB regarding the apparent conflict of interest with the investigation being performed. J. Baker also reported that VELCO is asking people if they want to keep the replaced power poles. J. Baker emphasized the need for the Town, in her view, to notify ANR by way of the PSB. N. Palmer mentioned the huge amount of topsoil to be disturbed along the entire 7+ mile corridor of the proposed pipeline. The SB agreed that notice to ANR via the PSB would be appropriate. J. Baker shared a common complaint about the selected contractors. S. Burr commented on the parties responsible for funding VELCO's initiative. S. Pilcher circled back to ask the members what action the SB should take. J. McNerney asked about the other power poles to be removed, and also expressed concern and frustration with the state's response to date. The audience suggested that ANR has "done nothing." Plan of SB action: solicit input from the Town's attorney, and draft a letter to ANR via the PSB. N. Palmer referenced the Section 248 process as it might apply to the Addison Natural Gas Project (ANGP). M. Peyser asked if an independent appraiser might be named. **J. McNerney moved that S. Pilcher draft a letter for review by Attorney B. Ellis to send to the PSB. H. Boisse seconded. Voted and approved.**
- d. MVFD Fund Raising Update: A letter was received from insurance carrier VLCT regarding the mud bog fundraiser. A. Layn spoke about the event, and past actions by the department regarding event specific insurance and having a police presence for the day. A. Layn confirmed that participants and spectators signed waivers to be on the grounds. H. Boisse suggested that the town attorney review and offer an opinion on the waiver. For further discussion.

- e. ACRPC Representation re: ANGP Phase II: S. Pilcher reported that Monkton has two representatives and two alternates. Current delegates include Thea Gaudette and Wendy Sue Harper (who recused herself @ the ANGP phase II vote due to a conflict of interest) and Charlie Huizenga (alternate). T. Gaudette and C. Huizenga voted in favor of phase II of the ANGP. S. Pilcher asked the SB if it wished to direct any subsequent vote(s) if the SB so chooses, as is their prerogative. S. Burr read his resignation letter to the Planning Commission. S. Burr stated his concern with the vote undertaken by the ACRPC. S. Burr also cited comments by Adam Lougee, the Executive Director of the ACRPC. S. Burr detailed his concern about one of Monkton's delegates to the ACRPC, and the comments made and actions taken by this individual. S. Burr shared his serious concerns about the conflicts of interest (he believed) present in a Monkton delegate, and the actions of Vermont Gas Systems. S. Pilcher thanked S. Burr for appearing. I. Hughes asked if C. Huizenga voted at the ACRPC phase II meeting. "Yes," (as W. Harper recused herself). S. Pilcher again inquired if the SB had an interest in directing the votes of the delegates to the ACRPC. H. Boisse replied that ACRPC delegates have an obligation to consider the view of the region/county. A tally of SB members, in response to the question of whether the SB should direct the vote of delegates to the ACRPC: **No - 1** (H. Boisse), **Yes - 3** (A. Layn, J. McNerney, R. Parker). Discussion continued. J. Baker spoke about her contact with the ACRPC Executive Director. H. Boisse repeated his belief that the SB should not micromanage appointed community members. Given the Yes vote: the SB must consider 3 possibilities: 1) both ayes 2) a split vote, 3) both nays. [An audience member asked if a revote is likely by the ACRPC on phase II. The answer is unknown at this time] H. Boisse praised T. Gaudette for her many, many years of service to the town. **J. McNerney moved that if the ACRPC holds a revote on Phase II of the ANGP/Gas Pipeline and any ACRPC committee determines that Phase II of the pipeline project is not in compliance with the ACRPC Regional Plan, the SB directs Monkton's delegates to the ACRPC to vote that the Phase II pipeline is not in compliance with the Regional Plan and therefore cast a vote against Phase II. R. Parker seconded the motion. Voted and approved.** H. Boisse commented that the motion is very specific. H. Boisse asked S. Burr to reconsider his resignation, due to his many years of dedicated service and excellent work. .
- f. Juniper Lane Update: S. Pilcher provided a brief overview/update, and confirmed the approximate balance of the escrow account established for the project (\$57.5K). Parker Excavation installed a 48" culvert to improve the road. R. Parker will meet with engineer S. Revell to discuss various details/review outstanding issues. The Monkton Development Review Board will determine when a five 5 year period after project completion actually began.
- g. Posting of Public Areas: No information shared at this time (?). (I could not locate any comments whatsoever related to this topic)
7. Other Business: a.) R. Parker advised that Road Commissioner Wayne Preston requested that the Town solicit qualified hot mix paving bids for 2014 via *The Addison Independent*. W. Preston will prepare the bid specifications. b.) Determine time/date of next SB meeting: The SB will meet next on **Wednesday, May 28, 2014 at 7:00 PM at Monkton Town Hall** for its regular

meeting. The meeting was moved to Wednesday in recognition of Memorial Day (Monday, 5/26).

8. Adjournment:

J. McNerney moved to adjourn at 9:44 PM; seconded by R. Parker. Voted and approved.

Minutes submitted by Bill Joos

SBMinutes20140512