

Monkton Select Board Meeting Minutes – Final (Approved 7/28/14)
July 14, 2014
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: Henry Boisse, Anne Layn, John McNerney, Roger Parker, Jr., Stephen Pilcher

Others Present: Jennifer Baker, Claire Broughton, Melanie Peyser, and Bill Joos

3. Announcements: S. Pilcher advised about the Shoreline Protection Act, and how Cedar Lake/Monkton Pond could be impacted. The Act regulates new building within 250 feet of the shoreline. In addition, S. Pilcher announced that the dumpsters at the Recycling Center have been repaired.

4. Regular Business:

- a. **Approve Minutes**: The SB reviewed the minutes from its three prior meetings. There were no requests for edits or additions to any draft. **J. McNerney moved to approve the 5/28 meeting minutes as written. A. Layn seconded the motion. Voted and approved. (H. Boisse abstained).** The 6/9 minutes were considered next. **J. McNerney moved to approve the 6/9 minutes as written. The motion was seconded by H. Boisse. Voted and approved. (A. Layn and R. Parker abstained).** The 6/23 minutes were reviewed last. **A. Layn moved to approve the 6/23 minutes as written. H. Boisse seconded the motion. Voted and approved. (J. McNerney and R. Parker abstained).**

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

- A/P# 40616, 06/16/14, \$ 3,151.89
- A/P# 40623, 06/23/14, \$ 28,749.08
- P/R# 40630, 06/30/14, \$ 8,354.17
- A/P# 40703, 07/03/14, \$ 10,924.52
- P/R# 40714, 07/14/14, \$ 7,243.23

- c. The SB reviewed and approved the following **overweight permits**:

- Canopy Timber Alternatives, Inc.
- Curtis Lumber Company Inc.
- Parent Construction, Inc.
- James E. Payne
- Vaillancourt Transport, LLC

- d. Public Comment: None

5. New Business:

- a. Addison County Community Trust (ACCT) – Vaughn Mobile Home Park: S. Pilcher explained the existing mortgage arrangement and commented on a refinancing being

done by ACCT; the Town has no financial exposure. The National Bank of Middlebury has requested a subordination agreement. Attorney David Rath reviewed the document at S. Pilcher's request and expressed no concern. **H. Boisse moved to execute the subordination agreement as presented on behalf of the Town of Monkton; J. McNerney seconded the motion.** A. Layn requested written confirmation of the terms of the deal. S. Pilcher reiterated that no added cost to the Town results. **Voted and approved.**

- b. Open Meeting Law Revisions: S. Pilcher advised that some towns are taking down their websites, because of specific posting requirements specified by the law, which became effective on July 1, 2014. Is the Town (and its many committees/commissions) prepared to meet the requirements of the new law? A SB member asked who might be able to upload documents to monktonvt.com. A SB member inquired if the Town Clerk could assist. S. Pilcher will confer with the Planning Commission about its publication process. S. Pilcher recommended that the SB advise town committees of the Open Meeting Law requirements. The response around town to the law will have to be monitored. For further review and discussion.
- c. Budget Review: A budget status report as on May 31, 2014 was circulated and reviewed. The SB commented on specific line items. S. Pilcher shared a letter and cost projection prepared by Attorney Liam Murphy related to a pending case. The SB will consider the estimate in its 2015 budget preparation. A. Layn and R. Parker expressed concern about the anticipated legal fees.
- d. Cemetery Grant and Status: The recent grant request was denied, due primarily to a timing challenge with the application submission versus when the headstone restoration work was performed. A. Layn commented on future grant application submissions to benefit the other cemeteries in town. J. McNerney asked about possible restitution from the vandals apprehended by the Vermont State Police. There is no new information to answer that question. S. Pilcher offered to review the case, and inquire if a restitution option exists.
- e. PSB Order Revision Pursuant to Act 199: S. Pilcher explained the requests. An August 1st deadline for comments exists. S. Pilcher asked the SB to respond, if interested. J. McNerney will contact VLCT.
- f. Tax Anticipation Note (TAN): Treasurer Bill Joos confirmed the need for a tax anticipation note in 2014. Quotes have been solicited from several institutions, with The National Bank of Middlebury (with whom the Town had a TAN in 2013) as the low bidder. **J. McNerney made a motion to pursue a TAN for \$395,000.00 with The National Bank of Middlebury at .95% interest for the period July 15, 2014 (or as soon as practical) – December 15, 2014. Further, the SB grants to the Treasurer the authority to execute any documents as may be necessary to facilitate the transaction. H. Boisse seconded the motion. Voted and approved.**

6. Old Business:

- a. Tax Sale Date: S. Pilcher has communicated with Town Attorney Jim Carroll. The Tax Sale Date as previously declared by the SB will not allow sufficient time for the process. Delinquent Tax Collector Bill Joos will work with J. Carroll to establish a new date.
- b. Vermont Gas Systems (VGS)/Landowner Communication: M. Peyser asked about recent survey activity and parking rules, and shared concerns. S. Pilcher confirmed that contractor ECI is working on rights-of-way access. S. Pilcher encouraged M. Peyser to contact VGS directly to learn more about the activities of the surveyors, who mentioned their work involved Phase 2 of the project. M. Peyser questioned why project personnel are seemingly allowed to trespass on private roads/land.
- c. Schedule Vermont Gas Town Right-of-Way (ROW) Application: S. Pilcher inquired if the SB wishes to schedule a formal review of the VGS ROW application, during which VGS and its contractors would be present. VGS has provided some of the information requested in the application. VGS is unable to provide construction dates today, however. S. Pilcher advised that VGS would be doing horizontal directional drilling in Monkton this year. J. McNerney asked about the recent visit by VGS representatives to the SB (during which VGS presented an overview). H. Boisse suggested that VGS visit again, but provide specific plans to discuss. J. McNerney asked if Road Commissioner Wayne Preston should become involved. S. Pilcher commented that W. Preston has not expressed great concern, but does want road integrity maintained. R. Parker stated that he has no concerns about issuing the ROW permit. A SB member noted that VGS is crossing roads, not running any lines adjacent to roads. Does the SB wish to have VGS attend the next regular SB meeting on 7/28? "Yes." S. Pilcher would like to speak with the contractors. H. Boisse stated that inconvenience to residents should be kept to an absolute minimum. R. Parker suggested that the Town allow VGS to close the road(s) in places, to facilitate better and more efficient construction. S. Pilcher will seek out engineering diagrams. For further discussion at the next regular SB meeting on 7/28.
- d. VELCO Well Contamination Update: The PSB has solicited comments on opening a joint investigation incorporating all relevant state agencies. VELCO test results should be available this week. S. Pilcher mentioned that VGS would be asked to include soil testing, as per the Memorandum of Understanding. M. Peyser expressed concern about the testing process. In addition, VELCO wishes to produce a map of the transmission line for residents to mark the location of shallow water on their property. S. Pilcher reiterated that the SB is very interested in ascertaining who has shallow wells, wetlands, low water, and gardens that may be exposed. J. Baker and M. Peyser commented on recent filings and motions. M. Peyser mentioned C. Broughton's ongoing negotiation with VGS. M. Peyser presented a draft motion, an approach recommended by the town attorney, requesting a review of certain Act 248 provisions. M. Peyser mentioned legal obligations and the need for protection(s). M. Peyser asked that the SB review the draft motion. The draft motion was circulated to the SB for discussion at its next regular meeting on 7/28.

- e. Review Conflict of Interest Policy: A copy to review was not immediately available at tonight's meeting. The SB will review the document on 7/28.
 - f. Juniper Lane Update: R. Parker commented that some finish work remains, but that completion is near. The road has been graded and topped; some ditching work remains. Juniper Lane resident John Winsor reviewed the current plan and emailed several concerns, which were forwarded to Town Engineer Steve Revell.
7. Other Business: a) Neighbors of the abandoned home at 1226 Hardscrabble Road have complained again about the condition of the property and activity at that address. b) A. Layn followed up on the release proposed for use at the MVFD Mud Bog Fundraiser in September. S. Pilcher advised that the document has been forwarded to the town attorney, from whom the SB is awaiting a reply. c) The SB noted that a meeting of the Board of Civil Authority (BCA) is scheduled for Monday, 7/21 at 6:30 PM. It was mentioned that the BCA meeting might be postponed or cancelled outright. d) Determine time/date of next SB meeting: the SB will meet next at **Monkton Town Hall on Monday, July 28, 2014 at 7:00 PM** for its regular meeting.
8. Adjournment:
H. Boisse moved to adjourn at 8:53 PM; J. McNerney seconded the motion. Voted and approved.

Minutes submitted by Bill Joos

SBMinutes20140714