

Monkton Select Board Meeting Minutes - Final
July 28, 2014 (approved 8/11/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:02 PM.
2. Select Board (SB) Members Present: Henry Boisse, Anne Layn, John McNerney, Roger Parker, Jr. (7:51 PM arrival), Stephen Pilcher

Others Present: Jennifer Baker, Tyler Billingsley-CHA, Claire Broughton, Ivor Hughes, Michael Hurlburt, Jane Palmer, Nate Palmer, Louisa Selena-Peyser, Melanie Peyser, Charlie Pughe-VGS, Eileen Simollardes-VGS, and Bill Joos

3. Announcements: a) S. Pilcher advised of a decision by the Property Tax Hearing Officer (PTHO) related to the tax grievance filed by Elise and Todd Hotaling, who prevailed in their appeal. S. Pilcher read the case details. The value of the property ultimately declared by the PTHO was \$495,000. b) H. Boisse reported about his monthly trip as a member of the Vermont State Police Community Advisory Board to the VSP barracks in New Haven, only to learn that the meeting had been canceled once again, with, unfortunately, no prior notice. The SB encouraged H. Boisse to contact our local state representatives to advise and discuss; c) to the best of the Town's knowledge, no action has been taken by the Reparations Board regarding the cemetery vandalism in town.

4. Regular Business:

- a. **Approve Minutes**: The SB reviewed the meeting minutes of 7/14/14. J. McNerney noted the need for a minor content correction, to which the SB agreed. **J. McNerney moved to approve the 7/14 meeting minutes as amended. A. Layn seconded the motion. Voted and approved.**

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

- A/P# 40711, 07/11/14, \$ 10,278.85
- A/P# 40722, 07/22/14, \$ 36,363.52
- P/R# 40728, 07/28/14, \$ 9,640.16

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

- Darryl L. Hayden

- d. **Public Comment**: I. Hughes inquired about the status of his request that the SB seek reimbursement of the legal costs incurred-to-date for the Addison Natural Gas Project. S. Pilcher replied that the SB did not take up the matter. I. Hughes also asked about other agenda items.

5. New Business:

- a. **Addison County Community Trust (ACCT) – Vaughn Mobile Home Park**: The SB was hopeful that a representative from ACCT would appear to present information about recent activity at the park. Perhaps this visit can be rescheduled. No discussion occurred tonight.

- b. Wildlife Crossing Status: S. Pilcher circulated a letter related to the funding of the project. S. Pilcher advised that the original cost estimate from the VT DOT was \$298,000. Recently, the VT DOT advised that additional money for contingency (10%) and oversight (10%) must be included, increasing the estimate to \$357,000. S. Pilcher asked R. Parker to review the VT Trans estimate. R. Parker believes the costs are on the high side. The SB considered how to close the financial gap. A number of options were considered (including whether to raise more money/reduce project cost/rebid the project with 'not to exceed' bid language). S. Pilcher asked if the SB is willing to send the letter originally circulated to Brian Searles requesting more money for the project. The SB discussed the original funding sources. A. Layn suggested the number be fine tuned prior to submitting any bid request(s). A. Layn also asked where maintenance money, if/when needed, would be made available. The SB discussed closing the roadway during construction, thus reducing traffic control costs. Also, it was asked whether the Town Highway Dept. might be available [equipment (dump truck) and driver] to reduce costs further. H. Boisse expressed some concern about emergency services access. A. Layn mentioned mutual aid agreements. With discussion concluded, **H. Boisse moved to authorize the SB Chair to sign the increased funding request letter and forward to the State of Vermont. A. Layn seconded the motion. Voted and approved.**
- c. Monkton Park and Ride Status: S. Pilcher mentioned the \$57,000 grant (approximate). S. Pilcher also reported that the Planning Commission will hold a public hearing in early September. S. Pilcher hopes the project can be completed in 2014. An RFP is being produced, to solicit bids, as confirmed by I. Hughes. S. Pilcher asked Road Commissioner Wayne Preston if town manpower and a dump truck might be made available for the project, to keep costs in line. W. Preston replied affirmatively.
- d. Vermont Gas Systems (VGS)/Town Right-of-Way (ROW) Application: S. Pilcher referenced the application submitted by VGS, which generated numerous questions from the SB. After some discussion, **H. Boisse moved to accept with conditions the ROW application submitted by VGS; R. Parker seconded the motion.** Many questions and a lengthy discussion followed. E. Simollardes indicated that VGS hopes to construct 11 miles in 2014, starting in Williston. Some additional construction may occur also south of Monkton, in New Haven and Middlebury, in 2014. S. Pilcher asked if an Environmental Control Officer would be present at the construction site(s). Charlie Pughe of VGS advised that a weekly report to the State of Vermont is required. VGS has its own environmental person on site, 5-6 days per week. S. Pilcher referenced the Memorandum of Understanding (MOU) signed with VGS. C. Pughe commented that the Road Commissioner is often the contractors' point of contact; the VGS contractor would like to meet with W. Preston weekly. T. Billingsley of CHA explained how horizontal directional drilling (HDD) works. S. Pilcher asked if HDD can penetrate rock ("Yes," the drilling bit can be changed, depending upon the material encountered). HDD has a steering capability. M. Peyser asked about on site observers. A VGS employee visits the various work sites throughout the work week. C. Pughe confirmed that a job site contact name and number has been provided to S. Pilcher. I. Hughes inquired

about the HDD process. C. Pughe confirmed that no open trenches are created. Also, VGS reported that 'jack and bore' technology will be used. C. Billingsley explained how this method works, which will likely apply along Hollow Rd. S. Pilcher asked if any town ROWs fall under the first tier of soil testing. VGS responded that perhaps sections of Hollow Rd might be included, adjacent to the VELCO corridor. S. Pilcher asked if the SB had other questions, or if discussion can turn toward the conditions to apply. At Hollow Rd, for example, S. Pilcher proposed that an easement with the landowner be in place. M. Hurlburt mentioned the Town Plan, and asked if a bond needs to be in place? It was determined that the bond requirement applies to subdivisions creation, and does not apply to this project. The SB agreed that a condition to add would be to return any disturbed land to its original condition. M. Hurlburt asked that the Town consider having a bond in place for the project. R. Parker does not believe a bond is necessary, as the drilling process is relatively simple. M. Hurlburt asked about permit provisions at crossings. I. Hughes asked if the SB needs to make a ROW application decision now, or whether it could be postponed. I. Hughes suggested that the decision be put off, until the project is closer to action. L. Selina-Peyser asked why the SB is rushing onto a decision. S. Pilcher believes an "up or down" vote should occur. M. Hurlburt referenced the vote on the ANGP taken at the 2012 town meeting; S. Pilcher read the relevant article to the audience. I. Hughes stated that the SB should not dismiss the sentiment of the voters as expressed at town meeting. The audience and the SB discussed the timing of any approval of the VGS ROW application. J. Palmer commented that the pipeline path has not been settled on her property, and asked that the SB support the Palmers. S. Pilcher questioned how the Town ROWs impact the Palmer's property, since the two are not related. S. Pilcher reread Article 10 from the 2012 Town Meeting. The audience exchanged comments. M. Hurlburt asked about a permit for a proposed route on Old Stage Rd. C. Pughe explained that if anything changes, an amended permit would result. It was suggested that a review of drainage conditions (at the time of the 12 month post-project site inspection) should be included as a condition. J. Baker asked if the SB was considering voting tonight about incorporating all the various conditions. J. Baker mentioned the concern expressed by the Monkton Central School administration about allowing blasting within 500' of the school, and any challenge that may result with school buses delivering children to or from school. S. Pilcher commented that there is no blasting associated with the ROW application. M. Peyser asked if a list exists of all the conditions. Another condition stated was the need to maintain one lane access/egress at all times to homes during the construction phase. S. Pilcher confirmed that no ROW document would be signed tonight. S. Pilcher solicited SB interest about voting on the ROW application with all the conditions written down. H. Boisse expressed his desire to vote tonight, to which A. Layn concurs. J. McNerney requested that a comprehensive list of conditions be available prior to any vote. R. Parker commented on the prior discussions regarding the Palmer property, and whether setbacks have been satisfied. The SB discussed the details of the advisory motion (Article 10 from the 2012 town meeting). R. Parker mentioned I. Hughes' point: the SB should consider withholding any action until the next SB meeting. E. Simollardes confirmed that two properties in Monkton will not have the minimum 300' setbacks (Menard and Palmer). J. Palmer responded. J. Baker confirmed that the Menard and Palmer properties are road abutting. R. Parker asked that the vote be postponed. S. Pilcher asked H. Boisse if he was willing to withdraw his motion. J.

Palmer mentioned that last May the Palmers suggested an alternate route away from their home and the Maynard residence. I. Hughes commented that the SB is “rushing through this.” **H. Boisse withdrew his motion.** Per S. Pilcher, the VGSA ROW application will be revisited at the next SB meeting on August 11th. VGS requested a copy of the conditions list.

6. Old Business:

- a. Tax Sale Date: B. Joos prepared a list of delinquent 2013 taxpayers, which was circulated tonight to the SB and forwarded to delinquent tax counsel Jim Carroll.
- b. Open Meeting Law Revisions: S. Pilcher confirmed his visits and discussions with various Monkton committees/commissions. S. Pilcher sought to advise people of the parameters of the new Open Meeting Law. S. Pilcher confirmed the meeting minutes availability requirement. The audience considered application of the law, and the group agreed that all committees are subject to the law. A. Layn suggested drafting a letter. S. Pilcher confirmed that he circulated an email to nearly all boards and committees.
- c. PSB Order Revision Pursuant to Act 199: S. Pilcher advised that no comments have been received-to-date by him from any SB member.
- d. VELCO Well Contamination Update: S. Pilcher has not received test results. S. Pilcher asked is anyone in the audience had received results (“no”). VGS has done a soil test. E. Simollardes confirmed a recent filing by VGS of a soil management plan. C. Pughe stated that VGS would look for contamination within 50 feet of a VELCO structure/corridor. (A multi-step process exists if any contamination is found, including notification to the State of Vermont, depending upon the level of contaminate found). J. Baker confirmed that a local chemist is prepared to review the plan and file comments. It was noted that comments are due back by Friday, 8/1. J. Baker asked that the SB authorize attorney Bill Ellis to file the comments. S. Pilcher wants two SB members to review the comments and determine if the content is suitable to file. The SB wondered if an extension to the filing deadline might be possible. S. Pilcher solicited a commitment from other SB members. M. Peyser suggested filing a motion to extend the filing deadline. **J. McNerney moved to authorize H. Boisse and R. Parker to review any comments made by the chemist for possible forwarding to attorney Bill Ellis; A. Layn seconded the motion. Voted and approved.** M. Peyser asked if the SB could receive a copy of certain documents, which were part of the ANR permit application filed in this past spring. E. Simollardes and C. Pughe agreed to provide the copies.
- e. Juniper Lane Update: S. Pilcher shared a brief update, which is that the Town is awaiting a final approval from engineer Steve Revell that the project has been completed

7. Other Business: a) I. Hughes asked about the Shoreline Protection Act, as was discussed at the 7/14 SB meeting. b) R. Parker conferred with W. Preston, who asked if the Town was willing to allocate +/- \$200 to celebrate/recognize Marcel Cousino, who retired on 12/31/13. c)

Determine time/date of next SB meeting: the SB will meet next at **Monkton Town Hall** on **Monday, August 11, 2014** at **7:00 PM** for its regular meeting.

8. Adjournment:

H. Boisse moved to adjourn at 9:06 PM; R. Parker seconded the motion. Voted and approved.

Minutes submitted by Bill Joos

SBMinutes20140728