

MONKTON SELECTBOARD MEETING
MONKTON TOWN HALL
MINUTES

DATE: Monday November 23, 2015
(Approved 12/8/15)

1. CALL TO ORDER: Stephen Pilcher called the meeting to order at 7:02pm.

2. ATTENDANCE:

SELECTBOARD MEMBERS IN ATTENDANCE: Stephen Pilcher, Henry Boisse, John McNerney.

OTHERS IN ATTENDANCE: Rick Dinkle, Jennifer Baker, Melanie Peyser, Nate Palmer, Jane Palmer, Ken Wheeling (ZA).

3. ANNOUNCEMENTS:

- a. Announcements: Town wants to thank Will Aldrich and the Eagle Scouts for their project. There are now new welcome signs on Monkton Ridge and Monkton Boro.
- b. Letter from Downs Racklin, Martin: Meija and Louer residents have reached an agreement with VT Gas in regards to easements through their properties for the pipeline.

4. REGULAR BUSINESS:

- a. APPROVE MINUTES: J. McNerney moved to approve November 12, 2015 minutes as amended. H. Boisse seconded. Voted and passed, 3-0-0.

b. REVIEW AND APPROVE CHECK WARRANTS:

- A/P #51120 11-20-2015 \$28,446.58

- c. REVIEW AND APPROVE OVERWEIGHT PERMITS, ETC.: There were no overweight permits to approve.

d. PUBLIC COMMENT (Guests): Melanie Peyser, speaking on her own behalf, brought and read a letter she wrote expressing her concerns about the recent Selectboard meetings where VGS has been on the agenda. She requested that the letter be attached as part of the minutes. (See attached PDF "Peyser M Comments")

5. NEW BUSINESS:

- a. ZONING STATUS: Ken Wheeling presented to the board the zoning status that has been audited through end of September. Revenues to date collected by the Zoning Administrator is \$10,408.94 which is over budget, still have Q4 to go; the first 3 quarters

have been audited. There were 10 new houses, total number of subdivisions need to be determined but K. Wheeling counted at least 4.

Zoning violations:

- One town resident that built a deck that was not part of the approved project, a bill was sent for overages, which has since been paid.
- A certified letter has been sent with no response to a Meader Hill residence regarding a school bus on the property that appears to have someone living in it.
- A resident has been contacted regarding construction on large deck project that had not been approved through zoning.
- There is a shed that someone appears to have someone living in it, which should be addressed this week.
- A resident has been cited regarding gravel removal.

There was brief discussion regarding a potential illegal junk yard. K. Wheeling was asked to look at his budget.

b. STATE WILDLIFE GRANT AMENDMENT TO EXTEND GRANT: There is a grant that expires at the end of the year. The grant would be extended through December 31, 2016. **J. McNerney moved to approve submitting the application for extension to ensure that any funds will remain available on the fish and wildlife grant for wildlife crossing. H. Boisse seconded. Voted and passed, 3-0-0.**

c. REVIEW LETTER FROM JEN BAKER REGARDING ARCHAEOLOGICAL STUDY PROCESS OF PIPELINE ROUTE ACROSS NORRIS LAND: Jen Baker presented her letter to the Selectboard expressing her concerns about VGS making requests on non-substantive changes without having completed the appropriate studies and paperwork filing. She requested that the Selectboard express its concern on this as an intervenor. H. Boisse indicated that he feel the Selectboard should not be involved in this matter.

J. McNerney moved to accept Jen Baker's recommendation that we forward her letter and add a cover letter that indicates appropriate studies need to be done and paperwork filed prior to ruling on the proposed change. S. Pilcher seconded this motion. Voted and passed, 2-1-0.

d. BUDGET REVIEW: The Selectboard reviewed parts of the Budget, but are still waiting on feedback from a number of committees.

J. McNerney moved to approve the following social services who submitted flat-funded budget requests:

- **Addison County Parent Child Center: \$ 1,600.00**

- **Champlain Valley Agency on Aging:** \$ 1,100.00
- **Elderly Services:** \$ 800.00
- **Vermont Adult Learning:** \$ 700.00
- **Green Up Vermont:** \$ 150.00

H. Boisse seconded this motion. Voted and passed 3-0-0

6. OLD BUSINESS:

- e. FIRE STATION ADDITION STATUS: Permitting process is complete. Construction has been delayed until spring.
- f. PARK AND RIDE STATUS: Lighting folks would get more even lighting with 4 poles instead of 2 poles. Wood poles were recommended and might be more cost effective for this project.
- g. WILDLIFE CROSSING STATUS: Final inspection went very well. A signed agreement for substantial completion has been received.

7. OTHER BUSINESS:

- a. DETERMINE TIME/DATE OF NEXT MEETING: The next meeting will be held on tentatively held on December 7, 2015.
- b. H. Boisse represented the Town of Monkton for the meeting with the State Police. Only 5 towns were represented and turnout was low. Monkton crime rates were down compared to previous years.
- c. Curb cut on Jockey Lane for Selectboard review. No action was taken.

8. ADJOURNMENT:

H. Boisse moved to adjourn at 8:31pm, J. McNerney seconded this motion. Motion carried with a vote of 3-0-0.

Respectfully Submitted,
 Miranda Boe
 Recording Secretary
 20151123

P.O. Box 129
Monkton, VT 05469

November 23, 2015

Town of Monkton Select Board
P.O. Box 12
Monkton, VT 05469
(*delivered by hand*)

PUBLIC COMMENT REGARDING THE SELECT BOARD'S CONSIDERATION OF VERMONT GAS SYSTEMS, INC.'S
PROPOSED CHANGES TO PIPELINE ROUTE SITING, ALIGNMENT, DESIGN AND CONSTRUCTION IN THE TOWN OF
MONKTON

Dear Members of the Select Board,

I am making the following comments to the Select Board in light of the way in which the past several Select Board meetings have proceeded and some of the comments by members. Before providing these comments, I would like to stress that I am speaking on my own behalf and do not represent my mother or her views. I would also like to note that unless specifically noted, my comments relate to discussions in general and not to statements made by any other attendees at meetings. I do not necessarily agree or disagree with comments made by others, and my comments are not meant represent others in any way. I take sole responsibility for my opinions and any statements I am making.

First off, I would like you to know that I was deeply offended by some of the comments made by the members of this Board at the close of discussions on VGS's proposed route changes at Old Stage Road. I personally asked one question related to the other proposed changes in the Town of Monkton and whether they were based on land surveys, and I made a comment about the seeming lack of consistency in the consideration of each of the three sets of changes, proposed by VGS over the past two months. Perhaps Board members comments on public statements were not in response to my comments in particular. Nevertheless, I think that the Board members' characterization of members of the public present as "obstructionist" and thus the suggestion that their comments lacked merit was unfair and inaccurate. The decisions made by the Select Board on these issues have serious implications for individuals' properties, the Vermont Public Service Board's decisionmaking process, and frankly, the Select Board's credibility in making agreements on behalf of the Town and its residents and in signing the Memorandum of Understanding with Vermont Gas.

Since, while leaving the prior Select Board meeting, I had overheard a similar statement about my own comments, I feel comfortable saying that I worry that this is becoming a knee-jerk reaction of Board members to any comment that questions the pipeline project. I can understand how frustrating it is to still be dealing with these issues and to have constant scrutiny of your decisions, but I fear that you are no longer absorbing legitimate concerns. Moreover, you appear to be prejudging the outcome of not only the Public Service Board's proceedings regarding the certificate of public good itself but also the PSB's view of the proposed changes in Monkton. The implication that we are simply trying to obstruct the construction of a project that is moving forward is counter to the reality of current Board proceedings on whether to reopen the CPG. Repeated referral to the proposed changes as "non-

substantial" suggests bias on your part at the outset. The specific issue before the PSB when VGS makes these requests is whether these changes are "substantial" and thus whether they require amendments to the CPG, or instead, these changes are "non-substantial" and therefore don't require any PSB review at all. It has been incomprehensible to me that the Select Board has felt the need to provide any approval whatsoever for these changes when VGS seeks to make them without amendments to the CPG. Therefore, when members of this Board complain about residents, and more importantly affected property owners, wasting your time, the more appropriate question might be why you are wasting your own time considering requests by VGS that amount to strengthening the company's requests for non-substantial change designation. The fact that landowners have legitimate questions about those changes should not come as a surprise. And, the fact that VGS has not been able to answer many of those questions, at least according to the preamble of the MOU you signed with VGS, ought to be of grave concern to you.

This brings me to my second point, which is that I consider your review of the past three sets of proposed changes to be unacceptably inconsistent with the MOU that you signed with VGS on behalf of the Town. That MOU states that the Town and the Select Board sought to address concerns related to, among other things, environment, health, and safety. However, when I raised concerns related to these specific issues, I was told to address them with VGS directly and that the Select Board did not intend to get involved because it lacked the necessary expertise. Once the Select Board chose to go forward with an MOU, in contravention of the will of the Town, and to address these very issues, you took on, at the very least, a moral obligation to follow through. When you asked the Public Service Board to incorporate the MOU terms and conditions, relevant to those very issues, into the CPG, you must have thought that you had the expertise to agree to those conditions. How could it be that you once did have, but suddenly do not have, the expertise to evaluate whether those same issues of health, safety, and the environment, are adequately addressed in VGS' proposal to change the route? You are now choosing to waive the siting condition (re: the former Bailey property) of that very same MOU, but you are incapable of evaluating issues of the same or similar nature the siting condition was designed to address? The fact that these issues concern private property should make no difference. First, the MOU addresses issues on private property already and second, the Town often intervenes in health, safety and environmental issues on private property. The Hollow Road clean up is a good example.

Finally, I feel compelled to draw your attention again to the fact that the wholly inconsistent manner, in which you have reviewed the three sets of proposed changes, is inequitable to the residents and landowners along the route and also discriminatory. I do not speak for my mother. I am nevertheless very protective of her, and I am beginning to get the impression that this Board feels a greater obligation to other property owners that you do to her. This Board did not say last week that it could not consider environmental concerns regarding the Old Stage Road changes. This Board entertained a variety of questions on those points. This Board has stated over and over that you would choose not to enforce siting and construction agreements in the MOU IF VGS 1) made changes to the route that took the pipeline off the Palmers' property; and 2) those changes did not "cause problems for other landowners." You used those criteria to judge whether you would enforce the MOU or not for the Palmer reroute and even for the Old Stage reroute. In contrast, VGS' proposed relocation of the valve station to the former Menard property from the former Bailey property, as proposed, is wholly independent of and unnecessary to the reroute around the Palmer property. It will have a range of impacts on my mother's property, and it violates the MOU. But, you didn't apply your own criteria to that change during your discussions despite concerns raised. As a party to the case, you did not file any comment in response to the Board's general request for comments on the third request for

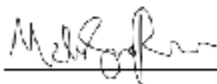
non-substantial change designation; you did not announce or discuss my mother's filing opposing the changes at the last Select Board meeting; and you did not file timely comments in response to VGS' statement in its motion opposing my mother's submission that the Town of Monkton had no concerns about the changes and that the Town had not moved to enforce the MOU.

I hate to say this, but when I line up your inaction on the relocation of the valve station with several other recent developments, my conclusion is not very positive. These circumstances include the explanation given by one of the geologists, whom I found on my mother's property over the summer, that Steve Pilcher had invited him to collect data in connection with resident concerns about the colocation of the pipeline and the power lines; the discussion that the Board should consider throwing up the road on my mother's property along with a Board member's planned application to throw up his road; a sideline comment at a Select Board meeting that there had once been expressed an interest in using the abandoned road on my mother's property as a shortcut for children to get to school by bike (which I might add would require them to swim across the swamp on their bicycles); and false allegations, made by Select Board members at a meeting, that my mother had illegally posted a "private" and "no trespassing sign" on my her driveway. I have to wonder whether the Select Board is singling out my mother. I hope that's not the case, but I am beginning to feel the same way I think the Palmers must have felt except that I don't see any justification for increasing the impact of the pipeline on my mother's property in contravention of the MOU. So, I also have to wonder whether you are favoring VGS as a property owner over my mother and enabling the company to enhance its convenience without giving due regard to the impact on her property.

In closing, I would like to ask that the Select Board or the Chairman share with the public, in writing, the rules for public comment at Select Board meetings. Or, if that has already been done, please direct me to the location on the website or elsewhere that these rules are available to the public. I have not been able to find record of the rule, referenced by the Chairman at the last meeting that apparently requires members of the public to make all comments at the outset of the meeting. If that is actually the rule, I request that the Board review this mandate in light of the Open Meeting Law, which requires that members of the public have the opportunity to express their opinions on matters considered during the meeting. Unless the Select Board requires all information that will be presented at a given meeting be provided ahead of time and makes that information available for public review, I do not understand how members of the public could possibly provide their opinions on matters under consideration until such time that a presenter or the Board has provided complete information. That can obviously only happen after the presenter has spoken – not beforehand.

I'm sure that I make no friends in providing these comments, but I do thank you for hearing me out. I would appreciate it if you would append these comments to the minutes of your meeting.

Sincerely,



Melanie Peyser