



Conservation Commission

Town of Hinesburg
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Meeting Minutes - April 5, 2016

-Draft-

Members Present: Meg Handler, Bob Hyams, Shannon Kelly, Alison Lesure, Merrily Lovell, Bill Marks

Members Absent: None.

Guests: None.

1. Call to order at 7:06 p.m.
2. Additions/Deletions to Agenda - Merrily read a quote to start the meeting. Bob H. has an update on Rebekah from CLF about coming to speak to us. Alison asked for an update from Bill on Geprags re: engineer email.
3. Approve Minutes from 3/22/16 - Bill moved to approve. Alison seconded. All in favor.
4. Geprags: Discussed Selectboard meeting on 3/28/16.
 - a. Reviewed VGS responses to Commission questions provided to VGS on March 16th. Seems like there is not much substance to the responses.
 - b. Listed in writing at least any initial recommendations and questions to provide to the Selectboard, and identified any next steps to finalize and communicate:
 1. Shannon tried to find a storm water permit for this section of the pipeline. Could not find one. Normally there needs to be a public posting of the storm water permit. Will lack of a necessary permit impact the PSB ruling on eminent domain?
 2. We need to focus on the conditions that we want in any agreement. There is a great deal of technical information out there. Trevor has asked for specific sources which will be helpful to the Selectboard.
 3. We went through Bob's list line-by-line. Issues discussed: amount of compensation; money to go to land acquisition. Long-term issue – damage to the park. We feel strongly that any VGS money should go to a restoration fund and/or land acquisition fund. Pressure in the pipeline- commitment that the pressure will not exceed what it is built for. Methane can escape from the pipes and contributes to global warming. Should submit to binding arbitration in the

event of disputes. Assignment of the lease -VGS should remain liable to the town, regardless of any sale or assignment. Restoration – is the erosion prevention and sediment control part of the agreement? We want to make sure it's enforceable by the Town. Vegetation management plan that we have seen is for the whole project, not just Geprags. We would want something more specific to Geprags. The \$1,000 for warbler restoration planning is not sufficient. We should ask for Fish and Wildlife to do the plan and verify it, or hire another expert to do this. We should not rely on VGS to verify themselves, to their own standards. In general, there should be specific recommendations for a wetland, which is even more stringent. Normally, there is more specificity in a permit. It is not there for this project. Perhaps they have not produced their construction plan. That seems to be missing. The way it stands, there is only one BMP requirement listed (matting). Where is the rest? Perhaps we need a formal escrow fund, to ensure that the restoration happens properly. For example, when are they going to plant? Who is responsible for replacing the plants that die? There is no real plan provided. All this points out the need to hire a knowledgeable and experienced attorney.

4. We went through Alison's list and agreed to merge it with Bob's table: process recommendation – we need to have CC involvement with the negotiation and also the implementation. There should be a point of contact between the town and VGS going forward. Perhaps we can add another section for general procedure and contract terms. Need to provide the town a private remedy in case there is a dispute. We can't expect that violations of the agreement will be enforced by the State, since the State is so understaffed. Town must have a readily enforceable remedy. Maintenance schedule, treatments, notification in the event there are changes to a management plan. There needs to be a specific person that VGS will notify, so that it is clear to everyone who is responsible for what. Liability issues should be spelled out. Pesticide and herbicide use in the park must be properly monitored. What are the standards? This should also be spelled out. There should be some sort of training provided to the fire department, police department, town officials etc. First responders should be trained, at VGS expense. Who in the town determines whether the restoration is sufficient? Who verifies the end result? Factors determining the value of compensation. We need to send a cover letter along with Bob's table, to make sure that the Selectboard understands that this is an internal discussion with the Selectboard, not a finalized offer to be discussed with VGS.

Next steps: Bob will incorporate changes from tonight. We will all look it over. Then, Alison, as Chair, will write the cover letter and submit it to the Selectboard. The eminent

domain procedure is going to dictate the timetable to some extent, moving forward. We should get this out to the Selectboard as soon as possible.

- c. Discussed and decided upon any possible offering of funds from the Conservation Commission reserve fund to assist with costs to bring in outside expertise, including legal counsel, for agreement negotiations - The town needs assistance preparing for an eminent domain proceeding. Bill made a motion: If the Town finds an attorney that the CC feels is qualified to assist in preparation for an eminent domain proceeding, and actively involves the CC in the process, then the CC will offer money, as a loan, from its reserve fund to help fund an attorney. This loan would be repaid from any money gained from VGS as a result of the proceeding. Shannon seconded it. Bill decided to table this motion for further discussion. We will discuss this further at the next meeting.

5. Updates and Other Business:

Rebekah Weber from CLF (Conservation Law Foundation) said she can join May 24th to talk about Act 64. Bob will request that she come May 10th instead. We might want to open this up to other groups.

Next Meeting: April 12, 2016

Meeting Adjourned at 9:25 p.m.

Respectfully submitted,
Meg Handler