

SELECTBOARD MEETING DRAFT

03/21/16

Attending the meeting; Mike Bissonette, Phil Pouech, Aaron Kimball, Tom Ayer, Andrea Morgante, Trevor Lashua and attached list.

Meeting called to order at 7:00 p.m.

There was no public comment.

Consider Action on the Proposed Agreement w/ VT Gas re the Proposed Pipeline Crossing of Geprags Park

Trevor reviewed the main components of the agreement. Andrea noted the easement needs to be part of discussion.

Kim Coates said she feels the \$75,000 the Town will receive should be put aside for use only at Geprags Park.

Lawrence Shelton said there is a petition with over 400 signatures requesting no agreement be signed tonight and asked the Board to acknowledge it.

Racheal Smokler read the petition and submitted it to the Board.

Bob Hines, member of the Conservation Commission said the restoration plan by VT Gas focuses on the Warbler; the Commission manages for more than the Warbler habitat and feels \$1,000 is not enough for restoration.

Kathleen Furr asked this go to a Town wide vote.

Frank Koss said he could not think of a better thing for the Town to do than to bring natural gas option to residents up Richmond Road.

Bob Thiefels said he was informed by VT Gas that no trailers are eligible with a cement pad underneath. He said within Sunset Villa and Triple L there are only 12 homes on cement pads. He also said VT Gas said they would look to opt out of that agreement if not enough homes would convert.

Ed Wait, Birchwood resident, said he is looking forward to converting.

Norman Atkinson said the donation of the park was done in good trust to be used for the people not commercial reasons.

Chuck Reiss agrees with Norman and said the covenant is clear the park is to be used for educational and recreational purposes.

Nancy Baker said she uses the park frequently and a lot of work has been done to improve use of the park. She added she believes the cost of conversion to natural gas is very high.

Carl Bohlen asked what the next step for the Board is and asked them not to ratify the agreement.

Andrea Morgante advised the Selectboard needs to vote at this meeting as they have 21 days to respond.

Janice Nadworthy said it is unwise to change the use of a donation to the Town. She said she understands other towns have received higher payments.

Sandra Farrell said it is a dishonor to devalue someone's wishes regarding a gift.

Lenore Budd asked if the VELCO lines were put in before or after the Geprag's gift.

The Board responded they were put in before and upgrades made after.

Melany Peyson of Monkton said at today's conversion rates you would lose money and recommends people look for themselves.

Jayson Kaye of Middlebury asked if the clause regarding energy efficiency services is valid – ask VT Gas and the Public Service Board – is there anything prohibiting VT Gas from extending up Richmond Rd.

Richard Watts asked the Board not to allow VT Gas to through the park.

Rob Bast said he was a member of the Selectboard when the park was accepted by the Town. He feels it is a good thing to extend the line up Richmond Rd. He noted to be sure there are enough funds to restore the property. His personal experience working with VT Gas has been positive. He noted that for the public good the Town has drilled wells on the property.

Alan Norris asked for a map to show where the pipeline would be.

Andrew Anderson of Colchester said to check out the land to the west to use not the park.

Bill Marks said there is a trail on the west side which the proposed pipeline would cross.

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Steve Cote said he supports the decision of the Board and this is not the first time the Town has made decisions about the park. He noted the windmill and base in the park, and that the windmill is no longer in use and the base remains.

Steve Barnard said some people seem opposed to what VT Gas is doing and use cost to justify. He said long term gas is efficient and can also be used to run appliances.

Peter Erb said he sees nothing in the agreement that guarantees restoring the area and asked that the Selectboard use executive session only when necessary.

Norman Anderson requested any issue voted on tonight be public.

Trevor explained the 14 day window.

Karl Novak said he signed the petition and that in the future the Board should get input from residents before making a decision.

Bob Hines said the Conservation Commission has expressed concerns and wants verification of restoration, there is no means of verification of performance.

Carl Bohlen asked if the Board sought input from Town committees.

Nancy Baker pointed out a pipeline in the park is not residential.

Maria asked the Board to share dates of meetings at which this was discussed, in 2013 there were many meetings with this on the agenda.

Tom Ayer shared dates of open meetings going back to Dec 16, 2013 / Jan 6 and 27 of 2014 open meeting with VT Gas attending and other meetings noted in previous minutes.

Andrea Morgante said the Board talked about this and did hear comments from the Conservation Commission but did not share the agreement and easement terms, she anticipated those would be shared.

Merrily Lovell said she never heard about the agreement till VT Gas went for eminent domain.

Bob Davis questioned the amount of money VT Gas is awarding the Town and also agrees to 1 pipe only in the line.

Sam Hemmingway asked to reverse order of vote to be taken to address the open meeting law complaint first.

Sally Reiss is concerned the pipeline will inhibit connectivity to trails on the west.

Richard Smokler has worked with crafting agreements and feels we need to have careful scrutiny of the agreement to be sure it provided the Town with protection.

Leon Lestage noted this is parallel with the VELCO easement, he feels the agreement was done with the Town lawyer and we should back the Selectboard.

Bob Thiefels said he is aware the Board needs to vacate or ratify tonight but feels we are being intimidated by VT Gas to rush this; we should look at the Cornwall agreement and study it.

Nancy Lee Roth said there is a lot of talk about money; she feels we cannot put a price on a public park.

Steve Cote said he was one of the last farmers of the land in the park, he pointed out the turbine base has not been removed and the 3 well heads have not been removed, so why are we insisting VT Gas restore to pristine condition.

Chuck Reiss said the Energy Committee did vote to oppose the gas line – renewable energy will not happen if supporting these types of fuels.

Bob Davis said he has installed solar and encourages solar.

Selectboard input;

Phil said his personal opinion is not for it but as a Selectboard member feels he needs to reply for the Town not his personal feelings. The Town has not much to say about this, it is a Public Service Board issue and that is why VT Gas can use eminent domain. He feels the opportunity to give choice to more Town residents to convert is good. He noted VT Gas is responsible for restoring habitat and the \$1,000 agreement is not the limit. He believes it violates the park covenant and that is why it going through the eminent domain process. The Board did have open meetings at which this was discussed. His dealings with VT Gas have been respectful and this was done in good faith. He said he will vote no as he feels the Town needs to go back and work on a new agreement.

Aaron said he is not entirely convinced the language in the easement benefits Hinesburg and feels we should consider improving it and so will vote no.

Tom said the Board took testimony on the subject from the Conservation Commission and others. He feels this is well thought out negotiated agreement and if not for the time lapse while waiting for the certificate of public good for VT Gas this would have ratified years ago. Installation of the pipeline is a short term inconvenience; the pipe will be 4 feet underground and out of sight. He does not want the Town to spend more tax dollars on legal fees for this issue. Andrea thanked everyone for attending the meeting. Speaking for herself, she anticipated this open discussion prior to eminent domain. Her notes on meeting discussions ended in Aug of 2014, the Town did not hear from VT Gas till notification of the eminent domain decision. Her concern is not the agreement but the easement. VT Gas can erect a fence or put up other structures without coming back to the Town, they can abandon the pipeline and any structures, there are no provisions for inspections and it will be only 36 inches deep. She would like to move forward and craft an easement that will protect the park. Andrea quoted from State Statute addressing the use of public land. Mike B said regarding the violation of the open meeting law he does not know for sure if the Board did or did not but that will be rectified tonight. He feels it is a good agreement and is focused on getting the line up Richmond Road and will vote in favor.

Phil moved the Board consider a motion to ratify the proposed agreement with Vermont Gas. Second by Andrea. Phil, Aaron and Andrea opposed; Mike B and Tom in favor. Motion failed.

Following the Board's motion to ratify or void the proposed agreement, consider the following motion to ensure full compliance with the open meeting law and an appropriate response to the alleged violation:

Phil moved the Board consider a motion to satisfy the requirements of 1 V.S.A. § 314 (4) (B) related to the alleged violation of the open meeting law by reaffirming the commitment of the Town of Hinesburg to continue following practices established at a September 2014 open meeting law training conducted by the Vermont League of Cities and Towns, including but not necessarily limited to:

- Prior to entering executive session, making and approving a motion finding that executive session is both necessary and allowed by the provisions of 1 V.S.A. § 313.
- Prior to entering executive session, making and approving a motion to enter executive session after approval of the motion finding that executive session is both necessary and allowed by the provisions of 1 V.S.A. § 313.
- Ensuring that any proposed executive session is clearly warned on meeting agendas and includes the applicable references to 1 V.S.A. § 313.
- Ensuring that action on matters discussed in executive session are made during public session in open meeting.

Andrea second the motion and it was approved with 5 yes votes.

There were no changes made to the agenda.

Town Administrator's Report

- a. *Aldrich and Elliot* – This item has been moved from 3/21 to Monday, 4/4.
- b. *Water and Wastewater Ordinance Changes* – This is scheduled for Monday, 3/28. The latest draft will be made available following edits and updates made during the 3/18 task force meeting.
- c. *"Two-and-Two"* – The table below is a two-minute look at the next two meetings.
- d. *Hinesburg Center Wastewater Allocation Denial and Discovery* – Staff is processing the tedious, voluminous, and often quizzical discovery requests presented by Brett Grabowski's lawyer. Mr. Grabowski is challenging the Selectboard's denial of a wastewater allocation for the second phase of his proposed Hinesburg Center project. The denial issued by the Selectboard last summer is included for review. Staff will have an update on the total costs of Mr. Grabowski's legal challenges, violations, and other actions Monday night. This does not account for staff time along the way.

“Two-and-Two”	
<u>03/28/16</u>	<u>04/04/16</u>
<ul style="list-style-type: none"> ▪ Water and wastewater ordinance discussion, review. ▪ Interviews for Boards, Committees, and Commissions (Planning, Energy, Recreation). ▪ Board of Health (Lane/Gilman Road). ▪ Set Selectboard workshop/retreat date and agenda. 	<ul style="list-style-type: none"> ▪ Presentation of wastewater capacity study by Aldrich and Elliott. ▪ Water and wastewater ordinances (adopt). ▪ Amend old Police Station purchase and sale agreement (based on DRB review process, timing changes, etc.).
<p><i>To be determined:</i></p> <ul style="list-style-type: none"> ▪ Changes to the Animal Control Ordinance. ▪ Proposed zoning changes related to siting of solar facilities. ▪ Special meeting – to discuss water and wastewater ordinances (in between 3/28 and 4/4, if necessary only). 	

Selectboard items:

Phil asked about how the Board will proceed with VT Gas. He asked where the Board of Health issues stands. Trevor said that will be discussed at the next meeting.

Warrants:

Phil moved the Board vote to approve the warrants, including payroll warrants, as submitted by the Town Treasurer. Second by Aaron and approved with 5 yes votes.

Minutes:

Andrea moved the Board vote to approve the minutes of 3/7/16 as corrected, second by Phil and approved with 5 yes votes.
 Aaron moved the Board vote to approve the minutes of 3/14/16, second by Andrea and approved with 3 yes votes.
 Tom and Phil abstained.

Moved to adjourn at 9:27 p.m. by Aaron and second by Phil. 5 in favor.

Respectfully submitted,

Valerie Spadaccini, secretary