

Approved February 3, 2015

**TOWN OF CORNWALL
SELECT BOARD MEETING**

Cornwall Town Office
Tuesday, January 20, 2015

Present: Ben Wood, Ben Marks, Dave Sears, Magna Dodge, Sue Johnson

Also Present: Jack Carter; Bobbie Carnwath; Judy Watts; Bill Johnson; John Burton; Mary Martin; Randy Martin; Andrew Marks; Holly Noordsy; Geoff Demong; Rudi Olsen; Elizabeth Karnes Keefe; Amy Oxford; Stan Grzyb; Kathy Grzyb; Marc Cesario; John Roberts; Abi Sessions; Alex Rose, Fox News; Erin Mansfield, Rutland Herald

Meeting called to order at 7:00 pm

Agenda – *approved*

General Fund and Highway Orders - *signed*

MINUTES

January 6, 2015 – Ben M. MOVED / Magna SECONDED a motion to approve the minutes as last distributed with the following addition: (during discussion on the pipeline) Bethany Menkart said she felt that Ben Marks should step down due to conflict of interest and because his dual role is not serving the town. MOTION PASSED.

January 14, 2015 - Dave MOVED/ Magna SECONDED a motion to approve the minutes as distributed. Mary Martin asked for clarification about what time the board came out of executive session and when the idea of rescission of the Select Board action on a special Town vote was presented. Ben W. replied that the idea of rescission of board action was brought up informally after the meeting and is on the agenda for the meeting tonight. MOTION PASSED.

CORRESPONDENCE REVIEW

- Notice from Building Energy about solar system at the Kent home in Cornwall.
- Letter from William and Janet Warren expressing support for developing an MOU, holding a Town vote, and providing lots of information for the citizens to educate themselves about the issues.

PUBLIC COMMENTS (outside of agenda items) – none

TOWN CLERK/ TOWN TREASURER'S REPORT – Sue Johnson

- Working on the Town report has been main focus
- Auditors will meet Tuesday for their annual meeting about the Town Report.
- Sue said she had just come from a memorial gathering in Ripton for a fellow Town Clerk and Treasurer who recently died, quite suddenly, and was feeling sad and very aware that life is short.

ROAD COMMISSIONER'S REPORT - no report

OLD BUSINESS

Pipeline: Motion to Rescind Select Board action to take a Town vote

Ben Wood reviewed discussions and decisions about the pipeline made during the last two meetings (regular meeting on January 6 and special meeting on January 14). Ben W. said a motion will be put on the table to rescind the Select Board action of January 6 to hold a Town vote, because Vermont Gas has put the PSB process on hold and IP is figuring out their next move.

Magna MOVED/ Dave SECONDED a motion to rescind the Select Board action to take a Town vote.

MOTION PASSED (after the following discussion/comments concluded)

Discussion / Comments

Ben Marks – said that for the record, in discussions about the pipeline, he is speaking in his role as attorney for the Town.

Mary Martin – appreciates the Select Board for hitting the pause button. Mary thinks we don't have to wait for IP and Vermont Gas. Instead, we can lead.

Kathy Grzyb – agrees with Mary. She mentioned Tim Fisher's recent letter to the editor in the Addison Independent, including the assertion that eminent domain does not apply to public lands. Would this mean that if Cornwall said the pipeline could not cross any Town roads, would that keep the pipeline out?

Ben Wood – asked Attorney Marks to respond.

Ben Marks – said that yes, Town roads cannot be taken by eminent domain, but utilities have a right to be in the right of way. The Town may not have a right to bar them from using the roads, as other utilities are already located there.

Ben Wood – assured the citizens that the Select Board will look into it further.

Holly Noordsy and **John Roberts** – offered to provide information to the board about laws pertaining to Vermont roads, as result of research they have each done on separate Town boards/committees.

Bobbie Carnwath – is strongly opposed to developing an MOU with Vermont Gas, read a statement giving her reasons.

Stan Grzyb - thinks that the Select Board should remain resolute in opposition to the pipeline. The Town has twice voiced opposition to it. PSD is going to ask the to remand the decision made in December back to them. PSD has come out with concerns about Phase I, even the Governor is expressing concerns. If negotiations happen in the future, he thinks the Select Board should throw out the term sheet and start all over.

Holly Noordsy – asked if the Town commented on Vermont Gas' request to delay proceedings.

Ben Marks – replied that yes, Cornwall's comment was that we supported the pause. Jim Dumont made motion for VPIRG and Cornwall will not comment on that motion.

Mary Martin – wants to know why the Town is remaining silent on other interveners' motions?

Ben Marks –that is a question about legal strategy that we can't answer in public.

Ben Wood – ...for the same reason we have gone into executive session to discuss legal strategy.

Mary Martin – declared that she thought we were fighting this pipeline together, and that the Town would support the other interveners. She said she feels left in the dark and is getting the news from the paper and not her Select Board.

Ben Wood - Yes, a Town vote last year showed support for fighting the pipeline, but the board needs to be careful and not to assume what the citizens think now.

Beth Karnes Keefe – wants to know if there will be discussions at Town meeting.

Ben Wood – said that the pipeline is not an agenda item on the warning to be approved tonight.

Bobbie Carnwath – When will you get back to negotiations?

Ben Wood – Bruce Hiland announced at the last Town meeting the 2-track approach. That is what we have been doing. We are on pause right now.

Bobbie Carnwath – wants to emphasize the connection between Certificate of Public Good (CPG) and a Memorandum of Understanding (MOU). An MOU between Cornwall and Vermont Gas based on these terms shows benefits for Cornwall. She feels the PSB would be more likely to grant a CPG an MOU between Cornwall and Vermont Gas was entered as evidence.

Dave Sears – defined “pause.” PSB has decided to look at Phase I again. Lets not chew ourselves up when Phase I is now in question. Lets not fight something that we don’t even know is going to happen.

Mary Martin - You can’t speak for everyone.

Dave Sears – I speak for myself and for people who have come to me privately.

Bill Johnson – supports property rights. He remembers the 2-track approach that Bruce mentioned at the last town meeting. He does not see any sneakiness in the board, since the 2-track policy has been expressed for over a year. The only thing that has changed is Vermont Gas and their approach.

Ben Wood - Yes, that’s correct. The board has been trying to negotiate the best deal for all of Cornwall if the pipeline does come through. But at the same time, the Town has been intervening in the PSB process.

Geoff Demong – points out that the term sheet asserts a 4% reduction in property taxes. He feels this misrepresents the facts, because property owners with income up to \$104,000 annually can get a reduction in property taxes through a rebate from the State. For most, this is significantly more than 4%.

Jack Carter – 4% tax reduction is pennies, should not even be in the argument, and does not make a major difference for fixed income folks.

Geoff Demong – will Select Board look into it?

Ben Wood – Yes, the Select Board will look into it.

Bill Johnson – Don't get hung up on the %, it is the total number of dollars that counts.

Stan Grzyb - since Phase II in the PSB process is on pause, and we don't know what PSB is going to do about Phase I, if they decide to go with Phase I, do you envision using the term sheet for negotiations?

Ben Wood – the term sheet could be a basis for asking the Town again, but we don't have to.

Stan Grzyb – Could the board start over again, with new terms?

Ben Wood – This was the best we could get out of them.

Magna Dodge – does not see the possibility of more movement from Vermont Gas. An MOU does not go into effect, unless the CPG is approved. By the way, the Select Board has not signed anything. Magna said she would like to call the question if there were no other comments on the question on rescission.

Rudi Olsen – is upset with the process. At the December 16 meeting the board was ready to vote on the development of an MOU without consulting the citizens. This has been a civilized meeting, but he feels the board is not on the same page as the citizens. Attorney money was to be spent to fight the pipeline, not to negotiate an MOU. What are we doing when we are giving up the vote right now? Rudi wants the board to commit to a future vote.

Ben Wood – we needed to make a motion to be able to talk about it. About a future vote, I'm in favor of it.

Dave Sears – if taken off pause, he is still for a town vote.

Magna Dodge - said when she voted for a town vote, she was saying she wanted it.

Mary Martin – believes the SB have the best interest of the town in mind. We want to hear that yes, there will be a vote on this. Wants assurance from the SB that the citizens will be informed ahead of time and that there will be a vote.

Ben Wood – yes.

Mary Martin – wants to emphasize that, yes, the MOU would not come into play unless a CPG is granted but having an MOU means that there would be a public good, suddenly public good where there was not.

OLD BUSINESS continued

NOTE: Ben Marks now is speaking as a Select Board member.

Town Meeting

- *General Fund Budget* – is down \$1,000 from last year. Dave MOVED/ Ben M. SECONDED a motion to approve the General Fund Budget for FY 2016. MOTION PASSED.
- *Highway Budget* – is up \$5,800 from last year. Dave MOVED / Ben M. SECONDED a motion to approve the Highway Budget for FY 2016. MOTION PASSED.
- *Town Meeting Warning* – Sue said that this year Town Meeting will be first, and next year the School Meeting will be first. Dave MOVED / Magna SECONDED motion to approve the warning. MOTION PASSED.

Dog Ordinance – Magna reported that at the next meeting, the board will have a draft document to review, that is based on the VLCT ordinance.

NEW BUSINESS: none

OTHER BUSINESS

Magna said that outstanding agenda items for future meetings include E911 road signs (waiting for research to be done) and salt issue.

ADJOURNMENT

Dave MOVED /Magna SECONDED a motion to adjourn the meeting. MOTION PASSED.

The meeting was adjourned at 8:24 pm.

Respectfully submitted, Sharon Tierra, Clerk of the Select Board