

TOWN OF CORNWALL  
SELECT BOARD MEETING  
Cornwall Town Office  
Tuesday, March 18, 2014

**Present:** Bruce Hiland, Abi Sessions, Ben Wood, Ben Marks, Stu Johnson,  
Sue Johnson

**Absent:** Dave Sears

**Guests:** None

**Meeting called to order** at 7:00pm

- **Board Organization**—Sue Johnson chaired for the organization of the Board
  - Abi MOVED, Ben W. SECONDED, that Bruce be the Chair of the Board. *Motion passed.*
  - Abi MOVED, Ben M. SECONDED, that Ben W be the Vice-Chair of the Board. *Motion passed.*
  - Abi MOVED, Ben W. SECONDED, that Sharon Tierra be the Clerk of the Board. *Motion passed.*
  - Bruce MOVED, Ben W. SECONDED, that the Addison Independent be the newspaper of choice for town issues. *Motion passed.*
  - Bruce MOVED, Abi SECONDED, that Roberts' Rules be the guide for meetings. *Motion passed.*
  - Ben W MOVED, Abi SECONDED, that Board meetings be regularly scheduled for the first and third Tuesdays of each month, excluding June, July, and August, in which there will be only one meeting per month, held on the first Tuesdays.. *Motion passed.*

This concluding the Board organization, the chair was turned over to Bruce. Before picking up the additional Agenda items, a discussion ensued regarding Ben Marks' dual role as Board member and town attorney for pipeline issues. There will be a distinction made by Ben when he is speaking as town attorney and when not.

• **APPOINTED TOWN POSITIONS**

Grand Juror	Jonathan Newhard
Grand Juror	Greg Dennis
Library Trustee	<i>Vacant</i>
Cemetery Commission	<i>Vacant</i>
Planning Commissioner	<i>Vacant</i>
Trustees of Public Funds	<i>Vacant</i>
ACRPC Delegate	Jim Duclos
ACRPC Delegate	Holly Noordsy
ACRPC Alternate	Stan Grzyb
ACRPC Alternate	Colin Kriwox
ACSWD Delegate	Michael Hennessey
ACSWD Alternate	Greg Dennis
Board of Zoning Adj.	Barney Hodges III
	Annie Wilson
Civil Defense/Emergency Management	Kate Gieges
Conservation Commission	Marc Lapin
	Bethany Barry Menkart
	Michael Sheriden
	Brian Howlett
	Mary Dodge
Energy Coordinator	Gary Barnett
Fence Viewer	Bob Bingham

Fence Viewer  
Fence Viewer  
Inspector of Lumber  
Town Service Officer  
Tree Warden  
Weigher of Coal

Jonathan Newhard  
Mickey Heinecken  
Leo Gorton Jr.  
Barb Laframboise  
Stu Johnson  
Jon Isham

The above slate having been confirmed, save one, Abi MOVED, Ben W SECONDED, to appoint the nominees for town positions as presented. *Motion passed.*

- **General Fund and Highway Orders - signed**
- **February Bank Statement – reviewed**
- **MINUTES**
  - **January 7, January 28, February 27, 2014** – Ben W MOVED, Abi SECONDED, that all three (3) sets of minutes be accepted. *Motion passed.*
  - **March 3, 2014, Town Meeting Minutes** -Abi MOVED / Ben M SECONDED to approve the minutes as distributed. *Motion passed.* Minutes signed.
- **CORRESPONDENCE REVIEW—**
  - Sheriff's Department—Board agreed to keep hours at sixteen (16) per month
  - Paperwork received regarding Emergency Relief Fund
  - Letter from VGS correcting a date typo in application
  - VT Department of Emergency Management and Homeland Security (DEMHS)—Notice received that a new format for town emergency operations plans has been distributed. It must be filled out and returned by May 1. Plan must be signed by a Board member who has taken ICS 402. Both Ben W and Abi have signed up for the April 3 ICS 402 course being held at the Town Hall.
- **PUBLIC COMMENTS — none**
- **TOWN CLERK / TOWN TREASURER'S REPORT – Sue Johnson**
  - **Appointments**—Sue had called all appointment nominees prior to the meeting and had confirmed all but one BZA nominee. Four (4) vacancies remain.
  - **Thesis**—Middlebury College student, Emily Benson, has completed her thesis for which she had interviewed several town clerks, including Sue. SB to receive copies.
  - **Animal Holding Facility**—With concurrence of the Board, Bruce signed the agreement with Homeward Bound animal shelter to act as town's animal holding facility for the ensuing year. Board selected the flat fee option of \$550 with no limit on strays, no fee per individual dog.
  - **Accounting System**—Sue will be working with Laurie Boyd of NE Municipal Resource Systems on a new accounting system with the plan to move to it entirely, by July 1.
  - **Sue's Schedule**—Sue has three (3) meetings coming up: Municipal Treasurers in Middlebury, Vital Records in Bennington, Town Officer Training Seminar in Killington. She will be taking vacations on March 28. and April 4–11.
  - **Auditors' Report**—copies will be provided to each Board member.
  - **Green Up**—A coordinator is needed, Sue will put a request to the PTO.
  - **Signed Positions**—Bruce signed paperwork on behalf of the Board, for the Addison solid waste district, indicating Cornwall representatives will be Michael Hennessy (Delegate) and Greg Dennis (Alt). The full Board signed papers naming Barbara Laframboise as Service Officer.
  - **Town Meeting Ballots**—Vote counters were unable to accurately count the votes. This could be a big problem in contested elections such as primaries and the larger general elections. One option is to use the tabulator machine at a cost, for each election where it is used, of \$750 to \$1,000 for programming.
- **ROAD COMMISSIONER'S REPORT – Stu Johnson**
  - **ERAF**—Stu addressed the state's requirements for the Emergency Relief and Assistance Fund. Reimbursement for money spent on disaster recovery is based on town compliance with four (4) things: an annually updated and adopted Local Emergency Operations Plan (LEOP), inclusion of Flood Hazard Regulations in zoning by-laws, a Hazard Mitigation Plan, and adoption of the

state's updated Road and Bridge Standards. After discussion on the Standards, Board signed the paperwork signifying adoption of them.

#### • **OLD BUSINESS**

- **Cemetery** – Only one of the two mowers wishes to continue. Discussion of where responsibility lies for cemetery maintenance, Selectboard or Cemetery Committee. Abi will pursue with Committee's chair prior to the Board putting out to bid.
- **Dog Ordinance**—Assigned to Dave on his return.
- **LaValley Property**—Joan Lynch will attend the April 1 SB meeting to discuss plans for the property.
- **Pipeline** – Moved to end

#### • **NEW BUSINESS**

- **S.134** – Discussion on query from Senators Ayer and Bray as to how the town has dealt with the 8% delinquent tax fee which pays for the Delinquent Tax Collector. Senate bill S.134 seeks to repeal the 8% penalty. Towns would then have to budget a salary for the Delinquent Tax Collector, paid for by taxpayers instead of the delinquent property owner paying through the 8% penalty. The SB will respond in the negative re repeal of the penalty.

#### • **PIPELINE**—[Ben M wearing attorney hat]

- The PSB schedule for the 248 process has been disrupted somewhat by the number of pro se parties. The deadline for filing as Intervenor has been extended past the discovery hearings. Ben and Bruce will meet Wednesday morning to refine Cornwall's discovery questions.
- The discovery period offers an opportunity to question any/all VGS statements while they are under oath. The Planning Commission is examining the Town Plan for instances where VGS plan differs from local wishes as expressed in Town Plan. The town can ask for papers, documentation, and prepare questions for VGS which they then have two (2) weeks in which to respond
- Nick Muller, Middlebury economics professor, will help with the investigation into VGS' greenhouse gas figures. He will have a Service Agreement capped at 130 hours (includes investigation, testimony, Board meetings).
- Ben M. has been in touch with VGS about current negotiations but can report no advancement.
- Concerns about continued spending, \$14,000 to-date of the \$50,000 budgeted. Ben has drawn up a Service Agreement between himself and the town, capping his fees. The agreement would represent an estimated 25–30% of actual costs. The cap will act as a trigger to determine course of action after various milestones.
- Abi questioned, given the financial concerns, whether town should focus on a few issues rather than all issues of concern. Ben M indicated that with a capped agreement this should not really be an issue.
- Board can terminate agreement at any point.
- **Procedural issues**
  - Discussion on Ben's suggestion that the town have its attorney draw up a document making it very clear when he is acting as attorney vs as a Board member, because of his representation of the Town and the desire to remain clear of any perception of a conflict of interest.. Stu suggested the use of VLCT attorney as a third party with no vested interest to draw up a set of procedures to ensure that Ben does not vote on any pipeline related issue. Board concurred and will look into it.
  - Town has moved to intervene, PSB has not yet ruled on it. The motion to intervene was made on broad issues, but PSB needs a reason that is not already presented by another party.
  - VGS has opposed Cornwall's statement that its residents use the Lake for recreation. No other objection yet made. If PSB refuses the Lake statement, Cornwall can still intervene but only regarding in-town issues not any that are out-of-town.
- Potential **Outcomes**
  - Due to circumstance, VGS runs out of time. Contract with IP has a time stipulation.

Ben M. recused himself and left the meeting at 9:15 so Board could review his draft Service Agreement. The remaining Board members discussed the proposed change in the engagement agreement with Ben Marks and will request a final draft be provided for their review. Members will notify the Chair promptly as to whether they agree to the final document

The meeting was adjourned 9:22pm.

Respectfully submitted,  
Robin Conway, Substitute Minute-Taker