

Approved November 5, 2013

TOWN OF CORNWALL  
SELECT BOARD MEETING  
Cornwall Town Office  
Tuesday, October 15, 2013

**Present:** Bruce Hiland, Judy Watts, Ben Wood, Abi Sessions, Dave Sears, Sue Johnson, Stu Johnson

**Guests:** Charles W. Pughe, CHA; John Heintz, Eileen Simollardes, Vermont Gas; Cornwall citizens: Donna Marks, Andrew Marks, James Bolton, Mary Martin, Randy Martin, Colin Kriwox, Holly Noordsy, Jeff Noordsy, Raph Worrick, Ben Marks, Carol Heinecken, Mickey Heinecken, Anne Collins, Brian D. Collins, James Duclos, Lawrence Groves, Timothy Fisher; Brian Mann, Reporter, North Country Public Radio

Meeting called to order at 7:00 pm.  
General Fund and Highway Orders - *signed*

#### MINUTES

- **Minutes October 1, 2013** – Judy MOVED / Ben SECONDED a motion to approve the minutes, with the following corrections:
  - Under Correspondence Review – change to Burton Appeal
  - Under Correspondence Review – change to Dog Ordinance Review Committee—Katherine Branch will head
  - Under VSG Update, Town Response change to “ The site explains residents' rights in the matter.”Motion Passed.
  
- **Minutes September 17, 2013**—Judy MOVED/Dave SECONDED a motion to approve the minutes as distributed. Motion passed

#### CORRESPONDENCE REVIEW

- **45 Day Notice Informational Package from Vermont Gas** – received and can be viewed by the public at the Town Office.

**PUBLIC COMMENTS** – none at this time

#### TOWN CLERK / TOWN TREASURER'S REPORT – Sue Johnson

Sue reported that she is still gathering information for the audit. The newsletter went out. Taxes are due in a few weeks.

#### ROAD COMMISSIONER'S REPORT – Stu Johnson

New truck has been ordered. Stu said he intends to finish paving once pavers arrive. Cornwall is hosting the Addison County Road Foreman's meeting, an open meeting, all welcome.

#### OLD BUSINESS

- **Reply to Burton Proposal** – Burton proposes to settle all outstanding grievances by agreeing to a 10% increase to valuation. Two Listers and the Town Treasurer approve. Abi MOVED /Ben SECONDED a motion to approve the Burton Proposal. Motion carried.
- **Proposed Benefits Plan Change for Town Employees** – to be continued at next meeting. Sue and Ben Wood are continuing to review options and will report their findings at next meeting.
- **Pipeline Update** – 10 minute presentation by Eileen Simollardes, John V. Heintz, Vermont Gas; and Charles W. Pughe, Engineer Consultant, CHA followed by question and answer period.

Eileen S. said that Vermont Gas requested a meeting with the Cornwall Selectboard to reach out to towns involved in the proposed pipeline project, answer any questions that the Selectboard has about the 45-day notice informational packet, and 248/Certificate of Public Good process. This is not a formal stakeholder meeting as part of that process.

She acknowledged the opposition in Cornwall to the proposed pipeline through Cornwall. Nevertheless, on November 19 Vermont Gas plans to file with the PSB an application for CPG for Phase Two of the Addison Natural Gas Project. Phase Two involves installing a transmission line from Middlebury through Cornwall and Shoreham in order to serve International Paper in Fort Ti, NY. Phase Two also includes a plan to distribute gas to customers within a limited area in the villages of Cornwall and Shoreham within a few years.

On November 19, three different letters will go out. One letter will go out to the 6 landowners in Cornwall proposed to have the pipe on their land. Another letter will go out to the group of landowners whose land abuts the proposed route. A third letter will go out to landowners whose land has been identified by Vermont Gas as needed for access or temporary work space.

The next important date for the Town in the PSB process would be the intervention deadline in mid-January. Individuals, municipalities or organizations wishing to intervene can do so with or without counsel, but it is very difficult to do without counsel. If the PSB grants the CPG, that decision would likely be made toward the end of 2014.

Vermont Gas is not restricted to talking with individuals, municipalities or organizations within the PSB process. They would be glad to talk/negotiate outside of the formal process. Vermont Gas is willing to have the project be a standing Selectboard agenda item or talk with a liaison, whatever the Town would like.

Eileen S, with John H. and Charles P. showed the proposed route on a large map and explained the relationship of Phase Two to Phase One. The proposed route in Cornwall was modified in response to the newly updated Cornwall Town Plan. The plan calls for horizontal directional drilling in areas such as wetlands and under Lake Champlain.

Of the 6 landowners on the proposed route, 3 have said no to Vermont Gas's request for access, one has said yes, and 2 are unknown. The gate station from which gas would be distributed to parts of Cornwall village, is proposed just east of the runway on Ed Peet's land. The distribution line is not included in the filing, because the 248 process does not regulate distribution, but VT Gas does have plans for distribution in Cornwall. Rough estimate of the investment in Cornwall is a 12-14 million dollars that will become the basis for the tax rate.

#### Q & A

*Abi Sessions* - When will the names of landowners made public?

*Eileen Simollardes* - We can tell you now. We will send the entire list of landowners and legal adjoiners to the Town.

*Ben Wood* - Please describe how you would obtain access to temporary workspace.

*Eileen Simollardes* We would need to get an easement for temporary access during construction. We don't have a right to use land or Town roads without an easement.

*Ben Wood* – What if the landowner will not give you a temporary easement?

*Eileen Simollardes* – We might be able to without it, but it would increase our cost and the time of construction.

*Charlie Heintz* – We can use the corridor for access, but depending on the terrain, this is not always the best option.

*Abi Sessions* – Will Vermont Gas paying for easement?

*Eileen Simollardes* – Yes, we will pay for temporary access as well as temporary workspace.

*Bruce Hiland* – How do you apply for the right to use public roads right of way?

*Eileen Simollardes* – Under Statute 1111, we apply to VTrans for State roads, and to towns for permits to use Town roads, depending on what each town requires.

*Abi Sessions*– What happens if a Town does not grant permit to use a Town road?

*Eileen Simollardes* – I have zero experience with that. But there is a provision under Title 30 (which regulates utilities), that states that if a utility is harmed by the actions of a municipality, then we can go to the PSB to make a separate filing in order to obtain access.

*Abi Sessions* – What has to happen in the 45-day period?

*Eileen Simollardes* – Nothing, even this meeting is not mandatory. Once we actually pull the trigger by filing our CPG on November 19, that will trigger a whole host of required things. The PSD is required to meet with every involved municipality. The PSD is required to hold hearings in every county that is impacted by a transmission project. The public hearings are not under oath, they are intended to inform the PSB as to what they should consider in the evidentiary process.

Citizens can intervene on their own in the evidentiary process. Citizens can post comments on the PSB website. The PSB will do a site visit along the length of the route.

*Dave Sears* – I question the timing of the project. You are filing right before the holidays and the time when municipal boards are putting budgets together.

*Eileen Simollardes* – We have found that there is no best time. The intervention deadline is in January, so that is after the holidays. People complain no matter what month you file. We are filing now to meet agreements with IP.

*Ben Marks* – Is there an operating schedule? He has not seen it yet.

*Eileen Simollardes* - For internal planning purposes, we have a notional regulatory schedule which I will be glad to send you.

*Ben Marks* – Is all construction subcontracted?

*Eileen Simollardes* - Yes, all. The legal long term responsibility is VT Gas.

*Judy Watts* – What about once in NY.

*Eileen Simollardes* - Once we cross the Vermont border, the project is under, FIRC. Seeking 7F waiver from FIRC. Subject to Army Corp Engineers. Is this an international waterway? Eileen does not know.

Charlie pointed out areas for proposed horizontal drilling.

*Jim Duclos* – (member of Planning Commission) In respect to our new Town Plan, Vermont Gas agreed to keep the route 300 feet away from structures. Newest map shows route going down Morris to Tilden, which brings it within 50 or 100 feet from a residence.

*Eileen Simollardes* – Actually the landowner requested this. We have also found that the pipe is within 300 feet of an occupied trailer on another parcel of land. We thought it to be unoccupied, but found out it is occupied. We are talking with both landowners. The pipe is not where the pipe is until it is built. As far as I know, these are the only two instances where the pipe may be within 300 feet of an occupied structure.

*Mary Martin* – Steve Wark said he was in close negotiations with half the affected landowners in Cornwall. As far as I know the only one negotiating is Peet.

*Eileen Simollardes* – We may be in negotiations with 50% of the route, but certainly not 50% of the landowners.

*Donna Marks* – Does NY have to go through a process like this?

*Eileen Simollardes* - I don't know. There is only one landowner on the New York side. We will come up on IP property.

*Donna Marks* - I have specific questions about the location of the proposed route near my property.

*Eileen Simollardes* – The 45 day map is the best one for specifics.

*Colin Kriwox* – Is distribution part of benefit analysis?

Eil – we will file a distribution map, but the distribution pipe itself is not part of the CPG process. We will analyze the benefit with and without distribution to Cornwall.

*Colin Kriwox* - Will you use hard data to see who would actually want gas?  
*Bruce Hiland* – Colin is saying will you use facts or surmise and projections?  
*Eileen Simollardes* – we can ask the school if they will convert, and look at the numbers of households in the proposed distribution area.

*Andrew Marks* – Don Gilbert said I believe we can build this safely. Have you had experience with this? Did you say a “new drill” was being designed?

*Ben Marks* – When you say “the drill” you don’t mean the thing that bores, you mean the actual drilling, correct?

*Eileen Simollardes* – Yes, that is what I meant.

*Mary Martin* – Is there a distribution line to IP?

*Eileen Simollardes* – No, there is a transmission line to distribute gas to IP.

*Mary Martin* - What could IP do with that much gas?

*Eileen Simollardes* – We have sized this line to meet their needs. We don’t believe a smaller diameter pipe will serve their needs. Is there more capacity for the future? Yes.

*Jeff Noordsey* – There has been conflicting info whether the town Ti would get gas.

*Eileen Simollardes* – NY would love to see the town of Ti get gas, but we have not been talking with that Town yet. There would be capacity in the line to serve the town of Ti, and we will look at that at a later time. Vermont Gas is not the only utility that could serve the village of Ti. There is not a source of natural gas on the NY time right now.

*Bruce Hiland* – what is capacity of a high pressure 10” pipe?

*Eileen Simollardes* – I don’t know. (neither Charles Pughe nor John Heintz could answer either)

*Mickey Heinecken* – What if landowners don’t comply?

*Eileen Simollardes* – As an absolute last resort, we would apply to the PSB for eminent domain. I have no experience with this. I do know it is a two step process. PSB determines need for the pipeline route to go on that specific place. Then the PSB determines the compensation.

*Mickey Heinecken* - What is public good of Phase Two?

*Eileen Simollardes* – We view the line to IP as the way to get to Rutland sooner at less cost to Vermonters. We believe there is a ripple economic benefit to Vermont with the infrastructure investment and an environmental benefit with IP stopping burning fuel oil.

*Jeff Nordsey* – They are stopping using #6 anyway.

*Randy Martin* – In the Selectboard letter you just received, did your company consider other sources of funding, the request of Cornwall in that letter?

*Eileen Simollardes* – The other sources of funding not as good, not as beneficial to Vermonters, would impose too great a burden on Vermont taxpayers.

*Holly Noordsy* (member of Planning Commission) – What about leaks requiring evacuations?

*Eileen Simollardes* – VT gas has a fabulous safety record. Regarding recent leaks, these were contractors who hit distribution pipes.

*Dave Sears* – I need answers about land values appreciating or depreciating. Where are the numbers? I don't expect an answer tonight, but I need an answer.

*Eileen Simollardes* – Shoreham Lister spoke to listers in Chittenden Co. and was told "no impact." Dave - New construction?

*Eileen Simollardes* – we had an appraiser come in to look at a farm with or without a pipeline, and I can provide that to you.

*Bruce Hiland* - If there are no other questions, we will close this part of the meeting.

There were no other questions.

*Bruce Hiland* - Citizens are encouraged to make their opinions known to the PSB, DPS, legislators and the Selectboard. The Cornwall Planning Commission will host another forum on this issue.

## **NEW BUSINESS**

- ***LFICD Proposed Budget*** – 6, 000 for 2014. Abi/ MOVED/ Judy SECONDED a motion to approve the LFICD proposed budget. Motion passed.
- ***Town Hall "park" Proposal Draft*** – Joan Lynch – postponed to 1<sup>st</sup> meeting November

## **Pipeline Mater continued...**

### *Next steps*

- Judy Watts will be the media contact while Bruce is away for next two months.
- The board went into executive session at 9:15 pm with attorney Ben Marks to discuss next steps in the process.

The meeting was adjourned at 9:30 pm.

Respectfully submitted, Sharon Tierra, Clerk of the Selectboard