

Approved May 6, 2014

TOWN OF CORNWALL
SELECT BOARD MEETING
Cornwall Town Office
Tuesday, April 15, 2014

Present: Bruce Hiland, Ben Wood, Abi Sessions, Ben Marks, Dave Sears

Guests: Greg Smela, Holly Noordsy, Bobbie Carnwath, Jack Carter, Katie Gieges, Elizabeth Carnes Keith

Meeting called to order at 7:00pm

General Fund and Highway Orders - *signed*

MINUTES

- **April 1, 2014** – Ben MOVED / Abi SECONDED a motion to approve the minutes as distributed. Motion passed.

CORRESPONDENCE REVIEW

- Received another packet of information from non-resident John Madden about dangers of pipelines.
- Courtesy notice regarding the Kelly Brush Bike Ride scheduled to travel through Cornwall on Sept 6.

PUBLIC COMMENTS

- Greg Smela asked whether it would be possible to have a farm stand in the space of the former Lavalley building. Bruce Hiland replied that if someone wants to come in with proposal, the Select Board would welcome hearing about it.

TOWN CLERK / TOWN TREASURER'S REPORT – Sue Johnson

- **Salt Test** - Results of latest water test done April 1 – salt levels are high. Pumping has not been done since January when the pipes froze. This makes clear the direct correlation between pumping and the levels of salt. Bruce asked Sue to forward these results to John Roberts and committee.
- **Request to Cater Alcoholic Beverages** - Received a request to approve an application “to cater malt, vinous, and/or spirituous liquors” from caterer of a “Veterans Appreciation Jamboree” to be held on June 5,6,7 at 2293 Route125 in Cornwall. By standard procedure, the Town needs to approve and sign this type of application before it is sent to the Liquor Control Board. After a short discussion during which concerns were expressed, and two separate motions that did not receive a SECOND motion, it was decided that the board needs more information, before approving the application. Sue will get some more information and

present at the next meeting on May 5. Ben W. will find out what the Liquor Board does for due diligence on such applications.

- Taxes are coming in.
- Sue estimates that there are about 100 dogs not yet licensed.

ROAD COMMISSIONER'S REPORT – Sue J. on behalf of Stu J.

- **Swamp Road** is currently closed due to high water. There is a big sign posted as soon as you turn onto Swamp Road from Route 30. This week, one motorist did not read/heed the sign, got stuck and the police had to come to rescue him.

OLD BUSINESS

- **Burton Litigation** – an offer has been made to Mr. Burton, which was approved by an outside appraiser. The Town is waiting for his reply.
- **Cemetery Mowing** – Abi spoke to Nancy Kemp from the Cemetery Commission to let her know that all Town mowing is being put out to bid locally to get the best price for the taxpayers.
- **Conflict of Interest Policy** – Ben W. and Abi have closely reviewed the conflict of interest policy provided by VLCT and all Select Board members have a copy. With the exception of one phrase that they feel needs more clarification from VLCT, Ben W. and Abi recommend Cornwall adopt as written. The vote on this policy is scheduled for the May 6 meeting. Abi and Ben W. will contact VLCT and will present further clarification before the vote. For the benefit of guests tonight, Ben Marks explained his two distinct roles as lawyer for the Town in the PSB 248 proceedings and as a (newly elected) Select Board member. The fact that Ben is serving Cornwall in these two distinct roles was the impetus for adopting a formal Conflict of Interest Policy. Ben Marks recused himself from discussion on this matter.
- **Pipeline Update**
 - **Discovery Questions** - Ben M (speaking as counsel) reported that The Town of Cornwall is one of 7 intervening parties in the Phase 2 application of Vermont Gas. The Town served Vermont Gas with 50 discovery questions. Vermont Gas has two weeks to respond. Citizens can email Ben M. to get copies of questions, or get them from Sue at the Town Office.
 - **Select Board Focus** - Bruce Hiland reported that currently the Select Board is focused on the PSB process. At the same time the Town remains open to discussions with Vermont Gas toward some sort of settlement, should the project be approved, that would benefit Cornwall. The Select Board is not involved with “the court of public opinion” at this time, i.e. letters to the editor. Bruce added that the Vermont Department of Public Service presented Vermont Gas with a set of discovery questions that are aggressively challenging the assumptions of Vermont Gas.

- **ACRPC Proceedings** – ACRPC representatives Holly Noordsy and Jim Duclos reported on the April 10 meeting and the numerous concerns they and other commissioners had about the way the meeting was conducted. At this meeting the commissioners voted 15 “yes” and 11 “no” on the question of whether Vermont Gas’ Phase 2 application is in compliance with the Regional Plan. Greg Smela suggested that Cornwall withdraw from the ACRPC. Ben M. replied it was important to be at the table. Dues need to be paid regardless of participation. Meanwhile Ben M. will talk with the Town Attorney and Town Moderator to follow up with specific concerns of our ACRPC representatives.
- **Renewable Energy Resolution** – Jack Carter asked about the resolution endorsed by Jim Douglas that calls for 25% renewables by 2025. Ben M. responded that this is not a problem for Vermont Gas.

Dog Ordinance – Dave spoke with Tom Hanley, Chief of Police in Middlebury. Middlebury has a dog ordinance and their main problem is barking dogs. Middlebury police officers can issue civil tickets, but this is very rare. Chief Hanley could remember only one instance in 20 years. As one option, Chief Hanley suggested that we speak with the Town attorney about the idea of appointing our Town Clerk as a municipal control person and then approaching the State to express interest in issuing civil tickets and having someone trained to issue them. Another option is to rewrite the dog ordinance to clarify it and then hire Barry Forbes (animal control officer for Middlebury) to enforce. In Middlebury, of course, Mr. Forbes has the authority of the police force behind him. The board agreed that the next step is to talk to town attorney, to find out what needs to be done to the existing ordinance so that it works. Dave is hereby authorized to talk with the Town Attorney.

NEW BUSINESS

- **Emergency Operations Plan** - Katie Gieges, Emergency Manager, presented the updated version of the Cornwall local emergency operations plan (LEOP). The Select Board has two main roles in the LEOP:
 1. To declare a local emergency if there is a need to do so.
 2. To open a local shelter.
 The Select Board thanked Katie and her committee for all their continued hard work and service to the Town involving emergency planning and preparations.

OTHER BUSINESS

- **Capital Planning Committee** – Sue said that the Capital committee met and commenced discussions about buildings. Electrical work estimates are in the works. Town Office roof has been added to the list of priorities because the roof is leaking and sunlight is coming through the slates.

The meeting was adjourned at 8:32 pm.
Respectfully submitted, Sharon Tierra, Clerk of the Select Board