

Addison County Regional Planning Commission

Full Commission Meeting

Wednesday, February 9, 2005

The Addison County Regional Planning Commission held its Full Commission Meeting on February 9th at the Middlebury Inn Pine Room, with Donald Shall presiding.

ROLL CALL:

Addison:

Orwell:

Bridport: Edward Payne

Panton:

Bristol: William Sayre
Peter Grant

Ripton: Jeremy Grip

Cornwall: Donald Shall
William McQuillan

Salisbury:

Ferrisburgh: Bob McNary

Shoreham: Meg Barnes
Elizabeth Golden

Goshen:

Starksboro: Elissa Close

Leicester: Kathleen Ramsay

Vergennes:

Lincoln:

Waltham:

Middlebury: Fred Dunnington

Weybridge:

Monkton: Charles Huizenga
Thea Gaudette

Whiting: Ellen Kurrelmeyer

New Haven:

CITIZEN INTEREST REPRESENTATIVES:

AC CHAMBER OF
COMMERCE

AC COMMUNITY
ACTION GROUP

OTTER CREEK

AUDUBON SOCIETY: Judy Kowalczyk

AC ECONOMIC

DEVELOPMENT CORP

AC FARM BUREAU

OC NATR. RESOURCE

CONSERVATION DIST

ADDISON COUNTY REGIONAL PLANNING COMMISSION

ACRPC EXECUTIVE BOARD

CHAIR: Donald Shall
VICE-CHAIR: Tom Yager
SECRETARY: Thea Gaudette
TREASURER: Karl Neuse
Bill Sayre
Renny Perry
Andrea Ochs

STAFF:

EXECUTIVE DIRECTOR: Adam Lougee
ASSISTANT DIRECTOR/GIS DATA MANAGER: Kevin Behm
EMERGENCY MGT PLANNER/SENIOR PLANNER: Tim Bouton
SENIOR/TRANSPORTATION PLANNER:
PLANNER/GRANT WRITER: Brandy Saxton
WATERSHED PLANNER: Neil Fraser
OFFICE MANAGER/BOOKKEEPER: Pauline Cousino

TELEPHONE: 388-3141

FAX: 388-0038

Public Program

Matthew Sternberg, Executive Director of the Rutland Redevelopment Authority, presented an overview of the Western Vermont Freight Transportation Gateway pilot project. The intermodal system of highway and rail projects configured around US Route 7 and the Vermont Railway main line is centered on the Rutland switching yard and stretches nearly 150 miles from Bennington to the Canadian border.

The volume of freight in the U.S. is expected to double over the next 20 years, while the number of highway miles to carry freight will increase only 1%. With rail business on the increase and 80% of the current freight traffic destined to Vermont businesses now traveling through the Rutland yard, the first of four elements in connection with the project would be to replace the constricted, obsolete Rutland rail yard with a new facility to accommodate growth of intermodal freight shipment. A new rail yard would enhance safety, reduce congestion on US Route 7 by redirecting significant local traffic flows, and create economic development opportunities. The other three elements that combine to form the Western Vermont Gateway include construction of the Middlebury rail spur, the St. Albans connector, and improvements to the Bennington-Rutland-Burlington main rail line.

Mr. Sternberg explained that the Transportation Authorization Bill, which defines programs and scope of funding at the federal level, is expected to be reviewed by the House of Representatives within the coming weeks. One proposal of the administration, "Freight Transportation Gateways," gives states greater latitude in moving freight without particular regard to the mode involved. Mr. Sternberg distributed a summary describing the project within the context of this proposal. The objective is to revise the charter of Vermont Transportation Authority to become the Vermont Rail Authority (VRA), which will serve as the owner and management entity for the Western Vermont Freight Transportation Gateway rail improvements and other related rail projects. As an independent entity, VRA would have the authority to buy and sell assets, seek and receive grants and government funding, power of eminent domain, bonding authority, and flexibility to integrate transportation and economic development. In addition to revising the charter in order to implement the proposal, the state must define VRA's role as owner and manager of the Western Gateway and establish a board of commissioners, transfer ownership of the rail assets to VRA, and relinquish to VTA revenues currently generated from the rail lease. Mr. Sternberg noted that a re-organization of ownership of the rail line – from public to private -- is needed in order to handle the anticipated growth, as well as playing a key role in financing the pilot project. In Vermont, the state owns the rail line and leases it to Vermont Railway; however, as a matter of state policy, the state does not pledge state assets as collateral. But if the rail was transferred over to an independent authority, the authority could then use the rail as collateral, which would have a significant impact on bonding capacity, opening up many avenues to put together financing for rail projects.

Mr. Sternberg also mentioned that the Middlebury rail spur would generate more federal match funds than the project needs, and suggested that the surplus can be applied to the Rutland rail yard.

Fred Dunnington noted that in addition to Omya, many Middlebury businesses could benefit from an improved rail system, adding that the town's Select Board has endorsed the concept of a rail spur in Middlebury. However, the two railroad bridges in the downtown area are in dire need of repair and VTrans has been sluggish in addressing the problem. Fred expressed support for the proposal and for the success of the rail line project.

Peter Grant asked if a truck-on-train system has been considered.

Mr. Sternberg responded that a truck-to-rail system runs from Ontario to Toronto, and although a variety of creative approaches will be considered, longer hauls prove most cost-effective versus truck-to-rail transitions that typically result in additional transition costs.

Judy Kowalczyk inquired about Omya's role in the proposed Middlebury rail spur, since Omya, Inc. is the world's largest producer of ground calcium carbonate, and the major benefactor of the proposed rail improvements.

Mr. Sternberg advised that although Omya has contributed \$7 million to the project, the company will not own the spur and is very receptive to sharing its use with other businesses. He added that the projected cost of the rail spur is estimated at \$24 million.

Elizabeth Golden asked how the revenues from rail operations are currently used.

Mr. Sternberg advised that the monies are pooled into the transportation fund, but if the revenue stream flowed into new ownership of the rail, it would provide a viable funding source.

A member of the audience asked if Omya was committed to using the Middlebury rail spur. And Thea Gaudette asked if the company intended to keep the mines open in Vermont and by extension, jobs.

Mr. Sternberg noted that Omya has already invested a tremendous amount of money towards the project, since the spur will allow the stone processor to operate at full capacity at its existing location.

Fred Dunnington added that Omya's investment provides enough incentive for the company to utilize the rail line, and although economic factors may change, the rail spur is set up to be used by other companies.

Bob McNary noted the \$9 million surplus from the commuter rail experiment, which could be used as a down payment for the gateway project.

Mr. Sternberg acknowledged that \$1 million of those monies has been committed to the Burlington-to-Essex line.

Business Meeting

The Business Meeting commenced at 9:10 p.m.

Approval of Minutes: January 12, 2005

Bill McQuillan moved to approve the minutes of January 12, 2005; Bob McNary seconded the motion. Motion passed unanimously. Minutes approved as presented.

Treasurer's Report

Adam distributed and briefly reviewed the Treasurer's Report dated February 12, 2005 (copy attached).

Peter Grant moved to approve the Treasurer's Report; Elizabeth Golden seconded the motion. Motion passed unanimously. Treasurer's Report approved as presented.

Committee Reports

Local Government

See "New Business"

Act 250 Committee

Fred Dunnington reported that the committee has received four applications:

1. The Stone Hill housing project on Route 7 south of Middlebury seeking approval for a complex of 27 affordable dwelling units;
2. An application from Pike industries to locate a portable asphalt plant at its existing facility in New Haven;
3. An application from the A. Johnson Company in Bristol to add a Debarker building, electrical service upgrades and 4 previously constructed buildings in the mill complex; and
4. An application from Harperville Management, LLC – William Hutchins to remove the existing car wash next to the Center Shopping Plaza on Route 7 in Middlebury and to construct an 8,000 sq. ft. retail store and a 10-bed elderly care facility and supporting office space.

In regard to the pending Ochs vs. Trickett case before the Environmental Court, Fred reported that the attorney for the Ochs has filed his opposition to the motion for summary judgment.

Economic Development Committee

No meeting held.

Natural Resources Committee

Judy reported that Ethan Swift joined committee members at their recent meeting, and discussion focused on watershed planning. Kevin Behm added that a copy of International Paper's Application to NYDEC for Approval of a Trial Burn at the Fort Ticonderoga Mill in New York is available at the ACRPC office for public review.

TAC Transportation Committee

Fred reported that the committee is in the process of developing transportation priorities. Fred added that TAC is in a transition phase, noting that John Emerson announced that he will not seek another term. Don Shall pointed out that TAC represents real opportunities and new staff leadership will be discussed under "New Business."

Utilities, Facilities & Service Committee

See "New Business"

Joint Partners Report:

None.

Delegates/Staff Recognition:

Judy recognized Adam Lougee for his diligent work on behalf of the commission throughout the extensive litigation process in connection with VELCO and the Public Service Board.

Old Business

VELCO Summary

A summary of the Public Service Board's decision regarding VELCO's proposed transmission system upgrade was previously distributed to members (copy attached). Adam suggested that the post-certification process should be a coordinated effort between landowners and municipalities.

Sansea Sparling of New Haven addressed the commission regarding the appeal process. The New Haven Select Board appointed Sansea, together with Elizabeth Ready, to represent the town's interest during the VELCO proceedings. She extended her thanks to commission members for their support, and in particular Adam, for his participation in the process, and asked ACRPC to join in the appeal to the Supreme Court. She explained that the timeline would consist of a 30-day appeal period from the January 8th date of the opinion, allowing for submission of a motion to reconsider, which is likely to be denied, in which case the Town of New Haven would ask for a stay. If the stay is denied, the Town would then ask the Supreme Court for a stay, which, if denied, would result in the Town requesting an expedited hearing. Sansea briefly outlined five points as the basis for the appeal, including that the opinion discounts citizens' rights; the enormity of the project, which is perceived as unnecessary; undue adverse effect; and a claim that the statute is conceptual only.

Sansea explained that the Town of New Haven is willing to undertake the legal and financial elements of the appeal. The anticipated cost of \$12,000 would be funded by Voices for Sensible Energy Solutions (VSES).

Judy strongly supported going forward with the appeal process, noting that the Public Service Board overlooked significant testimony and that much of VELCO's testimony regarding planning and engineering was weak. Judy would like to see the commission participate in the appeal since it represents several towns that will be affected by

the project.

Ed Payne noted that although he is a proponent of personal property rights, he believed that the current landowners had general knowledge of an existing corridor.

Sansea countered that the width of the corridor is being extended from 100 to 200 feet in some locations, which could not have been anticipated by property owners. Judy also pointed out that 40 years ago, property owners could not have imagined the degree and impact of the corridor.

Thea expressed concern with the commission's participation in the appeal process, and suggested the issue first go through the Executive Board. Members may forward their comments and opinions to the Board who will then make its recommendation to the full commission.

Don Shall encouraged Sansea and other groups involved in the appeal to also invite Select Boards and Planning Commissions to join in the process. He added that discussion would continue among members of the ACRPC before a vote is held to determine whether the commission will also take part. He noted Judy's objection to postponing the vote.

Schedule Public Meetings for Proposed Utilities and Facilities Section and other Updated Sections of the Regional Plan

Adam advised that public hearings would be held at the next two full commission meetings in March and April. There will be no public presentation at the upcoming meetings since discussion will focus on revisions to the regional plan. *NOTE: The full commission will meet at the Hannaford Career Center, Room A208, in March.*

Transportation Planner Position

Adam reported that 15 resumes have been received to date, and invited input from members regarding the vacant position.

Chapter 117 Update

Adam distributed a summary reflecting Chapter 117 education status (copy attached).

New Business

Local Government

Thea reported that the Local Government Committee Had reviewed the Town of Ripton's Plan on a snowy night in January. She noted that the committee concluded that the Town of Ripton continues to be actively engaged in an ongoing planning process, and that the Ripton Town Plan fulfills all statutory requirements. Accordingly, the Committee recommends that that the full commission confirm Ripton's Planning process and regionally approve Ripton's Town Plan. **Noting the committee's recommendation, Thea moved the full commission to confirm Ripton's Planning process and approve Ripton's Town Plan; Bill Sayre seconded the motion. Motion passed unanimously.**

Adjournment

Thea Gaudette moved to adjourn; Peter Grant seconded the motion. The meeting adjourned at 10:00 p.m.

Submitted by Peggy Connor