

*Select board meeting 5.20.2014*  
*Minutes-Draft*

Attendance:

Select board

Wendy Knight (via phone)

Beth Tarallo

John Viskup (arrived at 6:27pm)

Guests and other officers

Joan Degraff

Robert Degraff

Paul Sokal

Ralph Burt

David Raphael, DRB/PC Chair

6:22pm B Tarallo called meeting to order

Discussion re: notice of appeal to Vt Superior Court, Environmental Division on the Degraff permit application #14-2 conditional use permit had been approved by the Panton DRB; A. Megroz appealing permit to VT Superior Court.

Discussion as to whether or not to file an appearance on behalf of the town.

D. Raphael reported he spoke to legal Counsel J. Carroll who discussed options. David gave overview of notice of appearance, stated town must file list of interested persons, essentially those persons who testified at DRB hearing—he has already filed this list.

Reported this is a “de novo” hearing; the case will be heard in full/the judge will hear the case with or without testimony from the Town.

D. Raphael reported the following options advised by J. Carroll:

a) let appeal take course; it will be up to applicants to make their case. Town does not take part

b) Enter appearance, monitor and listen to case, be a party present but not file motions. Cost estimate= several thousand dollars

c) Enter appearance and actively participate, enter testimony. Cost estimate= \$10,000 - \$15,000 or more.

Noted that this decision is up to the town, and that it's rare for a community to participate unless the town has a vested interest in the decision. Towns often take no role.

Discussion ensued re: a fourth option, not discussed with legal counsel, to enter an appearance without using legal counsel. Discussion re: need to report to the court that the DRB's decision was appropriate and passed town zoning "muster."

Motion by J. Viskup to alert court to fact that we want to file an appearance at the hearing. W. Knight 2<sup>nd</sup>, all approved.

W. Knight to draft letter of appearance intent/request tonight and send to SB and D. Raphael for review.

D. Raphael to follow up with J. Carroll, Esq. Re: any guidance related to town filing an appearance without legal counsel.

6:55 pm B. Tarallo moved to adjourn meeting. J. Viskup 2<sup>nd</sup>. Approved.