



Town of Bristol
Town Administrator
1 South Street
P.O. Box 249
Bristol, VT 05443
(802) 453-2410 ext. 22
townadmin@bristolvt.org
www.bristolvt.org

September 7, 2018

Julie Macuga
370 Riverside Avenue
Burlington, VT 05401
Via e-mail: juliemacuga@gmail.com

Subject: Public Records request re Vermont Gas Systems, Inc.

Dear Ms. Macuga:

We received your public records request on September 4, 2018, the details of which are included below with responses.

You may be aware that the Town and its Selectboard have been named as defendants in the case entitled *Bigelow et al v. Town of Bristol, the Selectboard of the Town of Bristol, and Vermont Gas Systems, Inc.*, Docket No. 143-8-18 Ancv. Therefore, some of the documents within the scope of this request do not qualify as public documents pursuant to the statutory exemption set forth in 1 V.S.A. §317(c)(14) for “[r]ecords which are relevant to litigation to which the public agency is a party of record.” As such, we have been advised to not produce documents covered by the §317(c)(14) exemption.

The scope of your documents request also implicates documents protected by attorney/client privilege. Such documents do not qualify as public documents pursuant to the statutory exemption set forth in 1 V.S.A. §317(c)(4). The Town will not produce documents protected by the attorney-client privilege.

The scope of your documents request also implicates documents protected by interdepartmental and intradepartmental communications to the extent that they cover other than primarily factual materials and are preliminary to any determination of policy or action in accordance with 1 V.S.A. §312. Such documents do not qualify as public documents pursuant to the statutory exemption set forth in 1 V.S.A. §317(c)(17).

Below are additional responses to your specific requests:

- 1) Meeting materials, agendas, minutes, notes, recordings and transcripts, analyses, recommendations, voting records, public comments, policies and plans, including, but not limited to, meetings of the Selectboard, Planning Commission, Zoning Administrator, Energy Committee, Conservation Commission or other Town of Bristol body with authority or*

responsibility for reviewing any aspect of the Project or representing the Town to any county, state or federal body with respect to energy projects, or of Town staff;

Minutes of meetings can be found on-line at <http://www.bristolvt.org/meeting-minutes/>.

Video recordings of most Bristol Selectboard, Planning Commission, and other entities can be found on-line at <http://www.neatbristol.com/>.

The Town Plan and Zoning Regulations, which contain policy statements regarding energy matters, can be found at <http://www.bristolvt.org/towndepartments/planning-commission/>.

- 2) *Any internal and external correspondence (electronic, hardcopy and/or voicemail and telephone messages), of the Town, including but not limited to correspondence to/from Vermont Gas Systems, Inc., The Addison County Regional Planning Commission, The Vermont Public Utility Commission, Department Of Public Service, Agency For Natural Resources, Agency of Agriculture Food and Markets, Division of Historic Preservation, Department of Taxes, Agency of Transportation, Vermont Fish and Wildlife, the Town Bristol Selectboard, any Selectboard or body of any other Town in Addison County, any law enforcement, first responder, rescue, fire department or other public safety entity serving the Town of Bristol or Addison County, any experts, consultants and volunteers engaged by the Town of Bristol to advise or comment on the distribution lines or any matter related to the distribution lines, and any member of the public.*

See the previous comments on page 1 of this response.

- 3) *Project descriptions, documentation, and/or any company or Project or general information provided to the Town of Bristol by Project proponents or others;*

See the previous comments on page 1 of this response.

- 4) *Draft and/or signed agreements, memoranda of understanding or the like between the Town of Bristol and Project proponents or any third party related to the Project;*

See the previous comments on page 1 of this response.

- 5) *Memoranda, evaluations, assessments, analyses and reports related to the Project and/or to the development and installation of natural gas infrastructure or facilities in the Town of Bristol not otherwise available on the Town of Bristol website;*

See the previous comments on page 1 of this response.

6) *Town of Bristol policies, rules and/or procedures regarding energy planning and development, siting, installation, and operation in force at any time from January 1, 2010 up to and including September 3, 2018 and/or any policies, rules and/or procedures approved, passed, or implemented thereafter.*

The Town Plan and Zoning Regulations, which contain statements regarding energy, can be found at <http://www.bristolvt.org/towndepartments/planning-commission/>.

Application forms and policies regarding the installation of utility lines and general conditions of approval can be found on-line at <http://www.bristolvt.org/documents-and-forms/>.

The application form and guidelines to work within the Town's right-of-way can also be found on-line at <http://www.bristolvt.org/documents-and-forms/>.

Enclosed/attached is a copy of the executed License Agreement between the Town of Bristol and Vermont Gas Systems, Inc., which was included with the Bigelow et al v. Town of Bristol filing with the court. In light of citations noted on page 1 of this response, the Town will require until the close of business Friday, September 14, 2018 to determine what records, if any, can be made available or provided to you and to develop an estimate of cost, if any, for copying and staff time.

Without waiving these exemptions, you are welcome to make arrangements to examine the VGS-related records that were previously made available to the public and located in the Town's records vault.

Please contact the Town Office at 453-2410 if you have questions.

Sincerely,



Valerie Capels
Town Administrator

Enc.

C: Jen Myers, Town Clerk and Treasurer
Sharon Lucia, Administrative Assistant
Kevin E. Brown, Esq.

Bristol Town Administrator

From: Bristol Clerk
Sent: Tuesday, September 4, 2018 9:10 AM
To: Bristol Town Administrator
Cc: Julie Macuga
Subject: FW: Public Records Request
Attachments: 9-3-18 PRR for BRISTOL.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Valerie,

I have forwarded you an email I received regarding a public records request from Julie Macuga in regards to Vermont Gas.

Julie-Since I do not have these records I have given your request to Valerie Caples, the Town Administrator for the Town of Bristol. She can fulfill your request.

Please let me know if you have any further questions.

Thank You,

Jen Myers
Town Clerk, Treasurer & Delinquent Tax Collector
Town of Bristol
PO Box 249
Bristol, VT 05443
802-453-2410

From: Julie Macuga <juliemacuga@gmail.com>
Sent: Monday, September 3, 2018 11:42 AM
To: Bristol Clerk <clerk@bristolvt.org>
Subject: Re: Public Records Request

Hi there Jen,

I am sorry that I am getting back to this almost one month later-- things suddenly got very busy! IF something like this will cost \$30 or less in your estimate, I would like to go ahead and file the request-- if it's going to be more than that I will probably have to find my way over to Bristol.

Attached is the request itself, but to summarize I am looking mostly for any correspondence between the Town of Bristol, the Selectboard, and Vermont Gas Systems (and their legal team/contractors) between January 2010 and now-- especially as it relates to the construction of natural gas distribution lines in the town.

Thanks a ton,
Julie Macuga
(802)238-5777

On Fri, Aug 10, 2018 at 10:42 AM Bristol Clerk <clerk@bristolvt.org> wrote:

Julie,

That is certainly possible. If you can give me a heads up of the information you are looking for and when you will be here that will allow me to have time to collect all the information for you.

Thank You,

Jen Myers
Town Clerk, Treasurer & Delinquent Tax Collector
Town of Bristol
PO Box 249
Bristol, VT 05443
802-453-2410

From: Julie Macuga <juliemacuga@gmail.com>
Sent: Thursday, August 9, 2018 12:38 PM
To: Bristol Clerk <clerk@bristolvt.org>
Subject: Re: Public Records Request

Jen,

Thank you for your speedy response! I'll have to figure out if I can allocate some funds to this or not, but will get back to you in the next few days.

I understand that in some towns, folks can come to the Office and look through records-- if that's possible, I may just visit and do some research from Bristol.

Best,
Julie

On Thu, Aug 9, 2018 at 10:38 AM, Bristol Clerk <clerk@bristolvt.org> wrote:

Good Morning Julie,

The costs associated with the request are the hourly staff time it takes to retrieve the record(s) being requested, the cost of copying, plus the cost of mailing.

Please let me know how you'd like to proceed.

Thank You,

Jen Myers
Town Clerk, Treasurer & Delinquent Tax Collector
Town of Bristol
PO Box 249
Bristol, VT 05443
802-453-2410

From: Julie Macuga <juliemacuga@gmail.com>
Sent: Thursday, August 9, 2018 10:12 AM

To: Bristol Clerk <clerk@bristolvt.org>

Subject: Public Records Request

Hello Jen,

I'm interested in filing a Public Records Request of correspondence between the Bristol Selectboard and a particular company. Before I submit a formal request, I'm wondering what, if any, fees are associated?

Thank you,
Julie Macuga
(802)238-5777

370 Riverside Ave.
Burlington, VT 05401

9/3/2018

Town Clerk/Treasurer & Collector of Delinquent Taxes, Jen Myers,
Town of Bristol, VT
1 South St.
PO Box 249
Bristol, VT 05443

By verified mail and pdf to Julie Macuga, e-mail: juliemacuga@gmail.com

Dear Ms. Myers:

Pursuant to Vermont's Public Records Act, 1 V.S.A. 315-320, I hereby request electronic copies, if available, and/or photocopies of public records related to the Vermont Gas Systems, Inc. Addison Natural Gas Project, which is slated to include distribution lines in the town of Bristol Vermont contingent on Bristol Selectboard's decision to sign an agreement with the company. Any correspondence between the company (Vermont Gas Systems) and members of the Selectboard from 2010 to present are requested, especially those having to do with agreements, leases, land conveyance, distribution lines, easements, and construction and surveys of land in the town of Bristol. including but not limited to the following records:

- 1) Meeting materials, agendas, minutes, notes, recordings and transcripts, analyses, recommendations, voting records, public comments, policies and plans, including, but not limited to, meetings of the Selectboard, Planning Commission, Zoning Administrator, Energy Committee, Conservation Commission or other Town of Bristol body with authority or responsibility for reviewing any aspect of the Project or representing the Town to any county, state or federal body with respect to energy projects, or of Town staff;
- 2) Any internal and external correspondence (electronic, hardcopy and/or voicemail and telephone messages), of the Town, including but not limited to correspondence to/from Vermont Gas Systems, Inc., The Addison County Regional Planning Commission, The Vermont Public Utility Commission, Department Of Public Service, Agency For Natural Resources, Agency of Agriculture Food and Markets, Division of Historic Preservation, Department of Taxes, Agency of Transportation, Vermont Fish and Wildlife, the Town Bristol Selectboard, any Selectboard or body of any other Town in Addison County, any law enforcement, first responder, rescue, fire department or other public safety entity serving the Town of Bristol or Addison County, any experts, consultants and volunteers engaged by the Town of Bristol to advise or comment on the distribution lines or any matter related to the distribution lines, and any member of the public.
- 3) Project descriptions, documentation, and/or any company or Project or general information provided to the Town of Bristol by Project proponents or others;
- 4) Draft and/or signed agreements, memoranda of understanding or the like between the

September 3, 2018

Town of Bristol and Project proponents or any third party related to the Project;

5) Memoranda, evaluations, assessments, analyses and reports related to the Project and/or to the development and installation of natural gas infrastructure or facilities in the Town of Bristol not otherwise available on the Town of Bristol website;

6) Town of Bristol policies, rules and/or procedures regarding energy planning and development, siting, installation, and operation in force at any time from January 1, 2010 up to and including September 3, 2018 and/or any policies, rules and/or procedures approved, passed, or implemented thereafter.

I am addressing this request to you in the belief that you are the custodian of such records for the Town of Bristol. If you are not, I request that you forward my request to the proper custodian, inform me of who that person is, and provide contact information so that I may follow up as necessary.

I hereby agree to pay reasonable and customary costs for copies of these records; however, if possible please fulfill this request by providing me with electronic copies via email to juliemacuga@gmail.com.

If the law does not allow me to have access to some of these records, please so inform me within three business days, as provided by law. Please also provide a list of the withheld documents and the specific exemption that applies to each record or portion of a record being withheld, as well as the facts that support each exemption. If an otherwise public record has a portion that is exempt from disclosure, please redact the exempt portion and release a copy of the rest of the document together with a notation of the specific exemption that applies to each redacted portion. If some or all of my request is denied, please tell me the title and name of the person responsible for the denial and, as the law requires, please inform me of the appeal procedures available to me and the name of the person to whom appeal may be made. This request is time-sensitive. Please respond within the statutory period.

If you have questions about this request, you can contact me via email at juliemacuga@gmail.com or by phone at (802)-238-5777. Thank you for your assistance with this matter.

Sincerely,

Julie Macuga