

**Town of Moretown
Office of the SELECTBOARD**

Notice of unapproved minutes of the July 21, 2008 Selectboard meeting

Members present: Paula Mastroberardino, Rae Washburn III, John Hoogenboom, Stephanie Venema

Guests: Hoover Austin, Raymond Munn, Mark and Pat Austin, Sean O'Brien, Pat Sainsbury, Eric Howes, Denise Sanders, Dan Harris, Doug Reed, Pat Loiselle, Celinda Santor, Lane Benoit, Bill Bruckner, Sharon Coty, Tim & Mary Larsen, Roger Quirion, Myra & Jim Perry, Shawn Perry, Michael & Denise McCarty, Cheryl Brown clerk for the Board

John called the meeting to order at 6:00

Public Comment:

Sean O'Brien – said to do the sidewalks this winter, he needs approval from the Selectboard to repair the snowblower. Sean said Meriden told him Harvest Equipment has done the repairs in the past. Sean said the tunnel has holes in it from the asphalt and the blades are bent.

Paula advised Sean that the Sidewalk Committee is working on a long-term plan for replacing the sidewalks in the Village.

Rae told Sean to coordinate the repair with Craig to take the snowblower attachment to Harvest and get an estimate for the repairs – then come back to the Selectboard with the estimate.

Sean will come back with the estimate.

Eric Howes – came in about a meeting tonight regarding Capital West dispatch costs. Eric said the vote is basically how the increase will be paid for by the Town. He said he needs to know how the Selectboard would like him to vote tonight.

How much will the increase be – Eric said he estimates the increase will be around \$6000 per year – based on Moretown's per capita and call volume, significantly less than he initially expected the increase would be, so he thinks this formula will benefit Moretown best. The increase will be effective 1/1/09 and will be accounted for in the town budget.

Paula asked the length of the contract?

Eric said he believes the contract will be for five years but doesn't know if the price will increase each year. He expects that answer depends on the per capita and call volume. If we do not enter into this contract, we will have no dispatch service contract.

The Board agreed to let Eric vote on the contract and how to pay for the increase (per capita and call volume).

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Mark & Pat Austin – came in to tell the Selectboard how the quarry would impact them and generations after them.

Mark said 100B is a scenic corridor and zoned residential. He asked how anyone expects to buy in that district and then try to change things. He wonders if the State has money to pay for the impacts to bridges and roads for the extra traffic. Mark also wants to know why the process is taking so long.

John said it is the court process that is taking so long.

Pat A. said she is against the quarry because of the traffic, and because of the impact on wildlife, noise and the beauty of the area.

Hoover said we need aggregate in the Valley and wonders why after five years, Mark has come forward. He wants to be sure Mark hears the whole issue on the quarry, not just one side. Hoover said he will talk to Mark and Pat.

Pat Sainsbury – said she is here to support and thank the Selectboard's efforts against the proposed quarry. Pat S. said she is of the same opinion as Mark and Pat Austin and added that it does not make economic sense for the town and neighbors to have this quarry.

Hoover Austin said he understands the neighbors concerns about this quarry but he thinks people should visit an active quarry and see that the operation can be less offensive than it is being presented. Hoover wants to know where he gets represented as a taxpayer of Moretown if he is in favor of the quarry.

John H. said he wants to be clear that the Selectboard is not for or against the proposed quarry the Board is supporting the decision of the Moretown Development Review Board.

Carl Wimble said he wonders if the same effort would be made by the Selectboard for a decision of the DRB if residents opposed the DRB decision.

He said now the Town has made a Motion to Reconsider and asked who is authorizing our attorney to make these Motions? Carl said there has been nothing mentioned in the meeting minutes but it seems someone has to ok the attorney's actions – where is that happening? Carl said all issues are supposed to take place in a meeting, whether public or in executive session.

John said if we had the attorney in every week, we would be spending more money.

Town garage project – Hoover and Doug reported:

- Doug said he and Craig Elwell met with AOT personnel regarding the curb cut permit. Mr. Urell, Utilities & Permits Supervisor for AOT had issues with:
 - silt running from the property to the east of the town garage – Craig will address the fill issue with Shane Grace, remove the Reagan's tree as Sandy requested and regrade the grass swale.

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- because there is only one curb cut allowed per property, Tom Urell would like the current access gated – the town will place an unlocked gate on the access when the other access is ready for use.
- bamboo screening on the Fekert property is blocking the line of site – the town will cut and maintain the bamboo within the state right of way.
- in constructing the proposed berm to the north of the salt pile property the town will match the new required outlet elevation for the bottom of the ditch which extends to the north of the proposed berm.
- when installing the new garage paving base, the town will be careful not to disturb the existing AOT drainage culvert.

In addition - The State will be replacing the culvert by the Harris/May's property after they do a hydraulic study (water flow needs). During the culvert replacement the Town will be allowed to install conduit for a power line between the existing power pole for a power line for electricity for the new fuel pumps on the sand pile side of the road.

Hoover said:

- he met with Glenn Towne about the lot lines on the town garage side property. He said Glenn was able to find some of the stakes/pins and is working to verify and mark the lines
- Rae said we will be taking water samples from the Reagan's well prior to construction and testing for contaminants
- a revised agreement has been received from the Reagan's and will be reviewed later this evening
- Hoover met with Shane Grace after it was brought to his attention that Shane was not notified as an adjoining landowner of the project during the permitting process. Hoover said by looking at the tax maps, he thought the property behind the town garage was Sandra Reagan's. Hoover said he spoke with Shane, explained the project and that Shane has no issues with the town garage project. Shane is aware of the runoff from his property and during that discussion stated that he (Shane) would like a right of way to the town garage property. Hoover told him that he didn't think that would be possible.
- Hoover will contact Holly Ward and let him know about the gate.
- Hoover went to see Lizzie and Dan Harris and Bob and Audrey Mays to let them know AOT will be doing hydraulic testing and eventually replacing the culvert near their home.
- Per the conveyance deed, Ward Clapboard, Howard Ferris and the Town of Moretown will have use of the old access road. Once the current access is gated, there will be no access to the river without individuals crossing Holly's property. The town will not block the new access from use and at some point an access could be made so people can get to the river during the summer months.
- Griswold will be delivering cement blocks soon later this week.

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Some of the guests present said they would like to be able to continue accessing the river for swimming and fishing.

Paula moved to allow a letter be sent to Thomas Urell that the Selectboard approve the memorandum as presented tonight by Doug Reed and that we accept the conditions as stated in the memorandum for the curb cut permit. John seconded. All were in favor.

Carl said he thinks it is sad that an abutting landowner did not get involved in the DRB process. He thinks the town should sit down with Shane and see what the town can do for him.

Hoover said he has spoken with Shane directly and Shane has no issues with the project.

Paula will speak directly with Shane and be sure he has no questions or concerns with the project that need to be addressed.

Pat Loiselle re: permission to do road work on Cobb Hill Road trail portion off Stevens Brook.

Pat said because a beaver pond owned by Myra and Jim Perry overflows the town trail, he is unable to access his property. Pat wants permission from the town to either drain the pond about one foot or place fill over a section of the road to make it passible by vehicle which would be very costly.

Myra Perry said ANR, because the area has been in this condition for over two years, is now considered a Class II Wetland and that the pond can not be drained because it is protected by federal law.

Sharon said the road is passable by foot or by 4-wheeler, just not by vehicle.

The Board thinks ANR should look at the area Pat wants to work on and determine if it is possible to work in the area before the town makes any decisions. The Board would like to be at the meeting with ANR/Loiselle and would like Pat to notify the interested parties present tonight and the Selectboard when the meeting will be. Pat was given the phone number for Patrick Ross who the Board feels will lead Pat to the proper person to contact. Permission was no given to Pat to work on the town trail.

Amy Deutl/Treasurer business:

Amy asked to be on tonight's agenda but found she was unable to attend.

Discussion followed about proper tax rate preparation and information associated with the tax rate. Board members will call Amy for financial information and for various financial reports. Paula will call Sullivan, Powers for an audit report.

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Warrants were review and approved as presented.

Capital Improvement Note - as approved at the 7/7/08 Selectboard meeting, a short term note for \$900,000 was signed to borrow money to pay for the town garage project, until the town can finance through the Bond Bank this spring. There will be a special meeting on September 2, 2008, at 7:00 p.m. at the Moretown Town Office, asking the voters to allow the short-term loan be converted to a twenty year Bond. If the voters turn down the September 2nd article the town may only borrow for a term not to exceed five years.

OLD BUSINESS:

Sandra Reagan agreement re: town garage project – Hoover brought in a revised agreement from Sandy. The Board reviewed the document and wants to incorporate wording that the Town will test a sample of water for contaminates before the construction starts and questioned whether the document should include language that Reagan's are responsible for their lot meeting State requirements for well shield criteria. Other than that, the Board is ok with the Agreement and will forward the document to Paul Gillies for his review before it is signed by the town. Paul will be asked to incorporate the wording for the water testing.

Hoover will get the water sample.

Deeryard mitigation money – John will call Amy and ask what the town's portion of the deeryard money amounts to before the Board considers how the money will be spent.

Firestation siding – Eric said earlier tonight that he will give the Selectboard an update on the repair siding, after he has a chance to review the repairs.

Personnel Policy – Stephanie said the document is still being reviewed by an attorney.

Computers – Paula said Mike Ketchel is coming back on Thursday. Charlene claims the computer she uses is very slow now and Mike will investigate the cause. Mike will also provide a quote for a server and various other computer needs.

Paula said she still does not have the password to the computer currently being used a server but will talk with Mike about his changing the password on Thursday. She will update the Selectboard on what happens.

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Bruce Farm conservation letter of support – A letter stating the support of the Selectboard to conserve the Bruce Farm and for the new source of locally grown food that will become available.

Paula moved to allow John Hoogenboom sign the letter of support for the town. Rae seconded. All were in favor.

Committee Reports:

Sidewalk Committee – Paula reported, the committee is working with Safe Routes to School. Steve Gladczuk encouraged the committee to apply for any and all grants available for studies/plans/sidewalk construction. Committee member Dennis Fekert submitted a Letter of Intent for a Community Development grant but there are some engineering challenges that might delay getting a sidewalk plan in place. It might take up to three years to get all the studies done.

Rae mentioned that the need to redesign the Moretown Mountain Road in the future might be a challenge and should be considered in planning sidewalks. Rae asked that any engineering work include a study of the Village Hill.

Paula will be sure the committee is aware of Rae's concerns. She said it is possible the sidewalk plan could be broken down in phases. Such as:

- Phase I – the Mountain Road to Hurdle Road
- Phase II – the Mountain Road to around Harris/Mays
- Phase III – the Hurdle Road to around Pony Farm Road

The committee is also discussing material options for the sidewalks. The committee meets again this Thursday.

Town Hall – Following a recent inspection of town building for fire extinguishing equipment by Vermont Fire Extinguisher, the town received notice that the suppression system in the town hall is obsolete this year and will require a wet chemical system be installed if the town continues use of the present cooking stove. The cost will be about \$3500 with the present layout. Don will be given the notice so it can be considered in the repair/renovation plan.

Ancient Roads – Paul Gillies is working up a breakdown for time he has spent so far on the ancient roads lookup so a report can be submitted to the grant committee. Once Paul's figures come, Stephanie will provide the information to the State grant committee.

The town received a letter of notification that as part of the Ancient Roads legislation, municipalities have the option of mass discontinuing their town highways that are not included on their town highway map by 2/10/2010. A Certificate and Checklist were provided to enact the discontinuance.

Moretown does not want to discontinue any town highways, so nothing will be done with the Certificate at this time.

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Byway – Stephanie reported that the committee is working out details on grant expenditures, signage, kiosk, spreading the monies out to surrounding towns etc. She said the meetings are well attended.

Moretown Energy Group (M.E.G.) – No update tonight.

Capital Budget – Stephanie said the committee is gathering information on capital budgeting and will meet again soon. They would like to see more people attend.

Discussion followed about whether the Capital Reserve Fund should have its own committee or be incorporated with capital budget planning. Stephanie has the sign-up sheet of people who expressed interest in capital budget/capital reserve budget, and see if they can all get together and talk about what whether there should be one committee or separate.

Approval of Minutes:

7/7/08 – Stephanie moved to approve the minutes of July 7, 2008 as written. Rae seconded.

Discussion:

Dog complaint – The problem with three dogs on Cobb Hill has not been resolved. Paula said she is getting complaints again from neighbors that the dogs are still running loose and they are concerned about their children's safety.

The owners will be assessed a second fine, this time for \$150.

Vote: All were in favor.

NEW BUSINESS:

Herring Brook Road accident – Last week there was an accident on Herring Brook involving two vehicles and a young man was killed. Since the accident, two Herring Brook Road residents have contacted the Selectboard insisting that the town take action against aggressive, unregistered, and generally abusive vehicle traffic occurring on the Herring Brook Road.

The board contacted Washington County Sheriff Sam Hill for advise about options the town has for law enforcement on class IV roads and town trails. After talking with Lt. Paul White of the Middlesex State Police, Sheriff Hill found that contrary to earlier statements made by State Police Officers, even though Herring Brook is a class IV road, the State Police and Game Wardens have the authority to enforce unlawful vehicular traffic on any public road no matter the classification of the road. The question is whether the State Police or the Game Warden should be called when an incident happens. Sheriff Hill said it depends on the condition of the road that needs to be traveled by the responding officer which agency you call. If the incident involves traveling off a road that is not suitable for a "cruiser", Game Warden Chad Barrett should be called otherwise call the State Police.

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Sheriff Hill clarified; it does not matter whether a vehicle is street legal, a home made job or an all-terrain type of vehicle, all vehicles must be registered to travel a public highway. Sheriff Hill added that he and Lt. White will gladly come and talk with the Selectboard if there are additional questions.

After discussion, the Selectboard will contract Sheriff Hill and ask that he coordinate frequent patrolling of the Jones Brook Road and Herring Brook Road to see if that will stop any misuse on the town roads.

The Board asked Raymond Munn to get a copy of the Police Report for last weeks accident for them to review. It is possible there will be special meeting scheduled with the State Police, Washington County Sheriff's Department, Town of Berlin Police Department PD, Fish & Wildlife Wardens and Moretown Residents, to talk about issues and ways to help out keep town highways safe through neighborhood awareness etc.

Road Report by Stephanie:

Dickerson Road – Stephanie asked the Selectboard how they felt about, since we have received notification from Better Back Roads of grant award, proceeding with bid requests for the work. She said the project is a small project of around \$10,000.

After discussion on whether since it is such a small job, if Better Back Roads would find it suitable to call contractors asking that they submit bids for the work in writing or if a formal written bid would need to be done.

River Road phase III – FEMA has done their environmental study and we are waiting for the results. Cheryl and Craig met with Marie Thomas/Fema, who stated that no significant endangered species was found that would hold up the project and she will prepare a written statement of her findings to Ray Doherty – State Hazard Mitigation Officer.

FairPoint and Green Mountain Power met earlier today with area River Road residents, Craig and Stephanie, to stake out where poles and stub poles would actually be. According to the stakes placed today, all poles and stabilizing material will be inside the town's right of way, not in an area Scribner's mow. The Scribner's are still concerned that poles or wires might be placed in an area that they mow. Stephanie wonders if FairPoint and Green Mountain Power could give the Scribner's something in writing stating the lines will not be in their fields. She will follow-up with the Scribner's.

Lover's Lane – Stephanie said we have received no stone material from MLI yet to use for repairing Lover's Lane, and she is unclear when we will. She will ask Craig to call Tom Badowski to see if he has an idea when stone might be available.

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Reports & Communication, Mail

FEMA GRANT River Road – Notification from Vermont Energy Management Officer Ray Doherty confirming that Moretown has been awarded a \$204,000 FEMA grant to raise approximately 2000' of the River Road. This is the third phase of the project to raise the road over the 25-year flood stage. Stephanie worked very hard to get this grant for this project.

Road Maintenance Permit application – from Gunner McCain for Pilgrim Partnership to remove fill (clean out) for several hundred feet of ditch along the eastern side Cobb Hill Road. This work is necessary as part of an Act 250 permit dated back to the ST Paving project and now related to the Station Lumber Act 250 permit process.

Craig will be asked to look over the application before the Board makes any decision.

Grand List extension request from the Lister's – No explanation was given by the lister's for their request for another extension to finish their work on the grand list. The board would like to have the lister's come to their 8/4 meeting before giving their approval.

Paula moved to deny the lister's request for an extension of 7 days to complete work on the 2008 grand list due to lack of information. Stephanie seconded.

Discussion - whether or not this denial would effect setting the tax rate. Information from William Johnson, Property Valuation and Review of the State of Vermont, states the lister's have until 8/15 to get their grand list work to him so asking them into the 8/4 meeting for an explanation should still give them time to request an extension. There would be no impact to setting the tax rate created by denying this extension.

John will call Rob Roberts, Chairman of the BCA and let him know the Lister's requested a 7 day extension.

Vote: all were in favor.

VLCT Town Fair – Municipal Person of the Year – Craig Elwell will be nominated for his outstanding service to Moretown.

John moved to adjourn at 9:35 p.m. Rae seconded. All were in favor.