

**Town of Moretown
Office of the SELECTBOARD**

Notice of unapproved minutes of the September 2, 2008 Selectboard meeting

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

Guests: A guest list, some staying for the entire meeting and some only present for the special Town Meeting at 7 p.m., is attached to tonight's minutes.

Don called the meeting to order at 5:45 p.m.

PUBLIC COMMENT:

Raymond Munn – came in to talk with the Selectboard about a portion of an invoice, dated 8/6/08 which he submitted for taking care of a stray dog (owned or visiting the O'Neill's of Dickerson Road) that the Selectboard did not approve for payment. Raymond said he understands he is not going to be paid the \$27.53 for the animal control items on the invoice. He said he followed what he was told to do – he called Rae Washburn and Rae was going out so he was not available to respond – Paula did not answer her phone – and Stephanie had stated earlier that she would be out of town.

Stephanie said she was not out of town and did not receive any message from Raymond.

Raymond said he asked Roy Hadden's office to see if they would take the dog, they told him Paula's approval was required before the town could drop off animals so he housed the animal overnight until he found out that the dog belonged to the O'Neill family. Raymond asks why the Board is not paying his bill.

Stephanie said she reviewed the Animal Control Ordinance and thinks the O'Neill's should be paying for the service.

Raymond said he does not know what to charge and does not think it is his job in any case.

Paula said she just spoke with Roy Hadden's office and the town can bring in dogs. We have a plan and are ready to go - Paula has the key if she is going to be out of town she will leave the key with Rae or Stephanie – if anyone were to call the town office after hours, the message provides a mail box for animal control messages.

*Discussion will continue in old business.

Unapproved minutes of the 9/2/08 Selectboard meeting

Approval of Minutes:

8/12/08 – Rae moved to approve the minutes of 8/12/08 as written. Stephanie seconded. Since there was no quorum for the entire meeting, the minutes were approved for the record only.

8/18/08 – Rae moved to approve the minutes of 8/18/08 as written. John seconded.

Discussion: Under MLI Stone on page 4 second sentence - She said this creates an inconvenient situation.... - she refers to Stephanie.

Memo from Amy D. –re: installation of a lock box for tax payments – Amy said there would be an outside receptacle about 2’X10”X8”, that would allow tax payments to be deposited into a locked box inside the building. Because Amy is part-time, she feels the lock box would make it more secure than taping payments to the front door. She said she spoke with Cheryl and she thinks there is space in the front office for the box so it would be nearer street/building lights.

*Discussion will continue in old business.

Vote: John, Paula, Stephanie and Rae were in favor of approving the 8/18/08 minutes as amended. Don abstained from voting as he was absent for the 8/18 meeting.

6:00 p.m. – Expenditures for quarry appeal. Because there were around 40 people present and the town office has limited space, a note was put on the town office door stating the group had moved outside to the playground for the Selectboard meeting.

Jack Wood said he speaks for a small group called the “Taxpayers for Common Cents”. He said the Group realizes and appreciates the work of the Town’s volunteer Board and that they are doing the best they can.

As an overview – in 2004 River’s presented a zoning application for a rock quarry. The application went through the review of the Development Review Board (DRB) and since the denial and then River’s appeal of the DRB’s decision the town has spent in excess of \$110,000 in support of the DRB’s decision. Jack said Ron Shems, the attorney hired by the town has taken a considerable discount (60%) from his normal fee and the group wonders if the town has gotten Ron’s full attentiveness. Jack said the town received invoices from expert witnesses showing names on it the Mad River Neighborhood group and asked if the town is sharing costs for services with the Neighbors. Jack said the silent majority is not being heard. Jack added that we should be ashamed of ourselves for causing trucks to go out of their way with the current fuel costs and for trucking materials for our town by other town’s schools when we have a source of stone in our town. Jack said the Taxpayers for Common Cents would like the Selectboard to respond in writing to their statements.

Unapproved minutes of the September 2, 2008 Selectboard meeting

Paula clarified with Jack the items the group would like responses to. They are:

- Answers for all the money that has been spent so far and what is projected going forward.
- Where did authorization come from to spend the money and where were the expenditures allocated?
- Does the town attorney work for both the town and the neighbors – who has the discounted rate?
- Are invoices for expenses shared by the town and the neighbors?
- Where in general is the majority of the town being heard?

Don said in 2004 and 2005 no money has been spent by the town for the quarry. In those years, the application was in the DRB process and that was the town extent in the process until 2006.

Ron Shems said the neighbors and town shared resources so there would be no duplication in information and very carefully separated to be sure the town paid for none of the neighbor's costs. Ron said the discount for his services in no way affected his services to the town but rather was a contribution to the town. Ron said he took his direction from the Selectboard and the Schoolboard with input from the Planning Commission.

Jack Wood asked if the neighbors were sharing the costs with the town?

Ron said whenever services have been split, he has been very careful that the town is not being overcharged.

Paula said there has been very clear communication about the delineation of charges.

Raymond Munn asked if both groups are using the same law firm?

Ron said no.

Jack said their group will be looking into forming a petition to stop further spending. He said we are done with spending on this quarry.

Stephanie said over the years there has been a lot of discussion about property values being adversely affected because of the proposed quarry. She said a decrease in property values could result in a huge impact by loss revenue from property taxes to the town.

Dan Harris said the Selectboard did not seem to consider property value loss to neighboring properties when the new town garage was needed. He said the Board seems to make inconsistent decisions.

Amy Patenaude – said the loss of commercial revenue by not allowing businesses in Moretown and relying on the residents to support the town's expenses could be a burden to property owners. She said we need to be consistent so that what we do is good for all Moretown taxpayers.

Unapproved minutes of the September 2, 2008 Selectboard meeting

Tom Allen said we are not discouraging business. We have areas designated for commercial use. The process for use of designated areas is still there through the Zoning Regulations and the Town Plan. He said the DRB denied River's application and then Act 250 denied River's appeal because it did not fit the Town Plan. If we don't like it – then as voters change the Town Plan and Zoning Regulations.

Where are we at in the appeal process? – Ron Shems said the application went through the DRB they said no – then through Act 250 process they said no – ANR said no three times – then there were appeals of the decisions. That is why this is so expensive.

Gary LeBoeuf questioned whether or not the Selectboard approve the Town Plan or the voters approve the Town Plan. Gary said the Selectboard approve the Town Plan. It was determined that the Selectboard does in fact approve the Town Plan.

Carl Wimble said the Moretown Landfill is exempt from the Earth Extraction bylaws as it is considered by the Selectboard to be incidental to the waste management business of the landfill, yet most of landfill's slopes are in excess of 30%. He said we are putting ourselves in the position of losing our cash cow by continuing to have no development on 25% slopes in the Town Plan. If we are saying we are upholding the DRB decision, why did we not back the DRB's decision when they denied the town garage application rather than ask them to reconsider their decision.

Tom said the landfill is a landfill, not a quarrying operation.

Kelly Reagan asked where the town got the rock to fix the flooded roads.

Stephanie said, from Jonathan Siegel after approval by Ed Stanak to use the rock that had already been extracted and only for the emergency road repair situation.

John Hoogenboom said we have two issues:

1. Taxes going up – perhaps the quarry could have helped keep our taxes down. Wrong – according to River's attorney's the town would have no net gain from the quarry.
2. The money spent so far on the quarry litigation and how much longer could this go on.

Ron Shems said it is likely that the litigation will be over by mid winter and he thinks the town has a fair shot of winning the appeal.

Hoover said the landowners have a lot of value in the land for quarrying and he thinks the one who has the deepest pockets will win. He thinks we are wasting money and that we should be using River's rock.

Suggestions followed for getting the word out about town public meeting/general information. The Waterbury Record and Exit 10 were suggested places to advertise rather than just The Valley Reporter and The Times Argus.

Paula will draft a letter to the Moretown Taxpayers for Common Sense group addressing their questions and pass it by the rest of the Board for their approval.

Unapproved minutes of the September 2, 2008 Selectboard meeting

7:00 – Special Town Meeting – held for the purpose of voting on:

1. Shall the Town of Moretown vote to allow the use of a vote tabulating machine?
2. Shall the Town of Moretown authorize the action taken at the meeting of this town held on March 4, 2008 relating to the financing of the new town garage, in spite of the fact that public notice was given as any town meeting article would be warned instead of using the warning requirements for bond issues, and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed?

Don called the special meeting to order and read the above articles. There are separate and complete minutes prepared for this special Town Meeting by the Town Clerk. Don asked Town Clerk Cherilyn Lamson to explain why the voters are being asked to consider the use of a tabulating machine.

Article 1. Cherilyn Lamson explaining the use and accuracy of a tabulating machine as well as the advantages to the town. She explained that the machine would be given to Moretown for free and would be “calibrated” with Moretown’s paper ballot information, tested, and used or not, for each election. There is a charge for the calibration but Cherilyn estimated that the cost would be less than (and certainly quicker) than hiring people to physically count each vote. Voters would continue to use a paper ballot and it would be fed into the machine for counting.

Comments and questions from the guests followed.

Vote: David Deutl moved to allow the use of a vote tabulating machine. Rube Scharges seconded the motion.

Don asked for a show of hands for those in favor of using a tabulating machine and then of those opposed.

The result was 29 in favor and 9 opposed. Motion passed. Article one is approved.

Article 2. The Board explained that the purpose of article two is simply to change the financing arrangements for the March 2008 approved \$900,000 by the voters, to a 20-year bond rather than having to payoff the loan in a maximum of 5-years.

Vote: David Deutl moved to authorize the action taken at the meeting of this town held on March 4, 2008 relating to the financing of the new town garage, in spite of the fact that public notice was given as any town meeting article would be warned instead of using the warning requirements for bond issues, and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed. Tom Allen seconded the motion.

Don asked for a show of hands of those in favor of article 2 and then of those opposed. The result was 36 in favor and 1 opposed. Motion passed. Article two is approved.

The Board moved back to the town office.

Unapproved minutes of the September 2, 2008 Selectboard meeting

Hoover's update report on the town garage project –

- The holding tank has been installed
- Test holes are done on the Ferris property for their septic line fix
- Attempting to attach storm water runoff to the existing manhole with State approval. FA&A are working on a drainage plan.
- Footings are in place for the most part – Walls should be in tomorrow
- EF Walls has requested approval for about a \$9,500 change order to address unstable soils toward the rear of the building/on the bank. Hoover thinks \$9500 is too much and intends to talk with Bob Lord either reducing the price or providing other cost cutting options that would work to keep the soils stable before the Selectboard approves the extra expense. The Board did not approve the \$9,533 change order for the proposed work at this time.
- \$7,755 in change orders was approved - \$155 to increase the side overhead door width to 12' and \$7,600 to add 2" of slab insulation. Both were approved by the Selectboard prior to the work being done.
- Hoover recommends placing chloride on the town garage site and the sand pile side of the property. Stephanie will talk with Craig tomorrow. Dan Harris would like chloride spread regularly if possible.
- Bob Mays/Dan Harris would like the town to close off one of their driveways (the one closest to Sandy Reagan's house). Dan said they would like the town to do the work. The Board will discuss removing one entrance at a later date.
- Rae will review a draft letter from Doug Reed to Dan Harris addressing Dan's request that the town relocate the curb cut off Route 100B that will serve the access to the sand pile. Rae will get back to the Board.
- A letter has been sent to Mike Desrochers-Fire Marshall requesting that they re-classify the new town garage so sprinklers are not required due to the lack of waste water restrictions, no overnight use and few employees to warrant the safety need for the extra cost for sprinklers.
- Letter from Holly Wards attorney Rick Darby, stating that Holly is not in favor of gating the common access for the "old road". Hoover said he spoke with Holly and clarified that the gate would not prevent access to his property that it was a condition on the town's new access permit. Hoover thinks Holly will be ok now with the gate but he will follow-up.
- EF Wall presented a partial invoice for \$88,747.00. The invoice was approved for payment and will be on the 9/15/08 warrants.

Bob Lord of E.F. Wall will be invited to the 10/6/08 Selectboard meeting to give a status report. Hoover will coordinate the meeting.

Unapproved minutes of the September 2, 2008 Selectboard meeting

OLD BUSINESS:

Storage unit – Hoover said he was going to move the boxes that are still in the storage trailer (mini unit) to the town hall but was advised to wait until verification from the Board that it was ok.

Don said he already spoke with Doug McIntosh and it was arranged.

Hoover will get the items moved. He said there are 6 or so boxes, a door that will eventually be put back on the Treasurer's office doorway and shelving that will be used in the new town garage. The boxes are Selectboard records that will be moved to the town garage for storage once the building is ready.

Curb Cut Policy addendum consideration – The Board considered adding language supplied by Sheila Getzinger and used by two other valley towns, to the existing curb cut policy. After discussion, Paula moved to leave the existing curb cut as is except add a line for the Road Commissioner to sign in an effort to help verify the prior existence of a residential curb cut. Stephanie seconded. All were in favor.

Cobb Hill Road work request – Pat Loiselle – Board members met with Shannon Morrison-State of Vermont Wetland Division, Pat Loiselle and adjoining landowners, the result of a request by Pat Loiselle to work on a section of the Town Trail flooded by a beaver dam.

Morrison's letter stated under Wetland Rules, due to the location of the dam on top of Cobb Hill Road, it will be difficult to engineer a solution that will not necessitate fully draining the impoundment. Therefore, a Conditional Use Determination for draining the beaver pond would be needed before any work is done and anyone performing work that compromises the integrity of the dam and the impoundment is released to cause damage downstream is liable for the damage.

Mr. Loiselle did not file an application to work in the road so no action is needed by the Selectboard at this time. The Selectboard have not approve any work to be done on this area of the Cobb Hill Road.

Road reports:

Flood damage – Board members, Amy Deutl and Cheryl Brown will meet with VTrans and Vermont State Infrastructure Bank (SIB) personnel on September 4th to get information on low interest funding to pay for flood damaged road repairs until FEMA funds come through. Stephanie said everyone she has spoken with is fairly certain a Disaster Declaration will be signed which would clear Moretown for reimbursement of the repair costs.

Dickerson Road repairs began today. Grandfield estimated 3-4 weeks to complete the work.

Unapproved minutes of the September 2, 2008 Selectboard meeting

Moretown Mountain Road is passable and the box culvert has been ordered. Work on the road has stopped until the box culvert arrives and so the contractor can concentrate on making Dickerson Road passable now that they have an engineer repair plan.

Moretown Mountain Road underdrain work – Griffin & Griffin will begin the project on September 4, 2008.

Other old business:

***Raymond Munn invoice** – Rae Washburn moved to pay Raymond Munn \$27.53 the remaining unpaid amount from his August 6, 2008 invoice for animal control work and send Jim and Kate O’Neill an invoice for reimbursement. Paula seconded.

Discussion: Paula said she does not want to make a big deal out of \$27.53 but she want it clear to Raymond Munn that there is an animal control plan in place.

Don said he thinks Raymond is clear.

Stephanie said after reading the Animal Control Ordinance it is clear the O’Neill’s should be paying the overnight kenneling costs, not the town and is satisfied with paying Ray and sending the O’Neill’s an invoice.

Vote: All were in favor.

Personnel Policy – Stephanie said VLCT attorney Garrett Baxter has finished reviewing/amending the personnel policy draft and is sending it back for Board review. Garrett said the Town is offering benefits to some of the elected officials and that should be stated in the policy as well. Stephanie will send the Board a copy of the draft prior to the 10/6 meeting for comments so hopefully it can be adopted.

Computer update – Paula reported that Mike Ketchell was in the office today repairing Cheryl’s computer. He still needs to quote a price on a server.

Health Insurance options – John is ready to give a presentation on 9/8/08. A special meeting will be scheduled. Also scheduled on the 9/8 agenda will be time to talk with Amy about placing the \$900,000 loan for the town garage project into a particular fund.

Unapproved minutes of the September 2, 2008 Selectboard meeting

New Business:

Snowplow bids – Dickerson Road will be placed as a new Group (V) on the snowplow bid request form providing Craig is in favor of the idea. The engineering plan for repairing Dickerson Road includes narrowing a now 20' wide section (where the bank slide occurred) to 16' wide as is the remainder of the road. If the Board decides after the repair work is done to have the town trucks plow the road after all, since the road was placed in a separate bid group it would be no problem eliminating the group. Bids are due on 10/6th it is possible the repair work on Dickerson Road will be done by then and the board will have a clearer picture of snowplow needs.

Rae moved to add Group V – Dickerson road to the snowplow bid form. Paula seconded. All were in favor.

***Lockbox for tax payments** – After consideration of Amy's request for a lockbox to be installed for tax payments, Don said he thinks with the expenses we have already this year we should wait another year to install a lock box. He said we need another work station (computer) and the Town Clerk needs a new desk/work space.

E.F. Wall change orders – Paula moved to allow Don to sign two change orders from E. F. Wall – one for \$155.00 and one for \$7,600.00 for a total of \$7755.00. John seconded. All were in favor.

Don moved to approve payment of \$88,747.00 of the first installment for the town garage project and to allow Rae to sign the invoice. Paula seconded. All were in favor.

Reports & Communication, Mail

Letters from Moretown children – were read aloud and received as a great ending to a long night. All letters expressed encouragement for the Village to have new sidewalks stating safety, beauty and energy savings (because you could walk to school rather than have mom drive you). The letters will be passed along to the sidewalk committee.

Better Back Roads grant application – was given to Stephanie

Stephanie moved to adjourn at 9:20 p.m. Don seconded. All were in favor.