

**Town of Moretown
Office of the SELECTBOARD**

Notice of unapproved minutes of the August 18, 2008 Selectboard meeting

Members present: Paula Mastroberardino, Rae Washburn III, Stephanie Venema, John Hoogenboom arrived at 6:20 p.m.

Members absent: Don Wexler

Guests: Sheila Getzinger, Kara Herlihy, Holly Poulin, Amy Deutl, Tom Allen, Jack Wood, Carl Wimble, Cheryl Brown-clerk for the Board

Paula called the meeting to order at 6:00 p.m.

Public comment:

Sheila Getzinger – Curb Cut Policy – Sheila encouraged the Selectboard to adopt a curb cut policy where curb cuts permits that were issued years ago to residents by the town but now can not be found in town records, can get an Existing Curb Cut Permit. Sheila explained the need for a policy that would provide guidelines for accesses in existence prior to a certain date (to be determined by the Selectboard) as curb cuts are not “grandfathered” under State Law. State law has required residents to obtain a Curb Cut or Access Permit for construction within a town highway in 1957 but the presence of those permits in most towns is non existent so there is a need for an Existing Curb Cut Permit. Sheila gave the Selectboard a copy of a policy Waitsfield and Warren have adopted.

In May 7th of 2007, after consulting with town’s council Paul Gillies, the Selectboard did adopt an existing curb cut policy for curb cuts that have existed prior to 1/1/2002. For curb cut can not be found in the town files there is an Existing Curb Cut Application. The application models the permit used by the Town of Fayston for existing curb cuts. Even there are curb cut permits in town files as far back as 1982 the files seemed very incomplete until 2002 so the Board settled on the date of 1/1/2002 for the policy. As of 5/7/2007, permits for existing curb cuts are recorded by the Town Clerk, into the land records. The Board will review the draft policy provided by Sheila before adopting additional policy language.

Moretown Mountain Road flood damage – Sheila said she spoke with State Hydrologist Leslie Russell, who verified that culverts on either side of her house were undersized. Sheila said her property was damaged because of the undersized culverts. She said every year there is a slight backup because of the undersized culverts, but during this storm her house was surrounded by water even before the water hit the town road. Sheila said she is going to put in an emergency flow exit, as was recommended by ANR, to divert the water from her property but something needs to be done about the culverts.

Rae said as part of the FEMA mitigation when it goes through, the cost of changing the culverts to the size suggested on the Hydraulics Report will be covered.

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Paula asked where the water will go from the emergency flow exits.

Sheila said to the ditch between the lawn and the hay field. The ditch will be made larger and exit into the town ditch.

Stephanie will follow up with Craig about what size culvert he intends to replace the two near Sheila's property.

Jack Wood and Holly Poulin came in to request time on the next meeting agenda to discuss with the Selectboard justification for spending the amount of money that is being spent on legal fees for the quarry appeal, where the money is coming from and how it has been allotted in the town budget.

John said so far this year, the town has spent \$49,328 on the quarry appeal process. He said probably overall around \$100,000 has been spent.

Paula said the litigation has been an ongoing thing and that this Board is not stopping the course we are on because we have to do the best we can for the town and the town ordinance. Paula added that we hope it is over very soon but at this stage we need to stay on course.

Jack said he has heard that some of the neighbors are mentioned on invoices being paid by the town. He said he wants the Board to hear out their concerns and maybe reply to them later. Jack said he does not want confrontation he just wants an exchange of information.

Rae asked if a year by year outline of expenditures would be helpful. Jack said yes.

Holly asked if the board has a projection of what might be spent for the rest of this year. She said we are already over budget and would like an idea of what will be spent the rest of the year.

John said the last couple of rulings have been against the quarry but those rulings have been appealed, that is what is taking time and money.

Jack agrees with Holly, he would like a projected cost for the rest of the year.

Time will be set aside on the September 2nd agenda for Jack and Holly to exchange information.

Hoover's town garage update-

- Hoover still has to draft a letter to Dan Harris about moving the new access road location

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- E.F. Wall requested the town to write a letter to Mike Desrochers-Regional Manager State of Vermont Fire Safety, asking him for a variance from code requirements to install a sprinkler system. The building does not have sufficient water storage, because the septic holding tank etc. Hoover estimated the sprinkler system would cost around \$25,000. The board questioned other reasons for not installing the system. Hoover said people are coming and going, no overnight occupancy, not enough employees, the fire department is close by. Paula wants to be sure VLCT/Insurance is ok on having no sprinklers before they sign the letter making the variance request. Cheryl will call VLCT
- A letter will be sent to Ward Clapboard Mill and Howard Ferris letting them know the current access will be gated (but not locked).
- FA & A rescheduled the test at Ferris's
- E.A. Grandfield is starting work to break the slab on Thursday
- Reagan's water tested fine. A written analysis will follow.
- Dave Chamberlain expressed interest in purchasing 2 of the 3 used overhead doors (the 3rd will be used in the new building). Hoover set a price of \$1,200 each. The Board thought that was a good price.
- Schedule from Bob Lord/EF Wall has been revised and is being sent. Lord assured Hoover they are on schedule. Hoover will call Bob.
- Site visit with Bob Lord on 8/20 at 7 a.m. Bob wants to introduce himself to neighbors.
- The State Curb Cut permit and the Waste Water Permit have been received. Craig and crew will build the new access road.

Discussion followed regarding how the \$900,000 being borrowed this week to pay for the town garage project will be set up – a new fund account that would show the fund balance and expenditures etc.- place the money in a flexible CB that allows for periodic withdrawals without penalty and place a portion of the money borrowed in a higher rate CD – place the entire or a portion of the \$900,000 in a money market account.

Amy will make additional inquiries for Money Market and CD interest rates and withdrawal/penalty guidelines before opening any new bank accounts other than an account to place the \$900,000 into at closing on Wednesday. Whatever is done there will be a way to track the expenditures and balance from year to year.

John moved to place the \$900,000 into a money market fund earmarked for the town garage construction then bring more information back to the Board in two weeks and they will decide what to do with the money. Paula seconded. All were in favor.

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Approval of Minutes:

8/4/08 – Stephanie moved to approve the minutes of 8/4/08 as written. John seconded. All were in favor.

FLOOD DAMAGED TOWN ROADS:

Stephanie reported that she and Rae have been very involved in meeting with an showing FEMA, State of Vermont personnel and contractors showing damage to town roads, with the most damage being on the Moretown Mountain Road, Dickerson Road and Ward Brook Road.

Repair Status:

Dickerson Road (three areas) – damage was so severe that after State of Vermont Engineers Patrick Ross and Chris Benda viewed the damage, suggested that the town engage the services of an engineer to get advise how to fix the road so it would be repaired correctly. Stephanie said this was a tough call because there are residents that have had to suffer with the road being closed and not made passable due to safety concerns that the temporary repair would not hold, and engineering studies and borings would further hold up opening up the road.

Knight Consulting Engineers was suggested to suit this type of engineering services. They were hired and met with E.A. Grandfield and AOT personnel at the site. Borings of the road have been done to test the road base so a plan can be done to fix the road. Stephanie will ask Knight to prepare a proposal to perform civil and geotechnical engineering services related to repairing the upper end of the road where the road/river bank failed.

Stephanie said E.A. Grandfield wants to coordinate the repairs to the other two areas of Dickerson Road at the same time. Grandfield estimates mid September to complete the work.

Moretown Mountain Road – repairs are underway and the road should be open for two lane traffic later this week.

Materials for emergency road work:

Siegel stone – Jonathan received written permission from Act 250 and Moretown’s Zoning Administrator Deborah Feldman allowing the town to use the stockpiled stone as it sits at the site for the emergency road repair situation. There will be no additional rock excavated for this use. Jonathan will be paid \$8.00 per yard for the stone

MLI stone – The town can not access the stone at the landfill unless it is raining and trucks are trucking stone for cover. She said this creates an inconvenient situation for us to get stone. Conversations will continue with Tom Badowski about how to get the stone when we need it.

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Barrows stone – River Road resident Dan Barrows had a small pile of rock from a repair he did last year to his cellar wall. Craig used about 500 yards of the stone to repair road damage in the Jones Brook area and thinks Dan should be paid for the stone. The Board wondered if Act 250 needs to be involved.

Rae doesn't think so. He said it was clear that Shane Elwell's extraction needed an Act 250 permit. Barrows blasted a small area of rock behind his house as part of a foundation repair, not with the intent of selling the rock. Rae added that the rock has been sitting in Barrows yard for a while. Rae said Siegel is being paid \$8.00 yard he sees no problem with Barrows being paid \$8.00 yard.

Zoning Administrator Deborah Feldman was asked her interpretation for use of the Barrows stone. She sees the use of Barrow's stone for emergency road repairs, no different than the use of Siegel's stone and is willing to write a letter stating her interpretation. The Board will ask Deborah to write a letter and put it in Barrow's zoning file as she did for Siegel.

Rae moved that Jonathan Siegel and Dan Barrows will be paid \$8.00 per yard for stone piled on their property and being used for road repairs by the town and to ask Deb Feldman to write a letter of her interpretation for using the stone for the road repairs, for Barrows zoning file. John seconded. All were in favor.

Stephanie said she and Rae during site visits with various AOT personnel, in an effort to get the town roads to a safe and passable level in an emergency situation, had to make decisions such as hiring an engineer for Dickerson Road to see if a temporary fix would be safe. They would like Board approval for any further emergency decisions relating to flood damage repairs that might have to be later ratified.

Paula moved that Rae and Stephanie are point persons for road repairs for the flood damage negotiations and decisions which will be brought to the Board at the next meeting for ratification. John seconded. All were in favor.

Paula moved to ratify the decision to hire Knight Consulting Engineers, Inc for Board approval for engineering services for Dickerson Road as was recommended by Chris Benda of AOT after his review of the damage. John seconded.

Discussion – Stephanie will call Knight and ask that they send a proposal to perform engineer services related to the river bank repair.

Vote – All were in favor.

Flood 08 expenses – Amy ask how the Board would like the expenses handed.

Once a disaster Declaration has been signed, the town will be eligible for a State Infrastructure Bank (SIB) loan. Any expenditures should be tracked by road via a separate Flood 2008 general ledger account.

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HEALTH/INSURANCE OPTIONS:

The Board felt that John should hold off on his option presentation until Don could attend.

John did give a quick comparison on VLCT's **Short Term Disability (STD)** rate and coverage compared to our current carried US Life.

Further discussion was tabled until a special meeting on 9/8/08 meeting.

OLD BUSINESS:

Computer update – Paula said Mike Ketchel still needs to quote a server so the current unit can be used for another workstation.

Amy said the lap top is not available for use except by the Town Clerk.

Paula said she has to talk with Cheryllyn about a couple of things about computers she will talk with her about the lap top as well.

Animal Control – Raymond Munn submitted an invoice that includes reimbursement for two animal control incidents he responded to.

The Board questioned why Raymond is still dealing with animal calls when a procedure has been in place for some time. Paula explained she, Rae and Stephanie will take animal control calls. She said 99% of the time, the owner picks up the dog but if an animal needs to be held temporarily ie weekends, there is a key at Valley Animal Hospital and she is keeper of the key. She will leave the key with Stephanie or Rae if she goes out of town. The Town Office answering machine lists Paula, Stephanie and Rae's phone number for animal control calls.

Rae said Raymond did call him for one of the calls and he was unable to respond.

John moved to pay the invoice from Raymond Munn for \$53.80. Rae seconded.

Discussion – Stephanie asked why the town would be paying Raymond rather than the dog owner.

Vote: John and Rae were in favor of paying the invoice.

Stephanie and Paula opposed paying the invoice.

Motion failed.

Stephanie wants to clarify that she voted no because she thinks the dog owner should pay the expense not the town.

John moved to pay the portion of Raymond Munn's invoice that reflect charges for Constable duties. Paula seconded.

Vote: John, Paula and Stephanie were in favor. Rae opposed. Motion passed.

Stephanie said she intends to review the Animal Control Ordinance and see if we can collect the remaining charges due on Raymond Munn's invoice from the dog owner.

Rae would like the town to pursue an Animal Control Officer.

John will call Raymond Munn and let him know the Boards decision.

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NEW BUSINESS:

September meeting schedule – Because the first Monday in September is a holiday, the Board will meet on **Tuesday, September 2nd** (as that is the night of the public hearing and vote) and Monday, September 15th. A meeting has been tentatively scheduled for Monday, September 8th to finish discussing employee insurance options and to hopefully meet with VEDA representatives about State Infrastructure Bank (SIB) funding for the emergency road repairs until FEMA funds come through. Amy will call VEDA to see if they are available that evening around 6 p.m.

Moretown Mountain Road under drain repair bids received as follows:

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|----|----------------------------|-------------|
| 1. | Kingsbury Construction Co. | \$44,450.00 |
| 2. | Griffin & Griffin Exc. | 39,812.00 |
| 3. | DuBois Construction Inc. | 83,546.00 |

Stephanie moved to accept the bid of \$39,812.00 from Griffin & Griffin Excavating for the under drain repair work on Moretown Mountain Road as per the work outlined on the invitation to bid with project work to begin on 9/2/08 and finish on 9/12/08. John seconded.

Vote: John, Stephanie and Paula were in favor. Rae abstained from voting. John accepted the bid by signing the estimate.

Set the 2008 tax rate – preliminary work was done toward setting the tax rate but with grievances scheduled for Wednesday, August 20th the Board will meet again on Monday, August 25th to set the tax rate once the final grand list figure has been established.

Warrant approval –

Warrants were reviewed and # 55 reduced by \$3,500 to remove an invoice from Oman Analytics until the itemized charges on the invoice can be clarified by Ron Shems/Selectboard.

Reports & Communication, Mail

Memo from Amy D. – re: installation of a lock box that would supply a slot for tax payments etc. to be dropped into a locked box so when Amy was not at the town office, people could still drop off their tax payments. The Board has the memo and will review the information.

John moved to adjourn at 10:50 p.m. Paula seconded. All were in favor.