

**Town of Moretown
Office of the SELECTBOARD**

DRAFT – unapproved minutes of the September 8, 2009 Selectboard meeting

Members present were: Rae Washburn III, Stephanie Venema, Rob Roberts, Dave VanDeusen and John Hoogenboom arrived at 6:10

Guests present were: Raymond Munn, Don LaRocca, Sandra & Clayton Wetzel, Carl Wimble, Jonathan Siegel, Hoover Austin, Sheriff Sam Hill, Sergeant Brett Meyer, Brian Ward, Anthony Mazzilli, Eric Howes, Bob Mays, Deborah Feldman, Lizzy Hewitt-Valley Reporter and Cheryl Brown as assistant to the Selectboard

Rae called the meeting to order at 6:00 p.m. and mentioned to all the new public comment rules – each person has five minutes only.

Public comment:

Don LaRocca – re: proposed trail behind Moretown Elementary - from the Planning Commission's perspective, they would like to see the trail be incorporated into the Forest Management Plan, not vice versa. The PC did not plan for the improved trail in the Forest Management Plan. They have not even seen the trail plans, and do not know where the trail is, what the trail use will be, etcetera. He personally thought the trail was a safe route to school. After the last meeting, it sounds as though it is not, that it will be a bike trail. Don hopes the Selectboard will involve the entire town and gather more information before committing.

Rae said there will be more discussion on the September 21st Selectboard meeting agenda.

Stephanie asked Don if it would help the PC if the committee spearheading the trail came to a PC meeting with the trail information.

Don said the PC would certainly be interested in seeing the plans, and having more information.

Raymond Munn – re: proposed trail behind Moretown Elementary – Raymond wants to know where the people accessing the trail plan to park, both from the village end and the South Hill Road access. Does the town have a curb cut into the town/school property from South Hill? Raymond said there are several issues to deal with before the plan goes through and thinks when everything is worked out, there should be a plan in writing that the public can look at so they know what the plans are before it is built.

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Jonathan Siegel – re: proposed trail behind Moretown Elementary – Jonathan is against town expending money to build and maintain the trail, and using town equipment to build the trail. He has concerns about liability, safety for the kids, and the hours it would take a kid to walk to school on the trail. Jonathan said it is a good project but there are still many issues, so he urged the Selectboard to take their time and think about it.

Budget cuts:

Library Jonathan gave a brief history of what the tax rate has been over the years. He urged the Selectboard to level fund the budget this year and cut the library from the budget altogether, saving \$18,000. After talking with members of the schoolboard Jonathan feels there is no need for a second library, especially since the building has no parking, no bathroom facilities etc. In three years, the library budget request has gone up 300%. \$18,000 is a little over one cent on the tax rate, costing the average household \$20 per year (on a \$200,000 appraisal) most likely a service they do not use. Moretown Elementary School seems very willing to have “story hour”, summer included and other functions. Jonathan strongly suggests nixing the library from the 2010 town budget.

Town office – Jonathan strongly urged the Selectboard not to cut hours of those working in the town office, stating that the town office is finally a competent well running part of the town and he would hate to see that change.

Carl Wimble – re: electrical expense invoices for work on the town hall – Carl spoke with Kevin Collins today and explained his thoughts about Kevin’s invoices for electrical work he did at the town hall. Carl encouraged board members to talk with Kevin about his invoices for the work.

The Board said they asked Doug Reed to meet with Kevin about the invoices. They will wait to hear what Doug has to say before contacting Kevin directly.

Shared legal costs with Neighborhood group – Carl asked if the board has done anything to find out what share of the legal costs for the quarry litigation was paid by the Neighborhood group and what share was paid by the town?

The Board does not have that answer yet.

Hoover Austin – re: town hall repairs and renovations – Hoover said Chuck’s Heating plans to start removal of the old furnaces this week. Painting and carpentry should begin within the next couple of weeks.

Speeding on Pony Farm Road – is a problem. Possibly aggravated by the underpass work being done near the Turner farm.

Quarry litigation update - No word yet from Environmental Court on a decision or when a decision can be expected.

Library – Hoover thinks the library budget is a good place to cut.

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Clayton Wetzel – logging on Herring Brook Road – seems to be going fine and log truck speed is good. It looks like the trucks are using radios so they know when other trucks are using the road. What he originally thought might be a bad experience, has been a very positive experience. The Wetzel's also provided a photo of damage that occurred to a culvert near their home on Herring Brook, within the past two weeks, about the same time logging trucks started traveling on the road.

Cheryl will call Fountain Forestry and ask them to pay for a new culvert and the town will install it. It is unclear whether Fountain will be asked to pay for the installation. Rae will talk with Craig about that. If Fountain wants to meet to look at the culvert, Cheryl will let Rae know.

Washington County Sheriff's Department (WCSD)– Sheriff Sam Hill and Sergeant Brett Meyer came in at the request of the Selectboard to talk about other law enforcement services they may provide the town. Sheriff Hill said the main job of the WCSD is to transport prisoners and serve civil process, anything else is extra. Currently, WCSD patrols Moretown roads about 7 hours per week. That amount seems to fit the \$10,000 per year contract.

Discussion included:

- WCSD works as 1st responders for break-ins, criminal cases and if there is a problem, they contact the proper agency to follow through with investigations
- They spent time on Herring Brook Road last year when ATV/motorcycles seemed to be an issue, and spent time educating unlicensed/unregistered individuals as to the law. Fish & Wildlife addresses recreational control for boats, ATV's and snowmobiles, so they might be contacted if the town has an incident involving one of those vehicles
- Sporadic WCSD presence seems to help calm down situations
- Keeping people safe is the job of WCSD
- Suggestions were made about areas/times in town that should be patrolled. Mostly patrolling early a.m. and late p.m. with no announced schedule for what day/when that happens. The Board agreed the current plan is the best plan for what the town budgets.
- Reports of last years activities compared to this years activity were reviewed
- WCSD services 8 to 10 towns in Washington County
- When asked if when Moretown's constable had training, using WCSD dispatch service would become available to them. Sam said the Sheriff's dispatching costs would increase if that were to happen, but he would be willing to talk about this later.
- If Moretown has a problem, let them know to see if they could help.

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APPROVAL OF MINUTES:

8/17/09 – Stephanie moved to approve the minutes of 8/17/09 as written. Rae seconded. All were in favor.

8/31/09 – Stephanie moved to approve the minutes of 8/31/09 as written. John seconded. All were in favor.

Road report by Rae and Stephanie

Herring Brook Road – see earlier public comment conversation about logging.

Stevens Brook Road – complaint about road crew while grading Stevens Brook Road – Rae will call the person who complained.

River Road phase III – Rae thinks all the utility wires have been moved. Stephanie said then it is time to move the town's stone from the Moretown Landfill site where it has been stored.

Class IV and Trail work – Stephanie reported work being done on class IV roads and trails. Cemetery Trail – 11 hours town labor and about \$500 in gravel, and wonders who authorized the work. Rae will check into that.

Stephanie said we are trying to cut back so she does not think we should be spending money on class IV roads and trails without Selectboard approval.

OLD BUSINESS:

Moretown Mountain Road box culvert installation – Stephanie reported meeting with Kingsbury Construction and Craig, to review Kingsbury's contract to install the box culvert. Amendments were made at the meeting and the contract was signed for a price not to exceed \$22,749.00. In the case of unforeseen complications, prior approval from the Selectboard is required before funds in addition to the \$22,749.00 will be paid.

State of Vermont Stream Alterations Engineer Patrick Ross will set the grade for the box culvert and will approve all work before payment is made to Kingsbury.

Kingsbury will communicate with the bus barn for school bus travel while the work is being done.

Stephanie said Craig thinks guardrails are needed in the box culvert area. Rae will talk with Craig more about this. It appears at this point like the project will be well under budget, so it is likely there would be grant funding to pay for the guardrails.

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Town Hall repair update and financing –

Furnace – The Rinnai heater that will be removed from the town hall is suitable for the library, according to Bob Mays. Gillespie Fuels would remove the Rinnai from the town hall and install it at the library, for no more than \$300.

Discussion followed about why the need for two furnaces at the town hall and why local contractors were not used for the heating work. The heating contractors were to be hired by the general contractor as part of his work. The use of local contractors was suggested but not mandatory. Local contractors knew work was being done to the town hall and none came forward requesting the opportunity to do the work. Suggestions were made to make the water drinkable and to have the elevator serviced. Dave will call Doug Reed about pricing for these two items. More about the library furnace later in tonight's meeting.

Financing for the work – Discussion followed about how much the final cost will be.

Rae moved to authorize Amy Deutl to get a one-year Bond Anticipation Note in the amount of \$100,000.00 to pay for the town hall repairs and renovations until long-term bonding can be arranged. Dave seconded. All were in favor. Motion passed.

Charles O. Davis Fund allocation – Dave moved to go into executive session at 7:55 p.m., for the purpose of discussing an application for an allocation from the C.O. Davis Fund, whereby public knowledge could place the recipient at a substantial disadvantage. Rae seconded. All were in favor.

Dave moved to come out of executive session at 8:00 p.m. Stephanie seconded. All were in favor.

Dave moved to approve expending an amount of \$5,000.00 from the Charles O. Davis Fund to go to a qualifying recipient. Rob seconded.

Discussion – Rob will notify Amy Deutl to make the disbursement. All information regarding the allocation will remain confidential.

Vote: All were in favor.

8:00 break

Bat Hennesey trail width/Mazzilli structure – Rae said last meeting, because it is was found that other trails in the area are two rods wide, the board moved to deem the portion of the Bat Hennesey trail near the Mazzilli residence, two rods wide. Rae reported correspondence with town attorney Paul Gillies and understood that it was within the authority of the Selectboard to make the determination via a motion.

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Stephanie expressed concerns about not having a public hearing/notification process for input before determining the trails width.

Discussion continued about Paul's original opinion that the town should not give up rights of way; and by making the determination that Bat Hennesey is two rods wide in no way impacts the requirements for zoning regulation setbacks requirements.

Rae said the problem tonight is that the stone retaining wall remains in the towns right of way, even at two rods wide. The foundation is out of the right of way. Is the retaining wall a structure?

Discussion followed about other stone walls being in the town right of way and that this stone wall is a retaining wall.

Public comment was allowed.

Brian Ward supplied the board with State Statues about town roads and trails being three rods wide unless found otherwise in land records, and if the width is changed, there is a hearing process. Brian said the wall is not a stone wall, it is a retaining wall.

Discussion followed about re-visiting the motion at the last meeting to determine that Bat Hennesey is two rods wide.

Rae remains confident that Bat Hennesey is only two rods wide and that the retaining wall is in the town right of way. The question is; do we the Selectboard let it remain in the town right of way.

Anthony spoke of Bat Hennesey washing some over the last seven years or so and his property pins are father into the ponds. Anthony is confident log trucks would continue to be able to use the trail with no problem. He read aloud a letter from a neighbor regarding trucks using the road in the area of the Mazzilli's. The letter was not submitted for the file.

Rae said the Selectboard is making their determination about measurements with information he (Mazzilli) submitted on the zoning application. The question remains, do we allow this type of construction in a town right of way.

Brian said his concern is not logging trucks, it is future development.

Ray commented about speaking with Sean McVeigh about Mazzilli's outstanding violation for placement of fill in a Class II wetland along Bat Hennesey trail and measuring the distance of the wall to the trail. Ray said because of the wetland, the town could not widen the road in that area.

When asked if the retaining wall is considered part of the structure, Zoning Administrator Deborah Feldman said yes, because it is attached to the foundation.

Discussion continued about whether or not the Selectboard has the authority to let a structure remain within a public right of way and in any case, a permit from the Development Review Board is needed.

Rae moved, shall the Town allow the Mazzilli's retaining wall constructed on parcel ID# 09-026.000 on the Bat Hennesey trail, be allowed to remain in the two rod wide area of the towns right of way. Dave seconded.

Discussion followed about this motion setting precedence for similar issues; and that trail/road setbacks are based on the centerline of roads as they currently lay.

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Clarification: a yes vote on the motion means the retaining wall can stay – a no vote on the motion means the retaining wall can not remain in the town right of way.

Vote: Dave - yes

Rae, Stephanie, John and Rob – no

The structure is not allowed to remain. The Selectboard is willing to accept additional evidence from the Mazzilli's should they wish to submit any else.

Anthony asked if he could return the slope where the stones are, back to the same slope as it was.

John said as long as you do not have a structure within the town right of way. But if he wants to do any work in the town right of way, he needs to get permission from the Selectboard via a Road Maintenance Permit application before any work is done.

Information must include: a diagram of what the road used to look like; the proposed work to be done; and a diagram of what the road will look like after the work is finished.

9:10 Dave left the meeting.

Library furnace replacement – discussion is continued from town hall repair.

Bob Mays said earlier that the Rinnai heater that is being taken out of the town hall, would suit the heating needs for the library.

John moved to exchange the Rinnai heater that is currently in the town hall, to the library, for a price not to exceed \$300. Rae seconded.

Discussion followed about having enough money in the library budget for this expenditure. Bob doesn't think there will be enough money left in the library budget to pay for the \$300, without going over budget. He would like the Selectboard to approve the expenditure.

John said the Selectboard heard earlier a very strong case about why the library should be closed. He said he wasn't aware until now that the \$300 would overspend the budget.

Stephanie asked Bob if he could ask for donations.

Bob said Gillespie Fuels was not asked to bid on the new town hall furnaces so he is hesitant to ask them to take out the Rinnai and reinstall it for free.

Discussion followed about why local contractors were not offered the opportunity to bid and what will happen if the \$300 request is denied by the Selectboard.

The discussion ended by John striking his motion and Rae his second.

Rae moved to hire a contractor for a price not to exceed \$300.00 to take the Rinnai heater out of the town hall and install it into the library. Dave seconded.

Vote: Rae, Stephanie, Rob and Dave were in favor

John opposed. Motion passed

Bob was given permission by the Board to hire Gillespie Fuels and told Bob they hope the Library Commissioner's can find the \$300 by donations.

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Capital Budget Plan and Capital Improvement Plan draft comments – Don LaRocca said the town needs an entity to fill in numbers on the Capital Budget Plan, that are realistic numbers, for things such as: how much the town plans to spend on maintenance for town building; when will the maintenance will be done ie: every 10 years, every 15 years; does the library stay or go; do we need a new highway truck etc., and fit the Capital Budget to that framework. The Selectboard will be expected to follow the Capital Budget once the final Plan has been adopted.

Discussion followed about documenting inventory of all buildings now, there condition etc., for a base to go from for a capital budget, and once it has been decided how many years it will be until maintenance is done on a building(s), that information can be included in the capital budget. Don thinks some or most of the capital budget committee would continue working on the capital budget, once they find out the Selectboard want a capital budget in place. Selectboard members like the draft, but thinks there is “tweaking” that needs to be done. Rob will attend the next capital budget meeting, on September 17th. The capital budget committee hopes to have a formal motion from the Selectboard to commit to a capital budget.

John moved to accept in principle the capital budget plan and hope that the plan is introduced to the town, in some form, by the 2010 budget. Rae seconded.

Discussion: This motion takes the next step to use the documentation information during budget preparation. At this point the Selectboard wants the capital budget committees help, but offer no authorization for decision making. A liaison from the Selectboard will be assigned to the committee to relay information back and forth. When the capital budget and capital improvement plan are in place, the town will have a history. The Selectboard will begin working on the 2010 town budget at a special meeting on October 12th.

Vote: All were in favor.

Wind Turbine ordinance draft – Don said the Planning Commission tried to cover the generalities in the draft. If State regulations come through, these will be mute, but something needs to be in place in case an application comes up. Don thinks most people will go to Act 250 for a wind turbine.

Discussion and comments on the draft was tabled until 9/21.

NEW BUSINESS:

Snowplow bid form – the wording on the bid form was amended to better suit the current needs of the town. Craig suggested and Meriden agreed that between the highway crew plowing and Meriden snowblowing, some of the roads on the current listing for plowing, could be removed. By this being done by the town, several thousand dollars may be shaved from the budget. Rae will talk with Craig about working on a couple of turnaround to make turning around the highway trucks easier.

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2010 budget preparation – Questions – where to start, what is the process, will there be articles this year, will there be major purchases this year, and will the budget be level funded?

Notice will be sent to the capital budget committee, departments, officers and board chairs, to submit 2010 budget requests to the Selectboard prior to October 12th when there will be a special meeting from 6-8 p.m. at the town hall to work on the budget. All will be told the Selectboard plans to level fund this years budget with last years numbers. Anyone submitting requests are welcome to attend the 10/12 meeting if they want to talk with the Selectboard.

REPORTS & COMMUNICATION, MAIL

Audit draft approval – A memo from Amy Deutl re: draft financial audit approval, asking if the Selectboard approve the draft audit and asking State Auditor Tom Salmon to come into a Selectboard meeting to answer questions about the audit.

Rob moved to accept the draft of the 2008 financial audit. John seconded. All were in favor.

The Board would like Amy to ask Tom Salmon to come to their 10/5/09 meeting at 6:30 to answer any questions about the 2008 audit.

VLCT annual meeting and nomination – A memo from Amy Deutl re: someone from the town attending the VLCT Unemployment Insurance Trust & PACIF meeting on 10/1/09.

John H. has already signed up to attend.

Planning Commission meetings – Don LaRocca asked if PC meetings have to be held on Monday nights. The Selectboard said the meeting night could be changed from Monday's with public notice.

Warrants # 74 and 75 – were approved as submitted.

Overload permit for David Welch was approved.

Existing curb cut permit for Deborah Feldman was approved.

Petition for use of town right of way from Waitsfield Telecom for repairs along Stevens Brook Road was approved.

Rae moved to adjourn at 10:50 p.m. Rob seconded. All were in favor.