

**Town of Moretown
Office of the SELECTBOARD**

Draft – Unapproved minutes of the September 21, 2009 Selectboard meeting

Members present: Rae Washburn III, Rob Roberts, Stephanie Venema, John Hoogenboom

Guests: Clayton Wetzel, Sandra Wetzel, Alex Maclay and John Williams from Channel 44, Kara Herlihy from The Valley Reporter, John Schmeltzer, Jonathan Siegel, Deborah Feldman, Matt Strassberg, Dara Torre, Tom Gibbs, Don LaRocca, Deb Sargent, Cheryl Brown as assistant to the Selectboard

Rae called the meeting to order at 6:00

Reports & Communication, Mail

Letter of thanks from Susan Werntgen for the recent improvements to the sidewalks.

Letter from Lucinda Newman requesting appointment to the planning commission. Lucinda will be invited to a Selectboard meeting to come and talk with the Board. Lucinda was advised to attend a planning commission meeting and introduce herself in the interim.

PUBLIC COMMENT:

John Schmeltzer – proposed trail behind Moretown Elementary School – John S. wanted to clarify that his only concern about erosion, was if the project happened late in the year. John said the Schoolboard supports the trail project.

John S. is adding language to the Forest Management Plan that incorporates the trail. Once the draft has been revised, John S. will pass it along to Schoolboard and Selectboard members for their review then he and Rae will meet to go over the revised draft. John S. said the Planning Commission charged him with making the revisions to include the trail in the Forest Management Plan.

Clayton Wetzel – ATV's on Class IV roads – Clayton said by Statute, ATV's are not allowed on public highways unless; when the road is not plowed and/or on snow; or the Selectboard have allowed ATV's access. Clayton asked if the Selectboard have authorized ATV's to travel Herring Brook Road.

The Selectboard have not opened up town roads to ATV's but have not stopped ATV's from using class IV roads and trails either as long as the vehicles are registered, insured, the operators are licensed etc., in accordance with State Statutes.

Clayton reported problems this last weekend.

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Sandra Wetzel – provided a list of questions for the board, pertaining to who/which governing body you call to address certain road problems. The list was reviewed and most of the questions were answered. Stephanie will talk to Steve Gladczuk and ask about traffic studies for class IV roads and trails.

Delinquent tax collector Craig Eilers – was scheduled to come in tonight and talk about procedures for hiring contractors to do town work. Craig was unable to attend tonight and will be rescheduled.

Approval of the minutes of the September 8, 2009 meeting – Stephanie moved to approve the minutes of 9/8/09 as written. John seconded. All were in favor.

Old Business:

Town Hall repairs and renovation update – Rae updated – the old furnaces have been removed and the new ones should be installed this week. The Rinnai has been moved to the library.

Stephanie thinks the Friends of the Library are paying for the installation of the Rinnai. Also a point person is needed to administer the grants for the town hall. Since Dave is the town hall liaison, he will be the grant point person. Dave will keep Amy Deutl in the loop with all grants and reimbursement submittals.

Rae reported a problem with there being no heat in the building this past weekend. The hall was rented and the renter was not happy there was no heat. Rae said the renter may be reimbursed their rental fee.

The board will review a draft of a new rental contract prepared by town hall organizers. At the suggestion of VLCT, language may be added to the draft that if there is to be alcohol at the town hall, the renter must provide proof of liability insurance. VLCT provided an option for a person to purchase insurance, for one time events for about \$100 that would effectively relieve the town from liability if injury resulting from alcohol being consumed in the town hall.

Class IV Road adjacent to Sainsbury's property – Discussion about how close the addition is to the center of the class IV road adjacent to an addition on Sainsbury's barn; if the addition was build according to the approved application; if the class IV road in question ends on the Sainsbury property, and the possibility of discontinuing the road.

John isn't sure the road ends on the Sainsbury's property, he thinks the road might link to properties on Moretown Common Road.

There will be a site visit on October 5th at 5:15 p.m., at the site of the addition/Class IV road. Rae will ask Paul Gillies if he did any work on TH #24, during his ancient road work that might help tell what property the road follows.

Treasurers report:

- Financial reports as of August 31st were provided to the Board.
- The budget should be about 67% spent to date.
- Some of the department spending is over 90%, so those budgets could easily overspend because of monthly expenses such as electricity and phone. Amy will try to do spending projections for the rest of 2009 for those departments.
- Jay Pilliod of Efficiency Vermont is working to help reduce energy costs in town buildings.
- The 2008 audit is complete and a printed report of the final audit will be available soon. Amy will call and schedule someone from State Auditor's Office to come to the 10/5 meeting to review and discuss the financial reports from the 2008 audit.
- About \$12,000 will be due in 2009 on the town garage bond that was not expected and not budgeted for. There will be money left in the highway budget to cover expenditure.
- A bond anticipation note will be gotten to pay for the town hall repairs, until a bond can be gotten next spring. Amy will research interest rates, and the possibility of financing through a bank rather than bond.
- The school's share of the deeryard mitigation proceeds will be forwarded to the school with tonight's warrants.
- Town Meeting minutes and last year's town budget are now on Moretown's website.
- Bookkeeping Etc. was hired to reconcile the 1st quarter bank statements. Since we have no town auditors, Amy would like to hire Bookkeeping Etc to reconcile the 2nd and 3rd quarter bank statements. It would be about \$175 for each quarter.

Rob moved to hire Bookkeeping Etc. to reconcile the 2nd and 3rd quarter bank statements. John seconded. All were in favor.

OLD BUSINESS:

Proposed trail behind Moretown Elementary School – Matt Strassberg and Dara Torre were present for the discussion.

Matt said there is nothing new to report but he wanted to clarify that John Schmeltzer's concerns about erosion, was if the project happened late in the year. Matt confirmed that the Schoolboard is behind the trail project.

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Discussion included:

- This is the fifth meeting about the trail and there has been a site walk so there has been public input
- The trail will not cost the town
- There is no additional insurance liability to the town
- The impact on hunting will require additional conversations. One possibility is to close the trail for hunting season.
- Matt thinks this trail is a pretty simple and straight forward issue and questioned the need for a town vote. Matt hopes the Selectboard can just say yes, they are behind the trail project.
- Due to the lateness year construction would not begin this year.
- There will be not motorized vehicles allowed on the trail. There was discussion that the trail being 6' wide might encourage motorized vehicle usage.
- The trail needs to be around 6' wide for safety reasons, because it is a multi-use trail.

Discussion continued - about some of the board members wanting additional public participation before approving a project involving town land, and because the Planning Commission recommended incorporating the trail into the Forest Management Plan, and the Forest Management Plan has not been adopted yet.

Dara spoke that John Schmeltzer is currently revising the Forest Management Plan draft to include the trail, including recommendations from Wildlife Biologist John Austin. Once that is done, he will pass the draft along to the Schoolboard and Selectboard, and he and Rae will meet to review the revised draft. Rae will then bring the draft back to the Selectboard for adoption discussion. The Board hopes the adoption discussions will happen at the first meeting in November.

Mazzilli structure in the town highway right of way – when the motion was made on 9/8/09, no date was set that Mazzilli's had to have the structure moved out of the right of way.

Rae moved to give the Mazzillis until November 1, 2009, to move the stone retaining wall out of the town highway right of way, as was ruled in a September 8, 2009 motion of the Selectboard. Rob seconded. All were in favor.

Cheryl was asked to send the Mazzillis a letter advising them the retaining wall must be moved by November 1st.

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7:55 break

VLCT hazard report review – items on the report were reviewed. To satisfy some of the recommendations, items may need to be added to the highway budget ie: an eye wash, floor drain, materials to rail the mezzanine. Some of the items have already been taken care of ie: purchasing a new step ladder, GFCI protected outlets, Craig will do a monthly inspection of all fire extinguishers to be sure pressure is within the limits and notate his inspections on the tag. One of the recommendations was, that if renter's of the town hall are going to have alcoholic beverages they should be required to furnish proof of liability insurance coverage as part of the application. The Board is considering revising the town hall contract to include recommendation. Discussion will continue on 10/5.

Rae will work with Craig on the highway items.

Wind Turbine draft ordinance – Stephanie moved to approve the wind turbine draft dated 7/7/09, prepared by Planning Commission and submitted to the Selectboard. John seconded. All were in favor.

The next step is for the Selectboard to hold a hearing for the proposed regulation and then present the ordinance by a Town Meeting article for voters to approve. A public hearing will be scheduled for 11/2/09 at 7:00 p.m. at the Moretown Town Hall.

1st Constable resignation – Rob moved to accept the resignation of Raymond Munn as 1st Constable, effective September 10, 2009. Stephanie seconded. All were in favor.

Rae moved to appoint Eric Howes as 1st Constable until March 2010 Town Meeting, the remainder of Raymond Munn's term. John seconded. All were in favor.

New Business:

Town Officer vacancies – The Town needs one Lister to fill the vacancy until March 2010 Town Meeting. We need Planning Commissioners, three town auditors, and DRB alternates/members.

Capital Budget Plan - Rob said the capital budget is supposed to be prepared by the Planning Commission and then submitted to the Selectboard for adoption. Because of this, Rob recommended increasing the size of the Planning Commission (PC) so capital budget committee members can help the planning commissioners prepare the capital budget. Rob said we need more people on the PC to get this capital budget adopted.

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Lucinda Newman presented a letter of interest earlier tonight.

Rob said members of the capital budget committee are ready to get on board with the PC to finish the capital budget, but the PC needs to be directed to do the work first.

Stephanie and Rob will draft an article to get the word out in the papers, website, and list serve, that we need people for town boards.

Resolution – The Selectboard requested a revised resolution to sign at their October 5th meeting that will bring the Planning Commission and the Development Review Board to seven (7) member boards. The Selectboard feels there is enough public interest to serve on both boards, to make the increase.

Class IV road policy draft – information is still being gathered to create a draft. Discussion included:

- One private road and some class IV roads are plowed by the town.
- A uniform plan that would treat all roads equally needs to be created
- The possibility that within a couple of years no roads in town other than class II and class III roads, will be plowed by the town, and yearly maintenance will be defined in the road plan as minimal following State standards language for class IV roads and trails.
- Rae will call Paul Gillies to be sure if the town has been plowing some private and class IV roads for several years, if the town can stop that service

Rae will work with Craig to get a list together of what class IV and private roads the town is currently providing town services to.

- Discussion followed that areas of the Herring Brook to Lynch Hill (trail #32), have heavy erosion. Deb Sargent said the trail goes through her property and the town has done no maintenance on the trail, but people are using it with motorized vehicles. When the vehicles come to the heavily eroded areas, they travel onto her property to get around the erosion, causing more erosion on her property that is deposited into the brook. She used to be able to ride her horses on the trail, but now she can not because some of the erosion is so deep. Deb said landowners are paying the price for the town's lack of maintenance. She would like to see Moretown be more protective of land resources, but if the road is fixed, it needs to be maintained.

Rae thinks this problem needs to be addressed, not only on this trail but other town trails as well.

Discussion: does the town repair and maintain the trails, or opt to discontinue some of the town trails?

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Deb suggested options:

- having a trail plan management plan in the capital budget
- throwing up the Herring Brook to Lynch Hill trail
- ban motorized vehicles from the trail
- pent the road

Tom Gibbs, who lives on Flynn Place (a trail off Bat Hennessey trail), asked for a definition of rules for how trails thru private property effect landowners. Can landowners cut trees with in the trail right of way? Why are some roads maintained differently than others?

Rae told Tom about the road maintenance plan being worked on that will treat all roads the same.

John Hoogenboom said roads and trails are three rods wide unless otherwise stated in the land records. No trees can be cut in the right of way without first contacting the town's Tree Warden, not even by the road crew. If people are cutting trees in the right of way, the Selectboard needs to know about it. Only the landowner can cut trees on his property that are in the right of way, once approved by the Tree Warden. If the town cuts trees in the right of way, the trees belong to the landowner. Maintenance on town rights of way must also be approved by the Selectboard by a Road Maintenance Permit.

Stephanie suggested having a group of volunteers who would study laws, town roads, work on a maintenance plan. She wonders if some of the information on these roads might be tied into the ancient road data being done by Paul Gillies. She said the ancient roads lookup work is not completely done, and so we need to find out from Paul how much it will cost to finish up the work so we can use the data.

Deb further suggested blocking the Herring/Lynch trail with stone and she will fence her property, and the town place signage that the trail is closed to motorized vehicles per order of the Selectboard, until the trail is repaired.

The board thought that was a good idea. Rae will work with Craig to get it done.

More old business:

Cuts to the 2009 town budget – a list of proposed cuts was reviewed.

\$200 for cleaning the town office for the rest of 2009 will be allowed.

The fire departments budget is only 30% spent. Fire Chief Will Houghton will be asked to project further spending for 2009 before cuts are finalized. The board will finalize budget cuts on 10/12/09.

Don LaRocca re: Capital Budget – Don said the planning commission (PC) has to be formally charged to prepare the capital budget and the plan has to be approved by the State to be official, but currently there are only two members on the PC.

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Rae told Don it was the intent of the Selectboard to increase the size of the Planning Commission so members of the capital budget committee can help with the capital budget process.

Don knows there are a few members of the committee that would be willing to join the PC that would be dedicated to capital budget work.

John moved to charge the Moretown Planning Commission with moving forward to create a Capital Budget. Rob seconded.

Discussion – Don will be glad to chair the Planning Commission and do the capital budget work that will be presented to the State and to the Selectboard.

Vote: All were in favor.

Capital Savings Reserve – Don LaRocca thinks that the capital budget committee could look to see how the capital savings reserve monies should be invested to maximize interest that could be rolled into the capital budget.

The Selectboard agreed that the capital budget committee should look in it.

Overload permit – was approved for Bemis, LLC

Existing curb cut application – was approved for Cherilyn Lamson

Rae moved to enter into executive session at 9:46 p.m., for the purpose of discussing an allocation from the Charles O. Davis Fund, whereby premature public knowledge would clearly place the recipient at a substantial disadvantage. Stephanie seconded. All were in favor.

Rae moved to come out of executive session at 10:00 p.m. Stephanie seconded. All were in favor.

Action: Rob will ask Amy Deutl to change the payee on warrant # 80.

Warrant #'s – 78 and 79 were approved as submitted. Warrant #80 was returned for to the Treasurer to amend the payee.

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