

**Town of Moretown  
Office of the SELECTBOARD**

**DRAFT – Unapproved minutes of the October 5, 2009 Selectboard meeting**

5:15 meeting on the Class IV portion of Bridge Road (near Sainsbury's barn)

Members present: Rae Washburn III, Rob Roberts

Guests: Scott and Pat Sainsbury, Deborah Feldman, Cheryl Brown – Board Assistant

Rae called the meeting to order at 5:15 and said we are here tonight because of the possibility that an addition built onto the original barn may have been built closer to the town road than was shown on the zoning application.

Deborah said she reviewed the permit application and it appears the riding arena (the addition zoning permit #98-87), was built closer to the town road than the permit application stated it would be. There also appeared to be an agreement made between the Selectboard (then 1998) and the Sainsbury's, that they (Sainsbury's) would survey a new right of way which would be laid out away from the addition. Sainsbury's found the cost of the survey would be about \$4,000, and abandoned the idea of the swap via a letter written to the Selectboard in 2003. No action was ever taken on the 2003 letter. Now questions have been brought to her as zoning administrator about the addition being built too close to the road, for which she turned to the zoning file and the Selectboard minutes for answers. She found there to be a verbal agreement between the Sainsbury's and the Town that was still unresolved that needs to be addressed by the Selectboard.

Scott Sainsbury gave a brief history, of raising the idea to the Selectboard (in May of 1998) that they would like to trade this right of way that goes near their main barn, for another right of way that would be closer to the river, following an old farm road before tying back into the town trail at another point. Scott said for liability reasons, they wanted to move the right of way that people might be using, away from the horses. Scott believes the town road ends on his property by an old spring.

Pat Sainsbury said the main barn has been in its current location for 100 years and even though it has seen repairs, its original "footprint" remains the same.

After looking at the addition as it relates to the original barn's setback distance from the town road, it was clear that the addition sets back several feet further from the town road, as it currently lays, than the barn does and therefore the addition did not increasing the degree of non-compliance in the zoning regulations from where the original barn is.

Deborah will write the Sainsbury's a letter that she is satisfied as far as zoning goes that the addition is in compliance with setback requirements per Moretown's Zoning Regulations. The location of the town right of way is not in her jurisdiction.

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The Selectboard will discuss the location of the Class IV, road and then respond to the Sainsbury's letter dated 9/27/03, regarding the location of the town right of way on their property and the land swap. The Class IV portion of TH #24 is 0.91 mile beginning around the original barn.

**6:00 p.m.** Rae reconvened the meeting at the Moretown town hall

Members present: Rae Washburn III, Stephanie Venema, Dave VanDeusen, Rob Roberts, John Hoogenboom arrived at 6:15

Guests: Kaj Samsom, Kara Herlihy of the Valley Reporter, Hoover Austin, Jonathan Siegel, Amy Deutl, Carl Wimble, Joseph Juhasz from the Office of State Auditor, Duane Howes, John Riley, John Schmeltzer, Cheryl Brown, Board Assistant

**PUBLIC COMMENT:**

**Kaj Samsom** – Came in because he/Schoolboard are involved in a playgroup that was hosted by the school as far as use of the school building, and run by Building Bright Futures a program of Washington County. Recently Moretown has been dropped from the location, so the playgroup is no longer run by a non-profit organization. A group of dedicated parents want to keep the playgroup alive but in order to continue at the school, the playgroup would need to be staffed. Kaj spoke with Paula Mastroberardino about using the town hall for the playgroup. Paula doesn't think there would be insurance liabilities involved, but possibly allowing the playgroup would set a precedence that others might want to follow. Kaj would like to use the town hall on a six month trial basis. The playgroup is once a week, during the day, for 1-2 hours. Activities include: dancing, reading, play mat, yoga, music, running around etc. and around 8 – 15 kids attend. Kaj said if the board wants additional information on the playgroup, they should talk with Amy Gaylord Brooks.

The Board will contact VLCT and authorize that Kaj be allowed to talk with loss prevention about the town's liability in hosting a playgroup supervised by volunteers.

**Carl Wimble - Invoice review** - Carl asked if any action has been taken to review invoices for the electrical work done on the town hall by Kevin Collins?

Rae said Doug Reed has the invoices but he has not heard back from him whether or not he has spoken with Kevin.

Carl suggested the Selectboard call Kevin themselves and ask him to come in and explain the invoices.

Hoover suggested inviting Don Wexler and Paula Mastroberardino to the meeting too since they were involved.

Kevin will be asked if he would be available to come to a meeting next Monday or Thursday.

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**Hoover Austin – town garage project items discussed –**

- The drainage has not been done
- The gas line (propane) needs to be put up
- Yew need to be fertilized and wrapped
- Sand is spewing onto the new grass
- E.F. Wall has not been paid for the final amount of the contract. Warranty agreement should be documented prior to releasing payment.
- The old access is being used by the road crew. Concerns that use of the old access by heavy town trucks, (use of the old road was supposed to be limited for Ward and Ferris use only other than emergency) will damage the root system on the new trees. Rae will talk with Craig. Hoover told Howard Ferris to write a letter of his concerns about town vehicles using the road.
- John wants to look at the deed.

**Amy Deutl –**

**Pay period change** – Amy spoke about earlier this year there was discussion about getting the highway crew on a bi-weekly (26 paychecks per year) pay period to follow all other pay periods and payroll can be done at the same time rather than processing payroll every week for the road crew as is the current procedure.

Discussion followed about possibly advancing funds to employees to help with the transition that would be paid back over time. The road crew has not been notified pay period change is possible.

**Treasurer extra help during busy time or for emergency situations** – Amy spoke about earlier this year (July) there was an issue while she was away, that the Selectboard did not sign a warrant because they were under the impression the warrant wasn't prepared by her, although last year during the property tax season when it was really busy in the office, she had her daughter come in and help out with tax receipts, which didn't appear to be a problem. She said if she has someone come in and help out again that is not an assistant but still someone under her direction, she wants to be sure it is not going to blow up in her face as it did in July.

John said he knew Amy prepared the warrant but that David Deutl (her husband) assisted her in preparing the warrant.

Amy said he came in and put paper in the printer for her. She asked if it was ok to have someone doing something for her because officially a treasurer can have only one appointed assistant.

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Cheryl Brown pointed out that there was more involved than putting paper in the printer. David Deutl had access to payroll and personal bank account information that were in a locked file cabinet, and access to property tax payments that were in the locked box on the front door. Cheryl said she personally has a problem with that happening.

Amy acknowledged that that was the case, and that she had directed him to do that, and that he put checks into the printer and paper into the printer, also under her direction. Amy asked if that was an issue?

Stephanie had concerns about someone related to her getting into files containing personal records.

John asked Amy if David had access to payroll files?

Amy said he might have yes, if he knew where to look for them.

Since he was here tonight Stephanie asked Deputy State Auditor Joseph Juhasz, if he could offer advise for this discussion.

Joe said he has a problem with it too, and the problem the State Auditors Office would have is people having access to social security numbers etc. If you are going to have someone assist the treasurer/clerk/anyone, who is not a paid official or an elected official to perform their functions, they should not have access to sensitive information. You have to protect that information and that is the function of the Selectboard through the management of the town. Joe suggested the Selectboard establish rules and procedures to minimize the risk of compromising sensitive information. Consider the potential risks. Establish a protocol in case of emergency situations, which involves no relatives for the protection of all. Internal controls are good management.

Joe was thanked for his comments. The board will be looking for recommendations from Amy of someone that could be used to help out for emergency situations.

**2008 Audit/financial reports** – Joseph Juhasz from the State Auditors Office came in tonight to answer any questions the Selectboard might have about the 2008 audit, or questions in general of the Auditors Office.

Discussion included:

- The Auditors Office can help address audit findings.
- Measures that could be taken by towns if the Selectboard finds financial functions of their treasurers are lacking, ie: they can not get financial information in a timely manner.
- Switching from a cash basis to an accrued basis.
- Switching from a calendar (12/31) year end to a fiscal year end (6/30). Pros and cons how it would meet the needs of the town; how it would impact budgeting; and how the transition from calendar to fiscal might be handled to have less impact on taxpayers.
- The Selectboard will provide the state auditors office with the management letter.

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- The Selectboard hires an accounting firm to do an audit, and they should be managing the audit process. Accountant's should be able to provide a firm cost to do an audit; discuss with the Selectboard what they going to be looking at for the audit, disclose what they find at the time they find it, and provide a preliminary report when finished for the Selectboard to review.
- A finished audit should be used as a management tool. Possibly through recommendations from an appointed audit committee and/or the town auditors.
- Operate as few bank accounts as possible.
- Simplify the budget process. The Selectboard needs to have line by line budget detail, but the town report does not.
- Take advantage of pier support from other town treasurer's/clerk's.
- Look at other town's reports ie: Milton, that might be used as a model town report
- There are items in the audit report that show over expenditures, but the auditors report shows no explanation. The auditors could have made a footnote that the over spending involved court litigation.
- If a professional audit of the town finances is done in the future, requests for proposal will most likely be sent out and a firm price for the audit will be gotten.
- The need for town auditors.
- Rob will request Sullivan, Powers & Co. provide an itemized accounting for all invoices for the 2008 audit.

**Approval of minutes:**

Stephanie moved to approve the minutes of the 9/21/09 Selectboard meeting as written. John seconded. All were in favor.

**Road Report by Rae and Stephanie -**

**Hurdle Road** – ditch work on the Hurdle Road loop, has been done since 2005. This year while doing the ditch work, the town's equipment went out of the highway right of way onto private property.

Frank Piazza wrote the Selectboard a letter dated 10/1/09, which tells of the ditching project on Hurdle Road involving his property and the property of the Fulton's. Frank believes the town went well outside of the 3 rod right of way, without his knowledge or his permission and would like a response from the Selectboard relating to this matter.

Discussion followed about procedures when the town needs to go onto private property to do a road project; whose responsibility it is to keep ditches clean; who is liable if we are working out of the right of way - town or landowner if someone gets hurt or equipment is damaged; and about having guidelines/policy for ditching work. Cheryl will look up old minutes to see if the town made an agreement with John Fulton to keep the ditch clean.

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Duane Howes commented about not being able to clean the entire ditch properly because of trees on Frank Piazza's property. He encouraged the Selectboard to go look at the area.

**Herring Brook/Lynch Hill trail erosion** – Rae asked Craig to look at the eroded area on the trail that Deb Sargent spoke of at the last meeting, and to put up signage closing the trail until the eroded area can be properly repaired.

Dave said he received a call asking if the town could close a trail without public notice. Rae thinks they can for public safety in this case because of the extent of the erosion but he will find out.

**Herring Brook Road** –

**Culvert** – Fountain Forestry agreed to pay for a culvert that needs to be replaced on the area of the road near the Wetzel's residence. The town will install the culvert.

**Log truck travel** – Rae received a complaint of log trucks traveling during school bus hours. He called the forester in charge of the logging operation, and was assured Fountain Forestry would take care of it.

**River Road** –

**Phase III – raising the road project** – FEMA will reimburse the town for 75% of the cost for raising a 2,000' section between the Barrows and Doenges residences, an overall 5' higher. A request for proposal will be sent out to five contractors, for hauling 5,000 cubic yards of donated stone being stored at the Moretown Landfill, and placing the stone onto an area of the River Road, and for the installation of a new 60' by 5' diameter steel culvert that is needed for Scribner's to continue access to their field once the road has been raised five feet.

**Town/school owned land near the recreation fields** – The road crew repaired a section of town/school owned land along the Doctor's Brook that had eroded. The Selectboard intends to invoice the school for half of the cost for the repair.

**Herring Brook Road reclassification** – Due to the cost for certified mailings and publication costs for public hearings (about \$500 total), the Selectboard decided to stop the reclassification process and continue from the 2010 town budget. Rae said he is not in favor of holding of on the reclassification process.

**Stopping town services on Class IV roads and private roads** – Discussion about stopping services on the Class IV roads and private roads that have been plowed and/or maintained for several years. Rae said he is still waiting to hear from Paul Gillies about the process for the town to stop servicing roads.

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**Butternut Hill** – John reported requests for maintenance on Butternut Hill. The request will be passed along to Craig Elwell.

**Snowplow bid changes** – Duane Howes asked about changes to the snowplowing bid document. Some roads that were being plowed by private contractors were deleted entirely from the list and will be plowed by town help, and the remaining roads were grouped together. The new bid form also includes a different pay formula, breaking the total yearly “not to exceed” into five equal payments – December – April.

Break

## **OLD BUSINESS:**

### **Town Hall business:**

**Keefe & Wesner invoice #11** – an invoice was received totaling \$881.57, from Keefe & Wesner. No description of services rendered was listed on the invoice.

Dave said he was not aware that the town was going to be billed for past conversations with Tom Keefe about the repairs, the need for construction manager etc.

Discussion followed –

- about getting a break down of what services the invoice reflects
- there was a proposed contract from Keefe & Wesner dated June 4, 2009 that was never implemented

**Financing the repairs and renovations** – Amy thinks we need a handle on the total costs before applying for a bond anticipation note.

Hoover thinks Doug Reed is putting numbers together.

Dave will make an effort to meet with Doug and figure out how much of a loan we need.

### **Carpentry/heat/construction/paint/concrete –**

- Hoover said the heating system has been installed and is running
- The outside of the building has been primed and repairs to the trim and clapboards have been identified - with Doug Reed
- Hoover has Tom Keefe’s drawings showing the building elevation and proposed renovations. Hoover and Doug will get together.
- The concrete walk and step repairs should be done next week
- Hoover said the elevator needs servicing. Hoover was asked to tell Doug.

**Grant administrator** – the town received a \$6,000 grant from Historic Preservation and a \$12,000 Climate Control grant. There needs to be a person to administer the grants. Dave is willing to do that, but he may need guidance because he has never done it before. Stephanie offer to help Dave.

**New Business:**

**A Resolution to increase the size of the DRB and the Planning Commission** – DRB Chairman John Riley was present for the discussion.

John R. said he thinks a five member DRB works well. The DRB is currently a five member board, with three active alternates. There may be a vacancy soon though as John thinks one member may be moving out of Moretown.

Stephanie thinks there should be an advertisement put out to see if members of the community are interested in helping out on various town boards and office vacancies.

John R. said he would encourage anyone interested in being on the DRB to review the zoning regulation, town policies (conflict of interest), and attend training, and get a commitment that they are on the DRB to apply the zoning regulations.

Rob moved to increase the size of the Planning Commission from a five member board to a seven member board, and that the Selectboard sign a new Resolution to make the change. Rae seconded.

Discussion followed: Stephanie is preparing an advertisement to fill various town positions, and about changing the Planning Commission to elected positions rather than an appointed position if there is a lot of interest from the advertisement.

**Vote:** All were in favor.

**Town Office security** – The Selectboard received a letter from the town clerk, dated October 5, 2009, which states that the front door to the town office was left open and unlocked. This is the second time that has happened, both times being on a Monday morning. The letter states that it is the town clerk's responsibility to protect all documents in the town clerks office, whether they are in the safe, vault, file cabinet or on a computer. Cherilyn requested permission to have the locks changed on the front door and that the door between the town clerk's office and the meeting room, be locked.

Discussion followed:

- That the restroom is in the town clerk's office and would no longer be assessable to people attending meetings at the town office
- About the function of locking the front door – unless you push the button on the door, it automatically locks when you close the door
- One of the uses of the town office is a meeting place for everyone as long as it is used correctly
- Making people who have keys to the town office (currently 17) accountable by signing in/out

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- Possibly get all the keys back or limiting the keys to Board chairs
- Have the town constables/Selectboard members check the door on weekends
- The copier also used as a printer, is in the front office

Decision: At this time, the lock on the town office door will not be changed and the door between the town clerk's office and meeting room will not be locked.

**Town Fair** – John Hoogenboom attended the Town Fair. He had an opportunity to talk with Secretary of State Deb Markowitz about the use of email. Deb cautioned using email if it even hints of a decision making process. Email is for informational purposes only.

**Water System improvements at the Moretown Elementary School** – John Schmeltzer said during the water system improvements work being done to meet State requirements, it was found that Grandfield's water line was leaking. The contractor did not hit the water line, but it needs to be repaired. Because it was recently found the town office is on the school's system a secondary water system is needed, so they had to dig across the school parking lot. An additional \$6,000-\$7,000 cost to the project has already occurred, so John S. is asking the Selectboard to pay a sum not to exceed \$1,500 to repair the water line. The Grandfield's feel the repair should be paid by the school or town. John S. thinks \$1,500 is a reasonable price.

Discussion followed about why the repair should be the responsibility of the school/town when the waterline was not damaged by the contractor hired to do the water work, and about making a timely decision so the work is not held up.

Dave moved that Rae sign the proposal from New England Water Systems, Inc. for a price not to exceed \$1,500, which represents time and material to repair the water line that travels through the school parking lot to the Grandfield residence. Stephanie seconded. All were in favor.

**Other school business:**

**Roof** - John Schmeltzer quickly reported that the roof repair to Moretown Elementary went well and should be under the amount approved by the voters. It is possible a no interest loan can be acquired to pay for the repair.

**REPORTS & COMMUNICATION, MAIL**

**Letter from Anthony and Elisabeth Mazzilli** – The Mazzilli's are concerned that they will be able to meet the November 1, 2009 deadline to remove the stone retaining wall that lies within the town right of way on Bat Hennesey Trail, and would like an extension.

No action was taken on the letter tonight. The Mazzilli's are scheduled to attend the October 19th Selectboard meeting.

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**Letters from:**

**Amy Deutl, and**

**Jonathan Siegel** – both are members of the capital budget committee, both are requesting appointment to the Planning Commission.

No action was taken on the requests.

Dave moved to enter into executive session at 9:45 p.m. for the purpose of discussing labor relations with an employee, where pre-mature general public knowledge would clearly place the municipality or person or persons involved at a substantial disadvantage. The Selectboard assistant was invited to stay for the discussion. John seconded. All were in favor.

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

Rob moved to adjourn at 10:00 p.m. Dave seconded. All were in favor.