

**Town of Moretown  
Office of the SELECTBOARD**

**DRAFT - Unapproved minutes of the October 19, 2009 Selectboard meeting**

Members present: Rae Washburn, Stephanie Venema, Dave Van Deusen, Rob Roberts and John Hoogenboom arrived at 6:10

Guests included: Mary Fleming, Mary Jane Blouin, Maxine Grad, Caroline Strauss, Kara Herlihy, Karen Horn, Bruce Talbot, Hoover Austin, Dick Valentinetti, Bill Wilcox, Deborah Feldman, Craig Eilers, Brian Ward, Elisabeth & Anthony Mazzilli, Carl Wimble, Eric & Addison Howes, Doug Reed, Amy Brooks, Eliza Cain, Lucinda Newman, Cheryl Brown-assistant to the board

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

**Public comment:**

**Yoga group – Mary Fleming** said she/yoga group is here tonight because previously when she requested to be able to rent the town hall for winter use for yoga classes, she was turned down twice because the yoga classes were not proper use of the town hall building, liability insurance issues and wear and tear. Her students have asked her to try again, so she is here tonight to request that the Selectboard allow the use of the town hall for yoga classes. Mary charges a small fee to teach the yoga class. She is a nurse by trade. Mary asked what the proper use of the town hall is?

There is no “use” policy in writing for town buildings.

**Caroline Strauss** – said Bruce Talbot, Maxine Grad, Mary Jane Blouin, Karen Horn and herself all take part in the yoga classes. Caroline said there is no cleaning involved no running around so no one can get hurt, and can not understand why they have been turned down in the past. Caroline would also like to talk about the rental fee for use of the building 5 hours per week.

**Bruce Talbot** – talked about how the yoga helped as therapy for his medical condition.

Member of the yoga class will come back for the November 2<sup>nd</sup> meeting to continue this discussion. Caroline said they would like to know that night if the town hall will be available, and if so at what price.

**Bill Wilcox** came in to talk about the library budget. He said he heard the Selectboard had been asked to cut the library budget and he is concerned the library may be a target. Bill told of donations from the Friends of the Library that have paid for a lot of work to the building.

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Rae said citizens have come forward with concerns about how much the library has cost the town over the last three years.

Discussion followed about whether or not a petition with names of supporters for keeping the library services as they currently are, would have an impact on the boards decision. Also discussed was: use of the school's library by the general public during school hours may be a concern of the school directors; Moretown being so spread out; the possibility of the Friends of the Library helping out with maintenance costs; and about what the actual library usage numbers are.

**Richard Valentinetti –re: health order** – Dick requested time in private to discuss an imminent health peril with the Selectboard.

John moved to enter into executive session at 6:25 p.m. to discuss a clear and imminent peril to public safety, and ask Dick Valentinetti, Moretown's Health Officer, to stay for the discussion. Dave seconded. All were in favor.

Dave moved to come out of executive session at 6:36 p.m. Stephanie seconded. All were in favor. No action was taken.

**Craig Eilers** – came in because there was discussion a year or so ago about having a formal policy about how the town would handle bids and/or contracts received from people on the delinquent tax list. He said currently there is no written policy and it is difficult for him to answer questions from townspeople about why a person who owes taxes can receive money from the town. Craig wonders if wording could be added to the Purchase Policy that would address this issue.

Discussion followed about having a policy that might restrict delinquent tax payers from bidding on any town projects that involves money, or running for public office. The purpose might require people to disclose that he or she has delinquent taxes. Possibly require a percentage of the contract be apportioned to the delinquency to be proactive in helping the taxpayer pay their taxes, while not discriminating against them from bidding for town work.

Discussion about some town's going so far as adopting a policy so that the town would have the ability to say; if a person is delinquent in their town taxes, they are not eligible for local zoning permits.

Rob will ask an attorney his opinion before going further.

Karen Horn will try to find information from the Vermont League of Cities & Towns and talk with the staff attorney.

**Lucinda Newman** – came in to talk with the Selectboard about because she is interested in becoming a member on the planning commission. Lucinda said she attended the last two Planning Commission meetings and feels she has something to bring to the PC. Lucinda lives on Lover's Lane Road, she has a Masters degree in environmental law, is a consultant for water quality, and owns a small business on Route 100B for equine coaching. She said there is a need for organization in the PC and she went over ideas with Don LaRocca.

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John moved to appointment Lucinda Newman to the Planning Commission for a four year term. Dave seconded.

Discussion followed about striving to have diversity on town boards so there is a good mix of professions, and people who are interested on serving on town boards need to be committed to do research to make good decisions on the Town Plan and Zoning Regulations.

Vote: All were in favor.

**Anthony and Elisabeth Mazzilli** – came in to present more evidence, in the form of a report dated October 14, 2009, prepared by Russell W. Rohloff, P.E. Elisabeth stated that stone walls are exempt in the zoning regulations from requiring a permit, because they are not a structure. She said they definitely encroached on the town road, but the bank/stone is further back than the original bank was. Elisabeth said there are countless examples around town of stone lying in the town road right of way that have not been addressed by the Selectboard. Elisabeth said they would be willing to enter into an agreement with the town that if the road is ever reclassified, they would remove the retaining wall. Elisabeth believes if you find their property line pin, the road has encroached onto the Mazzilli's property, and added that it doesn't make sense to move the wall now if it is not restricting access from anyone using the trail system. The Mazzilli's are willing to draft an agreement for the Board to look at.

Brian Ward said the road has not moved in 38 years.

Deborah Feldman provided photos taken before and after the retaining wall was built. She said Mr. Mazzilli to cease all work before the retaining wall was built. The retaining wall was built after he turned in his zoning application and it was around that time she told Anthony all construction was to stop.

Elisabeth told the board that the retaining wall was part of Sean McVeigh/ANR's remediation to stop erosion. Mr. McVeigh said to secure the bank with stone.

Discussion included:

- Some of the board members remember the area looking differently when they visited the site
- Revisiting the site now
- Already one structure in town built too close to the town road without a permit was removed
- Some of the items shown in the photos provided by the Mazzilli's could have been there for years, so keep in mind that zoning regulations change over the years
- There are other measurers for erosion control other than placing rock
- Mazzilli's will try to get something in writing from Sean McVeigh about placing the stone for erosion control.

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Dave moved that the Selectboard will not take action on the order that the retaining wall be removed by November 1, 2009, until after the Board has time to review the evidence submitted by the Mazzilli's tonight. Rob seconded.

Discussion – The minutes from 9/8/09 indicate that the Selectboard would give the Mazzilli's time to submit additional evidence if they wanted to.

Even though Brian Ward's property is in Duxbury, the Bat Hennesey trail is the only access he has to his property. Brian said you already gave up one rod of the access, others like Frank Piazza, also own property further up the trail.

Vote: Dave, John, Rae and Rob were in favor.

Stephanie abstained. Motion passed.

The issue will be listed on the 11/2/09 Selectboard meeting agenda

**Approval of meeting minutes:**

**10/5/09** – Stephanie moved to approve the minutes of 10/5/09 as written. John seconded.

Discussion – a typo on page 6 will be corrected on the recorded copy.

There are several items from the 10/5 meeting that need to be discussed at some point.

Vote: All were in favor of approving the minutes with the page 6 correction.

**10/12/09** – Stephanie moved to approve the minutes of 10/12/09 as written. Rob seconded. All were in favor.

**OLD BUSINESS:**

**Playgroup** – Amy Brooks came in tonight to talk with the Selectboard about using the town hall for the playgroup on Monday mornings. She said the playgroup had been using the Moretown Elementary School, but due to budget cuts, Moretown was nixed from the system. Because the playgroup is not a certified event supervised by a school teacher/employee, the playgroup can not longer use the school building.

Discussion followed”

- Some advantages for children to participate in a playgroup are social, a good start, easy way to network, and to build motor skills
- Letters of support from Moretown taxpayers were submitted with the request
- Any timing conflicts with rentals of the town hall can be worked out

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- There is no charge for the playgroup
- Insurance coverage for use of the town building for the playgroup will be further reviewed
- Maximum of 15 children in the playgroup
- Generally all parents stay with their children
- Why is the playgroup using the town hall without their own insurance different than an individual renting the hall for a party/gathering?
- There needs to be a policy establish to address allowed uses for town buildings
- Parents could sign a waiver relieving the town of all liabilities if insurance is an issue

Dave moved to allow the playgroup to use the town hall one day a week for 1.5 hours on a six months on a trial basis, with the stipulation that they clean-up, and that parents supervise their children, and that parents sign a waiver releasing the town of all liabilities. John seconded the motion.

Discussion followed:

- How much does it cost to heat the building per day? Rob will look into that. Could the playgroup help offset the heating costs? Amy said she would have to look into that.
- Typically the thermostat is set at 64 degrees. That temperature would be fine for the playgroup.
- Playgroups have been allowed to use the town hall off and on over the last 20 or so years.
- In an October 7<sup>th</sup> email from the town's insurance carrier (VLCT), underwriter Dan Roda states; from a risk management perspective, best practice would be to require an independent non-profit group to provide evidence of general liability insurance naming the town as an additional insured, and recommend that the town obtain proof on insurance prior to allowing them to use the town's facility.

John withdrew his second. Dave's motion died.

More discussion:

- The yoga is a business, this is a playgroup.
- There have been two requests tonight to use the town hall, both from taxpayers, there needs to be consistency in the decisions. A policy would help the decision making, even if it takes a couple extra weeks.
- Hoover mentioned that there will be construction for the next month. He has been holding off doing some of the work for the last month or so to accommodate rentals, but he needs to get the work done before winter. He keeps in contact with Paula Mastroberardino about the rentals.

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- Contact other towns that have playgroups using their town buildings, to see if they have extra insurance coverage.
- Possibly use the downstairs for the playgroup

John moved to make a decision at the 11/2/09 Selectboard meeting. Rob seconded.

Discussion – the board will talk with the town attorney and the town hall committee.

Vote: Rae, John, Stephanie and Rob were in favor.

Dave opposed.

Break at 8:10 p.m.

**Town hall business –**

**Project status - windows** – Hoover should have the windows out in five days or so. Plywood will be put in place of the windows until they are repaired, which should be by the 11/2/09 Selectboard meeting.

**Painting** – Doug said all four sides of the building are primed and clapboards have been repaired. A lift should be here this week so do the cupola work. Hopefully the painting will be done this week.

**Carpentry** – Hoover is working on the lattice and clapboard work. There needs to be a new light installed in the mechanical room, possibly Kevin Collins could install that. Dave will call Kevin and if he is willing to do that free, he will ask Kevin to call Doug Reed to get into the building.

**Elevator** – Hoover and Joe Gabaree worked on the elevator and it is working fine now, but because it floats down, it needs to be kept on the top level. Hoover said Joe spent a considerable amount of time working on the elevator maintenance and he would like to give Joe \$100 for his help. The Board approved a \$100 change order for Joe Gabaree's work on the elevator.

**Water filtration system** – Hoover will do an inspection

**Furnaces** – the furnaces are installed and running. Some of the grills need to be replaced that are in poor condition.

**Town office building expansion –**

Rae said because we are out of room at the town office, he asked Doug Reed to do an evaluation of how the town office could be expanded. Doug reported:

- Need more vault room – move the bathroom and the current bathroom becomes a vault.
- Build on an addition where the current town clerk's office parking is, large enough for two more offices and room for the lister's to work.
- With the additional offices, the town clerks office could be locked.

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- Estimate \$50,000 for the addition
- A second floor is not a good idea because you would need an elevator and stairs.

Doug will provide the Selectboard with a sketch to give a general idea of what the building would look like, and include an estimated cost for the renovation.

**more town hall business –**

**Grant administration** – Dave has copies of both the \$12,000 Climate grant and the \$6,000 Historic Preservation grant. The Climate grant agreement needs to be completed and sent back. Dave and Stephanie will work on that. Cheryl will call Historic Preservation and find out how/what invoices can be submitted for reimbursement.

**Snowplow and fuel bids –**

**Snowplow bids were opened and read aloud as follows:**

Eric Howes

GROUP I

\$50 PER STORM PLOWING

\$50 PER STORM SANDING

\$1,500 NTE/YR. FOR PLOWING

\$3,000 NTE/YR. FOR PLOWING & SANDING

GROUP III

\$50 PER STORM PLOWING

\$50 PER STORM SANDING

\$1,500 NTE/YR. FOR PLOWING

\$3,000 NTE/YR. FOR PLOWING & SANDING

John Jenkinson

GROUP II

\$80 PER STORM PLOWING

\$1,900 NTE/YR. FOR PLOWING

NO BID FOR SANDING

There was a lengthy discussion about accepting the “Not to Exceed” (NTE) amount which with the new contract wording no matter how many times contractors plow or sand, they would get paid the NTE/YR, or to amend the contract and contractors would get paid only for what they actually plow or sand (price per storm).

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Stephanie moved that we accept John Jenkinson and Eric Howes bid for snowplowing and sanding as presented, and that the payment schedule be the same as last year, to pay on a per storm basis and the total will not exceed the limit on the bid, and if bidders do not agree to these terms, bids will be rejected and go out again with revised payment terms. John seconded.

Discussion about how to handle the bids and that bidder's must approve the change in the payment schedule or all bids will be rejected and put out for bid again.

Rae thinks the NTE/YR. is based on the contractor's best price possible to do the plowing and sanding, and that contractors should be paid that NTE/YR otherwise, it is not fair to the contractor.

**Vote:** two were in favor  
two were against  
one abstained. Motion failed.

Discussion continued.

Eric Howes was present for the discussion and agreed that paying contractors on a per storm basis was fair, and would agree to change the bid contract to pay him the same way he was paid last year, on a per storm basis. John Jenkinson will be notified of the change in the payment schedule to be sure he accepts the contract change that payments for 2009-2010 snowplow contract will be the same as last year, a per storm basis. Cheryl will contact John.

Vote again on the original motion by Stephanie that we accept John Jenkinson and Eric Howes bid for snowplowing and sanding as presented, and that the payment schedule be the same as it was last year, to pay on a per storm basis and pay no more than the total not to exceed amount, and if bidders do not agree to the contract change, bids will be rejected and go out again with a revised contract. John seconded.

**Vote:** John, Rae, Stephanie and Rob were in favor.  
Dave was not in favor. Motion passed.

Rob and Rae want the record to show that as long as Eric Howes and John Jenkinson understand they are going to be paid the same way as they were last year, per storm with a not to exceed and not as listed on page #3 of the bid form, they are in favor of accepting the snowplow bids as submitted tonight and that their vote is based on that understanding.

**Fuel bids were opened and read aloud as follows:**

<b>Gillespie Fuels</b>	Diesel fuel	<u>Capped pricing</u> \$2.45 per gallon
	Propane	\$1.50 per gallon
<b>Suburban Propane</b>	Diesel fuel	no bid
	Propane	\$1.66 per gallon – fluctuating

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Stephanie moved to accept Gillespie Fuels bid as presented tonight, for diesel fuel and propane. Dave seconded. All were in favor.

**Planning Commission appointments** – Lucinda Newman was appointed to the planning commission earlier tonight. Rube Scharges, Amy Deutl, and Jonathan Siegel requested appointment to the planning commission earlier this month. Eric Howes requested appointment to the planning commission tonight. There are four people interested and only three positions available.

Discussion followed about whether or not the town treasurer should be on the planning commission or be the advisor for the planning commissioner's work on the capital budget. Rob will talk with Amy Deutl about this.

Rob moved to appoint Rube Scharges and Jonathan Siegel to the Planning Commission for a four year term. Dave seconded.

Discussion – followed about whether or not Eric can be on the Planning Commission and remain as an alternate on the Development Review Board.

Vote: Stephanie, Dave, John and Rob were in favor.

Rae abstained. He feels Amy Deutl should have been appointed as well.

**Forest Management Plan** – Rae and John Schmeltzer are still working on the revisions. Discussion was tabled until the 11/2/09 meeting.

**Village Hill Safety Study** – Stephanie said we need to respond to the recommendations on the study. There is money to pay for some of those recommendations and we need to address some of the safety concerns as a board.

Discussion followed that the idea of cutting the large tree by Frena Cuttler's house being a subject of resistance. Discussion was tabled until 11/2/09. Stephanie will come to the Board with recommendations.

**Proposed trail behind the school** - more discussion will be scheduled for 11/2/09. The trail committee would like a commitment from the Selectboard that they support the concept of the trail, at the 11/2/09 meeting.

Discussion followed about presenting the trail plan to the voters at town meeting.

**Class IV road maintenance** – In a memo dated October 15, 2009, Paul Gillies said there is no obligation to maintain Class IV highways. Having maintained them in the past does not give any landowner a vested right to continued maintenance. A hearing, inviting interested persons, is not required, but makes a good deal of sense.

John thinks the residents on Soapstone Road should be notified that this is the last year the private road will be plowed.

A hearing will be scheduled as soon as possible.

**Frank Piazza** – Rae will meet with Frank about a letter dated 10/1/09, that he wrote to the Selectboard about a ditching project on Hurdle Road involving his property.

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Rae moved to enter into executive session at 10:35 p.m. to discuss possible civil action where pre-mature general public knowledge would clearly place the town at a disadvantage. The selectboard's assistant was invited to stay for the discussion. Dave seconded. All were in favor.

Rae moved to come out executive session at 10:40. Rob seconded. All were in favor. No action was taken.

## **REPORTS & COMMUNICATION, MAIL**

**Herring Brook Road** – Communication from Ann Horsman about her concerns about a culvert on Herring Brook Road.

**Kingsbury Construction invoices for Mountain Road box culvert installation** – Patrick Ross has approved the work and the Board approved the invoice for payment. An invoice from Camp Precast for grout, was not approved for payment.

**Road reports** – third quarter road maintenance and repair cost reports were provided by Stephanie.

**Highway crew payroll period change** – Rae said he spoke with the road crew about going from a weekly payroll to a bi-weekly payroll. The road crew is adamant about getting paid every week. One reason is that they feel more taxes will be withheld if they are paid bi-weekly.

Stephanie will call Amy Deutl and ask if that is true and what might be done to solve that issue. She will ask Amy to provide comparisons for the board to review.

**Library budget request** – a budget request and budget request explanation was received from the library. A special meeting will be schedule on 10/26 to work on the 2010 budget and articles. Library Commissioners will be invited to attend that meeting to present the proposal.

**Budget draft summary** – Rob provided a draft budget for all departments, indicating last year's budget and any requested adjustments for 2010, bond payments, and proposed articles (reappraisal, ACS system for recording, appropriations for community services etc).

**Town insurance renewal** – the town's insurance renewal is due 11/16. John will look into pricing insurance from other companies. The renewal from VLCT is due 11/16/09.

**Treasurer's helper** – letter from Amy Deutl dated 10/13/09, submitting the name of Kelly Wood to help out during busy times and for emergencies.

Rob was given permission to talk with Amy about questions the board has, before responding to Amy's letter.

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**Zoning Administrator** – Deborah Feldman submitted a letter to the Selectboard that even though the office of the Zoning Administrator has become busier over the last 21/2 years, she is not asking for an increase in the Zoning Administrator 2010 budget.

**Town Clerk's office security** – Rob plans to draft a policy addressing locking the doors and loaning keys to town buildings. Rob will talk to Cherilyn Lamson about the policy.

Stephanie reported: **Traffic counts** – are in progress on Pony Farm Road and Herring Brook Road. CVRPC is conducting the counts at no cost to the town.

**Lover's Lane bridge** – there may be grant money available to repair the bridge.

**Jct. of Routes 100 and 100B signage** – is a problem for the Maynard's because people miss the signs and turn around in their yard. Tom Urell from AOT met with the Maynard's to hear their concerns and nothing happened. John said he has spoken with AOT personnel in the past about the signage as well.

**Warrant #'s 86 and 87 were approved as submitted.**

**Road maintenance permit application** – from Ron Papineau to do work on Bat Hennessey Ext/Flynn Place. The application will be given to Craig Elwell to look at before the board reviews the application.

**Overload permit** – was approved for Owen Wimble Jr.

**AOT project amendment** – to delete the breakdown on the original agreement.

Dave moved to adjourn tonight's meeting at 11:15 p.m. Rob seconded. All were in favor.