

**Town of Moretown
Office of the SELECT BOARD**

Draft – Unapproved minutes of the 6/7/12 selectboard meeting

Special meeting held for the purpose of discussing a Notice of Intent to Appeal Bridge Construction with the town's attorney, received by the Sainsbury's.

Board members present were: Tom Martin, Clark Amadon, Michelle Beard, John Hoogenboom. Reed Korrow was unable to attend tonight's meeting.

Guests included: Mark Austin, Meriden Nelson, Raymond Munn, Jack Wood, Pat Cox, Scott Sainsbury, Rachel Goff from the Valley Reporter, Carl Wimble, Paul Gillies as Moretown's legal counsel, and Cheryl Brown as the board's assistant

Tom called the meeting to order at 6:00 p.m. and gave an overview of the financial impact Tropical Storm Irene had on Moretown. Tom expressed his disappointment and financial concerns associated with the three requests (listing them aloud) made in the "Intent to Appeal" letter delivered to the board on 6/4/12 by Pat, from their attorney Heather Jarvis of Cheney, Brock & Saudek. Tom said after having thoroughly read the letter, as Chairman he contacted Paul Gillies for his opinion and asked that Paul attend tonight's meeting to offer the board his recommendation about how to address the Notice of Intent to Appeal the Bridge Construction.

Paul Gillies said the board may want to look at the public value of this road. There is a statewide movement that selectboards' are cutting down on their roads via the State process, to save money. The road ends on the Sainsbury property, and does not service the public. The town has no obligation to keep even a class III road. There would be no compensation due the Sainsbury's if the Town were to remove the bridge altogether. Paul's recommendation is to discontinue the road and so there would be no need to replace the bridge.

Tom said his opinion is, because the board has been put in this contentious position by the letter, he thinks we should move forward with the discontinuation of the road.

John asked about the town's legal obligation on class III roads for gas; utility trucks etc. to access homes.

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Paul said there is none, except to maintain class III roads. Class IV and trails, no maintenance is required at all. Roads go to / from, this road does not.

John stressed, in his twenty-four years on the board, we have thrown up only one trail. He finds it tremendously drastic to throw up a road, because when one is gone, it is gone.

Tom said again how shocked he was with the demands in the letter.

Scott said fundamentally this comes down to one issue, the tree.

Tom contested the letter from Sainsbury's attorney which states the minutes from 4/9/12 are incorrect, when they reflect Scott and Mark agreed to the plan submitted that night. Tom read aloud Mark's and then Scott's agreement to the plan from the video tape from the 4/9/12 meeting.

Scott said they truly felt the tree issue got pushed aside several times.

Pat said they misunderstood, they thought there would be a written landscape plan, and went on to say that they pay over \$20,000/yr. in taxes, and she feels the property has some benefit to the town, not only in taxes but as employers, and by the fund raisers they have at the property.

Tom said we appreciate that, but we cannot give tit for tat.

There was more discussion about the Sainsbury's property value and direct financial impact to them if the bridge is not replaced. Pat said she felt with nothing in writing, we sought out an attorney to have landscaping/tree in the bid.

John said in the meeting earlier tonight, the only thing the Sainsbury's mentioned was a tree.

Discussion followed about the health of the willow tree being in question; the language in the letter suggests a 30' or 40' tree be planted; about setting a precedence by replacing trees for road/bridge projects; plantings done by property owners in the right of way; the Austin's "giving up" for this project; after the bridge is put in, discontinue the road; line of site for the Austin's for cars coming off the bridge; and Evan Detrick of DuBois & King said in a prior meeting that typically contract wording will take care of concerns.

Mark is worried about trees being on the riverbank because it might shift the ice to his side of the river.

Clark said if we can work this out it would seem that going forward with replacing the bridge makes sense. If there is a town project that damages personal property he is sure it can be worked out, but with the timeframe we have to do this project it seems logical to make decisions as soon as possible.

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Jack asked if the public has access to the class IV road. The answer was yes.

Scott said not putting in the bridge would do a lot of horrible things.

John said he is the Tree Warden he will see to the trees somehow, but what about the other items in the letter.

Scott and Pat both agreed to retract the Notice of Intent to Appeal Bridge Construction.

Clark moved; seconded by Michelle to adjourn at 7:00 p.m. All were in favor.