

**Town of Moretown  
Office of the Selectboard**

**Draft** – Notice of unapproved minutes of the 7/16/12 selectboard meeting, and the site visit and hearing relating to proposed relocation of trail #49

Site visit at trail #49 –

Board members present were: Tom Martin, Clark Amadon, Reed Korrow, Michelle Beard, John Hoogenboom

Guests included: Calvin & Nancy Blodgett, Travis Blodgett, Dawn Kellett, Kathleen Skomitz, Dave Gage, Dean Moulton, Guy Martin, Patrick Martin, Steve Korrow, Paul Tartaglia, John Jenkinson, Brooke Dingleline Esq., Paul Gillies Esq., Cheryl Brown as assistant to the selectboard

Tom called the meeting to order at 6:00 p.m. and stated that the purpose of the site visit is to observe. There will no testimony until the hearing later this evening.

The group toured six sites depicting: the spot where vehicles have crossed Cox Brook to access their property for several years (between the two Blodgett's property); areas along the Mountain Road/Cox Brook where portions of old bridge abutments remain; a low point off Moretown Mountain Road to cross the Cox Brook; and the area where a recent survey by ACES indicates the original road was (at Calvin Blodgett's garage). It was noted that a seventh site depicted on the survey near Tart's Road, was not visited by the group.

The meeting was recessed until 7:00 p.m.

7:00 p.m. - Tom Martin reconvened the meeting and explained that testimony will be allowed at this hearing, but he will allow no debating. All questions will be addressed through the Chairman.

**Exhibit A** – There were no objections to using the survey dated 2/7/12, prepared by American Consulting Engineers & Surveyors, Robert Townsend, as evidence.

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Guests at the hearing included: Rob Townsend from American Consulting Engineers and Surveyors (ACES), Linda and Chrissy Joyal, Gary Brown, Bob and Deb Sargent, Clayton and Sandra Wetzel, Dean Moulton, Calvin Blodgett, Dawn Kellett, Travis Blodgett, Brooke Dingleline Esq., Paul Gillies Esq., Kathleen Skomitz, Dave Gage, Guy Martin, Patrick Martin, Steve Korrow, Cheryl Brown as assistant to the selectboard

Paul Gillies asked anyone who wished to present testimony be sworn in. Sworn in was: Rob Townsend, Dean Moulton, Calvin Blodgett, Travis Blodgett, Guy Martin, Kathleen Skomitz

**Testimony included:**

Guy Martin –

- Guy has owned the property since 1989, and has used the trail since then for access to his hunting camp.
- In 1980 Guy's father put in a bridge to get to his property, at the same spot Guy has been using to get to his property. Guy has a letter from the State of Vermont approving the bridge.
- There is no bridge there now and he cannot use the trail, so he has no access to his property.
- His brother has used the trail every year to get to his (Guy's) land to get firewood.
- For the record, the access Guy has been using and referencing tonight is shown as Site A on Exhibit A.
- In 1976 Guy used the road. There was a bridge there in the 1950's so that access was being used since then.

Dean Moulton –

- Statement that when he spoke with Martin Cameron, he said Reed Korrow was Moretown's road commissioner, when in fact Norm Andrews is the commissioner. Dean thought that could cause confusion.

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Calvin Blodgett –

- The road is named after his family.
- He has been there since 1968.
- None of the deeds state that was a road.
- In 1975 the Army Corp of Engineers approved that banks be put up.
- He put in the banks to get to his land.
- Uncertainty of where the road is has always been a question.
- He indicated on Exhibit A where his property is.
- Other abutments were found on the site visit walk.
- His daughter fell through the bridge at one time.

Rob Townsend – gave an overview of the points on Exhibit A, saying he used the Moretown land records as references to create the survey.

- Rob used the chain of titles dating back to 1873, which talk about the location of the road. The road description was also stated in a deed from 1881. Indicating the Smith Freeman Saw Mill Bridge as a specific point of reference.
- It is Rob's belief that 4 degrees was transcribed incorrectly. He believes it should have been 46 degrees, as it fits the road bed and measurements very well. Rob further described on the survey why he believes the discrepancy to be true, and what the layout of the trail should be recorded as.

Ms. Brooke Dingleline indicated that before she lets her client testify, she needs to know what the purpose of tonight's hearing is; Eminent domain, condemnation, or taking of land?

Paul explained that the hearing relates to the location of the town trail. No taking of land – no compensation etc. Later Paul reconsidered and said there could be taking of land involved if the selectboard decides to relocate the trail access from its location as shown on Exhibit A.

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Travis Blodgett –

- Where he is presently constructing his house, has been in his family for some time. It has been difficult in this town to get a zoning permit.
- His house and land is not in the flood plain.
- Removing the streambank would devastate his property.
- He is not losing what he has worked for because one person wants to get to his camp, that he doesn't use.
- There are plenty of other accesses to get to their property.

Ms. Dingleline asked permission to ask the surveyor (Rob Townsend) questions, saying she needed to get more information. Her request was granted as long as the questions were via the selectboard chairman. She asked Rob to clarify his findings on the location of the legal trail – start to finish.

Rob indicated that the survey was done by reviewing town records – he found the original road description, and actual site work. Rob explained how the road on one end was Smith Freeman Sawmill – the other end is the lot line, explaining points of interest as he went, adding his opinion about the degree transcription during recording being the reason for the question further up the trail, around G & H on Exhibit A.

**Points of Interest at sites visited on the site visit earlier tonight were reviewed -**

**Site #1 - discussion**

Kathleen Skomitz –

- Bought her property in 1983.
- There was no easy access except by a foot bridge across the brook, at site A on Exhibit A.
- Now she has no access to her property. She wants access, and she is in favor of having it at site A.
- She has power (utilities) at her camp.

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Calvin Blodgett

- Skomitz bought the property from Peter Topa.
- There is no town right of way to that property.
- The footbridge was put in by the previous owner – Topa.

Travis Blodgett asked if the two parcels next to Tartaglia are well documented?

Rob Townsend said in the 1960's there was a retained right of way, but he doesn't believe it was a town road.

Ms. Brooke Dingleline asked several questions of Travis Blodgett, including:

- Did you get a zoning permit to redevelop? Travis said yes.
- Did you develop in the same footprint? Travis said yes.
- Travis has a well on the property if there is traffic the well could be destroyed or polluted by the vehicles.
- No flooding occurred on Travis's property during Tropical Storm Irene – if the bank was removed it would destroy Travis's house.
- Did you rely on the zoning permit? Travis said yes, and so did his lender.
- Impacts? Travis said if the trail access is relocated, the road would be too close to his house, making his .5 acre lot less – creating a hardship- he would lose his investment and property value. He would suffer monetary damage.
- How much? He said history, hard work, you couldn't give him enough money - he couldn't put a price on it – then said a million dollars.

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**Site #2 – discussion**

**Rob Townsend** – believes the original road is as stated on Exhibit A.

**Calvin Blodgett** – said this area is where his garage is – built in the same footprint as the old one. His grandfathered leachfield is there too. There is no room for a replacement septic, considering the right of way – three rods.

**Rob Townsend** – believes that this is where the road went at one time, and that the road is only two rods wide.

**Site #3 – discussion** - This site involves Joe Martin’s property.

Ms. Brooke Dingedine said this site wouldn’t put anyone’s home, septic etc. in jeopardy and is a better, safer location than Calvin’s or Travis’s property.

**Site #4** – There was no discussion.

**Site #5 – discussion**

There is an old abutment at this site. No homes are located here.

**Site #6 – discussion**

This is a low point from the Mountain Road, across the Cox Brook.

**Site #7 – discussion** – This site involves Paul Tartaglia’s property.

- There used to be a good road at this site.
- There is already a bridge there to cross the brook (on Tart’s Road)
- This site wasn’t reviewed at the site visit earlier this evening.

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**In closing:**

The selectboard has 60 days to render a decision from the evidence submitted tonight. If the selectboard decides to place the road other than where the survey by Rob Townsend found it to be, there will be a second hearing.

The selectboard will meet in deliberative (closed) session during their decision making process, at a time and date certain to be determined tonight.

End of hearing

**Public Comment period –**

**Raymond Munn –**

**Meeting place** - Ray would like to see the selectboard hold their meetings at the town hall.

**Road Maintenance Permit** – Ray would like something in writing that says who will pay for damage to his property from additional water shed, should the town approve the road maintenance permit for Mr. Worrell allowing him to put in a bigger culvert in the Moretown Common Road, that would drain onto Ray's property.

Tom explained that the permit application is still under review.

**Moretown Mountain village hill pavement** – Ray thinks we need to fix the holes in the village hill. The hill was shimmed and overlaid with pavement five or so years ago. The board knew it was a temporary fix, but haven't had the funds to repave the hill.

**Bonus for the firemen** – Cheryl will remind Sean about forwarding an updated roster requesting names for the firemen to get the \$50 bonus.

**Clayton Wetzel -**

**Herring Brook/Lynch Hill loop** – Clayton talked about walking the loop, finding lots of ammunition casings, empty alcohol containers, and trash. He said there is evidence that people have shot road signs. He is concerned that there are safety and environmental hazards involved.

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**Sandra Wetzel** –

**Herring Brook/Lynch Hill loop** – Sandra talked about walking the loop and that she would like to leave the trash they carried out, for the town to take care of. Tom said leave it here and he will take care of it. Sandra expressed concerns about the danger of wildfires from camp fires started on the loop, burning down their log cabin.

**Chris Joyal** – said he wanted it known that E.A. Grandfield did a great job on the box culverts on Ward Brook. The road was closed minimal during the installation.

**Approval of the 7/2/12 meeting minutes** – Clark moved; seconded by Clark, that the minutes of 7/2/12 be approved as written. All were in favor.

**Reports & Communication, Announcements** –

**Craig Eilers Delinquent Tax Collector** – At the request of the selectboard, Craig provided wording for a policy that the town could adopt that relates to giving town work to Moretown taxpayers who owe delinquent property taxes.

Discussion followed: that if you owe the State of Vermont back taxes, you are restricted from bidding on state jobs; perhaps the town could write a clause in bid documents that would mandate a percentage of each payment go toward the tax delinquency.

Clark moved; seconded by Michelle, that if a person is a delinquent taxpayer in Moretown, they are ineligible from bidding on Moretown work. All were in favor.

**Municipal tax rate** – The board hopes to have the grand list in time to set the tax rate on August 6<sup>th</sup>.

**PPL –PPL Renewable Energy** – Notification that PPL intends to expand the 3.2 megawatt landfill gas-to-energy facility at the Moretown Landfill, by installing equipment that will increase the facility capacity by 1.6 megawatts, to a total of 4.8 megawatts. Operation of the project is planned for June of 2013.

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**Rob Roberts resigned from the Planning Commission** – Notice that Rob resigned from the planning commission effective July 3<sup>rd</sup>.

Clark moved; seconded by John, to accept the resignation of Rob Roberts. All were in favor.

**Moretown Landfill Cell 4 hearings** – Clark thinks the selectboard should attend the hearings in support of the Act 250 application. The board agrees and will watch for the hearing date.

**Rick Worrell – Road Maintenance Permit** – to do culvert work in the Moretown Common Road. John reported receiving a call from Rick Worrell, telling him what work he (Worrell) wants to do. John suggested to Mr. Worrell that he talk with Raymond Munn directly, as the work may have an impact on the Munn property.

Tom indicated that Martin Cameron said he needs more information before he will sign the Road Maintenance Permit application. Because the culvert work involves a town right of way, Worrell needs the permit in order to do the work.

**Road Commissioner needs** – Norm Andrews has been acting Road Commissioner for about a month. The board wants to make it formal.

Clark moved; seconded by John, that Norm Andrews be hired as Road Commissioner, for 4-5 hours per week, at the rate of \$24 per hour, plus mileage. All were in favor.

**Bulletin boards around town** – The bulletin board at the town hall needs repair, and there is a need for a second bulletin board in Moretown village to post notices. Reed will ask the road crew to repair the bulletin board at the town hall, and to make a bulletin board to put on the town garage.

**Material needed for the school septic system access road** – Clark reported that Duane Pierson requested material be put on the lower section of the road leading to the septic system so trucks can access the system to pump it out.

There was discussion why the town would furnish the material/expense for the school.

Reed said the town is be working on South Hill Road, and he will ask Martin if the material being dug out would be suitable to use on the access road.

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**Recreation field/tennis court locked** – Clark reported that Vee Lynch contacted him about the tennis courts being locked.

Clark will clarify with Duane Pierson that the gate may be locked, but the tennis courts are still accessible by walking.

Reed will also ask Martin to make a sign that can be put up reminding people that there are tennis courts open for use.

### **OLD BUSINESS:**

**Lister assistance contract** - Last fall the selectboard signed a \$7,800 contract with APAS/Ed Clodfelter to help the lister's get their work done for the 2013 appraisals and grand list. The contract included an additional \$2,500 to help APAS with administrative work. Ed Clodfelter closed his business to go to work for NEMRC, so the APAS contract was no longer valid. After meeting with Ernie Saunders from NEMRC, and revising the original contract, the listers would like the selectboard to sign a contract with NEMRC that would assist them in getting their statutory work done ie: inspection of parcels, assessments, grievances.

Linda Joyal (one of the listers) explained that the town also has a "bulk" contract with NEMRC that has been mostly used by the town clerk/treasurer, but the listers would also be able to use the contract for one-on-one lister training to learn how to do the administrative work, state downloads etc. She said the lister assistance contract was revised to remove the \$2,500 for the town clerk to do the administrative work, because the listers intend to learn how to do that work once trained.

John moved; seconded by Clark, to approve the NEMRC contract for \$7,800 for assisting the listers with their work, as amended tonight to include that NEMRC staff shall not be considered employees of the town. All were in favor.

**Class IV road maintenance policy** – Michelle gave an overview of the 7/9/12 committee meeting, and a furnished a draft class IV road maintenance policy for the board to review. Minutes of the meeting are available on the [moretownvt.org](http://moretownvt.org) website. Notice of the next meeting to be held on 7/23/12 at 5:30 will also be posted on the town website.

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**Gating the Herring Brook/Lynch Hill loop** - Bob Sargent said he prepared a draft of where the gates could be placed. He reported speaking with Andy Carlo of Fountains Forestry (managers of the majority of the woodland on the “loop”). Andy inquired about the type of gate that was going in, and said although he would like to be kept informed of the situation, couldn’t speak for his clients.

Deb Sargent said the purpose of the gates, is for protecting the integrity of the road.

Gary Brown noted that the loop is a class IV road, and by placing gates the town is cutting off public access that should remain open to the public. He is not in favor of gating a class IV road, and suggested speaking with the Vermont Fish and Game, saying they have as much if not more authority and the equipment (4WD wheelers etc.) to police the area.

Linda Joyal said there are already laws in place that would prohibit the type of activities that seem to be taking place. Moretown just needs to monitor the roads.

Michelle said the road foreman traveled the loop and feels there is unauthorized use of the road happening.

Tom said the town wants to solve the problem, but we need to figure out how to do it.

Sandra Wetzel said for the record the Wetzel’s did not reference “mud trucks”. They are concerned with public safety, and if her home is burned down because of fire, is the town responsible?

Deb Sargent said there is no point in grading the road if the town isn’t going to protect the road.

Rae Washburn said he spent Green-Up Day cleaning up the loop.

Clayton said they went around shortly after that and found trash again. He said people are drinking and driving, and it is a little known fact how many vehicles use the road. It is about following the law and because that isn’t happening, people are being put in harms way. Clayton doesn’t think he and the Town Constable are of the same opinion regarding public safety.

Bob Sargent said when the road is wet the trucks purposely travel off the – for a challenge.

The selectboard will see if Lt. White of the State Police and Chad Barrett of Fish & Game are available to meet on July 30<sup>th</sup> to travel the loop; look at the area, and talk about law enforcement.

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**Class IV road maintenance** – Chris Joyal submitted a Road Maintenance Permit application a while ago, but hasn't received the material yet that he requested on the permit. Chris said he would like two loads of shale dumped on the Ward Brook end of Hog Hollow, and he will spread it out with his equipment.

Reed said he and the road crew have been discussing using materials from South Hill Road that is being dug up and replaced, on class IV roads. Reed will talk with Norm Andrews about that.

Chris said he isn't interested if the material isn't good material.

Rae doesn't think would be happy with that material.

**Town Hall bids opened** – John Hoogenboom said Jeffrey Hoogenboom put in a bid as it was described on the scope of work, but it is up to the board whether or not to accept Jeff's bid.

Rae didn't think it was mandatory to attend the bid conference held last week in order to submit a bid.

Jeff's bid was accepted.

Bids for flood repairs to the town hall were as follows

Joe Gabaree	\$43,470
Craig Ciampi	\$19,056
Jeffrey Hoogenboom	\$36,000

Joe Gabaree also submitted pricing for upstairs repairs to the front door; the bulletin board; frame and sheet rock pipe to the right of the stage for \$1,125.

Clark moved; seconded by Tom, to accept the bid from Craig Ciampi for \$19,056, for the flood repairs to the town hall.

Discussion: the motion made earlier about people who are delinquent in paying property taxes not being able to bid, was made after this project was bid so this project is exempt from the newly adopted policy.

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Vote: Tom, Clark, Reed and Michelle were in favor. John abstained from voting. Motion passed.

There was no action taken on Joe Gabaree's submittal for repairs to the upstairs.

### **Bridge replacement business –**

**Bids for the new bridge** – Bids are due on July 26<sup>th</sup> at 10:00 a.m. Pete Bero from DuBois & King will open the bids, look them over, and make a suggestion to the selectboard who they should hire for a contractor. The board plans to hold a special meeting on 7/30, at 7:00 p.m. to award the bid.

**Clerk of the works for the bridge project** – The board will ask Pete Bero if he thinks it is necessary to hire a clerk of the works.

**Removal of the temporary bridge** – will be included in the new bridge bid, so the charges for removal of the temporary bridge on the rental contract with J.A. McDonald will be removed. Since J.A. McDonald owns the temporary bridge, they will supervise its disassembly.

**TH #05 banks slide** – Reed reported that Norm thinks the town can fix the slide. There is a second slide that needs to fixing too. The highway budget was reviewed. There seems to be sufficient funds to do the work within Norm's estimation.

**Town Office committee report** – Clark reported that the committee met last Thursday, and talked about adding the old school building as an option for housing the town offices. They also talked about expanding the school in some way to compensate for the space. Clark plans to attend a schoolboard meeting to talk to the directors about the idea. Diana Costello will talk with the Kaj Samsom beforehand.

Other options include the Kingsbury property, renting permanently or buying the Moretown Landfill building.

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**Town Office flood repairs** – Bids are due on 7/26/12, for repairing the town offices according to the specifications used by the insurance adjuster. Clark has a pre-bid meeting with potential bidders tomorrow.

**Speed limit enforcement measures in Moretown Village** – There will be two radar signs installed in Moretown village, paid for by the Safe Routes to School Grant. The signs will show the posted speed limit, and vehicle speeds. They should be installed by this fall.

**Ward Brook box culverts** – FEMA Project Workorders (PW) are written for replacing the two box culverts on Ward Brook Road that were destroyed in Tropical Storm Irene. The PW's were written for the lowest cost option (FEMA rules), not necessarily what Water Quality would approve, therefore the reimbursement will fall short of the town's actual costs. The board approved Cheryl appeal to FEMA to pay for the shortfall.

**New business:** None tonight

**Overload permit** – from Owen Wimble was approved.

**Invoices were reviewed and warrant # 48 and 49** – were approved as submitted.

Clark moved; seconded by Michelle, to adjourn at 11:00. All were in favor.