

**Town of Moretown
Office of the Select Board**

Draft – Notice of unapproved minutes of the November 5, 2012 selectboard meeting

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

Guests included: Scott Baughman, Lisa Ransom, Chris Joyal, Linda Joyal, George Austin, Evan Detrick, Steve Wolfe, Martha Douglass, Chris Belanger, Raoul Cervantes, Heidi Cervantes, Tom Douglass, Ricky Blake, Mark Fischer, Mary Ann Raymond, Sandra Fortune, Max Fortune, Keith Llewellyn, Leslie Llewellyn, Susan Nadeau, Jonathan Siegel, Cheryl Brown as board assistant.

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

Public Comment: None at this time.

Approval of Minutes:

10/15/12 – 10/27/12 –Clark moved; seconded by John, to approve the minutes of the 10/15/12 and the 10/27/12 meetings as written. All were in favor.

Reports & Communication, Mail:

Buttolph petition – There is a site visit of the area on Linda Vantine’s property that Mr. Buttolph wants to use for logging purposes, at 4:00 p.m. on November 19th, with a public hearing to follow at 7:00 p.m. at the town office. Mr. Buttolph petitioned, as was his right by State Law, the selectboard to allow him use of Ms. Vantine’s property for skidding logs to a landing off a portion of Longley Road. The site visit and hearing are part of the process.

Margaret Frye re: HMGP buy-out Buska property – The board received an email addressed to the Selectboard and Maxine Grad, from Margaret Frye, Staff Attorney at Vt. Legal Services, saying that the selectboard invited her to attend their next meeting to talk about buying out the Buska property via the Hazard Mitigation Grant Program (HMGP).

Tom said when he saw the email he left a message with Ms. Frye that the town would not be participating in the program, and he also spoke with Maxine Grad to explain the situation. Maxine understands the board’s decision not to buy-out the property.

Draft – unapproved minutes of the 11/5/12 selectboard meeting

Lucinda Newman resigned from the Planning Commission – A letter was received from Lucinda Newman, resigning from the Moretown Planning Commission, effective October 1st.

John moved; seconded by Clark, to accept the resignation of Lucinda Newman from the Moretown Planning Commission effective October 1, 2012. All were in favor.

Vermont Local Roads training – Notice from Vermont Local Roads that Martin and Wade completed a workshop on Trucks and Winter Equipment on October 10, 2012.

Tom said this is a good time to incorporate into the minutes comments made prior by Eric Howes that the entire road crew is doing a great job.

A copy of the letter will be placed in Martin's and Wade's file.

Rock from Moretown Landfill – Tom reported receiving figures from Martin about the worth of the stone the town has gotten from MLI this year, used for various road projects rather than buying the product. Martin said we got about \$82,000 worth of comparable rock from MLI.

Clark expects that we did work on roads that we wouldn't have done if we hadn't gotten the free rock.

Green Up Day is May 4, 2013 – Coordinators from Green Up want to know who Moretown's coordinator will be.

Mike Dimotsis will help out again in 2013.

TH #42 Bradley Road – A 0.18 portion of Bradley Road thought to be class 4, shows on the new VTrans map as unclassified. Come to find out the Certificate of Highway Mileage reports from 1990 and 1991 that identified the 0.18 portion changing from class 3 to class 4 was never sent in to VTrans. Cheryl will ask VTrans mapping to make the correction now so it is on the next highway map.

80% reduction in accepted tonnage at MLI – The selectboard received a letter from Moretown Landfill, LLC, making them aware that the landfill has a permit application currently being reviewed by the Moretown Development Review Board for cell 4 (then the application will go before Act 250), but until cell 4 is permitted the landfill will immediately begin to reduce the accepted tonnage by as much as 80%, because cell 3 is quickly reaching the permitted "airspace" allowed. An 80% reduction would eliminate approximately \$400,000 in tipping fees to the town. In addition, the landfill will reduce its staffing levels with the reduction of waste materials and the value of the property assessment will be greatly reduced. The reduction will create a challenge for budgeting this year. A copy of the letter will be sent to Kaj Samsom so the schoolboard is aware of the situation too.

Draft – unapproved minutes of the 11/5/12 selectboard meeting

Public Comment:

Chris Joyal – Ward Brook Road work – Chris said on October 4th the road crew was changing a culvert on the Ward Brook Road and there were a couple of things he wanted to bring to the selectboard’s attention. The town’s excavator was in the brook, which could have resulted in a fine unless the town had a permit from the State to be in the brook; there were no cones, ribbons or signs indicating road work was being done, and there was no notice that the road was going to be closed. There was also stone dumped in the road, blocking it, and no one was around. On October 5th the road was blocked again, without notice or signage, deliveries were unable to be made. Chris suggested a written policy be done right away for any road closure, saying that the road crew must notify resident’s days ahead of any closure, even if it a handmade sign; and safety devices must be put up. Reed will talk with Martin.

Road Maintenance Permit – Chris said he filed out a road maintenance permit earlier this year and still hasn’t received it. Reed will see if Martin has a copy.

Material for Hog Hollow – Chris lives on the Ward Brook Road side of Hog Hollow and asked if he could get the town to haul material for the road.

Reed said there is a Class IV Roads and Trails Policy that was adopted a month or so ago which states that the town will not buy or truck any materials to Class IV Roads or Trails. But if a person writes a letter to the board before May 1st requesting that the town spread out material that they (the resident) purchased, the town will make an effort to fit it into the highway work schedule, coordinating the purchase with the spreading. The policy is on the website.

Becky Ciampi – Town Hall business: rental activity/flood repair status

- The town hall has been busy with DRB hearings, State meetings, energy meetings, weddings, showers, etc., and there is more of the same planned as well as new rentals.
- Discussion about ways to market the town hall for rentals once the flood repairs are finished. All agreed it is a beautiful and functional facility with the renovations and new kitchen that should be attractive for rentals if more people knew about it. Pictures and the fee schedule will be put onto the town website; an article in the Valley Reporter; reach out to the Valley Players and the Chamber of Commerce.
- Discussion about putting the “danger falling ice” signs back up on the building. They were put up originally at the advice of the town’s insurance because of the close proximity of the parking to the roof. Even though parking arrangements have been improved, there are still some who park close to the building.

Reed moved; seconded by John to put the danger falling ice signage back onto the building. All were in favor.

Draft – unapproved minutes of the 11/5/12 selectboard meeting

- Discussion about pouring a cement pad in front of the elevator door this spring for easier wheelchair access, and about resetting some of the large stones now for this winter's maintenance.
- The flood repairs are going well. Board members have been in the building and said it looks great. The flooring has been ordered and should be installed soon.

Route 2 Neighborhood Group – re: MLI cell 4 expansion –

Tom said the presentation last time the group was here was very good. Tom reminded the group that the selectboard is not involved in the permitting process for cell 4, but the selectboard can work on issues via the renewal of the Host Town Agreement (HTA). Tom went on to give balances in the Savings Reserve Fund and the Capital Reserve Fund, a result of tipping fees; what the money in the Funds can be used for; and the value to the town of the 5,000 cubic yards of rock the town received this year from MLI (about \$82,000).

Martha asked if the town has plans for the use of the Funds. The answer was no, other than investments.

Martha went on to talk about MLI meeting with the group seemingly for support to open cell 2 – a short term solution. MLI has gotten rid of the sludge contracts to help on the odor complaints, but are having a hard time controlling the methane smell. Some felt that opening cell 2 would offer MLI time and revenue to work on cell 4 issues.

Other comments by the Group included:

- ❖ MLI is a State of the Art operation but the odors are not acceptable in the neighborhood near the landfill.
- ❖ Will the town pay for water testing? MLI pays for water testing for abutters only.
- ❖ The problem was caused by the lack of long term planning by the town for the area, by encouraging residential growth in this area – that is why we have all the homes – some of the money received from tipping fees should be going into being sure people in this area are safe.
- ❖ Martha's opinion is the DRB could be influenced, by the selectboard's support via the HTA. She isn't questioning the discretion of the DRB, but the influence could be there with the current wording.
- ❖ The Group has asked the DRB to hire experts to help them interpret the technical information being submitted by MLI.

Tom said the DRB would ask the permission of the selectboard to spend monies in excess of their budget if they felt it necessary. If the selectboard agreed to the expenditure, most likely a vote would be needed. Tom said the Group could hire experts.

- ❖ Comments from the Group that the DRB members do not have the knowledge to interpret the expert testimony and is not making a clear decision. The Group doesn't have the money to hire experts.

John suggested doing a petition for a Town Meeting article to spend money to hire expert witnesses for the DRB.

Draft – unapproved minutes of the 11/5/12 selectboard meeting

- ❖ Members of the Group suggested hiring the experts without a vote such as was done for the River's quarry application, in excess of \$100,000 according to Susan Nadeau.

It was explained that the River's situation was different, in that the DRB reviewed River's application, rendered a decision, and then River's appealed that decision. The town was not involved until the point of the appeal, and then only to defend the decision of the DRB. John admitted to going over budget in that case, but charged it to attorney fees (not hiring expert witnesses) because of the length of time it took to get through the Act 250 process, which was unanticipated.

- ❖ A final comment from a Group member was that the town needs to think about what impacts cell 4 will have from an environmental and a liability standpoint.

Martha left a brochure – C.L.E.A.R. with the board.

Tom asked the Group to forward the selectboard a list of things they would like to be addressed in the new Host Town Agreement due to renew in August of 2013. Martha said there have been other amendments to the HTA perhaps there could be one now.

Old Business:

Bridge #41 replacement – George Austin of Austin Construction, the contractor hired to replace the bridge, and Evan Detrick of DuBois & King, the engineer hired to design and oversee the project, came in tonight to talk with the board about either moving forward now with the bridge replacement; moving forward to do what can be done now and holding off to pour the bridge deck until warmer weather; or cancel the bridge project altogether and re-bid.

The delay is due to the fact that at the eleventh hour, after the contract with Austin was signed and he was ready to mobilize, FEMA told the town we needed to change the scope of work to an "improved project" because the new bridge will be slightly longer to satisfy State ANR requirements for the new abutments. Without FEMA approval, the town risked the chance of losing all funding for the \$1.3 million project. It took four weeks to get the approval from FEMA.

Austin's suggestion is to move forward to do what work he can do now, and pour the deck when the weather permits – with a finish date of June 2013. He does not recommend pouring cement in the winter, but if the town proceeds, he projects an additional \$100,000+ in costs to "tent" the deck so he can keep the cement warm during its curing process – with a finish date of April 2013. Either way because of the delay, the town needs to request a time extension from FEMA's 2/28/13 deadline, to finish the bridge work.

Draft – unapproved minutes of the 11/5/12 selectboard meeting

State personnel do not anticipate a problem getting the time extension.

Evan suggested getting started immediately, let George do what he can now, and pour the cement in the spring.

The board agreed. Austin Construction will begin the bridge replacement work immediately, get done what they can while weather permits, and pour the deck as weather permits. All work will be done by the end of June 2013. A request for time extension for two project worksheets will be requested from the State and FEMA. Austin Construction will bill the town periodically so “progress payments” can be forwarded to FEMA for reimbursement, in an effort to lessen the impact on the town and on the town’s line of credit.

Blodgett appeal of the selectboard decision for the location of trail #49 – Blodgett has filed a “motion to enforce stay” in Superior Court to stop the surveyor from entering his property to place blazes or pins below grade on the town trail as surveyed. The town filed a “motion” opposing Blodgett’s motion.

2nd Constable – John moved; seconded by Clark, to appoint Clarence Wood 2nd Constable until the 2013 Town Meeting. All were in favor.

Hurdle Road signage – John said he is meeting with Frank Piazza again Wednesday morning about cutting the hedge on his property so the STOP sign is visible.

Appointments needed – Clarence Wood was appointed 2nd Constable earlier tonight. Tom reported that Shane Grace is interested in being the Animal Control Officer and possibly being a lister. Shane did not submit a letter requesting appointments though, so Tom will call him.

Town Office Committee news – Clark reported that the committee has a document prepared by Henry Erickson, of the site study results and costs associated with each site. The document was to be presented to the public at the 10/31/12 Public Forum that was cancelled, so it will be posted on the website. There will be a public forum on 11/10/13 at 6:30

Because the old town office was substantially damaged and cannot be used for a first floor town office (repaired as is), there needs to be a scope of work change on the FEMA worksheet. Professional help is needed to get the information FEMA wants for a scope change request, so Clark asked Henry what he would charge to help with the process. Henry thought the costs would not exceed \$800, plus mileage. There was money budgeted for this type of flood expense.

Clark moved; seconded by Tom, to hire Henry Erickson for consulting services, for a price of not to exceed \$800, plus mileage, to prepare the Scope Change. All were in favor.

Draft – unapproved minutes of the November 5, 2012 selectboard meeting

John moved to enter into executive session at 8:40 p.m., to talk about a contract agreement, where premature general public knowledge would clearly place the town at a disadvantage. Jonathan Siegel and Cheryl were asked to stay for the discussion. Reed seconded John's motion. All were in favor.

John moved; seconded by Tom, to come out of executive session at 9:15 p.m. All were in favor.

New Business:

Line of credit for the replacement of bridge #41 - A quote for proposed interest rates for a \$750,000 line of credit was requested of the Merchants Bank, Community National Bank, Peoples Bank, and TD Bank. The Merchants Bank interest rate was the lowest again this year at 1.71% on an "as needed" basis.

Tom moved; seconded by Clark, to sign the Line of Credit Note with the Merchants Bank for 1.71% interest. All were in favor. The note was signed.

Public Forum re-scheduled for – January 10, 2013 there will be a public forum for the town office replacement options, at 6:30 p.m. at the town hall. January 31, 2013 there will be a public forum for the Class IV Roads & Trails Policy; Introduction of the Investment Policy; and sidewalk repairs at 6:30 p.m. at the town hall.

2013 Budget work – Some departments have submitted their proposal for the 2013. All proposals are due to the selectboard by the November 19th meeting.

Documents for signature –

Curb Cut Permit for - H. & H. Real Estate. LLC for lot 39 at Gallagher Acres.

Selectboard orders signed were - # 68, 69, 70, 71, 72

Reed moved; seconded by Tom, to adjourn at 9:45 p.m. All were in favor.