

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

Draft-Notice of unapproved minutes of the 5/20/13 selectboard meeting

Board members present were: Michelle Beard, Rae Washburn, Tom Martin, Reed Korrow, John Hoogenboom

Guests included: Rachel Goff, Dean Moulton, Lisa Ransom, Scott Baughman, Martha & Tom Douglass, Mary Ann Raymond, Sandra & Max Fortune, Sean O'Brien, Clark Amadon, Bill Gallup, John Schmeltzer, Diana Costello, Jonathan Siegel, Henry Erickson, Cheryl Brown as assistant to the board

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

Public Comment:

Tom Douglass spoke about a report from Tom Martin at a prior meeting, when he (Tom M.) spoke about talking with him (Tom D.) about the landfill reopening for trash. Tom D. wanted it clarified that the call wasn't to keep the dump open, it was to take local trash if MLI got the extension from the State; he never asked the landfill to stay open otherwise.

Approval of Minutes:

5/2/13 – Reed moved; Michelle seconded to approve the minutes of 5/2/13 as written. Reed, Michelle, Tom and Rae were in favor. John abstained as he was absent for that meeting.

5/6/13 – John moved; Rae seconded to approve the minutes of 5/6/13 as written. John, Rae, Reed, and Tom were in favor. Michelle abstained as she was absent for that meeting.

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Reports & Communication, Announcements:

DRB alternates – Eric Howes and Paula Mastroberardino submitted letters requesting reappointment to the DRB as alternates. John moved; Michelle seconded to appoint Eric Howes and Paula Mastroberardino as alternates on the DRB for a one-year term. All were in favor.

Peggy Lord – Peggy requested relief from all zoning fees (application, advertising & recording) to replace their home, lost during Tropical Storm Irene.

Discussion that after the flood, Moretown residents were relieved of application fees for flood repairs as part of the one-year Interim Zoning, but that time has since passed. However, circumstances were so that the Lords are just now able to rebuild.

Michelle moved; Reed seconded to waive all applicable zoning fees relating to Peggy Lords flood related repairs. All were in favor.

Lister – Sasha Elwell requested appointment as town lister until March 2014 Town Meeting.

Discussion that Sasha is Assistant Treasurer for Moretown, but there would be no conflict to also be a Moretown Lister; currently we are short two listers.

Tom moved; John seconded to appoint Sasha Elwell a Moretown Lister until March 2014 Town Meeting. All were in favor.

Merchants Bank review of the bridge #41 project – As part of the line of credit with the Merchants Bank to pay for replacing bridge #41 in the interim of FEMA reimbursement, the bank requested a meeting at the bridge site with Austin Construction.

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Parties will meet tomorrow morning at 8:30 a.m. Pete Bero from DuBois & King will also be present as Moretown's Clerk of the Works for the project.

Rae asked when the project was supposed to be done. Cheryl thought early June. He doesn't think the project was far enough along to be done by then.

Michelle will attend tomorrow's meeting and report to the board.

Advanced Disposal (AD)/MLI response to Selectboard's 5/7 letter - A letter from Mike DiMaggion of AD was received today and read aloud, in response to the selectboard's letter (also read aloud) regarding security cameras on MLI lands, which according to Grow Compost, face their house. AD's letter stated MLI has a right to install security cameras on its property and thus, have no intention of removing them at this time.

Martha Douglass said the Town's letter didn't take a stand that they didn't like the camera, or ask what the purpose was for the cameras.

Rae and John thought the letter from the selectboard was going to indicate that they (the board) didn't like the cameras.

Tom M. said we cannot tell AD what to do.

Tom D. firm letter might be helpful.

Rae will draft a letter for the board to review.

Appeal of Moretown Zoning Administrator decision – The selectboard received a copy of a letter from James Dumont, Attorney for Scott Baughman and Lisa Ransom, sent to ZA Deborah Feldman and DRB Chair John Riley, of "Notice of Appeal of May 1, 2013 Ruling by Zoning Administrator".

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The May 1st letter from Deborah responded to an April 29, 2013 letter from Dumont requesting that she issue the Moretown Landfill a Notice of Violation for “reconstruction and “structural alteration” that have occurred at the landfill without an amended zoning permit, thereby violating the zoning ordinance.

Deborah’s letter to Dumont states that she decided to allow the Act 250 process to run its course before taking any action, and gave three reasons why.

Deborah thinks there will be DRB hearing scheduled for June 13th to hear the appeal, but that date has yet to be confirmed by the DRB chairman.

VLCT Equipment Grant – The town received notice that they have been awarded a grant for \$318.83, 50% of the cost to purchase new chainsaw protection gear etc., for the highway department.

VTrans Class II road grant to resurface the Moretown Mtn. Road – Martin amended the scope of work for the original \$50,000 grant, that would increase the amount of work that will be done and a longer stretch of road. An email from Tom Anderson of VTrans notified the town that the State would increase the grant amount from \$50,000 to \$90,000. Any shortfall between project cost and the grant would be the responsibility of the town.

Rae abstained from discussion and voting on the Moretown Mtn. Road work - Rae wanted to make it clear that he is abstaining from any voting and discussion relating to the Mountain Road resurfacing project/grant.

Several guests arrived between public comment and reports & communication so Tom M. asked if anyone came to offer public comment. No one wanted to speak.

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Chief Sean O'Brien re: fire department training to respond to a disaster at the landfill – Sean assured those present that the Moretown firemen are constantly being trained and are ready if a disaster happens. Other comments by Sean included:

- If a hazardous spill is larger than 40 gallons the fire department would call Hazmat;
- There is emergency contact information in every truck; a landfill site map; and contact information for all MLI personnel;
- Waterbury FD is the primary responder, but Moretown responds as well;
- Most landfill burns are from household chemicals;
- Underground fires are handled by MLI employees by shutting off the area according to plan;
- Firemen get paid mileage only to attend training;
- They have special Hazmat suits provided by the State.

OLD BUSINESS:

250th Anniversary Charter celebration – Rae gave an update on the celebration activities. A complete agenda of the activities can be found on website moretownvt.org

Tom said he has raised \$1,900 toward the fireworks display, but he needed \$3,000 to make it work. Mad River Glen and Sugarbush were large donators, but unless he can raise the difference shortly, it looks like it won't happen.

Blodgett appeal of the of the selectboard's 8/20/12 decision – that trail #49 – Blodgett Trail – is located where the survey prepared by Rob Townsend of American Consulting Engineers & Surveyors. Calvin Blodgett disagrees with Townsend's survey.

An email dated 5/10/13 from Paul Gillies notified the town that an expert witness (Paul Hannan) hired by Blodgett disagrees with Townsend's findings. A copy of Hannan's disclosure was attached.

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Hurdle Road signage – Tom and Michelle met with Frank Piazza, and Ralf Bullock and Tom Anderson from VTrans last week to talk about what was needed to be done with the shrubs and by whom, to improve the visibility of the STOP sign on Hurdle Road.

Frank has agreed to do all of the trimming necessary in the rights of way, and Tom Anderson will then inspect. If the trimming is found to be deficient, then the State and Town will do more trimming as needed to get suitable visibility.

Lynch Hill Road maintenance – An email was received from Dave VanDeusen dated 5/12/13, regarding the need for road maintenance to Lynch Hill, and soon because they are nearly out of propane.

Tom said there is a new road policy that does not allow for maintenance on Lynch Hill as currently classified as being “un-gradable” with the current grader.

Rae said he and Dave VanDeusen will pay for the gravel and thought it was understood that the town would spread it on Lynch Hill.

Michelle said the road maintenance policy is clear that we cannot work on class B roads, which Lynch Hill is.

Rae asked if all the people were made aware that there would be a road policy change. People are expecting yearly maintenance. He was thinking the gravel would be spread with the town excavator.

Cheryl wasn't sure if Dave was in fact personally notified.

Reed will talk with Martin, but the work won't be done without the board's approval.

Town hall elevator – Rae reported that for the 250th celebration, there will be a temporary ramp installed. The rental cost will be \$1,000. The invoice will be submitted to the insurance company under flood repairs.

Rae said he filled out a right of way permit with the State because the ramp will be in the State right of way during the celebration. No town permit is needed.

***more old business later**

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Deborah Feldman re: Lister needs and Zoning Administrator training pay

Lister - Deborah said the listers filed the abstract grand list today; grievances will be held on 6/3/13; and the 2013 grand list will be filed by the deadline. Deborah was told that Sasha Elwell was appointed as lister.

Deborah suggested hiring the professional appraiser again this year to do the property appraisals. The contract with NEMRC expires in June of this year, which also includes training for the listers.

There was discussion that by hiring a professional appraiser, it could ensure that Moretown's CLA doesn't drop, which if it does drop has an adverse impact on the school and town tax rate. Deborah hopes hiring a professional appraiser would also extend the amount of time between town-wide reappraisals.

She thinks the lister pay should be \$15-\$20 per hour and the work would take between 3-5 hours per week (total). The work would include data entry, State downloads, updating the tax maps, and returning phone calls from taxpayers.

Zoning – Deborah told the board that there are currently five applications for zoning administrator. The Planning Commission will be interviewing applicants and making a recommendation to the selectboard for hire. Deb is willing to train the new ZA, but until the person is hired and the qualifications are reviewed, it would be difficult to say how many hours of training will be needed. Deb will receive the same hourly rate for training that she is getting now.

Appeal of Zoning Administrator decision – Deborah informed the board of the appeal of her decision not to issue the Moretown Landfill a zoning violation (listed in reports & communication earlier tonight).

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***more old business**

Town office committee news – Clark gave an overview of the project to find a site for a new town office. Information includes:

- There needs to be a public hearing so a Community Development Block grant can be applied for that would pay up to 75% of the project cost. The grant is due 6/15/13;
- The committee is not pursuing the old town office site;
- The committee has chosen the playground site for a new town office, and make that recommendation to the board;
- Conceptual plans prepared by Maclay Architects were presented and reviewed tonight;
- The tennis court site has septic and wetland challenges; more road would need to be built; and a parking lot would need to be built;
- With the playground site, the current parking lot could be used; the school septic was designed for up to 300 students so there is adequate septic for the town office; and the same water system could be used;
- The plan is that the existing town office would be torn down or moved as required by the “FEMA Buy-Out Grant restrictions that was applied for earlier this year in the amount of \$68,000. Some additional reasons are that the lot does not conform to current zoning setbacks on the Patrick Church side; the driveway on the other side isn’t owned by the town; the old building is in a floodplain and a subdivision would be required;

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Clark said the town office committee is asking the selectboard to approve their recommendation for the playground site for a new town office. Other discussion:

- Final estimates for the project is currently being worked out;
- The board approved having the public meeting on 6/5/13 at 7:00 p.m., at the Moretown Elementary School;
- There should be some word about whether or not the town was awarded the Block grant by mid July.

Tom moved; John seconded to approve the town office committee's recommendation and the conceptual plan for a new town office on the playground site.

Discussion: Henry Erickson will have the project budget done prior to the 6/5/13 public hearing. Henry suggested having a fall bond vote because if approved, it is a better time to ask for bids.

All were in favor.

Host Town Agreement renewal – Tom asked all the board members to get a copy of the current host agreement, then at the 6/3 meeting a half-hour will be scheduled to talk about changes. Cheryl will pass along suggested changes to the contract that Martha Douglass provided. The public is welcome to forward any constructive suggestions for revisions, for the board to consider, and if possible an area on the town website will be dedicated so the public can follow the progress.

Village hill repair – Reed reported that Martin met with Tom Anderson from VTrans, to come up with ideas to repair the hill.

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New Business:

More signage on Route 2 – Tom Douglass came in last week and suggested the town send a letter to Amy Gamble of VTrans, requesting additional signage such as “no passing”, be put up on the area of Route 2 between Middlesex and Waterbury.

The board approved a letter be written and sent to Amy.

Moretown Mountain Road work bids – Bids were opened on 5/9 by Martin, Reed and Norm, for resurfacing work to be done on the Mountain Road this summer. The bid results were as follows in no particular order:

Griffin & Griffin	\$109,900
E.A. Grandfield	\$122,920
Hallstrom Excavating	\$147,900
Kingsbury Construction	\$ 95,555
DuBois Construction	\$ 67,837

The bids were based on the revised scope of work which Martin requested by approved by VTrans for additional funding. The grant was increased from \$50,000 to \$90,000. Since the town will provide materials for the work, the contractor bids above do not include materials. The bids do include the trucking of the materials; and all equipment & labor to do the work.

Reed moved; John seconded to accept the bid from DuBois Construction for \$67,837 for the Moretown Mountain Road resurfacing project. Reed, John, Tom and Michelle were in favor. Rae abstained from voting.

Bids to haul road sand – Reed reported that Martin is getting bids for contractors to haul this year’s road sand. Martin will make a recommendation at the next meeting.

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4-day work week – The road crew would like permission to work four ten hour days during the summer months.

Discussion: Norm likes the five day coverage; ie: if it rains all week and Friday was dry, grading couldn't be done without having overtime. There will be more discussion at the next board meeting.

State response to Public Records Request for Odor Related Complaints called in to Barb Schwendtner – A letter dated 5/10/13 was received from Matthew Chapman, General Counsel for DEC. In the letter, Chapman (which he referenced Access to Public Records Request for "Moretown Landfill, Inc"), stated that the Agency has determined that the records requested are "records which are relevant to litigation to which the public agency is a party of record," and therefore, are exempt from public inspection and copying under 317 (c) (14).

Michelle believes this statute is used pretty broadly and that we have a right to appeal. After litigation, the records will be public knowledge.

The board will not further pursue the documents.

Letter from Assistant Attorney General re: two complaints of alleged violation of the Open Meeting Law – A letter dated May 14, 2013 was received from William Reynolds, Asst. Attorney General, stating that his office received two complaints that the Moretown Selectboard allegedly violated the Open Meeting Law when they held an emergency meeting on May 2, 2013. The complaints came from Dean Moulton and from Martha Douglass.

The letter was forwarded to the Town's attorney.

Invoices were reviewed and warrant # 27 & 28 were approved as submitted.

Documents for approval:

- A Warranty Deed of Easement between the State and Town for work related to the box culvert to be installed under the bridge near Old Gulf Road on Route 100B in Moretown Village.
- Overload permits for: Cox Trucking; Owen Wimble; GK Bisson and Josh Sherman were approved.

Meeting adjourned at 8:45 p.m.