

**Minutes of Selectboard Meeting
October 21st, 2015**

Present at Meeting:

Aaron Korzun, Selectman; Steven Nicholson, Selectmen; Linda McGuire, Treasurer; Barry Griffith, Town Agent; Mark Goodwin, Clerk

Mark Youngstrom- Otter Creek Engineering

Members of the Public:

David Fretz
Todd Fillmore
Lynette Over
Greg Over
David Rice

Call to Order:

The meeting was called to order at 7:00 PM by Selectman Nicholson

Approval of Agenda:

Aaron moved and Steven seconded to approve the agenda. . Approved

Old VT Rte. 103:

Steven asked who of the assembled abutters wanted to speak to the issue.

Lynette Over began with giving a brief overview and history of the area under discussion in so far as her grandfather was the owner of the property at one time. She recalled that the corridor at one time was ledge at the lower portion (in proximity to the current Over property) and that the upper portion (in proximity to the current Fillmore property) was gated. The corridor provided access to the hay fields on either side of the corridor for agricultural activities by the Van Guilders. Lynette indicated that the lower ledge portion was built up with fill over time in order to be suitable for a driveway.

Greg Over spoke to his concern that he has been paying taxes on the acreage which the corridor is situated, and has maintained the ditches of the lower portion at his own expense for a number of years. Mr. Over asked the Selectboard as to what their intent with the corridor was. Mark Youngstrom interjected that he understood that 'property deeds' specified ownership to the 'center line' of the road and therefor that is why the road is considered to be a "Right of Way" of the Town.

Todd Fillmore summarized his recent discussions with Vermont Agency of Transportation personnel in respect to the statutory process of determining roads, discontinuance procedures and maintenance obligations of roads by the Town. Particularly Title 19 Chapter 7 *Laying Out, Discontinuing, And Reclassifying Highways*.

The Overs and Mr. Fillmore were in consensus as to the fact that no one from the Selectboard had contacted them as abutters of the corridor, in deference to common courtesy, to inform them that there was a consideration of fencing the corridor to deter it being utilized as a by-way for vehicles.

Steven indicated that it was his idea to gate the corridor because he thought that the Overs did not want to have unwanted traffic coming down Old Rte. 103 because it was now accessible as a result of it being utilized by Casella Construction and VTrans in the reconstruction of the Lincoln Hill Culvert (STP 1443(44)). Steven apologized for the unintended consequence of that plan would inhibit Mr. Fillmore from accessing portions of his property. Steven then asked the abutters for suggestions as to what might be done to deter use of the now "identified corridor".

It is a fact that none of the abutters have recorded surveys on file in the Clerk's office. Aaron indicated that the Selectboard was surprised that the VT DOT project left the Old Rte. 103 corridor so accessible which was contrary to their expectations in a MOU executed prior to the commencement of the project.

One possible suggestion was for the transfer of the property via a Quit Claim Deed to the abutters with an easement granted by Over to accommodate the McGuinnis property on the lower end. Barry Griffith was not prepared to offer an opinion on a particular way to proceed. The abutters indicated that they would submit a proposal in writing so that the Selectboard would have something substantive to act upon at their next meeting. In the meantime, Aaron will contact Casella Construction and VTrans to let them know that they have not fulfilled their obligations in respect to the MOU.

Upper Cold River Road (PW 2867):

Mark Youngstrom briefed the Selectboard on a new development initiated by VT DEMHS / FEMA in respect to a reconsideration of the "Stone Buttress" approach for remediation of the shear. Mark indicated that OCE in conjunction with VT DEMHS assembled a package of material, similar to one that was submitted earlier outlining the rationale as to why the Stone Buttress was the best possible technical solution to the failed infrastructure. Mark indicated that the material has been submitted, with a cover letter signed by Bert with supporting technical documentation from Haley and Aldrich and VT Department of Transportation.

Mark gave no definitive rationale as to why FEMA was reconsidering their determination, he alluded to the speculative aspect of the Richmond project under appeal in Washington as well as possible persuasion by both the VT Congressional delegation and VT DOT upon VT DEMHS / FEMA to reconsider their previous determination. OCE was able to verify that Casella will still honor their previous bid and a slight escalation of material costs. Mark indicated that he was cautiously optimistic that FEMA would approve working outside the ROW that would allow moving forward with the previous selected bidder and that the project will move ahead. At present Mark indicated that there is no estimated time for a decision on a re-determination.

Cold River Road Geomorphic Study Contract:

The commencement of the project for the Cold River contract has been postponed to probably until next year, because H&A will not be doing the geomorphic determination for the Upper Cold River Rd and there is no particular urgency for the analysis at this time.

Nursesey School Update:

Aaron indicated that the storm windows have been installed. The installation of gutters is on hold because a drainage ditch was uncovered and rehabilitated so that it might be adequate to help move moisture away from the building. Cleaning is due to commence on Thursday this week. The propane tanks will probably not be relocated this season. Aaron indicated that the reconstruction of the back wall should be planned for.

Dog / Wolf Hybrid Ordinance:

Steven requested tabling discussion until next Selectboard meeting.

Open to the Public:

No requests received from the public.

Minutes:

Aaron moved and Steven seconded to approve the minutes of October 7th, 2015. No discussion. Approved

New Business:

None discussed.

Executive Session:

Steven moved and Aaron seconded to enter into Executive Session in order to discuss contractual information pertaining to Old VT Rte.103. Approved.

Executive Session commenced at 8:10 PM.

Exited at 8:30 PM

Steven reported out of Executive Session that the Town Agent (Barry Griffith) will continue to research issue in regards to the status of Old VT Rte.103.

Orders

Aaron moved and Steven seconded to approve:

Road Commissioner Orders # 10A of October 21, 2015 for \$15,584.15 and Selectboard Orders # 10A of October 21, 2015 for \$7,543.14. (Note: ~\$3,500 of the SB Order amount was for refund of over payments from escrow tax payments) No discussion. Approved

Meeting was duly adjourned at 9:05 PM

Respectfully submitted,
Mark Goodwin, Town Clerk

These minutes are unofficial until approved by the Selectboard at the next regularly scheduled meeting.