

Selectboard Meeting Minutes

July 22, 2019

Present: Doon Hinderyckx, Tom Schnabel, Pat Harvey

Guests: Regina Purcell, Tom Pierce, Dick and Diane White, Ton Deboer, Lony Fried, Nancy Woolley, Bruce Flewelling, Tony Goupee, Terry Severy, John Champion, Bruce and Doreen Jones, Harland Mckirryher, Walt Wells, and Mason Wade with Orca Media

Doon called the meeting at 6:15 pm.

Doon asked if anyone wanted to add any additions. Mason Wade added Conflict of Interest and Civil Board of Authority. Marvin Harvey wanted to add a statement about the roads. Doon wanted to add an update of the ongoing legal dispute over Pine Gap Rd.

Doon confirmed the Meeting conformity.

Doon moved to approve the meeting minutes from July 8, 2019. All in favor. So, voted.

Doon noted an item to bring to the meeting first, due to work schedules. He noted that the liquor license inquiry on the agenda isn't so much a license inquiry as it was a noise issue. Regina spoke as owner on behalf of the Huntington House. She noted that a neighbor had come in to complain about the noise after midnight. She found that the noise was coming from the park but wasn't always from the establishment. She noted some of the complaints were on days that the establishment were closed or was a couple fighting loudly on the park. She noted that after 12 am they are not allowed to have liquor in their lawn area. She said she closed the doors and have customers come inside the pub because they can serve until 2 am. She noted that the lights go off and the music is turned off at midnight. She noted she can't control the people that have left the establishment. She is trying since she was confronted by the neighbor to keep everyone respectful of their noise level. Doon thanked Regina for coming and taking the time from her work to discuss the issue. Doon noted that he just wanted to bring it to a public forum to encourage her to keep doing a good job.

Joan Updates: Doon noted that Joan couldn't attend this meeting but would fill in the information. Bethel Mountain Road wasn't ready to sign today. He noted that they were ready to award G.W Tatro. The agreement will be ready to sign on Tuesday and on Thursday will be the signing of the contractors. He noted that they would most likely be moving in right away to start. He wanted to let the public know that they have permission to work 24 hours a day but he doubted that they would work 3 shifts and thought most likely they would be 2 at least and weekends. Nancy asked what the amount of G.W. Tatro's bid was. Doon noted their bid was 2.2 million. Ton asked knowing the urgency to meet the deadline on our side but if there is an urgency for the company to finish on the deadline noting how it can be always late and over-budget. Doon noted that there are some contingencies over time and in hopes of the paving to be completed in time. Doon noted it was in their interest to get to the completion of the project in this year and not have to mobilize again in the spring, which makes it very expensive on their end. Doon noted that the Upper Bethel Mountain road is still in process for bid work. Ton asked if it were going to be completed by the same company. Doon said that it is a separate project and

won't take as long to complete. Doon noted that with FEMA, there will be a call in from the rep to the town to talk over on Thursday. Doon noted FEMA will come out for another site visit in a couple weeks. Doon asked John for any input on the FEMA projects. John noted they have completed a couple small ones. He noted that they rented an excavator to do some of the FEMA work.

Doon noted for the Bingo road repairs, we have submitted a public use permit application with the Forest Service and Joan and John will be meeting with Chris Mattrick and other forest service staff on Wednesday, looking at both temporary and permanent repair options. Doon noted that there is a possibility to apply for a VTrans Emergency Grant for the temporary repair. Doon noted that we are open to the Forest Service contributing to what extent that they can.

Utilities Updates: Doon noted that the hydrant was in. Terry noted that there wasn't enough time to change the other one but would get it done this week. He noted that he planned to flush them either this Sunday or next Sunday. Tom asked about a rental of a test pump and what it was used for. Terry noted that it was for the deep wells. Terry noted that you have to pump them all the way down and then you have to take samples. He noted how he pumped the wells down the day before and then the next day you would have to do the same thing before taking a sample. He noted that the wells are 70' down.

Library Updates: Tony noted to check out the bulletin boards for all the ongoing programs and that several are coming up. Martha said that they are also in the Herald.

Doon asked Marvin to go ahead to make his statement about the roads. Marvin stated that he wanted to make a statement about the history and the future. He stated to the selectboard and future selectboard that in the last 20 years there has been 2 attempts to close a section of Marsh Brook Rd. from Robert Finkle down to the bridge of Marsh Brook. Marvin stated that as an advocate suggested that it was an important road and to not discontinue. He said at that time the selectboard did see his views since he brought Mike Bowen who has a farm on the top of Marsh Brook Road and another on Route 100. Marvin noted that this was a connecting point for Mike. Secondly, Marvin added another board wanted to discontinue that same section of the road after a storm washout. He noted that it would be costly to rebuild. He noted that he was on the board at that time, not an advocate so he had a real conflict of interest. This emergency has really shown that we need to look at what can happen with any connecting roads. He noted his concern for the future. He noted that the discontinuance of roads is very important. He noted that he was 14 years old when some of these roads were in contest right now was discontinued. He was suggesting there is going to be a lot of mind thought put into the discontinuance of a road. He noted even if it goes to a trail or a class 4 road it doesn't mean it can't be reclaimed. Marvin shared his thanks to the selectboard.

Doon asked Mason to share his addition to the meeting on Conflict of Interest and Civil Authority. Mason asked if in the minutes on June 8 there was a motion to sign the Conflict of Interest Policy. Doon didn't know off hand. Mason noted that there wasn't a mention in the minutes about signing the policy. Mason was looking for clarity. He noted that they needed to be in the minutes. He noted on the Civil Authority didn't have proper minutes that have been

recorded. He wanted to know where to find them. He was concerned with the building up to the next election and to be ready properly.

Doon noted an application for use of the Park for a memorial for Vernon Rochlin in August. Doon moved to approve. Tom Seconded. All in favor. So, voted.

Doon noted the ongoing news of the ongoing litigation between Mason and the Town over the existence of Pine Gap Rd. He had appealed the select board's decision not to discontinue that road and the court has finally issued a decision on the town's motion for summary judgement and the intervener's motions for summary judgement. He noted that the court has ruled in favor of the town on Mr. Wade's appeal of the selectboard's decision denying the petition for discontinuance. Doon noted that it meant that the selectboard's decision stands and no part of Pine Gap Road is discontinued. He noted that the court also ruled that Mr. Wade has admitted that the town highway 29 is a public road, classified as a class 4 under 19VSA S302 4 and the court also ruled that Mr. Wade raised a genuine issue of material fact with respect to whether the section of Pine Gap Road identified by Mr. Wade is part of Highway 29. He noted that the court had said the evidence raises a question about whether Town Highway 29 does in fact traverse Mr. Wade's land on that section identified and the court has granted him 30 days to amend his complaint to address these issues.

Harland asked how much we are into it for. Doon noted that at this point it has cost the town \$45,983.29 and if Mason decides to take advantage of the 30 days, he had been offered to raise more questions the amount will go up.

Doon noted that he has a printout of the budget. He noted that every winter the Budget and finance along with the selectboard will hash out what was spend and what needs to be spent. He noted that they try to keep the taxes reasonable as possible. This year the committee tried to meet monthly instead of waiting till the end of the year.

Harland asked about the missing book and if the search continued. Doon noted that the last person who seemed to have seen it was Mason's lawyer.

Doon adjourned the meeting at 6:45 pm.

Respectfully submitted,

Julie Smith