

Selectboard members present: Peter Marsh, Tony Porter, Keegan Tierney, Koran Cousino, Susan Jefferies (Chair)

Others present: Tom Estey, Bill Coon, Dennis Casey, Jeff Keeney, Ben Campbell, Kerry Kurt

The meeting was called to order at 5:30 pm at the Starksboro town garage. The purpose of the meeting was to review the status of Act 250 reclamation on site.

The Selectboard and visitors viewed the property to be sold, which is in Phase 2 of the Extraction and Reclamation Plan.

K. Kurt pointed out the survey stakes, and stated that she believes the surveyor made a mistake in the location of the boundary line. She believes the boundary line as marked is too close to her farm road. S. Jefferies noted that the stake is not in the road. The stake placed by the surveyor has been moved significantly closer to the town road. S. Jefferies and P. Marsh said that neither location was the one agreed to when the boundary was originally marked. At its July 11, 2017 meeting, the Selectboard discussed this item and agreed to leave the boundary line as marked by the surveyor. The board did not reconsider this decision.

The reclamation of the area is not complete in some areas:

- Some stockpiles of gravel, stones and topsoil remain on the property. These must be leveled or relocated.
- There are several large boulders near the eastern property line that must either be moved or buried.
- Some slopes may not conform to the requirements of the Extraction and Reclamation Plan

The Selectboard noted that a temporary fence has been installed (as previously agreed to by the board), but that the land does not appear to be in use.

The Selectboard and visitors returned to the town garage to discuss its next steps. There was discussion about:

- Whether to hire Lincoln Applied Geology to review the site and make recommendations. LAG prepared the original Extraction and Reclamation Plan, and is familiar with the site. T. Porter will call to get an estimate.
- The cost of reclamation would be less if the Road Crew could do the work with rented equipment, rather than hiring a company to do all the work. This could cost several thousand dollars. The Selectboard noted that the obligation to complete reclamation exists whether or not the land is sold.
- All members of the Selectboard noted that an affidavit stating that reclamation was complete could not be signed at this time.

K. Tierney moved to enter executive session at 7:20 pm to discuss the real estate transaction.

K. Cousino seconded. Voted and approved.

Executive session ended at 8:32 pm. K. Kurt rejoined the meeting.

K. Tierney made a motion to approve a two month extension to the Purchase and Sale Agreement to allow the Selectboard to thoroughly review Act 250 reclamation requirements, and to consider the terms of the agreement pursuant to section 8 g, which states:

“Seller shall apply for any permits that may be required. If it appears to Seller that any necessary permit application or procedure will require what it considers to be excessive expense or effort on its part, it may decide not to complete the process or application to obtain such permit. In the event Seller does not obtain all approvals required for the conveyance the contract will be terminated and Purchaser’s deposit will be refunded. In that event neither party shall have any further obligation or remedy under this contract.”

K. Cousino seconded. All in favor.

K. Kurt noted that she has a significant amount of money in an escrow account, and would like to know that the account is earning interest.

Meeting adjourned at 8:37 pm.

Respectfully submitted,
Susan Jefferies