

**Starksboro Selectboard Meeting
Minutes of Sept 19 2017
DRAFT**

PRESENT: Susan Jefferies, Peter Marsh, Tony Porter, Keegan Tierney, Koran Cousino
Rebecca Elder (SB assistant)

VISITORS: Tom Estey, Sheldon Ball, Tom Ball, Vali Audy, Josh Audy, David Brown

The meeting was called to order by Susan Jefferies at 5:35 p.m.

The Selectboard unanimously approved by motion the minutes of the meetings of September 5 and September 12, 2017. The Board unanimously approved by motion the payment of all current bills.

A brief review of the County Sheriff's records show that warnings have been given out but no tickets. There was also a \$300 bill (unknown?)

Road Foreman Update

K. Cousino expressed appreciation and thanks to Tom, Tony, and Paul for fixing up the lot at Cota field. It was in bad shape and full of potholes.

T. Porter asked for the foreman's thoughts on granting permission to the Audy family for logging on Brown Hill and any impacts that may have on town road maintenance. Regarding logging and water quality impacts, the county forester is already talking with the Audys about their responsibilities re: water protection and discharges (dirty water because of logging operations). The County Forester has the authority to write up violations for such and the Audys are taking responsibility for this. Susan noted that the Audys should sign an MOU with the Town to protect Starksboro. (see page 3)

Discussion of Class 4 Road Maintenance

Town policy dictates that all policy enforcement is at the discretion of the road foreman. The Road Foreman decided what, if any, maintenance will be done. T. Porter asked if the SB should begin tightening up on that policy enforcement. The policy was established on March 23, 2017 and has now been in place for 6 months. There was no prior policy, which lead to issues arising that motivated the Selectboard to establish a clear policy.

- Starksboro policy *does* restrict deconstruction of stone walls and removal of trees in ROW areas.
- Other towns have faced similar issues. One example occurred in Ferrisburg/Panton with some major clearing of trees.

Dean Marchacos

T. Porter spoke with Dean Marchacos, who was on the agenda to discuss the placement of GMP poles on/near his property on Rounds Road. D. Marchacos could not attend but asked if the road work and poles all need to be on his property. He is concerned about the future and that all requests for ROW affect his land. He hopes those requests can be shared. T. Estey noted that the town cannot go beyond the 25 ft limit from center of the road. D. Marchacos asked T. Porter about the status at the end of Rounds Road and inquired if there should be a turn-around for vehicles. T. Porter and T. Estey concurred that the situation on Rounds Road is a challenging one.

Vehicle access question: even if a town road becomes a trail, ATV use would be illegal unless it is specifically permitted. T. Porter confirmed that if Town opens one road to such use, then all town roads must to open. There is an exception about continuous road usage. However, that clause doesn't help sugarmakers or farmers who don't have contiguous land parcels. The sheriff has stopped people in the past and made them cease operation and walk.

Reclassification of Mason Hill South

Sheldon Ball and Tom Ball of Mason Hill South attended. S. Ball expressed concerned about usage of the trail area above the cemetery. He is concerned that there is only one parking spot now, which discourages use. By making a site for hiking/path/etc., the increased use would directly affect his land and way of life. He has seen evidence of the dumping of garbage. He hasn't seen much jeep/4x4 traffic or hunting use. There are safety concerns. Due to incorrect information on GPS systems, lost drives find their way onto Mason Hill believing it is a through road (no indication it is closed). He does not wish to see a trailhead or dead end there.

S. Jefferies asked if the Balls concern is a trail head or the change to trail status. S. Ball stated that trail status is fine—no parking or advertised trail head. Clear, simple signage may be used such as: “no through traffic” or “dead end” or “vehicles not recommended past here. Town road ends.” The town has no responsibility to maintain Class 4 roads. The change of status and reporting to various agencies would enable the updating of GPS data to address safety concerns.

T. Ball expressed concern about the condition of the road—ruts are up to 4' deep; hikers or non-motorized users must go on people's property to continue on. P. Marsh clarified that “trail status” simply means the Town has a right of way, not a road. The Town isn't required to do anything legally. T. Ball stated he was not in support of trail status if no improvements would be made. He feels that there should be adequate signage re: safety.

P. Marsh explained the Town's priority is to keep motor vehicles off the road because it isn't passable. S. Jefferies concurred that the goal isn't to create a nature trail but to let people know vehicles can't go there and the town will keep the ROW. This approach came from the Ancient Roads conversations of a few years ago: if towns give up the land then it could limit the future options.

S. Ball asked if a landowner who owns land on either side of a trail would be permitted to install a gate to prevent certain vehicles (ATVs, 4x4s, etc.) P. Marsh confirmed that would be allowed if the gate remains unlocked. S. Jefferies noted that any gate cannot affect a VAST trail access.

Logging on Brown Hill/Audy land

Vali and Josh Audy explained that they wish to log the top half of their property and the only access is Brown Hill East. The Audys seek permission to use that section as a skid road and will maintain that section.

T. Porter has had a couple of prior calls with the Addison County Forester regarding road usage and water quality issues. The town is currently liable for violations. Due to the steep grade of the road, there is nowhere for water to go. If access is granted as a skid trail, the Audys must follow all the Acceptable Management Practices (AMPs) for water quality including mitigation (i.e. hay bales, waterbars).

Discussion of MOU: The agreement can be drafted in house and does not required an attorney review. K. Tierney noted that a timeframe must be included with end date, which can be renewed in the future. Tony will draft and will send out an email by end of week.

MOTION: Tony moved to grant permission to the Audy family to use Brown Hill east to use logging operation and they assume all responsibility for maintenance and following AMPs through 12/31/17. This arrangement can be renewed in the future upon request.

VOTE: All in favor.

(Discussion of road classification while Audys were present)

V. Audy explained that motorized vehicles are tearing up the roads. T. Porter asked if they have considered gated access. V. Audy said it would be fine and likely not needed for long due to snow. Location for gate was discussed—need for emergency vehicle turn-around. The Audys also noted that the second bridge causes safety concerns.

S. Jefferies asked for general discussion and how each board member is currently thinking:

- K. Tierney: Undecided but leaning towards status quo and continuing the current status of Class 4 roads. He would like to review weight limits and talk to Conservation Commission and Planning Commission to hear from their board members. He has heard concerns from town members about giving up the status. It may be harder to move back from trails to road status. Wants to explore more.
- K. Cousino: Undecided with many of the same reasons stated by K. Tierney. Thinks Mason Hill is simpler; Brown Hill is harder case. Connectivity to Huntington is important and there is a town resident using it now. Concerned about taking away the right to travel that way; could be a way to limit use of ATVs; wants to look at the whole town impact; doesn't want to be short sighted.
- T. Porter: Undecided. Brown Hill and Mason Hill are different cases. Ready to say yes on Mason Hill but thinks there should be some preventive maintenance on what nature is doing. Brown Hill is more complicated. Decisions must be made for town benefit and with long term effects considered.
- P. Marsh: Sees little benefit to having either as a road. Important to keep ROW; keep same width, only permit logging, recreation, etc. Resident usage could be incorporated into trail agreements (i.e. use by permission of Town or Farris/landowner). Perhaps limit vehicles while granting access to the few who need it. Concerned about road status because of safety and GPS/mapping issues.
- Susan: Mason Hill is clearly not a road and an easier decision; Brown Hill is tricky – not fit for normal vehicle use, but is used recreationally, at times with negative impacts on landowners/land. Wants to talk to CC and PC to hear their thoughts.
 - Must have hearing
 - Must notify PC, CC, and SB of abutting municipalities, and others (Koran has this list) per _____ Title 19, 775, 708

The Class 4 road decision will not happen in the next 30 days. If SB decides and drafts a plan, then the legal process follows. That would then trigger policy to be written about trail maintenance, etc.

- Explore potential funding from VAST for enforcement – would be interested in investigating
- Game Warden and County sheriff could do some enforcement.
- T. Porter suggested asking the sheriff to attend to some of these spots on weekends to deter ATV use.
- T. Porter to attend a road foreman meeting on 9/20 and will ask about the effectiveness of various approaches on Class 4 roads and trails.

V. Audy asked if there are “caution” type signs available. P. Marsh noted that the town cannot install signs due to liability. There are legal implications of warning on high risk rural roads. Landowners can put up signs with permission. The Audys have Town permission to put up signs along this section of road.

Roads next steps:

The Board agreed discussion is needed with both the PC and CC regarding the Class 4 vs. trail status and decision points. The PC took an early vote in July against a change in status.

- What might the town lose by going to trail status?
- Could Mason Hill be buildable in the future if more development were desired?
- How can the Town change behaviors vs. perception of status?
- What signage could be tried first, before a change in status?
- What are the pros and cons of either decision?

MOTION: T. Porter moved to that the Selectboard not go further with the Class 4 road designation discussion until input from the Planning Commission and Conservation Commission is received.

VOTE: All in favor except P. Marsh who voted nay.

- Next CC mtg is 9/25 (Monday) – Keegan and Peter will attend and continue the Class 4 road and trail conversation.

- Next PC mtg are 9/21 and 10/5 – K. Cousino and S. Jefferies to contact the PC regarding next steps

David Brown – Glebe land

S. Jefferies explained that the policy regarding Glebe land has been to sign any quit claim deeds as long as the town has not had any interest in the property in the past. The Brown land is located on Mason Hill. A copy of the quit claim deed was distributed and reviewed by all board members.

MOTION: P. Marsh moved that the Selectboard proceed with signing the quit claim deed for the David Brown property. T. Porter seconded the motion.

VOTE: All in favor.

- Next steps: T. Porter will sign quit claim deed. D. Brown will bring the original to the town office by 1 pm on Wednesday, 9/20/17.

MOTION: P. Marsh moved to give T. Porter permission to sign Brown deed on behalf of the Selectboard. K. Cousino seconded the motion.

VOTE: All in favor.

OLD BUSINESS

- Security light on town office exterior: P. Marsh adjusted the timer. The angle of the light must be adjusted as it is shining in neighbor's window. A longer ladder is needed. T. Porter and P. Marsh to do this together.
- Mail review:
 - Zoning Administrator Dave Wetmore submitted his resignation and his last day will be October 5, 2017. Information to be conveyed to the Planning Commission and the Conservation. Because the PC is more directly connected to the work of the Zoning Administrator, they should lead the hiring process for the position.
 - *Easement request from Thatcher Hurd* – needs signing and recording. T. Porter asked if anything changed since the Selectboard last reviewed. S. Jefferies noted she was hoping to see a specified pole height included. Another concern: no reference to maintenance practices that will comply with VLT covenants. S. Jefferies will contact Adam Piper at the Vermont Land Trust about specifics (trees, clearing, shielding gravel pit from road) and whether plantings can wait until Spring. No additional solar can be considered due to wetland status.
 - S. Jefferies to contact GMP re: pole height specifications. (check?)
 - Letter from SB to VT Public Utility Commission re: and behind the school. K. Cousino to follow up with school board.
 - D. Wetmore resignation
- Schoolhouse – meeting to be scheduled. Request meeting in village.
- Town land: T. Porter noted that the Town has not yet planted the berm. Hire professionals to plant fast growing trees and evergreens such as Scotch pine (shorter than White pine).
 - Susan to ask VLT's Adam Piper if spring planting is okay.

MOTION: T. Porter moved that the Selectboard will accept the resignation of Dave Wetmore with regret and thanks him for his 15 years of service. P. Marsh seconded.

VOTE: All in favor.

Discussion of appropriate recognition: follow up with PC and Town Clerk for plans.

Discussion of the coverage of key tasks of the Zoning Administrator while the position is vacant.

- Is there someone who might be willing to fill in for a short term?
- Confirm that the ZA is appointed by the Selectboard on the recommendation of the Planning Commission. (need to look up)
- K. Cousino wondered if Amy McCormick might be interested in a temporary expansion of responsibilities. Note: Would there be any conflicts of interest due to position as Lister, etc.?

ONGOING PROJECTS

- Building maintenance: Nothing on the agenda currently. K. Tierney spoke to one vendor about the roof and porch. He hasn't found anyone who could install standing seam before next year, but can find shingle/tin installers.
- S. Jefferies noted there have been two recent complaints about mold odors in the town office. The SB discussed remedies and decided to add a high-quality dehumidifier in the office basement. It will require a pump because there is no drain. P. Marsh to contact plumbers.
- Add mold (moisture monitoring) to the ongoing list.

NEW BUSINESS

- Zoning Enforcement & legal commitment from town. T. Porter to talk to Jim Runcie and decide how to continue.

Agenda for next meeting:

1. ZA – if PC and DRB will write job description and tweak, then advertise. Koran will talk to the PC chair and ask them to discuss and make a recommendation. The SB is looking for input on how to proceed with the hiring process.

MOTION: S. Jefferies moved to adjourn the meeting. T. Porter seconded the motion.

VOTE: All in favor.

Respectfully submitted,
/sig/

Rebecca T. Elder
Selectboard Assistant

Approved X/X/2017