

Minutes of the August 9, 2010 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, Geneva Gaiko, Peter Larmie, John Durfee, and Amy Danley-White for the "Herald of Randolph."

Due to a scheduling conflict, the meeting was called to order at 6:30 PM in lieu of the usual 6:00 PM hour. By motion of Bill Richards, seconded by Joe De Freitas and unanimously carried, the meeting was immediately adjourned to reconvene at the junction vicinity of Vermont State Routes 12 and 107 near Locust Creek, to evaluate the public need and necessity for retaining a public right-of-way identified as Bethel Town Highway #118. The Board was accompanied by Delbert Cloud, Peter Larmie, John Durfee, and Amy Danley-White. Chairman Fox noted that the purpose of the site visit was to visually examine the subject road and make "findings of fact" regarding it. John Durfee provided an excerpt from a survey done by Richard Lunna showing the road corridor, and explained that he keeps the corridor bush-hogged regularly, which is why it has remained open. At 7:05 PM, Chairman Fox determined that the site visit was complete and that the Board would return to the Town Office to continue proceedings associated with the subject road; the meeting reconvened there at 7:12 PM, and the Board members concurred on the following "Findings of Fact":

1. Although the corridor is open (free of brush and trees), it is grassed over and there is no evidence that anyone regularly makes use of the corridor for travel.
2. There are only two property owners who have lands abutting the corridor.
3. Except for the two aforementioned property owners, no other interested party attended the site visit or is in attendance for the Public Hearing.
4. A culvert and headworks is evident at the easterly end of the corridor.
5. A State highway marker was noted adjacent to the easterly end of the corridor, having markings: (VT 1958 F 142 2), although its significance is not known.
6. The "Lunna" survey produced by John Durfee shows the corridor very clearly.
7. There are no utility cables or other public facilities along the corridor for which access might be necessary.

The Board reviewed a July 15, 2010 letter from the Vermont Department of Forests, Parks and Recreation which said the Department "... has no objection to the proposed discontinuance or reclassification." The Board also examined two project plans provided by the Vermont Agency of Transportation which showed the right-of-way in context with earlier State highway reconstruction projects, and the Town Class 4 Road Committee file on the road.

Chairman Fox called the Public Hearing portion of the proceeding to order at 7:30 PM, and asked if anyone wished to offer comment for the record. Both Peter Larmie and John Durfee confirmed their earlier comments in the field, ie. that they would like to see the subject road discontinued such that property underlying the right-of-way would revert to the adjacent property owners. At 7:40 PM, Chairman Fox declared the Public Hearing to be concluded, and asked the Board members if they wished to conduct any action at this time regarding the issue. Joe De Freitas said he can perceive of no public need for the subject corridor. He made the motion to discontinue the right-of-way held by the Town, subject to determination of an exact description of its course; this motion was seconded by Neal Fox and thus carried, as Bill Richards abstained from voting to avoid the appearance of a conflict of interest on the subject.

Prior to his departure from the meeting, John Durfee asked the Board to consider taking action to confirm the location of the Town boundary in the vicinity of the Sanford farm, as there is development activity pending and the location of the Town line is relevant to the property boundary lines. The Board members agreed that the matter should be addressed, noting that the question of its location also has bearing on the grand list of the Town.

The Board then turned to the order of the agenda. The weekly payroll and payables were approved, and the minutes of the July 26, 2010 meeting of the Board of Selectmen were approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried. The Recreation Committee minutes of July 28, 2010, and the Local Emergency

Planning Committee minutes of June 17, 2010 were reviewed and placed on file, as was the Constable's report of August 1, 2010.

The Board next reviewed a July 26, 2010 letter and an August 4, 2010 e-mail, both from Steven Stitzel, Esquire, re. the potential lease of land at the Town Garage property to the Vermont Telecommunications Authority for construction of a communications tower. Reference was also made to a public forum conducted at the Whitcomb High School on July 26, 2010, and the primarily favorable public comments heard. After due consideration, motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried to authorize Delbert Cloud to sign the proffered "Option and Lease Agreement" on behalf of the Town.

The Board then reviewed the July 22, 2010 minutes of the Town Hall Committee, the July 27, 2010 job meeting minutes, and the total project costs as of July 27, 2010. Several matters associated with the final installations and accessories to the building were discussed, and the motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried, to authorize Delbert Cloud to pursue necessary details to provide for an appropriate sound system installation. Other matters will be discussed further by the Town Hall Committee. A model "Rental Agreement" obtained through the Vermont League of Cities and Towns was also reviewed, and the Board members concurred that the format seemed very appropriate for use in renting the Town Hall to others for events/functions. An August 3, 2010 letter from Jon Tokarski re. possible use of the Town Hall for a school "ExCEL" program was reviewed, and it was agreed that Mr. Tokarski should be invited to a Board meeting to talk about that matter.

The Board acknowledged with regret an August 2, 2010 letter of resignation as Lister from Margaret Burstein, she no longer being a Town resident. The Board signed a Public Notice advising of the vacancy which will be posted in accordance with Vermont law, and instructed Delbert Cloud to place notice in the local newspaper to inform the public of the vacancy.

Delbert Cloud informed the Board that the Town's application to the Vermont Agency of Transportation for financial assistance to help pave certain Town highways has not been funded. However, an application for financial assistance to stabilize the streambank and protect a bridge on Town Highway #93 in Gilead has been approved. Permits are currently being sought to authorize performance of the work.

Budget Status Reports for Fiscal Year 2011 as of August 5, 2010 were reviewed, for the Town General Fund, the Water Department, the Wastewater Department, and the Solid Waste Program. Budgeted adjustments to the Wage Schedule were approved at 3% by motion of Neal Fox, seconded by Bill Richards and unanimously carried.

The Board members examined a set of documents received from the USDA Rural Development pertaining to compliance review of "Civil Rights" requirements. Forms were completed by each of the members for return to the reviewing office.

The following communications were reviewed and placed on file: (1) an August 4, 2010 letter from Ola O'Dell (Chair of the Bethel Business Association) re. parking concerns, (2) a July 11, 2010 letter from Lucien Hinkle re. Town expenditures and the tax levy, (3) a July 21, 2010 letter from Harpoon Brewery re. a bicycling event to pass through Town on Saturday, August 14, 2010, (4) streamwater quality reports from the White River Partnership for samplings of July 28, 2010, (5) a July 22, 2010 letter from Lynda McDermott re. maintenance of Town Highway # 101 (Albin Hill Road), and (6) Constable's reports for incidents of August 6, 2010 and August 8, 2010. In the course of discussion, Delbert Cloud was instructed to make reply to the respective parties on behalf of the Board.

With no further business to attend, the motion to adjourn was made at 11:12 PM by Bill Richards, seconded by Joe De Freitas and unanimously carried.

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Neal Fox

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Bill Richards

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Joe De Freitas