

Minutes of the April 11, 2011 meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, John Durfee, Peter Larmie, Health Officer Erin Boetcher, Lester Howard, Fred Farrington, Leanne Ketner, Kim Cayer, and Amy Danley-White for the "Herald of Randolph."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing and approving the weekly payroll and payables. Per the agenda, the meeting was then adjourned by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried, to reconvene near the intersection of Vermont State Routes 12 and 107 in the vicinity of Locust Creek such that the Board could do a site inspection of Town Highway #118, to consider reclassification or discontinuance of the subject highway, or any part thereof. Delbert Cloud, John Durfee, and Peter Larmie were the only people in attendance with the Board during the site inspection. The Board, and the members of the public present, reviewed a set of highway construction plans which were part of a 1958 Vermont Agency of Transportation project, in relation to which the Town had been conveyed the interest in the highway now being examined. A survey by R. F. Lunna Associates was also examined, this survey being recorded on June 13, 2003 in the Land Records of the Town of Bethel in Plat Book 5, Page 64. It was noted that the exact location of the subject highway as it intersects present Vermont State Route 12 is not clear by either the physical evidence observable or the above referenced documents. After completing its inspection, the Board reconvened at 6:25 PM at the Bethel Town Office to conduct a Public Hearing regarding the highway and its status. The same people were present for the Public Hearing as were present at the site inspection.

The Board again reviewed the 1958 Agency of Transportation plans and the "Lunna" survey, and formally noted certain observations made during the site inspection. It became evident that a portion of the highway can be clearly referenced by use of the previously recorded survey by R.F. Lunna, but that there remains uncertainty over the location of the subject highway adjacent to Vermont State Route 12. Both John Durfee and Peter Larmie concurred with the points of the discussion. Chairman Fox then declared the Public Hearing to be concluded at approximately 6:45 PM, and the following "Report and Order" was approved and signed per motion of Bill Richards, seconded by Joe De Freitas and unanimously carried:

"WHEREAS the Bethel Board of Selectmen determined that the purported public right-of-way in the vicinity of Vermont Routes 107 and 12 near Locust Creek, being approximately .12 mile in length and identified as Town Highway #118, required an investigation as to its potential status and need as a public highway, a site inspection was made on April 11, 2011, at 6:00 p.m. A Public Hearing to receive public comment was held subsequently, on the same date, at the Bethel Offices; and

WHEREAS notice of the site inspection and public hearing were provided to the Municipal Planning Commission and posted in the Office of the Town Clerk in excess of 10 days prior to the site inspection and public hearing, and said notice was also published in The Herald on March 31, 2011, and notice was provided to all persons owning or interested in lands through which the highway may pass or abut by certified mail sent to the official residence of the person(s) required to be notified in excess of thirty days prior to the site inspection and public hearing, these persons being: Trevor Starr; Department of Forests, Parks and Recreation; John Durfee; and Peter & Heidi Larmie; and

WHEREAS the following findings of fact have been made by the Selectmen:

- 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) There are no utility cables or other public facilities along the corridor for which access might be necessary.

WHEREAS the Board of Selectmen has determined that the public good, necessity, and convenience of the inhabitants of the municipality require that a portion of the public right-of-way subject to this proceeding should be discontinued.

IT IS HEREBY ORDERED:

- 1) Given monuments #20, #3, #15, and #2 depicted on a survey by R.F. Lunna Associates (said survey being dated May 21, 2003 and recorded June 13, 2003 in the Bethel Land Records Plat Book 5, Page 64) and if given a line segment connecting monument points #20 and #3, and if given a second line segment connecting monument points #15 and #2, a Town Highway (rights to which were conveyed to the Town of Bethel by a State Highway Board Certificate of Highway Relinquishment dated September 25, 1959 recorded in the Land Records of the Town of Bethel in Roads Book 1, Page 142) running between and intersecting the said two line segments is hereby DISCONTINUED and all rights, title, and interest in the land encumbered by said portion of highway shall revert to the owner of lands abutting on either side, per said Lunna survey this currently being John B. Durfee. It is expressly intended that this action does not apply to rights, title, or interests the Town of Bethel has in lands located southerly or easterly of the above referenced line segment connecting monument points #20 and #3.
- 2) Per V.S.A. Title 19, Section 711, this "Report and Order" shall be submitted for recording by the Bethel Town Clerk."

The Board then returned to the order of the agenda. The Constable's report of April 1, 2011 was reviewed and placed on file. The Selectboard minutes of March 28, 2011 were approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried. The Development Review Board minutes of April 5, 2011 were also reviewed and placed on file.

Regarding appointments to Town Offices and Committees, it has been confirmed that Shelie Richardson will accept appointment as the Town Service Officer. By motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, Eric Benson was appointed to an additional one year term as the Town's representative to the regional Transportation Advisory Committee. By motion of Bill Richards, seconded by Joe De Freitas and unanimously carried, Keith Bollman was appointed as an Alternate for the Development Review Board.

At 7:05 PM Chairman Fox welcomed Health Officer Erin Boetcher, Fred Farrington, and Lester Howard, and declared that a Hearing was open to discuss the matter of Mr. Howard's capacity to occupy a dwelling at 1004 Findley Bridge Road given deficiencies of the dwelling which were noted by Ms. Boetcher in a site inspection held on March 26, 2011. Due to Health issues, Mr. Howard has most recently been residing at the Berlin Health and Rehabilitation Center, but now expresses strong wishes to return to his own home. Ms. Boetcher described the deficiencies she observed at Mr. Howard's home and provided pictures of them, citing these as the reason why she did not believe Mr. Howard's return to the home would be advisable. Fred Farrington also stated that Mr. Howard does need someone to watch him closely due to Mr. Howard's inability to get around well. Various options were discussed re. support services which might be made available, the need to have repairs and cleaning done at the site, and even the potential of having an alternative living unit (mobile home) installed at the property. At 7:45 PM Chairman Fox determined that the Hearing should be continued to a future time when additional information could be available, including a medical professional's opinion re. Mr. Howard's physical ability to address certain of the deficiencies cited by the Health Officer, the availability of support services, and the possible installation of a mobile home in lieu of occupancy of the existing dwelling.

At 8:00 PM Chairman Fox welcomed Leanne Ketner and Kim Cayer of the Whitcomb High School junior class, they being present to discuss with the Selectboard the potential use of the Town Hall for the "Junior Prom" to be held on May 7th. Matters associated with set-up and clean-up were discussed, as well as the subject of decorating the area and equipment/furnishings which would be used. The junior class requests that the fee be waived since the "Prom" is a municipal activity. The Board members concurred, and suggested that members of the class should view the Hall to know more about what is available and how to plan for the event. Miss Ketner and Miss Cayer thanked the Board for the opportunity to discuss this matter, and they departed at approximately 8:25 PM.

The Board next examined information about the "Village Center Designation" program, including application guidelines from the Vermont Agency of Commerce and Community Development. It was noted that Peter Gregory, Executive Director of the regional planning commission, has offered to help with the determination of boundaries for the designated area. The Board members agreed that an application should be developed to include both the currently designated area and extensions along Church Street and Pleasant Street to Whitcomb High School, and along River Street to include the Greenhurst Inn.

The budget status reports for the Town General Fund and the "enterprise" funds were then reviewed. Delbert Cloud will provide information at the next meeting re. electric costs which have seemingly been rising beyond budget expectations. No action was required or taken, as these reports are informational only.

The following communications were then reviewed and placed on file: (1) a memo from Charlene Bostrum dated March 30, 2011 re. environmental issues effecting water quality; (2) a letter dated March 24, 2011 from the Vermont Animal Cruelty Response Coalition re. humane treatment of animals; and (3) a March 30, 2011 informational newsletter from the U.S. Census Bureau.

The Board next discussed a letter dated April 7, 2011 from the Board of Listers setting forth reasons why a parcel of land considered to be owned by the Hicks family may actually be a part of the former "DuBois Farm." The Board of Listers believes the subject land identified as parcel ID 07-002.000 is non-existent as far as being a separate ownership, and recommends that the parcel be removed from the Grand List and all taxes abated. The Selectboard also examined Vermont Statutes Annotated Title 24 Section 1533, and advice from Mary Jane Grace of the Vermont Department of Taxes. After due consideration of these matters, motion to abate all taxes, penalties and interest was made by Joe De Freitas, seconded by Bill Richards and unanimously carried.

The Board then reviewed a memo dated April 8, 2011 from the Recreation Committee, this setting forth recommended rates for use of the Town's swimming pool and for taking swimming lessons. The recommendations were approved as submitted, per motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

Note was then made of the date for a re-scheduled hearing on the Town's appeal of the value for the "coefficient of dispersion" calculated by the Vermont Department of Taxes. Both Neal Fox and Joe De Freitas will accompany Louise Ferris-Burt to the hearing.

Delbert Cloud informed the Board of a concert planned by Spencer Lewis at the Town Hall for April 30, 2011, the proceeds of which will be dedicated to the benefit of the "Food Shelf". The Board has been asked to waive rental fee for the event. The Board discussed the subject and concluded that it would be necessary to make certain costs of the Town were covered, these being in the magnitude of \$50.00. It was agreed that rental fees above that value would be waived.

The Board then examined a map from Mark Tessier of Matrix Design Group showing where his company would like to install four new utility poles on the North Road in order to provide for cables being run for communication services ECFiber plans to provide. The Board members concurred that the poles would not conflict with the Town's interests in maintaining the highway, but it would be necessary to have input from the subject property owners before final approval could be granted.

As business of the local Board of Liquor Control Commissioners, the following approvals were given: (1) a 1st and 2nd class liquor license inclusive of a Tobacco and Outdoor seating provision for the Harrington-Leary Group, LLC; (2) a Catering Permit for Valley Bowl Inc. to cater an event at Breaking Grounds on May 25, 2011, and (3) a 1st class liquor license for the Creek House Diner. These approvals were granted per motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

With no further business to attend, the meeting was adjourned at 10:25 PM by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

Neal Fox

Bill Richards

Joe De Freitas