

**MINUTES
ST. JOHNSBURY SELECTBOARD
MONDAY, FEBRUARY 16, 2009**

The St. Johnsbury SelectBoard met on Monday, February 16, 2009 beginning at 7:00p.m. in the Board Room of the Municipal Building.

SelectBoard Members Present: Chairperson Bryon Quatrini, Gary Reis, Daniel Kimbell, Jean Hall Wheeler, and Jim Rust.

Others Present: Sandra Grenier, John Wileczek, Madeline Gonyaw, Mahlon Gonyaw, Frank Lawrence, Anne Lawrence, Michael O’Hara, Andrew Dusseault, Alan Langmaid, Don Glover, Priscilla Messier, Jon Beck, Diane Beck, Larry Dolan, Margaret Healey, Sharon Meigs, Don Bostic, Taylor Reed (Caledonian-Record), Edward Zuccaro, Joel Schwartz, Brendan Hadash, KATV-7, LSCTV-7, and Town Manager Mike Welch.

Chairperson Quatrini called the meeting to order with the Pledge at approximately 7:00p.m.

PUBLIC COMMENT: Chairperson Quatrini asked if there was any public comment on items not appearing on the agenda. There was no public comment.

MINUTES – FEBRUARY 9, 2009 - It was moved by Daniel Kimbell, seconded by Jim Rust, and voted (5-0) to approve the Minutes from the February 9, 2009 SelectBoard meeting as presented.

PUBLIC HEARINGS RELATED TO: Discontinuance of a Portion of Town Highway #71; Discontinuance of a Portion of the Old Bradley Road; and Reclassification of the Easterly Portion of Prospect Street.

Chairperson Quatrini opened the Public Hearing and asked for Public Comment:

Discontinuance of a Portion of Town Highway #71 – Priscilla Messier reviewed with the members of the Board that portion of Town Highway #71 proposed to be discontinued. Mike O’Hara presented the Board with four petitions, signed by approximately 100 individuals (not all residents of St. Johnsbury) that stated the following:

“We would like to have the Ancient Roads between Lawrence Hill Road and West Hill Road, and the Old Bradley Road and Crepeault Road kept as it is for now and for future use. We think that it is not wise of the town to give up recreation trails that can be used for horseback riding, cross country skiing, mountain bikes, snowmobiling, snowshoeing, and just a place to walk, without someone telling them to keep off. The town has spent a huge amount of money on this bike path, and we do not see any end to this project. It seems that the people, here in the Northeast Kingdom, would love to keep this part of the State, a tourist attraction. So please do not give away something that we already own!”

Mike O'Hara said that he was opposed to the discontinuance and said that once we give something up you will not get it back.

Andrew Dusseault said that he met with Artis Wheeler, who was unable to be at the hearing, and she is in favor of throwing up this road. Mr. Dusseault said that this old road divides her property and has not been used for years.

Don Glover said that there used to be a snowmobile trail, and that he would like to see it remain open for future use.

Anne Lawrence said that the snowmobile trail was never on the location of this old road, but it was on another portion of the Lawrence property. Anne Lawrence said that she and her husband have kept the road open for access to their property. Mrs. Lawrence said that she is in favor of discontinuing the road.

Daniel Kimbell asked how the snowmobile trail is connected to the Comfort Inn area now. Don Glover provided a description of the route. Don Glover said that West Hill Road is open to snowmobile travel.

Daniel Kimbell asked about the cost associated with giving up a road at a later date if this was not done as part of the Ancient Road grant process. Priscilla Messier stated about \$500.

Bryon Quatrini suggested that representatives from the snowmobile club meet with the Lawrence's and with Artis Wheeler to see if they can come to a compromise relative to the public use of this road. Anne Lawrence said if this road was so important to the snowmobile club and for public access, why hasn't anything been done before now? Don Glover said that the snowmobile club was under the impression that the road had been thrown-up a long time ago – so they had not tried to continue a trail use at this location. Anne Lawrence said that the road would not exist if it were not for the work that she and her husband had done to maintain the road.

Members of the Board noted for the record the letter received from Mike Fraysier, State Lands Director, Department of Forests, Parks and Recreation - recommending that the Town adopt a policy relative to Class 4 Highways and Trails, and that adopting a "policy will help to protect the town's interest and assure that these valuable resources remain available to the public."

Bryon Quatrini stated that he would like to see this back on the agenda before the end of March for further consideration by the SelectBoard, once the parties have had additional time to discuss the issues.

Discontinuance of a Portion of the Old Bradley Road – Priscilla Messier provided members of the Board with an overview of the property that is proposed to be discontinued.

Andrew Dusseault said that he has a description of the portion of Old Bradley Road that is proposed to be discontinued.

Larry Dolan said that this old road is used to access the lower portion of his property. Mr. Dolan said that parts of the old road are very dangerous. Mr. Dolan said that he allows public access to his property now, and discontinuing the road would not have any impact on that. Mr. Dolan said he is in favor of seeing the road thrown up. Mr. Dolan said that there are no snowmobile trails anywhere around this location.

Alan Langmaid said that his property is not posted, and they have allowed public access.

Mike O'Hara stated that the petitions he presented earlier relate to the Old Bradley Road as well as to Town Highway #71. Mike O'Hara said that if the land changes hand, having a class 4 road or trail through the property would assure public access. Mike O'Hara said that these are recreational opportunities for everyone.

Andy Dusseault said that if this is classified as a Class 4 road – then people could go on there with vehicles.

John Wileczek said he did not think that the Town should throw up anything. Mr. Wileczek said that the roads should be reclassified as Trails.

Someone asked about ATV's going on trails if roads were classified as Trails. Town Attorney Edward Zuccaro said he believed that ATV's could go on trails. Edward Zuccaro said that he did believe that the Town's liability would be limited if roads were reclassified as trails.

Margaret Healey said that the Town should get a formal legal opinion about liability and private property owner liability relative to unmaintained trails if they are open to the public.

Attorney Zuccaro said that the SelectBoard could use the warned proceeding to discontinue the roads, or to reclassify as a trail.

Following discussion, Gary Reis made a motion to Discontinue a portion of the Old Bradley Road as described in the Notice of Proposed Discontinuance. This motion failed for lack of a second.

Daniel Kimbell said that he would like additional information, and would also like to conduct a site visit when the roadway is visible. Edward Zuccaro stated that the legislature has given the community the authority to do a mass discontinuance without any legal descriptions until July 1, 2010.

Priscilla Messier said that she needs to close out the Ancient Road Grant in June. Daniel Kimbell recommended that the SelectBoard conduct a site visit, in warm weather, but in time for Priscilla Messier to meet the grant close-out requirements.

Reclassification of Easterly Portion of Prospect Street – Priscilla Messier reviewed with the members of the Board the easterly portion of Prospect Street. Priscilla Messier said that there are town utilities within this area, and there used to be a public walkway connecting Cherry Street to Prospect Street. Brendan Hadash asked about future plans for this area. Priscilla Messier said that there has been discussion over the years about repairing the public walkway – but she did not believe that a road would be constructed to connect to Cherry Street.

Following discussion, it was moved by Daniel Kimbell, seconded by Jim Rust, and voted (5-0) to reclassify the easterly portion of Prospect Street as a Class 4 Road described as follows:

“Beginning at an unmarked point located at the intersection of the centerline of Prospect Street with the westerly limits of Cherry Street. Thence westerly along the existing centerline of Prospect Street for a distance of approximately 180 feet to an unmarked point. Said point being approximately 49 feet northerly of the northeast corner and approximately 98 feet northeasterly of the northwest corner of the building located at 90 Prospect Street (formerly 9 Prospect Street) which is the subject of a Declaration of Condominium as recorded in Book 145 Page 484 of the St. Johnsbury Land Records.”

Priscilla Messier asked the members of the Board to review and sign the Annual Town Highway Mileage Classification Report. Members of the Board reviewed, approved and signed the Highway Classification Mileage Report.

LAND & WATER CONVERSATION FUND GRANT APPLICATION

DISCUSSION – It was moved by Daniel Kimbell, seconded by Jim Rust, and voted (5-0) to table this item as Recreation Director Joe Fox was not present to discuss.

ENGINEERING AGREEMENT AMENDMENT #2 - Final Design Water Project – Evaluation of Higgins Hill Tank and Filter Tanks. The Manager provided members of the Board with a copy of the draft agreement increasing the base contract amount by \$40,800 to \$574,020, with Dufresne Group. The purpose of this amendment is to incorporate an analysis of alternatives for addressing concerns about the condition of the filter tanks at the Water Treatment Facility, and the evaluation of alternatives and recommendations for upgrade or replacement of Higgins Hill Water Storage Tank. Daniel Kimbell asked about the Time Schedule. The proposed timeframe is construction in 2010 – but that would be subject to funding. This amendment has been approved by the State of Vermont. Following discussion, it was moved by Gary Reis, seconded by Daniel Kimbell, and voted (5-0) to approve Amendment #2 to the Engineering Agreement with Dufresne Group for the Evaluation of Higgins Hill Tanks and the Filter Tanks at the Water Treatment Plant, and to authorize the Town Manager to sign the amendment.

MANAGER'S REPORT: Redetermination of Equalized Education Grand List – The Board reviewed the Redetermination of the Equalized Grand List as revised by the State of Vermont, Property Valuation and Review. Assessor Peter Whitney has recommended that the Board accept this redetermination. It was moved by Gary Reis, seconded by Jean Hall Wheeler, and voted (5-0) to accept the Redetermination and authorize Chairperson Bryon Quatrini to sign on behalf of the Town.

Town Service Officer – It was moved by Daniel Kimbell, seconded by Jim Rust, and voted (5-0) to appoint Michael A. Welch as Town Service Officer for the period April 15, 2009 – April 14, 2010.

Vermont Community Development Block Grant Application – Jay-Lyn Revolving Loan Fund – Joel Schwartz said that the Jay-Lyn Revolving Loan Fund currently has about \$63,000 in funds available to loan, and about \$220,000 in outstanding notes due. Joel Schwartz advised that the Jay-Lyn Fund Loan Committee does make some risky loans, as they serve as a lender of last resort for local businesses. Joel Schwartz said that the Loan Committee does try to minimize the risk, and to get collateral for loans – but they are often behind other lenders in prioritization. Joel Schwartz said that the Loan Committee has agreed that they would like to submit an application to VCDP in order to recapitalize the Loan Fund. Joel said that an application would probably be in the range of \$250,000 to \$400,000. Joel stated that if granted – 50% of the principal returned to the Loan Fund would need to go back to the State of Vermont. Daniel Kimbell asked about liability for return of principal balance to the State in the event of default? Joel Schwartz said that he would confirm, but he did not believe that the Town would be on the hook for those balances. Joel Schwartz said that he will also be meeting with the Lyndon SelectBoard asking that they participate in the application. Joel said that the application would be due in March. Following discussion, it was moved by Daniel Kimbell, seconded by Gary Reis, and voted (5-0) to move forward with the submission of a VCDP Grant application for recapitalization of the Jay-Lyn Revolving Loan Fund.

Solid Waste Implementation Plan (SWIP) – The Manager informed the Board that the SWIP is scheduled for two public hearings. The first with the Recycling Committee on February 18th at 5:30p.m. and the second with the SelectBoard on March 9th at 7p.m.

Town and School Budget Presentation – Scheduled for February 18, 2009 at 6p.m. at the St. Johnsbury School. It was recommended that the website be updated to indicate Town and School Budget presentation. Members of the Board agreed to select portion of the Town Meeting presentations that they wanted to be responsible for, and that the Manager should prepare a hand-out for Town Meeting. The Manager stated that RCT will provide free rides to Town Meeting, and the Recreation Department is sponsoring youth activities.

Bond Informational Meeting – The Bond Informational Meeting for the West Side Water System Improvement Project is scheduled for Monday, February 23, 2009 beginning at 7p.m. in the Board Room of the Municipal Building.

Town Report – Sandy Grenier, Larry Sharer, Priscilla Messier, and Ida Rainville have completed work on the 2008 Annual Town Report and the newsprint edition will be circulated in the Caledonian Record on Saturday, February 21st. Copies will be available at the Town Office, School, and Local banks.

Development Review Board – The Manager provided members of the Board with a copy of the Community Advisory Board Minutes. The CAB has agreed to support the application of BAART to operate a substance abuse treatment clinic on Portland Street. The Manager stated that the Development Review Board will meet on Tuesday, February 17th at 7p.m. to discuss this application, and to consider the concept site plan for the Main Street Fire Station/Municipal Offices.

Expenditure Warrants – The members of the Board reviewed, approved, and signed the Expenditure Warrants as follows:

General Fund	61205 – 61217	\$12,350.88
Grant Fund	2162 – 2162	1,185.75

OTHER BUSINESS - There was no other business to come before the Board. It was moved by Daniel Kimbell, seconded by Jean Hall Wheeler, and unanimously voted to adjourn at approximately 8:07p.m.

Respectfully submitted,

Michael A. Welch
Town Manager