

Minutes of the June 11, 2007 Meeting of the Board of Selectmen.

Present at the Town Office were: Eric Benson, Bill Richards, Delbert Cloud, Geneva Gaiko, and David Eddy. Lang Durfee, Dola Dartt, and Craig Paini were present at the site visit made in the vicinity of Vermont Castings Road.

The meeting was called to order at 6:00 PM by acting Chair Eric Benson. The Public Notice for review of a highway matter was briefly reviewed, and per the schedule set forth in the "Notice" the Board left the Town Office to conduct a site visit on property owned by Bethel Mills Lumber in the vicinity of Vermont Castings Road. Lang Durfee of Bethel Mills Lumber gave a brief overview of the site conditions and the activities of Bethel Mills in that location, indicating his certainty that a Town road did not cross through the subject land. Craig Paini, Dola Dartt, and David Eddy all indicated concurrence with Mr. Durfee's comments. The Board made note of various features and observations in anticipation of formalizing "Findings of Fact" as required by Vermont Statutes, and then returned to the Town Office. The meeting reconvened there at 6:25 PM. With minor amendment, it was agreed that the same "Findings of Fact" set forth at an earlier time (October 28, 2002) still seemed applicable. Eric Benson asked if anyone present had any comment to offer, as a Public Hearing was scheduled to receive such comment at this time. Hearing no comment, Chairman Benson declared that the Public Hearing was closed. In reviewing the available information, the following "Findings of Fact" were agreed upon:

With respect to a potential public right-of-way in the vicinity of Vermont Castings Road and the Royalton Town Line, extending northerly to intersect with a public highway known as Bridge Street (or the extension of said Bridge Street which connects with South Main Street in the vicinity of Paini Monuments), the Bethel Board of Selectmen conducted a site visit on June 11, 2007, and developed the following Findings of Fact:

1. It is unclear as to where the actual course of a road may run through the storage yard area actively being used by Bethel Mills.
2. The boundary between the Dartt property and Bethel Mills's property has been established along evident landmarks, reportedly by a boundary agreement between the parties.
3. Bethel Mills has acquired land formerly owned by Central Vermont Public Service Corporation, who now holds an easement for a course of utility poles at the top of a very steep bank.
4. Some of the land being used by Bethel Mills is actually owned by the railroad.
5. The parties are all accessing their respective land without use of an established public right-of-way.
6. No public maintenance of the subject corridor has been done in anyone's memory.
7. It is noted on surveys of record, and commonly acknowledged by the public, that a public right-of-way extends from Route 107 near the so-called River Street Bridge along a corridor known as Bridge Street, said R-O-W turning within land of Bethel Mills to cross the railroad tracks and again intersect with Route 107 in the vicinity of land owned by Philip Paini, there also being physical traces on the ground of this corridor,
8. There is no point along the subject corridor within the Bethel Mills land by which a convenient access can be made to the river itself.
9. The Town's sewage outfall line passes through Bethel Mills's land and discharges to the riverbank of the White River along the steep bank owned by Bethel Mills.

On the basis of the above "Findings of Fact," it was resolved by motion of Eric Benson, seconded by Bill Richards and thus carried, to discontinue any public right-of-way as may exist from the westerly terminus of Vermont Castings Road near the Royalton Town Line running northerly approximately 1200 feet until such point as it may intersect with the course of "Bridge Street" or the right-of-way extending easterly from Bridge Street intersecting with Vermont State Route 107 near Paini Monuments place of business, it being agreed that the public need and necessity is best served by this action. It is understood that the rights-of-way via Bridge Street, connecting two points on Vermont Route 107 (ie. River Street Bridge and South Main Street by Paini Monuments) are not in any way diminished by the above described action. The Board then instructed Delbert Cloud to apprise the Town Agent of this action, and to ask for her to prepare a "Report and Order" in accordance with Vermont Statutes.

The Board next reviewed the Constable's reports of May 27, 2007; June 3, 2007; and June 10, 2007. The minutes of the May 22, 2007 meeting of the Board of Selectmen were approved by motion of Eric Benson, seconded by Bill Richards. The minutes of the emergency meeting of the Board on May 25, 2007 were also approved, by motion of Bill Richards, seconded by Eric Benson. The Class 4 Roads committee minutes of May 17, 2007 were reviewed and placed on file, as were the regional planning commission

minutes of April 11 and 25, 2007. The Budget Status Reports for the Town General Fund and the enterprise funds as of May 31, 2007 were also reviewed and placed on file.

Delbert Cloud provided the Board members with various points of information stemming from a May 30, 2007 conversation with the Town Hall architect, Laz Scangas. Most of this pertained to the contents of the bid packet for the roof project, and the availability of plans for interested bidders. Cloud will share the Board's thoughts with Mr. Scangas.

A request for permission to conduct a coin drop on Main Street and Pleasant Street on graduation day, June 16, 2007, has been received from the Alumni. It was agreed that a coin drop set-up near the front of the Bond Auto property on Main Street could be a safety conflict with the previously scheduled Rotary barbecue. It was also a concern that there will be many cars moving on Pleasant Street near the school, and that a set-up within the Town's jurisdiction might be unsafe. Ultimately it was agreed that a coin drop could be allowed, subject to the customary rules, if it were staged in the vicinity of Spaulding Press on Main Street. Motion accordingly was made by Bill Richards, seconded by Eric Benson and thus carried.

The Board next reviewed a letter from Martha Hafner and Scott Carlson requesting use of the Church Street Common for a public entertainment program on Saturday, July 28, 2007. Since no Town program is scheduled for that time, and the Prudential Committee of the Brick Church does not have anything scheduled, it was approved subject to customary rules by motion of Eric Benson, seconded by Bill Richards and thus carried.

The following communications were then reviewed: (1) the 2007 Recreation Center Information Packet, (2) a project punchlist for the Church Street Bridge project, (3) a copy of a May 30, 2007 letter from the Act 250 District Coordinator re. Rock of Ages quarry operations, (4) a draft of a "traffic study" being done by RSG, Inc. on behalf of Rock of Ages, (5) an invitation to the Visiting Nurse Association Annual Meeting, (6) a May 22, 2007 letter from The Johnson Company re. confirmation of certification conditions at the former solid waste facility, (7) two May 31, 2007 letters from the District 4 Transportation Office re. grant programs, (8) a May 21, 2007 letter from the regional planning commission re. the 2010 US Census, (9) letters pertaining to reviews by the Vermont Department of Conservation on permit applications from Charz, Graham, Gilman, Munyon, and Piper, and (10) an invitation to attend the next meeting of the Planning Commission on June 20, 2007 to hear a presentation from Jens Hilke, the Vermont Fish and Wildlife Conservation Planning Biologist; the public is invited to attend this also.

Motion was then made by Bill Richards, seconded by Eric Benson and thus carried, to enter executive session to discuss a matter of contract negotiations, and a matter of litigation in which the Town is a party. The time was then 8:15 PM. Delbert Cloud was the only person remaining with the Board during the executive session. No minutes were kept. Upon return to open meeting, the only motion was the one to adjourn, this being made at 9:05 PM by Bill Richards, seconded by Eric Benson.

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Neal Fox

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Bill Richards

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Eric Benson