

Meeting Minutes are in Draft Form until Approved by the Board

KIRBY SELECTBOARD'S MEETING

FEBRUARY 6, 2017

The Selectboard met at the Kirby Town Clerk's Office on February 6, 2017. The meeting was called to order by Chairperson Steven Baker at 6:00 p.m.

Those present were: Selectpersons Rebecca Hill-Larsen, Steven Baker and David Chase
Kirby Resident David & Nola Forbes, Joseph Ostrout, Brian Keith (and daughter), William Chatlos, Julie Urnek-Chatlos, Peter Blouin, and Marie Sullivan (and son)
Assistant Town Clerk Marla Waring
Road Foreman John Ohina
Secretary/Clerk Wanda Grant

Additions to the agenda – bill from Ruggles Engineering and letter from Michael and Gretchen Daly. These items will be discussed after the Road Report.

Rebecca Hill-Larsen made the motion to change the designation of Lynhill Road where it changes to a Class 4 road to the top of the hill to a Class 3 road. Motion seconded by David Chase.

Discussion - Rebecca Hill-Larsen stated that the opinion has been that it is not appropriate to treat a Class 4 road different from other Class 4 roads so she feels that Lynhill Road should be change to a Class 3 road. She also stated that there are issues with the road - more gravel being needed and a culvert on the uphill side that needs to be fixed. She feels it is appropriate to ask that the road be fixed before it becomes a Class 3 road.

Rebecca Hill-Larsen amended her motion – to change the Class 4 designation of Lynhill Road from current Class 4 to Tunny Mountain Road to Class 3 pending that the people on that road adding gravel and changing the culvert. Amended motion seconded by David Chase.

Rebecca Hill-Larsen made clarification that the Town would not reclassify the road to Class 3 until the work was completed.

Discussion:

- Steven Baker stated that he feels the Town would have to be more specific with what would have to be done – gravel, culvert, fabric etc.
- Rebecca Hill-Larsen stated that she is using what is stated in the Town's road standards. Nothing is mentioned in the standards about fabric etc.
- Clerk Wanda Grant stated that the Selectboard can consider what is stated in the Vermont State Statutes Title 19 section 711 (b) which refers to Title 302 (a)(3)(B) – “The minimum standards for class 3 highways are a highway negotiable under normal conditions all seasons of the year by a standard manufactured pleasure car. This would include but not be limited to sufficient surface and base, adequate drainage, and sufficient width capable to provide winter maintenance, except that based on safety considerations for the traveling public and municipal employees, ...”.

- Steven Baker feels that it is a risk for the Town Truck (and driver) and adds extra mileage to be taken care of. He feels it is not good physically or financially for the Town. Adds a lot more wear and tear to the Town's equipment. Could cost a lot more to maintain this road. He feels it would not be fair to other people in Town – especially those living on other Class 4 roads.

Vote was taken on motion – Steven Baker No; David Chase No; Rebecca Hill-Larsen Yes. Motion failed.

Rebecca Hill-Larsen made the motion to change the designation of Apple Tree Lane from where it starts as Class 4 to turnaround area halfway up hill (500 ft) to Class 3 to provide for what we have been doing and providing that the people that want to bring it to that standard put in gravel and the culvert to bring it up to that standard. Seconded by Steven Baker.

No discussion.

Vote was taken on motion - Steven Baker No; David Chase No; Rebecca Hill-Larsen Yes. Motion failed.

Mr. Keith stated that he could not hear all of discussion. Chair Steven Baker stated that he voted no because:

- Would have to be very specific as to what would have to be done before Town would reclassify to Class 3. Might even have to have engineered.
- Concerns with percentage of grade. Reasonable grade is 6%. Grade on these roads are 11 to 12%.
- More wear and tear on equipment.
- Danger to Town Truck and driver. He stated that he hear that Road Foreman John Ohina slipped backwards with chains on one day. (Mr. Blouin stated that he looked at the road that day and did not see any chains marks.)
- Maintenance would be more costly – more tires, sand, gravel, etc. Town already struggling to keep gravel on what Class 3 roads the Town now has.
- If Town reclassifies these roads other people on Class 4 roads will want the same. (It was noted by many present that these people could go through the same process – petition, hearing, etc.)

Julie Urnek-Chatlos disagreed with it costing too much money as cost provided by the Town shows that the total cost for one year (2016) was \$1,514.97.

Steven Baker stated his major concern was safety for Town Truck and driver.

Julie Urnek-Chatlos asked if he knew of any incident in the last 25 years.

Steven Baker stated that he was not aware of any. He went on to state that anything can happen and the Town only has one Truck.

Julie Urnek-Chatlos asked for verification that after this winter the Town is refusing to plow or sand this road.

Steven Baker stated that that is correct. He also stated that the hearing for reclassifying these roads was held earlier and that no more testimony should be taken. The meeting tonight was for the Board to make their decision.

It was asked what the appeal process is for appealing the Selectboard's decision.

Clerk Wanda Grant stated that it is her understanding that there is no appeal process but opposition could take the matter to court.

Nola Forbes asked the Board to reconsider. She thought there would be more discussion after receiving the additional information asked for at the hearing that was held earlier.

Rebecca Hill-Larsen stated that the Board had a meeting on January 2nd and it could have been discussed at that time.

Nola Forbes stated that they were contacted and told not to come to that meeting.

Clerk Wanda Grant clarified that they were told that the Board was not going to vote on it that night.

Nola Forbes went on to state that these 2 roads are different (own category) in that they are the only ones that are part Class 3 and part Class 4 if you use the Town road numbers as was used before 911 names were given. So these roads are different than other Class 4 roads. She suggested that maybe the Board could put an item in their Class 4 guidelines addressing this. The "Orange Book" and State Statutes never mention that when reclassifying Class 4 roads to Class 3 that the roads have to be brought up to any particular standard. She stated that after receiving the additional data requested after the hearing that they (David and herself) would like Apple Tree Lane to be reclassified to Class 3 since they are not responsible to pay for all of it. She feels there is a way to work together to be fair without excessive costs. The Selectboard could actually let the "status quo" continue as these 2 roads are in their own category.

David Forbes stated that the Board could declare tonight that the 500 feet of Apple Tree Lane being discussed could be reclassify to Class 3 without anything having to be done. He stated the Shauna Clifford (Agency of Transportation) stated that grade was not an issue and that the Town could reclassify this road and then get paid for it. It would actually be easier for the Town Truck to turnaround in the bigger space. He also went on to state that this road never caused a problem until culvert got plugged during storm in 2011.

Joseph Ostrout asked if those present could have copy of minutes being taken. Clerk Wanda Grant stated that they could get minutes later as minutes would not be typed up tonight. She stated that she could email the audio being recorded tomorrow. That was agreed upon.

Steven Baker stated that his decision was not personal but he had concerns for safety of Town equipment, additional costs, and being fair to other people living in Town and on Class 4 roads.

Marie Sullivan stated that there are safety concerns for the children living on these roads.

Julie Urnek-Chatlos stated that there are 3 houses now on Apple Tree Lane (she was not sure about additional room for expansion), 4 houses on Lynhill Road, 3 houses on Tunny Mountain Road that uses Lynhill Road, and more property available for further expansion. These properties are income for the Town and so the Town has some responsibility.

Steven Baker stated that property owners have a responsibility to find out about maintenance and class of road before they buy the property.

Brian Keith stated that he personally observed the Town plowing the road before he bought his property.

Marie Sullivan asked why roads were not marked as Class 4 roads before.

It was noted that this was not a practice in the past but more towns are starting to put up signs now and this is the first year that the Town has put up the signs.

Nola Forbes stated that a road map has been included in the Town Report for years and the maps did show what class the roads are. However, signs on the roads do not show what class the road is.

Rebecca Hill-Larsen made the motion to accept the minutes of Selectboard's Meetings for January 2 and January 9, 2017 as written. Seconded by David Chase. So voted.

Road Report – John Ohina had to leave earlier but he did leave a driveway access permit for Martin Etter to be signed by the Road Commissioner. Road Commissioner David Chase stated that he will look at the area tomorrow and then sign off on it if everything is okay.

The Board reviewed the bill from Ruggles Engineering in the amount of \$1,200.00 for work on Ridge Road.

Clerk Wanda Grant read a letter from Michael and Gretchen Daly concerning the location of the plastic storage tank adjacent to their property line. The Board decided that they will try to move this tank closer to the Town Garage (and maybe box it in) in the spring and when it is empty. They stated that trying to move it now could cause the tank to be breached. They asked Wanda to reply to the Dalys stating this.

The Board reviewed the January budget and signed Highway and Town orders or bills.

Steven Baker informed the rest of the Board that John Ohina and himself have met with several salesmen (from Charlebois and Patriot) concerning purchasing a new Town Truck. They have worked the specifications to meet the Town's needs. Here is the information gathered:

- Feels Western Star is the best. Lots of towns are using them. Has more power and better design.
- Would outfit with Everest body and sander as Tenco parts are hard to get. Would be a different type of sander and would be a side-dump body.
- Charlebois would allow warranty work to be done at Lyndon Truck Center. They might also be willing to order now so Town could have earlier (July or August compared to October or November). Town would not be obligated to purchase

(and would not be charge anything) if decides not to – would just sell to someone else.

- Feels automatic transmission would be best as trade-in value is higher.
- Engine would be bigger as engine in present truck is too small for work required.
- Would have a 16-yard body and standard tires.
- Price would be between \$210,000.00 and \$212,000.00 for everything.
- Extended warranties are available at one time costs of \$2,000.00 to \$20,000.00 depending on what you want covered.

There was some discussion on whether to keep old truck or not. Steven Baker feels Town should keep it as a spare. Town knows what truck is and would be handy if new Truck was down for some reason. Can plow with grader but cannot sand.

Steven Baker also informed the Board about purchasing a grizzly. He feels would be cheaper to purchase one than to have Road Foreman John Ohina make one as it would take John a long time to make and would be a lot of welding. He will continue to look into this.

Wanda Grant informed the Board that she had looked into borrowing funds from the Vermont Equipment Loan Fund for the purchase of the truck. She found out the following:

- Can only borrow up to \$110,000.00
- Loan can be up to 5 years.
- Interest rate is 2%

It was decided to check with local banks to get interest rates from them too.

The Board signed the annual Certificate of Mileage. There no changes noted.

Wanda Grant gave Steven Baker the regulations for setting speed limits. He will research this.

The Board noted the information for applying for a Better Road Grant but decided not to pursue this until they have completed their present grant for inventorying roads.

David Chase made the motion to increase the equipment charges from \$20.00 to \$25.00 per hour and to increase the pay of Road Foreman John Ohina, Town Clerk Wanda Grant, and Assistant Town Clerk Marla Waring by \$1.00 per hour. Seconded by Rebecca Hill-Larsen. So voted.

The Board noted the increase from the Town of Lyndon for plowing and salting the paved portion of Ridge Road from \$45.00 per time to \$60.00 per time.

Road Commissioner David Chase signed an overload permit for Newport Sand and Gravel with the condition to stay off the roads when soft anytime of the year.

The Board decided to wait to appoint a representative to Lyndon Rescue until they hear back from Timothy Peters to see if he would like the position.

The Board noted the following:

- Special meeting of VLCT to be held February 15, 2017 concerning changes to bylaws related to making the meeting of the adoption of the Municipal Policy less confusing.
- Selectboard Institute Seminar to be held March 18, 2017.
- Local Government Day to be held February 15, 2017

The next regular Selectboard Meeting will be March 6, 2017 at 6:00 pm.

Rebecca Hill-Larsen made the motion to adjourn the meeting. Seconded by David Chase. So voted.

The meeting was adjourned at 7:43 pm.

Respectfully submitted,

Wanda L. Grant, Secretary