

Town of Groton, Vermont - Select board Minutes Jan. 18, 2018 (approved)

Select board Members in Attendance: Deborah Jurist, Wade Johnson, Sr. and Mary Grant

Attendance for the meeting included: Debra Johnson, Carrie Peters, Mark Shallberg, Mary Ellen Boyce, Barbara Johns, Lise Shallberg, Brent Smith, Jim Downing, Linda Nunn, Dorothy L. Knott, Dave Spencer and Kitty Diggins.

Mary called the meeting to order at 6:30 pm.

No adjustments to agenda.

Deborah moved to approve the minutes of January 4, 2018, Wade seconded and motion passed.

Deborah moved to approve the minutes of January 11, 2018, Wade seconded and motion passed.

**Executive Session - "Confidential attorney-client communications made for the purpose to providing professional legal services to the body"**

The Select Board went into executive session at 6:35 pm on communication from the attorney.

A motion was made at 6:47 pm to come out of executive session. Deborah read a statement from the Select Board as follows:

**There has been a lot of research done on our RR Bed recently.**

**We have a lot of different groups who have strong feelings about the RR Bed.**

**We have a history of how the town has treated the RR Bed in the past**

**We have an Act 250 permit on the RR Bed for Primary Use for VAST**

**We have denied Act 250 permits.**

**We have a building used for public housing that was granted use of an area under the RR Bed for utilities.**

**We have a section being plowed that goes from Powder Spring Rd. to the Costello Property, possibly being plowed as a result of the Public Housing project and changes that were made when it was completed.**

**We have a private citizen who wants the right to use the RR Bed as a right of way to his property, and to be fair it is not hard to see why he might feel that way.**

**We have not looked into the Little Italy Rd.**

**I will say this: David if you wanted to get our attention, you have succeeded.**

**If we are smart about this we will see the opportunity for the Town of Groton to make an ordinance about this piece of land, we have had the privilege to bike and walk, and ski, and snowmobile on and circumvent Rt. 302, for whatever reason, for so many years.**

**From what I have seen there has been a “code” – unwritten- which has said, “property owners whose land abuts the RR Bed, will cross it, but will not get to their land by only going down it. There have been exceptions, as I have stated, but there is no Legal Ordinance governing the RR Bed, and the SB has made decisions on an individual basis or no decision at all, for 50 years.**

**No wonder this is a problem.**

**Going forward:**

**The Buckaroos and VAST need to present some specific evidence that the plowing is, in fact, creating a hazardous situation or impeding their use. How does the Boyce plowing differ from the other plowing?**

**David and Mary Ellen, the SB denied your request to plow. If you appeal this decision it would be the perfect situation to address this multitude of issues and perhaps also act as a vehicle for finding a resolution to the problems presented by the easement you currently have to your land. But in the meantime, ignoring the SB denial is not serving to resolve anything. In fact, flaring tempers make it harder to come to rational decisions.**

**The Opportunity:**

**As I said before, we have come to a point where the Town of Groton needs to face up to and rectify the inconsistencies in the use of the RR Bed.**

**What does this 6 mile stretch of town owned land mean to us?**

**How is it being used now?**

**What do we want for its future?**

**We are a diverse group of people so it is not easy.**

**The SB appointed a Committee to work on this.**

**The RR Bed Committee is made up of Gary Lamberton, Kitty Diggins, Mary Ellen Boyce, Barbara Johns, Dave Spencer, and Deborah Jurist.**

**We are working very hard, and together, to draft an ordinance for the future use of the RR Bed. In order to do this well, and include the wants and needs of our whole town we could use, input, help and patience.**

**Let's get done with this expensive, distracting brawl and get to work.**

**Meetings are the 1<sup>st</sup> and 3<sup>rd</sup> Friday of the month at 6 pm, here. Our minutes and ordinance drafts are posted on the Groton website under Offices on the left hand side of the screen. Look for Railroad Bed. The drafts are posted in date order with the most recent one at the top.**

## **Highway/Brent Smith**

Nothing to be discussed

## **Lister's update**

Kitty mentioned that the listers have not heard back from the state appraiser as to the grievance the listers had with the Groton United Methodist Church. As soon as the grievance comes in, it will be taken care of. Both Dorothy and Kitty have both qualified for Level 1 Assessors through the education program with the state that was set up for all listers. Kitty had spoken to Deborah a while ago showing her what the listers do and said some time the town needs to have an assessor and assistant assessor instead of three listers. There is going to be an article on this year's warning at Town Meeting about this change with the lister's. There was much discussion on this article that will be presented at town meeting.

A letter was opened from Lise Shallberg asking to resign from the Lister's effective immediately. Wade made a motion to accept the resignation of Lise Shallberg effective immediately as Lister, Deborah seconded, and motion passed.

## **Jim Downing - parking on sidewalk**

Jim has spoken with the gentleman that has parked on the sidewalk several times and on Jan. 10th Jim issued him a warning and since then Jim has not seen his vehicle on the sidewalk. Jim said there have been other cars parked on the sidewalk too.

There was much discussion on whether or not Jim should give the other people that are parking on the sidewalk warnings. There was discussion on this issue with parking on sidewalks in town. There is a Vermont State Statue (23 VSA 1104) stating parking on any sidewalk is prohibited. The town of Groton also has a Traffic Ordinance (Section 1 Article VI) stating it is unlawful to park on any sidewalk maintained by the town. Jim said he would like to see the Town of Groton put up No Parking Signs. The Select Board thanked Jim for dealing with the gentleman parking on the sidewalk.

Jim has spoke with Derek Fenby on many occasions about the problem with the cars and misscellaneous items where Mr. Mace is renting. Jim said that there is a map at the State Highway that shows Mr. Mace's cars and misscellaneous items are in the right of way. Mr. Fenby's lieutenant doesn't want him involved because it is a political issue. Mr. Fenby told Jim to have the Select Board contact Mr. Fenby's Captain who is Captain Andrews and tell him why these vehicles are creating a hazard in the right of way. Wade Johnson will call Captain Andrews and discuss this issue with him about the cars and miscellaneous items parked in the right of way,

Jim Downing mentioned that in a year or so he would like to get a shelter to park the cruiser under due to him taking so long to get the ice and snow off the cruiser.

### **Community Building Use Policy - Linda Nunn**

The Community Building Use Policy will be put in the town report to make people aware of the new \$50 deposit for the cleaning. This policy states that there is a \$50 cleaning and damage deposit required in to rent the Community Build If the Community Building is clean after used, the person will get their \$50 deposit back. There was some discussion on this Community Building Use Policy. Wade made a motion to accept the Community Building Use Policy, Deborah seconded and motion passed. The Select Board gave Linda permission to have the Rabies Clinic again at the Town Garage this year.

### **Electronic Recordings of Public Meetings Policy**

Deborah has been in contact with Meghan Wheaton Book about all electronic records that coordinate with all records. Meghan Wheaton Book recommended that the town needs a policy for all of their electronic records. Deborah stated that if you are using your electronic recordings to assist in writing up the minutes of a meeting, once the minutes have been approved, the electronic recordings do not need to be reserved. The town needs a policy stating this. Deborah Jurist and Linda Nunn will work together to work on this electronic records policy.

### **Review and sign warning**

The warning was reviewed and signed by the Select Board. Deborah moved to accept the warning as written, Wade seconded and motion passed.

### **Financials**

Carrie stated that there was no new information with the finances of the town.

### **Open to Public & Other Business**

Dave Spencer said that the Select Board a month ago voted to not have the Railroad Bed plowed and the next day it was plowed. In violation of that, Dave saw no discussion or action taken in the Select Board minutes. Dave asked if there is any action being taken? Deborah said that the lawyer of the people that plowed and the lawyer of the Town are working on this plowing issue together. Dave said that it would be helpful to the town's people if more information is put in the minutes for people to know what is going on in town.

Mary Ellen Boyce requested that the Railroad Bed Committee be put on hold until the two lawyers come to an agreement. If an ordinance is written now there could be changes and it would be a waste of time. Deborah spoke up and said this issue will be put on the next Select Board's agenda.

Barbara Johns from the Railroad Bed Committee submitted a written statement stating her position on the committee and where she is at on the committee at this time. Barbara read this statement. Barbara also requested that there be a rail put on the handicap ramp.

Dave Spencer would like the Select Board to put the rules for being put on the Select Board Meeting agenda on the Groton website. The rule is that items for the agenda must be submitted to Debra

Johnson, the secretary and approved by Select Board Chair by Monday at 5 PM before the Thursday night Select Board meeting.

Wade brought up that they had a fire call at the old Pancake House which is not handicap accessible on the bottom floor and the walk way was not cleaned from snow and ice. Gilman Housing needs a letter written to them telling them the building needs they need to be handicap accessible and make sure their walkways are taken care of. Debra Johnson will do this.

Sign Orders & Open Mail

Mail was opened and orders signed.

**Set Agenda for next Select Board meeting on Feb. 1, 2018**

Meeting called to order

Review/Approve Minutes of Jan. 18, 2018

Adjustments to Agenda

Executive Session - "Confidential attorney-client communications made for the purpose of providing professional legal services to the body."

Railroad Bed Committee

Mark Simakaski - special event on Valentine's Day

Buckaroos - plowing on RRBed

Mary Ellen Boyce - talk about signs

Department Updates: Highway/Brent Smith; Wade - phone call with Captain Andrews about cars in ROW; Town Clerk/Linda Nunn - electronic recordings of public meetings policy; Fire Dept - bid on trailer opened; Maintenance/Mark Shallberg - railing & Library

Financials

Open to Public & Other Business

Sign Orders & Open Mail

Set Agenda for next Select Board meeting on Feb. 15, 2018

Adjourn

Wade made a motion at 8:24 PM to adjourn, Deborah seconded and motion passed.

Respectfully submitted,

Debra Johnson

Select Board Secretary

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Mary Grant, Chair

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Wade Johnson, Sr.

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Deborah Jurist