

Town of Groton, Vermont – Select Board Minutes of Special Meeting in response to the Petition requesting an Opportunity express concerns about the Railroad Bed, January 10, 2019 (approved)

Select Board Members in Attendance: Wade Johnson, Sr., Deborah Jurist and Aaron Smith

Attendance for the meeting included: Mark Shallberg, Mark Gleicher, Gary Lamberton, Brent Smith, Jaime LeBlanc, Sarah Castello, Debra Johnson, James Downing, Brian Wohlleb, Jodi Fleurie-Wohlleb, Sean King, Gavin Reid, Dave Spencer, Dean Edson, Debra Tinkham, Brent Abare, Donald Pinette, Mary Ellen Boyce, David Boyce and Shaun Stetson

Wade called the meeting to order at 6:30 pm. Wade read the petition that was given to the Select Board.

Wade welcomed Groton lawyer, Gavin Reid and Sean King.

Brent Abare asked about the Little Italy Road. Wade said part of the road is on the Railroad Bed. Deborah said the Little Italy Road was used commercially, there was a Railroad Depot and Granite Sheds there that predate the time when the Railroad Bed was deeded to the town.

Jaime LeBlanc said that they were using the Railroad Bed for a driveway until the Railroad Bed Ordinance was passed. Now Jaime LeBlanc and Sarah Castello have no driveway to use between Dec. 15 and April 15. David Boyce said he is plowing the Railroad Bed for them to use.

David Boyce said that the Railroad Bed is in Act 250 and the town needs to know about Act 250. David Boyce threatened the town with a lawsuit.

Jaime LeBlanc said about a year ago the snowmobilers (Buckaroos) were going to make them a driveway, now there are 4 sticks marking a driveway. Jaime said they have become victims. The snowmobile trail goes through her driveway. Deborah Jurist said the Railroad Bed is owned by the town. She mistakenly pointed out that the rules of eminent domain did not apply to town property. She was corrected later by Attorney Reid; the laws of adverse possession do not apply to property owned by a town. It doesn't matter how many years a person has been using it, the town still owns it. Jaime said they have not been compensated for the loss of their driveway since they lost the use of their driveway 4 months of the year. Deborah said the Buckaroos were going to make a driveway off Park Street to their house.

Deborah Jurist said this is the second public meeting that has been conducted on the Railroad Bed Ordinance. Deborah Jurist said that cars can be driven on the Railroad Bed up until Dec. 15th and after April 15th. However, that the snowmobilers have priority by Act 250 since 1976 on the Railroad Bed. Deborah also said that even if something is written in deed doesn't always mean it is legal. This is what happened to Jaime LeBlanc and Sarah Castello. Deborah said if the Railroad Bed is not kept for public use then the Railroad Bed goes back to the state.

Brent Abare asked if part of Little Italy Road applied to the Railroad Bed Ordinance. Gavin Reid could not give a definitive answer. Gavin Reid said his recollection is that the Snowmobile Trail diverges at some point. Deborah Jurist said it goes alongside the Railroad Bed. Brent Abare asked what was the reason the Select Board made the Railroad Bed Ordinance. Deborah said over the years with many uses for the Railroad Bed, different Select Boards made many different decisions on what could be done on the Railroad Bed. This did not seem fair. There was a precedent that the Rail Road Bed was used for recreation. The Select Board has been asked if a person can have a 911 address on the RR Bed and asked if The RR Bed can be plowed. The Select Board had said No.

Jaime said they are parking on the Little Italy Road and one night their car was vandalized. In the ordinance it says no parking between midnight and 7 am. Jaime says she has a large ice/snow chunk that needs to be moved. Jaime said is not fair that we lost our driveway due to the ordinance.

Gavin Reid said it is 15 years of adverse possession in Vermont. Deborah mentioned eminent domain earlier which was wrong. You can't have adverse possession against the Town. Jaime has a Title Opinion that shows the access to the Railroad Bed in their deed. The deed to the Railroad Bed predates the Costello deed. Gavin Reid is going to look at the deed again.

Brent asked why was this done as an ordinance and not an article. Deborah answered by saying an ordinance creates rules to govern something. Articles do not do that. The town followed the rules to create the ordinance and went above and beyond the minimum to include the public and interested parties. This is the second public meeting about the Ordinance. An ordinance can be changed. The process of creating an ordinance is governed by Statute. Deborah said there is information about the history of the Rail Road Bed and copies of maps and documents for the public to look at in a file cabinet in the office. Also, the ordinance has been on the website. Wade said you can't set rules with articles. Ordinance is a set of rules and guidelines that pertain to a particular thing.

Dean Edson said that people are trying to do their best with the issues with the Railroad Bed.

Jim Downing asked if something happened to the two ladies that can't use their driveway, how is the Fire or FAST Dept. going to get there. Deborah answered that the ordinance says the Rail Road Bed is open to Emergency vehicles all year. It seemed like there was time to make a driveway off Park St. and the Buckaroos were willing to help out. It would not cost the town anything.

Mary Ellen Boyce asked about the Statute that she dropped off at the town office. Deborah and Wade said there are certain forms that have to be filed with the state in order to be considered a farm for agricultural land.

The lawyer will help the Select Board with the issue concerning Sarah Castello and Jaime LeBlanc with their driveway and clarify what part of the Little Italy Road is part of the Railroad Bed.

Gavin Reid said the ordinance is a work in progress and can be amended. He said the Select Board has made a great effort and an honest effort with the Railroad Bed Ordinance.

Brent Smith said that David Boyce said that he has been plowing the Railroad Bed, is he going to be fined? Aaron spoke up and said Sarah Costello and Jaime LeBlanc also are parking on the Railroad Bed during the night which is not allowed according to the Railroad Bed Ordinance.

Gary Lamberton said there are a couple of ways to set up a way for them to get to their house from Park St., time went by and it didn't get done.

Aaron made a motion to adjourn at 8:05 PM, Deborah seconded, motion passed.

Respectfully submitted,
Debra Johnson
SB Secretary

Wade Johnson, Sr., Chair

Deborah Jurist

Aaron Smith