

**Middletown Springs Selectboard Special Meeting
Garron Road Discontinuance • Approved Minutes
Saturday, March 26, 2016 • Middletown Springs Town Office**

BOARD IN ATTENDANCE: H. Childress, C. Fenton, P. Kenyon, T. Redfield

COUNSEL IN ATTENDANCE: Gary Kupferer, Esq., Town's attorney; John Thrasher, Esq., Riedinger's attorney

PUBLIC IN ATTENDANCE: Nancy Edmunds, Larry Moyer, James Pessler, Allan Riedinger, Doris Riedinger, Steven Santoro, Kim Ventrella, Rich Ventrella, John West, Marianne West.

CALLED TO ORDER: 9:45 am

This meeting began with a viewing and Q&A session at the southerly end of the Class 3 section of Garron Road at 9:00 am, and then the formal hearing commenced at 9:45.

Board Chair T. Redfield turned the hearing over to the Town's attorney, Gary Kupferer, who began by explaining that this is a public hearing to consider the question to discontinue sections of Garron Road. Notice of the proceedings as required by Vermont Statutes was given.

There had been a road laid out in 1799, and a "pent road" laid out in the 1850s, both extending to Wells. Neither has been maintained as a public roadway of any sort for decades. John Thrasher, attorney for the Riedingers, stated that the case originated as a request by the Riedingers to work within the Town's roadway right of way. The Ventrella family, in turn, commenced a lawsuit with respect to the matter.

After mediation between the Riedingers, Ventrellas and the Town, a settlement was reached in 2013. As part of that settlement, the unused sections of Garron Road would be discontinued.

Testimony was given and questions asked on the following:

- The road shown on most maps is the 1850s pent road. A "pent road" was a public road that allowed gate control rather than purely free access.
- The road has "migrated" over 160 years, with use patterns and layout locations changing.
- The 1799 portion was never traveled as best we can tell, and may legally already be surrendered as an "unidentified corridor." The current discontinuance of the 1799 road is a formality that the Town is doing at the same time as discontinuing the 1850s road, just to be sure that the Town retains no roadway rights.
- There is no historic deed from any property owner selling or giving roadbed ownership to the Town; the road in question appears to be only a right of way over private property.
- The Town, through this proposed action, would surrender any interest in maintaining or rebuilding the right of way. Any continuing land use or property ownership questions will be resolved without the Town as party.

The Ventrellas have requested that the construction for the driveway be routed through Wells; the Riedingers' attorney states that there are no roads existing from Wells that would accommodate that. He states instead that the Middletown Springs road policy requires any road damage in construction to be repaired, and that consideration should be sufficient.

Several Garron Road property owners are concerned over noise, mud/dust, and pedestrian safety. As much as possible, the Road Commissioner should be notified of construction scheduling and practices, so that he can coordinate his crew for safety and road impact oversight. It is possible to mark Garron as a dead-end or no-outlet road, which the Board and Road Commissioner will look into.

There will likely be State oversight of water quality and wetlands disruption regarding any driveway or access road construction to the Riedinger property. The State has approved the preliminary plans for the access path proposed to the Riedinger property, as of site reviews up to Friday 3/25.

After today's hearing and testimony, the Board has a sixty-day window to issue a formal decision about surrendering the road. There is an appeal period after the Board's decision.

The testimony was closed at 10:48 am. The Board considered information from Gary Kupferer on junk and junk vehicles, without consideration of action. A public meeting on junk and junk vehicles will be scheduled for later in this spring.

At its April 14 Regular Meeting, the Board will consider the following motion: *Shall the town discontinue those portions of Garron Road as set forth in the notice of public hearing ["The portion of Town Highway #21 (Garron Road) to be discontinued is as set forth on a survey entitled 'Proposed Boundary Line Adjustment, Lands of Ventrella et al. and Riedinger' dated October, 2013, by On Point Land Surveying commencing just southerly of the Ventrella driveway as set forth on said survey to the town line of Wells, Vermont and also that portion of Garron Road that was originally laid out in 1799 located westerly of said Garron Road depicted on the above-referenced Survey to the town line of Wells, Vermont, where no road currently exists"]?*

Adjourn: H. Childress moved to adjourn; T. Redfield 2nd [all in favor, motion carried]. Meeting adjourned at 11:35 am.

Respectfully submitted,
Herb Childress, Selectboard Clerk