

Taylor Hill Hearing

August 25, 2020

The selectboard and landowners of Taylor Hill met at the Town Garage at 5:30pm. The selectboard viewed Taylor Hill then reconvened at the Athens Elementary School.

Present at the hearing were David Bemis, James Trimble, Denise Randall, Darlene Wyman, Matt Perry, Janet Perry, Eugene Bills, Harold Noyes, Tom Taylor, Tanya Noyes, Dan Noyes, Donna Currier, Diane Hitchcock, Ray Hitchcock, Corey Noyes, April Lyman, Bonnie Hitchcock, Tara Taylor, Dan Taylor, Doug Lyman, Dennis Mirante, Kohl Hitchcock, Alexis McCallister, Alexandria Steele, Tyson Taylor, Ike Leslie, Wichee Artu, John T. Taylor, Rose Branco, and Tina White.

David called the hearing to order.

David stated the hearing was on the petition to the selectboard for classifying Taylor Hill from a private road to a class three town road.

David asked anyone wishing to speak to take an oath of testimony. David ministered the oath. The following people took the oath: Tanya Noyes, Dan Taylor, Tina White, April Lyman, Dan Noyes, Tom Taylor, Doug Lyman, Janet Perry, Dennis Mirante, and Donna Currier.

Dan Taylor stated it was time Taylor Hill becomes a town road. There are 14 houses on the road and is .6 of a mile long. It's as wide as other roads in town. The gravel is as good as the rest of the roads. During Irene there was no washouts. It didn't wash out during the heavy rains. The residents don't receive a tax break. Some roads in town have been re-classified to class three roads and are in no better shape than Taylor Hill.

Dennis Mirante had a question concerning whether the road had ever been attempted to become a town road in the past. Tina White stated she had never heard this and David Bemis stated he had never seen this. Tom Taylor stated it used to be a town road up to the first cellar hole years ago but doesn't recall it ever being a town road. Some town records were destroyed years ago and there is nothing in the Town records stating Taylor Hill was ever a town road. Dennis stated if the road becomes a town road and the road crew maintains the road, it should be made as safe as possible and be brought up to state standards. Dennis asked if curb-side trash and recycling along with UPS deliveries etc. be initiated. If these services were refused, would the town be required to upgrade Taylor Hill at the taxpayer's expense? Therefore, the town should ensure Taylor Hill is improved to the point it meets state requirements and will only require maintenance and not upgrading to make the road safe for all vehicles. David stated he doubted the trash pickup would go up there since there are roads in town they do not travel. As far as UPS or the mail, it would be up to them. The selectboard would not have any say in this. Dan Noyes stated UPS only drives up the road in the summer. Tina White stated

fuel trucks travel the hill year-round. Dennis asked if the turnaround would be designated for town use and be available to all vehicles at all times. David stated if it were a town road you couldn't stop anyone from driving up the hill. Dennis stated in his opinion Taylor Hill resembles a subdivision and usually the initial owner of the subdivision assumes the cost of roads and utilities and recoups these expenses through the sale of the subdivision properties. If Taylor Hill does not meet minimum state standards, the cost of upgrades should not fall upon the taxpayers of Athens. In addition, Dennis stated the taxpayers were aware of their responsibilities of the maintenance of their road and accepted those responsibilities of the road in its present condition. Therefore, they should not expect the taxpayers to take on the responsibility of Taylor Hill if it does not meet minimum state standards prior to the town's takeover. As a concerned taxpayer, Dennis requests his comments and concerns be fully addressed and a written response be provided and entered into the town records pertaining to this matter prior to the conversion of Taylor Hill to a town road. In closing Dennis is requesting a written copy of the comments be submitted as a permanent part of this Hearing Minutes dated August 25, 2020. Denise Randall requested Dennis give a copy of his comments to the town clerk.

Tanya Noyes stated they are taxpayers upon the hill and they do not get a tax break and that Taylor Hill is in better condition than other town roads. She felt the town should take over the road as the landowners are getting older and maintenance is getting harder.

Diane Hitchcock wished the board to consider the handicapped people living on the hill.

Dan Taylor stated as a concerned taxpayer, he would like it to be in the minutes as to how the town maintains a private road which is Herring Hill.

David Bemis stated in selectboard meetings, they discussed of having some things that as to what would be asked of the landowners on Taylor Hill to be brought forward such as the turnaround, right of ways, surveys and things like that. He asked if anyone wished to discuss this.

Dan Taylor stated it was up to the selectboard to state what they felt was needed.

David stated some of the things they would require is where possible to have a three rod with a right of way, a deeded turnaround, and surveyed and pinned according to state statute. He stated that the board discussed having an independent engineer review the road and tell what needs to be done for the road to meet state standards. David stated in the decision mailed out again, these requirements will be stated.

Dan Taylor asked who would have to hire the engineer. David stated the landowners on Taylor Hill would have to pay for an engineer. Dan stated he didn't understand why an engineer was needed since the town had standards that were signed by the board. David stated an engineer would tell if the road met these standards. David stated that it was reasonable to have an independent engineer for an engineer to view the road and tell us what the road needs to meet

the minimum standards. The engineer was recommended by the state representative from the agency of transportation.

James Trimble handed out a testimony from the Vermont agency of transportation representative as to what is recommended by the agency of transportation. He also stated it doesn't mean the board has to follow everything that was recommended, but is just the opinion of the representative and states that the board does not have to follow everything he stated.

April Lyman stated that at the last meeting the board stated the survey could be laid out really simply. David stated it probably wouldn't take much for the survey, but that one of the requirements would be to have the road surveyed and pinned.

Harold Noyes stated for years the town has been collecting taxes from the landowners and now they would be responsible for hiring the engineer and other expenses. His question was their tax money going for?

Dennis Mirante agreed with the suggestion about the engineer. He talked with somebody at Vermont transportation and they said the expenses incurred usually falls to the landowners.

Tina White stated they were not disputing Taylor Hill needs to be brought up to standards but are trying to get it up to a reasonable standard and it seems like every time something else is stacked to the deck. David stated the board is not trying to stack the deck but are trying to make it fair for everyone on Taylor Hill and the other people in the town of Athens and if anyone else wanted their road to become a town road they would have to follow the same guidelines.

April Lyman asked if an engineer was used on the other road that was taken over by the town. David stated it was a class four road. Dan Taylor asked where the money came from to upgrade the road to a class three road. David stated it was the State of Vermont. Dan asked why it was accepted and it is a whole different thing to take over Taylor Hill. He asked why the town maintains a private driveway.

Denise Randall stated she might not always agree with her fellow selectboard members. There are some things on the list she agrees with. She agrees for the turnaround and survey. She states she is not an engineer; she does not agree an engineer is needed since the road has been there for many years and survived many storms weathered many winters. So even though they are not all in agreement, she believes that the precedence of saying yes that it needs to be done by an engineer because the board are not engineers and does not know what the road is. Does she want it to be a town road? If that is what is best for the people on Taylor Hill and for the taxpayers, she will say yes. She does not want it to be a burden on the taxpayers and everyone in town needs to be treated equally.

Janet Perry stated if the town is to take over the road that the board goes by state mandates and if they require an engineer and it shouldn't cost the taxpayers of the town. David stated

an engineer was not required by the state agency of transportation, but was recommended. David stated the hiring of an engineer takes away the saying the board is picking on anyone or playing favorites.

Dan Taylor asked if the board followed the state standards and if there had been any test boring or anything like that. He asked if the board followed any standards. David stated the board tries. The engineer will tell the board if Taylor Hill needs test bores or not. Denise stated those were what was recommended by the state and the board does not need to follow them. Dan asked that in the letter after this road viewing, if the board was to specifically what is going to be required of the landowners for Taylor Hill to become a town road and if these things are all done that the board will take it as a town road. David stated that if the engineer come back with a report, and tells if it needs work or if it doesn't need anything, then it will become a town road. Dan stated that if all the work is done, there is no guarantee the board will take over the road. David stated he wasn't sure how the decision would be read but the decision here is that if the engineer says it needs work and this is done, he would vote to make it a town road. Dan asked what standards the engineer would follow. David stated the state standards. Dan asked who would pick the engineer? David stated the board would like it to be an engineer and is not sure who would pick the engineer. It has not been discussed how an engineer would be picked.

Tom Taylor stated the town of Athens has never used an engineer for the roads in Athens. He states he was a road commissioner for 30 years and knows roads in town that could use more gravel. He asked why the town is asking an engineer be hired. He felt the town was trying to railroad Taylor Hill. David stated the board was not trying to do this. Tom stated every meeting that was held another step was added that needed to be done.

Dennis Mirante stated he had attended all the meetings and never got the indication that the selectboard was trying to snowball the landowners on Taylor Hill. He can't see justifying not doing something right today because of some oversights that were done in this town years ago. We have to start where we are today to make things as good as we can according to the rules and regulations and requirements.

Dan Taylor stated they started this over a year ago with an agreement for the town to help with the road. That didn't work. Then it was going to be three culverts, a turnaround and possibly a survey. That didn't work. He felt the only way they got answers was when the decision was denied and he submitted to the court requiring they received answers.

Tom stated Dennis keeps saying they got answers and felt every time there was a meeting Dennis stated the board had answered them.

Dennis Mirante stated it was time to get an engineer, figure out what has to be done to improve the road, bring it back to the selectboard and the road be upgraded to the specs, then it will be accepted as a town road.

Tina White stated it was not the problem of getting an engineer for laying the road out. It's every time there's one more thing that needs to be done. The issue she has with the engineer is that the landowners are going to be spending thousands of dollars for an engineer with just a maybe the road will be taken over. Denise stated if an engineer is hired and all the things said tonight are accomplished, she would vote yes for Taylor Hill.

Dan Taylor asked if the board was had read the report from the agency of transportation. He asked the board put in writing the specs for the engineer to go by so there won't be any other additions. Denise stated she wanted an independent engineer that without looking at the testimony from the agency of transportation. David stated he would follow the town's standards.

Dan Noyes questioned the safety of the town crew on Taylor Hill when in fact they already have other steep roads to plow.

Tina White asked if they got estimates from an engineer and there is no way they can afford it, basically the board is telling them they are done. There would be no more negotiation. David stated the state has told the board that we need an engineer and it makes reasonable sense to have one to review the road and didn't think it would cost huge amounts of money but does not know that.

Donna Currier asked if they needed an engineer and a survey to lay the road out. David stated state statute requires a survey.

April Lyman stated she spoke to Meghan and she said the one thing needed was a survey. Marc Pickering said he would make suggestions, but it is solely up to the board to make it a class three road. David stated the board is choosing to follow the recommendations of the state at this point.

David asked all those in favor to end the public hearing and go into deliberative session signify by saying aye.

At 6:35pm, David made the motion to go into deliberative session and the decision will be mailed out within the time frame. Denise seconded. Put to a vote. The motion carried.

David made the motion to move out of deliberative session and to recess the hearing until the board has met with council. Denise seconded. Put to a vote. The motion carried.