

Ira Select board
Road Reclassification Public Hearing Minutes
July 13, 2016
Ref Petition 5/2/16

Site Visit – Kahle Road

Site Visit attendees

Mark FitzGerald, Allyn Kahle, Jim Kahle, Lew Hoffman, Jack Perry, Tim Martin, Bob Kirbach, Melanie MacDonald, Bob Toppin, Steve Martelle, Theresa McGinnis, Dan Perry, Karen Davis

Select board members Steve Martelle, Bob Toppin, and Melanie Macdonald met interested citizens on Kahle Road at 6:00 pm. Steve Martelle read part 1 of the Road Reclassification document. Part 1 states:

The purpose of this site visit is to look at the Kahle Road in response to a road reclassification petition submitted to the Ira Town Office.

No comments will be made from the Ira Select board. Any public testimony will be accepted either written or orally back at the Town Office.

Dan Perry and Bob Toppin ran a professional distance wheel owned by the town (Lufin Hi Viz), and measured from the white line on Route 133 to an orange mark on the north side of the bridge. A distance of 180 ft. They then ran the entire length of the road which measured 427 ft.

Site Visit – Fish Hill Road

Site Visit attendees

Mark FitzGerald, Allyn Kahle, Jim Kahle, Lew Hoffman, Jack Perry, Tim Martin, Bob Kirbach, Melanie MacDonald, Bob Toppin, Steve Martelle, Theresa McGinnis, Dan Perry, Karen Davis, Christen FitzGerald

The select board then traveled to Fish Hill Road and reconvened at 6:15 pm. Steve Martelle again read part 1 of the Road Reclassification document using applicable wording for Fish Hill road. Dan Perry, Mark Fitzgerald, and Jim Kahle ran the wheel and walked Fish Hill road. Bob Toppin, Tim Martin, and Melanie MacDonald followed up the road by car. Dan measured from the center of West road to an orange paint mark south of the culvert at 215 ft. Dan then measured to a point just to the east of the house that he understood the town road ended (hook in road). This measured 1260 feet. Dan continued to measure to a point in front of the garage 1318 ft.

Public Hearing

Hearing attendees

Bob Toppin, Melanie MacDonald, Steve Martelle, Alta Johnston, Jami Charron, Dan Charron, Ashley Melen, Francis Lloyd, Tim Perry, Marcus Rockwell, Ellen Lloyd, John Farrell, Mary Martelle, Jeanne Raiche, Dave Potter, Christina Hewitt, Nathan Hewitt, Mark Fitzgerald, Christen Fitzgerald, Theresa McGinnis, Lew Hoffman, Jim Kahle, Jack Perry, Tim Martin, Robert Kirbach, Allyn Kahle, Dan Perry, Karen Davis, Deborah Perry

The hearing opened at 6:45 pm at the Town Office. Select board members Steve Martelle, Bob Toppin, and Melanie Macdonald were present. Tim Martin, (lawyer and Town Agent) was also in attendance. Twenty-nine people signed the attendance sheet. Alta Johnston, Assistant Clerk asked everyone to stand up and read the oath and swore in all attendees. Steve Martelle started the meeting by reading the Road Reclassification document part 2. Part 2 states:

The purpose of the hearing is to accept public testimony on the Kahle Road. and Fish Hill Road. Public comments will be recorded and kept on file in the Town Office. Within 60 days the Select board will make a decision on each road separately and a written statement will follow.

No comments pro or con will be made by the Select board during the hearing.

We expect that any and all discussions will be civil and respectful. Remember the Ira Select board did not file the petition and yet it is responsible for making a decision.

Steve Martelle opened up the meeting by asking the Question: Why was the petition filed? Ashley Melen responded that she believed the town highways should be equalized. For example Fish Hill Road is a class 3 road with class 3 services and only one house. Kahle Road is also a class 3 road with class 3 services and only one house. Pyka Road, however, is a class 4 road with class 4 services and has two houses. Middletown Springs Road is also a class 4 road with class 4 services and has two houses and one being built.

Jim Kahle spoke of the expense to the landowner to maintain the road and questioned how plowing would be done. Steve Martelle responded that if the town road ended on the north side of the bridge the truck would then back out as it does on numerous other roads in town. Jim was concerned with snow left in the middle of the road. Jim stated that the fastest and safest snow plowing would be to leave Kahle Road as is – class 3.

Mark Fitzgerald wanted to know if Fish Hill Road went to class 4 would the town maintain the culverts and bridge? Steve Martelle referred Mark to the town policy on class 4 roads, which states that the town will maintain bridges and culverts. Mark reported that the road is not well maintained. One culvert is rotted out where there is a hole in the road and that the actual expense is the plowing. Mark also reported that, from his research, state aid started in 1956, and at that time Fish Hill was a dairy farm. Mark asked if there was any documentation of Fish

Hill being Class 3? Whether there was any town ordinance as such. He stated since there is no zoning in Ira, landowners are building on Class 4 roads as evidenced on Goodrich Road and Middletown Springs Hill Road. Mark also said that the Fish Hill property is still operating as a farm. Two farmers are haying, one operation is maple sugaring, and the land is in the current use forestry program, which requires logging and trucking off the hill. Mark stated that because of the agricultural practices Fish Hill is not just a driveway. Mark then spoke of the \$2000 a year for highway taxes that he is paying. (Actually \$1737.81) Mark then spoke of the big culvert in the brook at the foot of the road and the need to keep it as a class 3 in case of a flood event so the town could potentially file for a disaster grant. Mark is very concerned about keeping the road open and clear for fire and ambulance equipment and manpower. Mark feels that more development in Ira would be good in the future and thus upgrading the road systems and infrastructure would be a good thing. Deb Perry (Town Treasurer) reported that state Aid for roads is \$11,320.68 for our 7.44 miles of road which works out to \$395.61 to maintain Fish Hill Road (summer) and plow and sand (winter). Mark rebutted that according to Jonathan Cross the number is closer to \$600. Mark questioned the savings. Mark asked what does it cost to maintain Fish Hill Road and Kahle Road? Steve Martelle reported that the financial information on each road is not available.

Jim Kahle stated that the Kahle property has cows on it and there is also a sugaring operation. Jim questioned how much the town would save by not plowing. If the town plowed just over the bridge now would they turn around? Indeed the plowing would be more difficult.

Ashley Melen stated that there is no law that she is aware of that says that for agricultural purposes roads should be of a certain classification.

Theresa McGinnis stated that in order to promote progress and equalization the other roads in town should be brought up to specification. Ira now owns equipment, (backhoe, grader, and dump truck) to facilitate upgrades.

Mark Fitzgerald said that there is no zoning in Ira so development is occurring on Class 4 roads. Mark recommended zoning. He also reported that a culvert part way up Fish Hill is rusted out and as a result there is a hole in the road. Mark stated that the road has been class 3 for sixty years and it would be an economic burden to change the classification.

Theresa McGinnis asked if the Town of Ira set a precedent by designating class 3 agricultural and if there is a potential for lawsuits? Steve Martelle responded to Theresa to google laws on class 3 and 4 roads.

Jim Kahle asked if there is an appeal process to the superior court?

Mark Fitzgerald asked if Tim Martin (lawyer and town agent) was representing the town in this matter? Tim Martin responded yes. Mark then asked if it was a conflict of interest as a taxpayer? Tim responded no.

Tim Perry said what is important on the road classification is to consider the best interest of the town. Indeed the decision might create more hardship for landowners.

Theresa McGinnis again stated that the town should consider the potential for lawsuits.

Jim Kahle asked what's going to happen in a foot of snow? Kahle Road has been plowed for over 50 years.

Steve Martelle reiterated that the culvert on Fish Hill Road and the bridge on Kahle Road would remain class 3 so the FEMA disaster funds would be eligible.

Mark Fitzgerald asked the question when and where did the bridge classification (3) occur? Is it in the select board notes? Steve Martelle responded that the bridges were measured tonight.

Melanie MacDonald asked do we have to plow class 3 roads? Jim Kahle said that by statute town roads must be in good condition year around. Mark Fitzgerald stated that the town roads must be in sufficient condition or the state can take state aid money away.

Steve Martelle asked if there were any other comments?

Theresa McGinnis asked how will they plow? Jim Kahle said that if the plow backs out onto Route 133 there will be a safety hazard. Theresa McGinnis was concerned with road runoff. Tim Perry said it might be easier on the Kahle Road to plow the whole road and eliminate the backup hazard.

Clarendon State legislator Dave Potter prefaced his remarks stating that the meeting offered a good discussion from both points of view. He felt the petition was convoluted. He believed Ira should upgrade its back roads and move forward.

Tim Perry asked how did Fish Hill Road become class 3? Mark Fitzgerald said state aid started in 1956. Tim Perry asked if there are records in the town office? Steve stated there are no records as far as we know.

Nathan Hewitt referenced the overall town plan and if the road infrastructure should be upgraded or not.

Steve Martelle thanked everyone for attending and reminded everyone the Select Board has 60 days to make a decision.

The meeting adjourned at 7:43 pm