

MINUTES
INSPECTION AND PUBLIC HEARING
REGARDING THE DISCONTINUANCE OF TOWN HIGHWAYS
#12 ; #25 ; #39 ; #41 ; #60

TOWN OF COVENTRY SELECT BOARD
MONDAY OCTOBER 28th, 2019 AT 5:00 P.M.

SITE INSPECTIONS:

On Monday October 28th, 2019, the Select Board conducted site inspections of the roads proposed for discontinuance on the following schedule:

1. **5:00 p.m. at the intersection of TH #41 (Pelkey Road) and Coventry Station Road.**
 - *Officials Present: Mike Marcotte, Scott Briere, Amanda Carlson*
 - *No landowners present.*
 - *Site inspection by Board quorum noting that the road provided access to a single house.*

2. **5:15 p.m. or at the conclusion of the TH # 41 site inspection, whichever comes later, at the intersection of TH #39 (Wheelock Road) and US Rote 5.**
 - *Officials Present: Mike Marcotte, Scott Briere, Amanda Carlson*
 - *Landowners Present: Mark Mohrman & Karen Hack*
 - *Site inspection by Board quorum noting that the road provided access to a single house.*

3. **5:30 p.m. or at the conclusion of the TH #39 site inspection, whichever comes later, at the intersection of TH #25 (Blake Road) and VT Route 14N**
 - *Officials Present: Mike Marcotte, Scott Briere, Amanda Carlson*
 - *No landowners present.*
 - *Site inspection by Board quorum noting that the road provided access to a single house.*

4. **5:45 p.m. or at the conclusion of the TH #25 site inspection, whichever comes later, at the intersection of TH #12 (Thayer Road) and VT Route 14N.**
 - *Officials Present: Mike Marcotte, Scott Briere, Amanda Carlson*
 - *Landowners Present: Chris Martell / Calkins Sand & Gravel ; Rudy Percy / Resident*

- *Site inspection by Board quorum noting that the road provided access to a single house.*

 - 5. **6:00 p.m.** or at the conclusion of the TH #12 site inspection, whichever comes later, **at the intersection of TH #60 (Pleasant View Dr) and Alderbrook Road.**
 - *Officials Present: Mike Marcotte, Scott Briere, Amanda Carlson*
 - *Landowners Present: Mikayla Tanguay; Tony Tanguay*
 - *Site inspection by Board quorum noting that the road provided access to a single house.*
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HEARING HELD AT THE COVENTRY TOWN OFFICE:

Board Members Present:

Mike Marcotte / Chair; Scott Briere

Town Officials Present:

Amanda Carlson / Town Administrator

Guests:

Chris Martell; Rudy Percy; Tony Tanguay; Mikayla Tanguay

The Select Board of the Town of Coventry hereby gives notice pursuant to 19 VSA § 709 of a public hearing to consider the discontinuance of the following town roads:

1. **TH #12** – (also known as Thayer Road) which currently serves as a driveway for the home located at 46 Thayer Road. TH #12 is currently 0.05 miles of Class 3 highway located entirely on the property owned by Calkins Sand & Gravel.
2. **TH #25** – (also known as Blake Road) which currently serves as a driveway for the home located at 84 Blake Road. TH #25 is currently 0.10 miles of Class 3 highway located entirely on the property owned by April Blake.
3. **TH #39** – (also known as Wheelock Road) which currently serves as a driveway for the home located at 63 Wheelock Road. TH #39 is currently 0.07 miles of Class 3 highway located entirely on the property owned by Mark Mohrman and Karen Hack.
4. **TH #41** – (also known as Pelkey Road) which currently serves as a driveway for the home located at 109 Pelkey Road. TH #41 is currently 0.10 miles of Class 3 highway located entirely on the property owned by Nelson Farms Inc.
5. **TH #60** – (also known as Pleasant View Road) which currently serves as a driveway for the home located at 123 Pleasant View Road. TH #60 is currently 0.12 miles of Class 3 highway located entirely on the property owned by Wayne Lawson, Christopher Lawson & Kerri Lawson.

Chair Mike Marcotte called the hearing to order at 6:30 p.m.

- Chris Martell questioned the reasoning behind the Board considering discontinuation of the roads.
- Mike Marcotte stated that the Road Commissioner had been inventorying roads and brought the five Class 3 Roads to the attention of the Select Board stating that; the five roads only service one property and one house and therefore are serving as a driveway.
- When questioned on the actual time savings for the road crew, Mike stated that this was something the Road Commissioner would need to answer; however Mike stated his feeling on the issue being of fairness to the rest of the Town who do not have their driveways plowed at the Towns expense.
- Rudy Percy and Chris Martell stated that they believed there was an agreement made with the Town decades prior to maintain the road.
- Mike Marcotte stated that it would have to be researched by the Attorney if an agreement exists and if the current Select Board is bound to it.
- Tony Tanguay questioned who would own the property should the road be discontinued.
- Mike stated that the Board was considering the roads be classified from Class 3 to a private road. Private roads are solely owned by the landowner and the Town maintains no rights of way. Should the Town have considered turning in to a Class 4 unmaintained trail, then the Town would maintain a right of way.
- Mike stated that if the Board decided to reclassify roads as private, then the Town Attorney would execute the documents to turn the land over to the responsibility of the property owner.
- The Board was questioned on the specific legal process and timeline and asked Town Administrator Amanda Carlson to research the details with the Town Attorney.
- The Board quorum agreed that the legal process needed to be understood better and the Road Commissioner present to answer questions, before a decision could be made.
- Scott Briere made a motion to recess the hearing until Monday November 4th, 2019 at 4:30 p.m. at the Town Offices.
- The Board asked Amanda Carlson to research the landowner's questions and provide by email prior to the meeting to offer a chance for review.

Meeting recessed at 7:02 p.m.

MONDAY NOVEMBER 4TH, 2019

Board Members Present:

Mike Marcotte / Chair; Scott Briere; David Gallup

Town Officials Present:

Amanda Carlson / Town Administrator

Phil Marquette / Planning Commission Member & 911 Coordinator

Guests:

Chris Martell; Rudy Percy; Marlene Percy; Tony Tanguay; Martha Sylvester; Jamie Stenger; Amanda Jensen

Chair Mike Marcotte reconvened the hearing at 4:30 p.m. on Monday November 4th, 2019

- Information from the Town Attorney was distributed answering some questions brought up in the first part of the hearing regarding the Statutory obligations for the Board in continuing this process.
- The information summarized stated that the discontinuance of each road turns the property over to the homeowner and a document would be recorded in the land records referencing each property deed; the Attorney also stated that once the Board makes a decision, they have 60 days to issue the written notice to each property owner.
- Christ Martell stated that he did not feel the reasons for discontinuing the road is good enough; he stated he felt that the road should not be perceived as a “driveway” and saying that it was not fair to other residents was not valid.
- Chris stated that there should be documentation provided of other residents complaining before action should have been taken.
- Mike Marcotte stated that regardless of how the issue was brought to the Board’s attention it is their responsibility to the entire Town and people to examine the public good and benefit to the all residents; currently each of the roads in question only serve one household and are not viewed as a benefit to the whole town justifying the time and costs associated with maintaining.
- When questioned on the seasonal timing of the decision, David Gallup stated that the timing was unfortunate and he apologized, however the process was started during the summer and was delayed for legal review and required public hearing posting times.
- Chris Martell questioned why Private Pond Road was not included in the discussion as it only has one house on it as well. David Gallup explained that there is a dry hydrant on the property that

services that section of Town. Dry hydrants need to be accessible for the Fire Departments to utilize and that is the responsibility of the Town to aid in the safety of a larger section of the population.

- Tony Tanguay questioned the Town investment balances and reserve funds stating the Town was financially equipped to continue the services and it was not a burden to the tax payers.
- David Gallup stated that the time and materials involved is more extensive than realized, however regardless of the cost the service does not serve the entire population and the public good, stating that there is no reason the Town should be plowing roads that access one property and serve as a perceived driveway.
- David Gallup stated that in any snow storm his priority is to ensure the 147 students have safe passage to and from the school, the time and resources to maintain the access to one property perceived as serving as a driveway, take time away from the focus of ensure the major routes are safe.
- The Board unanimously agreed that enough information had been presented and discussed and that they were ready to consider motions to proceed.
- David Gallup recused himself from voting on the road discontinuance due to his role as the Road Commissioner.
- Scott Briere made the motion to discontinue Town Highways #12 ; #25 ; #39 ; #41 ; and #60 changing each road status from a Class 3 Town maintained highway, to a private road. Seconded by Mike Marcotte and approved by the Board quorum.

Hearing adjourned at 5:08 p.m.

Michael Marcotte / Chairman

Scott Briere

David Gallup

Amanda Carlson / Town Administrator