

1 **Regular Selectboard Meeting**  
2 **Large Conference Room – Town Offices**  
3 **Tuesday, March 10, 2020**  
4 **Meeting Minutes**  
5

6 **8. Report of Creek Road Task Force –**  
7 **Heather Seeley, Chair, and Peter DeGraff, Project Manager**  
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9 Project Manager Peter DeGraff thanked Seeley, and other Task Force members Dean  
10 George, Dean Rheume and Luther Tenny, for all their input and work in arriving at this  
11 recommendation.  
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13 DeGraff said the Task Force looked at well over 10 alternatives, ranging from armoring  
14 along the banks and stabilizing the road, to options that closed down certain sections of  
15 the road. DeGraff said they looked at many factors, but the Vermont League of Cities  
16 and Towns (VLCT) and legal counsel indicated State Statute requires towns to maintain  
17 Class 3 roads, and while they don't have to maintain Class IV roads, they need to be  
18 gated, but the gate can't be locked. He said the Town currently is not in compliance  
19 with State Statute, since Creek Road is a Class 3 road and it is gated and locked.  
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21 He said the Task Force came to several conclusions, and the first one is that long-term  
22 maintenance of Creek Road is cost-prohibitive. He said the cost estimate is \$4 to 5  
23 million to fix the road in its entirety, and the Task Force agreed this wasn't practical  
24 considering all the other public work needs the Town has.  
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26 He said their second conclusion is the river is going to win regardless of what we do.  
27 He said large areas of the road are in the flood plain, there are erosive forces on the  
28 stream bank and the road runs close to the river in certain locations, and while we may  
29 be able to repair certain areas, the problem will just keep moving.  
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31 Finally, he said, there is the fact that the Town is not in compliance with State Statute in  
32 regard to the road being open.  
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34 DeGraff said the Task Force is recommending Alternative 8. He said they spent quite a  
35 bit of time working on the wording of the document, so read the text so it wouldn't be  
36 misinterpreted.  
37

38 *“Alternative 8 – Perform interim repairs to the road in order to open it to thru*  
39 *traffic in a safe condition. Obtain easements and/or land acquisition such that*  
40 *within 5 years there is alternative access available to property owners.*

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*Description: This alternative would include interim improvements, maintenance, and monitoring of the road to allow it to be opened from Court Street to 3 Mile Bridge Road. Improvements could include a combination of guardrails and minor realignments within the existing right-of-way with the goal of extending use of the road, to the extent possible, while being fiscally responsible with Town funds. The Town would undertake a collaborative process with property owners and other stakeholders to find alternative means for long term access, such that the next time there is a major damage or failure to the road, there is a plan in place to avoid significant repair costs.”*

DeGraff said the Alternative goes on to outline pros, cons and outstanding questions for this alternative and proposes “Steps Forward” in two phases. He said in Phase 1 the plan is to work with Public Works and emergency services on what repairs are needed to make the Town comfortable to open the road to through traffic and bring the road into compliance with State Statute. He said collaboration with land owners to explore options for easements/acquisitions to provide alternative access to those properties, is also included in Phase 1.

DeGraff said Phase II of the Steps Forward would be to complete an Action Plan with stakeholders identifying goals and timeline for alternative action and lays out a course of action in the event of future stream bank and roadway deterioration, as well as finalizing negotiations with property owners. He said the Action Plan would only be implemented in the event of future road damage.

Nuovo said there was no cost given for this alternative, and DeGraff said they’d considered doing an initial cost estimate, but felt it was important for Public Works and emergency services to weigh in on what repairs were appropriate, so there is more work to be done. Nuovo said he’s very skeptical about continuing the use of this road, and won’t vote for it without knowing the cost, and if it’s too much he’ll vote no. DeGraff said he felt this was more of a progress report and a recommended direction, and the Task Force wasn’t looking for an approval for an improvements budget at this time, and Seeley agreed.

Khan asked if the Board approved Alternative 8, were they also approving the budget for it, since that is the way the motion was presented. Carpenter said that’s just one of the motion options, and the Board could say we’re accepting the Task Force report and ask for staff to determine what would be necessary for an estimated cost for Alternative 8 before finalizing this.

81 DeGraff said a couple of the next steps is that there needs to be a detailed analysis of  
82 what needs to be done to open the road and also to begin discussions with property  
83 owners, but the Task Force didn't spend time getting cost estimates if it turned out the  
84 Board wanted to go in a different direction, and they didn't feel they had the  
85 authorization to talk with property owners without Selectboard approval.  
86

87 Artim said he was glad this had been clarified, because he'd come to the meeting  
88 concerned that approving this would be an "open checkbook". He said this Alternative  
89 is looking at 5-years, and while we may be fine in 5-years, or even 10, we could have a  
90 storm this spring that takes that road out beyond what is an acceptable cost level. He  
91 said we need to see what the cost is to implement this, and then how much as a  
92 community are we willing to expend over the next 5-years to take care of this road,  
93 realizing that if we exceed that amount, then no more money will be expended and the  
94 road declassified. Artim said he feels the Task Force is moving in the right direction.  
95

96 Artim asked DeGraff what were the chances of this road failing sooner because we  
97 open it up to a more dynamic load. DeGraff said that's a geotechnical question he can't  
98 answer, but what the Task Force is talking about it doing more work like what has  
99 already been done in areas that have sloughed off, like adding guardrails or moving the  
100 road over within the right-of-way. He said the southern section where the gate is, is not  
101 the "bad" section of the road, it's really the north end of the road that is more  
102 problematic, so the Task Force discussed why were sections of the road that weren't  
103 that bad closed, and why are we closing sections of road that can be kept open with  
104 modest repairs, while working on a plan of what to do when the repairs needed are  
105 more significant.  
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107 Seeley said there needs to be meaningful discussions with individual property owners,  
108 so it was thought to have these after enough repairs were done to open the road so the  
109 discussions can happen without the stress of the road being closed. She said once we  
110 have those discussions and come to an understanding with the landowners of what  
111 we're trying to do, then when decisions need to be made we're all in agreement and can  
112 move forward as one.  
113

114 Dean George concurred with Seeley and said there hasn't been any kind of discussion  
115 with the two property owners who have residences and access their property from  
116 Creek Road. He wondered how much does the Town get involved in finding alternative  
117 accesses for them, since finding alternative options are going to be a challenge and  
118 take some time, and that 5-year timeline was established in hopes there would be a  
119 solution within that time.  
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121 Carpenter said he had met with the southern-most property owners before the Task  
122 Force was formed, and there are feelings of obligation. He said they had looked into  
123 costs for an alternative access, and that wasn't inexpensive.

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125 Luther Tenny said they wanted the proposal to be one of collaboration to allow reduced  
126 tensions and to open the road back up, and while a lot of people want to weigh in on the  
127 future of the road, we have a responsibility to open the road. He said they wanted to  
128 get consensus on the direction this was heading, so more detailed information can be  
129 provided to the Board in the future on how much it would cost to open the road and  
130 what the emergency action plan would be, and some of those are contingent on what  
131 the landowners will say but we don't know that at this time to make decisions.

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133 DeGraff said one thing they'd like the Board to do this evening is to authorize Town  
134 Manager Ramsay or someone to begin collaborative discussions with the property  
135 owners that will ultimately turn into negotiations, so they wanted to be sure the person  
136 has the authority to speak on behalf of the Town in the initial phase of the negotiations.

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138 Carpenter asked if there was anyone willing to make a motion for discussion to accept  
139 the report and tentatively support it pending staff can prepare more details on cost  
140 estimates and timelines. Khan made that motion, and Seeley seconded it.

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142 Seeley said one thing that became obvious to the Task Force is there is not a "no cost"  
143 alternative, and even if we choose to give up the road, there will be some cost. She  
144 said the Town probably has some responsibility to provide access to the property  
145 owners, at least the residences, there will be a cost associated with that and we won't  
146 know what that is until we talk to the landowners to see what is acceptable to them.  
147 She said we need to be prepared for the fact that there will be an expense no matter  
148 what we do.

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150 Artim said the principle of the motion is fine, we just have to define what we need and  
151 we have to be cognizant of staff time, because this is going to take a lot of time. Brown  
152 said something has to be done and it may be too early to say it's going to be too  
153 expensive.

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155 Nuovo said we realize this is going to cost the Town one way or the other, and the Town  
156 has an obligation to assist the property owners, but we have a road that shouldn't be  
157 there. He said he thinks the report is saying we'll do what we can over the years to  
158 keep it open and he feels this is not being fiscally responsible. He said he's received  
159 the report as information, but he doesn't find it a satisfactory report. Brown said we  
160 really need to press on and see what it is going to cost. Fuentes-George said for her

161 the second part of the report was the most important, so appreciates that this report  
162 provides the path forward to take care of the property owners and come up with a more  
163 permanent solution, because we are ultimately waiting for a big storm to force our hand.  
164

165 DeGraff said he doesn't think that what the report is recommending is inconsistent with  
166 what Nuovo is saying, and thinks the key term in Alternative 8 is we are pursuing  
167 alternative access for the property owners, we aren't looking for ways to fix the road.  
168 He said this is the direction they want to head in, and want the Board's concurrence this  
169 is the right direction, while recognizing there is more that needs to be done.  
170

171 Carpenter said the Board would be accepting the report and supporting it subject to  
172 estimates, and the Board is not approving spending any funds at this point. He said if  
173 staff comes back with a cost estimate the Board doesn't like, then we can look at  
174 another alternative, but based on the Task Force's findings, they feel this is fiscally  
175 responsible, and gives sufficient time to address the two residences that need  
176 alternative accesses. He said we've been talking about alternative accesses for a  
177 couple of years with no progress, so giving them the power to work on solving the  
178 question of the access to the residences is going to be a big part of this option.  
179

180 Seeley said the amount of time Creek Road has been closed is pushing 5-years, and  
181 we've had some significant storms in that time and the road is still there, so they felt that  
182 a 5-year time to work towards coming up with a plan was reasonable. She said  
183 obviously some event could happen to force decisions to be made, but 5 years is a  
184 goal. She said even if the road was turned into a trail at some point, the river could still  
185 damage it and there would still be costs associated with maintaining a trail. She said  
186 there are still outstanding questions we haven't answered, so we need more time.  
187

188 Carpenter called for the motion to accept the report of the Creek Road Task Force and  
189 to support Alternate 8 in principal subject to the staff bringing back a cost estimate and  
190 a staff recommendation to accomplish Alternative 8.  
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192 DeGraff suggested an addendum to the motion to authorize a representative of the staff  
193 to begin discussions with the property owners, because ultimately that needs to happen.  
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195 Khan who had made the motion was fine with the addendum, and the Seeley seconded  
196 this. The motion carried with 7 in favor. **MOTION PASSED.**  
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198 Seeley thanked the members of the Task Force and the great discussions they had.  
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200 Carpenter asked Ramsay to have staff prepare a cost estimate and a timeline of when  
201 the work can be done, given the heavy load of projects this summer.

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205 **Regular Selectboard Meeting**

206 **Large Conference Room – Town Offices**

207 **Tuesday, June 9, 2020**

208 **Meeting Minutes**

209

210 **9. Staff Recommendation for performing interim repairs to Creek Road in order to**  
211 **open it to thru traffic, as requested by the Board at its March 10, 2020 meeting**

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213 Ramsay said the Creek Road Task force had recommended to the Selectboard that  
214 they open Creek Road back up and the Selectboard asked staff to come back with  
215 costs and a plan on reopening.

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217 Brown asked if the plan and costs submitted by Director of Public Works Operations Bill  
218 Kernan had been reviewed by the Creek Road Task Force. Seeley said she feels that  
219 the plan does what the Task Force asked them to do and while it hadn't been reviewed  
220 by the Task Force or the Infrastructure Committee, but taking it back for review would  
221 cause further delay to the opening. She said we have the funds and this plan does  
222 what they hoped to do so that discussions can begin with property owners on what the  
223 long-term solution for the road will be. She said unless there were strong objections,  
224 she'd like to go forward with this at this meeting so they can continue the work on a  
225 long-term plan, since any storm could cause further damage to that road at any time.

226

227 Seeley said she hadn't been sure how much consultant Peter DeGraff had been  
228 involved in this plan, so she called him, and he's been working with Ramsay and  
229 Kernan on the plan and the Wetlands Permit and he thinks Kernan has laid out a good  
230 plan. She said she thinks DeGraff is a good, impartial evaluator, so if he's comfortable  
231 with it, she's comfortable with it. Ramsay said the plan has also been approved by both  
232 the Fire Chief and Police Chief.

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234 Fuentes-George said she wanted to be sure that the guardrail installation allows enough  
235 room for the farmers to get their equipment through to work on their fields, but said if a  
236 fire truck can get through then probably farm equipment can. Carpenter said some farm  
237 equipment would be wider than a fire truck, but if there was a 12' travel portion then it  
238 should be fine.

239

240 Seeley moved to accept DPW Operations Director Bill Kernan's proposal for performing  
241 interim repairs necessary to re-open to Creek Road at an estimated cost of \$22,432.  
242 Fuentes-George seconded the motion. The motion carried with 7 in favor. **MOTION**  
243 **PASSED**  
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