

Town of Monkton Selectboard Hearing
Laying Out of Old Airport Road
Thursday, March 28, 2024
(Approved 5/28/24)

The informational meeting was called to order at 7:31p.m.

Members in attendance: Stephen Pilcher (chair), John McNerney, Marikate Kelley, Joe Szarejko, Walter Crandall

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Stan Wilbur (town administrator), Callie Brynn, Jaime Schulte, Chan Washburn, Bill Sayre, Barb Crandall, Joe Szarejko, Bob Heiser, Molly Parren, Larry Pike, Susan Randall Davis, Linda Watson, Denise Dalton, Chris Paine, Tom Kenyon, Brett Conner

S. Pilcher explained the process of the informational meeting and the hearing. He said the town of Monkton had generated two new policies 1) Class 4 Highway policy, Monkton does not maintain class 4 roads but if it owns a curb cut may contribute to road maintenance, and 2) Highway Right-of-Way policy. He explained that notices were sent on 2/13/24 regarding the hearing, and were sent to all abutters and other interested parties such as the Planning Commission.

C. Brynn explained that Monkton is looking to purchase 447 acres from the A. Johnson Company to create a town forest. She estimated that about 300 acres are accessible from Old Airport Road (OAR). Conversation with neighbors on OAR has been ongoing for about a year. Maintenance and liability were concerns. A class 4 road seemed like a good solution. The Town Forest Committee (TFC) recommended changing OAR from a private road to a class 4 road. C. Brynn noted that \$770,000 came from 2 grants which require public access. The class 4 road designation would help support that access. J. Schulte said from the town's perspective, a class 4 road allows the town more options than a private road. He said it would be better from a cost and liability perspective. It also seems beneficial to the residents.

T. Kenyon asked if any consideration had been given to his portion of the road. He feels he should be compensated for the portion of the road he purchased. It wouldn't change the overall use of the road, he agreed. S. Pilcher noted there were legal possibilities to pursue.

S. Randall Davis asked about the process. She noted they would be out of town when the road is inspected. S. Pilcher said she could have a proxy there, but the road is simply being inspected. S. Pilcher said the hearing would be left open until 4/21/24 when the road is being inspected. He noted the town attorney is helping with this process. S. Pilcher said he could follow up with Jim Carroll. T. Kenyon said he is not asking for more money than he paid for the land, and would contribute \$1000 to the Town Forest. S. Pilcher asked if T. Kenyon was asking the town to buy the land? T. Kenyon replied, fix it, however that works. J. McNerney said he

understood from TFC meetings, there is an easement across Tom's portion of the road for the benefit of the town and anyone on the road. J. Schulte asked if there was a limit to how many people can use the existing easement. It was unclear. T. Kenyon said he is not contesting the easement.

J. McNerney reminded everyone that there will be no feedback from the Selectboard during the hearing; it is just a time to take testimony.

C. Brynn said a surveyor will be surveying the road and have the north and south ends of the road staked before the inspection. M. Kelley asked if the town decided not to make it a class 4 road, would the decision affect the easement and the funding. J. Schulte said there is uncertainty about the easement and access. S. Randall Davis said she thinks the right of access is for residents of the road.

The hearing was called to order at 8:00 p.m.

Members in attendance: Stephen Pilcher (chair), John McNerney, Marikate Kelley, Joe Szarejko, Walter Crandall

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Stan Wilbur (town administrator), Callie Brynn, Jaime Schulte, Chan Washburn, Bill Sayre, Barb Crandall, Joe Szarejko, Bob Heiser, Molly Parren, Larry Pike, Susan Randall Davis, Linda Watson, Denise Dalton, Chris Paine, Tom Kenyon, Brett Conner

By notice of the Selectboard hearing laying out of Old Airport Road provided on February 13, 2024 pursuant to 19 V.S.A. § 709, a hearing to receive testimony on the lay out and acceptance of Old Airport Road (OAR) has been set for March 28, 2024 beginning at 8:00 p.m. at the Monkton Town Offices located at 92 Monkton Ridge Road.

The Town of Monkton Selectboard hereby supplements its previous notice pursuant to 19 V.S.A. § 709 by setting a date and time to **inspect** OAR described as follows:

The 0.9 miles of a currently traveled private road 50' in width known as Old Airport Road (OAR) as the traveled surface of OAR is currently located on the ground starting at OAR's southern terminus at its intersection with Hardscrabble Road (T.H. #5) and running to OAR's northerly terminus at its intersection with Hardscrabble Road (T.H. #5).

Notice is hereby given that on April 21, 2024 the Monkton Selectboard shall conduct a site inspection of OAR at 10:00 a.m. Beginning at OAR's southern terminus with Hardscrabble Road (T.H. #5).

S. Pilcher asked if any members of the Selectboard had any conflicts of interest? Both W. Crandall and Joe Szarejko recused themselves from the hearing.

S. Pilcher opened the hearing to public comment.

C. Brynn, of the Town Forest Committee (TFC), said they put a recommendation forward to change Old Airport Road (OAR) from a private road to a class 4 town road. She explained the setting of the proposed town forest. She noted access from OAR allowed access for all ages and abilities, unlike other access points. The cost of the project is about \$1.1 million dollars. A significant portion of the funding, \$750,000, requires public access for eligibility. She explained the ongoing conversation with OAR residents. The TFC's perspective was concerning access. The residents had concerns about maintenance and liability. If the land was not purchased, the road would not become a class 4 road. J. Schulte added it would be a benefit for the town to have it be a class 4 road for access, liability, and cost management. It would also benefit residents.

D. Dalton said she supports reclassifying the road due to liability because there may be an increase of risk. If the road stayed private, she noted the residents would need to hire contractors to maintain the road for liability reasons. She noted the town would be best equipped for this. D. Dalton explained that to her a private road means access to private property, and inviting the public over a private road for public access doesn't make sense to her.

S. Randall Davis noted that things change over time. She noted we must be thoughtful regarding change. With community ownership comes community responsibility. She noted that residents of private roads do not advertise to the public to come use the road. She spoke about having the road private as limiting, and having it a town road best supported the public good. Asked the Selectboard to accept the responsibility of OAR.

Bill Sayre spoke as a representative of the A. Johnson Company. He would like to support the TFC and residents in their pursuit of changing the road to a class 4 town road.

T. Kenyon said he owns the north end of OAR, paid \$5000 in 1996. He said he would like to be reimbursed, and do the right thing. If so, he will donate \$1000 to TFC. B. Conner said if the town is inviting people onto the land, they should have responsibility for the road. He is interested in seeing the corners of the properties. C. Brynn said a surveyor is going to stake the north and south ends of OAR before the road inspection. She noted the A. Johnson Company had provided surveys of the land. J. McNerney asked if intent of those requesting was that the Right of Way follow the centerline as it exists today? T. Kenyon asked if all the mineral rights were done on the property. The response was, as far as they know, the mineral rights are concluded.

B. Crandall supported the effort to make OAR a class 4 highway.

S. Pilcher said the hearing was continued until Sunday at 10 a.m. on April 21, 2024, when the road would be inspected beginning at the southern end.

This phase of the hearing concluded at 8:23 p.m.

Respectfully submitted,
Jessica Demeritt