

MEMORANDUM

To: Sarah London
From: Kate Willard *Kate*
Date: November 1, 2013
RE: Governor's Approval for Property Acquisition:
5.4 +/- acres in the Town of Weston from Reginald L. and Cynthia M. Benson

This acquisition is proposed to be purchased with funds from the Laura Burnham Bequest, an internal FPR account. Included with the Governor's approval memo are maps of the property and draft minutes from the Town of Weston selectboard meeting held on October 8, 2013.

Tim Morton, District Stewardship Forester, and I attended the selectboard meeting to discuss this proposed acquisition and to gain support from them. Weston has a five member board, three of whom were in attendance at the October 8 meeting. We presented information to the board about management on the state forest surrounding the Benson parcel, reasons for acquiring the parcel and explained the state's payment in lieu of taxes made to towns instead of property taxes. This is briefly summarized in the draft minutes. The minutes are on the agenda for approval for the November 12 selectboard meeting.

A motion was made to "recommend the state purchase of 6.5 acres" (actually 5.4 acres). Two members voted in favor and one voted against. The motion is considered denied because it was not supported by a majority of the five member board. This outcome was confirmed as correct with Deputy Secretary of State Brian Leven. We inquired about attending another meeting with all five members present, however, the two members missing from the October 8 meeting have stated that they would abstain from voting on this request so there is likely no way to obtain a supportive recommendation from the selectboard. One of the abstaining members is the seller's brother; the other had previously negotiated to purchase the parcel.

The alternative to obtaining selectboard approval is to request to have the request placed on the agenda for town meeting in March. This may jeopardize the purchase as the sellers have offered this to the state until the end 2013.

I respectfully request that Governor Shumlin approve this acquisition despite the lack of majority support by the town's select board given the unusual circumstances surrounding the select board's vote and the necessity to complete the purchase prior to 2014.

If you have any questions regarding this acquisition, please contact me at 828-1526 or at kate.willard@state.vt.us, thank you.

MEMORANDUM

TO: Peter Shumlin, Governor

THROUGH: Deborah L. Markowitz, Secretary, Agency of Natural Resources *DM*

FROM: Michael C. Snyder, Commissioner, Department of Forests, Parks & Recreation *MS*

DATE: October 23, 2013

SUBJECT: Approval for Acquisition of the 5.4+/- acre Benson Property, Weston

Your approval is requested pursuant to Title 10, Chapter 83, Section 2606(a), VSA, for the acceptance of the acquisition referenced above. This acquisition was reviewed and recommended for acquisition by the Agency of Natural Resources Land Acquisition Review Committee on 9/20/2006 and subsequently approved by the Secretary on 11/20/2006.

Description

This parcel is an in-holding in Okemo State Forest accessed by an unimproved woods road approximately 500 feet long. Acquisition of in-holdings is always a priority as it helps with forest management by eliminating potential conflicts with the landowner and reducing boundary maintenance costs. In the case of this property, it is not completely clear whether or not the Bensons have the right to use the access road. Currently the road is gated with both FPR and the Bensons having keys to the lock. Purchase of the Benson property will eliminate future legal work to determine whether or not they have the right to use the access road.

Ownership and Management

The property will be owned and managed by the State of Vermont, Department of Forests, Parks and Recreation as part of Okemo State Forest. Specific uses of the property will be determined through the long range management planning process. In the interim, the property will be available for dispersed pedestrian access.

Budget and Funding

The property will be purchased by the State of Vermont for \$22,500 using funds from the Laura Burnham Bequest, an internal FPR fund. The appraised value was determined to be \$15,000 but the Bensons are not willing to sell at the appraised value because the town has it assessed for considerably more. The agreed upon sale price of \$22,500 was reached as the mid-point between the appraised value and the town's assessed value of \$30,000. Typically we do not pay more than appraised value for land but in this case paying \$7,500 above appraised value is worthwhile given the potential future costs for resolving access questions, avoiding future conflicts of use and degradation of public conservation values. Associated closing costs are expected to be about \$2,000. A closing is anticipated during the month of November, 2013.

APPROVAL FOR LAND ACQUISITION

We, the undersigned, hereby approve the acquisition by the State of Vermont, Agency of Natural Resources, Department of Forests, Parks and Recreation, of a 5.4 acre property, located in the Town of Weston, from Reginald L. and Cynthia M. Benson.

This approval is pursuant to Title 10, Chapter 83, ss 2606 (a) VSA for acceptance of the land acquisition referenced above.

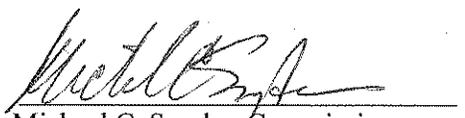
11/12/13
Date


Peter Shumlin, Governor
State of Vermont

10-1-13
Date


Deborah L. Markowitz, Secretary
Agency of Natural Resources

10/24/13
Date

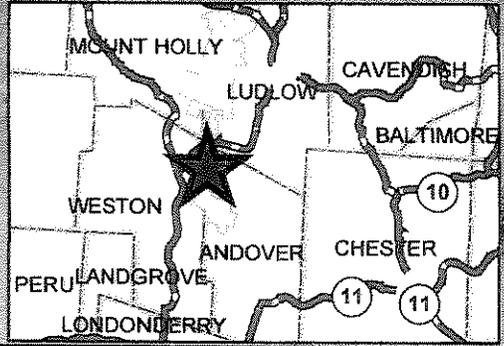
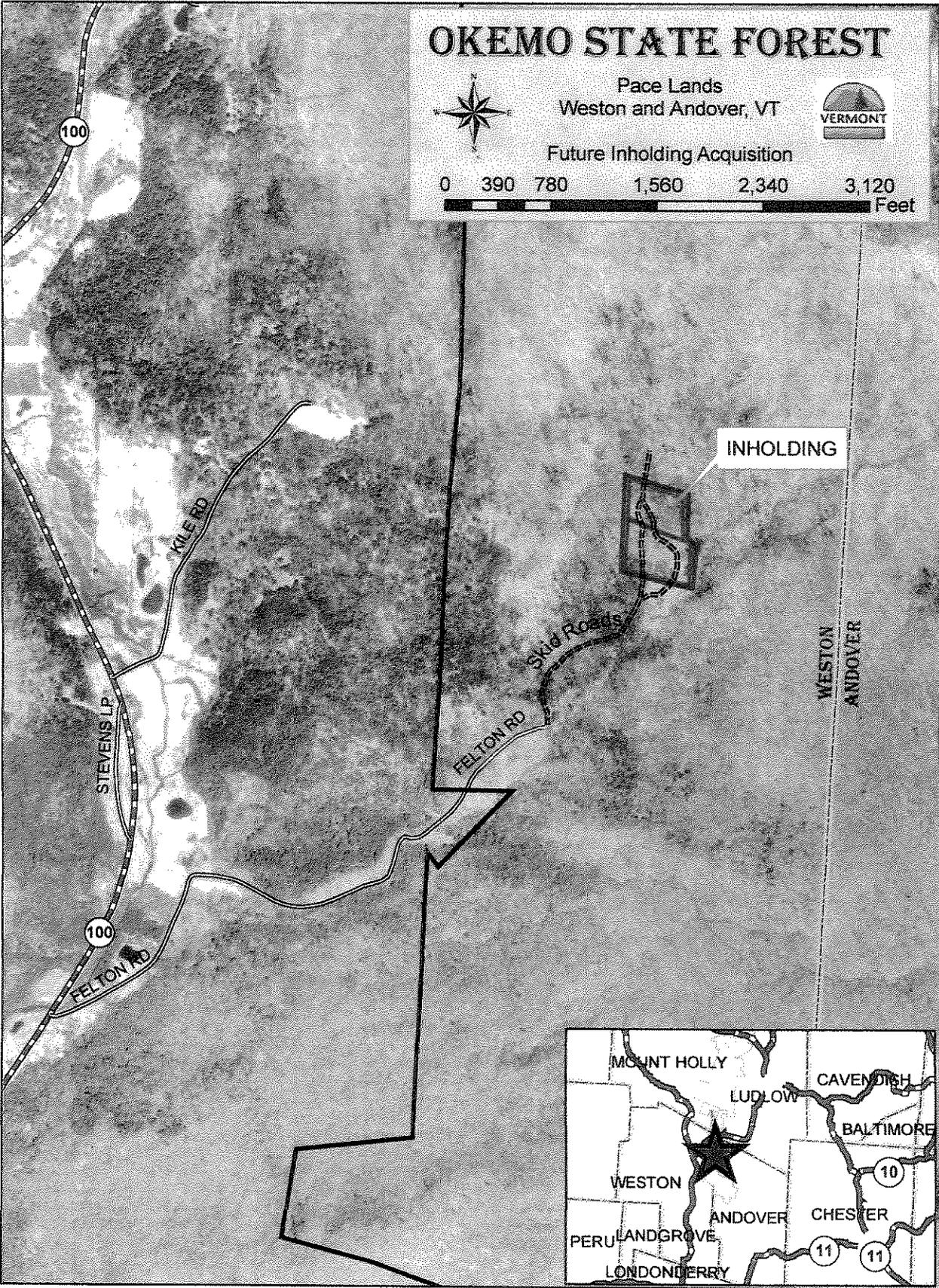
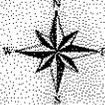
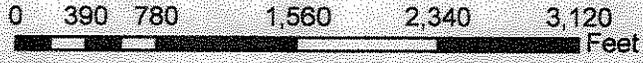

Michael C. Snyder, Commissioner
Dept. of Forests, Parks and Recreation

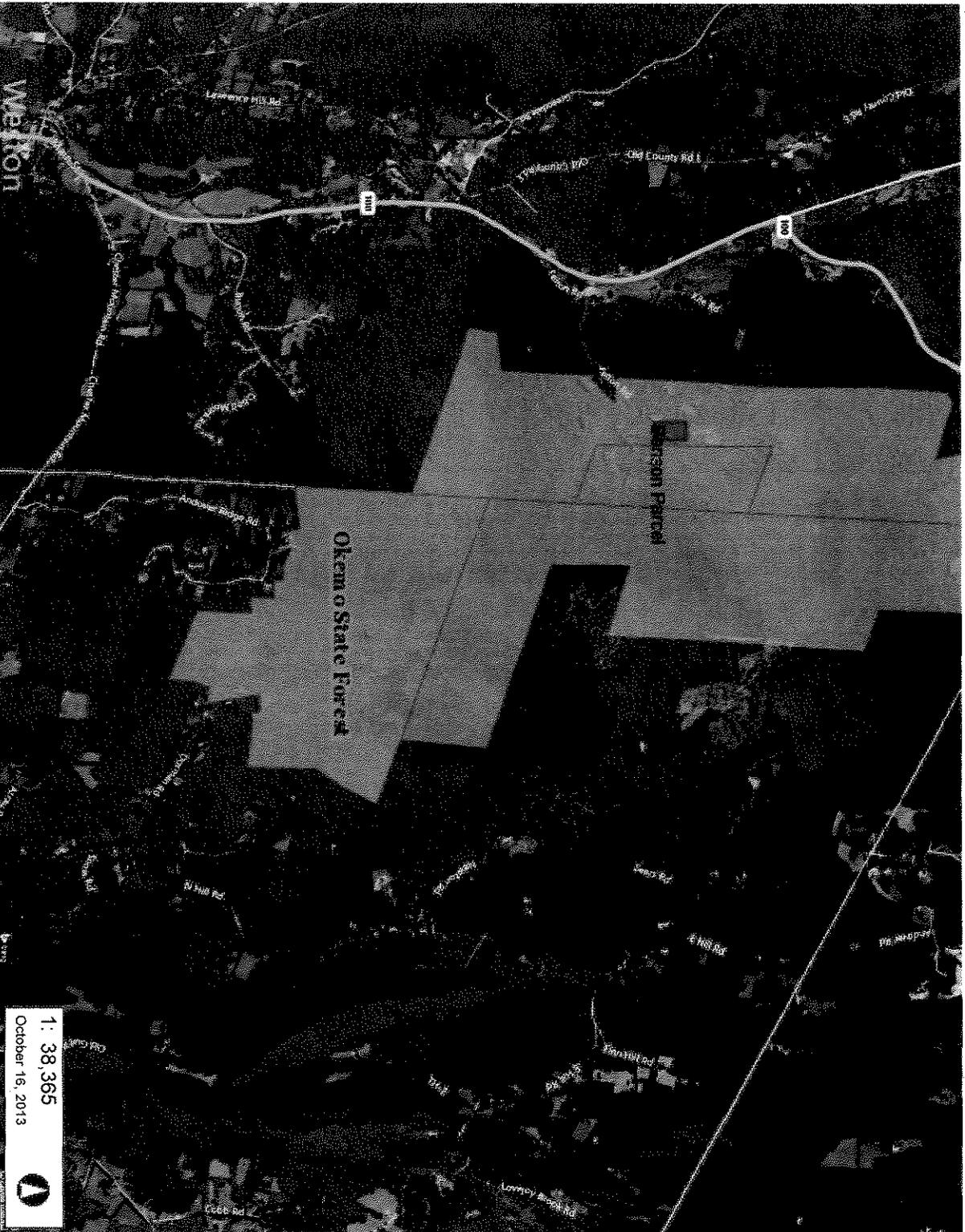
OKEMO STATE FOREST

Pace Lands
Weston and Andover, VT



Future Inholding Acquisition

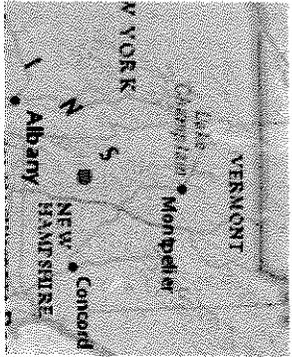




1: 38,365
October 16, 2013

1,949.0 0 974.00 1,949.0 Meters
WGS_1984_Web_Mercator_Auxiliary_Sphere
© Vermont Agency of Natural Resources
1" = 3197 FT 1cm = 394 Meters
THIS MAP IS NOT TO BE USED FOR NAVIGATION

DISCLAIMER This map is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. ANR and the State of Vermont make no representations of any kind, including but not limited to, the warranties of merchantability, or fitness for a particular use, nor are any such warranties to be implied with respect to the data on this map.



LEGEND

- Managed Lands
 - State Forest, Fee ownership
 - State Park, Fee ownership
 - Non-fee interest
- Town Boundary

NOTES

Map created using ANR's Natural Resources Atlas

**TOWN OF WESTON
Weston, VT 05161**

**Minutes of Selectboard Meeting
October 8, 2013**

Present: Shirley Knowlton, Ann Fuji'i and Darrell Hart

Absent: Denis Benson, Jeff Yrsha

Public: Almon Crandall, Jean DeCell, Christine Falango, Donald Hart, Anthony Summers - BDCC, Tim Morton – FPR, Kate Willard – FPR, Charles Goodwin, Jason Hill, Garrison Buxton - (GNAT) and Cheryl Barker

Vice-Chairman Darrell Hart called the meeting to order at 7:30 PM. A quorum was Present.

1. Public Comment:

Anthony Summers from Brattleboro Development Credit Corporation extended an invitation to the Selectboard and the Business Council, to a meeting, that will be held next week and another meeting, to be held early November. Charles Goodwin mentioned that BDCC would be the company that the Town of Weston should be working with if a grant was ever applied for. Pat Moulton from Londonderry is the director for BDCC. The BDCC primary purpose is to increase business along the Route 30 corridor.

2. Road Foreman:

Almon Crandall stated that the winter sand is in storage. Gurney Brothers are finishing the job on Greendale road. The guardrails are installed. There is one culvert left to be installed on Greendale Road before winter sets in. Selectboard discussed the bridge construction on Route 100 near Felton Road. There was a discussion on the Stone Wall Project, easements, guardrails etc.

3. State Forest Land Purchase:

Tim Moulton and Kate Willard from the Forest, Parks and Recreation, spoke on the State Forest Land Purchase for the Okemo State Forest. The pace block is approximately 655 acres; the state would like to purchase 6.5 acres from Reginald and Cynthia Benson which sets within the boundaries of the state parcel. Tim Moulton reported on concerns other people have had with the state purchases and explained what the state forest does to protect pace blocks. The forest service must get the town actuation to purchase the land to get the governor's approval. The tax rate is 1% x fair market value. Kate Willard was using the 2012 tax rate, which is negotiable, there would be approximately \$71.00 difference in what the state pays and the current landowner pays. This is the only available land within this pace block.

Motion made by Shirley Knowlton Seconded by Ann Fuji'i to recommend the state purchase of 6.5 acres. Vote Shirley Knowlton – Yes, Ann Fuji'i – Yes, Darrell Hart – No, Motion Denied

4. Little School Fence:

Christine Falango informed the board that she had spoken to Springfield Fence Co. and has found out that they would like to speak to the selectboard on placement of the fence, because at the last meeting held with the Fence Co only one-selectboard member attended the meeting. Other Selectboard members do not recall anything pertaining to a meeting about the fence at the previous meeting held on September 12, 2013 at 4 PM. Selectboard requested a designated area where the fence would be placed. Christine Falango will research the lease for the town's access rights. Christine Falango asked when the fence would need to be repaired, due to the renovations. It was stated that it might be spring before anything can be done. It is the contractor's responsibility to reinstall the fence that was there.

The Flag Pole at the Little School has been broken for six months; they asked to have it repaired. Almon Crandall volunteered to repair the flagpole.

There has been nothing received for estimates on the bathrooms at the Little School, Darrell Hart stated that he would contact the contractors that he has been working with, to get an estimate and notify Christine of the estimates. The School will be closed for two weeks around Christmas time; this would be an opportunity for a contractor to do the repairs required.

5. Error and Omissions:

Charles Goodwin explained a \$14.28 error on a parcel of land in Weston.

Motion made by Shirley Knowlton Seconded by Ann Fuji'i to allow the Listers to make the change on the parcel, owned by David Rohr & Pamela Quinn from 1.20 acres to .88 acres. Vote Unanimous Approved

6. SO #22 Payroll & SO #22 Vendors:

Motion made by Shirley Knowlton Seconded by Ann Fuji'I to approve SO #22 Payroll in the amount of \$10,947.76. Vote Unanimous Approved

Town Treasurer asked the selectboard where the money should come out of to pay for the paving expenses on Chester Mountain Road, Landgrove Road and Priory Hill Road. The Treasurer was instructed to take the

Priory Hill paving expense of \$51,000.00 out of the highway maintenance fund. Allocations have been made for the paving on Chester Mountain Road and Landgrove Road at Town Meeting in March.

Shirley Knowlton has contacted V-Trans to find out how long it would be for the town to receive the grant money for the paving projects. John Alexander told Shirley Knowlton that as soon as the TA-65 form is completed we would receive the money within a week. The administrative assistant informed the selectboard that the TA-65 form has been signed and sent into the state, along with a copy of the check.

Motion made by Shirley Knowlton Seconded by Ann Fuji'i to approve SO #22 Vendors in the amount of \$1,563,233.52.

Another invoice came into Town Office after Vendors orders had been completed, from Ron Prouty Builders for \$31,313.51. The contractor requested to add the invoice to the vendors' orders.

Motion amended by Ann Fuji'i Seconded by Shirley Knowlton to amend SO #22 Vendors order to include Prouty Builders invoice of \$31,313.51 in the amount of \$1,594,547.03 Vote unanimous Approved

7. Review and Approve Minutes:

Motion made by Shirley Knowlton Seconded by Ann Fuji'i to approve selectboard minutes dated September 24, 2013. Vote Unanimous Approved

8. Committee Reports:

On October 15, 2013 at 8:00 AM Ann Fuji'i and Darrell Hart will meet with the electrical contractor, to go over the specifications for the Town Office renovation. Selectboard will make a decision tonight on the color of the shingles to be placed on backside of office. Darrell Hart will set up a meeting with Ryan Foster and the Selectboard on October 21, 2013 to have a walk through inspection of the renovations and make some decisions on the stairway, vault door etc.

9. New & Old Business:

Shirley Knowlton and Ann Fuji'i will take pictures of the culverts and bridges starting in the next two weeks.

There will be a warned special meeting held on October 29, 2013 to review the audit.

10. Miscellaneous:

Nothing

11. Adjourn:

DRAFT

Meeting Adjourned at 9:37 PM

Respectfully Submitted
Cheryl Barker, Administrative Assistant
Weston Selectboard
