

Town of Panton
Select Board Meeting
Wednesday, August 19, 2015
6:30 P.M. – Panton Town Office
Draft Minutes

Attendance:

Select board

John Viskup, Chair
Howard Hall
Beth Tarallo

Other Officers and Guests:

David Rheaume
Girard Vorsteveld
Hans Vorsteveld
Rudy Vorsteveld

6:37 pm J. Viskup called meeting to order.

Public Comment:

H. Vorsteveld provided overview of Vorsteveld farms' Right of Way (ROW) encroachment to date:

- Summer 2014 H.Vorsteveld received a zoning variance approval from the Agency of Agriculture to build 29' from road center line.
- Construction ensued and poles were constructed at 31'
- H.Vorsteveld, upon recommendation from milk hauler for an alternate construction design, applied for a zoning variance from the Agency of Agriculture for 23' from road centerline.
- Agency of Agriculture approved the zoning variance for 29', but denied the zoning variance for 23'.

Select board noted that:

- Despite Agency of Agriculture’s zoning variation approval on 29’ construction request, the Town, via the Select board, did not approve a Right of Way (ROW) access or approve building within the town ROW .
- ROW access permit process is a separate additional approval, reviewed through the Town of Panton Select board, and not the Agency of Agriculture,
- Designs that H. Vorsteveld supplied need both: 1) Agency of Agriculture zoning variance approval (because they are requesting to build outside of town zoning setback requirements) and 2) Town of Panton Select board approval to build in or have access via the town Right of Way.

H.Vorsteveld noted that:

- Historically they have cleared out other ROW obstructions/encroachments:
 - In 2006-2007 removed old McBride Barn and East Barn, totaling ~1600 sq. feet removed.
 - East Barn, while structure gone, still has foundation in ROW.
- Currently removing concrete which is in town ROW
- H. Vorsteveld noted that the current application, if approved, would utilize ~2325 sq. feet of ROW space (~1085 of building, 1240 of concrete pad for trailer loading/parking), excluding space the 8x8 and 8x16 chillers would need.
 - H. Vorsteveld proposed, in order to address Select board’s concerns related to allowing use of a needed town asset, in exchange for sq. foot usage of the town ROW, that his operation will:
 - Removing a silo from town ROW (~50 sq. feet)
 - Allow the town to use Town Park for Free. Noted he currently owns the land on which the park sits, ~2000 sq. feet.
- H. Vorsteveld noted his current proposal will make his operation safer, as milk trucks will always be able to load/load and park on the proposed concrete pad/loading area, rather than in the travelled portion of Jersey Street. Currently milk trucks park in the ROW without a loading area/concrete pad, or, especially in the winter months they park in the travelled portion of the right of way.
- H. Vorsteveld further proposed putting a “30 year clause” on the approval, at which time the ROW permit would expire.

Discussion ensued re: the following:

- Whether moving the chillers out of the ROW in the current design plan would be feasible.

- Reviewed aerial map of current buildings and purpose of buildings, reviewed proposed process for trucks pulling in and out of property and proposed loading area/concrete pad.
- H. Vorsteveld stated his current herd has 800 milking cows. Their goal is to increase to 1100 milking cows in the next two years.

7:40 pm **Motion** by B. Tarallo that premature public disclosure of legal counsels advice re: legal options in connection with the Select board's deliberations concerning pending permit request of Vorsteveld pursuant to 19 VSA 1111 to utilize the municipal ROW, will, as advised by counsel, place Pantan at substantial disadvantage.

H. Hall seconded. All approved.

7:41 pm **Motion** by B. Tarallo to enter deliberative executive session to deliberate concerning the Vorsteveld permit request and to deliberate concerning legal counsels advisement.

H. Hall seconded. All Approved.

8:45 pm J. Viskup **motion** to exit deliberative executive session. B. Tarallo seconded, all approved.

No action taken

Select board discussed meeting for another deliberative session 9/2/15 at 6:30pm with counsel if he is available. Meeting time may need to change to accommodate counsels schedule. SB to warn when confirmed.

8:50 pm B. Tarallo **motion** to adjourn. J. Viskup seconded, all approved.