



**TOWN OF MORRISTOWN SELECTBOARD**

**MEETING NOTICE & AGENDA**

**COMMUNITY MEETING ROOM**

On Zoom and at 43 Portland St. Morrisville, VT 05661

**5:30 PM Monday, April 7, 2025**

[Join Zoom Meeting](#) or by phone join via conference call (audio only): 1 (646) 558-8656 | Meeting ID: [810 342 4528](#) | Passcode 05661

The meeting will be live streamed on the Town of Morristown's website:

<https://www.morristownvt.gov/community/page/meetings-agendas-minutes> and on [Town GMATV YouTube Channel](#) when possible

**I. 5:30PM - CALL SELECTBOARD MEETING TO ORDER**

**II. 5:31PM - AGENDA CHANGES/ADDITIONS**

**III. 5:32PM - APPROVE MINUTES**

1. Approve minutes 3-17-25
2. Approve minutes 3-26-25

**IV. 5:35PM - NEW BUSINESS**

1. Vermont Council on Rural Development - Alyssa Johnson and Jessica Savage
2. Appoint Nancy Dunavan to Morristown Conservation Committee for a 4 year term
3. Appoint Charles Burnham to Morristown Development Fund Loan Advisory Committee for a 3 year term
4. Explore grant opportunities for Noyes House
5. Move Community Comments to the beginning of the agenda

**V. 6:45PM - OLD BUSINESS**

1. Consideration of revised Work in the Right-of-Way Policy

**VI. 6:48PM - APPROVE WARRANTS**

**VII. 6:50PM - COMMUNITY COMMENTS**

**VIII. 7:00PM - SCHEDULE**

1. Wednesday, April 16, 2025 - SB/Trustees Joint Meeting - 5:30PM  
Monday, April 21, 2025 - SB Meeting - 5:30PM  
Monday, May 5, 2025 - SB Meeting - 5:30PM

**IX. 7:05PM - OTHER BUSINESS**

1. Public Records Request Appeal of Todd Thomas - Request for List of Contact Names, Addresses, Phone Numbers and Emails
2. Executive Session - Legal

**X. 7:50PM - ADJOURN**



**SELECTBOARD MEETING MINUTES  
OF MARCH 17, 2025**

Members: Don McDowell, Christopher Palermo, Laura Streets, Richard Craig, George Cormier

Absent:

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Judi Alberi, Executive Assistant; Sara Haskins, Town Clerk/Treasurer; Mitzi Fleming, Assistant Town Clerk/Treasurer; Elz Townsend, HR Director; Tina Sweet, Finance Director

PARTICIPANTS/GUESTS: Dan McLaughlin, Jerry Throne, Mary Lou Nichols, Martin Green, Laura Green, Alex Cyr, Tom Cloutier, Attorney Ed Adrian\*, Scott Johnstone

*\*participating via Zoom*

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**5:30PM - CALL SELECTBOARD MEETING TO ORDER**

Don McDowell called the Selectboard Meeting to order at 5:34 PM at the Tegu Building.

**5:31PM - EXECUTIVE SESSION - PERSONNEL, LEGAL**

*Motion made by Richard Craig, I make a finding that we go into executive session to discuss confidential attorney client communications to allow the Town attorney to provide professional legal advice to the Selectboard AND to discuss potential civil litigation based on an open meeting law complaint that was filed on March 11, 2025 and must be addressed within 10 calendar days of receipt, premature disclosure of said advice or the potential civil litigation would put the Town at a substantial disadvantage. To include Attorney Ed Adrian, Town Manager Brent Raymond, and Executive Assistant, Judi Alberi. Motion seconded by George Cormier. Motion carried (4/0/1) Chris Palermo abstained.*

*Motion made by Richard Craig to go into Executive Session because I find that premature general public knowledge of potential civil litigation to which the public body is or may be party will clearly place the town at a substantial disadvantage by disclosing its negotiation strategy. Motion seconded by George Cormier. Motion carried (4/0/1) Chris Palermo abstained.*

*Motion made by Richard Craig to go into Executive Session to discuss the possible litigation and the employment and evaluation of a Town employee to include Town Manager Brent Raymond, Executive Assistant, Judi Alberi; Finance Director, Tina Sweet; Town Clerk/Treasurer, Sara Haskins and Assistant Town Clerk/Treasurer, Mitzi Fleming. Motion seconded by George Cormier. Motion carried (5/0)*

**6:40PM - AGENDA CHANGES/ADDITIONS**

Add new item #1. Discuss Resolution of Open Meeting Law Complaint of Laura Streets.

**6:42PM - APPROVE MINUTES**

1. Approve minutes of 2-18-25

***Motion made by Chris Palermo to approve the minutes of 2/18/2025. Motion seconded by Richard Craig. Motion carried. (3/0/2)***

**2. Approve minutes of 2-20-25**

***Motion made by Chris Palermo to approve the minutes of 2/20/25. Motion seconded by Richard Craig. Motion carried (4/0/1) with amendments.***

**3. Approve minutes of 3-10-25**

***Motion made by Chris Palermo to approve the minutes of 3/10/2025. Motion seconded by Richard Craig. Motion carried (5/0) with amendments.***

**6:45PM - NEW BUSINESS**

**1. Discuss Resolution of Open Meeting Law Complaint of Laura Streets.**

Discuss the resolution of the Open Meeting Law complaint as filed by Laura Streets. The complaint was resolved with the determination that there was no violation of the Open Meeting Law.

***Motion made by Richard Craig to accept the findings of the Open Meeting Law complaint and authorize Don McDowell to sign. Motion seconded by George Cormier. Motion carried (3/0/2) Chris Palermo and Laura Streets recused themselves from the item.***

**2. Discuss Morrisville Water & Light - VMBB Bonding with Scott Johnstone**

Scott Johnstone, representing the Village Trustees, informed the committee that the Village Annual Meeting agenda includes an item that may cause the public confusion. The Village has to pass a bond issue in order to obtain a grant which would fund the Jersey Heights sewer system replacement. This project is to be distinguished from the town's storm water project at Jersey Heights. These are mutually exclusive issues. The Selectboard thanked him for the information.

**3. Certificates of Recognition for the Highway Crew**

The highway crew had a hard winter of road maintenance, yet they worked long hours, day and night, 77 out of 114, and on all the vacations of the season to ensure that our roads were passable. In addition, the department managed to find ways to use less salt on the roads. Thus, the Highway Department has awarded the employees on-the-spot Certificates of Recognition, and they in turn recognized the abilities of their supervisor, Jordan St. Onge.

***Motion made by Chris Palermo to accept the on-the-spot awards. Motion seconded by George Cormier. Motion carried (5/0).***

**4. Update on Summer Camp Program**

The Summer Camp Recreation program has opened registration! An update to the Selectboard was given with a slide show representing their current progress implementing the program. Recruitment for staff has produced a great pool of applicants. Interviews are scheduled and will start this week. The choice of swimming location has changed to Lake Eden, which results in cost savings. There is an extensive training program designed for the staff, including water safety, First Aid, CPR, lifeguard, and staff camp training. They also upgraded, redesigned and simplified the software for collecting registration and financial data. George Cormier remarked about how far the camp program has come from just January, when it was cut from the budget, to now where it is a functioning break-even program serving 75 children. Don congratulated the hard-working staff who made this happen.

**5. Authorize Town Attorney to send demand letter for delinquent taxes**

Sara Haskins, the Town Treasurer, reports that there are only 8 delinquent parcels in Morristown,

totaling just over \$12,000, which is unusually low. The board discussed asking town attorney James Barlow to send demand letters to all delinquent accounts over \$75, with some debate about whether to include one account owing only \$82.97. Ultimately, the Selectboard agreed unanimously to send letters to all accounts as presented.

***Motion made by Chris Palermo to authorize the Town Attorney, James Barlow to send demand letters for delinquent taxes over \$75. Motion seconded by Richard Craig. Motion carried (5/0).***

## **7:15PM - OLD BUSINESS**

### **1. Consideration of revised Work in the Right-of-Way Policy**

The Selectboard reviewed the items of the Right-of-Way Policy for clarification and content. Brent amended the liability insurance to an increased amount as discussed at a previous meeting. He is now returning after further analysis for approval. The board discusses revisions to the work in the right-of-way policy. They identify several issues that need clarification, including permit requirements for driveway maintenance, and placement of items in the right-of-way. The board decided to send the policy back to Jordan for further consideration, particularly regarding Section 5 on permit requirements and Section 7 on application contents. They also discuss the exemption for mailboxes, which is based on federal regulations. The board agrees that more clarity is needed to address practical concerns while maintaining the policy's intent.

### **2. Set locations for posting meeting notices**

The Selectboard agreed on the three posting locations for meeting notices: The Post Office, the Morristown Centennial Library, and the Tegu municipal building. The town website will also be a place for posting the agenda. Don McDowell, Chair may post the agenda on Front Porch Forum. Laura Streets agreed to the location but would like to see administration post to Front Porch Forum not the members of the Selectboard.

***Motion made by Chris Palermo to set locations for posting meeting notices as: in or near the municipal office, Morrisville Post Office, and the Morristown Centennial Library and the town website. Motion seconded by Richard Craig. Motion carried (4/1). Laura Streets nay***

### **3. Adopt and sign Rules of Procedure**

***Motion made by Chris Palermo to adopt and sign the Selectboard Rules of Procedure as presented. Motion seconded by George Cormier. Motion carried (4/1) Laura Streets Nay***

## **7:40PM - APPROVE WARRANTS**

***Motion made by Chris Palermo to approve the warrants. Motion seconded by Richard Craig. Motion carried. (5/0)***

## **7:42PM - COMMUNITY COMMENTS**

One person had a question about the Public Records Request which was addressed and information about the website was given.

## **7:52PM - SCHEDULE**

- 1. Monday, April 7, 2025 - SB Meeting - 5:30pm**  
**Wednesday, April 16, 2025 - SB/Trustees Joint Meeting - 5:30pm**  
**Monday, April 21, 2025 - SB Meeting - 5:30pm**



**7:55PM - OTHER BUSINESS**

None

**8:00PM - ADJOURN**

***Motion made by Chris Palermo to adjourn. Motion seconded by George Cornier. Motion carried. (5/0)***

Meeting adjourned at 8:41 pm

Submitted and filed this 3/17/2025.

Bonnie McDermott, Scribe

*Please note all minutes are in Draft form and are subject to approval at the next Selectboard meeting.*



**SELECTBOARD MEETING MINUTES  
OF MARCH 26, 2025**

Members: Don McDowell, Christopher Palermo, Laura Streets\*, Richard Craig\*, George Cormier

Absent:

ADMINISTRATION and STAFF: Brent Raymond, Town Manager; Judi Alberi, Executive Assistant

PARTICIPANTS/GUESTS: Tyler Mumley, Lee LaBier, Leah Hallenberger, Tracey Rogalski, Skip & Maria Ward, Dale Touchette, Dorothy & Wally Reeve, Kristen Fogdall

*\*participating via Zoom*

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**6:00PM - CALL SELECTBOARD MEETING TO ORDER**

Don McDowell called the Selectboard Meeting to order at 6:00 PM at the Tegu Building.

**6:01PM - AGENDA CHANGES/ADDITIONS**

None

**6:02PM - NEW BUSINESS**

**1. Update on Jersey Heights three-acre rule stormwater project - Tyler Mumley**

Don introduces and thanks Tyler Mumley, the Jersey Heights stormwater project engineer, to the meeting. Brent discusses the status of the Jersey Heights 3-acre stormwater project and the corresponding ARPA grant. He stated that a decision must be made on the project. There is a May 1st deadline for 60% completion of the design. Tyler Mumley presents estimates based on a 30% completion of the stormwater chamber system and confirms the project is on schedule. The stormwater system has a proposed chamber to capture 50% of impervious surfaces and treat water to 100% quality standards. The system would intercept existing culvert systems, and the overflow would return to the piping system. The total estimated cost and design of a stormwater chamber system, including a 25% contingency, is \$439,900, with the grant covering 70% of this amount, including approximately \$245,610 towards construction. The cost to the town and residents was estimated to be \$123,225, based on a preliminary construction bid amount of \$369,000. Morristown will be responsible for maintenance.

Mr. Mumley discussed two alternative stormwater management options below.

1. Disconnection of rooftops. This option requires an easement or agreement from landowners with yearly inspections. This could meet 16% of the state's requirement.
2. Multiple Small Ponds. This option could meet 90% of the state's requirement.

Both alternatives together would meet the requirements. A site-specific analysis must be confirmed

through test pits. The cost of these alternatives was not fully determined, but it is estimated that the second alternative could be completed within the grant amount.

Discussion of the pros and cons of all the options continued with the factors of cost, impact on the landowner's property, and maintenance of the systems. There were concerns about having wetlands in people's front yards and the need for ongoing care and maintenance. The infiltration chambers were preferred due to lower maintenance requirements and better esthetics compared to the other options involving surface water features. The project timeline was discussed, with 60% of the design completion by May 1st, landowner buy-in by June 1st, and 100% design plans submitted to the state by September 1st. Construction is set to begin in early summer 2026 after bidding in winter.

***Motion made by Chris Palermo to approve the site plan design for the Infiltration Chamber Plan for the Jersey Heights 3-acre rural stormwater project. Motion seconded by George Cormier. Motion carried with a roll call vote (5/0).***

#### **7:00PM - ADJOURN**

***Motion made by Chris Palermo to adjourn. Motion seconded by George Cormier. Motion carried with a roll call vote. (5/0)***

Meeting adjourned at 7:12 pm  
Submitted and filed this 3/26/2025.  
Bonnie McDermott, Scribe

*Please note all minutes are in Draft form and are subject to approval at the next Selectboard meeting.*

## What Vermonters are saying about our work:

The **Community Visit** program is a neutral and facilitated process that helps towns engage residents, set common goals, and access resources that help them take action.

*"What an amazing event you've created to support Lunenburg and Gilman!! The planning, details, organization, investment, support, and commitment you've shown to our communities will be something we treasure, and will impact us, for decades to come."*

– Gary Briggs, Lunenburg Town Clerk/Treasurer



The **Climate Catalyst Innovation Fund** awards grants for community-led climate and energy projects that expand resilience, reduce energy use, and create new approaches to challenging problems.

*"ACORN is grateful for the support for a Farmer Climate Network in the Champlain Valley. The grant made it possible for us to host working bees at 6 farms with farmers, their neighbors and customers who came to harvest and process soybeans; transplant thousands of onions, flowers, tomatoes; weed a greenhouse; and lay compost and reclaim pasture for goats."*

– Lindsey Berk, ACORN Executive Director

VCRD helps small towns prioritize projects and receive free support with grant-writing, permit applications, regulatory compliance, and more through the state's **Municipal Technical Assistance Program (MTAP)**.

*"The work created a whole new understanding of what Neighbor to Neighbor is and energized those who have been part of it. Now there's more form to who we are and what we care about, and what we're capable of has certainly been augmented by VCRD's support."*

– Helen Beattie, Hardwick Neighbor to Neighbor



Our **Community Leadership Summit** brings hundreds of community builders together to make connections, build skills, and think proactively about the future.

*"This continues to be my favorite professional event to participate in annually. It's empowering and inspiring and I learn so much every year. Thank you for all the work you do to put this on, it is a huge undertaking and is so appreciated."*

– 2024 Community Leadership Summit participant

Charlie Hancock of Montgomery VT receiving the 2024 **Vermont Community Leadership Award** from VCRD Executive Director Denise Smith.



**Vermont Council on  
Rural Development**

**Learn more: [vtrural.org](https://vtrural.org)** ►







Childcare  
**HERE**  
during forums

By focusing on Vermonters and the communities we live in, VCRD works at the intersection of people, community and policy to:

- strengthen local democracy and leadership
- advance rural prosperity
- foster our collective resilience

**Bridport Comes Together**  
**HERE**  
Bridport Comes Together  
Saturday May 7  
Outdoor during forum  
4:30-6:00 pm  
7:00-8:30 pm  
Community  
Farms & C  
HERE



Vermont Council on  
Rural Development





## Community Visit Program

Vermonters know that local action makes our communities vibrant. But local action often needs support from regional, state, and even federal resources to achieve goals for prosperity. The Vermont Council on Rural Development's (VCRD) **Community Visit program** is a way for towns to engage and bring together their residents, set common goals and directions in a neutral and facilitated structure, and access resources that will help them take action on those goals. The program gets citizens engaged in working for their communities and connects them to the resources they need to be successful.

### How It Works

The Community Visit program is a three month series of public meetings, bringing together a broad mix of community members with a **Visiting Team**, made up of state, federal, non-profit, and philanthropic experts, to create intensive partnerships and tailored work plans for long-term local success. VCRD provides the structure and neutral facilitation each step of the way. The Visit begins with a series of focus forums (STEP 1) followed by a community wide discussion where residents champion their ideas for the future of their town and choose their priorities (STEP 2). Then, interested citizens join local task forces to work forward on the community goals set through the process (STEP 3). Each task force has a *chairperson* who will manage meetings and keep work moving forward. A local *Community Visit chairperson* ("chair of the chairs") will help to keep the community informed and involved as the program progresses. While the program is provided to towns for free, residents are expected to assist with logistics, outreach, and community meals; and the Town is expected to cover the costs of a community meal and mailed invitation to residents.

*"VCRD hosted its first community visit to Bellows Falls, at a time when the community was really at a loss on how to move forward. Ten years later we have an active main street, a strong arts community and a great integration between our industrial park and downtown."*

~ Robert McBride, RAMP,  
Bellows Falls

*"I have been involved in dozens of planning sessions and community forums here in St. Johnsbury over the last 15 years and I can truly say that this event was, by far, the best – and will, without a doubt, result in productive outcomes for St. Johnsbury."*

~ Mike Welch, St. Johnsbury  
Community Visit Chair

*"It is genuinely thrilling to see the different constituencies come together and do good things for our community. The most significant results of the process are the lasting effects in the town around community engagement. The town has been transformed."*

~ April Tuck, Cambridge Community  
Visit Chair



## ROLES

**Planning Committee:** Community members representing diverse interests of the community meet once – a month before Community Visit Day – to brainstorm Forum topics, logistics and outreach strategies.

**Community Members:** All decisions rest in the hands of the community. Community members participate each step of the way and have the opportunity to join Task Forces to take action on selected priorities.

**Community Visit Chair:** A community member serves as the local point person and helps to keep the community informed and involved as the program progresses.

**Visiting Resource Team:** a Visiting Team of state, federal, business, non-profit, and philanthropic leaders attend Community Visit Day and Resource Day and act as listeners, advisors, and resources for the Community. They help Task Forces develop action plans for the best chance of success and are available as resources as the work moves forward.

**Vermont Council on Rural Development:** VCRD provides the overall structure and neutral facilitation of each meeting, and manages an extensive invitation process to ensure that all members of the community are welcome, encouraged to attend, and are heard.

## What Does a Community Visit Produce?

The Community Visit program is built from the priorities that a community decides together, so results vary from town to town. Overall, towns report energized volunteers, better community engagement, and new connections to state, federal, and regional resources. For some towns, the Visit creates community goodwill and celebrations, such as Rutland's Friday Night Live series; outdoor each summer week with live music, food and shopping opportunities. For others, it is used to leverage funds or planning resources, such as Pownal's affordable housing project or Johnson's downtown redesign. For some towns, the Visit provides a mechanism to talk about important issues and begin long term work for the future, as in Killington's 4-season tourism planning, or Vernon's village revitalization. And for still others, it is a chance to help the community get healthier; Troy, Westfield, Jay, and Woodstock built and advertised new walking trails and Brighton started a recreation program.

Find out more about the Community Visit program:

<http://vtrural.org/programs/Community-Visits>.

*"I have never seen as much activity, excitement, and accomplishment in our town. VCRD is doing meaningful work that will improve the quality of life in Vermont towns for generations to come. I will always be grateful."*

~ Sandy Kilburn, Swanton Resident

*"I have been hearing such a great buzz today after all of the fun yesterday. Thanks again for helping our community get reinvigorated. I really believe in the task forces that have been formed and their determination and ability to better serve our community."*

~ Emily Maclure, Craftsbury Community Visit Chair

VCRD | 9 Bailey Ave, Montpelier, VT 05601 | (802) 223-6091 | [info@vtrural.org](mailto:info@vtrural.org) | [www.vtrural.org](http://www.vtrural.org)

The Vermont Council on Rural Development is an independent and neutral non-profit organization whose mission is to help Vermont citizens build prosperous and resilient communities through democratic engagement, marshalling resources, and collective action.

This institution is an equal opportunity provider.



# Morristown Community Visit

Report and Action Plan  
July 2011

Full report and additional information  
available at:

<https://www.vtrural.org/morristown/>

**Vermont Council on Rural Development**



# Board/Committee Interest : Submission #12

**Name**

Nancy Dunavan

**Email**

[birdylover2022@gmail.com](mailto:birdylover2022@gmail.com)

**Phone**

[REDACTED]

**Are you a resident of Morristown**

Yes

**Which Board/Committee are you interested in?**

Conservation Commission - 4 yr term - Meets 3rd Thursday of the month at 6:30pm

**How did you learn about this Board/Committee?**

Pam Stanyon

**Have you attended any meetings of board/committee in the six months prior to your interest?**

Yes

**Do you provide any goods or services to the public related to this Board/Committee?**

No

**Are you familiar with the governing rules under which this Board/Committee operates?**

No

**Briefly, what qualities, experience, training and/or skills will you bring to this board/committee?**

I secured, as a volunteer, more than \$500,000 in federal grants for my previous community's volunteer fire fighters as well as organized fund raising events. Also, I volunteered with the land trust there to monitor lands that were put into protected easements. And, I volunteered with rehabbing raptors, birds of prey, for years. My dad was a soil conservation employee of the federal government and I've been a life long champion of the land and every living thing that inhabits an environment. My background, with regards to employment, has been in management and sales for multiple decades before my husband and I moved to Vermont two years ago.

**Please share your ideas related to the Board/Committee and the topics they are responsible for?**

I attended last night's meeting. The Stowe Land Trust was there making a presentation. They expressed interest in having a partnership with Morristown's Conservation Commission. It seems to be a logical synergy. They bring some different experiences and a seemingly reliable donor base to help with securing wonderful spots that need protection. They brought up the idea of combining with other like minded organizations within the Lamoille area. I think we are all in the same boat, so we need to be start rowing in the same direction. However, I think there should be a new name of the combined entities so people are more likely to work together and feel inclusion.

**Have you appeared in front of this Board/Committee before advocating for a specific issue? If yes, explain.**

No

**My availability allows me to attend most of the meetings of the Board/Committee for which I am applying.**

Yes

**Is there anything else you feel we should know about you?**

I believe we need to be thinking about the future of Vermont as well as honoring the past. We need to have a balance between development and protection. We need to keep in mind that the climate is changing and respond appropriately. More people will be coming here. We need to take care of our "slice of heaven" from an environmental stewardship standpoint and protect those special locations so it doesn't become the backyard of someone's mega mansion. We need public lands for all people to enjoy and care for.

**Your name in this space affirms that the information provided is true to the best of your knowledge.**

{Empty}

# Board/Committee Interest : Submission #13

**Name**

CHARLES BURNHAM

**Email**

[cbsto@me.com](mailto:cbsto@me.com)

**Phone**

[REDACTED]

**Are you a resident of Morristown**

Yes

**Which Board/Committee are you interested in?**

Morristown Development Fund Loan Advisory Committee

**How did you learn about this Board/Committee?**

Mary Ann Wilson

**Have you attended any meetings of board/committee in the six months prior to your interest?**

No

**Do you provide any goods or services to the public related to this Board/Committee?**

No

**Are you familiar with the governing rules under which this Board/Committee operates?**

Yes

**Briefly, what qualities, experience, training and/or skills will you bring to this board/committee?**

50 years small business experience in Lamoille County, Operated a consulting business guiding business owners through various local and state permitting venues, participated in numerous Non-Profit, religious and community Boards and served as President, Chair and Treasurer of many of them. Former member Association to Boost Lamoille Enterprises(ABLE) which developed Industrial Park off Munson Ave. Former At Large Member Lamoille County Planning Commission. Former President Stowe Rotary Club, Former member Presidents Advisory Board - Johnson State College. Former Candidate for VT House of Representatives. Former Naval officer screening applicants for high level security clearances and vetting, interviewing and confirming application eligibility. Former elected Lister and current Justice of the Peace- Town of Morristown. Skilled at reviewing financial reports. Current Lamoille County District Commander American Legion,

**Please share your ideas related to the Board/Committee and the topics they are responsible for?**

I have demonstrated interest in local economic development activities. I work well developing consensus with Boards.

**Have you appeared in front of this Board/Committee before advocating for a specific issue? If yes, explain.**

No.

**My availability allows me to attend most of the meetings of the Board/Committee for which I am applying.**

Yes

**Is there anything else you feel we should know about you?**

Married, Lamoille County resident for over 45 years. Current Zoning Administrator for the Town of Elmore.

**Your name in this space affirms that the information provided is true to the best of your knowledge.**

Charles D. Burnham

Brent Raymond, Town Manager  
Morristown Selectboard  
Jill Mudgett, President of Noyes House Museum

RE: Noyes House Museum

We all know that this historical site and Town asset is in dire need of structural repairs, some due to long time neglect and others due to an infestation of Powder Post Beetles in the barn.

Below is an email correspondence with Jill Mudgett, board president of the Noyes House Museum summarizing some of the more immediate needs of the structure.

*Hello Chris:*

*As a follow up to the letter that we addressed to the Selectboard in early September: Our total ask is 185,000. This covers the barn repair (south-facing clapboards), foundation, and a poured barn floor to seal in the powder post beetles. This figure includes Donnie Blake's 150,000 estimate plus one last powder post beetle removal.*

*We understand that it could be several budget cycles to see this project through, but that's our current estimate for our most pressing structural issues.*

*Thank You,*

*Jill Mudgett , October 2, 2024*

On Tuesday, February 18, 2025, I spoke with Michele Bailey, the Senior Program Manager for the Vermont Arts Council regarding available resources for cultural facilities, specifically the Noyes House Museum. I was referred to Michele's organization as a possible funding source for grants. Although it seems that the Cultural Facilities grants through the Vermont Arts Council is not a perfect fit, she did offer several other suggestions to organizations that could be available and more in-line with our needs.

They are as follows:

**Reaching out to the [Preservation Trust of VT](#) to speak with one of their [field service representatives](#) to get a sense of the priorities and building needs. You could ask them about a [Robert Sincerbeaux fund grant](#) to assist with getting a general building assessment to help you prioritize your approach to the building.**  
**Reaching out to Caitlin Corkins at the VT Division for Historic Preservation ([caitlin.corkins@vermont.gov](mailto:caitlin.corkins@vermont.gov) or 802-828-3047) to ask her about this project and the needs and if any of it fit into the [Historic Preservation Grant or Barn Grant](#)**



**programs?** The Historic Preservation grants tend to fund more of the structural (roofs, walls, foundations, or other significant architectural features.)

The **Cultural Facilities grant** tends to fund things that improve the usability of a building for public programs etc. like exhibits, etc. in the case of a historical society. If the building needs are not a good fit for the Historic Preservation grants, we could talk about things that might be eligible in this program. For example, the concrete floor might be something we could support, especially if the space is going to be used for public display or for important environmental storage etc. of the collections. There are certainly many other things that this program could fund, depending on your building needs and priorities. I will be doing a grantseeker workshop tomorrow afternoon from 2:00 – 3:30 pm on Zoom but will also be recording it and posting it on the website within a few days if you are unable to attend.

With these potential avenues for funding, I'm asking the Selectboard and Administration for permission to investigate the availability and our eligibility for these grant resources.

Best regards,  
Chris Palermo  
Vice-chair, Morristown Selectboard



## SELECTBOARD MEMORANDUM

**To:** Selectboard  
**From:** Judi Alberi, Executive Assistant  
**Date:** April 7, 2025  
**Subject:** Consideration of revised Work in the Right-of-Way Policy

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**Suggested Motion:**

Motion to approve Work in the Right-of-way policy as presented.

**Attachments:**

1. Highway and ROW Access Policy Final 4.7.25



## **Town of Morrystown Highway/Right of Way Access Policy**

### **Section 1 -- Authority**

This Highway Access Policy (hereafter "Policy") is enacted pursuant to the authority granted to the Town under 19 V.S.A. §§ 303 and 1111.

### **Section 2 -- Purpose**

This Policy regulates access to the Town highway system. The purpose of this policy is to ensure the integrity of Morrystown's road infrastructure and right of way while providing a streamlined permitting process for residents and service providers. No person, entity or department shall disturb the ground, surface, aerial space directly above roads or gravel or pavement surfaces in any Morrystown road, sidewalk, path, curb or right of way without first obtaining a written permit from the municipality.

### **Section 3 --Delegation**

Upon Adoption of this policy, the authority to issue permits (19 VSA 1111) for any work in the right of way shall be delegated to the Town Manager, acting as the Road Commissioner (24 VSA 1236, 5) and the Road Commissioner may delegate one or more of their statutory authorities to the Highway Superintendent, or other designee.

### **Section 4 -- Definitions**

For the purpose of this Policy the terms defined in this Policy shall have the following meanings:

"Access Permit" means the permit issued by the Town Manager or designee to access the town highway system after following the procedural requirements of this Policy.

"Highway" means the highway system for the Town of Morrystown, which includes the public rights-of way, bridges, drainage structures, signs, guardrails, areas to accommodate utilities authorized by law to locate within highway limits, areas used to mitigate the environmental impacts of highway construction, vegetation, scenic enhancements, and structures. The rights of ways subject to this policy are depicted on the Highway Map prepared by the VT Agency of Transportation for Morrystown and Village of Morrisville and include a 50' wide area in which the road is centered.

"Notice" means the written Notice of Permission to Proceed, described in Section 5c of this Policy, issued by the Town Manager or designee after an application for an access permit is approved.

"Person" means an individual corporation, governmental subdivision or agency, business trust, estate, trust, partnership or association, or other legal entity.



"Selectboard" means the Selectboard of the Town of Morristown.

"Town" means the Town of Morristown and Village of Morrisville.

"Town Manager" means Town Manager of Morristown.

"Vermont Agency of Transportation Standards B-71 and A-76" shall mean the most recent versions of the Vermont Agency of Transportation standard sheets B-71, Standards for Residential and Commercial Drives and A-76, Standards for Town and Development Roads.

### **Section 5 -- Permit required**

The only items allowed in the Town ROW are driveways and mailboxes constructed and installed to USPS standards. No person shall install, develop, or construct any driveway, entrance, or approach, or deposit material of any kind within, or to in any way affect the grade of a highway right-of-way, or obstruct a ditch, culvert, or drainage course that drains a highway, or fill or grade the land adjacent to a highway so as to divert the flow of water onto the highway right-of-way, within the Town unless an Access Permit has been obtained from the Town Manager or designee in accordance with this Policy. Routine maintenance of existing driveways does not require a permit.

The Morristown Highway Department is not required to obtain an Access Permit.

### **Section 6 – Process**

#### **a. Application**

A person may apply for an Access Permit from the Town using the Access Permit Application form provided below, on the Town's website, and available at the Town Clerk's office.

The application shall be in writing and shall be signed by the applicant or an individual authorized to act for the applicant. A fee of \$100 shall be paid at the time the application is submitted. A completed application must be submitted to the Town Manager or designee at least 7 days before work is scheduled to begin. The Town Manager or designee may modify the time requirements of this Policy for good cause shown provided the public health and safety will not be jeopardized by such action.

#### **b. Consideration**

Prior to any action by the Town Manager or designee the application may be reviewed by the Town departments including, but not limited to, the Highway Department, Police, Fire, and Rescue. The Town Manager or designee may approve, approve with conditions/modifications, or deny application upon consideration of the approval standards set forth in this Policy.

#### **c. Notice of Permission to Proceed**

If an application is approved, the Town Manager or designee will issue written permission in the form of a Notice of Permission to Proceed. The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the access may proceed.

d. Notification of completion.

The applicant shall notify the Town Manager or designee within 5 days after construction is completed.

e. Final inspection. The Town Manager or designee shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice.

f. Issuance of Permit. If, after inspection, it is determined that the Access has been constructed/developed in compliance with the Notice, a written Permit shall be issued by Town Manager or designee within 7 days after final inspection.

g. Recording of Permit. A Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

### **Section 7 -- Contents of Application**

An application for an Access Permit shall be on the form provided by the Town and shall be deemed to be complete if it includes the following:

- 1) The name, address, and telephone number of the applicant, the principal officers of the applicant, the individual making the application, and any other individual authorized to represent the person applying for the Permit.
- 2) If the applicant is not the owner of the premises where the access is to be constructed, or any type of structure or object is to be placed, the name and contact information of the owner or other person that has the authority to consent to the use and development of the premises, and a signed statement from that person stating that consent is given to the applicant.
- 3) The location of the access, including street address (if any), and parcel ID # of the property.
- 4) The date on which construction is proposed to begin.
- 5) A visual depiction of the premises indicating location, layout, adjacent state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.
- 6) Any additional information the applicant wishes to furnish that assists the Town Manager or its designee in determining that the proposed access will comply with the applicable standards; and
- 7) The signature of the applicant or an individual authorized to act for the applicant.

### **Section 8 -- Approval conditions**

When issuing a Notice under this Policy, the Town Manager or designee shall require that the proposed access will be constructed or developed according to the standards in Vermont Agency of Transportation Standards B71a (residential), B71b (commercial) standards and A-76. In addition, the Town Manager or designee shall require conditions to avoid:

- 1) Undue adverse traffic congestion and unsafe conditions regarding the use of public roads, sidewalks and other public rights-of-ways
- 2) Unhealthy conditions regarding water supply, sewage disposal or solid waste disposal
- 3) Adverse effects on drainage ditches, culverts or other drainage facilities.

In addition, the Town Manager or designee may require the posting of a security bond or the establishment of an escrow account to ensure compliance with the conditions of the Notice or Permit and protection of the town highway system. In addition, the Town Manager or designee may attach any such reasonable conditions as they may deem appropriate to mitigate or eliminate any impacts reviewable under the approval standards set forth above.

#### **Section 9 -- Expiration of Notice of Permit**

The authorization conveyed by a Notice of Permit shall expire 12 months after the issuance of that Notice unless the work authorized by such Notice has been substantially commenced.

#### **Section 10 -- Contractor requirements**

All work shall be conducted by a licensed and insured contractor. **Before commencing work on this Contract, the Contractor must provide certificates of insurance to show that the following minimum coverages are in effect.** Contractor agrees that it will provide and maintain at all times during the term of this Contract such insurance coverages as are indicated herein and that it will otherwise comply with the provisions that follow. No warranty is made that the coverages and limits listed herein are adequate to cover and protect the interests of the Contractor for the Contractor's operations. These are solely minimums that have been established to protect the interests of the Municipality. Such policy or policies shall apply to the extent of, but not as a limitation upon or in satisfaction of, the indemnity provisions of this Contract. The provisions of this section shall also apply to all subcontractors, other lower tier contractors, independent contractors, and sole proprietors engaged by Contractor with respect to this Contract, and Contractor shall be entirely responsible for securing the compliance of all such persons or parties with these provisions. All policies required by this Contract shall be issued by an insurer licensed to do business in the State of Vermont with a rating of A or better from a financial rating organization such as S&P or AM Best. Contractor shall not commence or perform any work under this Contract until certificates of insurance are presented to the Municipality showing the required coverages are in full force and effect with at least the required coverage limit amounts and naming the Municipality as an additional insured.

Contractor agrees to maintain at all times during the period of this Contract all of the following:

- 1) **General Liability.** Commercial General Liability insurance coverage providing coverage on an "occurrence" rather than on a "claims made" basis, which policy shall include, but not be limited to, coverage for bodily injury, property damage, personal injury, contractual liability (applying to this Contract), independent contractors, and products-completed operations liability (if applicable). Contractor agrees to maintain at all times during the period of this Contract a total combined general liability policy limit of at least \$2,000,000 per occurrence and \$4,000,000 aggregate, applying to liability for bodily injury, personal injury, and property damage, which total limit may be satisfied by the limit afforded under its commercial general liability policy, or equivalent policy, or by such policy in combination with the limits afforded by an umbrella or excess liability policy(ies); provided that the coverage afforded under any such policy in combination with the limits afforded by an umbrella or excess liability policy is at least as broad as that afforded by the underlying commercial general liability policy. The policies shall name the Municipality as an additional insured.

- 2) **Automobile Liability.** Business automobile liability insurance covering liability for bodily injury and property damage arising out of the Municipality's ownership, use, maintenance, or operation of all owned, non-owned, and hired automobiles and other motor vehicles utilized by Contractor in connection with its performance under this Contract. Such policy shall provide total liability limits for combined bodily injury and/or property damage in the amount of at least \$2,000,000 per accident, which total limits may be satisfied by the limits afforded under such policy, or by such policy in combination with the limits afforded by an umbrella or excess liability policy(ies); provided that the coverage afforded under any such umbrella or excess liability policy(ies) shall be at least as broad with respect to such business automobile liability insurance as that afforded by the underlying policy. Unless included within the scope of Contractor's commercial general liability policy, such business automobile liability policy shall also include coverage for motor vehicle liability assumed under contract. The policies shall name the Municipality as an additional insured.
- 3) **Workers' Compensation.** Workers' compensation insurance in compliance with all applicable statutes including all states or universal endorsement where applicable. Such a policy shall include employer's liability coverage in an amount of no less than \$500,000. If Contractor is not required by statute to carry workers' compensation insurance, Contractor agrees: (1) to provide Municipality with evidence documenting Form 29 has been filed with the Vermont Department of Labor, which excludes Corporate officers or LLC members from the requirement of obtaining workers' compensation insurance; (2) to provide prior notice to the Municipality of any change in exemption status; and (3) to defend, hold harmless, and indemnify Municipality from and against any and all claims and losses brought by Contractor or any subcontractor or other person claiming through Contractor for workers' compensation or employers' liability benefits for damages arising out of any injury or illness resulting from performance of work under this Contract. If any such change requires the Contractor to obtain workers' compensation insurance, Contractor agrees to promptly provide Municipality with evidence of such insurance coverage.
- 4) The Owner and/or Contractor shall be responsible for any repairs and/or replacement of any existing surface treatments and/or utilities damaged by the work under this permit to the satisfaction of Highway Dept and/or the affected utility company, including a warrantee period of 12 months after completion and acceptance of the work, during which period the Town can require additional remedial repairs or replacements.
- 5) The Owner/Contractor agrees to comply with the requirements of this permit. This permit may be revoked by the Town at any time for non-compliance without prejudice or liability

## **Section 11 -- Emergencies**

Nothing in this article shall be construed to prevent the making of excavations as may be necessary for the preservation of life or property; provided that the person, firm, corporation, or city department making such excavation shall apply to the director of public works or his or her designee for a permit on the first working day after such excavation commences. Even in emergency situations, notice shall be given immediately by phone to the Highway Department, Police Department, and Fire department, and all provisions of this article shall apply to such an emergency.

## **Section 12 -- Pavement and Road Cut Requirements**

- 1) All pavement and road cuts require an Access Permit.



- 2) Contract provisions for work in the ROW may include surety agreements as deemed appropriate by the Town.
- 3) Except in the case of an emergency or with specific written exceptions, Pavement and Road Cuts shall be performed during normal daylight hours, Monday-Friday, April 15-October 15, except legal holidays.
- 4) The Highway Superintendent requires the following for gravel and paved road:
  - a. Where the existing road is gravel or paved, backfilling materials shall be of the same type as those excavated or shall be the type previously approved by the Highway Superintendent.
  - b. Trenches shall be backfilled and compacted in one-foot lifts.
  - c. All ditches in the disturbed area of construction shall be cleaned, any guard rails and or marking posts replaced.
  - d. Where a trench is dug parallel to the line of traffic, and in the paved area, the entire paved section of the roadway shall be repaved.
  - e. Paved roads shall not be left as gravel for more than 15 days. A temporary asphalt or concrete patch shall be used if permanent patching cannot be completed.
  - f. Any damage to municipal infrastructure (sidewalk, storm drains, catch basins, manholes) shall be repaired forthwith.
  - g. All Pavement Markings damaged or removed shall be replaced in kind.

### **Section 13 --Damage to Town highways**

In the event that damage to a town highway is caused by improper construction, maintenance, or grading of a driveway or other highway access point, it shall be the responsibility of the property owner to compensate the Town for any expenses involved in restoring that highway to its original condition.

### **Section 14 -- Revocation of Permit; Frontage Road**

As per 19 V.S.A § 1111(f), the Town Manager or designee, as development occurs on land abutting a Town Highway, may require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

### **Section 15 -- Responsibility for private road and private driveway culverts and headwalls**

Culverts and headwalls installed within the public right-of-way for private use are the responsibility of the property owner. Property owners retain exclusive legal and financial responsibility to repair, replace, and maintain those culverts and headwalls. Nevertheless, property owners must obtain permission from the Town in the form of a written Notice of Permission to Proceed before any repair or replacement may take place.

### **Section 16 -- Applicability of other laws and ordinances**

The Permit required under this Policy shall not replace or eliminate any requirement to obtain approval under any other applicable State laws or municipal land use ordinances. Applicants and Permittees are solely responsible for ensuring that their access is in compliance with applicable State laws and municipal land use ordinances.

## **Section 17 -- Enforcement and Penalties**

In the event that a person fails to obtain a Notice/Permit as required by this Policy fails to abide by the terms and/or conditions of a Notice/Permit, or misrepresents any information contained within or in support of a Notice/Permit application, the Town Manager or designee may resort to any or all of the following enforcement options:

### **1) Optional Notice of Violation**

Prior to instituting any legal action or proceedings to enforce this Policy, the Town Manager or its designee may issue a notice of violation setting forth the nature of the violation, the corrective action necessary to abate the violation, and notice of intention to institute an action or proceeding against the person responsible for the violation. 19 V.S.A. § 1111(i).

### **2) Assurance of Discontinuance**

The Town Manager or designee may accept an "assurance of discontinuance" of any violation of this Policy, including a schedule for abatement of a violation. 19 V.S.A. § 1111(i). When such assurances are allowed, they must be in writing and must be filed not only with the Town, but also with the attorney general, the Superior Court, and the town clerk's land records.

### **3) Permit Suspension**

The Town Manager or its designee may suspend a Permit until compliance with State statute and this Policy is obtained. 19 V.S.A. § 1111(g). The Town Manager or its designee may physically close the driveway or access point, if there is continued use or activity after suspension of a Permit, and in the opinion of the Town Manager or its designee the safety of highway users is or may be affected. 19 V.S.A. § 1111(g).

### **4) Injunction**

If the Town Manager or designee believes that any person is in violation of the provisions of Title 19 V.S.A. §§ 1111 et seq., it may bring an action in the name of the town against the person to collect civil penalties as provided in 19 V.S.A. § 1111(j) and to restrain by temporary or permanent injunction the continuation or repetition of the violation. 19 V.S.A. § 1111(h).

### **5) Civil Penalties**

Persons who violate the requirements of this Policy or fail to adhere to Permit conditions, or the terms of an order issued by a court of law may be subject to civil penalties of not less than \$100.00 and not more than \$10,000.00 for each violation. When the violation of an order is of continuing nature, each day during which the violation continues after the date fixed by the court for correction or termination of the violation constitutes an additional separate and distinct offense except during the time an appeal from the order may be taken or is pending.

## **Section 18 – Waivers**

It is recognized that there are many existing roads and driveways that do not meet current standards that serve developable lands. The Policy provides reasonable waivers of standards by the Town Manager or designee to accommodate areas of infill. The Selectboard, through this policy, provides the Town Manager with guidelines for the consideration of such waivers.

An applicant wishing to seek a waiver shall submit such a request in writing to the Town Manager or designee. It should be noted that the Policy provides for waivers for only certain standards. The waiver request shall include plans showing the project, proposed modifications, and the project as meeting the specifications. Additionally, correspondence should provide cause for the waiver and note any proposed counter measures or accommodations to address the intent of the specifications. It is the responsibility of the applicant to submit and receive determination on the request. The process for complete requests submitted should be as follows

**Section 19 -- Severability**

If any section of this Policy is held by a court of competent jurisdiction to be invalid such finding shall not invalidate any other part of this Policy.

**Section 20 -- Effective Date**

This Policy shall become effective upon adoption by the Selectboard.

**ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025:**

\_\_\_\_\_  
Don McDowell

\_\_\_\_\_  
Christopher Palermo

\_\_\_\_\_  
Laura Streets

\_\_\_\_\_  
Richard Craig

\_\_\_\_\_  
George Cormier

**APPENDIX A**

**Town of Morristown Access Permit Application Form**

Application \_\_\_\_\_ [to be filled in by the Town]

NOTICE TO APPLICANT: This form is for use in conjunction with the Town's Highway Access Policy. Before submitting an application, applicants are urged to review the Town's Highway Access Policy in full. If an application is approved, the Town Manager or designee will issue written permission in the form of a Notice of Permission to Proceed ("Notice"). The Notice will list the specifications, requirements, and restrictions for the work. The Notice may require supervision and/or inspection by the Town. The Notice will state the date on which construction / development of the Access may proceed. Once construction/development is completed, the Town Manager or designee shall conduct a final inspection to determine if the work has been completed according to the requirements listed in the Notice. If, after inspection, it is determined that the Access has been constructed / developed in compliance with the Notice, a written Permit shall be issued by Town Manager or designee within 15 days after final inspection. An access is not considered legally permitted until the written Permit has been recorded in the Town Land Records at the expense of the Permittee.

-----

Name of Applicant: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

If Applicant is an organization or corporate entity, list the principal officers of Applicant and any other individual authorized to represent the applicant group or entity applying for the Permit:

\_\_\_\_\_  
\_\_\_\_\_

If Applicant is an organization or corporate entity, list the name, address, email and telephone number of individuals making the application:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

Location of the proposed access: \_\_\_\_\_

If the applicant is not the owner of the premises where the proposed access will be constructed, list the name and contact information of the owner or other person that has the authority to consent to the use of the premises and attach a signed statement from that person stating that consent is given to the applicant to have access constructed on those premises:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_

The date on which construction is proposed to begin: \_\_\_\_\_

Attach a visual depiction of the premises indicating location, layout, state and local highways, entrances and exits, traffic flow patterns, parking and land uses of the surrounding area.

Describe the arrangements that have been made to protect the public health, safety, welfare and convenience of the traveling public during construction including, but not limited to, arrangements for traffic control, crowd control, waste and sanitation facilities: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Applicant may provide any additional information that may assist the Town Manager or Designee.

Signature of the applicant: \_\_\_\_\_ Date: \_\_\_\_\_

---

FOR TOWN USE ONLY:

Application received by \_\_\_\_\_ [town official]

on \_\_\_\_\_ [date]

Application fee of \$ \_\_\_\_\_, received by \_\_\_\_\_ [form of payment]



**APPENDIX B**

**Town of Morristown Notice of Permission to Proceed with  
Construction / Development of Access / Right of Way**

Notice is hereby given to \_\_\_\_\_ [name of Applicant / Property Owner]  
that the Town Manager or designee hereby grants permission to proceed with the construction /  
development of the proposed access/driveway/curb cut at

\_\_\_\_\_  
[parcel # and street address or property, if any], which proves access to / connects with [name and/or # of  
town highway] as per the Access Permit Application # \_\_\_\_\_, submitted to the Town on  
\_\_\_\_\_ [date]. Construction / development may begin on or after \_\_\_\_\_ [date]  
and must proceed according to the following conditions and restrictions:  
[insert conditions or restrictions]

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Permission granted in this Notice will expire [insert time period] from the date of issuance and is  
not transferable.

This Notice does not constitute an Access Permit. A Permit authorizing the use of access and  
recognizing completion of the project will be issued and become effective only after it is determined that  
compliance with all conditions, specifications, and restrictions described in this Notice to Proceed are met.  
Town Manager or designee with the assistance of other town officers, will have the authority and  
responsibility to determine when the conditions, restrictions, and specifications above are met.

Upon receipt of this Notice, you are hereby authorized to proceed with the project in accord with  
the conditions, specifications, and restrictions described herein. Approval covers only the work  
described in your Access Permit Application, as modified by the conditions, restrictions, and  
specifications listed above. You will be held financially responsible for any damage caused to  
the Town highway system resulting from the development or construction of a driveway/access,  
regardless of whether such development or construction has been authorized by the Town.

This Notice does not relieve you from any requirements imposed by other local, regional, or State  
agencies.

Issued on: \_\_\_\_\_ [date]

By: \_\_\_\_\_  
Town Manager or Designee

## APPENDIX C

### **Town of Morristown Access / Right of Way Permit**

It is the determination of the Town Manager or Designee that all of the conditions, restrictions, and specifications described in Access Permit Application # \_\_\_\_\_, as modified by the relevant Notice to Proceed, which was issued by the Town on \_\_\_\_\_[date], have been met.

Therefore, Permit # \_\_\_\_\_ is hereby issued to \_\_\_\_\_  
[Applicant / Property Owner], as Permittee for the access/driveway/curb cut located at:

\_\_\_\_\_  
[parcel # and street address or property, if any], which proves access to/connects with  
\_\_\_\_\_ [name and/or # of town highway]. All of the conditions, restrictions, and specifications described in Access Permit Application # \_\_\_\_\_, as modified by the relevant Notice to Proceed, which was issued by the Town on \_\_\_\_\_[date], remain in force as conditions of this Permit as long as the present land use continues. Any change in the present land use will require a new Permit.

This Permit shall not be valid until recorded in the Town Land Records at the expense of the Permittee.

The issuance of this Permit does not relieve Permittee from any requirements imposed by other local, regional, or State agencies.

In the event that there is a failure to adhere to the conditions, restrictions, and specifications described above, this Permit may be suspended by the Town Manager or Designee until compliance is obtained. If there is continued use or activity after suspension, the Town Manager or Designee may physically close the driveway or access point if, in the opinion of the Town Manager or Designee, the safety of highway users is or may be affected.

As per 19 V.S.A § 111(f), the Town Manager or Designee may, as development occurs on land abutting a Town Highway, require the elimination of an access previously permitted and require the construction of a common frontage road or other access improvements which may serve more than one property or lot.

Permit issued on \_\_\_\_\_ [date]

By: \_\_\_\_\_  
Town Manager or Designee

Received for recording on \_\_\_\_\_[date], with applicable recording fees paid.

By: \_\_\_\_\_  
Town Clerk



Dear Mr. Thomas:

I am responding to your March 18, 2025, records request to the Town of Morristown (Town) wherein you asked Kevin Petrochko, for your "old outlook email and printout the contacts therein. This would be very helpful as I do not have a lot of these contacts in my phone." In your March 21, 2025, correspondence to Town Attorney Edward Adrian you stated, "I routinely provided large segments of this contact list to parties, but I never recall supplying the entire list to any one individual." You also stated to Attorney Adrian that "There is nothing in this contact list that is proprietary, and the information therein has always been available to the public upon request."

Responding to the last quote above first, just because you determined (apparently without seeking input from management) in the past that your contact list was a "public record" as that term is defined under the public records act, does not make it so. As previously indicated, there is a specific provision to the Vermont Public Records Act that exempts "lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; provided, however, that this section does not apply to lists which are by law made available to the public, or to lists of professional or occupational licensees;" 1 V.S.A. § 317(c)(10).

The Vermont Supreme Court has had the opportunity to review the requirements of 1 V.S.A. § 317(c)(10) exactly once in the case of *Sawyer v. Spaulding*, 184 Vt. 545 (2008). In that instance the court determined that there were two elements to 1 V.S.A. § 317(c)(10). First there has to be a list that was created as a list by the government and not merely records that "were sorted and compiled." *Id.* at ¶ 11. Clearly you created a contact list, and you have referred to it as your "contact list". Therefore, your request meets the first element of the 1 V.S.A. § 317(c)(10) exemption.

The second element of the 1 V.S.A. § 317(c)(10) exemption actually has two distinct parts, the list can *either* "violate a person's right to privacy" *or* "produce public or private gain" when disclosed. The contact list contains three types of contacts (determined solely from the email suffix): 1) those that appear to be private businesses; 2) those that appear to be public agencies; and 3) those that appear to be private individuals. There is no way to tell from the nearly 500 names (and even the email addresses) which ones are truly private individuals who provided their name, and which are truly government or business contacts. Government and business contacts would have no (or minimal) privacy interests, whereas providing the emails and phone numbers of private individuals as part of a contact list created by the government, would clearly violate their right to privacy and would thus be subject to the 1 V.S.A. § 317(c)(10) exemption.

However, the inquiry does not end with whether privacy interests would be violated, the Vermont Supreme Court also recognized (*Id.* at ¶ 5) that:

As to the exemption's second requirement—that the request be for public or private gain, the court recognized that generally motive is not relevant to a request for public records, see *Finberg v. Murnane*, 159 Vt. 431, 437, 623 A.2d 979, 983 (1992), but concluded that, in this case, motive was pertinent because of the exemption's language.



Plaintiff did not dispute that she would be using the information as part of her commercial business.

It is not clear whether or not you intend to utilize the contact list for your private gain, and while I could speculate, that would not be appropriate. I believe that this is a question better left to the “head of the agency” pursuant to 1 V.S.A. § 318(c)(1) which in this case is the Selectboard. Under 1 V.S.A. § 318(c)(1) the Selectboard has five business days from the date of an appeal to render a decision.

Therefore, **I am denying your request for the contact list you generated over the course of your employment at the Town.** There are privacy concerns about turning over the contact list and there are concerns about whether the contact list will be used for public or private gain. The Selectboard meets again on April 7, 2025, and you are being provided with this correspondence on April 2, 2025. **If you choose to appeal on or before 4:30 PM of April 4, 2025, the Selectboard will take up your appeal at its April 7, 2025 meeting** and issue a written decision within the five business days set forth in statute. If you **do not** appeal this decision by 4:30 PM on April 4, 2025, but choose to appeal at a later date the Selectboard will take up your appeal at a regularly scheduled meeting.

Two final matters. One is that you should submit a sworn statement to the Selectboard at the time of any appeal, indicating what you plan on doing with the contact list and whether that pursuit will generate public or private gain (for example, if you use it as a foundation to set up a land use related business, but this is just one example). Without this statement, the Selectboard will be unable to determine if you plan on using this list for public or private gain and will presume that your intent is to do so since it is difficult to fathom what else the list would be used for. The second matter is whether you should have access to the contact list, because you previously had access to the contact list as a Town employee. There is no provision under the Public Records Act that provides exceptions for former employees, so I am not considering your past employment in denying your request.

Any appeal can be sent to me via email at [braymond@morristownvt.gov](mailto:braymond@morristownvt.gov) and if received by 4:30 PM on April 4, 2025 it will be provided to the Selectboard to discuss at their meeting of April 7, 2025 as set forth above.

Sincerely,

  
Brent Raymond  
Morristown Town Manager



## SELECTBOARD MEMORANDUM

**To:** Selectboard  
**From:** Judi Alberi, Executive Assistant  
**Date:** April 7, 2025  
**Subject:** Executive Session - Legal

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**MOTION 1:** I make a finding that we go into executive session to discuss confidential attorney client communications to allow the Town attorney to provide professional legal advice to the Selectboard AND to discuss potential civil litigation, premature disclosure of said advice or the potential civil litigation would put the Town at a substantial disadvantage.

**MOTION 2:** I move to go into Executive Session to discuss the confidential attorney client communication under the provisions of Title 1 section 313 (a) (1)(f) of the Vermont Statutes, to include Town Manager, Brent Raymond, Executive Assistant, Judi Alberi, and Attorney Ed Adrian

**Attachments:**

None