

**Waterbury Select Board**  
**U.S. Route 2-Main Street Reconstruction FWWA A FEGC F 013-4 (13)**  
**Condemnation Compensation Proceedings**  
**July 17, 2017**  
**6:30 p.m.**  
**Minutes**

Attending: C. Viens, D. Schneider, M. Metayer, Select Board; B. Farr, W. Shepeluk, Staff; C. Nordle, Esq., Attorney representing Waterbury Select Board; M. O'Grady, Appraisal Chief, C. Ferry, Review Appraiser, K. Thompson, Evaluation Agent/Appraiser Trainee, and L. Gluck, all of Vermont Agency of Transportation.

Property Owners/Visitors: M. Davis, E. Coffey, A. Imhoff, ORCA-TV.

C. Viens, Chair of the Select Board, called the hearing to order at 6:30 p.m. He immediately recessed the hearing to 7:00 p.m., as the Baker's, scheduled for hearings set for 6:30 and 6:45, have withdrawn participation as they have settled and signed off.

At 7:00 p.m. the hearing reconvened. The Chair asked C. Nordle, the Town's attorney to lead and moderate the meeting. C. Nordle reminded the Board and those present of the process used by the Board to find the project "necessary for the public good." He also described the process the Board would use to determine the compensation that is due property owners who have not "settled and signed off" on easements that describe temporary or permanent "takings necessary to construct the project", which have been prepared by VTrans.

The first parcel for consideration and discussion by the Board was Parcel 80 at 131 S. Main Street, owned by 131 South Main Street Condominiums Apartment Owners Association. The owners were not present at the hearing. C. Nordle "swore in" Kamdon Thompson who agreed to tell the truth for the full duration of the hearing concerning the several properties under consideration in tonight's proceedings. K. Thompson identified himself as an evaluation agent/appraiser trainee, employed by the Vermont Agency of Transportation. He described the takings necessary at this property. The total offer is \$700, including a \$200 payment for the installation of a guy wire; the removal and replacement of two iron pins for \$100 each; \$200 for the right to disconnect and reconnect water-sewer services; and \$100 for the replacement of a driveway. K. Thompson testified these offers were nominal and in keeping with usual VTrans standards. C. Nordle asked for some clarification for the benefit of the Board to allow them to understand how offer amounts are determined. K. Thompson described that payments for permanent easements generally were calculated by determining the square footage involved, then applying that area to the valuation of the entire parcel. Offers for temporary easements were most often taken from a "standard schedule" that has been used for similar projects over time. The Board members asked a few clarifying questions which K. Thompson answered to the satisfaction of the Board. E. Coffey asked to have the property in question clearly identified. K. Thompson showed a picture of the property, which was satisfactory to all. **Don Schneider made a motion to close the evidentiary hearing on Parcel 80. M. Metayer seconded the motion. The motion was approved 3-0.**

The next parcel for consideration was Parcel 64 at 106 South Main Street, owned by Michael Davis. K. Thompson described the takings necessary at this property. The total offer is \$500 and included the following compensation: \$200 for disconnect and reconnect of water and sewer services; tree protection at \$100 each for two trees; and regrading and installation of a walkway for \$100. K. Thompson explained the methodology for determining the offer was using the standard schedule that was used throughout the project that had been described earlier. A full appraisal was not undertaken. All the rights requested by the easements are temporary and will be “removed” at the project’s completion. C. Viens asked if the owner’s trees might be damaged despite the tree protection efforts. K. Thompson explained that the tree protection devices needed to be installed on M. Davis’ property, but the trees being protected were in the ROW and therefore the property of the Town. His answer was satisfactory to the Board. C. Nordle “swore in” M. Davis who promised to tell the truth in the hearing. M. Davis expressed concern that the sidewalk “would be a foot wider than it is now”, extending toward his house. He feared it would “de-value” his property. He also expressed similar concerns of devaluation as a result of the “stamped concrete” planned for installation between the curb and the sidewalk, rather than a standard “grass strip.” C. Nordle explained that the Board could not “manufacture” or make up an amount to compensate the owner for his perceived losses, but could only react to a definitive statement of loss provided by the owner. C. Nordle asked M. Davis to put a value on his “loss”. Davis said he “had no idea” and he failed to answer. E. Coffey asked to be allowed to ask a question. C. Nordle “swore in” E. Coffey who agreed to tell the truth during the proceedings. E. Coffey made some statements about the tree protection zone and expressed some concerns. K. Thompson stated that E. Coffey’s concerns were unfounded as the trees in question were between M. Davis’ property at 106 S. Main and the property at 108 S. Main. E. Coffey’s property is at 104 S. Main Street and will be unaffected by the tree protection. E. Coffey was not certain that was the case, but in the end appeared to be satisfied with K. Thompson’s answers. **M. Metayer made a motion, seconded by D. Schneider, to close the evidentiary portion of the hearing as pertains to property located at 106 S. Main St, Parcel 64 as identified in the project plans. The motion passed 3-0.**

The next parcel for consideration was Parcel 65 at 108 S. Main Street, owned by Isaac Dupre. The property owner was not present. K. Thompson described the several temporary rights necessary for the project. The offer was \$700 and included \$200 for water-sewer disconnect/connect; two tree protection zones at \$100 each; a walkway for \$100; driveway for \$100; and \$100 to remove and replace property pins. There were no questions. **Don Schneider made a motion to close the evidentiary hearing on Parcel 65. M. Metayer seconded the motion. The motion was approved 3-0.**

At 7:45, the chair recessed the hearing until 8:00 p.m.

At 8:00 p.m. the hearing reconvened.

The next parcel for consideration was Parcel 116 at 4 Healy Court, owned by Erik and Giulia Eliason. The property owners were not present. Thompson stated that only one “taking” was necessary. The offer is \$250 for water-sewer disconnect/connect. Thompson stated that while this was \$50 higher for this taking than is standard and customary, the decision had been made going into the project that \$250 would be the minimum offer made for any taking necessary.

There were no questions. **M. Metayer made a motion to close the evidentiary hearing on Parcel 116. D. Schneider seconded the motion. The motion was approved 3-0.**

At 8:05, the chair recessed the hearing until 8:20 p.m.

At 8:20 p.m. the hearing reconvened.

The next parcel for consideration was Parcel 93 at 149 S. Main Street, owned by Aubuchon Realty Co, Inc. Subway Real Estate and Waterbury Pharmacy are tenants with property rights. Neither the owner nor the tenants were in attendance. K. Thompson described the easements necessary and the offer of compensation, which totals to \$3,300. Permanent rights on 319 sq. ft. of property are necessary for construction and maintenance of a storm drainage system, including the placement of a pipe. The value for that easement was established at \$1,885, but was rounded up to \$1,900. The value was established by determining the value for the .54 acre lot is \$146,300 or \$6.22 per square foot. The 319 sq. ft. area has a value of \$1,984.18 at 100% of valuation. A factor of 95% was applied, dropping the value to \$1,884.97, which was rounded up to an offer of \$1,900. Offers for necessary temporary easements were also established including \$100 each for two driveways; \$200 for disconnect and connecting water/sewer service; \$100 for the removal of a sign and \$900 for slope rights. The slope rights involved 230 sq. ft. of area for three years of construction time. The same \$6.22 per sq. ft. value was applied for this right. A factor of 20 percent was applied as the rights are temporary, establishing the value for the slope rights at \$286.12 per year. The three year value is \$858.36, which was rounded up to \$900. K. Thompson confirmed that the total offer for all necessary easements is \$3,300. The Board and public had no questions. **Don Schneider made a motion to close the evidentiary hearing on Parcel 93. M. Metayer seconded the motion. The motion was approved 3-0.**

**At 8:35 p.m. M. Metayer made a motion to close the hearings scheduled for this date and for the Select Board to enter into deliberative session. D. Schneider seconded the motion. The motion was approved unanimously, 3-0. The Board entered deliberative session at 8:35 and exited deliberative session at 8:45.**

**Don Schneider made a motion to adjourn the meeting, which was seconded by M. Metayer. The motion was approved unanimously and the Board adjourned at 8:46 p.m.**

Respectfully submitted,

William Shepeluk, Municipal Manager

Approved on: July 31, 2017