

PRESENT: Steven Blades, Dale Brumbaugh, Dave Gerbec, Sue Rothrock, Ann Schmittinger and Larry Walker, Secretary

The Meeting was called to order at 7:35 p.m. at the BWVC.

MINUTES: The Minutes for the

June 6, 2007 Meeting were corrected and approved.

CRESSMANS' ENCROACHMENT

Sue distributed a copy of Ordinance No. 11 to all Committee Members, and the provisions were reviewed. She pointed out that Section 3 gives the authority to the Civic Committee to deal with encroachments into Town rights of way. In Section 1, the right of way was to be determined by measuring from the center of the road, but subsequent surveys have shown that the road was not always in the center of the right of way. In fact, some roads encroach on leaseholds. The locations of Town rights of way are not always straight forward.

The purpose of the discussion was to arrive at a decision on the Cressmans' encroachment, but that decision would become a policy, or model, for dealing with similar future problems.

The safety of drivers and pedestrians must be a major factor in making a decision on encroachments. Common sense must also be used in arriving at a decision.

In many cases, an encroachment is discovered after a survey is completed, and in practice the survey seems to arrive just before settlement. Since the surveys are paid for by the buyer, they invariably are requested after there has been a signed contract of sale. Since the Civic Committee does not send a representative to the closing, it normally can find out about a problem of an encroachment after the sale has been completed. That would make the new leaseholder responsible for dealing with a past problem, which did not seem fair.

It was suggested that the Trustees be asked to require that a survey be received within a period of time before any closing, say two weeks before the settlement date. This would allow time for discovering encroachments, and allow the seller to correct such problems, instead of having the new resident deal with the problem.

Anne Schmittinger will find out what, if any, policies Ardentown and Arden Croft have in regard to encroachments on town rights of way and common lands.

After a general discussion, it was clear to the Members that there was no clear way for setting up a policy. However, any decision by the Civic Committee must be in a written letter, and a copy sent to the permanent Lease File maintained by the Trustees.

Sue asked all Members to continue thinking of concerns about setting up this policy, and at a future meeting a draft will be presented.

OTHER OLD BUSINESS

A request was received from Quinton-Michelson for the Civic Committee to determine if a dead tree was on the Town right of way on Miller Road. If so, they wanted it removed. Sue ~~and Annie~~ had originally gone to inspect the area, but there were no survey stakes.

Later, Quinton-Michelson contacted their survey company, and it appeared that no permanent markers were installed at the time of the survey. The next ~~weekday~~ the corners were permanently marked. With the actual survey markers, it was easy to determine that the dead cherry tree belonged to the Town, so it was removed, along with having some dead branches removed on a nearby maple tree.

NEW BUSINESS

Sue checked with Bob Andress after she noticed a dry stone wall apparently being built on the right of way. They said that this was only a temporary pile of rocks as a result of a general cleanup. Sue said she will monitor this situation.

Sue will be away, so she will ensure that the various keys to the Spring House, chains blocking roads, Field Theater electric panel, etc. will be passed on, along with the Civic Committee Phone. ~~Larry~~It was suggested that new locks "keyed alike" be purchased, so that only one key is needed. Since some of the locks are old and sticking, it would be prudent to change them all.

The dead tree at Meadow Lane and Harvey Road that was recently cut down has been on the ground for two weeks. ~~The tree removal company New Castle Country~~ reported that their log removing equipment broke down, and there was a problem in getting replacement parts. The tree trunk should be removed soon.

The Committee needs to draft a form letter to be sent to leaseholders when an encroachment is observed. This letter should reference Ordinance No. 11. She asked for suggestions from the Committee. In the meantime, Sue had talked to several people who had overgrown street corners, and these have been cut back. Also, others took the initiative to do the same, so there has been progress.

Sue wrote to Cathy Cloutier to ask for financial help from the Community Transportation Fund in the project to install concrete curbs on Pond Lane. The ~~2year old~~ estimate ~~was~~ for \$11,000. ~~The new estimate was for 12555. Cathy and she~~ indicated there would be support for this.

The Budget Committee had asked for Civic's Budget Request for the coming Fiscal Year. She mentioned that at the Town Meeting, a resident asked all committees to look at consistently unspent categories, and to adjust the requests downward. The Roads Budget amount was rarely spent completely, because approximately \$~~32,000~~ to \$~~53,000~~ was held back for snow plowing. If there was less snow than usual, the Committee had been unable to undertake a late-February or early March project to expend those funds.

Sue suggested putting in a new line item called "Snow Plowing Contingency" with a \$3,000 budget amount. This would be a reasonable estimate for snow removal in a normal winter. For a winter with several large snowfalls, this would not be sufficient to pay for snow removal, and then the Committee would have to approach the Town to use the Contingency Fund. ~~It was~~Larry suggested that the Budget Committee be asked to increase the amount of the Contingency Fund to allow for additional expenses in this

The Committee agreed that Trash Collection should go up from \$46,500 to \$48,000 to cover the cost of trash removal plus bulk pickup and electronics recycling, and that Roads and Commons be lowered to \$35,000. There will also be the Snow Plowing Contingency for \$3,000.

Several residents and the Arden Club had said that the Friday Trash Pickup was not working well. Some in Ardentown had the same complaint. At the Gild Hall there are Club Dinners and other weekend events, and holding that trash for five days is not satisfactory. Also, residents frequently generate the greatest amount of trash over the weekend. A Monday or Tuesday trash pickup would work better. Sue said that she would check with Waste Management to see if something could be worked out.

At the BWVC the sea oats have been sprayed, and they are dying. Later the area will be mulched. However, the sea oats have spread to other areas. The rocks around the beds might not be needed, and they do make mowing more difficult. Perhaps another use can be found for them.

The Milky Way Path needs a general cleanup.

The time for the next meeting will be September 5, 2007.

Submitted by

Larry C. Walker

Secretary