



## Agreement with MLI approved in second town vote

Written by Erin Post

08/23/2007

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After two town votes, several hearings, dozens of select board meetings, and what probably amounts to reams of correspondence exchanged between attorneys, state officials, town representatives and landfill executives, it's official: The town of Moretown has the okay from residents to sign an agreement with the Moretown Landfill Inc. (MLI) that conserves town- and school-owned land.

Voters turned out Tuesday, August 21, to approve the proposal 155 to 57. Residents were required by state statute to cast two ballots, one as town residents and one as school district residents, since the 81-acre parcel is jointly owned. Both tallies were the same.

Tuesday's vote was the second on the same issue. A petition, signed by 72 registered Moretown voters, asked for a reconsideration of a May vote that resulted in 122 ballots for and 62 against the proposal.

In response to the petition -- filed with the town in June -- the select board held a hearing on Monday, August 20, and opened the polls once again on Tuesday.

The ballot was the same for this week's vote and May's vote: Both asked residents to approve the "sale of an easement and grant of development rights and conservation restrictions" on the 81-acre parcel to MLI for \$101,250. The same question asked voters to consider granting MLI an option to purchase development rights to an additional roughly 35 acres.

Moretown Select Board chair Paula Mastroberardino said at the August 20 public hearing that state statute prohibits another citizen petition on the issue. The only way the agreement may be challenged is if the select board opts to take action.

### DEAL ALLOWS DEERYARD MITIGATION

The deal -- which provides MLI a location for deeryard mitigation -- allows the company to move ahead with plans to construct an additional cell for waste. Through terms of the agreement, MLI pays the town and school for the development rights and then cedes those rights to the Vermont Land Trust.

State standards require MLI to conserve three acres of deeryard for every one acre they disturb through construction.

A conservation easement drafted by the nonprofit land trust is slated to govern acceptable uses on the 81-acre parcel. It has been reviewed by the state, officials have said, and takes into account a grant-funded forest management plan now in the works by Moretown's planning commission.

The second purchase option expires in August of 2012.

The agreement also includes an option for the town to lease, for \$1 per year, a two-acre property off Route 2 as a location for the town garage.

### PUBLIC HEARING RAISES CONCERNS

Some questions at Tuesday's public hearing revolved around whether deeds include any restrictions. Others asked what activities would be allowed.

Mastroberardino said the town's attorney researched the deeds and submitted his findings in a letter to the board.

"The intent of the property is for the benefit of the school children," Mastroberardino told the crowd of about 20, adding that the agreement stands to uphold that commitment.

School board chair John Schmeltzer said that half of the \$101,250 payment from MLI would be allocated to the school, noting that voters would weigh in on how to spend the money.

Several Moretown residents suggested that the town also consider using their half of the payment to benefit Moretown children, in part to honor the intent of the property's former owners.

When it comes to acceptable uses on the property, Liza Walker from the Vermont Land Trust said at the public hearing that snowmobiling would be restricted -- as per state requirements -- but that other activities such as cross-country skiing, snowshoeing, hiking, timber harvesting and hunting would be allowed.

She said a \$10,000 one-time payment to the land trust goes into a stewardship endowment to ensure that the organization has the resources to enforce the easement.

### **LANDFILL EXPANSION CONSIDERED**

Some Moretown residents challenged whether the Vermont Land Trust needed to be involved with the deal, citing concerns about the town paying out more than what they are taking in on the deal. Others wanted to know more about whether an expansion of the landfill would be good for the town.

MLI manager Tom Badowski said the company pays hundreds of thousands of dollars to Moretown in tipping fees every year, in addition to about \$14,000 per month in property taxes.

"I believe it's in the best interests of the town's residents to continue those revenues," he said.

He added, however, that the town may want to start planning for the day when the landfill eventually shuts its doors and the revenue stream the town now enjoys dries up.

"Someday it's going to close," he said.

Contact Erin Post at [erin@valleyreporter.com](mailto:erin@valleyreporter.com)

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