

VOTER INFORMATION SHEET

Upcoming Deeryard Mitigation Vote, August 21, 2007 in Moretown

Below please find information relating to the upcoming vote on articles relating to Deeryard Mitigation in Moretown.

On August 21, 2007, Moretown voters will decide whether the Town and the School District will create a conservation easement of the jointly owned 81 acre parcel and authorize an option for an additional 35+/- acres at \$1,250 per acre if additional space is needed by the Moretown Landfill for deeryard preservation as part of Cell 4 permitting. Voting will be held at the Town Office, polls open 7am-7pm.

A public meeting will be held on August 20, 2007, at 7:00 p.m. at the Town Hall, to answer any questions regarding the conveyance.

Because the land is jointly owned by the Town and School District, State Statutes require both owners to ask for approval to convey the property therefore, voters will be asked to cast two votes, one as a legal voter of the Town and one as a legal voter of the School District.

If both articles are approved, the Town and the School District will receive \$101,250.00 from MLI as soon as all relevant documents are signed. The Vermont Land Trust will hold the easement and the 81-acres will be placed into perpetual conservation. **The Town and the School hope that you will attend the public meeting on August 20th to discuss this issue, and that you will vote on August 21st. YOUR VOTE IS IMPORTANT!**

Background for Upcoming vote:

Since October 16, 2006 there have been joint public meetings of the School Board, Select Board and the Planning Commission to discuss the proposal contained in the articles now up for a re-vote. After several public meetings, as well as thorough review and revisions to documents, the three Boards agreed to put the matter to a town-wide vote.

On May 22, 2007, Moretown voters (122 for to 62 against) passed a measure to “approve the sale of an easement and grant of development rights and conservation restrictions” on acreage jointly-owned by the Town and the School. Subsequently, the town received a petition requesting a revote. There were 72 signatures (greater than 5% of the 1252 legal voters) which met the requirements in State Statute for a re-vote. In Moretown there are 1252 registers voters, therefore, a minimum of 62 signatures meets the state requirement.

On August 20, 2007 at 7:00 p.m., **a public meeting** will be held at the Moretown Town Hall. At this meeting townspeople will have the opportunity to ask questions about the articles warned for the re-vote, which will take place on August 21, 2007.

One provision contained in each article asks you to vote on the sale of an easement and grant of development rights and conservation restrictions on “81 acres of land, more or less”. A second provision in each article asks you to authorize an **option** for Moretown Landfill Inc. (MLI) to purchase, from the town and the school, the development rights to a “an additional 35 acres, more or less, at \$1,250 per acre.” These acres are part of an additional 70-acre parcel now jointly owned by the Town and the School. This sale will only take place if and when MLI should need additional deeryard mitigation, for permits necessary to construct an additional waste disposal cell (Cell 4.) MLI has until August 1, 2012 to exercise this option. The price per acre for the additional 35 acres is subject to annual review of CPI index beginning one year after the documents are signed.

Additional background Information on the issue of deeryard mitigation:

The landfill is anticipated to reach capacity and close in May of 2012. Closure of the landfill would result in a loss of revenue to the Town. Currently, receipts from tipping fees and real estate taxes from the landfill represent nearly 15% of the combined School and Town budgets.

To prevent closure in 2012, Moretown Landfill Inc. has planned to expand the landfill by a twenty-seven-acre Cell 4. If all permits are received, Cell 4 will provide an expected 16 additional years of disposal capacity. **Construction and operation of Cell 4 will impact deer wintering habitat that must be “mitigated” before the State will consider permits for expansion. Deeryard mitigation requires the entity impacting the habitat (in this case, MLI) to purchase development rights to similar habitat. The land owner must then place it into conservation.**

The 81-acre plot of land behind the Elementary School owned by the Town and the School was identified as a potentially suitable mitigation site. Field investigators hired by the Landfill confirmed that the parcel contained deer wintering habitat suitable for mitigation purposes. The Landfill then made a formal offer for the purchase of the development rights and Moretown’s boards initiated public meetings to discuss proceeding with mitigation.

Commonly Asked Questions:

1. How were the prices determined?

The amounts were based on an examination of prior negotiations around similar projects, in which the Vermont Fish and Wildlife Department were involved. Based on discussions with Vermont Land Trust personnel, the price per acre is within the purchase price range they have experienced in Vermont. **Some frontage on South Hill is specifically excluded in this proposal** because it could be developed; the Town and School District would retain at least 35 acres that front South Hill. If MLI does not exercise the Option contained in the articles, the Town retains all of the 70 acres (known as Lot E).

2. Why is the Vermont Land Trust (VLT) involved?

The original Draft Easement was between the Town and State of Vermont. The primary reason for VLTs involvement is that the State doesn't want to inherit a bunch of small parcels all over the state. They have a hard enough time managing and keeping track of what they already have, and they would rather focus on large parcels. As a result John Austin recommended VLT. The Planning Commission supported the idea and encouraged both boards to go with the VLT option.

3. How will this affect current land use within the easement boundaries and would residents and the public be banned from the land ?

The easement does not change public access to the property. The land stays in the ownership of the Town and School District-only the development rights would be conveyed. Based on discussions with ANR officials and the Vermont Land Trust, current land use practices, including hiking, hunting, snow shoeing, cross country skiing, etc are compatible uses with the proposed deeryard easement. As specified in the proposed easement language, the Town must develop a written land use plan for the easement land. This plan will require approval from the Agency of Natural Resources (ANR) and the Vermont Land Trust (VLT). The purpose of the plan is to clearly define acceptable uses on the property within the boundary of the easement. There is a draft copy of this plan available for review in the Town Clerk’s office.

4. *Is the Town doing this simply to secure a site at MLI for a new town garage?*

MLI has stated in public on numerous occasions that the Garage Lease Agreement is separate from the Deeryard Agreement. In other words, MLI is willing to sign the Garage Agreement at the Selectmen's discretion regardless of whether the Deeryard Agreement is signed.

5. *Why are we proposing to locate the required deeryard so far from the deeryard adjacent to the MLI's facility? Such a move will have no benefit to the deer that would be disturbed by Cell 4 expansion.*

The State of Vermont applies the following decision-making hierarchy to approval of land useful for mitigation:

- 1) land contiguous to the affected project,
- 2) land in the same watershed as the affected project,
- 3) land in the same Town as the affected project,
- 4) land in the same County as the affected project,
- 5) land in the same State as the affected project.

While the land in question does not meet the first criteria, it does meet the next four and is therefore suitable for deeryard mitigation purposes.

6. *How would the money be spent?*

The decision of how to allocate the \$101,250 is one which the elected officials of the Town Select Board and the School Board would need to make....it would be split 50/50 between the town and school.

WARNING AND NOTICE SPECIAL TOWN AND TOWN SCHOOL DISTRICT MEETING

The voters of the Town and Town School District of the Town of Moretown are hereby warned and notified to meet at the **Moretown Town Clerk's Office** on Tuesday, August 21, 2007, from the hours of 7:00 a.m. until 7:00 p.m., for the purpose of voting on the following articles by Australian ballot:

1. Shall the voters of the **Town of Moretown** approve the sale of an easement and grant of development rights and conservation restrictions on a parcel of land of approximately 81 acres, more or less, owned by the Town and Town School District of Moretown, to Moretown Landfill, Inc. for one hundred, one thousand, two hundred fifty dollars (\$101,250.00), plus an option on an additional 35 acres, more or less, at \$1,250 per acre?

2. Shall the voters of the **Town of Moretown School District** approve the sale of an easement and grant of development rights and conservation restrictions on a parcel of land of approximately 81 acres, more or less, owned by the Town and Town School District of Moretown, to Moretown Landfill, Inc. for one hundred, one thousand, two hundred fifty dollars (\$101,250.00), plus an option on an additional 35 acres, more or less, at \$1,250 per acre?

Public Meeting - There will be a meeting of the voters at the *Moretown Town Hall* at 7:00 p.m. on Monday, August 20, 2007, to discuss the articles.

A voter who expects to be an early or absentee voter, or an authorized person on behalf of such voter, may apply for an early voter absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the day preceding the election, which in this case would be August 20, 2007.

The Town Clerk's Office will accept applications for persons' names to be placed on the checklist until 12:00 noon on the second Monday preceding the day of the election, which is August 6, 2007. The town clerk's office shall be kept open on that day from no later than 10:00 a.m. until 12:00 noon, for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted or accepted by 12:00 noon of the second Monday preceding the day of the election.