

Selectboard Meeting Minutes
September 8, 2014
Approved

Present: Selectboard - Scott Bassage, John Brabant, Rose Pelchuck, Toby Talbot, Denise Wheeler; Donna Fitch, Clerk; Paul Rose, Ginny Kern, Will Walters (Hardwick Gazette), Randy Fitch, Dirk Vansusteren, Attorney Diane Sherman (by speaker phone).

Denise Wheeler, Chair, called the meeting to order at 7:00 pm.

Public Comment on Non-agenda Items - Randy Fitch expressed concern that gravel for work on West County Road had been dumped on his property ("The Triangle" at the corner of West County and Robinson Cemetery Roads) without the town asking permission. Toby Talbot said he made it a point to have it dumped on his property, but the road crew was unaware that "The Triangle" was not Toby's property.

A right-of-way (ROW) request from Doug Lilley via Brent Lilley was submitted by Toby Talbot. Scott Bassage, Toby Talbot and Road Commissioner Alfred have looked at it. The request is for installing underground conduit across the road. Alfred says it will require going underground six feet and should take ½ hour. The road crew will help with traffic control. The ROW was approved contingent upon receipt of the \$60 fee and the requirement to put the road back in its previous condition. Since it was not on the agenda, the Selectboard will ratify their decision at the next meeting.

Administrative Work - The Selectboard signed a letter of thanks to Randy Fitch for his years of service to the town as Selectboard member and lister.

Minutes - The August 25, 2014 minutes were approved unanimously.

Notice of Road Discontinuance Site Visit - The Selectboard signed the Notice of Discontinuance Hearing Notice regarding a portion of Sand Hill Road which will be sent to property owners on the road. The Board asked that the notice be sent to Steve Gray as town coordinator for the VT Association of Snowmobile Travel (VAST). The site visit and hearing is October 13, 4:30 pm at 2306 Bliss Road and 6:30 pm at the Town Hall respectively.

ROW Application - Tim and Becky Maker submitted a request to build a woodshed within the town ROW. Alfred and Toby have looked at the site. Toby made a motion to approve the ROW with John Brabant seconding the motion. It was approved unanimously, 5-0.

Curtis Pond Island – A conference call was held with Attorney Diane Sherman, Stitzel Page and Fletcher, PC, regarding Curtis Pond Island. Ms. Sherman reviewed two options:

- 1) Policy. A policy has no direct enforcement action, but takes place immediately.
- 2) Ordinance. An ordinance has potentially a greater effect on enforcement, but takes longer to enact. An Ordinance gives the town control over enforcement.
 - a. There are two types of ordinances: Civil or criminal. Criminal is enforced by police; the town would not be involved and police may choose not to prosecute. Ms. Sherman pointed out that Calais has a contract with the Washington County Sheriff which includes the enforcement of criminal ordinances that the town adopts. Reading from

the contract, she noted that the town will furnish town ordinances to the sheriff; the sheriff will provide extra personnel in an emergency; the town will be billed for extra services. She said the town should provide advice to the sheriff by letting them know the responsibilities the town expects them to cover. The question was asked, "When does the sheriff enforce state laws?" A noise ordinance might be enforced by the State Police.

- b. Civil ordinances are enforced by the town. The town identifies a municipal officer, provides civil complaint ticket books and sends the name of the municipal officer to the Judicial Bureau. The issuing municipal officer addresses the situation, writes the ticket, and mails to the person. If the person doesn't respond, the Judicial Bureau issues a default judgment against the individual and mails the judgment to the person. Ms. Sherman pointed out that "furnishing patrols and answering complaints" is in the sheriff contract. She said the town could include "trespassing" in a civil ordinance. Incorporating a permit system into an ordinance is also a good idea as it allows you to see the person face to face, take their name and address and ask the person to sign that they've read the ordinance. The town could choose to issue a permit based on age. She stated the town should define the uses that *are* allowed on the Island. Even if the town goes the civil route, the State Police should be called if there is criminal activity.

Ms. Sherman stressed that the ordinance should address the issue of noise. Noise needs to be defined, and it has been by Burlington, Middlebury and Hanover, N.H., and their definitions have held up constitutionality. She suggested the Selectboard read the Burlington noise ordinance language. Overall, she recommends the town undertake a civil ordinance as it allows the town to more fully participate in the process. Denise offered to work on the Calais draft ordinance. Ms. Sherman said to use specific examples of noise so people and the enforcer have an understanding of what is too much noise.

Denise stated the Board will call the sheriff to discuss their contract.

Dirk Vansusteren, co-chair of the Maple Corner Community Center, noted that MCCC had volunteered to put together a citizen's group, but if the town wants to use the constables that would be fine. Ms. Sherman said anyone can be appointed an "issuing officer." Donna Fitch pointed out that the town constables have no identification. She will purchase badges and business cards for them.

Meeting of all town officials - Last year all town officials met and dined together at the town hall with a presentation by VLCT on the open meeting law and a brief presentations by each board or commission. Denise suggested meeting again this year before the town hall closes for the winter. She requested ideas for topics and suggested a review of the draft Town Plan.

Combined Selectboard and Planning Commission Meeting - A meeting for the Selectboard and Planning Commission to review the draft of the town plan was set for September 15 at 7:00 pm at the Town Hall. The board discussed the use of regulatory language in the town plan and its impact when a case goes to Environmental Court.

November Election - Should we hold the election at the town office? Donna will determine how many voters there were two years ago.

Insurance – The Vermont League of Cities and Town’s (VLCT) valuation of the buildings in town was reviewed. The question was asked would trucks be replaced at current value or actual replacement amount if the building burned down. Donna will call VLCT.

Drug and Alcohol Policy – The policy, required by VLCT, was reviewed and changes made. Toby moved to adopt the document with the changes. John seconded and the policy was approved 5-0. Toby asked that copies be given to the road crew.

Ancient Roads – The deadlines are February 10 and July 1, 2015. The Ancient Roads Committee suggested turning Mill Street in East Calais into a trail (the portion by the brook). Other roads would revert to landowners. Denise will verify the process with VLCT.

Highway Projects - Toby explained that the road crew is undertaking larger road projects to take full advantage of the equipment they have rented. They will be going back to the roads they’ve worked on to finish work on ditches, shoulders, etc. They are working extra hours to get the work done as quickly as possible on roads that need to be closed.

Truck Loan – The board signed the loan paperwork from Merchants Bank for \$84,815 to purchase the 2015 Ford 550 truck. The first payment of \$16,963 is due September 2015.

The meeting adjourned at 8:55 pm.

Respectfully submitted,

Donna Fitch, Clerk