

MINUTES FROM 04/25/2017 SELECTBOARD MEETING

PRESENT: Chairman, Tyler Gotshall, Alton Brusco, Lee Kimball, Chuck Pease, Clerk, Donna L. Bohannon

GUESTS: Renee Creller, Jr. Cameron, Joan Whitesell, Joe Kwiatkowski, Terry Tatro, Leeann Porto, Carol Behrman, Sherry Swainbank, Phil Gerbode, Elroy Towle, Raleigh Palmer, Penny Morgan, Steve Morgan, John Fitzgerald, Laura Limoge

7:00pm – OPEN REGULAR MEETING:

- Meeting called to order at 7pm by Chairman, Tyler Gotshall

ADJUST AGENDA (if needed):

- Three adjustments requested
 - #1. Lee Kimball requested visitor input be moved up on the agenda
 - #2. Clerk stated she had a new coin drop application to present
 - #3. Tyler Gotshall had information about the Transfer Station trailer

NEW BUSINESS:

- Penny Morgan – Health Officer issue / Noise complaint.
 - Steve and Penny Morgan were present to discuss several issues with a trailer located in back of their property at 6 South Main Street.
 - Phil Gerbode and Sherry Swainbank were also present to discuss this issue as the owners 4 South Main Street, a building also located in front of the property in question.
 - Complaint #1 from Penny, Phil and Sherry (Phil and Sherry on behalf of their tenant) was the continuous noise from a generator that is being used as the sole source of power at the trailer (the property in question) owned by Shane Brown located behind 4 and 6 South Main Street.
 - Phil and Sherry stated that they may potentially lose their tenant because of the issues that are being presented.
 - Lee Kimball, as the Deputy Health Officer made a site visit to the trailer in order to determine if there were ordinance and/or health violations.

- Lee reported that there is a generator always running at the property in question (the trailer), which is a violation of the general prohibitions, specifically described in section 2.2 of the Noise Ordinance of the Town of Alburgh.
- The article of “Process” in the Noise Ordinance was also discussed. The proper process per the ordinance is as follows with results stated.
 - #1: Citizen to citizen contact. - The three complainants stated that they have done this and have not gotten any results.
 - #2: Report the complaint to a Municipal official – This was done prior to the meeting, the investigating official, Lee Kimball reported that Shane is in violation of the Noise Ordinance. A written warning will be issued.
 - #3: Report to a law enforcement official – The Selectboard will move to this step if a written warning does not achieve the desired results.
 - *Lee Kimball motioned that Shane Brown be issued a warning that he will personally deliver that states he is in violation of the Noise Ordinance of the Town Alburgh. Shane will be required to shut the generator down within ten days of the delivering of the warning. If he does not comply with the decision of the Board, he will be fined \$150 – seconded by Chuck Pease – all in favor – motion carried.* A letter explaining the violations will be drafted and Lee Kimball will deliver it to Shane Brown. A copy of the Noise Ordinance with violations highlighted will also be provided to Shane
- Complaint #2 pertained to several dogs allegedly owned by Shane Brown.
 - It was determined that any dogs owned by Shane are not registered in the Town of Alburgh, therefore it is not known if they have been properly vaccinated.
 - The complainants stated that dogs at Shane’s residence are let outside to go to the bathroom and that it is not picked up by the owners, causing a terrible smell that makes it unpleasant to be outside.
 - The Animal Control Officer for the Town of Alburgh will be asked to visit the property and assess if there are any dogs at the property and to inform Shane of any violations he may be in pertaining to the Animal Control Ordinance.
- Complaint #3 pertains to the health and sanitation of the property in question as well as that of the neighbors.
 - There is not a well or other permanent potable water supply at this location. There is not a septic system on this location and they are not connected to the Municipal

sewer system. There is not a source of power at this location other than a portable, gas powered generator.

- There is a travel trailer on the site, next to the mobile home and Lee was informed by Shane that the family uses the toilet and shower in the travel trailer. Shane also informed him that Drummac Septic System goes to the site regularly and cleans out the holding tank for the septic.
- Lee has been in contact with the Health Department with the State of Vermont to determine if the living conditions of this family are acceptable by law and was informed that using a travel trailer in this manner should only be a temporary situation.
- Lee asked other questions of the Department of Health and is waiting for answers. He will s
- Phil asked if Shane has obtained proper permits to get connected to the Municipal water source and the Municipal sewer line.
- He was informed that Shane has been given the paperwork from the Village to request the allocations but that they have not been returned to the Village.
- Lee Kimball will write the Health Officer's Report and provide a copy to all parties concerned.
- Lee will follow up with the State Health Department to get answers to the other questions that he asked of them.
- Lee and the Town Clerk will draft the warning letter that Lee will deliver to Shane Brown.
- Elroy Towle - "No Parking" sign on Coon Point Road.
 - Elroy and Raleigh Palmer were both present to ask that a "No Parking" sign be replaced on Coon Point Road.
 - They informed the Board that there was a sign at the location in the past and that when it was there it was effective. The sign had been spray painted by someone and then removed from its location.
 - They would like to see the sign replaced and possibly have some delineating posts placed to indicate the area that parking is forbidden.
 - *Lee Kimball motioned that the Town order and place a "No Parking": sign and several delineating posts at the location in question on Coon Point Road – seconded by Chuck Pease – all in favor – motion carried.*

- **Adjustment #1:** Move Visitor Input up: (part of Visitor Input was addressed at this time, more visitor input further in the minutes):
 - Joe Kwiatkowski and Joan Whitesell attended the meeting to express concern about the property located near the intersection of Greenwoods Road and Alburgh Springs Road.
 - They had several concerns that they wanted to address.
 - Concern #1 is for the garbage that was left by the previous occupants. The current occupants have been attempting to clean it up but they have told both Joe and Joan that they will be moving and the previous occupants will be returning.
 - Joe and Joan are both concerned (as neighbors of this property) that the garbage situation will become worse again.
 - Concern #2 is that the previous occupants that are reportedly moving back will bring their dogs (that bark and occasionally go on Joe's property) and chickens (that also go on Joe's property) back with them.
 - Concern #3 is that they can smell sewer coming from that property and they are worried that the septic at that residence is failing.
 - Lee has been by the property and agrees that there is a violation of the Litter Ordinance.
 - Lee Kimball will visit the property in an official Health Officer capacity to assess the sewer concerns and make the property owner aware of the concerns of the neighbors.
 - *Lee Kimball motioned that the property located at 4 Greenwoods Road (old number) be issued a warning that they are in violation of the Litter Ordinance of the Town of Alburgh and they be given ten days to respond to the complaint – seconded by Chuck Pease – all in favor – motion carried.*
- Renee Creller for Rec. Committee – Checking account question.
 - Renee reported that there have been several donations made to the Recreation Department in memory of Bobby Creller and that they (the rec. dept.) would like to open a checking account in the name of The Alburgh Recreation Department.
 - They would like to use the Town tax identification number to do this and would like the Chairperson and the Treasurer to be named as the only signers. At the present time, Terry Tatro is the Secretary/Treasurer and Renee Creller is the Chairperson.
 - *Alton Brusio motioned that the Alburgh Recreation Department be allowed to use the Town tax ID to open a checking account in the name of the Alburgh Rec. Dept. and that*

the Treasurer and the Chairperson be named as signers on the account – seconded by Tyler Gotshall – all in favor – motion carried.

- Appointment of new Health Officer – Proper procedure.
 - In the event that there is a vacancy in the position of Health Officer, the Chairman of the Board becomes the Health Officer by default until such time as the Selectboard appoints a new Health Officer.
 - Proper procedure for appointing a Health Officer in the event of a vacancy is that the Selectboard appoint a new person. That person will be sworn in and the State accepts new appointments the first of every month.
 - Robert Creller was the Health Officer and Lee Kimball is the Deputy Health Officer for the Town of Alburgh.
 - The death of Robert Creller created a vacancy that by State law will be filled by Tyler Gotshall as the Chairman of the Selectboard until an appointment is made.
 - Lee Kimball presented a resignation letter, resigning as Deputy Health Officer, that will be effective at midnight on April 30th 2017. This will make him available to be appointed as Health Officer.
 - *Tyler Gotshall motioned to accept the resignation of Lee Kimball as **Deputy Health Officer**, effective at midnight on April 30th, 2017 – seconded by Alton Brusio – all in favor – motion carried.*
 - *Tyler Gotshall motioned to appoint Lee Kimball as Health Officer for the Town of Alburgh beginning at 12.01AM on May 1st, 2017 – seconded by Alton Brusio – all in favor – motion carried.*
 - Raleigh Palmer expressed an interest in acting as Deputy Health Officer. Tyler will reach out to him about being appointed as such.
- Selectboard vacancy – Date to appoint?
 - The vacancy that is existent on the Selectboard shall be advertised in the Islander and on Front Porch Forum. Letters of interest will need to be submitted to the Town Office no later than 5PM on Tuesday, May 9th the date of the next Selectboard meeting. Interviews will be scheduled after that and the Selectboard will most likely appoint an interim Selectperson at the following meeting, which is currently scheduled for May 23rd.
- Properties in violation of Junk and Litter Ordinances

- Lee Kimball was approached by Leo Henry about a growing pile of scrap metal at the end of Henry Road, owned by Larry Benjamin.
- This pile is very close to the side of the road.
- Leo was concerned that the metal is a violation of the Junk Ordinance of the Town of Alburgh.
- Lee was able to drive by the site and has determined that the mound of metal is a violation of the Junk Ordinance because of the closeness to a Town Road and because of the visibility of it.
- *Lee Kimball motioned that a registered letter be sent to Larry explaining the violation and giving him 10 days to respond to the letter with a plan to dismantle and dispose of the pile of metal at his property – seconded by Chuck Pease – all in favor – motion carried.* A copy of the Junk Ordinance, with appropriate sections highlighted, will be included with the letter.
- Lee Kimball expressed his concern for the condition of many of the places on Greenwoods Road as there is junk and trash located on the property of many of them
 - There was some discussion about how best to take care of this problem without any zoning laws in place in the Town.
 - It was suggested that all properties that appear to be in violation of either the Junk or Litter Ordinance be sent letters. This is not possible because of the Ordinances themselves. Both Ordinances state that “a complaint must be filed either in writing or properly presented at a Selectboard meeting”. The Selectboard themselves will not issue warnings without a valid complaint.
 - One visitor stated that they were lodging a complaint against the properties on Greenwoods Road that were in violation of the Ordinances. The Board informed the visitor that they would need to file specific complaints against specific properties.
 - This topic will be addressed at future meetings.

VISITOR INPUT (continued):

- **Adjustment #2:** Clerk presented a new coin drop request from an entity called “St. Albans Assembly Rainbow Girls”.
 - *Lee Kimball motioned that this request be denied as there have already been five coin-drop requests approved for the summer – seconded by Alton Brusio – all in favor – motion carried.*

- Terry Tatro presented the Selectboard with a copy of the Local Emergency Operations Plan for them to review. He was not asking that it be approved at this meeting but would request that the Board review the plan, make changes they feel are needed and adopt the plan at the next Selectboard meeting.
 - Tabled until the next regular meeting currently scheduled for May 9th, 2017.

OLD BUSINESS / UPDATES / TABLED TOPICS AND / OR WAITING RESULTS

- One Auditor needed – request for letters of interest
 - One letter of interest had been turned in but later withdrawn.
 - This position is still open and will continue to be advertised.
- Abandoned Building Ordinance proposal – update/review
 - Waiting for direction from Town attorney.
 - Tabled until the next regular meeting currently scheduled for May 9th, 2017.
- S.A.F.D.#2 – rent/phone use/etc. –
 - John Fitzgerald, as the Chairman for S.A.F.D.#2 was present to talk to the Selectboard about this issue.
 - John explained that he didn't realize the Town phone number was on the tax bills that were sent out by S.A.F.D.#2.
 - Alton Brusio gave permission to give his phone number as a contact number for S.A.F.D.#2 questions that Danielle could not answer or for times that Danielle was not in the office.
- Garbage complaint from 04/11/2017 meeting – Vantine Ave. –
 - Lee Kimball as the Health Officer visited the site(s) in question and found that there are several violations of the Litter Ordinance.
 - Lee spoke with one of the property owners and he assured him that he will be getting it cleaned up in the next several weeks. Lee will continue to monitor the property.
 - There is a second property that is in violation of the Litter Ordinance. That property is being taken back by a bank. Lee will contact the bank about cleanup of that property.
 - **Adjustment #3.** Tyler Gotshall had information about the Transfer Station trailer
 - Tyler informed the Board that two of the new tires that were put on the Transfer Station trailer “blew out”. He questions if they may have been defective.

- He recommends replacing them with radial tires and the necessary rims for radial tires. He estimates this cost to be between \$1500 - \$2,000. The Board agreed that this is the best answer. Tires and rims will be replaced.
- The Board was also made aware that the 4200 truck is now running again but has a host of problems. They will discuss replacing this truck at a future meeting.
- Tyler also explained that Danielle did not get paid for attending Robert Creller's or funeral and he would like her to be paid for that. The Board was in agreement. Clerk will inform Danielle that she will be paid for her time at the funeral of Bobby Creller and Barbara Blair.
- Amy Mashtare will be paid for 4 hours of bereavement for time she was away for the death of her mother, Barbara Blair.

APPROVE THE FOLLOWING MEETING MINUTES:

• **04/11//2017 SELECTBOARD MEETING**

- *Chuck Pease motioned to approve the minutes from the 04/11/2017 Selectboard meeting – seconded by Lee Kimball – motion approved.*

APPROVE INVOICES AND / OR OVERWEIGHT PERMITS:

- All Overweight permits were approved and signed.
- All invoices were approved and signed.

ADJOURN:

- *At 10:18pm Lee Kimball motioned to adjourn – seconded by Tyler Gotshall – all in favor – motion carried – meeting adjourned.*

Respectfully submitted,
Donna L. Bohannon
Alburgh Town Clerk

Please note the above minutes HAVE NOT been approved. Approval or changes to the minutes will be addressed at the next regular meeting, currently scheduled for 05/09/2017.

UNOFFICIAL