**MINUTES FROM 05/10/2016 SPECIAL MEETING**

**OF SELECTBOARD & REGULAR**

**SELECTBOARD MEETING**

**PRESENT:** Chairman, Tyler Gotshall, Alton Bruso, Chuck Pease, Clerk, Donna L. Bohannon

**GUESTS:** David Rugh (Town attorney), Bethany Remmers (Northwest Regional Planning), Evan Detrick (DuBois and King), Terry Tatro

**5:30PM – CALL TO ORDER SPECIAL MEETING –**

* Meeting called to order at 5:45pm by Chairman Tyler Gotshall
* David Rugh began the meeting by explaining why the meeting was being held. He explained that pursuant to 19 V.S.A. Chapter 7 they were going to be examining the property at 11 South Main Street for the purpose of taking a portion of the property for both a temporary easement and a permanent easement for the purpose of improving the sidewalk. He explained that the purpose of the visit to the site was for the Board to understand what portion of the property was going to be taken by eminent domain.
* The group proceeded to the property.
1. **EXAMINATION OF PROPERTY AT 11 SOUTH MAIN STREET –** For the purpose of condemnation of sidewalk easement.
	* At the site, David explained that the temporary easement was for 462.1 square-foot construction easement and a 127.4 square-foot permanent easement where the sidewalk will stay. He physically shoed the Board where the boundaries of the easement lay. It was explained that the existing fence will not be effected.
	* The group returned to the office for the purpose of conducting a hearing.
2. **EXAMINATION OF PROPERTY AT 1 SOUTH MAIN STREET -** For the purpose of condemnation of sidewalk easement.
	* This examination was not needed – easement has been signed.
3. **HEARING -** For the purpose of condemnation of sidewalk easement at 11 South Main Street.
	* **At 6pm the hearing for the taking of a portion of 11 South Main Street began**
	* David Rugh explained that this was going to be a quasi-judicial hearing in which the Selectboard would act as the court and make a determination, in this case whether the public good, necessity and convenience of the inhabitants of Alburgh warranted the taking the sidewalk for the easement. He explained that on March 22nd at a Selectboard meeting, the Board on its own petition opted to consider taking a sidewalk easement at the property by eminent domain. He explained that notice was given to all parties involved in the property and that it was advertised as required. He explained that the property owner can appeal the decision of the Board if they chose to. Further, after the hearing the Board would prepare a written Return (or order) reporting its findings on its petition to the Town Clerk for recording.
	* Bethany Remmers testified that the public good, necessity and convenience of Town residents required taking of the sidewalk easement at 11 South Main Street as part of the Town’s gateway enhancement project for the safety of pedestrians, especially since there is not any bussing for the Village children and they walk to school. The easement is also necessary to improve the look of Main Street. She also explained that she spoke with the engineers at the Vermont Agency of Transportation about the sidewalk ending at 9 South Main Street instead of 11 South Main Street and this is not a feasible option. As a result, the public good, necessity and convenience of the inhabitants of the Town require the taking of the sidewalk easement at this property.
	* Evan Detrick from DuBois & King, Inc. testified regarding the grants that the Town was awarded for the gateway enhancement project, what options there were for using the grant money and that it was determined that the best use of the money would be a sidewalk revitalization. Mr. Detrick also explained that compensation to the landowner was due as a result of the taking of the sidewalk easement was warranted based on the waiver valuation prepared in accordance with Vermont Agency of Transportation procedures in the amount of $800.
	* *Alton Bruso moved and Tyler Gotshall seconded that the public good, necessity and convenience of the residents of the Town of Alburgh required the taking of a 462.1 square-foot, more or less, temporary construction easement for a sidewalk and a 127.4 square-foot, more or less, permanent sidewalk easement at 11 South Main Street as shown on a survey to be prepared by DuBois & King, Inc. depicting the sidewalk easement – all were in favor – motion carried.*
	* *Alton Bruso moved and Chuck Pease seconded that the taking of a 462.1 square-foot, more or less, temporary construction easement for a sidewalk and a 127.4 square-foot, more or less, permanent sidewalk easement at 11 South Main Street required that the landowner be compensated in the amount of $800 consistent with the waiver valuation prepared by the Town and approved by the Vermont Agency of Transportation – all were in favor – motion carried.*
4. **HEARING -** For the purpose of condemnation of sidewalk easement at 1 South Main Street.
	* This hearing was not needed – easement has been signed.

**7PM - OPEN REGUALR MEETING:**

* Regular meeting called to order at 7:00pm by Chairman, Tyler Gotshall

**PRESENT:** Chairman, Tyler Gotshall, Alton Bruso, Chuck Pease, Robert Creller arrived at 7pm, Lee Kimball joined via phone at 7pm, Clerk, Donna L. Bohannon

**GUESTS:** David Rugh (Town attorney), Joan Krizer, Jen Rogers, Samantha Florio, Amanda Miller, Renee Murray, Leeann Porto, Terry Tatro, Ron Kumetz

1. **ADJUST THE AGENDA (if needed):**
	* One adjustment was made – New business will be addressed directly after both Executive Sessions**.**
2. **EXECUTIVE SESSION -** to discuss contracts of the confidential negotiations of the Net Metering Agreement that would clearly place the Town at a substantial disadvantage per 1 V.S.A. §313(a)(1)(A)) and real estate lease options.
	* *Alton Bruso found that the if the Net Metering Agreement and contract and lease negotiations were discussed in an open forum, it would place the Town at a substantial disadvantage therefore it should be addressed in Executive Session – seconded by Chuck Pease – all in favor – motion carried*
	* *Chuck Pease motioned that the Board enter into Executive Session to discuss contracts of* *the confidential negotiations of the Net Metering Agreement and real estate lease options that would clearly place the Town at a substantial disadvantage per 1 V.S.A. §313(a)(1)(A)) – seconded by Bobby Creller – all in favor – motion carried – Board in Executive Session.*
	* *At 7:52pm Bobby Creller motioned that the Board leave Executive Session – seconded by Chuck Pease – all in favor – motion carried – Board out of Executive Session.*
		+ ***No action taken***
3. **EXECUTIVE SESSION - -** For the purpose of labor relations agreements with employees; when the public body has made a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage1 V.S.A. § 313(a)(1). Written complaint against Animal Control Officer – A.C.O. seized dog from property – left note for owner.
	* *At 7:55pm Tyler Gotshall motioned to enter into Executive Session for the purpose of labor relations agreements with employees; V.S.A. § 313(a)(1) – seconded by Alton Bruso seconded – all in favor – motion carried – Board in Executive Session –*
		+ *Joan Krizer was invited into the Executive Session.*
		+ *Joan left Executive Session – Jen Rogers was invited into Executive Session.*
	* *At 8:27pm Lee Kimball motioned to leave Executive Session – seconded by Bobby Creller – all in favor – motion carried – Board out of Executive Session.*
		+ ***No action taken***
4. **APPROVE THE FOLLOWING MEETING MINUTES:**
	* **This was moved to the end of the meeting per adjustment – motions noted here were made then.**
	* 04/12/2016 SELECTBOARD MEETING
		+ *Bobby Creller motioned to approve the minutes from the 04/12/2016 meeting as written – seconded by Chuck Pease – all in favor motion carried*
	* 05/03/2016 SPECIAL SELECTBOARD MEETING
		+ *Tyler Gotshall motioned to approve the minutes from the 05/03/2016 meeting as written – seconded by Chuck Pease – all in favor motion carried*
5. **NEW BUSINESS:**
	* **Written dog complaint –** 4 Greenwoods Road – Dog killed chickens - left them dead on neighbor’s lawn.
		+ The dogs in question have had verbal complaints filed against them in the past for barking – the owner has ordered bark collars for the dogs, the fence has been repaired and the chicken coop has been repaired – this issue has been resolved to the satisfaction of the Board unless other complaints are filed. These dogs have been vaccinated and are registered with the Town of Alburgh.
	* **Dog bite complaint –** Chihuahua bit while tied out – A.C.O. called and responded – follow up needed.
		+ The rabies vaccine of the dog that bit expired in March of 2016. The dog will be receiving its new rabies vaccine on 23 May 2016.
		+ This dog will be getting an updated rabies vaccination before the end of the month. Last rabies vaccine expired in March of this year.
		+ Animal Control Officer, Joan Krizer followed up on 05/10/2016 to be sure that the dog did not show any sign of having rabies – no sign of rabies seen.
	* **Dog complaint from Route 129 –**
		+ A written complaint was received about the dogs on Route 129 that attacked a cow. The dogs or one of the dogs killed a neighbor’s rabbit and attacked the neighbor’s dog.
		+ This topic was tabled until the next regular meeting, currently scheduled for 05/24/2016.
6. **OLD BUSINESS:**
	* **Financing for the new ambulance –**
		+ Tyler Gotshall and Chuck Pease recused themselves from this discussion.
		+ Ron Kumetz asked the Board if the Town would be willing to sign the lease to own agreement with the finance company so that the lower interest rate can be achieved.
		+ He informed the Board that the ambulance is ready to be picked up, they are just waiting for the paperwork to be done.
		+ There was some discussion about registering and insuring the truck.
		+ *Alton Bruso motioned that the Board agree to lease/purchase the new ambulance in the Town’s name – seconded by Lee Kimball – three in favor – two abstained from voting – motion carried.*
	* **Transfer Station assistant –** Re-hire or advertise for new assistant?
		+ There was some discussion about the amount of work at the Transfer Station. It was agreed that there needs to be three people there.
		+ It was also agreed that the position would be placed in the Islander for the next two weeks. The deadline for submitting an application is going to be May 25th, 2016. Interviews will be scheduled to begin on May 26th to begin at 6pm.
		+ Clerk will place advertisement in the Islander for the next two weeks and schedule interviews for the 26th of May.
7. **TABLED TOPICS AND / OR WAITING RESULTS**
	* **Devin Cameron –** Hunting / fishing / camping at Mud Creekon Town Land –
		+ This topic was tabled until the next regular meeting, currently scheduled for 05/24/2016.
	* **Auditor opening –** Letters of interest
		+ One letter of interest was received from Earle Knudsen
		+ *Alton Bruso motioned to appoint Earle Knudsen to the vacant position of auditor – seconded by Bobby Creller – all in favor – motion carried – Earle Knudsen is the new auditor.*
8. **VISITOR INPUT:**
	* Terry Tatro informed the Board that the fireworks for the annual Alburgh independence day celebration have been ordered. He also informed the Board that the company would like a rain date. It was decided that the rain date, if one is needed will be July 8th.
	* Terry also informed the Board that the Local Emergency Operations Plan has been finalized and is ready to be adopted by the Selectboard and signed.
	* *Bobby Creller motioned that the Board adopt the L.E.O.P as written and that Chairman, Tyler Gotshall sign it – seconded by Chuck Pease – all in favor – motion carried – L.E.O.P approved and signed by Chairman Tyler Gotshall.*
9. **APPROVE INVOICES AND / OR OVERWEIGHT PERMITS:**
	* All overweight permits and invoices approved and signed.
10. **ADJOURN:**
	* *At 10pm Bobby Creller motioned to adjourn – seconded by Chuck Pease – all in favor – 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 meeting, currently scheduled for 24 May, 2016.**