

**Alburgh Town Select Board Meeting**  
**August 9, 2016**  
**– Draft Minutes –**

**Present:** Chuck Pease, Alton Bruso, Bobby Creller, Lee Kimball (via phone), Tyler Gotshall

**Guests:** Danielle James Choiniere, Tom Dupré, Brian Tjelta, Jen Hebert, Chris Hebert, John Goodrich, Terry Tatro, Beth Savage, Leeann Porto, Ron Kumetz, Moe Lamothe of the Vermont State Police

Chair Tyler Gotshall opened the meeting at 7:07 PM.

**AGENDA ADJUSTMENT**

Add a September coin drop for Alburgh Volunteer Fire Department.

**VISITOR INPUT – TOM DUPRÉ**

Tom Dupré wanted to speak on the subject of his dog who was taken by animal control on Saturday, August 6th, after it broke his chain and bit a child. Tom agreed he should have had a better chain and that he has a heavier, more secure one. He does not want to lose his dog, and thinks the Select Board ignored their own ordinance and State of Vermont regulations.

Tom felt there should have been due process, that he should have had a right to defend himself before the dog was taken. He asked if it was truly considered a bite if it did not break the skin. It was stressed the town had no right to take the dog and he would like it back. The Select Board should define the actions of the ACO officer more plainly and how they handle issues like this.

He cared very much the little girl was okay, assured the public it wouldn't happen again, and apologized for inappropriate things he said. His dog was home when he was taken by the ACO and Tom was told by Dr. Bob Johnson of the Department of Health that it was his recommendation the dog could be confined at his home at the decision of the Select Board.

According to Alburgh's dog ordinance, Tom pointed out, he should have received written notice and a hearing before his dog was taken. He wanted to respectfully thank the Selectmen for what they do and their time.

ACO officer Jen Hebert said she has no problem with giving the dog back, but has issues with him being outside when people walk by the sidewalk.

Bobby stated there are lots of dogs biting and the Select Board is responsible for the safety of townspeople.

Tyler expressed he wanted to wait for this meeting and did not return Tom's phone calls because messages on his machine were very inappropriate and he has little kids that do not need to hear the explicatives left on his house phone. He has a dog and knows how close they can be to families.

Tom apologized, saying he acted like a jerk and wanting his dog back was no excuse for poor behavior.

Alton reiterated the board is responsible for public safety and they do need to consider state and town regulations with the ACO officer when the ordinance is revisited next week. He said impoundment for a day or two isn't a terrible thing as bites are serious.

Tom said he will put the dog out back if necessary. Jen replied she would prefer him tied on the porch only if put out front. She has experience with training dogs and offered her help if desired.

- Chuck Pease motioned to return the dog back to his owner, Lee seconded. All in favor, motion carried.

Tyler mention appropriate penalties as Tom still owed \$75 from a prior incident when his dog was loose. As other people have been charged this fee, it would be unfair to waive it. Tom said he could pay by September 10. Tyler mentioned a payment plan should be arranged with Town Clerk Donna Bohannon tomorrow, and with recourse if it is not paid on time.

Tom asked to forego the charges for excessive action and inappropriate handling of the incident. Brusco said the \$75 fee is for the prior time when the dog was picked up at large and will wipe the slate clean as a compromise.

Jen also added \$30 for the boarding fee (\$10 per day). Tom agreed and left the meeting at 7:40 PM.

#### **VISITOR INPUT – LT. MAURICE LAMOTHE**

Lt. Morris Lamothe of the Vermont State Police introduced himself as the new station commander of the St. Albans barracks. He is visiting several towns and mentioning any nonemergency issues can be phoned or emailed to him directly.

#### **VISITOR INPUT – LEEANN PORTO**

Leeann wanted to thank members of the Fire Dept. for finding Mrs. Duhamel who'd disappeared earlier in the day. She also wanted to suggest making a "noise permit" for those people who are having get-togethers, special events, etc. that may occur out of the bounds of the noise ordinance. They can be sold for a bit of extra revenue. Terry said there is such a thing as a public assembly permit, and that the Planning Commission could draw it up with the board's permission.

- Tyler Gotshall motioned to allow the Planning Commission to pursue that project, Chuck Pease seconded. All in favor, motion carried.

#### **VISITOR INPUT – PLANNING COMMISSION**

Five members of the Planning Commission were in attendance and presented their updates to the current Town Plan expiring next week. The Select Board must schedule a public hearing; they can also propose changes. Bob asked why the changes are not shown in the new draft, Terry explained that would be messy and one could just compare it with the current plan. He also said it was good for eight years, up from five. Alton asked about funds, and Terry replied the town did not give them any money and said they have some of their own.

#### **OSHA FORKLIFT TRAINING**

A flier was present to the Board for transfer station employee Kyle Tatro to take an OSHA approved online course for \$79.

- Robert Creller motioned to approve Kyle take the course, Alton Brusco seconded. All in favor, motion carried.

#### **REPEATER INFORMATION – RON KUMETZ**

Several of the highway radios, as many as eight, use a repeater to help extend range and service. The Town uses Wells Communication for this service for \$145 per month. Ron Kumetz does radio service for the fire station and shared some information. Current town radios operate on an Ultra High Frequency (UHF). Ron is unsure if the town's radios are theirs or owned by Wells Communication. Switching to Very High Frequency (VHF) would significantly increase truck to truck distance, and the town would be able to directly radio school buses, Fire and Rescue, Sheriff's Department, and Vermont's Agency of Transportation.

The town could piggyback on the system already in place for emergency responders and the towns of Grand Isle and South Hero—the latter holding the license. The town would need no additional infrastructure and no licensing. The major cost to the town would be to purchase new radios, approximately \$500 each. Ron said there is a secondary market for the old radios if the town owns them.

Before a decision is made, research is needed to find ownership of the radios and determine what the contract with Wells Communication, if any, states.

Ron also asked about a prior Select Board request that never had a decision: the purchase of safety codes from the National Fire Protection Association for \$199 or less. The town would have access to the regulations in their office for any commercial building. When the Fire Department did a walkthrough the school, there were questions and these codes would help.

#### **TAX RATE**

Proposed draft rates: Local .0037, Highway .20311, General .18518.

- Tyler Gotshall motioned to approve proposed Town tax rates, Chuck Pease seconded. All in favor, motion carried.

## **COIN DROP**

- Robert Creller motioned to allow the Alburgh Volunteer Fire Dept. to hold a coin drop on September 4<sup>th</sup>, with a rain date of September 5<sup>th</sup>, Alton Bruso seconded. Chuck Pease and Tyler Gotshall abstained from voting. The remaining three board members were in favor. The board authorized Tyler Gotshall to sign the paperwork as Chair.

## **ACO OFFICER**

No applicants thus far.

## **PROPOSED ANIMAL CONTROL INFORMATION SHEET**

Tabled until the dog ordinance meeting scheduled for 8/16.

## **OLD BUSINESS / UPDATES**

None.

## **APPROVAL OF MINUTES**

- Alton Bruso motioned to approve the 7/26/2016 Meeting Minutes, Robert Creller seconded. All in favor, minutes approved.

## **APPROVE INVOICES / SIGN WARRANTS ET AL**

Tyler Gotshall asked if time cards could be included with payroll warrant. Danielle said easily done.

Lee Kimball, still on the phone, mentioned recent transfer station updates that required no board action. Tyler said he was going this Saturday to Massachusetts and picking up the trailer for the transfer station.

## **EXECUTIVE SESSION**

- Robert Creller motioned to go into executive session at 8:40 PM for the purpose of attorney client correspondence pertaining to pending or probable litigation of which premature general public knowledge would clearly place the Town at a substantial disadvantage – 1 V.S.A. §313(a)(1), Chuck Pease seconded. All in favor, motion carried.
- Robert Creller motioned to come out of executive session at 8:44 PM with no action taken, Chuck Pease seconded. All in favor, motion carried.
- Robert Creller motioned to go into executive session at 8:45 PM 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 disadvantage – 1 V.S.A. §313(a)(1)
- Robert Creller motioned to come out of executive session at 8:54 PM with no action taken, Chuck Pease seconded. All in favor, motion carried.

## **MEETING ADJOURNED**

- Robert Creller motioned to adjourn at 8:57 PM, Chuck Pease seconded. All in favor, meeting adjourned.

## **NEXT MEETING**

The Select Board will meet on August 16<sup>th</sup> at 6 PM to update the current dog ordinance.

*These are draft minutes to be approved!*

Respectfully submitted, Danielle James Choiniere