

# MINUTES FROM 07/23/2019 SELECTBOARD MEETING

**PRESENT:** Chairman, Lee Kimball at 6:30pm, Vice-chair, Cheryl Moomey, Alton Bruso, Chuck Pease at 6:25pm, Ken Millman, Clerk, Donna L. Bohannon

**GUESTS:** James Creller

**6:00pm – EXECUTIVE SESSION: For the purpose of negotiating or securing of real estate purchase or lease options (RS149); 1 V.S.A. § 313.**

- Meeting called to order at 6pm by Vice-chair, Cheryl Moomey
- *Cheryl Moomey motioned to enter Executive Session at 6pm for the purpose of negotiating or securing of real estate purchase or lease options (RS149); 1 V.S.A. § 313 – seconded by Ken Millman – all in favor motion carried – Board in Executive Session.*
- *Cheryl Moomey motioned to leave Executive Session at 6:40pm – seconded by Alton Bruso – all in favor – motion carried – Board out of Executive Session.*
- *Cheryl Moomey motioned to move forward with the proceedings involving 149 Route #2 South, commence an ejectment action in the Grand Isle Civil Division, authorizing the Town’s attorneys to prepare and file a summons and complaint against Mr. Creller and to have it served on him by the sheriff – seconded by Lee Kimball – all in favor – motion carried.*
- The Board also designated Cheryl Moomey as the Selectboard’s representative for purposes of verifying the veracity of the factual allegations in the complaint as she is most familiar with the facts of the case.

**SIGN AND TRAFFIC ORDINANCE REVIEW – If time allows after Executive Session.**

- There was no time to begin this -tabled until further notice.

## REGULAR MEETING

**PRESENT:** Chairman, Lee Kimball at 6:30pm, Vice-chair, Cheryl Moomey, Alton Bruso, Chuck Pease at 6:25pm, Ken Millman, Clerk, Donna L. Bohannon

**GUESTS:** Terry Tatro, Jack McGuire, Tyler Gotshall, Bronwyn Proffit-Higgins, Susan, Stephen Burford, Ingrid Kostiner, Susan Sober, Jessie, Paul Hansen, Renee Creller, Susan Millman, Ellen Vaillancourt, Leeann Porto, Tom Jacobson, Danielle James Choiniere

**7:00pm - OPEN REGULAR MEETING:**

- Meeting called to order at 7pm by Chairman, Lee Kimball

**ADJUST AGENDA** (if needed): Two adjustments and one addition were made.

- **ADJUSTMENT #1:** Kathy Timmer was not present; therefore, the Mud Point/E911 complaint was moved up on the agenda to be addressed first.
- **ADJUSTMENT #2:** Jack McGuire was present; therefore, the 328 South Main Street complaint was moved up on the agenda to be addressed second.
- **ADJUSTMENT #3:** Alton Brusio added documents that needed signatures of the Board.

**NEW / OLD BUSINESS UPDATES / TABLED TOPICS AND / OR WAITING RESULTS:**

- **ADJUSTMENT #1:** Mud Point / E911 complaint –
  - Stephen Burford, Ingrid Kostiner and Susan Sober attended the meeting to represent some of the residents on Mud Point North and South.
  - They asked why the parcel that was 21 Mud Point South became 35 Mud Point North when the new 911 numbers were issued.
  - Tyler Gotshall, as the E911 coordinator for Alburgh, answered that the sidewalk off the front door exits onto Mud Point North and per 911 standards, the number will be designated according to where the entry to the house is.
  - Stephen Burford presented a (Google) map and deeds and asked why, on the map, it showed a private driveway instead of a private road. He stated that the map is inaccurate as it doesn't show the garage that has created two dead ends.
  - He was told that E911 was not responsible for how Google maps presented information.
  - Tyler Gotshall also clarified again that the E911 changes that were made, were made according to State standards.

- Stephen explained that a garage, “an illegal structure” was placed in the middle of the private right of way for both Mud Point North and Mud Point South. This structure prevents vehicles from driving through whereas before the garage went up, a vehicle was able to enter at one end and exit at the other end.
- Stephen cited a section of the Alburgh Land Use Regulations that were presented for vote in March 2019 for the purpose of showing that said garage is in violation of the rules of the Town.
- He was informed that the Land Use Regulations he referred to were not adopted as the Town voted not to approve them. Basic rules of Vermont civics were explained to the group so they might have a better understanding of how local government operates.
- The group maintained that the garage, being erected in the middle of the road (right of way) was illegal and makes it unsafe for 911 responders. They explained that this garage has created two dead end roads whereas before the garage was built, a vehicle could enter in one end and exit at the other end.
- Lee asked who owns the garage and was informed that it is owned by Linda Ducharme, who owns three properties on Mud Point.
- Susan Sober stated that by creating two dead end roads, and the fact that the garage is not shown on the Google map, it makes it dangerous for 911 responders as they may not go to the correct end in response to a call.
- Tyler replied that Google maps is not the source that the fire or rescue would use to get to the scene of an emergency, they would go to the road sign and follow the road to the correct number. (This further confirms that 35 Mud Point North is the correct numbering scheme for what was at one time 21 Mud Point South.)
- Lee stated that it appears that two issues are at the heart of the complaint. One issue is the Google maps being incorrect and the other is that there was a garage built on a private right of way that is owned by all the property owners on Mud Point North and Mud Point South. He asked the group if that was true.
- They said that yes, those are the two issues and stressed that they believe that the Town is responsible for making sure that the garage is removed because of the new 911 designation.
- They were again told that the new 911 designation and the garage being built in the right of way are two separate issues and that one has nothing to do with the other.

- Ken stated that he might be able to play a role in getting the Google map updated but that the removal of the garage is a civil matter that should be handled through the court system.
  - He explained that because Alburgh does not have zoning and both Mud Point North and Mud Point South are private roads and the right of way is on private property, it is not a matter to be handled by the Town.
  - The group maintained that the Town should be responsible for the removal of the garage because of the new 911 number that changed the designation from South to North on the property adjacent to the garage.
  - Tyler reiterated that the method used for the 911 renumbering was correct and that the numbers too are correct.
  - Ingrid Kostiner stated that they were going to appeal to the State 911 Board to get resolution to the issue.
  - Lee stated that contacting the State was the route that the Board has been suggesting and that he hopes they find resolution.
  - This will be removed from the agenda.
- **ADJUSTMENT #2:** Jack McGuire was present; therefore, the 328 South Main Street complaint was moved up on the agenda to be addressed second.
    - Mr. McGuire was present in response to a letter that he received asking him to attend.
    - He explained that he boarded the building up as he was asked to last summer and he placed it on the market for sale as he was asked to do, so he did not understand why he was asked to attend.
    - He also explained that he initially bought the property to clean it up and that a lot of clean-up had been done. He also stated that there are many eyesores in Alburgh and didn't understand why he was being "singled out".
    - Ken explained to him that the reason his property was being subjected to scrutiny was because a formal complaint was filed against that structure. ○ Mr. McGuire

stated that he isn't going to spend \$20,000 to have the building torn down and the Town would have to do what they need to do next.

- He was informed that the Town will be contacting the Town attorney for advice on the next step in the process.
- Tabled until the next Selectboard meeting, currently scheduled for 08/13/2019.
- \* Kathy Timmer – speed change / speed bumps on Poor Farm Rd.
  - This was moved to be a part of the speed study conversation.
- Ingrid Kostiner - Mud Point North – E-911 complaint. ○ This was addressed as Adjustment #1.
- E911 renumbering – new coordinator needed?
  - Ken asked Tyler if he was willing to stay on as the E911 coordinator and approximately how much work is remaining to complete the project.
  - Tyler stated that there is approximately 65% of the Town left to renumber which will take about 60 -80 hours. He said he would like to remain the coordinator but that he is very busy and doesn't have a lot of spare time to devote to a nonpaying job.
  - He explained that most of the time-consuming work is related to the paperwork and numbering the signs.
  - Alton asked him if he would be willing to continue on as the E911 coordinator if he had help with the paperwork and the sign numbering.
  - Several people in the audience offered suggestions for help and Tyler agreed to stay on as the coordinator provided, he can get help with the two tasks mentioned.
  - This will be removed from the agenda but updates on the progress will be made as they are available. ☺
- Library parking lot being used for auto work.
  - It was brought to the Boards attention at the previous meeting that a renter in an apartment on Main Street was using the parking lot at the Library to do maintenance work on their vehicle.
  - Alton investigated this claim, found it to be true, contacted the proper person and resolved the issue. ○ This will be removed from the agenda. ☺

- Blacktop Senior Center parking lot – Update – quotes from Alton.
  - Alton received a quote in two different ways from Hungerford’s Paving.
  - They quoted one price for 2 ½ inches of all pavement and a lesser price if they used 1 ½ inches of base and 1 ½ inch of blacktop.
  - Alton suggested that the include this in the budget for next year and do the work next summer, but he will continue to research options.
  - Tabled until further notice.
- 1209 Border Road property complaint– Update.
  - No information from the Judicial Bureau.
  - Tabled until the next Selectboard meeting, currently scheduled for 08/13/2019.
- 26 Lake Street – Update.
  - Lee will continue to gather the necessary information to be given to the Town attorney and will have information to present at the next meeting.
  - Tabled until the next Selectboard meeting, currently scheduled for 08/13/2019.
- 328 South Main St. – Update.
  - This was addressed as Adjustment #2.
- Sheriff’s Department Speed Studies – Update.
- Greenwoods Rd — two locations, across the road from 2852, and by the Rod & Gun Club at 787 Greenwoods Road – **COMPLETED.**
- Martell Rd — location(s) TBD
- Main Street (Rt 2) in the Village
- Alburgh Springs Rd — location(s) TBD
- Poor Farm Rd — in the first section of road, where posted limit is 35 MPH
- West Shore Rd — location(s) TBD
  - Ken reached out to Sheriff Allen to ask when the machine would be set up on Martell Road and was informed that Ray delegated the task to officer Dustin Abell, who is in Maine but will follow up when he returns.
    - Chuck asked if the posts that the Town had to install on Greenwoods Road can be reused at other locations if needed and he was told that they could be.

- \* It was at this point that Kathy Timmer’s request for a change in speed limit on Poor Farm road was discussed further.
  - The speed study unit will be brought to this location after the other locations before it has been surveyed.
  - Ken messaged Sheriff Allen and asked if he could direct his deputies to patrol Poor Farm Road. They reply was received but no further communication took place.
  - Tom Jacobson requested that the Board consider placing signs on Poor Farm Road instructing motorists to watch out for pedestrians.
  - There was some discussion about the wording of the sign and it was agreed by all that two signs reading “MOVE OVER FOR WALKERS” would be purchased and installed by the Town.
  - Tabled until the next Selectboard meeting, currently scheduled for 08/13/2019.

**VISITOR INPUT:**

- Visitor # 1 Bronwyn Proffit-Higgins (Green Mountain Fireworks)
- Bronwyn attended the meeting to thank the Selectboard and Town for allowing them to set up their fireworks tent, report on the success of the business at the location and present the Board with a check for \$4,000 as a donation to go toward next year’s fireworks display.
- She reported that they made sales to more than 1500 unique (not repeat) customers, of which approximately 75% were from New York.
- She also reported that they hired two Alburgh residents, one as a full-time employee and the other as a part time employee and both proved to be an asset to their business.
- Green Mountain Fireworks would like to operate full time in Alburgh and hope to purchase the building at 105 (969) U.S Route #2 South. They will be requesting, again, a letter of acceptance from the Selectboard.
- This will be added to the agenda for the next Selectboard meeting so that residents can ask about or voice concerns about the business.

- Lee stated that he did visit the business to be sure that it was operating in the manner that they promised to, by supplying customers with the information about safe use and instructing Alburgh residents that they need to obtain a permit from the fire chief prior to having a display and he found that they are doing that.
- Ken suggested that Grand Isle county residents present a permit before being allowed to purchase. This will be discussed further with Bronwyn and Matthew, owners of G.M.F.
- Ken will draft a thank-you letter for the Islander in appreciation for the \$4,000 donation from G.M.F.
- Bronwyn also asked for any feedback from the Town, both positive and negative so that they may address any concerns or complaints that residents have about the business operating in the Town.
- Green Mountain Fireworks will be attending the Selectboard meeting on 08/13/2019 to request a letter of acceptance from the Town as well as to talk to concerned residents about the business.
- Tabled until the next Selectboard meeting, currently scheduled for 08/13/2019.
- Visitor #2 – Renee Creller attended the meeting to ask the Selectboard to purchase two crosswalk signs. She has applied and received the necessary permit for the two signs and presented the Board with a picture of what type of signs they would be.
- These signs will be placed at the two crosswalks in town, one in front of the library and one in front of the school. The goal of the signs is traffic calming through the village.
- *Lee Kimball motioned to approve the purchase of two traffic signs that will be placed in the crosswalks located in front of the library and in front of the school for the purpose of traffic calming – seconded by Cheryl Moomey – all in favor – motion carried.*
- Renee will bring the information to the Town Clerk so that the signs can be purchased.
- **ADJUSTMENT #3:** Documents that need signatures.

- Alton explained that a report of expenditures for highway work needed signatures of the Board so that a reimbursement request for grant # BC1890 could be submitted. ○ The paperwork was signed by all five Board members.
- Guest #3 - Leeann Porto asked if the culverts by her house on West Shore Road could be cleaned out.
- Alton informed her that they highway crew will be cleaning them out soon.
- The Clerk presented a coin drop request from the Fire Department asking to hold a coin drop on August 31<sup>st</sup> with a rain date of September 1<sup>st</sup>.
- *Lee Kimball motioned to approve a coin drop for the Alburgh Fire Department on August 31<sup>st</sup> with a rain date of September 1<sup>st</sup>, 2019 – seconded by Cheryl Moomey – all in favor – motion carried. Coin drop approved.*

**APPROVE THE FOLLOWING MEETING MINUTES:**

○ **07/09/2019 – SELECTBOARD MEETING**

- ✦ *Chuck Pease motioned to approve the minutes from the 07/09/2019 Selectboard meeting as written – seconded by Ken Millman – 4 approved – Lee Kimball abstained as he was not present at the 07/09/2019 meeting.*

- **APPROVE INVOICES / SIGNATURES NEEDED:** ○ All invoices approved and signed.
- **ADJOURN:**
  - *At 9:15 pm Cheryl Moomey motioned to adjourn – seconded by Alton Brusio – 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 08/13/2019.