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MINUTES FROM 08/13/2019 SELECTBOARD MEETING

PRESENT: Chairman, Lee Kimball, Vice-chair, Cheryl Moomey, Alton Bruso, Chuck Pease, Ken Millman, Clerk, Donna L. Bohannon

GUESTS: Terry Tatro, Paul Civetti, VTRANS representatives; Jim Cota, Amy Bell and David Blackmore, Northwest Regional Planning representative, Bethany Remmers

6:00pm – VTRANS – Discussion about Town possibly taking over the section of Route 2 through the Village.

- Meeting called to order at 6:05pm by Chairman, Lee Kimball
- All present were made aware that this discussion is taking place because is part of the Village Master plan that has been presented by the Planning Commission.
- Jim Cota began the conversation by letting everyone know that he was there to answer questions that the Board may have and to cost vs. benefits of taking over a portion of a State highway.
- Alton Bruso expressed concern over the costs that will be absorbed by the Town if a section of Route #2 through the Village takes place.
- He talked about the need for the storm drains to be upgraded and what that cost might be as well as the maintenance that will be required after they are repaired or replaced.
- Jim agreed that the storm drains are an issue but talked about the possibility of the State making the necessary repairs before a take over any section of Route #2.
- Lee asked what benefit it would be to the Town if a section was taken over. He wanted to know what the Town would be able to do that they can't do now.
- Jim replied that Title 19, section 11 explains that. This title and section goes into detail about the State rules regarding State highways.
- A couple examples that Jim gave were speed limits, parking and bump outs.
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- It was explained that a State highway that has been taken over by a Town is classified as a Class 1 road and as such, responsibility for the road would be shared between the State and the Town.
The State would paint the center lines every year and roughly every 15 years, they would resurface the road.
- The Town would be responsible for plowing and any other maintenance on the road.
- David Blackmore stated that the biggest advantage to the Town if they took over a section would be having control of the road and right of way.
- There was some discussion about how much of the road is being considered.
- It was explained that the Village Master Plan spells out 5 different possibilities ranging from .31 mile to 1.5 miles.
- Amy Bell explained that there is not a minimum length requirement.
- Paul Civetti commented that there has been some work done to the drainage system but there is a lot more to do.
- He also commented that it doesn't make sense for the State drivers to lift their plows for a small section only to have to drop them again in a short distance.
- Bethany commented that NRCP is willing to continue working with the Town on the Master Plan to help draw the "real picture".
- This will continue to be a topic of discussion at future meetings as needed.

GUESTS: Terry Tatro, Paul Civetti, Jeff Wheelock, George Hakey, Brian Smith, Susan Millman, Ellen Vaillancourt, Dave Cobb, Ann Cobb, Cheryl Dunn, Bud McCurley, Carol Behrman, Tom Jacobsen, Ann Goodrich, Maryann Galica, Ed Polk, Alice Leblanc, Bronwyn Proffit-Higgins, Susan, Leeann Porto, Russell Duchaine, Dwight Clapper, Angela Clapper, El Towle, Phyliss Corcoran Woods, Ron Woods, Ron Kumetz, George McGrath, Raleigh Palmer, Doug Disabito,

7:00pm - OPEN REGULAR MEETING:

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

ADJUST AGENDA (if needed):

- The first two items on the agenda can be removed. One will be addressed at a future meeting the other has been resolved.
ADJUSTMENT #1: ATV item and fireworks item will be reversed.
- **ADJUSTMENT #2:** Addition of a discussion about the office cats.

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

- Animal Control complaint – Dog bite to cat.
 - Tabled to the next regular meeting currently scheduled for 08/27/2019.
- Joyce Ladd – Request town take over Bush Cemetery.
 - This issue has been resolved. The group will be reorganizing.
- **ADJUSTMENT #1:** ATV item and fireworks item will be reversed.
- ATV Ordinance – petition requesting removal was received.
 - A petition with 122 legal signatures was submitted to the Town Clerk that reads as follows: (Lee read this to all present).

We the undersigned legal voters of the Town of Alburgh, Vermont, concerned over property devaluation, accidents, safety of those on the town roads, noise and disturbance of the quiet respectfully request the removal of the Town ordinance allowing All-terrain vehicles on Alburgh Town Roads.

- There was some discussion about this petition and what it means to those for the Ordinance and those against.
- The intent of the petition is to do away with the ATV ordinance. The intent of the ordinance was to allow ATV's to legally ride on Town roads.
- The date and time of the vote and the informational meeting were set, and all are encouraged to attend the meeting and to vote.

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- The informational meeting will be held at 7pm on Monday, September 16th at the Alburgh Educational Center and the vote will be the following day, Tuesday, September 17th from 7am to 7pm.
- Lee asked that ALL parties take the time to read the ordinance in order to gain an understanding of what they are voting on. (The ordinance can be found on the Town website; www.alburghvt.org)
- Fireworks tent – questions/comments/complaints. ○ Lee Kimball stated that he had a conversation with Chuck, the owner of Island Bargain Barn and asked him if he had received any complaints about the fireworks tent being next to his business.
- Chuck replied that he had received complaints about fireworks being discharged but none that were specific to Green Mountain Fireworks as a business.
- Bronwyn Proffit-Higgins, prior to the meeting, emailed a set of sample rules that she suggested that the Town put into place.
- The Board did not get a chance to review it prior to the meeting.
- Ron Kumetz relayed that he doesn't think it is an issue of the fireworks tent being in Alburgh, but it is an issue of people firing them off without warning neighbors and in some cases without acquiring a permit from the Fire Chief.
- He suggests that if the Selectboard is going to allow this business to set up permanently in Alburgh, that the Selectboard create an ordinance to establish a set of rules that the sellers and the purchasers would be required to follow.
- Raleigh Palmer suggested that an addendum to the existing noise ordinance be added establishing some guidelines for shooting fireworks, such as time limits and proximity to neighboring property.
- Ron mentioned that permits are being requested but some people are requesting them the day that they would like to have the display. He would like to see the Board establish a minimum time frame for requesting a permit. He suggested at least 48 hours before the event.

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- There was some discussion about the Selectboard allowing Green Mountain Fireworks to establish a year-round business. Some people made it clear that they did not want them to establish a business here and others did.
- The Clerk reminded all present that they do not need to seek permission from either the Selectboard or the Town as Alburgh does not have any zoning regulations.
- She also commented that Alburgh needs business and that is what they are, a business and as such they should not be condemned for the actions of a select amount of people that aren't obeying the law.

The question remaining for the Selectboard is whether or not they want to amend the existing Noise Ordinance or create a new ordinance to address the discharging of fireworks within the Town. ○ The Noise Ordinance will be added to the next agenda as a topic for discussion.

The next regular meeting is currently scheduled for 08/27/2019.

- Susan Millman – Economic Development information/request.
 - Susan was present to talk to the Board about economic development and an idea that she has for promoting business growth in Alburgh.
 - She began by explaining that prior to the “Chew Choo” event, she had submitted an application to Vermont Electric Coop, for a grant. Although it cannot be used after the fact, it was awarded to her and she can use it for other economic development ideas.
 - Susan spoke with some of the craft vendors that attended the Chew Choo and asked them if they would be interested in creating a coop if there were incentives from the Town and or State.
 - She asked the Selectboard if there was a way to entice businesses to set up in Alburgh, such as a tax break or something similar. ○ Susan will continue to research the availability of buildings in Alburgh that would be a good location for a coop type group of businesses.

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- She will contact Vermont Electric Coop to ask if the grant can be used to cover several months' worth of rent if an appropriate building can be found.
- Tabled until the next regular meeting, currently scheduled for 08/27/2019.
- Lee Kimball noted that the beginning of the meeting had taken more time than anticipated and asked the Cobbs if they were present to speak under visitor input or if they were there to observe the meeting.
 - Dave Cobb replied that they were there to observe, but they did have a question for the Selectboard.
 - Lee said that they could ask their question if they wanted to rather than wait until the end of the meeting.
 - Dave explained that he lives on Cleland South, which is a private road and that there is a dog on the road that barks a lot.
He said that they have called Animal Control but were told that since it is a private road they can't do anything about the dog.
 - The Board were in agreement that this could be an issue that would fall under the noise ordinance and if it is a violation, it needed to be dealt with accordingly.
 - Lee got Dave's phone number and will follow up on this complaint.
 - Tabled until the next regular meeting, currently scheduled for 08/27/2019.
- Speed on Poor Farm Rd. – Update.
 - Alton Brusio reported that two new road signs are at the garage and will be installed as soon as the Highway crew have time.
 - Tabled until the next regular meeting, currently scheduled for 08/27/2019.
- 1209 Border Road property complaint– Update.
 - The Judicial Bureau has not set a date for a hearing.
 - Tabled until the next regular meeting, currently scheduled for 08/27/2019.
- 26 Lake Street – Update.
 - Lee Kimball has been in contact with Environmental Services about the possibility of fuel oil in the basement.

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- They informed him that shortly after the fire there was a sump pump in the basement, and was pumping water and fuel oil out into the yard. They unplugged the pump and the spill was cleaned up.
- Lee has been in contact with the Town attorney as well and has been advised by him to start basically from the beginning on this complaint, as the Nuisance Property Ordinance has been modified since the owner was initially warned. ○
- He suggests a new inspection of the property with an inspection report from the enforcement officer (Carol Behrman), as well as a report from the Health Officer if there is a specific health issue concern.
- The next step would be to set a hearing date for the owner to attend.
- He is just suggesting that this be handled as new complaint and that each step be taken in order for an eminent domain takeover of the property would be handled by the letter of the law.
- This will be an ongoing issue until it is resolved. ○ Tabled until the next regular meeting, currently scheduled for 08/27/2019.

The Clerk also relayed that a complaint had come in about the length of the grass at the property. The complainant was concerned about visibility for vehicles pulling out of Pine Manor.

- The height of the grass will be looked at but the Town only has the right to cut what is in the right of way at the edge of the property.
- 328 South Main St. – Update.
 - This building has been boarded up and the owner is actively attempting to sell it.
 - This will be tabled until further notice.
- Audit – Update.
 - Sullivan and Powers was in the office the week of August 5th, reviewed some of the information and ascertained that some of the NEMRC reports are not correct.
 - They suggest having NEMRC review the accounting modules with the Treasurer and help get them straightened out.

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- They suggested getting this taken care of and completing the audit next fiscal year.
- Lee stated that he would like the auditing firm to meet with the Selectboard, the Board of Auditors, the Treasurer and Assistant Treasurer, before having NEMRC come in, to understand what they (Sullivan and Powers) sees as being wrong.
- The Clerk will contact Rick at Sullivan and Powers to set up a time that he could meet with the Boards and Treasurers.
- Tabled until further notice.
- 2019/2020 Tax rate to be set.
- The Clerk presented the tax rates as figured by the Treasurer.
- The total residential rate was figured at 1.9825.
- The non-residential rate was figured at 1.9534.
- *Cheryl Moomey motioned to approve the tax rates as presented, pending inspection of the numbers by Alton Brusco – seconded by Lee Kimball – all in favor – motion carried.*
- Sheriff's Department Speed Studies – Update.
 - 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

- The speed sign will be placed on Poor Farm Road next.
- The Board agreed that the purchase of a sign would be a good investment.
- Ken Millman has done some research on the purchase price of these signs and will pass this information on the rest of the Board.
- Speed signs will be added to the next agenda currently scheduled for 08/27/2019.
- **ADJUSTMENT #2:** Addition of a discussion about the office cats.
 - Lee Kimball stated that he received two complaints that day about the office cats having fleas.
 - He stated that as the Health Officer, it was his responsibility to investigate the complaint and eliminate the potential for an issue in the Town office.
 - There was some discussion about animals in a public facility and the majority agreed that it wasn't appropriate for the cats to be in the office.
 - *Lee Kimball motioned to "evict" the two cats from the Town office – seconded by Cheryl Moomey – all in favor motion carried – cats will be rehomed as soon as possible.*
 - There was some discussion about allowing any animals in the Town office.
 - The Clerk will post a "NO PET'S" sign in the office and no animals, other than service animals, will be allowed in the building.

VISITOR INPUT:

- Terry Tatro wanted to note that there was a discussion about cleaning the trails at the East Alburgh Recreation area at the previous meeting but it didn't appear in the minutes. He would like the minutes amended to reflect that this issue was discussed.
- Tom Jacobsen suggested that Susan Millman attend the upcoming Planning Commission meeting.
 - Ken will suggest this to Susan.
- Leeann Porto mentioned that one of the culverts on West Shore is blocked with debris and requested that it be cleaned out before winter so it can drain properly.

- Alton Brusco replied that it would be taken care of before the winter.

APPROVE THE FOLLOWING MEETING MINUTES:

- **07/23/2019 – SELECTBOARD MEETING**

- ✦ *Lee Kimball motioned to approve the minutes as written with the addition of the conversation about the trail in need of mowing – seconded by Chuck Pease – all in favor – motion carried.*

- **APPROVE INVOICES / SIGNATURES NEEDED:** ○ All invoices approved and signed.

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

- This was not needed but will be added to the next regular agenda, currently scheduled for 08/27/2019.

- **ADJOURN:**

- *At 9:35pm, Cheryl Moomey motioned to adjourn – seconded by Lee Kimball – 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 08/27/2019