

Regular Meeting of the Dorset Select Board

June 19, 2012 ~ Minutes

Present: Chris Brooks (Chairman), Marge Freed, Mike Connors, Michael Oltedal, Steve Jones

Absent:

Also, present: R. Gaiotti (Town Manager), Tricia Hayes (Public Information Office/Town of Manchester), Rosanna Moran (The Dorset School), Vickie Haskin, Julie Citron, Sandra Pinsonault (Town Clerk), Brian Beavin, Douglas, Beebe, Robert Gibney (Dorset Lister), Danny Pinsonault, Jennifer Allen, Jim Salsgiver, Amy Panetta, David Wilson

C. Brooks, Chairman, called the meeting to order at 7:04 p.m.

Approve Minutes of May 15, 2012

M. Freed moved and M. Connors seconded to approve the May 15, 2012 minutes as presented. Motion carried 4-0. (M. Oltedal abstained)

Public Comment

- B. Beavin of Kelly Road commented that there are numerous parking issues by the quarry causing safety issues for the residents. He noted that he was concerned for his children who ride their bikes on this road and cars backing out without looking. Issues with public urination, unsafe driving, parking and midnight gatherings are ongoing.
- B. Beavin urged the Select Board to take action before something happens. C. Brooks responded that the quarry has been an ongoing situation which the Select Board has tried to anticipate and stay ahead of the problems by having extended State Trooper patrols; placing fill to extend the head in parking; increased no parking signs and ticket enforcement with larger fines. C. Brooks did note that this is privately owned property, but the Select Board would be happy to discuss any issues at their meetings. Discussion ensued regarding the expanded pull in parking with B. Beavin expressing that if a large truck pulls in, it still sticks out in the road making it impossible to pass by; especially for emergency vehicles. The State Police were unavailable when he called and even if they are present, as soon as they leave, the parking issues start all over again. R. Gaiotti explained that the expanded police hours would start in July, but in order to control the parking, someone would have to be there all day. M. Connors asked if there was any way to close a portion of the road as spending taxpayer dollars for patrol of a private area was impractical. R. Gaiotti explained that the private owner of the land would not approve a roadway straight out from Black Rock Lane. B. Beavin suggested closing the south end of Kelly Road leaving an exit northward. M. Freed asked if barriers could be used in the roadway. R. Gaiotti noted there would be a process to follow before using barriers or closing the roadway. S. Jones thought that the people would still park on the north side of Kelly Road if the south side was closed. C. Brooks stated that if anyone parked there, they would be towed. R. Gaiotti stated that closing the road was suggested previously and the residents of Kelly Road were against doing so. B. Beavin suggested that the

residents might be more receptive now. M. Connors expressed concern about liability if using a barrier and someone ran into it.

- D. Beebe wanted it on public record that there is an ongoing issue with the culvert on Mad Tom Road by the Post Office and Town gravel build up coming from Squirrel Hollow Road. They have had to spend \$3,000 to \$4,000 to clean out the culvert and have asked for Town help. R. Gaiotti explained that the Town had to follow State rules and has gotten a permit from the State to do certain work between July and October. He also noted that they cannot dig the culvert out with a backhoe as it is a delicate marble sluiceway and that there was some miscommunication between J. Hewes and R. Gaiotti. The Town will dig the hole every fall to help manage the water flow and keep the culvert in good repair.
- D. Pinsonault expressed frustration over the lack of action taken over a possible zoning compliance issue on Route 7 on the Dorr property which houses multiple trailer boxes/storage units without a permit. This has previously been discussed with the SB and the PC and is a possible safety issue. C. Brooks requested that R. Gaiotti inform T. Yandow to look into this issue.

Manchester Roundabout Update

Tricia Hayes, Public Information Officer for the Manchester Junction Improvement Project, was present to present information about the roundabout project. A drawing was presented showing the layout of the two roundabouts ~ the larger one by Hand Motors and the smaller (button) roundabout near the Church. The construction will be done in four phases and will be completed by approximately November 2013. The final phase is sidewalks and landscaping. There will be new LED lighting and a concrete and wrought iron railing installed. T. Hayes noted that there is a weekly e-blast of information sent out and postings to their Facebook page along with newspaper articles. School Street and Memorial Avenue are now once again two way streets. Site plan drawings are on display at the Northshire Book Store, Hand Motors and the Manchester Town Office. T. Hayes' office is located on the second floor of the Epoch Gallery on Main Street. If anyone would like to receive the e-blast newsletter, please send an email to T. Hayes ~ t.hayes@manchester-vt.gov.

Board of Listers Update

B. Gibney informed the SB that there were 58 grievances for 2012 which have been completed. Many of the grievances arose due to reappraisals for property owners who were refinancing mortgages. Every person who grieved allowed house inspections by the Listers. B. Gibney observed that they are continuing to monitor the changing trends and values and will apprise the Select Board once all the updated lists are done. B. Gibney noted that from the list of residential sales presented, properties are selling under assessed value and if the CLA falls below 80%, the State will require a Town-wide reappraisal, however, they are now in the situation where some assessed values are too high and it is difficult to readjust. Sales volume has been up, but each sale on the list is open to grievance. It was noted that the Town is coming to the point where there may be a reappraisal in the future. C. Brooks asked where the reappraisal fund stood and B. Gibney replied that they now have \$108,000 accrued since 2006.

Meet with School Playground Committee

R. Moran, resident of Dorset and School Principal, stated that there was \$10,000 set aside to create a community space and a committee was formed to facilitate this project. Fundraising and

donations have increased the fund to \$29,250. The School area will contain a nature trail, low ropes and fitness stations, and a farm for edible landscaping. The Committee is currently looking into the Peaceful Playgrounds equipment and presented two drawing showing two phases of the project. If both phases are done together, the savings would be \$3,600. M. Freed asked if the fitness stations would be geared for children and adults and R. Moran replied both. C. Brooks asked if quotes were received for the equipment and the costs associated with the rehabilitation of the trail and any related work. R. Moran responded that the trail work would be done by parent volunteers; the basketball court would be resurfaced when Morse Hill Road is done and the edible landscape farm is covered by a FTS Grant. Referring to a handout sheet, if phase one and two are rolled into one complete project, the total cost of the playground would be \$53,987.35 leaving a shortfall in funds of \$24, 747.35, but saving a total of \$3,647.21 by not having two project phases.

C. Brooks requested comments from the Select Board members regarding using the recreation fund balance to cover the shortfall. The recreation fund balance is approximately \$29,512 with some pending recreation bills to be paid (\$8,000 - \$12,000). M. Connors asked what the timeline for ordering was and R. Moran said it would take 5 weeks lead time. S. Jones asked if the area would be used in the winter and R. Moran replied yes, by the school children. Discussion ensued regarding budget revenues and expenditures. M. Freed commented that the fitness stations should be usable by adults so that all taxpayers would benefit. J. Salsgiver expressed that the goal is to have the community feel that the School is everyone's as a community facility.

M. Connors moved and M. Oltedal seconded to approve \$24,737 for the Dorset School community playground project out of the recreation fund, the amount to be split between fiscal year 2012 and 2013 budgets. Motion carried 5-0.

C. Brooks stated that since additional funds will be used out of next year's budget, there will be no funds available for a while. R. Moran and J. Allen expressed the School's gratitude for the Town's support. C. Brooks noted that in previous conversations had, adult activities at the school should also be promoted and work with Emerald Lake will continue. J. Salsgiver noted that adult activities is a good point and will help define the work to be done.

Finance Report

R. Gaiotti reported that the Town was 96% through the budget with 91% expended. The Town office is being professionally painted and culverts have been purchased, but not paid for yet. Discussion included gravel money, recording clerk fees, education grant for Planning, town shed maintenance, public safety defibrillator money, and contingency fund. C. Brooks asked how many defibrillators are in East Dorset had and R. Gaiotti responded 2 out of 5. M. Oltedal asked if Emerald Lake had one and R. Gaiotti replied that he did not know.

Manager's Report

R. Gaiotti reported on:

- Morse Hill Road culvert work finished
- Dorset Elementary preparation work
- Grant received for Peace Street bridge and Lower Hollow Bridge #1
- Grading, mowing and gravel hauling for road shoulders
- Pinnacle Tower work continues

- Conservation Meeting scheduled for July 10th - summer work party needed
- Police meeting was well attended – email list of attendees was created
- Carts and equipment were purchased for Emerald Lake
- Dorset Library will celebrate its 100th Birthday on July 14th & Dorset Historical Society is having an ice cream social on the same day.
- Homeland security grant has been applied for to enable upgrading Town truck radio systems.
- It was the consensus of the Select Board members to approve the repair of the Upper Kirby Hollow Road culvert. Town Manager/Select Board email attached.

Approve Payroll and Accounts Payable for the Week of 6/19/12

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 6/19/12 as presented.

Other Business

1. M. Freed moved and M. Oltedal seconded to approve the one year contract (July 2012 – June 2013) with the Vermont State Police. Motion carried 5-0.
2. M. Freed suggested doing a playground equipment box at the School similar to the one at the Town office.

Contracts /Legal

R. Gaiotti mentioned that there was one legal issue to be discussed which involved the Transtar, LLC legal case. S. Jones wanted to discuss the subject in public rather than in Executive Session. R. Gaiotti outlined the case:

- Affidavits by Transtar, LLC claimed that the sawmill, firewood processing and vehicle maintenance were all pre-existing, non-conforming uses. The Town contended that the sawmill and firewood processing were pre-existing, non-conforming uses, but the vehicle maintenance was not and that it was incidental to the primary use of the property and for specific vehicle use only. The court granted the sawmill and firewood processing as a pre-existing, non-conforming use along with incidental maintenance of logging vehicles. Incidental maintenance of non-logging vehicles will not be allowed to continue and a court date is to be set. J. O’Dea has drafted some conditions to be negotiated with Transtar, LLC regarding non logging vehicular repair as per the request of Transtar’s lawyer.

C. Brooks cautioned that the Board should be careful what it discusses in public on a pending legal case and/or negotiation. S. Jones stated that this issue should not be “let’s make a deal” and it was time for the Town to make a stand and not be bullied even if it costs the Town some money. M. Connors asked what it would cost the Town to go to court versus having a discussion with Transtar to try to resolve the issue. He felt that it would be beneficial to negotiate before spending money in court. M. Freed agreed that having a discussion would be prudent and then following up with a court case, if necessary. S. Jones totally disagreed as he felt a discussion was leaving an open door, whereas a court decision would not. S. Jones felt very strongly that the ZBA got a run around when they heard the case originally and did not want to show weakness with negotiation now. C. Brooks noted that the court did not make a finding either way on the vehicular repair, but said to go to court. M. Freed suggested again sitting down with the other party to try to resolve the issue first before going to court. R. Gaiotti mentioned that if

Transtar did not agree with the proposal, then a trial would take place. C. Brooks suggested clarifying the options with the Town Attorney at another meeting next week. Discussion continued with the members agreeing to meet with J. O'Dea and the Transtar parties on Monday, June 25 or Thursday, June 28th to try to resolve this issue.

M. Oltedal moved and M. Connors seconded to adjourn the meeting at 9:25 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Select Board

Date 6/19/12

Regular Meeting X

Special Meeting

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Tricia Hayes	PO Box 251, Man. Ctr 05255	Roundabout	Yes
Rosanna Moran	990 Danby Mtn Rd 05251	The Dorset School	Yes
VICKIE HASKINS	1791 Rt. 30 Dorset	Dorset School	no
Ann Ciron	530 Kelleher Rd. PO Box 745, Man. Ctr. 05255	Dorset School	no
Sandra Pinsonault	PO Box 6 - E Dorset	Town Clerk	no
Brian Beavin	118 Kelly Rd Dorset	Kelly Rd	maybe
Douglas Beebe	3075 VT Rt 7 East Dorset	Beebe Farm	Y
Robert Gibney	163 Danby Mtn Rd	Board of history	X
Danny Pinsonault	East Dorset	me	
Jennifer Allen	69 Green Peak Orchard S. E. Dorset	Dorset School, @ Andres Allen Family	maybe
JIM SAUSGIVER	243 Nichols Hill RD DORSET	DORSET SCHOOL	NO
Amy Panetta	85 Lucca Ln Dorset	Dorset School	no
David Wheeler	Box 96, Dorset, VT	Dorset self	Maybe

Nancy~ Southern Vermont Computer

From: Chris Brooks <2brooks@comcast.net>
Sent: Tuesday, May 29, 2012 7:07 AM
To: town manager; Margery Freed; Mike Connors; Mike Oltedal; Nancy Aversano; Steve Jones
Subject: Re: Weekly Update 5/21 to 5/25

Rob,
Unless any of the other Selectboard members have an objection, I would be inclined to repair the culvert on upper Kirby Hollow. My personal opinion is that we should maintain it as a passable class IV road. If it washes out, the cost is going to be far greater to keep it in a drivable state.
Chris

On 5/25/12 2:31 PM, "town manager" <townmanager@gmail.com> wrote:

VTMA Stowe Conference: Attended the Vermont Town & City Manager's Association spring conference in Stowe (Thursday- Friday last week). Some very good sessions about emergency response, collaborative fuel purchasing, and information about new laws passed by the legislature this year. I gained lots of useful information and appreciate being sent by the town.

Police Meeting: The Wednesday night meeting was very well attended, we had seating for 60 people, and had closer to 100 people pile into the town offices. Reg Trayah did a very good job answering questions. The key items we stressed: **1. Secure your homes 2. Secure your important property (silver & jewelry etc.) 3. If you see something suspicious, call 442-5421, or 911 for an emergency. 4. Keep an eye out for your neighbors & communicate with them.**

The town now has an extensive email list to use for policing updates and information.

Highway:

- Received preliminary confirmation that the Peace Street Bridge & Lower Hollow Bridge Grant Projects were approved, State share will be around: **\$40,000** town share around **\$8,000**
- This is the guard rail & grease treatment work that we have discussed in the past.
- Upper Kirby Hollow culvert & ditching: a small culvert has up-ended on the town trail section of Kirby Hollow Road, the culvert basin and adjoining ditch need to be cleaned to keep the water from washing out the entire road. As a class IV road the town can choose to maintain as it sees fit. We estimate that fixing the culvert and the ditch would take about 1 day of work, and it makes sense to address the problem before it washes the road material away. (Picture attached).
- Flags are going up in the village areas for Memorial Day, will stay up through the fall.
- We are still awaiting the June asphalt settled prices to be posted on the state of Vermont website, if the price has fallen we will contact the vendor about lowering the per ton price for the the Morse Hill Road paving job.
- Started mowing roadsides;
- Filling in potholes, hope to have the grader out soon (weather permitting) to touch up bad spots on the dirt.
- Russell & Bill attended a Mine Safety & Health seminar in Rutland. This is to keep certifications for our employees to load from local pits when no pit attendant is present.

Misc:

- Lots going on this weekend:
- Artist's open house weekend;
- Dorset Players;
- Memorial Day ceremony on the green;
- Family Fun carnival at the Beebe farm on Saturday 10-3pm, fundraiser for a local child care facility.

Legal:

- Attached is the summary judgement decision in the Transtar case, the town was successful in each aspect that it contended:
- firewood & sawmill operating will be allowed to continue as a pre-existing non-conforming use
- incidental maintenance of logging vehicles will be allowed to continue as a pre-existing non-conforming use
- incidental maintenance of non-logging vehicles will not be allowed to continue (trial pending)
- the court did not take a position on transshipment, as it was not part of the original appeal

It is likely that we will proceed to a trial to decide whether incidental maintenance of non-logging industry vehicles will be allowed on the property. Unless the Transtar concedes on this issue.

1

Let me know if you have questions about this.

Friday summer hours begin today (offices closes at noon). If I'm not in the office you can reach me via cell 417-7814 or email.

Have a great memorial day weekend!

RG

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cc: Listers, Planning, Zoning, Select Board, Town Clerk, Town Clerk, Foreman, and School Board
Copy Posted: Town Clerk's Office, S-Board Mtg Room, East Dorset & Dorset Post Office