

# Regular Meeting of the Dorset Select Board

## July 17, 2012 ~ Minutes

Present: Chris Brooks (Chairman), Marge Freed, Mike Connors, Steve Jones  
Absent: Michael Oltedal,  
Also, present: R. Gaiotti (Town Manager), Joe Bamford, Don Dorr (Transtar), David & Pam Tuttle (Black Rock), Pam Marron (Black Rock), Carol Patterson (Black Rock), Barry Patterson (Black Rock), Doug & Linda Marks (Black Rock), Robert Menson, Joan Menson, Brian Beavin (Kelly Road), Kandace Beavin (Kelly Road), Brad Tyler, Danny Pinsonault, Lt. Reg Trayah (VSP), Bruce Waite, Janet Waite, Norma Colin

C. Brooks, Chairman, called the meeting to order at 7:00 p.m.

### Approve Minutes of June 19, 2012

M. Connors moved and M. Freed seconded to approve the June 19, 2012 minutes as presented. Motion carried 4-0. C. Brooks stated that the June 25<sup>th</sup> or 28<sup>th</sup> meeting with Transtar noted in these minutes did not take place.

### Public Comment

R. Menson read two statements pertaining to Vermont law about “meetings are open to the public at all times” and that the public should be given “reasonable opportunity during a meeting as long as order is maintained.” C. Brooks noted that this was the time for public comment.

D. Dorr, representing Transtar, read a statement pertaining to last month’s SB meeting ~ see attached.

B. Waite noted that he has lived here for 40 years and watched the mill operate at that location.

D. Pinsonault commented that the Bear Paw Lumber site was a good business, but expressed concern about the trailers on the Dorr property in East Dorset for safety reasons. He felt that a balance is needed when enforcing zoning regulations as it seems that the little guy gets picked on when there are bigger problems to address. He mentioned that there are businesses in Town without permits and the regulations should be enforced for everyone. D. Pinsonault congratulated the SB members on the success of the use of the recreation funds which was a brave idea and good for the Town.

D. Marks asked if there was a proposal in front of the SB tonight regarding the issues at the quarry and Kelly Road/Black Rock Lane. R. Gaiotti responded that there will be a list of engineering options from the State which will take a few weeks to be received. C. Brooks noted that they are in the process of getting proposals, but will not make any decisions tonight. B. Beavin reiterated that the problems he stated last month have not gotten any better and he is now concerned about retribution from the people who use the quarry as he had an incident with a person and beer cans were dumped all over his driveway entrance. B. Waite also expressed concern, especially with regard to his grandchildren, over the

blockage of Kelly Road and noted that the Town does not get anything from having the quarry as a swimming hole. C. Brooks stated that the Board knows that the issues there are not acceptable and they are trying to deal with it. He said they are here to listen to any new suggestions the residents have about solving the problem.

E. Van Dyk said that it was extremely important to have entrance and exit to Black Rock Lane for emergency vehicles at all times. C. Brooks replied that it is the residents' right to be able to get into and out of the road and the Board has tried numerous things to alleviate the problem, but ultimately the quarry is private property. The Town has control of only the road. D. Marks suggested making the quarry less attractive to people and that the parking issue should be the owner's problem, not the Town's. The Town's traffic regulations are being violated by this attraction. He advocated that everyone switch their thinking about the quarry being a Town attraction. C. Brooks stated that one option would be zero parking on the road. D. Marks commented that if someone holds an event on their private property, they are responsible for parking for their guests. R. Pistell remarked that this was a good point, as the owner created the attraction, but made no provisions for parking, garbage, enforcement, etc. and suggested that the owner take responsibility instead of leaving the residents "holding the bag." J. Pistell felt that time was of the essence in taking action as it has been six-seven years of complaints and reviews with no concrete action. There were 54 cars at the quarry today and only five were from Vermont. She felt that Town regulations were not being enforced and asked who will be responsible if someone dies because an ambulance cannot get to Black Rock Lane. K. Beavin noted that she saw VTrans studying the road on a Wednesday morning, but felt this was not an appropriate time as they did not see the peak problems on the weekends.

Lt. R. Trayah, VSP, urged the residents to call the Vermont State Police whenever there is an issue at the quarry and he will get someone to respond. He mentioned that they have towed vehicles and stopped underage drinking. He suggested the residents write down the license plates and call the troopers. J. Pistell noted that some of the ideas were temporary solutions and that it was important to let the residents know of any plans for the future. D. Marks expressed that very aggressive enforcement was critical and C. Brooks noted that this was already being done as they are expending extra Town funds for additional patrols.

### **Kelly Road Update**

R. Gaiotti reviewed three options for traffic on Kelly Road:

- Split Kelly Road into two sections ~ the south end of the road would become a dead end just below 118 Kelly Road and the north end would be the access point for all residents. VTrans is to submit more information on this endeavor as it might entail moving a utility pole with an approximate cost of \$25,000.
- Turn Kelly Road into a one way road ~ the entrance would be to the south and exit to the north. This will lessen confusion of two-way traffic, but will not eliminate the parking problems.
- Enforcement Strategy ~ contract for traffic control services for busy peak summer time periods. Cost estimate would be \$3,500 to \$5,000 annually depending on vendor and weather.

C. Brooks asked, if they choose no parking on either side of the roadway, does any other Town have experience with this problem. R. Gaiotti replied that it would take a lot more enforcement to control parking and the Town might have to hire a service to do enforcement. M. Connors stated that it was not

right for taxpayers to pay for extra enforcement for private property and suggested closing off part of the road as suggested previously last year. S. Jones suggested charging people to park on the road which would then pay for extra security to make sure they do not block the roadway.

C. Brooks informed the audience that they will have a public hearing on the options, especially if the choice is closing the road. M. Connors reiterated that Kelly Road south should be closed off and given to the landowner. R. Gaiotti is to check with J. O'Dea, Town Attorney, about any legal issues and he is to give an estimated timeframe for the proposal.

### **Zoning Enforcement Discussion**

S. Jones asked if it was the right of people who are accused of zoning violations, either correctly or incorrectly, to know the identity of the person reporting the violation. C. Brooks replied that violations are between the person and the Town. S. Jones said that in the name of transparency, if someone felt strongly about a situation, they should sign their name to it. He felt it was the legitimate right of the accused person to know who the accuser is and C. Brooks said that the Town becomes the accuser. S. Jones felt that this was very subjective and asked to go into Executive Session. C. Brooks explained that Executive Session was for legal, contract or confidential personal information and for transparency reasons, if this discussion did not fall under one of these categories, the Board could not go into Executive Session. C. Brooks stated that there are a lot of ways to find out about zoning violations and the Town should not go after the individual who told the Town, but look at the situation and move through the process to see how to solve it.

R. Gaiotti noted that there is a distinction between processes and how they are documented and information given out. C. Brooks clarified that if it was a signed written document or email, it would be public knowledge. If the ZA makes a record of the complaint in writing and keeps it in a file, then it is public knowledge. C. Brooks asked for Board member comments and M. Freed commented that it was unfair to ask for a comment when she did not understand what was being discussed. S. Jones asked how to handle getting the members perspective on a topic and C. Brooks asked S. Jones if his question to the Board was "is there a Town method followed for someone to file a zoning enforcement complaint." S. Jones answered yes and that the VLCT only listed methods. C. Brooks noted that a precedent could be set if an individual calls and a record was made. M. Connors commented that he agrees with M. Freed and would like to think about it, but his first response would be no to recording complaints. S. Jones asked the members if they wanted to keep the status quo and M. Freed responded that she has a piece of the puzzle, but believes there is more to this discussion that she does not know about. M. Freed felt it was unfair to make a decision without all the facts. S. Jones replied that there was more and that is why he asked for an Executive Session, but at this point suggested moving on and would try to make each member more aware of what was happening. C. Brooks cautioned S. Jones about talking to more than three members at one time as that would be considered a public meeting which would need to be warned.

### **Review/Endorse Solid Waste Contract**

R. Gaiotti presented the changes and highlights of the Solid Waste Contract which covered the Town of Sunderland joining the group; improved language for fuel surcharge fees; improved language for marketing recyclables; special bulky collection day/swap shed/composting; zero sort and new fees. M. Freed asked if it was less expensive for the Town to do hazardous waste collection with Casella or by

themselves and R. Gaiotti replied the cost would either break even or be a little more costly. R. Gaiotti noted that the swap shed was not in place yet as volunteers are needed, but Casella was okay with the concept. The contract is for a three year term. Discussion ensued regarding Casella's hours of operation at the transfer station with M. Freed noting that the hours were cut to ten hours per week with no cost reduction to the Town and that it was hard for working people to get the transfer station early in the day. C. Brooks asked R. Gaiotti to contact Casella for extended hours. It was the consensus of the SB members to table the signing of the Solid Waste Contract.

### **Set 2012-2013 Municipal Tax Rate**

The 2012-2013 Municipal Tax Rate Certificate was submitted by R. Gaiotti who noted that the rate decreased 1.5% from last year and that the Grand Listed decreased by 3.5%. The surplus saved residents \$0.015 and C. Brooks wanted to remind everyone that adding one penny to the budget equals \$70,000 to \$85,000. M. Freed moved and M. Connors seconded to approve that the municipal tax rate for 2012-2013 be set at \$0.1783 per one hundred of assessed value. Motion carried 4-0.

### **Finance Report**

R. Gaiotti reviewed the finances noting that the general fund for last year was underspent (less overtime, less salt/sand, less County tax, etc.) and that revenues exceeded expectations. The surplus for next year should approximately be \$130,000. The Town audit process will start next week. M. Freed wanted R. Gaiotti to remind all departments that budgeted line items are not to be shifted to cover the cost of other items. C. Brooks suggested sending a memo to all staff about line item spending. R. Gaiotti recommended using some of the surplus monies to finish the Morse Hill Road paving (estimated at \$400,000 to \$450,000) along with State funds and grants. He acknowledged that this was costly, but gives 10-12 years of usage. The delinquent tax list is down to \$193,000 with some parcels going to Town Counsel for tax sale preparation.

### **Manager's Report**

The Manager's Report included information on:

- the finishing of Morse Hill Road pavement
- line striping Morse Hill Road and stop bar on Danby Mountain Road
- work to be done on Morse Hill Road shoulders
- facility work at the school
- grading/roadside moving and gravel for road shoulders
- chloride application and ditching
- residents have asked for a reduction of the speed limit to 25 mph on Morse Hill Road from Route 7A to Battenkill Lane ~ discussion of enforcement for 35 mph as most cars travel faster than the current speed limit
- Emerald Lake project meetings held
- Grant application submitted for a bike rack for the Town office
- Positive feedback received regarding SB decision to fund the school's playground project

### **Approve Payroll and Accounts Payable for the Week of 7/17/12**

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 7/17/12 as presented.

**Other Business**

1. R. Gaiotti asked if the Board wanted to insert any information in the tax bills to residents. M. Freed suggested a reminder about the August primary.
2. M. Freed moved and M. Connors seconded to move to Executive Session at 9:20 p.m. to discuss legal issues. Motion carried 4-0. Executive Session was recessed and will reconvene on Monday, July 23, 2012 at 6:30 p.m.

Respectfully submitted,

NancyAversano

Town of Dorset ~ Select Board

Date 7/17/12  
 Regular Meeting X  
 Special Meeting \_\_\_\_\_

(Please Print)  
 Name

Address

Representing

Testifying  
 (Yes or No)

(Please Print) Name	Address	Representing	Testifying (Yes or No)
Joe Bamford	PO Box 740 East Dorset VT 05253		Yes
Ann Don	209 Riverside Hts Manchester VT 05255	transpar	Yes
DAVID PAM TUTTLE	208 BLACK ROCK LA	BLACK ROCK	NO
Pam Munron	75 Black Rock Way	Black rock	Yes
Carol Patterson	211 Longview Lane	Black Rock	Yes
Barry Patterson	" " "		Yes/Yes
Doug Hinkley	744 Black Rock Ln Dorset VT 05251	Black Rock	Yes
ROBERT MENSON	1131 ROUTE 30 DORSET		
JOHN MENSON	" " " "		
Brian Beavin	118 Kelly Rd	Kelly Rd	
Kandace Beavin	"	" "	
Fred Tyler	340 RTE 30	Self	
Danny Pinsonault	E Dorset VT	myself	?
REG TRAYN	Arlington, VT	VSP	?
Brian White	88 SNOW RD Dorset VT	Self	?
David White	88 Snow Rd Dorset VT	Self	
Norma Colvin	499 Black Rock Lane Dorset	Self	

17/1/12

I would like to address the select board at this time, in reference to the comments of selectmen Mr. Jones at your June 19<sup>th</sup> meeting, as to why the town should <sup>NOT</sup> make any deal and referring to me that if given an inch I would take a mile. I think after you hear my side of the story you will agree that it is the town, Mr. Wilson and Mr. Jones who is taking the extra mile, not me.

1<sup>st</sup>- The bear paw property is the oldest commercial property in Dorset 1814, with the exception of the Dorset Inn <sup>1812</sup> (a lot of historic value).

2<sup>nd</sup>- The town, with pressure from Mr. Wilson, and I assume Mr. Jones, had the property illegally changed from commercial to pre-existing, nonconforming in the early 1990's. This was and is (spot zoning) a very illegal maneuver. There was much opposition from one member of the town board at that time but he was out voted by the other members of the board. I don't think they understood what a serious mistake they were making, or maybe they did.

3<sup>rd</sup>- The bear paw property was offered to the neighbors (i.e.: Mr. Wilson, the Dorset Field Club, etc.) by the Bear Paw Company. They refused to purchase it and only wanted to control it. It was offered to them and anyone else who was concerned at that time for

\$250,000.00. No one came forward. After that time I bought it for the asking price.

Trying to be a good neighbor I offered it to the golf course for the same money that I paid for it and gave them a week to decide. They're lawyer said he did not believe I had purchased it and they were going to bypass me and negotiate with Bear Paw for a lower price. I said that would be OK with me but I thought my cancelled check for \$25,000.00 would have some legality to it. Not hearing from them after the week was up I decided not to sell the property.

4<sup>th</sup>- Over the last 20 some years Mr. Wilson has made countless complaints to Act 250 and the town all with false information or direct lies about Bear Paw, me and the property. The latest complaint that I have heard about was that I was burying something toxic or illegal in the ground at the mill (my water well pipe rusted off and I replaced it with a new one). Vermont State Water Resources as well as the town zoning administration were both contacted by Mr. Wilson. Both the men from water resources and the town zoning administration came there to check it out. I have nothing to hide but the property is posted no trespassing. Mr. Wilson was also on the property. Mr. Wilson and the zoning administrator were both clearly trespassing at Bear Paw. The town only had to ask and I would gladly let them inspect the property.

5<sup>th</sup>- All the uses at the property (sawmill, firewood, logging and mechanical repairs) have all been going on there way before (the 40's, 50's, 60's and 70's) zoning. I have spent over \$30,000.00 in legal fees so far, and I expect likely \$20,000.00 more, only to prove that the past and present activities are my legal right. Mr. Joe Banford is here tonight and he can verify that Mr. Wilson was the main person responsible for the change from commercial to pre-existing not-conforming status. He can also verify the countless times Mr. Wilson has complained trying to get the mill shut down only to find no violations occurring.

6<sup>th</sup>- As a good neighbor I have found a niche for specialty lumber and beam manufacturing at the property, at a much lower volume then had been done there in the past. The town seems to be putting every block possible to deter me from using the property, mostly to accommodate or through intimidation from Mr. Wilson, Mr. Jones and others. I have had inquiries from two companies about installing a new fully automatic million dollar mill to produce 10,000,000 board feet per year. I know this is an option that I have but as a good neighbor I would prefer not to go that route unless I am forced to do it and abandon my specialty mill for the sake of money. The way I have it figured at this time my lumber, firewood, logs and mechanical repairs will sustain my expenses and turn a small profit. The men working on mechanical repairs cannot even be



seen or heard, but without that income I will need to consider leasing the site. I am in no way suggesting or insinuating anything, only stating the facts.

7<sup>th</sup>- At this time the only thing before the board or the court is non-forestry related mechanical repairs (all forestry related repairs are legal per the court and according to my Act 250 permit can be done anytime, any day if necessary). Non-forestry repairs are very minute, maybe one repair out of 10 or 15 jobs, all of which are done inside the building and no one can hear or see them. This is not a car repair shop but a heavy equipment and truck repair. 95% is forestry related 5% other.

Yes I do have a problem with board member Mr. Jones when he states that he does not have an open mind. He obviously looks down upon me and my property in a personal view rather than a professional one like board member should use. It seems very clear to me that Mr. Jones could not make an unbiased comment or decision in this case and with this I sincerely question his ability to be just and fair in any other concerns that may come before the board at this time or in the future. Mr. Chairman I know that this board has the power to bring this situation to closure by allowing the minute use of the facility for non-forestry related repairs, and I feel that it would be to the taxpayers benefit to do so. I ask you and the board to please give this your honest consideration and vote on it now before

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we end up in court and both sides spending 15-20,000 dollars in legal fees. Mine personally and your taxpayers dollars.

## 7-17-2012 Select Board Minutes (cont'd)

**Monday July 23, 2012**

**Members present:** Chris Brooks, Chair, Marge Freed, Michael Oltedal, Michael Connors, Steve Jones

**Others in attendance:** Rob Gaiotti, Town Manager, Don Dorr (Transtar LLC)

The Select Board entered into the continued executive session to discuss legal at 6:30pm.

At 8:40pm the Select Board came out of executive session. Steve Jones moved and Marge Freed seconded to sign the legal agreements with Don Dorr, owner of the Transtar LLC property located at 4151 Route 30 Dorset, VT 05251. Don Dorr was given copies of the agreements, and copies were to be posted with the minutes of the 7-17-12 Select Board meeting.

**Solid Waste (continued):** R.Gaiotti gave the board the response from Casella on the hour changes for the Transfer Station. Discussion about extended hours ensued. It was the consensus of the Board to suggest closing the Transfer Station on Wednesdays and extending Saturday hours, to allowing working residents to have additional access to the facility.

There being no further business to discuss the meeting stood adjourned at 8:55pm

Respectfully Submitted,

Rob Gaiotti,  
Town Manager

Agreement between *Transtar LLC*, a landowner in Dorset, Vermont at 4151 Route 30 Dorset, VT 05251 & the *Town of Dorset*, a municipality with offices located at 112 Mad Tom Road East Dorset, VT 05253

Regarding the former Bear Paw Sawmill property at 4151 Route 30 Dorset, VT 05251


**Non-Forestry Vehicle Repair Criteria:**

1. Hours of operation for non-forestry vehicle repair shall be the same days & hours as outlined in the ACT 250 permit for the property (6am to 9pm, Monday to Saturday). Ingress & Egress allowed 24 hours a day.
2. No repairs on vehicles under 5,000lb gross vehicle weight (personal vehicles of property owner and tenant are exempt.)
3. No additional exterior lighting shall be provided for non-forestry repairs.
4. No non-forestry vehicle repair shall occur outside of the building.
5. No more than 8 non-forestry vehicles allowed on premises for repair at any one time, to be stored in location as specified on addendum A. Must be located within zoning setbacks: 30' from side yard property line.
6. Existing natural screening shall be maintained as is to shield neighbors and Route 30.
7. Two (2) employees shall be allowed on premises for non-forestry repair.
8. The work performed shall be restricted to mechanical repair and shall not include body work and painting.
9. No signage advertising or identifying the premises for non-forestry vehicular repair.
10. The non-forestry repair use shall be a secondary use for the property.


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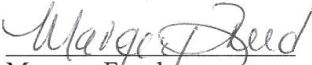
Agreed to on this 23<sup>rd</sup> day of July, 2012 at the Dorset Town Offices.


**Transtar LLC:**

  
Don Dorr, owner

**Town of Dorset Select Board:**

  
Chris Brooks, Chair

  
Margery Freed

  
Michael Oltedal

  
Michael Connors

  
Steve Jones



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Regarding the former Bear Paw Sawmill property at 4151 Route 30 Dorset, VT 05251

**Sawmill/ Transshipment Criteria:**

1. *Sawmill/Trans-shipment related uses:*

Operation includes the shipment of raw wood products to and from the sawmill facility. The material is generally unfinished in nature. Examples of raw wood products include: logs, pulp, bark, boards, chips, dust, mulch, slabs, firewood for home heating etc.

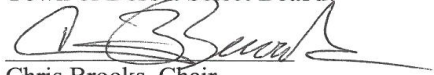
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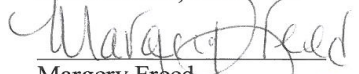
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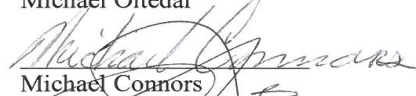
  
Don Dorr, owner

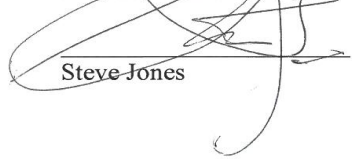
**Town of Dorset Select Board:**

  
Chris Brooks, Chair

  
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Michael Oltedal

  
Michael Connors

  
Steve Jones