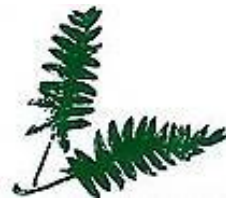


Town of Dorset, Vermont



Dorset Town Offices:
PO Box 715
112 Mad Tom Road
East Dorset, VT 05253

Dorset Town Manager's Office:
Phone: 802-362-4571 x 3
Fax: 802-362-5156
Email: townmanager@gmail.com
Website: www.dorsetvt.org

=====
Chartered 1761
=====

Regular Meeting of the Dorset Select Board August 17, 2017

Present: Henry Chandler (Chairman), Megan Thorn, Jack Stannard,
Liz Ruffa, R. Gaiotti (Town Manager)
Absent: Tom Smith
Also, present: Mary Rita Manley, Sal Tassone (ITV Fest), Philip Gilpin, Jr.
(ITV Fest), Martha Hamilton (ITV Fest), Jean Kingston, Ed
Tanenhaus, Bo Thorn, D. Green, Joan Menson, Robert
Menson, Allan Sullivan, Greg DeLuca, Tyler Yandow (Zoning
Administrator)

H. Chandler, Chairman, called the meeting to order at 7:05 p.m.

Approve Minutes of July 18, 2017 & August 2, 2017

M. Thorn moved and L. Ruffa seconded to approve the July 18, 2017 minutes as presented. J. Stannard amended the motion saying that the Board cannot make decisions in Executive Session and "No decisions were announced" should be removed. M. Thorn seconded the amendment. Motion carried 3-0.

M. Thorn moved and L. Ruffa seconded to approve the August 2, 2017 minutes as presented. Motion carried 3-0.

Public Comment

J. Kingston noted that the Town report lists the Select Board meetings are to be held on the third Tuesday of each month at 7:00 p.m. She stated that this is the fifth time that the Board has changed to meeting to a different day and wondered how long this pattern would continue. H. Chandler responded that the Board are all busy people with other commitments along with summer scheduling conflicts. They will try to improve, but there is no guarantee. J. Kingston has two other points to cover under the noise ordinance item.

D. Green had questions about the Owls Head Town Forest and the Quarry. R. Gaiotti noted that he had not forwarded her email to the Board yet, but would be doing so shortly.

ITV Fest Update

Phil Gilpin, Jr., Greg DeLuca and Martha Hamilton were present at the meeting

to represent the ITV Fest (Independent Television Festival). The ITV Fest is a one week event for independently produced television content to be held in Manchester from October 11th to the 15th, 2017. This event is similar in nature to the original Sundance Film Festival and will have screenings and workshops. Eight hundred people are confirmed and three hundred more are expected to attend this event. There will be shuttle buses from Manchester to Dorset so the attendees can experience Dorset – the Village Green, music on the Village Green, hayrides, trail hiking, music, Dorset Union Store, Dorset Historical Society, HN Williams, J. K. Adams, etc.

Village Center Designation

Questions arose about the map included in the SB packet for tonight and R. Gaiotti responded that T. Yandow and the PC revised the previous map to include everything outlined in red which includes all the traditional establishments that program looks for, such as churches, libraries, museums, general stores, etc. M. Thorn wanted to make sure that the program that involves Act 250 exemption is not included in the current designation program and T. Yandow responded that they are two different and completely separate programs. M. Thorn moved and L. Ruffa seconded to approve and sign the August 10, 2017 Village Center Designation Letter as presented. Motion carried 3-0.

Owls Head Hill Lane ~ Mary Rita Manley

M. Manley stated that she is a long time resident of Owls Head Hill Lane which was originally a log road, but has been greatly improved over the years. There are 26 parcels (22-24 homes) on this road including an extension to a private road. M. Manley asked if the Town would consider taking responsibility for the approximate one mile road as it is very populated. The residents wanted to know from the SB members if it was worth the road association's time to do all the engineering, surveys, etc. to make sure the road is up to Town standards. H. Chandler asked what the cost of maintaining the road was and M. Manley responded approximately \$15,000 per year. H. Chandler stated that it would be inappropriate to give a response tonight without further research due to the significant precedent setting nature of their response. It was the consensus of the Select Board members to do further research (subdivisions regulations, Town Plan, road standards, & similar roads).

Noise Ordinance Discussion (Continued)

First Public Hearing was held in June 2017 and a second Public Hearing is scheduled for September 19, 2017. H. Chandler read T. Smith's email regarding the noise ordinance aloud to the audience (copy attached). It was the consensus of the SB members (with no comment from J. Stannard) to postpone the second Noise Ordinance Public Hearing until October 2017 out of respect for T. Smith's absence tonight and in order to have SB discussion at the September meeting.

M. Thorn added to the noise ordinance dated 7/17:

- Article II ~ Goal, last sentence add the word “directly” (*In furtherance of this goal, if a person disturbed by a loud or unreasonable noise can identify the source of the noise, it is suggested, but not required, that the person contact the offender directly to allow a reasonable opportunity to correct the violation voluntarily.*)
- Article IV ~ Exemptions, #10 ~ add the word “Church” and remove the last four words ~ *Bells: The playing or ringing of Church bells or chimes.*

M. Thorn brought up the topic of having a decibel guideline and using decibel meters to monitor noise levels, but noted that decibel readers used on cell phones are not accurate. J. Stannard was against decibel meters. H. Chandler felt meters could be part of the process of enforcement and L. Ruffa agreed with J. Stannard. The discussion of decibel meters was tabled. J. Stannard stated that if the Vermont State Police or Bennington Sheriff were not available, then the Select Board members or Town Manager should be called as backup to law enforcement. M. Thorn and H. Chandler did not agree with involving the SB members or Town Manager in the middle of enforcement. H. Chandler requested that all noise related correspondence be made part of the public record with the minutes.

J. Kingston noted that she lived 1,000 feet north of the Barrows House and they heard the last event at the Barrows House, but not to level to make a phone call. She felt that the problem of excessive noise is due to the thumping bass along with screaming for prolonged periods of time. It was suggested that the Board separate the noise issue into two categories: a one-two hour event with music and alcohol and a three-six hour event with over 75 people remove the amplified music and alcohol. Permits would be required for the longer events; they couldn't exceed 11:00 p.m. and include the cost of a Sheriff in the permit so they are present during the event. J. Kingston also suggested printing cards with the pertinent noise information to be tacked up around Town along with making complaints to the Liquor Authority.

E. Tanenhaus stated that the Select Board knew that a large event was going to take place at the Barrows House, but didn't protect the residents as law enforcement was not available that night. He suggested that an alternate trained law enforcement presence be available to sit out front and the Town could pay for his services with the speeding and DUI tickets he issues. H. Chandler responded that the issue does not have anything to do with making money from tickets and the Vermont State Police and Bennington Sheriff do not always have staff available to handle all their calls.

D. Green requested a clarification of waiver fee as used in the Noise Ordinance. M. Thorn explained that a waiver fee is when a ticket is issued and the offender chooses to pay the fine without going to court so a waiver fee is collected. If the

offender chooses to go to court, the fine is higher. E. Tanenhaus asked the SB to ask Sgt. Jesse Bravata about it being appropriate to make first contact with an offender as he did not feel it was a good idea.

All noise related correspondence is attached.

Mad Tom & Route 7 Update (Continued)

R. Gaiotti reviewed the updates covering: no parking signs on Route 30; Route 7 radar sign installation; AOT meeting on August 9; and final Route 7 intersection review may be available in the fall.

Manchester Rescue Squad Lease

M. Thorn moved and J. Stannard seconded to approve and authorize H. Chandler, as Chairman, to sign the Manchester Rescue Squad Lease Agreement as presented. Motion carried 4-0.

Finance Report

R. Gaiotti reported that the delinquent taxes are \$203,025 and that the draft FY17 audit showed a small surplus. The Dorset Town taxes are due on September 12, 2017.

Manager's Report

R. Gaiotti reviewed:

- Highway work
- Dorset Fire District support
- VYCC and trail building
- Lt. Governor hiked the OHTF trail
- Event held for the Governor at the Dorset Historical Society
- Quarry meeting (River Conservancy) update

Other Business

1. M. Thorn asked if the Town Attorney has reviewed all the Town ordinances and R. Gaiotti answered that he has the copies, but has not responded yet. R. Gaiotti suggested the possibility of having all Town ordinances updated and arranged into one document.
2. It was the consensus of the Select Board members to approve and sign the Errors and Omissions correction for dividing 4.78 acres into two parcels of 2.06 acres and 2.72 acres for 2620 and 2648 Dorset West Road.

M. Thorn moved and L. Ruffa seconded to adjourn the meeting at 8:45 p.m. Motion carried 4-0.

Respectfully submitted,
Nancy Aversano

Select Board

Date 8, 17, 17

Regular Meeting

Special Meeting

Please Print)

Name	Mailing Address	Representing	Testifying (Yes or No)
Mary Rita Manley	579 Owls Head Hill Lane	Food	?
SAL TASSONE	22878 Portage Pt D	ITVFest	No
Philip Gilpin Jr.	40 Basset St. Manchester	ITVFest	Y
Martha Hamilton	31 Church St Dorset	ITVFest	Y
Jean Kington	3370 Rte 30 Dorset	Self	Yes Yes
Ed Vihen Niv	S P.O. Box 816 Dorset	Self	?
Bo Thon	719 Dorset West Rd	Self	N
D. GREEN	POB 881	Self	?
JUAN MENSON	1131 RT 30 Dorset	"	?
ROBERT MENSON	1131 RT 30 "	"	"
Allan Sullivan	932 McNamara Rd	Self	No!
Greg Doherty	2999 Dorset West Rd	self	NO
Tyler Yarrow	126 Dorset Hollow	town	Yes



town manager <townmanager@gmail.com>

Noise ordinance

Tom Smith <tom@madtomorchard.com>
To: Henry Chandler <hchandler@chandler4corners.com>
Cc: Rob Gaiotti <townmanager@gmail.com>

Sun, Aug 13, 2017 at 6:29 PM

Hi Henry,

Hope your anniversary celebration is a good one.

I am sorry to miss the Aug 17 SB meeting because I have to take our daughter to the airport to return to North Carolina so I am taking you up on your willingness to express these comments on my behalf at the meeting.

General comments:

Given the widely disparate (accurate and inaccurate) comments after the last wedding, it is clear that regardless of what restrictions a noise ordinance includes, a core group of people who do not meet the definition of "reasonable persons of ordinary sensitivity" will continue to object as long as weddings are held at the Barrows House. I think it makes sense to go ahead with a noise ordinance but people need to understand that it does not mean there will be no noise.

A way to abate the noise coming from weddings with a tent would be for the Zoning Board of Adjustment to issue a waiver to the Barrows House to construct a 4,000 square foot event barn. This would go a long way toward solving the problem. At this point it is not clear that Steve Bryant would construct an event barn even if a waiver were issued. I realize, given the history of zoning changes and the members of the ZBA, that this not a likely option. If there were interest by the neighbors in actually addressing the issue it should be pursued.

Specific comments:

ARTICLE VI. PROCEDURE, ENFORCEMENT AND PENALTIES

There needs to be more clarity on who (if anyone) besides a law enforcement officer is authorized to act as an "Issuing Municipal Official". I think it makes sense for a law enforcement officer to issue a citation that the ordinance is being violated. I don't see that the law enforcement officer would be the one to "prosecute" the complaint.

There needs to be clarity on how the civil penalties are are recovered by the "Issuing Municipal Official" especially in the case of waiver fees. As written, this wording implies that the fee might be paid to the Issuing Municipal Official.

Regardless of how a noise ordinance is worded, enforcement will be a continuing challenge

when dealing with complaints from people who are not reasonable and of ordinary sensitivity.

We do not want to have the Town Manager, the Select Board or the town's Justices of the Peace in the law enforcement business.

ARTICLE VIII. EFFECTIVE DATE

The ordinance needs to be put to a town vote. An issue of this significance should not be decided by the Select Board under pressure from a small group of citizens, but deserves to be put to a town wide vote.

Tom Smith
Mad Tom Orchard
2615 Mad Tom Road
East Dorset, VT 05253
Orchard Tel 802-366-8107
Home Tel 802-362-2373
tom@madtomorchard.com
www.madtomorchard.com



I have 3 points that I would like to make at this meeting, the first now and 2 at the time the Noise Ordinance is discussed.

- For many years The Dorset Town Report has listed the meeting time and date for this board's monthly meetings as the **3rd Tuesday of the month at 7PM**. Tonight's meeting is the **5th** this year that has been changed. **Should we expect this pattern to continue?**

Noise Ordinance

- As I understand it, garbage collection, lawnmowing, snow removal, emergency response, etc. create unavoidable noise that can last for minutes but not hours. A neighbor's building project may be bothersome but is usually done during the daytime hours and a barking dog can be curbed by Animal Control.

The **problem**, as I see it, is **thumping/pulsating bass**, which is not music; **screaming/yelling**, which is not talking/laughing...and continues for a prolonged time. At one time we could count on Theron, Hal, Terry or Harold to intervene as they knew everyone and how to handle a situation, but those days are over.

SUGGEST: SB separate all events in **2 categories**—ones that last **1-2 hours** (they may have many people, music and alcohol) but there isn't enough anticipated time for it to become raucous. Those in the **3-6 hour** category have been planned for a long time, usually have well over 75 people and they are there to have a good time to the very end. If, however, the host was to remove the amplified music and/or alcohol factor, the party collapses. So, both are needed to insure a successful time...and the noise escalates. Neighbors are angry!

Consider requiring PERMITS for 3-6 HOUR EVENTS (not to exceed 11PM) which would include cost of sheriff, payable at least 30 days in advance of event. Sheriff has control and answers to selectboard not host.

* * *

- Provide rack card on heavy stock with hole at top to indicate it is to be hung or posted in a conspicuous place. Noise Ordinance info written in simplified form (using bullet points) website ref. to unabridged version stated. Back of card to contain complaint contact info and order of pursuit. As a last resort: State of Vermont Dept. of Liquor Control: phone (800)832-2339, e-mail DLC.EnfLic@vermont.gov. Complaints can be made anonymously.

Jean D. Kingston
3370 Rte 30 PO Box 10
Dorset 867-4013



town manager <townmanager@gmail.com>

...more Barrow House info...

Marybeth <marybethdorsetvt@aol.com>
To: townmanager@gmail.com

Wed, Aug 9, 2017 at 7:21 AM

It appears that it is "in the best interest" of rectifying The Barrows House situation that we continue to write letters to keep you abreast of how bad their loud evenings actually are.....

They were the topic of the breakfast table at The Cornucopia the "morning after". I actually had people staying here that attended the wedding at The Barrows House and though they enjoyed being with friends, even they said, and I quote, "How can a precious little Town like Dorset, put up with the noise?" They said they left early as the drinking was getting out of hand and "after parties" were forming!

Though you may think that "shutting down" these events at 11pm is the cut off, you are sadly mistaken! These are party people! The noise goes on long after 11pm with NO ONE in charge!

I had to turn on all of the Guest room air conditioners to drown out the noise for my other Guests who were paying top dollar to stay here. To say that the noise "wasn't bad" is 100% NOT TRUE! This is NOT what people come to Dorset to hear!!!! They come for peace and quiet!

The Select Board members who do NOT live in The Village, should spend not half and hour or an hour listening to the situation, but 3, 4, and 5+ hours of the constant pounding noise that comes from these events. After doing THAT and LIVING with it time after time after time after time, then and ONLY then, can they truly assess what this is doing to our Town!

So there you go ~ Yet another letter written to add to hopefully, a file that will help to put a stop to Events taking place that are not what our Town is all about~NO ONE, outside the "destination wedding" goers comes to Dorset to listen to THAT!

Marybeth Heartfield

The Cornucopia Bed & Breakfast

P.O.Box 232

Dorset, VT 05251

802-867-5751

www.dorsetcornucopia.com



town manager <townmanager@gmail.com>

For the Dorset Select Board

STEPHEN MATHYAS <smathyas@comcast.net>
Reply-To: STEPHEN MATHYAS <smathyas@comcast.net>
To: town manager <townmanager@gmail.com>

Tue, Aug 8, 2017 at 6:44 PM

Rob, please share this with the entire select board for next weeks meeting. Thank you.

There's a time and a place for everything and Dorset is not the place for large raucous gatherings. We enjoy parties just as much as everyone else, but they should be reserved for venues large enough and situated out of earshot of neighbors.

The time to address this problem is not when the wedding is taking place....at that point it's too late and it's neither the fault of the wedding party nor the band. A wedding of this type should not be booked, but making a quick buck is hard to turn down. The Barrows House can be both a good neighbor and successful if they use discretion in the types of events they book. Are not the managers of the BH (or any other venue in town) required to adhere to some kind of standard of booking that's fitting to the village? If not, they should be. Where might it go from here for this and other venues in town or those that may arise in the future?

The need for a noise ordinance and some kind of regulation of activity is evident more than ever. Please do it.

Tracey & Steve Mathyas



town manager <townmanager@gmail.com>

Barrows House Wedding Music

Austin Chinn <achinn843@gmail.com>

Mon, Aug 7, 2017 at 10:24 AM

To: townmanager@gmail.com

Dear Rob,

I don't know what the reactions of Dorset Village residents were to the Barrows House on Saturday night, except for an email from Marybeth of Cornucopia who said that she called the Barrows House at about 6:00 pm to complain that her house was "shaking" from the concussive waves of music during the band's warmup. I feel sorry for the residents of the Village. We are a long way away in Kirby Hollow, but we could easily hear the aggressive dance music, and we closed our windows and turned on the AC at 10:15 pm.

Austin and Gillian Chinn



town manager <townmanager@gmail.com>

Noise August 5, 2017

elbow49@comcast.net <elbow49@comcast.net>

Sun, Aug 6, 2017 at 10:45 AM

To: Henry Chandler <hchandler@chandler4corners.com>

Cc: Rob Gaiotti <townmanager@gmail.com>

Henry,

Could you please forward this to the other select board members, i don't have email addresses.

The event at the Barrows House was extremely loud but ended at exactly 11:00. (band warm-up was in late afternoon, However, at 2:00 am I had to call Colleen because raucous guests on the patio were so loud I was awakened from a sound sleep. (she said she would take care of it). There was another small outburst at 2:30, I didn't call.

Also FYI, Jack and I went up to Kit's house at about 5:30 and the Upper Hollow Rd was almost completely blocked by two school buses and an Icehouse Limo parked at Seven Springs House. There was no way an emergency vehicle (or a car much larger than my Subaru) could have squeezed by.

Thank you,
Lindy



town manager <townmanager@gmail.com>

Re: Noise last night

Marybeth <marybethdorsetvt@aol.com>

Sun, Aug 6, 2017 at 3:07 PM

To: etanenhause@gmail.com, rosalia.g.fox@gmail.com

Cc: elbow49@comcast.net, marybeth@dorsetcornucopia.com, smathyas@comcast.net, l.b.mcginnis@hotmail.com, cindy.loudenslager@gmail.com, ruth.tanenhause@gmail.com, ves@nycap.rr.com, dianacinema@yahoo.com, lsilver@burrburton.org, kpgilbert@sbcglobal.net, jean@dovetailinn.com, klwallace@comcast.net, agpeterson3@yahoo.com, menson2@comcast.net, hchandler@chandler4corners.com, megan.thorn@gmail.com, mio.bistro@gmail.com, townmanager@gmail.com

Actually Ed, you are incorrect. I only called The Barrows House once. I called at 5:30ish when the band was warming up. The bass was so loud that the floors at my house were shaking. I spoke to Colleen and it actually got better. I was in bed (as I had a full house this week) at 9:30 with my air conditioning on...so it wasn't all that bad.

My issue, and I hope to speak about it at the Select Board meeting, is the 11pm shut off on weekends and the 10pm shut off week days. We are just NOT that kind of a Village that should have such late cut offs. I only hope that our Select Board understands that.

Marybeth Heartfield

The Cornucopia Bed & Breakfast

P.O.Box 232

Dorset, VT 05251

802-867-5751

www.dorsetcornucopia.com

[Quoted text hidden]



town manager <townmanager@gmail.com>

Re: Noise last night

Edward Tanenhaus <etanenhaus@gmail.com>

Sun, Aug 6, 2017 at 2:45 PM

To: Rosalie Fox <rosalie.g.fox@gmail.com>

Cc: elbow49@comcast.net, marybeth@dorsetcornucopia.com, Stephen Mathyas <smathyas@comcast.net>, Linda McGinnis <l.b.mcginnis@hotmail.com>, cindy.loudenslager@gmail.com, Ruth Tanenhaus <ruth.tanenhaus@gmail.com>, ves@nycap.rr.com, Diana Green <dianacinema@yahoo.com>, Lauren Silver <lsilver@burrburton.org>, Ken Gilbert <kpgilbert@sbcglobal.net>, jean@dovetailinn.com, Kathleen <kiwallace@comcast.net>, George Peterson 3rd <agpeter3@yahoo.com>, menson2@comcast.net, hchandler@chandler4corners.com, Megan Thörn <megan.thorn@gmail.com>, mio.bistro@gmail.com, town manager <townmanager@gmail.com>

Thank you.

We were back in Dorset about 10:45. The level of sound (music and crowd) was incredible.

The crowd was marauding until at least 11:30.

Lindy was awakened at 2:00 am.

Tracey heard the noise on Kirby Hollow, even with her windows down.

Mary Beth called BH twice.

What stands out to me is Bryant's brazen attitude and the town's failure to protect us from Bryant's blatant civic irresponsibility.

Sent from my iPad

On Aug 6, 2017, at 11:23 AM, Rosalie Fox <rosalie.g.fox@gmail.com> wrote

I heard the pounding of the bass/drums through my closed windows -- 1/2 mile away Andy -- and called BH at 10:20-pm with a message for Collee to tone it down. No adisturbing noise after 11pm. Will email Rob now to document complaint. _____ **GROSS victory FOX**

Dorset, Vermont from

On Sun, Aug 6, 2017 at 11:11 AM, Edward Tanenhaus <etanenhaus@gmail.com> wrote:

Sent from my iPad

On Aug 6, 2017, at 10:50 AM, elbow49@comcast.net wrote:

Good Morning, Was anyone else awakened from a sound sleep at 2:00 am by raucous guests on the Barrows House property? I was. I called Colleen (who said she would take of it). Back to sleep by 2:45 and I emailed our "town fathers" this morning.

L



town manager <townmanager@gmail.com>

Party noise at BH last night

Rosalie Fox <rosalie.g.fox@gmail.com>

Sun, Aug 6, 2017 at 11:26 AM

To: town manager <townmanager@gmail.com>, "hchandler@chandler4corners.com" <hchandler@chandler4corners.com>

Please note that I could hear the throbbing/pounding of the bass/drums through my closed windows last night as I tried to go to sleep and, at 10:20pm, called the Barrows House, leaving a message for Colleen to tone it down. I'm 1/2 mile away, at the end of Fox Lane. No music after 11pm, fortunately. Rosalie

ROSALIE GROSS FOX
Dorset, Vermont



town manager <townmanager@gmail.com>

Music tonight

elbow49@comcast.net <elbow49@comcast.net>

Sat, Aug 5, 2017 at 3:45 PM

To: Henry Chandler <hchandler@chandler4corners.com>

Cc: Megan Thörn <megan.thorn@gmail.com>, Rob Gaiotti <townmanager@gmail.com>

I don't have everyone's email address, but the select board is more than welcome to come over to my patio (or living room) tonight after 10:00 to listen to the music.

Lindy Bowden