

Regular Meeting of the Dorset Select Board

January 19, 2016 ~ Minutes

Present: Chris Brooks (Chairman), Mike Connors, Brad Tyler, Henry Chandler,
R. Gaiotti (Town Manager)
Absent: Michael Oltedal
Also, present: Sandra Pinsonault (Town Clerk), Danny Pinsonault, Jim Mirenda, Joe
DeFelice, Rosalie Fox

C. Brooks, Chairman, called the meeting to order at 7:05 p.m.

Approve Minutes of December 15, 2016

H. Chandler moved and M. Connors seconded to approve the December 15, 2015 minutes as presented. Motion carried 4-0.

Public Comment

S. Pinsonault mentioned a fundraising opportunity (Operations Uplift) for the students of the Dorset School which helps to provide necessities for the children. Donations can be made out to the DPV and sent to the school.

D. Pinsonault questioned why taxpayers would be asked to appropriate money to the Dorset Playhouse for the repair of their parking lot. He asked how this money is to be justified and why it was a floor vote instead of a ballot vote. C. Brooks responded that a floor vote allows for discussion whereby an organization can explain why their request benefits the community and people can vote to increase or decrease the amount requested. R. Fox noted that she appreciated the discussions held on Town meeting day, but felt that personal voting preferences should not be known to community members and should be private. C. Brooks said that the SB has to vote publicly all the time and the decision for floor votes was made years ago by petition. S. Pinsonault suggested that everyone be prepared for paper counts at the Town meeting because there may be a few close voice votes this year.

Public Hearing: FY2017 Town Budget

C. Brooks opened the Public Hearing at 7:20 p.m. H. Chandler asked about the money for the Economic Advisory and R. Gaiotti replied that it was listed under Budgeted Appropriations as a budget item, but will also be an advisory article on the warning. M. Connors noted that the Voter Approved Appropriations category of \$174,000 has really increased over the years. R. Gaiotti commented that the Budgeted Appropriations are amounts that he has no control over, but the voters can make changes to the Voter Approved Appropriations. R. Gaiotti responded to R. Fox's questions on the Administrative Assistant position (more hours plus SB, PC & ZBA

clerking duties) and Mudgett's contract for auditing (an RFP will be sent out next fall). C. Brooks noted that the Town has, for the past three times, requested bids for the auditing contract and Mudgett was the lowest bidder mostly because he knows the Town books well. R. Gaiotti explained the difference between the BCRC Regional Planning line item and the Planning Consultant line item to R. Fox. The Planning Consultant is available for the Planning Board and ZBA to call upon when needed; while the BCRC offers services of zoning maps, culvert surveys, etc. S. Pinsonault asked about the DRB Clerk line of \$2,967 and R. Gaiotti responded that this was a new line item for a DRB clerk and some money may have been for the rewriting of the ZBL for the Design District. Discussion ensued regarding the non-approval of the DRB clerk monies and how Boards must understand that a budget item cannot spend over an amount set. It was also noted that the DRB budget should be discussed and approved by the PC Board first. C. Brooks stated that all advisory boards should have their budgets approved by their respective overseeing Boards. R. Gaiotti explained the Town Office/Renovation-ADA review line item by saying that these were estimated soft costs for engineering reviews to see if there is additional space available in the building along with ADA assessment. Items also mentioned briefly were law enforcement, salt, sand, delinquent taxes and Town shed. S. Pinsonault recommended that the SB consider having a dog census as there are 100 plus dogs not licensed and people are complaining about this. C. Brooks asked that S. Pinsonault come up with estimated costs to do a dog census and the SB would discuss this issue when the numbers are available. C. Brooks also asked that the State Statutes be looked up regarding what fines/penalties are legal for unlicensed dogs.

The Public Hearing was closed at 7:55 p.m. M. Connors moved and B. Tyler seconded to approve the FY2017 Budget as presented. Motion carried 4-0.

Town Meeting Preparation

R. Gaiotti reviewed the Town report dedication page and the Select Board/Town Manager annual report. C. Brooks suggested that R. Gaiotti have a bulleted action list regarding the Economic Development portion of the budget. It was mentioned by C. Brooks that he received a phone call from a representative of the Town of Shaftsbury requesting funds for a regional economic development committee and he recommended that the Town of Shaftsbury request an appropriation for next year's budget. R. Gaiotti noted that the Solid Waste Alliance will have surveys available to fill out at the Town meeting.

Town Meeting Warning

Article 7 was pointed out as a new article for this year – exemption of property tax for the Wilson House for five years. The request is the same as previous requests and has to be re-done every five years. M. Connors asked if the exemption was for all their property and R. Gaiotti responded no, it was just the 378 Village Street building. D. Pinsonault asked if the Wilson House has to show any records or financials in order to request a tax exemption and also if there is an actual reason to do this exemption. R. Gaiotti noted that they were a 501C3 non-profit

organization. C. Brooks encouraged R. Gaiotti to call the Wilson House to see if they could have a representative present at the Town meeting.

Articles 22, 23 and 24 are also revised/new/added from last year - appropriation of \$15,000 (was \$5,000) to the Dorset Marble Preservation Association to restore Dorset marble sidewalks; appropriation of \$2,000 to the Dorset Players, Inc. to help with the cost of repairing the east parking lot and appropriation of \$6,300 to support the Northshire Economic Development effort (#24 advisory only). There will be a Northshire Economic Development/The Partnership (formerly Manchester Chamber of Commerce) meeting at the Long Trail School on February 11, 2016 at 5:30 p.m.

M. Connors asked about the liability aspects if the Town voters approved the \$15,000 appropriation for the marble sidewalks and C. Brooks suggested that someone could modify the article from the floor to have the Dorset Marble Preservation Association include liability insurance and indemnify the Town from liability.

M. Connors moved and H. Chandler seconded to change the warning to add Article #24 for the advisory vote for the Northshire Economic Development and approve the 2016 Town of Dorset, Vermont Warning as amended. Motion carried 4-0.

Finance Report

R. Gaiotti reviewed the finance report with the Board members. The Town is approximately 57% through the FY16 budget and delinquent taxes are \$117,352 as of January 15th.

Manager's Report

Reviewed and discussed were the new Western Star truck; the Lower Hollow wooden bridge; the Owls Head Town Forest Project; Dorset-Manchester Town line issue; and the Dorset Water System memo.

B. Tyler expressed concern about the Town managing the Dorset Water system and the liabilities involved. M. Connors asked who would be responsible for the cost to the Town for the administration of the system and the use of the office staff. C. Brooks noted that the logistics of meetings/costs/decision making needs to be addressed legally under State Statutes. R. Gaiotti felt there are efficient ways to manage time and buildings and have the three entities work together.

Approve Payroll & Accounts Payable for Week of 01/19/2016

It was the consensus of the Select Board members to approve the payroll and accounts payable for the week of 01/19/2016 as presented. Motion carried 4-0.

Other Business

1. It was the consensus of the Select Board to sign the 2016 Highway Certificate as presented. Motion carried 4-0.
2. The Select Board members had no objections to the PC Resolution dated January 5, 2016 which requests that the Planning Consultant do a complete technical review of the existing zoning bylaws.
3. C. Brooks said that the Town needs to continue to move forward with regard to Public Safety covering all possible scenarios. R. Gaiotti is still reviewing and estimating different options.
4. C. Brooks noted that the Board had read and was aware of the Rutland Town Resolution regarding the siting of renewable energy projects.

H. Chandler moved and B. Tyler seconded to adjourn the meeting at 9: 50 p.m. Motion carried 4-0.

Respectfully submitted,

Nancy Aversano

From: Chris Brooks [mailto:chris@vermontwoodpellet.com]
Sent: Friday, January 08, 2016 12:13 PM
To: Brad Tyler; Mike Oltedal; Henry Chandler; mconnorssr@yahoo.com
Cc: Nancy Aversano
Subject: Legal Issue

(Nancy, this email and all associated emails will need to be added to the next Select Board minutes)

To All:

Rob sent me the following. I am inclined to take his advice and "decline mediation". Please give me your thoughts before I respond to Rob.

*From Rob:
Legal update:*

Glen Callen, who is in violation of a zoning permit in the Design District that specifically required him to build tapered/shingled columns. Callen did not appeal and did not follow the permit. Joe has prepared the action to enforce the violation, which would be done in environmental court.

Callen's lawyer has asked for a mediation, and now Town needs to decide whether it will entertain mediation.

The problem is that the Design Review Board specifically required the columns to be built a certain way based on the bylaw and the columns cannot be left "as is". The DRB will not entertain other options and Callen just won't agree to build as per the permit even though it would be his best option.

My recommendation would be to decline the mediation as it will just waste time, and undermine the DRB, making them feel the Town doesn't support the board. Its a pretty straight forward case and the Town has a very strong position. Just wanted to run this by you and get your thoughts.

I look forward to hearing from you al.

Thanks,
Chris
Vermont Wood Pellet Company
(802) 747-1093

From: Chris Brooks [mailto:chris@vermontwoodpellet.com]
Sent: Friday, January 08, 2016 12:13 PM
To: Brad Tyler; Mike Oltedal; Henry Chandler; mconnorssr@yahoo.com
Cc: Nancy Aversano
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Vermont Wood Pellet Company

(802) 747-1093

From: Henry Chandler [mailto:hchandler@chandler4corners.com]
Sent: Friday, January 08, 2016 1:02 PM
To: Chris Brooks
Cc: Brad Tyler; Mike Oltedal; mconnorssr@yahoo.com; Nancy Aversano
Subject: Re: Legal Issue

Thanks Chris,
I'm conflicted but also inclined to "decline mediation". My understanding (should be confirmed) is that the accepted and permitted design was the result of mediation within the permitting process.
Henry

On Jan 8, 2016, at 12:13 PM, Chris Brooks <chris@vermontwoodpellet.com> wrote:

(Nancy, this email and all associated emails will need to be added to the next Select Board minutes)

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From: Tyler Electric [mailto:tylerelectric@earthlink.net]
Sent: Friday, January 08, 2016 1:47 PM
To: 'Chris Brooks'; 'Mike Oltedal'; 'Henry Chandler'; mconnorssr@yahoo.com
Cc: 'Nancy Aversano'
Subject: RE: Legal Issue

Chris,

I have my own thoughts about this, but I must keep them to myself because I work for Glenn Callen and I have worked on this project on Church Street. Therefore, I feel it is a conflict of interest for me to become involved.

There are still four of you who can make the decision. Thanks.

