

Town of Dorset, Vermont



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=====*Chartered 1761*=====

Regular Meeting of the Dorset Select Board October 17, 2017

Present: Henry Chandler (Chairman), Megan Thorn, Jack Stannard, Tom Smith,
Liz Ruffa, R. Gaiotti (Town Manager)

Absent:

Also, present: Sara Lareau, Danny Pinsonnault, Sandy Pinsonault, Howard Coolidge,
Brad Tyler, Mike Connors, Jack Gilbert, Lindy Bowden, Jean Kingston,
Nancy Rubadeau, Richard Rubadeau, Austin Chinn, Ed Tanenhaus,
Diana Green, Tracey Mathyas, Margaret Canavan, Kit Wallace, Rosalie
Fox, Rep. Linda Joy Sullivan, Nancy Ludlam, Stephan Ludlam, Chris
Brooks, Katie Adams, Bo Thorn, Linda McGinnis, David Beebe, Joan
Menson, Robert Menson, Doug Beebe, Vivienne Smith

H. Chandler, Chairman, called the meeting to order at 7:02 p.m.

Approve Minutes of September 19, 2017

M. Thorn moved and T. Smith seconded to approve the September 19, 2017 minutes as presented. Motion carried 4-0.

Public Comment

None

Noise Ordinance Public Hearing

H. Chandler opened the Noise Ordinance Public Hearing at 7:05 p.m.

D. Pinsonault pointed out that the proposed noise ordinance did not seem to be about the whole town, but limited to one location, the Barrows House, which everyone is reluctant to name. He felt that some of the ordinance wording would allow for anyone who does not “like” something – not the noise, but the type of noise – to submit a complaint. It would not be that it was loud, but that it was irritating to an individual. D. Pinsonault felt the ordinance was open to interpretation and enforcement would be difficult.

V. Smith suggested that the Board change the hours of lawn mowing and leaf blowing to 8:00 a.m. instead of 6:00 a.m. and consider adding language about proximity of people/location in the ordinance. She also commented that the weddings at the Barrows House were extremely loud and should be stopped by 10:00 p.m. as Burlington does.

C. Brooks noted that he was not against the noise ordinance, but felt that noise was a civil issue between people, not a public one. Under State law, if someone creates noise that “impedes your place of quiet enjoyment,” you have the right to sue them. C. Brooks noted that he hired a local lawyer familiar with Dorset to review the ordinance and point out areas of concern such as:

- The ordinance uses vague concepts and terms leaving the Town open to constitutional challenge. The ordinance standards are open to interpretation and someone could complain that any noise is too much noise.
- The Select Board has placed enforcement in the hands of a contracted Sheriff, but it would be prudent for the Select Board to stay involved and assist in making determinations of violations as Vermont seems to require Towns to stay involved in all enforcement issues
- Imposing liability on someone without notice and an opportunity to cure is grounds for challenge
- Concern that the Barrows House has been singled out throughout the whole process of creating the noise ordinance and there is a danger in passing an ordinance for all, with a history of targeting a single person/business

C. Brooks complimented the Board on their good intentions and a good job, but noted that with this ordinance a motorcycle, log trucks, garbage trucks, etc. could be cited for noise and would not be exempt. The hours listed in the ordinance do not prevent noise complaints at any other time as the general restriction of the ordinance prevails at all times. Article III, Section B (1) “loud or unreasonable noise...” was pointed out by C. Brooks as something that everyone could agree to and could be used as the ordinance. The drafted noise ordinance, as a whole, is overreaching expressed C. Brooks.

L. McGinnis stated that the noise ordinance was not just for one property as the Dorset Field Club and the Barrows House both create a lot of loud noise. The Barrows House is also not owner occupied so there is no one to control noise late at night. D. Pinsonault expressed that the whole Town should not be penalized for one section of Town. C. Brooks agreed that noise at midnight was objectionable, but if a person felt aggrieved, they could sue the offending party. V. Smith expressed concern about an individual suing a business. B. Tyler asked what was the number of noise complaints, other than the Barrows House and R. Gaiotti responded he had six noise complaints, but they were all events at the Barrows House. V. Smith suggested seeing if there was any recourse with the Vermont Liquor Control Board for controlling noise at the Barrows House and H. Chandler responded that liquor licenses were approved once a year and compliance is a consideration, but not a requirement. R. Fox expressed her support of the noise ordinance as drafted as she considers it a proactive and forward thinking document. S. Lareau urged the Select Board not to encompass the whole town with a noise ordinance as she would not like to see noise problems concerning horses, the horse show, home wedding events, etc. in East Dorset. L. McGinnis and V. Smith both expressed that the ordinance protects the people threatened by excessive noise.

C. Brooks stated that he believed eventually there would be noise complaints against the horse show. A question was raised by D. Beebe about the horse show being exempt and M. Thorn replied that the noise ordinance would apply equally to the horse show. C. Brooks

explained that a horse farm or show is not considered agricultural and so would be open to receiving noise complaints. S. Ludlam asked how enforcement would work as there are no definable standards and if barking dogs could be considered a noise issue (answered yes). Discussion of sound standards, sound checks, Act 250 sound requirements, decibel levels and sound studies ensued. B. Tyler suggested the possibility of the Barrows House hiring an officer to be present at their events which would make them responsible for their own sound control. S. Pinsonault pointed out that if the Barrows House had been able to build an event barn, the sound issue would have been solved. L. Bowden voiced that the ordinance should apply to everyone equally. S. Lareau felt that a noise ordinance opened up a lot of issues such as: the possibility of having disgruntled people complain; infringement on private lives and encompassing too many people. J. Kingston felt that events of sustained length were a problem and K. Wallace expressed that the focus should be on reasonable, quiet enjoyment of your property. S. Lareau asked what protection there would be against unreasonable complaints. T. Mathyas conveyed her support of the noise ordinance as written.

H. Chandler closed the Public Hearing at 8:10 p.m.

J. Stannard made a statement saying that it was up to the Select Board members to protect the quality of life of Town residents. J. Stannard moved to approve the draft Noise Ordinance dated 07-17-2017 as presented.

T. Smith read Section 2.5 (page 11) of the Dorset Town Plan and said that the goal is to support existing businesses and encourage new ones while ensuring people can enjoy the benefits of living in Dorset. M. Thorn stated that she is aware of the gray areas in the noise ordinance, but was also aware that some people need redress for noise in the Village. She mentioned the possibility of using special event permits for residences and businesses, but said that she is troubled by too much regulation in Vermont. J. Stannard commented that the noise ordinance could always be “tweaked” if needed and it protects quality of life. T. Smith suggested asking if the Barrows House would be open to hiring their own police support for noise control and he was open to discussing special event permits. L. Ruffa stated that she supported not approving the ordinance as written, but would like to research more options. M. Thorn noted that the ordinance could open the door for people to use it in an unintended way and many people were against its approval. M. Thorn moved and T. Smith seconded to table the proposed draft Noise Ordinance. Motion carried 3-1 (J. Stannard).

Route 7 & Mad Tom Update

R. Gaiotti presented three options for initiating Town safety measures at the intersection of Route 7 and Mad Tom Road. A survey of the area would be a necessary starting point for all three of the options. H. Chandler expressed concern with the cost estimates listed. T. Smith moved and L. Ruffa seconded to authorize R. Gaiotti to expend up to \$2,000 to complete a survey of the property lines of two parcels, the railroad right-of-way and the Mad Tom Road right-of-way. M. Thorn said that this is an opportunity to try to make this intersection a safer spot for the people in East Dorset. It would make a big difference to have a proper sidewalk and crosswalk in this location. Motion carried 4-0. R. Gaiotti is to also contact the Vermont Railroad and Jiffy Mart for their input. R. Gaiotti is waiting for State permits before installing the second radar speed sign.

Finance Report

R. Gaiotti reported:

- Delinquent Tax ~ \$429,780 as of 10/13/17
- Contract payment to Fire Departments made
- Equipment Purchase of single axle dump truck
- Grant Payments from AOT
- Work plans with Emerald Lake State Park

M. Thorn moved and T. Smith seconded to approve the Finance Report as presented. Motion carried 4-0.

Manager's Report

The Manager's reported covered:

- Highway~fall cleanup; mowing; grading; hauling sand and planning for salt shed
- Continued support for Dorset Fire District #1
- Completion of Tower Road bridge
- Planning for Mad Tom Road intersection options
- North Dorset train station project
- Black Rock HOA annual meeting
- FY19 budget draft for next meeting discussion
- Reappraisal to be discussed next meeting

Approve Payroll and Accounts Payable for the Week of 10/17/2107

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 10/17/2017 as presented.

Other Business

1. M. Thorn requested copies of Manchester's special event permit documentation.
2. November Select Board meeting will be held on November 28, 2017

M. Thorn moved and T. Smith seconded to move to Executive session at 9:10 p.m. to discuss legal issues. Executive session ended at 9:15 p.m. with T. Smith moving and L. Ruffa seconding to return to regular session. Motion carried 4-0.

T. Smith moved and M. Thorn seconded to adjourn the meeting at 9:18 p.m. Motion carried 4-0.

Respectfully submitted,

Nancy Aversano



Select Board

Date 10/17/17

Regular Meeting X

Special Meeting

Please Print)

Testifying

Name	Mailing Address	Representing	(Yes or No)
Sara Laleau	825 Mad Tom Rd East Dorset VT		
Danny Pinsonault	PO Box 6 E Dorset Vt		
HOWARD Coolidge	261 Coolidge Ln Dorset		
Brad Tyler	Po Box 160 Dorset		
Mike Connors	PO Box 75 East Dorset		
JACK Gillett	PO BOX 493 DORSET		
Lindy Bowden	PO BOX 874, Dorset	self	?
Jean Kingstar	PO Box 10 Dorset ^{3370 Rt 30}	Self	
Nancy Rubadeau	3571 Morse Hill Rd Dorset	self	
RICHARD Rubadeau	3571 MORSE HILL RD. DORSET	self	
Austin Chim	104 Kirby Hollow Rd. Dorset	self	
ED TANENHAUS	P.O. Box 816	Self	
D. GREEN	POB 881	"	?
TRACEY MATHYAS	799 Kirby Hollow Dorset	"	
MARGARET CANAVAN	PO BOX 87 05253	"	
Kit Wallac	2173 Upper Hollow Rd Dorset	Self	?
Rosalie Fox	P.O. Box 1011	self	No
Rep. Linda Joy Sullivan	932 McKean Rd	Self	NO
Nancy Ludlam	P.O. Box 71 East Dorset	Self	No
Stephan Ludlam	140 Mad Tom Rd E. Dorset	self	?
CHRO BROOKS	POB 277 DORSET	SELF	YES

Katie Adams

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