

Regular Meeting of the Dorset Select Board

September 22, 2015 ~ Minutes

Present: Chris Brooks (Chairman), Mike Connors, Michael Oltedal, Henry Chandler, Brad Tyler, R. Gaiotti (Town Manager)

Absent:

Also, present: Maryann Morris (The Collaborative), Victoria Silsby (The Collaborative), Robert S. Menson, Joan Menson, Sandy Pinsonault, Danny Pinsonault, Marilyn Kinney, Patrick McArdle (Rutland Herald)

C. Brooks, Chairman, called the meeting to order at 7:05 p.m. C. Brooks noted an addition to the agenda to have a presentation by The Collaborative representatives after the Public Comment agenda item.

Approve Minutes of August 18, 2015 & Review August 24, 2015 Minutes

M. Oltedal moved and M. Connors seconded to approve the August 18, 2015 minutes as presented. Motion carried 3-0 (C. Brooks & H. Chandler abstained).

H. Chandler moved and M. Oltedal seconded to approve the August 24, 2015 minutes as presented. Motion carried 4-0 (C. Brooks abstained).

Public Comment

J. Menson expressed that she was pleased to see Jim Sullivan present at the Planning Commission meetings as he has knowledge of planning issues and she hopes his presence will continue. C. Brooks noted that he had asked J. Sullivan to be present at the 20% slope PC discussion and that hopefully he will be available as his time permits. C. Brooks asked about the planning workshop and R. Gaiotti is trying to fit the workshop into the schedule. D. Pinsonault agreed that having J. Sullivan is helpful as he gives knowledge to the Zoning Administrator, Board and audience allowing for different ways to look at issues for everyone. H. Chandler stated that he is surprised that the PC does not write Findings of Fact. When he was on the PC, they had a Town Planner who did a lot of paperwork for the Board which made everything flow easily. He felt that Findings of Fact documents help to defend PC decisions in case of court challenges and also takes away risk for the Town. D. Pinsonault said that the Board and T. Yandow were currently in the process of creating a Findings of Fact document following a template. H. Chandler advocated for a Town Planner to do this paperwork. D. Pinsonault responded that they do not have a full time person to do this, but felt that there are benefits in learning planning issues by the Board doing the paperwork. H. Chandler felt that Board members come and go, but there is institutional knowledge in having a part-time planner which is great.

S. Pinsonault mentioned that the VLCT has been discussing Tax Department changes for the Homestead Declaration and what income year to use. The VLCT Town Fair will be held on October 8, 2015.

R. Gaiotti informed the Board that a new storm water permit will be created by the State whereby Towns will be required to get a permit to work on their own roads to maintain ditches.

Discussion with The Collaborative Representatives

Maryann Morris, Executive Director of The Collaborative, explained that The Collaborative program is a wellness collaboration seeking to give opportunities for children, teens and adults to make healthy choices by providing numerous programs such as the Refuse to Use program, Prescription Drug Take Back Initiative, and Student Empowerment Groups. The group also helps to create policy such as smoke free zones on Town owned lands. M. Morris presented the Board with education packets containing sheets on alcohol, tobacco, prescription drugs take back locations, the Collaborative Annual Report, and a Primer on Planning for Prevention.

M. Morris reviewed the pertinent information in the Primer on Planning for Prevention pointing out pages 6 and 7 with regard to the Vermont Prevention Model which advocates education for individuals as well as communities so that policy work and messages from Towns hold health and wellness in high regard. V. Silsby mentioned that Towns should consider the proximity to schools and child care locations when allowing venues that sell alcohol and tobacco because of the message it can send children as they pass by the advertisements. She mentioned that Towns should start to think about the effects of marijuana legalization with regard to retail locations and what the Town would like to see happen. Brattleboro was mentioned as a good example for the way they do their liquor licenses as the establishment must come before the Select Board who issues them regulations to follow and which are Town enforced along with the State.

H. Chandler asked if the Collaborative had a policy on what position they held on the legalization of marijuana and M. Morris replied yes, the group felt that legalization would be bad for communities and send conflicting messages to people. S. Pinsonault mentioned that the VLCT is not advocating for legalization as the reports from Colorado and Oregon show that crime is up and tax revenues have not increased. M. Morris noted that they are trying to encourage Towns to be prepared to avoid the gaps that Colorado had. R. Gaiotti mentioned that the PC talked about the potential location of medical marijuana shops, but there are no current prohibitions in the regulations for retail sales of marijuana. M. Morris remarked that e-cigarettes were now being used to smoke marijuana.

V. Silsby stated that their group would welcome collaboration with the Town on these issues.

Town Road Right-of-Way Permit Process Review (continued)

R. Gaiotti presented the revised draft of the *Permit for Working in the Town Right-of-Way* policy for review. Fees have been increased and number 3 and 4 were added regarding project approval and on-site presence by a designated Town employee. C. Brooks suggested adhering the OSHA standards such as having a flagman. M. Connors asked about liability with regard to the homeowner or contractor and R. Gaiotti replied that the person signing the permit is responsible. M. Connors expressed concern that general liability insurance would not cover sub-standard work and R. Gaiotti noted that the Town would have a \$2,500 deposit for one year for paved roads. B. Tyler commented about boring underneath pavement as the pavement can buckle. The discussion moved on to the Water Department repair work and the necessity of having a separate agreement in place with the Prudential Committee. B. Tyler asked if a State permit is needed for work on Route 30 and R. Gaiotti responded yes. H. Chandler thought that the homeowners were responsible for water repairs and R. Gaiotti said that is not always true because, if the Prudential Committee has a leak in the system, they are responsible for repairs. The homeowner is responsible from the house to the main. R. Gaiotti is to revise the document for another review at next month's SB meeting. D. Pinsonault expressed confusion about the water issues as a representative of the Dorset Prudential Committee had said that there would be no water projects in the near future and he wanted both departments to be treated fairly. M. Connors recommended that J. Hewes should be overseeing any work done in the Town roads. H. Chandler asked if there was a zoning bylaw regarding Town right-of-ways and R. Gaiotti said that it was a State Statute (Title 19, Section 1111).

Finance Report

- Delinquent taxes as of September 18th are \$191,800 and the finances are roughly 23% through fiscal year 2016.
- Winter sand has been delivered with a saving of \$1,000 plus staff time and fuel.
- A request for a Town appropriation of \$1,000 has been received from the American Red Cross. A reply has been sent along with a petition form.
- C. Brooks asked about the landfill/recycling and the Town office equipment line items. R. Gaiotti responded that the landfill/recycling item varies during the year and is getting more expensive and the Town office equipment purchases are pretty much done for the year.
- H. Chandler asked what the protocol was for left over surplus monies and R. Gaiotti noted that it was the tradition of the SB to give back the surplus to the tax payers by offsetting the tax rate. The money shows as a revenue for FY17. C. Brooks commented that the SB has the ability to use the funds for the Town and R. Gaiotti said that a percentage of the surplus could also be kept for operating expenses. H. Chandler asked if the audit was complete and R. Gaiotti replied a draft is complete with the final edition expected in November.
- S. Pinsonault made the suggestion that the SB consider changing the tax collection dates to sync with the State's prebate downloads and late homestead filings. C. Brooks noted

that the Town might have to take out loans to cover expenditures if the collection dates were changed and some people still might not pay their taxes. He asked S. Pinsonault to bring up this topic again when closer to tax time.

Manager's Report

R. Gaiotti reviewed his report mentioning:

- Squirrel Hollow Road retaining wall is complete and Pike will return for paving.
- Crack sealing of paved roads is being done.
- Capital projects for FY17 and future dates preparation and updates – separate document given to the SB
- Attended Dorset Prudential Committee meeting and Trout Unlimited and the Forestry Service will be doing stream restoration on Lower and Upper Hollow Roads to possibly include bridge work, two dry hydrants and culvert work.
- Owls Head Town Forest Project has approximately \$73,000 left to fundraise. C. Brooks asked that this item be placed on next month's agenda for discussion.
- Select Board, Dorset and East Dorset Prudential/Fire Departments meeting scheduled for September 28th.
- The marble sidewalk project has been put off until spring.
- Meetings with the McDonough's and the Vermont State Forests & Parks Department regarding the future of the quarry. It was their recommendation to have the quarry managed by a non-profit organization who should institute a management plan. The State might consider integrating the quarry into the State Park system once the property acquired a good track record of management.

R. Gaiotti reviewed the September 16, 2015 Town of Dorset 10 year Highway Capital Plan for Paved Roads noting that work for Meadow Lane, Cheney Road, Kent Hill Road and a section of Dorset Hollow Road have been pushed out further due to possible water line projects. C. Brooks requested that once these roads are paved that the proper representatives are notified regarding charges to be assessed if cutting into new pavement. Also discussed were the Lower Hollow Wooden Bridge, Lane Road and Cross Road culverts. The Select Board members read through the capital improvement plan for highway equipment.

Approve Payroll and Accounts Payable for the Week of 9/22/2015

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 9/22/2015 as presented.

Other Business

C. Brooks raised the issue of the request to establish a noise ordinance noting that as a business owner who had to participate in an Act 250 permitting process, Act 250 regulations require that sound testing be done at the borders of his property. The Barrows House will be sound testing this weekend and the responsibility will be on them to provide proof of sound levels to the Act

250 Board. D. Pinsonault commented that at two PC meetings he had given out his personal telephone number to the audience so that they could call him regarding noise levels at the Barrows House and no one called. C. Brooks commented that if there are complaints after an Act 250 approval, someone will come to investigate. H. Chandler asked to be on record that he wants to consider a noise ordinance for the Town. C. Brooks asked at what level and H. Chandler replied it could be done as a noise level or can be done subjectively. D. Pinsonault asked who would judge sound levels and H. Chandler answered a noise warden. Discussion ensued regarding sound/noise with comments about type of music, house parties, fireworks, and a whole Town suffering consequences for one location. M. Connors stated that a large barn with insulation should contain the noise and C. Brooks remarked that they will have to conform to Act 250 rules. R. Gaiotti commented that the Board would have to temper what is put in place with a noise ordinance as people mow their lawns at 5:00 p.m. and he has gotten complaints about that. H. Chandler said that he is concerned with a petition being done with draconian measures for a noise ordinance. C. Brooks suggested that the Board wait to see what happens with the Act 250 process.

H. Chandler moved and M. Oltedal seconded to adjourn the meeting at 9:00 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ ~~Planning Commission~~ ^{Select Board}
 Date 9, 22, 15
 Regular Meeting
 Special Meeting

(Please Print) Testifying

Name	Address	Representing	(Yes or No)
Maryann Morris	7591 Vt Rt 11 Dorset, 05148	The Collaborative	
Victoria Salsby	280 Nottingham 05255	The Collaborative	
ROBERT S. MENSON	1131 ROUTE 30	SELF	-
JOAN MENSON	"	"	
Sandy Pinsonault	PO Box 6 E Dorset		
Danny Pinsonault	PO Box 6 E Dorset	"	"
Charles Kinney	312 LUGG CUN E. Dorset	SELF	-
Patrick Mc Ardle	The Rutland Herald		No