

# Regular Meeting of the Dorset Select Board

## October 18, 2016 ~ Minutes

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

Absent:

Also, present: Chad Schmidt (Bennington Sheriff's Dept), Jim Mirenda (NMSC), Austin Chinn, Jim Hand, Linda Sullivan, Allan J. Sullivan, Makayla Courtney-Mulaney (Bennington Banner/Manchester Journal), Luanne Hardy, Ruth Tanenhaus, Ed Tanenhaus, Clarissa Lennox, Joan Menson, Robert Menson

H. Chandler, Chairman, called the meeting to order at 7:00 p.m.

### **Approve Minutes of September 20, 2016**

H. Chandler corrected the spelling of Chad Schmidt's name on the third page of the September minutes. M. Thorn moved and T. Smith seconded to approve the September 20, 2016 minutes as amended. Motion carried 5-0.

### **Public Comment**

J. Mirenda reported that the Northshire Merger School Committee will hold a meeting on October 26, 2016 at 7:00 p.m. at the Dorset School. They will be updating the community and soliciting comments.

A. Chinn commented that D. McDonough has done a good job with the quarry, but he should just put up a fence and no trespassing signs in order to close it down. C. Lennox felt that the quarry would be a liability to the Town if taken over.

### **Meet with Bennington County Sheriff**

Chad Schmidt, Sheriff, gave an overview of the services that can be provided to Dorset and mentioned that there were many options with flexible, random scheduling. H. Chandler asked who owns the vehicle used for patrol and C. Schmidt replied that the Sheriff's office owns the vehicle, but the vehicle could have a customized logo with Dorset's name on it. Discussion included office space, holding facility, lead time, timeline for starting, and number of hours of patrol per week. M. Thorn asked if the Sheriffs were stricter about giving tickets as opposed to warnings and C. Schmidt answered that they do not have ticket quotas to fulfill, but he usually leaves the decision up to the discretion of his deputies. H. Chandler noted that the Board would like to play a role in selecting the officers who patrol Dorset. C. Lennox suggested that the Sheriffs be hired for 56 hours per week (8 hours per day).

T. Smith moved and M. Thorn seconded to draft a contract with the Bennington County Sheriff's Department for patrols starting in June 2017. This proposed contract is to be reviewed at the next Select Board meeting. Motion carried 5-0.

### **Solar Proposal: Town Buildings**

The Board received copies of the *Solar Energy Services/Power Purchase Agreement* for review along with copies of emailed questions dated September 15<sup>th</sup> with answers by Thomas Hand. T. Smith mentioned that the proposed contract had a lot of blanks in it and R. Gaiotti responded that some of the information cannot be filled in until the engineering phase is in progress. J. Hand noted that the Town proposal is similar to the school with some small additions. T. Smith asked about the warranty coverage and transferability. J. Hand replied that warranty could be dependent upon the manufacturer.

T. Smith moved and L. Ruffa seconded to have R. Gaiotti work out a contract with J. Hand contingent upon approval from J. O'Dea (Town Counsel). Motion carried 4-0 (J. Stannard abstained). M. Thorn mentioned that the warranty of the equipment should be reviewed before the time of purchase in seven years.

### **Noise Ordinance Review**

H. Chandler explained that there are two noise ordinance proposals – R. Gaiotti's and J. Stannard's. R. Gaiotti noted that his ordinance was an adapted template from the VLCT and he has reviewed J. Stannard's noise ordinance and pointed out factors to be considered. T. Smith proposed that the Board work with R. Gaiotti's version, making amendments where necessary as there were too many paper versions to keep straight. J. Stannard objected as the ordinance he provided had additional features such as time limits for machinery to protect people doing lawns. E. Tanenhaus explained that the noise ordinance J. Stannard presented was a conglomerate of a dozen communities and suggested starting with this version which gives the whole picture and then take out what the Board does not want.

H. Chandler commented that the larger noise ordinance attempts to regulate all noise whereby the altered VLCT ordinance regulates objectionable noise. Discussion ensued covering topics of decibel levels, enforcement, time limits for mowing lawns, and using Town resources to police noise. M. Thorn stated that the Town never had a noise ordinance before and everyone survived. She felt wary to restrict everyone for occasional noises and to put in an ordinance which would infringe on everyone's rights. J. Stannard expressed that making a written complaint would make people more responsible about reporting issues. T. Smith said that instituting a noise ordinance for everyone was counterproductive when there seemed to be one problem in Dorset village. J. Stannard stated that fireworks were also a problem and M. Thorn, H. Chandler, T. Smith and L. Ruffa were against regulating firework noise.

J. Stannard stated that Tracey Mathyas and her neighbors on Kirby Hollow Road complain about truck brakes on Route 30 and suggested installing signs and having a cruiser patrol which would all be part of a noise ordinance. M. Thorn responded that noise having to do with truck brakes is not even addressed in the J. Stannard ordinance and trucks would be gone before any enforcement could take place. M. Thorn emphasized that you can only regulate what you can enforce. The Board spoke about what types of noise complaints are received, timeframes for prohibiting noise and when does a noise prohibition become a disadvantage and have an impact on local businesses.

T. Smith moved and M. Thorn seconded to postpone the discussion of the noise ordinance until L. Ruffa, M. Thorn and R. Gaiotti have met to review the documents. R. Gaiotti is to create a noise survey for businesses. Motion carried 5-0.

### **Fire Tax Discussion**

T. Smith moved and M. Thorn seconded to have R. Gaiotti contact the Dorset Fire District #1 and the East Dorset Fire District #1 Committees to work out a commitment to approve their budgets prior to Town Meeting. Motion carried 5-0.

### **Mad Tom Road/Route 7 Intersection**

R. Gaiotti reviewed his memo regarding this intersection which over the years has proven to be dangerous for pedestrians and motor vehicles. There is a new AOT task force which may be helpful in dealing with this problem. It was the consensus of the SB members to have R. Gaiotti pursue solutions for the improvement to the Mad Tom Road/Route 7 Intersection issues. T. Parente expressed his thanks to the Board as there needs to be a focus on safety at this intersection with defined crosswalks and slower speeds.

### **Finance Report**

The finance report was reviewed:

- Delinquent taxes are \$223,741 as of October 14<sup>th</sup>.
- 29% through the fiscal year
- H. Chandler mentioned that the bridge project was well done.
- J. Stannard recommended paving McNamara Road and A. Sullivan (resident of McNamara) objected to this suggestion. R. Gaiotti noted that maintenance on paved roads was expensive.
- Audit has been finalized and FY16 surplus is \$90,000

T. Smith moved and J. Stannard seconded to approve the finance report as presented. Motion carried 5-0.

### **Manager's Report**

R. Gaiotti reviewed his Manager's report with reference to:

- Winter preparations, tree work & grading
- Lane Road culvert – addressing water levels due to beavers
- FY18 budget process to start
- Weir project by Trout Unlimited & USFS
- Dorset Marble Preservation Association (DMPA) meeting about sidewalk in front of the Wilson House
- Town Forest event was well attended
- Attended workshop for preservation options for the quarry
- Dorset water conservation is in effect as the reservoir is at 30%

### **Approve Payroll and Accounts Payable for the Week of 10/18/16**

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 10/18/16 as presented.

**Other Business**

- VSP update was given.
- The SB reviewed J. Pistell's letter about the quarry.
- VLCT newsletters were included in the SB packets.

M. Thorn moved and T. Smith seconded to adjourn the meeting at 9:30 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano

**Select Board**

Date 10/18/16

Regular Meeting X

Special Meeting \_\_\_\_\_

(Please Print)

Testifying

Name	Mailing Address	Representing	(Yes or No)
CHAO SCHMIDT	811 US RT 7 S Bennington VT	Sheriff's Dept	Yes
JIM MIRENDA	BOX 50 E DONSET	NMSC + SELF	
AUSTIN CHININ	104 KIRBY HOLLOW RD.	SELF	
Jim Hand	Box 1204 Manchester Ctr. <sup>05255</sup>	Self	?
Linda Sullivan	932 McNamara Rd	Self	?
Allan J. Sullivan	932 McNamara Road	Self	No
McKayla-Courtney Murray		Manchester Journal Bennington Banner	No
Luanne Hardy	27 Lane Rd.	Self	NO
Ruth Tanenhaus	35 Barrons Hts Lane	Self	no
Ed Tanenhaus	"	Self	yes?
Christa Lampy	Lower Hollow	"	"
JOAN MENSON	1131 RT 30	SELF	?
ROBERT MENSON	1131 ROUTE 30	SELF	?