

Regular Meeting of the Dorset Select Board

June 14, 2016 ~ Minutes

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

Absent:

Also, present: Salley Gibney, Roger Squire, Robert Menson, Joan Menson, Allan Sullivan, Linda Sullivan, Bo Thorn, Marilyn Kinney, Rosalie Fox, Jean Kingston, Dick McDonough

H. Chandler, Chairman, called the meeting to order at 7:03 p.m.

Approve Minutes of May 17, 2016

M. Thorn moved and T. Smith seconded to approve the May 17, 2016 minutes as presented. Motion carried 4-0. (L. Ruffa abstained)

Public Comment

None

Dorset Quarry Update

Letters from R. Squire and D. McDonough addressed to the Select Board were received regarding consideration of Town management of the quarry. This update is part of an ongoing discussion for quarry management, how the community feels about it, how to move forward and how the Town can assist with the process. The Town has already re-routed traffic for Black Rock Lane and Kelly Road to help solve some issues. R. Gaiotti noted that he and D. McDonough have met with the Forestry Department to discuss a State take-over/management of the quarry which lead to specific criteria which would need to be met. Quarry issues are most noticeable during hot weather for 3-4 months of the year when parking and traffic volume are high.

D. McDonough stated that his letter gave the true history of his ownership, supervision, expense and challenges as owner of the quarry. He explained that the Vermont State Police cannot ticket cars parked illegally on Route 30 by leaving tickets on the windshield and requested that the SB consider an ordinance allowing local Town ticketing. J. Stannard suggested towing the cars and D. McDonough responded that this was tried previously, but was unsuccessful as the towing companies did not want to respond. R. Fox proposed that a small committee be formed to look at the various options for management of the quarry. H. Chandler asked D. McDonough if the State was interested in taking the quarry over for a State park and what the Town could do to facilitate the process. D. McDonough replied that Craig Whipple, Director of State Parks, had spoken to them at length about the quarry and the infrastructure requirements needed: electricity, toilet facilities, separate water source and changing facility. T. Smith asked, if the requirements were met, what would be the estimated cost to operate the quarry on an annual

basis and what the possible revenue would be. D. McDonough said that using interns to man the quarry would be most of the expense and that revenue should not be a problem with the number of people who use it. R. Gaiotti explained that the State was not just interested in the “numbers,” but in the regionality and its special features. They said that it was a long-term process to take over the administration of a property and the community has to step up and start the development first. M. Thorn questioned if there were any grants available and R. Gaiotti answered that there is a \$20,000-\$25,000 matching grant; so the Town would have to invest dollar for dollar for the grant received.

R. Fox thanked D. McDonough for being an amazing steward of an amazing resource and questioned why the Town should turn the property over to the State. She felt that the quarry should be part of the economic development discussion in Town, not just building 4,500 SF buildings for growth in economy. R. Fox noted that the Town raised money for Owl’s Head Town Forest and should be able to have a community effort for the quarry. She urged the Board to see the possibilities in taking over this natural resource. D. McDonough stated that if the municipality owns the quarry property, they would not be exempt from liability as it has to be privately owned to be exempt.

H. Chandler stated that now was the time for fact finding and exploring ideas (State take-over, D. McDonough continues ownership with Town management, non-profit ownership with possible future State take-over, etc.) as there were many possibilities. D. McDonough responded that the investment cost in the State’s recommended requirements would be approximately \$30,000 without the changing facility. R. Squire noted that if the Town takes over management of the quarry, they may not need the infrastructure required by the State as the Town could set its own criteria. He felt it was the best scenario for the Town to take over management. T. Smith suggested that R. Gaiotti and the Town attorney explore the liability issues associated with Town management. D. McDonough put forth that maybe he would remain the owner of the quarry with a contract with the Town for management to mitigate liability issues. H. Chandler recommended that R. Gaiotti put together a plan to explore the feasibility of the Town managing the quarry, but cautioned that a take-over probably would not happen this summer. M. Thorn felt the Board should not rush through the process as this would have long term impacts and the quarry would need to be self-sufficient. D. McDonough noted that the Vermont River Conservancy might be a good source of assistance. H. Chandler suggested that D. McDonough along with the Friends of the Quarry group explore options for a management model and fact gather to create a list of issues.

Dorset Fire District Service Agreement

The Board discussed the *Financial & Administrative Services Agreement between the Town of Dorset and the Dorset Fire District #1*. M. Thorn asked if the document has been read by J. O’Dea (Town Attorney) and R. Gaiotti responded not yet. H. Chandler inquired if the Fire District’s FY17 budget has already been approved and if there was enough monies included for the bookkeeping. R. Gaiotti said yes and pointed out the expenses listed on the second page of the agreement. J. Stannard felt that the agreement was against the Fire District bylaws, but it was noted that this was restructuring the duties of the treasurer, not removing the position. T.

Smith recommended that J. O’Dea review the document, that the compensation rate of \$25/hour should be higher and that everyone should be motivated to do both agreements at the same time. H. Chandler requested that a meeting be set up next Wednesday, June 22nd and that J. O’Dea and the Fire District’s lawyer review the agreements and bylaws. It was the consensus of the majority of the Select Board members to move forward with the Fire District agreements as presented.

Finance Report

R. Gaiotti reported on:

- Delinquent taxes (\$301,944 as of 6/10/16),
- FY16 budget (96% through the year with approximately 92% expended),
- Mudgett accounting firm will be in the office next week
- Estimated surplus of \$75,000 from FY16

T. Smith suggested saving the surplus funds for legal expenses and R. Gaiotti noted that the surplus would go to the FY18 budget, but the Select Board can discuss what line item they would like to designate the money to.

Manager’s Report

R. Gaiotti’s report included information on:

- Road Crew highway work
- Dorset marble sidewalk work completed
- Lower Hollow Road bridge replacement coordination
- Owls’ Head Town Forest access road/trail header work - VYCC trail work
- Favorable attendance at the June 8th Planning event at the Dorset Playhouse
- Preparation of draft contracts for Fire Districts
- Preparation FY 16 financials for audit
- Meeting regarding improvements to Grouse Lane access to Dorset Mountain USFS lands
- Dry hydrants in Dorset
- July 9th celebration on Church Street – street will be closed for events

T. Smith suggested that the Campoli presentation video be placed on the Town web site and H. Chandler asked if R. Gaiotti could get her written presentation for the web site.

Approve Payroll and Accounts Payable for the Week of 6/14/16

M. Thorn moved and J. Stannard seconded to approve the payroll and accounts payable for the week of 6/14/16 as presented. Motion carried 5-0.

Other Business

- Jason Day, Star Wind Turbines, LLC, submitted a memo to the Town providing a 30-day pre-application notice for a proposal to site one temporary meteorological tower in the Hills Court Industrial Park, East Dorset for a five year period. This application does not go through the Town, but if anyone has concerns, they should contact R. Gaiotti.

- Letters were received from Marybeth Heartfield, Jean Kingston and Jerry and Pat Jordan regarding noise emanating from the Barrows House on Saturday, May 21, 2016 (letters attached). J. Stannard suggested filing the letters to have available when considering the approval of liquor licenses and working on a noise ordinance. M. Thorn thought it would be a good idea to research how other Towns handle the situation. R. Gaiotti mentioned that the problem with a noise ordinance is how it's defined and enforced as it's usually tied in to decibel levels. H. Chandler asked about M. Heartfield's statement regarding the State Police saying the Barrows House had special permission until 11:00 p.m. and J. Stannard noted that he has read all the minutes from 2009 and did not find anything. M. Thorn thought it was important to make sure that anyone calling the Barrow House regarding noise issues document the name of the person they are speaking to. R. Gaiotti explained that there was an issue of using regular State Police patrol time for the noise complaints which then leaves less time for the State Police to patrol Dorset and East Dorset. It was mentioned that, in the past, the Dorset Field Club events were stopped at 11:00 p.m. which carried forward as a cut-off time for everyone else. J. Kingston felt that on this night it was not music, but pounding noise.

R. Fox thought a noise ordinance should be expanded to include other sources of noise such as wind turbines, barking dogs, etc. M. Thorn noted that Vermont does have a lack of noise protection for wind turbines as cited in Vermont Digger. J. Stannard wanted the Board to solicit letters from the residents to see what they would like in a noise ordinance and H. Chandler suggested that the Board shouldn't wait for more letters to take some type of action. R. Gaiotti cautioned against having an overreaching noise ordinance which will affect everyone equally, just because of one. M. Thorn said that a reasonable solution needs to be found as you can't restrict just one business. Everyone has to be mindful of their neighbors. T. Smith suggested that a line of communication be opened with the owners who can then talk to their staff. H. Chandler and R. Gaiotti will draft a letter to be sent to the Barrows House.

- J. Stannard moved and T. Smith seconded to nominate Megan Thorn as Vice-Chairperson for the Select Board. Motion carried 4-0 (M. Thorn abstained).

T. Smith moved and L. Ruffa seconded to adjourn the meeting at 9:15 p.m. Motion carried 5-0.

Respectfully submitted,

Nancy Aversano

5-24-16

Jerard and Pat Jordan
P.O. Box 386
Dorset, Vermont 05251

Mr. Jack Stannard
Board of Selectmen
Town Offices
112 Mad Tom Road
P.o. Box 715
East Dorset, VT 05253

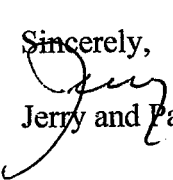

Dear Board of Selectmen,

Can't anything be done to stop the horrible noise on Saturday nights coming from the Barrow's House. The constant bang, bang, bang of the bands and the high volume singing is totally unnerving. This past Saturday we had to turn our television up so we could hear it over the noise coming from the Barrows House. We have called the Barrows House and the Dorset Inn concerning this town disruption to get even more disgusted. One time last summer we were even told that they did not hear the noise and thus did not know what we were calling about.

This precious historic Vermont village we settled in is no longer precious and unfortunately we know others who feel the same way.

Thank you for listening.

Sincerely,


Jerry and Pat Jordan 

Dovetail Inn, Inc.

3370 Route 30
Dorset, VT 05251-0010

802-867-5747

June 13, 2016

Dorset Selectboard
Henry Chandler, Chairman
112 Mad Tom Road
P.O. Box 715
Dorset, VT 05253

Dear Selectboard:

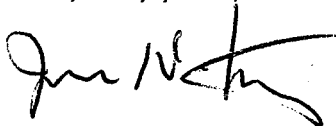
Subject: Excessive noise

I am writing both as a business owner and homeowner on Route 30, approximately 2/10 of a mile north of Barrows House.

Over our 32 years on Route 30 there have been many events held at the Barrows House. Occasionally we could hear some music, but on Saturday evening, May 21, 2016, it was not music but a rhythmical pounding noise that went on until well after 10:00 P.M. As it was a very cool evening our doors and windows were already closed. We could not get away from the din.

When we purchased our property in 1984, we had to appear before the planning commission to resolve issues regarding adequate parking and possible noise. At that time we had a pool behind our two buildings. We were required by that board to keep the pool area quiet after 9:00 P.M. To the best of my knowledge we fulfilled this order or else we would have received a call or visit from Theron, Hal or perhaps Terry. Constables could be counted on to take care of these issues—no need to contact VT State Police. This was a time when people knew and respected their neighbors. What has happened?

Very truly yours,



Jean D. Kingston, Co-owner
Dovetail Inn



RECEIVED
MAY 24 2016
BY:

Cornucopia Bed & Breakfast

"An Inn of Distinction in a Pristine Country Village"

Dorset, Vermont Board of Selectmen
112 Mad Tom Road
East Dorset, VT 05253

May 23, 2016

Dear Select Board of Dorset,

I wanted to inform you about The Barrows House situation on Saturday night, May 21, 2016.

I would like to first say that I am NOT opposed to business growth in Dorset. In fact, I support all businesses and their growth and development in this Town.

I do however, take extreme offense to businesses that totally disregard not only their abutting neighbors and businesses, but residents in the Village with the playing of loud and obnoxious noise until after 11:00pm at night. It is no exaggeration when I tell you that my house/Inn literally shook from the "music" on Saturday night.

Jean Kingston called me after 9pm to see if the "horrendous noise" that they were hearing at their Inn was in fact, coming from The Barrows House!

Since, in the past, when I have called The Barrows House to ask them to PLEASE turn down the noise, nothing has been accomplished, I ended up calling the State Police. This was at approximately 9:45pm. The State Police told me that if it continued on after 10pm, to call them back at 10:01pm and they would get involved. I called back at 10:15 as my house was still shaking.

The State Police were nice enough to call me back with an update. They called The Barrows House and were told that they, The Barrows House, has been given "special permission" by "the Town" to be able to play until after 11pm! REALLY?????????

After 11pm, I received another call from a State Police officer who wanted to see if the noise had stopped. I told him that it was still going on but at a lower volume. He told me that he was definitely going to look into what "special permission" The Barrows House had been given since: A.) the complaints to the State Police have been numerous regarding the noise coming from The Barrows House not only for that night, but in the past, and B.) He had never heard of ANY "special permission" being given for an 11pm shutdown of noise to ANY establishment!

Marybeth Heartfield Innkeeper • 3228 Route 30 • Dorset, Vermont 05251
802.867.5751 • marybethdorsetvt@aol.com

I do not have a device that measures how loud noise is!....nor do I plan on getting one to be able to do so!! The shaking of my windows from the bass sound of a "band" is measurement enough for me to say that it is not good and that it is too loud!

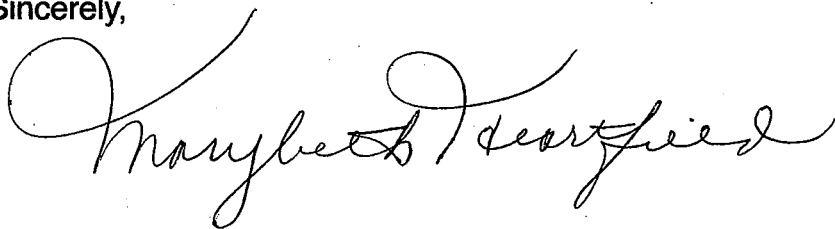
How do I explain to my Guests that are paying over \$200.00/night to stay in a charming, relaxing Bed & Breakfast for a romantic getaway that there is nothing I can do to stop the hideous racket coming from next door?!?

Something has got to be done to remedy this situation! Clearly the Bryant's could care less what the Village people think or want. That was, once again, proven this weekend.....

Why should other businesses in this Community have to suffer due to the behavior of another? This is not what Dorset should be! We should all be working together to promote each other!

This is just the beginning of the Summer busy time. PLEASE help to find a solution to this ongoing problem so that it benefits one and all. I cannot run MY business if it continues this way.

Sincerely,

A handwritten signature in cursive script that reads "Marybeth Heartfield". The signature is written in black ink and is positioned below the word "Sincerely,".

Marybeth Heartfield
The Cornucopia B&B
3228 Route 30
Dorset, VT 05251
802-867-5751