

## **MONKTON SELECTBOARD MEETING**

MONKTON TOWN HALL

April 11, 2011- Minutes

Approved 4/25/11

**Members Present:** John Phillips, Anne Layn, Stephen Pilcher, Terry Cunningham, Peter Norris

**Others Present:** John Winsor, Charles Roumas, David Layn, Kevin Alexander, Sam Burr, Peter Close, Susan DeSimone, Roger Wallace, Barbara Deal, John McNerney, Robin Hopps, Wendy Sue Harper, Barbara Davis, Julie Kenyon, Deb Gaynor, Peter Huber

### **Call to Order**

John Phillips called the meeting to order at 7:02 pm.

### **Announcements**

John Phillips received the Unified Planning Document from the planning commission before tonight's meeting. John Phillips will ask for an electronic copy and information about the timeline.

### **Regular Business**

#### **Approval of Minutes**

Anne Layn made a motion to approve the meeting minutes as amended for March 28th, 2011. Terry Cunningham seconded the motion and it passed 5-0.

#### **Warrants**

A/P	#10411	4/11/11	\$12,378.88
P/R	#10411	4/11/11	\$7,256.12
A/P	#10404	4/4/11	\$2,336.09

#### **Overweight Permits Approved**

- C. Perry Trucking
- Livingston Farm Landscape Products
- R. Parker Enterprises, Inc
- Lewis Excavating LLC
- Josh Masterson
- Gauthier Trucking Company, Inc
- Cardinal Logistics Management Corporation
- Panoramic Landscaping & Excavation
- Dan Girard/ GRD, Inc
- Thomas R Chamberlain
- Dennis W Casey

## **Old Business**

### **Ratify appointment of John Winsor to DRB**

It came to the Select Board's attention that they must leave executive session to vote. The vote needs to be conducted in open session. John Phillips spoke with VLCT and David Baxter. Peter Norris made a motion to ratify the appointment of John Winsor to the DRB. Terry Cunningham seconded the motion. Stephen Pilcher stated that the board did not have all the information. Peter Norris noted that he is unaware of new information that has come up since the last meeting. Terry Cunningham stated that he is interested in revisiting the appointment. It was noted that there were several townspeople present that were interested in this topic. John Phillips stated that the process was not handled appropriately; he stated that he neglected to call for a vote when they were in open session. He feels that all board members were taking an action during the last meeting; although the process wasn't completed properly does not mean that they should change the vote. Roger Wallace noted that a vote in executive session is an illegal act; therefore by ratifying that vote would also be illegal. He suggests that the board have their vote in open session during this meeting. John McNerny noted that it seems like there is only one choice, to ratify. Roger Wallace noted it is best to vote in open session and the vote should stand as it is voted tonight. Terry Cunningham noted that he would like to revisit the decision. Julie Kenyon suggested the board revisit due to the turnout at tonight's meeting. Anne Layn stated that in her past experience during executive session they take a straw-poll. She stated that there was an oversight by all board members. John McNerny noted that if it was a straw-poll then there never was a vote and should be done. Robin Hopps stated that because the Select Board went into executive session she would like to know each person's reasons for voting the way they did. John Phillips stated that unless it is ratified there is no reason to do so. Peter Norris noted that the board members may choose to give their reason to voting, but it is not an obligation to do so. The Select Board voted 4-0 against the ratification. This appointment will be warned again and the process will continue at the next meeting. There are currently two nominations on the table. Barbara Davis asked about how the town's people have a voice in the matter and how do they find out about the qualifications of a position. It was stated that process is being reviewed by the Select Board; currently positions are advertised on the town website and in the newspaper. Next year positions will also be advertised in the town report and on Monkton Talks. Letters of interest should be in the Select Board's hands 1 meeting before appointments are made. Barb Davis suggested the board advertise what should be included in the letter of interest.

### **Town Service Officer Appointment**

Sue Camp noted that the state has discontinued the appointment; however the Select Board was asked to fill the position for this year. The role of the town service officer is to help obtain assistance for town's people; such as medical coverage, food assistance and housing assistance. Stephen Pilcher nominated Bailee Layn for the Town Service Officer. Peter Norris seconded the motion and it was passed 4-0. Anne Layn abstained from the vote.

## **New Business**

### **Review letter re: Blanchard curb cut**

Kirk Lee who lives across from the Blanchard's property, sent a letter to the Select Board. He has concerns about the curb cut. The Select Board approved a curb cut with conditions (seasonal use only). It is still required that they have the flat area at the top of the drive and the line of

sight that all other curb cuts must follow. John Phillips will discuss the issue with Mr. Blanchard for more information for the next meeting.

### **Appoint Library Trustee**

There is an opening on the library board of trustees. This opening is to fill position created by resignation of Bob Wahl. There isn't anyone interested at this point.

### **Town Birthday**

Monkton's 250<sup>th</sup> Birthday Event will be June 24<sup>th</sup> 2012, Anne Layn will be the liaison for the Select Board. There will be a meeting held on May 12<sup>th</sup> at the Town Hall.

### **Gould Appeal**

The Select Board was updated on the status of the Gould appeal in Environmental Court.

### **Solar Panel**

The Select Board received notification from John Gargano for a solar panel application to the PSB (Public Service Board). The PSB relies on the applicant to follow the setbacks of the town. The zoning administrator will be asked to make a sight visit to ensure that the solar panel sight will be within the town setbacks. Adjoining landowners are notified and have a right to appear before the PSB.

### **Recycling Center**

The price of picking up the recycling is rising. This rate is increasing due to fuel fees. Anne Layn suggested that the town open it up to bid to see if they can find a lower price.

### **Cemetery Mowing**

The Select Board received a quote from Brian Barrows for mowing of cemeteries in town. The town has a policy to open this job up for bids. This will be placed in the paper and discussed at the next meeting.

### **Parks Hurlburt Road Culvert**

The town crew is going to replace a culvert on Parks Hurlburt road. Wayne Preston got a second opinion from Parent Construction. The weight of farm equipment will be too heavy to simply replace the current culvert. Parent Construction provided Mr. Preston with a quote of \$140,000 to meet the state standards. Mr. Preston is going to apply for a grant; if he gets it the town would be responsible for about \$20,000.

### **Road and Bridge Standards**

The town of Monkton is required to follow the town road and bridge standards in order to qualify for more grants. The only difference in this policy from what is happening now is erosion control. The new policy requires the road crew to cover any bare soil with hay for erosion control. Stephen Pilcher made a motion to approve the town road and bridge standards. Anne Layn seconded it and it passed 5-0. The policy was approved and signed by the Select Board members.

### **Tax Sale**

Charles Roumas was present at the meeting to speak for Roderick Burritt. The tax balance at the beginning of the year was \$98,000; it is now down to \$72,000 as of the date of the meeting. Mr. Burritt is requesting the support of the Select Board to begin the procedures for a tax sale. It is purposed that if tax payers do not make arrangements to pay their taxes by July 15<sup>th</sup> (9 months after the due date); they be turned over to the attorney for a tax sale. The tax sale would take place in early September. It was stated that interest and penalties start as of the 1<sup>st</sup> day that the tax bill is overdue. Currently 4.7% of Monkton's taxpayers are delinquent compared to 0.5% to 3% of surrounding towns' taxpayers. Peter Norris made a motion of support for the delinquent tax collector to proceed with the tax sale. Terry Cunningham seconded the motion and it passed 5-0.

### **Fire Department Training**

David Layn and Kevin Alexander were present to discuss the location of the training bus. Terry Cunningham noted that the Select Board members were going to discuss the location with the fire department. Members of the fire department spoke with Wayne Preston about the location. Mr. Preston and John Phillips will meet with David Layn to decide on a better location. Janet Kimball spoke with the fire department assistant chief about the trailer and bus needing to be moved. It was noted that the Select Board makes decisions on what will be done with town land and issues should be brought to the Select Board's attention. John Phillips will speak with Janet Kimball about the recycling center issues. The group will meet 7:00pm Wednesday April 13<sup>th</sup>. John Phillips, Terry Cunningham, Peter Norris, Wayne Preston, Kevin Alexandra, David Layn will meet at the recycling center.

### **Fire Department Grant**

The Fire Department is in the process of applying for a grant through VLTC for equipment. Anne Layn signed the application as it was due before the next Select Board meeting. Stephen Pilcher made a motion that the Select Board ratify Anne Layn's signature on the grant application. Peter Norris seconded it and it was passed 5-0.

### **Public Audit**

A public audit for 2010 and 2009 will be conducted. Charles Roumas has received one formal bid and is waiting for more bids. These bids will be presented to the board at the next meeting.

### **Highway Department Budget**

Due to the weather this winter the budget is over its estimated amount. It was noted that the propane bill for the Town Shed was higher than expected. Charles Roumas suggest putting out a bid for the propane heat to see if they could find a better price.

### **Workman's Compensation Audit**

A workman's compensation audit was completed by VLCT. The town owes \$502.00 for workman's compensation to the state of Vermont. The town is required to pay for workman's compensation for sole proprietors. Mr. Roumas noted that it will be important to have contractors be covered by their own workman's compensation or sign a hold harmless agreement with the town before completing work for the town. This information has been shared with the recreation committee and the highway department.

**DRB By-laws**

Peter Close came before the Select Board to discuss the bylaws of the DRB. It was suggested that the DRB make an attendance policy for the board once a new member is appointed.

**ZA Oversight**

Peter Norris suggested quarterly meetings with the ZA. It was also suggested that monthly email updates from ZA with data that the Select Board is interested in would be helpful. Stephen Pilcher volunteered to be the liaison between the Select Board and the ZA.

**Next Meeting**

The next regular Select Board meeting will be held on Monday, April 25<sup>th</sup> at 7:00 pm.

**Adjournment**

Motion to adjourn was made by Stephen Pilcher, seconded Terry Cunningham. The motion was approved unanimously. Meeting adjourned at 9:10 pm.

Respectively Submitted,  
Bailee Layn

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