

Monkton Select Board Meeting Minutes
October 27, 2014 (Approved 11/10/14)
Monkton Town Hall

1. Call to Order: Chair S. Pilcher called the meeting to order at 7:02 PM.
2. Select Board (SB) Members Present: Henry Boisse, John McNerney, Stephen Pilcher, Ann Layn, and Roger Parker.

Others Present: Gary Clodgo (ACO), Robin Hopps (THO), Jay Frater, Chris Coffey, Raymond John Huizenga, Tara Martin, Erik Safferson, Jon Binhammer, Sam Burr, Maura Ondigger, Chris Cassidy, Grace Norman, Claire Bruley, Linda S. H.

Announcements:

- a. Received a letter from Paul Costello in regards to the Vermont Council of Rural Development. This letter indicated that Monkton was not accepted as a recipient of a Community Visit program for this year.
 - b. S. Pilcher attended the STATEMAP conference with Wendy Sue Harper as the Planning Commission is interested in derivative maps.
 - c. S. Pilcher was the representative at the VERMONT LEAGUE OF CITIES AND TOWNS Town Fair and Business meeting. He made several recommendations to the 2015 VLCT Municipal Policy.
 - d. PSB Docket 8310 regarding utilities poles treated with pentachlorophenol. PSB recommended that ANR put together the work group to investigate the issue. Dr. Deb Gaynor was mentioned in the order.
 - e. Letter to Angela and David Auclair certified mail did not get picked up.
 - f. Town received restitution from Addison County Diversion in the amount of \$100 and a letter of apology in regards to the damage to the Boro Cemetery.
3. Regular Business:
 - a. APPROVE MINUTES-There were no hard copies of minutes to approve.
 - b. Check Warrants: The SB reviewed and approved the following **check warrants**:
 - A/P#41007, 10/07/14, \$ 14,413.36
 - A/P#41024, 10/24/14, \$ 38,636.35
 - A/P#41010, 10/08/14, \$105,286.62
 - P/R#41020, 10/20/14, \$ 8,211.99
 - c. Review and Approve Overweight Permits, ETC:
 - Robert Giroux
 - d. S. Pilcher brought to the board an incident where a replacement culvert was put in. The town did not charge labor for this project, but has sent invoices for the \$515.00 cost of the culvert in May 2014 and October 2014.

The town attorney suggested going to small claims court. R. Parker will try to contact before filing with the court.

4. New Business:

- a. NATURE CONSERVANCY RE: SWAMP LOTS. The Nature conservancy purchased two lots from Luanne Rotax. The lots are adjacent to Town land. The Nature Conservancy would like to know if the Town would take possession of the two lots with the stipulation of a conservation easement held by Vermont Land Trust. Vermont Land Trust would monitor the conservation of the land. S. Pilcher asked for expenses for conserving the land. This is roughly \$4,500.00. The town could receive funding from ANAC, or they could request support from Vermont Fish and Wildlife. S. Pilcher has requested some information regarding funding options for the Board to review. J. McNerney was wondering if it would be worth the town paying the \$4,500.00 for land that is not developable and would remain "conserved" on its own. The Nature Conservancy is only seeking to know if the Select Board is interested in the Land. If the Select Board is not interested, then the Nature Conservancy would go to the Vermont Fish and Wildlife. S. Pilcher would like to reach out to ANAC and see if they would be interested in covering the funding costs, and would have an answer by the next meeting in November.
 - b. PLANNING / DRB FUND S. Pilcher researched and reported that there is a balance of \$22,486.11 which was assigned to planning commission, and spending this money would not have an effect on the tax rates. In his research, he found this money came from years 2002, 2003, and 2004, and was acquired subdivision fees as well as the funding used to pay the ZA. No Action was taken.
 - c. ACO REPORT- NICHOLS ROAD Dog Bite incident. The Select Board is hearing from the persons involved, and the dog owner last. At the request of the ACO and concerned citizens, the Select Board is reviewing the situation.
- Gary Clodgo (ACO): On October 14, 2014 at 6:30pm he received a call from Chris Cassidy who had received a dog bite. Gary met with both parties, received a report from Porter Hospital, and the Town Health Official. No citations have been issued, as he was seeking input from the Select Board. A. Layn wanted to know why there were no citations issued. This was because Mr. Cassidy was bitten while trying to separate the fighting dogs. He was indeed bit, and was advised to get treatment. H. Boisse feels that since someone was bit, regardless of how the person was bit, it should still be considered a dog bite.
 - Robin Hopps (THO): Robin Hopps indicated that her role is to be sure that the rabies shots and vaccinations are up to date, which they are. These

dogs are rescue dogs in the process of training. She feels that these dogs need to be contained at all times to be sure that the dogs are in full control by the owner. She felt the dog owners are serious about remediation and controlling the dogs. She has received no other dog bite reports from Porter Hospital.

- Chris Cassidy lived 0.2 miles from the dog owners residence. Based on his research in speaking with neighbors, he feels that these dogs are not safe. He had come upon 3 dogs attacking another dog that was being walked on a leash by Maura Ondigger and Claire Bruley. He stated these dogs were attacking in a pack mentality. His biggest concern was the safety of the people. He also wanted to note that approximately 4 days after this incident, Tara Martin was walking the same 3 dogs, 2 of these dogs were on leashes and 1 was not.
- Claire Bruley spoke to the board, she was riding her bike when 3 dogs charged the leashed dog they were walking. The 3 dogs were biting her dog's neck, and she was really afraid they were going to kill her dog.
- Chris Coffey: Mr. Coffey has had issues with 2 of these dogs in the past. The 2 dogs did not have collars on at this time when he was charged aggressively. When he confronted the owners, he was told the dogs were aggressive towards him because he yells at the dogs. He feels he shouldn't have to contact the dog owners to be sure the dogs are secured before he wants to go for a walk down a public road.
- Ray Huizenga: Mr. Huizenga expressed that he will not bring his grandchildren on this road because of the aggressive nature of the dogs. He had a one of the dogs leaped at him after he had climbed off his tractor.
- Linda H.: She is terrified since her dog has been attacked 3 times, blood was drawn twice by these dogs. She refuses to travel that road and will not let her children travel this road for fear of their safety.
- Tara Martin: Ms. Martin noted that she was truly not aware of the severity of the situation. She was also not aware of the leash laws in Monkton. She has made it clear that the dogs will be walked one at a time, with 2 different forms of restraint as suggested by her dog trainer. She said the dogs are not mean dogs, they are great with kids, and that they are really good dogs. There is a fence that is being constructed and will be worked on this year and next. She said this is the first time it has been brought to her attention that people were afraid to walk along the road. S. Pilcher was glad to hear that the dogs will be leashed at all time, that this is a big deal as people are afraid to walk on the public road, and that the town now needs to consider if the dog, Duncan, should be labeled as vicious dog. R. Parker, in his opinion, feels that since this has been brought to the attention to the town, and since this is a liability, this needs to be dealt with

immediately and there is absolutely no room for error on the part of the dog owners. He stated the fence needs to be installed immediately and installed correctly.

- A. Layn wanted to know if this was a business of rescuing dogs. Ms. Martin stated that this was not a business, she just wanted to give these rescue dogs a second chance. S. Pilcher reviewed the vicious dog ordinance that was provided by the ACO. This could be considered a Dog at large, nuisance animal, and/or vicious dog. A. Layn, and R. Parker felt that citations need to be written for documentation. They would like to see the money that could come from fees go towards putting in a proper fence. C. Coffey indicated that this has been an ongoing issue that has been brought to the owner's attention on previous occasions, and has yet to be resolved. Robin Hopps stated that there is a sense of urgency, and there has to be some form of a deadline to have the fence completed. The Select Board has instructed the ACO to write 3 dog at large citations, 1 vicious dog citation, and will look at the property to be sure the fence is installed correctly. The Select Board also instructed that the ACO give 30 day maximum to complete the fence. Mr. Clay will relay this information to the dog owners.

- d. Jay Frater from Monkton Energy Committee: Acorn has asked the town to sign a Memo of understanding (MOU) regarding a community solar array (CSA). Acorn would like to present the Town of Monkton with a community solution including various financing option but this would this MOU restricting the town for a 70 day period from entering into a similar agreement with other entities, to organize meetings and seriously consider alternative generated by Acorn Energy Co-op. J. McNerney does not feel comfortable saying that the town should be the ones to endorse this option for the residents of Monkton. This would be a CSA built on the Morse Park property. This location and project has been discussed with a recreational committee. A. Layn feels that this needs to be screened as the town is conscientious of the open land, and the appearance of the town. This is just an analysis to see what the cost would be for the town. J. McNerney would like the town to see options from more than one provider. It would need to be clear to Acorn, that yes, there is interest in a CSA, but the town of Monkton needs to be able to seek competitive bids. If this CSA was to be constructed at Morse Park, it would benefit the school, library, town hall, fire department, etc. R. Parker stated that this would be bringing opposition from residents due to the location. He suggested that this be put to vote by the residents before any decisions were made. A. Layn would like this to be the responsibility of the Monkton Energy Committee, to have them sign the original MOU for analyses only.

- e. 3Q BUDGET REPORT / BUDGET PROCESS –S. Pilcher has drafted a letter to be sent out to members asking that their responses regarding their

budget be received no later than December 1, 2014 for the 2015 budget. S. Pilcher will try to have this letter ready and sent out by November 1, 2014.

- f. Reviewed Hotaling Letter: The Board in reference to the 2013 and 2014 appeal. The town has cut a check for the 2013 balance due. There was question if there was any further balance due, and it was determined there was not.
- g. Clafin Curb Cut: The Board discussed the Clafin Curb Cut. There has been a site visit regarding the curb cut on to Hollow Road. The Board still has some concerns as to the location of the curb cut since it is in a curve and could create unsafe visibility issues. A. Layn was wondering if there is a liability to the town if they do not follow the 300 foot recommendation.

J. McNerney moved to approve the curb cut subject to a review for adequate sight lines. The sight line will be reviewed by H. Boisse and R. Parker. A. Layn Seconded. Voted and passed.

5. Old Business:

- a. 2015 EMPLOYEE HEALTH BENEFITS – Enrollment period starts November 1, 2014. A comparison was provided. If no changes are made, the new health plan would cost the town an additional \$7,000.00. At this time, the town is paying the equivalent to 100% of the premium of a BCBSVT Blue Rewards Gold level plan, plus an additional \$2500 into each employee's HRA account.. The options to consider include: pick a different plan as the basis of the town's payment or pay something less than 100% of the reference premium, the town could not fund HRA as much as they have in the past, or the town could leave the plan as it is. J. McNerney feels this is already a very generous plan, and we should either change HRA contribution, or the level of employee contribution.

The maximum out of pocket in 2013 was \$4,000, and has since increased to \$8,500.00. The town in years past had paid an amount equal to half of the out of pocket into the employees HRA. A. Layn would like to see employees pay a percentage of the premium. Many businesses expect their employees to pay 10 or 20% of the premium, or more. The board compared having someone pay in 5% vs. 8% of the premium. 5% of a family plan would be just over \$800/year per family plan. 5% of single plan would \$600/year. R. Parker moved to leave the plan as is for now, and not make these changes effective until the next year. There was no second to the motion. A. Layn suggested that if the town is to provide pay increases to their employees, then employees should pay a percentage of the premium.

Since this would be made effective January 1, 2015, R. Parker feels that this does not give enough time. S. Pilcher suggested asking employees to pay 3% of premiums for health insurance, since the cost to the town will increase by approximately 11%.

A. Layn moved: **The Town will pay an amount equal to up to 97% of the premium for a BCBSVT Blue Rewards Gold Plan, plus \$2500 deposited into each employee's HRA.** H Boisse seconded. Voted and approved.

The Town is also investigating adding Life Insurance as a benefit.

b. TAX SALE STATUS- A letter was received from English, Carroll, and Boe detailing that they charge a flat rate fee of 15% of tax sales. A. Layn made a motion to authorize S. Pilcher to sign the document with explanation of where exactly the 15% would come from. R. Parker seconded. Motion voted and passed.

c. Park and Ride- No action was taken.

d. ACO Notice of Violation Process- No action was taken.

6. Other Business:

a. The next meeting is on Monday, Nov. 10, 2014 at 7:00 pm.

7. Adjournment: **J. McNerney moved to adjourn at 10:06 PM;** R. Parker seconded the motion. Voted and approved. Minutes submitted by Miranda Boe / SB Minutes 20141027