

# TOWN OF HIGHGATE

## Selectboard

### Approved Minutes

#### Regular Meeting

January 17, 2013 @ 7:00pm

**NOTE: All actions taken are unanimous unless otherwise stated.**

#### **A. Call to Order & Roll Call**

The meeting was called to order at 7:03pm by Henry Rainville, Chair.

**Highgate Selectboard Members:** Henry Rainville, Chair; Brian Rowell, Vice Chair; Luke Choiniere, Member

**Highgate Staff:** Heidi Britch-Valenta, Town Administrator; Tom Racine, Town Treasurer; Wendi Dusablon, Town Clerk

**Public:** see sign in sheet

#### **B. Public Comment**

None

#### **C. Minutes**

Motion by Henry Rainville to accept the minutes from the January 3, 2013 regular meeting – with one correction, seconded by Luke Choiniere – **APPROVED.**

Motion by Henry Rainville to accept the minutes from the January 8, 2013 special meeting – as written, seconded by Luke Choiniere – **APPROVED.**

#### **D. Town Treasurer – Tom Racine**

##### **1. Pay bills as presented**

Henry Rainville asked about the radio and pager batteries for the fire department. Tom said they are old and needed replacement. Tom also stated that he is looking into replacement batteries for the thermal imager, per David Rouse's request. The invoice for B&N Sales, Henry asked if those are chain saw chains? No, they are truck chains, per Steve Ploof.

##### **2. Town Meeting warning**

Tom asked if at the Tri-Town Selectboard meeting on January 16<sup>th</sup> if the language for the article had been firmed up. Henry Rainville stated that the dollar figure and name of the town will be different on each towns ballot. Wording regarding the length of the ice has changed slightly. Tom does not see anything else changing on the warning. We do need to set up another date for a budget meeting to finalize some things. Tom will be working on compiling the report.

##### **3. Set date for last budget meeting**

All agreed that Monday, January 28<sup>th</sup> @ 7pm will work for the last budget meeting, here at the Town Office Bldg.

##### **4. Misc.**

- Tom sent out an RFP for auditing purposes to three CPAs that Ernie Saunders recommended. Bob Giroux from the bond bank said a compilation report for the upcoming bond vote would need to be in as a draft by June 1<sup>st</sup> and finalized no later than June 15<sup>th</sup>. The CPA firms were pleased to hear about the time frame, as they are now gearing up for tax preparation. The compilation is going to be quite a bit less money, and it's a good opportunity to not only get them to take a look at how we are structured, but to also do some consulting. Tom is not sure if Franklin is aware of the requirements for a bond vote. He contacted Lisa Larivee in Franklin. Mr. Giroux is saying that the bond board would consider looking at compilations for now and be satisfied.

- Now that we are into another cold snap, we have been hit with substantial propane bills. Tom will try and keep an eye on how thermostats are set. He called Liberty Propane, and in a span of three weeks we were delivered 1200 gallons of fuel, several hundred more than last year at this time. Last year was a mild year. Brian Rowell stated that propane was supposed to be less expensive than fuel, per dollar it is supposed to be more cost effective. Steve Ploof confirmed that the town garage has been set at 60 degrees. Tom will check with the fire department side, he will have a conversation with Dick Souza.

#### **E. Highway Department updates – Steve Ploof**

##### **1. Truck quote**

Steve Ploof has bids on this. In the Selectboard packet is updated information from Steve. The trade in from Clark is the same as J&B gave us. Brian Rowell asked about Western Star. Henry Rainville asked Steve for clarification on the paperwork in their packet. Steve explained the differences in the quotes. One was just for cab & chassis, the other included all but the plow. The Selectboard will discuss it more in executive session.

##### **2. Misc.**

Steve added that they are about 1/3 through the shed for sand. They have not yet used any extra salt, they have plenty right now. Luke Choiniere asked Steve what they have been doing with any spare time. Steve said that during the recent thaw they had been working on back roads. The worst spot was the hill on Boucher Road. They went up a couple days in a row to try and smooth it out. Many milk and grain trucks go up through there.

#### **F. Recreation updates – Brian Spears**

Brian Spears was present and did not have a lot to report, but thought the Selectboard might have questions for him. Henry Rainville stated that one question was to get a handle on how much time was spent at the arena on management and marketing. Brian Spears answered that the management end of things is free, as it is mostly volunteer. Their paid labor is 70-80 hours per week. They are staffed Monday – Friday from 2pm-10pm and Saturday – Sunday from 6am-10pm. Henry asked if there is much labor going on Monday-Friday, and Brian said that Milton HS comes in at 2:45pm every day for practice, followed by youth hockey and MVU varsity practices / games. During the day, occasionally there will be pre school programs or library programs coming in. Brian Spears confirmed that there are 4 zamboni drivers (paid). Luc Choquette does it after varsity boys practices, unpaid. Jeremy Letourneau also runs the Zamboni occasionally. Henry is interested in knowing where MAHA feels the arena could grow, and where we can save if this project comes to fruition. Luke Choiniere asked if we were going to figure in the volunteer help, and exactly how many hours they spend there. Will we still use volunteers in the future? How many hours are they putting in now? Brian Spears pops in every night and somebody almost always could use an extra hand. Brian Rowell asked if any tasks were being duplicated. If you take every hour that volunteers spend there, it may not all be necessary. Some are there because their own children are on the ice. Brian Spears added that the Zamboni has been repaired. The issue was the fan motor. It does not generate enough air to keep it cool so it overheats and they blew three radiator hoses. The Selectboard asked if that is what made the mess on the ice, the coolant? Yes. Brian Rowell asked if the #2 compressor is running well. Yes. The estimate to fix it will be almost \$3,000.00. Alliance Mechanical did the work. The scoreboard is on the blink. It is full of water from moisture and all the connections are rusting and its not good. There is another, and if they are compatible they are going to try and hook it up. The Selectboard asked Brian Spears how they got the coolant fluids off the ice. Brian Spears was not present, but Wendi Dusablon was at the game. They used squeegees and shovels and put the coolant in buckets to get it off the ice. They used snow from outside to soak some of it up. The game was delayed 45 minutes, and the ice surface was not able to be cleaned in between periods of the varsity game that night. Henry Rainville thanked the people from the TTRC. He feels they do not often get the pat on the back that they deserve.

David Rouse dropped off a note to have people parked on the west side of the building near the fire department to please move their vehicles. Henry read this note aloud.

#### **G. Tanglewood Drive firearms discharge / disturbance issue**

Vern Brosky III was present. He wished everyone a Happy New Year and then proceeded with a short 10 minute presentation (copy attached to these minutes). Vern III asked for a show of hands of how many people present were residents of Highgate – all. Vern stated that there has been one new backyard range noticed that has been shooting towards Mr. Brown's house. Mr. Brown has complained to this person. Vern III highlighted some documented bullet damage at certain homes, specifically mentioning the Bed & Breakfast on US Route 7. Vern III asked if a Highgate Selectboard member had been to do site visits in this neighborhood. Luke Choiniere said he drove by there, but did not see anyone to talk to. Vern III noted that one resident has agreed to stop, one denied and said he never misses, another was non-committal to any type of agreement to stop shooting. There are 4 or 5 backyard ranges that need improvement. Two of them have been deemed dangerous, shooting against ice or water. At the last meeting on December 6<sup>th</sup> it was quoted that it would cost \$25,000.00 to do a correct shooting range. Not so, you can buy books for \$19.95 (refer to presentation). We need to be smart and be safe. What Vern III does not want is massive changes to gun rights. If someone gets hit, it is irreversible and he doesn't want that either. Brian Rowell asked if an NRA representative could come here. Yes, for \$100.00 regarding private and public ranges. They will not go to private homes unless you pay. Ray Dixon stated that if people have private backyard ranges, you can't go there without their permission. Ray also noted that 33% of Highgate is either medium or high density. That is 1/3 of our town, do you want to take that away? Vern III replied, yes – for target shooting. Ray Dixon challenged Vern III, asking him if investigations had been done regarding houses allegedly being hit by bullets. Is there proof that there are bullet holes? Ray wants proof that these are, in fact, bullet holes. He asked if the people at the Bed & Breakfast would allow him on their property to look. John Wilda said that within his neighborhood, there are 7 backyard ranges. Why can't people just go to the shooting range? Why is this a problem? His children and grandchildren are afraid of bullets, and whether it's a real bullet hole or not is not the real issue. The real issue is why are people shooting in backyards anyway? Michael Vanslette stated that there are 10-acre lots next to Mr. Wilda. Mr. Nunez stated that his lot is only 1.4 acres and they are shooting in his neighborhood. Vern Brosky Sr. was also present, and he stated that he was doing the math for people that are not that smart.  $10 \times 200 = 2000$ , making reference to how far a bullet would still be flying. Vern Sr. stated his concern for his granddaughters safety. Mr. Vanslette, Mr. Dixon and Vern Sr. all began to get very upset. Vern Sr. reiterated the concern for safety and a bullet traveling beyond where it should be. Mr. Dixon commented that a flat shooting bullet and a bullet shot arched into the air are very different. Mr. Wilda stated that his home is 500' from the closest backyard range. He realizes that most people are very safe people, but added that there are enough misfires here. He is within a half mile of 7 backyard ranges. In the summer months it is constant. Henry Rainville asked if anything had changed since the last meeting. Vern III stated that one person had agreed to stop, one has limited it, and one was non-committal. The additional range that has since been discovered has been asked to stop. Some of the ranges have only tires and tires deflect the bullets. Vern III referred to Luke Choiniere's statement on December 6<sup>th</sup> regarding not shooting if you don't have the land. Mr. Dixon stated that if people can hear shooting all summer long, you could be hearing the range on Frontage Road if the wind is just right. When duck season opens up you can hear shots from Goose & Gander Bay. Henry Rainville added that he feels if people are shooting close by to you, you should be able to know the difference and determine how far away it is. Ray Dixon commented that it would depend on the caliber of gun. Henry Rainville agrees with that. Luke Choiniere stated that this is not just a noise issue. Ray Dixon interjected that he shoots in his own yard, and there is nothing wrong with it. Brian Rowell stated that it also depends on how a parcel is designed. Matthew Thiel from Vermont Fish & Wildlife was present, as was a Vermont

State Trooper. Mr. Thiel spoke with regard to the "Safety Zone" signs and how they can and should be used. He read aloud from the actual poster (copy attached to these minutes). It was noted that we have a supply of these signs right here at the Highgate Town Office Building for anyone who wanted to take some. Mike Vanslette asked who was the owner of the truck that had allegedly had his windshield hit by a stray bullet. Vern III stated that it was Charlie Palmer from Charlie Palmer Construction. Mr. Vanslette commented that Vern III should look up his police record and record of gun handling. John Wilda stated that he was there when this happened. Henry Rainville stated that this is all very easy to him. Common sense and courtesy - why is that so difficult? Mr. Messier added that some people really lack common sense, and because of this, they need to come before the Selectboard for safety. Mr. Messier stated that the Selectboards job is about safety. Vern Sr. stated that people lack common sense and when people stand up and state that they "never miss" that is a problem. Ray Dixon would like the addresses to go look at these backyard ranges. Brian Rowell added that there is an issue here because these density zones take up a large portion of the town and with that are homes that have plenty of acreage to shoot safely. How do we control that? Brian Rowell feels the easiest way is that they have their own bylaws in Paradise Estates. Vern III said they are not enforceable. Henry Rainville asked why people are unwilling to go to a range. Mike Vanslette stated that its all about property rights. He also stated that there is no way he shot in any of their directions. We have all handled guns since we were kids and we all have backstops. Mr. Vanslette has lived there for 25 years and been shooting at the same backstops and now suddenly there is a problem. Is the noise the problem? Vern III stated he had 103 signatures of people that have been affected by this issue. Mike Vanslette does not want property rights infringed upon. Henry Rainville stated that he, too, is a property owner. The term good fences make good neighbors, it means more than fences. People feeling unsafe or uncomfortable in their own yards needs to be addressed. If the only issue is in the Tanglewood Drive neighborhood, why can't it be worked out. John Wilda has shot for 30 years and has never shot in his yard because of safety and consideration for his neighbors. He always goes to the range. Vern III stated that the range is used by many agencies and its safe to shoot there. Henry Rainville added that the neighbors from the gun range have complained too, but are ok with it as long as it is within the days and hours that it is supposed to be. Mr. Messier lives across the road from the range in St. Albans. Mr. Wilda has shot more than 20,000 rounds at the range, never in his yard. This is not a hunting issue or a siting issue. The windshield that was blown out was 200' from his property. People have misfires, we all have them. Ray Dixon commented that the term misfire – doesn't that mean the gun does not go off? Ray Dixon would like to have the voters decide on Town Meeting Day. Mr. Ladue was present at the December 6<sup>th</sup> meeting, he asked what does all this mean to an indoor range. He has one in his house. Vern III commented that he is here to address outdoor private ranges. Vern Sr. said that he hears people bringing up common sense. A friend of his, well known in this community, his children were shooting cans off a fence and ultimately a few branches broke off a nearby tree to where he was standing. The branches almost hit them in the head. Vern Sr. told this story to reiterate that in that particular case, he went directly to the neighbor and told him what happened, and it was taken care of. Henry Rainville said he is not a hunter, but people do hunt on his land. Henry does not go out on his land during hunting season, and if he was going to, he would communicate this to his neighbors. What Henry is getting at is – why can't this be worked out in this situation? Vern III stated that he does not want to have to come before the Selectboard every day. Henry does not want that either. Henry stated that, honestly, sitting on his side of the table, he has to do things to protect the town, liability wise. He hopes people can come to the table and discuss, like adults, and agree on how to move forward. Vern III does not have time to talk to every resident of Highgate. He has knocked on doors. He is done. Vern III would like to see the Selectboard be more proactive. Ultimately it should be up to the voters of Highgate. Messier asked the board why they are not more proactive. Henry Rainville answered that he does not like ordinances. Its another thing to have to enforce. But ordinances do give "teeth" to law enforcement. Mr. Vanslette commented that if you call the Sheriff you might get

an answer in about three days. Mr. Vanslette is not worried about an ordinance. Mr. Feeley asked if once an ordinance is in place, can you get rid of it? The answer is, Yes. Henry Rainville asked for any more feedback. Brian Rowell stated that this is difficult. Brian does not see how you can just put an ordinance on the Tanglewood vicinity only. If we put an ordinance in place for high and medium density, it would affect the entire town, which is not fair. There are people who have lots of land within these zones. When it comes to being close to your neighbors, neighbors have to work it out. Going back to the Fish & Wildlife signs, Henry asked, if people use those signs, would you, by default, almost get rid of backyard ranges? The signs only go so far. Ray Dixon asked, if you have permission from other landowners, can you post signs to extend the signage? Mr. Thiel said, Yes. It was noted that the signage does not stop the noise or chance of stray bullets. Ray Dixon added that he spends a lot of time on Tanglewood Drive and Monument Road. He hears shots, but not from Tanglewood. Vern III added that you can do an ordinance under Title 24 for just certain areas in town (in this case, Tanglewood / Jedware / Monument). Ray Dixon feels that would work for the town, but not in a court of law. Ray Dixon stated that in court everyone has to be treated equally. Vern III referred to the Essex VT ordinance. Henry Rainville asked the Vermont State Police and Fish & Wildlife if they had anything to add. Neither had any further comments. The Selectboard needs to discuss this further and let everyone know soon. Brian Rowell took a drive around, but did not go to anyone's place. He spoke to people at the last meeting, and they weren't thrilled about the Selectboard doing a site visit. Mr. Vanslette said that Brian Rowell has permission to visit his property. Vern III will get permission from the land owners for Brian Rowell to stop by. Mr. Feeley said that with regard to common sense, if somebody is shooting up your house, wouldn't you be calling somebody or shooting back? This truck that was hit and the windshield destroyed, shouldn't somebody be asking questions? Vern Sr. asked what the Selectboard was going to talk about. Henry said it would be whether they create an ordinance or not. Brian Rowell said he would not come to a conclusion tonight, he wants to see the places first. Henry feels its unfortunate we have to do this. Vern Sr. said they have tried to hug and kiss them, and it does not work. Mr. Vanslette said if he saw yard sales in progress that he would not shoot. But it is not just Mr. Vanslette, there are several more. Mr. Dixon finds it hard to believe there is that much shooting going on there. Henry Rainville's understanding is that a few people are still an issue. Brian Rowell would like to know who the residents are that continue to be an issue. Vern III stated they are all listed in the complaint. Henry Rainville reiterated his need to take the towns liability into account. If someone gets hurt, it comes back to the town and the person responsible. Henry feels it is unfortunate this cannot be resolved with discussion. Vern III asked Ray Dixon for his contact information so he may reach him with the addresses of the damaged homes.

## **H. Personnel Policy**

Heidi Britch-Valenta spoke of a few revisions on the personnel policy. She went through the changes with the Selectboard (see copy attached to these minutes). Heidi made reference to Franklin's policy regarding overtime. Swanton's was quite lengthy originally which is what we have used and chopped it down a lot. This will be further discussed in executive session and then we can send a version to Dave Barra.

## **I. Town Clerk – Wendi Dusablon**

### **1. Upcoming deadlines**

- Deadline for town meeting article warning petitions – Jan. 24 @ 5pm  
Must be signed by 5% of the voter checklist, which is a minimum of 100 valid signatures needed.
- Deadline for petitions to run for town offices – Jan. 28 @ 5pm  
Must be signed by 1% of the voter checklist, which is a minimum of 20 valid signatures needed.
- Deadline for consent of candidate forms – Jan. 30 @ 5pm
- Deadline to register to vote on March 5<sup>th</sup> (Town Meeting Day) – Feb. 27 @ 5pm

## **2. Dog licenses due for 2013**

The licensing period for dogs is January 1<sup>st</sup> – April 1<sup>st</sup>. Late fees will be assessed after April 1<sup>st</sup>. Cost is \$10 for spayed / neutered animals or \$14 for non-spayed / non-neutered animals. Cost increased to \$12 and \$16 after April 1<sup>st</sup>. Last year we licensed just under 700 dogs, this year we have purchased 800 tags. Post cards were mailed out already to remind dog owners, and it is also posted around town and on the community events board. Highgate rabies clinic will be on March 23<sup>rd</sup> from 10am-noon.

## **3. Alcohol / Tobacco licenses**

Motion made by Henry Rainville to exit the regular Selectboard meeting at 7:37pm and enter into the local control board – **APPROVED**.

Motion by Henry Rainville to enter back into the regular Selectboard meeting at 7:45pm – **APPROVED**.

The Selectboard signed off on and approved alcohol and tobacco licenses for:

- Martins General Store
- R.L. Vallee, Inc. dba: Highgate Village Market / Irving

Vern Brosky Sr. asked a few questions about the process of how alcohol and tobacco licenses are approved and who had the authority to approve or deny them.

## **J. Town Administrator – Heidi Britch-Valenta**

### **1. Comments regarding Park & Ride**

Heidi has received an email from a local business owner to see if the Selectboard would be willing to do something about the hours at the park & ride (Frog Pond). The email contained some suggestions, such as: close the park and ride for a few hours at night to be consistent with the hours of the town park; post no loitering signs; issue tickets; ask police to monitor more of that area. There has been a lot of late night disturbances and a lot of garbage. It has been a hangout for teenagers. The only issue with limiting the hours, would be for people that use that space for commuting and car pools. Loitering could be addressed, but Brian Rowell does not want to close it or limit hours. The area could also be lit up better. The Franklin County Sheriff's Office should also be notified.

### **2. Mileage report**

This is the state mileage report that the Selectboard signs off on annually. There are no changes this year, as we have not officially accepted Meadow Lane. Motion made by Henry Rainville to sign off on this report, seconded by Brian Rowell – **APPROVED**.

### **3. Hazard Mitigation Plan**

Heidi was contacted by the Agency of Natural Resources Disaster Management about a letter of intent that was submitted last year regarding the potential buyout of the Freeman property on Brosseau Raod. It had been dropped because the engineer was not willing to state imminent danger. Another round of funding is available to resolve issues. For any of projects regarding potential problems, we could apply for funding now. A letter of intent would be due tomorrow, and the application due by Feb. 1<sup>st</sup>. Would we want to look at drainage at the school as a potential problem? Shawn Coleman from Regional Planning said we don't have a disaster mitigation plan in the event we need FEMA funds or grant funds in the future. Luke Choiniere asked how large the funds are. Heidi does not know. Potential issue sites are, to name a few: Rollo Road, Rock River on St. Armand Rd., Route 7, Gore Road intersection with Cassidy Rd., Cassidy Road and Tarte Road. Henry Rainville asked if they are looking for Highgate to give them a wish list? No, they are asking if we want to apply for funds to look at any of these issues. Luke was curious about what was the issue on the Tarte Road. Heidi stated that one of the more serious situations is on Mill Hill, in which a watershed grant has been applied for, on the towns behalf. There are values to having a hazard mitigation plan. Regional Planning can provide us support for that, at no cost to us, to have this in place. Brian Rowell asked if we are too late? No, the letter of intent is due tomorrow, January 18<sup>th</sup>. In the case of the school it would be useful because its something they have to do anyway. Brian feels we should proceed with the letter of intent. The

school is looking to proceed with an article at town meeting about the drainage issue. The drainage issue not only impacts the school, it impacts the town and many residents. Heidi will initiate the process of a hazard mitigation plan and do the letter of intent.

**4. Misc.**

- The most recent round of testing at the closed landfill showed minor concern about elevated metal levels. #6 in their packets there is highlighted information they should look at. Brian Rowell asked what they want us to do. There has been no statement one way or another. #7 in their packets is a new draft on information on the proposed standards for how to manage a closed landfill based on the year it was closed. When was it closed? Brian seems to think it was 20+ years ago. Tom Racine thinks it was in 1989. In the 1989 town report, it spoke to the need to close it, but Heidi could not find the actual date it closed. There are post care protocols based on when it closed. Brian does not feel that the landfill was operating in 1989. Henry will try to find out for sure.
- Statistics from Missisquoi Valley Rescue for 2012 – as an FYI, they are in the Selectboard packets. Henry asked what the split was for our share of the cost, and is it in line with the numbers by call? Luke asked for clarification, the town pays them to operate and they also charge private insurance for anyone they pick up? Brian clarified that this helps keep the price down for the town by charging insurance companies.

**K. Selectboard items**

**1. Town Report**

We are busy collecting data and departmental reports for the Annual 2012 Town Report. Tom is working with Chuck at Repro Digital for deadlines.

**L. Upcoming events & announcements**

- Feb. 4                      6pm                      Planning Commission Mtg.
- Feb. 7                      7pm                      Selectboard Mtg.
- Feb. 14                     6pm                      Zoning Board of Adjustment Mtg.

Notice of vacancies:        ZBA – 1 open seat        PC – 1 open seat

**M. Executive Session**

Motion by Henry Rainville to enter into Executive Session @ 9:15pm for personnel and contracts, seconded by Luke Choiniere – **APPROVED**.  
Motion by Henry Rainville to exit Executive Session @ 10:50pm, seconded by Luke Choiniere – **APPROVED**.

**N. Adjournment**

Motion by Henry Rainville to adjourn the meeting @ 10:55pm, seconded by Luke Choiniere – **APPROVED**.

Respectfully submitted by:

\_\_\_\_\_ Wendi Dusablon, Town Clerk

Minutes approved by:

\_\_\_\_\_ Henry Rainville, Selectboard Chair