

# TOWN OF HIGHGATE Selectboard Special Mtg.

April 22, 2015 @ 6pm

## Approved Minutes

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

**A. Call to Order & Pledge of Allegiance**

Chris Yates called the meeting to order @ 6pm, followed by the Pledge of Allegiance.

Present were: Chris Yates, Diana O'Hara, Paulette Tatro, Randy Connelly, Tom Racine, Wendi Dusablon, Vonnie Lamotte (ACO), Ben Lowell (Constable), Andrew Eller, Robin Eller, Kristy Brow, Danny Bouchard Sr., Sasha Bouchard, Gage Bouchard, Jimmy Ouimette, Steve Ploof

*Absent – Jeff Towle & Heidi Britch-Valenta*

**B. Public Comment(s)**

None

**C. Vicious dog hearing – 77 Misty Meadows, Highgate**

Vonnie Lamotte (ACO) began by stating that this dog bite took place on April 10<sup>th</sup> at the home of Kristy Brow @ 77 Misty Meadows in Highgate. Andrew Eller was bit in the lip area and chin by a dog in the care of Kristy. This is a rescue dog named Addison that Kristy is caring for until it can be re-homed. The dog has all its shots and is legal to be here. The dog was previously abused and has been doing very well in her home, making great improvements. Andrew and the dog were playing at the time and the dog nipped at him, getting him in the lip and chin area. There was one picture on file of the wounds to Andrew's face, which had healed at the time of this hearing. Andrew, age 19, was present with his mother, Robin Eller. Kristy noted that the dog's ears and tail had been cut off and when she first got her, she did not even walk, she crawled. The dog is doing much better now and she feels it was an isolated incident. Chris Yates noted that because this incident happened in the dog's own home, there is nothing in the ordinance that pertains to this situation. There were no further comments or questions from the board or from Kristy Brow or the Ellers. Motion by Chris Yates to put this incident with all related paperwork in the dog's file as a documented event. Motion was seconded by Paulette Tatro – **APPROVED**. There are no special restrictions, just noted for future reference. Kristy added that once rehabilitated fully, Addison will be re-homed soon.

**D. Vicious dog hearing – 2310 US Route 7, Highgate – 2<sup>nd</sup> offense**

Chris opened this hearing @ 6:13pm. This dog, Chais, is owned by Danny Bouchard, Sr., and this is the second dog bite complaint we have had on Chais in less than one year. This incident took place on April 15<sup>th</sup> @ 2310 US Route 7, and Vonnie (ACO) and Ben (Constable) went to the home on April 16<sup>th</sup> to check on the dog and talk to the owner. Vonnie stated that Chais is a black lab and is in good physical shape. Mr. Bouchard brought the dog out on a leash for Vonnie to see him. The dog showed no aggression towards Vonnie when she was there, and Ben waited outside, because Mr. Bouchard stated the dog did not like uniformed officers. Vonnie ordered the dog quarantined in their home for ten days. The dog bite victim is Maverick Hanvey, age 2. Maverick's mother, Whitney Coon, dates Gage Bouchard, who is the son of Danny Bouchard, Sr. Whitney was at work when this incident happened, Gage Bouchard was there with the child and the dog. Danny Bouchard Sr. was not home at the time of this incident. Whitney was not present at this hearing, but did supply pictures to Wendi Dusablon of Maverick's injuries. Wendi had printed out three photos for this hearing. Maverick had 26 staples and 10 stitches to his head and face. Gage stated that the baby and the dog were playing. They are not strangers to each other, Gage has taken the baby and the dog hiking and to the sand pits and nothing has ever happened before. It was noted that this dog, Chais, bit another young child last year in July 2014. Gage said he booted the dog in the face

when he attacked the child to make him stop. Danny Bouchard made it clear that it was no secret that his dog does not like toddlers and small children. He said he had warned Gage and Whitney not to bring the baby to the house, but Gage moved them into the house for a few weeks when they were trying to get on their feet. They had been staying at 2310 US Route 7 for approximately three weeks at the time this happened. Danny stated the dog does not leave the house, other than to take him out to relieve himself. Sasha Bouchard added that Kristy Brow has offered to do an evaluation on the dog. Gage agreed, the dog should not be around kids. Paulette asked if there are signs on the property "Beware of Dog" – yes there are. The dog is properly vaccinated and licensed with the Town of Highgate for 2015 – rabies tag # 15856 expiration date 3/14/18, town tag # 283 issued 3/14/15. Danny is very frank about his dog not liking kids, the dog was not raised around small children, he has had this dog since he was 5 weeks old. Danny said the dog has long toe nails and he does not know if the child stepped on the dogs foot, which would have been painful. Gage thinks the dog is jealous of the baby. Either way, the situation was very tragic and should never have happened. Gage said that Maverick is healing well. Chris Yates noted that both times the dog bit a child, Danny Bouchard Sr. was not in the house. Is there a way to keep the dog contained so that nobody else can take him out when Danny is not home? When Danny is not home its as if the dog is protecting the home. Danny stated he loves the little boy, and it was a very unfortunate and tragic event. The dog does not understand kids or like them, and Danny loves his dog. Chris asked if there are any outstanding medical bills from this event, Gage is not sure. Paulette understands where Danny is coming from, but stated that the child did not have a choice in being in the home, that decision was made by the adults in his life. What precautions were made, knowing a child was living in their home? They were staying there temporarily, but either way, all the adults knew the dog didn't like children and yet the baby was allowed to play with the dog, even when Danny was not there. Angela Bouchard, Danny's wife, was home at the time of the incident, but was in another room. Danny had just stepped out for just a short time and was on his way home when this occurred. Danny puts the responsibility on Gage. Gage is not the child's father, but has responsibility for him. Gage stated that Maverick still likes the dog. Sasha Bouchard wonders if Maverick did something to the dog to make him snap. Diana answered that Maverick is just a two year old child. Chris asked if the bedroom door could have a lock up higher on the casing that can't be accessed by children. Danny stated there will not be any episodes of small children around his dog ever again. Mr. Bouchard is aware of the liability issues. The home is a rental, and is owned by Philip LeGrand, who lives out of state and was also notified of this hearing. Chris added to Mr. Bouchard that he needs to say NO to any small children coming over to his home. And if they do bring small children over, the dog needs to be put away safely and securely. Mr. Bouchard knows that everybody let their guard down and this was the result. Mr. Jimmy Ouimette was also present to support the Bouchard family, but did not add any testimony to the record. Chris stated that this is a public hearing and that Danny Bouchard Sr. will receive a letter from the board with regard to the outcome and their decision. Motion by Chris Yates to close the hearing @ 6:25pm. Motion was seconded by Randy Connelly – **APPROVED**.

**E. Town Treasurer – Tom Racine – Re: Arena Financing**

**Consider adoption of necessity resolution under 24 VSA Sec. 1755**

**Consider adoption of validation resolution under 24 VSA Sec. 1757**

Tom has many documents ready for signature with regard to the financing for the arena project. There are a series of resolutions that need to be signed off on, as well as a purchase agreement and a note. Paulette noted that each individual document that is signed needs to be documented in the minutes.

- **Validation Resolution** – Motion by Chris Yates to approve the Validation Resolution for the arena bond vote for \$990,000.00. Motion was seconded by Paulette Tatro – **APPROVED**.
- **Necessity Resolution** – Motion by Chris Yates to approve the Necessity Resolution. Motion was seconded by Randy Connelly – **APPROVED**.
- **Resolution and Certificate for the General Obligation** – Motion by Chris Yates to approve the Resolution and Certificate for the General Obligation. Motion was seconded by Diana O'Hara – **APPROVED**.
- **Tax Certificate for the Capital Improvement** – Motion by Chris Yates to approve the Tax Certificate for the Capital Improvement for \$990,000.00 for the capital note. Motion was seconded by Diana O'Hara – **APPROVED**. The amount was added to this motion, at the request of Paulette Tatro.

- Loan and Capital Note Purchase Agreement – Motion by Chris Yates to approve the Loan and Capital Note Purchase Agreement with Merchants Bank for \$990,000.00. Motion was seconded by Paulette Tatro. Discussion: Tom noted that our legal counsel sent a draft of this document with some markings for discussion. In article #1 the paragraph at the bottom about funding indemnification amounts, is the board ok with the pre-payment penalty? Our rate is 2.2%, in the event that we pre-pay any amount, if at that time the interest rate was below 2.2% there would be a fee. The likelihood is very slim that rates would be below that. Paulette noted that in this first year we will be paying additional principal, because of the motion on town meeting day with regard to the \$6,000.00 not going to Swanton Teen Center. It will be going towards the arena in addition to what the amortization schedules calls for as a payment. Will that trigger a fee? It could if the interest rate was below 2.2% at the time. Paulette asked if the fee would only be on the amount being prepaid. Tom said the language is not specific to what the fee would be. Tom's main concern is what would drive the fee. Paulette asked if there was more detail or was this just a conversation that took place – just a conversation. This is a note for the life of the loan at 2.2% which is a great rate. She is a little uncomfortable not having more detail spelling out any pre-payment cost penalties. Tom will seek confirmation to make everyone more comfortable. Chris wanted to confirm that there won't be any fee on pre-payment if the interest rate at that time is 2.2% or higher - correct. We are signing documents April 22, 2015 but this deal does not close until Friday. Tom will scan everything over to our attorney for review, who will in turn scan it to the banks attorney for review, so we have some time. Both attorneys have also reviewed the lease for MAHA, and there were no issues there. There should not be any permitting issues, because all the work at the arena is interior work, there is no expansion work being done. The issues regarding the well are being triggered by the cell tower application, not by the arena project and should not impact the arena budget. If McCuins were to ever kick the arena facility off the well, the arena would become the water user, not the cell tower. Tom noted that in the event of taxability, if the town used the proceeds for something other than what we are intending to use proceeds for (improvements to the arena), or if we completed this project and sold the arena, it would change the rate. Tom also added that the town should issue lien waivers to contractors at close out of the payments, which is a routine thing. Our attorney had a question on how communication will flow. All communication will go through the Town Administrator. For this evenings purposes, Paulette asked if the motion should be subject to obtaining acceptable written documentation explaining the pre-payment penalty. Tom will pass along to our attorney that we will want a nod from the board that they are comfortable with what we discover. *\*\* The motion was modified as shown below\*\**
- Loan and Capital Note Purchase Agreement – Motion by Chris Yates to approve the Loan and Capital Note Purchase Agreement with Merchants Bank for \$990,000.00, contingent upon receiving clarification and acceptable written documentation explaining how the pre-payment fee is calculated. Motion was seconded by Paulette Tatro – **APPROVED**. It is Toms understanding that the fee is not scary, but we should get some clarification on how the fee is calculated. Tom recommends that the board assigns one board member, in the event that we run into something tomorrow that requires a signature. Motion by Chris Yates to assign Diana O'Hara as our board member for signatures on April 23, 2015 for all documents related to the arena financing. Motion was seconded by Randy Connelly – **APPROVED**.
- iPad purchase  
The process through Walmart for tax exempt will take 4-6 weeks. Tom has contacted Staples, and they are not authorized to sell Apple products. If we pay tax on the units through Walmart it would be approximately \$25.00 extra per unit.

F. Town Clerk – Wendi Dusablon  
Wendi had nothing to add for this meeting.

G. Selectboard items

1. Arena boards bids – offer to take the boards away  
We did not receive any bids for the boards and glass. Darlene Tremblay has offered to haul them away at no charge. Chris feels we should talk to the arena

construction committee prior to giving them away. We can make a decision at the next Selectboard meeting on May 7<sup>th</sup>.

**2. Guardrail pricing – Hanna Road**

There are three sections on Hanna Road to look at. We don't have budgeted funds to do all three sections. Paulette feels the first section has the biggest drop off and is the biggest need. Prior to the May 7<sup>th</sup> meeting, each Selectboard member will drive by, and maybe Tom can dig up enough funding to cover that first section.

**3. Misc.**

- Steve Ploof was present and asked about 10 hour days / 4 day work weeks for the road crew. They would like to start the week of May 4<sup>th</sup>. There was some discussion about making sure we had coverage on Fridays, if someone could be on call so Wendi would know who to contact. Chris let Steve know the board has already discussed this, and it has been approved starting May 4<sup>th</sup>.

**H. Upcoming Events**

May 7	7pm	Selectboard Mtg.
May 9	8am-1pm	Household Hazardous Waste Collection Event @ Transfer Station
May 14	6pm	DRB Mtg.
May 19	6pm	PC Mtg.

**I. Executive Session**

Motion by Chris Yates to enter into executive session with Steve Ploof for personnel @ 7:05pm. Motion was seconded by Diana O'Hara – **APPROVED**.  
Motion by Chris Yates to exit executive session @ 7:30pm. Motion was seconded by Diana O'Hara – **APPROVED**.

**J. Deliberative Session**

Motion by Chris Yates to enter deliberative session @ 7:30pm. Motion was seconded by Randy Connelly – **APPROVED**.  
Motion by Chris Yates to continue deliberative session pending legal advice @7:45pm. Motion was seconded by Diana O'Hara – **APPROVED**.

**K. Adjournment**

Motion by Chris Yates to adjourn the meeting @ 7:50pm. Motion was seconded by Paulette Tatro – **APPROVED**.

Respectfully submitted by,

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

Minutes approved by,

\_\_\_\_\_ Christopher Yates,  
Vice-Chair, Highgate Selectboard