

# TOWN OF HIGHGATE SELECTBOARD MEETING

Thursday, September 21, 2017 @ 7pm

## Approved Minutes

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

### A. Call To Order & Pledge of Allegiance

The meeting was called to order by Sharon Bousquet, Chair @ 7:02pm followed by the Pledge of Allegiance.

**Highgate Selectboard Members** –Sharon Bousquet, Chair; Josh LaRocque, Vice-Chair (arrived @ 7:07pm); Randy Connelly; Steve LaFar; Bruce Butler

**Highgate Office Staff** – Wendi Dusablon, Town Clerk/Public Meetings Clerk; Shelley Laroche, Town Treasurer/Delinquent Tax Collector (arrived @ 7:22pm);

Heidi Britch-Valenta, Town Administrator/Zoning Administrator

**Public / Other** – Tim Reynolds; Rick Trombley; Maurice Lamothe – VSP; Jon Centabar, DLC; Scott Martin; Sue Cota; Woody Rouse; Jean Chevalier; Robert Norris – FCSO; Steve Beyor; Chantel Bockus; Richard Menard; Matthew Thiel – F&W; Carl Wedin – F&W

### B. Public Comment(s)

- Jean Chevalier asked for an update on the zoning administrator position. Sharon provided an update. An ad was prepared for the newspaper to post the position. Wendi sent out information on September 12<sup>th</sup> looking for feedback on the ad before it went to out to the public. She just heard back from the last few people as recently as today, September 21<sup>st</sup>. Jean knows of people that are interested. The job will be posted shortly.
- Rick Trombley, Tim Reynolds, Scott Martin and Woody Rouse were all present from the Development Review Board. They would very much like to be part of the process to hire the new part time zoning administrator. The DRB works closely with the zoning administrator, and they feel that makes sense to be part of the process. Sharon spoke to the Planning Commission and they suggested having a five person hiring committee with one PC member, two DRB members as well as Wendi and Shelley. Jean stated that by statute it is the PC that makes the recommendation to the Selectboard. The PC has asked for a five person hiring committee. Bruce Butler added to the conversation by reading from sections of the statute below.

**Title 24 : Municipal And County Government**  
**Chapter 117 : Municipal And Regional Planning And Development**  
**Subchapter 009 : Adoption, Administration, And Enforcement**  
**(Cite as: 24 V.S.A. § 4448)**  
**§ 4448. Appointment and powers of administrative officer**

*(a) An administrative officer, who may hold any other office in the municipality other than membership in the board of adjustment or development review board, shall be nominated by the planning commission and appointed by the legislative body for a term of three years promptly after the adoption of the first bylaws or when a vacancy exists. The compensation of the administrative officer shall be fixed under sections 932 and 933 of this title, and the officer shall be subject to the personnel rules of the municipality adopted under sections 1121 and 1122 of this title. The administrative officer shall administer the bylaws literally and shall not have the power to permit any land development that is not in conformance with those bylaws. An administrative officer may be removed for cause at any time by the legislative body after consultation with the planning commission.*

*(b) The planning commission may nominate and the legislative body may appoint an acting administrative officer who shall have the same duties and responsibilities as the administrative officer in the administrative officer's absence. If an acting administrative officer position is established, or, for municipalities that establish the position of assistant administrative officer, there shall be clear policies regarding the authority of the administrative officer in relation to the acting or assistant officer.*

*(c) The administrative officer should provide an applicant with forms required to obtain any municipal permit or other municipal authorization required under this chapter, or under other laws or ordinances that relate to the regulation by municipalities of land development. If other municipal permits or authorizations are required, the administrative officer should coordinate a unified effort on behalf of the municipality in administering its development review programs. The administrative officer should inform any person applying for municipal permits or authorizations that the person should contact the regional permit specialist employed by the agency of natural resources in order to assure timely action on any related*

*state permits; nevertheless, the applicant retains the obligation to identify, apply for, and obtain relevant state permits.*

*(d) If the administrative officer fails to act with regard to a complete application for a permit within 30 days, whether by issuing a decision or by making a referral to the appropriate municipal panel, a permit shall be deemed issued on the 31st day. (Added 2003, No. 115 (Adj. Sess.), § 100.)*

Bruce is interested in the position. He believes that separating the town administrator and zoning administrator positions is beneficial to the town administrator and to the town itself. Tim Reynolds pointed out that if he is interested he should not be involved in the process at all. Bruce stated that he needs to find a new occupation and that his position on the Selectboard does not put him in any better or worse position than anyone else that would like to apply for the job. Jean said that a lot of people in town do not want to see a member of the Selectboard be the zoning administrator. Keeping it separate gets rid of the appearance of the "good ole boys club". She feels there is a definite conflict of interest. Bruce replied that Jean's comments are an advisory position to take, he respects her opinion but does not necessarily agree with her. Woody had some questions for Bruce with regard to him having any advantage and why the DRB members cannot be part of the hiring committee. The DRB has the town's best interest at heart by asking to be part of the hiring committee. Bruce stated that he does not have to be appointed, but he feels he can do a good job of it, and he too is looking out for the town's best interest. The statute clearly states it is up to the PC to make the recommendation to the Selectboard on who to appoint. Bruce again pointed out that we are bound by statute and it needs to be observed, there is no hiring committee in this process, it is the job of the PC. The DRB can sit in with the PC and voice their opinions but the PC has the final say. Bruce will recuse himself from any vote.

#### **C. VT Liquor Control Officer – Jon Centabar**

Jon is an investigator with the Department of Liquor Control. He is here tonight with questions and concerns about a specific location in town that has been the site of underage drinking parties. He is wondering if there are any actions the town can take to prevent the activities happening there. This property is privately owned and currently in limbo as part of a bankruptcy proceeding in the State of Florida. The town had initially gated off the property and we were informed we could not do that, as we do not own it. Jon has not contacted the owner, and needs more information from the town. We have a mailing address for the property owner and contact information for the bankruptcy attorney that Heidi will send him. Maurice Lamothe, VSP, said they have not been called to this site, so he is not familiar with the issues. We need to determine where the landowner stands on this and if knows there are issues and is doing nothing to prevent them, is he liable for anything bad that would happen? Jon will have that conversation with the owner if he is able to reach him. Sharon asked if the public can do anything to help. Yes, if you see something or know something, let law enforcement know. This is a very unsafe location, a former dump, that is far off the road and not visible. Sheriff Norris stated that FCSO has been called to that site three times since April 2016, and one incident was serious in nature earlier this year. One thing in our favor is that cold weather is coming. FCSO will continue to drive up there and have a presence when they are on patrol in Highgate. There was discussion on where the alcohol is coming from. Jon stated that they are doing the best they can to curb the behaviors. It is illegal to provide alcohol to minors, even if they are your own children. The town will continue to support law enforcement and DLC in any way possible. Jon also asked that the public let him know of any concerns they may have with this issue or with any tobacco or alcohol and to make him aware of what is going on.

#### **D. State Legislator – Steve Beyor – ATV Discussion**

Steve Beyor was present and local law enforcement was invited to this discussion as well. Present were representatives from Vermont State Police, Franklin County Sheriff's Office and VT Fish & Wildlife. ATVs on town and state roads is a problem everywhere. It appears to be especially problematic here in Highgate. It is affecting nearly every part of town, and there are serious concerns for safety of both the ATV riders as well as the general public. Steve would like to submit a bill that will require ATVs to be registered regardless of where it is operated. If we are able to get a plate number, whoever is riding it will be responsible. Josh

pointed out that if residents are being charged a state registration fee, they will want to receive something in return, like access to trails. Josh knows of an 11 year old boy who rides a side-by-side to soccer practice every day at the arena and he crosses many town and state highways to get there. The parents are responsible because they provide the machine for these kids to ride. We have to start somewhere in addressing the ATV issue and a bill mandating registration at least would give law enforcement something to work with. Steve Beyor has not looked into how other states handle this, but states like New Hampshire and Maine have trail systems and places for people to ride legally, but there are still rules to be followed. Mr. Beyor does not want to punish kids or see anyone get hurt. Scott Martin would invite anyone that wants to stop by, to sit in his driveway on Lamkin Street and see the speed of ATVs and overall recklessness. It is not uncommon to see them four or five wide, all on two wheels, with total disregard for the safety of the motoring public that are legally allowed to be on the roads, or bicyclists or pedestrians. He feels it is only a matter of time before someone is seriously hurt or worse. Mr. Beyor can't promise that any bill submitted will pass, but it can't hurt to go through the process anyway. This problem is not just on Lamkin Street, it's happening all over our town and at all hours of the day and night. Jean Chevalier said her road, Fortin Road, is a main thoroughfare for ATVs too. Chantel Bockus pointed out that it isn't just kids, sometimes adults as well! Mr. Beyor hates to add laws that we can't enforce, but he wants to give our law enforcement a tool they can use. There was further discussion on registering ATVs and it was pointed out that any funds raised should be used towards enforcement. The Rail Trail is state property that is being torn to pieces by ATVs. The bottom line is that the adults need to be held accountable and issued a civil ticket. Hitting them in their pocket book is the best way to get their attention. Sharon thanked Steve Beyor for reaching out to see how we can help improve this problem in our town and community. Bruce asked if law enforcement has the ability to take pictures when they observe an unregistered ATV. Yes, VSP and FCSO are equipped with mobile vision in their vehicles. It's not a question of catching them, it's a question of identifying the operator. The vehicle does not commit any crimes, the suspect does. Richard Menard asked what can be done once they are caught. The vehicle can be towed, they can be ticketed, and if the offense is criminal in nature, the vehicle can be seized and kept. Towing is huge, that is where they would really feel the impact of their actions. In a perfect world, they would pull over and the ATV would be towed. Steve Beyor briefly touched on the bill S.27 regarding police coverage in municipalities. The committee is looking for feedback and there will be a series of meetings all across the state. Chantel Bockus had questions about law enforcement coverage in Highgate. We are always covered, either by VSP or FCSO. If you call 911 they will always dispatch whoever is primary at the time, and the other is always secondary coverage. There is never a lack of coverage. F&W as well as Border Patrol assist as well, they all help each other as needed and necessary.

#### **E. Town Treasurer Updates – Shelley Laroche**

- Check Warrants – There were no questions on the check warrants.
- Conflict of Interest Policy – This has been updated based on recommendations from Brenda Buker at the Department of Public Safety. Motion by Josh LaRocque to sign the conflict of interest policy. The motion was seconded by Randy Connelly – **APPROVED.**
- The Finance Committee has talked about town policies to be reviewed and signed off by board members. Each year after town meeting, some time will be given to have new and returning board members read, review and refresh themselves on town policies. There will be a sign off sheet, probably at the end of April each year. This will need to be added to our personnel policy.
- It is time to renew our contract with Comcast for our Voice Edge phone system. The library is ready to jump on board as well. We currently pay \$361.00 per month for eight lines and by adding them we will get a discount, bringing our bill down to \$331.00 per month. This still has to be approved by the library trustees. Randy believes we can get the activation fees for the library to be waived. Shelley is comfortable with a three year contract, but not any longer. Motion by Josh LaRocque to approve the Comcast contract, contingent on the library trustees approval also. The motion was seconded by Steve LaFar – **APPROVED.**

**F. Town Clerk Updates – Wendi Dusablon**

- Motion by Steve LaFar to approve the minutes from September 7, 2017, as written. The motion was seconded by Bruce Butler – **APPROVED**.
- Motion by Josh LaRocque to approve the minutes from September 18, 2017, as amended. The motion was seconded by Steve LaFar – **APPROVED**. Randy and Bruce were not present on September 18<sup>th</sup>.
- Wendi has information from the library trustees regarding a change where a new appointment is necessary. Rebecca Howrigan, Chair, has forwarded to Wendi a copy of the letter sent to Alyssa Ryan dated 9/7/17 asking her to step down as a trustee, due to her being unable to attend regular meetings, as stated in their bylaws. Rebecca also forwarded to Wendi a copy of their request to appoint Ronna Scott to fill this vacancy until town meeting 2018. Sharon read the information aloud. Motion by Randy to appoint Ronna Scott to fill this vacancy on the library board of trustees. The motion was seconded by Steve LaFar – **APPROVED**.
- Steve LaFar reverted back to the zoning administrator appointment conversation, asking when applications would be due. It is the decision of the PC. Shelley interjected, pointing out that there are issues in house that that need to be resolved and should be considered step #1 before we even think about moving on to step #2 and posting the position. Randy would like to have a conversation between the PC and Selectboard. More information is required all the way around.

**G. Administrator Items – Heidi Britch-Valenta**

- MPG Application – Machia property development feasibility study – Heidi has chatted with NRPC regarding how big of a project this is and the detail that will be required. We have already authorized up to \$6,000.00 for a match on a \$20,000.00 grant. This is more of a master planning task vs. a municipal planning grant, so the match for anything above \$8,000.00 is 33% not 50%. This is to hire someone to work with the committee and filter through concepts to come up with some proposals and create different designs. This is similar to other studies we have done where we secure the grant and sub the work out to a consultant. The committee will hire a consultant with a vision of what is expected, then write up the RFP for someone to take us through to a public vote. This does not have to be submitted until Oct. 1<sup>st</sup> and the resolution needs to be signed by the Selectboard. This will be for a grant in the amount of \$26,000.00 with a match of \$6,000.00. The match funds will be budgeted for, per Shelley. The grant will not be awarded until December and then we have to hire someone, so there should be no expenditures until spring. A presentation at town meeting seems that it would be too soon. There is no need to rush this. We have time and plenty of opportunity going forward, even if that means a special town vote. Sharon noted that the library has some great concepts they are working on and it makes sense to build off from what they have already been doing. Motion by Randy Connelly to sign the resolution to apply for this grant. The motion was seconded Steve LaFar – **APPROVED**.
- Village Designation Renewal and Amendment Application – the renewal for Highgate Center is complete now and requires a cover letter from the Selectboard and Planning Commission. In the renewal is an amendment to add the entire school property, including the white building, into the village designation. Highgate Falls and Highgate Springs will be new applications to add them as designations. This will require an amendment to our town plan, as well as some changes to our energy chapter. Those changes will be happening later this year, so the new applications will be in early 2018. Motion by Randy Connelly to sign the letter attached to the renewal application. The motion was seconded by Steve LaFar – **APPROVED**.
- Snow Removal RFP – There is a draft RFP in the Selectboard packet. Pat added the suggestion that sidewalks be cleared in time for school. There was some discussion on using ice melt vs. sand, seasonal vs. storm, sweeping vs. plowing. The board would like to see; 1) seasonal contract 2) sidewalks checked daily by the road commissioner or public works director 3) 2"+ snowfall or any freezing rain or weather conditions that pose a safety concern require attention 4) the town has the right to reject any proposals. There was additional discussion on liability issues and if there is a need to clear sidewalks in the winter time at all. In the RFP the equipment requirements will need to be clarified. We also need to think amount amending the winter road policy to include a section on

sidewalks. Shelley had already contacted our attorney about the liability issues with sidewalks and the idea of not maintaining them in the winter months. Our attorney responded the following with regard to liability:

- 1) Duty – the town has a duty to maintain sidewalks in walkable / reasonable shape.
- 2) Breach of Duty – The town needs to maintain the sidewalks to a certain standard, but it depends on how walkable shape is defined.
- 3) Proximate Cause – Injury must be the result of the town not keeping up the sidewalk. For example, if someone is wearing inappropriate foot ware, that may be their own fault.
- 4) Harm – Someone could trip and not be injured, so there would be no claim.

Ed further noted that once the town takes on the responsibility to clean the sidewalks, it must do so reasonably. Which would mean, in the case of a 2' snow storm, for example, it would not be reasonable to expect the sidewalk to be cleaned every hour, even if the snow is building up. Whereas if ice were building up on the sidewalk for days, that might be held against the town.

**H. Selectboard Items**

- Dumping Issues – Most recently there have been illegal dumping issues on Hempyard Road and Route 7. On Hempyard Road there were some identifiable pieces of mail belonging to an older woman now in a nursing home. Whoever cleaned out her last residence may have more information. NWSWD is still investigating this. On Route 7 there have been burlap bags of seeds dumped as well as household furniture. NWSWD has agreed to take the garbage under conditions that we pick it up, sort it and come up with the transportation for it.
- ADA Documents – We still do not have an RFP for the roof yet. This is a tough time of year to get someone to respond. We have not yet paid Laz Scangas, architect, for his services. Bruce expressed frustration that he did not know what was being discussed, so Sharon backed up and explained. Bruce said he and Steve have investigated, with the help of Corey McCuin, and think they have an idea for the issues with the roof. He described a product that prevents ice dams from forming that can be placed right over the existing roof. It can be installed relatively quickly and will address most of the problems with our leaking roof. We will need an RFP either way and we have \$10,000.00 set aside. Heidi will again reach out to Laz. There was some discussion on if Laz can't get the work done, can he sub it out? If he has more to do than he can handle, it isn't the town's problem, this was supposed to be complete by September 1<sup>st</sup>.
- Heidi brought the board up to speed on various complaints received in the office.
- Steve asked Wendi if she had posted the information about the Machia property and people not helping themselves to items located there. Wendi wanted to run it by the entire board before this was posted.
- There will be a celebration of local media with NW Access TV on Oct. 2<sup>nd</sup>.
- The Community Playground "BUILD IT DAY" will be on Saturday, Sept. 23<sup>rd</sup> starting at 9am. Volunteers are needed at the arena / ballfields location. We will feed you ☺.

**I. Upcoming Events**

|          |        |  |
|----------|--------|--|
| Sept. 23 | 9am    | Community Playground "BUILD IT DAY" @ arena / ballfields |
| Oct. 3   | 6pm    | Parks & Recreation Mtg. @ arena                          |
| Oct. 4   | 6:30pm | Library Trustee Mtg. @ library                           |
| Oct. 5   | 7pm    | Selectboard Mtg.   |

**\*\* TAX BILLS WERE MAILED SEPT. 15<sup>TH</sup> ~ DUE DATE IS NOV. 1<sup>ST</sup> BY 5PM \*\***

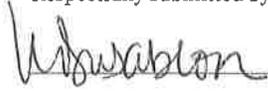
**J. Executive Session**

Motion by Josh LaRocque to enter into executive session @ 8:56pm with the town administrator to discuss legal, contracts and personnel, where premature general public knowledge would place the town or the individuals involved at a substantial disadvantage. The motion was seconded by Randy Connelly – **APPROVED.** Heidi Britch-Valenta left the executive session @ 10:30pm. Bruce Butler left the executive session @ 10:40pm. Motion by Sharon Bousquet to exit executive session @ 11:33pm. The motion was seconded by Josh LaRocque – **APPROVED.**

**K. Adjournment**

Motion by Steve LaFar to adjourn the meeting @ 11:35pm. The motion was seconded by Josh LaRocque – **APPROVED.**

Respectfully submitted by,



Wendi Dusablon, Highgate Town Clerk  
& Public Meetings Clerk

Minutes approved by,



Sharon Bousquet - Chair, Highgate Selectboard