

TOWN OF HIGHGATE SELECTBOARD MEETING

Thursday, November 2, 2017 @ 7pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

6:30pm Executive Session: The Selectboard and Town Administrator met in Executive Session on a legal matter beginning at 6:30pm. Present were: Heidi Britch-Valenta, Sharon Bousquet, Randy Connelly, Bruce Butler, Josh LaRocque (arrived @ 6:40pm) *Absent – Steve LaFar*
The Executive Session was adjourned @ 7:07pm.

A. Call To Order & Pledge of Allegiance

The meeting was called to order by Sharon Bousquet, Chair @ 7:08pm followed by the Pledge of Allegiance.

Highgate Selectboard Members –Sharon Bousquet, Chair; Josh LaRocque, Vice-Chair; Bruce Butler; Randy Connelly *Absent – Steve LaFar*

Highgate Office Staff – Wendi Dusablon, Town Clerk/Public Meetings Clerk; Heidi Britch-Valenta, Town Administrator/Zoning Administrator
Shelley Laroche, Treasurer/Delinquent Tax Collector (arrived @ 7:40pm)

Public / Other – Alice S. Cota; Woody Rouse; Arnold Hibbard, Sr.; John P. Patnode; Laz Scangas; David McWilliams; Michel Consejo; Danny Hale; Justin Rocque; Cathy Keller; Tim Joyal; Elaine Ezerins; Chris Uzell; Ty Choiniere; Mark Gilbert

B. Public Comment(s)

- Arnold Hibberd, Sr. was present and let the board know he has a cousin in Swanton who is willing to take the dogs for him. He is referring to two dogs taken by the ACO back in September due to very bad living conditions. Mr. Hibberd was late to the last hearing and the board had already made a motion for our ACO to rehome the dogs. Sharon let him know that she spoke with the ACO again today and that she re-read our ordinance. Sharon read aloud from section 7 of the ordinance regarding clean and safe conditions. Sharon shared before and after photos of both dogs. Mr. Hibberd stated the before photos did not look like his dogs, but the after photos did. He asked for copies of the photos. Mr. Hibberd felt like he was getting the run around when he asked questions about his dogs. He was given his opportunity to speak at the hearing, which he was late for and missed the opportunity prior to the board making their decision. Josh LaRocque let Mr. Hibberd know that, unfortunately, he would not be getting his dogs back. Mr. Hibberd left the meeting. Two members of the audience, David McWilliams (ACO, St. Albans) and Danny Hale (Selectboard, Hardwick) are all too familiar with these issues. Mr. Hale stated that dog issues are the worst part of being a Selectboard member.

C. Channel 15/16 NW Access TV – David McWilliams + Michel Consejo

David and Michel are here to discuss the current location of their camera in town and the possibility of relocating it. It is currently located at Joey's Junction and they would like to move it up to the municipal building. They install it, they pay for all the labor, all they need is electricity. This is not a mandatory thing, but a service they provide. This is a live feed camera that stays on all the time, and can have recording capabilities. There were questions on if the camera is linked to the internet. No, but it can be without outrageous expenses being incurred. Motion by Josh LaRocque to allow NorthWest Access TV to install a camera on the municipal building, but not to put any holes in the roof while doing so. The motion was seconded by Randy Connelly – **APPROVED**. Heidi will be in touch with them about location for placement. They reminded the board that their studio and equipment are available to use as needed because it is our station too.

D. VASA – ATV Discussion

Present for this discussion were: Justin Rocque from St. Albans, President of the NorthWest VT Riders; Danny Hale from Hardwick, Executive Director of VASA; Cathy Keller from Milton, Club Member; Tim Joyal from Milton, Trail Coordinator for NorthWest VT Riders. They became aware of issues we are having in town from a newspaper article. Danny feels there are a lot of questions and some misinformation. VASA is a statewide trail association that provides tools to municipalities to manage ATVs. They will only manage use as a community sees fit. The town has the authority to open or close roads and manage it through an ordinance. VASA suggests an ordinance for enforcement. Prohibition doesn't work. Information is key. Danny has been involved for 17 years and has helped resolve issues, including those in Franklin County. He is Chair of the Lamoille Valley Rail Trail as well. There are concerns about the illegal use of the trail. The town should have received an invitation to a meeting last week held at Johnson State College. It was hosted by VASA and law enforcement and only three towns were represented. There was still some good conversation about issues. The Governor issued a directive in May to work on resolving issues with ATVs and that report is due back to the Governor in mid-November. The no chase policy was put in place some time ago based on a poor choice by law enforcement here in Franklin County. Danny stressed that the problems we are having all are local. Highgate isn't that big and we know where these people are coming from and where they are going. Pursuit has nothing to do with enforcing the laws. Tickets have been effective in Hardwick, that's why they don't have issues there. He was surprised to hear our State Rep. say he wanted to introduce new legislation because there are already laws in place. VASA can provide club resources and put managed use in place to get some legal trails in Franklin County so people have a place to ride, legally. We need to give those that want to do the right thing a place to go. There is currently no ATV ordinance in the Town of Highgate. Having one would put things in place and allow law enforcement to do their work to curb behavior. Helmets, registration and having a valid trail pass are good places to start. Sharon spoke about a complaint we have received from a nurse that works night shift. She has to put up with her neighbors children riding during the day and keeping her from sleeping. She has a right to earn a living and needs to earn a living. Danny suggested talking to your neighbors, and if necessary call law enforcement. That is an issue that VASA can't fix. Part of what VASA does is organize meetings in our area with parties of interest. They operate on a volunteer base and peer pressure to do the right thing. VASA used to use the trails over by the airport and there was a change in ownership. You need to have the proper things in order to operate an ATV on any transportation corridor. There are currently 15,000 red ATV plates out there, but there is also an estimated 15,000 that aren't currently registered. There is an even fewer number that have trail decals. A survey was recently sent to all towns that were invited to the meeting at JSC. Josh asked about fees and funding going back to law enforcement. F&W is the primary enforcement agency. They are aggressively pursuing ATV violations on their own. VASA does not ride on private land unless the landowner initiates it. They use some municipal land, not state land. There is talk of structure change in fees, part of that will be dedicated to law enforcement. Danny emphasized the need to enforce statutes that are on the books. If our sheriff isn't willing to enforce it, VASA won't pay for it. A cultural change needs to happen here in our community. Sharon noted it would only be a matter of time before something fatal happens. VASA would need to ask for highway use for connection between trails and then build off of that. The closest legal trails to us are in Bakersfield and Montgomery. VASA would advertise in the local paper to get local buy in. Once people understand that riding on roads isn't tolerated, behavior will begin to change. Ty asked about if they struggle to get land owner buy in – typically no. They have more land now then they have volunteers to manage it. VT has some of the best land owner liability laws in the country. VASA is part of the VT Trail System and the state requires them to carry a 2 million dollar liability policy. Sharon agrees that having no place to ride is backfiring. We also have a lot of farmers here and a lot of people that hunt. So there are a lot of people doing the wrong thing for lots of different reasons. Cathy pointed out that you can't parent someone else's kids because they don't listen. Josh added that it's not always kids. Danny gave examples of how tickets in other towns are working. The bottom line is, we have a problem and they know what we need to

do to work towards resolving it. The board can make a statement that they are going to start cracking down. State statues are already there. Because Highgate has no ordinance, only class four roads are open, and those are generally very short roads or dead end roads. VASA trails are inclusive, not exclusive. VASA also has their own trail maintenance now. VAST and VASA work together and their relationship over the last several years has improved. They are moving forward with joint projects trying to keep both organizations alive. Randy asked if there are model town ordinances that Danny can provide and we can use as a template. Danny will forward some info and he stressed again that things like helmets, insurance, registration and trail access decals are a good place to start and are recommended. These are all things likely to be addressed at the statewide level this year. The Selectboard is interested in working with VASA to put ordinances in place and enforce the laws and allow some kind of legal access for riders. Bakersfield has struggled with issues. Kids ages 12-18 have to have a safety certificate. They can help with safety courses as well. Side by side vehicles have changed things also. Justin will follow up with the town to hopefully get things under control. John Patnode asked if there was any incentive for land owners to allow ATVs on their property. Governor Scott has created a collaborative which is a hot topic because people are trying to figure out a tax incentive for land owners. Danny feels 100 acres is a good place to start. Mr. Patnode also had questions about trails and land use. A lot of people are trying to figure out incentives. They look for property that is not too wet. The state won't allow anyone in a wetland anyway, so they have a lot of land that is moist. They need to harden up the trail to make it better, not worse. The next logical step is to set up some public meetings. Danny guarantees he can make it better, but not necessarily fix it. We also need to get an ordinance in place and meet with law enforcement. F&W are the most enthusiastic about helping. We will see a huge change in the rail trail when LVRT comes in. The board thanked them all for being here and they look forward to working together.

E. Treasurer Updates – Shelley Laroche

1. Check warrants

CSI will be here tomorrow for bi-annual maintenance on the heating/cooling system. Shelley will hold onto the check until after their visit. Bushey Seal Coating came back to the arena and fixed the parking lot where it was peeling, so that is all set.

2. Tax collection update

The due date was Nov. 1 by 5pm. There is an outstanding \$230,000.00 which is about average compared to prior years. Many people have signed up for payment plans. Anyone who has not paid yet, contact Shelley and she will work with you to get you out of delinquency.

3. Misc.

Shelley missed last meeting, but she put the banking and investment policy in drop box for review. Sharon updated everyone on the HVFD floor. We paid out a total of \$45,958.00 so far (\$19,277.00 Doug Rollo; \$21,170.00 Dan's Concrete; Drummac and VT Concrete Cutting were also paid). We will be receiving a bill from Knights Consulting for around \$2,500.00 for compaction testing. We have an estimate from ECI to complete the paving work out on the apron for \$920.00. The audit came back and Shelley will review it with the Finance Committee on Nov. 13th. She is thrilled with it but has one question for Jordan and will get her written response. Overall the audit went very well. Budget status is in the drop box. Budgeting will be the next big project. In mid-November she is meeting with Liza (HLCC), Pat (PWD) and hopefully Joe (HVFD). Josh will participate in the PWD budget also. Any Selectboard member is invited to participate in the departmental budget process. P&R has a meeting in early December to discuss their budget also. The insurance claim on the dehumidifier at the arena is in progress. The rental unit will be covered. This will be discussed further in executive session.

F. Town Clerk Updates – Wendi Dusablon

1. Minutes

Motion by Randy Connelly to approve the minutes from October 19, 2017, as written. The motion was seconded by Bruce Butler – **APPROVED**.

2. Special Votes on Nov. 7

Ballot voting on the MVU Capital Reserve Fund will take place on Nov. 7th from 7am – 7pm at the Highgate Elementary School. There will also be a

floor discussion and vote at 7pm on ACT46. This is an advisory vote but very important because it will be part of the report our school board sends to the state. Sharon elaborated on the importance of this vote. If we don't want to lose local control, we need to vote and let the State of Vermont know how we feel on this issue. If you don't vote then don't whine if you don't like the outcome. This vote determines how much input we will have in the control of our school. We want to keep our own school board to control our own school. Let's show the Department of Education that we care enough to show up and vote. Because we are a town that votes public questions from the floor, this discussion and vote will happen from the floor.

3. Office closure dates in November

The town offices will be closed Nov. 7th (voting), Nov. 10th (Veterans Day) and Nov. 23/24 (Thanksgiving). These dates have been publicized as much as possible to get the word out.

4. Part time ZA position

Applications are due by Nov. 13th @ 4:30pm. This has been advertised in the Messenger, Courier, Seven Days, VLCT, FaceBook, Website, and around town. We have received a few applications already.

G. ADA Study – Grant Close Out Hearing

Laz Scangas, architect, is here. This final close out hearing is an obligation to the ADA study grant. It was noticed for thirty days. Tonight we have bid documents and Laz can answer any questions and walk us through the final project. The application was submitted yesterday for the \$75,000.00 grant for construction funds. We will know by February if we are being awarded the funds. There is a project manual as well as large maps for the board to review. Sharon gave some background on the project. The voters approved \$80,000.00 for ADA compliance work to be done to the front entrance, rear entrance, parking spaces, bathrooms and doorways. If we are awarded the grant funding, we will have funds to give back to the taxpayers and have them reallocate. We won't know until just before town meeting. Sue asked about the front counter being lowered. An alternate location is allowed, so we can use the tables to meet compliance with that. We need to comply with ADA requirements but not overburden the taxpayers. This is a barebones modification. There were no further comments or questions from the board or from the public.

H. Administrator Items – Heidi Britch-Valenta

1. Sidewalk update – paving Nov. 6, painting Nov. 9

Paving will be completed on Nov. 6 in the area around the library and painting of crosswalks will occur on Nov. 9. There are a total of five crosswalks to be completed in town. Likely there will be significant traffic delays. The goal is to avoid bus times, but there is enough to do in one day that hopefully there will not be many delays. It is anticipated there will be one lane traffic all day in the village area, causing backups. A grand opening of the sidewalk is planned possibly for Nov. 17. This will be coordinated with the school as a walk to school day. Details are yet to be finalized. Selectboard representation would be great. The tree removal on Lamkin Street became controversial. That was a change order that had a cost attached to it, but we are still under budget. We anticipate being \$10,000.00 - \$15,000.00 under budget for the entire project.

2. Walk to school day

As mentioned above, this is tentatively scheduled for Friday, Nov. 17.

3. Better Back Roads grant project scope – due Nov. 17

There is a proposal in the drop box for work to be done on Tarte Road / Parent Road and at the bridge on Tarte Road. Motion by Josh LaRocque for Heidi to apply for the above mentioned projects. The motion was seconded by Randy Connelly – **APPROVED.**

4. Misc.

The library is coordinating a presentation of their own findings regarding library relocation on Nov. 14 @ 6pm at the municipal offices. The next Machia Property Dev. Committee meeting is Nov. 16 @ 6pm also at the municipal offices. It may be of interest to the Machia group to attend the library presentation. They are presenting concepts and adding another piece to the puzzle.

I. Selectboard Items

1. Platt Road

This has been discussed at a previous meeting. This is a small triangular piece of land that has been offered to the town to purchase. Pat has looked at it and measured the town's right of way, which leaves very little actual land to be purchased. There was discussion on taking concrete out at the corner to improve the lawn. Randy and Sharon don't see the benefit to the town if it were purchased. Very little doesn't belong to the town already based on the right of way measurements. Bruce and Josh also see no benefit. The traffic pattern could be improved, though. All were in agreement that there was not enough benefit to move forward and justify a purchase. Motion by Josh LaRocque to put this issue to rest and have Heidi inform the homeowner that the town respectfully declines the offer. The motion was seconded by Randy Connelly – **APPROVED.**

2. Snow removal bids

We have received two bids, both based off the RFP that was published a few weeks ago. Bakers Landscaping and Property Services \$4,000.00 for the season or \$115.00 per clearing. Menard Handyman and Property Maintenance Services LLC \$31,000.00 for the season. Mr. Menard did not give a price for each clearing. John Patnode had questions about the length of the sidewalk and the reasoning behind going out to bid vs. purchasing our own equipment. The board has looked at the price of equipment and also of leasing equipment. Mr. Patnode questioned if the board had done their homework on this topic. Sharon felt Mr. Patnode was out of line. This sidewalk project was started years ago by a completely different Selectboard, so a lot of these questions are being directed to the wrong board. There is nothing stopping anyone from amending the CIP at town meeting to include expenses related to clearing the sidewalks. It would be a good conversation to have with the voters. Sharon attends a lot of meetings in town, including PC meetings where they have been working on the CIP for a few months now. The current board has been tasked with seeing the sidewalk project through. This season's sidewalk clearing expenses will come out of the PWD budget. The voters approved the sidewalk project back in 2013 and our matching portion was set aside at that time. John asked about the scenario when a private driveway is cleared and the snow is put back on the sidewalk that was just cleared. Should individual homeowners be responsible to clear the sidewalk in front of their home? This has been discussed as well. The RFP was clear as to what is expected with the sidewalk snow removal. The bids we received were based off the same RFP. Mr. Patnode stated he does not benefit from the sidewalks yet his taxes go up with regard to them and other projects happening in the village. He does not live in the village. Sharon understands that, but added that she does not have any children yet a great deal of the taxes she pays goes directly to the school. She has no issue with it because those tax dollars provide a service and she wants our children to have the very best. She pays her school taxes with pride because it is for the better of our community. Motion by Bruce Butler to accept the bid of \$4,000.00 from Baker's Landscaping and Property Services (Kyle Baker). The motion was seconded by Randy Connelly – **APPROVED.**

3. Roof bids

We received no bids by the deadline. Heidi has since heard from two people that said they would like to submit a bid. We have nothing in hand yet and are still accepting any bids.

4. Paving bid for HVFD doorways

ECI will be in town doing some paving around the sidewalk project so Heidi got a price from them to pave the HVFD doorways while they are in town. That price is \$920.00. There was some discussion on why the town is not doing the job themselves to save money. The PWD has been very busy with projects and still have to grade the roads and put plow frames on very soon. Josh has no issue with the town crew doing this small paving project. Motion by Josh LaRocque to have the PWD get some pavement and fill in around the HVFD doors. The motion was seconded by Randy Connelly – **APPROVED.**

5. Office changes for new Zoning Admin.

This topic has come up time and time again. We are in the process of hiring a new part time zoning administrator, yet we have no office space to put them. This decision doesn't need to be made tonight, but the discussion

does need to start. If the back room at HVFD can be modified and used as an office space the front office could (possibly) be used to its full potential. It is currently only used a few hours per week at best. HVFD is getting ready to put the station back together now that the floor is nearly complete, so it is a good time to put it out there. We aren't looking to upset anyone, just make the best use of the space that we have. Wendi and Sharon will work on this and have some discussions with Joe.

6. Misc.

The Machia Road bridge situation may be in another stall situation. The closing has not yet happened on the old store building (now apartments) and the tenants have not been relocated. Heidi was told that the tenants can live in the building after the closing, which was not the agreement. The right of way contact seems to be the flaw in this particular plan. We need to hold his feet to the fire. The town has stepped up and the state agreed to it all, we have this in an email. We are frustrated, to say the least, about another stall in the progress of our new bridge. The apartment building needs to be removed before anything can happen. Bruce also asked about the Machia Road stabilization project. We have received a large grant and have signed the agreement to accept it. Our match is \$183,000.00. We can't allow our road to end up in the river, yet we are also trying to keep our taxes level, which is a challenge. Sharon also updated everyone on the two boxer dogs that were taken to be rehomed by the ACO. The younger male boxer is gone to the rescue in NH and has been neutered and will be trained and rehomed. The older male boxer is not being adopted here, contrary to what was reported on FaceBook. A temporary foster home was needed until this Saturday, when he too will be on his way to NH to the boxer rescue to be neutered, trained and rehomed. This was a successful saving of these animals and they will go to loving forever homes. Sharon thanked their owners in town for allowing us to save them from being euthanized and hopefully all will live happily ever after.

J. Upcoming Events

Nov. 7	7am - 7pm	Special MVU Capital Reserve Fund <u>ballot vote</u> @ Highgate Elem.
Nov. 7	7pm	Special Highgate <u>floor vote</u> - ACT46 @ Highgate Elem.
Nov. 7		Municipal Offices are CLOSED - voting @ Highgate Elem.
Nov. 9	6pm	DRB Mtg.
Nov. 10		Municipal Offices are CLOSED - Veterans Day observed
Nov. 21	6pm	Planning Commission - Capital Budget

Motion by Josh LaRocque @ 9:18pm to end the regular meeting. The motion was seconded by Randy Connelly - **APPROVED.**

K. Executive Session

Motion by Sharon Bousquet to enter into executive session @ 9:18pm with the Town Administrator (Heidi), Town Treasurer (Shelley) and Mark Gilbert to discuss legal and contracts where premature general public knowledge would place the town and individuals involved at a substantial disadvantage. The motion was seconded by Josh LaRocque - **APPROVED.** Shelley and Mark left the executive session @ 10:00pm.

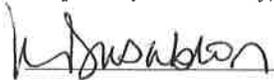
Motion by Josh LaRocque to exit executive session @ 10:44pm. The motion was seconded by Randy Connelly - **APPROVED.**

Motion by Josh LaRocque to authorize Ed Adrian, Town Attorney, to negotiate on our behalf with regard to MVR vs. Town of Highgate. The motion was seconded by Randy Connelly - **APPROVED.**

L. Adjournment

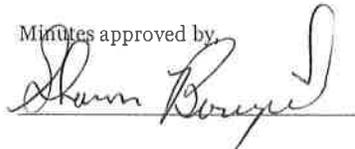
Motion by Randy Connelly to adjourn the meeting @ 10:45pm. The motion was seconded by Josh LaRocque - **APPROVED.**

Respectfully submitted by,



Wendi Dusablon, Highgate Town Clerk
& Public Meetings Clerk

Minutes approved by,



Sharon Bousquet - Chair, Highgate Selectboard