

TOWN OF HIGHGATE SELECTBOARD MEETING

Thursday, July 6, 2017 @ 7pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

6:00pm – Site Visit to the Machia property (now owned by the Town of Highgate) located at 14 St. Armand Road & 3119 VT Route 78

Present at site visit: Evangeline LaRocque; Kellie Uzell; Jeff Towle; Chris Uzell; Barbara Chevalier; Debbie Rouse; David Rouse; Paul Gagne; Henry Rainville; Claude Chevalier; Sharon Bousquet; Brian Rowell; Doug Rollo; Steve LaFar; Woody Rouse; Heidi Britch-Valenta

A. Call To Order & Pledge of Allegiance

The meeting was called to order by Sharon Bousquet, Chair @ 7:06pm followed by the Pledge of Allegiance.

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

Highgate Office Staff – Wendi Dusablon, Town Clerk; Shelley Laroche, Town Treasurer; Heidi Britch-Valenta, Town Administrator

Public / Other – Ben Lowell, Constable; Sue (Alice) Cota; Corinne Bonnette; Steve Blanc; Maurice Lamothe, Lieutenant VSP; Jeff Towle; Evangeline LaRocque; Dana Lawrence; Peter Lawrence; Alex Bushey; David Hutchins; John Bonnette; Vonnie Lamotte, ACO Highgate; Steve Beyor; Woody Rouse; Dan Favreau; Robert Norris, Sheriff FCSO; Everett Dubuque, ACO South Hero

B. Public Comment(s)

Steve Beyor, State Representative for Franklin-5, was present with Dan Favreau. They have serious concerns about ATV activity on town and state roads, as well as on the trails that they are not supposed to be on. Mr. Favreau is the director of the local snowmobile club. Mr. Favreau stated that they groom 89 miles of trails for the snowmobile club and the section from Sheldon – Swanton is seeing some serious damage as a result of ATVs. These people are on the trails and roads illegally at all times of the day and night. Bruce asked if the legislature could put more teeth into the laws to help towns out. Lieutenant Maurice Lamothe, VSP, and Sheriff Robert Norris, FCSO, were both present for this discussion. Law enforcement cannot chase or spike ATVs so unless they willingly stop, it is hard to apprehend them. If the public is willing to document the behavior and identify the riders, they would then need to follow up and testify in court. Some people may be willing to do this, others will not. If they are caught, tickets will be written and their machines towed. Riding up and down roads is a civil offense. Tearing up lawns and private property is a criminal offense. Neither VSP or FCSO has ATVs as part of their fleet to deal with the issue. Steve asked if the legislature could help with funding so this equipment would be available to law enforcement. It is a very small minority of ATV riders causing the issues, but difficult to enforce when parents condone the behaviors and purchase these machines for their kids when they do not have anywhere to legally ride them. Some municipalities have opened their town roads to ATVs and they are also experiencing issues. They are required to license their ATVs and many don't. Tickets often go unpaid, but if you tow their machine, that means something.

C. Vicious Dog Hearing – 110 Breton Drive

Vonnie Lamotte began the hearing by stating that the town was notified of the incident on Thursday, June 29th. The owner of the deceased dog and the Town of South Hero each called Wendi separately. The incident happened at the home of Peter & Linda Lawrence on Whipple Road in South Hero on Saturday, June 24th. The other dog involved in this resides in the Town of Highgate at 110 Breton Drive and is owned by Dana Lawrence. Dana purchased her home last summer and until now the town was unaware she owned a dog. At the time of the incident the dog was not vaccinated or licensed. Dana Lawrence did have the dog vaccinated on July 3rd and the dog, Electra, was licensed with the town yesterday, July 5th. Corrine Bonnette's daughter, Ghislaine, and x-husband, Eric Lykens, had taken her dog, Casper, a two year old Jack Russell, to a family BBQ

at the home of Peter and Linda Lawrence. Ms. Bonnette was not home at the time, but did know they were taking the dog, although she thought they were taking him to the park. She stated her dog, Casper, was not a vicious dog in any way, he was very playful and brought a great deal of joy to their family during some recent tough years due to other losses they have dealt with as a family. Ms. Bonnette feels that Ms. Lawrence is a very irresponsible dog owner to not have her dog vaccinated or licensed and also has shown no remorse for the incident that happened. Ms. Bonnette reiterated that she was not at the BBQ but from what she was told by her x-husband (who was not present at this hearing), Electra (who is a spayed female American Staffordshire Terrier / pit pull) clamped down on Casper and would not let go. She was told that Dana's brother, David, was behind the pit bull pulling on her harness to get her to let go of Casper. Ms. Bonnette heard this from four different people. It was a vicious bite, and her dog died on Monday June 26th from a severe infection as a result of this attack. Ms. Bonnette is grateful that this was not a small child. She attempted to contact Dana Lawrence at her employer and Dana hung up on her. No remorse has been shown from Dana or her parents with regard to this incident. Ms. Bonnette shared photos of Casper's injuries as well as pictures of Casper and his interactions with family and friends, showing he was a friendly dog. Ms. Bonnette believes that Ms. Lawrence acquired the dog, Electra, when the dog was about two years old. Dana Lawrence then spoke, stating that she was there at the BBQ and saw most of what happened, but her brother, David, saw the whole thing. Around 2pm on 6/24/17 Dana said that Electra, Casper and Tanner (her parent's dog) were all at the house. Casper allegedly bit Electra on the nose and Electra reacted defensively. Electra did have Casper in her mouth and on the third command being told to "let go", she did release Casper from her mouth. Casper was then brought to a separate room. Ms. Lawrence acknowledges her dog was behind on vaccinations and stated she did not realize the dog needed to be licensed. It was clarified that the dog had never been licensed prior to now, even when she lived in South Hero at her parent's home. Her parent's dog, Tanner, is also not currently licensed, and has never been. Vonnie inquired if Electra has even bitten before – no. Vonnie also inquired how they handle Electra at home, as far as letting her out, etc. She is leashed at home and there have been no reported incidents on Breton Drive. The neighbors were noticed on this hearing, and none were present. Vonnie feels the situation was a combination of confusion, and that it was a strange place for Casper, yet a dominate place for Electra and she was territorial. Vonnie believes this was an accident, and noted that because Electra is a pit bull does not automatically place her at fault. Casper was not familiar with the home, the people in it, or the other animals. Ms. Bonnette stated the real issue is that of an irresponsible owner, circling back to the vaccination and licensing issue. Vonnie added that we now have vet bills as part of the issue. John Bonnette, brother of Corrine Bonnette, was present and spoke. He was bothered by the accusation that Casper attacked Electra, and feels it was Dana's responsibility to keep her dog away from the other dogs. Peter Lawrence, Dana's father, was present and he owns the home on Whipple Road where this incident occurred. He stated he was not aware that Eric Lykens (Ms. Bonnette's x-husband) was bringing Casper over. The dogs were separated when they arrived and Casper was put on a lead outside. His dog, Tanner, and Electra know each other. He did not think to tell his daughter there was another dog in the house. Casper and Tanner barked at each other, but there was no contact between the two dogs. Mr. Lawrence said it is very unfortunate any of this happened at all. Vonnie asked why Mr. Lykens had the dog in the first place. Ms. Bonnette said that their other dog passed in January after 14 years. Her daughter had asked that day if she and her dad could take the dog to play, and Ms. Bonnette agreed. Dana's brother David was present and said he saw the whole thing. Casper scratched Electra's nose and as a result, ended up in her mouth. Electra is an 85 pound dog and she is 6.5 years old. Mrs. Bonnette asked David if he took control of the harness to get Electra to stop. No, he said he verbally commanded for Electra to "let go" three times, and the dog did let go. Ms. Bonnette feels that Ms. Lawrence has not shown the responsibility needed to be the owner of a pit bull. She feels that part of that responsibility is understanding what your dog is capable of. She has shown no remorse or responsibility for what happened, and it took this hearing to get this far. Sharon Bousquet asked Ms. Bonnette what she would like to see happen going forward – have the dog destroyed; removed from her care; an apology? Ms. Bonnette feels the statements she has seen from those that were in the home are very inconsistent and heard that there has been pressure given to make the

stories jive. She does not understand why a collar for large dog (golden) was used on her dog, making it very easy for Casper to slip from the collar and the altercation occurred. Randy asked how many people were present, there were approximately 10-12 people in the home, and if any of them have an eye witness report to back up what Ms. Bonnette understands to have happened. Eric Lykens gave a statement to Dana Lawrence, but Dana said she does not have it with her. David was the only one there the entire time. Eric is not here tonight, which is unfortunate, he was the one who brought Casper there. Electra would have shown signs of rabies by now, but as a precaution, Vonnie is quarantining the dog in their home for ten days. Bruce Butler questions what authority the town really has in this instance, this may need to go to a higher authority, such as the courts. Sharon is concerned about history and if the dog has bitten before. Mr. Everette Dubuque was present, he is the ACO in the Town of South Hero. He is not aware of any history or problems involving Electra when they lived in South Hero. Dana stated her dog was never licensed with the town, but had vaccinations. She fell behind on them when she moved last summer. Vonnie will quarantine the dog for ten days at their home on Breton Drive. She will touch base with Dana as well as their vet in Milton tomorrow. Motion by Bruce Butler to quarantine the dog, Electra, for ten days at their home on Breton Drive under the supervision of the Highgate ACO, until such time as the dog is determined to not be rabid or infectious. The motion was seconded by Randy Connelly – **APPROVED**. Bruce also suggested that Ms. Lawrence and Ms. Bonnette come to some sort of disagreeable agreement on this. Attorneys and court fees can be expensive. It was clarified that Ms. Lawrence has no other dogs in the home, only Electra. Vonnie explained what quarantined means and the expectations over the next ten days. This hearing ended at 8:01pm.

Vonnie gave a quick update on dog licensing for 2017 – we are at 852 licensed and wrapping up the last few on the list.

D. FCSO Update – Robert Norris / Town Constable – Ben Lowell

Sheriff Norris was present for an update, and Ben Lowell, Constable, was present also. Speed continues to be an issue in town. A new speed cart is available that collects data. We get a lot of complaints on St. Armand Road since it has been repaved and the bump has been lowered by the old rail crossing. That would be a great location to set up the cart, as well as in front of the municipal building in the village. Will Ruprecht, who used to work for FCSO, will be graduating from the FBI academy later this month – Congratulations Will! We will have a new contact with regard to his replacement by October 1st. Highgate is a very busy area for FCSO. We have a split contract with Sheldon. The board hears from the community that they want to see law enforcement more often in town. We know they are here, we can see that by the reports, but having law enforcement visible in town during busy times would be helpful. Josh suggests around 8am on a weekday in the center of town. The board discussed more coverage and at what point might Highgate need their own contract. We approved funds in March for some directed investigations, we need to discuss how to best utilize those funds. Sheriff Norris noted that the Governors Highway Safety program has funding available to support additional patrols. The drug epidemic is not unique to Highgate, the problem is everywhere. With regard to recent robberies in town, one was solved and the other is still being investigated. Bruce asked about funding for ATVs for law enforcement and if that would be helpful for them on patrols. It would cause some liability issues as well. There was discussion about video surveillance and how helpful it is if law enforcement can view footage from their cruisers and / or the office. The equipment is expensive, but very useful. Below is comparison data – the full year of 2016 and the first half (Q1 & Q2) of 2017.

2016 TOTAL	INCIDENTS – ALL CALL TYPES	ARRESTS	TICKETS & WARNINGS
	899	31	306

2017 Q1 & Q2	INCIDENTS – ALL CALL TYPES	ARRESTS	TICKETS & WARNINGS
	349	22	106

E. Town Treasurer – Shelley Laroche

- **Check Warrants** – There were no questions on the check warrants.
- **Miscellaneous** – Shelley gave a delinquent tax update. There are 52 accounts still out there, and 11 of those are 2015 or older. Of the \$302,142.00 outstanding, \$222,123.00 is the JEDCO property. \$80,019.00 is collectible funds. 22 accounts are on a payment plan, many have paid off their delinquencies and are paying towards the next cycle. Sue Cota has bottle funds to donate to MAHA. Josh is no longer on the MAHA board, and gave the money to Shelley to deposit accordingly. Jordan Plummer from the auditors was here on June 28th. We absolutely have to start tracking fixed assets and depreciation. The Finance Committee has brought this up as a task they would like to take on. Jordan recommends we have it done professionally and go back forty years. Shelley does not have the time, and the FC does not have the knowledge. We will not have a completely clean audit until we do this, and eventually it will affect our ability to apply for grant funding. We will put this out to bid and see what it will cost. NEMRC has a program for it once we get started.

F. Town Clerk – Wendi Dusablon

- **Minutes** – Motion by Josh LaRocque to approve the minutes from June 15, 2017, as written. The motion was seconded by Steve LaFar – **APPROVED.**

G. Town Administrator – Heidi Britch-Valenta

- **Fire Department Floor update** – Several people have looked at the floor and some additional ideas have been thrown out there. Splitting out the work seems to be more reasonable and we can hopefully get this project done, we are just waiting on the quotes. We need to be mindful that we stay in compliance with the standards associated with the grant as well.
- **Better Back Roads Grant – Mill Hill project** – Total grant award is \$34,367.00 and our match will be \$8,591.75 which can be in-kind. Motion by Josh LaRocque to accept the BBR Grant for Mill Hill and authorize Heidi to sign the documents. The motion was seconded by Randy Connelly – **APPROVED.**
- **Park & Ride Grant** – We have an agreement from the contractor who will be building the bus shelter at the park & ride. This is funded through the park & ride grant. He is ready to begin and this is all covered by the grant with no town match. Construction will likely start in the next few weeks and he is requesting half of the funds up front. All the materials being used were approved by the state – oak and black lotus with a copper roof. This will be a 12' bus shelter location and extension with roof and enclosure for bike racks also. This will not be a shelter to be used for people to smoke. Rise VT funded the bike racks. Motion by Josh LaRocque to approve this project and get it going. The motion was seconded by Randy Connelly – **APPROVED.**
- **ADA grant extension** – We have a grant agreement for an extension on the ADA grant funding for the municipal building to allow the architect more time to prepare the documents. The grant was \$10,000.00 and we used \$6,500.00 for the first phase. The remainder will be utilized for the bid documents. He has agreed to have the documents done by September so we can apply for construction funds. There are no changes in the amount, only the time frame. The \$80,000.00 that the voters approved in March will not be spent in this cycle, in hopes that we will receive the \$75,000.00 grant for construction on ADA deficiencies. The money will remain in the CIP untouched until we decide to go forward. Any leftover funds will go back to the voters to decide how to spend. For now, the ADA funds will stay put.
- **Misc.** – AOT has notified us of a revised speed limit certificate on I-89 northbound in Highgate. There has also been a change in the pricing structure of drug and alcohol testing through VLCT.

H. Selectboard Items

- **Durkee Road Partial Closure** – July 10 – 14 in the area of the Laroche Farm (1881 Durkee Road) will be closed all week for a culvert replacement. This has been posted and everyone affected has been notified.
- **Site Visit to Machia Property** – There was a site visit at 6pm this evening which was attended by several residents. We have had requests for the remainder of the fence to come down to further improve site distance. The high grass and boulders in front need to be dealt with also. A committee will

be formed to work with the Planning Commission to facilitate a plan for that property. We need and want to involve as many residents as possible in the process. It is our property now, what do we want to do with it? Woody Rouse expressed interest in joining the committee as well. We need a plan before the fence comes down to haul it away to the scrap yard. There has been interest in some items left behind at the property. Woody has expressed interest in some of these items. Randy wants this to be a fair process. Wendi will work with Pat Loyer to get photos of what is there to post and have people contact the town with an offer. Pat will be very busy with the culvert project next week, so this may have to wait until the following week. Everyone agreed that the former café building should be demolished ASAP. We have not heard anything further from Greta at NRPC regarding the Phase 2 assessment. Heidi will try to get more info for the next meeting.

- **Frontage Road Land Donation** – Heidi will notify Sharon and Bruce when we have a date / time for this closing.

I. Upcoming Events

July 9	7pm	Summer Sounds Concerts begin in the Municipal Park!!
July 10	3pm	Finance Committee Mtg.
July 13	6pm	DRB Mtg.
July 18	6pm	Planning Commission Mtg.
July 20	7pm	Selectboard Mtg.

J. Executive Session

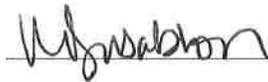
Motion by Josh LaRocque for the Selectboard and Town Administrator to enter into Executive Session @ 9:09pm to discuss legal, contracts and personnel where premature general public knowledge would place the town or the individuals involved at a substantial disadvantage. The motion was seconded by Steve LaFar – **APPROVED**.

Motion by Sharon Bousquet to exit Executive Session @ 10:03pm. The motion was seconded by Randy Connelly – **APPROVED**.

K. Adjournment

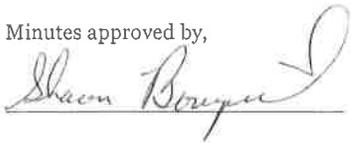
Motion by Josh LaRocque to adjourn the meeting @ 10:04pm. The motion was seconded by Steve LaFar – **APPROVED**.

Respectfully submitted by,



Wendi Dusablon, Highgate Town Clerk

Minutes approved by,



Sharon Bousquet - Chair, Highgate Selectboard