

TOWN OF HIGHGATE

Selectboard Mtg.

October 6, 2016 @ 7pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated.

A. Site Visit to Charles Circle @ 6pm

Present for the site visit were: Chris Yates; Sharon Bousquet; Randy Connelly; Josh LaRocque; Bruce Butler; Andy King; Charles Christolini, Jr.; Richard Shoram; Carmen Guttilla. This site visit will be discussed more under the Public Works Department updates at the regular Selectboard meeting which begins @ 7pm.

B. Call to Order & Pledge of Allegiance

The meeting was called to order by Chair Chris Yates @ 7:01pm, followed by the Pledge of Allegiance.

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

Highgate Office Staff – Wendi Dusablon, Town Clerk; Shelley Laroche, Town Treasurer (arrived @ 7:30pm); *absent- Heidi Britch-Valenta, Town Admin.*

Public / Other – Jerod Adams – FCSO; Alice (Sue) Cota; Joshua Aldrich; Woody Rouse; Michael & Carmen Guttilla; Debbie Spears; George Greenwood; David Rouse; Keith Ploof; Debbie Rouse; Ben Lowell – Constable; Sandra Stone; Sarah Chevalier; Eric Chevalier; Henry Rainville; Richard Shoram; Charles Christolini, Jr.; Stacie Longley; Kirt Mayland

C. Public Comments

- Sue Cota asked about the E911 papers and also when Mr. Krul from AmCare would be coming in for an update. Sharon noted that when people call 911 they can indicate they would like a certain service and it takes it out of the town's hands. Josh voiced concerns over the forms not being notarized and some signatures looking the same on multiple forms. Having them notarized would take care of that. Some people have had them notarized, but most have not. Chris added that there is a lot of complexity when you start changing 911 addresses. It only works with land lines, not cell phones. And who is to know if all the residents at that one location are on board with changing? There are also questions about renters. Do the renters authorize the change, or does the landlord? There are too many unknowns. The form that was handed in was not a state form, it was a form from MVR with no backing from the state. Highgate residents would need a letter from MVR individually, which the town would have to look at and then the "losing" (for lack of a better word) provider would also have to look at the letter and allow the change for that person / address. Sandy Stone has called MVR directly and has done it quite a few times. She has the numbers if anyone else wants them. With regard to Mr. Krul coming in for an update, Sharon and Josh agree he should come in, as well as any other vendor we deal with, to give updates on a regular basis. Chris noted that MVR only reported to the town once per year regarding the upcoming budget. Chris will reach out to Mr. Krul regarding an update but has reservations. Town residents need to respect him and show the same respect shown to our previous rescue service. There will be no need to attack him and give false statements. Previous meetings have gotten WAY out of hand and there is no need for it. Bruce Butler commented that everyone should be recognized before allowed to speak and that questions could be written down in advance for people to submit. It was agreed by all that Mr. Krul deserves our respect as much as any citizen. We still do not have any candidates for moderator, and if we did, this would be a good opportunity to use one. Chris will see if Mr. Krul can come to the next meeting and again noted that personal attacks will NOT be tolerated.
- Debbie Rouse asked about Joey's Jct. and their permit for seating and parking. She does not feel there is adequate parking there and people are using the park & ride location. This will need to be looked into.
- George Greenwood asked about the needles found at the park & ride location / pond in recent weeks. If the town is notified of them, the Public Works

Department or the Health Officer can go pick them up, if residents are not comfortable doing so. We can't pick them up if no one notifies us of where they are. We will talk more about this under the FCSO update section.

- Henry Rainville asked for an update on the Jedware property. There has been no movement on that at all. This is a pending legal matter and the town attorney has advised us to not comment until we know more. Henry further asked if the board would garner public support if we were to move forward with the purchase of that land. Sharon said there would be no way the town will purchase that without the public knowing. As soon as there is a clear path, the town will know about it. The town does not own the property at this time. David Rouse asked about any personal property on the Jedware parcel and if people could go get it. Chris would not venture a guess on that question, and Jerod Adams (FCSO) has no knowledge of the situation there.

D. Nuisance (barking) Dog Hearing – Charles Circle

Vonnie Lamotte (ACO) participated in this hearing via speaker phone. Carmen & Michael Guttilla own five dogs and have lived on Charles Circle for thirty years. All their dogs are licensed with the Town of Highgate. Mrs. Guttilla agreed to have this hearing tonight to settle some issues in the neighborhood. Our dog ordinance does not mandate a hearing with regard to nuisance behaviors. Vonnie gave some background, stating we have had multiple complaints, beginning before she was even the ACO. Most of the complaints come from one or two other residents in the neighborhood. Some complaints are written, some have been verbal. The climate in the neighborhood is hostile. Several letters were sent and Vonnie visited the Guttilla home and they talked for 45+ minutes with regard to ways to remedy the situation, which is barking. The dogs are kept in the home. They have a fenced in yard for the dogs when they need to be let out. Last summer they had a house guest that did let the dogs out all at once and thus the dogs barked. That person no longer is in the home. They are mindful to only let them out two at a time and at times of the day that they will not bark at children going to or from school. Mrs. Guttilla was upset that one neighbor yelled across the road that he was going to shoot her dogs. The other neighbor, Mr. Shoram, denies this. Mr. Shoram has submitted complaints to the town regarding this situation. He claims the barking goes on for long periods of time and sometimes late at night. Sharon asked if the dogs remain on their own property. Yes, they do, but there have been times that one or more would get out, so that is why their yard is fenced. One of their dogs is her husband's anxiety dog, and that dog is always with Michael. Chris read aloud from the ordinance regarding barking and disturbing the quiet, comfort and repose of others. A few minutes of barking does not fit the ordinance. This board did not draft the dog ordinance. It was redone in February 2014 by a previous board. So this board has to interpret the ordinance that was approved by a previous board as to what it was intended to do. Charlie Christolini stated that these dogs have been a problem in the neighborhood since way back. A petition was circulated in the neighborhood that has fourteen signatures. That petition was never given to the Guttillas, but a copy was given to the town. Charlie stated that on Sept. 10th of this year, their dog(s) barked from 4:30-7:00pm and never stopped. Mr. & Mrs. Guttilla disagreed with this statement. Charlie also showed the board pictures of one of their dogs loose in the neighborhood as recently as last week. Mr. & Mrs. Guttilla disagree that the photos could have been taken that recently. It was noted that the last week has been very peaceful in the neighborhood. It was also noted that it has gotten confrontational between Mr. Guttilla, Mr. Shoram and Mr. Christolini. This hearing became heated and Mr. Christolini told Mrs. Guttilla to "shut up". Chris reminded Mr. Christolini that he (Chris) has the floor, and Chris maintained order to this hearing. Stacie Longley is a neighbor and agreed that lately the situation has improved. She would like to hear less yelling and cursing at the dogs. Chris added that barking dogs can be frustrating, but you don't want to get so frustrated that you become louder than the dogs. Mrs. Guttilla noted that her husband has a chronic ailment and he does get frustrated. They are under a lot of pressure to keep the dogs quiet. Chris stated that we are here to talk about the dogs and deal with these issues because the dogs can't represent themselves. Dogs do bark, and they bark for a reason. Vonnie is willing to continue to work with the dogs and their owners on this issue. There are bark collars that vibrate or beep, not shock. There are also collars that spray a bitter apple taste that dogs don't like. There are things that can be done to better the situation. Vonnie also suggested that these dogs have a pack mentality and if the leader can be determined that could help also. If the leader doesn't bark, the others likely won't either. Carmen added that her 92 year old mother lives with them, which is an

added stress keeping her safe as well. Carmen would like the neighbors to communicate with them on these issues. Their animals are like their children and they mean no harm to anyone. Charlie added that he loves dogs and rents to people that have animals. A few minutes of barking is not a problem, but constant barking is and it's been happening frequently over the past year. He is happy that things are quiet now and there are no hard feelings if the owners are trying. Sharon asked the Guttillas if they would share their cell phone numbers with the neighbors so they can communicate. Carmen said that Charlie knows how to reach them, and they can always be reached at the store also. The bottom line is that they plan to keep the dogs quiet. Chris would like them to keep moving forward, they are doing a good job and advised mending fences with your neighbors is easier than coming through the ACO and / or the town. Chris thanked everyone for coming, noting it is a passionate issue on both sides.

E. Public Works Department – Andy King

1. Darlene Drive & Charles Circle issues – Charlie Christolini

There was a site visit here at 6pm tonight to look at water and drainage issues. The water pools and freezes which is hazardous in the winter. For now, a small swale will be dug on Charlie's side of Charles Circle and a dry well will be put on his property to catch the water before it gets to the Spears property. This will be temporary until next year when a permanent solution can be put into place. Debbie Spears asked more about a dry well and what it is. It is a hole with stones and covered with top soil. It will catch the water and filter through. This will be placed on Charlie's property in the low spot near the apple tree. Debbie is concerned about keeping water away from the location of their well. Andy will be in touch with neighbors more when they draw up a plan. The permanent fix will involve the neighbor on the other side next year.

2. Misc. updates

- Today was the deadline for bids on the Kuhn flair mower. We had a lot of activity, but none of the bids came close to what we were offered on a trade in towards other equipment. Andy recommends either advertising it again with a fixed price or hold onto it until we are ready to trade.
- Josh asked Andy to close off Mill Hill Road on Halloween night so the children will have a safe path to cross between the library and the fire department for trick or treating. They will light a path between the two locations with pumpkins.
- The Shipyard Road drainage project is about 95% complete.
- Tarte Road (south) will be closed from Oct. 17 – 20 for a culvert replacement. Residences will be accessible from Gore Road and some by Parent Road. Property owners have been notified by mail, as well as the school and bus company. Andy will notify central dispatch also. Wendi has posted on the website, FaceBook page, around town and on the sign.

F. Franklin County Sheriff's Office – Jerod Adams

Jerod Adams is here with a quarterly update for June, July & August 2016.

	STOPS	TICKETS	WARNINGS	ATV REPORTS
June, 2016	24	12	14	0
July, 2016	7	6	6	1
August, 2016	45	41	13	2
TOTALS	76	59	33	3

He touched on the ATV issue, noting that Highgate does NOT have an ATV ordinance so it falls to state statute. The town has manuals from the state that are helpful regarding where you can and cannot ride and much more. In Highgate you cannot ride on the roads. FCSO will not chase ATVs and endanger the public but if we know who these people are, they can be sited for other issues, like eluding. George Greenwood said he calls about ATVs and no one ever comes. Jerod would like people to keep calling so it is notated where the issues are. He gave more statistics for Highgate for June, July and August. There were ten arrests in Highgate for this time period; 1 June, 4 July, 5 August. 1 DUI, 1 domestic assault, 2 simple assault, 3 reckless endangerment, 1 leaving scene of accident, 1 driving license suspended, 1 violating conditions of release. Jerod elaborated more on finding needles. This is not just a Highgate problem, it is a county, state and north east problem as well. People are moving from expensive pills to things like heroin and because of that we are finding related paraphernalia. This is a form of littering, so people can call to report it. FCSO won't come to pick them up so

people should exercise caution or connect with someone to help them. Wear gloves and dispose of the needles in a plastic container (milk jug, laundry detergent bottle, soda bottle), cap it, tape it shut and throw it out – not with your recyclables. Chris stated the state department of health is saying this is also the way to dispose of needles safely. Sharon asked Jerod for his thoughts on ways to control this. To control it, we need to control the amount of heroin that is coming into our state from other places. Traffic stops lead to finding more drugs. If people are calling in to report needles found, this gives law enforcement more reason to frequent those spots. Keith Ploof asked about cameras. Cameras are great, and can help, but likely it will drive the activity elsewhere. Flyers have been circulated by the town recently. These flyers should be sent home with the school in weekly folders for families. Chris reiterated, if we don't know about it, we can't address it. If residents are finding these things, contact the town PWD or Health Officer for assistance. David Rouse said we should use the new lighted sign to get information out. Sandy Stone thinks the school nurse could organize a public meeting to discuss the problem. Sue Cota would like to see information on this at the municipal open house event in November. Josh asked about costs associated with adding more hours of patrol in Highgate. Sheriff Norris is looking into that for us to put before the taxpayers and see if they think that would be beneficial.

G. Town Clerk – Wendi Dusablon

1. Minutes

Motion by Chris Yates to approve the minutes from September 15, 2016, as written. The motion was seconded by Sharon Bousquet – **APPROVED**.

2. General Election updates – Tuesday, Nov. 8th

- Voting will be at Highgate Elementary from 7am – 7pm
- The deadline to register to vote is Wednesday, Nov. 2nd by 5pm
- Absentee ballots are available – we have already processed 150+

3. ATV use – reminder

Was discussed under FCSO section (F).

H. Town Treasurer – Shelley Laroche

- Pay bills – there were no questions on the check warrants.
- Appropriations policy – appropriations approved at Town Meeting 3/1/16, the checks are included in tonight's check warrants. The new policy was adopted in December, 2015 will go into effect for this coming cycle. Shelley has sent the policy to everyone with their checks so they will know how to proceed. Requests up to \$999.99 require a letter to the town by December 1st. Requests \$1,000.00 and over require a petition signed by 5% of registered voters (approximately 100 people) and a warned article at town meeting.
- Tax Sale – date is set for Oct. 20th and there are six parcels at this time. Mobile homes only with no land will be going through small claims court.
- A resident came in with a town check from 2007 for \$40.00. It was never cashed and has been purged from the system. It was not sent to the state as unclaimed money as it should have been. They would like a new check cut. The Selectboard was fine with it. Shelley does not have any back up what this check was originally for.
- Shelley is working with the auditors still on the reconciliation process not transferring over properly. Info has been sent to Jordan at Sullivan and Powers. She is waiting to hear back so the auditors can come back in and finish up.
- The September reconciliation just happened today. Ron Nye was in to do that, so Shelley was just barely able to close that period out this afternoon.
- Chris noted that Heidi is not here this evening. She is on a college visit with her daughter. Her daughter was also involved in a car accident earlier this week, and she is going to be ok. Heidi is taking this time to spend with her daughter.
- Shelley has attended three trainings in September. There is a way to have just one signature line on the last page of the check warrants. The board decided to leave it the way it is, with a signature line for each board member on each page.
- Josh gave some arena updates while the board was signing the warrants. There is new lighting which will make a big difference. Advertising is going up on the boards and on the wall soon. That is great revenue source and looks nice! A new person has been hired and a lot of painting has been done. The facility is looking sharp and we should be very proud. The rec. department put up the fencing, which also looks great! Andy said the PWD capped the last water line

today. The bollard covers are on as well. Chris noted that the orange cables are hard to see, and someone walked into one. We could put ribbons on them or increase lighting in that area.

I. Frontage Road Solar – Kirt Mayland

1. Net metering agreement

Kirt has been here a few times now. Josh asked about MAHA and how it will work at the arena since MAHA leases the building a few years at a time. There needs to be wording in the lease regarding this. The benefit could be transferred to the town if MAHA did not renew their lease. The numbers for the town that are the most relevant are for the municipal building (\$6,500.00 last twelve months), library (\$1,300.00 last twelve months) and the arena (\$42,000.00 last twelve months). He would like to put Highgate in a position to finalize the net metering agreement. We are close on the contract language. The FNWSU has put it before their lawyer first and Swanton Village / Town of Highgate will piggy back on that. The town can authorize someone to sign it when we are ready. Chris had questions about the allocation spreadsheet Kirt sent ahead of time. That can be adjusted as seen necessary. The schools have already voted on this. MVU wants 90%, FNWSU district offices want 90%, Swanton School wants 80% and Highgate School wants 85%. Josh asked about the future, in ten years when there is another type of green energy that kills solar. What will happen then? Kirt explained that he is literally putting a cash credit on our bills and then we are giving some back. Credits can be transferred to other users if we find in the future that we won't need to use them. Motion by Chris Yates to sign the net metering agreement with Frontage Road Solar at 80% contingent upon legal review of the document. The motion was seconded by Randy Connelly – **APPROVED**. Kirt spoke briefly about the land piece on Frontage Road (Carroll Concrete property). He is not interested in owning it. There are benefits to him giving it away. He shared maps of the property with the board and the public. He is asking that if the town wants it, he wants to give it away this year if he can. He will work with our lawyer to see that it is done properly. It must be surveyed so the town would know what they are getting. A phase one environmental survey must also be done. This protects Kirt and the town because anything that would be discovered would not be on him or the town, it would be on Carroll Concrete. He wants to gift as much as we want with the exception of what he needs for his solar project. He will give a permanent easement to use the road. The amount in question is approximately 70 acres. On that 70 acres is also a building that needs work, five or six old concrete trucks, a pile of tires (he will remove), a rusty old lift, an artificial stream and a cleaning pond. His only purpose with this property is to put solar panels in. Josh and Chris will walk the property tomorrow morning @ 9am with Kirt. Winton Goodrich from FNWSU will also be there at 9am. Sharon questioned what the town would want the land for. Kirt is happy to keep it, or he is happy to give it to the town, depending on the town's appetite for things like this. The shed may have some value to the PWD. Henry asked about wetlands on this parcel and Chris asked about access. The school district has forestry and composting projects they would like to do there, but they are not interested in owning it. The board will have a better idea after Chris and Josh walk the property tomorrow morning.

J. Selectboard Items

1. Fire Department floor – HSE engineering estimate

We have a proposal from Hardy Structural Engineering (Tim Hardy) for \$1,500.00. Once we cut open the floor with a small excavator, Tim can dig around enough to see what is there. He will be able to tell if there is water in there and if water has moved the fine silts or if it's just settled. He does not think core samples are necessary. Chris read through the scope of work from the estimate.

1. *Conduct site visit to observe the existing structural condition of the slab and document existing conditions that may be contributing to the loss of subgrade.*
2. *Once the cause has been determined, HSE will develop a plan to rectify the condition and repair/replace the existing slab.*
3. *Prepare and submit construction drawings with the details of the proposed remediation and repair stamped by a structural engineer licensed in the State of VT.*
4. *Provide construction administration services to include;*
 - o *Attendance of pre bid walk thru with invited contractors*
 - o *Review of structural shop drawing and submittals*
 - o *Answer contractor questions as they arise during construction*
 - o *(2) site visits during construction to confirm the construction meets the design intent.*

Motion by Chris Yates to approve the \$1,500.00 for Hardy Structural Engineering. The motion was seconded by Josh LaRocque – **APPROVED.**

2. Misc.

- Chris will get 3rd quarter numbers from central dispatch.
- Sharon would like to have Walt Krul from AmCare here for the next meeting, if possible. They again discussed the need for everyone to be respectful and anything else will not be tolerated.
- The Elwood property is complete, our part from the court order is done. The parcel is clear of all debris and local residents are happy. The property was seeded and mulched today. Our cost for cleanup was \$18,415.00. There will be some legal fees to add also, and that total will be the amount of the lien placed on the property at 293 Lamkin Street.
- Ben Lowell noted that the NWSWD approved to waive the surcharge equal to \$22.00 per ton. We need to send the information to John Leddy and they will reimburse the town.
- Chris wanted to acknowledge the receipt of a letter from Lisa Raymond regarding a manure pit being installed across from her home. She is questioning why the town did not inform her of this when she was permitted to place her home there. Three years ago we were given plans regarding the Rainville Dairy manure pit to be placed 100' away from the barn, not across from where she now lives. The town was only involved because a waiver of setback and guardrails would be needed in the original location. We have no control over agriculture or the eventual placement of this pit. Chris wanted to acknowledge her letter and the town has responded.
- Tarte Road (south) will be closed for a box culvert replacement Oct. 17-20.
- Henry Rainville asked about the town's responsibility for shoulders on access roads that go on to farm land or even a driveway. He is speaking about the shoulder of the road that encompasses a driveway. Some have large holes on the edge of the pavement, and eventually we could lose the edge of the road. Chris assumes when you get an access permit you are responsible for it up to the edge of the road, culvert included. Heidi isn't here and she would have to look into that in the bylaws. Chris asked Henry to let the PWD know of any areas he has concerns about. Henry would rather have them drive around, noting some are very obvious.

K. Upcoming Events

Oct. 10		Town Clerk's Office CLOSED – Columbus Day
Oct. 12	7:30am	Highgate Walk to School Day – meet at arena 7:30am
Oct. 12	5:30pm	Arena Construction Committee @ arena office
Oct. 13	6pm	DRB Mtg.
Oct. 18	6pm	Planning Comm. Mtg.
Oct. 20	TBA	Tax Sale
Oct. 20	7pm	Selectboard Mtg.
Oct. 27	by 5pm	TAXES DUE – Postmarks no longer accepted!
Nov. 2	by 5pm	Deadline to register to vote
Nov. 8	7am-7pm	General Election @ Highgate Elementary School

L. Executive Session

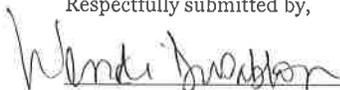
Motion by Chris Yates to enter into executive session @ 8:54pm to discuss personnel and real estate where premature general public knowledge could place the town or the individuals involved at a substantial disadvantage. The motion was seconded by Randy Connelly – **APPROVED.**

Motion by Chris Yates to exit executive session @ 9:25pm. The motion was seconded by Josh LaRocque – **APPROVED.**

M. Adjournment

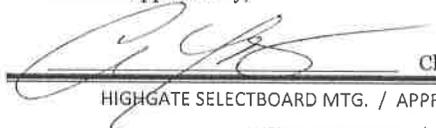
Motion by Chris Yates to adjourn the meeting @ 9:25pm. The motion was seconded by Josh LaRocque – **APPROVED.**

Respectfully submitted by,



Wendi Dusablon, Highgate Town Clerk

Minutes approved by,



Christopher Yates, Chair – Highgate Selectboard