

MINUTES OF THE DUXBURY SELECTBOARD MEETING
Held On October 12, 2015

PRESENT: Amy Scharf, John Murphy, Betty Gibbs, Maureen Harvey, Marty Wells, Betty DeForge, Kathy DeForge, , Brian Fitzgerald, Erin Lander, Dianne Lynch, John Malther, Glenn Mink, Rob Mink, Kate Wanner, Beth Wilbur, Erik Zetterstrom

Called to Order by Chair Amy Scharf at 6:02 PM and Selectboard members introduced. Erin Lander was introduced as minute-taker for the meeting.

Additions/Changes to the agenda

New Business was moved to beginning of meeting to accommodate guests.
Solid Waste Ordinance moved to top of agenda as Insurance representatives were delayed in traffic.

Citizens & Visitors to address the board

John Malther – Solid Waste Ordinance

Amy asked John why Duxbury has an ordinance when we are part of a solid waste alliance. John explained that the ordinance is for each town in the Mad River Resource Management Alliance, and it outlines the rules for disposal of solid waste. The same ordinance has been adopted by all other towns in the Alliance. John state the State of Vermont wants to have trash handled as locally as possible, and created the Solid Waste Districts to implement and enforce this. To adopt the ordinance, the existing ordinance wording can be downloaded from the Vermont DEC Waste Management Division website and the town name can be inserted, then the Selectboard needs to sign. Maureen made a motion to accept the ordinance, have it updated with the town name (Duxbury), and to have the Chairperson sign it. Marty seconded. All members voted to approve; motion passed.

Glenn Mink and Rob Mink from Stowe Insurance - Insurance Renewal

Package policy for Property, Liability and EDP coverage renews in November through Cincinnati Insurance. Glenn brought the renewal notice and price breakdown to review with the Board. Glenn confirmed that as a three-year policy, the premiums would remain steady for three years. Maureen posed a question about the increase in Worker's Compensation coverage premium. Glenn proposed a meeting with Beth and Maureen to review the coverage following the results of the audit which Beth stated was performed last Monday. He will contact Beth to schedule this meeting when audit results are delivered. To renew the policy, the acceptance needs to be signed and returned by November 1, 2015. Marty asked about the valuation of the equipment. Glenn confirmed the equipment is insured for the assessed value, not the replacement value. Betty will review the current assessed values and will report back to the Board so this information can be forwarded to Glenn, as lower values could result in lower premiums. Maureen made the motion to sign the insurance documents. Betty seconded. All members voted to approve; motion passed.

Betty DeForge, Kathy DeForge – DeForge Property on Camel’s Hump Road

Kathy confirmed the Jersey barriers have been removed from the property. She stated that the inspection from David Davis Construction Company identified damage to the property including block walls pushed in, mud in the building, cabinets and appliances need to be replaced, re-wiring required, mold in floor and walls, foundation damage, wall damage, interior damage, and that the house & foundation need to be torn down & rebuilt. Kathy also shared the results from a report from Menage Systems stating the well is contaminated, pressure tank was submerged and needs to be replaced and needs \$8,820 worth of work to replace it. Kathy stated she spoke with Tom Bombardier from Emergency Management in Barre who said Duxbury Emergency Management should be clearing the road debris that is on the property. Kathy said that there is no information regarding the culverts more recent than 2012, and said that since the information is missing between 2006-2012. Maureen confirmed that the last state-wide culvert survey was completed in 2012, which Amy has given to Adam to update. Kathy stated that there should have been an update to the culvert survey and what repairs had been done to the property following the settlement in 2006. Amy and Maureen confirmed that they have not been able to locate any documentation as to after the damage in 2006 what repairs were done, were supposed to be done, or who was responsible for them. Betty asked if Kathy had reviewed the Hazard Mitigation Grant information that was provided to her. Kathy said she had not looked into that. She said she talked with Adam and John Murphy prior to the flood to express their concerns, and now she would like to know what to do to get this fixed. Kathy said her father was born on the mountain and wasn’t interested in selling. Amy has contacted the town attorney, Bob Fletcher to see if there is anything they are missing, and that the attorney would be willing to review it with the DeForges. Amy said that she feels stuck as a member of the Selectboard in this situation. Amy stated that the board members have not been on the property and that the waterflow on the property is up to the property owner. Maureen said there are no grants available for engineering until spring, and she has contacted an engineer to evaluate the situation at the property but she has not heard back from the engineer. She will reach out to them again to try to schedule, and if she can’t reach him she will find another engineer. Kathy referred to an engineering report from 2009 by a hydrologist that Amy has received and will re-send to the board members. Amy and Marty questioned what actions were directed following the earlier litigation, and stated that information has not been made clear. Erik from Duxbury Emergency Management confirmed that the responsibility of Emergency Management in this case was to offer the Hazard Mitigation Grant since there was no declaration of a state of emergency and our Emergency Management committee doesn’t have a budget for cleanup. Kathy asked the Board to reach out to Barre Emergency Management, which Erik agreed he would do. Amy provided the contact information for Bob Fletcher, Duxbury attorney, to Kathy to contact. Amy will also contact Bob to see what the next steps should be. Kathy does not want additional damage to happen to the property and is concerned about the contents inside of the house, and stated that contractors aren’t willing to bring equipment onto the property due to the uneven terrain. Amy said that one of the tricky parts is that the property is uninsured so the board doesn’t go on the property, and Kathy confirmed there is no homeowner’s coverage on the property. Kathy stated they were almost finished rebuilding from the last time. Kathy said it’s been difficult for her family to move on and rebuild the property, especially on a fixed income. Amy said she was sorry this was happening to her family, and Kathy said she appreciated all the help Amy has given her.

Approval of Minutes

Name spellings were corrected for minutes of 9/14/15 meeting. Maureen made a motion to accept the minutes with corrections. Betty seconded, all members voted to approve. Minutes accepted.

Reports

Highway Foreman

Amy stated Adam was not able to attend, but sent an email stating the crew has been on S. Crossett Hill ditching, adding stone, and repairing the crash rail. They have had trouble with the loader tires and wiring harness. There will be no other major jobs this year, as all efforts will be focused on grading and snow perpetration. Erik spoke with Adam who told him they were adding 12" of gravel up to Birch Street. Marty said he was glad to hear the roads were being crowned. Amy & John will meet with Adam to develop a plan for how people can submit a road request and how the Foreman can communicate the road plan. Erin asked how the road foreman's performance is reviewed. Since there is no formal review process in place for the road foreman right now, Amy and John will discuss this with Adam and develop a review plan for the road foreman position. Erik stated that there was a question about the \$50,000 earmarked in the budget under Article 6 of the Town Meeting which included rebuilding bottom part of Crossett Hill. Part of the work stated in the article has been completed and the cost will need to be evaluated to determine which part comes from capital reserve per the article; the remaining cost will be paid from the highway budget. John Murphy will be the point person to collect information for the road foreman for winter preparation.

Treasurer

Meeting scheduled for Tuesday 10/20/15 at 5:45pm to do the 6 month audit. Beth reported that 40% of the total taxes due were paid by 7pm on October 10, 2015. She clarified that this is 40% of the total tax amount due by the February due date. 703 tax bills were sent out this year. 6 people paid online. Marty said he has heard praise for having taxes split into two payments. It was agreed that changing the tax due dates would need to be done by article at Town Meeting. Beth attended a VLCT seminar. There was no updated expenditure report prepared for the meeting. There was discussion as to whether to have the line items of the expenditure report to include employee names or position names. Beth learned at the seminar that the items should not be changed mid-year, but she will call VLCT to confirm this for Duxbury's situation with employees who have left service mid-year.

Emergency Management Committee

Erik said the Emergency Management Committee has been working on codifying the emergency processes for the town, and finding grant money from the state to help the town out. Betty asked if the hazard Mitigation needs to be part of a different grant. Erik explained that there are two opportunities for hazard mitigation: one is the buyout process where the town buys the property and the grant covers 75% of the appraised value and convert it to a green space. The other option is hewn the town is working on drainage ditches, culverts, etc to prevent damage in areas where damage has occurred previously, the town can submit a proposal for grant money for that. If we have something already set to go, then it can

be submitted the next time something happens. There is another option where, if there is merit and the town forwards a submission, there may be private funds available from a non-profit. Ben Rose is the contact for this. The EMC will be purchasing three radios and adapters to move the base station out of the Town Clerks office in case it is needed elsewhere in town during an emergency. The TableTop exercise will be happening 11/4/15 at 6pm in the Town Garage Meeting room. It is intended to promote discussion of emergency procedures, practice reporting processes, and to answer questions. Maureen asked if people are aware that we have a designated emergency shelter. Erik wasn't sure if that is well known, but he will discuss that at the TableTop meeting.

Planning Commission

Brian requested an informational sign at the bottom of Vigilante Road. The following proposal was adopted by the property owners last week:

Replace the existing sign and post with a new "Trail" sign ("A public highway. The town is not responsible for its construction maintenance or repair") On the same post, install a second sign: "Legal Trail ends in 0.3 miles. No vehicular access beyond that point. No Parking." The Town will acquire, install and maintain both signs.

Maureen made a motion to adopt the recommendation by the planning Commission. Marty seconded; all approved.

A Memorandum of Understanding regarding the Father Logue property. The Act 250 issue that needed to be resolved has been resolved. Maureen commented that the Board wanted to retain the options for other uses of the property down the road and didn't think that was adequately addressed in this document. Brian stated that those provisions would be included in the easement and management plan. The current document provides for vehicle access to the former camp site. Betty asked if our road crew will maintain the road. Brian said it would be up to the town. Amy said, as a citizen of Duxbury, she is interested in the Town of Duxbury owning as much property as possible for future uses. John made a motion to sign the Memorandum of Understanding. Maureen seconded, all agreed. Motion passed.

Amy noted the article granted permission to "pursue the acquisition" of the property and asked if that gave the Board permission to actually make the purchase. Maureen asked if the purchase proposal would be ready by Town Meeting, and Brian said he expected that would be the case. Consensus was the actual purchase would be brought to a vote at Town Meeting.

Brian said that the Planning Grant Application was in before the end of September, and thanked Amy & Maureen for their help with that, and we will hear in December. The Noyse Act 250 application was shared for people to review. They are turning part of the barn space into retail and apartments.

Gravel Pit

Kingsbury finished their work, but the gravel pit cannot be closed until it is seeded and mulched. Marty stated this would be expensive for such a large area. Maureen will contact Mo to see if he has heard back from Sue Baird. Beth will verify the amount left in the gravel pit account.

Dog Ordinance

Amy has encouraged complainant to speak directly with Zeb (Town Dog Catcher), which has been done. Letters of warning have been sent to the dog owner, but complainant has photos of the dog on his property following delivery of the letters. Amy asked Zeb to write a ticket, but only an Animal Control Officer has the authority to write tickets. Amy contacted VLCT who didn't provide any direction about whether or not a Dog Catcher could write a ticket. There is also a possibility that the dog is not licensed. Amy will check with Annette to see if the constable can write the ticket.

Old Business

Zoning Concerns/Ward Hill

Amy and John checked on telephone lines for the Pattersons/Halpins/Beyerles who want to be in compliance with the location and installation, but need direction on the regulations. Currently the lines run through a town culvert and need to be removed. Since at that elevation the lines need to be buried per the town plan, Adam will need to evaluate the road and make a determination of how deep the lines need to be set under the road to ensure safety. Kate Wanner requested direction if the line runs directly from Ward & Dowsville.

Devlin Road

Amy said there is confusion about whether or not Devlin Road is a town road requiring maintenance by the town. There is conflicting information on the town survey and town maps. Request has been made to repair the upper section of the road, grade it, and maintain twice per year. Turnaround would be available on private property. Adam will assess the road to determine needs and report back to the Board.

Personnel Policy Update

John distributed the personnel policy for review and approval. Addition of no-smoking zone within 25 feet of any town building. Work week updated to be Saturday to Friday to match up with pay periods. Marty moved to adopt the policy with changes. Betty seconded; all approved.

Class IV Road Policy Overview

Amy advocated for specific instructions for townspeople to follow to upgrade Class IV roads. John will work on wording. Deferred to next meeting.

Adjournment

Marty moved to adjourn the meeting. John seconded; all approved. Meeting adjourned 9:42pm.

Respectfully submitted by Erin Lander