

TOWN OF CLARENDON, VERMONT

MINUTES

SELECTBOARD MEETING-REGULAR

Monday, February 22nd, 2016

SELECT BOARD MEMBERS:

Robert Bixby, Clerk
Robert Congdon, Jr
Michael Klopchin, Chair
Arthur Knox
Richard Wilbur

CALL TO ORDER: 6:00 p.m.

PRESENT AT MEETING: Selectmen (5), Administrative Assistant, Treasurer, Town Agent; also present were Cindy Davis, Matthew Jakubowski, Marjorie Southard, and Joel Baker of the Road Crew.

AGENDA ADDITIONS/DELETIONS: The Board Chair asked if there were any additions or changes to the agenda. There were none.

APPROVAL OF SELECT BOARD MEETING MINUTES:

Select Board Meeting Regular – February 8th, 2016: Selectman Congdon motioned to approve the minutes, Selectman Bixby seconded, the motion passed unopposed with Selectmen Knox and Wilbur recusing themselves as they were absent at said meeting. There were no corrections to the minutes.

Select Board Town Plan Draft Hearing – February 15th, 2016: Selectman Bixby motioned to accept the minutes, Selectman Congdon seconded, the motion passed unopposed with Selectman Wilbur recusing himself, having been absent at said meeting due to a medical condition. There were no corrections to the minutes. Selectman Congdon thanked the Administrative Assistant for her work on the minutes.

HIGHWAY: The Road Commissioner was not present at the meeting.

Selectman Congdon stated that he had received a phone call regarding potholes, but noted that the Road Crew was addressing the issue. Selectman Bixby asked the Road Crew member present if the time clock was being used in the garage, Mr. Baker responded that it was not. The condition of the grader and the other vehicles was discussed, and the Board Chair asked the Administrative Assistant to speak to the Road Commissioner as to the maintenance of the truck and possible causes for the break downs.

EXECUTIVE SESSION, PERSONNEL ISSUE: At 6:07 p.m., Selectman Knox motioned to go into executive session, Selectman Congdon seconded, the motion passed unopposed. The Board moved into executive session with the Administrative Assistant, Treasurer, and Joel Baker of the Road Crew. At 7:00 p.m., Selectman Knox motioned to leave executive session, Selectman Congdon seconded, the motion passed unopposed. The Board Chair informed the public that personnel issues had been discussed.

APPROVAL OF ACCOUNTS PAYABLE AND PAYROLL WARRANTS: All new warrants and warrants previously signed by the designated Select Board member were approved and signed by all Select Board members.

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GUEST: Gale Licausi, Town Agent, Litigation Update. The Town Agent updated the Board as to three ongoing litigations; Farmer Mold, Two Bad Cats, and Country View Autosales (attachment 1). Marjorie Southard disagreed with the Town Agent's information, stating that she did not appeal the permit for Country View Autosales, and that she did not appeal Two Bad Cats. The Town Agent stated that the Town Attorney, Bill Bloomer, had given her the information. A discussion followed on the veracity of the facts presented, and the Town Agent reiterated that the information had come from the Town's Attorney; the Board Chair asked that if there were any additional findings that the Board be made aware. A brief discussion followed on the amount of time the Town's Attorney had spent on these litigations.

GUEST: Matt Jakubowski, Community Center Update and VT Alert Discussion. Matt Jakubowski informed the Board that as Mr. Ron Abare was resigning from the Community Center Board of Trustees, the Board was proposing that the Town take over the business of the Community Center rental. After a brief discussion the Board Chair asked that Mr. Abare discuss the details of the job with the Administrative Assistant.

Mr. Jakubowski presented the Board with the updated Local Emergency Operations Plan, and asked that the Board review it, as Selectman Wilbur was the only ICS certified selectman and was facing reelection in March. A few corrections to the plan were discussed; Selectman Congdon motioned for Selectman Wilbur to sign the corrected version, Selectman Bixby seconded, the motion passed unopposed. Mr. Jakubowski stated he would get the corrected version to the Administrative Assistant for Selectman Wilbur to sign.

The VT Alert system was discussed, Mr. Jakubowski suggested that the Board arrange for a presentation for the program to learn more. The Board Chair instructed the Administrative Assistant to contact VT Alert and find a date and time for the presentation.

PUBLIC COMMENTS (10 minutes): The Town Agent stated that looking at the original appeal, Marjorie Southard was listed as appealing Country View Auto Sales. Ms. Southard disagreed, stating that she had appealed the site plan, not the permit, and a brief discussion followed. The Town Agent made copies of the original appeal for the Board.

OLD BUSINESS:

Town Plan Workshop Scheduling: The Board discussed dates for the workshop and second hearing for the Town Plan Draft; the workshop was scheduled for Wednesday March 30th, and the hearing for Monday April 4th. A discussion followed on the statutory obligations for scheduling the hearings for the Town Plan.

Rail Road Crossing, Walker Mountain Road, Letter: The letter to the Secretary of Transportation regarding the rail crossing on Walker Mountain Road was read aloud. Selectman Congdon motioned that the Board Chair sign the letter, Selectman Bixby seconded, the motion passed unopposed. A discussion on the crossing followed. Selectman Knox stated that the crossings in Rutland are well maintained, and Selectman Congdon stated he wished to revisit the Alfrecha crossing in the future.

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NEW BUSINESS:

Zoning Administrator Recommendation: The letter from the Planning Commission recommending Jeff Biasuzzi was read aloud. Mr. Biasuzzi stated he was willing to begin a trial period of 30 days at the rate the previous Zoning Administrator had been paid. The Zoning Administrator's schedule was discussed, and it was suggested that Mr. Biasuzzi contact Robert LaFrancis, the previous ZA, to discuss permit/work load. Selectman Congdon motioned to appoint Mr. Biasuzzi as Zoning Administrator, Selectman Bixby seconded, the motion carried unopposed.

Betty Barrows, Delinquent Taxes: The letter from Mrs. Barrows referring to the interest on her delinquent taxes was reviewed by the Board, and the obligations of the Delinquent Tax collector were discussed. As Mrs. Barrows was not present, the Board Chair instructed the Administrative Assistant to contact Mrs. Barrows and inform her that the Select Board is not able to abate interest in taxes, and that the proper venue would be the Board of Abatement. The Treasurer stated that currently, Mrs. Barrows' taxes were paid in full.

Termination of Convenience Clause: The Board reviewed a draft termination of convenience clause. Selectman Congdon motioned to add the clause to all future contracts, Selectman Knox seconded. The motion passed unopposed.

TREASURER'S REPORT: The Treasurer reported that the Town report had gone out and commended the auditors on their work.

ADMINISTRATIVE ASSISTANT'S REPORT: The Administrative Assistant reported that the dead tree in West Clarendon Cemetery had been removed, and reminded the Board that she and the Treasurer would be at a training in Burlington on February 24th.

PUBLIC COMMENT ON AGENDA ITEMS ONLY (5 minutes): There were no comments.

SELECT BOARD MEMBERS CONCERNS:

Selectman Wilbur updated the Board and public about speeding issues.

Selectman Congdon expressed his concerns that in the recent legislative report, more power seems to have been given to Regional Planning Commissions versus local; being Selectman Bixby's last meeting, Selectman Congdon also stated that it had been a pleasure to serve with Selectman Bixby, Selectman Wilbur concurred.

The Board Chair updated the public to the fact that two board members and one lister had traveled to Montpelier to speak to the 9L criterion in Act 250, and spoke to the failure of the state written analysis of 9L relating to Garvey's Nissan; the Board Chair also spoke to his service with Selectman Bixby on the Board, and that serving with him had been a pleasure.

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Selectman Bixby concurred with Selectman Congdon on the legislative report, thanked the Board for their comments, and thanked the people for their support over the years. He stated that it had been a pleasure for him as well to serve with the other members.

Selectman Knox said farewell to Selectman Bixby, saying that Selectman Bixby had always been a tremendous asset to the Town.

ADJOURNMENT: At 8:07 p.m., Selectman Knox motioned to adjourn, Selectman Bixby seconded, the motion passed unopposed.

SIGNED: _____ Michael Klopchin, Chair /s

SIGNED: _____ Robert Bixby, Clerk/s

These minutes taken and respectfully submitted by Heather Kent, Administrative Assistant, and are scheduled for approval on March 14th, 2016.

(Attachment 1)

old
pepsi
plant

Farmer Mold - Decision issued from E Ct - Jan. 3, 2015
to issue cond. use permit

Act 250 - JO issued - re considered twice
Marion Pratico appealed to Natural Resources Board
(not sure if decision issued)

former
town
library

2 Bad Cats - Majorie Southard + others appealed decision to E Ct
decision in favor of applicant issued 5-29-15
Marion Pratico appealed decision to VT Supreme Ct.
3 justice panel affirmed, agreed with lower court.
can finally operate with cond. use permit

former
you barn

Joseph Phillips / County View Auto Sales ^{Majorie} appealed site
plan review criteria + permit issued by Bob LaFrance
no 56-5-15 (E Ct) A pre-trial conference was
held last Wednesday (2-17-16) Majorie Southard,
Helen Darby, Bill Bloomer, John Bloomer participated
Town agent was in Bill's office and listened.

A 2nd appeal filed by Marion Pratico in being combined
w/ Majorie's appeal. The town responded to Marion's
interrogatories (questions) Marion P. is appealing the
BZA's decision to issue a permit to County View
Auto Sales. for both appeals

The merits hearing is set for 9am March 2nd, 2016
in Rutland at the Rutland Criminal Court Bldg.

A site visit is scheduled for 8:30am. That same day