

TOWN OF CLARENDON, VERMONT

MINUTES

SELECTBOARD MEETING-REGULAR

September 28th, 2015

SELECT BOARD MEMBERS:

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

CALL TO ORDER: At 6:11 p.m.

PRESENT AT MEETING: Select Board (5), Administrative Assistant, Treasurer, Assistant Treasurer/Delinquent Tax Collector, Road Commissioner. Also present were Matt Jakubowski, Marion Pratico, Cindy Davis, Jean and Steve Surrell, and Robert Congdon, Sr.

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, September 14th, 2015: Selectman Bixby motioned to accept the minutes subject to corrections and omissions, Selectman Wilbur seconded the motion, the motion passed unopposed. Selectman Wilbur brought to the Board's attention several typographical errors. The Board recognized Marion Pratico, who stated that Carol Geery and John McKenna were not present when the meeting was called to order; she also stated her dissatisfaction with the minutes' representation of her exchange with the Board and the Town Agent at the September 14th, 2015 Select Board meeting, at which a cancelled planning commission meeting was discussed; the Board Chair acknowledged her statements and there was a brief discussion about what was said at the afore mentioned meeting. Selectman Knox stated that the issue of the cancelled planning commission meeting was already discussed and resolved, and should not be discussed again. Selectmen Congdon and Wilbur then recused themselves from input on this meeting as they were not present. The Board asked the members again if they approved of the minutes, all voted yes, with Selectmen Congdon and Wilbur abstaining. The Board Chair then stated that in the future, the Select Board will approve the minutes without input from the public and asked if any members of the Board disagreed, none did.

HIGHWAY: The Road Commissioner was present and participated in discussion.

School Bus Turn Around – Walker Mtn./133: The Administrative Assistant informed the Board that as requested she had spoken to the school regarding the manner in which the bus turns at the intersection of Walker Mountain Road and Route 133, and was told that the way the bus currently turns is the safest as it does not need to back up; the Board Chair stated that the Board had at least checked into it as they had said they would.

The Board Chair informed the Road Commissioner that several citizens had commented on the finished road shoulders in the town and thanked the Road Commissioner and the road crew for their work; paving work was briefly discussed.

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Selectman Congdon advised that he had received a complaint about East Street and the washboard effect and a request for grading; the Road Commissioner advised that this work was being done. Selectman Congdon also advised that he was still researching the Salt Shed; there was a brief discussion with Matt Jakubowski on the specifications of the shed and whether or not a permit would be needed, for what purpose the permit would be needed, and how it might change the pricing.

Selectman Bixby asked the Road Commissioner about a citizen's driveway and North Shrewsbury Road; the Road Commissioner responded that North Shrewsbury Road was completed and the driveway would be taken care of in the near future.

The Road Commissioner and the Board discussed the problem of the Town's 2014 International truck, still under warranty, being repeatedly repaired and the resulting expense of having to bring the truck to Jericho to be repaired, and hardship to the Town of not having the truck available; the Lemon law was brought up and dismissed as not applying to municipalities. It was decided that the Administrative Assistant would author a letter stating that the Town would consider legal alternatives if the truck was not repaired satisfactorily which the Select Board would then sign. A brief discussion followed regarding dust control on Teer Road and the placing of guard rails on a section of Walker Mountain Road before route 133, the Road Commissioner was directed to place the guard rails.

The Road Commissioner brought a proposed policy regarding accidental mailbox damage by Town plows before the Board (see attachment 1) and explained the need for it. It was read aloud; Selectman Knox motioned to adopt the policy, Selectman Congdon seconded, the motion passed unopposed.

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.

GUEST: Matt Jakubowski – Local Emergency Operations Plan

Mr. Jakubowski presented the Local Emergency Operations Plan to the Board, which they had received through email. After a brief discussion, Selectman Bixby motioned to approve the plan, Selectman Knox seconded, the motion passed unopposed. Selectman Wilbur, being ICS certified, signed it.

A member of the public asked Mr. Jakubowski if 2 Bad Cats had the correct fire permits needed, he responded that they did.

GUEST: Marion Pratico

1. Digital Recordings
2. Minutes Reflect Discussions and What Was Said
3. Pricing of Copies
4. Original Documents
5. Cancelling Meetings

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Ms. Practico asked the Board if they had all been called in regards to her placement on the Agenda; it was established the Board had not been called, but had been emailed regarding her placement. Ms. Practico advised that others had been placed on Agendas without subjects; she was informed that the Board had been advised that subjects must be placed on the Agenda, a brief discussion followed, which ended with the Board Chair stating that from this point forward anyone wishing placement on the Agenda must have a subject.

1. Digital Recordings: The Board Chair read an email from the Chief Records Officer at the Vermont State Archives explaining that the recordings are transitory records and the town is not required to keep them for any specific time; Ms. Practico stated her concern that the audio recordings of the meetings were not being stored. There was a discussion on the use of the recordings; Selectman Knox became upset and asked to be excused; the Board Chair advised that the record would show Selectman Knox was excused. Ms. Practico stated the recordings needed to be kept for accuracy.

2. Minutes Reflect Discussions and What Was Said: Ms. Practico questioned the Board about the attorneys at the Vermont League of Cities and Towns; it was explained that the Town pays dues to the VLCT, which represents the legislative body of the Town. Ms. Practico presented a copy of the Open Meeting Law to the Board; there was a discussion about what is required to be in the minutes and what is not.

3. Pricing of Copies: Ms. Practico questioned the Administrative Assistant if she had asked the Select Board at a previous meeting to table "New Copy Rates"; the Administrative Assistant said she had. Ms. Practico then inquired if the new copy prices had been tabled, then why was she charged 25 cents when previously it had been 10 cents. The Administrative Assistant explained that the 25 cents was from a policy dated 2006, of which the Administrative Assistant and Town Clerk had not been previously aware, and was not included in the tabled "New Copy Rates", a brief discussion followed.

4. Cancelled Meetings (out of order from the Agenda): Ms. Practico expressed her concern that Planning Commission meetings had been cancelled, with the public coming to a meeting and finding a notice but no one there; there was a discussion regarding the cancellation procedure, and whether a notice posted was sufficient. The Board Chair suggested having someone be at the scheduled meeting place to acknowledge the cancellation; Selectman Bixby advised that the members of the Planning Commission are volunteers who receive no reimbursement from the Town, and Selectman Wilbur stated that he believed a notice posted was sufficient. Ms. Practico stated she wanted a reason as to why a specific meeting was canceled, she was advised that the Select Board did not know, and to ask the Planning Commission.

5. Original Documents (out of order from the Agenda): Ms. Practico asked if original documents were to be kept in the Town Hall, she was informed yes, she then asked about surveys from the Planning Commission, and why they were not in the Town Hall. She was advised that the surveys were non-binding, and a brief discussion followed on the purpose of the surveys.

The Board acknowledged Cindy Davis, who stated that she as a member of the public, was tired of other citizens coming to the Select Board and being disruptive, and questioned when the Select Board would gain control of their meetings. A brief discussion followed.

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The Board Chair thanked Marion Practico for her comments and hoped some questions had been answered.

PUBLIC COMMENTS [10 minutes]:

Marion Pratico asked if the public had input on the Town Plan; she was advised to bring it up to the Planning Commission, she stated she had and they had told her there wouldn't be public input, the Board Chair advised that there would be a public hearing.

Marion Pratico discussed with Selectman Wilbur zoning regulations regarding wholesale and retail.

Selectmen Congdon and Wilbur excused themselves before Robert Congdon Sr. could speak, citing a conflict of interest, leaving the Board Chair and Selectman Bixby as the only members present with no quorum.

Mr. Robert Congdon Sr. stated that one of the homestead claims on their farm had been filed late, and he felt that the 8% penalty was excessive. He believed the Board had the power to abate the penalty, and asked the Board to do so. There was a lengthy discussion on the reasons the penalty was in place, if other towns have a similar penalty, where the money from the penalty goes, and whether the Board had the authority to abate the penalty for one person. The Board Chair stated that the Board did not have a quorum, and could do nothing at the moment. The Treasurer advised the Board that they themselves had put the penalty in place, and to abate the penalty for one when two of the members had interest in the issue would set a negative precedent. Mr. Congdon reiterated that he believed the Board had the power to abate the penalty and that it was excessive. The Board Chair stated that the power of the Select Board in this issue would be looked into.

Due to camera difficulty with the PEGTV camera, a five minute recess was taken.

The business presenting a conflict of interest being concluded, Selectmen Congdon and Wilbur rejoined the Board, providing a quorum once again.

OLD BUSINESS:

Locks on Filing Cabinets: The Administrative Assistant advised the Board that the new locks on the filing cabinets had been installed and did not exceed the estimated \$150.

Special Officer to the Town: Selectmen Wilbur advised the Board that Jerry Tift had requested he be Second Special Officer to the Town; Selectman Wilbur had informed him that there was no room in the budget for a second Special Officer. A brief discussion followed and the issue was tabled until March, when the term is expired.

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NEW BUSINESS:

Rutland PSAP Consolidation paper work: The Board reviewed the paper work detailing the 911 dispatch change to Rockingham; the issue was tabled to give the Board more time to review the issue.

Fuel Prices: Selectman Congdon brought the following fuel price bids before the Board:

- Keyser (current supplier): -fuel oil at \$2.09/gallon pre-buy
 -1,300 gallons for the Town Hall, 1,600 gallons for the community center
 -propane at \$1.24/gallon
- Johnson: -flexible capped rate for fuel oil at 30 cents above company cost on day
 of delivery, with a \$2.29/gallon cap
- Getcha: -24 cents above company cost on day of delivery, with no cap offered.

Selectman Congdon advised that the only propane bid available was Keyser. After a brief discussion, Selectman Bixby moved to accept the Keyser bid, and to authorize the Board Chair to sign any paperwork, Selectman Wilbur seconded, the motion passed unopposed. Questions from the public were discussed regarding the bids, and the type of fuel oil used.

PUBLIC COMMENTS ON AGENDA ITEMS ONLY (5 minutes): There were no comments on Agenda items.

TOWN OFFICER REPORTS: The Chair asked if there were any town officer reports.

The Administrative Assistant brought the following before the Board:

1. Mason Lawncare wished to know if the Board wanted 7b and West Clarendon Cemetery to be tended; Selectman Congdon motioned to allow Mason Lawncare to tend those areas with a maximum cap of \$400, Selectman Bixby seconded, the motion passed unopposed.
2. The Administrative Assistant asked the Board to move the Agenda dead line for the October 12th, 2015 meeting from 1pm October 8th, to 1pm October 7th, as she would not be in the office on the 8th. The Board Chair directed the Administrative Assistant to post the change on the website; Selectman Wilbur asked that the post also mention that all Agenda requests need to include subjects.
3. The Board was advised that the Spencer and Lapre, LLP paperwork regarding the location of the water line by the Fire House was available for future reference, and a mailing to the Public Service Board about Wetlands in regards to the Middle Road Solar Array was also available in the Town Office.
4. The Administrative Assistant informed the Select Board that she would like to donate a flag pole and flag to the Town Hall in memory of her father, Donald Jones. The Board thanked the Administrative Assistant, and Selectman Congdon motioned that the Town have a plaque made to indicate the dedication, Selectman Wilbur seconded, the motion passed unopposed.

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Treasurer: The Treasurer advised the Board that it was possible to hold a special meeting of the Select Board regarding the Congdon Homestead Penalty after the Board of Abatement meeting, if it was warned properly. Selectman Bixby stated he would like to see a copy of the statute regarding the issue.

The Board Chair asked the Delinquent Tax Collector if she had any reports; she did not.

SELECT BOARD MEMBERS CONCERNS: The Board Chair asked each Board member if they had any further concerns or comments. Selectman Bixby asked the Treasurer if taxes were coming in; the Treasurer replied that they were. There were no other concerns.

ADJOURNMENT: At 8:03, Selectman Wilbur motioned to adjourn, Selectman Bixby seconded, the motion passed unopposed.

SIGNED: _____ Michael Klopchin, Chair /s

SIGNED: _____ Robert Bixby, Clerk/s

These minutes taken by Administrative Assistant, Heather Kent, and were approved October 12th, 2015

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ATTACHMENT 1.

TOWN POLICY

SUBJECT: MAILBOX DAMAGE CAUSED BY SNOWPLOWS

1. All mailboxes must conform to the guidelines of the United States Postal Service; for information on these guidelines, go to www.usps.com, or contact your local post master/mistress. The Town will not be held responsible for any damage done to a mailbox that does not conform to the USPS guidelines.
2. Any damage to a mailbox caused directly by a town snow plow MUST be reported to the town within 48 hours. Report any damage to 747-4074, or clarendonadmasst@comcast.net. The mailbox will be inspected by the Road Commissioner to confirm the damage.
3. It is the job of the Road Crew to remove snow from road surfaces, and snow being thrown from the plow is unavoidable. The Town will not be held responsible for damage done to a mailbox by snow or slush thrown from a plow blade.
4. If it is determined by the Road Commissioner that a mailbox has been directly damaged by a snow plow, the Town will replace the mailbox with a standard mailbox and post, which the citizen is responsible for installing according to USPS guidelines. Custom mailboxes and/or posts will not be replaced in kind.
5. Any mailbox and/or post will NOT be replaced if the post shows any sign of dry rot, being unstable, or was placed too close to the roadway.
6. The Road Commissioner or a designated representative is authorized to use reasonable discretion in resolving matters involving unusual circumstances.