

TOWN OF LYNDON  
SELECTBOARD MEETING

February 4, 2019

5:30 PM

Selectboard

Kermit Fisher, Chair  
Dan Daley  
Christian Thompson

Press

Todd Wellington

Public

Dawn Dwyer, Justin Smith, Steve Gray  
Patrick Shattuck, Cherry Hebert, Brian Fenoff  
Jennifer Walker, Robert Gardner, Emily Irwin  
Cindy Cady, Bob Howland, Mark Bean

1. Adjustments to the Agenda:
  - Set Wastewater Rates
2. Approval of minutes:

Motion made by Dan Daley, seconded by Christian Thompson, to approve the January 21, 2019 minutes as amended. Motion carried 3 to 0.
3. Approval & Signing of Orders drawn on the Treasurer:

The Board approved and signed the orders drawn on the Treasurer for weeks #5 & #6.
4. Highway Report:

At 10% through the year, payroll is 15% spent and the entire budget is 11% expended.
5. Rural Edge: Warrant #33 Amendment:

Motion made by Dan Daley, seconded by Christian Thompson, to approve and sign the order drawn on the Treasurer for Modified Warrant #33 in the amount of \$32,305. Motion carried 3 to 0. The original warrant signed on January 21, 2019 was in the amount of \$32,385.
6. Meet New Executive Director of Rural Edge:

Patrick Shattuck, the new Executive Director at Rural Edge, came to introduce himself to the Board. He was originally from VT but most recently from Pittsburg, PA. The Board expressed their ongoing concerns with not receiving information from Rural Edge in a timely manner which makes the Town look delinquent in reporting to VCDP. Mr. Shattuck understands the important relationship between Rural Edge & the Town. He briefly discussed the Oliva Project, mentioning a mid-March closing with demolition to follow. They are planning on a one year construction period.
7. Planning Commission Interview:

Emily Irwin, a resident on Old Coach Road, Sutton, came to meet the Selectboard and express her interest in becoming a member of the Lyndon Planning Commission. Even though she is actually a resident of Sutton, she is more connected to the Town of Lyndon in that she doesn't interact with the Sutton community and is friends with her Lyndon neighbors. She is interested in Lyndon since it is a more developed town and interested in the interface between a rural town and development in a small town. Ms. Irwin completed a graduate program in Community Development and Applied economics at UVM. Her academic experience, along with a deep belief in the value of service, has inspired her to seek out opportunities to be involved in the planning process in her new community. The Board recommended she attend a Planning Commission meeting just to be sure this committee is what she is expecting. Mark Bean clarified with Ms. Irwin that she is not a resident of Lyndon, she does not own a business in Lyndon and does not pay taxes in Lyndon. He asked Ms. Irwin if she was asked or suggested by anyone to join the Planning Commission. Ms. Irwin's husband is friends with Annie McLean's husband, so they are all friends. Annie mentioned that there was an opening on the Planning Commission and Ms. Irwin expressed an interest. Mr. Fisher made it known that the State requires that at least a majority of the members be residents of Lyndon, therefore the Planning Commission can have no more than three non-resident members. At this time there is only one member that is not a resident of Lyndon.

8. Police Cruiser Bids:

Kermit Fisher was contacted by Michael McCauliff requesting the police cruiser be re-bid as he felt he did not have a fair chance to assess the car which put him “at an unfair disadvantage to make a fair and reasonable bid”. He said he attempted to call Chief Harris ten (10) times to set up a time to see the car and his calls were never returned. Chief Harris informed Justin Smith, Municipal Administrator, that he returned the only call he received and that Mr. McCauliff’s voice mail was full and he couldn’t leave a message. Mr. McCauliff was able to see the car and hear it run. The Board felt Mr. McCauliff had the same opportunity to view the vehicle and submit a bid. Four (4) bids were received, three (3) which were competitive; Mr. McCauliff’s being one of them.

Motion made by Dan Daley, seconded by Christian Thompson, to accept the high bid of \$2,350 from Trevor Colby for the 2013 Dodge Charger. Motion carried 3-0. Other bids received were from Michael McCauliff for \$2,002, Joe Dauphin for \$2,000 and Zachary Willey for \$150.

9. Elm Street Dog Issue Update:

Brian Fenoff, Jennifer Walker and Cherry Hebert came to the Board regarding a Pitbull that is being kept at an apartment on Elm Street. Mr. Fenoff had the dog jump on him, scratching him through his jacket. The dog was muzzled and on a leash but the unidentified person was not able to control the dog. Mr. Fenoff called the Vermont State Police which dispatched Chief Harris and a deputy. Upon investigating, it was determined that neither the Pitbull or Mr. Fenoff’s dogs were licensed. Mr. Fenoff’s dogs have since been licensed and Ms. Chew has indicated to Cindy Cady, Animal Control Officer, that her dog(s) would be licensed after the first of February, once she received her check. The Pitbull has a current rabies vaccination. Ms. Hebert mentioned that there was a young man walking the dog, allowing the dog to eliminate itself on her property. Cherry feels the dog is terrorizing the neighborhood.

The Selectboard feels they are obligated to allow Ms. Chew the opportunity to come before the Board. Cindy Cady will provide Ms. Chew’s contact information to Justin Smith who will then schedule a meeting. Cindy Cady will contact the Town of St. Johnsbury where it was indicated the dog was a problem there as well.

10. Excess Weight Permits:

Motion made by Dan Daley, seconded by Christian Thompson, to approve the Single Excess Weight Permit for Clem-Dee, Inc., with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0.

Motion made by Dan Daley, seconded by Christian Thompson to approve the seven (7) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0. Permits are for All Metals Recycling, Bourne’s Inc. & Bourne’s Propane dba Bourne’s Energy, Cardinal Logistics Management Corporation, J.P. Sicard, Inc., Joshua Gervais dba Josh Gervais Trucking, Ron Fenoff Excavating LLC and VELCO.

11. Liquor Licenses:

Motion made by Christian Thompson, seconded by Dan Daley, to approve the Second Class Licenses to sell malt and vinous beverages for Global Montello Group, Corp. dba Jiffy Mart #462 with standard conditions. Motion carried 3 to 0.

The application for Lyndonville Restaurant dba Lyndon Buffet was tabled as the page for the Selectboard approval was missing. It will be addressed at the next scheduled meeting.

12. Calendar Brook Road Snow Machine Issues:

Dan Daley received a call on January 27<sup>th</sup> regarding snow machines traveling on both sides of Calendar Brook Road as well as down the middle of the road. It has been happening several times a week, mostly locals and more often on the weekends. Nick Keithan, a landowner off Calendar Brook Road, called the Clerk’s office last week regarding snow machines using his property without permission. He was asked to contact Rick Ringgard, a member of the local snow machine club. Mr. Keithan and Mr. Ringgard followed the tracks and spoke with a young man and his father. Mr. Ringgard has informed Justin Smith that the situation has been taken care of. Mr. Ringgard also is hopeful that he and Mr. Keithan will be able to come

up with a solution to allow the trail to cross Mr. Keithan's property so that the machines are not on the roads. The Board has asked Justin Smith to ask a representative from the snow machine club to attend a future meeting. Kermit Fisher will contact The Caledonian-Record to request a public service article regarding no snow machine travel allowed on Lyndon roads.

13. Planning Commission Recommendations:

The Board would like to see the Planning Commission (PC) hold a couple public meetings regarding the current Flood Regulations and be proactive in educating the public and business owners. The current flood regulations were adopted by the recommendation of the State and FEMA, with a higher reimbursement to town infrastructure in the case of flooding. There was no local engineer input. The Board was reminded by Justin Smith that the Town Plan is due one year from now, with a pretty tight schedule for the Planning Commission. The Board would like to meet with the Planning Commission to explain their recommendations.

14. Set Wastewater Rates:

Based on the approved 2019 budget and the total gallons of wastewater processed in 2018, the 2019 wastewater rates are as follows: \$118 base fee (down from \$146 in 2018) and \$8.65/1000 gallons (up from \$7.89/1000 in 2018).

Motion made by Dan Daley, seconded by Christian Thompson, to approve the Wastewater Rates of \$118 Base Fee and \$8.65/1000 gallons. Motion carried 3-0.

These rates will be effective with the bills being mailed after February 1, 2019.

15. Other:

- a. Christian Thompson asked for an update to the situation where a local business owner opened a manhole cover and was depositing parking lot water directly into the sewer system. The owner was verbally stopped. Justin is waiting for a cost to process the water from the wastewater operator. Once he has received that information, a formal letter will be mailed to the owner.
- b. Christian Thompson mentioned that the Shores Museum porch roof needs to be shoveled off. It is a flat roof and the weight of the snow, along with the rain, is heavy.
- c. Christian also mentioned that the Public Safety Building sign, along Main Street, was obstructed by snow and should be dug out. Someone unfamiliar to the area needing emergency assistance wouldn't be able to see the sign.
- d. Dan Daley had a conversation with Shawn Tester, CEO of Northeastern Vermont Regional Hospital regarding the CALEX article found in the January 29, 2019 article in The Caledonian-Record. Mr. Tester's priority is to offer the best services to the area citizens and is willing to facilitate a meeting between CALEX and Lyndon Rescue Inc. Mr. Daley will reach out to John Kascenska, President of Lyndon Rescue Inc.
- e. Mr. Smith has received numerous complaints about the icy parking lot conditions at the Northeast Kingdom Waste Management District (NEKWMD). Many users of the facility do not realize that the Town does not own the property. The Board asked Steve Gray, Lyndon NEKWMD rep, to pass along the concerns to Paul Tomasi, Director of NEKWMD.
- f. Steve Gray informed the Board that the NEKWMD meeting is next week. Some items to be discussed are that the new baler should be shipped by February 15<sup>th</sup>, arriving by the 18<sup>th</sup>. NEKWMD has applied for a grant to help pay for the baler. Mr. Tomasi will be asking the Board to join with the NEKWMD in regards to recovering monies owed by Steve Earley of Earley Rubbish & Recycling. Lewis Elliott spoke to Mr. Gray and expressed an interest in leaving a 40' trailer in the Municipal Building Parking lot and running his business there on Saturdays. Mr. Smith indicated that there is not enough room to allow that to happen.
- g. Lyndon Outing Club is looking for help, from the Town, to pay a furnace repair bill. It is outlined in the Management Agreement between the Town of Lyndon and the Lyndon Outing Club, that the Club is responsible for all maintenance.

Meeting adjourned at 7:36 PM

Minutes taken by Dawn Dwyer

Approved by the Selectboard: February 13, 2019