

TOWN OF LYNDON  
SELECTBOARD MEETING  
March 6, 2017  
5:30 PM

Selectboard

Dan Daley, Chair  
Kermit Fisher

Press

Public

Dawn Dwyer, Justin Smith, Steve Gray  
Rodger Sheldon, Gary Dwyer

1. Approval of minutes:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the February 21, 2017 minutes as amended. Motion carried 2 to 0.

2. Approval & Signing of Orders drawn on the Treasurer:

The Board approved and signed the orders drawn on the Treasurer for weeks #8-9.

3. Highway Report:

At 17% through the year, payroll is 25% spent and the entire budget is 14% expended.

4. Liquor License Approvals:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the two First Class Restaurant/Bar License to sell malt and vinous beverages with standard conditions. Motion carried 2 to 0. Licenses are for George Kapoukranidis dba Lyndonville House of Pizza and Kingdom Creek LLC dba The Hub Brew Counter.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the First Class for Club to sell malt and vinous beverages for Tom Breslin Community Center Inc., with standard conditions. Motion carried 2 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Second Class Licenses to sell malt and vinous beverages for Coco Mart, Inc. dba Jiffy Mart (Lyndonville), with standard conditions. Motion carried 2 to 0.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the Outside Consumption permit for Kingdom Creek LLC dba The Hub Brew Counter. Motion carried 2-0.

5. Excess Weight Permit Approvals:

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the nine (9) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 2 to 0. Permits are for Amerigas Propane, Barrett Trucking Co., Inc., Scott Brown, Bourne's Inc. & Bourne's Propane dba Bourne's Energy, Demag Riggers & Crane Service Inc., Gilman & Sylvia Lacourse dba Gil's Construction, Gingue Construction Inc., Gould Well Drilling, Inc., and Winterset Inc.

Motion made by Kermit Fisher, seconded by Dan Daley, to approve the two (2) Single Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 2 to 0. Permits are for Mike Lemieux Trucking Inc. & Whitcomb Trucking LLC.

6. Better Roads Grant:

Justin would like to submit a application to Better Roads for an erosion inventory. An inventory of projects that need to be worked on is a part of our municipal roads general permit for Stormwater, and this grant is an opportunity to get 80% of the cost funded. The 20% match can be in-kind and Doug Morton of NVDA has confirmed that they can complete the inventory and provide the Town with a report by December 2018. The estimated cost is \$10,000, so even with no in-kind services, our share of the cost would be \$2,000. Both Dan & Kermit felt this was a great opportunity and advised Justin to proceed with the grant application.

7. Fall Brook Road Bridge #43:

Dan received a letter from Pamela M. Thurber, Bridge Inspection and Budget Program Manager from VTRAN regarding Lyndon Bridge #43 on Fall Brook Road. The bridge has the following problems which are in need of attention: the guardrail system is dilapidated, the rail posts on the downstream side are very loose and many of the timber approach rail posts are heavily decayed. The Town must reply within sixty (60) days their intent to comply with, or reasons for non-compliance with the recommendations. Rob Nutting, Road Foreman, is suggesting re-anchor and double ply the side rail. Dan & Kermit both signed the letter to be sent to Ms. Thurber.

8. Municipal Building Generator:

The proposed generator for the Municipal Building was estimated to cost over \$20,000. The Town Purchasing Policy requires either Selectboard exemption or a minimum of two bids for purchases over \$20,000. The Board would like our electrician to obtain a minimum of two bids for the equipment.

9. Library Furnace:

Per the minutes of the Library Trustee Meeting held on February 27, 2017, Don Welch, Treasurer, noted that “the Trustees are able to access 5% of the investment funds over a five year period”. Therefore, upon calculating the numbers from 2012 to 2016, \$29,988 is available to cover the cost of the furnace. There is also an issue of asbestos. Don Welch & David Martin, Library Trustees, will look into possible funding options and Justin Smith will contact Catamount Environmental Inc., the company that handled the asbestos abatement for the Joint Garage Facility for an estimate.

10. Solid Waste Public Notice:

Justin has received several complaints regarding lack of communication between Earley Rubbish & Recycling and customers when trash and recycling was not going to be collected, due to weather and/or equipment failure. Justin will contact Steve Earley and try to obtain a better method of communication for changes in scheduling.

11. Northeast Kingdom Waste Management District (NEKWMD) – Compost Update:

Justin and Dan met with Paul Tomasi, Executive Director of NEKWMD regarding the bill sent to the Town for compost. The Town has concerns as to how NEKWMD is determining that Lyndon is only paying for the compost from Lyndon residents only. Paul will conduct a survey for two weeks, running from Wednesday, March 8<sup>th</sup> through Wednesday, March 22<sup>nd</sup>, and evaluate the percentage of compost from Lyndon residents in order to establish a mechanism for billing actual volume.

12. Wastewater Treatment Facility Update:

Rodger Sheldon is the new operator of the Wastewater Treatment Facility. He stopped in to introduce himself to the Board. He’s been in Lyndonville for approximately one month. He and Justin updated the Board on the upgrade. The fan still has not been delivered and they continue to work with Dave Ceppetelli of Tata and Howard.

13. Other:

- A. HOPE is seeking approval to hold their Color Walk/Run on Saturday, April 30<sup>th</sup>. They need Selectboard approval on the route they will use, which is Steven's Loop. They have been in contact with Chief Harris. Chief is again requesting that color not be thrown on private property. Motion made by Kermit Fisher, seconded by Dan Daley, to approve HOPE's Color Walk/Run. Motion carried 2-0.
- B. Gary Dwyer addressed the Board regarding his name appearing in the Annual Town Report under delinquent taxes. He purchased a property in August 2016. It was both his and the sellers understanding that the taxes were taken care of during the closing. It wasn't until the seller delivered a delinquent tax letter to Mr. Dwyer in November that Mr. Dwyer confirmed through the bank that handled the closing that they were not paid at closing. Mr. Dwyer paid the tax bill, which was in the seller's name per Statutes, and asked for an abatement of the late penalty. He was told no by the delinquent tax collector. Mr. Dwyer wanted to know why his name appeared in the report when his name was not on the tax bill. He also suggested to the Board that it would better serve the Town if the delinquent tax collection was done in-house and the Town was able to keep the penalty to be used for a Police cruiser or other items needed. Last year the penalty amounted to approximately \$45,000.  
The Board advised Mr. Dwyer to follow the procedure provided through Statute to request an abatement through the Board of Civil Authority. Dawn Dwyer, Clerk, will contact the Secretary of State Office regarding the procedure to abolish the elected position of Delinquent Tax Collector.
- C. Dan Daley advised the Board that the Lyndon Area Sports Association (LASA) formally transferred their assets to Lyndon Institute, according to the agreement, two weeks ago.
- D. Justin shared a thank you note with the Selectboard from the Fire Department thanking them for the donation in memory of Doug Townsend.
- E. Dan asked that it be noted that the Board recognized Jean Charles for his services as a Justice of the Peace for the Town of Lyndon. Mr. Charles passed away unexpectedly February 24<sup>th</sup>.
- F. Steve Gray announced the NEKWMD meeting scheduled for March 14<sup>th</sup>. He hasn't received the agenda at this time.

Meeting adjourned at 6:32 PM

Minutes taken by Dawn Dwyer

Approved by the Selectboard: March 20, 2017