



TOWN OF LYNDON
SELECTBOARD MEETING
May 13, 2019
5:30 PM

Selectboard

Dan Daley, Chair
Christian Thompson
Fred Gorham

Press

Amy Nixon

Public

Dawn Dwyer, Steve Gray, Deb Smith, Ashley Buoniconti,
Larry Willey, Ben McIntosh, Sylvia Dodge (5:45)
Minty Conant, Gerard Gingue (6:24)

1. Adjustments to the Agenda:

*Excess Weight Permit(s) *Shores Museum Furnace *Reclaim Bid * Paving Bid

2. Approval of minutes:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the April 15, 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 week's # 17-20.

4. Highway Report:

At 37% through the year, payroll is 46% spent and the entire budget is 29% expended. The Board would like to go on record thanking Rob & crew for the great job this spring after a long winter.

5. Misty Conant Land Discussion:

(Fred Gorham abstained from this discussion as a family member is listing the property for sale.)
Mr. Conant passed away in 2018. Mrs. Conant had offered to donate the land to the Town of Lyndon. Land has no value except to the Town of Lyndon and the people that live in the corner. It is not currently mowed. Before any deed is conveyed, the Selectboard would like to take a look at the property. Justin will set up a date and time with Mrs. Conant to view the property.

6. Appeal of Emergency Health Order:

Deb Smith, Health Officer, reviewed the steps leading to the issuance of an Emergency Health Order to Ben McIntosh at 745 Center Street (see attached). Gary McGrath, tenant, informed Ms. Smith that he started renting on March 25th and on April 6th ran out of propane. Mr. McIntosh was aware and working with Bourne since Mr. McGrath made illegal modifications to the propane tank. Mr. McGrath was provided with electric heaters but did not have hot water.

Ms. Smith inspected the property on April 29th and observed non operable carbon monoxide and smoke detectors, no hot water, non-compliance with Essential Maintenance Practices (EMP) statement, non-compliance with Environmental Protection Agency (EPA) pamphlet and peeling or deteriorated paint in excess of one square foot. Some violations were referred to the Fire Marshall and Mr. McIntosh was given 7 days to correct the no hot water and non-operable carbon monoxide and smoke detectors violations (May 7th). Ms. Smith reported the violations were not corrected within the given period and therefore the Emergency Health Order was delivered on May 8th, giving Mr. McIntosh 48 hours to fix them. Mr. McIntosh asked Mr. McGrath to take care of the issue and Mr. McGrath had agreed but did not follow through. Mr. McIntosh had five (5) days to request an appeal which he has done. As of May 13th, per the tenant, the violation were not fixed.

Mr. McIntosh informed the Board that he has run the Inn at Darling Manor for five (5) years. Mr. McGrath had a lodging contract dated March 15th through April 25th, 2019, which has expired. Mr. McIntosh is currently working on the eviction process. The no hot water violation was caused by Mr. McGrath damaging system by trying to hook a gas grill tank up and breaking the regulator, which Mr.

McIntosh had pictures of. Mr. McIntosh reported that the system has to be removed and replaced due to the damaged to the tanks. Mr. McIntosh has a Lodging Agreement with Mr. McGrath which states the tenant agrees to take care of all propane needs. Mr. McIntosh has an appointment with Bournes on May 22nd to reconnect the system (the earliest they could come) and was informed it would take approximately one hour to fix. Mr. McIntosh reported that the smoke detectors were newly installed last year and only one is missing.

Ms. Smith reported that per Rental Housing Health Code heat & hot water falls to the landlord whether there is a lease or not. The property is supposedly rented as a Bed & Breakfast (B&B) but was not registered as a B&B.

When Ms. Smith spoke to Bournes last week she was told they had plenty of time available to schedule the fix. Pat McLaughlin, State Fire Marshall is scheduled to inspect the property on May 14th.

Christian asked Deb to contact Bournes to see if the repairs can be expedited. Ms. Smith will report back to the Board by Tuesday 5/14.

7. Warrant #36 Rural Edge:

Motion made by Fred Gorham, seconded by Christian Thompson, to approve and sign the order drawn on the Treasurer for Warrant #36 in the amount of \$19,722. Motion carried 3 to 0.

8. Bike & Ped Committee Appointment:

Elizabeth Knapinski has shown interest in being a member of the Bike & Ped Committee. She has been attending meetings.

Motion made by Christian Thompson, seconded by Fred Gorham, to appoint Elizabeth Knapinski to the Bike & Ped Committee. Motion carried 3 to 0.

9. Wastewater Connection Application:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the Application for Waste Water Connection for Olivia Place Limited Partnership at 463-465 Main Street. Motion carried 3 to 0.

10. Sprinkler Bids:

The Selectboard budgeted \$20,000 for the project at the Public Safety Building. There are a lot of “what-if’s” that will need to be addressed. Bids do not include issues that occur when pressurizing the system. The bid also did not include shipping costs.

Motion made by Christian Thompson, seconded by Fred Gorham, to table the bids until further information can be obtained. Motion carried 3 to 0.

11. Gravel Bids:

The RFP for gravel was written requesting two separate bids; one for the total amount of gravel needed (8,500 cubic yards) and the other for ½ the needed materials. The Road Foreman felt that it might be beneficial, should the prices be comparable, if product was available at two locations to save time during trucking. Christian Thompson thought it would be worth trying for a year and asked that the Road Foreman keep track of time saved by having piles at each end of Town.

Motion made by Christian Thompson, seconded by Fred Gorham, to accept the bid from Simpson Dirtworx LLC for 4,250 cubic yards of ¾” crushed gravel for \$29,707.50 and the bid from Gingue Construction, Inc. for 4,250 cubic yards of ¾” crushed gravel for \$31,025 to be available for use for November 1, 2019. Motion carried 3 to 0.

The bids for the full 8,500 cubic yards came in at \$6.99/yard by Simpson Dirtworx LLC and \$7.30/yard by Gingue Construction, Inc.

Mr. Gingue also reported that there is still 3-4,000 yards of gravel left from previous year’s bids in his pit for the Town’s use.

12. Liquid Chloride Bids:

Motion made by Christian Thompson, seconded by Fred Gorham, to accept the bid of \$.76/gallon for 35% Liquid Calcium Chloride from Innovative Surface Solutions. Motion carried 3 to 0. Other bids received were \$.80/gallon from The Gorman Group and \$.84/gallon from All States Asphalt, Inc.

13. Mowing Bids:

Ashley Buoniconti from Summit Contracting and Property addressed the Board that even though they have never done roadside mowing, their company has done some sidewalk snow blowing for the Village on an emergency basis. They have done roadside mowing for other municipalities.

Motion made by Christian Thompson, seconded by Fred Gorham to accept the bid of \$9,000 from Summit Contracting and Property for the 2019 season. Motion carried 3 to 0. The other bid received was \$9,200 from Walt Neborsky.

14. Public Safety Building Roof Bids Discussion:

Motion made by Christian Thompson, seconded by Fred Gorham, to rescind the acceptance of the bid from NEK Roof Solutions in the amount of \$78,000 due to an error by the bidder in the measurement of the roof. Motion carried 3 to 0.

It was further discussed about the possibility of putting a rubber membrane on the roof. Christian has suggested using the State of Vermont on-line bulletin board that municipalities can post bidding opportunities, which would allow a wider range of bidders. With a job of this size, roofers from further away might be interested in traveling. Mr. Gingue suggested hiring a roofing expert that could give you more information in what you are looking for.

Motion made by Fred Gorham, seconded by Christian Thompson, to table the bids until more information can be obtained. Motion carried 3 to 0.

15. Mobile Home Park License:

Motion made by Fred Gorham, seconded by Christian Thompson, to approve the Mobile Home Park License for Gilman Property Management. Motion carried 3 to 0.

16. Northeast Kingdom Waste Management District Representative:

Marcus Berry has shown interest in being the NEKWMD Representative. He is unable to attend Selectboard Meetings as he is currently taking courses.

Motion made by Christian Thompson, seconded by Fred Gorham, to appoint Marcus Berry as the third representative to the NEKWMD. Motion carried 3 to 0.

The Board wants to be sure Mr. Berry understands he, as well as the other two, are representatives of the Town and should be serving the Town's best interest. Steve Gray reminded the Board that at a previous meeting it was recommended that the representatives report to the Selectboard on a regular basis. Mr. Gray thought they could do so on a rotating basis.

17. Nuisance Structure Dangerous Building Update:

George Austin has removed the dilapidated outbuilding at his 154 Charles Street property as requested. Justin is working on scheduling a time to visit the property by two Building Safety Officers.

18. Adoption of the Local Emergency Management Plan (LEMP):

Motion made by Christian Thompson, seconded by Fred Gorham, to adopt the Local Emergency Management Plan, with Dan Daley to sign as Chair of the Selectboard. Motion carried 3-0.

19. Excess Weight Permits:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the two (2) Fleet Excess Weight Permits with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0. Permits are for Brent Newland Construction/Logging and Houghton & Sons Grading Services.

20. Shores Furnace:

Motion made by Christian Thompson, seconded by Fred Gorham, to table the furnace bids until further information can be obtained. Motion carried 3 to 0. One bid includes a water heater and the other does not. Christian would like to see the Town use a more formal bidding process. More information is needed regarding the funding for the project.

21. Reclaiming Bid: Tabled

Motion made by Christian Thompson, seconded by Fred Gorham, to table the reclaiming bids until further information can be obtained. Motion carried 3 to 0.

22. Paving Bid:

Motion made by Christian Thompson, seconded by Fred Gorham, to table the paving bids until further information can be obtained. Motion carried 3 to 0.

23. Other:

- a. Larry Willey & Sylvia Dodge – Larry shared a picture of the monument that tells of the site of the first Town Meeting location. Ms. Dodge feels it's a dual historic reference since it was installed by Luther B. Harris who also gifted to the Town the Florentine Boar & the lions in front of the old Community National Bank on Broad Street. The issue is that the town continues to widen the road. Fifteen years ago the Road Foreman complained that the monument was in the way of the road. Arthur Sanborn, Municipal Administrator at the time, had the monument moved to its current location. This past winter when the snow was moved by the grader, the snow was pushed against the monument, tipping the monument. They both feel it needs to be preserved and protected. Larry wonders why the Town has to keep encroaching on the monument. The base is totally destroyed. The Selectboard will ask the Municipal Administrator to ask the road crew to restore the monument. Where it is now it will not be safe.
- b. Lyndon Institute has asked for recommendations for the roof repairs on the Fenton Chester Ice Arena. The Selectboard would only recommend using a local, reputable company.
- c. Dan Daley spoke of the passing of William Thompson, a longtime volunteer for the Fire Department. The Selectboard would like to honor Bill Thompson's longtime service to the Town.
- d. Steve Gray informed the Board of the NEKWMD's meeting scheduled for Tuesday, May 14th. The expansion of the landfill will take up most of the meeting. The single-use plastic grocery bag (Bill S.113) passed the House and is headed to the Senate.

Meeting adjourned at 7:59 PM

Minutes taken by Dawn Dwyer

Approved by the Selectboard: May 28, 2019