

TOWN OF LYNDON

SELECTBOARD MEETING

June 27, 2016
5:30 PM

Selectboard
Dan Daley, Chair
Kermit Fisher
Martha "Marty" Feltus

Press
Todd Nickerson

Public
Dawn Dwyer, Justin Smith, Steve Gray
Daniel McCabe

Prior to the meeting being called to order, Chair Dan Daley added the following items to the agenda: Perpetual Care Agreement, First Class Liquor License, Salt Bid Contract, Limited Release: Elliott Road Project, & Grant Agreement: Elliott Road Project.

1. Approval of minutes:

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the June 13, 2016 minutes with noted changes. Motion carried 3 to 0.

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the June 15, 2016 minutes with noted changes. Motion carried 3 to 0.

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

The Board approved and signed the orders drawn on the Treasurer for weeks #25 & 26.

3. Highway Report:

At 48% through the year, payroll is 48% spent and the entire budget is 34% expended.

4. Oil Bids:

Motion made by Marty Feltus, seconded by Dan Daley, to accept the low bid from C.N. Brown Company at \$1.9523 per gallon. Motion carried 2 to 0 with Kermit Fisher excusing himself from the vote. Other bids were received from Fred's Plumbing & Heating, Inc. at \$1.99/gallon, Irving Energy Distribution & Marketing at \$2.044/gallon, and Bourne's Energy at \$2.19/gallon.

5. Police Equipment:

Chief Harris feels it is important that his department be equipped with body cameras. He has spoken with other Police Departments and obtained two proposals from Taser International. The first proposal includes purchasing the cameras, docks, yearly safety plans and storage. The second proposal has everything from the first proposal plus Tasers, upgrades to cameras and docks at 2.5 and 5 years. Each proposal is for a five (5) year contract period. Without the Tasers, the cost over the five (5) years will be \$18,754 and with the Tasers the cost over five (5) years will be \$21,214 (an increase of \$2,460). Chief Harris priced a single Taser at approximately \$1,200-\$1,500.

Motion made by Kermit Fisher, seconded by Marty Feltus, to enter into the Five (5) year contract for body cameras and Tasers. Motion carried 3-0.

6. Hazard Mitigation Plan Adoption:

The All Hazards Mitigation plan has been approved by FEMA with their suggested changes and edits. It now must be adopted by the Selectboard and Village Trustees, the State of Vermont and then resubmitted to FEMA for their final adoption.

Motion made by Marty Feltus, seconded by Kermit Fisher, to adopt the All Hazards Mitigation plan as prepared by the Planning Commission and associates. Motion carried 3-0.

7. Leased Land Discussion:

Daniel McCabe, attorney from Adler & McCabe, PLC, gave the Board a brief history lesson on the creation of leased land. Certain lands were set aside for the purpose of schools, colleges and churches. This land has since then been leased out with perpetual leases, reading "as long as the river flows and the grasses grow". These leases are causing issues with title insurance and mortgage companies. Attorney McCabe recently ran across a piece of leased land while representing a buyer of some Lyndon Land which contained old lease land. He explained that other towns are releasing the leased land to the current owners if the owners are willing to pay for the document preparation fees which are approximately \$400. He has asked the Board to consider adopting a policy to release leased land. The Board, before taking any action, will discuss this issue with the Bob Gensburg, the Town's attorney.

8. 2017 Tax Map Maintenance Proposal:

Motion made by Kermit Fisher, seconded by Marty Feltus, to accept the Tax Map Maintenance Proposal as offered by Cartographic Association, Inc. Motion carried 3-0. The proposal covers the time period of April 1, 2016 through March 31, 2017 for a cost of \$2,400.

9. Perpetual Care Agreement:

Motion made by Kermit Fisher, seconded by Marty Feltus, to approve the Perpetual Care Agreement for the Richard & Judith Watson lot (Section 25 Lot 54B). Motion carried 3 to 0.

10. First Class Liquor License:

Motion made by Kermit Fisher, seconded by Marty Feltus, to approve the First Class Liquor License for The Stepping Stones Inn. Motion carried 3 to 0.

11. Salt Bid Contract:

Cargill was once again the only company to bid on salt through the State of Vermont. They are offering the price the same as last year at \$80.56 per ton. Motion made by Kermit Fisher, seconded by Marty Feltus, to accept the Salt Contract from Cargill at the price of \$80.56/ton with Justin Smith to sign on behalf of the Board. Motion carried 3 to 0.

12. Limited Release: Elliott Road Project:

Justin sent a limited release to Julie Kuk, Frank and Barbara Follett, the only landowners affected by the Elliot Road Project to be done late summer. It was returned today fully signed and witnessed. The agreement will allow the Town and contractors permission to enter onto the private property located at 61 Elliott Road owned by Ms. Kuk and Mr. & Mrs. Follett. Motion made by Kermit Fisher, seconded by Marty Feltus, to enter into the Limited Release Agreement with Chair Dan Daley to sign and witnessed by Dawn Dwyer, Clerk. Motion carried 3-0.

13. Grant Agreement: Elliott Road Project:

Motion made by Kermit Fisher, seconded by Marty Feltus, to enter into the grant agreement with the State of Vermont Agency of Transportation, for the Elliot Road Project, with Justin Smith to sign on behalf of the Board. Motion carried 3-0.

14. Other:

- a. Zoning By-Law Amendments: Justin Smith shared with the Board the amendments to the By-laws that will need to be considered should the Planning Commission adopt the changes after

holding their public hearing on July 13th. The Public Hearing will be held at the Municipal Office Building Conference Room at 6:30 PM.

- b. Industrial Park Agreement: A joint meeting between the Town of St. Johnsbury and Town of Lyndon's Selectboard has been scheduled for Wednesday, July 6 at 5:30 PM at the St. Johnsbury Welcome Center to approve the proposed Industrial Park Agreement. Lyndon's Board will have their Town Attorney, Bob Gensburg, review the agreement prior to the scheduled meeting.
- c. Ice Arena Agreement: Justin Smith has heard from Christine Fayette of Lyndon Institute (LI) that the agreement is complete and LI's Executive Committee has agreed to go forward with entering into the agreement with the Town and Lyndon Area Sports Association (LASA). Justin is waiting to receive a copy of the completed agreement.
- d. Lyndon Outing Club: The Board was looking for an update on the installation of a cable/gate at LOC. There was nothing new to report; weekend coverage to open and close the gate is still undetermined.
- e. Lyndon Center Cemetery: The Board would like an agenda item added to the next regular scheduled meeting to address the changes discussed regarding removal of shrubs and bushes.
- f. Maddox Park: Brian Coderre, Cemetery Sexton, has mention the condition of the fence around Maddox Park. Kermit Fisher has inspected the fence and feels it should be torn down and at least replaced on the south side of the park to keep balls from rolling into the road. Justin will look into obtaining the fence.
- g. Joint Highway Garage: On Friday, June 24th, Marty Feltus, Justin Smith, Joe Dauphin, and Dawn Dwyer met with Mark Stewart, Architect, Oscar Thayer, Estimator and Mark Lewis, Superintendent met at the Joint Garage site to review the progress to date. The overhead doors are cut out, girders are scraped and repainted, some site work has been done along with the salt and cold storage sheds have been started. The fluorescent lights will be taken down and replaced with more energy efficient ones as well as in the last section the mercury lights will be replaced. The fluorescent lights will be stored so that perhaps they can be either used in other Town & Village properties or sold. The mercury lights removed will need to be properly disposed of. Fill will be needed on the east side of the building to fill the large drop-off. We were informed that the generator must remain outside, rather than housed in the shed. If placed in the shed, it will void the manufacturer's warranty. The project is on schedule.
- h. Northeast Kingdom Waste Management District (NEKWMD): Steve Gray provided the following information.
 - 1. NEKWMD had applied for a grant to obtain a packer truck and dumpster. They have since changed the plan and are now looking to obtain an auto type baler.
 - 2. District Managers from across the state met to discuss Act 148. They are preparing to present to legislature suggestions regarding organic matter roadside pickup, adding glass jars and bottles to the Bottle Bill and their feelings regarding haulers not being allow to charge for recycling curbside pickup.
 - 3. Effective July 1st NEKWMD will be receiving \$.08/pound for electronics. This is up from the current \$.03. This revenue source comes from electronic manufacturers.

15. Executive Session: Personnel:

Motion made by Kermit Fisher, seconded by Marty Feltus, to enter into executive session at 6:54 PM to discuss a personnel issue pursuant to Title 1 Section 313(a)(2) of the Vermont Statutes.

Upon coming out of executive session at 7:28 PM, no action was taken.