



TOWN OF LYNDON
SELECTBOARD MEETING

July 22, 2019

5:30 PM

Selectboard

Dan Daley, Chair
Christian Thompson
Fred Gorham

Press

Amy Nixon

Public

Dawn Dwyer, Justin Smith, Steve Gray, Rob Nutting, Darcie McCann
Marty Feltus, Jennifer Gould, Louis Buzzi, Mark Nurenberg, Mark Bean
Kurt Nygren, Jim McDonald, Jelena & Greg Gervais, Todd Thomas
Nathan Sicard, Brad Gebbie, Keith Johnson, David Ainsworth Sr.,
David Lussier, Curtis Carpenter, Bill Walker, John & Ellen Gould
Mark Valois

1. Adjustments to the Agenda:

*Excavator Bids * Sign Resolution for Olivia Place * Private Road Name Request

2. Approval of minutes:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the June 24, 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 #27 -29.

4. Highway Report/Quarterly Report:

At 56% through the year, payroll is 64% spent and the entire budget is 38% expended.

At 50% through the year, the General Fund is 42% expended, the highway is 35% expended, the Wastewater Fund is 41% expended and the Sanitation Fund is 39% expended.

5. Lynburke Motel:

The Selectboard was anticipating an update on the condition of the property. Instead Joe Buzzi spoke regarding a petition that is forth-coming to the Selectboard asking the Board to take the following actions: 1. Abandon the recently revised Floodplain Regulation and restore the previous Floodplain regulations within our Business District. 2. Restrict floodplain filling beyond the FEMA Regulations only when engineering data supports the need. 3. Support the business districts flood resiliency by allowing older buildings to be easily removed and new developments to take their place. Reducing uncertainty will make a more vibrant business community. 4. Include input from the business community when adopting revised Floodplain Regulations. 5. Create a guidance document for the new Planning Commission and DRB members that explains the technical aspects of our community's flooding issues so members don't unknowingly spread false claims that re-development projects will make flooding in our town worse. 6. Instruct the Planning Commission to prepare revisions to the Floodplain regulations and allocate funds for the hiring of technical experts/professionals to prepare the Floodplain Regulations instead of relying solely on the Town's planning staff. Joe indicated the completed petition will be turned into the Town Clerk with approximately 175 signatures within the next two weeks. Joe asked if those in attendance could speak since they have taken their time to come. Chairman Dan Daley said the Board was not prepared to hear floodplain discussion and because it was not a publicly warned item on the agenda there may be more residents that would like to participate in the discussion. It was made clear that nothing discussed tonight would result in a decision since it was not a warned item on the agenda. Those that wanted to speak were offered the opportunity. The conversation centered around the Floodplain Regulations and development. Mark Bean went through the Planning Commission minutes from 2014 through 2016 and highlighted the areas that spoke about floodplain Hazard bylaws. He feels the process was not properly vetted. He doesn't know if a lot of research was done and the previous Zoning Administrator (ZA) "had one foot out the door". The ZA

was asked three times to research some information concerning the changes in the bylaws. None of those were done that he could find in the minutes. He left copies of the minutes he spoke about. Chairman Daley suggested a special meeting should be warned just for Floodplain Regulations once the official petition is received.

6. Warrant #38 Rural Edge Modified:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve and sign the order drawn on the Treasurer for Warrant #38 in the amount of \$56,374. Motion carried 3 to 0.

7. Internal Financial Control:

Town Treasurer Dawn Dwyer explained that VLCT created the Internal Financial Controls to help municipalities apply government accounting principles to assess and improve the accuracy, transparency, and security of municipal finances and assets. Internal Financial Controls help to assure that public funds are administered and expended in compliance with applicable statutes and regulations; that funds are used for purposes for which they were authorized and intended; and that there is accurate reporting regarding the use of those funds. Dawn explained that the Town has a good division of duties in place. Justin Smith, Municipal Administrator, agreed. Motion made by Christian Thompson, seconded by Fred Gorham to approve & receive the Internal Financial Controls Checklist for Lyndon as presented. Motion carried 3-0.

8. Bridge and Road Standards Form:

Vermont Agency of Transportation and the Vermont Agency of Natural Resources have been working on developing an updated State-approved Town Road and Bridge Standards template to give municipalities more flexibility in choosing the parts of these standards they would like to adopt and to make it easier for FEMA to understand the standards each municipality has adopted in the event of a federally declared disaster.

Rob Nutting, Road Foreman, has reviewed the standards and reviewed their suggested adoptions with the Board (See attached). Motion made by Christian Thompson, seconded by Fred Gorham, to adopt the 2019 Town Road and Bridge Standards as submitted. Motion carried 3-0.

9. Excess Weight Permit Applications:

Motion made by Fred Gorham, seconded by Christian Thompson, to approve the Fleet Excess Weight Permit for Resource Management Inc., with approval for Justin Smith to sign on behalf of the Board. Motion carried 3 to 0.

10. Household Waste Ordinance:

The Town has a continuing issue of property owners allowing trash to pile up both inside and outside of their buildings. We are now a year into the new system where property owners are responsible for trash disposal. The Town will start enforcing Article 5 Accumulation of Discarded Household Waste ordinance. The penalty is up to \$800 per day per offense with a \$200 waiver fee. The Town will begin to issue tickets to willful and repetitive violators.

11. Caledonia County Fair One-Way Traffic Request:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the request from the Caledonia County Fair Association to make Pinehurst Street a one-way street during the fair which runs from August 21-25, 2019. Motion carried 3-0.

12. Industrial Park Board Member Appointment:

The term for the Industrial Park Board member is a two-year term that begins on June 1st. All other appointments are made in March after Town Meeting and this appointment gets overlooked. Motion made by Christian Thompson, seconded by Fred Gorham, to appoint Richard Lawrence to the Industrial Park Board for a two-year term that will expire on May 31, 2021. Motion carried 3-0.

13. Kingdom Challenge Half Marathon Request:

The Board received a request from Bethany Thompson on behalf of Good Shepherd Catholic School to hold the Kingdom Challenge Half Marathon on October 26, 2019. They would also like to use the foyer of the Municipal Office Building for registration and the race will begin at 8:30 AM. The same conditions will apply as previously set including flaggers through intersections. Christian Thompson recused himself. Motion made by Fred Gorham, seconded by Dan Daley, to grant the Kingdom Challenge Half Marathon request. Motion carried 2-0.

14. Miller's Run Bridge Update:

The Town has a contract for bridge repairs executed with Winterset. Winterset has begun cleaning the bridge as of today. Glen Lavoie from Winterset emailed Justin regarding some shifting that has occurred and asked if the Town wanted the engineer to come back. Winterset is expecting it to take two weeks to receive the materials and three to four weeks to complete the repairs.

15. Excavator Bids:

Motion made by Fred Gorham, seconded by Christian Thompson, to accept the bid of \$72,672 plus \$1,062 for a 5,000 hour/60-month warranty from Nortrax for a 2019 Hitachi Excavator. Motion carried 3-0. Other bids received were \$68,900 + \$2,585 from CRW Woods for a 2018 Volvo excavator, and \$73,900 + \$1,250 (3,000-hour warranty) from Milton Cat.

16. Sign Resolution for Olivia Place:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the Grant Agreement Resolution which gives signing authority to Justin Smith on all Olivia Place grant documents. Motion carried 3-0.

17. Private Road Name Request:

Motion made by Fred Gorham, seconded by Christian Thompson, to approve the private naming of Daxs Way. Motion carried 3-0. Daxs Way is off Calendar Brook Road.

18. Other:

- a. The Town received a letter from Lyndon's Planning & Zoning Office as an adjoining landowner regarding the zoning permit applied for by Kingdom Campground LLC to construct a 100-site campground for tent, camper, and/or RV camping on Lynburke Road. A DRB public hearing is scheduled for Thursday, August 1, 2019 at 7:00 PM at the Municipal Office Building.
- b. The Town received a letter from W. David Williams' insurance company denying the claim where the man-made pond overflowed and took out a portion of the Lily Pond Road. They felt that "if the integrity of the construction of the pond, dam and accompanying culvert are in questions, they would defer liability to the licensed and insured contractor who constructed it". Justin will reach out to our insurance company VLCT to ask their advice on whether the Town should file a claim.
- c. It was discussed that the covered bridges in Lyndon have never been insured so they were added to the 2019 renewal. Because VLCT does not value bridges, the insurance company did not add them. It is up to the Town to calculate a value. The engineer valued the Miller's Run Covered Bridge at \$900,000. The Board felt all covered bridges that were travelled over be valued at \$1,000,000. As for the others, it was suggested to check with other Towns that have covered bridges to see who they use to appraise the value.
- d. Dan Daley spoke with Deb Smith, Health Officer, regarding the State reporting requirements. She is required to fill out an extensive report for each event she investigates, which is very time consuming. It is her feeling that this is leading to all Health Officers becoming a full-time position for each town.
- e. Justin Smith received an email from Jon Bouffard, Fire Chief in St. Johnsbury, regarding regionalization for both fire and rescue. He indicated he had seen a copy of the feasibility study

done by Lyndon Rescue Inc. that Sarah Cousino had mentioned at the June 24th meeting. The Board would like a copy of this study.

- f. Dan reported that the cinder blocks have been repaired at the Fenton Chester Ice Arena. Lyndon Institute still has not gotten a quote for the other repairs.
- g. Steve Gray reported that the Northeast Kingdom Waste Management District did not meet in July and the next meeting is scheduled for August. Justin has asked Paul three times about the NEKWMD Board's decision on the Host Site Agreement and he keeps putting him off.