

TOWN OF LYNDON
SELECTBOARD MEETING
August 24, 2015
5:30 AM

Selectboard

Martha “Marty” Feltus
Kermit Fisher
Dan Daley

Press

Amy Nixon

Public

Dawn Dwyer, Justin Smith, Steve Gray
Jack Harris, Cindy Cady, Rhe Higbee,
Cheyanne Masten, Kim Gaboriault,
Aric & Terha Steen, Kevin & Heidi Sanborn

Before the meeting began, agenda item Tax Rates was added.

1. Approval of minutes:

Motion made by Marty Feltus, seconded by Dan Daley, to approve the August 10, 2015 minutes as amended. 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 #34 & 35.

3. Highway Report:

At 65% through the year, payroll is 61% spent and the entire budget is 61% expended.

4. Dog Issues:

a. Rhe Higbee:

Jack Harris updated the Board about the five adult dogs and puppies located at 1194 Little Egypt Road. Most of the dogs are pit bulls and vicious at times. Aric Steen was forced to shoot at one of the female dogs, Jemma, to protect his family when she jumped into their car when his son was trying to exit the car. No charges were brought against Mr. Steen per the local States Attorney. The last call Jack received was because a pit bull had chased a minor child while riding his bike.

Jack’s suggested sanctions for Rhe Higbee are 1) only dogs legally owned by Higbee be housed on the property of 1194 Little Egypt Rd. 2) As Rhe has shown a propensity for failing to leash his dogs, any and all dogs housed on the property be so housed in a fenced in area no shorter than six feet tall at all times. 3) While the dogs are moved from the house to the fenced area, they are to be on a leash, at all times. 4) That if Rhe cannot abide by the restrictions listed above, the dogs may be forfeited.

Mr. Higbee admitted his dogs do get out and roam the neighborhood, but “no one has been bit yet”. He contends that on the Saturday in question, his dog Jemma was at home with him. He did speak to the child’s parents and worked it out. These dogs offer protection to Mr. Higbee, protecting his property. He wants to keep his dogs. He is in the process of building an additional fenced in area around the dogs houses, which the bottom of the fence will be secured in cement to ensure the dogs do not dig under the fence and get out.

Cindy Cady explained the first complaint came from Aric Steen when the dog jumped into the car his child was trying to exit. She went to Rhe’s house with him to review the situation. The Steen’s’ and Sanborn’s expressed their fear of these dogs and the inability to enjoy their own property. Mr. Steen asked what methods he could use to protect his family in the event his family is attacked again. Chief Harris said whatever method you need to protect your family.

Motion made by Marty Feltus, seconded by Dan Daley, that all dogs at 1194 Little Egypt Road be licensed, within thirty (30) days, erect a minimum six (6) foot fence using cement to ensure the dogs cannot dig their way out and being inspected by Chief Harris upon completion and when dogs are not inside the house or fenced in area, they must be leashed and in control at all times. Motion carried 3-0.

b. Sal Ardizzola:

Cindy Cady notified the Board that Sal Ardizzola has installed an electric, underground fence. Does this meet the imposed condition of restraining the dog at all times while outside that was established at the duly warned meeting of June 15, 2015? The Board unanimously agreed that it does not guarantee to keep the dog on the property, therefore, it does not meet the Selectboard's expectations of the conditions previously set. Justin Smith will send a letter stating such and also notify Mr. Ardizzola that failure to abide by the conditions set will result in impounding the dog, etc. in accordance with the applicable provisions of the Vermont State Statutes.

c. Powers Park Incident:

Cindy explained that a woman attending a swim meet at Powers Park had her 130 lb. Mastiff St. Bernard cross there and he was wearing a shock collar. She shocked the dog and the dog lunged at a child on the playground. It did not break the skin and she does not believe it was a vicious incident. Cindy has received a copy of the up-to-date rabies vaccination. Cindy Cady was asked if Lorraine Matteis, Health Officer, was notified of the incident at Powers Park. She had not, but will do so ASAP.

d. The response has been favorable with the second notice to unlicensed dog owners. Many have been found to have passed away or moved out of Town. The next step will be to issue a warrant to be signed at the next warned meeting which will allow all unlicensed dogs to be impounded and owners fined.

5. Flexible Realty Insurance:

Don Smith has received quotes for property and general liability insurance for the vacant Flexible Realty property on Hill Street. The annual property insurance premium is \$11,065 and the General Liability annual premium is \$716.39. The premiums can be broken down into quarterly payments. Motion made by Marty Feltus, seconded by Dan Daley, to pay the first quarterly installment on both policies. Motion carried 3-0.

6. Town Garage Furnace:

The two quotes received back in March will still be honored by Arrow Equipment, Inc. The first is to supply and install a new 250,000 BTU Waste Oil Fired Heater at a cost of \$8,930. The second proposal is to replace the heat exchanger with a 235,000 BTU Waste Oil Fired Heat Exchanger at a cost of \$4,475. With it becoming harder to obtain waste oil, the board would like to look into prices for a new #2 fuel oil heater as well as a propane heater.

7. WWTF Upgrade Grant Agreement:

Motion made by Marty Feltus, seconded by Dan Daley, to approve the Waste System Grant Agreement between the Town of Lyndon and the United States Department of Agricultural. Motion carried 3-0 and was signed by Kermit Fisher, Chair.

8. Tax Rates:

Motion made by Marty Feltus, seconded by Dan Daley, to approve the Homestead Tax Rate at \$2.0855. (General Fund \$.3013, Highway Fund \$.3595, Local Agreement Rate \$.0042 and Homestead Education Tax Rate \$1.4205) Motion carried 3-0.

Motion made by Marty Feltus, seconded by Dan Daley, to approve the Non-Residential Tax Rate at \$2.1640. (General Fund \$.3013, Highway Fund \$.3595, Local Agreement Rate \$.0042 and Non-Residential Education Tax Rate \$1.4990) Motion carried 3-0.

9. Other:

- a. TAP: Justin shared the VTrans Transportation Alternatives Program (TAP) memo. TAP is a reimbursement program. Justin thought the construction of new salt/sand sheds would potentially be eligible. Marty wondered if any of our cemetery projects would qualify (Section F (i) and (ii)).
- b. Hazard Mitigation: received the final draft and currently reviewing. Will be setting a final conference call sometime early September.
- c. Citizen's for Property Rights: Sent a letter to the Selectboard in regards to GIS mapping. Their concern is that GIS mapping actions by the Agency of Natural Resources (ANR) and regional planning commissions "represent a potential interference in a town's ability to maintain its own authority over land use regulations". Justin will forward the letter to the Planning Commission per the recommendation of the Board.
- d. Stone Cleaning: Brian Coderre, Cemetery Sexton, received a quote from Anair Memorials for the cleaning of stones the areas that have not been done in past years. The quote came in higher than anticipated. He has one other quote to present to the Board. Rob Nutting has been to the cemetery to review the road work that needs to be done. He is waiting for information from Joe Dauphin, Public Works Supervisor, in regards to the section of water line being replaced this fall before calculating a cost. A pick-up date has been set to pick up the used slide rails from the State Highway Garage. They will check with the State regarding used posts.
- e. Ice Arena Work: Rob Nutting thought there would be no issues to perform the work as outlined by Barry Ford and Jim Davis at the last meeting. This will enable the Ice Arena to place storage units to hold their turf during the winter months.
- f. Centrifuge: Justin called Jefferson Tolman of Utility Partners to inform him that the Board had agreed to move forward with the repairs to the centrifuge. Phil Laramie questioned Centrisys about the low usage and the failure of the centrifuge. Because of the low usage, Centrisys lowered the repair cost by \$1,500. Phil made the suggestion that the Town could postpone the Pump Station Upgrade until 2016 and use the amount that was budgeted for the cost of repairing the centrifuge.
- g. Cemetery Concerns: Dawn Dwyer received a call regarding the rotten posts along a section of the Cemetery road. Kermit had also noticed one of the posts were broken and asked to have it replaced as soon as possible. Kermit also noticed a large hole next to the last road going down the hill. He asked that a post be put up to prevent anyone from steering into it.
- h. Public Safety Building: There was some confusion last week regarding repair work being done to the security system at the Public Safety Building (PSB). Neither Fire Chief Greg Hopkins nor Police Chief Jack Harris had advance warning that they were doing the work on Tuesday, August 18th. The Police Department must access their area with electric keypads, therefore disconnecting the power would leave the building unsecure. A process is being established to avoid this situation in the future.
- i. Municipal Office Building (MOB) Sprinkler System: Sunday, August 16th the sprinkler alarm went off. Dawn met the Fire Department at the building. This incident uncovered the fact that the Fire Department does not have keys to access the building. Dawn has spoken to Lieutenant Danny Bigelow in regards to getting a Knox Box installed that will give the Fire Department

access to keys to the building. Joe Dauphin has been working with a locksmith to get the locks keyed.

- j. Northeast Kingdom Waste Management District (NEKWMD): Steve Gray reported that on August 11th they were given a presentation on the various methods of separation of recyclables. He learned that single stream is extremely expensive and the District's largest expense is labor. They will be looking at ways to become more efficient and reduce labor costs. The final report will be available on September 8, 2015.
- k. New England's Mountain Bike Festival (NEMBAFest): The 2015 NEMBAFest was held on June 17-19 at the Wildflower Inn. Dan Daley received a complaint that the music was very loud and went later than scheduled. Chief Harris was called and spoke to the NEMBAFest organizers. The Board suggests that the Police Department work with the organizers for next year to avoid further complaints.

Meeting adjourned at 7:00PM Minutes taken by Dawn Dwyer Approved: September 8, 2015