



TOWN OF LYNDON
SELECTBOARD MEETING
September 16, 2019
5:30 PM

Selectboard

Dan Daley, Chair
Christian Thompson
Fred Gorham

Press

Todd Wellington

Public

Dawn Dwyer, Justin Smith, Steve Gray, Rick Schwag
Larry Willey, Chief Jack Harris,
Amy Morrisette (phone)

1. Adjustments to the Agenda:

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2. Approval of minutes:

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the September 3, 2019 minutes as amended. Motion carried 3 to 0.

Motion made by Christian Thompson, seconded by Fred Gorham, to approve the September 5, 2019. 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 # 37 & 38

4. Highway Report:

At 71% through the year, payroll is 75% spent and the entire budget is 45% expended.

5. Excess Weight Permit:

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

6. Ticket Abatement Request:

Rick Schwag, owner of 427 Main Street and recipient of several tickets for violation of the Household Waste Ordinance, addressed the Selectboard with several issues concerning his Ordinance violation of having trash in view of the public right of way and in view of the adjoining landowner. His first point was an issue with the change in Lyndon's stepping away from curbside pickup as a result. He feels this has contributed to the increase of illegal dumping as well as stockpiling trash on porches and behind homes. He feels it is unfair to landowners since the fine is assessed against the landowner not the tenants, who are stockpiling the trash.

His suggestion is to alter the bylaws that in the event a ticket is to be issued, give the landowner the opportunity to discover who the actual violator is an issue the ticket to the them. This might stop the bad behavior. If the violator can not be found, or doesn't pay the ticket, then go after the landlord. Another suggestion is that if someone calls regarding a nuisance, have them call the landowner directly to resolve the complaint. This would avoid the Town from having to get involved. If the complaint can not be solved, then the Town can get involved.

The Board reminded Mr. Schwag that due to Act 148 Vermont's Universal Recycling Law, the Town was no longer able to charge a flat fee for trash removal. The law requires to pay by volume. It was also stated by Justin Smith, Municipal Administrator, that the Town does not maintain phone numbers for its residents and with cell phones, you can not just pick up a phone directory anymore.

Amy Morrisette, landowner of 417 Main Street, was called at 6:09 PM to participate in the discussion as she has called regarding the stockpiled trash at 427 Main Street. Dawn Dwyer, Town Clerk, informed

Ms. Morrisette who was in attendance. Ms. Morrisette voiced her concerns regarding the trash piling up over the winter, trash blowing in her yard, junk cars in the driveway and parking in her driveway because there are too many cars to fit on Mr. Schwag's property as well as other issues with Mr. Schwag's tenants. There is also an abandoned vehicle which is full of trash.

Dan Daley expressed that the objective is to have the garbage picked up and not stockpiled. Perhaps Mr. Schwag needs more trash receptacles as well as having it picked up on a weekly basis. Mr. Schwag has increased the number of trash bins increased to three and they will be picked up weekly, and if this isn't enough, he will order more bins. Mr. Schwag offered to give his phone number to Ms. Morrisette to deal directly with him to get more efficient results.

Mr. Schwag told the Selectboard that they now have his attention and asked the Selectboard to consider payment of the first fine and waive the other two tickets. The Selectboard was not interested in accepting the offer. The ordinance is clear, and this is an ongoing issue. Mr. Schwag will plead the tickets in court. Mr. Schwag had concerns with the time limit given to him by the issuing police officer. He was told he had fourteen (14) days to plead or pay and he believes he has twenty (20) days. He also feels it is contradicting between the Town & Village Ordinances. The Village Ordinances fines are less than the Town.

Ms. Morrisette also mentioned a camper on the property that it appears people are living in. There must be water and septic hooked to the camper in order to have permanent residency. Mr. Schwag indicated that the camper does not have permission to be there. Mr. Schwag is in the process of evicting the tenant that is causing the trash issue. He will tow the vehicles and remedy the trash issue with more pickups scheduled. Mr. Schwag apologized that the trash piled up.

7. Passumpsic River Tactical Basin Plan Draft Discussion:

Ken Burchesky, Town Energy Coordinator & Taxpayer, left a memo for the Selectboard relating to the eight (8) year Lyndon Town Plan Draft and the five (5) year Passumpsic Basin Plan Draft. He had planned to attend the meeting, but indicated he was having car trouble and was not in attendance. Mr. Burchesky's memo is attached to the minutes stored in the vault.

8. Oil Bids:

Motion made by Fred Gorham, seconded by Christian Thompson, to accept the bid of a fixed price of \$2.329/gallon from Fred's Plumbing & Heating, Inc. for the 2019-2020 heating season. Motion carried 3-0. The only other bid received was \$2.564 from Bourne's Energy.

9. Shores Museum Repair Bid:

The Historical Society have three projects they put out to bid for the Shores Museum: the front porch, the side porch, and roof and painting. They received only one bid which came in higher than the grant amount they were awarded. The committee recommended the Selectboard not accept the bid and put the bid out again in the Spring of 2020. Motion made by Fred Gorham, seconded by Christian Thompson, to accept the only bid from H & S Builders for the repairs to the Shores Museum. The motion was denied 0-3.

10. Executive Session: Contract

Larry Willey asked under which State Statute the Board was going into executive session. Mr. Daley explained it was to discuss the host agreement between the Northeast Kingdom Waste Management District. Larry disagreed that the "Host Agreement" is a contract. Mr. Willey called the Secretary of State and was told this would not qualify under Title 1, Section 313(a)(1). After much discussion it was decided that the agreement does not meet the executive session criteria according to State Statutes. Since it was warned as an executive session, it did not allow the general public to be in attendance, should they choose. Therefore, this item will be an agenda item for the next scheduled meeting on September 30, 2019.

11. Other:

- a. Justin Smith shared correspondence with the Board including the minutes from the Public Hearing regarding the Town's intention to apply for funding for the NEK Regional Housing Rehab Revolving Loan Fund Program, a letter of support from the Town of Lyndon to VT Community Development Program in support of the efforts of Rural Edge to obtain a \$500,000 enhancement for their existing NEK Rehab Revolving Loan Fund Program, and a letter from the Town of Lyndon to the VT Labor Relations Board. (Copies filed in the vault.)
- b. Dan Daley shared an open house invitation from Weidmann in St. Johnsbury, to be held October 11, 2019 from 1-4 PM.

Meeting adjourned at 6:54 PM
Minutes taken by Dawn Dwyer
Approved by the Selectboard: September 30, 2019