

TOWN OF LYNDON
SELECTBOARD MEETING
October 3, 2016
5:30 PM

Selectboard

Dan Daley, Chair
Kermit Fisher
Martha “Marty” Feltus

Press

Public

Dawn Dwyer, Justin Smith, Steve Gray
Joe Dauphin

Before calling the meeting to order, an agenda item “Rural Edge Warrant” was added.

1. Approval of minutes

Motion made by Marty Feltus, seconded by Dan Daley, to approve the September 19, 2016 minutes. Motion carried 2 to 0 with Kermit Fisher abstaining as he was not present at the meeting.

2. Approval & Signing of Orders drawn on the Treasurer

The Board approved and signed the orders drawn on the Treasurer for weeks #39-40.

3. Highway Report

Not Available – will have quarterly report for the next meeting.

4. Joint Garage Update & Change Orders

Met on 9/30 for the regular weekly meeting. East side has 15’ of new fill to help hold the bank during heavy rains, continuing work on the new addition, offices are sheetrock, painted and ceiling frame was up. The flooring is still being discussed. There were 14 pending change items (see listing). Oscar Thayer, Construction Manager, is to give Joe Dauphin an estimated move in date by the end of this week. Original move in date was 10/28.

5. Northeast Kingdom Waste Management District (NEKWMD) Proposed Charter Changes

Paul Tomasi, Executive Director of NEKWMD provided proposed amendments to the NEKWMD Charter along with a memo to the Board (see attached). The NEKWMD Board of Supervisors feels the proposed language change would allow greater flexibility in generating revenue & elimination of the Australian ballot provision to approve their annual budget. Steve Gray offered his writing comments and concerns, also attached. The vote will take place at their December meeting (memo stated November meeting but due to the General Election on the same date, the Board moved it to their December meeting) needing a 2/3 majority vote, then would need approval of the legislature. Any voted changes would become effective in 2018.

6. Lister’s Request

The Listers are asking that any penalties received from taxpayers by un-enrolling in the Land Use program be used by the Listers for programs and equipment. Motion made by Marty Feltus, seconded by Kermit Fisher that all penalties received from un-enrolling in the Land Use program go into the General Fund. Listers requests for additional equipment will be addressed through the budgeting process. Motion carried 3-0.

7. Ice Arena Advisory Member Appointment

Motion made by Kermit Fisher, seconded by Marty Feltus, to appoint Dan Daley as the town of Lyndon’s Ice Arena Advisory member. Motion carried 3-0.

8. Wastewater Treatment Facility (WWTF) Update

The work at the WWTF has been delayed due to the arrival date of the grates. It will take a day to install once they are received. Root mulch will be delivered by 10/7, soaker hose will arrive on 10/10. The trial test will be done next week (10/13). All work should be completed in two weeks.

9. Zoning Violation

Annie Geratowski, Zoning Administrator has informed the Board that the property located at 534 Dune Way has been in violation of the Lyndon Zoning Bylaws since April 29, 2016. The property contains multiple unregistered vehicles, visible from Dune Way, which violates Section 8.10 of the By-laws. Notice of Violation (NOV) has been sent both by registered (returned) and regular mail and the violation has not been removed or appealed. The Board has asked that Chief Jack Harris hand deliver the NOV.

10. Town House Chairs

Gerard Leonard, a teacher at Lyndon Institute (LI), has asked about the wooden chairs that were originally in the Town House that LI now leases. They are currently being stored in one of LI's barns. Many are water damaged. LI would like to dispose of them. The Board suggested that Justin Smith ask the Upright Steeple Society if they could put any of the good ones to use.

11. Lyndon Youth Baseball/Softball (LYBS) Request

LYBS would like to leave the temporary fence posts up at the Minor League field located at Shonyo Park. They would remove the fencing. Rob Nutting, Highway Foreman, has indicated it will not pose a problem for plowing this winter. It will also not be in the way for skiing. Motion made by Kermit Fisher, seconded by Marty Feltus, to ask the Outing Club if they have any concerns. If not, then the motion is approved by the Board. Motion carried 3-0.

12. Access Permit

Motion made by Kermit Fisher, seconded by Marty Feltus, to approve the access permit for William & Roberta Walker for access on the west side of Pudding Hill. Motion carried 3-0. Rob Nutting, Road Foreman has inspected the location and not conditions needed to be met.

13. Sanitation Charges

Kermit Fisher would like an agenda item added to the next scheduled meeting (10/17) to address residential customers who choose to hire an independent contractor to pick up garbage and recycling.

14. Warrant # 9: Rural Edge RLF:

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve and sign the order drawn on the Treasurer for Warrant #9. Motion carried 3 to 0.

15. Other

- Justin Smith shared a thank you note from the Lyndonville Fire Department for the donation in memory of Doug Townsend.
- Myers Container Service asked if there was any bids going out for solid waste and recycling. The current contracts with Early Rubbish & Recycling can be extended with agreement by both parties. Justin will contact Steve Early regarding both contracts.
- Justin will be meeting with Tim Nolan from the Fire Department to review some grants the Department is looking at applying for.
- Kermit relayed to the Board concerns Chief Greg Hopkins has with solar panels if there is a fire. Typically the Electric Department will cut off all power to a building at the transformer. A building with solar panels will continue to receive electricity, making a dangerous situation for the fire

fighters. Brad Charron, Assistant State Fire Marshall, has confirmed that there are no regulations regarding solar panels. This concern may be able to be addressed with a Town ordinance.

16. Executive Session – Nitrogen Optimization Plan Contract

Motion made by Marty Feltus to find that premature general public knowledge of the pending contract with Aldrich & Elliott will clearly place the town of Lyndon at a substantial disadvantage by disclosing its negotiation strategy. Motion carried 3-0.

Motion made to enter executive session at 6:50 PM to discuss the Town's contract with Aldrich & Elliott under the provisions of Title 1, Section 313(a) (1) of the Vermont Statutes.

After coming out of executive session at 6:57 PM, the motion was made by Marty Feltus, seconded by Kermit Fisher, to enter into an agreement with Aldrich & Elliot to perform a WWTF Nitrogen Removal Optimization Evaluation Plan with authorization given to Justin Smith to sign. Motion carried 3-0.

17. Executive Session – Dog Pound Lease Contract

Motion made by Marty Feltus to find that premature general public knowledge of the pending contract with BSB, LLC dba Lyndonville Agway will clearly place the town of Lyndon at a substantial disadvantage by disclosing its negotiation strategy. Motion carried 3-0.

Motion made to enter executive session at 6:58 PM to discuss the Town's contract with BSB, LLC dba as Lyndonville Agway under the provisions of Title 1, Section 313(a) (1) of the Vermont Statutes.

After coming out of executive session at 7:11 PM, no action was taken.