

TOWN OF LYNDON
SELECTBOARD MEETING
October 30, 2017
5:30 PM

Selectboard

Martha “Marty” Feltus, Chair
Kermit Fisher,
Dan Daley

Press

Todd Wellington

Public

Dawn Dwyer, Justin Smith, Steve Gray
Larry Willey, Sue Cherry, Chris Thompson
Deb Smith, Chief Harris, Annie McLean

1. Adjustments to the Agenda: Rural Edge Warrant # 17
2. Approval of minutes:
Motion made by Dan Daley, seconded by Kermit Fisher, to approve the October 16, 2017 minutes with noted corrections. 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 #17-18.
4. Highway Report:
At 83% through the year, payroll is 86% spent and the entire budget is 69% expended. The Board questioned how hard Lyndon was hit with the wind and rain storm on Sunday night. The crew has been busy clearing trees and culverts.
5. Zoning District Change Discussion:
A public hearing was held at the Selectboard meeting on October 16, 2017 at 6 PM to consider rezoning a 0.2 acre (approx.) parcel located at 155 South Street from the Residential Neighborhood District to the Village Commercial District at the request of the property owner North Country Federal Credit Union. It was unanimously agreed that a decision needed to be made soon. Kermit Fisher offered that at one time South Street was considered an elite street with single family houses. Now there are several apartment houses and he doesn't consider that any different than commercial. He feels the lot should be considered commercial. Marty Feltus pointed out that all along Center Street is zoned commercial except the house on the corner of Center & South streets which is zoned residential.
Motion made by Kermit Fisher, seconded by Dan Daley, to rezone the 0.2 acre (approx.) parcel located at 155 South Street from the Residential Neighborhood District to the Village Commercial District.
Motion carried 3-0.
6. Health Order Discussion:
Deb Smith, Lyndon's Health Officer, came to the Board with several situations that she is currently working with.
 1. Refusal by a tenant to move out of their apartment in Maddox Park. The tenant is a client of Northeast Kingdom Human Services of which Deb has been in contact with their case worker(s) numerous times. The apartment is uninhabitable due to unsanitary living conditions including hoarding of human waste. Deb has also been working with Vermont Department of Health for advice on how to proceed. The tenant has been given fourteen (14) days or until November 1st to vacate the apartment. If the tenant refuses to leave an Emergency Health Order will be necessary. This requires a lawyer for the Town and court hearings. It could get expensive for the Town.
 2. Tenants vacated a trailer at 474 Little Egypt Road leaving 200+ bags of garbage in the back yard. Neighbors have been complaining of rats coming onto their property from the garbage. Town

ordinance letter has been sent by the Zoning Administrator to the owner. According to State law, it is the landlord's responsibility to dispose of garbage, not the tenants. The neighbor has been told by the property owner that nothing will be done until spring.

3. Complaints from a resident on Airport Road of rats on his property coming from the composting site on Pudding Hill. Deb is in contact with Lilian at the Vermont Health Department and will be speaking with composting experts on a solution.
4. Earlier in the year a lead paint complaint was received on 921 Center Street. The State of Vermont has taken over that issue. While Deb was involved and inspected the outside of the property she found a safety issue where an exit door on the second floor does not have stairs or deck. The Fire Marshall has attempted to contact the owner and the owner failed to pick up and sign for the certified letter that Deb had sent. The owner did however print off the email Deb had sent and brought it with them when they came in to complain to Justin Smith the Municipal Administrator. This situation may also require an Emergency Health Order as there are children living in the apartment and there may be other health and safety issues. At this time Justin will contact the Fire Marshall and try to help him get in touch with the landlord.
Deb will continue to keep Justin Smith informed and updated on all situation.

7. Restorative Justice Discussion:

Sue Cherry, Executive Director of the Community Restorative Justice Center (CRJC) came before the Board and requested that next year (2018) they be added to the budget as a line item in the general fund budget in the amount of \$2,500 to go to the work of the Justice Center. She explained the purpose, programs and the number of cases they have heard from Lyndonville. She also asked that the Board sign a Resolution acknowledging the value of the Justice Center, to designate CRJC as its Justice Center and that individual citizens would receive the services for free. The Board requested more time to review the Resolution and would take her funding request under advisement during the 2018 budget process.

8. Paid Sick Leave for Part-time Employees (personnel policy change):

Justin provided a final draft of the Paid Sick Leave for Part-time Employees that would be added to the Employee Policy. Upon further review, Justin determined it would not be necessary to grandfather current part-time employees as elected officials are not covered under the State Law. Motion made by Dan Daley, seconded by Kermit Fisher, to modify our current sick leave policy as mandated by the Earned Sick Time Law, 21 V.S.A. § 481, with noted change to section E. Motion carried 3-0.

9. Wastewater Treatment Facility Upgrade Update:

Currently waiting for the final deposit from USDA in the amount of \$23,693.41. We will then pay the final two invoices; T. Buck Construction and Tata & Howard. Then we will be ready to close out the grant, leaving a balance of \$4,536.44 remaining unspent.

Justin discussed with the Board the need to find other markets to get rid of Class A sludge. They have been able to get rid of it all, but want to be prepared if the time comes they can't.

10. Lister Resignation & Discussion:

Justin has received a letter of resignation from Joan E. Hahr creating a second vacancy. Motion made by Kermit Fisher, seconded by Dan Daley, to accept Joan E. Hahr's resignation. Motion carried 3-0. Justin will send a letter to Joan thanking her for her time as a lister. Justin will also put a notice of vacancy in the Caledonian-Record.

11. Lister Notice of Vacancy & Discussion:

The Notice of Vacancy created by Jack Berube's resignation appeared in the Caledonian-Record on Saturday, October 28th. Larry Willey, the only lister at this time, will meet with Doug Lay, Lyndon's

Property Value District Advisor to look at Lyndon's options. A decision will need to be made in a timely manner if a change is to be made to allow adequate time to add to the Town Meeting Warning.

12. Trash & Recycling Discussion:

Marty shared a rubric outlining points of discussion regarding Solid Waste Management (attached). Justin will send out a request for proposal (RFP) asking for separate proposals on five (5) different options as outlined in Marty's rubric. Bids will be received until Monday, November 13th at 11:00 AM.

13. Town Garage Discussion:

A discussion of what to do with the old garage site located on East Burke Road was had. To be considered is what are we going to do with it, is there any interest in purchasing it, does the Town want to put any of it up for sale, is the Town interested in keeping any part of it, what forum do we want to use to get public input? It is zoned commercial and is in the flood zone. The Planning Commission will be discussing possible uses for the property at their next meeting.

14. Joint Garage Update:

Mark Stewart, the architect, has picked up the drainage plan which Oscar from Spates will incorporate into a final as-built plan. Once the plans are complete we will be ready to close out the project.

15. Cemetery Vandalism:

Brian Coderre, Sexton has been able to haul several bags of trash, a refrigerator and tires out of the ravine where it was illegally dumped. He is still trying to figure out how to remove the furniture that has been dumped. Some posts were removed from the cemetery and there has been some off-road driving. The posts have been replaced and other locations have been found to access the cemetery after hours. The Cemetery has been closed for the winter but the Board will need to consider options to prevent after hour access.

16. NEKWMD Proposed Budget:

Justin shared the Northeast Kingdom Waste Management District proposed budget for 2018 for the Board's review. The 2018 budget is up \$4,992 over 2017. They are not implementing a per capita fee this year. The District will hold a public hearing on Tuesday, November 14th at 7 PM at the Lyndon Public Safety Building. Justin updated the Board on the tonnage from Bulky Day held in October 2017.

17. UPS Request:

UPS is again requesting to park a trailer in the Public Safety Building (PSB) parking lot for the holiday season. It was suggested that perhaps a donation could be made by UPS to be used for flower beds at the PSB for the use of the parking space.

18. Rural Edge Warrant #17:

Motion made by Kermit Fisher, seconded by Dan Daley to approve and sign Warrant # 17 for Rural Edge's monthly requisition. Motion carried 3-0.

19. Other:

Justin shared a letter written on behalf of Rural Edge requesting a \$1,000,000 enhancement for their existing NEK Rehab Revolving Loan Fund Program.

A Board of Abatement hearing will be held on Monday, November 6th at 5:00 PM to hear the three abatement requests received.