

UNAPPROVED

SELECTBOARD MEETING MINUTES

May 15, 2013

This meeting was called to order by Chair, Zeke Goodband at 6:00pm at the Town Offices in Dummerston, Vermont.

Members present: Joe Cook, Steve Glabach, Zeke Goodband, Bill Holiday, Lewis White

Also present: Maria Glabach, Gail Sorenson, Steve Grover, Rick Davis, Dana Shepard, Mike Faher from *Brattleboro Reformer*, Rich Melanson from BCTV, Laurie Frechette

On a motion from Steve and second by Lewis, the Board voted 5-0 to approve the minutes from April 24 & May 1st, along with the payment of Warrants 23, 23P and RB8.

Bids for work on the Wilder Cemetery were received from: Grover Services (\$2450), Travis Bristol (\$2995), Woody's Excavating (\$3850) and A.S. Clark & Sons (\$3050). Lewis moved to award the bid to Grover Landscaping, Steve seconded the motion; it passed 5-0.

The Board recognized Lt. Dana Shepard from the Windham County Sheriff's Department, who updated them on recent activities. He spoke of the legal requirement to have each Town road posted with speed limit signs in order for the Town's traffic ordinance to be enforced.

The Board recognized Emergency Management Director, Rick Davis who spoke about the April 18th RERP overview presentation; it was well attended by area Selectboards, except for Dummerston. He asked if the Selectboard was now ready to sign the updated RERP. Steve moved and Bill seconded to sign the plan. After much discussion, Joe moved the question. It was defeated. Steve amended his motion to "approve the RERP, with reservations". Bill seconded the amendment. The motion passed 3-2.

Rick reported on last week's exercise; it went smoothly except for a few communication issues with the State. The graded exercise will be held on June 5th. The full Selectboard is encouraged to participate.

Rick asked the Board for their input on his request to use the Community Center as a pet-friendly Red Cross emergency shelter. A lengthy discussion ensued, with the Board not being in favor of this project.

On a motion from Bill and second by Steve, the Board voted 5-0 to approve and sign the EPZ EMD RERP Maintenance Checklist.

On a motion by Lewis and second from Joe, the Board voted to award the bid for the tractor/mower/blower to Pinnacleview at \$53,950. Steve spoke of this opposition to this purchase. The motion passed 4-1.

The Board reviewed the bid specifications for the 2013 road paving. On a motion by Bill and second from Steve, the Board approved the specs 5-0.

Road Foreman, Lee Chamberlin presented his report.

Steve updated the Board on the Renaud Gravel Pit. The MSGP Permit has been approved; the Act 250 permit will hopefully be issued by the end of this week.

Correspondence for information included: 5/2 notice of violation of tobacco sale for IQ, Inc. (Exit 4 Sunoco), notice from VLCT PACIF of \$1268 Workers Comp refund, preliminary letter from VT ANR to Betty Ann Morse for 2-lot subdivision on School House Road.

The Board reviewed the May 3rd Board of Civil Authority's decision to uphold the Listers decision to deny tax-exempt status to the Southern VT Learning Collaborative. They also reviewed the notice of a lawsuit filed by the Learning Collaborative against the Town of Dummerston.

Lewis moved to re-appoint Zeke Goodband as the Town Health Officer for a 3-year term. Steve seconded the motion; it passed 4-0 (Zeke abstained).

Zeke reported on his conversation with VLCT regarding the portion of the zoning bylaw stating that one member of the Development Review Board must also be a member of the Planning Commission. VLCT recommended that this requirement be removed from the bylaw.

There is currently one vacancy on the DRB and one vacancy on the PC. Lewis recommended that the Planning Commission vacancy be posted. Laurie was asked to do so.

The Board tentatively scheduled a joint meeting with the DRB and PC for 6pm on Tuesday, June 25. Laurie was asked to reserve the Church basement for this meeting.

Zeke reported that Harold Newell prefers to work on digitizing the cemetery records instead of being a member of the Cemetery Committee.

Bill moved and Lewis seconded to return the membership of the Cemetery Committee to five members. The motion passed 5-0.

Steve moved to accept Harold Newell's offer to digitize the cemetery records. Bill seconded the motion; it passed 5-0.

Steve moved to not accept Terry Chapman's resignation from the Cemetery Committee. Bill seconded the motion; it passed 5-0.

Zeke reported on the resolution of the mediation between the Town of Dummerston and John & Lori Thibault (see attached). Gail Sorenson spoke of her disappointment with the process that was followed by the Selectboard in making this resolution.

The Board reviewed the bid specifications for the upcoming FY2013 audit. Bill moved to have the Town of Dummerston request proposals from certified public accountants to audit its financial statements for the fiscal year ending June 30, 2013; Lewis seconded the motion. It passed 5-0.

The Board reviewed a draft letter of support, addressed to the current owner, Nick Mercede, for the reopening of the Maple Valley Ski Area. Joe moved to send the letter as drafted; Bill seconded the motion. Lewis spoke of his opposition to assisting a property owner in selling their property. The motion was defeated 4-1.

The Board agreed they would like to see Maple Valley reopen at some point in the future.

On a motion by Lewis and second by Steve, the Board voted to adjourn the regular meeting and immediately convene as the Liquor Commission.

They reviewed a request from the Putney Inn for a liquor catering license at a wedding at the Scott Farm on June 1, 2013 from 3-10pm. Bill moved to approve the request. Lewis seconded the motion; it passed 4-0 (Zeke abstained).

There being no other business to come before the Board, the meeting was adjourned at 8:17pm.

Approved

Zeke Goodband, Chair

Bill Holiday, Clerk

Submitted by: Laurie Frechette, Selectboard Assistant

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May 13, 2013

Jacalyn M. Fletcher, Division Manager
Vermont Superior Court
Environmental Division
2418 Airport Road, Suite 1
Barre, VT 05641-8701

Re: *Thibault Site Plan & Variance*, Docket No. 132-10-12 Vtec

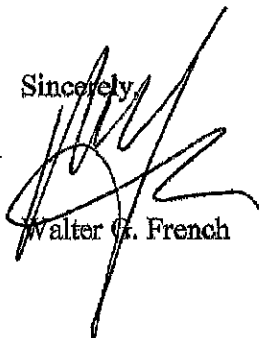
Dear Ms. Fletcher:

Please find enclosed for filing with the Court in the above referenced matter a *Stipulation and [Proposed] Order*, which has been executed by all parties and interested persons.

By copy of this letter and enclosure, I have made service of the same upon John and Karen Abel, 434 Schoolhouse Road, E. Dummerston, VT 05346, this same day, via first class mail, postage prepaid, and by hand delivery to Robert M. Fisher, Esq., for the Town of Dummerston, this same day.

Thank you.

Sincerely,



Walter G. French

Enclosure

cc: John & Lori Thibault
John & Karen Abel
Robert M. Fisher, Esq.

STATE OF VERMONT

SUPERIOR COURT

ENVIRONMENTAL DIVISION
DOCKET No. 132-10-12 VTFC

THIBAUT SITE PLAN &
VARIANCE

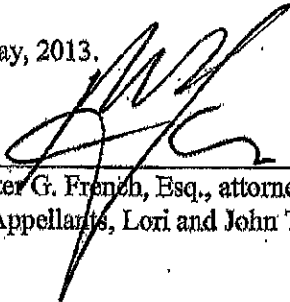
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STIPULATION and ORDER

NOW COME Appellants, John and Lori Thibault, by and through their attorney, Walter G. French, Esq., the Town of Dummerston, by and through the Chair of its Selectboard, Zeke Goodband, and Interested Persons, John Abel and Karen Abel, following mediation and hereby STIPULATE and AGREE as follows:

1. Appellants, John and Lori Thibault, are granted site plan approval and a variance and may retain the deck extension to the north of the pool and the eight foot tall fence, both as built, and may hereafter construct a deck to the west of the pool.
2. The Thibaults' above ground pool may remain in its present location.
3. The Thibaults may construct an accessory storage shed in conformity with the Bylaw, specifically not more than two hundred square feet in area and not more than twelve feet in height and sited as allowed in the Bylaw.
4. The Thibaults' property does not violate the coverage limitations for the district within which it lies.

Dated at Brattleboro, Vermont, this 15th day of May, 2013.


Walter G. French, Esq., attorney
for Appellants, Lori and John Thibault

Dummerston
Dated at ~~Franklin~~, Vermont, this 10 day of May, 2013.

Zeke Goodband
Zeke Goodband, Chair, Dummerston
Selectboard, duly authorized

Dated at Dummerston, Vermont, this 10 day of May, 2013.

John Abel
John Abel, Interested Person

Dated at Dummerston, Vermont, this 10 day of May, 2013.

Karen Abel
Karen Abel, Interested Person

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So Ordered. This matter is remanded to the Town of Dummerston Zoning Administrator solely to complete the ministerial act of issuing a zoning permit which incorporates the terms of this Order.

Dated at _____, Vermont, this _____ day of May, 2013.

Thomas G. Walsh, Environmental Judge