TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Re-Organization Meeting
March 8, 2016

Members Present: Robert Richards, Jeff Sheldon, Dick Frazier, Chris Cole, Rod Holzworth II.

Others Present: Town Manager Herb Durfee, Minute Taker Claire Stanley, John Lulek, Eric Gross, Liz Turner, Mark Turner, Danielle Poirier, Norm Bishop, Ron Poirier, Richard Snow, Charity Pearo, William Pearo, Kayla Senecal, Riley McClure, Jill McClure, Jay Brown, Glen Roberts, Patrick Frazier, Tina Bishop Heather Cuomo, John Lulek, Adrienne Gross, Robert Valente, Antonio Flores, Tennile Flores, Chief William Humphries, Thomas Bixby, Atty.

Call to Order: Town Manager Herb Durfee called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

Board Re-Organization:

Election of Officers: Mr. Durfee called for nominations for Board Chair.

Mr. Frazier nominated Bob Richards to serve as **Selectboard Chair**; seconded by Mr. Sheldon. There being no other nominations, Mr. Durfee called for the vote. Nomination passed. Mr. Durfee turned the meeting over to Chair Richards.

Mr. Richards called for nominations for Board Clerk. Mr. Holzworth nominated Richard Frazier to serve as **Selectboard Clerk**; seconded by Mr. Sheldon. There being no other nominations, Mr. Richards called for the vote. Nomination passed.

Set Date, Time, & Place for Regular Meetings: Mr. Frazier **moved to hold Regular Selectboard meetings every other Tuesday at 7:00 p.m. in the Municipal Building Conference Room beginning Tuesday, March 15, 2016**. The motion was seconded by Mr. Cole, and carried unanimously.

Mr. Cole **made a motion to Re-adopt Board Rules of Procedure**; seconded by Mr. Frazier, and carried unanimously.

Mr. Frazier **made a motion to Designate the Lakes Region Free Press as the Newspaper of Record, using the Rutland Herald (also) for special occasions**; seconded by Mr. Sheldon and carried unanimously.

Appointments (One year terms unless otherwise stated):

Mr. Cole **moved to re-appoint Ray Phillips as Assistant Health Officer** (3-year term); seconded by Mr. Sheldon. Health Officer Mr. Lulek recommends Mr. Phillips. The motion carried unanimously.

Mr. Frazier **moved to re-appoint Jim Heller as Emergency Management Coordinator**; seconded by Mr. Sheldon and carried unanimously.

Mr. Frazier **moved to re-appoint Glen Roberts as Fence Viewer**; seconded by Mr. Sheldon and carried unanimously.

Mr. Holzworth **moved to re-appoint Claire Stanley as Fence Viewer**; seconded by Mr. Sheldon and carried unanimously. One position is left open.

Mr. Frazier **moved to approve the Fire Department Slate of Officers as presented**; seconded by Mr. Sheldon and carried unanimously.

Mr. Holzworth **moved to re-appoint David Ward as Assistant Forest Fire Warden**; seconded by Mr. Cole and carried unanimously.

Mr. Frazier **moved to re-appoint Ray Phillips as Inspector of Lumber, Shingles & Wood**; seconded by Mr. Cole and carried unanimously.

Mr. Cole **moved to appoint Police Chief William Humphries as Poundkeeper**; seconded by Mr. Frazier and carried unanimously.

Mr. Sheldon **moved to appoint RoseAnn VanLew as Rutland Regional Planning Commission Commissioner**; seconded by Mr. Holzworth and carried unanimously.

Mr. Sheldon **moved to appoint Town Manager Herb Durfee as Rutland Regional Planning Commission Alternate**; seconded by Mr. Frazier and carried unanimously.

Mr. Frazier **moved to re-appoint Cindy Adams as Rutland Transportation Council Representative**; seconded by Mr. Holzworth and carried unanimously.

Mr. Sheldon **moved to re-appoint Bonnie Rosati as Solid Waste Alliance Communities Representative**; seconded by Mr. Cole and carried unanimously.

Mr. Frazier **moved to re-appoint Town Manager Herb Durfee as Town Service Officer**; seconded by Mr. Sheldon. Mr. Frazier inquired re: duties. The Service Officer provides help to folks in need. The motion carried unanimously.

Mr. Sheldon **moved to re-appoint Phil Stannard, Jr. as Tree Warden**; seconded by Mr. Cole and carried unanimously.

Mr. Frazier **moved to re-appoint Ray Phillips as Weigher of Coal**; seconded by Mr. Sheldon and carried unanimously.

Committees: Mr. Frazier **moved to approve the slate of the Cemetery Committee as presented** (Mary McNeil, Dani Roberts, Matthew McNeil, John Lulek, and June Wilcha); seconded by Mr. Holzworth and carried unanimously.

Mr. Frazier **moved to approve the slate of the Energy Committee as presented** (Chris Cole, Robert Richards, Neil Robinson, William Ruby, Michael Stannard, and Chris Stanton); seconded by Mr. Sheldon and carried unanimously.

Mr. Frazier **moved to re-appoint David Eighmey to the Planning Commission** (4-year term); seconded by Mr. Sheldon. (This leaves one term vacant.) The motion carried unanimously.

Mr. Cole **moved to table Recreation Committee**; seconded by Mr. Holzworth and carried unanimously.

Mr. Frazier **moved to re-appoint Tom Bruso and Bonnie Rosati to the Zoning Board of Adjustment** (4-year terms); seconded by Mr. Holzworth and carried unanimously.

Amendments to the Agenda: Mr. Sheldon **moved to add executive session to the agenda at the end of the meeting for Union contract negotiations**; seconded by Mr. Holzworth and carried unanimously.

Five Minutes for Public Comment: Mr. Jay Brown stated he has issues with the Water Ordinance language on water line freezes and the recently passed water bond. He feels if all registered voters vote on the bond, all voters should pay for the bond -- not only users. He finds the projected base rate increase outrageous. Mr. Durfee reported he learned today that the engineers met with loan funders and report the Town could be eligible for a negative 1.5% interest rate which would considerably reduce the yearly bond payment. There will be a better update at next week's meeting. Mr. Frazier indicated the ordinance review is pending in the near future. Mr. Brown asked to be notified when that occurs.

Vicious Dog(s) Hearing – Dog(s) Owned by William Pearo (Harley, Bucky, Jedi): Chair Richards read the Notice of Public Hearing and the Rules of Procedure. He read a letter to Mr. Pearo re: the vicious dog complaint received by the Town and advising of tonight's hearing. Mr. Pearo acknowledged receipt of the documents. Chair Richards administered the oath to all who expected to speak to the matter. Mr. Gross who submitted the written complaint spoke about the incident when while walking his dog, three dogs came from a residence across the street and attacked his dog. While trying to protect his dog, Mr. Gross' shoulder was dislocated and his dog was severely injured, both requiring medical intervention. He noted he has since

learned that this was not the first time such an incident occurred. Mr. Gross reported that frequently his wife and/or children walk the dog in that same location and this incident might well have involved the children instead of himself -- then what. Police have a sworn statement from Chelsea Stack and police reports from Whitehall, NY of incidents involving these same dogs. The dogs are registered, are current with immunizations, and were in quarantine for a period. The Elizabeth Klebart/Turner (property owner) and Mr. Pearo (applicant) have since received a zoning permit for a 6' high stockade fence to help address the dog issue. He feels his dogs should not be labeled "vicious" since this is the first time a person was hurt. Mr. Flores stated he was the one that let the dogs out and that one of the dogs was not involved. Mr. Gross stated that all three dogs were involved. Adrienne Gross stated this could have been herself or her children involved in this unwarranted, unprovoked incident of aggressive dog behavior. This is real, this is serious. Heather Cuomo reported that these same dogs charged at her while she was walking -- she stood still and the dogs retreated. Richard Snow stated Mr. Gross' injuries are not consistent with a dog attack -- there is no evidence that he was actually bit by a dog. Town Manager Durfee stated the Board has a two-tiered test to consider. One, did the dog(s) bite someone without provocation. Two, if the dog(s) was not provoked, then the Board needs to decide to impose a measure to protect the public from the dog(s). Mr. Gross stated there was no dog fight, his dog was attacked. Mr. Pearo feels no neighbor should live in fear and feels the 6' fence will solve any problems. He does not want his dog(s) "put down" as vicious. The owner of the house stated she would not have rented to them had she believed the dogs were vicious. Mr. Cole **made a motion to close the hearing and, then, enter deliberative session at 8:25 p.m., including the Town Manager and the Police Chief**; seconded by Mr. Frazier and carried unanimously.

The public and the recording secretary were excused at this time.

At 8:40 p.m., Mr. Frazier moved to **recess the Deliberative Session to the March 15, 2016 meeting**, seconded by Mr. Holworth. All in favor.

At 8:40 p.m., Mr. Holzworth moved the Board and Town Manager to **enter Executive Session** to discuss Union Contract negotiations, seconded by Mr. Frazier. All in favor.

At 9:10 p.m., Mr. Frazier moved to **exit Executive Session**, seconded by Mr. Cole. All in favor. No action taken.

At 9:10 p.m., Mr. Frazier moved to **adjourn**, seconded by Mr. Sheldon. All in favor. The meeting adjourned.

Respectfully submitted,
Claire Stanley

Richard Frazier, Board Clerk

SELECTBOARD 3/8/16

NAME:

[illegible] Jennie Flores

[illegible] ~~Met~~

[illegible] William Humphries Pulse Chief

[illegible] Thos C. Bixby - Attorney

Ron Poirier

Richard Snow

Charity Pearo

[illegible]

Kayla Senecal

Rufus M. Cleve

[illegible]

[illegible]

Glen Roberts

Patrick W. Franquin

[illegible]

[illegible]

Brian Havens

Tina Bishop

Heather M. Cuomo

[illegible]

John Lulek Health Officer

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

SELECTBOARD 3/8/16

NAME:

[illegible]
Mark Twiner
Danielle L Poirier
Norm Bry
Ron Poirier
Richard Snow
Charity Pearo
[illegible]
Kayla Senecal
Ryley McClure
[illegible] McClure
Jay Brown
Glen Roberts
Patrick W. Franzin
[illegible]
[illegible]
Bren Havens
Tina Bishop
Heather M. Cuomo
[illegible]
John Lulek Health Officer
Adrianne L Gross
Eric Gross
Antonio Stowe
[illegible]
Robert Valentine

Tennile Flores
~~Ali~~
William Humphries Police Chief
Thos C. Bixby - Attorney