

**TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Regular Select Board Meeting
June 7, 2016**

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

Others Present: Town Manager Herb Durfee, Minute Taker Claire Stanley, Superintendent of Public Works Bud Panoushek, Glen Roberts, Jeremiah Behnken, PEG-TV, Emily Cutts, Rutland Herald, Eric Gross, Adrienne Gross, Neil Robinson, Patrick Frazier, John Lulek, William Pearo, Charity Pearo, Ed Bove, Steve Pollinger.

Call to Order: Chair Bob Richards called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

Amendments to the Agenda: Mr. Frazier requested that item 8b, executive session, be moved to the end of the agenda. All agreed.

Approval of Minutes: Mr. Cole made a motion to approve the Minutes of the May 24, 2016 Meeting; seconded by Mr. Holzworth. CORRECTION: Pg. 4, ¶ 10, . . . Slate and authorize the Board Chair to sign any necessary documentation. The motion passed 5-0-0.

Five Minutes for Public Comment: Neil Robinson -- Education Property Tax Repeal Resolution for VLCT: Mr. Robinson requested that members consider adopting the following resolution:

Be it resolved that we, the members of the Board of Selectmen for the Town of Fair Haven, Vermont, urge the Vermont League of Cities and Towns to present to the Vermont Superior Court a resolution from their membership that proclaims that the current method of funding education in Vermont be no longer coupled to the local property tax. Due to the fact that the current method of funding is discriminatory because it deals with a segregated portion of the population: namely property owners only.

Act 62 mandates pre-K for 3 & 4 year old children; the \$33 million funding does not include 3 year olds. There is concern that local supervisory unions will have to "foot the bill when the money runs out". The matter will be on the next agenda.

John Lulek reported that the fallen tree in the West Street cemetery is mostly cleaned up having done little damage to gravestones. He noted another tree in jeopardy that would potentially do greater damage if it falls and requests it be removed by the Dept. of Public Works.

Eric & Adrienne Gross – Request to Revisit and Amend Pearo Vicious Dog Hearing Decision/ Protective Order:

Steve Pollinger asked that members go outside and view the training progress made by the dog; his only purpose is to save a dog's life. Members felt this adds no benefit to their decision as conditions are very different than when the incident occurred. Mr. Gross reiterated challenges that the protective order was not carried out, including: deadlines were not met; is the reviewer qualified to make assessments; stated seriousness of injury/ surgery; continues with pain and health issues and stress to family members. There have been no incidents since the hearing; no written report of the evaluation is required; the evaluation was done before the 45 day deadline (report received at a later date). Chair Richards noted the question before the Board is whether or not to re-visit the hearing decision. Manager Durfee reported: there was no appeal to VT Superior Court of the Board's decision; since the protective order was issued, the owner has adhered to the leash requirement, the fence was built and dog(s) are confined to the house or in the fenced area, and the evaluation was carried out by an agency recognized by the Vermont Veterinary Medical Association (after consultation with the Rutland County Humane Society; opted for Pollinger because they were on the list of firms that address aggressive behavior and is a Fair Haven business; the dog owners arranged the evaluation appointment after Town Manager informed them of the agency; rehabilitation is on-going; dog owner has made a good faith attempt to comply; did adhere to the protective order. **Mr. Holzworth moved to not re-visit the vicious dog hearing decision. The owner followed the protective order; and, there is legal precedent that a dog cannot be put down for a first strike.** The motion was seconded by Mr. Sheldon. Further research will be done to verify Steve Pollinger's credentials. The motion carried 3-2-0 (Frazier and Cole dissented).

Department Heads and Committee Reports: DPW Superintendent Panoushek reported: have received preliminary approval for a \$175,000 Class 2 Highway Grant. Started work on Bolger Road. Need to do Mahar Road (jointly paid by Castleton and Fair Haven). Did preparations for Memorial Day. Removed fallen tree from West Street cemetery; Cemetery Committee requests West Street cemetery stone wall cleanup. One man on sick leave. Manager Durfee will work with Bud to prepare a work report more calendar-like, as requested by Chair Richards.

Town Manager Durfee reported:

- Found some old aerial photos of Airport Road area.
- Consumer Confidence report in packets.
- Copies of final water/sewer budget in packets.
- Ad for the Town Plan was printed.
- Getting closer with Vermont Structural Slate; documents in packets.
- Ray Phillips has been formally appointed as Assistant Health Officer.
- Legislative Wrap-up from VLCT is available.
- Letter from Mrs. Henski in packets re: municipal infrastructure for home at end of West St.
- Manager's written report in packets.
- Information re: ownership of three dams; level of liability drives VLCT insurance; middle dam won't be specifically covered; more research to be done.
- Planning has started on lighting analysis for inside the Park fence. Have received some information, including fixture options.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 06/07/16

- State received Water System Preliminary Engineering Report and the Environmental Report. Work has started on the Final Engineering Design Report.
- A confidential employee incident report is in members' packets.
- Local Emergency Operations Plan has been accepted by the State.
- Received a request for a street light on Lewis Lane. This is a private road and there is no existing street pole to be able to install a street light.
- Fencing and No Trespassing signs are installed at the air park hangar building, since the Town Manager deemed it structurally unsafe. Discussion: agreement the hangar is beyond rehabilitation; it is unsafe; RC Flyers have removed their storage shed; there is expense to demolish and clean up. It is the consensus to advertise for any salvage; check with the Historical Society first and have the Health Officer validate the Town Manager's opinion.

Utility Bill Abatement, Acct. #529 – Housing Trust of Rutland Co. (d.b.a. Haven Meadows):

This account was granted a previous abatement -- now requesting a sewer abatement of \$3,459.33 covering two additional billing cycles. Discussion included: there was ample time to make repairs since previous abatement; some fixed sewer costs are in the variable portion of the billing. Mr. Frazier made a **motion to abate 50% (\$1,729.66) of the amount**; seconded by Mr. Cole. It was noted that in future, full amounts will be abated upon first request. Any further abatement for same problem shall be pro-rated. The motion carried 5-0-0.

School Resource Officer (SRO) Annual Contract Renewal: Contract not yet returned from school. Tabled to the next meeting.

Set FYE 2017 Water/Wastewater Rates: Manager Durfee prepared a handout, in members' packets. Using the existing method of calculating rates and approved budget figures, the proposed Water Use Rate is \$6.91 up from \$6.65; the Water Base Rate is \$52.10, up from \$31.20 (reflects \$75,000 increase budgeted in anticipation of the water line improvements bond). The Sewer Use Rate is \$11.00, up from \$10.71; Sewer Base Rate unchanged at \$16.30. Mr. Frazier commented that these rates are exorbitant and not equitable. Lengthy discussion followed. Mr. Sheldon made a **motion to approve the rates as presented**; seconded by Mr. Holzworth and passed 4-1-0 (Frazier dissented).

Highway Department Wing Plow Truck Bids -- Select Bidder: A summary of four top bids is in packets.

- Delurey, \$121,685 with \$20,000 trade
- Clark (Navistar engine) \$110,429 with \$28,000 trade
- Clark (Cummins engine) \$113,302 with \$28,000 trade (and is the staff recommendation)
- Charlebois \$123,325 with \$20,000 trade.
- J&B International bid was opened but it did not meet the bid specs and, thus, deemed an invalid bid.
- Sheldon Trucks did not meet the bid deadline and, thus, was not considered.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 06/07/16

The Public Works Equipment reserve fund currently totals \$141,930.67. Mr. Holzworth made a **motion to award the Wing Plow Truck bid to Clark's (with Cummins engine) for an amount not to exceed \$113,302 as recommended by the DPW Superintendent and the Town Manager;** seconded by Mr. Cole. The truck is ready to go on the road; expect delivery Dec., 2016/ Jan., 2017. The motion carried 4-1-0 (Frazier dissented).

Rutland Regional Planning Commission (RRPC) Annual Work Program – Request for Insight: Mr. Ed Bove, Executive Director noted the proposed annual work program and budget was made available to members. He reported assisting with preparing Fair Haven's new Town Plan -- third hearing coming up; there is funding for Better Roads program; Fair Haven will try to re-obtain its Village Center Designation when the new Town Plan is in place allowing for more funding opportunities; need to update the Local Hazard Mitigation Plan, also allowing funding opportunities; the RRPC reviews Act 248 and Act 250 applications; there is no representative from Fair Haven on the Regional Board (Ms. Van Lew is the Alternate). Mr. Richards noted that RRPC was less than helpful at the time of the Beaverwood enterprise. Mr. Bove stated that they are "here to help" and to please make contact with his office for input.

Transfer Station Fee Schedule – Possible Revision to Increase Fees Beginning in FY 2016-17: There was brief discussion re: increasing bag fees from \$1.50 to \$2.00. The current ton fee for using the scale is equal to about a 22% discount versus the per bag fee. The proposed change of the scale fee from \$150/ton to \$175/ton maintains the 22% discount. There is no urgency to set/change fees. Mr. Holzworth suggests waiting to have a full year's report of expenses and revenue. Year to date figures show expenses at about \$175,000 with revenue at \$140,000. Board members agreed by consensus to table the discussion until at least the second meeting in July 2016 to make a more fully informed decision.

Board Roundtable Discussion: Mr. Frazier commented that the Cedar Grove cemetery is beautifully maintained. Thank you to Scott Cook and Denis Briere.

Mr. Holzworth inquired re: policing at Devils Bowl events. Requests a fee structure, who is working, and rules of protocol.

Mr. Richards noted that Sargent Kerber worked 10 hours each the last two Sundays. He feels it is not necessary to have police coverage on Sunday mornings. Durfee will have Chief Humphries describe the PD scheduling process at an upcoming meeting. The \$3,800 for sewer plant work (ladder and cat walk) was funded partly from a VLCT-PACIF Equipment Grant. Bids were solicited before making application.

The **checkbook status** is: \$331,769.04.

Mr. Sheldon moved to **approve payment of Warrants: Payroll, \$29,535.87; General Fund, \$72,711.28;** seconded by Mr. Frazier and passed 5-0-0.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 06/07/16

Mr. Frazier moved the Board into executive session at 9:30 p.m. to discuss contractual and personnel matters related to contract renewal of the Town Manager; seconded by Mr. Cole and passed 5-0-0.

The recording secretary was excused at this time.

At 10:35 p.m., Mr. Cole moved to exit Executive Session, seconded by Mr. Frazier. Motion passed 5-0-0. No action taken.

At 10:35 p.m., Mr. Frazier moved to adjourn, seconded by Mr. Sheldon. Motion passed 5-0-0. Meeting adjourned.

Respectfully submitted,
Claire Stanley


Richard Frazier, Board Clerk