

**TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD, WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS, CEMETERY COMMISSIONERS
Regular Select Board Meeting
Municipal Building, Fair Haven, VT
November 8, 2016**

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

Members Absent: Chris Cole.

Others Present: Town Manager Herb Durfee, III, Minute Taker Claire Stanley, Glen Roberts, Jay Luebke, PEG TV, John Lulek, Laura A. Woods, Edward Woods, Elmer Jones, Police Chief, William Humphries.

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.

“Vicious Dog” Hearing on Complaint of Elmer & Pat Jones’ Dogs (Jake & Harley): Mr. Richards read the Notice of Public Hearing. Mr. Durfee noted the past practice process and that members had a copy of the letter of complaint, police report and vet report in packets. Ms. Woods reported that while outside with her leashed dog, her dog was attacked and traumatized by the Jones’ dog(s) that had gotten loose. Mr. Jones reported that he was not home at the time and his wife did not see the incident. He stated that the dogs are not vicious; the yard is fenced and he makes every effort to keep the dogs in. The smaller dog dug a passage under the fence allowing escape; the fence is repaired. Chief Humphries reported this is the first incident with these animals; they were not registered (now are registered); dogs have not been loose since this incident. There was question re: who is responsible for the vet bill. The hearing was recessed to the November 22nd meeting, in part so the Board could deliberate later in the meeting. A written report will be issued at the appropriate time.

Amendments to the Agenda: Mr. Richards made a motion to move agenda item 8.b. with possible Executive Session to the end of the meeting; seconded by Mr. Sheldon and passed, 4-0-0.

Mr. Richards made a motion to begin the dog hearing deliberation at end of meeting; seconded by Mr. Sheldon and passed, 4-0-0.

Approval of Minutes: Mr. Frazier made a motion to approve the Minutes of the October 25, 2016 Meeting; seconded by Mr. Sheldon and passed 4-0-0.

Mr. Frazier made a motion to approve the Minutes of the November 1, 2016 Special Meeting; seconded by Mr. Holzworth and passed, 4-0-0.

Five Minutes for Public Comment: None

Department Heads and Committee Reports: Police Chief Humphries reported:

- The speed cart is in use; moving to locations of concern where there were complaints
- More grant funds are expected; hope to purchase an in-vehicle camera; also looking at a “traffic spy” camera that records traffic patterns
- The Maplefields armed robbery is being indicted tomorrow
- The State Police is moving their outpost to Castleton. The contract with Fair Haven ends January 1, 2017.
- Dispatch may go back to Regional. Chief Humphries asked that the Board be involved in the finance re-allocation discussions. More information is forthcoming

Town Manager Durfee reported:

- Manager’s written report is in members’ packet
- Made inquiries re: burning the Air Park hangar. Need State permit to allow the Fire Department to use the burn as an exercise; also concern re: release of particulates and saving materials for use by the Historical Society. Further research will be done.
- Mechanic Street bike and ped information is in packets
- Mentor Connector breakfast will be Friday, December 2nd in Rutland
- Park lighting information is in packets
- The Fair Haven Concerned gala will be December 5th, 6:00 p.m. at Fair Haven Inn; tickets \$45
- Rutland Area Prevention Coalition Park Survey report is in packets
- Ed Hayes graduates from the Police Academy November 18th @ 10:00 a.m.
- List of budget items still needing discussion is in packets
- Workplace Safety from VT Dept of Labor will be here tomorrow to do a safety walk through. The recent safety issue has been closed out by VOSHA
- Will be interviewing for a part-time water person
- Have hired a licensed waste water person to fill the vacant position
- Summer work overtime budget actuals information is in packets
- Bolger Road (1.27 miles) total project cost (paving and reclamation) is \$216,000; does not include shoulder work.
- Manager Durfee noted what computer items are included in e-waste disposal
- In reply to Board request, Police copier produces about 2,200 copies monthly; and the Town Office copier about 7,800 per month
- Fire Department water into the building is not metered
- Inman Pond measured before recent rain is 2 ½ feet low; 8 feet above the intake pipe. Members asked to document monthly level; research at what level to warn of shortage
- Tom Donovan is doing a good job; three issues as condition of “Permit to Operate”. 1) Hydrant efforts, 2) hot box at trailer park, 3) status of O&M manual
- Received e-mail from Jim Heller citing concern about shifting Public Works budget items to summer work; this affects State Aid calculations
- Received requests from Advocacy Resources Community; need petitions to get on Town Meeting ballot
- Incident Command System (ICS) training will be November 17th, 6:30 at the Legion. Surrounding Towns expect to send representatives

- Working with BROC to include their flier in utility bills. Members are concerned that this action implies the Town advocates for them. Durfee indicated he would “pull” the stuffers from the bills.

Hampton, NY Fire Services Contract Renewal: Mr. Sheldon made a motion to authorize the Board Chair to execute a contract with Hampton, NY for fire services; seconded by Mr. Frazier. Hampton pays the Town \$5,300 for the service. The motion carried 4-0-0.

Authorization to Advertise for and Hire a Temporary (6 month) Roustabout (12/1/16 – 06/30/17): The matter was tabled; not needed because Mr. Panoushek is back (part-time) from sick leave.

Ellis Concrete Transfer Station Account -- Possible Suspension: Mr. Holzworth made a motion to review the account, if not paid as of close of business today (11/8/16) to suspend the business account until it's paid; seconded by Mr. Sheldon and passed 4-0-0.

Review Water/Sewer Delinquent Account Policy: A copy of the policy is in members' packet. There is concern over the growing number of abatement and appeals requests, seemingly not clearly defined in the policy. All have a right to appeal and make payment agreements. Discussion included the tenant/landlord issues (landlord pays utility); some do not come to make payment agreements after Board appeal; some make agreements and do not follow through with payment. Members are asked to review the policy; members asked for a list of tenants vs. landlords making payments.

FYE 2018 Budget -- General Fund (010) -- Complete Preliminary Review: Started with SPECIAL EVENTS -- Christmas, level funded; Memorial Day, level; Concerts in the Park, level; Mr. Holzworth asked for a breakdown of expenses; Green-up, level.

Rutland Regional Planning Commission, level; REDC, level -- discussed continuing membership; VLCT, up by \$85; Humane Society, level funded.

Debt Management, County Tax unchanged. Abatements include tax forgiveness, insurance liabilities and court settlements.

BENEFITS: Retirement, Social Security, Health Insurance, Life Disability insurance, Vision insurance, Workers Compensation, Unemployment, VLCT – PACIF (Town overall insurance), Public Officials liability, Tank Assessment insurance, HRA and fees.

RESERVE ACCOUNTS: Public Works vehicles and equipment, \$30,000; Police vehicles and equipment, \$10,000; Fire Vehicles and equipment, \$15,000; Reappraisal, 0; Streets and sidewalks, \$5,000; Municipal Building, \$5,000 (approved Town Plan allows for grant application); Transfer Station, \$2500; Bridge repair, \$10,000; Restoration, \$2000; New Town Garage, \$10,000.

The Checkbook status is \$471,460.61.

Mr. Sheldon moved to approve the payroll, \$24,840.67; seconded by Mr. Frazier and passed 4-0-0.

Mr. Sheldon **moved to approve the General fund, \$64,185.36**; seconded by Mr. Frazier and passed 4-0-0.

Possible Executive Session Re: Transfer of 7 Union Street; 1 VSA ¶313(a)(2) and pending Litigation; 1 VSA ¶313(a)(1)(E), where Premature General Public Knowledge Would Clearly Place the Selectboard/Town at a Substantial Disadvantage: Mr. Frazier **made a motion** for the Board's specific finding that premature general public knowledge of the subject of the anticipated executive session tonight would clearly place the Board and/or persons involved at a substantial disadvantage. The motion was seconded by Mr. Sheldon and passed 4-0-0.

Mr. Frazier **made a motion to enter executive session** at 9:44 p.m. with the Town Manager, for confidential attorney-client communications concerning real estate and pending litigation. The motion was seconded by Mr. Holzworth and passed 4-0-0.

The recording secretary was excused at this time.

At 10:16 p.m., Mr. Frazier **moved to exit executive session**. Mr. Sheldon seconded, and the motion passed 4-0-0.

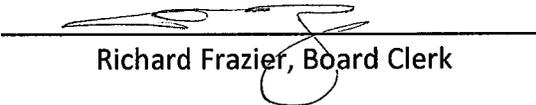
At 10:16 p.m., Mr. Frazier **moved to authorize the Town Manager to transfer the premises at 7 Union Street to the current occupants, and settle pending litigation concerning said premises, all subject to final approval of the Selectboard**. Mr. Holzworth seconded the motion, and the motion passed 4-0-0.

At 10:17 p.m., Mr. Holzworth **moved to enter a deliberative session regarding the pending Jones' vicious dog hearing**. Mr. Frazier seconded the motion, and the motion passed 4-0-0.

At 10:22 p.m., Mr. Frazier **moved to exit the deliberative session**. Mr. Holzworth seconded, and the motion passed 4-0-0. The Board indicated it would continue its deliberations at its meeting on November 15th and November 22nd, if necessary, with a decision planned for November 22nd.

At 10:23 p.m., Mr. Frazier **moved to adjourn**. Mr. Holzworth seconded, and the motion passed 4-0-0. Meeting adjourned.

Respectfully submitted,
Claire Stanley


Richard Frazier, Board Clerk