

Town of Huntington — Selectboard Meeting
 August 06, 2012
 Town Office, Downstairs
 APPROVED MINUTES

RECEIVED

DATE

[Handwritten Signature]
August 21, 2012

<p>Agenda</p>	<ul style="list-style-type: none"> • Highway Department Report – Yogi Alger • Consideration of Petition for Popular Vote Regarding Zoning • Town Administration Report – Barbara Elliott • Personnel Sub Committee Report – Doug Graver
<p>Selectboard members present</p>	<p>Dori Barton (Vice-Chair, led the meeting in Christiansen’s absence), Doug Graver, Everett Lewis, Roman Livak</p>
<p>Staff present</p>	<p>Yogi Alger (Road Foreman), Barbara Elliott (Town Administrator), Heidi Racht (Town Clerk)</p>
<p>Others present</p>	<p>Ruth Blodgett (Times Inkl), Kim Brace, Teddy Brace, Nancy Bretschneider, Buffy Miller, Gordon Miller, Seth Miller, Beverly Spence, Joe Spence, Heidi Weston</p>
<p>Call to order</p>	<p>Barton called the meeting to order at 7:00 pm.</p>
<p>Minutes - MOTION</p>	<p>Livak moved and Graver seconded to approve Selectboard minutes of 07/23/2012. Passed unanimously.</p>
<p>Warrants</p>	<p>4 warrants were signed as presented.</p>
<p>Highway Department Report – Yogi Alger</p> <p><i>FOLLOW-UP: Alger and Elliott to report back on HMGP options.</i></p> <p><i>FOLLOW-UP: Alger to implement sign changes.</i></p>	<p>FEMA work – is going very well, in spite of losing some days due to weather and storm clean up. Will finish Camel’s Hump Road ditching work this week or early next week and then tackle Salvas Road repairs. (Note: Camel’s Hump Road will not be closed beyond Thursday 08/09.) Will probably need to rent the excavator for the first 2 weeks of September to complete all the work.</p> <p>FEMA audit – Worked with Barbara Elliott and Lucinda Hill to ensure reporting is up-to-date, organized, and ready for the 08/07 preliminary audit. Spent several hours Friday and is now completely current except for taking post-repair photographs.</p> <p>BETTER BACK ROADS – grant cannot be transferred to a different section of Camel’s Hump Road, and the work is already being completed as a FEMA project.</p> <p>BRIDGE 30 – on Camel’s Hump Road will be replanked since the full replacement work (with a bridge similar to the precast Carse Road Bridge) will not be done until next year. The replanked bridge may be able to be moved to Charlie Smith Road after the new Camel’s Hump Road bridge is installed.</p> <p>HAZARD MITIGATION GRANT OPPORTUNITY (ROUND 3) – Alger and Elliott will review grant criteria – especially related to opportunities for addressing stream bank erosion adjacent to the Main Road—and will report back at the August 20 meeting.</p> <p>NEW TRUCK – Final inspection is being completed and Alger expects to have the truck here by the end of the month.</p> <p>SPEED LIMIT SIGN CHANGES – Alger has signs on order. Will need to cut additional brush/trees in order to do the installations.</p>

	<p>DATABASE – Planning to work with Elliott & Erik Wells (Vermont Local Roads) to determine if a database developed by Twin Rivers Regional Planning will meet our data reporting needs for tracking materials, equipment, projects, etc.</p> <p>PERSONNEL – Filed Employer First Report of Injury for Steve Barron, who got his foot caught while working on a ditch bank. Brush was hidden in ferns. Twisted his right ankle, left knee and right wrist. Is a bit sore but did not need medical attention.</p> <p>TRAINING – Full crew will be attending Vermont Local Roads classes: Geosynthetics (Elliott also attending); Front End Loader; and Welding (Note: Alger would like to get a new welder for the garage at some point.)</p> <p>GENERAL UPDATES: Will be getting started on hauling sand soon.</p>
<p>Public Comment (regarding the petition calling for a popular vote on the Planning Commission’s proposed zoning amendments)</p> <p><i>FOLLOW-UP: Elliott to email correspondence to Miller.</i></p>	<p>Extensive discussion regarding the Petition for Popular Vote Regarding Zoning Regulations that had been submitted to the Selectboard.</p> <p>Public comment included:</p> <ul style="list-style-type: none"> • Joe Spence: Primarily concerned that the 300’ buffer around deer wintering areas is excessive and that this affects a lot of people. Spence wanted this buffer removed, as had been proposed by the Planning Commission, and was upset the Selectboard did not follow the Planning Commission’s recommendation. Based on this, he supports the petition to bring the regulations to a Town vote. (Note: Barton explained that the Selectboard had, in fact, adopted the Planning Commission’s proposed amendments regarding deer yards, and that the 300’ buffer was eliminated as a requirement.) Spence further stated that an accessory unit of only 350 sq. ft. is very small. • Teddy Brace: Believes people’s rights have been taken away. More things should be put to town wide votes rather than boards making decisions for the people. Would like power to be taken away from the boards and believes it is unconstitutional when boards have more power than the people. Believes some members of boards have a conflict of interest. Would like the regulations brought to a vote of the people and to know if not doing so is criminal. • Nancy Bretschneider: Supports the petition that calls for bringing the regulations to a vote of the people. • Heidi Weston: Believes that a lot of people are concerned that the Selectboard felt the need to take out provisions for allowing accessory dwellings to be up to 1,000 square feet. Would like to know why the Selectboard felt that was necessary. Stated that one reason the Planning Commission increased the allowable size is to increase low income housing in the town. • Buffy Miller: Stated that her understanding is that the Selectboard does not have line item veto authority. Miller requested copies of correspondence between the Selectboard/Town Administrator and the Town’s Attorney (which Elliott will email to her). • Seth Miller: Stated that the Selectboard’s change was a significant change, and that the Selectboard did not have the authority to make significant changes. • Gordon Miller: Read sections of the State statute which he believes supports: a) that the Selectboard did not have the authority to make the changes that they had made without warning and holding an additional public hearing; b) that he, and attorney’s he has consulted, believe the change made by the Selectboard was not a minor change – and thus the Selectboard ignored State Statute; c) that both the regional plan and Huntington’s Town Plan call for additional

	<p>housing, which the larger accessory unit square footage would encourage; and d) that by State statute, the Selectboard is required to hold a vote. Miller stated that the Selectboard has a cavalier attitude toward following State statutes.</p> <p>Selectboard /Town Administrator comment included:</p> <ul style="list-style-type: none"> • Dori Barton: stated that: a) the 300' deer buffer requirement was removed in the Planning Commission's proposed amendments and adopted by the Selectboard without changes to the Planning Commission's proposed amendments; b) that the Selectboard made their decisions after being informed by Public Hearings that were held and after speaking with residents, and that it was clear there were very mixed feelings in town about the accessory unit modifications; c) that after consultation with VLCT and the Town's Attorney, the Selectboard has determined that they cannot change the action the Selectboard took on July 9th and that they cannot hold the popular vote as requested. • Roman Livak: stated that: a) the changes made by the Planning Commission to the 2009 zoning regulations included expanding the size of accessory units to allow up to 1,000 square feet and changed the requirement that the owner live in either the main or accessory unit; b) that the Selectboard's decision had, in part, been informed by the public hearing held by the Selectboard; c) stated he believes 1,000 sq. ft. to be huge; d) that increasing density by essentially allowing 2 dwellings on a lot should be driven by the Town Plan, which needs to be updated – and that the zoning regulations should be driven by the new Town Plan; e) that accessory units larger than 30% of the original dwelling could be granted approval by appealing to the Zoning Board of Adjustment; and f) he hopes the Planning Commission will complete the Town Plan revisions this year. • Doug Graver: stated that: a) he believed the proposed changes moved from addressing accessory dwelling units to trying to address multi-family housing; b) the public was not entirely in favor of allowing larger accessory units; c) that the upcoming rewriting of the Town Plan should address these issues and as changes are proposed to the Town Plan, there will be public hearings to solicit town input; d) that the Selectboard did not disallow accessory units – but simply left the dimension restrictions as they had been established in 2009; e) that the Selectboard's legal path does not allow them to revisit the vote taken on July 9th; f) that the Town Administrator would email any interested parties copies of the research correspondence; and g) that there is clearly a difference of opinion on what the allowable size should be – and he will attend upcoming Town Plan public hearings to ensure he hears people's concerns. • Barbara Elliott: as requested by the Selectboard, Elliott read sections of correspondence from the Town Attorney explaining why it would not be legal to hold a popular vote as requested in the petition presented to the Selectboard. <p>At 8:16 pm, Barton closed the public comment section of the meeting and thanked members of the public for coming to express their concerns.</p>
<p>Consideration of Petition for Popular Vote Regarding Zoning Regulations</p> <p>MOTION - Petition</p>	<p>Livak moved the following: "Based on a review of the Petition submitted to the Town on July 28, 2012 and the advice of counsel that the Petition, as submitted, calls for a vote which is not in compliance with 24 V.S.A. §4442(d), I move that the Board not warn a vote by Australian ballot as requested in said Petition". Motion was seconded by Graver. Passed unanimously with 4 Selectboard members present and voting.</p> <p>Livak moved that the following be submitted for the record to further explain the motion: "The Huntington Selectboard voted on Monday August 6th, 2012 to not</p>

	<p>warn a vote by Australian ballot on the question as stated in a Petition submitted on July 28, 2012, which calls for a popular vote to approve proposed zoning amendments made by the Planning Commission on April 23, 2012. Unfortunately, the petition as it is written calls for the Selectboard to warn a vote that is contrary to Vermont law. As framed, 24 V.S.A. §4442(d) allows for a petition for popular vote to be submitted on the vote of the legislative body and not the planning commission. The outcome of a referendum on the Selectboard's vote would be limited to either: a) continuing with the current Zoning Regulations last amended on March 03, 2009; or b) adopting the amendments as passed by the Selectboard on July 9, 2012. Neither of these outcomes could result in the passage of the complete amendments as proposed by the Planning Commission on April 23, 2012.</p> <p>The Selectboard recognizes that zoning regulations should be reviewed on an ongoing basis, and the Selectboard will continue to follow the process as outlined in Vermont statutes for considering future amendments. Huntington's Town Plan is currently in the process of being revised by the Planning Commission – and in light of that, once a new Town Plan has been adopted we fully anticipate that further changes to our Zoning and Subdivision Regulations will be forthcoming." Seconded by Graver. Passed unanimously.</p>
<p>Vermont State Police Update & Contract – Barbara Elliott</p> <p><i>FOLLOW-UP: Elliott to schedule meeting w/ VSP Lt. Mark Thomas</i></p> <p>MOTION – VSP Contract</p>	<p>Elliott presented a summary of her meeting with Sr. Trooper William Warner and an overview of service calls reported during the last contract year (July 1, 2011-June 30, 2012). Elliott presented the new annual contract for Selectboard consideration, which has the same rates and proposed hours for the coming year as were in last year's contract.</p> <p>Elliott will schedule a meeting with Lt. Mark Thomas, giving Thomas the option of a 10-15 minute session during a Selectboard meeting or meeting during the day with Selectboard members who are available for a longer session.</p> <p>Livak moved and Lewis seconded to have the Vice Chair sign the Vermont State Police contract for services for July 1, 2012 – June 30, 2013 for 6.25 hours/week of service for a total annual coverage of 325 hours of service at a total estimated cost not to exceed \$18,044.00. Passed unanimously.</p>
<p>Dog License Status – Heidi Racht</p> <p><i>FOLLOW-UP: Racht to research how other Towns handle dog licensing issues</i></p>	<p>Town Clerk Heidi Racht attempted to reach all owners of dogs that were registered last year but that have not been registered for the current year. In doing this extensive outreach, in the last 2 days she has gotten 23 registrations updated. Livak thanked Racht for this outreach – saying her effort is greatly appreciated. It was noted that Animal Control Officer Pam Alexander has stated she doesn't have time to conduct a door-to-door campaign. Selectboard members noted that funds to do this are not in the current budget. Graver noted that conducting a survey like this is a quasi-law enforcement role which he believes would be controversial and not well received by townspeople. Barton requested we research how other towns do this, and Racht stated she would pose this question at her 08/08 meeting of Town Clerks. Racht further noted that she has lobbied for us to eliminate the \$20 penalty fee for registering dogs after April 1st as she feels it is a deterrent.</p>
<p>Town Office Exterior Repairs – Roman Livak</p>	<p>Livak updated the board on the status of external repairs to the Town Office building—with open items including the railing, modifying the parking lot & ramp grade, paving (to be done next year), and painting. Looks like the project will be \$1,000 - \$2,000 over the \$50,000 amount budgeted. Livak is pleased with the work which has been completed. Racht reported that she has heard only positive comments.</p>

<p><i>FOLLOW-UP: Livak to put up cautionary tape</i></p>	<p>Graver noted the lack of railings is a safety concern. Livak will put up cautionary tape.</p> <p>Elliott reported that no bids have been received for the exterior painting. Submission deadline is Wednesday 08/08 at 5:00pm.</p>
<p>Town Administrator's Report – Barbara Elliott</p> <p><i>FOLLOW-UP: Elliott to research process for sale of Town property.</i></p> <p><i>FOLLOW-UP: Elliott to respond to Town of Braintree</i></p> <p><i>FOLLOW-UP: Elliott to return signed forms.</i></p> <p><i>FOLLOW-UP: Elliott to schedule State Legislators for a special Selectboard meeting.</i></p> <p><i>FOLLOW-UP: Graver to coordinate Selectboard presentation & discussion.</i></p>	<p>Items from Town Treasurer Dan Stoddard:</p> <ol style="list-style-type: none"> 1. Bond Payment Savings: The Vermont Bond Bank refinanced the 2004 series of bonds which included the bond for our 2004 fire truck. This resulted in a \$3,967.76 savings to the Town. All members of the Selectboard present signed the document titled: Municipality Certificate as to Municipal Bond. 2. Green Mountain Power Smart Meters: GMP will be installing smart meters with wireless communications capabilities (utilizing radio frequency technology) unless the customer specifically requests that GMP not do so. Selectboard members are in favor of the new program. 3. Old Fire House Winter Storage: A resident is interested in renting space in the old fire house for storing their motorcycle over the winter. Discussion included: <ol style="list-style-type: none"> a. Livak: thinks it's a great idea and a good way to defray insurance costs.. Believes that if the Town has buildings that are not getting public use, then we should either get money for them or try to sell them. b. Barton: is not in favor of renting space; unless we make this option available publically, we open ourselves up to accusations of favoritism. c. Lewis: expressed concern, stating that he doesn't believe we are in the rental business. d. Graver: stated that if we were to do this, we would need to make this opportunity available to everyone in a fair way. <p>Selectboard requested Elliott research process for selling a building.</p> 4. Status of the Treasurer as a Collector of Taxes: Authorization for this is made each year by a vote on an article presented at Town Meeting (which has been done annually except for one year when we forgot to do this). <p>Correspondence:</p> <ol style="list-style-type: none"> 1. The Town of Braintree requested Selectboard input on the role of a Town Administrator. Elliott to draft and send a response and recommend they contact VLCT. They are also welcome to call either Barton or Christiansen. 2. Hazardous Waste Collection is scheduled for September 29, 2012. Lewis confirmed with Fire Chief Jeffrey that this date will not pose a problem, and Barton signed the necessary paperwork. Elliott to send approval back to the Chittenden Solid Waste District (with a copy to the Conservation Commission). 3. Contribution thank you letters: from Women Helping Battered Women (Town budgeted \$700 for 2011 and for 2012), HowardCenter (Town budgeted \$1,200). 4. Senator Ayer & Representative Ellis: in response to the Selectboard's invitation to our Senators, Ayer and Ellis are interested in attending the 08/20 meeting. Selectboard decided instead to hold a special Selectboard meeting on either 09/10 or 09/24 in order to dedicate more time for the meeting. Graver volunteered to coordinate a presentation on the critical and costly infrastructure challenges the Town faces. Elliott will contact our 4 State legislators.

<p><i>FOLLOW-UP: Elliott to contact Richmond Rescue.</i></p> <p><i>FOLLOW-UP: Elliott to speak with Alger re: Safety Committee.</i></p> <p><i>FOLLOW-UP: Elliott to contact homeowners.</i></p>	<p>5. Richmond Rescue: Elliott to notify Richmond Rescue they will need to attend a Selectboard meeting as part of the upcoming budget process.</p> <p>6. Safety Committee: Elliott to discuss creating a Safety Committee with Alger.</p> <p>7. Economou Road Property: Livak and Barton each reported their recollections from the 06/27/11 Selectboard meeting attended by Jeffrey Krull and Randy Kniffin was that no indication had been made that the town was culpable for improper maintenance of the culverts on Economou Road. Selectboard stated that further communication regarding this issue should be directed to our insurance carrier (VLCT) and that Krull/Kniffin would not be scheduled on the agenda for the 09/04 Selectboard meeting.</p> <p>8. Firearms Ordinance: A stray bullet entered a Main Road home and made a hole in the living room wall on Friday morning, which was discovered Sunday night. Fortunately, no one was hurt. Elliott contacted State Police for more details, but the police report had not yet been filed. Although Williston & Montpelier both have fire arms ordinances, the VSP trooper with whom Elliott spoke said this is the exception rather than the rule. Elliott will follow up with the homeowners. At this point, the Selectboard is not inclined to pursue a fire arms ordinance.</p>
<p>Personnel Subcommittee – Doug Graver</p> <p><i>FOLLOW-UP: Elliott to draft motion for personnel policy amendment.</i></p> <p>MOTION – payment in lieu of vacation</p>	<p>Vacation bonus for length of service: Graver reported on a proposal to modify the personnel policy to grant a one-time award, per employee, of one-week of vacation time once the employee completes 15 years of service to the Town. This award would be given to current employees who have reached this milestone and to other employees as they reach this milestone (but not retroactively to those who may have achieved this milestone but are no longer employed by the Town). Selectboard requested Elliott draft a motion with proposed wording for the personnel policy.</p> <p>Payment in lieu of vacation: Graver reported that we may not have been clear with employees when the personnel policy eliminated the provision of pay in lieu of losing vacation time. He and Christiansen discussed the proposal submitted by Alger and Elliott, and concurred that we should make a one-time exception. Livak moved and Graver seconded that we expend a total of \$995.15, due to a lack of communication, for a one-time exception to the policy on unused vacation time and remit payment of \$901.79 to Roger Thompson and \$93.39 to Raymond Liberty. Passed unanimously. Livak noted for the record that this action was not being taken as a result of the payment in lieu of losing vacation time recently given to Library staff.</p>
<p>Adjournment</p>	<p>Livak moved & Graver seconded to adjourn the meeting at 9:29 pm. Passed unanimously.</p>
	<p>08/06/12 – Meeting date 08/10/12 – Preliminary draft minutes to Selectboard / Clerk, Treasurer & Auditors 08/20/12 – Final minutes approved by Selectboard 08/21/12– Approved minutes sent to Town Clerk</p>