



MINUETS of the  
REGULAR MEETING OF THE  
SELECTBOARD & WATER COMMISSION  
Temporary Town Office (86 Mountain Road)  
Monday, April 15<sup>th</sup> 2019  
6:30pm

Selectboard Members: Charlie Hancock, Jacob Racusin, Leanne Barnard, Darren Drevik, Mark Brouillette

Clerk: Suzanne Dollois

Visitors: Sue Wilson, Larry Letourneau, Anita Woodward, Sue Baker, Sabra Massey, Carol Farmer, Pat Farmer, Mike Mercy, Eric Mercy, Arnold Mercy

Charlie called meeting to order at 6:35PM.

1. Review and make any changes to the agenda

→ Charlie added to Old Business, item 6. f. Appointments: Listers (update)

→ Darren added item 7. d. Re: Act 46 update

2. Review/approve minutes of the April 1<sup>st</sup> 2019 meeting

→ Mark made a motion to approve the minutes of April 1<sup>st</sup>, seconded by Leanne. Passed 3-0, Jacob and Darren abstain.

3. Public Works

a. Roads and Bridges

a. Grants—Status Updates

→ no updates at this time. Carry over.

b. Brady Road

→ no updates at this time. Carry over.

c. Mark moved to approve the Annual Financial Plan for Town Highways, seconded by Jacob. Discussion ensued. Passed unanimous, 5-0.

b. VTrans correspondence re: Rt. 118 (pending decision on ATV ordinance)

→ Discuss under 6A

c. Buildings and Grounds

a. Center Post Office repairs

→ estimates pending. Potential quotes by next meeting.

#### 4. Visitors

→ Sue Baker: Solid waste district moving inquiry because of building projections on adjacent lot. Charlie directed to item 7.c discussion.

→ Pat Farmer: comments regarding pending ATV ordinance statutes.

→ Carol Farmer: comments regarding pending ATV ordinance; expresses personal discontent with the opening of route 58 to ATV traffic.

→ Sabra Massey: comments regarding pending ATV ordinance; gives personal account of ATV misconduct.

→ Arnold Mercy: comments regarding pending ATV ordinance; expresses defense of ATV accessibility, desired to open Rt. 58.

→ Mike Mercy: comments regarding pending ATV ordinance; expresses further defense of ATV accessibility.

#### 5. Water Commission Issues

##### a. Boucher property 55 Howard Road

→ Discussion was held regarding the request to waive fees; consensus of the board was (while the board is sympathetic to the request) to deny claim based on precedent that users are liable for fees incurred in situations such as this

#### 6. Old Business

##### a. ATV Ordinance—*discussion and likely board action*

→ Charlie recapped discussions/hearing stemming from VASA request to open Rt. 58; presented draft ordinance amendments (including past board input) for consideration.

→ Clarification of status: Lowell has opened Route 58, however, they do require a locally applied for permit (at no charge), and they do have an ordinance in place. Westfield has not opened Route 58, ordinance in development; looking into potential alternative route in order to avoid opening Route 58.

→ Discussion ensued regarding: 1) adjustments within the ordinance to encourage responsible ATV use and address concerns, 2) use of tax dollars supporting road maintenance, impact of vehicular traffic, 3) existing traffic hazards presently on Route 58 that have been already been brought to the Board's attention, 4) economic arguments re: business use, and position of Montgomery as transit vs. destination for ATV traffic, 5) concern for taxpayer burden to pay into an organization (VASA) in order to solicit legal enforcement and what that would look like, 6) acknowledging that there are strong sentiments on both sides, and no clear majority opinion is present. As such, opportunity exists for this decision to be made by the voters rather than by the board per Title 17 as an item at the Montgomery Town Meeting, or special meeting for consideration.

→ Consensus is to not take any action on the ATV ordinance at this time.

##### b. Grant Updates

###### i. Electric Vehicle Charging Station Grant (VEC)

→ Suzanne updated board on status; suggested station model. Waiting for bids and quotes for installation costs. Carry over.

##### c. Update on DPS Records Request

→ Charlie presented current status of request. DPS is in violation of public records law, being

45+ days past deadline for material response. DPS claims they will supply complete report by Friday, April 19th.

- d. Town Clerk / Town Treasurer appointment—deadline for appointment April 19<sup>th</sup> 2019 (*potential for discussion in Executive Session per 1 V.S.A 313 (a)(1)(A) and (B )*)  
→ Discussion ensued. Interviews will be scheduled asap.
- e. Carbonite vs. Open Approach contract—*discussion and likely board action*  
→ Contract renewal deadline for Carbonite; Open Approach has submitted prospective contract. Discussion ensued. Currently, \$799 annual contract with Carbonite for backup services, versus \$575/month (\$6,900 annual) for comprehensive managed services including backup services. Total current approximate annual expense for Open Approach services: \$5,735 as a “break-fix model” combined expense for current Carbonite/Rail City services. Questions remain: Are prospective expansions of our systems included? Is there a guaranteed uptime or recovery of service? Hardware costs fall on the town, but are installation and maintenance services included in the rate? Charlie will pursue these inquiries, and Board will follow up.
- f. Lister update: Sue Reagan resigned from Lister appointment. Current listers sufficient. No action at this time.

## 7. New Business

- a. PACIF Insurance Claim (Millay)  
→ Charlie presents information. Pending.
- b. Petition Submission re: Parking Ordinance adoption  
→ Charlie presents petition.  
→ The initiator of the petition was not present at this meeting, nor at any previous publicly warned meeting regarding this ordinance, nor has the individual reached out to the board to express specific concerns regarding the ordinance, or offer constructive feedback. Furthermore, the petition submitted is considered invalid per 17 VSA 2642 as it does not contain street address if signatories as required by statute, nor is the sufficient heading present on all pages of the petition. Concern was also expressed regarding the individuals means of collecting signatures.  
→ Charlie presented the Board options moving forward, including a summary of concerns residents have expressed following direct outreach within the community. Primary concern appears to stem from restrictions on overnight parking in municipal lots, particular the Grange lot.  
→ Discussion ensued.  
→ Darren moved to rule that the petition that was submitted is not valid according to state statute, furthermore to rescind the existing parking ordinance adopted on March 18<sup>th</sup>, and to pass a new version of the ordinance identical to the first except to remove item 4.1.5. Mark seconds.  
Discussion ensued.  
→ Charlie offered a friendly amendment to move that the petition be ruled invalid according to state ordinance, and to rescind the existing parking ordinance that was adopted on March 18th, and schedule a special meeting for Monday, April 22nd to consider amendments to the ordinance following additional outreach in the community and re-adopt at that time, second by Mark.  
Motion passed as amended unanimous, 5-0.

- c. NWSWD Operations
  - Mark moved to approve the application of NWSWD to hold annual household waste collection at the Town Garage on August 3rd, 2019, seconded by Jacob. Passed Unanimous, 5-0.
  - Charlie provided update on current status of NWSWD operations at PSB; discussion re: prospective possibilities regarding change of location and concerns from neighboring property owners. Discussion with NWSWD will continue.
- d. Act 46 update: Judge Mello ruled against the constitutional arguments giving the plaintiffs opportunity to advance certain points to the Supreme Court. Pending ruling on remaining arguments.
- e. Director of Public Works Contract review (*Executive Session per 1 V.S.A 313 (a)(1)(A) and (B )*)  
Mark makes a motion to enter into executive session to discuss the Public Works Director Contractor. Seconded by Darren. Unanimous, 5-0. Board enters into executive session at 8:40PM. Darren moved to come out of executive session, seconded by Jacob. Unanimous, 5-0. Board comes out of executive session at 8:55PM.

Jacob made the motion to adopt the contract with the Public Works Direct as amended. Seconded by Leanne. Unanimous, 5-0.

- f. Overweight Truck Permits  
Mark moved to approve the permits for Onsite Septic Solutions LLC., Harrison Concrete Construction Inc., Structures RBR Inc., D.W. Tatro Construction, Barrett Trucking Co., and Vaillencourt Transport. Seconded by Darren. Unanimous, 5-0.
- g. Liquor/Tobacco Licenses  
Mark moved to approve the liquor licenses for both Thompson Himes Enterprises, LLC. and The Inn. Seconded by Leanne. Approved, 4-0, Darren abstains.

#### 8. Open Mail / Sign Orders / Administrative Matters

Leanne brought up resident's verbal suggestion to change the angle of the traffic sign at the end of the driveway to be more visually accommodating to traffic.

#### 9. Review Action Items for Board Members

#### 10. Adjourn

Jacob moved to adjourn, seconded by Darren. Meeting adjourned at 9PM.