

Town of Panton
Select Board Meeting
Tuesday, August 25, 2015
6:30 P.M. – Panton Town Office
Draft Minutes

Attendance:

Select board

John Viskup, Chair
Howard Hall
Beth Tarallo

Other Officers and Guests:

Diane Merrill, Treasurer
Katie Werthmann, Town Hall Committee
H. Vorsteveld, arrived at 7:15pm

6:35 pm J. Viskup called meeting to order.

Public Comment:

Review/Approval of July 28, July 29 and August 11, 2015 Minutes

H. Hall **motion** to approve minutes of 8/19/15, 8/11/15, 7/28/15 as written. B. Tarallo seconded. Approved.

B. Tarallo **motion** to approve minutes of 7/29/15. J.Viskup seconded. Approved.

H. Hall **motion** to add “Report from Town Hall Committee, via Katie Werthmann” on tonight’s agenda at 6:40pm. B. Tarallo seconded. Approved.

Town Hall Committee Report: K. Werthmann provided following overview:

- Committee met in December, then again last week. Committee down from 8 members to 4.
- Last week Committee reviewed a) RFP responses from Architects and b) buildings’ immediate needs.
- Committee agreed and recommend the following:

- Working with Architects and RFP responses right now is not top priority, as building has immediate needs: front stairs, mold, heat, septic, leaking roof, etc.
 - Septic is top priority. D. Raphael to contact engineering firm re: septic consultation
 - Need for a general contractor liaison/professional guidance to guide the Town Hall Committee. D. Raphael contacted Norm LaBoeuf who stated he would be willing to meet with Town Hall Committee and provide general guidance on a per hour basis.
 - D. Raphael and Norm LeBoeuf will meet re: next steps in next week and Norm Labeouf will walk through building with Town Hall Committee
 - If cupola reinstating is a goal for the future, Committee discussed concept of protecting cupola.

Review & Approve Bills

Bills and paystubs reviewed and approved.

Financials

Financials reviewed.

B. Tarallo **motion** to accept the Treasurer's Financial Report and Balance Sheet as of 7/31/15. H. Hall seconded. Approved.

7:15 Public Comment

- H. Vorsteveld wondered if any decision had been made regarding his application regarding Right of Way access and building in the Town Right of Way.
 - Selectboard reported no decision had been made yet, and that they are meeting again on 9/2/15 to deliberate and meet with legal counsel.
- H. Vorsteveld reported interest in building stage for concerts on blue silos (90 feet), which are right behind Arnold bay farm.
 - SB stated at this time unsure of what all permits would be needed, but that if building/construction is needed, to go through the Zoning Permit process, any state permits, etc. Other considerations would be noise, traffic, etc.

Late Filing Policy for Homestead Declaration

Discussion ensued.

- B. Tarallo noted draft policy adopted 6/23/15 . Noted that on 7/28 SB approved setting

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the late filing penalty for Homestead Declaration filed after 4/15/16 at 3%.

- J. Viskup **motion** to accept revised draft Late Homestead Declaration Filing Policy. H. Hall seconded. Approved.

Draft Junk Ordinance

H. Hall **motion** to adopt the Town of Panton Civil Ordinance Regulating Outdoor Storage of Junk and Junk Vehicles, also known as the “junk ordinance,” and to follow procedures for adoption and warning. J. Viskup seconded. Approved.

Full text of ordinance follows at the end of this minutes document, prior to adjournment.

Cement Pad of Beach/Porter Property

Discussion ensued. J. Viskup to follow up with Ed Hanson, Zoning Administrator.

Brace Violation – Update

Discussion ensued. J. Viskup to follow up with Ed Hanson, Zoning Administrator.

Correspondence

Correspondence reviewed

Noted potential need for additional Assistant Town Clerks, as one is potentially moving.

Noted Schoolhouse roof is leaking. SB to schedule time to visit schoolhouse.

J. Viskup **motion** to adjourn at 8:57pm. H. Hall seconded. Approved and adjourned.

CIVIL ORDINANCE REGULATING OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES

ARTICLE I - AUTHORITY AND PURPOSE

This ordinance is enacted pursuant to the authority granted to the Town of Pantton in 24 V.S.A. §§ 1971 et seq., 2246 and 2291(14), the power to adopt, amend, repeal, and enforce ordinances, and to manage and regulate salvage yards and the outdoor storage of junk and junk motor vehicles within its boundaries, and the authority granted in 23 V.S.A. § 2157, the power to adopt and enforce a municipal abandoned motor vehicle ordinance.

It is the purpose of this ordinance to regulate the outdoor storage of junk and junk vehicles, to regulate salvage yards and to regulate abandoned motor vehicles in the Town of Pantton in order to protect the health, safety, and well being of the public and protect the environment. Further, it is the purpose of this ordinance to regulate disposal of junk, junk and junk vehicles, which is hereby deemed to be a public nuisance.

ARTICLE II - DEFINITIONS

(A) "Abandoned vehicle" means a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for more than 48 hours, and has a valid registration plate or public vehicle identification number which has not been removed, destroyed, or altered; or a motor vehicle that has remained on public or private property or on or along a highway without the consent of the owner or person in control of the property for any period of time if the vehicle does not have a valid registration plate or the public vehicle identification number has been removed, destroyed, or altered.

(B) "Abutting property owner" means any person or persons that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.

(C) "Enforcement Officer" means any constable, police officer or health officer appointed by the selectboard to enforce the provisions of this ordinance.

(D) "Highway" means any highway as defined in 19 V.S.A. 1(12).

(E) "Junk" means old or scrap copper, brass, iron, steel and other old or scrap or nonferrous material, including rope, rags, batteries, glass, rubber debris, waste, trash, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof.

(F) "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, or a motor vehicle, other than an on-premise utility vehicle, which is allowed to remain unregistered or uninspected for a period of ninety (90) days from the date of discovery.

(G) "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers.

(H). "Notice" means certified mail with return receipt requested.

(I). "Person" means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont, or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.

(J) "Salvage yard" means any place of outdoor storage or deposit for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility as defined in 24 V.S.A. § 2241(12). "Salvage yard" also means any outdoor area used for operation of an automobile graveyard as defined in 24 V.S.A. § 2241. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

(K). "Secretary" means the Secretary of Natural Resources or the Secretary's designee.

(L). "Town" means the Town of Panton, Vermont.

(M) "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, shoulders, auxiliary lanes, and roadside picnic, parking, rest and observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the highway and designated by the transportation board as roadside area for the use of highway users and generally but not necessarily located within the highway right-of-way.

ARTICLE III - REQUIREMENTS

(A) It shall be unlawful to place, discard or abandon any junk or one or more junk motor vehicles in a place where it is visible from the traveled way of a highway or where it is visible to an abutting property owner's land at any season of the year. Any such item so placed, discarded or abandoned is hereby declared a public nuisance and a violation of this ordinance.

(B) All salvage yards and places of outdoor storage of junk and/or one or more junk vehicles shall be effectively screened by a fence or vegetation at least six feet in height. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays which are visible

from the traveled way of a highway. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.

Any fence or vegetation proposed as screening shall be reviewed and approved by the DRB, via written certificate or letter, as for effective screening.

(C) A person who wishes to operate a salvage yard within the Town is required to (1) obtain a certificate of registration issued by the Secretary to operate, establish or maintain a salvage yard and (2) obtain a certificate of approved location of the salvage yard from the Panton Selectboard.

- (1) **State Salvage yard License.** The procedures for obtaining a salvage yard certification from the Secretary are those specified in 24 V.S.A. Chapter 61, as from time to time amended.
- (2) **Certificate of Approved Location.** Application for a certificate of approved location shall be made in writing to the Selectboard. The application shall contain a description of the land to be included within the salvage yard, which description shall be by reference to so-called permanent boundary markers. The procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2251 through 2257, as from time to time amended. The application shall be accompanied by a certificate from the Panton Development Review Board (DRB) that the proposed location is not within an established district restricted against such uses or otherwise contrary to municipal zoning requirements. The application for approved location shall be accompanied by a certification from the DRB that the proposed location is not within an established district restricted against such uses or otherwise contrary to the Town's zoning requirement.

ARTICLE IV - ENFORCEMENT AND PENALTIES

(A) Any junk or junk motor vehicle discovered in violation of Article III of this ordinance shall be screened or removed from the view of the traveled way of the highway or from the view of an adjoining property from the approximate property line between the two properties, by the owner of the land on which it is located. Failure to remove or screen the item(s) from view within 30 days from the date of mailing of a written notice by the Enforcement Officer shall be violation of this ordinance.

(B) Additional Provisions for Junk Motor Vehicles.

- (1) If the owner of the land on which a junk motor vehicle is discovered in violation of Article III of this ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner shall move or dispose of the vehicle upon receiving written notice from the Enforcement Officer.

- (2) A person who violates Article III, subsection (B) of this ordinance shall be fined \$5 for each day a violation exists, pursuant to 24 V.S.A. § 2282.

(C) Additional Provisions for Abandoned Motor Vehicles.

- (1) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from public property, and may contract a towing service for removal of such motor vehicle, based upon personal observation by the officer that the vehicle is abandoned, as defined in 23 V.S.A. § 2151.
- (2) A law enforcement officer is authorized to remove or cause removal of an abandoned motor vehicle from private property, and may contact a towing service for removal from private property of such vehicle, based upon complaint for the owner or agent of the property on which the vehicle is located that the vehicle is abandoned.
- (3) An owner or agent of an owner of private property is authorized to remove or cause removal of an abandoned motor vehicle from that property, and may contact a towing service for removal from that property of an abandoned vehicle. If an owner or agent of an owner removes or causes removal of an abandoned motor vehicle, the owner or agent shall immediately notify the Police or Sheriff's Department serving Panton.. Notification shall include identification of the registration plate number, the public vehicle identification number, make, model, and color of the vehicle. The owner or agent of an owner of property upon which a motor vehicle is abandoned may remove the vehicle from the place where it is discovered to any other place on any property owned by him or her, or cause the vehicle to be removed by a towing service without incurring any civil liability to the owner of the abandoned vehicle.

(D) A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Superior Court, at the election of the Selectboard. Each day that the violation continues shall constitute a separate violation of this ordinance.

- (1) Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. A civil penalty of not more than \$800 per violation may be imposed for violations of this ordinance, except for violations of Article III, subsection B.
 - a. A municipal ticket will be issued by the Enforcement Officer if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
 - b. For purposes of enforcement in the Judicial Bureau, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The municipal attorney may also be the appearing officer at the hearing upon the direction of the Selectboard, other than those in Article III, subsection B.

(E) Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Enforcement Officer or Selectboard may pursue all appropriate injunctive relief. In addition a civil penalty of not more than \$800 per violation may be imposed for violation of this ordinance, other than those in Article III, subsection B.

ARTICLE V - SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance. If any statute referred to in this ordinance shall be amended, this ordinance shall be deemed to refer to such amended statute.

ARTICLE VI - EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Panton Selectboard, or at such time following the expiration of the 60 days from the date of its adoption as is determined by the Selectboard per 24 V.S.A. § 1973. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.