

Town of Panton
Special Select Board Minutes
November 11, 2014/6:30 P.M.

In Attendance:

Select Board:

John Viskup, Chair
Beth Tarallo
Howard Hall

Administration:

Rick Cloutier, Road Foreman
Diane Merrill, Treasurer
Jean Miller, Clerk
David Raphael, DRB Chair

Guests:

Brent Boise, Clark Trk Ctr
Han Vorsteveld
Jim Carroll, Esq.

6:30 P.M J Viskup called the meeting to order.

Changes made to the agenda – B Tarallo made a motion to table Capital Paving on the agenda for 7:00p.m., rescheduled to 11/25/14 meeting and adds truck purchase consideration to 7:20p.m Long Term Equipment Plan. H Hall 2nd. All approved.

Review/Approval of October 28, 2014 minutes of Select Board Meeting – B Tarallo made a motion to accept the minutes of October 28, 2014 as drafted. J Viskup 2nd. All approved.

Public Comment – H Vosrteveld asked if there would be an executive session regarding 9:00p.m. Jersey Street Right of way Encroachment Request Meeting with J Carroll, Esq. It was explained at this time it was uncertain. It would depend if the conversation necessitated going into excessive session because legal counsel was being given relating to said matter. He also wanted to point out that over the years they have taken down a couple of old barns that were very close to the road that would have opened the right of way back up in those locations and asked that this be considered when reviewing the request of variance of setback.

H Hall stated that the Vorstevelds have done a lot of things that have been beneficial to the Town and that it has been greatly appreciated. They have gone out of their way to help the Town and that these things are recognized. Even if VT Agency of Agriculture, Food and Markets have sent the Vorsteveld Farm an approval of Setback Variance Approval, they would still need to get approval from the Select Board to go ahead with the building in the Town right of way.

Byway & Welcome to Panton Signs – David Raphael – D Raphael thought that the DRB had budgeted for 4 – 6 signs for the Byway. The DRB budget for signs is \$300. The cost of the posts to mount the signs is \$95. D Raphael will check on the cost to make the signs but it appears that the money appropriated for the signs will only be enough to do 1. There are specific specs to be followed for these signs.

D Raphael gave an update that the DRB is working on an ordinance for a Farm Workers Housing Plan. The DRB and the Select Board will both have to have a hearing regarding this plan. They are also working on an amendment to the zonings regulations. They will have to hold a hearing and if there are no major changes or problems, then submit it to the Select Board. The Select Board then reviews it, has a hearing and vote to adopt it or ask for a Town vote for the adoption.

Capital Paving Plan – Tabled. Rescheduled for 11/25/14.

Long Term Equipment Plan/Truck Purchase Consideration – B Boise gave an update of figures for a truck lease of 4 years so there would not be a year with 2 truck payments due. He also wrote up a contract that stated that Clark's Truck Center would hold the truck due to come in in December for the Town based on voter approval and if it was not

Select Board Meeting

approved by the voters that the Town would not be obligated to purchase the truck no penalties. Clarification on hours verses miles. In municipalities it is 11 miles to an hour. In industry (over the road, such as a Pepsi truck) it is 33 miles to the hour. This would account for more wear and fuel consumption on municipal vehicles even though there is less mileage. A copy of the warranty will be given to the Select Board at the 11/25/14 meeting. J Viskup made a motion to put before the voters the purchase of a new truck from Clark's in Jericho to R Cloutier's specifications at a cost of \$121,012 which includes trade in. H Hall 2nd. All approved. A special meeting will be warned for December 23rd regarding the purchase of a new truck for voters' decision.

Long Term Equipment Plan – An estimated value of all equipment valued at \$5,000 and up will be done. This equipment will also be priced out new. A budgetary figure of 5, 10, 15, 20 and 25 years plan for all equipment with 3.75% inflation rate on the cost of equipment will be developed for the long term plan so money can be budgeted each year to be set aside for equipment replacement.

Road Foreman Report – Ditching was done on Pease Road. Wyckoff's spoke to R. Cloutier regarding water that is backing up on their property. They need to replace their culvert. L Poteau property also needs a culvert. When the building was erected on Poteau property residents did not have to check with Road Foreman regarding driveway cuts. Driveway cuts now need to be approved by the Road Foreman and he determines if a culvert is needed and the size. Boom mower arrived today and mowing has started. The Town will only have the mower for a week.

All winter equipment is on the trucks.

R Cloutier is getting prices on building a lean to so equipment can be housed away from the salt shed.

R Cloutier contacted VT Fish & Wildlife and they removed the deer carcasses that had been reported left beside the road.

Highway financials were reviewed.

Review/Approval of Bills – Bills were reviewed and approved.

Appointment of Green Up Day Coordinator – Tabled

Muddy Roads – Many residents have complained about the muddy roads and debris left on the roads from farm vehicles. J Viskup will draft a letter to be sent out asking that they make arrangements to attend a Select Board meeting for discussion in person.

Animal Control Problem – The Select Board received a complaint regarding cattle running at large from a concerned citizen who has approximately 2000 feet of raised garden beds. B Tarallo spoke with VLCT. The Town has limited authority to deal with loose animals. Fines can be imposed by statutes but are very limited so the fine would not have much impact. She also spoke to the VT Agency of Agriculture last week. Direction is being sought for the owners of the animals. The animals jump their fence and have been running at large for approximately six weeks. The owners have not been able to keep them contained or get them back.

Jersey Street Right of Way Encroachment Request Meeting with Jim Carroll, Esq. – J Carroll, Esq. started by giving some background detail. Vorstevelds have request from the VT Agency of Agriculture, Food & Markets a setback variance request for an addition to their barn to construct housing for tankers that haul their milk. Going back to April of this year they requested a setback variance of 34 feet from the Dept. of Agriculture which was granted with a clause in it stating that they would still need to get all other permits and permission needed (this clause is in every approval or denial sent by the Agency of Agriculture). In July the request was changed to no less than a 29 foot setback variance. This was also granted by the Dept. of Agriculture. In August another change was made to change the request to 23 feet. Another amendment was made in September to change the setback variance to 25 feet. This request was denied stating some of the reasons, one being that there was some evidence that the road may be a 6 rod road. Agency of Agriculture added that if this gets clarified Vorstevelds can reapply and the Dept. will reconsider the application.

Select Board Meeting

November 11, 2014

Page 3

David Bronson, Esq. sent the Vorstevelds a letter (packet) regarding the Jersey Street right of way and a copy was given to the Town. A verbal setback variance request has been asked for by the Vorstevelds with them attending various Select Board meetings. There is a map aerial map of Jersey Street and a map plotted by Short Surveying using the easterly side of Jersey Street plotting 9 courses from Ferrisburgh to Addison. The two do not agree. During the course of time the road moves from its original position for various reasons. It is very hard to replicate what was done in the 1700s today. A 6 rod is 99 feet. A road can move from side to side quite a bit and still be within the 6 rods. There is a land record from the 1700s that states Jersey Street is a 6 rod road.

To verify that the road is a 6 rod road a survey would need to be done to find the original starting point which is not clearly marked at this time. A research of land records for any changes that have been made and various other records not housed in Pantan.

After more discussion took place a motion was made by B Tarallo assisted by J Carroll, Esq. to go into executive session at 9:34. The motion - Given the stated potential for litigation, a public discussion of municipal options and liability exposure involving the extent of the public's legal interest in Jersey Street which includes confidential attorney – client communications made for the purpose of providing professional legal services will place the Town at a substantial disadvantage, I move that we go into executive session with counsel to confer on these issues. H Hall 2nd. All approved.

10:15pm J. Viskup moved to exit executive session. B. Tarallo seconded. All approved.

J. Viskup moved to authorize J. Carroll, Esq to pursue, with a surveyor, confirmation of 6 rod ROW for Jersey Street, not to exceed \$2,000 for surveyor. B. Tarallo seconded. All approved.

Dog warden procedure to follow without Dog warden: Dog warden position currently open. Pantan has contract with Homeward Bound in Middlebury to house stray dogs. B. Tarallo will ask P. Sokal to update town website with info on residents can do when loose/stray dogs are found in Pantan (contact town office to compare dog against registered dog list, post to Front porch forum, bring animal to Homeward bound if unable to reunite dog with owner or house dog).

Ramp: Ramp access to Town Hall needs repair. J. Viskup to follow up with D. Raphael, chair of Town Hall Committee to fix ramp in advance of Town Meeting Day.

Software: Discussion on software purchase for officers to access network remotely. J. Viskup moved to approve gotomypc cost at \$179 annually. B. Tarallo seconded, all approved.

Town meeting Planning/2016 budget planning/Annual report Schedule: B. Tarallo reviewed proposed schedule. B. Tarallo to follow up with Treasurer and Clerk to review proposed schedule.

Correspondence: Reviewed quote for replacement of Town Office lights/fixtures to LEDS. J. Viskup moved to authorize \$2844 for town office light replacement, knowing town will receive a rebate of \$600, funds to pay for cost to come from Town Hall restoration fund. H. Hall seconded. All approved.

10:35pm J. Viskup moved to adjourn. H. Hall seconded. All approved.

Respectfully Submitted,

Jean Miller, Clerk

And Beth Tarallo, SB member (notes from 10:15pm to adjournment)