

Town of Woodbury Select Board

Approved Meeting Minutes – April 24, 2017 Select Board Meeting

Select Board Members Present: Michael Gray-Chair, Guy Rouelle, Thomas “Skip” Lindsay,

Town Officers Present: Brandy Smith-Town Treasurer; Diana Peduzzi-Town Clerk; Kim Silk-Animal Control and Dangerous Building Officer

Town Employees: None

Members of the Public: Vail Leach; Leavitt Sayers

Media: John Pepe-HCTV, Michael Bielawski-Hardwick Gazette

Michael Gray called the meeting to order at 6:00 P.M.

Adjustments to Agenda Included:

- Animal Control Question-Michael Gray
- Draft of the Purchase and Sale Agreement-Old Woodbury Store and the Town of Woodbury-Diana Peduzzi in Executive Session later in the meeting.

Public Comment:

Vail Leach presented the Board with a document describing his thoughts on how to attract more families to live in Woodbury and tangentially adding students to the enrollment at the Woodbury Elementary school. The Board concluded that this discussion should be an agenda item in the May 8, 2017 Board meeting.

Animal Control Question:

Michael posed this question: What to do with an animal found in a home where the lone occupant is deceased or unresponsive?

Kim Silk recounted a recent circumstance where he received a call from the Vermont State Police late at night. The VSP told Kim that during a health and welfare check they found a person unresponsive and a dog in the home. Kim continued, as the situation unfolded he took possession of the dog and subsequently contacted the now deceased owner’s relatives. Kim was worried that he would have to bear the cost of providing food and shelter for the dog, as the existing Town Ordinance does not address this particular circumstance.

Skip offered to amend the existing Ordinance to address this situation thus giving the Animal Control Officer a clear direction in response to this kind of circumstance.

The discussion moved on to a recent collision between a motor vehicle and a horse in Town. Kim noted that he does not have the necessary equipment to deal with large animals, including horses, cows, sheep, and goats. In response to Guy’s question regarding the responsibility of the

Fish and Wildlife in this circumstance, Kim stated that F&W only deal with wildlife; deer, bear, moose, etc. and not domestic animals. Kim continued, the Town does not require large domestic animals be registered/licensed therefore he had no idea who owned the horse.

Skip will investigate local ordinances and State statutes in hopes of discovering who is required to respond to a motor vehicle collision with large domestic animals.

Town Roads:

The East Hill Road Upgrade Grant originally scheduled for completion in 2016 will now be completed this year as the Grant expires on December 31, 2017. The original plan was to have the road crew do the upgrade work. However, now that the road crew is down one person, the work will go out to bid. Guy offered to prepare a Request for Proposal and elicit bids from three qualified construction companies. Michael strongly suggested that the Town enlist the assistance of VTrans to ensure the project moves forward and the work is completed as stipulated in the Grant.

Michael noted that bids for sand and salt should be promulgated soon. Guy wondered what the correct sand sieve size is for the Town's equipment. Michael will reach out to Greg Parkhurst in an effort to determine the exact sieve size. The bid will ask for two prices, one for delivery to the Town Garage, and one for the cost at the gravel pit.

Michael noted the road crew estimated the need of 175 tons of salt for the winter season. Actual invoices indicate 132 tons of salt was delivered last year with the cost per ton averaging \$75-\$80. Michael continued the VLCT put out an inquiry asking for Towns to sign-up for a group bid for salt. There is no obligation for the Town to purchase salt through the VLCT compact. Guy will follow-up with his contacts in State in an effort to determine if the Town can purchase salt on the State contract as well.

Michael presented a document from the Calais Road Commissioner that outlined the duties required to perform a Road Commissioner's function. Michael and Greg reviewed the document and noted the tasks Greg is willing to perform in the interim until the Road Foreman's position is filled. Michael will undertake the remaining responsibilities, which includes becoming a certified Underground Storage Tank A/B Operator.

The discussion moved to compensation for Greg Parkhurst as Greg is now doing everything the former Road Crew Foreman was doing accept Grant management. After a brief exchange, the Board approved a \$1.00 per hour raise in pay for the interim hiring period bringing Greg's compensation to \$19.45 per hour.

Michael reported the Road Crew has focused on road grading and filling potholes.

Town Treasurer's Report:

Brandy distributed the April 24, 2017 bi-weekly financial reports for review and they were accepted without questions.

Brandy reported the VLCT conducted a payroll audit for calendar year 2016 and the auditor found the highway wage expense was over the estimated \$100,000 amount. (Insurance costs are based on an annual budgeted amount. If the wage expense was under budget, the Town

would receive money back from the VLCT) because of the overage, the VLCT will be invoicing the Town approximately \$1,200 for additional insurance expenses.

Town Clerk's Report:

Diana presented these documents to the Board:

- Three Overweight Permits
- A Request for a Safety Performance History Report for a former employee from the Town of Morrisville
- Request for Qualifications responses from Chase & Chase and Marsh Engineering

Diana remarked the Town Office would be closed on May 3, 2017 as the she, the Assistant Town Clerk, and the Treasurer are attending a VLCT seminar.

Old Woodbury Country Store-Hazardous Mitigation Grant (HMG) Project Update:

Diana produced a letter from Linda Elliott covering a memo from Brad Wheeler's company detailing test results from ground water samples taken at the Aronson property that abuts the Old Woodbury Store. The results indicate a minor amount of petroleum contamination in the northwestern corner of the Aronson property adjacent to the site of the removed Underground Storage Tank. The letter further noted, the contamination levels are below regulatory standards and no further action is required. This and other HMG documents are available for review at the Town Office.

The Regional Planning Commission rescheduled the April 20th meeting to a date yet to be determined.

Michael remarked the Phase 2 Brownfields Study is on hold thus jeopardizing the \$40,000 grant money. Michael reported on the roof collapse and that upon his investigation he did not notice any debris entering the stream that runs underneath the building.

Michael stated that he believes the property owners are being uncooperative and the Board needs to plan a course moving forward that will engage the property owners. Michael noted the property owners had signed a document allowing access the building to finish the Phase 1 Study and start the Phase 2 Study but continue to restrict access to the building thus putting the project and Grant monies in jeopardy.

Michael commented on a discussion he had with Vernon Nelson from the Vermont Department of Health regarding the known asbestos contamination in the store. Mr. Nelson indicated if the asbestos removal contractor deems the building unsafe to enter then the entire structure will be considered contaminated with asbestos and the estimated \$20,000 removal cost will increase significantly; two-three times more cost. Michael continued, stating the Health Department cannot do anything until the building starts to "transmigrate" from the property. (Debris entering the stream or on to an adjacent property.)

Diana commented she sent a letter to the property owners alerting them of the roof collapse and had not received a response from them for ten days. Diana then reached out to one of the owners who opined there is no asbestos in the caved in section.

Several options were discussed:

- Send a Purchase and Sales Agreement to the property owners based on the recent appraisal.
- Do not send a Purchase and Sales Agreement with the current appraised value.
- Begin the building condemnation process.
- Send a letter to the property owners indicating the options the Town could pursue and that the building needs to be dealt with immediately.
- Send a Purchase and Sales Agreement to the Property Owners based on the recent appraisal with a cut-off date for their acceptance. Subsequently, if the owners do not respond in a timely fashion then begin enforcement of the Town's Dangerous Building and Ground Ordinance.

In Part 6 of the Purchase and Sales Agreement, Special Covenants and Conditions, contingencies are detailed that protect the Town in the event the Town does receive the Grant award.

After considerable discussion, the Board decided to send the property owners an unsigned Purchase and Sales Agreement based on the recent appraisal with a response date of May 15, 2017. The onus will then be on the property owners to sign the agreement or begin negotiations indicating their willingness to move the project forward.

Michael will contact the Town's attorney for his guidance on how to begin the condemnation process.

Cemetery and Town Mowing Bids:

Richard Paton introduced bids from Jamie's Yard and Tree Service and Orange County Property Management for mowing services.

Based on the recommendation from Richard, Michael introduced a motion to accept the bid from Jamie's Yard and Tree Service for both Cemetery and Town property mowing; Guy seconded the motion and the motion carried. (Note that Skip recused himself from the bid process due to personal reasons.) Both bid documents are available for review at the Town Offices.

Forest Fire Warden- Job Description for Warden and Deputy Warden; Change in Stipend:

Skip produced job descriptions for both positions incorporating recent changes in the law due to language in H.857, "an Act Relating to Timber Harvesting".

Paul Cerutti will serve as the Forest Fire Warden and Jacob Cerutti will assume the Deputy Forest Fire Warden's responsibility. Skip introduced a motion to change their stipend from \$20.00 per hour to an annual \$500.00 stipend. Guy seconded the motion and the motion carried unanimously.

Skip presented a draft Open Burning Ordinance for review and discussion. The original document was downloaded from the Department of Environmental Conservation Web Site and modified to suit Woodbury's requirements. The draft is in its final form and Skip will engage the services of

the VLCT Municipal Assistance Center staff to ensure the Ordinance meets the stipulations in 25 VSA §§ 1971-1976.

Updates and Follow-Ups:

Skip will research compensation for the Assistant Town Clerk’s position and enlist Diana’s help in determining a wage adjustment.

Executive Session:

The Executive Session was not required.

Adjourn:

Michael introduced a motion to adjourn at 8:12 PM; Skip seconded the motion and the motion carried.

Approved Date: May 8, 2017

Michael Gray: Select Board Chair _____/S/_____

Guy Rouelle: Select Board Member _____

Thomas Lindsay: Select Board Member _____/S/_____