

Town of Moretown  
Office of the SELECT BOARD

**DRAFT** – Notice of unapproved minutes of the 10/20/14 selectboard meeting

Board members present were: Tom Martin, Michelle Beard, Rae Washburn, Reed Korrow, John Hoogenboom

Guests included: Bruce Johnsen, Shane Grace, Kim Allshouse, Tom Devine, Clark Amadon, Martin Cameron and Cheryl Brown as board assistant

Tom called the meeting to order at 6:00 p.m.

Bruce Johnsen hearing as requested in a letter received 10/2/14 regarding an alleged violation of Moretown’s Animal Control Ordinance.

Hearing Commenced at 6:00 p.m. Evidence:

Shane Grace, Moretown Animal Control Officer - Provided his recollection of calls from Kim Allshouse regarding Bruce Johnsen’s dog running at large; and of his conversation with Bruce’s wife about needing to keep the dog on a leash if they can’t control it. Shane spoke of another/final incident where Kim felt threatened; Shane spoke with Bruce directly about getting the fine and subsequent action that would be taken should a second fine be in order.

Shane said he has never witnessed Bruce’s dog running loose the dozen or so times he has been at the Allshouse residence.

Tom Devine (Kim’s husband) – Stated that there had never been a problem with dogs in the neighborhood until 2010 when Bruce moved in, and provided two letters as evidence; one from himself (Tom) dated 10/22/10, whereby he tells Bruce that his two Labradors came into his yard the previous day and caused serious injury to his dog to the extent that the dog needed vet treatment. Tom added that Bruce reimbursed him for the \$192.65 charge.

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The second letter was from a neighbor Jay Pilliod, dated 10/19/14, whereby Jay reiterates two attacks on their dog in the summer of 2010 by one or both of Bruce's dogs. Both attacks resulted in emergency trips to the vet. Bruce confirmed to Jay that at least in one of the instances his dog had attack Jay's dog and he covered the vet bill for the injuries. After the second instance, Bruce's dogs were considered highly dangerous and they took efforts to ensure that their children and their dog would avoid the road near the Johnsen property.

Tom D. added that he cannot walk or bike by Bruce's house because the dog is aggressive and out of control.

Bruce Johnsen – Bruce said the dog that attacked Jay's dog is dead. He said his dog is not aggressive and he believes the situation to be an exaggeration. Bruce believes since Kim has a dispute with his landlord, harassing him is her way of getting back at his landlord. He said things were fine until the lawsuit began. Bruce asked how Shane can give a ticket when he has seen nothing. Bruce said the dog stays on his property until he sees Kim's dog running loose. Bruce considers his dog obedient.

Kim Allshouse – said she just wants to have the dog on a leash at all times, and spoke of some of the dame issued described by Tom D. in his testimony.

### **Findings & Conclusion:**

After careful deliberation in open session with all parties present, the Selectboard finds that the evidence (letters) and testimony submitted tonight, documenting three separate attacks by one or both of Bruce Johnsen's dogs; and because Mr. Johnsen was given a verbal warning by Shane prior to being levied the \$25 fine, support the actions of the Animal Control Officer and uphold the fine to Mr. Johnsen. They believe Shane's actions are in accordance with Moretown's Animal Control Ordinance.

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The decision will be delivered or mailed to Mr. Johnsen and upon delivery he will have five (5) days following the mailing of the decision to pay the fine. Mr. Johnsen has the right to appeal the decision of the Selectboard to the court.

**Public Comment:**

**Clark Amadon** re: update on the new town office - The Environmental Review is done and a Grant Agreement is on its way. Once the Grant Agreement has been executed by all parties, funds can be released. Maclay is ready to begin the phase II design process if it's approved tonight that he can proceed. Clark expects the timeline to be:

- Building design – late 2014
- DRB zoning review and permit – late 2014 or early 2015
- Request for proposal documents in January 2015
- Construction by summer of 2015
- Completion by December 2015

Tom moved to approve that Maclay Architects move forward with Phase II of the new town office project as outlined in the March 2012 proposal. John seconded. All were in favor.

Bill Maclay should be contacted by those who work in the town office building so they can look over the final inside design, to make sure the lay-out suits the needs of the workers.

**Don LaRocca – Investment Advisor report** – Don reported meeting with Merchants Bank. Don will be revising the investment policy to incorporate what Merchants Bank will be doing for the Town of Moretown. He further explained the revisions that will be made, and will pass the revised policy along as updated. Don will come back on 11/3.

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**Approval of Minutes:**

**10/6/14** – Rae moved; Michelle seconded to approve the minutes of 10/6/14 as written. Rae, Michelle & Reed approved. John and Tom abstained.

**Reports & Communications, Announcements:**

Solar site – Communication was received from Mr. Ron Ferrara, attorney representing Rebecca Williams of Fox Farm Run in Moretown, who is Plaintiff in a civil suit. Mr. Ferrara was seeking information from the Energy Group (EG) about a proposal to site solar on Fox Farm Run as indicated in the EG 6/3/2010 minutes.

Karen Horn very clearly answered Mr. Ferrara to the effect that to date, the Energy Committee has not been involved in any generation project of any size in the town. They have not pursued any kind of project with Encore Development or anyone else, and that she is not aware of the Fox Farm proposal.

The Selectboard is not aware of any solar project being considered in town.

Halloween Haunted House – Duane Pierson asked permission to use the old town office again for a haunted house on 10/31/14. The board approved.

Resolution for 2-year cap on Statewide Education Property Tax Rate – An email was received from Kevin Dorn of So. Burlington, requesting that Moretown adopt a Resolution for Sustainable education funding reform in Vermont. In a sense, the resolution would simply support the Vermont legislature to seek out the necessary reforms to the education system.

The board will keep this in mind for 2015 Town Meeting.

Removal of Pine Tree by Cutler property – At the last meeting it was mentioned that the new owner of the Cutler property may not be objective to removing the large pine tree at the base of the Moretown Mountain Rd. Before pursuing anything Cheryl is getting the view from VTrans regarding who's right of way the tree is in, and if the State would pay for its removal.

John said he needs to be involved as Moretown's Tree Warden if the removal of the tree is being considered, even if it sits in the State right of way.

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Thanks go out to the Moretown Fire Department – The Selectboard publically thank the Moretown Volunteer Fire Department for helping the highway department clean road culverts, and for providing the water and power needed at the old town office during the asbestos removal. The town is very thankful for our fire department.

Planning Commission supports the MRV Transportation Plan – Letter from Jonathan Siegel, Chair of the Moretown Planning Commission, in support of the proposed collaboration with neighboring towns for a Mad River Valley Active Transportation Plan to promote a regional vision for recreational trails and non-motorized transportation. The effort supports concepts included in the Moretown Town Plan.

VLCT Health Trust re: new Optional Life and Accidental Death and Dismemberment (AD & D) insurance – VLCT announces new term life insurance options now available from Lincoln Financial Group to employees of VLCT members. The insurance is totally voluntary to any employee who chooses to participate with no cost to the town. Insurance premiums would be paid via payroll deduction.

Tom moved to allow employees participate in the optional Life and AD&D insurance coverage, at no cost to the town. Rae seconded. All were in favor.

Ben Falk – There have been several correspondence from Ben Falk regarding the renovation of the village hill project.

The board appreciates Rae replying to Ben’s emails.

## **Old Business:**

Harwood Union High School use of town hall - Washington West wants the town to put a dollar amount on what the Wi-Fi and heat cost will be for students to use the town hall for classes. Cheryl will investigate further.

Request for return of penalty for late filing of Homestead Declaration – Johanne Gray and John Cote requested that the town refund the penalty they were charged for the late filing.

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Tom moved to return \$209.10 to Johanne Gray and \$342.65 to John Cote for penalties assessed for late filings of the Homestead Declaration. John seconded.

Discussion: refunding the penalties will not cost the town taxpayers.

Vote: Tom, John, Reed & Michelle were in favor. Rae abstained as he is related to the parties. Motion passed.

Tax map update – The Listers provided a letter of recommendation to hire CAI Technologies to update the town tax maps.

The selectboard reviewed the bids earlier this year, which were very close – Bear Creek Environmental bid was \$44,003; CAI Technologies bid was \$44,400. However, CAI has lots more experience with tax map revisions and is willing to break the project down into 3-year project (2014, 2015, & 2016) to lessen the impact on the town.

Reed moved; seconded by Michelle to hire CAI Technologies to do the tax map revision and that they furnish a contract with their scope of work language and payment language for a 3-year project. All were in favor.

Moretown Mountain Road project business –

Guardrails – Martin feels an intense amount of additional maintenance will be involved if there are guardrails placed on the village hill relating to ice build-up and snow removal. If guardrails are installed consideration must be taken for site issues as you near the intersection of Route 100B.

Discussion that the cost for guardrails was included in the grant application, so it seems we did plan to install them; if there are no guardrails installed it could become a liability to the town if someone got hurt.

Tom moved to install guardrails on the village hill as deemed appropriate by experts for safety and line of sight. Rae seconded. All were in favor.

Box beam rail type of guardrail was approved.

Part B of the project will be done in 2015 – The board is committed to doing the second phase of the village hill renovation in 2015 as long as we have grant funding. The project could begin as early as July 1<sup>st</sup>.

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**Blodgett litigation** – Having found that general public knowledge would place the town at a substantial disadvantage, Tom moved to enter into executive session at 8:05 p.m. for discussion on pending civil litigation with Calvin Blodgett to which the town is a party, including client/attorney communications written to provide legal services to the town. Reed seconded. All were in favor. Cheryl was invited to stay for the discussion.

Tom moved out of executive session at 8:40 p.m. Rae seconded. All were in favor.

Action as a result: None

**New Business:**

**Town Fair** – John provided facts about the importance that email is for informational purposes only; and about the Open Meeting Law. The board will invite an attorney from VLCT to come into a selectboard meeting to be sure Moretown is following the guidelines of the Law.

Documents signed were:

Contract with Maclay Architects for Phase II of the town office project  
Approval of a GW Tatro invoice for 90% of Part A of the Mtn. Rd. project  
Reimbursement request for the sidewalk project

Warrants:

Accounts payable warrant # 54 – check # 16419-16453  
Payroll warrant # 55 – e-check # 1767-1776

Check numbers were verified as being consecutive where warrant #53 left off.

Meeting adjourned at 9:15 p.m.

