

**East Montpelier Selectboard Hearing and Meeting APPROVED (07/24/17) MINUTES  
July 10, 2017 at the Town Office**

**Vicious Dog Reconsideration Hearing**

**Selectboard (SB) members present:** Carl Etnier (recording secretary), Seth Gardner, Kim Swasey (recusing herself for the hearing), Amy Willis; Bruce Johnson (town and zoning administrator).

**Others present:** Reuben Adams, Janet Connor, Greg Farnham, Norman Hill, Bruce Howlett

**Reason for the hearing:** On June 26, 2017 the Selectboard granted a request to reconsider its decision resulting from the June 5, 2017 “vicious dog” hearing for the dog Oakley, owned by Reuben Adams of 515 Brazier Road. The Selectboard's decision from the June 5, 2017 hearing was to ban Oakley from East Montpelier.

Selectboard Chair Seth Gardener opened the meeting at 6:33 p.m.

Mr. Gardner read the notice of the hearing aloud and asked whether there were any conflicts of interest or *ex parte* communications. Ms. Swasey recused herself.

All potential witnesses were duly sworn in.

Mr. Adams offered testimony as to why he was seeking reconsideration. Points included in his testimony and his responses to questions:

- Between Oakley's first attack reported in the original hearing and the attack on Ms. Swasey, the only communication from the town was a visit from the health officer, asking him to tie up Oakley for 10 days.
- He presented three letters from townspeople saying they are fine with Oakley. The letters from neighbors Nancy Brazier and Lois Flanders, and snow plow operator Dennis Hawkins, were distributed for the Selectboard members to read.
- He can keep dog contained. Now that he knows it's a problem, he's ready to put up fences. Oakley handles nicely on a leash.
- Oakley is in a kennel in Barre, and has been for three weeks.
- He has been mailman for 30 years, with encounters with dogs every day. That may make him desensitized to dogs, but it also makes him aware of the issues.
- He has served as a union steward. In that work, they have taken the view that discipline should be corrective rather than punitive, and should be progressive. Having Oakley's first vicious dog hearing be followed by a lifetime ban from the town is too much of a sanction imposed too suddenly.

Greg Farnham also testified. He said he has lived across the street from Mr. Adams for over 14 years and known Oakley since the dog was a puppy. He was very surprised to hear about the attacks, because he had never had issues with Oakley. Mr. Farnham has two children who ride on bikes on the road, and they haven't had problems with the dog. Oakley comes visiting to Mr. Farnham's property and gets along with the Farnham dog. His kids take care of Oakley, and he wants to provide a safe environment for his kids. In response to a question, Mr. Farnham said he would still send his kids over to visit Oakley, knowing that Oakley has bitten a couple people recently.

Mr. Hill said he saw the wound when his wife, Ms. Swasey, was bitten. She was bleeding from four incisor bites. He pointed out that Mr. Adams has admitted to being irresponsible (in a letter to the Selectboard); Mr. Hill doesn't trust him to be responsible. He said the Vogel kids call Oakley “killer dog.”

Mr. Adams said he has been irresponsible but won't be anymore. He can keep the dog 100% contained, he said, and Julie Vogel never gave him comments about the dog.

Mr. Howlett lives nearby, on Towne Hill Road. He testified he has not had interactions with Oakley. He grazes sheep on his land, and he is concerned about potential problems if there is a vicious dog in the neighborhood.

Janet Connor testified she has been charged by Oakley more than once, and once in last 6 weeks. She said she can't walk her dog on Brazier Road anymore; Oakley bars his teeth at them. She said her husband, Stephen, when he walks the road, walks with a golf club. She is a walker, not a bicyclist, and she walks towards U-32 now, to avoid the dog. She has had the dog on her property on many occasions.

Regarding the supportive letter from Nancy Brazier, Ms. Connor said Ms. Brazier lives at other end of the road and doesn't walk the road. Ms. Connor would not be satisfied with Oakley being confined; she said the Flanders' dog broke out of confinement. She also raised concerns on behalf of the U-32 track team, which runs that road.

After considering the testimony, the Selectboard entered deliberative session. Upon emerging from deliberative session, the board passed the following motion, 3-0:

**Motion: The board has considered the new evidence, and I move that the June 9, 2017 protective order stand as issued. Made: Mr. Etnier. Second: Ms. Willis. 3-0.**

The reconsideration hearing adjourned at 7:13 p.m.

## **Selectboard Meeting**

**Selectboard (SB) members present:** Carl Etnier (recording secretary), Seth Gardner, Kim Swasey, Amy Willis; Bruce Johnson (town and zoning administrator).

**Others present:** EM Tree Warden Paul Cate; EM Town Treasurer Don Welch; Joanne Garton, VT Dept. of Forests, Parks, & Recreation; EM Planning Commission Members Norman Hill & Jack Pauly; Sandal Cate.

### **A. CALL TO ORDER**

Mr. Gardner called the meeting to order at 7:18 p.m.

### **B. ADDITIONS TO THE AGENDA**

Certificates of Appointment for Interim Town Clerk and Assistant Town Clerk  
Preliminary FY2018 Tax Rates  
Personnel Matters

### **C. PUBLIC COMMENT**

None.

### **D. DISCUSSION ON COLLECTION OF DELINQUENT TAX ISSUES**

#### **Delinquent Tax Collection Policy & Procedures**

#### **Potential Tax Sales**

Mr. Johnson said that, now that the SB appoints the collector of delinquent taxes, the SB has responsibility for deciding when to go to tax sale. He presented a number of other towns' policies on collection of delinquent taxes for the board to consider.

The discussion centered on having a simple, easy-to-understand policy that balances fairness and consideration to the taxpayer in difficult financial straits with fairness to the other taxpayers in town, and that reduces our backlog of delinquent taxes.

The board asked Mr. Johnson to draft a concise policy based on input at the meeting. At the August 7<sup>th</sup> meeting, the SB will see the current delinquent tax situation, with all the tax agreements in it. Two parcels are ready to go to tax sale if the board so decides; other properties remain more than a year behind.

#### **E. CONSIDERATION OF UPDATED CASH RECEIPTS POLICY**

Treasurer Welch recommends adding Recreation Board treasurer as receiver of funds under the “Authorized Personnel” section; the section is also cleaned up so that the listed positions reflect current titles (Municipal Assistant, Town & Zoning Administrator).

**Motion: I move to adopt the Town of EM Cash Receipts, Petty Cash, and Returned Check Policy as amended. Made: Ms. Swasey. Second: Ms. Willis. 4-0.**

#### **F. REVIEW OF TREASURER’S FINANCIAL MANAGEMENT QUESTIONNAIRE**

24 VSA §872 requires the SB to review the town treasurer’s financial management questionnaire (a form provided by the VT State Auditor), describing the town’s internal financial control mechanisms.

**Motion: I move to authorize Chair Seth Gardner to sign the Financial Management Questionnaire to signify the SB has reviewed it. Made: Mr. Etnier. Second: Ms. Swasey. 4-0.**

#### **G. DISCUSSION ON THE POTENTIAL CREATION OF A PROPERTY TAX POLICY COMMITTEE**

Last year’s discussions on the Charter Committee touched on potential alterations to the property tax methodology, including tax payment dates, acceptance of postmarks, and penalty charges. The board would like to have recommendations ready in time for 2018 Town Meeting.

The SB asked Mr. Johnson to email the Charter Committee and put it out on Front Porch Forum now, and to appoint committee members in August for a start in September.

#### **H. DISCUSSION ON EXPANDING THE TOWN’S VMERS OFFERINGS TO INCLUDE DEFINED BENEFIT PLAN GROUP C**

Mr. Johnson informed the SB that the town has received permission from VMERS to offer Group C as of the start of FY2018.

#### **I. Preliminary FY2018 Tax Rates**

Listers filed the preliminary grand list, opening the two-week grievance window, on June 30<sup>th</sup>; the annual lister hearing date is July 14<sup>th</sup>. On July 7<sup>th</sup> the Agency of Education released the education property tax rates for East Montpelier. The combination of those two events allows the generation of the preliminary FY2018 tax rates:

- Homestead rate: 2.5042; down 1.8% from last year’s 2.5509
- Non-residential rate: 2.2189; down minimally from last year’s 2.2198

The official FY2018 property tax rates will be set at the board’s August 7<sup>th</sup> meeting.

#### **J. Certificates of Appointment for Interim Town Clerk and Assistant Town Clerk**

The SB signed forms certifying appointments of CJ Flynn as Interim Town Clerk through September 1, 2017, and Denise Brown as Assistant Town Clerk through June 30, 2018; these forms, once completed by the appointees and notarized, will be submitted to the Washington County Clerk.

## **K. UPDATES ON TOWN POSITION OPENINGS**

The board decided to reopen the town clerk job search using Front Porch Forum and targeted phone calls.

Guthrie Perry has accepted the town's road foreman position; he'll start July 24<sup>th</sup>.

## **L. DISCUSSION ON RURAL ROAD VEGETATION ASSESSMENT PROGRAM**

East Montpelier and Calais have been selected as the pilot towns for the "Rural Road Vegetation Management Assessments" program offered by the VT Department of Forests, Parks, and Recreation. Joanne Garton, Resilient Right-of-Ways Project Coordinator for the VT Urban & Community Forestry Program, discussed the program and presented a letter of collaboration for town review/approval.

The pilot will assess how green infrastructure (trees and other vegetation) can reduce stormwater runoff from town roads. Ms. Swasey asked whether Ms. Garton would be willing to return to East Montpelier and give some more suggestions after the project had involved quite a few other towns, as well; Ms. Garton said she would.

The SB asked for minor amendments in the wording of the letter.

**Motion: I move to authorize Town Administrator Bruce Johnson to sign the amended agreement letter. Made: Mr. Etnier. Second: Ms. Willis. 4-0.**

The SB will strive to appoint the committee at its next meeting, drawing from townspeople on the Conservation Fund Advisory Commission, the Tree Warden, the Forest Commission, the Planning Commission, and the Selectboard. Mr. Gardner and Mr. Cate are willing to serve.

## **M. UPDATE ON PURCHASE OF HUDSON PARCEL**

A Purchase and Sales Agreement has been signed by 4 of the 6 Hudson siblings, for a purchase price of \$95,000.

The preliminary closing date is July 20, 2017, although this will likely be pushed a few days due to the complexity of working with 6 owners, some of whom reside out of state.

**Motion: I move to authorize the purchase of the Hudson Parcel for \$95,000 from the Capital Reserve Fund and to authorize Seth Gardner to sign a special warrant for the closing check. Made: Mr. Etnier. Second: Ms. Willis. 4-0.**

## **N. WARRANTS**

Signed.

## **O. MINUTES**

**Motion: I move to accept the minutes of the June 26/June 29 meeting as amended. Made: Mr. Etnier. Second: Ms. Willis. 4-0.**

## **P. OTHER BUSINESS**

*Town Administrator Report*

Potential *Signpost* article on employee changes:

Mr. Johnson will draft something for SB to review next meeting; deadline is August 1.

Committee Resignations:

Andrew Greenwald has stepped down from the DRB.

Rosie Laquerre has stepped down from the Town Clerk Selection Committee.

Meeting Schedule:

|            |         |  |
|------------|---------|--|
| July 11th  | 6:00 pm | Winooski River Basin Plan forum (Plainfield Opera House)       |
| July 20th  | 7:00 pm | EMFD quarterly budget presentation at ESF                      |
| July 24th  | 6:30 pm | Selectboard special meeting (no July 17 <sup>th</sup> meeting) |
| Sept. 15th | 8:30 am | 2017 Municipal Day; VT agency workshops at National Life       |

*Zoning Administrator Report*

There have been two permit applications since June 26, 2017.

No DRB meeting is, as yet, needed for August; the next scheduled meeting is September 5<sup>th</sup>.

**Q. Personnel Matters**

The board discussed a potential extension of TA Johnson's contract. No action was taken.

**R. ADJOURNMENT**

**Motion: I move to adjourn. Made: Ms. Willis. Second: Mr. Etnier. 10:05 p.m.**

**4-0.**