

**East Montpelier Selectboard Meeting APPROVED MINUTES (08/18/14)
August 4, 2014 at the Town Office**

Selectboard members present: Carl Etnier (recording secretary), Seth Gardner, Casey Northrup, Steve Sparrow, Kim Swasey; Bruce Johnson (town administrator).

Others present: Garrett Baxter (Vermont League of Cities and Towns), Bob Klein, Amy Nixon (Times Argus), Jean Vissering, Dan Smith

A. CALL TO ORDER

Chair Seth Gardner called the meeting to order at 6:40 pm.

B. ADDITIONS TO THE AGENDA

VTrans Better Backroads Grant

C. PUBLIC COMMENT

None.

D. INFORMATIONAL SESSION ON DOG COMPLAINT PROCESS

Garrett Baxter, Vermont League of Cities and Towns Senior Staff Attorney, explained why VLCT came out with *The Big Book of Woof* (available at VLCT.org). The book was published this year to help municipalities interpret their options and responsibilities under state statutes, especially in the conducting of a vicious dog hearing. If a Selectboard receives a written complaint about a dog that has bitten someone off its owner's premises, they are obligated to hold a vicious dog hearing within seven days. VLCT wanted to give municipalities guidance on how to conduct the hearing.

In addition, VLCT has created a model municipal ordinance that addresses threatening behavior by dogs, other than biting a human off the owner's property, e.g., biting pets or livestock, or threatening humans. The model ordinance calls a dog behaving in such a way a "potentially vicious" dog. East Montpelier has an ordinance that also addresses the "potentially vicious" behavior (called "creating a nuisance" in the ordinance), but fines are the only penalty the town can mete out. Under the model ordinance, a complaint about a "potentially vicious" dog triggers a hearing process like that of the vicious dog hearing.

Mr. Baxter agreed to answer questions, while emphasizing that he wanted to talk about the process and avoid specific cases.

Ms. Vissering said that, last year when she was bitten, she would have been helped by information from the town for the victim—what are the victim's rights and responsibilities? Should the victim go to the hospital to get documentation? Also, she did not file a written complaint on that incident, and she wonders whether it is too late to do that.

Mr. Baxter said that the town has no statutory obligation to do anything before a written complaint is filed. He said he was glad that East Montpelier has adopted forms for people to use in filing a complaint, and that the SB was holding this informational meeting tonight.

Mr. Baxter also said that there is no time requirement for when the complaint is filed. However, in a hearing, the SB will be looking for evidence that is credible and reliable, and an older complaint may be backed by less reliable memories.

Ms. Vissering asked about when a bite “requires medical attention.” Mr. Baxter advises municipalities to interpret that broadly—whether or not the victim seeks medical attention, if the bite broke the skin or even showed abnormally aggressive behavior, the SB should hold a hearing.

Mr. Smith noted that he has a VAST trail and mountain biking trail on his property, and he is wondering what to do about dog attacks on these trails. He asked whether the vicious dog statute was tailored for rabid dogs. Mr. Baxter said it was; it was created in the 1940s, when rabid dogs were a big concern nationally.

Mr. Smith said that the East Montpelier ordinance is tailored more broadly, which he likes. It contains a prohibition against roaming. Mr. Baxter said that the EM ordinance is not a “leash law.”

Mr. Smith wondered whether the EM ordinance can be amended to say that people on the VAST trail with their dogs do not have his “consent” to be on his land. Mr. Baxter said that the town cannot regulate private trails; if the dog is on the premises without the owner’s consent, that’s the important test.

Mr. Smith wondered whether the ordinance could be modified to require that a dog be impounded under certain circumstances. Mr. Baxter noted that the statute allows that, for dogs that bite.

Mr. Baxter cautioned against a municipality adopting the model ordinance uncritically, suggesting it be tailored the town’s needs.

Ms. Vissering asked about dogs attacking other dogs. That circumstance is covered in the VLCT model ordinance, Mr. Baxter noted. Mr. Etnier noted it is also in the town ordinance.

Mr. Smith asked whether a town can pass an ordinance giving the SB the power to direct the animal control officer to impound a dog without a written complaint, if there are multiple oral complaints. Mr. Baxter said that is an option. He also said that he likes the suggestion from a staffer that dog offenses be placed in different classes, with different levels of escalating penalties for each class. Right now, a person not picking up after a dog is classed the same as a dog chasing a human down the street.

Mr. Etnier said he would like the town to consider incorporating language from the VLCT model ordinance into the town ordinance, so that the SB can also hold hearings when they receive a complaint about a potentially vicious dog. Mr. Gardner also expressed interest in amending the ordinance.

E. DISCUSSION ON WEBSITE CONTENT POLICY

Mr. Etnier presented a list of suggestions for policy that he had harvested from e-Vermont’s “Best Practices for Vermont Town Websites,” our own discussions in town (especially at a hearing on December 8, 2013), and current practice at the web site.

Board members provided feedback on the suggestions, which Mr. Etnier will translate into amendments to the current “Website Policy and Privacy Statement,” adopted by the SB Nov. 5, 2013.

The SB authorized Mr. Johnson to post the Grand List on the web site. It will contain assessed property values, but no tax information.

The SB discussed a flattened hierarchy for posting to the town web site and redundancy in ability to

post. Mr. Johnson said the site is set up so that a the town can set the level of posting and editing access for any number of individuals. His goal is to have the chairs of committees, etc. post on their individual pages.

Right now, Mr. Johnson is the only person who has the passwords and knows how to post things to the site. The SB discussed bringing in town volunteers to assist in that process when Mr. Johnson is unavailable. Mr. Etnier volunteered to be an early protégé.

F. SETTING OF 2014/15 PROPERTY TAX RATE

The property tax rate is based on a combination of municipal and school taxes. The municipal tax rate is based on the budget passed by voters at town meeting and the value of the grand list. Various local property tax agreements also contribute a small amount to the property tax rate. The school tax rate is provided by the Vermont Agency of Education.

The following table shows the contributions of the municipal and school tax rates and local agreements to the residential and non-residential tax rates (units are \$/\$100 assessed value):

	2014 Tax Rate	2013 Tax Rate	Increase or Decrease
Residential municipal tax rate	0.5608	0.5611	-0.0003
Residential school tax rate	1.7984	1.6608	0.1376
Local agreements tax rate	0.0050	0.0055	-0.0005
Total residential tax rate	2.3642	2.2274	0.1368
Non-residential municipal tax rate	0.5608	0.5611	-0.0003
Non-residential school tax rate	1.5306	1.4661	0.0645
Local agreements tax rate	0.0050	0.0055	-0.0005
Total non-residential tax rate	2.0964	2.0327	0.0637

Grand list is \$2,945,528.29; up \$28,066.88 from last year
 Resident (homestead) tax rate: 2.3642; up 0.1368 (6.14%) from last year
 Non-resident tax rate: 2.0964; up 0.0637 (3.13%) from last year

Motion: I move to set the resident (homestead) tax rate at 2.3642 and non-resident tax rate at 2.0964. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0.

G. CONSIDERATION OF HOMESTEAD FILING PENALTY WAIVER

The town is allowed to assess an 8% penalty for residents who file their homestead declaration late. Or it can waive the penalty for everyone.

Last year, the SB waived the penalty for that year because it seemed many people were confused by the state’s changing requirements for how often one must file the declaration.

There was discussion as to whether a resident might wait to see whether residential taxes were higher than non-residential before deciding whether to file the homestead declaration. A penalty might

discourage this sort of speculation.

The town's revenues are not affected by whether someone declares a homestead in town or not.

Ms. Swasey said that it is in the town's interest to encourage accurate information about who is a resident here, and waiving the penalty encourages people to file a homestead declaration, even if it is late.

Motion: I make the motion to waive the late filing penalty for the declaration of homestead for tax year 2014-15. Made: Mr. Northrup. Second: Mr. Sparrow. 5-0

H. REVIEW OF TREASURER'S FINANCIAL MANAGEMENT QUESTIONNAIRE

Treasurer Don Welch submitted his answers to a Financial Management Questionnaire drawn up by the Vermont Auditor's Office and an Internal Control Checklist for Vermont Towns. No formal action necessary; this is for board review and discussion.

I. FIRE DEPARTMENT CAPITAL RESERVE REQUEST TO PURCHASE DEFIBRILLATOR

The East Montpelier Fire Department said at its July 17 meeting with the SB that one of its two defibrillators is old and needs replacing. They propose financing a new defibrillator with revenue from ambulance payments, with an estimated monthly payment of \$519.16 for five years, at an interest rate of 1.9%. The payments are less than for the other defibrillator which they just finished paying for.

Seventy five percent of surplus ambulance revenues are allocated to the capital reserve fund, so this is the equivalent of a withdrawal from the capital reserve fund, for which SB approval is required.

Motion: I make a motion to authorize the use of \$29,734.45 in East Montpelier Fire Department ambulance service revenue to facilitate the purchase by EMFD of a new Life Pak 15 defibrillator. Made: Ms. Swasey. Second: Mr. Sparrow. 5-0.

J. CONSIDERATION OF CANON AGREEMENT FOR COPIERS

In the July 21 meeting, the SB decided to accept Canon's proposal to replace a copier/scanner/printer and a copier. Canon has submitted the paperwork to the town.

Motion: I make the motion to authorize Bruce Johnson to complete the agreement with Canon for the replacement of the town copiers. Made: Ms. Swasey. Second: Mr. Northrup. 5-0.

K. CONSIDERATION OF WHITCOMB PAVING PROJECT AGREEMENT

In the July 21 meeting, the SB asked Mr. Johnson to ask F.W. Whitcomb for a new paving bid, based on somewhat revised specifications. They have done so.

Motion: I move to authorize Bruce Johnson to sign the agreement with F.W. Whitcomb for the paving of Gallison, Quaker, and Vincent Flats Roads. Made: Ms. Swasey. Second: Mr. Sparrow. 5-0.

L. CONSIDERATION OF CAI TECHNOLOGIES MAINTENANCE AGREEMENT

This is a recurring annual contract at the same price as last year, \$500.

Motion: I make the motion to accept the GIS Services Maintenance Agreement with CAI Technologies. Made: Mr. Sparrow. Second: Mr. Northrup. 5-0.

M. CONSIDERATION OF REAL ESTATE APPRAISAL PROPOSAL

No action taken.

N. VTRANS BETTER BACKROADS GRANT

The Agency of Transportation has agreed to fund \$10,000 for ditch work on Center Road.

Motion: I make the motion to authorize Bruce Johnson to sign the VTrans Better Backroads Grant to fund ditch work on Center Road. Made: Mr. Northrup. Second: Ms. Swasey. 5-0

O. WARRANTS

Signed.

P. MINUTES

Motion: I move to approve the minutes of July 21, 2014 as amended. Made: Mr. Sparrow. Second: Mr. Northrup 4-0 (Swasey abstaining).

Q. OTHER BUSINESS

Emergency use of Emergency Services Facility

EMFD chief Ty Rolland has contacted Mr. Etnier and Mr. Johnson about the use of the village fire station as an emergency shelter when people feel threatened. Mr. Rolland has concerns about his staff being involved in potentially violent incidents, and he said he would work with his board to draft policies and procedures. SB members expressed an interest in having some ability for the emergency services facility, when staffed, to be a safe haven. The SB asked Mr. Johnson to let Mr. Rolland know that the SB would like to be included in the discussion and to see anything new before it is adopted.

Old Railroad Lane Property Line Issue

An Old Railroad Lane land owner met with Mr. Johnson and discussed the continuing tension between the homeowners on Old Railroad Lane and the Mascittis. Exactly who owns the road right-of-way seems to be an issue.

CVRPC Request for Comment on the US Rte. 2 Bypass Concept

A resident has contacted the Agency of Transportation to request that a bypass be constructed for Route 2, from Berlin to Cabot. The Central Vermont Regional Planning Commission asked whether the town wishes to ask CVRPC's Transportation Advisory Committee to pursue the issue. The SB is not interested in pursuing it.

Update on August 4th Mike Liff meeting

Mr. Gardner and Mr. Sparrow visited Mr. Liff, who continues to make progress in cleaning up the unregistered vehicles on his property. Mr. Liff pledges to keep at it.

Purchase a plow for the road foreman's pick-up?

RF Mike Garand requested a plow for his pick-up earlier this year, which would help if one of the larger trucks breaks down. Mr. Northrup will look into the price.

Upcoming meetings

August 18th Selectboard regular meeting, 6:30 p.m. at town office; main item is Land Use and Development Regulations amendments

Sept 8th Selectboard special meeting (to avoid Labor Day), 6:30 p.m. at town office

Sept 18th Planning Commission public forum on proposed flood hazard & river corridor regulations, 7:00 p.m. at Emergency Services Facility
Sept 22nd Selectboard special meeting, 6:30 p.m. at town office
October 6th Selectboard regular meeting, 6:30 p.m. at town office

Zoning Administrator Report

Next DRB meeting is August 5th

One hearing – EMES storage shed

Lylehaven subdivisions (3) – sketch plan review

Danforth (County Road) subdivision – sketch plan review

Olmsted (Brazier Road – former Bruce Butler property) subdivision – sketch plan review

R. ADJOURNMENT

Motion: I make the motion to adjourn. Made: Mr. Sparrow. Second: Ms. Swasey. The meeting was adjourned at 9:56 pm.