

**East Montpelier Vicious Dog Hearing and Selectboard Meeting APPROVED (05/20/19) MINUTES  
May 6, 2019 at the Town Office**

**Vicious Dog Hearing**

**Selectboard (SB) members present:** Seth Gardner, chair; Gene Troia, vice chair; Carl Etnier; Amy Willis; Bruce Johnson (town administrator).

**Others present:** Virginia Burley (town health officer), Janet Connor, Judy Joly, Andy Morse (dog owner), Guthrie Perry, Kim Swasey (recused selectboard member).

Chair Seth Gardner opened the hearing at 6:08 p.m. The hearing is in response to a complaint filed April 30, 2019 by Janet Connor against “Ellie”, a dog owned by Brooke MacDonald and Andy Morse.

The Selectboard heard and read testimony about the dog’s attacks on humans and other dogs, over a period of more than 12 months. Mr. Morse was present and agreed with the testimony. Details of the testimony are in the written decision and order from the hearing.

**Motion: I move to close the hearing. Made: Mr. Etnier. Second: Mr. Troia. 4-0. 6:40 p.m.**

**Motion: I move to enter deliberative session. Made: Mr. Etnier. Second: Mr. Troia. 4-0. 6:40 p.m.**

At 6:50 p.m., the SB emerged from deliberative session. While the forthcoming written decision and order will be the legally binding document, Mr. Gardner announced the SB found Ellie to be a nuisance, running at large in the town, and a potentially vicious dog. The order will mandate that Ellie be permanently removed from town within 14 days, with conditions on how she is to be kept until then.

**Selectboard Meeting**

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

**Others present:** Julie Potter, Planning Commission (PC); Clarice Cutler and Glenn Weyant, Development Review Board (DRB) candidates; Guthrie Perry, Road Foreman

**A. CALL TO ORDER**

Chair Seth Gardner called the meeting to order at 6:55 p.m.

*Additions to the agenda*

19-021; Hill Access Relocation Request at 925 Snow Hill Road

Jamie Frye’s Letter of Concern

*Review of Minutes*

**Motion: I move to approve the April 22, 2019 minutes as submitted. Made: Ms. Swasey. Second: Ms. Willis. 5-0**

*Public comment*

None

## **B. DISCUSSION WITH FRIENDS OF COBURN POND**

Renée Carpenter, leader of the group, canceled this appearance; she'll reschedule for early summer.

## **C. CONVERSATION WITH PLANNING COMMISSION (PC) ON ZONING UPDATE**

PC Chair Julie Potter provided a status update on the PC's zoning regulation overhaul project and then engaged the SB in a conversation regarding the direction and extent of the project.

Ms. Potter told the SB that the process has been a long one for the PC to get to the point where they are in understanding the current zoning regulations and suggesting revisions, and the PC is still working through the issues. She is willing to come as needed to explain the ongoing process.

In response to a question of what state statute changes require changes to zoning regs, she said she will get back to the SB.

Ms. Potter explained the PC has taken on the zoning regulations because the town plan has action items related to zoning. In reviewing town zoning, they saw areas that weren't working well. They spoke with the Development Review Board, to get its members' perspective. They have now completed a draft after nine months in which they have looked at every page of the regulations at least once.

The PC is unanimous that it was time to get public input, hence the first public forum that was held last week. She guesses that we don't have consensus on the PC about everything at this point. It's easier to put more in and trim it back than to add stuff to a bare-bones outline.

SB members commented on the length and complexity of the document. Ms. Potter offered to guide the SB through certain key sections and bring back feedback to PC. She also said the PC chose to write the draft with the idea that it's easier to edit things out later than to add new things.

The two SB members who attended last week's forum complimented the PC on a helpful and well-attended forum.

Another question for future discussions with Ms. Potter: to clarify the need for changing the regulations.

In June, she will return and explain the zoning districts in the new draft regulations.

## **D. CONVERSATION WITH CANDIDATES FOR DEVELOPMENT REVIEW BOARD SEATS**

The DRB has two open seats, both with terms ending in March 2021. As of Monday afternoon three candidates had expressed interest: Clarice Cutler, Loring Starr, and Glenn Weyant. The SB reviewed the candidates' letters of interest and interviewed the two candidates who came to the meeting, Ms. Cutler and Ms. Weyant.

**Motion: I move to appoint Glenn Weyant and Clarice Cutler to the Development Review Board. Made: Mr. Troia. Second: Ms. Swasey. 5-0.**

## **E. EAST MONTPELIER HAZARD MITIGATION PLAN DEVELOPMENT**

The purpose this evening is to develop the mitigation strategies table, a list of projects expected to be undertaken over the next five years.

The top five hazards previously identified were fluvial erosion, inundation flooding, wind, ice, and invasive species.

Actions discussed:

1. A generator for the town office is critical.
2. The town is already doing something to respond to the emerald ash borer, so that can be included.

3. For ticks and diseases they carry, the town can carry out or promote education on ticks and tick-borne diseases.
4. Culverts: Replace two on County Road and move the stream to a larger culver from the Center Road historic culvert.
5. Rebuild guard rail on lower Snow Hill Road.
6. Rebuild roads to prevent blowouts in storm. One or more of:
  - a. Lower North Street
  - b. Brazier Road
  - c. Hammett Hill Road
7. Work with Washington Electric Cooperative on keeping utility rights of way clear of trees.
8. Stabilize stream channels with plantings to prevent fluvial erosion.
9. Other projects to work with fluvial morphology to buffer floods.
10. Include items from the Upper Winooski Corridor Plan?

The SB will continue thinking about projects to include.

#### **F. CONSIDERATION OF EM PARK AND RIDE PROJECT CLOSEOUT DOCUMENT**

VTrans has settled with both the contractor and construction inspection company, allowing the town to close out the project. The town is still awaiting a refund of \$398.50 from JTC (the construction inspection firm), but otherwise all finances are final.

**Motion: I move to authorize the town administrator to sign the Park and Ride Project Closeout agreement. Made: Ms. Swasey. Second: Mr. Etnier. 5-0.**

#### **G. LETTER OF CONCERN ABOUT THE TOWN CONSTABLE**

Jamie Frey sent a letter describing an incident on May 1 in which, she said, town constable Sandy Conti blocked her car in with his truck while flashing his blue lights, as she sat in her parked car, talking on a cell phone. She said he made an implicit threat to ticket her and did not immediately identify himself as just the town constable with no policing authority. His truck was not marked as law enforcement, and he was in plain clothes. She said his tone of voice and demeanor were aggressive. The whole experience left her feeling unsafe, she said.

The SB noted this was the second incident in two years in which a young woman has reported aggressive and inappropriate behavior by Mr. Conti as he purported to act in his role as town constable.

The SB discussed the fact that the town constable is an elected official and cannot be removed from office by either the SB or voters, before his term is finished. A town vote can turn the position into an appointed position, which would give the town supervision over the constable.

Mr. Gardner will discuss the incident with Mr. Conti and ask him to behave considerately and stick within his jurisdiction when purporting to act as town constable.

The SB will consider preparing for a town meeting discussion and vote on changing the position of constable to an appointed position.

#### **H. ACCESS PERMITS**

19-003, 19-004, 19-005; Abrams Subdivision at 925 Center Road

The three curb cuts are for new building lots to the northeast of the Abrams' current access serving their house. The subdivision is the subject of a DRB hearing on May 7. Road foreman Guthrie Perry recommends approval.

**Motion: I move to approve access permits 19-003, 19-004, and 19-005. Made: Mr. Troia. Second: Mr. Etnier. 5-0.**

19-015; Rose London/John Wallstrom lot on Factory Street

This is a building lot on Factory Street from the Merritt subdivision back in the late '90s; Road foreman Perry recommends approval.

**Motion: I move to approve access permit 19-015. Made: Mr. Troia. Second: Mr. Etnier. 5-0.**

19-021; Hill Access Relocation Request at 925 Snow Hill Road

Mr. Hill is requesting a shift in access location further north on Snow Hill by 23 feet to improve drainage around garage; Road Foreman Perry recommends approval.

**Motion: I move to approve access permit 19-021. Made: Mr. Troia. Second: Mr. Etnier. 5-0.**

## **I. WARRANTS**

Signed.

## **J. OTHER BUSINESS**

### **Town Administrator Report**

#### *Green Up Day Was a Success*

2,800+ pounds of trash dropped off at Casella's today (last year was just over 2,000); tire totals coming – the road crew is still picking up tires along the roadsides.

#### *Meeting Schedule*

May 13, 2019	5 pm	Black Rock Quarry site visit
May 13, 2019	6 pm	Selectboard special joint meeting w/ Calais SB
May 20, 2019	6:30 pm	Selectboard regular meeting
May 21, 2019	7am – 7pm	WCUUSD board member election at EMES

#### *Zoning Administrator Report*

5 new applications since the April 22 SB meeting; 23 applications so far in 2019.

Next DRB meeting will be held May 7, 2019, with two warned hearings – the Abrams 4-lot subdivision and a duplex off of US Rte. 2 in Zone A (residential uses require conditional use review).

## **R. ADJOURNMENT**

**Motion: I move to adjourn. Made: Ms. Willis. Second: Ms. Swasey. 5-0.**

The meeting adjourned at 9:27 pm.