

Middletown Springs Selectboard • Thursday, April 26, 2018
Regular Meeting Approved Minutes

BOARD PRESENT: H. Childress, C. Fenton, C. Haynes, P. Kenyon, T. Redfield

TOWN OFFICERS PRESENT: Laura Castle, Town Clerk; Sarah Grimm, Auditor; Bill Reed, Road Foreman

PUBLIC PRESENT: Gary Kupferer, Town's counsel

CALLED TO ORDER: 7:00 p.m.

Approval of Minutes. T. Redfield moved to approve the minutes as modified from the April 12 meeting; P. Kenyon 2nd; [*all in favor, motion carried*].

Public Comment: Gary Kupferer attended to provide advice on the junk and junk vehicle ordinance. It's clear that not all of the adoption procedures had been followed precisely, and that those procedural errors could come up if someone "with standing" made the claim that it was improperly adopted. Someone charged under the ordinance would have standing to make a challenge, and to use the defense of improper adoption.

One issue is that the post-adoption posting wasn't in the Rutland Herald, but it was substantially "published" electronically in multiple venues. The Warning was signed by four selectboard members, but the BCA approved the language. But since there was a revote, which was the remedy that would have been advised, that removes some of the possible harms; it was clear that the community did indeed know about the adoption, and about the opportunity to vote to rescind it.

One option is that 17 VSA 2662 allows for a Board to move to repair an error or omission; we could ask for a revote at the August 14 primary election. Until such time, no actions would be taken on existing or possible complaints.

With regards to the coming tax sale, we don't currently have two of the annual warrants that give control of overdue taxes from the tax collector to the delinquent tax collector. These warrants need to be in hand in order to make claim packets for relevant property owners. We also need to be aware of any active and up-to-date payment plans on delinquent taxes, so that those properties will not be subjected to tax sale.

Town Officers. Election results: we have final outcomes for all elected officials, but have not yet made agreements with possible appointees for appointed positions. Dan McKeen still needs to take the oath of office for Copeland Church Fund trustee. The Town Meeting ballot had two positions open for Town's representative to the Copeland Cemetery Fund, but the bylaws of that fund state that the Town gets one representative trustee, with the Cemetery Association having two trustees. C. Fenton will ask Alida Tarbell and Alice Hoisington which of them would like to step away from the Town's representative trustee on the Copeland Cemetery Fund, to become the Cemetery Association's representative.

Bill Reed has agreed to act as the Town's representative to the Rutland Regional Transportation Council.

H. Childress will ask the Planning Commission members who'd like to be the 2018-19 representative to the RRPC.

H. Childress moved that the Selectboard act collectively as Fence Viewer for the 2018-19 year; P. Kenyon 2nd [*all in favor, motion carried*]. T. Redfield moved to leave Constable, Weigher of Coal/Timber/Shingles, and Town Agent unoccupied for 2018-19; P. Kenyon 2nd [*all in favor, motion carried*]

For the Copeland Milk Fund, Terry Redfield's term expired in 2018; Rodney Tarbell in 2019; Carl Haynes in 2020. P. Kenyon moved to appoint Terry Redfield for the Copeland Milk Fund as trustee through 2021; H. Childress 2nd [*all in favor, motion carried*].

The Selectboard needs to name a new Fire Warden for the five year term from 2018-2023; we believe that James Reed will be interested; C. Haynes will contact him regarding his interest.

Sarah Grimm reported that the Auditors had a meeting this week. T. Redfield is working to establish a meeting with the Sheriff's Department to set up login information for the Sheriff's activity and traffic-fine reporting system.

Road Commissioner. Bill has begun shoulder work on Haley Road in preparation for guardrail installation; he's awaiting slate rubble for upper surfacing, and will change out a culvert while he's at work on that area. He's working to set dates for the guardrail contractor to be at work in town.

Bill is repairing a major bearing on the grader, with parts set to arrive on Tuesday. He'll get back to grading and pothole fill once the equipment is back in service.

At the next meeting, Bill hopes to have the bid spec for the Norton Road two-culvert project, but is awaiting engineering from VTEL on their fiber-optic requirements. Then we'll have a public meeting in mid-May to alert Norton Road residents about temporary road conditions during construction.

It is Bill's opinion that we need to advertise for a new full-time road crew member. We can continue to work with Todd Mason as a part-timer as needed until we have our new crew member. H. Childress will work with Bill to write the job posting for this crew member.

Town Lands. The Building Committee has developed three draft charters for the Building, Marketing, and Fundraising project teams. The Committee hopes to have a

joint meeting with the Selectboard some time in late May or June to deliver status updates and specific planning steps in preparation for putting a bond vote before the Town at Town Meeting 2019.

T. Redfield will put up a Front Porch Forum posting asking for interest in removing the frame of the historic house at the West Street property.

Solid Waste. Glen Moyer will arrange with Hubbard for dumpsters at Large Waste Day; H. Childress will work the Transfer Station on that date (May 5) while Glen works with the crew at the West Street site.

Correspondence

- Billing statement for EyeMed (vision insurance)
- VLCT economic development forum, 6/14 in Killington; HR/Employment Law on 6/5 in Montpelier; Planning and Zoning Forum, 5/23 in Rutland
- Revised contract for H.P.Fairfield (mower rental summer 2018)
- Copy of Certificate of Highway Mileage, as filed with VT AOT
- VT Center for Geographic Information, Property Parcel Mapping Program start-up letter
- The Miraki wireless hub software renewal is due on May 9. T. Redfield moved to renew the wireless hubs at both the Town Office and Grant's General Store for three years, at a total of \$600; H. Childress 2nd [*all in favor, motion carried*]

Board Orders. H. Childress moved to approve board orders as presented; T. Redfield 2nd [*all in favor, motion carried*].

Other Business. Emergency Management: T. Redfield moved to adopt the LEOP with the addition of the Middletown Springs Community Church as a fourth shelter; P. Kenyon 2nd [*all in favor, motion carried*].

T. Redfield moved that no actions will be taken on existing or possible complaints regarding the junk and junk vehicle ordinance, due to procedural errors in its adoption; H. Childress 2nd [*Aye—H. Childress, C. Fenton, P. Kenyon, T. Redfield; Nay—C. Haynes*]. The Board will deliberate on options to adopt the ordinance at a later date.

Adjourn. H. Childress moved to adjourn, C. Haynes 2nd [*all in favor, motion carried*]. Meeting adjourned 9:41 pm.

Respectfully submitted,
Herb Childress, Selectboard Clerk