

**TOWN OF WEATHERSFIELD, VERMONT
SELECT BOARD**

**Select Board
Martin Memorial Hall
5259 Route 5, Ascutney VT
Monday, July 15, 2019
6:30 PM
REGULAR MEETING**

**MINUTES
APPROVED 8/5/2019**

Select Board Members Present: **N. John Arrison
Daniel Boyer
David Fuller
Michael Todd**

Select Board Members Absent: Kelly Murphy

Ed Morris, Town Manager

Others Present:

Kenneth Poland	Juergen Berthold	Paul Tillman	Nate Stearns
Richard Musbach	Jim Cahill	Fred Kowalik	Patti Arrison
Janice Chilek	Willis Wood	Nikita Lenahan	Cookie Shand
Ernie Shand			

1. Call to Order

Mr. Fuller called the meeting to order at 6:35PM.

2. Executive session as per 1 V.S.A. §313(3)(E) Zoning Litigation

Motion: To enter executive session as per 1 V.S.A. §313(3)(E) Zoning Litigation.

Made by: Mr. Arrison **Second:** Mr. Boyer

Vote: Unanimous in favor

The Board came out of executive session at 7:00 PM on a motion made by Mr. Todd, seconded by Mr. Boyer. All were in favor.

At 7:05 PM, Mr. Fuller called the open session to order.

3. Agenda Review

There were no changes to the agenda.

4. Citizen Complaint about Junk Accumulation at Parcel #04-02-40

Richard Musbach, resident at 4275 Rt 131, approached the board to complain about the accumulation of junk cars and auto parts all over the property that is directly across Route 131

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from his home. He also complained about excessive noise from motorcycles and snowmobiles that are operating for hours at a time (usually during the day on the weekends) on the same property. Mr. Musbach said the problem has been ongoing for sometime and continues to get worse. He also said he would like to sell his property in the near future and fears that the appearance of and activities occurring at this adjacent property will have a negative affect on his property value.

Mr. Musback has filed written complaints with the zoning administrator and has communicated with the police chief.

Mr. Morris acknowledged that this has been an ongoing issue and is escalating. He also acknowledged that the noise ordinance is difficult to enforce because it requires an officer be on hand during the incident to measure the noise level at the property line. The complainants must also turn to the state police if local police are not available and state police are not always able to respond to this type of complaint.

Mr. Morris said the state salvage yard specialist has toured the property and has determined that it meets the state standard for a junkyard. Mr. Morris has advised the zoning administrator to file a notice of violation simultaneously with the state.

Mr. Morris recommended working on the noise ordinance to enhance its enforceability and the solid waste ordinance as well for the same reason.

5. Bylaw petition Hearing 7:15 PM

Mr. Fuller opened the public hearing on the petition to amend the zoning bylaws. He recognized the town's attorney, Nathan Stearns.

Mr. Stearns said the board had received a petition to amend the zoning bylaws as follows:

- I. *The following shall be added to Section 4.32(e) as a Permitted Principal Use in a Conservation (C-10) District:*
 - a. *Processing of Agricultural/Forestry Products (see definitions)*
- II. *The following shall be added to Section 8 Definitions:*
 - a. *Processing of Agricultural/Forestry Products: The primary processing of agricultural and forestry products of commercial value whether the processing occurs at the site where the product was harvested or at a site that is not the harvest site.*

The planning commission had held the required public hearing on the petitioned changes and filed their report with the select board. The petition was now in front of the board for their consideration.

Mr. Stearns informed the board that there were a number of actions they could take including:

- 1. Continue the hearing
- 2. Vote up or down at this meeting
- 3. Allow the voters to vote on the petition at a special town meeting
- 4. Have the petition voted on at the next regular town meeting

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5. Take no action.

This hearing had been properly warned. The petitioners and their attorney were notified and they confirmed their receipt of the notification.

Mr. Fuller read the petition:

We, the undersigned registered voters of the Town of Weathersfield, Vermont pursuant to 24 V.S.A. 4441(b) and Section 2 of the Weathersfield Zoning Bylaws, initially adopted March 5, 1974, as amended, hereby petition the Town Planning Commission to submit the following proposed amendments of the Town Zoning Bylaws to the Selectboard for its consideration and adoption pursuant to 24 V.S.A. §4442(c)(1).

Mr. Fuller stated that the planning commission had voted unanimously that it did not support the proposed amendment on the grounds that it does not conform with or further the goals and policies contained in the municipal plan and that it was not compatible with the proposed future land uses of the municipal plan.

Mr. Fuller called for comments and/or questions from the audience.

Willis Wood, current member of the ZBA, said he felt the proposed change was too broad and agreed with the planning commission that it didn't fit the Town Plan. He suggested that changes to it might make it more acceptable.

Mr. Stearns advised the board that they could make changes to the proposed language, but it would require them to warn a new hearing on the resulting amendment. He did not recommend this course of action, however.

After reviewing the possible courses of action, the consensus was to move forward and vote on the petition as it stood.

Mr. Arrison moved to reject the language of the petition and to support the position of the planning commission. The motion was seconded by Mr. Boyer. However, before the board voted on the motion, it was suggested that the hearing be closed before taking action. Mr. Arrison withdrew his motion and Mr. Boyer his second.

At 7:35 PM, Mr. Fuller declared the public hearing closed.

Motion: To reject the petition dated May 15, 2019 to change Sections 4.32(e) regarding processing of agricultural/forestry products and Section 8 regarding the definition of processing agricultural/forestry products of the zoning bylaws and to support the position of the planning commission.

Made by: Mr. Todd **Second:** Mr. Boyer

Vote: Unanimous in favor

6. Comments from Select Board and Town Manager

Mr. Boyer said the town's roads look better than he has seen them in years. He said the highway department deserves a big "attaboy".

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Mr. Morris said that despite direct communication with the state regarding impending surface work on both Reservoir and Weathersfield Center Roads, the state proceeded to paint new stripes on both roads anyway.

Mr. Morris said he and Ms. Murphy had an opportunity to talk with volunteers from the Cover program who were building a ramp on a home in Perkinsville. They thanked the volunteers for helping a local resident in need.

Mr. Fuller said there have been three instances this year when he felt he had been pressed into making a decision when he felt he had not had sufficient time or information about the matter to make an informed decision. They were the solar array projects; the sale of the dump truck; and the motion to move money into reserve accounts from year-end surplus to pave the Martin Hall parking lot (which Mr. Morris said did not get approved). Mr. Fuller said none of these items were on the list of projects for the year and he felt more time was needed on each of them to make better decisions.

7. Comments from Citizens on topics not on the agenda

Jim Wimberg complained about an event in his neighborhood that started at about 2AM and lasted through the night. The following day there was gunfire throughout the entire day until 6PM. This was followed by fireworks that sounded like cannon booms. He said there had been at least 13 cars go down the road (Piper Road). He wondered if a permit should have been required and if any sort of safety measures had been taken.

It wasn't clear what permits would have been required for this event.

8. Review minutes from previous meetings – 7/10/2019

Additions/corrections/deletions:

a. Paul Tillman said the date at the bottom of the page was wrong.

Motion: To accept the minutes of the July 10th emergency meeting

Vote: Unanimous in favor

9. Nonprofit's Use of Transfer Station and Associated Fees

The focus of the discussion was to explore setting a policy regarding use of the transfer station for disposal of fund-raising yard/book sales leftovers by the town's nonprofit organizations.

Mr. Morris said the transfer station is run as an enterprise fund, which means it does not rely on tax dollars for its operations. It is intended to rely solely on fees for its revenues.

The town has been allowing its own departments, churches, and nonprofits to dispose of their trash for free. However, two years ago, Mr. Morris put a stop to allowing nonprofit

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fund-raising waste to be disposed of for free. Additionally, the town has not been consistent in determining who can dispose of goods for free and who cannot. Mr. Morris wants to see the transfer station run as a true enterprise fund and to develop a policy that will ensure consistent, fair treatment of nonprofits' use of it. He suggested using the bottle fund as a means of providing support to the nonprofits while simultaneously offsetting the disposal cost to the transfer station. The fund is available to all who use the transfer station including Weathersfield residents, and Reading and West Weathersfield residents. Everyone has equal access to the funds ensuring fair treatment for all. The fund is replenished regularly but is not limitless, which affords some control over the volume of waste.

Patti Arrison felt this was an unfair time to roll this out as the summer is the peak time for fund raising and the nonprofits won't be prepared for the added expense. She felt the board should send a written proposed policy to all of the town's nonprofits and inviting comments from them.

Mr. Morris said that organizations should be planning for disposal expenses as part of their fundraising plans.

No decisions were made.

10. Use of Bottle Redemption Fund for Historical Society

Motion: To authorize up to \$500 for the use of disposing of leftover items from the Historical Society Frippery event to be held in August of 2019 from the Bottle Redemption Fund.

Made by: Mr. Boyer **Second:** Mr. Arrison

Vote: Unanimous in favor

11. Village Planning Committee

Mr. Morris informed the board that he would like to create a village planning committee. Having the committee would strengthen our chances of receiving a Better Connections Grant.

Mr. Fuller was concerned that this committee might overlap with the work of the planning commission. He was also concerned about finding enough volunteers.

Mr. Boyer thought it was a good idea.

Mr. Arrison wasn't opposed to it, but said there had already been a plan for Ascutney and nothing had come of it.

Patti Arrison said everyone already knew what was wanted for Ascutney (sidewalks and traffic calming) and a committee wasn't needed.

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Mr. Todd said the Exit 8 Interchange plan hadn't gone anywhere. He acknowledged that the planning commission could always use help, but wanted the new committee to work directly with the commission.

Mr. Fuller said this, too, was not on the list of plans for this year and expressed concern about Mr. Morris losing focus by starting too many projects.

However, at the conclusion, the consensus was that it was a good idea and Mr. Morris should move forward with it.

Motion: To authorize the Town Manager to accept applications for a Village Planning Committee

Made by: Mr. Boyer **Second:** Mr. Arrison

After discussion, it was agreed to amend the motion to read:

Motion: To authorize the Town Manager to accept applications for a Village Planning Committee which shall work in partnership with the Planning Commission.

Made by: Mr. Boyer **Second:** Mr. Arrison

Vote: Unanimous in favor

12. Town Branding Committee

Mr. Morris said the town has a seal, but it needs a logo as we move forward with collaborating with area towns. We need something that identifies the town quickly and easily. He will work with professional help, but will reach out to townspeople for feedback.

The consensus was to agree, but they again expressed caution about yet one more ball in the air

13. Veterans Memorial Committee Discussion

The auditors added the VMC to their list of organizations whose funds were not directly under the control of the board and should either be removed from the general fund or the organization should be made a board under the town's control so the funds could be in the general fund. The VMC was set up with only one board-appointed member who acted as the board's representative. The committee has fundraising funds in the general fund and a reserve account set up for the purpose of creating a veteran's memorial.

The committee prefers not to become a private non-profit organization and instead would like to become a board-appointed committee.

After a brief discussion, the board agreed to re-create the Veterans Memorial Committee as a 5-member committee appointed by the board.

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Motion: Establish a Town-sanctioned Veterans Memorial Committee made up of up to five appointed community members.

Made by: Mr. Todd **Second:** Mr. Boyer

Vote: Unanimous in favor

14. Appointment Application Review

The consensus of the board was to not require a formal application from volunteers seeking appointments to the town's boards and committees. No action was taken.

15. Appointments

Mr. Fuller read the list of current vacancies.

16. Approve Warrants

Motion: To approve the warrants for July 15, 2019 as follow:

General Funds	Operating Expenses	\$13,816.99
	Payroll	\$8,499.32

Highway Fund	Operating Expenses	\$4,138.16
	Payroll	\$18,622.85

Solid Waste Management Fund		
	Operating Expenses	\$3,081.88
	Payroll	\$867.80

Library	Operating Expenses	\$0.00
	Payroll	\$1,084.52

Grants	Operating Expenses	\$0.00
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Agency Monies	Operating Expenses	\$0.00
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Reserves		\$0.00
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Long Term Debt		\$0.00
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Grand Totals	Operating Expenses	\$21,037.03
	Payroll	\$29,074.49

Made by: Mr. Arrison **Second:** Mr. Boyer

Vote: Unanimous in favor

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Ms. Kelly had some extra bills (credit card and post office box) that had come in after the warrant was published and asked if the board would consider paying them at this meeting to avoid incurring late charges and disruption of mail service for the town office.

Motion: To approve warrant #2 for July 15, 2019 as follows:

General Fund	Operating Expense	\$2,463.45
	Total	\$2,463.45

Made by: Mr. Arrison **Second:** Mr. Todd

Vote: Unanimous in favor

17. Future Meeting Agenda Items

18. Adjourn

Motion: To adjourn the meeting

Made by: Mr. Boyer **Second:** Mr. Todd

Vote: Unanimous in favor

The meeting adjourned at 8:54 PM

Respectfully submitted,
deForest Bearse

WEATHERSFIELD SELECTBOARD

N. John Arrison, Selector

Daniel E. Boyer, Selector

David Fuller, Vice-Chairperson

Kelly Murphy, Chairperson

Michael Todd, Clerk