

# TOWN OF CLARENDON, VERMONT

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## MINUTES

### SELECT BOARD MEETING - REGULAR

MONDAY, May 13, 2019

#### ATTENDEES:

#### SELECT BOARD

Michael Klopchin, Chair  
Cash Ruane  
Robert Congdon  
Board Secretary Janet Arnold  
William Chmielewski, PEG-TV

#### 1. CALL TO ORDER

Chairman Klopchin called the meeting to order at 6:04 P.M., and welcomed audience members.

#### 2. REVISIONS TO AGENDA

Robert moved to add commentary from Mrs. Strong regarding trash being dumped on back roads. Cash seconded the motion, and it passed.

#### 3. MEETING MINUTES

The Board considered the minutes of the April 22, 2019 meeting. Mike called for revisions to the minutes. Robert seconded the motion. Two corrections were noted: the reference to West Tinmouth Road should be East Tinmouth Road. On page 4, Bob Bixby attended the Rutland County Solid Waste meeting, not Mike Klopchin. With those corrections, the motion passed.

#### 4. COMMUNITY CONCERNS

Mrs. Strong indicated that there are areas along Gorge Road, out of sight of the road, where a significant number of tires, old appliances and trash has been dumped. She queried whether there is some way to get it cleaned up. Mike noted that, in the past, the Road Crew has done cleanup. In addition, the issue has been addressed in prior Green Up Days. Cash added that, if the trash is within the right-of-way, the Road Crew will respond, commenting that citizens can always form clean-up crews on their own.

The Board queried whether, on State owned land, the State will undertake clean-up. Cash offered to reach out to his State contacts, and noted that the Vermont Housing & Conservation Board are the owners of that section of property. Rick Wilbur stated that the Sheriff's Department can follow up on the matter so long as identifying information can be found in the rubbish, and Robert suggested that the Health Officer can determine the level of hazard.

#### 5. APPROVAL OF AP AND PAYROLL WARRANTS

Accounts Payable and Payroll warrants were executed by the Board.

#### 6. PUBLIC COMMENTS

Community members greeted the Board.

#### 7. HIGHWAY

##### *a. Road Commissioner Report*

Cash reported that he has been in contact with the State regarding issues related to the covered bridge. There will be a meeting next Monday (May 20) to assess the situation, and a plan will then be formulated to address any structural and/or safety issues.

He then explained the State's "salt bid" process, which will allow the Town to secure its winter salt supply at bulk pricing. Cash also noted that the road crew has been discussing the possibility of a four-day work week (ten hours per day for four days), which he believes may be more efficient. He therefore proposed a two-week trial. Robert noted that this has been done

in the past, and there were a significant number of complaints when crew members were not available. However, he also noted that there can be benefits to such a schedule. Discussion ensued regarding a number of issues, including flexibility, having individuals on call, and scheduling of time off.

The Board and audience members had a far-reaching discussion regarding different options, flexibility, and how to ensure that the necessary work gets done. Following lengthy and far-reaching discussion, examining numerous logistical issues, the Board elected to maintain the current arrangement with the road crew.

## **8. OLD BUSINESS**

### ***a. Town Officially Taking Over Maintenance of Sunny Hill Drive and Sherri Lane***

Mike announced that the hearing for the Town to formally take over maintenance of Sunny Hill Drive and Sherri Lane will be held on June 10, 2019, commencing at 6:00 p.m.

### ***b. Potential Marijuana Ordinance***

The Board again addressed the matter of an ordinance to address community concerns in light of the State's likely passage of marijuana legislation this session. Mike noted that the Selectboard is empowered to create ordinances for the Town. A draft ordinance has been developed for Clarendon. Robert queried if a public hearing on the matter is necessary, so the Board discussed the matter, and ultimately concluded that no hearing is needed. If citizens have an issue with an ordinance enacted by the Board, they are always empowered to petition the Board.

Robert then read the proposed ordinance for the benefit of the audience. Audience members queried whether the ordinance will address medical and personal use, and whether it might place unnecessary limits on business opportunities that could benefit the Town. A healthy debate ensued, with Board and audience members examining numerous aspects and implications of an ordinance, including, but not limited to, recreational and medical use of marijuana, business potential and resulting tax revenues that would benefit the Town. A number of individuals supported protection of medical use, and the Board noted that personal use can also encompass medical use. The conversation then transitioned to guidelines for personal use, which the Board noted it will develop for the next meeting.

Finally, Rick noted that it is the Selectboard's intent to prevent marijuana dispensaries in town, but it is not the Board's intention to ban medical marijuana. Moreover, he cautioned that the federal government does NOT recognize marijuana as legal. It is still illegal on the federal level, which adds a measure of complexity to the issue. The Board therefore concluded that additional information is likely required, and the issue will be addressed again at a future meeting.

Following that discussion, Robert moved to amend the agenda to address the R. Clark Forest Maintenance before the cemetery bids. Bob seconded the motion, and the motion passed.

### ***c. R. Clark Forest Maintenance***

Joe Peterson updated the Board on the timber harvest, noting that there is no maintenance necessary at this time. However, he noted that the parking area could be "dressed up" to enhance the perception of accessibility. In addition, he suggested that fencing could be added. Relative to tasks that could be completed by June 30, he suggested focusing on trails, as there have been issues with ATVs causing damage. The Board brainstormed options for addressing the issues raised, and which personnel and equipment might be leveraged to improve the trails without damaging them. All agreed that, because the ground is currently so wet, there is risk of doing serious damage. Board members suggested that the excavator or loader could be used to spread material once the ground dries.

### ***d. Cemetery Maintenance – Bids***

Heidi noted that there has been only one bid submitted for maintaining the cemeteries. Cindy Davis then presented the Clarendon Cemetery Evaluation that she and Heidi had done.

## **9. NEW BUSINESS**

### ***a. Proposed New Solar Facility Project in Clarendon***

Tom Garden, the Managing General Partner of Tri-Land Partners, presented the proposal for a 500 kW Group Net-Metered Solar Array along Middle Road which was filed with the Vermont Public Utility Commission on April 11, 2019. He reviewed the siting application, provided an overview of the project, the construction involved and the potential benefits to the Town. He also indicated that the State has evaluated potential wetland impacts as part of the siting process, and found no impacts to wetlands. Neighboring landowners have been provided with information, and he will meet with the Planning Commission next week.

Robert moved to address the issue at the Board's next meeting on May 29 if the Planning Commission has signed off on the plan. Rick seconded the motion, and it passed.

### ***b. Cemetery Maintenance***

Cindy Davis presented the Clarendon Cemetery Evaluation to the Board, as well as information regarding maintenance of cemeteries in other towns.

The Board then addressed bids for cemetery maintenance, noting that only one bid was received. Board members discussed their desire to have more than one bid, and brainstormed options to address the situation. Following lengthy discussion which included the potential for setting a special meeting to address the situation, the Board concluded that it would be best to extend the date for bids to be submitted by two weeks. Robert therefore moved to have bids due by 4:00 p.m. on Monday, May 20, 2019. Bob seconded the motion, and it passed. Robert moved to cancel the proposed special meeting, Rick seconded the motion, and it passed.

The Board then discussed the need to formally establish a Cemetery Commission, since there have been, and continue to be, significant issue to address. Following discussion on the matter, Cash moved to appoint Heidi Congdon, Cindy David and Joan Bixby as cemetery commissioners. Rick seconded the motion, and it passed, with Robert and Bob recusing themselves because their spouses are appointees to the Cemetery Commission.

## **10. TOWN OFFICER REPORTS**

Town Clerk Gloria Menard presented the annual warrant for dogs that are not licensed. Following Board execution of the warrant, she will send letters to residents with unlicensed dogs notifying them that they have thirty days to comply with the licensing requirement, or the Sheriff will impound and fine unregistered dogs. Robert read the statutory language to the public. Gloria then indicated that she sends letters to homeowners with unlicensed dogs, and if the dogs have not been licensed after thirty days, the list will be provided to the Sheriff's Department for follow up. Robert therefore moved to approve the procedure outlined by the Town Clerk relative to unlicensed dogs. Bob seconded the motion, and it passed.

## **11. SELECTBOARD COMMENTS**

Bob commented that the Rutland County Solid Waste meeting has been postponed. In addition, there has been a request for the Town to reach out to the Agency of Transportation to request that the brush on the north end of Airport Road be trimmed.

Mike noted that he received a call regarding numerous vehicles parked on Teer Road that appear to be unregistered. He has reached out to the Sheriff's Department to determine what options are available to address the situation.

Robert commented on the ongoing issues involving a property on Cold River Road that has been the subject of a court proceeding, and asked that the zoning administrator be contacted to determine where the issue stands.

## **13. ADJOURNMENT**

Business having concluded, Robert moved to adjourn the meeting. Bob seconded the motion, and the meeting was adjourned at 8:18 p.m.