

# TOWN OF CLARENDON, VERMONT

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## MINUTES

### SELECT BOARD MEETING - REGULAR

MONDAY, AUGUST 12, 2019

#### ATTENDEES:

##### SELECT BOARD

Michael Klopchin, Chair  
Robert "Bob" Bixby, Clerk  
Richard Wilbur

##### MEDIA

William Chmielewski, *PEG-TV*

#### 1. CALL TO ORDER

Chairman Klopchin called the meeting to order at 6:01 p.m.

#### 2. ADDITIONS/DELETIONS TO AGENDA

An audience member asked to be added to the agenda to address a safety issue, and following discussion to determine the issue, it was added to the Agenda under "Highway".

#### 3. APPROVAL OF MEETING MINUTES

The Board reviewed the meeting minutes of the July 22, 2019 Selectboard meeting.

Bob moved to approve the minutes, Rick seconded the motion, and the motion passed. The following corrections to the minutes were then noted:

- A repeated phrase on page 4 needs to be deleted.

Marjorie then indicated that the minutes from the past meeting were not posted to the website.

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

The Chair noted that the AP and Payroll warrants were being circulated for execution by Board members.

#### 5. PROPOSED MARIJUANA ORDINANCE

Mike opened discussion of the proposed ordinance by stating that, at the last meeting, the Board had approved a marijuana ordinance, prohibiting marijuana sales within Town limits. However, in the following days, the Board had noted that it only spoke to dispensaries. As a result, at the policy meeting on August 26<sup>th</sup>, commencing at 5:00 p.m. (immediately preceding the Selectboard meeting), the ordinance will be reevaluated. Then, at the regular Selectboard meeting commencing at 6:00 p.m., the updated draft will be shared

Alf Strom-Olsen queried whether there will be a draft of the ordinance available in advance. Mike indicated that it will be presented at the open session following the ordinance meeting. He also noted that, once the ordinance is posted, petitions can be made by the citizens of the Town against the ordinance.

Audience members took the Board to task for not providing the public/citizens of the Town a fair opportunity to discuss the ordinance in open session, with Board members indicating that the voters have the ultimate voice in the matter, because they can vote it down. In addition, Marjorie Southard noted that the ordinance will only preclude marijuana dispensaries.

Mr. Strom-Olsen characterized the approach the Board has elected to take in developing the ordinance as "sneaky". Mike defended the Board's power to enact an ordinance, noting that five percent of the citizens of the Town may sign a petition to have an ordinance enacted by the Board overturned. A number of audience members then queried why the Selectboard is unwilling to wait, suggesting that the Selectboard is "anti-business" by denying individuals the opportunity to open a marijuana dispensary business in Town. Other members of the audience

challenged the Board, suggesting that the way in which the Board elected to proceed on the matter precluded public participation, which has always been the cornerstone of Vermont's political system. There was then heated discussion regarding creation and passage of the marijuana ordinance, and the process that was and is being utilized to address the issue of marijuana sales in Town.

Audience members peppered the Selectboard with comments and questions, asking why citizens cannot review the draft ordinance right now. Mike explained the process the Board took in developing the ordinance, after which a somewhat heated exchange ensued, with two primary issues emerging: (1) whether citizens of the Town would be open to a Marijuana Dispensary in the town, and (2) the process by which the ordinance was developed. One audience member spoke eloquently about the political process in Vermont, the open nature of it, and the understanding that, in a democratic form of government, everyone should have a voice. As a result, he noted that having the right to do something (i.e. enact an ordinance) does not mean you do it without the input of the community. He advocated for community involvement in the ordinance, so that everyone can understand it, and encouraged the Board to hold an open discussion on the issue. Rick then indicated that the majority of past ordinances have not been voted on by the voters.

Audience members took the Board to task over the proposed process for the marijuana ordinance. Alf Strom-Olsen read, verbatim, the statutory definition of "dispensary", and audience members suggested that the ordinance undergo legal review, which the Board committed to do. Mike noted that the Town is making an effort to "get a step ahead" on the issue, but agreed that public involvement, like the discussion occurring during the present meeting, is critical. Audience members and the Board then engaged in a far-reaching discussion regarding the ordinance, the process and the need for transparency. Mr. Strom-Olsen expressed frustration at what he perceives as a "push" to pass the marijuana ordinance without providing real opportunities for community input.

Mike indicated that the ordinance will be posted before the next meeting, following the ordinance "workshop", after which it will be voted on by the Board in a special meeting with all five members present.

## **6. PUBLIC COMMENTS**

Cindy Davis queried why the speed limit is 25 mph on her road, when other roads in town (e.g. Quarterline Road) have a 35 mph speed limit. Rick explained that this was changed a number of years ago because there is a sharp turn in the road, so the lowered speed limit was implemented as a safety measure.

Another audience member asked whether the Board is considering an ordinance addressing junk (i.e. unregistered) vehicles. Mike indicated that there have been a number of concerns raised in that regard, and each Department of the Town will bring suggestions for ordinances to the Selectboard. Marjorie Southard added that the legislature recently passed legislation addressing junk cars. Audience members added that the concern is not just junk cars, but "junk" generally. Rick closed the discussion of junk cars by noting that the State limits the number of unregistered vehicles to three.

## **7. HIGHWAY: ROAD COMMISSIONER REPORT**

In Cash's absence, Mike indicated that Cash and Bob examined the Kingsley Covered Bridge, and there are definitely issues in the southwest corner, with underpinnings beginning to rot. At this time, the Board is securing estimates on the work that will be required. Heidi then stated that State has certified that the bridge is safe and passable.

The road crew is currently working on East Tinmouth Road.

Bob queried whether the "wood lottery" wood has been delivered, and it has not.

Mr. Pinkowski raised the issue of the driveway out to his horse barn and property. His property has been divided, and new owners planted cedar trees at the edge of the road. The trunks of the trees are right on the edge of the road ROW, and there is no line of sight to get out of his driveway. He also noted that there is a line of lilies that make getting on to the road completely blind. The Board had heretofore taken the position that it is a "dispute between neighbors", but given that the issue has been lingering for a while, Rick suggested that measurement be taken. If there are plants or trees within the Town right-of-way, a letter will be sent to the

property owner. Mike noted that a survey will be required to support Town action on the matter, after which, if the trees and/or lilies are in the right-of-way, a letter to the property owner will be drafted, reviewed by an attorney, and sent certified mail to the Owner regarding both the trees and the lilies in the road right-of-way.

## **8. OLD BUSINESS**

None.

## **9. NEW BUSINESS**

### ***a. State e911 Request to Rename Coburn Court Streets***

Janet presented a follow-up report regarding the naming of the streets in Coburn Court. They are currently named 3, 3A and 3B, which the State has indicated has the potential to cause confusion in the event of an emergency, which could result in a delay in response. The Selectboard has authority to re-name the streets within the Town of Clarendon.

Janet noted that, at the request of the Selectboard, she has researched street naming conventions. She reported that neighborhoods tend to have “themes” to their street names. Options include numbers/letters (i.e. Avenue A, First Street), flowers, trees, rocks, animals, mountains, cities, etc. The Selectboard will consider options, and address the matter at the next meeting.

### ***b. Planning Commission Letter to Residents re: Vermont Agency of Natural Resources “River Corridor Protection”***

Janet reported that a few residents had come in to the Town Hall with concerns about a letter they received from the Clarendon Planning Commission regarding Vermont Agency of Natural Resources “River Corridor Protection”. The letter was not exceptionally clear, but the bottom line is that the ANR River Corridor Protection is an optional program that residents can “opt in” to. If residents are not interested, they don’t have to do anything.

Mike explained that a committee was formed because of a concern over river corridors. Janet reported that she had spoken to ANR, and they have indicated that the River Corridor designation is an “opt in” program, so if property owners are not interested, they do not have to “opt in”. Bob then added that this was a pet project of Regional Planning.

## **10. TOWN OFFICER REPORTS**

### ***a. Treasurer’s Report***

Heidi announced that she has put together the fiscal breakdowns for the FY20 Tax Rate, reminding the community that the numbers are based upon what was voted on. She also noted that this was a reappraisal year, which has also had an impact on taxes. She proposed that taxes be due on Saturday, October 19.

She then provided a breakdown of the key drivers for the proposed tax rate. The education rate has gone up more than 16 cents. Town taxes are up more than 7 cents. Both education and the town taxes were approved by the voters at Town Meeting. Heidi also stated that approximately seventy percent of tax dollars go to the school district. The residential and non-residential tax rates have also increased.

Tax bills will go out in mid-September.

Heidi then connected Cash via telephone for the vote. Rick moved to accept the tax rate as proposed, Bob seconded, and the motion passed, after which Board members reiterated that the tax rate is based upon what was voted at Town Meeting.

## **11. ADJOURNMENT**

Business having concluded, Bob moved to adjourn the meeting. Rick seconded the motion, and with no objection, the motion passed. The meeting adjourned 7:32 p.m.