

## TOWN OF CLARENDON

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### Select Board Meeting – Regular Minutes March 9, 2020

#### **ATTENDEES:**

##### Select Board

Mike Klopchin  
Robert Bixby  
Cash Ruane  
Rick Wilbur  
Robert Congdon

Heidi Congdon, Treasurer  
Katie Rock, Secretary  
Gloria Menard, Town Clerk  
Art Menard  
Art Peterson  
Alf Strom-Olsen  
Tom Garden  
Janice McCoy  
Marjorie Southard  
Blaine Russell  
Susan Jepson  
Fran Kelly  
Kurt Stanley  
Kate Taylor  
Norm Flanders  
Keith Whitcomb, Rutland Herald  
Sgt. Andrew Cross Reed

#### **1. CALL TO ORDER**

Mike Klopchin called the meeting to order at 6:03 PM.

#### **2. BOARD OFFICER ELECTIONS**

Selectman Bixby motioned to nominate Mike Klopchin as Board Chair, Selectman Wilbur seconded, and all approved. Selectman Ruane nominated Bob Bixby as Board Clerk, Selectman Wilbur seconded, and all approved.

#### **3. AGENDA ADDITIONS / DELETIONS**

Marjorie Southard suggested moving Tom Garden, of Triland Partners, up in the agenda since he had a long way to travel back home. Chairman Klopchin responded by saying, after the approval of the minutes, Triland Partners could present.

#### **4. APPROVAL OF MINUTES**

Selectman Bixby motioned to approve the CMV Drug & Alcohol Policy workshop minutes as presented, Selectman Ruane seconded, all approved. Selectman Bixby motioned to approve the draft minutes from the Regular Meeting on February 24th as presented and Selectman Ruane seconded. Selectman Wilbur asked for one grammatical error to be corrected. The motion passed unanimously.

#### **5. NEW BUSINESS (\*note-this is out of order, per the agenda\*)**

##### **A. Triland Partners**

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Tom Garden from Triland Partners was at the meeting to present information on the possible solar field located on Route 7B. He was there in hopes that the Clarendon Select Board would support and approve the Darby parcel as a "Preferred Site." The full definition of a "Preferred Site" can be found at the Town Hall.

Mr. Garden asked the Board and the public if there were any objections to proceed with the solar facility before any permitting began. He had included in his handouts to the Board, the location and size of the proposed project. Tom emphasized that it is not on a wetland. He explained that the Clarendon Planning Commission, the Select Board, and the Rutland Regional Planning Commission need to be in agreeance before he can go forward. The Preferred Site has a tree line in front that will remain, and the neighbor across the road is amicable towards the idea of a solar field. Clarendon resident, Alf Strom-Olsen, questioned whether Triland Partners was in compliance with local ordinance concerning a solar field. Art Peterson questioned where the money for it was coming from. Tom Garden answered Mr. Strom-Olsen that he is following local ordinance, and by being at the Select Board meeting was part of that process. He answered Art Peterson, by saying that he and his company are financially responsible for it. Art also asked, if for example after 20 years if the solar field was unsuccessful, does Triland Partners have to restore the land? Mr. Garden confirmed that they are responsible. Mr. Strom-Olsen asked for clarification on if the permit spells out the decommissioning of this project. Tom Garden confirmed that it is in his permit. Tom Garden stated he does not guarantee anything personally, but explained that the same panels could still be in affect and generating electricity in 40 years. He was hopeful for success in this project. Selectman Bixby asked if the powerline would be overhead or underground. Tom said it would be overhead. Selectman Congdon motioned, seeing as how the CPC has signed off, that the Select Board vote to sign it and have the Chair fill out the appropriate paper work. Selectman Wilbur seconded the motion, and it passed unanimously. Chairman Klopchin requested a copy of the Preferred Site approval and status from Triland Partners, when and if it gets approved by the Rutland Regional Planning Commission.

\*note- The Board resumed following the agenda\*

## 6. HIGHWAY

**Road Foreman Report-** Road Foreman, Cash Ruane, has been working on pot holes on Middle Road and Creek Road. With the recent heavy rains, it has wreaked havoc on the roads. Cash Ruane also reported that the Clarendon Fire Chief called and they just had a brush fire on East Clarendon Road. It burned a portion of the Town's plastic culvert. Cash warned the general public to be careful when discarding cigarettes, with the already dry forest/brush.

Mr. Strom-Olsen questioned whether or not the Town received a grant for the culvert installation on Gorge Road. Road Foreman Ruane explained that the Town would have to wait for the grant to be honored before the project could begin. Mr. Ruane believes that the State Legislature is going to hold back on funds in the future, and wants to attack the more expensive projects first. The culvert project is now completed on Gorge Road. On the State maintained side of Gorge Road, the contractors are working on washouts near the airport. That road is going to stay closed until it can dry out.

## 7. APPROVAL OF SELECT BOARD WARRANTS

All new warrants and warrants previously signed by the designated Select Board Member were approved and signed by all Select Board Members.

## 8. GUESTS

**JANICE MCCOY- Discuss *Resolution for the Defense of the Right to Keep and Bear Arms***

Janice read the letter that she prepared, explaining a bit about herself and how long she has lived in Clarendon. Janice explained her concerns about the resolution. One being, that this Resolution was not brought to voter's attention because it was reportedly too late to be put on the ballot. She was confused since the Town of Chittenden discussed this Resolution the same night and had it on their ballot. Janice questioned what the exact date was that the official

ballot was due by. Her second concern was the urgency in which the Resolution was passed on the night of January 27th.

Additionally, Janice mentioned that she had googled Second Amendment Sanctuary Towns, and that Clarendon was linked in the website (Wikipedia). She thought that potential home owners would want to know that about Clarendon, as that may affect their buying decision. Marjorie Southard, in an effort to prove the inaccuracy of Wikipedia, pointed out that the website also states that this Resolution would take away universal background checks when purchasing a gun, which is incorrect. Alf Strom-Olsen asked Janice McCoy for clarification on what her two concerns were. Ms. McCoy replied, one was why couldn't the Resolution be put on the March ballot and why weren't voters made aware of the discussion. Clarendon Town Clerk, Gloria Menard, answered that the final deadline for the ballot to be in was Feb 2. However, the Town of Clarendon had finalized and approved their ballot at the January 13<sup>th</sup> meeting. To revise it at all after the January 27<sup>th</sup> meeting, when the Resolution was passed, would have called for a Special Meeting, and it would have had to been "warned" within the appropriate timeline. In essence, if the Board had decided to put it on the ballot, it would have been a very tight time restriction to make revisions to the ballot. To answer Ms. McCoy's second concern, the Board explained that the Resolution was an addition to the agenda, that is why there was probably not enough awareness raised about this Resolution any time before January 27<sup>th</sup>, since it was not on the posted agenda. Ms. McCoy and Mr. Strom-Olsen questioned the Board whether there was any discussion beforehand about this Resolution. Chairman Klopchin and Selectman Congdon answered that they had received phone calls about the process to get a Resolution passed. Chairman Klopchin advised the group to bring it before an Open Meeting.

The Board and the public discussed possibly having a Special Election for this topic. They asked the Town Clerk to look into it, as well as the feasibility of it.

Mr. Strom-Olsen wanted to warn the Board that they should be very careful with their additions and deletions to the agenda. They should be cautious when adding items, because the general public could not be made aware. Alf explained when the Board does that, it appears to have a lack of transparency with the Clarendon residents. In an effort not to circumvent, or go around, the general public the Board should do their best to not add items to the agenda, merely out of convenience. Alf wanted to emphasize this point, especially because of the incident of the Resolution not being properly warned. Selectman Congdon responded to Mr. Strom-Olsen that he understands, respects, and hears what he said. Selectman Congdon, as an individual on the Board, committed to Alf, that if an item is asked to be added to the agenda, he would discern whether it is emergent or not. This way the Board is more transparent to the Town of Clarendon and items can be warned within the appropriate timeline.

Ms. McCoy questioned, why then, was it so urgent to pass the Resolution so hastily on the night of Jan 27<sup>th</sup>. Selectman Wilbur replied that because it was a non-binding resolution, it was in a sense non-threatening. Selectman Wilbur likened a speed limit posting, to this 2<sup>nd</sup> Amendment Sanctuary Town. Marjorie Southard read a section from an article from the Rutland Herald concerning gun rights. It said: "The whole thing is kind of symbolic anyway so I think that you know we're getting the conversation going is what we set out to do, and it's been a success in that respect" (Eric Davis- President of Gun Rights VT). The Board thanked Ms. Southard for reading that and agreed that this topic has gotten a lot of discussion going. Clarendon resident, Kate Taylor felt that this is not a small decision, as it characterizes the whole Town. Chairman Klopchin said in the future, that next time, the Board will try to post it on the agenda and the general public can be warned. Marjorie Southard added that in Montpelier they don't come to the people and ask if they can pass bills, equating that to the Board passing the Resolution without a Town vote. Selectman Congdon said if there is a group that would like this changed, they are welcome to petition. However, he reported he has received overwhelming support for this resolution. Selectman Congdon explained that there isn't a great turn out for special elections, and they should try maybe for a primary election. Kate Taylor feels the Town needs to hold a special meeting to discuss this issue so they're not limited to time or the agenda. Selectman Wilbur suggested a public forum take place. Clarendon resident, Blaine Russel,

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acknowledged that he appreciates the fact that Clarendon sent a message to Montpelier by passing this Resolution. Selectman Bixby warned the public to do their own homework on guns, gun safety, and gun rights. The Board thanked Janice McCoy and her entourage for being at the meeting.

#### **9. PUBLIC COMMENTS**

N/A

#### **10. OLD BUSINESS**

N/A

#### **11. NEW BUSINESS**

##### **B. Zoning Administrator's Assistant**

Selectman Congdon explained that there was confusion around the Zoning Administrator's term and if it was up. Had it been up, the Clarendon Planning Commission had a recommendation for who the next one should be. The current ZA explained to the Board, in previous conversations, that he may be retiring in the next few years, and advised that there be an assistant to get trained. Selectman Congdon wondered whether there was room in the budget to have an assistant or not. He doesn't see the justification of spending money on it. Mr. Strom-Olsen reasoned that the next ZA would have more than enough training from the Zoning Board of Adjustment. Selectman Congdon motioned to write a letter to the CPC to relay that there isn't a vacancy until 2022, Selectman Wilbur seconded for discussion. Chairman Klopchin felt like, after their discussions, that any moment the ZA may resign. However, Selectman Congdon got the impression that the ZA would give enough notice before resigning. The motion passed 3 to 1. Selectman Congdon motioned to write a letter to the ZA from the Clarendon Select Board, per their discussion at the 2/24 meeting, and to clarify if he does formally request an assistant. And, in receipt of the Board's letter, would he write back. Selectman Wilbur seconded for discussion. Selectman Ruane does believe that the ZA was very clear and that in six months he wants to start training an assistant. Selectman Congdon's motion, regarding the letter, passed unanimously. Alf Strom-Olsen asked that the Board include that the ZA, whether he has an assistant or not, has to work within his current budget.

#### **12. TOWN OFFICER'S REPORT**

Town Treasurer, Heidi Congdon provided the Board with a current budget status up to this evening.

Alf Strom-Olsen brought up the fact, that the Town was in violation of Open Meeting Law because the agenda was not posted on the website within 48 hours of this meeting. Town Clerk, Gloria, said there was a glitch in the website when she tried to upload it. Alf advised changing website hosts to correct this situation. Selectman Congdon asked Gloria and Art (Menard) what they thought about upgrading websites. They said it was very costly. Art Menard questioned Alf whether he would prefer to not have the website at all, so this kind of thing doesn't happen again.

#### **13. SELECT BOARD MEMBER CONCERNS**

Selectman Congdon thanked Cash Ruane and the Road Crew for their efforts on Middle Road and S. Creek Road. Selectman Ruane wanted warn the public again about being careful with the dry brush and hopes for rainfall in the near future. Selectman Bixby wanted to make sure that the Road Commissioner opening was posted; Board Secretary Katie, confirmed that it was. He also wanted to confirm that at the next Regular Meeting, they would reappoint people to various offices, Katie confirmed.

#### **14. ADJOURNMENT**

Selectman Congdon motioned to adjourn at 7:31pm, Selectman Bixby seconded, and all approved.

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Selectman Congdon motioned to adjourn at 7:31pm, Selectman Bixby seconded, and all approved.

SIGNED: Mike Klopchin Mike Klopchin, Chair

SIGNED: Bob Bixby Bob Bixby, Clerk