

TOWN OF CLARENDON BOARD OF SELECTMEN MEETING
REGULAR
March 14, 2022
Minutes

Attendees:

Select Board

Mike Klopchin, Chairman
Bob Bixby, Clerk
Robert Congdon
Cash Ruane
Art Menard

Katie Nop, Secretary
Heidi Congdon, Treasurer
Gloria Menard, Town Clerk
William & Chris, PEG- TV
Mike Carrara
Joan Bixby
Roy Bixby
Gary Furman
Aaron Hilliker
Dan Blanchard Sr.
Tom Smith
George Ambrose

Call to Order

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

Election of Board Officers

Selectman Bixby motioned to appoint Mike Klopchin as Chair, and Selectman Congdon seconded. The motion passed unopposed. Selectman Congdon motioned that Bob Bixby be clerk for the board for another year. Selectman Ruane seconded, and all Board members approved.

Agenda additions/deletions

N/A

Approval of Meeting Minutes

Selectman Bixby motioned to approve both the Regular Meeting minutes from February 16, 2022 as well as the Special Meeting minutes from February 28, 2022 as presented. Selectman Congdon seconded the motion. Katie said she did receive a correction on the February 16th minutes under Comp Time discussion that the sentence stating: "Cash's recommendation was to allow the road crew to accrue up to 30 hours of overtime that they can put towards a vacation bank. 30 hours of overtime is equal to 48 hours straight time," should be changed to: "Cash's recommendation was to allow the road crew to accrue up to 32 hours of overtime that they can put towards a vacation bank. 32 hours of overtime is equal to 48 hours straight time." Selectman Bixby and Congdon changed their motions to approve the minutes with that correction. The motion passed 3-0. Selectman Menard abstained from the vote because he was not on the Board at the last meeting.

Highway

Road Commissioner Report- Road Commissioner Ruane is having issues getting salt with the supplier this year. The grader came back with more repairs today (3/14). A resident from Moulton Ave that was at the meeting stated he was concerned with the water that's pooling in their driveway due to the paving job that was done last year. Cash and the Moulton Ave residents talked about a possible solution. Cash said that Walker Mountain Road has a few driveways with the same issue, so he could ask the contractor he's working with to include Moulton Ave driveways when they come to do the work.

Comp Time Draft Policy- Chairman Klopchin gave a brief overview of what the Board has been discussing with comp time for the highway department. So far, they have been discussing allowing the road crew employees to be eligible to accrue overtime (up to a certain amount) to then bank as time off. Selectman Congdon stated that once this policy is set, "it's gospel." Meaning, the town is not likely to take it back and it will certainly set precedent for the future. He also noted that this kind of policy is only legal for municipalities and government entities. It is illegal in the private business world. Selectman Congdon was unsure where he stood, if the Board were to vote. Selectman Menard didn't think the policy needed to be acted on that night. He thought it should be read for the public and see if there's any feedback by the following meeting. Selectman Congdon read the draft policy aloud. (A copy of the draft policy is available at the Town Hall if interested). Selectman Bixby wondered if it was really fair to the road crew employees. He thought the employee should be given their pay and they decide how they want to use their time. Selectman Congdon had no problem waiting to act on it. Chairman Klopchin wanted to review other towns' comp policies and see how they handle it. Selectman Congdon motioned to table this discussion and put it on the agenda for next meeting. Selectman Bixby seconded, and the motion passed unanimously.

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.

Guests

N/A

Public Comments

N/A

Old Business

Noise/Speed Complaint – Selectman Bixby recused himself from this discussion as a Select Board member. He asked to join the discussion as a concerned citizen. There's a problem with noise and speed on Moulton Ave. It is getting to the point where there is no peace and quiet in the comfort of your own home. This has been ongoing for about 2 years, with no resolution. This issue is stemming from the individuals that reside at 195 Moulton Ave. Selectman Congdon questioned whether there was a mechanic business being ran on that property. Selectman Bixby responded that the former Zoning Administrator drove by and did not find there to be a sign or open hoods of car so he didn't think there was a business. That was the end of it. Selectman Congdon motioned that when Clarendon appoints a new ZA, they be made aware of this issue first thing. Selectman Ruane seconded, and the motion passed 3-0 (Selectman Bixby had recused himself). Joan Bixby questioned how many hours the Sheriff's Dept. is contracted for and the Board confirmed it was 30 hours. Joan and other residents felt like they never see the Sheriff patrolling Moulton Ave. There is a large issue with motorcycles speeding and the riders do not always wear helmets. They race through the village. A couple longtime residents of Moulton Ave are considering selling their houses because the issue is so unbearable. 195 Moulton Ave is a rental property of Scott Duncan's.

Bob Bixby has had a previous talk with Scott Duncan about the tenants being so loud and he stated that "they're just rednecks." Selectman Menard questioned how much control the town has over the Sheriff's Department and if the Board could direct the Sheriff to sit on Moulton Ave. The residents that have tried to confront the motorcyclists have felt threatened while doing so. Unfortunately, these people have no respect for their neighbors. Chairman Klopchin proposed meeting with Sgt. Cross this week and seeing what they could do with the noise and speeding. Another concerned citizen added that there's about 20 bags of trash on the side of the house. The tenants could also be burning Styrofoam. Moulton Ave residents also wondered if the used oil from the motorcycles was seeping into the ground. Selectman Congdon suggested getting the Health Officer involved as well. Chairman Klopchin asked that Katie contact Sgt. Cross and set up a meeting with him and Bob Bixby and a few of the residents from Moulton Ave. They also asked that she contact Scott Duncan and the Health Officer to keep them in the loop. Everyone agreed that the priority in the situation was to create a safe street for children and pets.

Open Meeting Laws discussion-

Chairman Klopchin wanted to have a brief discussion on open meeting laws with the new full Board. Selectman Menard said he was aware of the open meeting laws. Selectman Congdon agreed that since all the board members had served in town positions they were all well versed in open meeting laws.

New Business

Carrara Act 250 sign off- Mike Carrara is in the process of filling out an Act 250 application so he can build a home on a commercially zoned lot (the previous VCS Pepsi building upper lot). Two pages of the application needed Select Board sign off. Selectman Congdon motioned for the first page to check "yes" that the municipality can provide fire protection, police protection, rescue service, road maintenance, and solid waste disposal without unreasonable burdens for the stated project; check "no" that deficiencies would not occur without this project; check "no" that if the deficiencies are common to many projects, this project does not create burdens which are disproportionate to the taxes and user fees to be paid to the municipality; and check "yes" that the town is available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing. Selectman Congdon continued his motion to check the following boxes on the second page: that elementary, middle, and high schools are under the town's supervision to provide educational services for families who live in this project; check "yes" that these schools have the capacity to accept the additional students listed above (which is 0); check "no" for no other comments; check "yes" that the town is available, after sufficient notice, to answer questions related to the above statements at an Act 250 hearing; and he motioned that the Chairman of the Board sign off on both pages. Selectman Ruane seconded the motion. Selectman Bixby clarified that the location of this property is on a state-maintained road (7b central). Selectman Congdon agreed, but there is still road maintenance provided so it does not change the form. The motion passed unopposed.

2022 Certificate of Highway Mileage- Katie explained that this is something the Board certifies annually and there are no changes this year to the town's mileage. Selectman Congdon motioned to approve the certificate, Selectman Bixby seconded, and all Board members approved.

Liquor License- Steve's Country Market- Selectman Congdon motioned that the Board approve the liquor license and sign off on it. Selectman Ruane seconded, and the motion passed unanimously.

ANR MRGP report- Katie and Cash presented the MRGP report that is due annually and needed signing off on. The town is on track for 2022. The town was able to sign check all three boxes that state Clarendon has made changes to MRGP compliance status (Fully, Partially, and Does Not Meet) for completed road segments, recalculation of remaining

segments to be upgraded by December 31, 2022, and identification of any changes to the hydrologically-connected status of any road segment. The Board discussed what penalties there may be for not submitting the report. The report requires a fee of \$1350. Treasurer, Heidi, explained that the State has once again come out with a program that towns must comply with, before coming out with specific penalties for noncompliance. The Town is unsure if there are any penalties for not submitting. Last year, the road crew updated East Street and E. Tinmouth Road to bring them up to standard. East Street underwent flooding with the recent thaw/rain and part of the project gave way. Selectman Congdon wondered if the State would pay for the repairs because they said that East Street had to be updated. However, after much discussion about noncompliance, Selectman Menard motioned that the Chairman sign off on the report on behalf of the Board. Selectman Bixby seconded and the motion passed 4-0. Most agreed that this permit is an example of the phrase "putting the cart before the horse."

Reappointments- The Board decided amongst themselves which members would serve on which committees. Selectman Congdon motioned to go ahead and approve what was discussed (reappointments) and post vacancies where needed. Selectman Ruane seconded, and the motion passed unopposed. **see end of minutes for reappointments**

Certification of Compliance & AFP sign off / Paving Grant approval - Selectman Congdon motioned to approve the paving grant applications and Selectman Bixby seconded. Katie clarified that the Certificate of Compliance and AFP are a section of the grant and need signing off. Heidi noted that she reviewed the AFP and it is accurate. All Board members approved the motion.

Cash Ruane, Road Commissioner, noted he should have updated the Board in his Highway report that the town is in the early stages of replacing Hawkins bridge on Creek Road. They had a surveyor come down and take a look to get the ball rolling.

Town Hall server- the Town Hall's server has crashed a couple times in the last few weeks. The wifi, phones, and fire panel are all connected to the server. It's due for replacement in Spring of 2023 but may have to be replaced sooner if it keeps crashing. Town Clerk, Gloria, got a quote from Vermont Digital for a server and it came to \$5492 plus \$105/hour for install/configure and travel cost. Vermont Digital was fine to split the cost of the server over two fiscal years if necessary. Selectman Congdon thought the quote was high, specifically the per hour and travel charge. The Board discussed if the town needed a new back up or not. A new one was listed in the quote, but may not be needed. Selectman Congdon motioned to have Selectman Menard give Vincent, of Vermont Digital, a call to negotiate pricing and installation costs. Selectman Ruane seconded the motion and it passed unanimously.

Town Officer's Report

Listers: George- George updated the Board that there will be new software on the grand list module in NEMRC. The Listers have had some training on how to include additional sales info on the grand list. There have been 74 transactions that will affect the grand list; 8 permits for new houses; and several permits for garages, swimming pools, additions, sheds, etc.

Treasurer: Heidi welcomed Art Menard to the Board. She also provided the Board with an updated budget status.

Select Board Member Concerns

The Board welcomed newest member, Art Menard to the Select Board.

Selectman Congdon extended his thanks to Rick Wilbur for his time on the Board. He asked the Road Commissioner if they could get some gravel in front of Norm Bowens to alleviate the frost heave there.

Selectman Menard thanked the voters for coming out and supporting him. He's honored to be on the Board.

Approved March 28, 2022

Adjournment

Selectman Bixby motioned to adjourn at 7:45pm, Selectman Congdon seconded, and all approved.

Reappointments

Airport Committee

Mike Klopchin, Primary	3/23
Art Menard, Alternate	3/23

Community Center

Matthew Jakubowski	3/23
Robert Bixby	3/23
Marjorie Southard	3/23
Arthur Menard	3/23
Gloria Menard	3/23
Ashley Robinson	3/23

Community Center Board Town Representatives

Joan Bixby	3/23
Nancy Buffam	3/23

Emergency Management Director

Matthew Jakubowski	3/23
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E911 Contacts/Coordinator

Katie Nop, Primary	3/23
Matthew Jakubowski	3/23

Recreation Committee (7)

Matthew Jakubowski	3/23
Mike Robilotto	3/23
Heather Robilotto	3/23
Vacant (x4)	3/23

Special Police Officer

Vacant	3/23
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State Police Advisory Committee – Select Board Liaison

Bob Bixby	3/23
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Cemeteries Fact Finding Committee

Bob Underhill	3/23
Kevin Peck	3/23

Tree Warden

Vacant	3/23
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Grand Juror

Mike Pedone	3/23
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First Constable

C.J. Frankiewicz	3/23
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Rutland County Solid Waste District Representatives

Dave Potter, Regular	3/23
Bob Bixby, Alternate	3/23

Approved March 28, 2022

Rutland County Sheriff's Office- Select Board Liaison

Robert Congdon

3/23

Planning Commission (7)

John McKenna

3/26

Vacant

3/26

Vacant

3/26

Zoning Board of Adjustment (7)

Heidi Eccleston

3/24

Art Menard

3/24

Vacant

3/24

Vacant

3/24

Health Officer

Richard Griffith

1/25

Zoning Administrator

TBD

3/25

SIGNED: Mike Klopchin Mike Klopchin, Chair

SIGNED: Bob Bixby Bob Bixby, Clerk