

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Budget Meeting Minutes**  
**January 3, 2015**

**Present:** Grant Spates, Brian Smith, Perry Hunt & Beula Shattuck

**Others:** Amy Fletcher, Becky Miller, Nathan Pearl, Sue Best, Faye Morin, Craig Ellam, Bob Kelley

**MEETING CALLED TO ORDER – 9:00 A.M.**

**NEW BUSINESS:**

**Budget Meeting** – The board reviewed the draft 2015 budget. Review will continue after their next meeting on January 5, 2015.

**ADJOURNMENT:**

The next regular meeting is scheduled for January 5, 2015

At 10:30 am Grant moved to recess the Budget Meeting until immediately following their next regular meeting on January 5, 2015, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Budget Meeting Minutes**  
**January 5, 2015**

**Present:** Grant Spates, Brian Smith, Perry Hunt, Steve Gendreau & Beula Shattuck

**Others:** Faye Morin, Bob Kelley

**MEETING CALLED TO ORDER:**

At 6:56 Steve moved to resume their budget meeting that was recessed on January 3, 2015, with Grant seconding. Unanimous.

**Budget Meeting** – The board continued review the draft 2015 budget.

**EXECUTIVE SESSION:**

Perry moved to go into executive session to discuss raises, with Steve seconding. Unanimous.

Out of Executive Session. Grant moved to approve a 2015 budget of \$2,583,241.51 to send to the voters, with Beula seconded. Unanimous.

**ADJOURNMENT:**

Steve moved to adjourn at 7:25, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**January 5, 2015**

**Present:** Grant Spates, Steve Gendreau, Brian Smith, Perry Hunt & Beula Shattuck

**Others:** Donald Nolte, Maryann Tetreault, Faye Morin, Bob Kelley

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #26C in the amount of \$6,789.47, #1A in the amount of \$13,794.49 and #1B in the amount of \$76,210.57 were signed.

Beula moved to approve the minutes of December 22, 2014, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:**

Donald Nolte talked about the need to keep the budget down as low as possible and offered to help in any way.

**NEW BUSINESS:**

**Liquor Licenses – Thompson Redemption** – At 6:52 Grant moved to go into a liquor control meeting, with Perry seconding. Unanimous. At 6:53 Steve moved to come out of the liquor control meeting, with Grant seconding. Unanimous. Steve move to sign the license for Thompson Redemption, with Grant seconding. Unanimous.

**OLD BUSINESS:**

**Maryann Tetreault – Delinquent Tax Penalty** – Maryann submitted an article for Town Meeting to allow the voters to lower the penalty for delinquent taxes stating “Shall the Town of Derby set the penalty that may be assessed against delinquent taxes to 3% for the first 30 days of delinquency, and 5% for the 31<sup>st</sup> day of delinquency and thereafter, pursuant to 32 V.S.A. §1674(3).” Perry moved to approve the article for Town Meeting, with Beula seconding. Unanimous.

**EXECUTIVE SESSION:** None.

**ROAD REPORT:** None.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for January 19, 2015

At 6:56 pm Steve moved to adjourn their regular meeting and to resume their budget meeting that was recessed on January 3<sup>rd</sup>, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**January 19, 2015**

**Present:** Grant Spates, Steve Gendreau, Brian Smith, & Perry Hunt

**Others:** Joe Profera, Bob Kelley

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #2A in the amount of \$15,859.09 and #2B in the amount of \$28,985.45 were signed.

Grant moved to approve the minutes of January 5, 2015 and the minutes to their budget meeting that was started on January 3, 2015 and continued on January 5, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Liquor Licenses – Newport Elks, Cow Palace, Derby Line Village Inn, Wesco, & Charbo Campground** – At 6:31 Steve moved to go into a liquor control meeting, with Grant seconding. Unanimous. At 6:32 Steve moved to come out of the liquor control meeting, with Perry seconding. Unanimous. Steve move to sign the licenses for Newport Elks, Cow Palace, Derby Line Village Inn, Wesco & Charbo Campground, with Grant seconding. Unanimous.

**NEKWMD – Sign waste day application** – Grant moved to have the Chair sign the application, with Perry seconding. Unanimous.

**Smoking Complaint** – The Town received a letter from the state about a complaint of a supervisor smoking in the town garage. A written response is required within 10 days. Bob will reply to the complaint and explain everything the town has done.

**Employee Evaluation Form** – The board selected a new employee evaluation form that is more comprehensive than the one currently being used. The road foreman will be asked to attend the next board meeting so that the board can explain the new form and their expectations. This will be the first item on the agenda.

**Sign Gene Besaw – Audit Engagement Letter** – Steve moved to have the Chair sign the letter, with Grant seconding. Unanimous.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:** None.

**ROAD REPORT:**

This last storm was a tough one with first rain, then freezing rain and ending with snow, but all roads should be open now. We are very low on salt.

**OTHER BUSINESS:**

**Derby Line Ambulance** – The board reviewed the balance sheet and profit & loss statement they asked for. These statements supported the ambulance's request for an increase in funding.



**Monument Fund** – Brian reported that the fund has \$8,900 left in it for future improvements.

**Rutland Letter** – Rutland is asking the Town to sign a resolution to instruct their state representatives and senators to develop amendment to the statutes that concern the siting and approval of renewable energy projects and to the procedures of the PSB in order to ensure that Vermont municipalities have a more meaningful role in the CPG process and to require compliance with appropriately developed municipal siting standards. The board agreed with the resolution and the chair signed it.

**ADJOURNMENT:**

The next regular meeting is scheduled for February 2, 2015

At 7:00 pm Steve moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**February 2, 2015**

**Present:** Grant Spates, Steve Gendreau, Brian Smith, Beula Shattuck & Perry Hunt

**Others:** Paul Snider, Richard Jones, Michele Jones, Kirk Martin, Craig Ellam, Laura Carpenter, Robin Smith, Joe Profera, Bob Kelley

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #2C in the amount of \$18.00, #3A in the amount of \$16,249.90 and #3B in the amount of \$42,326.85 were signed.

Grant moved to approve the minutes of January 19, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:**

Richard & Michele Jones updated the Select Board on their road to their 3 lot subdivision off of the Beebe Road. Moving the existing road going thru the stump dump to his brother's house is not possible. He has installed the road into their subdivision and the road needs to be named. He suggested it be named Jones Drive. Steve made a motion to name the road Jones Drive, with Perry seconding. Unanimous.

**NEW BUSINESS:**

**Employee Evaluations** – This item was tabled because Road Foreman Terry Tice was not present.

**Liquor Licenses – Circle K Vermont, Rite Aid, G & T Bliss Corp, Jolley Associates LLC/Short Stop, Border Lounge LLC, NE Pizza Enterprises, R.C. Lewis Corporation** – At 6:39 Beula moved to go into a liquor control meeting, with Grant seconding. Unanimous. At 6:41 Steve moved to come out of the liquor control meeting, with Perry seconding. Unanimous. Beula move to sign the licenses for Circle K Vermont, Rite Aid, G & T Bliss Corp, Jolley Associates LLC/Short Stop, Border Lounge LLC, NE Pizza Enterprises, R.C. Lewis Corporation, with Steve seconding. Unanimous.

**Moto Cross – Bryant Perry** – Mr. Perry was not able to attend tonight and will be on the agenda for the next meeting.

**Sheriff's Contract – Kirk Martin** – The contract for services from the sheriff's department will be level funded this year.

**Sign Excess Weight permits – RG Gosselin Inc & Gosselin Water Wells** – Both permits were signed.

**Discussion – E911 Closing in Derby** – This was discussed in length. Everyone thought that closing the E911 call center was not a good idea. Not only would there be a loss of good paying jobs with benefits, but everyone including the fire chief and sheriff thought that service would not be as good with the calls being routed thru Williston. The Select Board decided to oppose this proposal in any way they can. The Board would like Keith Flynn to come to a Select Board meeting to discuss this issue and would like to contact all the area Select Boards, fire

departments, and ambulance services to attend the meeting. Everyone should contact our State Senators and Representatives and attend the legislative breakfasts.

**OLD BUSINESS:**

Steve is looking into logging the Town Forest for next winter, with the hopes of generating \$25k in income.

A revised budget was accepted with changes made to correct the appropriation request from Orleans County Historical Society, a correction to the highway department insurance, a 3% increase in Selectboard salaries recommended by the auditor and to correct the surplus as per Besaw's office.

**EXECUTIVE SESSION:**

At 7:10 Beula made a motion to go into executive session to discuss employee evaluations. Out of executive session at 7:45. No action taken.

**ROAD REPORT:**

The road crew is busy taking care of the roads. It was mentioned that in Wisconsin they use brine from cheese factories on the road and it was thought that the State should look into this. The highway mileage certificate needs to be signed. Steve made a motion to sign the highway mileage certificate, with Grant seconding. Unanimous.

**OTHER BUSINESS:**

**Derby Line Fire Department** – A water line in the fire department bay at the town garage has broken under the floor. The water has been turned off and line will be rerouted as soon as possible.

**ADJOURNMENT:**

The next regular meeting is scheduled for February 16, 2015  
At 7:55 pm Steve moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**February 16, 2015**

**Present:** Grant Spates, Steve Gendreau, Brian Smith, Beula Shattuck & Perry Hunt

**Others:** Gina St. Sauveur, Laura Fisher, Brian Fisher, Julie Jacobs, Patricia Bennett, Bryant Perry, Vince Illuzzi, Bob Starr, Michael Marcotte, Chet Greenwood, Lisa Boskind, Scott Boskind, Laura Carpenter, Joe Profera, Bob Kelley

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #4A in the amount of \$16,299.69 and #4B in the amount of \$46,310.57 were signed.

Perry moved to approve the minutes of February 2, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Moto Cross – Bryan Perry** – Mr. Perry submitted a 2015 schedule and certificate of liability insurance to the Selectboard. Races will be May 23 & 24, June 7 & 21, July 5, 18 & 19, August 2, 22 & 23. Scheduled practice days are May 16, June 20 & Aug 8 and are subject to change. Steve moved to approve the 2015 schedule, with Grant seconding. Unanimous.

**Sign Highway Relinquishment & Maintenance Agreement** – This is for the reconfiguration of the Crawford Rd/Route 5 intersection. Perry moved to sign the agreement, with Beula seconding. Unanimous.

**PSAP Closing Resolution** – Senator Starr and Representative Marcotte explained about the proposed closing of the Derby and Rutland PSAP. Everyone present was opposed to the closing of the PSAPs for both economics and safety concerns. The Selectboard would like to organize a meeting and invite all towns within the Derby PSAP service area to attend. It was thought that NVDA could help organize the meeting. Brian read the proposed resolution to the Shumlin Administration in opposition of the closing of the Derby and Rutland PSAPs for reasons of job loss, public safety and cost shifting (see attached). Grant moved to sign the resolution, with Perry seconding. Unanimous.

**Sign Excess Weight permits – Newport Sand & Gravel** – The permit was signed.

**Liquor Licenses – Derby Corner Mini Mart, CVS Pharmacy, Price Chopper** – At 7:31 Grant moved to go into a liquor control meeting, with Perry seconding. Unanimous. At 7:32 Steve moved to come out of the liquor control meeting, with Grant seconding. Unanimous. Steve moved to sign the licenses for Derby Corner Mini Mart, CVS Pharmacy & Price Chopper, with Perry seconding. Unanimous.

**Richard Nelson & Scott Boskind – Jr. High Roof Repair & Review of Completed Mechanical Improvements Project** – Mr. Boskind was present and explained all the repairs made last year. They came in under budget. \$1,900,000 was bonded for the improvement and it ended up only costing \$1,400,000. During the project it was discovered there was a problem with ponding on the roof in 4 areas. At town meeting the Jr. High will be asking voters to approve \$60,000 to come from the money remaining on the bond to correct this problem.

**Ernest Chalifoux Jr. & Bernadette Sheltra – Amend dog ordinance to picking up dog feces**  
– Mr. Chalifoux & Ms. Sheltra were not present.

**Set Date for Bylaw Amendment** – The planning commission has approved an amendment to allow for signs in the Commercial district to direct traffic to businesses located along secondary roads. The board set March 30, 2015 as the date for their public hearing for public input.

**OLD BUSINESS: None.**

**EXECUTIVE SESSION:**

At 7:40 Steve made a motion to go into executive session to discuss personnel. Out of executive session at 8:00. No action taken.

**ROAD REPORT:**

Brian read a letter from Terry Tice stating that he will be retiring effective March 28, 2015. Terry's work over the last 15 years has been greatly appreciated.

**OTHER BUSINESS:**

**Derby Principal's Report** – Grant gave everyone a copy of the report to review. The Elementary School's budget is up 1.58% from last year.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 pm March 2, 2015 just prior to Town Meeting which starts at 7:00. The meeting is expected to be very short.

At 8:00 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

# TOWN OF DERBY

- Office of the Select Board -

124 Main Street, Derby Center  
P.O. Box 25, Derby VT 05829

Phone: 802-766-4906  
Fax: 802-766-2027

## Town of Derby Selectboard Resolution February 16, 2015

Whereas, the Shumlin Administration proposes to eliminate the Derby PSAP (Public Safety Answering Point, aka State Police Dispatch) and the Rutland PSAP, in an attempt to save \$1.7 million for fiscal year 2016; and

Whereas, Derby and Rutland PSAPs dispatch and answer emergency and nonemergency calls for multiple agencies, including state police barracks, sheriff's departments, municipal police departments, fire departments, EMS agencies and many more; and

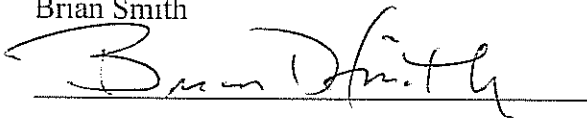
Whereas, the impact would be decreased dispatcher knowledge of local area and resources, backlogged calls due to decreased staffing, loss of services and responder safety, increased local costs among other reasons; and

Whereas, Derby and Rutland PSAPs employ 31 full-time dispatchers and 11 part-time dispatchers, for a total of 42 people who will lose their local jobs; and

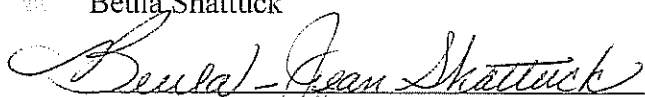
Whereas, the Newport-Derby area has the highest unemployment rate in the State of Vermont and the loss of any job has a large negative impact on the local community.

Therefore Be It Resolved, the Town of Derby Selectboard goes on record as opposed to the proposed elimination of the Derby and Rutland PSAPs for reasons of job loss, public safety and cost shifting.

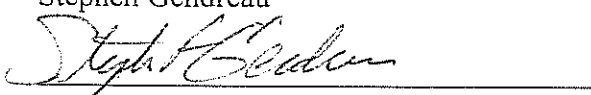
Brian Smith



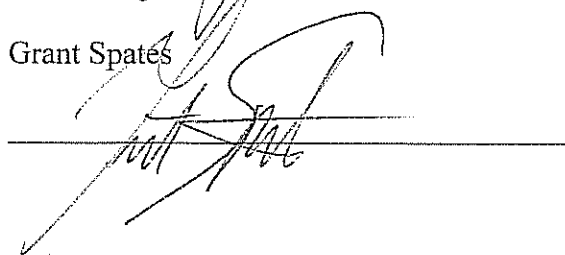
Beula Shattuck



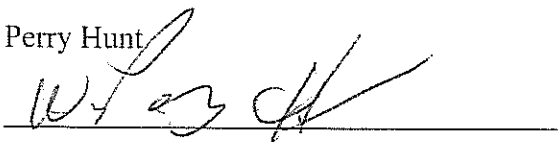
Stephen Gendreau



Grant Spates



Perry Hunt



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**March 2, 2015**

**Present:** Grant Spates, Brian Smith, Beula Shattuck & Perry Hunt

**Others:** None.

**MEETING CALLED TO ORDER - 6:00 P.M.**

Warrants #5A in the amount of \$20,407.17 and #5B in the amount of \$38,001.48 were signed.

Perry moved to approve the minutes of February 16, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Sign Besaw Representation Letter** – Beula moved to sign the letter, with Perry seconding. Unanimous.

**Sign Excess Weight permits – Clam-Dee Corp & Gould Well Drilling** – The permits were signed.

**Liquor Licenses – KPF Drugs Inc & Shaw's** – At 6:02 Grant moved to go into a liquor control meeting, with Perry seconding. Unanimous. At 6:03 Beula moved to come out of the liquor control meeting, with Grant seconding. Unanimous. Beula moved to sign the licenses for KPF Drugs Inc & Shaw's, with Perry seconding. Unanimous.

**OLD BUSINESS:**

**Sign Race Track Permit** – Grant moved to sign the permit, with Perry seconding. Unanimous.

**EXECUTIVE SESSION:** None.

**ROAD REPORT:** None.

**OTHER BUSINESS:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm March 16<sup>th</sup>.

At 6:05 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**March 16, 2015**

**Present:** Grant Spates, Brian Smith, Beula Shattuck, Stephen Gendreau & Perry Hunt.

**Others:** Dan Dagesse, Brad Shattuck, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #6A in the amount of \$16,823.17 and #6B in the amount of \$32,922.48 were signed.

Grant moved to approve the minutes of March 2, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Dan Dagesse – Development Questions** – Dan Dagesse and Brad Shattuck explained that they would like to develop land to the southeast of the Newport Country Club. Total build out for the project would be about \$7,000,000 if they could get off-site sewer/water. They have run into a roadblock in talking with the City of Newport in hooking up to their system and were wondering if there was anything the Town could do to help them. The Select Board agreed to get in touch with the City to see if something could be worked out to the benefit of both communities. Most of the land for this development is in the City, but this first phase would be entirely within the Town. It was felt that development of these lands would benefit everyone.

**Reorganize Board** – On a motion by Grant the following appointments were made, with Perry seconding. Unanimous

Select Board Appointments: Chair – Brian Smith, Vice-Chair – Grant Spates, Clerk – Bob Kelley.

One Year Appointments: Road Commissioner – Stephen Gendreau & Perry Hunt, NVDA Representatives – Beula Shattuck & Grant Spates, Pound Keepers – Renee Falconer, Fence Viewers – Rick Geisel, Inspector of Lumber, Shingle & Wood – Select Board, Weigher of Coal – Select Board, Tree Warden – Joe Profera, Fire Warden – Craig Ellam, Town Service Officer – Bob Kelley, Energy Coordinator – Thomas Bailey, Agent to sign deeds accepting or transferring Property on behalf of Town – Brian Smith, and Civil Defense – Craig Ellam.

Four Year Appointments: Zoning Board of Adjustment – Joe Profera & Richard Del Favero, Zoning Board of Adjustment Alternate – Sherry Aubin, and Planning Commission – Dave LaBelle & Brian Fisher.

The Newport Daily Express was designated as the newspaper of record for all notices and warnings which are required by law to be published in a newspaper.

**Set Dates for Equipment & Sand/Gravel Bids** – Bids will be advertised as usual and due on or before 5:00 p.m. Monday April 13, 2015.

**Sign Excess Weight permits – Chris Hunt Transport & Dale E Percy Inc** – The permits were signed.

**E911 Road Name – Walmart Development** – Brian would like to name the road Seymour Drive in honor of Giselle Seymour, who has been a strong advocate for this development.



Because there is a Seymour Lane in Newport City the Board would like the 911 Coordinator to check to make sure there are no conflicts with this name.

**Sign Pay Rates** – Pay rates were signed.

**Approve Annual Town & School Meeting Minutes** – The Board signed the minutes as written.

**Road Foreman Replacement** – See Road Report.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:** None.

**ROAD REPORT:**

The Board signed a Certification of Compliance for Town Road and Bridge Standards and Network Inventory.

Road Foreman Terry Tice is retiring at the end of the month and Grader Operator Richard Ste Marie is also retiring and will not be back this summer. They will probably put David Royston on the grader, but they will still need to hire 2 new men. The Board decided to advertise in both the Newport Daily Express and the Calendonian Record on Friday for the positions of Working Road Foreman and Road Worker. Deadline for applications will be 5:00 p.m. Monday March 30, 2015.

**OTHER BUSINESS:**

There is a meeting scheduled for 7:00 p.m. Monday March 30, 2015 at the Gateway Center in Newport to discuss the proposed closing of the Derby PSAP (911-call center). Governor Peter Shumlin and Department of Public Safety Commissioner Keith Flynn have both been invited.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm March 30<sup>th</sup>.

At 7:45 pm Beula moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**March 30, 2015**

**Present:** Grant Spates, Brian Smith, Beula Shattuck, Stephen Gendreau & Perry Hunt.

**Others:** Kirk Martin, Robin Smith, Joe Gresser, Dave LaBelle, Joe Profera, Phil White, Laura Carpenter, Steve Mengel, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #7A in the amount of \$21,871.24 and #7B in the amount of \$31,778.17 were signed.

Beula moved to approve the minutes of March 16, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:**

Robin Smith mentioned that trucks are using their Jake brakes coming down Caswell Ave and it is very noisy. Is there something that can be done about this? The board will look into putting up a sign asking truckers not to use them.

**NEW BUSINESS:**

**Sheriff's Office - Contract** – The contract will be level funded this year at \$45,683.52. Grant moved to sign the contract, with Steve seconding. Unanimous.

**Sign Excess Weight permits – Blue Flame Gas, Camp Precast Concrete, Desrochers Excavation, Kelley View Farms, New England Quality Services, & United National Foods** – The permits were signed.

**Bylaw Amendment** – Beula moved to recess the meeting to go into a Public Hearing for public comments on a proposed bylaw amendment to replace §402.8(G)(13) with the following:

Directional signs are allowed on corner lots in the Commercial (COM) zoning district only to direct traffic to business located along secondary roads and shall comply with the following:

1. One sign with a maximum height of 10 ft is allowed.
2. A maximum of 4 businesses are allowed on the sign.
3. Individual businesses are allowed one sign a maximum of 1 ft high by 4 ft wide stating only the business name/logo, distance from the intersection, and directional arrow.
4. The sign shall be located within the required greenstrip.

Grant seconded the motion. Unanimous.

Public discussion centered on questions about Vermont's billboard law. After all public comments were heard Beula moved to close the Public Hearing, with Grant seconding. Unanimous.

Perry moved to approve the proposed bylaw amendment as written, with Beula seconding. Unanimous.

**Kingdom Games 2015 – Phil White** – Mr. White is asking for the Town to support Kingdom Games again this year in the amount of \$2,000 and use of the Beach House on May 22<sup>nd</sup> & May 23<sup>rd</sup> for the annual Dandelion Run and on August 1<sup>st</sup> for the triathlon. The \$2,000 in support will allow Derby kids to enter the events for free. Grant made a motion to approve the \$2,000 support for Kingdom Games, with Steve Seconding. Unanimous.

**Auditor – Stephen Mengel** – Steve discovered at a training session for auditors that having only one auditor is not allowed. There needs to be at least 2 auditors in order to take any action. He suggested that the Selectboard either consider asking the voters at the next town meeting to abolish the office of auditor or to appoint at least one other person to fill the 2 vacancies. The Board asked Joe Profera if he would like to be an auditor and he said he would. Steve moved to appoint Joe Profera as an auditor, with Grant seconding. Unanimous.

**Recycling concerns** – Bob reported that there has been an ongoing problem with people dumping trash at the recycling center when it is not open. We may have a line on at least one party responsible for the dumping. Bob will look into it further.

**Review Job Applications** – Review of applications was done in executive session.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:**

At 7:25 Beula moved to go into executive session to review job applications for Road Foreman and Road Crew, with Steve seconding. Unanimous.

The Board decided to interview 3 of the candidates for Road Foreman at a special meeting on Tuesday April 7<sup>th</sup> starting at 6:00 p.m.

**ROAD REPORT:**

The new truck should be delivered on July 20<sup>th</sup>. There is plenty of sand left. Mike Dumas' truck will be sent to Pepin's garage to fix the frame where the hydraulic cylinder attaches. Brian will look into doing something for Terry Tice now that he has retired. He has done a good job for the town.

**OTHER BUSINESS:**

The water/sewer bill for the garage was extremely high due to a water leak in the fire station bay. Bob will look into getting the sewer portion lowered because most of the water went into the ground and not into the sewer system.

**ADJOURNMENT:**

A special meeting to interview candidates for Road Foreman is scheduled for 6:00 pm April 7<sup>th</sup>.

The next regular meeting is scheduled for 6:30 pm April 13<sup>th</sup>.

At 8:10 pm Beula moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD SPECIAL MEETING**  
**Minutes**  
**April 7, 2015**

**Present:** Grant Spates, Brian Smith, Beula Shattuck, & Perry Hunt.

**Others:** Royden Lancaster, Rod Lyon, Dave Patenaude, Larry Burdick, Brian Dubois, Becky Miller, Faye Morin, Bob Kelley.

**MEETING CALLED TO ORDER - 6:00 P.M.**

**PUBLIC COMMENTS:** None

**EXECUTIVE SESSION:**

At 6:05 Beula moved to go into executive session to interview candidates for Road Foreman and legal matters with the Ambulance Committee, with Perry seconding. Unanimous.  
Out of executive session at 7:43.

**NEW BUSINESS:**

**Road Foreman** – The board felt both candidates were qualified. Beula moved to appoint Rod Lyon as Road Foreman with a 30 day probationary period, with Perry seconding. Unanimous.

**Ambulance** – No action.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm April 13<sup>th</sup>.  
At 7:45 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**April 13, 2015**

**Present:** Brian Smith, Beula Shattuck, Stephen Gendreau & Perry Hunt.

**Others:** Anthony Moccia, Robin Smith, Joe Gresser, Joe Profera, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #7C in the amount of \$1,359.09, #8A in the amount of \$15,537.82, #8B in the amount of \$37,427.83 and #8C in the amount of \$43,759.95 were signed.

Beula moved to approve the minutes of March 30, 2015, with Perry seconding. Unanimous.

Beula moved to approve the minutes of April 7, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:**

Joe Profera commented that he was not in favor of the town giving money to for profit companies such as Kingdom Games Inc.

**NEW BUSINESS:**

**Review Bids – Equipment Bids and Sand & Gravel Bids** – There were 2 bids for sand & gravel and 5 bids for equipment. Bob will put them in a spreadsheet for the board to review at their next meeting.

**Sign Excess Weight permits – Barrett Trucking Company Inc, Calkins, Feed Commodities Int'l Inc, Harrison Redi-Mix Corp, Pike Industries Inc, Velco** – All permits were signed.

**Dirty 40 – Anthony Moccia** – The board receive some complaints about traffic delays last year due to the race. It was felt that the delays were minor. The race is scheduled for September 5<sup>th</sup> and the board approved of the use of the area in front of the NCHJHS and the race route again this year. The town will do the same deal with the sheriff's dept. again this year with the race reimbursing the town for the cost. The town clerk will send Mr. Moccia a letter similar to last year stating this agreement.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:**

At 7:47 Steve moved to go into executive session for a personnel matter, with Perry seconding. Unanimous.

Out of executive session at 8:00 – no action taken.

**ROAD REPORT:**

Pepin's does not have a body to put on Dumas' truck as was thought, also the plow and wing are worn badly.

The wish list for paving this year are sections of Eagle Point Road, Bridge Street, Darling Hill Road, Commerce Drive and a top coat on Pine Hill Road.

**OTHER BUSINESS:**

The board agreed to request that the State extend the 35 mph speed limit on Route 111 to the Lebaron property. Brian signed the letter of request.

There are specific grants available to Orleans, Essex and Caledonia counties. Bob will look into these and report back to the board.

The posts for the welcome signs need to be stained white and the balls put on top of the posts.

Bob is working with the Career Center to get the trim on the Municipal Building encased.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm April 27<sup>th</sup>.

At 8:00 pm Perry moved to adjourn, with Steve seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**April 27, 2015**

**Present:** Brian Smith, Beula Shattuck, Grant Spates, Stephen Gendreau & Perry Hunt.

**Others:** Allen Yale, Dan Dagesse, Brad Shattuck, Laura Carpenter, Faye Morin, Ryan Lewis, Jeff Manning, Beth Barnes, Rod Lyon, Roy Lancaster, Walter Ozuszynski, John Powell, Marcia Thompson, Willie Tetreault, Robin Smith, Joe Gresser, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #9A in the amount of \$16,625.50 and #9B in the amount of \$59,935.30 were signed.

Beula moved to approve the minutes of April 13, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Sign Excess Weight Permits – Curtis Lumber** – The permit was signed.

**Allen Yale – North Woods Canoe Trails** – The Board supported a portage route around a rough part of the Clyde River. Canoes would be launched from a spot on Mr. Yale's property. A lean-to shelter will be built on his property for canoeist to utilize.

**Jake Parenteau – Tire Damage – Darling Hill Road-** Mr. Parenteau was not present.

**Bike Route Signs – Beth Barnes** – The Board agreed with signage along the North Derby Road to direct bike traffic to/from the bike path and the Beebe Customs. 4 signs will be painted on the road, Ms. Barnes has the stencil and she will work with Road Foreman Rod Lyon.

**Phone Service** –Faye researched the Town's existing phone service and found that the Town could save money by entering into and 3 year contract with Fairpoint. She also researched the cost of internet service for the town garage. Grant made a motion to enter into a 3 year contract with Fairpoint for the Town's phone service and also for internet service for the town garage, with Perry seconding. Unanimous.

**Life Insurance** – Research by Faye found a \$211.22 quarterly savings for the same coverage by switching from Dearborn National to VLCT/Lincoln National Life. Perry moved to switch to VLCT/Lincoln National Life, with Steve seconding. Unanimous.

**New Hire Wages** – After coming out of executive session Perry moved to increase Mike Allard's hourly rate to \$13.90 now that he is a full time employee, with Grant seconding. Unanimous.

Perry moved to increase Rod Lyon's hourly rate to \$16.50 as road foreman, with Steve seconding. Unanimous.

Perry moved to increase Roy Lancaster's hourly rate to \$16.25 as assistant road foreman, with Grant seconding. Unanimous. All increases are affective May 1<sup>st</sup>.

**OLD BUSINESS:**

**Review Bids for Sand & Gravel and Equipment** – 5 contractors bid on supplying various pieces of equipment. 2 bids were received for sand and gravel. Grant moved to try RG Gosselin for sand and gravel this year, with Perry seconding. Unanimous.

**EXECUTIVE SESSION:**

At 8:10 Beula moved to go into executive session to discuss wages for promoted highway employees, with Perry seconding. Unanimous.

Out of executive session at 8:25 – see New Hire Wages under New Business for action taken.

**ROAD REPORT:**

Dump on Mike's truck cannot be fixed, but the body is in better shape than the chloride truck, so Mike's truck will become the new chloride truck and we will get rid of the existing one. Larry Letourneau will be getting the town a bid on street sweeping. The loader bucket needs repairs. Fiberglass whips are expensive from our current local supplier, we will see if we can get a better deal. The culvert past Barrup's on the Quarry Road is a go for State funding this year. Both the Eagle Point and John's River culverts need to be replaced and grant applications need to be in to the State by the middle of May. Bob will look into Northern Border Regional Commission Grant Program as another possible source of funding.

**OTHER BUSINESS:**

Ryan Lewis from Village Pizza was in for a renewal of their liquor license. He did not realize that he had to be on the agenda and their license will expire at the end of this month. The Board agreed to hold a special meeting at 6:00 pm Wednesday, April 29, 2015. The meeting will have to be warned tomorrow.

Dan Dagesse and Brad Shattuck talked to the Board about their proposed development off Pine Hill Road and the need to connect to municipal sewer/water. Grant & Brian met with the Newport City Council along with Brad last week. The City is not willing to give away sewer capacity to properties outside their city. The Town needs to plan ahead for additional sewer capacity at the City treatment plant if we don't want to slow down development. Bob will check with VLCT on how we might be able to strike an agreement with the City for funding future expansion of their plant.

**ADJOURNMENT:**

A special meeting is scheduled for 6:00 pm Wednesday, April 29<sup>th</sup>.

The next regular meeting is scheduled for 6:30 pm Monday, May 11<sup>th</sup>.

At 8:30 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**April 29, 2015**

**Present:** Brian Smith, Beula Shattuck, & Grant Spates.

**Others:** None.

**MEETING CALLED TO ORDER - 6:00 P.M.**

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Liquor License – R.C. Lewis** – At 6:00 Grant moved to go in to a liquor control meeting, with Beula seconding. Unanimous. At 6:01 Grant moved to come out of the liquor control meeting, with Beula seconding. Unanimous. Grant moved to approve the liquor license for R.C. Lewis, with Beula seconding. Unanimous

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, May 11<sup>th</sup>.  
At 6:02 pm Grant moved to adjourn, with Beula seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**May 11, 2015**

**Present:** Brian Smith, Beula Shattuck, Stephen Gendreau, Perry Hunt & Grant Spates.

**Others:** Joe Profera, Andy Major, Fran Batchelder, Irene Dagesse, Joe Gresser, Robin Smith.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Excess Weight Permit needs to be added to the agenda under New Business.

Warrants #10A in the amount of \$13,370.84 and #10B in the amount of \$42,819.81 were signed.

Beula moved to approve the minutes of April 27, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Coin Drops** – Requests received from DAV, Fire Department, Coutts/Siskins, Dailey Memorial Library, Lake Salem, Wellness Committee NCJHS, and Derby Line Ambulance Department. All are worthy organizations but there are only 4 coin drops available. DAV and the Fire Department automatically get drops every year. Perry move to grant the coin drops to Derby Line Fire Department (June), Derby Line Ambulance (July), Lake Salem (August), and DAV (September), with Grant seconding. Unanimous.

**Recycling/Act 148 – Irene Dagesse/Fran Batchelder** – We are in compliance with the new law starting July 1<sup>st</sup>. Because we have a high recycling rate the haulers in our area do not need to offer curbside pickup for recycling this year. If we continue to increase our recycling rate the haulers may not need to offer curbside recycling pickup in future years. If the town could get one of our local trash haulers to offer trash collection at a pay per bag type of arrangement at recycling it would probably increase our recycling rate. Fran & Irene will work with Bob Kelley to get a Request for Proposal together to see if there is any interest from the trash haulers to offer this type of service.

**Excess Weight Permit** – The permit for Tetreault's Maple Farm LLC was signed.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:** None.

**ROAD REPORT:**

Parts for the loader and backhoe are about \$2,400. Mike Vigeant will come and do the work right at the shop, we have used him in the past and he has done a good job for us.

**OTHER BUSINESS:**

**Beach House** – The Career Center has delivered the picnic tables, Taplin needs to be called to deliver the port-a-potty for the season, and we need to find someone to open and close the beach house every day. In the past when we had someone run a concessions stand they would open and close the beach house and that worked very well. It would be nice to find someone

interested in running the concessions again. Typically there is no rent charged, but they are required to open and close the beach house every day.

**ADJOURNMENT:**

There will be no meeting on Memorial Day, May 25<sup>th</sup>.

The next regular meeting is scheduled for 6:30 pm Monday, June 8<sup>th</sup>.

At 7:30 pm Beula moved to adjourn, with Steve seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**June 8, 2015**

**Present:** Brian Smith, Stephen Gendreau, Perry Hunt & Grant Spates.

**Others:** Joe Profera, Fran Batchelder, Irene Dagesse, Joe Gresser, Robin Smith, Jack Pine, Ken Pine, Pat Austin, Elizabeth Bumps, Armand Belisle, Paul Snider, Craig Ellam, Monique LaPlante, Art LaPlante, Tim Wilcox, Alden Wilcox, Samson Willson, Amy Snider, Sue Best, Phil Brooks, Pat Daigle, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #12A in the amount of \$17,332.78 and #12B in the amount of \$45,429.95 were signed.

Grant moved to approve the minutes of May 11, 2015, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:**

Elizabeth Bumps suggested that the public comment period be moved to the end of the meeting.

**NEW BUSINESS:**

**Excess Weight Permits** – The permits for Demag Riggers & Crane and Cardinal Logistics management Corp were signed.

**Boy Scouts – Troop #880 – Paul Snider** – The scouts would like to build 2 bottle drops to raise money and they would like to place them at the recycling center. They would also use them at town events like 4<sup>th</sup> of July and Derby Line Day. They will have to coordinate with Joe Noble regarding where to place them at the recycling center. Steve move to grant the request, with Grant seconding. Unanimous.

**Lister's – Grand List** – Lister Sue Best explained that they did some market adjustments on Salem Lake land values, mobile homes, and double-wides this year. This resulted in a \$100,000 decrease in the Grand List this year. This should help delay the need for a town wide reappraisal.

**Recycling – Pat Austin** – Pat explained in detail the new recycling laws. Haulers in the NEK are exempt for now from the requirement to offer curbside recycling. The only feasible way for haulers to offer curbside recycling is with zero sort, but then they have to haul it to a facility in Chittenden County. Austin's is offering this in some of their larger communities, but there is no way to financially do it in the smaller communities. The new laws may work well for Chittenden County but it does not work in the NEK. We currently meet the State's goals for the new recycling law doing things the way we have been. The Town asked for proposals from haulers to accept trash on a per bag basis during recycling on Saturdays, but there were no bids received from any hauler.

**OLD BUSINESS:** None.

**EXECUTIVE SESSION:** None.

## **ROAD REPORT:**

The Town would like to pave Commerce Way, Bridge Street, portions of Eagle Point, Darling Hill, and Pine Hill this year. The paving bids are in with Pike at \$76.85/ton and Gray's at \$84.00/ton. Pike's asphalt uses a mix with recycled material, while Gray's does not use any recycled material. It was thought that Gray's mix may hold up better. It was mentioned that it would be a good idea to use both contractors and compare how the two hold up. Steve moved to split up the paving between Pike and Gray's, with Grant seconding. Unanimous. Steve and Perry will determine an equitable split.

## **OTHER BUSINESS:**

**Dispatching** – Craig Ellam (Fire Chief) and Phil Brooks (Sheriff's Dept) explained the dilemma the town is in with the State pulling the 911 call center out of Derby. Phil has been putting in a lot of work to figure out how the dispatching will be handled after September 15<sup>th</sup> when the State will no longer be offering free dispatching. He feels there are 4 options for dispatching in the future: 1) move the dispatching to Williston, but we do not know what the charge will be; 2) create a regional group of towns and pay the State to do the dispatching locally at a cost of about \$1,100,000; 3) create a county co-op and lease the space in the Derby Barracks and staff it with co-op employees, initially the State was considering a \$1 yearly lease, but now they have gone up to \$15,000; or 4) create a county co-op and move the dispatching to the Orleans County Sheriff's Office with an estimated cost of \$600,000 per year. There are no good options for getting out of this mess that the State has left us in. It was generally agreed that keeping the dispatching local is a good idea. The board was very leery of contracting with the State as they do not appear to be able to keep cost under control. It was felt that the 4<sup>th</sup> option was the best choice. Derby's share would come out to about \$100,000 annually. It would be funded by a County Tax. Phil said there is still a long way to go to do this and he didn't see how it can be done by the September 15<sup>th</sup> deadline. We will probably have no choice but to have Williston do the dispatching until we can get another option up and running. Perry volunteered to be a liaison for the Town.

**Beach House** – Grant received an email from Brook Austin expressing interest in the concessions at the beach house. They need to get together with Beula to answer some of her questions. The Town may want to consider some type of a stipend if she would be opening and closing the beach house every day.

**Fire Department Ladder Truck** – Craig has located 2 possible trucks, one for \$225,000 the other for \$198,000. The department may be going to look at them as they are in the ballpark of what Craig wanted to spend.

**Route 5 Speed Limit** – Pat Daigle expressed concerns with the 50 mph speed limit near Gosselin's gravel pit between Derby Line and Derby Center. The board felt that this road is only going to get busier with new development and the area in front of Fred's propane is already a dangerous spot. They felt it would be a good idea for the speed limit to be 35 mph from the Derby Line Village limit all the way to Derby Center. They asked Bob Kelley to draft up something to send to the State requesting the change in speed limit.

**Route 111 Speed Limit** – Brian got a letter back from the State that the request to extend the 35 mph speed limit ¼ mile further to the east is working its way thru their process.

**Walmart** – Bob reported that they working their way thru their last approval for the road improvement being required. Hopefully in the next few weeks all approvals will be completed.

**Dog Park** – Bob asked the board for permission to put a directional sign at the intersection of Route 111 and 4-H Road directing traffic to the dog park and he also thought it would be a good idea to have one for the beach house. Permission was granted for both. He also reported that there was a dog bit at the park when one owner was attempting to break up a fight. He was bit in the arm and needed medical attention. Owners are responsible for the action of their dogs and the 2 owners are resolving the issue.

**Planning Commission Vacancy** – Brian Fisher has resigned from the Planning Commission. Bob will advertise the vacancy.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, June 22<sup>nd</sup>.

At 9:05 pm Steve moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**June 22, 2015**

**Present:** Brian Smith, Stephen Gendreau, Perry Hunt, Beula Shattuck & Grant Spates.

**Others:** Joe Profera, Joe Gresser, Robin Smith, Elizabeth Bumps, Renee Falconer, Genevieve Hamby, Boyd Dyer, Paul Prue, Laura Carpenter, Patrick Lawrence, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #13A in the amount of \$20,457.50 and #13B in the amount of \$29,254.56 were signed.

Grant moved to approve the minutes of June 8, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Animal Control – Renee Falconer – Dog Issue Herrick Road** – Renee explained the issue with a dog owned by Patrick Lawrence that has been an ongoing issue from last year. The dog has once again been off the owner's property and out of control of the owner. This is a large frightening dog that has been chasing cars and harassing pedestrians and bikers. The Selectboard had a vicious dog hearing concerning this dog last year and the owner was suppose to get training for the dog and to keep it under his control at all times. The owner did bring the dog to get the training, but the dog has not been under control while off his property at all times. The Selectboard decided to warn another vicious dog hearing at 6:30 p.m. Wednesday July 1, 2015 to decide what to do about the dog. Bob was directed to talk to the Town's attorney to make sure everything is done correctly.

**OLD BUSINESS:**

**Beach House Concessions Stand** - A concessions stand at the Beach House will not happen because we do not have the money for a stipend for the attendant.

**EXECUTIVE SESSION:**

Beula Moved to go into executive session to discuss negotiations with the City of Newport involving the entrance to Walmart on Route 5, with Perry seconding. Unanimous.

Out of executive session – no action taken.

**ROAD REPORT:**

Roadside mowing will start soon and be done for the 4<sup>th</sup> of July. There have been a lot of washouts from the rain we have been getting.

**OTHER BUSINESS:**

Perry had a call from a resident about the cross walks on Main Street in Derby Center. Grant will check with the State to see when they plan on painting them.

**ADJOURNMENT:**

A special vicious dog hearing is scheduled for 6:30 pm Wednesday, July 1<sup>st</sup> and the next regular meeting is scheduled for 6:30 pm Monday, July 6<sup>th</sup>.

At 7:30 pm Steve moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Vicious Dog Hearing Minutes**  
**July 1, 2015**

**Present:** Brian Smith, Perry Hunt, Beula Shattuck & Grant Spates.

**Others:** Renee Falconer, Elizabeth Bumps, James Geehan, Betsy McDonald, Edith Comtois, Claude Comtois, Ted Von Schoppe, Roger Nelson, Paul Prue, Robin Smith, Ian Hamby, Wyatt Hamby, Genevieve Hamby, Virginia Lawrence, Catherine Lawrence, Patrick Lawrence, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

**Vicious Dog Hearing – Tusker (dog) Patrick Lawrence (owner)** – It was explained that this hearing was in accordance with The Town of Derby Ordinance Regulating the Keeping and Control of Dogs and or Wolf Hybrids with the Town of Derby. Animal Control Officer Renee Falconer went over a history of complaints involving Tusker starting back in 2013 (see attached 6 page Animal Control Report dated June 22, 2015). It involves one off premise dog bite (Wyatt Hamby was the victim) and numerous threatening off premise attacks. Genevieve Hamby spoke about a recent attack on her and her father and the effects of the bite on her son. James Geehan spoke about a recent incident involving a bicyclist. Rebecca Hardy spoke about an incident where she saw a jogger get bitten. Claude Comtois spoke about an incident when the dog knocked him down injuring his hip. Wyatt Hamby spoke about the incident when he got bit and his reluctance to now to jog on Herrick Road. Ian Hamby spoke about the affects of the bite on his son. Patrick Lawrence, Catherine Lawrence and Virginia Lawrence defended the actions of the dog.

Written testimony was received from James Geehan, Boyd Kimbal Dyer, and Renee Falconer.

**DELIBERATIVE SESSION:**

After the hearing was closed, Perry moved to go into executive session to deliberate on the issue, with Grant seconding. Unanimous.

Out of deliberative session – Grant made motion that:

1. Tusker needs to be muzzled and leashed whenever the dog is off the owner's property,
2. Tusker needs to be enclosed within a 6 ft tall chain link fence whenever outside and on the owner's property. Mr. Lawrence has 30 days to install the enclosure.
3. Until the enclosure is install, Tusker must be chained whenever outside.
4. Any noncompliance of these conditions will result in Tusker being removed from the premises and humanely disposed of.

See attached Vicious Dog Hearing Decision & Protective Order.

Seconded by Perry. Unanimous.

The Selectboard's official written decision and protective order will be mailed to Mr. Lawrence.

**ADJOURNMENT:**

7:42 pm: The meeting was adjourned on a motion by Beula with Grant seconding.

Submitted by Bob Kelley

*Unofficial until approved*



TOWN OF  
**DERBY, VERMONT**  
**SELECTBOARD**

**VICIOUS DOG HEARING DECISION & PROTECTIVE ORDER**

In the matter of: Dog named Tusker

Owner: Patrick Lawrence  
438 Herrick Road  
PO Box 402  
Derby Line, VT 05830

**INTRODUCTION & PROCEDURAL HISTORY**

1. This proceeding involves a vicious dog complaint submitted by Renee Falconer and received by the Selectboard on June 22, 2015.
2. On June 25, 2015, public notice of this vicious dog hearing was posted on the Derby website (<http://derbyvt.org>), both inside and outside the Derby Municipal Office Building, at Derby Center Post Office, and at the Derby Line Post Office. Further, notice was provided by email to the East Montpelier Citizens List, which includes members of the public and media requesting notice of Selectboard meetings and hearings.
3. On June 25, 2015, notice of this vicious dog hearing was mailed to Patrick Lawrence, owner/keeper of Tusker.
4. Present and participating at the hearing were the following members of the Selectboard:
  - Beula Shattuck, Perry Hunt, Brian Smith, Grant Spates
5. Others present at the hearing:
  - Renee Falconer, James Geehan, Genevieve Hamby, Ian Hamby, Wyatt Hamby, Catherine Lawrence, Virginia Lawrence, Patrick Lawrence, Rebecca Hardy, Claude Comtois, Paul Prue, Betsy McDonald, Roger Nelson, Bob Kelley, Elizabeth Bumps, Edith Comtois, Ted Von Schoppe, Robin Smith.
6. During the course of the hearing the following exhibits were submitted to the Selectboard:
  - Ordinance Regulating the Keeping and Control of Dogs and or Wolf Hybrids within the Town of Derby, Vermont.
  - Letter from James Geehan to Renee Falconer dated June 19, 2015
  - Letter from Boyd Kimbal Dyer dated June 23, 2015
  - Animal Control Report from Renee Falconer dated June 22, 2015 with complete notes concerning issues with Tusker.

## FINDINGS OF FACT

- Patrick Lawrence resides at 438 Herrick Road and is the owner of a dog named Tusker.
- Derby's Ordinance Regulating the Keeping and Control of Dogs and or Wolf Hybrids within the Town of Derby, Vermont (Dog Ordinance) defines Vicious Dog to include: 1) Any dog which without provocation, attacks or bites or has attacked or bitten, a human being or domestic animal or 2) Any dog which without provocation, reasonably places a person in fear of being attacked or bitten while the dog is off the premises of the owner or 3) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals or 4) Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance or 5) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- In 2013 Animal Control Officer Renee Falconer received a complaint from a woman named Brooke who claims a dog in front of 438 Herrick Road tried to attack her. Ms. Falconer told a woman at the residence. The woman said the dog accidentally gets loose at times and she would try to do a better job keeping him on the property.
- In 2013 Tusker knocked over and injured Claude Comtois while Mr. Comtois was walking along Herrick Road with his wife. His wife is now afraid to walk on that street. Ms. Falconer talked to Ms. Lawrence about the seriousness of the incident and told her they need to make sure they are always in control of their dog at all times.
- In 2014 Tusker bit Wyatt Hamby while Mr. Hamby was jogging along Herrick Road. A vicious dog hearing was held and Mr. Lawrence was verbally told that Tusker must be immediately confined or on a run. Tusker must be on lease until such time that he can be controlled. Tusker must go along with Patrick to a behavior modification class. Mr. Hamby is now afraid to jog past the Lawrence residence.
- In 2015 Tusker attacked Genevieve Hamby and Boyd Kimball Dyer. Mr. Dyer was able to stop the attack without anyone getting hurt. Ms. Hamby reported that she heard that prior to attacking her and Mr. Dyer Tusker had bitten a bicyclist. Ms. Falconer's investigation found that there was no evidence that the bicyclist was bitten. Mr. Geehan was driving along Herrick Road and saw a bicyclist standing in front of the Lawrence residence with his bicycle between himself and Tusker with Tusker barking and appeared to be trying to get at the cyclist. Mrs. Lawrence was coming from the house and yelling at Tusker.
- Rebecca Hardy stated that her husband is worried about riding his motorcycle past the Lawrence residence.
- Tusker has been known to chase cars traveling along Herrick Road.

## CONCLUSIONS OF LAW

Tusker has without provocation bitten at least one person, knocked down another and attacked in a threatening manner numerous other people. Tusker has been off the owner's property on numerous times out of control of the owner. There are numerous people frightened of Tusker.

## DECISION

Based on the foregoing findings of fact and conclusions of law, the Derby Selectboard finds that Tusker is a vicious dog as defined in the Town of Derby Ordinance Regulating the Keeping and Control of Dogs or Wolf Hybrids within the Town of Derby, Vermont and therefore a protective order will be rendered.



## PROTECTIVE ORDER

Based on the foregoing facts and circumstances, and pursuant to the Town of Derby Ordinance Regulating the Keeping and Control of Dogs or Wolf Hybrids within the Town of Derby, Vermont, the Derby Selectboard hereby orders the dog named Tusker and owned by Patrick Lawrence is to be:

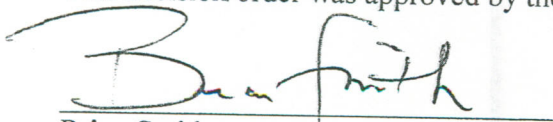
1. Muzzled and leashed whenever the dog is off the owner's property.
2. Enclosed within a 6 ft tall chain link fence whenever outside and on the owner's property.
3. Chained whenever outside on the owner's property until the fenced enclosure is installed.
4. Any noncompliance of the above 3 orders within the lifetime of the dog will result in Tusker being removed from the premises and humanely disposed of.
5. All the above conditions shall apply for the life of the dog and apply to all future owners of the dog for as long as the dog resides within the Town of Derby.

Based on the foregoing facts and circumstances, and pursuant to the Town of Derby Ordinance Regulating the Keeping and Control of Dogs or Wolf Hybrids within the Town of Derby, Vermont, the Derby Selectboard hereby orders that Patrick Lawrence for the life of the dog:

1. Muzzle and leash Tusker whenever the dog is off of the owner's property.
2. Install a 6 ft tall chain link fenced enclosure within 30 days of this order to contain Tusker whenever the dog is outside and on the owner's property.
3. Chain Tusker whenever the dog is outside and on the owner's property.
4. Any noncompliance of the above 3 orders within the lifetime of the dog will result in Tusker being removed from the premises and humanely disposed of.
5. All the above conditions shall apply for the life of the dog and apply to all future owners of the dog for as long as the dog resides within the Town of Derby.

Failure to comply fully with the conditions set forth in this order shall also subject the owner/keeper to the penalties provided for in the Town of Derby Ordinance Regulating the Keeping and Control of Dogs or Wolf Hybrids within the Town of Derby, Vermont.

This decision/order was approved by the Derby Selectboard on July 1, 2015.



Brian Smith  
Chair, Derby Selectboard

**NOTICE:** Review of this decision may be available in Vermont Superior Court pursuant to V.R.C.P. rule 75.

June 22, 2015

Animal Control Report

On June 13, 2015 I received a phone message from Genevieve Hanby 873-3004. She stated that she and her father were walking on Herrick Road and were charged by a dog owned by Patrick Lawrence.

Mrs. Hanby is familiar with the dog as her son was bitten by the same dog last summer. I returned her call and she stated that the dog ran out into the road was barking/growling at them and she was very fearful. Mr. Lawrence's mother was outside and called the dog back onto the property at which time, she told Mrs. Lawrence that the dog is not supposed to be loose at any time and not to leave their property.

Mrs. Hanby also told me about an incident that had happened roughly about a week earlier where she heard a bicyclist had been bitten by the same dog.

I asked her if she knew anything about the bicyclist or the incident and she told me that she had only heard it from the neighbors. She said that Mr. Claude Comtois would know more about it.

On June 14, 2015 I went to Mr. Lawrence's home to speak to him about the incident and there was not anyone home. I did not leave a notice for him at this time as I wanted to speak to the Town officials to see what should happen.

I spoke with Brian Smith, and he recommended that I call Bob Kelley. I called Bob Kelley at the town office on Monday June 15, 2015, and we discussed the dog hearing from last year, and also reviewed the vicious dog status. Mr. Kelley suggested that we have a meeting and put this on the Select Board agenda for Monday June 22. He asked me to notify Mr. Lawrence of the meeting.

I called Mr. Claude Comtois who lives at 1378 Herrick Street, to ask him about the bicycle incident. He said he did not see anything that day, and had only heard about it from his neighbor Mr. Jim Geehan. Mr. Geehan lives at 646 Herrick Street, 873-3568.

I called Mr. Geehan and he stated that he did witness a man riding a pedal bike up the street, and saw Mr. Lawrence's dog chase the bicyclist. The bicyclist got off his bike and put his bike in between himself and the dog to protect himself. Mr. Geehan told me that the biker was not bitten. Mr. Geehan also stated that the dog had also chased his car up the street some time in the days prior to the bicycle incident.

I contacted Mr. Kelley at the town office to inform him that the bicyclist had not been bitten. He suggested we still bring this up at the meeting because of the incident that happened last year and the fact that the agreement was that this dog was not ever to be off the property, off leash and restrained



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at all times. He told me that he would speak to the select board and ask to put this on the agenda for the next meeting.

On Monday June 15, 2015, I went back to Mr. Lawrence's property to talk to him about the incidents. He was not at home and I did leave a notice on his door. I did notice a very long run with a chain on it in the yard that looked like it was meant for the dog, but did not appear to have been used very often.

Mr. Lawrence called me back later that evening and I told him about the calls that I had received and that there would possibly be a meeting regarding the dog.

He wanted to know details about the calls and dates and times. He said to let him know about the meeting if there was going to be one. He did tell me that the dog does not spend much time outside and spends the days with his mother while he and his wife were working. He thought that the Hanby incident happened because his mother was bringing the dog in the house and he slipped away from her.

I spoke with Bob Kelley again on Tuesday June 16, 2015, and he said that the issue would be on the agenda for the Select board meeting for Monday June 22 and asked that I please notify Mr. Lawrence.

I called Mr. Lawrence on June 19, 2015 to notify him about the meeting.

I also called Mrs. Hanby, and Mr. Geehan as they had asked me to let them know what was going on. Mrs. Hanby said she would attend the meeting, and Mr. Geehan was going to write a statement about the incident that he witnessed and drop it off at the Town office on Monday June 22.

Renee Falconer

d4/29/13

Brooke 752-0730 called me regarding some dogs that she said tried to attack her on Herrick road in Derby Line. She said she was just walking and 2 dogs at 1107 came out to attack her.

4/30/13

Brooke called again and said that a different dog tried to attack her on Herrick Road at 438. She said that it was the very first house on the right after passing Michaud Manor.

I drove out to Herrick road after work and met with the owners of all of the dogs. The dogs at 1107 did not seem aggressive and the owner recalled her dogs maybe catching the walker by surprise as the were in the ditch when Brook was walking by. I went to 438 and met a young woman who said she was the owner of the only dog on the property. The dog had to be closed in a room so she could answer the door. The young woman told me the dog accidentally gets loose at times and she would try to do a better job keeping him on the property. I asked all owners to try to keep dogs in their yards and suggested to Brooke to carry pepper spray if she is afraid of dogs.

7/8/13

Mr. Claude Comtois(873-5374) called me this evening to complain about a large dog on Herrick Street in Derby Line. It is the house on the right, directly in the first sharp corner. The home is owned by Patrick Lawrence. Mr. Comtois tells me that he and his wife were out for a walk and were on the opposite side of the street from Mr. Lawrence's house when the large boxer ran straight towards them and hit Mr. Comtois in the hip with his chest. He said his leg is very sore. The dog did not bite anyone. Mr. Comtois told me that he has spoken to Mr. Lawrence in the past regarding the dog and that now he wants something done because his wife is now afraid to walk on that street. I told Mr. Comtois that I would pay them a visit next time I am in Derby Line, and to call me if this continues to be a problem.

7/11/13

I went to the home of Patrick Lawrence (873-3095) to follow up on a complaint about his large boxer dog who had run into the road and ran into Mr. Comtois and injured his hip. He was not at home and I left a notice on the door.

7/15/13



Faye from the town office called me to let me know that Mr. Comtois had brought in a picture of his injured hip and leg. Faye said it was pretty bad looking. I asked her to keep the picture on file at the town office and I would make another attempt at getting in contact with Mr. Lawrence about his dog.  
I called and left a message at his home.

7/15/13

I drove to Derby line and went to the Lawrence Residence. Mrs. Lawrence was there and I asked her if she knew who I was. She said she remembered me and I spoke to her about the complaint I received from Mr. Comtois. I told her that this was serious and that they need to make sure they are always in control of this dog at all times because this could have been much worse, and that Mr. Comtois said that if the dog had ran into his wife she may have been badly hurt. She said she understood and that they were going to fix it so that the dog would not get loose again. I told her that if I continued to get calls about their dog I would have to write them a ticket. She said she understood.

7/20/13

I went to Herrick Road and spoke with Mrs. Lawrence regarding their dog. I told her of the complaint from Mr. Comtois and she recalled her husband telling her of the incident. I told her how he had taken a picture of his injuries to the town office and if this behavior continues they could be facing some type of charges. I explained that they need to have control of this dog at all times. She said she would relay this to her husband.

7/16/14

I took a call from Genevieve Hamby(873-3004) who reported that her son was out jogging and was jumped and bitten by a dog named Tusker owned by Patrick Lawrence on Herrick Street. I asked her how badly he was bitten and she told me that he was bitten with several puncture wounds and a cut on his chest and upper arm. I told her that he should really have the bite looked at and that I would look up to see if the dog

was licensed and vaccinated. I asked her if he knew if the dog was loose and she stated that the dog was on a leash but the person did not have control of the dog and he broke loose.

I called Genevieve back after looking up the dog information and found out that he was licensed and vaccinated. In the mean time she had called the family doctor and they told her that if the dog was known and was vaccinated then there was no reason for them to see him. She was instructed to keep an eye out for infection and that her son was up to date on his tetanus.

I asked Genevieve what she would like me to do about the dog. She said she feared for other people in the neighborhood.

I did tell her that there had been other reported incidents with this same dog and that I had been to the property of a few other occasions regarding the same dog not being under the owner's control.

Genevieve called me back a little later stating that she would like to pursue a hearing regarding this dog. She is worried that someone else may get bit or worse.

7/20/14

I went to 438 Herrick Street to write a ticket and speak to him about the dog incident. While I was knocking on the door (which is a sliding glass door) the said dog ran growling and barking and hit the glass so hard I thought it was going to break. While I knocked on the door waiting for someone to answer, the dog continuously rammed the glass and barked and growled. Nobody appeared to be home so I left a notice on the door asking for a return call.

Patrick later called and left me a cel phone number to reach him.

I called him around 7:45 pm and asked him if he was aware of what happened. He stated that he was not home and that his mother was walking the dog when the collar broke and the dog broke away.... I reminded him that I had been to his property in the past because of his dog....He began to ask me for copies of all my reports and that I needed to hand over all of my information to him and that his dog biting a person was not really a big deal and that he was going to contact his



lawyer. He was very rude and would not let me speak. I finally told him that it was he who has done something wrong and that I am just doing my job and that I would contact him once I knew what the town wanted to do or he could contact the town clerk's office for more information.

I called Brian Smith at home and reported this incident to him. He said he did not get my email from last so I told him I would forward it to him tomorrow morning. When I told him about the incident and how Mr. Lawrence had spoken to me he asked me to attend the Selectboard meeting tomorrow night to discuss, and to contact Mr. Lawrence regarding the meeting.

I called Mr. Lawrence to notify him of the meeting and he started to tell me that he had read the ordinance and that he is supposed to receive something registered mail, and I told him no, that there would be a meeting tomorrow night and he is welcome to attend.

Renee Falconer

A handwritten signature in cursive script that reads "Renee M. Falconer". The signature is written in dark ink and is positioned below the typed name.

Derby Animal Control Officer

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**July 6, 2015**

**Present:** Brian Smith, Stephen Gendreau, Perry Hunt, Beula Shattuck & Grant Spates.

**Others:** Pam Hodgkins, Scott Boskind, Armand Belisle, Joe Profera, Rod Lyon.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #14A in the amount of \$17,928.10 and #14B in the amount of \$65,867.28 were signed.

Grant moved to approve the minutes of June 22, 2015, with Perry seconding. Unanimous.

Beula moved to approve the minutes of July 1, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Scott Boskind – Junior High Driveway Seal Coat** – The Junior High is planning to seal coat their driveway the end of July or beginning of August. The Selectboard recommended that they notify the Dailey Memorial Library, the Derby Historical Society and Sweet Scoops as they share this driveway.

**Pam Hodgkins – Acknowledge Kay Stark’s 95<sup>th</sup> Birthday** – Beula moved to sign a letter acknowledging Kay Stark’s 95<sup>th</sup> birthday stating “We wish to extend our best wishes on the occasion of your 95<sup>th</sup> birthday on July 12<sup>th</sup>. You have been an asset to our community through your selfless assistance to your neighbors and those in need. May you enjoy many more years of visits with friends, family and your Town of Derby family.” Perry Seconded. Unanimous.

**Personnel Policy** – The board decided to review this under executive session later in the meeting.

**Discuss Planning Commission Vacancy** – Armand Belisle and Stephen Mengel have submitted letters. The board decided to wait until Bob is present to make any decisions.

**OLD BUSINESS:** None.

**ROAD REPORT:**

Walmart is looking for a small project to help keep Lake Memphremagog clean. Brian went around with an engineer from Ruggiano Engineering trying to find an appropriate site, possibly along North Derby Road.

The Board had agreed to split the cost with the City of Newport to remove 900 linear feet of concrete in front of the proposed Walmart entrance up to a maximum total project cost of \$101,400. Brian asked for a motion to formally approve the agreement. Grant so moved, with Beula seconding. Unanimous.

Truck #1 needs more repairs and we have already spent most of our repair budget. Steve went over the 2015 paving and it is slightly under budget. Road Foreman Rod Lyon explained a GIS based maintenance tracking software that he would like to purchase. Initial cost is about \$1,700 the annual fee is about \$2,400. The Board wants to know more about the system.

**EXECUTIVE SESSION:**

Beula Moved to go into executive session to discuss personnel, with Perry seconding. Unanimous.

Out of executive session – Perry moved to make Mike Allard a full time employee with full benefits, with Grant Seconding. Unanimous.

Grant moved to increase Dave Royston's pay to \$14.40/hour, with Perry seconding. Unanimous.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, July 20<sup>th</sup>.

At 7:50 pm Grant moved to adjourn, with Beula seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**July 20, 2015**

**Present:** Brian Smith, Stephen Gendreau, Perry Hunt & Beula Shattuck.

**Others:** Irene Dagesse, Craig Ellam, Laurie Moss, Roy Lancaster, Bob Kelley, Joe Profera, Laura Carpenter.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #15A in the amount of \$18,654.19 and #15B in the amount of \$42,575.49 were signed.

Perry moved to approve the minutes of July 6, 2015, with Beula seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Community Day – Laurie Moss** – 14<sup>th</sup> annual Community day is on August 8<sup>th</sup> and they are asking that the Town consider contributing at least the same as last year, \$1,300. Steve moved to give Community Day \$1,300 again this year, with Beula seconding. Unanimous.

**Memorandum of Agreement – Efficiency Vermont** – Bob explained that Efficiency Vermont has a program to help municipalities convert their street lights to LED's. Efficiency Vermont will help the town determine the savings and will contribute \$100 per light to convert. It is estimated that it could save about \$700 a year on our electric bill and it would take 3 years to recover the cost of the conversion. Signing the memorandum does not commit the Town to doing the conversion. On related issues Bob was asked to check into the solar company that wanted the town to participate in a solar project to lower our electric bill and to also check into the street light bill from Canada for the street lights along Canusa Ave. Beula moved to sign the Memorandum of Agreement with Efficiency Vermont, with Perry seconding. Unanimous.

**Derby Line Fire Truck – Craig Ellam** – Craig updated the board on their search for a ladder truck. They will be going to look at one in Pennsylvania later this week. They also have a couple others they are considering if this one doesn't work out.

**Sign Kingdom Triathlon Approval Letter** – Beula move to sign the approval letter, with Perry seconding. Unanimous.

**Recycling Hours** – Irene explained that the recycling center is getting busier and that the Board should start to consider increasing the hours. With the new law now in effect more people are beginning to recycle. 2 weeks ago 225 people used the recycling center and 12 were first time users. Also we are getting overwhelmed with cardboard and may need to get a 6<sup>th</sup> dumpster for cardboard. It was suggested that a compactor be considered. It was thought that we were being charged for the cardboard dumpsters and we shouldn't be. Bob will check into the billing and the possibility of getting a compactor.

**OLD BUSINESS:**

**Planning Commission Appointment** – There are 4 candidates for the appointment. The Board decided to wait until their next meeting and to have the candidates attend in case they want to interview them.

**ROAD REPORT:**

Repair bills for Truck #1 are adding up and have topped \$5,000. We have spent 74% of our repair budget already and the loader still needs work that will probably eat up the rest. Most of

the paving has been completed. Steve was wondering if the Town's land across from Benny's on Route 5 has been surveyed.

**EXECUTIVE SESSION:**

Beula Moved to go into executive session to discuss a contract, with Steve seconding. Unanimous.

Out of executive session – No action taken

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, August 3<sup>rd</sup>.

At 7:50 pm Steve moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**August 3, 2015**

**Present:** Brian Smith, Stephen Gendreau, Perry Hunt & Beula Shattuck.

**Others:** Cory Spaulding, Stephen Mengel, Faye Morin, Jane Clark, Armand Belisle, Rod Lyon, Robin Smith, Brian Dubois, Becky Miller, David Patenaude, Larry Burdick, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #16A in the amount of \$17,731.85 and #16B in the amount of \$57,300.67 were signed.

Beula moved to approve the minutes of July 20, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:** Robin Smith said that because of the weeds growing beside the Kinney Drug it is very difficult to see traffic coming down Shattuck Hill Road.

**NEW BUSINESS:**

**Appoint Planning Commission Vacancy** – Cynthia Adams, Armand Belisle, Jane Clark, and Stephen Mengel have applied for the position. Cynthia Adams could not make tonight's meeting due to a prior commitment. The other 3 candidates stated why they wanted to be on the Planning Commission. The board decided to discuss the candidates in executive session at the end of the meeting.

**ATV Use on Road – Cory Spaulding** – Mr. Spaulding explained that he repairs ATVs at Auto Outfitters and would like to use a small section of Quarry Road to test them after repairs are completed. He used to use the land to the east, but that is now developed with a Yankee Credit and a solar array. Quarry Road is a busy road and the board had safety concerns with allowing ATVs on it. They asked Bob to check with the Town's attorney on liability. Also the Town's ATV ordinance only allows the board to grant permission to VASA/Local ATV organizations to use town roads. The ordinance would have to be amended if the board decided to grant Mr. Spaulding's request.

**Derby Line Ambulance – Becky Miller** – The Ambulance is requesting an addition release of the Ambulance appropriation from the town to pay for the down payment on 2 cardiac monitors and the remainder of the appropriation to be distributed monthly. The town agreed to the request.

**Approve Tax Rate** – Calculations for this year's tax rates are 2105 Residential Tax Rate - \$1.6953, 2015 Non-Residential Tax Rate – \$1.8740 this is a \$0.0983 decrease in the residential rate and a \$0.0538 decrease in the non-residential rate. Beula move to approval a 2015 Residential Tax Rate of \$1.6953 and a 2015 Non-Residential Tax Rate of \$1.8740, with Steve seconding. Unanimous.

**Sign Derby Line Fire Truck Contract Sale –Command Fire Apparatus** – Perry moved to sign the contract, with Steve seconding. Unanimous.

**Sign Term of Engagement- Sullivan, Powers & Co.** – This is an audit of the Town's Municipal Retirement System and is paid for by the State. Steve moved to sign the Term of Engagement, with Perry seconding. Unanimous.

**OLD BUSINESS:**

**Solar Project** – Bob reported that the proposal from Green Peak Solar is a dead issue.

**Recycling** – Bob reported that the \$100 charge for the cardboard dumpsters started in January 2014. He will check further into the reason for the charge. NEKWM would pay us for the cardboard, but we would have to bail it. We would get 1/3 of whatever NEKWM gets for the cardboard, currently that is about \$30 a ton. Cost of a used bailer is about \$2,000.

**Canusa Ave Street Lights** – The contact in Stanstead, Mike Houle, has been on vacation.

**ROAD REPORT:**

The new truck should be arriving soon. Truck #1 repairs are complete. The Town will install a new culvert at the beginning of Foxwood Lane to solve an ongoing drainage problem along Nelson Hill Road. Foxwood residents will be responsible for the ditching required. The Town will be getting free gravel from the Derby Line Cemetery project and will stockpile it at the Town's pit on Beebe Road for future use. The State is building a new brine plant and will be using brine instead of salt. The Board feels that this will cause more rusting on vehicles and is not in favor of using brine.

**EXECUTIVE SESSION:**

Beula Moved to go into executive session to discuss the Planning Commission appointment, with Steve seconding. Unanimous.

Out of executive session – Perry moved to appoint Jane Clark to fill the remainder of the vacant 4 year term, with Beula seconding. Unanimous.

Steve moved to go into executive session to discuss sale of the grader, seconded by Perry. Unanimous.

Out of executive session – no action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, August 17<sup>th</sup>.

At 7:53 pm Steve moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**August 17, 2015**

**Present:** Brian Smith, Stephen Gendreau, Grant Spates & Beula Shattuck.

**Others:** Stephanie Bowen, Mike Oliver, Mary Oliver, Roderick Lyon, Gilles Blais, Paul Prue, Laura Carpenter, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #17A in the amount of \$19,984.57 and #17B in the amount of \$67,150.86 were signed.

Beula moved to approve the minutes of August 3, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** Paul Prue inquired as to who is allowed to use the recycling center. Brian explained that anyone from a town that is part of the NEKWMD is allowed. Newport City is not part of it.

**NEW BUSINESS:**

**Drainage at St Edwards Cemetery – Gilles Blais** – Gilles explained the problem. Every few years the water pools on the corner in the spring and floods into the road. Because of the soils he thought that a dry well may solve the problem. He suggested 10 ft long by 4 ft wide by 6 ft deep. To install a culvert would be a problem of where to daylight it. Rod Lyon will work with Gilles to solve the problem.

**NEKCA – Wood Storing – Stephanie Bowen** – NEKCA will be getting 100 cords of wood to distribute to low income families on heating assistance and need a secure place to store it until the end of November. This will be an annual deal. There is not enough room at the town garage and this year there is no room at the stump dump. It was suggest that she check with the State garage or Mark Giroux/Reg Abbott. In future years the town may be able to accommodate them at the stump dump.

**Mary Oliver – Road Crew damage to house** – The road crew hit a cable line attached to the Oliver house while working on the road. Siding was ripped off the house. Mr. Oliver is capable of fixing the damage and the town agreed to pay him to do the repairs.

**OLD BUSINESS:**

**Recycling** – Joe needs another worker at the recycling center. Jack is going back to college next week. The board agreed to hire Michaela Davis at the same rate as the other attendants.

**ROAD REPORT:**

The new truck should arrive in about 2 weeks. Gravel is being stockpiled at the old pit on Beebe Road from the Derby Line Cemetery project. It is hoped to crush it next year and have it for town use. Negotiations for the grader are still underway.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, August 31<sup>st</sup>.  
At 7:00 pm Grant moved to adjourn, with Steve seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**August 31, 2015**

**Present:** Brian Smith, Stephen Gendreau, Grant Spates, Perry Hunt & Beula Shattuck.

**Others:** Tracy Gehrmann, Anna Chaffee, Paul Chaffee, Robin Smith, Roderick Lyon, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #18A in the amount of \$18,250.77 and #18B in the amount of \$33,256.38 were signed.

Beula moved to approve the minutes of August 3, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** Robin Smith thanked the board for cutting the grass by the Kinney entrance.

**NEW BUSINESS:**

**Historical Society – 35<sup>th</sup> Anniversary request use of Derby Common** – Steve moved to grant the request, with Grant seconding. Unanimous

**Liquor License – Village Pizza** –At 6:34 Beula moved to go into a liquor control board meeting, with Perry seconding. Unanimous. Ownership is changing from A & P Corp to Panana's Village Pizza. They should have their insurance by the end of the week and need the license to keep the business operating uninterrupted. At 6:36 Beula moved to come out of the liquor control board meeting, with Perry seconding. Unanimous.

Perry moved to approve the liquor license and to sign the license after all the appropriate paperwork has been submitted, with Grant seconding. Unanimous

**OLD/OTHER BUSINESS:**

The town received a bill for the damage to the Oliver house when the road crew knocked down the cable to the house. The town will send the bill to Comcast because the cable is too low.

Bob reported back to the board that the town pays for the streetlights on Canusa Ave because the Canadians pay for all other maintenance of the road.

The Animal Control Officer needs to check to see if Mr. Lawrence is complying with the decision and protective order for his dog Tusker.

The board decided to do some more selective cutting in the Town Forest this winter.

There was a complaint about horses in the lake in front of the beach house. This is nothing the town regulates.

Bob was asked to check when the landscaping around the welcome signs will be complete and what the holdup is.

The board approved Dirty 40 to begin setup for their event on Wednesday prior to the event.

Brian reported that the state has finally moved the speed limit signs along Route 111.

There have been complaints about ATVs using Schuler Road. All complaints should be referred to the Sheriff's office or Fish & Game.

Grant asked Beula to have the NCUJHS contact him about the proposed crosswalk in front of the school; everything is permitted and ready to go.

There have been complaints that the fruit trees on Gilman Housing's properties on the corner of West Street and Route 105 need to be trimmed; they are interfering with visibility as you exit West Street.

**ROAD REPORT:**

The permit to fix the Pine Hill Culvert is getting pushed thru the permitting process as high priority. The Eagle Point culvert is also in the permitting process. The Quarry Road culvert does not need a permit. Nelson Hill Road was closed for a few hours today to replace a culvert. Beebe Road will also need to be closed for a portion of a day to replace a culvert.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, September 14<sup>th</sup>.  
At 7:03 pm Perry moved to adjourn, with Beula seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**September 14, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt & Beula Shattuck.

**Others:** Paul Prue, Allen Yale, Bill Gardyne, Mitch Wonson, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #19A in the amount of \$17,636.01 and #19B in the amount of \$158,020.97 were signed.

Beula moved to approve the minutes of August 31, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**BYLAW AMENDMENT PUBLIC HEARING:**

Beula moved to recess the meeting to go into a Public Hearing for public input on proposed bylaw amendments to add Warehouse as a permitted use in the Commercial Zoning District and to add Contractor's Yard & Gravel Pit as conditional uses in the Commercial Zoning District, seconded by Perry. Unanimous.

Public Comments: The Gosselins proposed the amendments and Mitch Wonson explained their reasoning behind the request. There were no other comments from the public. Perry moved to close the public hearing, seconded by Beula. Unanimous

**NEW BUSINESS:**

**Allen Yale – Grant for Building – Historical Society** – Since the Historical Society leases the building from the Town, Mr. Yale wanted to make the board aware that the Historical Society has received a \$35,000 grant to restore the exterior of the building. The board thought this was great. Mr. Yale invited the board to their 35<sup>th</sup> Anniversary Celebration this Sunday at 2:00 pm.

**Bylaw Amendment** – Beula moved to approve the proposed bylaw amendments to add Warehouse as a permitted use in the Commercial Zoning District and to add Contractor's Yard & Gravel Pit as conditional uses in the Commercial Zoning District, with Grant seconding. Unanimous.

**Web Hosting – KeVaCo** – KeVaCo has maintained the Town's web site at no cost to the town. They get paid by companies wanting to advertise on our site. Companies no longer are interested in advertising on our site and KeVaCo has proposed to do away with the advertisements and charge the town \$195 per year to host the site. Perry moved to discontinue the advertising and to pay KeVaCo \$195 to host the site, seconded by Beula. Unanimous.

**OLD/OTHER BUSINESS:**

Final touches on the Welcome signs should be completed soon.

Encasing the municipal building trim is on NCCC's agenda for this fall.

The Beach House is closed for the season. The security setup needs to be check into. Either we need to do away with it or we need to get better cameras.

Perry and Bob will look into ways to keep cost down on the sidewalk plowing along Elm St.

A bill has been sent to Comcast for the repairs to the Oliver property on Salem View Heights.

**ROAD REPORT:**

The body is being installed on the new truck. The sand pile is looking good. Culvert replacement is coming along fine. Permitting for the replacement of the large Pine Hill culvert is in the works, it is hoped to get it funded under the State's emergency repair grant which would pay for 90%. Total cost is estimated at \$250,000 - \$300,000.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, September 28<sup>th</sup>.

At 6:56 pm Beula moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**September 28, 2015**

**Present:** Brian Smith, Grant Spates & Steve Gendreau.

**Others:** Paul Prue, Rod Lyon, Joe Gresser, Robin Smith, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #20A in the amount of \$29,183.68 and #20B in the amount of \$28,622.80 were signed.

Grant moved to approve the minutes of September 28, 2015, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Street Light – Missionary Acres/Sias Ave** – Newport emailed the Town letting us know that they have been erroneously billed for the street light at the corner of Prouty Drive and Darling Hill Road. They would like this corrected and they also suggested that a light at the corner of Missionary Acres and Sias Ave be installed. Steve moved to add an LED street light at the corner of Missionary Acres and Sias Ave and to straighten out the billing for the light at the corner of Prouty Drive and Darling Hill Road, with Grant seconding. Unanimous.

**Street Lights - LED** – There are approximately 40 street lights in the Town (outside of the Village limits) and we can get them changed out with LEDs for approx \$164 with Energy Efficiency paying for \$100 and the Town paying the rest. Annual savings per light would be about \$24, in less than 3 years the lights would pay for themselves. Steve moved to replace all the lights with LEDs, with Grant seconding. Unanimous.

**Speed Limit Sign – Morin Drive** – Felicity Butterfield has requested that the Town put speed limit signs along the long straight stretch of Morin Drive. The Road Commissioner and Road Foreman will determine if new signs are warranted.

**OLD/OTHER BUSINESS:**

The State's use of brine on the roads was discussed. It was the consensus of the board that it is a bad idea to use brine as it will cause vehicles to rot out much quicker.

The board asked if Patrick Lawrence has put up the fence for his dog as they had ordered. If it is not up the board wants the dog taken and humanly disposed of. Bob will check with Renee about the fence.

**ROAD REPORT:**

We are almost done hauling sand. The new truck is still not ready, there is a backlog for installing the body & equipment on it. There is a drainage problem on Ridgehill Drive and there is no easy fix. A proposed access drive on Nelson Hill Road by Michael Gosselin will need to follow Detail H of State Standard B-71 Standards for Residential & Commercial Drives.

**EXECUTIVE SESSION:**

Grant moved to go into executive session for a personnel issue, with Steve seconding. Unanimous. Out of executive session – no action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, October 12<sup>th</sup>.  
At 7:25 pm Steve moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**October 12, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck & Steve Gendreau.

**Others:** Rod Lyon, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #21A in the amount of \$15,125.25 and #21B in the amount of \$435,432.39 were signed.

Grant moved to approve the minutes of September 28, 2015, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:**

Joe Profera asked if the board was in favor of ridgeline wind towers, they were not. This sparked a general discussion of electric generation.

**NEW BUSINESS:** None.

**OLD/OTHER BUSINESS:**

Brian signed the Incentive Agreement with Efficiency Vermont to upgrade the street lights to LEDs.

The Town Clerk wants a group picture of the board for the Town Report. They will do it at their next meeting.

Brian asked to have the Clerk call NEKHS to remind them that their PILOT payment is due.

The board asked Bob to check into upgrading the security cameras at the beach house.

There was a request for a street light at the corner of Darling Hill Road and Applewood Drive. The board denied the request. It was felt that there should be a policy as to where to install street lights. Currently there are street lights along the densely populated areas outside of the village limits, in Beebe and Salem View Heights.

**ROAD REPORT:**

The road crew will switch back to 5 day work weeks for the winter around the first of November. The new truck has not arrived yet. It is time to put the old dump truck up for sale.

The board would like to petition the State to change Schuler Road from a class 3 road to a class 2. Steve made a motion to have Bob draft a letter for their next meeting, with Perry seconding. Unanimous.

**EXECUTIVE SESSION:**

Beula moved to go into executive session for a legal issue, with Grant seconding. Unanimous. Out of executive session – no action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, October 26<sup>th</sup>.  
At 7:30 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**October 26, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck & Steve Gendreau.

**Others:** Jason Sicard, Robin Smith, Joe Gresser, Paul Prue, Rod Lyon, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #22A in the amount of \$17,652.62 and #22B in the amount of \$6,234,311.65 were signed.

Grant moved to approve the minutes of September 28, 2015, with Steve seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Green-Up Vermont Request for Funds** – The Town donated \$300 to Green-Up Vermont last year. Beula moved to donate \$300 again this year, with Grant seconding. Unanimous.

**Recycling – Cardboard fee increase** - Cost for the cardboard dumpsters are increasing from \$100/month to \$160. This includes twice weekly pickup.

**Pine Hill Culvert Bids** - The board opened the 4 bids; Mathews Excavating - \$204,031, J.P. Sicard \$224,870, Mario R Paul Excavating - \$240,000, and RG Gosselin - \$260,245. The board liked the idea of keeping things local and are more familiar with the local contractors. Perry moved to accept the bid from J.P. Sicard for \$224,870, with Beula seconding. Unanimous.

**Discussion – Berm behind Elm Street residents** – A 6 inch high berm was installed on the Nelson Farms property as part of the waterline project. Because the berm was so small when the field was plowed the berm was taken out. The residents affected by this have given permission to install the berm on their properties so that plowing operations will not affect the berm in the future. Cost from Ducharme Excavating is about \$800. Richard Nelson has agreed to chip in on the cost. Money left over from the waterline project cannot be used. Rod Lyon will check with Ducharme to see if there is something the Town can do to keep the cost down.

**Discussion** – Final Results on the Derby Line Water Project – Bob was asked to check on the final cost of the project and what the Town's share is and report back to the board at their next meeting.

**OLD/OTHER BUSINESS:**

**Schuler Road Reclassification** – Beula moved to petition the State to change Schuler Road from a Class 3 to a Class 2, with Steve seconding. Unanimous.

**ROAD REPORT:**

The new truck may not be in before it starts snowing and we will be short one plow. We need to look into including a penalty if future trucks are not delivered on time.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, November 9<sup>th</sup>.  
At 7:05 pm Grant moved to adjourn, with Perry seconding. Unanimous.

Submitted by Bob Kelley  
*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**November 2, 2015 Special Meeting**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck & Steve Gendreau.

**Others:** Shane Morin, Tim Ruggles, Rod Lyon, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Pine Hill Culvert Bids** – Shane Morin (Vtrans) and Tim Ruggles (town project engineer) explained how funding works for the Pine Hill Culvert Emergency Grant. Only select contractors that were known to have the expertise to do the project were asked to bid on the project. In order for the Town to choose a contractor that was not the lowest bidder and still receive 90% State funding the Town would have to prove to the State that there was a good reason for their choice. In this case the State has decided that there was not adequate reason for not selecting the lowest bidder and the State will only fund 90% of the lowest bid. Mathews Excavating was the lowest bidder at \$204,031 and J.P. Sicard Inc was the second lowest at \$224,870. If the Town decides to go with Sicard the State will fund 90% of \$204,031 and the Town would have to pay for 100% of the additional \$20k. The Selectboard was very frustrated that this was not made clear to them prior to opening the bids. A reversal of the previous vote is going to cause a lot of resentment, but the Town cannot afford to fully fund the additional \$20k.

Grant moved to rescind their previous vote to award the contract to J.P. Sicard and to award the contract to the lowest bidder, Mathews Excavating in the amount of \$204,031.00, with Beula seconding. Unanimous.

The Town wants to go on the record that they regret having to do this and they have the upmost respect for JP Sicard. The town asked the State for something in writing concerning the denial of full financing if the 2<sup>nd</sup> lowest bidder was chosen. Shane said he would get that for them.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, November 9<sup>th</sup>.

At 6:55 pm Perry moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*



**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**November 9, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck.

**Others:** Robin Smith, Joe Gresser, Rod Lyon, Bob Kelley, Dave LaBelle.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #23A in the amount of \$17,709.31 and #23B in the amount of \$44,174.02 were signed.

Beula moved to approve the minutes of October 26, 2015, with Grant seconding. Unanimous.

Grant moved to approve the minutes of November 2, 2015, with Perry seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Derby Line Water Project** – The project came in under budget and Derby's share is about \$300,000. The Village has a loan of \$1,038,500 for the whole project for 20 years at 3% and the Town's portion of the payment would be \$21,408.74 annually. First payment is due October 2016. Brian would like to pay off the Town's portion quicker. There was a discrepancy in the loan amount and the total project cost that Bob will check into.

**Development Review Board** – Bob explained the advantages of a DRB. Mainly it is to have one board handling all development review and freeing up the Planning Commission so that they can concentrate on planning. The board was receptive to the idea, but wants more information.

**Prouty Drive Street Light** – It was discovered that there is a street light half way down Prouty Drive in the Town that the City of Newport has been paying for. The Board didn't see a need for a light at that location and told Bob to have the electric company remove it.

**Open Truck Bids** – The Town received 4 bids. Joseph Cicia - \$1,686.96, Randy Guyer - \$1,351.00, Erin Robtoy - \$1,150.00, and Danny Green Logging - \$650.00. Grant moved to accept the bid of \$1,686.96 from Joseph Cicia, with Beula seconding. Unanimous.

**OLD/OTHER BUSINESS:**

Perry will coordinate with Brian Fletcher to keep the number of times they plow the sidewalk to the school down to a minimum. The board felt that the sidewalk should be passable when school starts and when it ends. The village no longer has radios in their trucks, they use cell phones now, so it will make coordinating the plowing more difficult.

Bob reported that Comcast has reimbursed the Town for the repair costs for damage when a Town truck knocked down a low cable on Salem View Heights.

The Board signed a letter acknowledging that the Keith Gray farm conservation does not conflict with our Town Plan or Zoning regulations.

Beach house security and cost for phone & internet service was discussed.

**EXECUTIVE SESSION:** None.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, November 23<sup>rd</sup>.

At 7:23 pm Beula moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT**  
**SELECT BOARD MEETING**  
**Minutes**  
**November 23, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck, Stephen Gendreau.

**Others:** Jeff Parah, Renee Parady, Rod Lyon, Bob Kelley, Joe Profera.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #24A in the amount of \$13,891.56 and #24B in the amount of \$38,975.49 were signed.

Perry moved to approve the minutes of November 9, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:** None.

**NEW BUSINESS:**

**Town Forest Driveway** – Jeff Parah explained that it was an honest mistake how the drive was improved where there was an old road that turned out to be just an old skid road. The gate across the drive has been removed. The Town will look into what is involved in changing the right of way access to where it is now located and they expect the property owner to pay for all costs associated with it. Mr. Parah didn't think that would be a problem and will confirm this with his partner.

**Sign Drift Dusters Permission Slip** – This is the same as they sign every year. Beula moved to sign the permission slip, with Grant seconding. Unanimous.

**Sign Excess Weight Permit – St. Onge** – The excess weight permit was signed.

**OLD/OTHER BUSINESS:**

It is believed that VAST has solved their trail route around the Walmart site. The board would like Bob to check to make sure the trail doesn't need a setback from the cemetery.

**ROAD REPORT:**

Due to a recent foot injury VLCT is suggesting that steel toe shoes be required. This recent injury would not have been prevented if he was wearing steel toe shoes as the injury was higher on the foot. Until safety shoes are required by the State the Town will not require them. Grant suggested that Rod have a safety meeting with the crew every week and document it.

Pike finished paving the aprons on various roads. Pine Hill and Bridge St did not get paved this year so they will have to be done in the spring.

Behind the garage needs to be cleaned up so that you can get around the building if needed.

**EXECUTIVE SESSION:**

Beula moved to go into executive session for legal matter and personnel issues, with Perry seconding. Unanimous.

The board wants Rod to have evaluations of the road crew completed for their next meeting.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, December 7<sup>th</sup>.

At 7:30 pm Beula moved to adjourn, with Steve seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT  
SELECT BOARD MEETING**

**Minutes  
December 7, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck, Stephen Gendreau.

**Others:** Carolyn Carlson, Fianna Barrows, Martha Evans-Mongen, Dave LaBelle, Roland Roy, Chris Powers, Lindsay Brainard, Karen Jenne, Rod Lyon, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #25A in the amount of \$12,933.76 and #25B in the amount of \$700,938.09 were signed.

Perry moved to approve the minutes of November 23, 2015, with Grant seconding. Unanimous.

**PUBLIC COMMENTS:**

Bob Kelley reminded the Board that the Town Offices will be open normal business hours thru the holidays.

**NEW BUSINESS:**

**Caswell Ave Bridge Improvements - VTrans** – Carolyn Carlson, Fianna Barrows, and Martha Evans-Mongen explained the project and the different options. The project will be funded by the State and Feds at no cost to the town. The option recommended by the State is the Replacement of Deck, Railing, Girders, and Substructure with wider shoulders for bikes and pedestrians with metal railings. They recommend keeping one lane open on the bridge and temporarily closing the interstate for short periods of time during high risk construction activities. Perry made a motion to write a letter in support of the State's recommendations and authorize Brian to sign it, with Grant seconding. Unanimous.

**Elm Street Sidewalk Discussion** – Roland Roy was present representing the Derby Line Village Trustees. One of the problems is with communications, the sidewalks need to be cleared right after the streets are plowed or else the snow hardens up and they need to use a backhoe to clear them. It was suggested that we trade services, Derby Line could plow Elm Street all the way to the school, because they can coordinate the sidewalk clearing alot better. Brian Fletcher and Rod Lyon will try to work out an arrangement that will work for both the town and the village. It was stressed that it would be important to communicate any issues or problem with any arrangement that is worked out.

**Development Review Board** – Tabled.

**TRD 14 – Lawson Road – Road Classification** – The State is concerned that the 0.02 section of the road that used to cross the river is still getting State funding as a class 3 road. The Selectboard agrees that the 0.02 section of road is not up to the standards of a class 3 road.

**Cleaning Review** – This is a contract issue and will be handled in executive session.

**Local Emergency Operations Plan** – One of the requirements for the Town to receive maximum funding from the State in case of an emergency is for the Town to adopt a Local Emergency Operations Plan (LEOP). As part of the LEOP the town also needs to adopt a National Incident Management System (NIMS). Bob has worked with Craig Ellam and NVDA to update the LEOP and it is ready for the board's approval. The last requirement is adopting a Hazard Mitigation Plan and we are on NVDA's list for assistance in getting that done next year.

Beula moved to adopt NIMS, with Grant seconding. Unanimous.

Perry moved to adopt the LEOP as written, with Beula seconding. Unanimous.

**OLD/OTHER BUSINESS:** None.

**ROAD REPORT:**

The new truck is finally getting the equipment installed.

Rod found a sander for truck #1 from Coventry Town for \$2,500 and it is in great shape. Steve moved to purchase the sander for \$2,500 with Grant seconding. Unanimous.

Road crew is going to need another man.

A road off of Schuler Road was discussed, Tony Roberge would like the Town to discontinue the road. It is a 0.40 class 4 road. Steve will check to see if Trevor Evans uses this road to access his property.

**EXECUTIVE SESSION:**

At 8:08 Beula moved to go into executive session for a contract issue and personnel issues, with Grant seconding. Unanimous.

Out of executive session at 8:34. No action taken.

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:30 pm Monday, December 21<sup>st</sup>.

At 8:35 pm Steve moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*

**TOWN OF DERBY, VERMONT  
SELECT BOARD MEETING**

**Minutes  
December 21, 2015**

**Present:** Brian Smith, Grant Spates, Perry Hunt, Beula Shattuck.

**Others:** Dave LaBelle, Joe Profera, Craig Ellam, Paul Prue, Rod Lyon, Bob Kelley.

**MEETING CALLED TO ORDER - 6:30 P.M.**

Warrants #26A in the amount of \$14,851.85, #26B in the amount of \$105,199.09 and #26C in the amount of \$7,485.24 were signed.

Brian added Excess Weight Permits to the agenda.

Grant moved to approve the minutes of December 7, 2015, with Beula seconding. Unanimous.

**PUBLIC COMMENTS:**

Joe Profera asked about the Rublee appeal of the ZBA's decision.

**NEW BUSINESS:**

**Excess Weight Permits** – Permits for Bowman Excavating and Barrup Farms/KRB Trucking were signed.

**Road Crew Decision** – An 18 year old has applied for the opening in the road crew. The Town is asking VLCT if there is a minimum age required for insurance and they would also like to know if the Town is covered if we want candidates for the job to perform a test drive with the Road Foreman in the truck with them prior to hiring. An ad needs to be placed in the Newport Daily Express and Orleans Record for the road crew opening.

**Set Budget Date** – The Selectboard will hold a budget meeting at 9:00 am on Saturday January 2, 2016.

**Approve Hazardous Waste Date June 4, 2016** – Perry moved to approve a Household Hazardous Waste collection day on June 4, 2016 from 9 am – 1 pm, with Grant seconding. Unanimous

**Cash Flow Certificate** – Beula moved to sign the Cash Flow Certificate, with Grant seconding. Unanimous.

**OLD/OTHER BUSINESS:**

**Town Forest Right of Way** – The Town agreed to grant a new right of way to Parah/Parizo if they agree to pay for all costs plus \$1,000 and relinquish all other existing rights of way across the Town Forest property.

**Dispatching Services** – Craig Ellam talked to the board about dispatching. There have been some problems with the State handling the dispatching from Williston. Newport City is proposing to take over the job but they need a commitment from the Town by January 11<sup>th</sup>. This is not possible because it is something that should go before the voters before the Town commits. Earlier this year the Sheriff's Dept also had a proposal for taking on the dispatching. This issue will probably have to be dealt with this year.

**ROAD REPORT:**

Truck #1 is inspected for another year. The front cylinder had to be removed so the body will not dump. One of the other trucks has a hydraulic leak which should be fixed in the next day or 2.

Alan Turner has complained about the plowing of Woods Farm Road. Rod & Perry will meet with him.

The check for the body of the new truck needs to be held until we pick up the truck.

The Towns truck fleet is in pretty poor condition, repairs this year were over \$50,000. Another truck should be replaced next year. Perry suggested that the Town consider getting the trucks on a 5 year replacement cycle.

**EXECUTIVE SESSION:**

At 7:30 Beula moved to go into executive session for a personnel issue, with Perry seconding. Unanimous.

Out of executive session at 7:50. No action taken.

**ADJOURNMENT:**

A special budget meeting will be held on January 2<sup>nd</sup> at 9:00 am.

The next regular meeting is scheduled for 6:30 pm Monday, January 4<sup>th</sup>.

At 7:51 pm Beula moved to adjourn, with Grant seconding. Unanimous.

Submitted by Bob Kelley

*Unofficial until approved*