

Derby Line, Vermont
Trustees Meeting
October 8, 2019
Derby Line Village Hall

Call to Order:

Present were Trustees Richard Creaser, Lindsay Brainard and Keith Beadle.

Also, present were Nancy Olney, Melody Ricard, Karen Jenne, Attorney Cindy Hall, and Laurie Moss, Clerk & Treasurer.

The meeting was called to order by Trustee Richard Creaser at 6:30 pm.

One addition to the agenda: Derby Line Cemetery fence.

Lindsay moved that the reading of Rules of Procedure be waived. Keith seconded. Motion carried.

Approval of Minutes of September 25, 2019 Regular Trustees Meeting:

Keith made a motion to accept the minutes of the regular Trustees meeting of Sept. 25, 2019 as written. Lindsay seconded. Motion carried.

Tabled Items:

- 1) Stanstead Sewer Treatment Plant Reconstruction – to be discussed at this meeting
- 2) AT & T Road Access Permit – to be discussed at this meeting
- 3) Denis Ducharme Wastewater – tabled from last meeting
- 4) Derby Line Gardens – to be discussed at this meeting
- 5) Laura Carpenter backup – tabled from last meeting

Executive Session:

Richard noted that an executive session was needed for legal discussions regarding the proposed AT & T cell tower on Tivoly land adjacent to Baxter Park. Keith moved to enter into Executive Session. Lindsay seconded. Motion carried. The trustees and Attorney Cindy Hall came out of Executive Session at 7:25 pm.

Richard summarized the discussions by stating that there are a number of factors going against the village in opposing the cell tower. The only grounds we have to oppose it would be for aesthetic reasons. The Town Plan does not offer any assistance. Land use is currently a conditional permitted use for this structure. Research has found that the land in question does belong to Tivoly and the village's land, Baxter Park, ends at the edge of Breakneck Hill. The village has not received enough comments from village residents for or against this project. Having only aesthetics as a recourse to oppose this project would be very costly and there would be no guarantee of victory. Therefore, at this time, it does not appear that the village is in a position to officially oppose the project. However, we should still file as intervener. Attorney Hall has advised that should AT & T want to alter plans for the tower (e.g. making it bigger), and the village does not have intervener status, we would have no recourse.

If the legal load limit for Breakneck Hill does not comply with the weights of equipment that will be brought there for the construction, AT & T will have to bring that road to the condition needed. Should AT & T not want to make those alterations to the road, we would then have a strong case to oppose the project.

The Town of Derby is willing to file as intervener. Derby Line Village is considered a municipality and will then make its own filing. Laurie agreed to call the town to start their filing process and get it done before the expiration date of Oct. 15, 2019.

Because the online form of intervention does not appear difficult to complete, Richard stated that he is willing to file it himself for Derby Line. Lindsay moved to submit a Motion of Intervention on behalf of the Village of Derby Line in the case of New Cingular Wireless PCS, LLC dba AT& T in their filing with the Public Utilities Commission. Keith seconded. Motion carried.

Stanstead Sewer Treatment Plant Bond Vote Validation Resolution:

Richard read the resolution drawn up by Attorney Paul Guiliani. This resolution was needed as the polls for the bond vote of Sept. 5, 2019 were open one hour less than called for by law. Keith made a motion to accept the

resolution as written. Lindsay seconded. Motion carried.

Community National Bank Sidewalk Loan:

This loan for \$97,800 for the village's obligation for the Caswell Ave. Sidewalk Project was approved at the last Trustees' meeting. The official loan forms were available at tonight's meeting for signatures by the Trustees and Village Clerk. The forms were then signed.

Todd Mosher's Access Permit on Dashner Ave:

Mosher has applied for an access permit for a driveway for a new duplex structure he is proposing to build on Dashner Ave. Brian has examined the location and has okayed it as the driveway will be in a flat location where there will be no runoffs and no culverts will be needed.

Lindsay made a motion to approve the application by Todd and Danielle Mosher for an access permit at 1 Dashner Ave. Keith seconded. Motion carried.

Town Roads and Bridge Standards:

This form, required by the State of Vermont, simply acknowledges that the municipality will adhere to state standards regarding roads and bridges. Brian completed the form with the help of those at the town garage.

Keith moved to sign the Town Roads and Bridge Standards form. Lindsay seconded. Motion carried.

Business from Trustees, Treasurer and Road Foreman:

New Chain Saw Needed: Brian sent a request for a new chain saw at a cost of \$400 to \$500, for which there is money in the budget. Their present chain saw does not work well. Approved by trustees.

Derby Line Gardens Parking: Laurie noted that she had received a letter from Rural Edge indicating that diagonal parking in front of that building on Main St. as well as diagonal painted lines are acceptable. Derby Line's road crew will be painting these lines this fall after applying weed killer.

Derby Line Cemetery Fence: Keith as representative of the Derby Line Cemetery Association reported that because a new stone has been installed at the far end of the cemetery, Brian is no longer able to travel through there to get to the storage building. He proposes that a gate be installed at the village hall end of the cemetery, which Round Hill Fence will be doing along with replacing parts of the fence that are in bad shape. In order to save them some money, the Cemetery Association is requesting that the village allow the use of the village tractor to pull out the old posts for the section of fence being replaced. Approved.

New Business from the Audience: Karen asked if Brian has secured a paving date. No paving date(s) have been set yet. She also asked if hydrant flushing will take place this fall. Laurie advised that this will be on the agenda for the next meeting.

Old business from the Audience (5-minute limit unless otherwise directed): None

Executive Session: See above report of Executive Session.

Next Meeting: The next regular Trustees' meeting is scheduled for Oct. 22, 2019.

Review and Sign Bank Statement: Yes

Warrants were Reviewed and Signed: Yes

The Last Check Printed: #15281

The meeting was adjourned at 8:20 pm.
Respectfully submitted,

Madeleine C. Roy, Assistant Village Clerk