

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

**Minutes  
June 1, 2020**

**Present:** Brian Smith, Steve Gendreau, Grant Spates, Karen Chitambar, Beula Shattuck.

**Others:** Scott Jenness, Becky Jacobs, Jaret Judd, Jessica Judd, Kal Saffran, Paul Tice, Paul Prue, Mike Girard, David Smith, Joe Profera, Bob Kelley. By teleconference: Ed Barber, Robin Smith, Amy Picotte.

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

Warrants #11A in the amount of \$19,153.22 and #11B in the amount of \$87,247.44 were signed.

**APPROVE MINUTES:**

Brian moved to approve the minutes of May 18, 2020, with Beula seconding. Unanimous.

**PUBLIC COMMENTS: None.**

**NEW BUSINESS:**

**Derby Fish & Game Club Hours** – Kal Saffran registered a complaint about the noise at the shooting range early in the morning. Kal moved here in December and has joined the Club. He asked many questions which Jaret and Jessica Judd, President and Secretary of the Club respectively, answered as best as they could. After much discussion on multiple issues the Board suggested that it would be more appropriate to bring any issues up to the Fish & Game Club before coming to the Selectboard. Mr. Saffran was unable to attend the Club's last meeting but will go to the next one.

**Salem Lake Restoration Project** – Amy Picotte from the State explained the project being proposed for the Beach House/Coutts shoreline. A grant can fund it up to \$20,000 and there is a 5% match that can be in kind. All the plantings to protect the shore will be native species. Amy's estimate for the project is about \$20,000 and the match would be \$1,000 which she thought could be mostly in kind work from volunteers. Siskin/Coutts are in favor of the project and Northwood's will help. There would have to be an agreement that the project will be maintained for 10 years. Karen moved to support the project with a contribution of \$500 to be dedicated from the recreation reserve fund, seconded by Beula. Unanimous.

**Memorandum of Understanding for ATV's** – The board reviewed the draft Memorandum of Understanding (MOU). The start time was changed from 8:00 AM to 7:00 AM to be the same as Newport City. Steve move to approve the MOU with the time change, seconded by Brian. Discussion: It was thought that the MOU should mention the sections of the ATV Ordinance that the MOU effectively changes. Steve moved to amend his motion to include adding the sections of the Ordinance that it affects, seconded by Karen. Unanimous.

The MOU as amended reads:

**Memorandum of Understanding**

Derby's Ordinance Regulating All Terrain Vehicles (ATVs) was adopted in 2009 and the design and popularity of ATVs have changed dramatically in the last 11 years. Currently the COVID-19 pandemic has had an extreme negative effect on the Derby economy and the Borderline Ridge Runners (BLRR), a Vermont ATV Sportsman's Association Club, is requesting access to Town of Derby Roads to connect bordering towns into a regional trail network to promote commerce in the area.

In lieu of the above facts the Derby Selectboard believes it is in the best interest of the Town to allow ATVs on all Town Class 1, 2, 3, and 4 highways and to allow ATVs to travel a rate of speed equal to the legally posted speed limit between the hours of 7:00 AM and 10:00 PM.

Therefore effective immediately and continuing thru September 30, 2020 all Town Class 1, 2, 3, & 4 highways are open to ATV use at a rate of speed not to exceed the legally posted speed limit with the condition that all ATV operators have a valid driver's license.

Section IV (I) - ATVs shall operate in single file, as far to the right as possible, with headlights on, and at a rate of speed not to exceed ~~15 MPH~~ *the legally posted speed limit* at all times while on Town highways or legal trails.

Section IV (K) - ATVs shall not be operated between the hours of ~~9 P.M. and 8 A.M.~~ *10:00 PM and 7:00 AM.*

Section IV (L) - ~~ATVs shall not operate on any Town highway or legal trail within 50 yards of any year round residence, school, church, or nursing home, unless permission is granted by the property owner/resident.~~

Vote on the original motion as amended. Unanimous.

**Review Amendment for Ordinance Regulating ATV's** – The Board reviewed proposed changes to the ordinance. They thought it would be best to have Newport City's and Derby's ordinances dovetail together so that riders don't have 2 different regulations to follow. It was also thought that it might be better to see how this season goes before amending the existing ordinance. The Board will continue review at another meeting. Bob will get a copy of Newport City's ordinance and distribute it to the Board.

**Utility Vehicles on Town Roads** – Widths and weights of Utility Vehicles have changed and this will have to be taken into consideration when amending the ATV Ordinance.

**TA & ZA Update** – DRB/PC: The DRB has a meeting next week, Walter & Carol Wright adding a 2<sup>nd</sup> mobile home onto their property on Bushey Hill Rd. The Planning Commission has no meeting scheduled yet. – Permits: 36 permits have been submitted year to date (see attached). - Johns River: Ruggles is working on changes the State wants to get the ROW clearance. - Storm Damage FEMA: Bob have notified FEMA that all the damage has been repaired except for the Dumas Rd culvert. - Town Offices: No changes to existing procedures at this point. - Wednesdays on the Waterfront: The concerts have been canceled for the summer due to COVID19. We have not sent them the money we pledged for this year, so we are all set. Bob talked to Andrea and they will hit us up next year. - Hayward Bridge: VTrans suggested we check with Nicom for the plug joint. A rough estimate is \$5,000. Rod is checking the road to see how deep the asphalt is and whether the joint is concrete or steel. A minimum of 2" of asphalt is needed. As soon as we get the info on the asphalt depth and type of joint they can give us a solid quote. Bob has asked VTrans if they know of any other companies that do plug joints and have not heard back yet. - Zoning Violations: In looking at the Barrups property a little closer from the road, I think the only issue is a few cars that may be classified as junk cars. Knowing the property lines Bob is not sure if any are on Martin's property or if they are all on Kevin's. From our Tax Maps he thinks it is on Kevin's 2 lots. We will definitely need to work with an attorney on this. Which attorney would you like to use? The Board decided to use May & Davies. - Walmart COVID19 Testing: They have started testing at the Walmart parking lot Mondays, Wednesdays, & Fridays between 7:00 AM – 9:00 AM.

#### **OLD/OTHER BUSINESS:**

**Legislative Update** – The House has passed a Tree Warden bill, H673 that will expand on the Tree Warden's responsibilities and fines. Brian voted against it.

**Newport Fireworks** – Brian suggested that since there will be no parade or Derby Line Day this year that the Town contribute to the Newport Fireworks this year. After discussion Brian moved to donate \$1,000 for the Newport Fireworks, seconded by Karen. Ayes – Brian, Karen, Grant. Nays – Steve, Beula. The motion passes

**ROAD REPORT:**

The road crew will start to haul stone for West Street repairs next week. The Town hopes to be paving in the next couple of weeks. Becky Jacobs thought that Hinman Settler Rd needs more gravel before it is paved. All the damage from the Halloween Storm is fixed except the Dumas Rd culvert.

**EXECUTIVE SESSION: None.**

**ADJOURNMENT:**

The next regular meeting is scheduled for 6:00 p.m. Monday, June 15, 2020. Beula made a motion to adjourn the meeting at 7:38 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*