

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

**Minutes
August 24, 2020**

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

Others: Mark Milnes, Gingah Milnes, Suzie Wheeler, Richard Wheeler, Faye Morin, Christian Kerner, Jean Holcomb, Jim Holcomb, Manning Ellis, Johanne Richardson, Bradley Richardson, Pamela Abbott, Zachary Abbott, Stephen Abbott, Emily Micknak, Chris Micknak, Joseph Gresser, Gail Lynch, Paul Prue, Jim Walker, Rich Hilderbrand, Gerald West, Paul Bosco, Elizabeth Bosco, Rod Lyon, Bob Kelley.

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

Warrants #17A in the amount of \$22,010.32 and #17B in the amount of \$109,841.92 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of August 10, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Gingah Milnes – Sunset Acres – Noise Complaint – Trailers & Campers – Gingah and others from the neighborhood expressed concerns they have with things going on along Sunset Acres. Their concerns centered on speeding vehicles/ATVs, loud vehicles/ATVs/personal watercrafts, and increase in the volume of traffic, a 4 site campground, loud noise late at night, a 200 person catered wedding, and general disregard for the neighborhood. The complaints stem from the Abbotts purchasing a property in the neighborhood and installing hookups for 4 RVs. Most of the residents are older and there were no children in the neighborhood, which resulted in a very quiet neighborhood. The Zoning Administrator explained that Derby's zoning bylaw classifies a campground as 5 or more campsites and with only 4 campsites a permit is not required. Last Friday the Zoning Administrator visited the property and there were 5 campers on the site. A Notice of Violation was issued and the 5th camper has been removed from the property bringing it back into compliance. State regulations are more stringent and classifies campground as having 4 or more campsites. Any regulation of a 4 site campground would be by the state. Having water and sewer hookups is also regulated by the state and a permit is required. The Abbotts have been in touch with the State regarding permits but have not yet applied. Mr. Abbott explained that he located the campsites behind the garage to make them less obtrusive. He has many friends and enjoys hosting parties. He has purchased the property and simply wants to enjoy his land. The wedding was a onetime event and the Town does not restrict people from having their weddings on their own properties. On a trial basis the Selectboard has allowed ATVs on all Town roads and will be reviewing this over the winter. The Board felt that there needs to be better communication between the residents in the neighborhood.

Appropriations Policy Discussion – Bob suggested that the Board consider an Appropriations Policy where if the agency meets certain requirements the Board would waive the petition requirement. He suggested waiving the petition requirement if the agency asks for no more than the lowest amount the agency has received in the last 5 years. The Board was receptive to the idea and will review the draft policy for their next meeting.

TA & ZA Update – DRB/PC: The DRB has 2 permits for their meeting next week. The Planning Commission is continuing review of the Zoning Bylaw and they are getting close to finishing up Section 4. – Permits: 83 permits have been submitted year to date. - Zoning Violations: Abbott was sent a Notice of Violation last week for having 5 campers on their lot on Sunset Acres. The 5th camper has been removed so they are back in compliance. A soft letter went out to Larry Letourneau on Ashman Dr. He is running a contractor's yard on his house lot

which isn't allowed. If I don't hear from him by Wednesday a formal Notice of Violation will be sent. - Johns River: We are waiting on final approval before going out to bid. Currently we are anticipating bids being due on Oct. We need to select an inspection engineering firm. Last time we did it through the At-The-Ready process with Grant & me as the review committee. I would recommend we do it the same way for this one. - Better Roads Grants: The 2 grants for Bushey Hill Rd and Salemview Heights are clear to start. They involve mainly ditching and culvert replacement. - COVID Grants: I have started the process for a FEMA grant for COVID, but I don't think we will meet the minimum expense requirement. The more promising one is a Local Government Expense Reimbursement (LGER) grant from the State. \$13,000,000 is earmarked for local government with towns capped at \$25/person max. Currently we have approximately \$3,500 in COVID related expenses so we will be well under the max. - Beach House Shoreline Restoration Project: This is one of the permits before the DRB next week because the project will be adding a minor amount of fill within the floodplain to save a large tree on the shore. The project is scheduled to start in September. - Newport Ambulance: Their income is down for this year because of the pandemic, but with grants they are looking good for the year. They anticipate around a 3% increase for next year. - Route 5 Speed Limit: The State engineer is recommending no change to the speed limit between Derby Center and Derby Line. A meeting is being held remotely Sept 15th. Anyone that can attend should. - Storm Damage FEMA: Nothing new to report. - Hazardous Mitigation Plan: Paul Luciano would like the Board to review the information pertaining to disaster history, repetitive loss and flood insurance status he sent. Karen moved to approve information sent as the best available historic data related to federally funded disaster history, repetitive loss properties and National Flood Insurance Program status, seconded by Beula. Unanimous.

OLD BUSINESS:

Legislative Update – The legislature is starting back up tomorrow and Brian thinks they will be in session for about 4 weeks in order to finish up this session.

Winter Road Maintenance Policy – The Board reviewed the policy. At the end of the Purpose section “during the period of time between November 15 and April 30 of each year” was deleted. This was done to clarify that this policy is used during any winter storm, including the ones we get before November 15 and after April 30. Steve moved to approve the Winter Road Maintenance Policy as amended, seconded by Beula. Karen moved to amend the motion to include changing “Selectmen” in the policy to “Selectboard”, seconded by Steve. The vote to amend the motion was unanimous. The vote on the original motion as amended was unanimous.

Town Properties – Bob reported that the deed for the property on Rte 5 across from Benny's does not have any deed restrictions. He has not checked the 4-H Rd deed yet.

Town Pickup – It was decided to fix the bed of the pickup rather than buying a new one. It was thought that the Town could get another couple of years out of it.

OTHER BUSINESS:

Tax Abatement – Steve brought it to the Board's attention that after abating taxes on Mayo property on Rte 105 that Mr. Mayo paid the remaining back taxes to reclaim the property. It was suggested that the Town should look into bidding on properties like this at tax sale rather than abating taxes.

Town Policies – The Town Clerk has suggested changes to the Accounting, Auditing and Financial Reporting Policy and the Cash Receipts, Petty Cash and Returned Check Policy. The Board will review the proposed changes for their next meeting and asked the Town Administrator to check with VLCT for draft policies

Stump Dump – The Town has signed out the key for the stump dump to allow people with large projects to use the Stump Dump during the week. The amount of debris they deposit in the

Stump Dump at one time is causing problems with the Town's ability to push the debris over the bank. The Board decided that if someone wants to dump more than one 10 wheeler of debris in the Stump Dump during the week that they will be required to push the debris over the bank at their expense.

Veterans Monument – Brian received a check made out to the Town of Derby from Ernie Emerson for \$845 asking the Town to put it in the Veterans Monument fund. This is money left over from the fundraising for the Willie Johnston monument. Ernie thanked the Town and Bob Kelley for their help with the project.

ROAD REPORT:

A supply of rocks to finish shoring up the bank on West St has been located.

EXECUTIVE SESSION:

At 7:56 Karen moved to go into executive session for land transaction discussion, seconded by Brian. Unanimous

Out of executive session at 8:07. No action taken.

ADJOURNMENT:

There will be no meeting in two weeks due to Labor Day; therefore the next regular meeting is scheduled for 6:00 p.m. Monday, September 21, 2020. Beula made a motion to adjourn the meeting at 8:07 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*