

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
January 4, 2020

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

Others: Faye Morin, Craig Ellam, Sue Best, Tom Roberts, Steve Cross, Rod Lyon, Jason Nye, Bob Kelley.

MEETING CALLED TO ORDER - 8:00 A.M.

NEW BUSINESS:

Annual Budget Meeting – The Board reviewed the budget with department heads and made appropriate adjustments. Faye will double check all the figures. With the changes the preliminary budget is approximately \$300k lower than last year.

ADJOURNMENT: The next regular meeting is scheduled for 6:00 p.m. Monday, January 13, 2020. Brian made a motion to adjourn the meeting at 11:00 a.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
January 13, 2020

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

Others: Paul Prue, Hazen Converse, Bob DeRoehn, Rod Lyon, Joe Gresser, Joe Profera, Bob Kelley.

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

Warrants #1A in the amount of \$17,030.57 and #1B in the amount of \$107,936.02 were signed.

PUBLIC HEARING FOR PROPOSED TOWN PLAN

Beula moved to recess the meeting to go into a Public Hearing for public comments on the Proposed Town Plan, seconded by Steve. Unanimous.

There were no public comments. Beula moved to close the Public Hearing, seconded by Steve. Unanimous.

APPROVE MINUTES:

Beula moved to approve the minutes of December 30, 2019 and January 4, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Vacant Planning Commission Position – Hazen Converse was present to introduce himself to the Board and explain why he was interested in the position. Karen move to appoint Hazen Converse to the Planning Commission to fill Jane Clark's remaining term which expires in 2023, seconded by Beula. Unanimous.

Consider Town Plan – Beula moved to accept the Town Plan version dated December 16, 2019, as written, and move this to the voters to be voted by Australian ballot at town meeting, with Karen seconding. Unanimous.

Review & Sign Cash Flow Certificate – The Cash Flow Certificate was reviewed and signed.

Review & Sign – Balance Sheet, Budget Status Report, Delinquent Tax Report, & General Journal Posting – All were reviewed and signed.

Liquor Licenses: Brockton Corporation, Circle K, Derby Village Store, Jolley Association, Thompson's Redemption and Walgreen's – At 6:09 Steve moved to recess the meeting to go into a Liquor Control hearing, with Beula seconding. Unanimous.

The Board discussed the licenses. At 6:10 Steve moved to come out of the Liquor Control hearing, with Beula seconding. Unanimous.

Steve moved to sign the licenses for: Brockton Corporation, Circle K, Derby Village Store, Jolley Association, Thompson's Redemption and Walgreen's, with Beula seconding. Unanimous.

TA & ZA Update – DRB/PC – No meeting next week due to Martin Luther King Jr Day. Permits - 2 permits have been submitted year to date. Eagle Point – Waiting to be reimbursed from the Feds. Johns River – The Wetlands permit has been submitted. Salt Shed – Bob has

talked to Cross Consulting Engineers and Peter Cross is supposed to call back tomorrow to discuss it further. Their estimate for the engineering was \$21,432 and our estimate was \$8,000. Storm Damage - Nothing has changed. Appropriations – Any Appropriation request for aid to Social Services for the Town must be put on the ballot. All requested appropriations fall under this. They can be required to submit financial statements. Bob handed out VLCT's FAQs about voter-backed petitions, the Statute about Social Services, and an email from VLCT/Garrett Baxter. Highway Mileage - The mileage for Upper Quarry Road and Sunset Acres is not correct on the Highway map. The Town has maintained Upper Quarry Road to Yvon Fortin's which is .57 miles and the map has it as .47 miles. Sunset Acres is mapped at .26 miles and the Town maintains .45 miles. Bob is working with the State to fix these errors

OLD/OTHER BUSINESS:

Legislative Update – They are back in session, nothing to report.

ROAD REPORT:

The Town was lucky over the weekend with the rain. Part-time help may be needed because one employee may be out for a while and another has jury duty. Joe Cicia is willing to help out on a part-time basis. He will stop in the office tomorrow to fill out all the paper work.

EXECUTIVE SESSION: None.

ADJOURNMENT: The next regular meeting is scheduled for 6:00 p.m. Monday, January 27, 2020. Steve made a motion to adjourn the meeting at 6:34 p.m., with Beula seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
January 27, 2020

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

Others: Faye Morin, Robin Smith, Val Sheenan, Don Poulin, Rod Lyon, Joe Profera, Bob Kelley.

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

Warrants #2A in the amount of \$22,897.44 and #2B in the amount of \$62,145.58 were signed.

APPROVE MINUTES:

Brain moved to approve the minutes of January 13, 2020, with Beula seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Resolution for Defense – Valerie Sheenan – Valerie explained and answered questions regarding the Resolution which reads:

“A Resolution for the defense of the Right to Keep and Bear Arms.

The township of Derby hereby declares itself to be a Second Amendment and Article Sixteen, Constitutional Gun Owner township as defined herein –

The town hereby recognizes the inalienable rights of all persons within its boundaries to keep and bear arms as described by both Article sixteen of the Vermont Constitution and the Second Amendment of the Constitution of the United States of America, including but not limited to:

The lawful use of firearms in defense of life, liberty and property and in defense of the State, from all enemies, foreign and domestic; the safe and responsible use of firearms for hunting and utilitarian purposes; and the safe and responsible use of firearms for sporting purposes including Olympic sports.

Furthermore, per Marbury v Madison 5 US 137 (1803), the township hereby declares all federal and state laws and regulations attempting to restrict these rights to be infringements, hence null and void under this resolution.”

Brian moved to sign the Resolution for the defense of the Right to Keep and Bear Arms, with Steve seconding. Ayes – Beula, Brian, Grant, Steve. Nays – Karen. The motion passed and the Board signed it.

Vacant Planning Commission Position – Richard Creaser has resigned from the Planning Commission. Bob will advertise the opening.

Approve Revised Budget – The Auditors caught an error in the way Gene Besaw had us dealing with delinquent taxes. GASB has specific practices for delinquent taxes not collected by 60 days after the end of the year which does not allow the delinquent taxes to be considered revenue. Bottom line is we need to raise an additional \$361,000 to correct this accounting change. It was decided to take \$275,000 from the Highway Surplus and the remaining \$86,000 will be added to the budget. The new budget comes to \$3,204,301.54 which includes \$350,436 in anticipated Appropriations. The amount to be raised by property taxes will be \$2,261,741.54 which is \$50,549.94 less than last year. Brian move to approve a budget to present to the voters at Town Meeting of \$3,204,301.54 which includes \$350,436 in anticipated Appropriations, seconded by Beula. Unanimous.

Dog Park Committee Appointments – The Dog Park Committee is recommending that the Board remove Kylie Lamothe and Amy Wan from the Committee and to appoint Kerry Kwevurski, Laura Smith, Ann Edwards, and Derek Edwards. Beula moved to approve the Dog Park Committee’s recommendations for removals and appointments, seconded by Karen. Unanimous.

Excess Weight – Gosselin Water Wells, Newport Sand & Gravel, RG Gosselin – Steve signed all as Road Commissioner.

Liquor Licenses: Newport Elks Lodge, Price Chopper – At 6:48 Brian moved to recess the meeting to go into a Liquor Control hearing, with Beula seconding. Unanimous. The Board discussed the licenses. At 6:49 Brian moved to come out of the Liquor Control hearing, with Beula seconding. Unanimous. Beula moved to sign the licenses for: Newport Elks Lodge and Price Chopper, with Brian seconding. Unanimous.

TA & ZA Update – DRB/PC – The DRB has one permit pending for their meeting next week. The PC are continuing review of Article 4 of the zoning Bylaw. Richard Creaser has resigned from the PC so we will need to advertise the position again. Permits - 2 permits have been submitted year to date. Town Plan - The proposed Town Plan is all set for vote by Australian ballot at Town meeting. Eagle Point - Feds don’t want to reimburse us for 80% of the temp bridge rental - \$2,610.00. Johns River - Nothing new. Salt Shed - Cross Consulting Engineers has lowered their estimate from \$21,442.00 to \$14,757.20 and we budgeted \$7,500.00 (permitting, construction engineering, project management). Storm Damage - FEMA declared it a disaster. They are having a meeting Wednesday in Morristown to go over what towns needs to do.

OLD/OTHER BUSINESS:

Legislative Update – There are 1,241 bills. The hot topics are minimum wage, paid family leave, and marijuana. Brian is on the Healthcare committee.

ROAD REPORT:

There were minor breakdowns and everything is back running. Jason Sicard has brought up the issue of the Stump Dump gravel and he feel the Town owes him more money. This will have to be looked into.

EXECUTIVE SESSION: None.

ADJOURNMENT: The next regular meeting is scheduled for 6:00 p.m. Monday, February 10, 2020. Beula made a motion to adjourn the meeting at 6:56 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
February 10, 2020

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

Others: Faye Morin, Paul Prue, Gigi Gobeil Judd, Jennifer Harlow, Frank Davis, Joe Profera, Bob Kelley.

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

Warrants #3A in the amount of \$17,242.85 and #3B in the amount of \$37,114.61 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of January 27, 2020, with Beula seconding. Unanimous.

PUBLIC COMMENTS:

Sheriff Jennifer Harlow introduced herself as the new Sheriff and talked about the effect Walmart is having on her department.

NEW BUSINESS:

Budget Adjustment Approval – Brian move to approve an adjusted budget to present to the voters at Town Meeting of \$3,200,444.00 which includes \$346,578.46 in anticipated Appropriations, seconded by Beula. Unanimous..

Gigi Gobeil Judd – Speed Limit – Gigi explained to the Board her concerns with the 50 mph speed limit on the Holland Road, particularly the section from the interstate bridge to Goodall Rd. It is currently 50 mph and there have been close calls exiting the former Roy Davis farm. The Board agreed and will look into what is involved in amending the Town's Traffic Ordinance.

NEKWMD – Household Hazardous Waste Collection – NEKWMD has set his year's Household Hazardous Waste Collection Day for June 6th and needs the Board's approval to use the Recycling/Town Garage property. Steve moved to sign the letter approving use of the Recycling/Town Garage property for NEKWMD's Household Hazardous Waste Collection Day on June 6th, seconded by Brian. Unanimous.

NEK – Compost Deadline – This was tabled until next week.

Appoint Planning Commission Position – Bob Kelley reported that Barbara Sheltra has expressed an interest in the position. Her written letter has not arrived yet. The Board decided to wait for her written letter of interest to arrive before making an appointment and tabled this until their next meeting.

Excess Weight Permits– Bourne's Inc, JP Sicard, & Velco – Steve signed all as Road Commissioner.

Liquor Licenses: Charbo Campground, Derby Cow Palace, & Derby Corner Mini Mart – At 6:23 Beula moved to recess the meeting to go into a Liquor Control hearing, with Brian seconding. Unanimous.

The Board discussed the Licenses. At 6:24 Brian moved to come out of the Liquor Control hearing, with Steve seconding. Unanimous.

Steve moved to sign the Licenses for: Charbo Campground, Derby Cow Palace, & Derby Corner Mini Mart, with Beula seconding. Unanimous.

Review & Sign: Balance Sheet, Budget Status Report, Delinquent Tax Report, & General Journal Posting – All were reviewed and signed.

TA & ZA Update – DRB/PC – The DRB and PC will not be meeting until March 16th due to Presidents Day and Town Meeting. Permits - 4 permits have been submitted year to date. Eagle Point - With a little luck we will be getting reimbursed soon. Johns River - Nothing new. Salt Shed - A new RFP for the engineering will be going out this week. Halloween Storm Damage - Waiting for FEMA to set up a meeting with us. Certificate of Highway Mileage - Certificate needs to be signed. There is one correction, Upper Quarry Road, the Town has been maintaining up to the Fortin property for years, so this should be class 3 up to the bus turnaround which adds 0.10 miles to the class 3 total. The Board signed the Certificate of Highway Mileage with the Upper Quarry Rd correction.

OLD/OTHER BUSINESS:

Legislative Update – The Family Leave bill was vetoed.

ROAD REPORT:

The roads are back under control after the storm at the end of last week. Burkett Houghton (Derby Truck Parts) has offered the Town \$500 for the old dump truck. The engine is blown and the Town has stripped everything off that can be used. Brian moved to sell the truck to Derby Truck Parts for \$500.00, seconded by Beula. Unanimous.

EXECUTIVE SESSION: None.

ADJOURNMENT: The next regular meeting is scheduled for 6:00 p.m. Monday, February 24, 2020. Beula made a motion to adjourn the meeting at 6:45 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
February 24, 2020

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

Others: Paul Prue, Barbara Sheltra, James Walker, Robin Smith, Ed Barber, Joe Profera, Bob Kelley.

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

Warrants #4A in the amount of \$20,543.77 and #4B in the amount of \$61,944.64 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of February 10, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

James Walker – Speed on North Derby Road – Mr. Walker expressed his concerns with people speeding along North Derby Rd and the danger to pedestrians and cyclists. Radar Speed Signs were discussed as a way to slow motorist down. The Board will discuss this with the Sheriff.

Appoint Planning Commission Position – Barbara Sheltra express a desire to be on the Planning Commission. She introduced herself to the Board and answered there questions. Brian moved to appoint Barbara Sheltra to the Planning Commission to fill the remainder of the term vacated by Jane Clark which expires in 2023, seconded by Steve. Unanimous.

Deputy Health Officer – Both the current Health Officer, Elijah Capron, and the former Health Officer, Joe Noble, think it is a good idea to appoint a Deputy Health Officer and Joe is willing to serve. There was a recent issue at an apartment house that straddles the border in Derby Line, that Elijah didn't feel comfortable going to alone and asked Joe to go with him rather than requesting help from the Sheriff's Dept. Joe would feel more comfortable helping out if it is in an official capacity, hence the request to appoint him as Deputy Health Officer. Any appointment the Board makes will have to be confirmed by the State. Karen moved to appoint Joe Noble as Deputy Health Officer, seconded by Beula. Unanimous.

Names for Justice of the Peace – There is a vacancy that the Board needs to fill. The Board asked James Walker if he might be interested and he stated he would be. The Board discussed if their options of appointing now or waiting to see if anyone expresses an interest at Town Meeting. Brian move to appoint James Walker to the Justices of the Peace as an Independent, seconded by Karen. Unanimous.

Sheriff Time - Walmart – Thefts at Walmart are taking up a lot of the Sheriff's time and a lot of it is from internal thefts by employees. The Board asked Bob to look into this and see what options are available to the Town. The Board feels that Walmart should be contributing to the expense of investigating employee issues.

Excess Weight Permits– Barrett Truck Co & CSE Inc – Steve signed all permits as Road Commissioner.

Liquor Licenses: Wesco DBA/Champlain Farms Exxon, Derby Line Village Inn, & Kinney's – At 6:28 Beula moved to recess the meeting to go into a Liquor Control hearing, with Brian seconding. Unanimous.

The Board discussed the Licenses. At 6:30 Steve moved to come out of the Liquor Control hearing, with Brian seconding. Unanimous.

Beula moved to sign the Licenses for: Wesco DBA/Champlain Farms Exxon, Derby Line Village Inn, & Kinney's, with Karen seconding. Unanimous.

TA & ZA Update – DRB/PC – The DRB and PC will not be meeting next week due to and Town Meeting. Permits - 5 permits have been submitted year to date (see attached). Eagle Point - Still waiting on the reimbursement and the last couple of bills are in you warrants this week, so I should be able to file for the final reimbursement this week. Johns River - The State is taking what is hoped to be a final look at the plans. Ruggles is just about ready to submit the Stream Alteration Permit and is beginning to work on the Bid Documents which shouldn't take too long because it will be basically the same as Eagle Point. The State is working on the ROW Clearance (once we get the ok from the State our attorney will have to certify the ROW Clearance). Salt Shed - Nothing new. Storm Damage/FEMA - FEMA should be setting up a meeting with us sometime in March. Former Elm St Dump - The State considers the site ok and has issued the site a Site Management Activities Complete (SMAC) designation. At the end of their letter it does state that "The Agency of Natural Resources, Department of Environmental Conservation, Waste Management and Prevention Division, Sites Management Section (VT/ANR/DEC/WMPD/SMS), must be notified prior to conducting any subsurface work, excavation, or groundwater extraction in the vicinity of the above described residual contamination." Bottom line is that as far as the State is concerned the site is clean. Ordinances - To amend an ordinance the Board must 1) vote to amend and have it in the minutes along with a copy of the amended ordinance, 2) post in 5 places, 3) publish in newspaper within 14 days. It becomes effect 60 days after you vote to amend. West St Grant - The 2020 Municipal Mitigation Program Grant we applied for was DENIED. \$3.7M total requests and only \$2.1M was available. Zoning Issue – Monty Kennedy, Herrick Rd, piles of debris is suppose to be cleaned up this spring.

OLD/OTHER BUSINESS:

Legislative Update – A veto over ride vote on Minimum Wage Bill is scheduled this week.

ROAD REPORT:

The roads are in good shape. Pine Hill Rd has some bad frost heaves, but there is not much that can be done about it. Mr. Walker mentioned that North Derby Rd is not holding up very good. The survey of Dairninaka Drive is complete

EXECUTIVE SESSION: None.

ADJOURNMENT: Town Meeting is next Monday March 2nd at 7:00 p.m. and the next regular meeting is scheduled for 6:00 p.m. Monday, March 9, 2020. Beula made a motion to adjourn the meeting at 6:53 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
March 9, 2020

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

Others: Paul Prue, Sue Best, Frank Davis, Joe Profera, Bob Kelley.

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

Warrants #5A in the amount of \$20,543.77 and #5B in the amount of \$61,944.64 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of February 24, 2020, with Beula seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Reorganizational Meeting for Select Board – Brian nominated Grant as Selectboard Chair, with Beula seconding. Unanimous.

Beula nominated Brian as Selectboard Vice-Chair, with Steve seconding. Unanimous.

One Year Appointments:

Town Administrator – Bob Kelley

Road Commissioner – Steve Gendreau

NVDA Representatives – Beula –Jean 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 – Karen Chitambar

E-911 Coordinator – Steve Cross

Agent to sign deeds accepting or transferring Property on behalf of town – Grant Spates & Brian Smith

Civil Defense – Craig Ellam & Grant Spates

Water/Sewer Committee – Grant Spates & Brian Smith

Four Year Appointments:

Planning Commission – Cynthia Adams & Joe Profera

Development Review Board – Judy Nommik & Joe Profera

We hereby designate that, since no newspaper is published within the Town of Derby, that all notices and warnings of meetings which are by law required to be published in a newspaper, shall be published in – Newport Daily Express

Brian moved to approve the above appointments, with Beula seconding. Unanimous.

Appoint Grand Juror – There was some confusion because Frank Davis received enough write-in votes to be elected as Grand Juror by Australian ballot, but in 2017 State Statute changed and the office of the elected grand juror was repealed and now it is an appointed position. Since the Town voted the Selectboard decided to let it stand and welcomed Frank on board as Grand Juror.

Review & Sign: Balance Sheet, Budget Status Report, Delinquent Tax Report, & General Journal – All were reviewed and signed.

Posting and Town Meeting Minutes – Brian moved to approve, with Beula seconding. Unanimous.

Excess Weight Permits– Blanchard Oil Co., Camp Precast Concrete Products, Dale Percy Inc., Feed Commodities, Ivan Maxwell Trucking, New England Quality Services Inc., and Structural Wood Corp – Steve signed all permits as Road Commissioner.

Liquor Licenses: Border Bistro, Border Lounge LLC, Dollar General Store, Derby Line Village Inn-Outside Consumption – At 6:27 Brian moved to recess the meeting to go into a Liquor Control hearing, with Beula seconding. Unanimous.

The Board discussed the Licenses. At 6:29 Beula moved to come out of the Liquor Control hearing, with Brian seconding. Unanimous.

Brian moved to sign the Licenses for: Border Bistro, Border Lounge LLC, Dollar General Store, Derby Line Village Inn-Outside Consumption, with Beula seconding. Unanimous.

TA & ZA Update – DRB/PC –The DRB has one permit pending for next week. The PC will be continuing review of the zoning bylaw. They are currently working on Article 4. Permits - 12 permits have been submitted year to date (see attached). Eagle Point - Still waiting on the reimbursement. Johns River - The State is still reviewing the plans. The Stream Alteration Permit has been submitted. Ruggles is almost done with the Bid Documents. The State is still working on the ROW Clearance (once we get the ok from the State our attorney will have to certify the ROW Clearance). Storm Damage - FEMA should be setting up a meeting with us sometime in the next few weeks.

OLD/OTHER BUSINESS:

Legislative Update – There is a big meeting on Coronavirus this week.

Cell Tower Jules Drive – The Board received notice that AT&T will be applying to add another carrier to the existing cell tower on Jules Drive. The existing tower will be increased 15 ft in height to accommodate the extra antennas.

Halo Foundation – The Halo Foundation thanked the Town for the donations in memory of Terry Tice and Louise Gosselin.

ROAD REPORT:

There is plenty of sand and the salt pile is being kept to a minimum in anticipation of installing a new roof on the salt shed this year. The roads and culverts are looking good coming into spring thaw. The oil cooler on the grader has been fixed. Rod has completed the road crew evaluations and the Board will review them in executive session. Steve thinks the pickup will be good for another year and the board had a general discussion on equipment replacement.

EXECUTIVE SESSION:

At 6:45 Brian moved to go into Executive Session for Road Crew evaluations, seconded by Beula.

Out of executive session at 6:57. Steve moved to approve step increases for Trevor Cleveland to D6.1 and Richard Ste Marie to D5.3, seconded by Beula. Unanimous.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, March 23, 2020. Beula made a motion to adjourn the meeting at 6:59 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
March 23, 2020

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

Others: Joe Profera, Bob Kelley.

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

Warrants #6A in the amount of \$17,571.60 and #6B in the amount of \$60,077.28 were signed.

APPROVE MINUTES:

Karen moved to approve the minutes of March 9, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS:

Joe Profera thought the Town should consider charging people with alarm systems to have them hooked into the Sheriff's Dept to help defray the cost to the Town. The problem is that the Sheriff's Dept is not 24 hours per day. Maybe if the Sheriff goes to 24/7 this would be something to look into.

NEW BUSINESS:

Newport Ambulance – Jeff Johansen – Will be rescheduled for another date.

Beach House Rental Rate – At budget time it was talked about raising the Beach House rental to \$100. It is currently \$75 with the kitchen and \$50 without the kitchen. All events now need access to the kitchen to get to where the tables and chairs are stored. Karen moved to raise the Beach House rental rate to \$100 for all events, seconded by Brian. Unanimous.

Correction on Highway Pay Rate – Robert Letourneau was incorrectly listed as a D4.1 instead of D6.1 as he now also operates the grader. Brian moved to approve this correction, seconded by Karen. Unanimous.

Sign Pay Rates – The Board reviewed the pay rates and increased Joe Noble's Health Officer rate to the same rate he gets for Recycling. The Board signed the current year pay rates with this change.

Excess Weight Permits– Calkins, Cummings & Sons Landscape, Demag Riggers & Crane, Irving Oil, JBL Hauling & Exc., N.A. Manosh, Oil Supply, Pike Industries Inc., and Tetreault Maple Farm – Steve signed all permits as Road Commissioner.

Liquor Licenses: Blissrite Pizza, G & T Bliss Corp, Northeast Pizza Enterprise Inc, Tong Sheng Restaurant – At 6:23 Brian moved to recess the meeting to go into a Liquor Control hearing, with Steve seconding. Unanimous.

The Board discussed the Licenses, all are renewals. At 6:26 Brian moved to come out of the Liquor Control hearing, with Steve seconding. Unanimous.

Brain moved to sign the Licenses for: Blissrite Pizza, G & T Bliss Corp, Northeast Pizza Enterprise Inc, Tong Sheng Restaurant, with Steve seconding. Unanimous.

TA & ZA Update – DRB/PC – No meetings scheduled for next week. Bylaw amendment hearing canceled for next week. Permits - 13 permits have been submitted year to date (see attached). Eagle Point - Still waiting on the reimbursement. Johns River - The State is still reviewing the plans and bid documents. The Stream Alteration Permit has been issued. The

State is still working on the ROW Clearance (once we get the ok from the State our attorney will have to certify the ROW Clearance). We need to select a construction engineering firm. Bob recommends we use the At-the-Ready system as we did for Eagle Point. The Board agreed and Grant & Bob will select a firm. Storm Damage – FEMA - Bob got an email Friday wanting to set up a phone call for this week to discuss damage from the storm. Bob sent them his work hours and is waiting for a reply. COVID-19 - Effective 8 pm tonight, the Governor ordered today that all businesses and not-for-profit entities in the state to put into place, to the maximum extent possible, telecommuting or work from home procedures. There are some options for the offices to be working from home. The office staff will see review and implement ways to telecommute. Also, the Board needs to decide what to do about recycling. Two of the employees live with at risk people and one is elderly. The Governor's office said that they currently consider trash and recycling workers as essential. Last week they all still felt comfortable working, Bob did not know their current thinking. A lot of elderly tend to recycle and with this pandemic they should be limiting their public exposure. The Board felt that it would be prudent to close the Recycling Center for a month. Brian moved to close the Recycling Center for one month effective March 26th and to continue to pay for the attendants while closed, seconded by Karen. Unanimous.

OLD/OTHER BUSINESS:

Legislative Update – Brian is expecting that only the transportation and budget bills will be acted on before closing down.

Farmers Market – Karen mentioned that Newport City has increased the fee for the Farmers Market and thought they might be looking for another location. Desrochers lot next to the Elks and the Green in front of the Jr High were mentioned. The Board does not want to solicit the Farmers Market because they feel Newport can use the revenue.

ROAD REPORT:

The roads are looking good. Paving quotes are being solicited. Bob mentioned that there is an area on West St west of last year's slide that has sunken a few inches. It is planned to address this after July 4th.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, April 6, 2020. Brian made a motion to adjourn the meeting at 6:49 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
April 6, 2020

Present: Brian Smith, Steve Gendreau, Grant Spates, Karen Chitambar, Beula Shattuck (speaker phone).

Others: Rod Lyon, Joe Profera, Bob Kelley.

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

Warrants #7A in the amount of \$21,839.09 and #7B in the amount of \$44,379.86 were signed.

APPROVE MINUTES:

Steve moved to approve the minutes of March 23, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Discussion on Board Members Signing – If meetings end up being canceled or held remotely the Board thought it would be better to have fewer board members need to go in to sign the warrants. For now the Board decided to continue their regular meetings and to allow members and staff to participate remotely if they so desire. Karen move to have Grant and Steve sign warrants on the Boards behalf if needed until the COVID-19 pandemic is over, seconded by Brian. Unanimous.

Review & Sign – Balance Sheet, Delinquent Tax Report, Budget Status Report, General Journal Posting Report – All were reviewed and signed.

Excess Weight Permits– Desrochers Excavation, Sticks & Stuff – Steve signed all permits as Road Commissioner.

Liquor License: Walmart – At 6:06 Brian moved to recess the meeting to go into a Liquor Control hearing, with Karen seconding. Unanimous.

The Board discussed the License. At 6:07 Steve moved to come out of the Liquor Control hearing, with Brian seconding. Unanimous.

Brian moved to sign the License for: Walmart, with Karen seconding. Unanimous.

TA & ZA Update – DRB/PC – No meetings are being scheduled for now. If permits do come in requiring DRB review, I have 30 days to refer it to the DRB and then the DRB has 60 days to hold a hearing. Bottom line is we can delay any hearings for 3 months if we had to. Permits - 17 permits have been submitted year to date (see attached). Eagle Point - We have received \$276,067.46 and are waiting for our 2nd reimbursement request which should only be about \$1,500. Johns River - The State has reviewed the plans and a few items need to be addressed. Ruggles is waiting for the R.O.W. clearance from the State before making the changes. Storm Damage – FEMA - I had the initial call with the FEMA and follow up call is scheduled for April 9th. Stump Dump - It was decided to open the Stump Dump this weekend and to have extended hours during the week for a while. Due to the Coronavirus people are home doing yard work and may want additional access to the Stump Dump. Rod will work with Bob on the hours.

OLD/OTHER BUSINESS:

Legislative Update – Committees are meeting remotely.

ROAD REPORT:

Rod reported that some of the crew is getting nervous with the close working conditions. The Board discussed ways to comply with the social distancing guidelines. Work is limited due to the guidelines, temporary layoffs may be an option. If it does come to layoffs, medical benefits will remain the same. Currently they are hauling sand which is keeping everyone separated except for the beginning and end of the day. Rod will continue to monitor the situation.

EXECUTIVE SESSION:

At 6:26 Brian moved to go into Executive Session on a potential legal matter, second by Steve. Unanimous. Out of Executive Session at 6:33, no action taken.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, April 20, 2020. Beula made a motion to adjourn the meeting at 6:33 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
April 20, 2020

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

Others: Brad Shattuck, Stephen Abbott, Dan Dagesse, Elijah Capron, Robin Smith (speaker phone), Ed Barber (speaker phone), Joe Profera, Bob Kelley.

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

Warrants #8A in the amount of \$17,089.64 and #8B in the amount of \$40,631.32 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of April 6, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Bids – Sand, Gravel, and Equipment – Bids were received from Couture Trucking for sand & gravel and from Patenaude Bush Hogging, Tetreault's Maple Farm, & Ducharme Excavating for equipment. It is believed that others have submitted bid but are not in the folder. The Board tabled this until their next meeting in 2 weeks.

Brad Shattuck & Dan Dagesse – Sand & Gravel Bids – Mr. Shattuck is concerned that the Town is getting the sand from Island Pond instead of from Newport. There are 7 Derby residents that are part owners of the pit in Newport. Because of the trucking cost the owners believe it is much less expensive getting the sand from their Newport pit. It is 34 miles round trip to Island Pond and only 11 miles round trip to Newport. Mr. Shattuck has calculated that even if the sand was free from Island Pond that because of the trucking cost it would still be cheaper to get the sand from their Newport Pit. The Board questioned if their sand was as high quality as the Island Pond sand. Mr. Shattuck said that they have had the sand tested and believes it is superior. He also stated that Newport City has used it for years and is very satisfied with it. The Board thanked them for the information.

Elijah Capron – Health Issue – There is a health issue with an apartment building that splits the border in Derby Line that he has not had any success in getting the owners to take care of. He is also working with the State fire and electric inspectors. He would like to issue them a fine. Bob was directed to work with Elijah to get the State more involved and help with the procedures for issuing a fine. Elijah gave the Board a copy of the State Fire Marshal's inspection report where they found 7 issues.

Listers – Grand List – Two extensions are needed with regards to this year's Grand List due to COVID-19. The first is to give the listers extra time to file the Grand List. Beula moved to sign the Lister's request to extend the Lodging of the abstract of the Grand List to July 2nd, seconded by Karen. Unanimous.

The second is for New England Municipal Consultants as finishing up the Town-wide reappraisal but due to the COVID-19 epidemic they need to push back their informal hearings which pushes back the end date of the project. Steve moved to grant the New England Municipal Consultants request to extend the project completion date to July 15, 2020, seconded by Brian. Unanimous.

Excess Weight Permits– Amerigas/Blue Flame, Fred’s Plumbing & Heating, Kelley-View Farms, Vallancourt Transport – Steve signed all permits as Road Commissioner.

Review & Sign – Town Highway Annual Financial Plan & Certificate of Compliance Road & Bridge Standards – After reviewing Karen moved to sign the 2020 Highway Annual Financial Plan, seconded by Brian. Unanimous
Steve moved to sign the Certificate of Compliance for the Road & Bridge Standards, seconded by Brian. Unanimous.

Sheriff Department Contract – The Town budgeted \$80,000 for this year and that is what the contract is for. It was discussed changing the contract to \$75,000 to give us a little buffer. Last year we were \$16,000 over budget, which is why we increased the budget this year. It was decided to keep it at \$80,000 and let the Sheriff know that there is no buffer in the budget this year. Brian move to approve the contract with the Sheriff’s Dept. for \$80,000, seconded by Karen. Unanimous.

Road Crew – Shut Down –The Governor issued amendment #10 to his executive order which allows a 2-man crew to work outside projects that do not interact with the public. This means that the Road Crew can pretty much go back to normal operations with the right procedures. Bob’s recommendation is that all equipment should be assigned to one person and one person only, no exceptions. The office/break room should only be used by Rod. During breaks, starting work, end of the day procedures, etc... the crew need to strictly adhere to the social distancing guidelines. Cloth masks should be used whenever they are near another employee. If the guidelines are not followed then start/end times could be staggered to help with compliance or disciplinary action may be needed (such as unpaid leave). The Board approved Bob’s recommendations.

TA & ZA Update – DRB/PC – No meetings are being scheduled for now. If permits do come in requiring DRB review, I have 30 days to refer it to the DRB and then the DRB has 60 days to hold a hearing. Bottom line is we can delay any hearings for 3 months if we had to. There are no permits pending for DRB review. Permits - 22 permits have been submitted year to date. Eagle Point - We have received the final reimbursement. This project is done. Johns River - Ruggles is waiting for the R.O.W. clearance from the State before making a few minor changes to the plans. Storm Damage – FEMA - I had a follow-up with the FEMA on April 9th. We have 60 days to submit a list of the damage from the storm. It will probably be split up into 3 projects. 1- work completed, 2- work remaining, and 3- Dumas Rd culvert. I have another follow up call April 23rd. We should try to get all the repairs (except Dumas Rd culvert) done prior to June 1st. COVID-19 - Recycling - Joe recommends that we reopen the Recycling Center. Gabe & Kansas live with at risk people so they will not be available yet. Joe feels between Mark, Pat and himself they can handle things. Patrons will probably not be allowed in the building. Bob’s recommendation is that we reopen recycling starting this Saturday. The Board approved reopening the Recycling Center starting this Saturday. Office - Faye is considering a limited reopening of the office by appointment only for deed research only. This may be as soon as next week. Anyone coming in would have to wear masks and gloves. How to sanitize the books between appointments is an issue. The Board thought that we should look into UV light to sanitize the books. The Selectboard requested that the Clerk try to open for deed research next week. Listers and my office will remain closed to the public for the time being. Hayward Rd Bridge - Catamount Environmental is ready to get back to work as soon as the State allows. Barrup Rte 111 - Craig has had ongoing issues with illegal burning for a few years now. He has

ANR involved for air quality. He had forgotten about the Disposal of Refuse Ordinance. I went over it with him and next time there is an issue he will call the Sheriff's Dept and have them ticketed. \$500 for the first offense. Local Emergency Operations Plan - This is reviewed & approved annually, see attached 2020 Plan. The only change this year was updating the Sheriff and Health Officer. After reviewing the plan Karen moved to approve the Local Emergency Operations Plan, seconded by Beula. Unanimous.

OLD/OTHER BUSINESS:

Legislative Update – Everything was about the proposed closing of the Lyndonville and Johnson college campuses. The Board is extremely upset with this and will draft a letter to the State on why it is not a good idea. Grant has talked with NVDA about this and recommended that they get all towns to send letters.

ROAD REPORT:

West Street is moving again. Steve plans on evaluating it tomorrow to determine if we need to close the road again or maybe close one lane.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, May 4, 2020. Beula made a motion to adjourn the meeting at 7:22 p.m., with Brian seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
May 4, 2020

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

Others: Brad Shattuck, Stephen Abbott, Dan Dagesse, Brian Sanville, Russell Ingalls, Rod Lyon, Faye Morin, Joe Profera, Bob Kelley.

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

Warrants #9A in the amount of \$18,007.19 and #9B in the amount of \$15,149.61 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of April 20, 2020, with Karen seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Bids – Sand, Gravel, and Equipment – Equipment bids were received from Brian Sanville, Patenaude Bush Hogging, RG Gosselin, Ducharme Excavating, and Tetreault’s Maple Farm. Sand & Gravel bids were received from Couture Trucking, RG Gosselin, IRD Sand & Gravel, and J Hutchins. Currently the Town purchases winter sand from both RG Gosselin and IRD Sand & Gravel and mix the 2 together. There have been problems in the past with the sand from RG Gosselin freezing into very large chunks, which is why it has been mixed. The Town has bought approx 3,000 yds so far this year with about 1/3 coming from RG Gosselin. Due to the close location of the Gosselin pit the overall cost of the sand is much less expensive when trucking cost is taken into account. The Board likes the idea of purchasing locally and would like to try Gosselin’s sand this year to see what happens and reevaluate again next year. The Town needs to look into grant money for sand sheds. Brian moved to purchase the remaining winter sand from RG Gosselin, seconded by Steve. Unanimous, with Beula abstaining. The Board discussed roadside mowing. Brian Sanville would appreciate an answer soon so that he can plan his mowing season. The Board is unsure at this time how much of the mowing the Road Crew will be able to do. A new mowing head is being purchased that should work much better. The Board will have this on their agenda again in 2 weeks.

Excess Weight Permits– Andrew Lawrence, CSE Inc, Darrell Mathews/Mathews Excavating, Harrison Redi-Mix Corp, & United Natural Foods Inc – Steve signed all permits as Road Commissioner.

Designate on-site Health and Safety Officer – As part of the Governor’s Orders all worksites must have an on-site Health and Safety Officer during the pandemic. Bob was appointed for the Municipal Building and Rod for the Road Crew.

Derby Office Procedures – The Current Town Office Hours/Procedures are:

Clerk’s Office

7:00 am – 5:00 pm Monday – Thursday

One person is in the office on a rotating basis.

The office is NOT open to the public.

By Appointment Friday

Faye will be in the office.

Open to the Public by appointment only, one person at a time, for deed research.

Faye is flexible with the hours to accommodate attorneys.

Appointments are scheduled with 30 minutes between appointments to allow for sanitizing.

Fridays were chosen because the offices get cleaned on Saturdays.

Listers Office

8:30 am – 3:30 pm Monday – Thursday

The office is NOT open to the Public.

Town/Zoning Administrators Office

7:00 am – 5:00 pm Monday – Thursday

I am in the office.

The office is NOT open to the public.

All communications/interactions with the public are via Phone, Email, and US Mail (except for Fridays). There is minimal to no contact between offices during the day. Everyone has a slot outside their doors to transfer paperwork between offices. Everyone sanitizes everything they touch in the bathroom after every use. The rare times staff visits another office masks are worn and social distancing is practiced to the extent possible. Office staff and Road Dept have all completed VOSHA training. We have no touch thermometers on order and will be checking temperatures as soon as they arrive.

Faye explained that currently she has been able to accommodate all attorney requests and would like to continue with this schedule until May 15th. If attorneys need to come in on a different day she can accommodate them. She also explained the cleaning she does between appointments. The Listers and Zoning has been able to accommodate everyone remotely so far. The Board agreed to continue the current procedures for now and will revisit this at their next meeting.

TA & ZA Update – DRB/PC – No meetings are being scheduled for now. There are no permits pending for DRB review, but I have been getting quite a few inquiries. Permits - 25 permits have been submitted year to date. Johns River - Ruggles is still waiting for the R.O.W. clearance from the State (expecting it sometime this week) before making a few minor changes to the plans. Storm Damage – FEMA - I had another follow-up with the FEMA on April 23rd. We have until the end of the month to finish up anything we can. Everything that is finished by the end of the month will be considered one project and we can submit for reimbursement. What is not finished will be considered a separate project and FEMA will have to inspect and approve the work before we get reimbursed. COVID-19 – The State’s definition of “in-person business operations”, the Stay Home Stay Safe Sector Specific Guidance for Municipalities, and section 1.3 of the Phased Restart was handed out. Zoning Issues - Barrups Route 111 - Brian mentioned that it is looking more and more like a junk yard and expanding daily. Bob will visit them tomorrow. Former Fiermonte house Main St – The house has not been repo

OLD/OTHER BUSINESS:

Legislative Update – Everything is about the Coronavirus and reopening businesses.

Zoning issues –

ROAD REPORT:

Work is starting on West St. quotes for paving Hinman Settler (multiple sections including to the Brownington Town line), Mt Vernon and the aprons to Woods Farm Rd, Dairninaka Dr, and Ridgehill Dr are being requested from Pike, Hutchins, and Gray’s. Because there is no official Green Up Day, but the Governor has asked people to pick things up all month, people have started to leave bags of trash they have picked up along the side of the road. Usually on Monday after Green Up Day the road crew goes around picking of the green bags people collected, but with this going on all month the board would like to get the word out for people to drop off their Green Up collections at the Town Garage and asked Bob to put it on our website.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, May 18, 2020. Beula made a motion to adjourn the meeting at 7:15 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
May 18, 2020

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

Others: Scott Jenness, Becky Jacobs, Rod Lyon, Joe Profera, Bob Kelley. By teleconference: Ed Barber, Robin Smith, Faye Morin, Dustin Tremblay.

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

Warrants #10A in the amount of \$18,976.99 and #10B in the amount of \$59,567.11 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of May 4, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Scott Jenness – ATVs – Scott Jenness, President of Borderline Ridge Riders ATV Club, presented a plan for road use by ATVs in Derby. He said that they have 11 Towns and Newport City on board for He would like Pine Hill Rd, Crawford Rd, Hinman Settler Rd, a portion of Beebe Rd, a portion of Route 5 and a portion of Route 105 open to ATVs. The Board was in favor of ATVs using the roads, but was concerned about funneling traffic done only a couple of roads and how Derby residents would access the trails. After much discussion it was decided that all town roads (not including Legal Trails) would be open to ATVs. Signage would only have to be posted on the main trails, the rest of the roads would be mostly only be used to get to the main trails. Scott will work on a map for main trails and come back to the Board in 2 weeks. Derby's Ordinance Regulating All Terrain Vehicles adopted in 2009 will have to be amended to allow ATVs on all roads and Grant asked that this be put on the Board agenda for their next meeting. Steve moved to allow ATVs on all Town Roads (class 1, 2, 3, & 4) for 2 seasons subject to amending Derby's Ordinance Regulating All Terrain Vehicles, seconded by Brian. Unanimous.

Scott would also like the Board to support a request to the State to allow ATVs on State Highways from the Route 105 intersection with Hinman Settler Rd to the Route 105/5 intersection in front of the Cow Place and continuing south on Route 5 to the Derby/Newport City boarder. This is 2.65 miles. Steve moved to sign the request, seconded by Brian. Unanimous.

Road Side Mowing – The Town is in the process of buying a new mower head and the road crew will be doing the roadside mowing.

Motor Cross – Review & Sign Permit for Rider Hill – Dustin Tremblay was present by conference call to explain the request. The Board reviewed the proposed dates. The races may be done without spectators due to the pandemic. Brian moved to approve the Rider Hill permit, seconded by Steve. Unanimous.

Spread Sheet Equipment/Material Bids – The Board reviewed the bids. Appropriate companies will be called on an as needed basis.

Paving Bids – The Town received three bids for paving: Gray's Paving - \$66.26/ton, J Hutchins Inc - \$58.25/ton, and Pike Industries Inc - \$62.35/ton. Steve moved to accept the bid from J Hutchins Inc for \$58.25/ton, with Brian seconding. Unanimous.

Listers – Grand List Plan – The Board reviewed the Listers Plan for filing the 2020 Grand List. Change of Appraisal Notices will be mailed out on July 2nd and the As-Billed Grand List will be lodged on August 5th. Procedures have been put in place to comply with the Governor’s Work Smart and Stay Safe Incentives. Grievance Hearings are scheduled to be in person or at the property owners request by phone.

Sign & Review Reports: Balance Sheet, Budget Status, Delinquent Tax Report, General Journal Report – All were reviewed and signed.

Coin Drops – Requests were received from Derby Line Fire Department (DLFD), Disabled American Veterans (DAV), Lake Salem Association, Newport Recreation, Dailey Memorial Library, North Country Field of Dreams, and Veterans of Foreign Wars (VFW). The Board allows only four coin drops each year, one each month from June to September. The Board has historically granted them to DLFD and DAV every year. The Board discussed the merits of the other applicants. Karen moved to grant coin drops to DLFD, DAV, Lake Salem Association, and North Country Field of Dreams,

TA & ZA Update – DRB/PC: The DRB has its first permit submitted since the pandemic started. They will be having there hearing on June 8th. The Planning Commission has no scheduled meetings. – Permits: 30 permits have been submitted year to date. - Johns River: Nothing new. - Storm Damage FEMA: Nothing new. - Beach House: What do we want to do as far as opening up the Beach House? If we have it open CDC recommends cleaning the restrooms daily or more often if possible. *It was decided to keep the Beach House closed until June 15th at which time the Board will reevaluate.* - Town Offices: The Governor is gradually allowing more businesses to open. The Town Offices remain the same – closed to the public except for deed research by appointment. - Recycling/Stump Dump: Recycling is back in full swing. The first day they reopened Joe said it was the busiest day since he has worked there. The crew has been doing a great job and they are getting back to more normal usage. The Stump Dump is back to normal hours – Saturdays 8:00 – noon. - Hayward Bridge: The undercoating is complete. Someone who knows who knows more than I do should go and look at it. It looks good to me. What are we going to do with the joint on the North side? *Bob was directed to check with the State on materials and companies to repair the expansion joint.* - Zoning Violations: I visited the Barrup properties on Rte 111. Kevin Barrup has requested that I not come on his property and would like to know the source of the complaint. He claims he has an ongoing lawsuit with the Brainards. I did get to talk to him. The tires behind the old barn are waiting to get retreads put on them. It appears that there are a few junk vehicles behind his garage. He claims that they have 4 fully inflated tires and therefore they do not qualify as junk vehicles. I would disagree. Our bylaw stated “Any motor vehicle without current motor vehicle tags or a full set of inflated tires may be considered a junk motor vehicle”. He has a couple of race vehicle on his property, which I wouldn’t call junk vehicles. Otherwise from what I could see there wasn’t much that would be a violation. Martin Barrup’s property is messy but there doesn’t appear to be any zoning violation from what I could see. I could not see into the old gravel pit which I believe is mostly on Kevin’s property.

OLD/OTHER BUSINESS:

Legislative Update – The main thing going on is with unemployment benefits issues. If anyone is having a problem with getting unemployment benefits should email Brian Smith at BSmith@leg.state.vt.us .

ROAD REPORT:

Roads in good shape. Steve wants to open West St before Labor Day.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, June 1, 2020. Brian made a motion to adjourn the meeting at 7:45 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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 2nd 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.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
June 15, 2020

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

Others: Maureen Rodger, Jeff Johansen, Steve Cross, Faye Morin, Rod Lyon, Joe Profera, Bob Kelley.

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

Warrants #12A in the amount of \$23,670.86 and #12B in the amount of \$81,052.23 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of June 1, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Newport Ambulance – Jeff Johansen – Jeff explained that Newport Ambulance now has a satellite facility in Morgan which is officially called Morgan Rescue to distinguish it from their main facility in Newport for dispatch purposes. Portions of Derby can be serviced quicker if they are dispatched from the Morgan Rescue facility rather than from the Newport facility. The E-911 maps have to be revised to show this change and Selectboard permission is required. Jeff will work with Derby’s E-911 Coordinator, Steve Cross, to make the changes. Steve moved to change in E-911 lines to have a portion of Derby serviced by Morgan Rescue, seconded by Beula. Unanimous.

Dailey Memorial Library – Summer Event on Junior High Green – Librarian Maureen Rodger explained that the Library would like permission to use the Green in front of the Junior High for a trunk sale on August 1st. This would be a fundraiser for the Library, the cars would park around the perimeter of the Green with their trunks facing the center. Steve moved to grant the request for use of the Green, seconded by Karen. Unanimous

ATV Ordinance – The Board reviewed proposed changes to the Ordinance Regulating All Terrain Vehicles. Additional changes were made. Changes will go into effect 60 days from the date of adoption, unless appealed. Karen move to adopt the revised Ordinance Regulating All Terrain Vehicles, seconded by Brian. Unanimous.

ORDINANCE REGULATING ALL TERRAIN VEHICLES

SECTION I: AUTHORITY. Under authority granted in 24 V.S.A. Chapter 59, 24 V.S.A. §2291(4), and 23 V.S.A. §3510, the Selectboard of the Town of Derby hereby adopts the following civil ordinance regulating the time, manner, location and/or operation of all-terrain vehicles on property owned or controlled by the Town, including town highways and legal trails.

SECTION II: PURPOSE. The purpose of this ordinance is to protect the health and safety of operators of all-terrain vehicles and the residents of the Town and to protect the wildlife, real and personal property and environment of the Town.

SECTION III: DEFINITIONS.

- A. “All-terrain vehicle,” or “ATV,” means any non-highway recreational vehicle, except snowmobiles, *as defined in VSA Title 23 Chapter 31*. ~~having no less than three low pressure tires (10 pounds per square inch, or less), not wider than 60 inches, and having~~

~~a dry weight of less than 1,700 pounds, when used for cross-country travel on trails or on any one of the following or a combination thereof: water, snow, ice, marsh, swampland and natural terrain. An ATV shall not include an electric personal assistive mobility device~~

- B. “Operate” shall include any attempt to operate and shall be construed to cover all matters and things connected with the presence and use of all-terrain vehicles whether they are in motion or at rest.
- C. **“Town Highway” or “Town Highways” means all class 1, 2, 3, and 4 town highways located within the Town of Derby.**
- D. **“VASA” means the Vermont All-Terrain Vehicle Association.**

SECTION IV: OPERATION OF ATVs. The following requirements shall apply to all ATVs operated on property owned or controlled by the Town, including town highways and legal trails.

- A. All ATVs must be registered, equipped and operated according to the requirements of 23 V.S.A. Chapter 31.
- ~~B. A valid Vermont ATV Sportsman’s Association (VASA) plate must be attached to the front of all ATVs.~~
- B. ATVs shall not be operated on any Town property, highway or legal trail unless the Selectboard grants permission to VASA/local ATV organization. **VASA/local ATV organization shall contract directly with law enforcement to ensure safe operations of ATVs on Derby Highways.**
- C. **ATV operators must have a valid driver’s license when operating an ATV on permitted Town highways or legal trails.**
- D. All Town highways or legal trails opened to ATVs operation by the Selectboard shall be so posted, and a list of highways and legal trails open to ATVs shall be maintained in the Town Clerk’s office. ~~Any traffic control signs related to ATV operation shall comply with the Manual on Uniform Traffic Control Devices in form and placement. The Town shall be responsible for the placement of any signs related to ATV operation on Town highways and legal trails.~~
- E. Speed limit signs and stop signs shall be posted at any location where an ATV trail enters or crosses a Town highway or legal Trail. Advance notice signs shall be erected approximately 250 feet prior to any location where the trails enters or crosses a Town highway or legal trail. These signs shall be approved by the Derby Selectboard. The expense of these signs and erecting, posting and maintaining of the signs on the trails shall be the responsibility of the adjoining landowner or local ATV Club. It shall be a violation of this Ordinance to access or cross a public highway or legal trail from an ATV trail that is not posted in accordance with this provision.
- F. ATV operators shall obtain and maintain liability insurance and shall carry proof of the same.
- G. Operators of ATVs on Town highways and legal trails shall comply with all traffic control devices.
- ~~H. ATV operators shall yield the right of way to all other motor vehicles, pedestrians and other users of Town highways and legal trails and shall stay on posted trails.~~
- H. ATVs shall operate in single file. **No racing shall be allowed., as far to the right as possible, with headlights on, and at a rate of speed not to exceed 15 MPH at all times while on Town highways or legal trails.**
- I. **Hand signals are required to indicate all turns and stops, in the absence of street legal turn signal lights.**
- J. **ATV operators and passengers must wear a US Department of Transportation (DOT) approved helmet (unless operating an ATV equipped with seat belts).**
- K. Unless the Selectboard for any reason designates otherwise, ATVs shall not be operated between October 1st and May 15th of each year.

- L. ATVs shall not be operated between the hours of ~~9-10~~ P.M. and ~~8-7~~ A.M.
- M. 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.
- N. Nothing contained in this Ordinance shall authorize or create any cause of action to accrue or to be maintained against the Town of Derby, and the Town accepts no liability for the operation of ATVs on Town highways or legal trails.

SECTION V: PENALTIES.

- A. An Issuing Municipal Official shall have the authority to levy and collect a Wavier fee in lieu of a civil penalty from any person who declines to contest a municipal complaint and pay the Wavier fee. Offenses shall be counted on a calendar year basis and wavier fees are as follows:

First offense	\$100.00, waiver fee \$75.00
Second offense	\$200.00, waiver fee \$150.00
Third and each subsequent offense	\$500.00, waiver fee \$300.00

- B. Operators of ATVs shall be liable, in addition to the fees set forth above, for all repair costs incurred for damages to Town roads, legal trails and/or other municipally-owned lands caused by the operation of ATV on property owned or controlled by the Town.

SECTION VI: ENFORCEMENT. This is a civil ordinance and shall be enforced by the constable/sheriff/police officer or any person(s) duly appointed by the Selectboard as an Issuing Municipal Official through the Judicial Bureau in accordance with the provisions of 24 V.S.A. Chapter 59.

SECTION VII: SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION VIII: EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Derby Selectboard and shall supersede and replace all previous ordinances regulating the time, manner, location and/or operation of all terrain vehicles. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

Town of Derby Selectboard

Date: June 15, 2020

Excess Weight Permit – United Natural Foods – Steve reviewed and signed as Road Commissioner.

Sign & Review Reports: Balance Sheet, Budget Status Report, Delinquent Tax Report, General Journal Report – All were reviewed and signed.

Sign Memorandum of Understanding – 6/01/2020 – The board reviewed and signed the Memorandum of Understanding

Beach House Opening – The Board decided to begin offering the Beach House for events only. It will not be open to the general public. Due to COVID19 a surcharge will be added to the rental fee to cover cleaning costs associated with sanitizing the building after events. Bob will check with our cleaner to see what they will charge to sanitize the building and add this cost to the normal rental fee. A port-a-potty will be placed outside

TA & ZA Update – DRB/PC: The DRB has next week off, but there are 2 permits in the pipeline for their July 6th meeting. The Planning Commission has scheduled a meeting for next week and a Public Hearing for July 6th for bylaw amendments. – Permits: 43 permits have been

submitted year to date (see attached). - Johns River: Ruggles has finished changes to the plans the State wanted and the State is reviewing the changes. Ruggles has submitted the draft Bid documents to the State for review. Sara Davies is working on the R.O.W. certification. - Storm Damage FEMA: FEMA is splitting the work into 3 projects. 2 projects for the roads completed and 1 project for Dumas Road. - Town Offices: Next week we would like to open up to the public. Office doors would be locked so we can limit the number of customers that are in the offices at one time to maintain the social distancing guidelines. Staff will be required to wear masks within 6 ft of anyone. We would have a table set up inside the front door with a sign-in sheet and hand sanitizer. Customers would be required to sign-in, have their temperature checked, wear a mask and use the hand sanitizer upon entering the building. – Reappraisal: The Reappraisal firm is slightly behind schedule which leaves the Listers with no wiggle room for their time schedule. - Zoning Violations: I talked to Sara Davies about Barrup. She said the courts are shut down because of COVID19 and nothing is moving forward at this time.

OLD/OTHER BUSINESS:

Legislative Update – They are scheduled to adjourn on June 21st and come back in August to finish the session.

ROAD REPORT:

Trevor Cleveland has submitted a letter of resignation effective June 28th. He has found a job with the Town of Irasburg which closer to home. Steve moved to accept with regrets, seconded by Brian. Unanimous. The new mower head for the excavator should be in next week and the part for the grader has been found. Trevor has offered to help out with the roadside mowing on Fridays if needed. A supply of stones for West St repair has been located but the ground is currently too wet to get to them.

EXECUTIVE SESSION:

At 7:09 Brian moved to go into executive session for a personnel issue, seconded by Beula. Unanimous.

Out of executive session at 7:20. No action taken

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, June 29, 2020. Beula made a motion to adjourn the meeting at 7:21 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
124 MAIN ST, DERBY, VT
SELECT BOARD MEETING
June 29, 2020

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

OTHERS: Faye Morin, Rod Lyon, Joe Profera & Edward Barber.

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

Warrants #13A in the amount of \$24,115.84 and #13B in the amount of \$75,407.05 were signed.

APPROVE MINUTES:

Steve moved to approve the minutes of June 15, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

ATV Ordinance - The Board Signed the ATV Ordinance – The State said there are a few issues to work out before they will sign off.

Excess Weight Permit - Cheeseman, LLC was approved and signed.

Eagle Point Parking – Rod explained that there were issues with people parking on both sides of the road. In the winter the road crew plows can't get through with the ice fishing people parking vehicles on both sides of the road. Steve said there use to be signs and the town will have to put signs back up so people can get through.

Inter-Municipal Agreement - Agreement with DLFD for the Town of Derby to pay 90% and the Town of Holland to pay 10%. This is an on-going agreement. Brian moved to sign Beula seconded.

OLD BUSINESS: Legislative Update: A majority of the funds is being used on Health care approx \$278 million. North Country Hospital is getting approx \$10 million.

ROAD REPORT: Hinman Settler Road is paved and looks good. Paving is complete. Road side-mowing is being done by the road crew on Fridays. New bracket for the new mower is not in yet. There is a pile of granite in Orleans by their stump dump they may want to get rid of. A man short on the road crew will review the applications in executive session.

EXECUTIVE SESSION: 6:24 p.m. Personnel issues Job applications reviewed with Rod Lyons.
6:43 no action taken.

ADJOURNMENT: The next regular meeting is scheduled for July 13th at 6 p.m. Beula made a motion to adjourn the meeting at 6:45 and Steve seconded. Unanimous.

Submitted by Faye Morin, Unofficial until approved.

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
July 13, 2020

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

Others: Paul Luciano, Rod Lyon, Joe Profera, Bob Kelley in person. Robin Smith, Wayne McKinnon, Delores McKinnon by phone.

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

Warrants #14A in the amount of \$24,092.09 and #14B in the amount of \$371,160.55 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of June 29, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS:

Joe Profera would like a copy of an updated phone list for town officials. Bob will get him one.

NEW BUSINESS:

West Street Road Condition - McKinnon – The McKinnons were concerned with the stability of the road. There is a lot of clay in the area and stoning the bank did not work before and they are concerned when the bank slides again the stone will end up in the river. The road is cracking above their house, cars have hit the trees on the corner above their house, and speeding and large vehicles are issues. They would prefer the road be closed or at least one-way. Some ideas that were brainstormed included: additions signage, weight limits, height limit, and closing the entrance near the interstate. The Board thanked the McKinnons for allowing the Town to go onto their property to stabilize the bank and will keep them in the loop on repairs and changes.

NVDA Hazardous Mitigation Plan – Paul Luciano – The plan is multi-jurisdictional as it includes Derby Center and Derby Line. The 2005 Plan that expired in 2010 was around 25 pages. The new plan will have to be more comprehensive and will be considerably longer and evaluate hazards from flooding, wind, winter storms, ice storms, cold, etc... A survey will be sent out with the tax bills to get public input. The planning team is in place and approved. With COVID work on the plan slowed down, but now is starting up again.

Sign & Review Reports: Balance Sheet, Budget Status Report, Delinquent Tax Report, General Journal Register – All were reviewed and signed.

TA & ZA Update – DRB/PC: The DRB has next week off, but there are 4 permits in the pipeline for their August 3rd meeting. The Planning Commission approved bylaw amendments and now the Selectboard needs to hold a Public Hearing before you can act on the proposed amendments. The hearing needs to be warned 15 days prior to the meeting, so I would suggest that you hold your hearing on August 10th which is 28 days from tonight. The Board approved August 10th for the Public Hearing for the bylaw amendments. **Permits:** 62 permits have been submitted year to date. **Johns River:** We need new easements from Roberts and Abbott because the plans changed slightly. Roberts has already signed the new easement and Abbott will be coming in on Wednesday to sign. I am also getting a one year extension from Fish & Wildlife. Our attorney will have to issue a new Right of Way Certification. **Storm Damage FEMA:** FEMA is coming for a site visit for Dumas Road tomorrow morning. Rod & I will be at the site

visit. I am working with Rod to get all the documentation we need for all the other damage.

Health Officer: We just got info from the State Fire and Electric Inspection Results for the property on the border in Derby Line. They still have a few things to work on for the Fire Marshall, and the Electrical Inspector has no jurisdiction. **COVID:** Current office procedures are working fine.

OLD/OTHER BUSINESS:

Legislative Update – They are on recess until the end out August. About half of the COVID money the State has received still needs to be allocated.

Town Pickup Truck – The bed is rotted. Keenan thinks the truck is shot. This will be an agenda item to discuss further at the next meeting.

Dog Park – Brian noticed a bill for over \$1,000 for leaf removal from the park and was wondering why we don't just let the leaves rot on the ground. Bob explained that leaves on the ground make it hard to see dog poop and removing the leaves keeps the park cleaner. Bob pointed out that all funds to maintain the dog park comes from donations and the Town has not contributed anything.

Town Forest – Brian wondered if we should look into making trails thru the Town Forest. It was thought that we should check with VLCT about liability. This lead to discussion of Town property in general and the need to have a Buildings & Grounds Committee. This will be on the next agenda.

Other Business – Other business needs to be added as an agenda item on all agendas.

ROAD REPORT:

The hydradig has a flat tire. The tire is an unusual size and is hard to get, one is on order. One truck is out of service for a safety recall.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, July 27, 2020. Beula made a motion to adjourn the meeting at 6:58 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
July 27, 2020

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

Others: Rod Lyon, Joe Profera, Bob Kelley.

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

Warrants #15A in the amount of \$23,151.83 and #15B in the amount of \$96,912.67 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of July 13, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Dumas Road - Engineering – There were 2 estimates; Ruggles Engineering at \$12,150 and East Engineering at \$27,000. Brian thought that the temporary culvert we installed is just fine and we don't need to do anything else. The Town's Road and Bridge Standards require the Town to follow State standards when working on stream bridges and culverts. Karen moved to use Ruggles Engineering for the Dumas Road engineering, seconded by Steve. Ayes – Karen, Steve, Beula, Grant. Nays – Brian. The motion passes.

Town Forest Property – Buildings & Grounds Committee discussion – The Board would like to get input from the public on what the Town should be doing with some of the vacant properties that the Town owns that are not being fully utilized. The Town owns a lot on Route 5 between Derby Center and Derby Line, a small lot on the right side of Hinman Settler Rd as you are going up the hill, the Town Forest off of Bushey Hill Rd, land on both sides of the Dog Park on 4H Rd, and the back lot just purchased from Poulin between the Town Garage and the Municipal Building. It was thought that instead of forming a committee it might be better to set up something online to get resident's opinions and to have discussions during the Board's regular meetings. A flyer can be added in with the Tax bills to inform residents how to participate.

Town Pickup Truck – Discussion centered on the merits of a 1 ton dump truck vs a ¾ ton pickup. Steve and Rod will come back to the Board with options and costs.

TA & ZA Update – DRB/PC: The DRB has 4 permits for their August 3rd meeting. The Planning Commission is continuing review of the Zoning Bylaw and is working on Section 4.

Permits: 67 permits have been submitted year to date. **Johns River:** Abbott & Roberts signed the new easements the State wanted, we got an extension from Fish & Wildlife until Oct 1, 2021, and Davies issued a new Right of Way Certification. The State sent back the draft bid documents with their mark up and Ruggles is working on the changes needed. I don't see how we are going to get this one done this year. The Stream alteration permit specifies that the work is done prior to Oct 1st. **Storm Damage – FEMA:** FEMA did a site visit for Dumas Road 2 weeks ago. Rod & I have surveyed all the damage and I am working on getting it into the format FEMA requires. **COVID:** Current office procedures are working fine.

OLD BUSINESS:

Legislative Update – They are on recess until August 25th.

ROAD REPORT:

The Road Crew put in a new culvert on Hinman Settler Rd and the pavement there and on Shattuck Hill needs to be patched where the culverts were replaced. There is an ongoing problem on Ridgehill Dr with gravel being washed away. The stump dump needs to be pushed back, John Gobeil will be contacted to see if he can help as the Towns loader is not big enough to do the job. Better Roads called and told us we would be getting the grants for Bushey Hill and Salemview Hgts sometime in August, we need to complete the project by the end of the year. All other State grants are being held up until the State gets a better grasp of income due to COVID.

OTHER BUSINESS:

ATVs – The State currently holding up permission to let ATVs cross the bridge over I-91, the current thinking is to use the snowmobile trail to get around this if needed. If speed is an issue the Board would be receptive to lowering it to 30 mph.

Sweeper Truck - Another sweeper truck has become available from the Federal Surplus, shipping to get it would probably be \$20,000+. The Board was not interested in pursuing it.

EXECUTIVE SESSION:

Brian moved to go into executive session at 6:58 for a personnel issue, seconded by Steve.

Unanimous. Out of executive session at 7:04

Steve moved to hire David Montague for the vacant road crew position at the D4 step 1 pay scale of \$19.36, seconded by Karen. Unanimous

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, August 10, 2020. Beula made a motion to adjourn the meeting at 7:10 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
August 10, 2020

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

Others: Cynthia Adams, Robert DeRoehn, Joe Profera, Bob Kelley in person. Robin Smith, Ed Barber by phone.

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

Warrants #16A in the amount of \$22,533.25 and #16B in the amount of \$33,151.69 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of July 27, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

PUBLIC HEARING – Bylaw Amendments:

Brian moved to recess the meeting to go into a Public Hearing for public input on proposed Zoning Bylaw Amendments to Articles 2, 3, 8 & 11 and the Zoning District Boundary Map, seconded by Beula. Unanimous.

There were no comments from the public. Beula moved to close the Public Hearing and return to their regular meeting, seconded by Brian. Unanimous.

NEW BUSINESS:

Consider Bylaw Amendments – The Board reviewed the proposed amendments. Beula moved to approve the proposed Zoning Bylaw Amendments to Articles 2, 3, 8 & 11 and the Zoning District Boundary Map as submitted, seconded by Karen. Unanimous.

Town Pick Up Truck Update – Steve has received two quotes and is waiting on one more. Brian said Key Auto looked at the Town's pick-up and thought that it might get \$7k-9k in a trade. Looking at auctions Brian thought that the Town might save \$10k-15k buying a 2 year old with 10k-20k miles vs. buying new. It was thought that the front bracket on the pick-up bed could be welded. This will be on the next agenda for further discussion.

Sign & Review Anticipation Note – The Note was reviewed and signed.

Sign & Review Financial Questionnaire – The Financial Questionnaire was reviewed and signed.

Sign & Review Reports: Balance Sheet, Budget Status Report, Delinquent Tax Report, General Journal Register – All were reviewed and signed.

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: 77 permits have been submitted year to date. Johns River: The State has issued Right of Way Certification. They have also updated the NEPA clearance because it was nearing the 3 year mark and was about to expire. Ruggles is working on the final touches for the RFP. Storm Damage – FEMA: Nothing new to report. Newport Ambulance: They are having a meeting tomorrow at 1:30 in the Newport City Gym which I will attend. The meeting is to update towns how they have been doing with COVID19 and to answer any

concerns the Town may have. Everything appears to be going smoothly with Newport Ambulance. The Board did not have any concerns with the ambulance service. COVID: Current office procedures are working fine. Vacation: Bob informed the Board that he is taking a vacation day tomorrow and will not be in the office however he will be going to the Newport Ambulance meeting.

OLD BUSINESS:

Legislative Update – They are still on recess until the end out August.

OTHER BUSINESS:

Tax Sales during COVID – The Town’s Tax Sale attorney, Angela Ross, is concerned she could get sued having a Tax Sale during the COVID pandemic and would like to be indemnified. The Tax Collector would like to continue with the sales so that people don’t get too far behind on their taxes. Beula moved to not hold Angela Ross liable for any part of a lawsuit regarding a Tax Sale during the pandemic, seconded by Steve. Unanimous.

Town Policies – The Board reviewed the list of Policies. The Board will review the Winter Road Maintenance Policy at their next meeting.

Town Land – The Board reviewed Town properties. Discussion centered on the 4-H Rd and Rte 5 (across from Benny’s) properties. Bob will look up the deed for both properties to see if there are any conditions in the deeds. If there are properties that the Town has no use for, selling them should be considered. The Rte 5 property has a dry hydrant in the pond on the property. It was thought this would make a good commercial property. The 4-H Rd property goes from Rte 111 all the way to Lake Salem. It was thought we might be able to split off a few lots on this property. There may be grants available to help the Town determine the pros and cons of selling properties. This will be discussed more at the next meeting.

ATV’s – Board members have been receiving calls about ATVs late at night on Sunset Acres. Steve has talked to Scott Jenness.

Trees Within Town R.O.W. – There is a dying tree on Hayward Rd that Jackie Slaiby would like removed. Steve will go with the Tree Warden to look at the tree.

ROAD REPORT:

The road crew has been doing road shoulder work and mowing. The new mower head is in. The new hire had his first day of work today. Another source for stones for West St is being looked into.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, August 24, 2020. Beula made a motion to adjourn the meeting at 7:02 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

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, Gingham 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:

Gingham Milnes – Sunset Acres – Noise Complaint – Trailers & Campers – Gingham 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.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
September 21, 2020

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

Others: Ruth Marquette, Patty Beckwith, Lilla Bennett, Paul Prue, Maureen Fountain, Joe Profera, Bob Kelley in person. Faye Morin, Ed Barber by phone.

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

Warrants #19A in the amount of \$23,180.22 and #19B in the amount of \$119,836.76 were signed.

APPROVE MINUTES:

Beula moved to approve the minutes of August 24, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Appropriations: Area of Aging – Patty Beckwith; NKHS – Ruth Marquette; RCT – Lilla Bennett; Umbrella – Amanda Hussey – Lilla spoke for the group, Amanda was not present. They would like the Selectboard to wave the signature requirement for appropriations this year due to COVID provided they didn't ask for more than last year. The Board is working on a policy to address the need for signatures if the request is for level funding. The Board agreed to have this part of their new policy.

Maureen Fountain – Darling Hill Road Speeding – Maureen lives along the 2 mile section of Darling Hill Rd which has a 50 mph speed limit and would like it lowered to 35 mph. She was in 2 accidents this summer and both were caused by speeders. The Board wasn't sure why this 2 mile section is 50 mph when the rest of the road is 35 mph. The Board will look into what is required to change the ordinance to make this section 35 mph like the rest of the road. The only other Town roads with a 50 mph speed limit are Beebe Rd from Route 5 – Interstate Bridge and Holland Rd.

Dailey Memorial Library – Yard Sale – The Dailey Memorial Library would like to have a yard sale on the Town Green in front of the Jr. High on October 3rd. This will be similar to the one they had earlier in the year. Karen moved to grant the request, with Brian seconding. Unanimous.

Scott Warthin – Letter Hinman Settler Road – Most of the concerns in Mr. Warthin's letter have either been addressed or on the Road Crew's schedule to be done. The one exception is the request for two "Cattle Crossing" signs which the Board denied.

Errors & Omissions - Listers – Parcel ID #TRD60003D8T, Owner: John Queenin. The Listers are requesting the value be changed from \$119,000 to \$83,700 due to an error of \$35,300 in yard items incorrectly being added to the property by the reappraisal firm. Brian moved to approve the Listers' request to lower the value of the property owned by John Queenin, PID #TRD60003D8T to \$83,700, with Beula seconding. Unanimous

Town Policy Review – The board approved the Accounting, Auditing, and Financial Reporting Policy and Cash Receipts, Petty Cash, and Returned Check Policy.

Beula moved to approve the following Accounting, Auditing, and Financial Reporting Policy as amended, with Karen seconding. Unanimous.

ACCOUNTING, AUDITING, AND FINANCIAL REPORTING POLICY TOWN OF DERBY, VERMONT

PURPOSE. The purpose of this Accounting, Auditing and Financial Reporting Policy is to establish and maintain high standards for accounting practices in the Town of Derby, thereby enabling voters, the Selectboard, and the treasurer to make sound decisions in preparing and adopting the Town budget and managing Town finances.

ACCOUNTING. The accounting practices of the Town will conform to Generally Accepted Accounting Principles for local governments as established by the Governmental Accounting Standards Board. The treasurer will establish and maintain a system of fund accounting and shall measure financial position and results of operations using the modified accrual basis of accounting for governmental funds and the accrual basis of accounting for proprietary and fiduciary funds.

AUDITING. Annually, the Selectboard will cause the Town financial statements to be audited by a qualified, properly licensed independent accounting firm. ~~This audit will be conducted in addition to any audit performed by the Town's elected auditors under 24 V.S.A. §§ 1681 et seq.~~

MONTHLY AND ANNUAL FINANCIAL REPORTING. The treasurer will prepare monthly financial reports for the Selectboard's management purposes. These will consist of:

- Budget Report showing revenues collected and appropriations expended for the previous month with the variance from the budget amounts for each line item;
- Statement of Revenue, Expenditures, and Changes in Fund Balance showing revenues and expenditures and the difference between the two, the beginning fund balance for the period, the ending fund balance; ~~and~~
- Balance Sheet showing Town assets less liabilities and the fund balance; and
- General Journal Report showing entries done for the month.

The treasurer will also prepare an annual financial report. This report should include financial statements for each of the funds of the Town, as well as appropriate additional disclosures as necessary for the complete understanding of the financial statements presented. In addition, the report should include a narrative discussion to explain how the Town's current financial position and results of financial activities compare with those of the prior year and with budgeted amounts. This report, ~~together with the most recent independent auditor's report and any report prepared by the Town's elected auditors under 24 V.S.A. § 1682,~~ will be reproduced in the Town's annual report each year.

The foregoing Policy is hereby adopted by the Selectboard and the treasurer of the Town of Derby, Vermont, this 21st day of September, 2020 and is effective as of this date until amended or repealed.

Brian moved to approve the following Cash Receipts, Petty Cash, and Returned Check Policy as amended, with Steve seconding. Unanimous.

CASH RECEIPTS, PETTY CASH, AND RETURNED CHECK POLICY TOWN OF DERBY, VERMONT

PURPOSE. The purpose of this Cash Receipts Policy is to establish proper management practices over cash, checks, and other receipts in order to instill public confidence in Town operations and to provide accurate, reliable, and timely information upon which financial decisions can be made.

AUTHORIZED PERSONNEL. For internal control purposes, only the following officers, employees, and volunteers are authorized to receive funds on behalf of the Town of Derby: Treasurer, Assistant Treasurer, Town Clerk, Assistant Town Clerk, Collector of Delinquent Taxes, Selectboard members, Cemetery Commissioners, Trustees of Public Funds, Zoning Administrator.

PROPER PAYEE. All checks, money orders, and credit card payments, regardless of function, must be made payable to the Town of Derby. No instruments may be made payable to a Town officer, employee, volunteer, department, committee, board, or group.

RECEIPTS. Persons authorized to receive funds on behalf of the Town must issue a fully completed collection receipt for any cash received. The original completed receipt must be issued to the person from whom the funds are received. The second copy must be delivered to the treasurer with the funds. ~~The third copy must be retained by the person authorized to receive funds for audit purposes, and it shall be countersigned by the treasurer when funds are deposited with the treasurer.~~

SAFEGUARDING FUNDS. Safeguarding funds prior to deposit with the treasurer is the responsibility of authorized personnel receiving the funds. All coins, currency, checks, credit card information, and money orders must be retained in a secure place until deposited with the treasurer in accordance with the section below.

PREPARING AND DEPOSITING FUNDS. Funds collected by authorized persons must be deposited with the treasurer no later than the following business day.

Each person depositing funds with the treasurer must submit a spreadsheet or adding machine tape of the checks in the same sequential order and totaled with each deposit. The treasurer will count and verify the amount deposited in the presence of the person depositing the funds. All deposits made to the treasurer will be issued a receipt or other acknowledgement. The treasurer will take the deposits to the bank daily and retain copies of all deposit statements issued by the bank. Each department will receive from the treasurer a monthly list of deposits that have been verified through the bank statement. Any discrepancies shall be reported to the treasurer.

PETTY CASH. No officer, employee, volunteer, department, committee, board, or group may establish a petty cash system without consent from the Selectboard and the treasurer. The Selectboard will appoint an officer, employee, or volunteer to be custodian for each petty cash account. A base petty cash amount must be determined by the treasurer. A lockable cash box will be used to store petty cash and must be locked at all times. The key will be kept in a secure location. Only the petty cash custodian and the treasurer will have access to the locked petty cash box and key.

A pre-numbered, two-part receipt will be issued by the custodian or the treasurer for each payment made out of petty cash. This receipt is to be signed by the custodian or treasurer

and the officer, employee, or volunteer receiving the petty cash. Payments out of petty cash will be made only when a valid receipt is presented. Should prepayments out of petty cash be necessary, a memo explaining the purpose of the prepayment must be signed by the custodian or treasurer and the officer, employee, or volunteer and placed in the petty cash box or drawer.

At all times the total of receipts added to the cash remaining in the petty cash box must equal the predetermined petty cash amount. Under no circumstance will personal funds be used to compensate shortages. All shortages must be brought to the attention of the treasurer immediately upon discovery.

RETURNED CHECKS. A returned check will be recorded in the accounting system against the revenue in which it was originally posted if the check is not replaced. First-time returned checks will be re-deposited. Upon second receipt of a returned check, the treasurer will notify the check writer and inform him or her that his or her check did not clear and advise that there is a \$25.00 return check fee due. Thereafter, full payment, including the return check fee, must be in the form of cash, money order, or bank certified check.

The foregoing Policy is hereby adopted by the Selectboard and the treasurer of the Town of Derby, Vermont, this 21st day of September, 2020 and is effective as of this date until amended or repealed.

Appropriations Policy Review – The Board discussed when to waive the petition requirement and decided that if the request is for no increase from the previous year a petition is not required. If an increase is requested a petition is required for that year and the next 2 years. This will require agencies requesting an increase in their appropriation to submit petitions for 3 years before they are eligible to have the petition requirement waived again. Karen moved to approve this change to the Draft Appropriations Policy, seconded by Steve. Unanimous.

Review Tax Rate Signed on 9/7/2020 – The Board reviewed their approval a Residential Tax rate of \$1.8255 and a Non-Residential Tax rate of \$2.0782 on 9/7/2020. There was no meeting on 9/7/2020 due to Labor Day, but the rate was set so that the Clerk could send out the Tax Bills. This compares to last year's tax rates of \$1.7437 for Residential and \$2.0415 for Non-Residential. The Town portion was down \$0.0109, the Education Residential was up \$0.0957, and the Education Non-Residential was up \$0.0506.

Sign & Review Reports: Balance Sheet, Budget Status Report, Delinquent Tax Report, General Journal Register – All were reviewed and signed.

TA & ZA Update – DRB/PC: The DRB has 1 permit for their meeting next week. The Planning Commission is continuing review of the Zoning Bylaw, they finished with Article 4, and will be starting the amendment process for Article 4, a new definition of Campground, and a map change moving the commercial properties along Caswell Ave to Village Residential 2 Derby Line (VR2DL). – Permits: 96 permits have been submitted year to date. - Zoning Violations: Abbott and Letourneau have both brought their properties into compliance. - Johns River: We are hopefully waiting on final approval before going out to bid. - COVID Grants: We did not qualify for the FEMA COVID grant. A LGER grant for \$5,340 has been submitted, included in this grant is approx \$1,500 to setup video conferencing in the meeting room. - Beach House Shoreline Restoration Project: The project is completed. There is a pile of topsoil by the volleyball court the road crew will have to remove. - Route 5 Speed Limit: The State engineer is

recommending no change to the speed limit between Derby Center and Derby Line and the Transportation Board agreed. They left the speed limit at 50 mph, but they will be adding a “Trucks Entering Left” sign north of Fred’s which should allow Fred’s to do the project they want without having to move their access. - Storm Damage FEMA: Nothing new to report. - 4-H Road Property: I did not find any deed restrictions for this property.

OLD BUSINESS:

Legislative Update – They may be done for the year on Friday.

OTHER BUSINESS: None.

ROAD REPORT:

Everything is running good. The road crew has been doing road shoulder work and ditch cleaning.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, October 5, 2020. Beula made a motion to adjourn the meeting at 7:11 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
October 5, 2020**

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

Others: Maureen Fountain, Joe Profera, Bob Kelley, Faye Morin, Craig Ellam, Rod Lyon

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

Warrants #20A in the amount of \$31,640.13 and #20B in the amount of \$121,258.95 were signed.

APPROVE MINUTES:

Steve moved to approve the minutes of September 21, 2020, with Karen seconding. Unanimous.

PUBLIC COMMENTS:

Maureen Fountain had concerns with the speed limit on Darling Hill Rd. There was another accident last Friday and two 50 mph speed limit signs were installed in front of her house. The Board explained that the signs had been on order and are needed to be able to enforce the speed limit. It is just a coincidence that they were put up after she talked to the Board about lowering the speed limit. The Board is working on getting the speed limit lowered to 35 mph, but there are procedures that need to be followed.

NEW BUSINESS:

Jonathan Morin – Orleans Essex State Senate Seat – Mr. Morin hoped to make the Board's meeting to introduce himself, but was unable to attend.

Roger Gosselin – Snowmobile Club – Mr. Gosselin was not present.

Craig Ellam – Dispatch Fees, Building Repairs – The State is going to start charging for dispatching in 2022. The charge will be phased in and by 2025 the full cost will be approx. \$6,300. The shingles on the roof of the fire station are curling up on the edges like they are on the municipal building and will need to be replaced soon. Both roofs have Iko architectural shingles that have not held up very well. Craig thought the Board should consider replacing both at the same time to possibly get a better deal.

Appropriations Policy Review – The Board reviewed changes made to the proposed policy at their last meeting. Karen moved to approve the following Appropriations Policy, with Steve seconding. Unanimous

**APPROPRIATIONS POLICY
TOWN OF DERBY, VERMONT**

PURPOSE: Under Vermont law, a town may appropriate such sums of money as it deems necessary for the support of social service programs and agencies that provide services to town residents. 24 V.S.A. § 2691. The purpose of this policy is to establish procedures for managing social service agency appropriations that will be voted upon at the Town of Derby Annual Meeting.

APPLICABILITY: This policy applies to appropriation requests from social services agencies and programs subject to the provisions of Title 24, Chapter 73 of Vermont Statutes Annotated. Such programs include, but are not limited to, transportation,

nutrition, child care, medical care, and other rehabilitative services for persons with low incomes, senior citizens, children, disabled persons, drug and alcohol abusers, and persons requiring employment to eliminate their need for public assistance.

This policy does not apply to town membership organizations such as the Vermont League of Cities and Towns, the NVDA Regional Planning Commission, or the NEKWMD Solid Waste Management District.

PROCEDURE: Social service agencies requesting an appropriation must submit a petition for an article requesting the appropriation in accordance with 17 V.S.A. § 2642, unless the Selectboard waives the petition requirement as outlined below. Such petition must be signed by at least five percent of the voters of the town and filed with the Town Clerk not less than 47 days before the day of the annual meeting. The petition should be in substantially the following form:

Petition of Legal Voters of the Town of Derby

We, the undersigned legal voters of the Town of Derby, hereby petition the Selectboard to add the following article to the warning for the annual town meeting to be held on Tuesday, March __, 20__:

Shall the Town appropriate \$[insert amount of request] to [insert name of social service agency], for [insert brief description of the purpose of the proposed appropriation] in accordance with 24 V.S.A. § 2691?

Print Name

Address

Signature

Pursuant to 17 V.S.A. § 2642(a)(3)(C), a petition must contain the petition language on every page on which signatures are collected and must contain the printed name, signature, and street address of each voter who signs the petition.

No proposed article may contain any opinion or comment about the subject being voted upon. Petitions submitted after the deadline will not be honored. Petitions submitted prior to the deadline but not containing the required number of signatures shall be returned by the Town Clerk within 24 hours from receipt stating in writing on the petition why it cannot be accepted. Any petition returned to the petitioners may be amended to correct any stated deficiencies and refiled with the Town Clerk not later than 48 hours after the petition was returned by the Clerk, or the filing deadline, whichever is later. However, supplementary petitions shall not be accepted if the original petition did not meet the filing deadline or did not contain the requisite number of signatures.

All social service agencies requesting appropriations under this policy are required to submit a description of the agency's programs for inclusion in the Town's Annual Report. Descriptions must be limited to one page and should describe the program or services provided to Town residents. Agency representatives are encouraged to attend Town Meeting to explain the appropriation request to the voters and answer their questions.

Approved social service appropriations will be paid by the Town after the property tax due date. Payment is subject to the availability of funds.

VOTER-BACKED PETITION WAIVER REQUIREMENT: For 2021 and 2022, when a social service agency's requested appropriation is the same or less than was approved by the voters in 2020, the Selectboard will waive the voter-backed petition requirement. For all future years when a social service agency's requested appropriation is the same or less than was approved by the voters in the previous three years, the Selectboard will waive the voter-backed petition requirement. In such case, the agency shall make its request by letter to the Selectboard postmarked no later than January 2nd each year. If the last day for filing letters with the Selectboard falls on a Saturday, Sunday, or legal holiday, then the deadline shall be extended to the next day which is not a Saturday, Sunday, or legal holiday. The letter should identify the name of the agency, the amount requested for appropriation, and a person to contact for more information. Agencies that do not submit a letter to the Selectboard before the January 2nd deadline must submit a voter-backed petition in accordance with 17 V.S.A. § 2642.

All social service agencies requesting appropriations under this policy are required to submit a description of the agency's programs for inclusion in the Town's Annual Report. Descriptions must be limited to one page and should describe the program or services provided to Town residents. Agency representatives are encouraged to attend Town Meeting to explain the appropriation request to the voters and answer their questions.

Approved social service appropriations will be paid by the Town after the property tax due date. Payment is subject to the availability of funds.

The foregoing policy is hereby adopted by the Selectboard of the Town of Derby, Vermont, this 5th day of October, 2020, and is effective as of this date until amended or repealed.

Errors & Omissions - Listers – The Listers 3 properties under Errors & Omissions. 1) Parcel ID: RT005013E5T owned by Robert & Catherine Wood. A survey was presented that showed the acreage is 0.43 acres, not 1 acre as currently listed. Correcting this error will result in a change from \$92,900 to \$86,100. 2) Parcel ID: NDRT5073F5CR owned by Vermont North Properties. This parcel was incorrectly inactivated. Reactivating this parcel with result in a change from \$0 to \$86,500. 3) Parcel ID: TRD32014H4T owned by Thomas Comes and listed at \$446,000. The VT Office of Veterans Affairs and Dept of Taxes has reviewed Mr. Comes Veterans exemption request and granted the \$40,000 exemption. Adding the Veterans exemption to the parcel changes the Veterans exemption from \$0 to \$40,000. The listed value of the property does not change, but the taxable value is lowered \$40,000. Grant moved to approve the Errors & Omissions request for change RT005103E5T listed value from \$92,000 to \$86,100, NDRT5073F5CR listed value from \$0 to \$86,500, and TRD32014H4T Veterans Exemption from \$0 to \$40,000, with Brian seconding. Unanimous.

Liquor License – Larry Thibeault Enterprises – At 6:30 Brian moved to recess the meeting to go into a Liquor Control hearing, with Steve seconding. Unanimous.

Larry Thibeault Enterprises is taking over the Derby Village Store. There have not been any issues with the Derby Village Store and the Board did not know of any issues with Mr. Thibeault's store in Orleans. At 6:31 Brian moved to come out of the Liquor Control hearing, seconded by Steve. Unanimous.

Brian moved to sign the License for Larry Thibeault Enterprises, with Karen seconding. Unanimous.

Sign & Review – Balance Sheet Report, Budget Status Report, Delinquent Tax Report, and General Journal Report – All were reviewed and signed.

Review Town Property – The property on Route 5 between Derby Center and Derby Line was discussed. Brian reached out to Fred's to see if they might be interested in buying it. They were only interested if it was only a couple thousand dollars. There is a dry hydrant in the small pond on the property that the Town would need to retain access to if they sell the property. There is thought to be a right of way across the northern part of the lot. The lot is about 4 acres, it is long and narrow, and is assessed for \$36,100. The Board asked Bob to talk with Attorney Davies to look into the right of way across the property and what is required to keep access to the dry hydrant.

TA & ZA Update – DRB/PC: Both the DRB and Planning Commission have next week off due to Columbus/Indigenous People Day. The Planning Commission hearing for amendments to Article 4, a new definition of Campground, and a map amendment to change the Commercial (COM) properties along Caswell Ave to Village Residential 2 Derby Line (VR2DL) is being warned for October 26th. – Permits: 103 permits have been submitted year to date. - Zoning Violations: Todd Wright has paid the \$5,000 fine for the ongoing violation with the wedding barn. He has now also added a chapel on the site without a permit and a Notice of Violation has been sent. There were multiple other violations on his property which he has brought into compliance. - Johns River: The RFP for the Construction Inspection has been sent out to Greenman-Pedersen, Inc with a due date of November 2nd. This is the Company that Pat Travers has switched to. We are waiting on the PS&E to get signed off by the Feds so we can put the Construction RFP out. - COVID Grants: Our LGER grant was approved and reimbursement for expenses thru Aug 31st has been submitted. - Storm Damage FEMA: Nothing new to report. - Beach House: We have one final rental this Saturday and then we can close it up for the year. - Garage Oil Tank: The oil tank piping needs to be replaced to bring it up to code. The best way to do this is to move the tank. We have received a quote from Fred's for \$1,996. To keep cost down the Town will do some of the work and get a new quote from Fred's.

OLD BUSINESS:

Legislative Update – They still have not figured out how to meet in person. The Barre Auditorium will not work.

OTHER BUSINESS:

The Beach House shoreline project is completed and we need to get pictures of it up on the website.

ROAD REPORT:

The Board reviewed a letter of intent to purchase Salt from Cargill for 1,400 tons at \$77.42 per ton. This is \$10 higher than last year. Brian moved to sign the letter of intent, with Karen seconding. Unanimous. Ed Camp had a drop inlet pumped out and Steve thinks the Town should reimburse him for half the cost (\$180). Steve moved to approve the \$180 reimbursement to Ed Camp, with Brian seconding. Unanimous. West St repairs are moving along and Steve would like to push to finish it up this year. He is concerned about the budget which is at 86%. It was pointed out that the paving expense includes an extra \$200,000 that will come out of appropriations, so the budget is looking ok. The Town will try to finish West St this year.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, October 19, 2020. Brian made a motion to adjourn the meeting at 7:05 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
October 19, 2020

Present: Brian Smith, Steve Gendreau, Grant Spates, Karen Chitambar (by phone).

Others: Maureen Fountain, Joe Profera, Bob Kelley, Karen Jenne, Ed Barber (by phone).

MEETING CALLED TO ORDER - 6:08 P.M.

Warrants #21A in the amount of \$22,707.11 and #21B in the amount of \$69,972.28 were signed.

APPROVE MINUTES:

Steve moved to approve the minutes of October 5, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS:

Karen Jenne didn't think the Town should be selling any property.

NEW BUSINESS:

Update on Town Property – Someone has talked to Karen about clearing cross country ski trails in the Town Forest and they were wondering if there was any way to make a parking area. The Board didn't think it was very feasible. Attorney Bill Davies will be looking into a possible right of ways across the Town property on Route 5 across from Benny's. The Board wants to walk the land purchased from Poulin to get a feel for what the Town can do with it.

Beach House - Close – The last event has been held at the Beach House for the season and can be winterized any time.

TA & ZA Update – DRB/PC: The DRB has no permits pending for next week. Next week the Planning Commission has a hearing for amendments to Article 4, a new definition of Campground, and a map amendment to change the Commercial (COM) properties along Caswell Ave to Village Residential 2 Derby Line (VR2DL). They will also begin reviewing Article 6: Flood Hazard Area Regulations. **Permits:** 109 permits have been submitted year to date.

Zoning Violations: Newton responded to the Notice of Violation and has submitted an application for the retaining wall he built without a permit; this should be on the DRB's agenda for Nov 9th. **Johns River:** Today we got the final ok to put the construction phase out to bid and we are waiting for Greenman-Pedersen to respond to the RFP we sent for the Construction Inspection. **Darling Hill Speed Limit:** The Sheriff's Dept will put their portable speed sign out for a 2 days (1 day each direction) to collect speed data. **COVID Grants:** After talking to Tech Patrol, I increased the LGER Grant request \$700 due to their new estimate of the cost to setup the meeting room for video conferencing. **Storm Damage – FEMA:** Nothing new to report.

Vicious Dog Complaint: There was a Vicious Dog Complaint submitted for an incident on 10/6/20. The problem has been resolved.

OLD BUSINESS:

Legislative Update – Nothing new to report.

OTHER BUSINESS: None.

ROAD REPORT:

Whips are about half up. The Road Crew will be getting going on West St this week.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, November 2, 2020. Brian made a motion to adjourn the meeting at 6:30 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
November 2, 2020

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

Others: Roger Gosselin, Sean Selby, Mike Kockler, Renee Falconer, Fran Batchelder, Irene Dagesse, Brian Carroll, Joe Profera, Bob Kelley, Karen Jenne, Ed Barber (by phone).

MEETING CALLED TO ORDER - 6:08 P.M.

Warrants #22A in the amount of \$25,638.49 and #22B in the amount of \$7,248,827.98 were signed.

APPROVE MINUTES:

Steve moved to approve the minutes of October 19, 2020, with Brian seconding. Unanimous.

PUBLIC COMMENTS:

Karen Jenne handed out COVID-19 Town Meeting Information to the Board. The Board will have this as an agenda item at their next meeting.

NEW BUSINESS:

Snowmobile Trails – Roger Gosselin – Mr. Gosselin was there to have the Board sign off on the road crossings in Derby. There is a change of where the trail crosses Holland Road, otherwise everything is the same. Brian moved to sign the permission form, with Steve seconding. Unanimous.

Solid Waste – Irene Dagesse – Irene Dagesse & Fran Batchelder explained that the NEKWMD budget is increasing 1.85% next year. They have proposed 4 scenarios to raise the additional \$12,790, increase Stop Fees, increase Surcharge on Landfill Wastes, increase Per Capita Assessment, or increase all three equally. The Board was in favor of increasing all equally. Irene will report this to NEKWMD.

Animal Control Officer Issues – Renee Falconer – Renee has been having problems with Oasis Kennels being open when she picks up strays and would like to add additional kennels in her barn. She currently acts as the pound for other towns she works for and would like to do the same for Derby. Karen moved to approve Renee Falconer's property as an official pound for the Town of Derby, seconded by Brian. Unanimous.

Susan Nelson filed a Vicious Dog Complaint on October 26th the Board needs to hold a vicious dog hearing within 21 days of the filing. The Board decided to hold the hearing at their next meeting on November 16th.

Appropriations Policy – RCT would like the Board to reconsider their policy. The way the policy currently reads RCT would not be eligible for waiver the petition requirement because they did not get an appropriation this year. The policy reads that "for 2021 and 2022, when a social service agency's requested appropriation is the same or less than was approve by the voters in 2020, the Selectboard will waive the voter –backed petition requirement..." RCT was in a change of leadership last year and failed to get a petition and therefore did not get an appropriation in 2020. Northeast Kingdom Learning Services and Pope Memorial Frontier Animal Shelter are in the same situation. To allow the petition waiver for these 3 Social Service Agencies the Board would have to amend their policy to allow the 2019 appropriation to be used if an appropriation was not received in 2020. Karen moved to change the policy to allow 2019

appropriations to be used if no appropriation was received in 2020, seconded by Brian. Unanimous.

Review Construction Inspection Proposal for North Derby Rd Structure Replacement Project –

The Board reviewed the proposal and noted that the onsite inspector hourly rate was \$10 higher than for the Eagle Point project and that the materials testing estimate was \$2,000 higher. The Board was wondering why a local materials testing company was not being considered. Bob was asked to see if he could negotiate a better price for these two items.

TA & ZA Update – DRB/PC: The DRB has one permit pending for next week. The Planning Commission is reviewing Article 6: Flood Hazard Area Regulations.

Permits: 114 permits have been submitted year to date.

Johns River: Ruggles recommends that we wait until after Thanksgiving to put it out to bids. Contractors are busy right now finishing up projects before winter sets in. GCI submitted their proposal for the Construction Inspection. Their bid is roughly \$6,000 higher than the Eagle Point project. Their estimate for material testing is \$2,000 higher and \$4,000 higher for the onsite inspector (the hourly rate went from \$65/hr to \$75/hr).

Darling Hill Speed Limit: The Sheriff's Dept collected traffic data on 10/21/20 and 10/23/2020. I have given you a copy of their summary. The Board reviewed the traffic data and felt that it was warranted to lower the speed limit to 35 mph along the entire length of Darling Hill Rd. Steve moved to lower the speed limit on Darling Hill Rd to 35 mph, seconded by Brian. Unanimous.

This will require an amendment to the Traffic Ordinance. Bob will prepare a draft for the Board's next meeting.

COVID Grants: NEKTV is willing to help with the cost of the video conferencing. If we chip in \$2,000 they will pay the rest. This will allow us to get a better camera, microphones and computer. The trade off is it will feed directly to them so they can broadcast it. I would recommend that we take them up on the offer. All meetings are open to the public and NEKTV has the right to film the meetings if they want to (of course they don't because of the cost to send someone to film it). We have enough money to set up a decent system without them, but we will get higher quality equipment with their help. Either way the Town will own the equipment that is installed. Karen moved to team up with NEKTV to install the video conferencing system, seconded by Brian. Unanimous.

Storm Damage – FEMA: Nothing new to report.

Route 5 Town Property: Bill Davies has researched the property and told me there are no deeded right of ways across the property. Bob was asked to check with the land owners in the rear about access.

Vicious Dog Complaint: There was a Vicious Dog Complaint submitted for an incident on 10/6/20. The problem has been resolved.

State Aid for Highways: In lieu of Highway grants this year the State is splitting up \$7,000,000 to towns based on mileage. We have received our share - \$47,653.34. This will make up for the \$50,000 paving grant we were anticipating.

OLD BUSINESS:

Legislative Update – Nothing new to report. The legislature is still looking for a place where they can hold in-person hearings.

OTHER BUSINESS:

Newport Ambulance – Their 2021 budget is up with the Town's cost increasing from \$141,218 to \$145,562. The Town has been happy with the service provided and has not received any complaints from residents. Newport Ambulance offered to come to a Board meeting to explain their budget. The Board didn't think that was necessary.

Green Up Day – The Town received the annual request from Green Up for a donation. For a Town Derby's size they are asking for \$300. The Town has donated in the past. Steve moved to approve a \$300 donation to Green Up Day, seconded by Brian. Unanimous.

ROAD REPORT:

There are 2 bids for relocating the heating oil tank at the Town Garage. Blanchard Oil Company - \$1,914.23 and Fred's Energy - \$1,996.00. The Town uses Fred's for heating oil at the garage. Brian moved to accept the proposal from Fred's Energy for \$1,996.00, seconded by Karen. Unanimous.

West St repairs are almost complete and the land owner abutting the road has asked that no more stone be deposited on his property.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, November 16, 2020. Brian made a motion to adjourn the meeting at 7:20 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
November 16, 2020

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

Others: Sue Best, Rod Lyon, Faye Morin, Paul Prue, Renee Falconer, Susan Nelson, Brad Shattuck, Steve Davis, Jody Marquis, Joe Profera, Bob Kelley, Ed Barber (by phone), Joseph Gresser (by phone).

MEETING CALLED TO ORDER - 6:08 P.M.

Warrants #23A in the amount of \$20,316.39 and #23B in the amount of \$143,750.60 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of November 2, 2020, with Karen seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Vicious Dog Hearing – Grant read the warning. Susan Nelson explained what she knew about the attack that killed their cat at the Nelson Barn on Morin Drive, she was not present when the attack occurred but related what others told her. The owners, Steve Davis & Jody Marquis, also explained what happened. Ms. Marquis was exercising the dog in the field off leash and was getting ready to put the dog back on the leash when the dog took off after the cat. She didn't realize at the time that the dog killed the cat. After she brought the dog home she went back to the barn and found out that the cat had died. She was very upset and apologized. Mr. Davis also has apologized. They have taken full responsibility for the incident and will be getting training for themselves and the dog so that something like this doesn't happen again and will make sure to keep the dog leashed whenever near any small animals. Nobody thinks that the dog is a vicious dog and everyone was satisfied with the steps Ms. Marquis and Mr. Davis are taking to prevent further incidents like this. No additional action was taken by the Board.

Honor Beula Shattuck – Beula's son Brad Shattuck was present. The Board talked about how much Beula will be missed and everything she has given to the Town over the years. Her service started in 1982 and continued until her passing. During her tenure she had served on the Planning Commission, Zoning Board of Adjustment, Justice of Peace, 911 Committee, Selectboard, Beach House Committee, Water Quality Committee, and NVDA Representative. Beula was particularly proud of the Town's Beach House and the Board thought it would be fitting to name the Beach House in her honor. Steve moved to name the Beach House after Beula, with Karen Seconding. Unanimous.

Vacant Seat – Select Board – The Board asked Brad Shattuck if he would be interested in filling the seat vacated by his mother. Brad said that he would be interested. A notice of the vacancy will have to be posted and the Board will appoint at their next meeting.

Listers – CAI Contract – CAI would like to put the Town on auto renewal for their mapping contract. They would still have to notify the Town in advance if the rate increases. Brian moved to approve the auto renew clause with CAI, with Steve seconding. Unanimous.

Review & Sign – Appropriation Policy – The policy was reviewed and signed.

Traffic Ordinance – The Board reviewed a draft of changes to the Traffic Ordinance. The main change to lower the speed limit on a section of Darling Hill Rd from 50 mph to 35 mph. All of Darling Hill Rd will now be 35 ph. Karen move to approve the changes to the Traffic Ordinance (see attached), with Brian seconding. Unanimous.

Review & Sign – Balance Sheet Report, Budget Status Report, Delinquent Tax Report & General Journal Report – All were reviewed and signed.

Hazardous Mitigation Plan – Review Hazards & Mitigation Strategies – The Board reviewed the Hazards & Mitigation Strategies and would like to add that the Beebe Water System need to be assessed to develop a plan to upgrade the system.

TA & ZA Update – DRB/PC: The DRB has two permits pending for next week. The Planning Commission is reviewing Article 6: Flood Hazard Area Regulations.

Permits: 120 permits have been submitted year to date.

Bylaw Amendments: A Public Hearing has been scheduled for your next meeting for amendments to Article 4, Campground definition, and Zoning Map changes.

Johns River: I have contacted GPI regarding their inspection bid and am waiting to hear back.

COVID Grants: Faye has applied and received a \$5,000 COVID Grant to pay for election related upgrades.

Storm Damage – FEMA: Nothing new to report.

Light Up the Night Parade: Ann Kelley is organizing the parade again this year. It will be on Saturday December 12th this year. She would like to ask if they can go under the Town's Insurance again this year, which the Board agreed to. Insurance is needed for the VTrans and City of Newport permits. The route remains the same from Lake Rd in Newport to the NCUJHS. There will be no gathering at the Jr. High this year due to COVID, it will just be the parade.

OLD BUSINESS:

Legislative Update – Nothing new to report.

OTHER BUSINESS:

Town Meeting – The Board needs to decide if voting at Town Meeting in March will be by Australian ballot due to the pandemic. The Clerk needs to know by the first of the year.

ROAD REPORT:

West Street is back open. Steve is looking at possibly purchasing a new dump truck, he will see how we are doing on the budget and get back to the Board with a recommendation. There are some trees on Hayward Road that needs to be removed. The pick-up needs to be brought to Pepin's to see if the bed can be fixed.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, November 30, 2020. Brian made a motion to adjourn the meeting at 7:18 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

**TOWN OF DERBY, VERMONT
TRAFFIC ORDINANCE**

Pursuant to the provisions of Title 23, Vermont Statutes Annotated, Section 1007 and 1008, and Title 24, Vermont Statutes Annotated sections 1971 and 2291 (1), (4) and (5), and such other general enactments as may be material hereto, it is hereby ordained by the Board of Selectmen of the Town of Derby that the following Traffic Ordinance is adopted for the Town of Derby, Vermont.

**ARTICLE I
DEFINITIONS**

The definitions of Title 23, Vermont Statutes Annotated, Section 4 are incorporated by reference.

Section 1.

- a) Road/Street: The whole area within the limits of a public highway.
- b) Sidewalk: That portion of a street which is set apart for public pedestrian travel.
- c) Crosswalk: That portion of a street which is designated for pedestrian use in crossing from one side to the other.
- d) Vehicle: Any contrivance capable of being used for the conveyance of persons or goods on land, except light carriages for the use of children or invalids.
- e) Parking: The stopping or standing on a street of any vehicle whether occupied or unoccupied.
- f) Intersection: Any street which joins another at an angle, whether or not it crossed the other.
- g) Official Traffic Control Devices: Any traffic light, flashing beacon, sign, signal or marking placed by the Select Board for the regulation of vehicular or pedestrian traffic or parking, and any sign, signal or marking placed by a Police Officer to designate temporary regulations.
- h) Emergency Vehicle: An ambulance or rescue vehicle or any vehicle of the Fire or Police Department when responding to an emergency.
- i) Police Department: If no organized department, the term "Police Department" is to mean town police officers, constables, sheriffs, deputy sheriffs and state police.
- j) Police Officials: Town police officers, town constables, sheriffs, deputy sheriffs and state police officers.
- k) Town Highways: Same as defined in Title 19 Vermont Statutes Annotated § 1.
- l) Manual on Uniform Traffic Control Devices for Streets and Highways: Publication of the United States Department of Transportation Federal Highway Administration setting forth standards for traffic control devices and which shall be the standards for all traffic control signs, signals and markings within the state, as set forth in Title 23, Vermont Statutes Annotated §1025.

**ARTICLE II
SCOPE**

The ordinance establishes special traffic regulations on public highways within the Town of Derby, Vermont.

Section 1. It shall be the duty of any police official to enforce the provisions of this ordinance. Officers of the police department are hereby authorized to direct all traffic whether in person or by means of visible audible signal in conformance with the provisions of this ordinance providing that in the event of a fire or other emergency or to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic, as conditions may require, notwithstanding the provisions of this ordinance.

**ARTICLE III
TRAFFIC CONTROL DEVICES**

Section 1. It shall be unlawful for any person to disobey the direction of a traffic control device except in response to the direction of law enforcement officer.

Section 2. It shall be unlawful for any person to intentionally remove, injure, obstruct, deface, alter or tamper with any traffic control device.

Section 3. It shall be unlawful for any person to install any sign or device which may resemble or be mistaken for an official traffic control device, without prior approval of the Town of Derby Select Board.

ARTICLE IV SPEED REGULATIONS

Section 1. On the basis of engineering and traffic studies and increased traffic volume, it shall be unlawful to operate a vehicle within the Town Limits of Derby at a speed greater than the posted maximum limits.

STATE HIGHWAYS:

The maximum speed limit on US Route 5, VT Route 105, Vermont Route 111 and VT Route 5A are the same as that adopted/posted by the State of Vermont.

TRD - CLASS 2 ROADS:

A maximum speed limit of 50 mph on the following roads:

TH #1 Holland Road

#3 Beebe Road - from Route 5 to Interstate Bridge

A maximum speed limit of 35 mph on the following roads:

TH #3 Beebe Road - from Interstate Bridge to Beebe Customs.

TH #4 Darling Hill Road

TH #5 Hinman Settler Road

TH #6 North Derby

TH #7 Shattuck Hill Road

TH #8 Schuler Road

A maximum speed limit of 30 mph on the following Road:

#2 Elm Street

TRD - CLASS 3 ROADS:

A maximum speed limit of 25 mph on the following roads:

TH #14/96 Lawson Road

TH #16 Palin Farm Road

TH #19 Boucher Circle

TH #20/39 Birch Drive

TH #25 Prouty Drive

TH #30 West Street

TH #31 Bridge Street

TH #34 4-H Road

TH #44 Citizens Road

TH #46 Tice Road

TH #55 Willard Road

TH #57 Joseph Street

TH #58 Missionary Acres

TH #62 Greenwood Drive

TH #64 Hammer Handle Road

TH #65 Batchelder Drive

TH #69 Quarry Circle

TH #70 Ledgewood Drive

TH #78 Lynwood Drive

TH #81 Mount Vernon Street

TH #81/87 Hitchcock Drive

TH #83 Day Street

TH #84 Mountain View Drive

TH #86 Roy Street

TH #88 Sunset Acres

TH #89 Lakeview Drive

TH #90 Morin Drive

TH #93 Lakewood Drive

TH #97 Lakeview Extension

A maximum speed limit of 35 mph on the following roads:

TH #8/18 Herrick Road

TH #11 Poulin Farm Road

TH #12 Wood Farm Road

TH #13 Canusa Avenue

TH #17 Eagle Point Drive

TH #21 Goodall Road

TH #22 Nelson Hill Road

TH #23 Whittier Road

TH #24 Lindsay Beach Road

TH #27 Quarry Road

TH #27/56 Upper Quarry Road

TH #28 Lower Quarry Road

TH #29 Upper Quarry Road

TH #33 Christman Road

TH #35 Derby Pond Road

TH #36 Ann Wilson Road

TH #37 Robillard Road

TH #38 Bates Hill Road

TH #40 Dumas Road

TH #41/98 Crawford Road

TH #41 Pine Hill Road
TH #45 Salem Derby Road
TH #49 Cross Road
TH #51 Dumas Road
TH #53 Fontaine Road
TH #56 Prevost Road
TH #60 Tonis Road
TH #63 John Taplin Road
TH #67 Meadowbrook Drive
TH #82 Ashman Drive
TH #94 Whispering Pines
TH #99 Commerce Way

TH #42 Mount Vernon Street
TH #47 Glover Road
TH #50 Hayward Road
TH #52 Derby Gore Road
TH #54 Bushey Hill Road
TH #59 Wallace Road
TH #61 Fortin Road
TH #66 Ridgehill Drive
TH #82/91 Salem View Heights
TH #92 Terrace Drive
TH #95 Community Drive

Section 2. Signs indicating the speed limit provided above shall be posted conspicuously within the highway limits in accordance with the Manual on Uniform Traffic Control Devices.

ARTICLE V STOP AND YIELD INTERSECTIONS

Section 1. The following intersections shall be designated as STOP intersections and shall be so signed:

STOP SIGNS:

1. TH #2 Elm Street at TH #3 Beebe Road
2. TH #3 Beebe Road at US Route 5
3. TH #4 Darling Hill Road (South bound) at TH #6 North Derby Road
4. TH #4 Darling Hill Road at TH #3 Beebe Road
5. TH #5 Hinman Settler Road at VT Route 105
6. TH #6 North Derby Road at TH #4 Darling Hill Road
7. TH #6 North Derby Road (northbound) at TH #17 Eagle Point Road
8. TH #6 North Derby Road at TH #3 Beebe Road
9. TH #7 Shattuck Hill Road at TH #4 Darling Hill Road
10. TH #7 Shattuck Hill Road at US Route 5
11. TH #8 Schuler Road at 1-91
12. TH #8 Schuler Road at TH #5 Hinman Settler Road
13. TH #11 Poulin Farm Road at TH #4 Darling Hill Road
14. TH #12 Woods Farm Road at TH #4 Darling Hill Road
15. TH #16 Palin Farm Road at US Route 5
16. TH #18 Herrick Road at TH #1 Holland Road
17. TH #18 Herrick Road at TH #22 Nelson Hill Road
18. TH #19 Boucher Circle at US Route 5
19. TH #21 Goodall Road at TH #1 Holland Road
20. TH #22 Nelson Hill Road at US Route 5
21. TH #22 Nelson Hill Road at TH #1 Holland Road
22. TH #23 Whittier Road at TH #1 Holland Road
23. TH #24 Lindsay Beach Road at TH #4 Darling Hill Road
24. TH #25 Prouty Drive at TH #4 Darling Hill Road
25. TH #27 Quarry Road at UA Route 5
26. TH #27 Quarry Road (southbound & eastbound) at TH #28 Lower Quarry Road
27. TH #28 Lower Quarry Road (southbound) at TH #27 Quarry Road
28. TH #30 West Street at US Route 5
29. TH #30 West Street at VT Route 105
30. TH #31 Bridge Street at VT Route 105
31. TH #33 Christman Road at TH #5 Hinman Settler Road
32. TH #34 4-H Road at VT Route 111
33. TH #35 Derby Pond Road at VT Route 111

34. TH #35 Derby Pond Road at TH #22 Nelson Hill Road
35. TH #36 Ann Wilson Road at TH #35 Derby Pond Road
36. TH #38 Bates Hill Road at VT Route 111
37. TH #39 Birch Drive at TH #34 4-H Road
38. TH #40 Dumas Road at VT Route 111
39. TH #41 Crawford Road at US Route 5
40. TH #41 Crawford Road at Clyde Street Newport
41. TH #41 Pine Hill Road at Interstate 191 Access Road
42. TH #41 Pine Hill Road (southbound) at TH #42 Mt. Vernon Street
43. TH #44 Citizens Road at Interstate 191 Access Road
44. TH #44 Citizens Road at TH #41 Pine Hill Road
45. TH #45 Salem Derby Road at VT Route 105
46. TH #45 Salem Derby Road at TH #54 Bushey Hill Road
47. TH #47 Glover Road at TH #45 Salem Derby Road
48. TH #47 Cobb Rd at TH #5 Hinman Settler Road
49. TH #49 Cross Road at VT Route 105
50. TH #49 Cross Road at TH #45 Salem Derby Road
51. TH #50 Hayward Road at TH #53 Fontaine Road
52. TH #50 Hayward Road at VT Route 105
53. TH #52 Derby Gore Road at TH #53 Fontaine Road
54. TH #54 Bushey Hill Road at TH #5 Hinman Settler Road
55. TH #54 Bushey Hill Road at VT Route 105
56. TH #56 Prevost Road at TH #4 Darling Hill Road
57. TH #57 Joseph Street at US Route 5.
58. TH #57 Joseph Street at TH #30 West Street
59. TH #58 Missionary Acres at TH #4 Darling Hill Road (2)
60. TH #59 Wallace Road at US Route 5
61. TH #60 Tonis Road at TH #22 Nelson Hill Road
62. TH #61 Fortin Road at TH #22 Nelson Hill Road
63. TH #61 Fortin Road at TH #23 Whittier Road
64. TH #63 John Taplin Road at VT Route 111
65. TH #64 Hammer Handle Road at US Route 5
66. TH #66 Ridgehill Drive at TH #7 Shattuck Hill Road
67. TH #66 Ridgehill Drive at TH #67 Meadowbrook Drive
68. TH #67 Meadowbrook Drive at TH #4 Darling Hill Road
69. TH #67 Meadowbrook Drive at TH #66 Ridgehill Drive
70. TH #69 Quarry Circle at TH #27 Quarry Road
71. TH #78 Lynwood Drive at TH #57 Joseph Road
72. TH #81 Mount Vernon Street at TH #87 Hitchcock Drive
73. TH #81 Mount Vernon Street (westbound) at TH #41 Pine Hill Road
74. TH #81 Hitchcock Drive at TH #41 Pine Hill Road
75. TH #82 Salem View Heights at TH #45 Salem Derby Road
76. TH #82 Ashman Drive at TH #45 Salem Derby Road
77. TH #82 Ashman Drive at TH #91 Salem View Heights
78. TH #83 Day Street at TH #2 Elm Street
79. TH #84 Mountain View Drive at TH #2 Elm Street
80. TH #86 Roy Street at US Route 5
81. TH #86 Roy Street at TH #86 Roy Street
82. TH #87 Hitchcock Drive at TH #44 Citizens Road
83. TH #88 Sunset Acres at TH #6 North Derby Road
84. TH #89 Lakeview Drive at TH #6 North Derby Road (2)
85. TH #90 Morin Drive at TH #16 Palin Farm Road (2)
86. TH #91 Salem View Heights at TH #45 Salem Derby Road

87. TH #91 Salem View Heights (westbound) at TH #92 Terrace Drive
88. TH #92 Terrace Drive at TH #91 Salem View Heights
89. TH #93 Lakewood Drive at TH #24 Lindsay Road
90. TH #94 Whispering Pines at TH #6 North Derby Road
91. TH #95 Community Drive at TH #7 Shattuck Hill Road
92. TH #95 Community Drive at US Route 5
93. TH #96 Lawson Road at TH #3 Beebe Road
94. TH #97 Lakeview Extension at TH #89 Lakeview Drive
95. TH #98 Crawford Rd at TH #41 Crawford Road
96. TH #99 Commerce Way at US Route 5
97. TH #99 Commerce Way at TH #27 Quarry Road

ARTICLE VI

PARKING REGULATIONS

Section 1. It shall be unlawful to park at any time on either side of TH #24 Lindsay Beach Road from the intersection of TH #93 Lakewood Drive to the Pedestrian Path at end of road.

Section 2. Any vehicle parked in violation of the provisions of this Article may summarily be removed at the owner's expense by order of any law enforcement officer, road commissioner, or Select Board.

Section 3. If the owner of a vehicle summarily removed under section 5 hereof does not claim such vehicle and pay all towing and storage expenses within 30 days of the date of such removal, the title to such vehicle shall escheat to the Town and the vehicle may be sold or otherwise disposed of in accordance with Title 27, Vermont Statutes Annotated, Section 11.

Section 4. Nothing in this Article shall be construed to make unlawful vehicular stops in obedience to the direction of a law enforcement officer or for caused beyond the control of the operator.

ARTICLE VII

LOADED VEHICLES

No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded so as to prevent its contents from dropping, sifting, leaking or otherwise escaping there from.

ARTICLE VIII

GENERAL PROVISIONS

Section 1. Separate Offenses:

Each violation of a provision of this ordinance shall be deemed a separated offense.

Section 2. Penalties:

The provisions of this ordinance shall be cumulative to the fullest extent permitted by law with respect to all other statutes or ordinances now or hereafter adopted regardless of their order of passage or enactment.

Section 3. Severability:

The provisions of this ordinance are declared to be severable and if any provision hereof be adjudged invalid such judgment shall not affect the validity of any other provision.

Section 4. Designation:

The ordinance may be referred to as the Town of Derby Traffic Ordinance and in a prosecution hereunder a copy of such ordinance, certified by the Town Clerk shall be prima facie evidence thereof. Allegations that the act constituting the offense charge is contrary to a specified provision of this ordinance shall be a sufficient reference hereto.

Section 5. Repeal of Prior Ordinances:

Any other ordinance or traffic regulation heretofore adopted by the Town of Derby is hereby repealed.

Section 6. Effective Date:

This ordinance shall become effective 60 days after its adoption by the Derby Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the effective date of this ordinance.

ADOPTED NOVEMBER 16, 2020 BY THE TOWN OF DERBY SELECTBOARD.

**TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
November 30, 2020**

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

Others: Faye Morin, Brad Shattuck, Joe Profera, Bob Kelley, Joseph Gresser, Bob DeRoehn, Cynthia Adams, Howard Birchard.

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

Warrants #24A in the amount of \$16,976.52 and #24B in the amount of \$129,136.44 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of November 16, 2020, with Karen seconding. Unanimous.

PUBLIC HEARING – Proposed Zoning Bylaw Amendments:

Brian moved to recess the meeting to go into a Public Hearing for public comment on proposed Zoning Bylaw Amendments, with Karen seconding. Unanimous.

The Planning Commission conducted a comprehensive review of Article 4 – General Provisions. This resulted in multiple changes to this Article. Also the definition of Campground was amended to include lots with 4 or more campsites and the zoning district for properties on Caswell Ave, Maple St, and Phelps St near the I-91 Border Crossing were changed from Commercial (COM) to Village Residential Two Derby Line (VR2DL). Howard Birchard supported the zoning district changes. Joseph Gresser asked for clarification of the Campground definition. There were no further comments from the Public. Karen moved to close the Public Hearing and return to their regular meeting, with Brian seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Consider Bylaw Amendments – Karen move to approve the bylaw amendments as submitted, with Brian seconding. Unanimous. The amendments will go into effect in 22 days unless a petition is filed to vote on it by Australian ballot.

Listers – Errors & Omissions – The lister submitted 3 corrections to the 2020 Grand List. VTELP076T1L from &76,200 to \$77,800; VTELP076T1C from \$129,500 to \$132,200; and VTELP076T1T from \$1,041,400 to \$1,063,200. Brian moved to approve the corrections to the 2020 Grand List as submitted, with Steve seconding. Unanimous.

Vacant Seat – Selectboard - Appointment – This vacancy was created by the death of Beula Shattuck. The Board has asked her son Brad Shattuck if he would be interested in filling the remainder of her term which expires in March 2021. Brad has indicated that he would be honored to. Brian moved to appoint Brad Shattuck to fill the vacancy on the Selectboard, with Steve seconding. Unanimous.

Review & Approve – Construction Inspection Proposal – Johns River – GPI decreased the hourly rate for the on-site inspector from \$75 to 70, bring their total estimate to \$33,558.00. Karen moved to accept the proposal from GPS for Construction Inspection Services in the amount of \$33,558.00, with Brian seconding. Unanimous.

Approve & Sign Appropriations Requests – NEKHS, NEK Council on Aging, Orleans County Historical Society, Pope Memorial Frontier Animal Shelter, and RCT – All the requests were for same amount as their last approved appropriation. This complies with the Board’s Appropriation Policy exempting them from having to submit a petition with voter backed signatures. Brian moved to include the above appropriations request for inclusion on the 2021 Warning to be voted on at Town Meeting, with Karen seconding. Unanimous.

TA & ZA Update - DRB/PC: The DRB has no pending. The Planning Commission will not be meeting until after the New Year due to COVID.

Permits: 121 permits have been submitted year to date.

Johns River: GPI has lowered the hourly rate for the onsite inspector from \$75 to \$70. The material testing is a pass thru cost, so whatever it is they just pass it along to us. They cannot use Optimum because they are not on the State’s approved list. My recommendation is that you approve the Nov 17, 2020 proposal from GPI for a total estimated cost of \$33,558.00

Storm Damage – FEMA: Nothing new to report.

COVID: The Families First Coronavirus Response Act (FFCRA) requires towns to provide a minimum of 80 hours of sick leave for qualifying COVID related reasons which includes required self-quarantine among other things.

OLD BUSINESS:

Legislative Update – The minority leader and assistant leader were appointed. It is expected that the start of the legislation session will be via ZOOM.

OTHER BUSINESS:

Town Property – Steve has had a couple of people express an interest in the Towns property on Route 5 between Derby Line and Derby Center. He would like to discuss this with the Board in executive session at their next meeting.

ROAD REPORT:

The Road Crew is fixing minor things. The new body should be on the pickup tomorrow. It should be undercoated before putting it back on the road. Brad Shattuck said this is something that he could help out with. The Town will send it to Shattuck Motors for undercoating as soon as it is ready. The Board directed Bob to contact the surrounding town to see if they would be interested in working out a mutual aid agreement in case road crews become undermanned due to the COVID pandemic.

EXECUTIVE SESSION: None.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, December 14, 2020. Brian made a motion to adjourn the meeting at 6:30 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*

TOWN OF DERBY, VERMONT
SELECT BOARD MEETING
Minutes
December 14, 2020

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

Others: Faye Morin, Joe Profera, Jen Harlow, Lt. Munson, Nikole Brainard (by phone), Stacey Urban (by phone), Bob Kelley (by phone), Rod Lyon (by phone), Robin Smith (by phone), Ed Barber (by phone), Joseph Gresser (by phone).

MEETING CALLED TO ORDER - 6:08 P.M.

Warrants #25A in the amount of \$26,943.80 and #25B in the amount of \$791,402.36 were signed.

APPROVE MINUTES:

Karen moved to approve the minutes of November 30, 2020, with Steve seconding. Unanimous.

PUBLIC COMMENTS: None.

NEW BUSINESS:

OCSD – Jen Harlow & Lt. Munson VSP - Hours – Sheriff Harlow and Lt. Munson handed out preliminary statistics on responses in Derby to the Board. They stressed that these are not official final numbers. The Sheriff would like to increase the number of hours for Derby. This year they have been doing about 30 hrs per week and she would like to increase this to 80 hrs per week. Their hourly rate will be \$55.12. For 2020 the Town budgeted \$80,000, increasing to 80 hrs per week almost triples the budget. Walmart is not having enough losses to pay for an officer. The number of incidents are increasing and more hours are needed. The Board thanked them for coming and will take this under consideration when discussing the budget.

Town Meeting Discussion & Vote – Stacey Urban & Nikole Brainard explained the School's concerns with having the meeting in their gym. State guidance requires 1 person per 100 sq ft or 75 persons maximum. Sanitizing is an issue because the maintenance crew has the following day off by contract. If the voting is done by Australian Ballot the ballots would not have to be mailed out to everyone like the last election. It would be handled as we always have in the past, if someone wants an absentee ballot, they would contact the Clerk and the Town would mail them one. Karen moved that in lieu of a Town Meeting in March, we hold our informational sessions and conduct our other Town Business by Australian Ballot on March 3rd, with Steve seconding. Unanimous.

Mutual Aid From Surrounding Towns – Charleston is all for it and would like to keep it as simple as possible. Bob believes the other towns are meeting tonight, so hopefully we will hear from them tomorrow. Bob is waiting to hear back from Newport City. Laura wanted Tom Bernier on a conference call with her so he is waiting for her to set a time. The Board is willing to work with any town that is interested. The Board would like to keep it as simple as possible.

NEKWMD – Proxy Vote Approval – NEKWMD sometimes has a hard time getting a quorum and Joe Noble has talked to Irene and Fran about it and they are in favor of allowing Joe to vote for them by proxy if they are not at the meeting. Bob's recommendation is that the Board approves this request. Steve moved to have Joe Noble vote by proxy for the Town if Irene or Fran are unable to attend the meetings, with Karen seconding. Unanimous.

Review & Sign – Balance Sheet Report, Budget Status Report, Delinquent Tax Report & General Journal Report – All were reviewed and signed.

TA & ZA Update – DRB/PC: The DRB has no pending. The Planning Commission will not be meeting until after the New Year due to COVID. **Permits:** 122 permits have been submitted year to date. **Johns River:** Waiting on GPI to write up the contract for Construction Inspection. Ruggles is getting the Bid documents and plans printed. Bids will be due January 25. **Storm Damage – FEMA:** Nothing new to report. **Town Forest Apple Trees:** Peter Alexander called today and would like permission to trim apple trees in the Town Forest. Bob doesn't see any reason why we shouldn't let him. Bob's recommendation is to let him trim whatever he wants. The Board thought Mr. Alexander knows how to properly trim the trees and told Bob to let him know that it is okay for him to do it. **COVID – Skating Rink:** The Town needs to think about if and how we can safely open the skating rink this year. Social distancing is the biggest issue. The Board wants Jordan to get some training on how to safely operate the rink and skate shack. Everyone will have to wear masks and the skates will be given to one person for the year so that multiple people are not using the same skates. **Annual Budget Meeting:** The Board should set the date for the Annual Budget Meeting. Usually the Board meets the first Saturday in January which is January 2nd this year. It was decided to have the budget meeting on the second Saturday, January 9th.

OLD BUSINESS:

Legislative Update – None.

OTHER BUSINESS: None.

ROAD REPORT:

Bob is working with Rod on a Better Roads Grant to bring Pine Hill Road up to standards. The new bed is on the pickup. Everything is good.

EXECUTIVE SESSION:

At 7:10 Brian moved to go into executive session to discuss the possible sale of land on Route 5, with Steve seconding. Unanimous

Out of executive session at 7:20. No action taken.

ADJOURNMENT:

The next regular meeting is scheduled for 6:00 p.m. Monday, December 28, 2020. Brian made a motion to adjourn the meeting at 7:21 p.m., with Karen seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*