

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

**Minutes
May 17, 2021**

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

Others: Anthony Moccia, Patricia Moccia, Ashleigh Brock, Ed Barber, Nancy Sheltra, Mary Paradis, Bob Paradis, Paul Prue, Jody Marquis, Steven Davis, Nicholas Low, Nate Hamblett, Tracy Hamblett, Richard Lafoe, Joe Profera, Bob Kelley.

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

Warrants #10A in the amount of \$20,925.13 and #10B in the amount of \$52,209.23 were signed.

APPROVE MINUTES:

Brian moved to approve the minutes of May 3, 2021, with Brad seconding. Unanimous.

PUBLIC COMMENTS: None.

VICIOUS DOG HEARING:

The Board received a written complaint from Patricia Moccia concerning Steven Davis' dog Ruby and are holding this Vicious Dog Hearing to address the complaint. Grant addressed the crowd and asked everyone to keep things civil and to direct their statement to the Board. He asked people to state their concerns first. Anthony Moccia, Mary Paradis, Bob Paradis, Nate Hamblett, Tracy Hamblett, Ashleigh Brock, Nancy Sheltra, and Richard Lafoe stated their concerns about the viciousness of the dog and want the Board to do something about it. They are concerned for the safety of children, adults and other dogs. They want the dog muzzled when off the property in the neighborhood & on a shorter lease and they want the dog in a fenced area when on the owner's property. They gave multiple examples of when they were concerned for their safety. Some of their concerns included that the dog barks viciously, has jumped on a walkers back ripping their jacket, chased other dogs, and killed a cat. They consider the dog to be vicious and believe that it is only a matter of time before something bad happens. They believe that Mr. Davis' girlfriend cannot control the dog. Grant asked Steven Davis, Jody Marquis and their lawyer Nicholas Low to address the concerns. They understand that the neighborhood is upset and afraid of their dog, but the dog has never bitten anyone and is not vicious. Jody was upset how the meeting in March was conducted without them being notified. She addressed the concerns and explained her side of the issues. She apologized for different incidents and is hoping everyone can just get along. They explained that they have a 5 ft high cattle fence that they will be installing in their back and side yard and a new shock collar for the dog. Mr. Davis has the fence and posts and hopes to get the fence installed this weekend if he can rent a pneumatic hammer. The dog is never outside unsupervised. The only time the dog is in the front yard is on their deck. They only walk the dog up the hill towards the Hackett property and not around the block any more. They do not like the idea of a muzzle as it can traumatize a dog. They are looking for a dog trainer in the area, but are having a hard time finding one. Claire Silver has moved out of the area. In the last month or so they have walked the dog on the bike path many times and have met many people and dogs and there have not been any issues. The examples the neighbors have given and mostly all normal dog behavior and they stressed that the dog is not vicious. After all testimony was given the Board deliberated. The Board was concerned that so many people from the neighborhood are afraid of the dog. Brad moved to order that Steven Davis must install a 5 ft high fenced in area where his dog can be outside without a lease or muzzle and when outside of the fenced in area his dog Ruby must be kept on a 6 ft lease and muzzled when in all neighborhoods within the Town of Derby. In open areas the dog can be on a longer lease without the muzzle, seconded by Brian. Unanimous, with Karen abstaining.

NEW BUSINESS:

Coin Drops – Karen moved to allot coin drops to Derby Line Fire Department, Disabled American Veterans, Derby Fish & Game Club, and combined Dailey Memorial Library/Lake Salem Association, seconded by Brad. Unanimous.

Appoint Planning Commission Position – There were 2 candidates Ruth Duckless & Carol Brown. Steve moved to appoint Carol Brown to fill the vacancy on the Planning Commission, seconded by Brian. Unanimous with Grant abstaining.

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

Review & Sign Excess Weight Permit – United Natural Foods Inc – Steve reviewed and signed as Road Commissioner.

TA & ZA Update – DRB/PC: The DRB has 2 permits scheduled for next week. The PC is continuing to review the Subdivision regulations. **Permits:** There have been 64 permits submitted year to date. **Storm Damage – FEMA:** Nothing new. **Grants:** N Derby Rd FLAP Grant – Nothing new. Welch Appropriation – Senator Sanders sent out the same thing as Welch last Wednesday with proposals due last Friday. I contacted Sanders office and they said we could submit the same thing we submitted to Welch, so I did. If both of them are promoting it we should have a better chance. **Dailey Library:** The library will be holding 2 community yard sales for fund raising on the Derby Green on May 29th and September 4th. These will be trunk sales like they did last year. **Covid Funding:** VLCT has a webinar tomorrow at 1:00 and NVDA has one tonight. Derby Line has submitted a wish list and Derby Center is meeting tomorrow night and will discuss this. I believe they have a couple of pump stations they would like to replace. **Town Offices:** The Town Offices are now back fully open. If you are not fully vaccinated you need to wear a mask.

OLD BUSINESS:

Legislative Update – There are going to be incentives for purchasing electric cars and bikes. The House proposed a requirement that when repaving State roads that they are require to widen the road wherever possible, it was turned down in the Senate, but the House is going to try to get it back in the bill. There will probably be a lot of funding for Broadband infrastructure.

ROAD REPORT:

Land owners have been asking if the Town would grade their private roads. After discussion the Board decided to not grade any private roads. Bushey Hill Road has been built up at the intersection with Hinman Settler Road, but Steve would like to build it up a little more. The Road Crew has been starting to fix up Town Forest Road so that people can access the area at the end of the road for parking when using the Town Forest.

OTHER BUSINESS:

Beach House – The Board wants to dedicate the Beach House to Beula Shattuck. Brad will take the lead is getting a plaque.

EXECUTIVE SESSION:

At 7:50 PM Brian moved to go into executive session for pricing the pieces of the Poulin land that they want to sell to the Main St abutters, seconded by Steve. Unanimous. Out of executive session at 8:07 PM, no action taken.

ADJOURNMENT:

May 31st is Memorial Day, so the Board will not be meeting. The next regular meeting is scheduled for 6:00 p.m. Monday, June 14, 2021. Karen made a motion to adjourn the meeting at 8:07 p.m., with Steve seconding. Unanimous.

Submitted by Bob Kelley, *Unofficial until approved.*