

TOWN OF ELMORE, VT

Monthly Select Board Meeting

Meeting Minutes – prepared by C. DeVore
Status: APPROVED

Meeting Date: July 12, 2017

Start Time: 6:33 pm **Adjourn:** 7:45 pm

Meeting Attendees: Robert Burley – ESB Chairman, Caroline DeVore – ESB, Robb Wills – ESB, Michel LaCasse – Road Commissioner, Chuck Barkley – Resident/Principle Party, Cheryl Barkley – Resident/Principle Party, Melissa Rose – Interested Party, Marjorie Kelso – Interested Party/Resident, Elizabeth Conolly – Interested Party/Non-resident, Cindy Blackburn – Interested Party, Robert Stoops – Interested Party, Bryan Krantz – Interested Party, Warren Miller – Interested Party/Resident

A. SPECIAL TOPICS:

1. **Water System FY18 Budget: FY17 results on budget. Annual report published. FY18 budget continues current water rates.**
 - a. **Property formerly of Franklin Cutler has transferred. New owners FY17 fees are in arrears. Recovery efforts underway; notification sent 22Jun17.**
2. **ESB review of proposed sale of 1996ac former Atlas Timber property to maple sugar consortium rescheduled to August due to design changes intended to reduce costs and improve security.**

SB Notes: Atlas Timber not ready to address design changes. Tentative on agenda for August SB meeting.

B. NEW ITEMS:

1. **REVIEW/APPROVE Hazard Mitigation Plan V 4.6. After a 4 month, highly iterative process both VT DEMS and FEMA have reviewed & approved Elmore Plan. ESB to review & re-approve with signed copies to DEMS & FEMA as to be eligible for DEMS/FEMA disaster relief funds.**

SB Notes: SB reviewed and signed to be sent to FEMA and DEMS for final approval.

2. **Franz Boening has commenced timber harvest on Forest Reserve District property. ANR rules supersede town zoning and specify the best practices required to meet forestry, water quality and wildlife objectives.**

Notes: Discussion of Conditional Use Permit as issued for Lot #3, (Map #6-00-7.3) 606 Old Gould Farm Rd.. SB to review Boening lots on Old Gould Farm together with Mr. Boening's forest management plan through review of documents and or site visit. Review is at the request of abutting land owner(s).

3. **2nd HEARING: requested by Bernard Jensen to Appeal/Stay ESB 6/21 decision RE: multiple dog bites of dog (Blue) belonging to Bernard Jensen. Focus will be on: 1) new verifiable evidence and 2) new matters of mitigation or extenuation previously un-submitted.**

Opening remarks by Burley: Mr. Burley was informed by Mr. Jensen, defendant, via email at 5:00pm on 7/12/17 that the Jensen's dog (Blue) has been permanently removed from the property. Follow-up via email from Ken Haggett, Town Animal Control Officer, confirms that Blue was removed on 7/11/17 and permanently rehomed outside of Elmore.

Mr. Burley read into the official record his observations of Blue's disposition and his meeting with West Loop Road meeting with Mr. Jensen on 7/11/17. Mr. Burley then read into the record the

TOWN OF ELMORE, VT

Monthly Select Board Meeting

email received from Ken Haggett, Town Animal Control Officer. (Note: all exhibits and communication discussed in this hearing will be part of the public record for this hearing).

General Discussion: Meeting attendees discussed the circumstances around the Jensen's acquisition and subsequent disposition of Blue and of their previous dog, Ucon. Mr. Barkley expressed concern about the Jensen's selection of larger breed dogs and specifically about the Jensen's last two dogs that have pass "temperament" assessments when acquired but later developed troubling (and at time aggressive) social behaviors.

Marge Kelso: Is NCAL aware of the circumstances around Blue's behavior and the outcome in this instance? Specifically, will NCAL take steps to avoid placement of potentially aggressive dogs with owners who may or may not have the ability to manage the size, type or temperament of the adopted dog. Answer (DeVore): NCAL is aware of this issue and was contacted by both parties. Prior to placement, Blue passed all temperament and socialization tests. Another dog (presumed to be Blue's sibling) was placed at the same time and all is well. The SB cannot speak for NCAL in this matter or to the criteria they use to place specific animals with specific owners. However, NCAL does have processes in place to accept the return of adopted dogs and reevaluate. See hearing notes from 6/14/17 for details on NCAL policies in this case.

Liz Conolly: Ms. Conolly noted for the record that M/M Barkley have experienced disturbing behavior from the Jensen's and they want to reserve their ability to pursue Civil action. Mr. Burley notes that nothing in this quasi-judicial hearing forecloses any future options regarding civil action. Mr. Burley suggests that some "trigger points" may need to be identified that may indicate whether further action is needed.

Mrs. Barkley: Can the dog ever return to the neighborhood? Answer: No

The hearing file, including Hearing #1 and Hearing #2 notes and all exhibits, will be available for supervised on-site public review at the Town Clerk's Office.

C. CONTINUING ACTIVE ITEMS:

1. Road Commissioner Update – LaCasse

Work Completed:

- Clean up storm damage June 19 on Elmore Mtn Rd. Road closed for several hours as trees had fallen on power lines.
- Saturday June 24, Ice House Road closed due to culvert fail. Interim fix in place but will need to be replaced in the future. Culvert is ~6 ft diameter. Will require that the road be closed during replacement.
- Tallman Rd Beaver Dam breach. Required two weeks to complete. Towne excavation hired to assist with excavator work. 574 yards / 41 truck loads to repair. We have applied for state aid to support work. As of now there is an estimate and timeframe to review. Necessary paperwork for state assistance has been filed.

Equipment status:

- Truck #1 2006 International scheduled replacement was 2014. Now on the schedule to be replaced Spring 2018.

Employee Status:

- All is well.

TOWN OF ELMORE, VT

Monthly Select Board Meeting

Upcoming Work / Anticipated Issues:

- Roadside mowing last week of July.
- Meeting with LCPC to update culvert inventory.
- Waiting to see if Tallman Rd will qualify for emergency state aid. All paperwork submitted.

2. UPDATE: Addition of Occupancy Permits to Zoning Process to assure “as built” compliance with Permits

Notes: DeVore DRI and working with Zoning Admin to draft proposed process. Targeting initial review with SB at August meeting.

3. UPDATE: Create Cost/Benefit hierarchy for Law Enforcement Options for continuing discussion with Elmore residents.

4. UPDATE - EPC:

- **SUB DIVISION BYLAW INTERIM UPDATE:** Conversion of outdated software has been achieved. Edits proceeding.
- **ENERGY PLAN:** EPC draft continues with LCPC assistance.
- **ENERGY PLAN:** Burley met with EPC 24May to clarify terms and content to smooth State Approval of Energy Subchapter as mandated by PSB & Legislature.

D. COMPLETED/INACTIVE ITEMS

1. Review Action Item List

E. SB EXECUTIVE SESSION

No Executive Session needed.
