

Minutes of the August 24, 2009 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, Geneva Gaiko, Kate Willard of the Vermont Department of Forests/Parks and Recreation, Delta Thurston, Penny Griffin, Daryl Porcelli, Christi Bollman, Keith Bollman, Erika Smatana, Gary Wojdyla, Bruce Butler, Fazal Ahmad, Leo Griffin, Mary Anne Griffin, Joan Cure, Charles Cure, Harvey Davis, Karen Marion, First Constable Jim Bennett, and Second Constable Jim Mason.

Due to emergency matters pertaining to the water supply system, the start of the meeting was slightly delayed, it being called to order by Chairman Neal Fox at 6:10 PM. The Board initially reviewed and approved the weekly payroll and payables. The first appointment for the evening was scheduled with Kate Willard of the Vermont Department of Forests, Parks and Recreation, and Chairman Fox welcomed her in lieu of addressing agenda items.

Ms. Willard was present to provide the Board with information about the "Forest Legacy Program" and the commencement of the "Assessment of Need" process which is part of that program. She explained the purpose(s) of the program, and the benefits it provides to individuals and to interests of the public. In response to question from Chairman Fox, Ms. Willard explained how program staff and its legal department review applications to determine if program objectives are adequately served by accepting a property into the program, which may be done through easements, or in certain instances by "fee simple" acquisition. Joe De Freitas asked about the source of funding; Ms. Willard replied that the source of funds is federal, through the Forest Service. She explained the cycle of review and financing. With no further questions forthcoming, Chairman Fox thanked Ms. Willard for her assistance in gaining better understanding of the program, and she departed at approximately 6:45 PM.

The minutes of the August 10, 2009 meeting of the Board of Selectmen were approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried.

The Board then reviewed the acquisitions necessary for the current fiscal year through the Highway Equipment Fund, and the associated costs. As per determinations made at a prior meeting of the Board, motion to approve the following loan documents for a \$152,000.00 short term borrowing from Mascoma Savings Bank was made by Bill Richards, seconded by Joe De Freitas and unanimously carried: Governmental Certificate, Promissory Note, Non-Arbitrage Certificate, Cash Flow Certificate, and the Disbursement Request and Authorization. Appropriations for the Highway Equipment Fund for the current year and the two subsequent fiscal years will be the basis for completing all purchases and amortizing the loan obligation which is being incurred to avoid a "spike" in taxes within one single year.

The Board next reviewed Vermont Statutes Title 32 section 4609 in response to an inquiry from a property owner, about tax payments while serving in a combat zone outside the country. The referenced Statute provides that penalty, fees, and interest will be waived if payments are not received during the term of service or for 180 days thereafter. By motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, it was approved that the provisions of the Statute be applied, subject to the submittal to the Town Clerk of a copy of the applicant's military orders (this also being a provision of the referenced Statute.)

It has been learned that Tim Brennan may be willing to serve on the Town Recreation Committee. It was unanimously agreed that Mr. Brennan should meet with the Committee and a determination then made by the Committee and Mr. Brennan as to a formal appointment.

The Board members concurred that the organizers of the Farmers' Market, using Town land on Church Street for the activity on Mondays, should develop a plan for continuing its operations prior to the start of the next year's season.

The following communications were reviewed and placed on file: (1) monitoring well "Water Quality Assessment" provided by Endyne Laboratories for the closed Bethel/Royalton landfill, (2) an August 13, 2009 letter from Green Mountain Economic Development Corporation re. expansion of wireless phone coverage, (3) a streamwater quality report submitted by White River Partnership, and (4) an August 22, 2009 memo from Matthew Washburn re. the announcement by ECFiber that work was commencing on a cable design map, and that a publicity event would be held at 10:00 AM on Monday, August 31<sup>st</sup> at the Tunbridge Town Hall.

At 7:00 PM Chairman Fox declared that a Public Hearing should be called to order to determine facts associated with allegations of dogs owned by Josh Hill and Scott Hill causing damages and posing threat to the public health and safety, these alleged incidents having occurred in the Dartt Hill, Brink Hill, and Camp Brook areas of Town. It was noted that neither Josh Hill nor Scott Hill were in attendance although notice of the Hearing had been sent to each of them. Chairman Fox specified that all comments and statements were to be directed to the Board, and that no discussion between individuals would be allowable. Following is the essence of statements made by members of the public as they were individually recognized by the Chair.

Bruce Butler (submitted his letter), there was an attack on his own dog and he was also later bitten. He required medical attention and there were costs for supplies. He no longer walks by the Hill's property; he goes elsewhere for walks. His dog is always on a leash and they have never trespassed. He would like a permanent and effective solution. The incidents were reported to the Town Constable. Joe De Freitas, "Did the owner ever respond?" Bruce Butler, "No." Joe De Freitas, "Were they aware?" Bruce Butler, "Yes." Jim Mason, "...told both Hills of the incident. They knew of it." Joe De Freitas, "How long was it when you spoke to them?" Jim Mason, "Three days."

Fazal Ahmad, "The Rottweiler came and chased my sheep. I drove him home to Scott Hill's house. I saw a person in the house but they would not speak to me. The Constable (Jim Bennett) made a number of responses, but there was no serious response from the Hills. I believe that stress has caused damage (through loss of sheep to stress). The Hills are never responsive. I advise my wife and children to hide in the house if the dogs come onto our property."

Leo Griffin told of an incident that happened while he was hunting, "I was walking on Brink Hill Road when the dogs charged. They kept getting closer. I reloaded my gun but I did not have to shoot. The dogs were within a couple of feet from me. There were two of them. My wife is afraid to go to the mailbox."

Mary Ann Griffin, "Both the Rottweiler and the Pit Bull were in my yard when I came home one day, and I was afraid to get out of my car. I won't walk on Dartt Hill Road."

Daryl Porcelli, "The dogs have chased our horses. The Rottweiler is not there now but the Rottweiler and the Pit Bull frightened my girlfriend. The Rottweiler charged her and she fled into the barn and waited. The dogs have come into the lower pasture and chased the horse there. We have one cat that came up missing. I found it in the ditch near the Hill's property. Our cat was afraid of cars and would not have been in the road. I have children and family members which I fear for. The dogs chase my vehicle and trailer whenever I go by and they frequently come up my driveway. Fault is not the dogs fault."

Gary Wojdyla, "There used to be a problem with the dogs constantly barking. I put up a device to discourage barking. I placed it on my own land. I saw Josh Hill looking at the device and I went down to explain the purpose of it. I was attacked by both Josh Hill and the dog and suffered a bite. My wife reported the incidents concurrently to the Vermont State Police. About two months later the dogs charged me at my own front steps."

Erika Smatana, "I believe the dogs have been seeking my cat. The dogs are constantly hanging around our property."

Jim Bennett, "I have been there on several occasions trying to get the dogs licensed. Follow-up has been difficult because there is no one home."

Daryl Porcelli, "Sometimes there are as many as six dogs there."

Erika Smatana, "One of the dogs now has puppies."

Jim Mason, "There are four presently registered."

Harvey Davis, "Do we need a leash law?" Selectboard stated that we have one.

Fazal Ahmad, "Promises were always made that the dogs would be kept hitched. Those promises have always been broken."

Christi Bollman, "Do you have a copy of my certified statement?" Selectboard, "Yes." Christi then related the incident of the two dogs killing her cat for the public present. The dogs would not leave when she intervened (per statement). Shortly thereafter, Christi identified Josh Hill in his pickup through the side window when he turned in at his driveway; at least one of the dogs was with him. Christi, "I am disgusted that nothing has been done with as many as 19 complaints against these dogs. My cat could have been saved if something had been done. My property is  $\frac{3}{4}$  a mile away and I should not have this happening. Something must be done. I do not want the dogs injured or punished; they should be disposed of humanely because it is not the dogs' fault." Christi stated that she "called Vermont State Police and asked that they protect people and their property."

Keith Bollman, "I want to see a positive direction with more attention given toward action when a threat occurs. I have heard that dogs were still loose this weekend. I believe that the Town will be liable if a child is hurt. We need to see local law enforcement that is trained and available to deal with matters and they need to have proper equipment. I don't like the idea of killing animals but I don't believe the Hills should be allowed to keep animals. The image of what happened in Christi's mind should never occur for anyone else."

Harvey Davis, "I live right on the road and I see the dogs constantly on the loose."

Karen Marion had a problem with Scott Hill's dog in 2006. When she picked the dog (a Border Collie) up she noticed that it was injured, it had a broken leg. She tried to clean and groom the dog and she found out who the owner was. There was a response after 10 days. Scott said the dog had arthritis and that he wanted her back. Karen mentioned to him the fees and costs for boarding the dog. Scott never called back.

Charles Cure, "The dogs are at my property regularly and I am afraid of injury to my family. What is the status of the property in respect to junk and environmental issues?" Neal Fox, "That is off the subject." There were then various comments regarding vehicles, occupancy, junk, etc.

Several comments regarding other issues of property appearance and activities were ruled by the Chair as being out of order as they were not relevant to determinations which the Board would have to make regarding the issue being addressed. Several of the people offering comment also expressed concern over the possibility of retaliation. At 8:10 PM, Chairman Fox found that there were no additional comments or statements forthcoming; in lieu of the number of people having come forth to offer information to the Board, Chairman Fox suggested that the Board would immediately enter executive session to consider the facts of the matter heard, and make a determination of action. Motion accordingly to enter executive session was made by Bill Richards, seconded by Joe De Freitas and unanimously carried. It was noted that written statements were received from Bruce W. Butler, Gary Wojdyla and Erika Smatana, Keith Bollman, and Christi Bollman. The only people remaining with the Board for the executive session were Delbert Cloud and Second Constable James Mason. No minutes were kept during the executive session. The Board returned to open meeting at 8:15 PM and the members of the public returned. Chairman Fox informed the public that the findings made by the Board would require review by legal counsel and that the determinations made by the

Board would be formally issued as a written Order at a subsequent time. He provided insight for those present as to the intended action. The members of the public and the Town Constables all departed at this time.

The Board then returned to the order of the Agenda, first reviewing the requests received from Kelly Hill, Jason Rogers, and Karen Rogers for reimbursement of costs incurred to repair damage to their vehicles resulting from Town maintenance of the Main Street Parking Lot. Since the costs were not significantly greater than the deductible on the Town's insurance policy, it was agreed that the costs should be paid from the General Fund of the Town. Motion accordingly was made by Neal Fox, seconded by Joe De Freitas and unanimously carried.

Delbert Cloud next provided an update on the status of certain capital projects, these being the Town Hall Rehabilitation Project, the River Street Bridge Water Main Replacement Project, the Bridge #48 deck replacement project, and various improvements planned at the Solid Waste Facility. The Town Hall Rehabilitation project is now pending final review of handicap accessibility features at the federal level since federal funding is to be used in support of this project. No action was required or taken by the Board at this time on these matters.

With no further business to attend, the meeting was adjourned at 10:12 PM by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

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Neal Fox

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Bill Richards

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Joe De Freitas