

Town Of Burke
212 School Street
West Burke, Vermont
January 2, 2023
Selectboard Meeting minutes

Present:

Joe Allard, Mark Daigle, Christine Emmons (via Zoom): Selectboard
Linda Hackett-Corey: Town Clerk
Gail Weed: Assistant Town Clerk
Cathi Feeley: Town Treasurer
Dave Kaufman: Road Foreman
Mike Harris: Zoning Administrator
James Sullivan: Town Manager
Valerie Desmarais: Minutes Clerk

Guests:

Kevin Blais , Jerry Booth, Atty. Clarke Atwell, Atty. Brice Simon, John Mello, Ben Tipton, Lisa Allard. Sherriff James Hemond and Linda Green via ZOOM.

Meeting was called to order at 5:00.

Mark asked for a motion to amend the agenda, Joe seconded, so moved.

Joe read items of agenda amendments re: Kevin Blais.

- 1) Kevin Blais's increasingly aggressive behavior toward town employees
- 2) Discuss Kevin Blais's complaints about Public Meeting Violations.

Open Public Hearing for Bylaw Amendment on Campsites: Mike gave a brief background, this language has been submitted to NVDA and approved. Kevin Blais had questions regarding the "accessory campsites" on his property, Mike asked Kevin to send specific questions to him for further review. Mr. Blais also asked about compliance relative to residency requirements and felt it was discriminatory. Attorney Brice Simon spoke re: domicile requirements and "risk assessment". Clark Atwell, Town Attorney added comments; in these situations the town typically sees less risk if residents of the town are on site and managing short-term rentals as they can maintain better control of the properties. Consequently, it is reasonable to differentiate between residential and non-residential ownership.

Mark sought clarification about where the campgrounds can be; Mike stated permissible zones are AR 1 & 2, on a minimum of 5 acres. There is no camping currently allowed in the village. This issue will be on the ballot in March. With no further questions or comments, Christine made a motion to close the hearing, Mark seconded. So moved at 5:10 PM.

Joe opened the Selectboard Meeting and motioned to go into executive session to discuss a legal matter re: 1) Discuss Kevin Blais's increasingly aggressive behavior toward town officers and employees and

2) Discuss Kevin Blais's complaints about Public Meeting Violations. Christine seconded, so moved. Executive Session adjourned at 5:45.

Christine made the motion to hire Breton & Simon PLC to communicate with Mr. Blais and take legal action as necessary to address staff concerns regarding Mr. Blais' conduct. Joe seconded, the Board is unanimous, so moved at 5:48 PM.

Regular Selectboard Meeting convened at 5:51. Christine motioned to accept the Dec. 5th meeting minutes as written, Joe seconded, so moved.

Dec. 9 special meeting minutes were reviewed. Joe motioned to accept, so moved. Joe moved to add the personnel matter voted on at the December 9 Special Meeting to the agenda for the next meeting of the Selectboard so that they can decide whether to ratify the decision made on December 9th. Christine seconded, so moved.

Dec. 16 special meeting minutes were reviewed, Christine motioned to accept, so moved.

Dave gave the Road Foreman report:

The storm really made a mess with fallen trees! Joe asked if the crew needs extra help, Dave indicated that they can probably manage. Christine asked how the roads held up with this thaw, Dave feels that they are holding up surprisingly well with the exception of potholes. The Western Star truck is still down (rear end), East Haven has been graciously allowing us the use of their back up truck while ours is being repaired.

The rear 8 tires on the 10 - wheeler have been replaced in house – Nick Emmons was a huge help in getting the tires mounted, as well as helping with sanding and plowing. Jim submitted the grant paperwork for improvements to upper Victory Road (Better Roads). The new 10 wheeler final inspection and new ton truck prebuild meeting will be tomorrow at Viking.

Town Administrator Report:

Jim thanked the road crew for their extra efforts during the most recent storm and their hard work all year long.

Jim submitted three grants for reimbursement:

Grants in Aid \$14,800 – Old Farm Road

Class II Paving Grant \$ 148,960 – Burke Hollow Road Paving Project

Better Roads Grant \$ 20,000 – Carter Road / Walter's Road

Jim has also been working on the preliminary budget for 2023.

Jim wonders about a senior registry, it became apparent during the last storm that there are seniors who need checking on.

A driver for the Rubbish Truck has been hired, he is working with the Recycling Crew until the truck issue has been decided.

Mike gave the Zoning Administrators Report: The cleanup at Howard Bailey's went well. Still need to submit cost information to the court. During the cleanup, it was noted that there is a "gray water"

effluence, Mike has submitted an application for a grant that will help with remediation of the system. There was a permit that was issued to Mr. Bailey for the trailer. There is no certificate of occupancy. ANR is involved, Joe could write a health order, and Christine wonders if there is some sort of emergency action that can be taken. We need a plan now and Christine wonders how much the town can assume on behalf of someone who is not inclined to work with us.

Mike is still working with Rick Schwag. A follow up conference is scheduled for Feb 6.

In reference to John Mello and cleanup of the property in town: Mr. Mello spoke about his experience; he felt that he did not have adequate time to respond to a letter from Mike regarding final cleanup of the former Murray property. Mr. Mello feels that the appearance of the property should not be a point of contention for anybody at this point. Christine pointed out that the proper venue for a resolution is to file an appeal with the DRB.

Mike continued with the ZA report; Mike has site visits on Pete Koopman property (Beaner's Garage) and also Terri Leclair at the storage units on Rt. 5 near Bugbee Crossing.

Mike wondered if the board had any commentary on the rental language being worked on by the planning commission, this discussion is tabled until another time due to the amount of agenda items that need to be taken care of tonight.

Correspondence:

Joe motioned to reaffirm a motion made at the Emergency Selectboard Meeting on July 27, 2023. Motion: Upon conveyance to John and Carrie Mello of 4067 US RT 5, all existing fines accrued during the ownership of Rick Schwag will be reduced to \$5,000.00. The Mello's will have 60 days to clean up the property. The Selectboard recognizes that clean up, in part, may depend on the State approval of removal of debris, and the Mello's may not be able to complete the clean-up within 60 days if required approval from the state is delayed. The Mello's will keep the Selectboard informed regarding the progress of the clean-up, and the status of any State approval needed. The \$5,000.00 fine will be waived once the property is cleaned up. New fines with the new owner will be assessed under the current bylaws regarding violations and will be treated as a new violation.

Mark seconded, so moved.

Discussion regarding the rubbish truck: Christine stated that she will not vote to put any more money into the current machine. A new truck costs over 300K, that is the basic unit and has a year wait to build it. Discussion about options: we can lease a vehicle. We can also have dumpsters in a couple of locations for residents to utilize. Christine feels that having the dumpsters at the recycling center is problematic; we are in a village setting, outside the senior meal site and the dumpster attracts bears.

Jerry Booth from Old Town Road suggested that an RFP be put out seeking an individual to take the rubbish. He stated that the citizens really want the curbside pickup. Staffing the rubbish truck ties up a lot of town resources. Kevin Blais wondered about getting a compactor? Mr. Blais also offered his assistance in locating options.

Joe stated that there needs to be a meeting dedicated to this issue. Cathi noted that if we are not picking up curbside rubbish we would not be obligated to continue picking up recycling. Ben Tipton spoke and noted that that roadside dumping will increase if we lose the curbside pickup. Christine proposed that the special budget meeting have a line item to discuss this issue. Dave wonders if we leave the truck in Jericho to see if Clark's can sell it for us? He also mentioned that Dave's Rubbish in Newport might be

interested in buying the truck. Christine made a motion to sell the truck “as is” and not put any more money into it. Joe seconded. So moved. Dave suggested that we get a fence around the current dumpster to monitor what is going into it. People have left appliances, there is no verification that bags are stickered. Jim will look into the fencing asap. Mike noted that if a more permanent situation is being considered this would need to be permitted. There was discussion regarding a better place to put the dumpster in the interim. This is ongoing and there is no resolution at this time.

Approve and Sign New England Municipal Consultants: Will provide all services to maintain the town grand list. This is a 3- year contract, subject to town meeting approval. The first year cost for 2023 is \$43,200 (\$3,600 monthly) which is the same as this year, 2024 the cost is \$45,600 (\$3800/mo.) and for 2025 \$48,000 (\$4000/mo.). This is to maintain the Grand List, not the reappraisal, which is a separate contract. Cathi gave the updated CLA (the Common level appraisal) which is 76.03% compared to last year’s 86.4 % which is why we are doing the townwide reappraisal now. Christine motioned to approve the 3 year contract, Joe seconded. So moved.

Alarmco Contract: \$455 annually for alarm security for the town office building. Joe motioned to approve, Mark seconded. So moved.

Correspondence from Christine Emmons submitting her resignation, effective March 7, 2023. This was very reluctantly accepted.

Valerie asked about the vandalism and resulting damage at Darling Park. Dave indicated that the road crew will fix the grassed areas in the spring. Authorities have been notified.

The meeting was adjourned at 7:49 PM.

Respectfully submitted,
Valerie Desmarais