

Starksboro Select Board meeting

Minutes of 8/6/19

Unapproved

Present: Koran Cousino, Nancy Boss, Eric Cota, Tony Porter, Keegan Tierney

Others present: Tom Estey, Rebecca Elder, Chuck Webber, John Bent, Robert Turner, Gary Kessler, Trevor James (via teleconference)

The meeting was called to order at 5:30 p.m. by Chair Koran Cousino.

Additions to the agenda:

1. Bank loan documents to be signed (motion approved at 7/18/19 meeting)
2. Zoning Permit for EV charging station to be signed
3. Green Lantern Solar Estoppel document to be signed

Road Foreman's Report – Tom Estey

- The new truck has finally arrived and is currently at AC Field Days.
- The initial work on Conway Road is complete.
- Some repair work has been completed on Brown Hill Rd.
- The grant for ____ was approved. The crew will continue work on Conway and then move to another area. They are working on the critical segments first.
- Tom provided the board with a printed summary of segment repairs on the Conway Rd project.
- The crew is starting to buy tools for the garage to replace items loaned by Tom Estey.
- Tom wants to put in a road from the chloride tanks to the garage. He also wants to install a little shed outside the gate to keep some sand in (with roof).

While waiting for the hearing to begin, a few orders of business:

Truck Loan for \$210K for the new truck: Paperwork was received from Community Bank NA; the terms were reviewed with the Treasurer at the last meeting and a motion was made to authorize signing. The board signed the loan and returned paperwork to the Treasurer for processing.

Hearing for vicious dog bite incident – Trevor James (owner) re: "Dakota"

Present: Trevor James attended via FaceTime. John Bent (nephew), Chuck Webber (animal control officer)

K. Cousino opened the hearing and started with introductions of board members and participants.

The purpose of the hearing is to offer a chance to respond to the notice of violation (NOV) re: Dakota – received on 7/25/19. The board held a previous hearing to hear from some of those affected by the dog's behavior, including Becky Trombley, Bruce and Terry Rublee, and Seth Whitman. K. Cousino asked if T. James wanted a description of the reason for the hearing. He stated no, he understood.

K. Cousino stated that Becky Trombley felt strongly that her family/guests should have been warned on the phone by T. James when he spoke with them while the dog was on their property and being held for pick up. T. James said he was out of town at his job training and was trying to juggle calls while doing that. K.C. said the board feels they understand what happened and the timeline. She asked T. James if there is any other information he wanted to present at this time.

T. James said he knows that what the dog, Dakota, did was wrong. When he is there with the dog, he is fine. In this case, his entire family left, and the dog is feeling abandoned.

K. Tierney stated that their responsibility as the select board is about the health and welfare of the town and the residents as a whole; they are looking at what is needed to protect people from harm. He asked if T. James has a plan to put forward that would ensure public safety regarding Dakota. The board has grave concerns about the bites and how the animal can be controlled going forward.

T. James stated when he finishes his training, the dog would be with him in the truck and on the road 24/7. Dakota would be on leash and supervised at all times. He will only be home about 4 days a month. The current kennel has been fixed so that dog cannot escape, per T. James. He also said he is going to be making a new kennel and making it more secure.

John Bent stated that when he went to retrieve the dog on Saturday, he got a different impression from the situation than what he read in the board's minutes and heard about the hearing. John said the home kennel had shifted off a decking platform and therefore the dog could push over the chain-link fencing and dig its way out. J. Bent said the Dakota he dealt with on Saturday was a "different dog". Once J. Bent saw him, Dakota perked up. The next day they brought down their own dog to play, Dakota got excited and was more friendly and perked up. The rest of the week he was friendly and had no issues.

N. Boss stated that the board understands and all are dog owners. She heard here that the kennel is secure, but is worried about what happens if the dog gets out again. The board needs to be respectful of the community. The dog sounds vicious to an extent and the town needs to understand any liability associated with allowing the dog back into the community.

T. James stated when the dog is with him, even if there are strangers, he doesn't bite. K. Cousino said the board could be looking at significant liability if the dog were to attack another person. T. James asked how many huskie dogs are in Starksboro and if they would be removed or allowed to stay in town. K. Cousino said the board is not looking at "what if" scenarios, but rather looking at what has happened. If Dakota bites again, the Town may be liable. She stated that generalizing about specific breeds is not something the board is qualified to do. They are looking at the safety of the community. T. Porter stated the owner is responsible for the behavior of the animal.

J. Bent asked T. Porter to describe the conditions of the kennel impoundment in Bristol. The dog is being kept in a climate-controlled indoor facility kennel, fed/watered twice a day. T. James said the dog knows when people are afraid and senses that and reacts to it. Dakota is under stress in impoundment. Dakota also bit the neighbor who was trying to put the dog back in his own kennel.

N. Boss asked what the safety plan is. T. James said the kennel will be fixed; Dakota won't be able to get out and he can chain the dog to the kennel inside it. When he is working, the dog would be with him on the road in the truck. N. Boss and T. Porter stated their concern is that there is no apparent way to have a guarantee of public safety around this dog.

K. Cousino asked T. James for any final comments or information that had not yet been presented. The board will enter deliberative session and notify T. James of the decision in writing. T. James said he will return home on Friday/Saturday and the dog will be contained and it will not happen again. He said he guarantees it. He knows what the dog did is wrong and it needs to be dealt with. T. James stated that if he had not been out of town, the incidents would not have happened.

T. James said he is willing to pay all the medical expenses; he said he will make things right for the animal and neighbors, and will make it so that the dog cannot get away.

K. Cousino asked T. James if he had any questions. He wanted to know when deliberation would happen. The board will deliberate tonight but town policy states that the board shall render its decision in writing within 10 days of the hearing and the SB decision shall be delivered in person or mailed to the owner by certified mail.

T. James's final statement: He does not want the dog to be put down. Dakota will be restrained or confined while home and then he will be on the road. Nothing beyond that.

K. Cousino closed the hearing at 6:35 pm. John Bent departed.

The board will go into deliberative session – 1 VSA §312 (e). The discussion was tabled to later in the evening so allowed for other agenda items to be discussed while visitors were present.

Road crew application review and hiring update:

Three applications were received. Schedule interviews with all 3 candidates at a special meeting on 8/13 (8/16 or 19, alternate dates). Rebecca will schedule and follow up with board regarding confirmed times and questions for candidates.

Gary Kessler re: Green Mountain Stage Race

This is the 19th year of the Green Mountain Stage Race. They are facing challenging road issues; trying to work around the one-lane bridge and construction on Route 17. G. Kessler asked the Lincoln Selectboard about cutting across gravel roads on Sunday 9/1. Lincoln was amenable and suggested some roads, either Downingsville or Quaker, to bring racers back to Route 17. There will be 11 “fields” of riders, each led by a Trooper, a lead car, and officials on vehicles. A small group will be around 30 and a large one up to 110 riders. All riders are expected to follow the rules of the road. The GMSR has insurance and is USA Cycling endorsed. Certificate of Insurance was presented. The group hasn't used town roads in recent years and have been using State roads. They have done the Hinesburg Hollow Rd loop in the past. They always ask for use of the gravel roads.

The selectboard suggests the Quaker St route to Route 17.

K. Tierney stated that bike races are received with mixed opinion and the board is managing the balance between public response vs. supporting races in the area. 95% of attendees are from out of state and they bring a lot of money into the area (for food, overnight accommodations, gas, etc.) Gary said he tries to support local businesses, ordering lunch for staff from the Jerusalem Country Store, etc.

The board has heard complaints in the past about signs left up; trash being left behind; impact on traffic flow for nearby residents. G. Kessler said he tries to address things and would be happy to come back after the event for a debrief as needed.

Motion: Tony Porter moved to authorize Koran Cousino to sign the consent for use of public roads for the Green Mountain Stage Race. Nancy Boss 2nd.

Motion carried.

Contract Negotiations

Motion to go into Executive Session to discuss a potential contract: Keegan Tierney, Nancy Boss 2nd

Motion carried.

The board invited Robert Turner, Rebecca Elder, and a potential consulting candidate into executive session.

Motion to come out of Executive Session: Tony Porter, Nancy Boss 2nd.

Motion carried.

Decision as a result of executive session: The board heard a proposal from a candidate to consult on bookkeeping. Final negotiations to be determined at a later date.

Selectboard Concerns

Personnel Policy implementation: There were some issues that arose when implementing the new personnel policy regarding past sick and vacation time accumulation and how to account for both the time “in the bank” for employees who have been on staff for many years and implement the new policy going forward. Longtime employees will not lose accumulated time and the board will speak with the Treasurer to ensure payroll reports reflect correct time.

Cota Field use and concerns: The board is drafting a new policy regarding use of town lands, including Cota field. There will be no camping allowed. Policy to be reviewed at a future meeting.

K. Tierney and K. Cousino also noted that the foot bridge is not safe. It is currently blocked off with caution tape. The Conservation Commission is responsible for the bridge. It needs an engineering assessment per K. Tierney. He will do a site visit to determine next steps for assessment and repair.

The Selectboard encourages public use of the Cota field area and pavilion for recreation and outdoor enjoyment. There is a walking trail loop, green space, and picnic tables for public use.

Motion: Keegan Tierney made a motion to approve placement and payment for a portolet at Cota field during the months of July and August. Nancy Boss 2nd

Discussion: The Starksboro Sports Program provides a portolet at Cota field during the spring and fall sports seasons. The town will provide a portolet for public use at Cota field in between seasons.

Motion carried.

Action items

Motion to approve the bills and orders as presented by the Treasurer: Tony Porter moved and Nancy Boss 2nd

Motion carried.

Motion to sign the zoning permit for the EV charging station in the town commuter lot: Tony Porter made a motion and Eric Cota 2nd.

Motion carried.

Mail received:

1. Raymond Leggett phone call/visit re: shooting on/near Beane Rd
2. Harvey Farr re: minutes of 7/18/19
3. Betsy Dunham re: Gazette
4. Tom and Marcia Perry re: Rooted Vermont bike event

Due to the lengthy agenda and late hour, the discussion regarding the letters and information received above will take place at the meeting on August 20, 2019.

Motion to adjourn at 9:20 p.m.: Nancy Boss moved and Eric Cota 2nd

Motion carried.

Respectfully submitted,
Rebecca Elder
Selectboard Assistant