

TOWN OF CHESTER
BOARD OF SELECTMEN

September 7, 2016
Minutes

PRESENT: John DeBenedetti; Arne Jonynas; Ben Whalen; Dan Cote; Heather Chase;
David Pisha

VISITORS: Julie Hance; Tom Hildreth; Gary Gibbs; Shawn Cunningham; Richard
Cloud; Frank Kelley; Justin Savage; Remus Preda; Roger Hammond;
Mary Jane Miles; Jan Moot; Derek Suursoo; Ruthanne Batchelder; Roy
Spaulding; Roy Spaulding, Sr.

The meeting was called to order at 7:00 p.m. by John DeBenedetti.

There were no additions or deletions to the agenda. John DeBenedetti noted that item 1 should be amended to read that the August 29 Selectboard meeting was a Special Meeting not an Executive Session meeting.

1. APPROVE MINUTES:

August 17, 2016:

A motion was made by Heather Chase to approve the August 17, 2016 minutes of the Chester Selectboard meeting and Executive Session meeting record as amended. Seconded by Arne Jonynas. The motion passed.

Page 5, Paragraph 2, Line 2, rusted down to a 2" pipe

August 24, 2016:

A motion was made by Arne Jonynas to approve the August 24, 2016 minutes of the Chester Selectboard Special meeting and Executive Session Meeting Record as amended. Seconded by Dan Cote. The motion passed.

John DeBenedetti noted that the motions to enter Executive Session should read as follows: ... that the Selectboard finds that the public disclosure of attorney/client communications with the Town's counsel concerning the terms of a settlement with the Agency of Natural Resources, Department of Fish & Wildlife in connection with the Town's pending Act 250 application concerning a pending Act 250 application, will necessarily involve communications of and relating to the relative merits of the Town's case, the premature disclosure of which could place the Town of Chester at a substantial disadvantage in any further activities or actions.

A motion to enter executive session, pursuant to 1 V.S.A. §313(a)(1)(E) and (F), for the purposes of discussing the possible resolution of a contested Act 250 application to which the public body is a party and for the purposes of engaging in confidential attorney/client

communications with the Town's counsel made for the purposes of providing professional legal services to the Board in the form of advice and discussions relating to a proposed resolution by settlement with the Agency of Natural Resources, Fish and Wildlife Department in connection with the Town of Chester's water tower project. I further move that the Selectboard finds that the public disclosure of attorney/client communications in considering this settlement proposal will defeat the purpose for which the attorney/client privilege exists pursuant to V.R.E. 502, which is to foster a free and open exchange between an attorney and his or her client in connection with decisions which are made in the course of litigation.

August 29, 2016:

A motion was made by Dan Cote to approve the August 29, 2016 minutes of the Chester Selectboard Special meeting and Executive Session meeting record. Seconded by Ben Whalen. The motion passed.

2. CITIZEN'S COMMENTS:

There were no citizen's comments.

3. OLD BUSINESS:

Master Plan: David Pisha stated that SE Group will have a booth at the Fall Festival. The website should roll out this Friday. John DeBenedetti stated that Garrett Baxter had recommended that the Steering committee be an official committee appointed by the Selectboard.

Storm Water: David Pisha stated that Naomi and Julie are working on the paperwork to move this forward.

Single Home Town Roads: David Pisha stated that this is on the agenda. He recommends no action be taken but that further research be done.

Grafton Windfarm: David Pisha stated that he received a short video of a section of a turbine moving through a small town for any that want to see it.

Tree Inventory: Arne Jonynas stated that the results are in. He would like to put this on a future agenda. He stated that he will bring this up under new business.

Yosemite Fire House: David Pisha indicated that he is waiting on attorneys.

4. ECONOMIC DEVELOPMENT FUND PRESENTATION:

Gary Gibbs and Remus Preda were present from People's United Bank to provide an update of the investment funds. The Fund was opened approximately 1 year ago. Gary Gibbs provided the Strategy Insight as well as an Asset Allocation. He stated that 52% is invested in equity and the remainder is in bonds. Provided relative and absolute returns

to date. Gary Gibbs stated that there was a decent marketplace this past year and that he takes less risk with these funds. Everything is very liquid and easily tracked.

Dan Cote questioned the fees. Gary Gibbs explained that their fees are based on assets under management for the entire town. Remus Preda stated that it is approximately 1%. Dan Cote asked for the internal expense ratio of the funds.

Dan Cote asked for the genesis of this account and where are we going with it. John DeBenedetti explained that these funds used to be in a checking account. The Board decided a year ago to invest so that money could be earned. David Pisha stated that there is a realized gain of approximately \$10,000. Gary Gibbs stated that the Selectboard signed an Investment Policy at the initiation of this fund for the purpose of guiding the investment. Julie Hance stated that she will send out a copy of the agreement tomorrow.

Gary Gibbs stated that he encourages the town to continue on this investment path. David Pisha stated that this is a long term investment and should not be managed on a day to day basis. The town should create a growing fund to give more flexibility going forward to handle more loans.

5. REQUEST FOR A VENDING PERMIT:

Roger Hammond is applying for a vendor permit to operate a vendor cart in Chester. He is considering set up at the Bargain Corner on Main Street. He would also like to be able to vend at various events throughout town on town property. He is applying for September/October of 2016. Roger stated that he would only be set up during events where there is money is to be made.

A motion was made by Ben Whalen to approve a Vendor Permit for Roger Hammond. Seconded by Dan Cote. The motion passed.

6. REVIEW WARRANT SIGNING PROCEDURE:

John DeBenedetti noted that there has been an issue getting warrants signed. He mentioned some alternate methods of signing. The Board agreed that the way that it is being done is fine. They will make an effort to get in and sign warrants before noon on Thursdays.

7. 250TH CELEBRATION WRAP UP & TOWN FLAG:

Frank Kelley and Tom Hildreth were present to provide a wrap up to the 250th Celebration. Frank Kelley provided a summary of events of the weekend. These were all put together by volunteers within the community.

Frank Kelley stated that there is a desire to create a community time capsule to be placed in the town tomb. Discussion ensued. The Selectboard agreed that this is a good idea and instructed Frank Kelley and Tom Hildreth to move forward.

Tom Hildreth stated that David Shuffleberg from Springfield called him and let him know that he had made a flag of Chester. Tom Hildreth showed the flag that has been created. He explained that it demonstrates the 3 branches of the Williams River that come into town and leave as one. The Historical Society had also suggested that this could represent the 3 dates of Chester's creation. The lion represents the Chandler Family Code of Arms. Tom Hildreth presented the flag to the Town for their review and discussion.

8. CHILD SAFETY ORDINANCE DISCUSSION:

Mary Jane Miles had presented at a previous meeting the concept of adopting a Child Safety Ordinance for the Town of Chester. John DeBenedetti stated that the Town Manager and Chief of Police have reviewed the ordinance.

Richard Cloud stated that he has reviewed the ordinance. He stated that Rutland has a lot more levels of law enforcement which makes this policy easier for them to manage. He stated that there are levels of sex offenders that would need to be considered. Heather Chase stated that Rutland policy does not fit Chester, but questioned if Chief Cloud thinks that one should be done for Chester. He stated that he feels there really needs to be research done to see how these hold up in Court. Mary Jane Miles stated that these ordinances have been held up in Court. She stated that the ordinance states clearly where the sex offenders cannot live – it does not forbid them completely. This is what she is hoping to accomplish. Her concern is that the transitional people follow a different set of rules and are not regulated as strictly.

Mary Jane Miles expressed concerns regarding the GPS monitoring systems that are being used outside of GPS boundaries. Chief Cloud stated that the police department does work with the Department of Corrections in monitoring. Ben Whalen confirmed that the gray area is that this ordinance applies to all sex offenders. He questioned if an ordinance could be written for just a transitional housing.

Chief Cloud questioned the enforcement of the ordinance. Ben Whalen questioned how much money could be spent enforcing this ordinance. Dan Cote questioned if there is a way to make this enforceable. Chief Cloud noted that this is enforceable, however there is no way to collect the fines.

Mary Jane Miles stated that the purpose of the ordinance is to regulate where the housing cannot be. The exceptions listed are to accommodate for state laws that are required. The exceptions should remain.

The Board agreed that some more research should be done. Chief Cloud would like to talk with Rutland and suggested that the Town Manager talk with Jim Carroll to determine if this is a good idea. Chief Cloud would like to get a better understanding of how this plays with State law. Roy Spaulding stated that there is currently a transitional housing unit across the street from his house. He stated that he was told that the sex offenders are not currently registered because they are "in process". There is no GPS

signal at this location, the nighttime supervisor is allowed to sleep and there is 2500 acres of open land behind the house. He stated that they are not being monitored. He strongly encourages the Board to move forward with adopting some form of ordinance. Heather Chase stated that she would like to see the Police Chief follow up on the house that is being described.

It was hopeful that this would be on the first agenda in October. John DeBenedetti questioned how many towns have this ordinance. Chief Cloud and David Pisha will check with VLCT.

9. STONE HEARTH INN LETTER:

A letter was received from the Stone Hearth Inn requesting that a zoning bylaw be changed. They requested their district to be changed from A3 to CI which will allow for the sale of gasoline. John DeBenedetti stated that he feels that this is more appropriate for the Planning Commission. He further asked what State approvals have been obtained. Following discussion, it was agreed that the Selectboard does not have the authority to grant this permission. Rick Cloud stated that the State shut them down several years ago. David Pisha will issue a letter to the property owners.

10. SPEED MANAGEMENT:

Chief Rick Cloud was present to discuss speed management. Dan Cote stated that he sees a fair amount of speeding from his front porch. He feels that the speeding through town is prolific. Dan Cote stated that he is searching for a solution to control speeding without having to have a police officer sitting in town all of the time. Chief Cloud stated that the speed sign does help, but the battery dies quickly and there is only one. He stated that his budget request for next year is to purchase 3 radar speed signs. The new signs would also provide data that would help gauge when a police officer should be posted in key locations.

Dan Cote questioned if there are other tools available for the Police Department in areas where there is not a lot of traffic. Ben Whalen reminded of the CORE program which was implemented several years ago. He stated that there is very minimal use of the CORE program at this time. Chief Cloud stated that there is a man power shortage in the department.

11; SINGLE HOME TOWN ROADS:

David Pisha stated that this could be a large issue. He feels that the laws should be reviewed prior to discontinuing of any roads. It was also recommended to determine what other towns do, have VLCT review this item and perform some internal research. David Pisha also stated that there needs to be a procedure set forth prior to making any determinations. Heather Chase noted that there are approximately 3.42 miles of road and questioned how much this costs the town. Would it be worth the effort, Heather Chase stated that she would like to review the cost benefit first.

Derek Suursoo stated that he would like to see the published list of single home roads and thinks that it should be made available to those on the list. He cautioned the town to make sure that they do their research prior to making any decisions.

Following discussion, it was agreed that more research should be obtained prior to making any decisions. David Pisha will talk with Graham Kennedy regarding the savings that would come from this. It was agreed that this should be carried as an agenda item.

12. SIGN DRINKING WATER LOAN DOCUMENTS:

A motion was made by Heather Chase to authorize the Selectboard Chair to sign the Loan Agreement RF3-324-3.0 in the amount of \$3,725,763 at a negative interest rate for the water project. Seconded by Ben Whalen. The motion passed.

A motion was made by Ben Whalen to approve the General Obligation Bond in the amount of \$3,725,763. Seconded by Arne Jonynas. The motion passed.

A motion was made by Dan Cote sign the Resolution and Certificate in the amount of \$3,725,763. Seconded by Arne Jonynas. The motion passed.

13. ASSET MANAGEMENT GRANT:

A motion was made by Heather Chase to authorize David Pisha to sign the Grant Agreement paperwork for the Asset Management Grant. Seconded by Dan Cote. The motion passed.

14. SIGN LETTER TRANSFERRING JIFFY MART LIQUOR LICENSE:

A motion was made by Ben Whalen to authorize the Chairman of the Selectboard to sign the letter to the Department of Liquor Control for the Jiffy Mart location change. Seconded by Arne Jonynas. The motion passed.

15. NEW BUSINESS FOR NEXT AGENDA:

Arne Jonynas requested that the tree inventory results be an agenda item.

Arne Jonynas stated that he noted that the town benches have been refurbished. David Pisha stated that there is a community member that donated his time to refurbish benches on the Green.

The Board agreed that a Yosemite Fire House update should be coming soon. In addition, the Conflict of Interest Policy should be added once VLCT has reviewed it.

Dan Cote questioned if there are bathrooms at the pinnacle. Julie Hance noted that there are port-a-potties at the pinnacle. David Pisha noted that the new ice skating rink has been moved to the Pinnacle and is being constructed.

John DeBenedetti stated that AARP has listed Chester in an article as the best fall foliage destination.

The fall festival is happening September 17. SE Group has a booth so all are encouraged to stop in.

It was requested that there be an update of the new accounting software at the next meeting.

16. EXECUTIVE SESSION – TOWN MANAGER REVIEW:

A motion was made by Dan Cote to enter into executive session for the purpose of performing the annual review of the town manager. Seconded by Heather Chase. The motion passed. The board entered Executive Session at 9:31 p.m.

A motion was made by Arne Jonynas to exit Executive Session at 10:41 p.m. Seconded by Dan Cote. The motion passed. There was no action taken.

17. ADJOURN:

A motion was made by Ben Whalen to adjourn. Seconded by John DeBenedetti. The motion passed. The meeting adjourned at 10:42 p.m.

Julie Hance
Secretary of the Select Board

Heather Chase
Clerk of the Select Board

The SAPA-TV recording of this meeting is hereby made a part of the permanent minute record of this meeting.