

TOWN OF CHESTER  
BOARD OF SELECTMEN

June 6, 2018  
Minutes

PRESENT: Arne Jonynas; Heather Chase; Dan Cote; Lee Gustafson; David Pisha

VISITORS: Shawn Cunningham; Frank Kelley; Stephanie Bouvia; Laurie Scott; William Gorsky; Derek Suursoo; Lori Quinn; Hugh Quinn; Gary Rapanotti; Jim Carroll; Betsy Bosiak; Greg Heaton; Chris Meyer; Lee Whiting

The meeting was called to order at 6:30 p.m. by Chairman Jonynas.

There were no additions or deletions to the agenda. It was agreed that items 5 and 6 may be reversed.

1. APPROVAL OF MINUTES:

A motion was made by Dan Cote to approve the minutes of the May 16, 2018 Selectboard Meeting. Seconded by Heather Chase. The motion passed.

A motion was made by Lee Gustafson to approve the minutes of the May 17, 2018 Special Selectboard Meeting. Seconded by Heather Chase. The motion passed.

2. CITIZEN'S COMMENTS:

Frank Kelley was present representing the Chester Conservation Committee and Green Up Day Chair. He stated that out of 250 Green Up bags received, 249 were filled. Frank Kelley informed the Board that there are some sections of the town that appear to be targeted and would like to get the word out about not throwing garbage on the side of the road. He also thanked everybody involved in the Green Up Day process. Frank Kelley stated that Vermont Coffee has donated 2 pounds of coffee to each town. He stated that he would like to give the coupons to Suzy Forlie and Don and Nena Huffer for their dedication over the years.

3. OLD BUSINESS:

Implementation Committee: David Pisha stated that the next meeting of the Implementation Committee is June 12 at town hall at 10:00 a.m.

Stormwater/Water/Sewer: David Pisha stated that the final details are being completed on the water project and it is very close to completion.

EMS Building: David Pisha stated that the last meeting of the Building Committee was this past Monday. He reported that progress is being made. Lee Gustafson will be gathering the information from the Flood Plain Manager for the State of Vermont. David Pisha stated that he is identifying funding potentials within the budget that would be available to help pay for some design fees.

Salvage Yard Ordinance: David Pisha indicated that Jim Carroll is present to discuss the Salvage Yard Ordinance this evening.

Heather Chase stated that she and Arne Jonynas met with Springfield Hospital about the removal of the Health Center from Chester. She stated that they met for about an hour. Heather Chase stated that there is nothing that can be done at this time as the decision has been made. She expressed her disappointment that Chester has representatives on the hospital board and that there was no communication with the town. Arne Jonynas stated that the decision was based primarily on a financial issue.

The Board stated that there are phone numbers available if people need rides to a medical facility.

Arne Jonynas stated that Seeley Morton requested the Board to review the markers at the Pinnacle. He asked David Pisha to review this.

Arne Jonynas questioned the status of the gravel project. David Pisha stated that Jim Goss has been working with ANR and Naomi Johnson about the boundaries for the easements.

4. FOOD TRUCK PERMIT:

Laurie Scott and her daughter, Stephanie Bouvia, were present to request a vendor permit. Stephanie Bouvia explained her journey with ovarian cancer. She stated that she has realigned her desires and would like to operate a food truck at the Chester Recreation events. She is choosing this venue due to late nights that youth sports can create for families. Stephanie indicated that her food truck would not compete with other fundraising that the recreation department does. Matt McCarthy is in agreement with the proposal.

David Pisha indicated that it would be difficult to identify each event as there are many practices and games. He felt that Matt McCarthy could work out these details throughout the summer.

A motion was made by Dan Cote to approve the vendor permit presented by Stephanie Bouvia. Seconded by Heather Chase. The motion passed.

5. CHESTER ANDOVER PLAYGROUND EQUIPMENT:

Chris Meyer was present to provide an update on the Chester Andover playground equipment. The playground committee has received \$150,000 from a grant for the

construction of a new playground area. Chris Meyer also stated that there will be a larger garden installed as well as a pavilion.

Chris Meyer stated that the old structure will be removed at the end of June. Arne Jonynas stated that there was a strong community effort put forth to construct the old playground. The new structure is anticipated to be constructed in August.

A question was raised about the time capsule that is buried under the playground. Frank Kelley suggested that the time capsule be opened and a new one created and buried. This will be discussed and considered.

6. AUTUMN EVENT:

Lee Whiting was present to discuss an event that he would like to host in Chester on Columbus Day weekend. He stated that they are wanting to host a Wheels in the Field event. It will take place primarily at the new field purchased by the Legion.

Lee Whiting stated that he would like to use the Town Green on October 6 for a Porsche car show. Lee Whiting stated that the business owners are in support of closing the Green on this afternoon. Dan Cote suggested speaking with Newsbank and the Elementary School about overflow parking.

Lee Whiting stated that he would like to use the Pinnacle for a historic Scottish Trials on October 5, 6 and 7<sup>th</sup>. This would involve the entire Pinnacle area. This event would not tear up the grounds at the Pinnacle.

Lee Whiting stated that he would like to utilize the banner location coming into town. They would like to hang a banner beginning in August to be removed after the event is over. They would leave room for the Fall Festival banner to be hung as well.

Lee Whiting indicated that insurance has been secured for the weekend. He further indicated that there will be a coffee rally on Sunday morning. There will also be guided rides throughout the weekend. Lee Whiting indicated that the weekend will have an Octoberfest theme. The local businesses are in support and are willing to participate in the weekend. Saturday night there will be a banquet at the American Legion.

Lee indicated that he has met with the Police Chief, Matt McCarthy, the Town Manager and Julie Hance. All of these individuals were in support of the weekend.

Michael Normyle suggested that the town provide some matching money for advertising to help put this event on the map. Lee Gustafson stated that he would like David Pisha to look into the town participating in advertising.

A motion was made by Heather Chase to approve the use of town property from October 5 through October 7 for the events stated herein. Seconded by Dan Cote. The motion passed.

7. SALVAGE YARD ORDINANCE:

Jim Carroll was present to discuss the Salvage Yard Ordinance and any questions that have come up. Heather Chase indicated that she would like to move forward and tweak the document later as needed. Arne Jonynas agreed that it is time. He stated his opinion that the intention of this ordinance is not to go crazy, but to help clean up the worst offenders.

Lee Gustafson had questions relative to the enforcement of the ordinance. Jim Carroll stated that this ordinance does not require any mandatory duty to enforce. It is another arrow in the quiver. Jim Carroll also explained that there are different avenues of enforcement, such as judicial ticket or seeking injunctive relief. Jim Carroll explained the process: a complaint would be filed; the enforcement officer would gather documented evidence to support the complaint; a letter would be issued to the landowner; if no response, then the enforcement officer would determine the next steps.

Heather Chase indicated that there may be ways for the town to help as well in cleaning up properties. Jim Carroll stated that the town should be cautious about the help that it offers because of potential of liabilities. This would be a conversation that should be brought before the Selectboard for the final decision. Heather Chase indicated her preference that the town be willing to work with people instead of going straight to fines and court.

Derek Suursoo questioned that if he has a small pile of “junk” on his property, does he need to have a permit? Jim Carroll stated that as described, the answer would be no. However, if there are large quantities that are being disposed of because they have no use for you anymore, then you may have a salvage yard. He further indicated that there will never be a solid definition of “junk”. Arne Jonynas stated that there is the discretion of the Board to decide what gets enforced. There will never be an ordinance that answers all of these questions.

It was also discussed that there is language about “visible from the road” that helps in determining what properties are identified. Jim Carroll stated that the language “visible from the road” is in the enabling legislation. Concerns were raised about the actions of future boards. Jim Carroll stated that there will always be questions relative to interpretation. He further indicated that all ordinances have potential enabling issues and constitutional issues that courts will have to deal with.

Derek Suursoo also confirmed that junkyards are not discussed in the Zoning Bylaws. Jim Carroll stated that this ordinance is saying that you need to get a salvage yard permit from the State of Vermont, who is the permitting authority. However, it also says that the town may need to weight in about the location of the salvage yard. He further clarified that salvage yards are not permitted under zoning. It is a separate regulatory document.

Michael Normyle suggested that there could be an issue with only “visible from the highway”. There may be a neighbor that has to look at the pile, but it is not technically

visible from the highway. Gary Rapanotti expressed his concerns about the visibility language. Jim Carroll stated that both situations are being covered in this ordinance.

A comment was made that the enforcement should not be based on quantity, but on the hazard.

Lee Gustafson stated that it is generally his opinion that less regulation is better. However, he does recognize that there are times when regulation needs to be established for health and safety issues. He further expressed his opinion that each person should take personal responsibility for their issues and actions.

A motion was made by Lee Gustafson to approve the Salvage Yard Ordinance pending typographical amendments. Seconded by Dan Cote. The motion passed.

8. SUNOCO EASEMENT:

Jim Carroll was present to discuss the easement that the Board wanted to maintain behind the Sunoco Station. He stated that he has tried to negotiate a 20 foot easement along the river. He also asked for a 10 foot easement between the Country Girl Diner and Sunoco and a 10 foot easement along the east side of the property.

Jim Carroll stated that when Sunoco laid out the site for the project, they identified that there is really only 5 feet on either side of the property available for easement space. This would limit the usage to pedestrian only. In addition, they have identified a 15 foot easement along the back of the property but it includes the embankment.

Jim Carroll suggested that the Board accept what is being proposed by Sunoco. However, what is being proposed will not be conducive to a walking path with picnic tables.

Following discussion, the Board agreed to keep the 5 foot easement between Sunoco and Country Girl Diner, the 5 foot easement on the east side of the property as well as the 15 foot easement behind the property.

9. GREEN MOUNTAIN POWER EASEMENT:

Green Mountain Power was present to discuss a reconstruction project that is taking place near the recreation area on Lovers Lane. They are trying to eliminate a lot of the lines that run through that area which is primarily phase 2 power. They are proposing that the power go underground from the tower access road to across Lover's Lane Road. This would also require refeeding the town pool, which Green Mountain Power will pay for. There would be some town electrician time with the pumps that would be the expense of the town. This project would remove most of the lines in the recreation area.

Arne Jonynas questioned if it could all be buried. GMP indicated that they would look into it and see if it would fit. It would require a 20 foot easement across the town

property. In addition, it would require additional lines be buried because of safety standards. Green Mountain Power agreed to look further into burying the lines and if the area will support it.

Arne Jonynas questioned how telecommunications works with this. GMP indicated that they will contact VTel and Comcast about burying their lines as well. Arne Jonynas expressed his opinion that any lines not being utilized should be removed from the poles.

10. POPPLA DUNGEON:

A motion was made by Lee Gustafson select Alternative C as the preferred alternative for the replacement structure for Popple Dungeon Bridge/Culvert. Seconded by Heather Chase. The motion passed.

Heather Chase stated that she feels that this alternative meets the needs of the people in the area and creates a long lasting structure. The Board agreed.

11. CHURCH STREET SCOPING STUDY:

Julie Hance stated that she is requesting permission to apply for a Scoping Study for a future sidewalk/walking path on Church Street.

A motion was made by Heather Chase authorize Julie Hance to apply for the 2018 Bike/Ped Grant for a scoping study of Church Street and a potential sidewalk/walking path. Seconded by Lee Gustafson. The motion passed.

12. LIQUOR LICENSE:

The Selectboard signed the Liquor License for Jiffy Mart.

13. CEMETERY DEED:

The Selectboard signed the Cemetery Deed.

14. SIGN 2018 BOND DOCUMENTS:

A motion was made by Lee Gustafson to sign the Resolution and Certificate for the 2018 general obligation bonds for capital improvements and equipment. Seconded by Heather Chase. The motion passed.

A motion was made by Lee Gustafson to sign the Municipality Tax Certificate for the 2018 general obligation bonds for capital improvements and equipment. Seconded by Heather Chase. The motion passed.

A motion was made by Dan Cote to authorize the Selectboard Chair to sign the Loan Agreement in the amount of \$669,000 for the 2018 general obligation bonds for capital improvements and equipment. Seconded by Lee Gustafson. The motion passed.

A motion was made by Lee Gustafson to sign the General Obligation Bond in the amount of \$669,000 for the 2018 general obligation bonds for capital improvements and equipment. Seconded by Dan Cote. The motion passed.

15. NEW BUSINESS:

Lee Gustafson questioned if the pavilion at the Pinnacle is completed. Julie Hance confirmed that it is not done.

The Board discussed the next meeting date. It was agreed to set the next date for July 3, 2018 at 5:00 p.m.

Arne Jonynas stated that he would like to begin the review of the Town Manager at the 2<sup>nd</sup> meeting in July.

Lee Gustafson stated that Graham Kennedy will be retiring in the next couple of years. He would like to be thinking about a succession plan.

16. ADJOURN:

A motion was made by Dan Cote to adjourn. Seconded by Lee Gustafson. The motion passed. The meeting adjourned at 8:59 p.m.

Julie Hance  
Secretary of the Select Board

Ben Whalen  
Clerk of the Selectboard