

TOWN OF CHESTER  
BOARD OF SELECTMEN

April 4, 2018  
Minutes

PRESENT: Arne Jonynas; Heather Chase; Ben Whalen; Lee Gustafson; David Pisha

VISITORS: Shawn Cunningham; Julie Hance; Gladys Collins; Derek Suursoo; Melissa Howe; Michele Bargfrede; Frank Bidwell; Gary Rapanotti; Kevin Corliss; Ed Knapp; Lori Quinn; Hugh Quinn; Tim Roper; Lisa Kaiman

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

There were no additions or deletions to the agenda.

1. APPROVAL OF MINUTES:

The Board postponed the approval of the March 15, 2018 minutes due to a lack of quorum.

A motion was made by Lee Gustafson to approve the minutes of the March 21, 2018 Selectboard meeting. Seconded by Ben Whalen. The motion passed.

2. CITIZEN'S COMMENTS:

Melissa Howe from Endless Creations was present to discuss a letter she received from the Zoning Administrator. She stated that she received a letter stating that most of her signage was illegal and she had to remove it. She stated that she has an issue with having to take down the signage that indicates what she does within her store. There are several other businesses in town that have this same type of signage.

Arne Jonynas stated that he would like to review the background of this situation to see what is happening. He also stated that the job of the Zoning Administrator is to enforce the zoning regulations. Melissa Howe stated that she has been told that she has no recourse. Arne Jonynas stated that the town wants to be a business-friendly town. They will look into this matter and get back to Melissa Howe.

Michele Bargfrede stated that she is also a local business owner and is at this meeting in support of Melissa Howe. She stated that Endless Creations is on a corner and a freestanding sign is not an option for her, so it seems like she could have some flexibility to have signage on both ends of the building. She would like to see the town remain business friendly.

Frank Bidwell reminded that the Zoning Administrator has to enforce the bylaws literally. The bylaws have to be clear cut and defined for enforcement purposes. Michele

Bargfrede stated she is frustrated that it does appear that the bylaws are not being enforced fairly.

3. SALVAGE YARD:

Jim Carroll was present to discuss a draft Salvage Yard Ordinance. Arne Jonynas stated that this was brought about by several citizens who appeared before the Selectboard some time ago.

Jim Carroll reviewed the statutes that apply to salvage yards and junk yards. He stated that the existing zoning regulations do not have a defined use relative to junk yard or salvage yard. They do refer to “land use development” which requires a permit which could produce a potential zoning violation. Jim Carroll also stated that the Selectboard is also appointed by the State of Vermont to be the local board of health. This can come into play if there is a public health hazard.

Jim Carroll stated that the Selectboard does have authority to adopt an ordinance that is a stand-alone document. He then reviewed the individual authorities that are given to the Selectboard. The enforcement of this ordinance would be handled through the Judicial Bureau which would yield a civil fine or ticket. He further explained that the collection of fines can be difficult and can take quite a bit of time. Jim Carroll stated that this should not preclude the town from adopting an ordinance, but that the town should consider the enforcement of any ordinance it adopts. Heather Chase questioned if not enforcing the ordinance puts the town at risk. Jim Carroll noted that there is no exposure to the town but that there would be a fairness question raised. He encouraged the Board to be willing to enforce any ordinance it adopts.

Lee Gustafson questioned if there was a way to incentivize properties to clean themselves up. Jim Carroll stated that he is not aware of any other than for a town to volunteer to clean up a property. He cautioned the Board to do due diligence before taking this step. Frank Bidwell questioned if the town cleaned up a property is there anything requiring the property owner to keep it clean. Jim Carroll explained that there could be if it is being done by a Court Order.

Jim Carroll stated that there is some difficulty in determining when a property has crossed a line and is required to clean up their property.

Gary Rapanotti stated that there was an issue last year where a vehicle was creeping out into the town road. He questioned how safety issues could be addressed. Jim Carroll stated that the town would not be looking to this ordinance to fix a situation within the town’s right of way they would be looking at a Title 19 action. Again, it would need to be backed based on facts, testimony and evidence. Section 1111 enables a municipality to allow use within a town’s right of way. If there is an obstruction of the traveled portion, the town does have recourse to do something. If it is within the right of way on the side of the road, the recourse is not cut and dry because the landowner owns the land underneath.

Gladys Collins stated that she has reviewed the Salvage Yard laws. She read definitions that she had found. These laws require a permit from the State of Vermont to operate a salvage yard. Jim Carroll indicated that there is some authority for the town to step in when the State is not. He discussed again the process of litigation and the expense of actually effectuating change. Discussion also ensued regarding the process of mediation that could be used during the process. A suggestion was also made to threaten the process as many of these people live in these properties and they don't to lose their property. Jim Carroll again cautioned about needing to enforce ordinances that have been adopted. Gary Rapanotti stated that simply sending a letter with a copy of the ordinance to the violators could go a long way.

Jim Carroll stated that he would not advise the town to move forward without the adoption of an ordinance.

Several individuals commented that the town needs to do something about this ordinance and begin the process. David Pisha will write a letter to the State regarding the Route 11 property and cc Jim Carroll.

4. BUDGET COMMITTEE:

Jim Carroll stated that he has done some research on Budget Committees. He did indicate that budget committees are not typically appointed by the voters. Also, Chester has a town manager who prepares the budget. Jim Carroll stated that the legislature did not give authority for advisory budget committees until 2013. Chester has had one since the 1950s. Jim Carroll's comments are attached to these minutes.

Jim Carroll stated that if the Board decides to elect budget committee members, there should be an article that the voters approve. The Selectboard can appoint budget committee members and not have them elected.

Ben Whalen stated that the budget is the job of the Town Manager. Any individual who comes to the budget meetings can give their input at any time.

Derek Suursoo thanked the town for the research. He indicated that in order to get information from the League he would need to be part of a committee. Arne Jonynas indicated that the town would gather any information that was needed for any citizen.

Jim Carroll recommended that the Board present an article before the voters to clear up the Budget Committee, either elect, appoint or dissolve.

5. ZONING ADMINISTRATOR POSITION:

Jim Carroll discussed the Zoning Administrator position and its interactions with other town boards. A copy of the outline is attached to these minutes. The Zoning Administrator is responsible for the issuance of permits and the enforcement of those permits. He also works with the DRB in their quasi-judicial capacity.

Jim Carroll stated that the Zoning Administrator is a causal employee. He can be removed with recommendation from the Planning Commission. The terms of employment and salary are fixed by the Selectboard. He is subject to the Personnel Policy which has a disciplinary process. However, he is not “at will” he is “causal” and the Planning Commission has to be a part of that process. Heather Chase questioned the management of the Zoning Administrator. Jim Carroll indicated that the Town Manager would serve this role. However, there are roles that the Zoning Administrator has to serve, such as enforcement. The Selectboard authorizes the spending relating to the enforcement. This is typically when an action goes to the Environmental Court.

Should termination take place, this would be investigated by the Town Manager, consulted with the Planning Commission and then presented to the Selectboard for final determination.

Lisa Kaimen requested that whoever is appointed be required to treat every property owner fairly.

Ben Whalen requested that the disciplinary actions of the zoning administrator be written into the Personnel Policy when the next changes are made.

6. YOSEMITE FIRE UPDATE:

Jim Carroll stated that an order has been issued by the Court that declares the Yosemite property to be owned by the town in fee simple. There is a 30 day appeal period of this Order. Upon completion of this appeal period, an appropriate title insurance policy will be issued.

7. SANDRI PURCHASE & SALE:

Jim Carroll stated that he has reviewed the Purchase & Sale Agreement. There are some things to work out such as the description of the easement.

A motion was made by Ben Whalen to authorize the Town Manager to sign the Purchase & Sale Agreement with Sandri, Inc. Seconded by Lee Gustafson. The motion passed.

8. FIRST CLASS LIQUOR LICENSE:

The Board did not sign the First Class license for Stone Hearth as the education requirement has expired.

9. ENTERTAINMENT PERMIT

The Board signed the Entertainment Permit for Stone Hearth Inn.

10. GMUHSD APPOINTMENT:

A motion was made by Ben Whalen to appoint Michael Studin to the Green Mountain Unified School District. Seconded by Lee Gustafson. The motion passed.

11. LOCAL EMERGENCY OPERATIONS PLAN:

A motion was made by Heather Chase to authorize David Pisha to sign the Local Emergency Operations Plan. Seconded by Ben Whalen. The motion passed.

12. NEW BUSINESS:

Lee Gustafson stated that he would like to discuss how to handle complaints that come to the Board. The Board discussed that the first line of communication is the Town Manager and does not always belong at the Board level. Discussion ensued. Frank Bidwell expressed his concerns that some of the complaints are from people who are aware of the requirements.

The Salvage Yard Ordinance should be discussed at an upcoming meeting.

13. ADJOURN:

A motion was made by Lee Gustafson to adjourn. Seconded by Ben Whalen. The motion passed. The meeting adjourned at 9:14 p.m.

Julie Hance  
Secretary of the Select Board

Ben Whalen  
Clerk of the Selectboard