

Selectboard Meeting Minutes

Chelsea Old Town Garage Public Meeting Minutes

July 25, 2017

Selectboard Members Present: Joan Goodrich (Chair), Susan Elder, Greg Kotyk, Ruben Hook

Other Town Officials Present: Maggie Kerrin (Town Administrator), Rick Ackerman (Road Foreman), Linda Kuban (Health Officer), Anne Carroll (Development Review Board)

Others Present: Marty Gratz, Bill Smith

The meeting was called to order by Joan Goodrich at 5:30 pm.

There were no disclosures of conflicts of interest and no changes to the agenda.

The Board and the community members present discussed the pros and cons of keeping the Old Town Garage or continuing with the FEMA Buyout process and demolition of the building. After considerable discussion, the overall consensus was to keep the Old Town Garage and discontinue the FEMA Buyout. Some strong points supporting that decision were: loss of current storage space for highway and fire department equipment, storage of park benches and trash cans during winter, cost of continual upkeep of property after demolition, and the potential cost of soil testing were the garage to come down. The meeting adjourned at 6:20 pm. with the Selectboard Meeting following in the Chelsea Public Library at 6:30 pm.

Chelsea Selectboard Meeting Minutes

July 25, 2017

Selectboard Members Present: Joan Goodrich (Chair), Michael Kuban (Vice Chair), Susan Elder, Greg Kotyk, Ruben Hook

Other Town Officials Present: Maggie Kerrin (Town Administrator), Rick Ackerman (Road Foreman), Tim McCormick (Zoning Administrator), Anne Carroll (Development Review Board)

Others Present: Marty Gratz, Bill Smith, Steve Gallagher, Arnold Preston, Dorothy Jamieson Brown (Chelsea Health Center), Wendy McCullough (Chelsea Health Center)

The meeting was called to order by Joan Goodrich at 6:30 pm.

There were no public comments and no conflict of interest disclosures.

Changes to the Agenda:

Add: Library Funds
Vermont Computing
VTRANS/FEMA Discussion
Transfer Station Building Update
Old Town Garage

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Approve Minutes of July 11, 2017

Motion by Susan Elder, second by Ruben Hook, to approve the minutes, as amended by Joan, with the following changes: Under Recent Storm Damage add, "The Fire Department and Emergency Management stated there were no costs to submit to FEMA" and under Development Review Board-Planning Commission-General Discussion Regarding Intent of the New ByLaws, modify the second sentence to read, "The Selectboard has received the new wording for the areas of concern at the previous Selectboard hearing on the ByLaws." All were in favor, so moved.

Mini Cell Phone Tower – Renaming Section of Road that Juts off Vermont Route 110

Maggie explained to the Board and residents the reasoning for the need to rename the portion of road that juts off Vermont Route 100 due to the installation of a mini cell phone tower. The cell phone tower E911 address conflicts with the home address of Mr. Arnold Preston. Mr. Preston explained that this is not a road, but rather his driveway which he currently allows to be shared by the Orange County Police Department and the Chelsea Health Center. Maggie will reconnect with Tyler Hermanson at the Enhanced E911 and get further clarification regarding this matter.

First Branch Ambulance Contract

The Board reviewed the First Branch Ambulance (FBA) Contract as presented. The Board requested the contract dates to be from August 1, 2017 with expiration date of April 1, 2019. The primary outstanding question is as follows: Will it still remain that the residents only get billed for what is covered under their insurance with First Branch Ambulance taking on the rest of the costs? Will it stay the way it has always been? Maggie will follow up with Linda Kuban regarding this question.

Old Town Garage-FEMA Buyout

The Board discussed the Old Town Garage Public Hearing that previously occurred at 5:30 P.M. in the Chelsea Town Hall. Greg stated that 100 percent of the community (4 people) all voted in favor of keeping the Old Town Garage and not pursuing the FEMA Buyout. Cons supporting this decision included having to find a place to relocate all the equipment currently stored there, not being able to ever build on that spot again, and the potential costs of having to have the soil tested. Ruben stated that there are more options if we keep the building versus demolition. Rick reminded everyone that the Town well is location right behind the Town Garage. Greg stated that the Old Town Garage currently shares a valuable purpose.

Motion by Ruben Hook, second by Mike Kuban, to keep the Old Town Garage and withdraw from the FEMA buyout. Greg Kotyk, Mike Kuban, and Ruben Hook in favor, Susan Elder opposed. So moved.

Development Review Board – Members

The Board discussed the current situation regarding lack of members on the Development Review Board (DRB) after the resignation of one member, and the potential resignation of the Chair and another member, leaving only 3 remaining DRB members. Tim McCormick, Zoning Administrator, shared some guidance from Vermont League of Cities and Towns regarding appointing alternates to the Board. Maggie stated that she had put a notice on Front Page Forum for both the DRB and the Planning Commission, but had not received any responses to date. The Board will continue seeking interested parties in order to accommodate upcoming hearings.

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Highway Department

VTRANS/FEMA Discussion

Joan explained the recent conversation she had with Chris Bump from VTRANS regarding FEMA documentation needed to receive funds for the storm damages in early July. Maggie and Rick will be working collaboratively to document all road damage, equipment, materials, and labor costs associated with the storm in order to accommodate FEMA requirements as stated by Chris.

Bridge 9 and Bridge 11 Construction – Post Event Overview

A brief discussion was held about the overall experience of the Bridge 9 and Bridge 11 reconstruction projects. Consensus was that, except for the main water line break experienced during the early stages of Bridge 11, all else went quite smoothly.

Future Bridge Repair Fund (Local Share)

Maggie suggested that the Board consider placing remaining Bypass Grant monies from Bridge 9 and Bridge 11 into a committed Future Bridge Repair Fund. Doing so would leave these monies for future Town costs associated with any bridge repairs done in Chelsea; either in collaboration with State Grant funding or those bridges that are covered solely with Town funds. Rick asked that some of these monies also be used for signage.

Moxley Bridge Grant – Request for Proposal (RFP) Review

The Board reviewed the Moxley Bridge Grant RFP and plugged in some dates for RFP publication (August 3rd), the mandatory pre-bed site inspection (August 16th), proposal due dates (September 5th), and the opening and awarding of the contract (at the Selectboard meeting the evening of September 5th). Maggie will submit the RFP to the Randolph Our Herald, for publication on August 3rd.

Set the Tax Rate

The Board reviewed the information provided by Jane Cushman, Town Treasurer, regarding the 2017 Tax Rate.

Motion by Susan Elder, seconded by Mike Kuban, to adopt the Tax Rate of 0.6741 as submitted by the Town Treasurer. All were in favor, so moved.

FEMA Update – Appraisal Letters

The Board reviewed the draft letter for FEMA Buyout residents to sign agreeing to pay their 25% of the cost of appraisals needed for their homes for the FEMA Buyout program. Maggie explained that she will contact the participating residents and request their signature on these forms so that when/if the FEMA Buyout grant is approved and confirmed (anticipating by the end of September), the Town can move forward with the appraisal and digital recordation aspects of the homes in this program.

Transfer Station Building

Joan will be contacting Jim Coffey to arrange having the wiring completed on the new Transfer Station building.

Water/Wastewater

Electronic Discharge Monitoring Reports Update

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Maggie met with David DiDomenico and Allison Lowry regarding the necessary forms for Nolan and Kent to sign up/create accounts for the new electronic reporting mandated by the State. Anticipated reporting start date is August 15, 2017. Per Allison and David, the State will allow extension to this timeline, if needed, due to the Town's need to update technology and emails to accommodate this reporting requirement. Internet needs to be connected at the Water/Wastewater station in order to accommodate this reporting. Maggie will be contacting Fairpoint to get the internet connected.

Town Administrator/Town Treasurer Office Lease Renewal Update

The Board reviewed the office rental renewal contract for the Town Administrator/Town Treasurer office space. This lease reflects a \$25.00 per month increase for the office space (up from \$550.00 to \$575.00).

Motion by Susan Elder, second by Mike Kuban, to sign the commercial lease agreement as presented. All were in favor, so moved.

Animal Control Ordinance/Dog Ordinance - Draft

The Board reviewed the Animal Control Ordinance/Dog Ordinance Draft titled Town of Chelsea, Vermont Ordinance Regulating Dogs and Wolf Hybrids.

Motion by Greg Kotyk, second by Ruben Hook, to adopt the Town of Chelsea, Vermont Ordinance Regulating Dogs and Wolf Hybrids, as presented. All were in favor, so moved.

Review/Adopt Zoning Bylaws

The Board discussed the Zoning Bylaws received prior to last Selectboard meeting.

Motion by Susan Elder, second by Mike Kuban to adopt the Zoning ByLaw as presented. All were in favor, so moved.

Maggie will post a notice in the Randolph Our Herald stating the date and time of a public hearing regarding these new Zoning Bylaws. The meeting will occur on September 5th, at 6:00 P.M., in the Town Hall, prior to the Selectboard meeting that evening.

Goat Trailer – Orange County Sherriff Department

Joan shared with the Board a recent phone call/experience she had regarding goats that were being kept in a trailer in Town. It took several phone calls to several different state and local agencies before assistance was gained in this matter. Joan expressed that she would like consideration of a constable established in Town again to help alleviate matters of legal concern/difficulties in future.

Executive Session – Legal

Susan Elder moved to go into executive session at 9:05PM (Legal) after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage. Mike Kuban seconded the motion. All were in favor so moved. The Town Administrator and Zoning Administrator were invited to stay.

Susan Elder moved to exit executive session at 9:35 PM. Mike Kuban seconded the motion. All were in favor, so moved.

No action was taken.

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Town Administrator

Maggie revisited the discussion of the handling of Town Funds; this time in reference to Library funds. Per the Board's recommendation, Maggie will be contacting the Trustees of the Public Library Funds Chair to discuss this matter. Maggie informed the Board that she was prepared to terminate the services provided by Vermont Computing Cooperative. The Board had no concerns with doing so.

Approve Orders

The Board reviewed the orders and signed all except the Recreation Committee orders.

Susan Elder moved to approve the orders, except for the Recreation Committee. Mike Kuban seconded the motion. All were in favor, so moved.

Adjourn

Mike Kuban moved to adjourn the meeting at 9:58PM. Greg Kotyk seconded the motion. All were in favor, so moved.

TOWN OF CHELSEA, VERMONT
ORDINANCE REGULATING DOGS AND WOLF-HYBRIDS

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Chelsea, Vermont under authority of 20 V.S.A. § 3549, 20 V.S.A. § 3581, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs and wolf hybrids and to provide for their leashing, muzzling, restraint, impoundment and destruction, and their running at large, so as to protect the public health and safety of the Town and the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

- A. "Domestic animal" means cattle, sheep, goats, equines, deer, American bison, swine, poultry, pheasant, Chukar partridge, Coturnix quail, psittacine birds, ferrets, camelids, ratites (ostriches, rheas, and emus), and water buffalo. The term shall include cultured trout propagated by commercial trout farms.
- B. "Domestic pet" or "pet" means any domestic dog, domestic cat, or ferret.
- C. "Dog" means any member of the canine species. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.
- D. "Enforcement Officer" means any Town Constable, Police Officer, Animal Control Officer, Humane Officer, or any other person designated as an Enforcement Officer by the Selectboard.
- E. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- F. "Vicious Dog" means a dog that (1) bites a person; and (2) that the bite takes place off of the premises of the dog's owner; and (3) the person who is bitten requires medical attention (per 20 V.S.A. § 3581).
- G. "Potentially vicious dog" means a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or domestic animal; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- H. "Running at large" means that a dog is not:
 - 1. on a leash;
 - 2. in a vehicle;
 - 3. on the owner's premises;
 - 4. on the premises of another person with that person's permission;
 - 5. clearly under the verbal or non-verbal control of the owner; or
 - 6. hunting with the owner.
- I. "Wolf hybrid" means:
 - 1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
 - 2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
 - 3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

J. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to State law.

SECTION 4. NUISANCES.

A. **Prohibitions.** An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

Nuisance One: Lack of current license and/or rabies tag

A dog off the premises of the owner without a collar or harness with the current license and/or valid rabies tag securely attached.

Nuisance Two: Running at large

A dog running at large in the Town.

Nuisance Three: Failure to remove waste

A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.

Nuisance Four: Unconfined dog in heat

A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.

Nuisance Five: Disturbing the Peace

A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of 30 minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the Town's Zoning Regulations. The zoning permit will govern the use of the kennel / boarding facility.

B. **Exemptions for Working Dogs.** The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:

1. The working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
2. The working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.

SECTION 5. COLLAR AND LICENSE. Each dog, 6 months and older, shall be licensed annually, on or before April 1st of each year, and according to the laws of this State and shall wear a collar or harness with the current license attached. Mailed licensing requests must be postmarked on or before April 1st. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be in violation of this Ordinance and may be immediately impounded.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Orange County Superior Court, at the election of the Selectboard and/or Enforcement Officer.

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Selectboard Member and/or Enforcement Officer shall have authority to issue tickets and represent the Town at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Chelsea may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

A. The Enforcement Officer is authorized to recover civil penalties for violations of this Ordinance in the following amounts for each violation:

Lack of current license and/or rabies tag

1st Offense: warning or \$50 fine	Waiver Fee: \$25
2nd Offense: impoundment and \$100 fine	Waiver Fee: \$50
3rd & Subsequent Offense: impoundment and \$200 fine.	Waiver Fee: \$100

Running at large

1st Offense: warning or impoundment and \$200 fine	Waiver Fee: \$100
2nd Offense: impoundment and \$400 fine	Waiver Fee: \$200
3rd & Subsequent Offense: impoundment and \$600 fine	Waiver Fee: \$300

Failure to remove waste

1st Offense: warning or \$50 fine	Waiver Fee: \$25
2nd Offense: impoundment and \$100 fine	Waiver Fee: \$50
3rd & Subsequent Offense: impoundment and \$200 fine	Waiver Fee: \$100

Unconfined Dog in Heat

1st Offense: warning or impoundment and \$200 fine	Waiver Fee: \$100
2nd Offense: impoundment and \$400 fine	Waiver Fee: \$200
3rd & Subsequent Offense: impoundment and \$600 fine	Waiver Fee: \$300

Disturbing the peace

1st Offense: warning or \$100 fine	Waiver Fee: \$50
2nd Offense: \$200 fine	Waiver Fee: \$100
3rd & Subsequent Offense: \$300 fine	Waiver Fee: \$150

B. The Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

C. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12-month period of the anniversary day of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.

D. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.

SECTION 8. IMPOUNDMENT.

A. **Grounds for Impoundment.** Any dog may be immediately impounded if the dog:

1. has been determined by an Enforcement Officer to be a "vicious dog" or "potentially vicious dog," or which presents an imminent danger to people or other animals;
2. has reportedly bitten a person off the premises of its owner; or
3. is in violation of State licensing law or 20 V.S.A. § 3806 may be immediately impounded.

B. **Notice of Impoundment.** The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner's dwelling. Such notice shall inform the owner of the nature of the violations, the location of the dog and the steps that are necessary to have it returned to the owner.

If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk's office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the town's custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town for treatment, boarding and care of the dog, any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the town may place the dog in an adoptive home, transfer it to a humane society or rescue organization. If the dog cannot be placed in an adoptive home or transferred to a humane society or rescue organization, it may be destroyed in a humane way.

- C. **Release from Impoundment.** Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, and veterinary expenses), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be placed in an adoptive home, transferred to a humane society or rescue organization, or if the town is unable to transfer the dog it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.

- D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.

SECTION 9. INVESTIGATION OF VICIOUS DOGS.

- A. When a dog has bitten a person while the dog is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.
- B. The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and a copy of the complaint.
- C. If the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.
- D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the

Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

SECTION 10. POTENTIALLY VICIOUS DOGS.

A person claiming a dog is a "potentially vicious dog" may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing. Upon receipt of a "potentially vicious dog" complaint" the Selectboard shall proceed as in the case of a "vicious dog" complaint with the exception that if the Selectboard determines that the behavior classifies the dog as "potentially vicious" the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 11 OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Chelsea and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Chelsea Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted this 25th day of July, 2017.


Selectboard Chair


Selectboard Vice-Chair


Selectboard Member


Selectboard Member


Selectboard Member

Adoption History

1. Agenda item at regular Selectboard meeting held on July 25, 2017
2. Read and approved at regular/special Selectboard meeting on July 25, 2017 and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.
4. Notice of adoption published in the _____ newspaper on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]