

Select Board Meeting

Town Office

May 9, 2023, 6:30 pm

MINUTES

Present: Caitlin Boyle, Jeff Chase, Phillippe Crane (via Zoom), Dennis Devereux, Diana Garrow, Carol Garrow-Woolley, Zena M. Gates, David H. Johnson, Elizabeth Karle, Stephen Michel, Kevin Plew, Patti Plew, Christine Pratt, James Seward, Brigid Sullivan, Laura Swartz, Faith Tempest, Mark Turco, Clinton Woolley.

1. **Call to Order:** The meeting was called to order at 6:30 pm.
2. **Pledge of Allegiance**
3. **Consideration of any changes and/or additions to the agenda.** There are three additions: confirmation of FY24 snow plowing charges for the towns of Wallingford and Plymouth; a Grand List filing extension; and approval of items the Treasurer can add to weekly orders without prior Select Board approval.
4. **Approval of March 21st and April 11th Minutes.** Diana Garrow made a motion to approve the minutes as written; Mark Turco seconded; unanimously approved.
5. **Reports**
 - a. **Highways & Transfer Station Update.** Road Foreman Clinton Woolley noted that the town is grading this week; ditching will begin next week. He asked that if residents have electronics to recycle at the transfer station, to please hold for now, as the pick-up has been delayed.
 - b. **Treasurer Monthly Income & Expense Report:** Treasurer Elizabeth Karle noted that there is no change in the Town's cash position. The bill from the Department of Education has come in and will be paid prior to the June 1 deadline. The Town also received the state emergency road repair grant for the Branch Brook Road repair. The bill has not yet been received for the transfer station, so there is no update there. The next audit, for the FY22, will begin in June. Ms. Karle also thanked the town for membership in VLCT, which offered a helpful training for town Treasurers last week.
 - c. **Mount Holly Planning Commission Update**
 - i. **Appoint Administrative Officer:** Jeff Chase made a motion to hire Faith Tempest as the new Administrative Officer and the Planning Commission Clerk, for a three-year term beginning May 9, 2023; Diana Garrow seconded; unanimously approved.

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- ii. Proposals for Land Records Preservation (Volumes 1-10): Jon McCann, Planning Commission Chair, and Carol Garrow-Woolley, Town Clerk, recommended preserving those town records that are in need of preservation due to fading and deterioration. The total cost is \$0.40/page for scanning and \$30/hour for indexing. For the first set of priority books, expected costs are quoted at ~\$7,000 for scanning and storage; for all the books requiring preservation, expected costs are quoted at \$17,000. Jeff Chase made a motion to go forward with a proposal to preserve all remaining records in need of preservation, at a cost of no more than \$17,000, with costs split between remaining ARPA funds and the Town's Record Fund.

- d. Mount Holly Conservation Commission Update: Phil Crane noted that an Ash Borer Mitigation meeting for town residents will be held May 14 at 4 pm, in the Community Room at the Town Library. There will also be a presentation on "Exploring Vermont's Aquatic Plants," May 17 at 6 pm, at the Odd Fellows Hall, presented by Michael Lew-Smith at Arrowood Foundation. This will provide insight into the potential evolution of Star Lake as well as invasive plant mitigation options. In addition, a recent visit to Star Lake by Alison Marchione, the Lake Shore Co-ordinator at the Vermont DEC, resulted in several recommendations: 1) to spread stone or gravel on the approach to the boat launch access on Lake Street; 2) to do additional planting along the top of the Lake Street embankment, where there is erosion; 3) to mitigate invasive phragmites on the Lake Street embankment.
- e. Animal Control Officer / Town Clerk Update on Dog Licenses: Ms. Garrow-Woolley noted that there are currently 335 previously registered dogs in town, of which 214 were re-registered, in accordance with state law, as of May 9. Animal Control Officer Laura Swarz-Hoc contacted a list of 21 individuals with previously registered dogs who did not re-register this year; of these, 13 were contacted; and 7 unable to contact. Dog owners with dogs that have not yet been registered at the Town Office are asked to do so at their earliest opportunity.

6. New Business

- a. Reappoint Emergency Management Director (EMD): Mark Turco made a motion to reappoint Jeff Chase as EMD; Diana Garrow seconded; unanimously approved. Jeff Chase made a motion to reappoint Russ Garrow as Emergency Management Coordinator (EMC); Mark Turco seconded; unanimously approved.
- b. Reappoint Rutland Regional Transportation Advisory Committee Representative and Alternate: Diana Garrow made a motion to reappoint Jeff Chase as the

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- RRRTAC alternate; and Clinton Woolley as the representative; Mark Turco seconded; unanimously approved.
- c. Review & Readopt Conflict of Interest Policy: Mark Turco made a motion to readopt the Conflict of Interest Policy; Jeff Chase seconded; unanimously approved.
 - d. Adopt Local Emergency Management Plan (LEMP): Jeff Chase made a motion to adopt the LEMP for the upcoming year; Mark Turco seconded; unanimously approved.
 - e. Review Delta Dental Plan Renewal: Mark Turco made a motion to renew the dental plan as is; Jeff Chase seconded; unanimously approved.
 - f. Discuss Town Loader Purchase: Mark Turco noted that the current Town loader needs approximately \$30K in repairs; Mr. Woolley sought quotes for new loaders, from CAT, John Deere and Volvo. CAT's quote is \$170,500; John Deere is \$169,700; Volvo is \$191,995. All numbers take into account each vendor's trade-in offer for the existing loader. Ms. Karle noted that the Town's Equipment / Asset Fund currently has \$137,602. Mr. Woolley noted that he is leaning toward the John Deere, due to local availability of replacement parts. Mr. Chase recommended looking into financing options. Former Town Treasurer David Johnson noted that a lease-purchase is the cleanest option for purchasing. Mr. Chase recommended comparing CAT's lease-purchase option against John Deere's option prior to a Select Board's decision.
 - g. Certification of Compliance for Town Road and Bridge Standards: Diana Garrow made a motion to adopt the certification of compliance; Jeff Chase seconded; unanimously approved.
 - h. Adopt Proposed Amendments to Flood Hazard & River Corridor Bylaw: The Select Board received one letter of opposition to the proposed bylaw amendments from resident William Greene. Ms. Garrow noted that she also received two verbal remarks of opposition from Town residents. Brigid Sullivan noted that the Town received approximately 28 letters of support for the proposed amendments; since then, all property owners in town have been notified by mail of the proposed amendments. Mr. Turco noted that he also received some verbal remarks of opposition. Mr. Chase and Mr. McCann noted that the proposed amendments would not affect property owners' flood insurance, as it only updates regulations regarding river corridors, and does not affect special flood hazard regions. Mr. McCann also noted that existing structures would not be affected by the new regulations, and that new structures can be approved pending town review, if such review is sought. Mr. Chase noted that if we had a million dollar washout due to a storm or flooding event, it would be a \$50,000 additional cost to the Town if the Town did not adopt the

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amendments. Kevin Plew noted that the stream on his property is substantial, but does not appear on the river corridor map, which indicates that the streams and rivers affected by the amendments are substantially sized, and are not smaller brooks. Jeff Chase noted that as EMD, and as grant writer for the Highway Department, he would be in support of the proposed amendments. Mr. Chase made a motion to adopt the proposed amendments to the current bylaw based on those considerations; Diana Garrow seconded; Mark Turco opposed. Ms. Garrow noted that the public has the right to bring a petition before the amended bylaw takes effect if it so wishes.

- i. Town Snowplowing Charges: Jeff Chase made a motion to bill the towns of Plymouth and Wallingford as budgeted in the FY24 Town Budget; Diana Garrow seconded; unanimously approved.
- j. Grand List Extension: Town Lister David Johnson noted that the listers are seeking an extension to file the Grand List. Mark Turco made a motion to seek the extension; Jeff Chase seconded; unanimously approved.
- k. List of Items Treasurer Can Add to Orders Without Prior Select Board Approval: Mark Turco made a motion to accept the list of items as proposed; Diana Garrow seconded; unanimously approved.

7. Ongoing & Old Business

- a. Junk Ordinance Revision: Select Board Clerk Caitlin Boyle submitted amendments to the current Junk Ordinance to strengthen the ordinance's enforcement and penalties clauses, in accordance with VLCT recommendations; Mark Turco made a motion to adopt it as amended; Jeff Chase seconded; unanimously approved. The Clerk will post and publish the amended ordinance per state statutes regarding ordinance adoption.
- b. Re-engage Sheriff's Office for Speed Enforcement: Jeff Chase will re-engage the Sheriff's Office for continuing enforcement.
- c. AED Update: Delivery of AEDs are expected by the end of the month.
- d. Packer Cemetery Bid: Mark Turco made a motion to accept the bid from Craig Russell for Packer Cemetery mowing; Jeff Chase seconded; unanimously approved.
- e. Beach Signage: Mark Turco noted that the Town will purchase a sign to advise residents to carry out their own garbage from Star Lake Beach.

8. Citizen Comments

- a. Traffic Speed Concern - 196 Roger Hill Road. Mr. Turco recommended that the homeowner expressing the concern post her own sign to advise drivers to slow

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down for children; the Town will also add Roger Hill Road to its enforcement list for the Sheriff's office. The Select Board Clerk will reply to the homeowner.

- b. Culvert Concern - 144 Chalet Drive. Mr. Woolley noted that the culvert on this property was put in by the previous homeowners, and is not in the Town right-of-way. He noted that the culvert is plugged because the previous owners put stones in the culvert; these can be removed by the current homeowner to remedy the homeowner's concerns.
- c. Kevin Plew noted that he has a concern regarding a three-day party advertised by the Mount Holly Beer Company during Memorial Day Weekend. The Town Clerk confirmed that no festival permit application to the Division of Liquor Control has yet been received by the Town regarding the event. Mr. Turco noted that the Select Board Clerk will reach out to the business owners to ask about their plans for the event, and provide information regarding the need for liquor permits. The Select Board Clerk will also invite the business owners to a special Select Board meeting to discuss the event.
- d. Ms. Garrow-Woolley noted that Green Mountain Power has been in touch with the Town regarding a request for three-phase power to Belmont Village and off of Healdville Road. Neither the Clerk nor Select Board was previously aware of the request.
- e. Jon McCann noted that improvements may have been made, under previous ownership, to the Belmont Store apartments, without the filing of a building registration; this failure to seek registration may be a violation of state water permits.

9. Announcements

- a. The Town Office will be closed on Memorial Day.
- b. May 16 is the date of the revote on the school budget; the revote is the result of a typo on the original ballot. The vote will take place at the Town Office.

10. Review & Sign Orders

11. Executive Session: Title 1 V.S.A. S 313(a)(3) - personnel (if needed). Jeff Chase made a motion to go into Executive Session regarding a personnel matter.

12. Adjourned at 8:42 pm.

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**ORDINANCE REGULATING OUTDOOR STORAGE OF JUNK AND JUNK VEHICLES
TOWN OF MOUNT HOLLY**

WHEREAS, the Town of Mount Holly has, by authority granted in 24 V.S.A. §§ 19811 et seq., 2246 and 2291, the powers to adopt, amend, repeal and enforce ordinances, and to manage and regulate outdoor storage of junk and junk motor vehicles within its boundaries;

NOW THEREFORE, to protect the public health, safety and well being and to promote the responsible use of resources and protection of the environment, the Select Board of the Town of Mount Holly hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

Article I: Definitions.

- a. "Abandon" means to leave without claimed ownership for 30 days or more.
- b. "Abutting property owner" means any person(s), corporation or other entity that owns, leases or in any other way uses or controls the real property abutting any portion of the property of another.
- c. "Enforcement Officer" means the officer(s) appointed by the Select Board and registered with the Vermont Judicial Bureau, to enforce the provisions of this ordinance.
- d. "Highway" means any highway, road, street or other public way, regardless of classification.
- e. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool, or any other machine that assists in household functions such as cooking, cleaning and food preservation.
- f. "Junk" means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, plumbing fixtures, or any discarded dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.
- g. "Junkyard" means any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for the storing or keeping of four or more junk motor vehicles that are visible from any portion of a public highway. The term does not apply to a private garbage dump or sanitary landfill that is in compliance with 24 V.S.A. §§

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2201 et seq and any applicable state regulations. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspections or repairs.

- h. "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof; an unregistered motor home not connected to water and/or sewer; or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered for a period of 90 days from the date of discovery.
- i. "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.
- j. "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, shoulders and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

Article 2: Requirements.

- a. It shall be unlawful to place, discard or abandon junk or four or more junk vehicles in a place where any such item is visible from the traveled way of a highway, or visible to an abutting landowner. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- b. It shall be unlawful to place, discard or abandon junk or four or more junk vehicles upon the land of another with or without the consent of the owner, when any such item is visible from the traveled way of a highway or visible to an abutting landowner. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- c. A person who wishes to operate a junkyard within the Town is required to obtain a certificate of approval for the location of the junkyard and obtain a license to operate, establish or maintain a junkyard from the State of Vermont.
 - i. Application for a certificate of approved location shall be made in writing to the Select Board of the Town. The application shall contain a description of the land to be included within the junkyard, which shall be by reference to so-called permanent boundary markers. The procedures to be followed after an application has been made are those specified in 24 V.S.A. §§ 2252-2256, as from time to time amended.
 - ii. The procedures for obtaining a junkyard license from the State of Vermont are those specified in 24 V.S.A. §§ 2261-2264, as from time to time amended.
- d. All junkyards, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or vegetation at least eight feet in height. Any fence shall be of

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sound construction and of solid, vertical board or “stockade”-type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays that are visible from the traveled way. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.

Article 3: Enforcement and Penalties.

- a. Upon receiving written notice from the Select Board to do so, the owner of any junk or junk motor vehicle discovered in violation of this ordinance shall remove or screen the item(s) or vehicle(s) from the view of the traveled way or abutting landowner.
- b. If the owner of the junk or junk motor vehicle(s) does not remove or screen the items from view within 30 days from the date of mailing of the written notice, as indicated by the postmark date, the Select Board shall enforce the ordinance by asking the designated Enforcement Officer to issue a municipal ticket and penalty. Each 30-day period that the violation continues shall constitute a separate violation of this ordinance.
- c. Any violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau. A civil penalty of not more than \$800 per violation may be imposed for violation of this ordinance.

An Enforcement Officer is authorized to recover civil penalties in the following amounts, for each violation of this ordinance:

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|--------------------|---|
| First offense | \$100 full penalty / \$50 waiver penalty |
| Second offense | \$200 full penalty / \$100 waiver penalty |
| Third offense | \$400 full penalty / \$200 waiver penalty |
| Subsequent offense | \$800 full penalty / \$400 waiver penalty |

- d. 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, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The municipal attorney may also be the appearing officer at the hearing at the direction of the Select Board.

Article 4: Additional Provisions for Junk Motor Vehicles

- a. If the owner of the land on which a junk motor vehicle is discovered in violation of this ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or

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can be ascertained, the true owner shall move, screen or dispose of the vehicle within 30 days of receiving notice from the Select Board.

- b. If the last known registered owner fails or refuses to reclaim the junk motor vehicle within 30 days of receiving said written notice, or if after an investigation of the vehicle cannot be ascertained, the owner of land upon which a motor vehicle is left in violation of this ordinance may, without incurring any civil liability or criminal penalty to the owner or lienholders of such vehicle, cause the vehicle to be removed from the place where it is discovered to any other place on any property owned by him or her, or from the property, in accordance with 23 V.S.A. § 2152. The provisions of 23 V.S.A. chapter 21, subchapter 7 (abandoned motor vehicles) shall govern the identification, reclamation and disposal of such vehicles.

Article 5: 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.

Article 6: Effective Date.

This ordinance shall become effective 60 days after its adoption by the Mount Holly Select Board. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Mark Turco, Chair

Date

Jeff Chase

Date

Diana Garrow

Date