

Select Board Members  
 Peter Hood, Chair  
 Mary Just Skinner,  
Vice Chair  
 Phil Hyjek  
 Steve Martin  
 Liz Scharf

MIDDLESEX SELECT BOARD  
Tuesday, June 13, 2017  
5:00 PM  
Middlesex Town Clerk's Office  
43 Shady Rill Road  
Middlesex, Vermont 05602  
(802) 223-5915

MINUTES

**Present:** Chair Peter Hood, Members Steve Martin, Phil Hyjek and Liz Scharf and Vice Chair Mary Skinner by speakerphone. Treasurer Dorinda Crowell, Road Foreman Paul Cerminara, Zoning Administrator/Recreation Director Mitch Osiecki, Animal Control Officer Erika Holm, James Colby and Lauren Heyl. Select Board Assistant Sarah Merriman.

**Call to Order/Welcoming of Guests/Amendments**

Peter called the meeting to order at 5:04 PM. There were no amendments to the Amended Agenda. He welcomed guest Jim Colby.

**Road Update/Walter H. Kelley Park**

Paul said the Road Crew was cutting brush and improving McCullough Road. The new truck would be ready to be received at the end of July. Paul said he planned to level out the road material that had been dumped at the Walter H. Kelley Park between the picnic area and the Fire Station when time became available. Steve, who is also Road Commissioner, said he figured that would take a couple of days of Road Crew time.

**VYCC Services Agreement**

The Board reviewed a Services Agreement between the Vermont Youth Conservation Corps and the Town of Middlesex re: the VYCC's work on the Town's Class 4 roads between June 19 and June 30, 2017. Peter expressed concern about Section 7: Indemnification which was overly long and placed too much responsibility on the Town. The Board agreed that otherwise the agreement was fine.

**MOTION: Phil moved and Steve seconded approving the VYCC Services Agreement contingent upon approval from the Town's insurance carrier, PACIF. The motion passed.**

**Colby Road/Mixed-Use District**

Jim Colby said that it appears Colby Road, a Class 3 Town road according to the Vermont Agency of Transportation highway map, might not have been properly established. Colby Road's February 27, 1970 Certificate of Completion and Opening of a Highway for Public Travel," which he received from the State, was completed by the Middlesex Selectmen and, according to the recording stamp, recorded in the Town records in Book "Misc. 2, page 157." However, research by the Town Clerk shows that while Discharges and Miscellaneous Vol. 2 is from that era, there is no such document recorded on page 157. Nor is the original in the Town Clerk's Office. Therefore, Jim said, Colby Road might not be a Town road. His question, in light of the Select Board's recent interest in downgrading roads that lead to only one house, was whether the Select Board was interested in making it a legal right of way. Because if the Board was not, then the Town would have no access to the trail at the end of the road.

Peter said the Town was interested in maintaining access, though, perhaps, not at a Class 3 standard since it served only one house. Jim asked what would happen if his parcel was developed. In that case, Peter said, the road could be upgraded. The Board agreed that the situation should be turned over to the Town's attorney for recommendations on how to correct this recording defect and insure the road remained a Town right of way.

Also, as owner of the only parcel zoned for mixed use in Middlesex, Jim said he hoped that when the Town revises the Town Plan and subsequent zoning, it considers uses that would bring tax revenue to the Town vs. residences which add costs (via school-aged children). Peter said that the Board understood his concerns and welcomed his input.

**PUBLIC HEARING: Lauren Heyl's Dogs**

Peter called the Public Hearing to order at 5:35 p.m. and asked Erika to recap the situation with Lauren's dogs.

Erika noted that for the past two years, Lauren's neighbors on Wood Road have complained that her four dogs barked incessantly, trespassed onto their property, and chased motorists and bicyclists on Wood Road.

In 2015, Liz Scharf met with Lauren and convinced her to update the dogs' rabies shots and obtain licenses. Local veterinarian Paul Alfarone came to Lauren's house and vaccinated the dogs. However, in 2016 and 2017, Lauren did not license her dogs and she allowed the one-year vaccination for the puppy, PJ, to expire.

In 2017, neighbors again complained to the Select Board that the dogs were out of control and even sent videos of the dogs chasing cars. Moreover, attempts to communicate with Lauren about this issue have not been successful. Despite numerous certified and regular mailings notifying her that she had violated the Town's Dog and Wolf-Hybrid Ordinance twice, Lauren did not respond once.

Last week, thanks in part to a personal visit from Erika and Liz, Lauren and Erika have been in communication about her neighbors' right to feel safe. Erika says Lauren realizes four dogs are too many and that she needs to rehome two. She has installed an electric fence and Erika will help to train the dogs to use it. In the meantime, whenever the dogs are out of the house or garage, they must be on a leash.

Peter noted a repeat pattern, that Lauren does not respond until it's a crisis in the eleventh hour. He asked how the Town could guarantee that she will comply with these conditions.

Lauren said she is being "honest and sincere," that she will abide by the rules Erika has set. She said she was unaware of how much trouble she was in because, while she received mailings from the Town, she never opened the letters and read them.

Liz noted that this case has cost the Town upwards of \$500 in legal fees and ACO payments. Under the ordinance, the Select Board could insist that Lauren reimburse the Town for these costs. Erika noted that she could issue a ticket for being in violation of the dog ordinance which would have to be adjudicated by the Judicial Bureau with resulting additional fees and penalties.

The Board discussed the precedent, if any, for charging owners for fees incurred by the Town in situations such as this. Peter noted that it's up to the discretion of the Select Board to impose or waive the fees/penalties/costs and, therefore, should be handled on a case by case basis.

Mary suggested the Board hold off on imposing the fees and penalties on the condition that Lauren complies with the stipulations agreed upon at this public hearing. They are as follows:

1) By 4:30 PM, Monday, June 19, 2017, Lauren will provide to the Town Clerk proof of PJ's rabies vaccination and she will obtain 2017 animal licenses at a cost of \$17/natural dog and \$11/neutered dog.

2) Lauren, and any other person in control of the dogs, will keep them on a leash when they are outside until Erika is satisfied that they are trained to an electric fence.  
3) Lauren will not allow her dogs to disturb the peace by barking incessantly, especially at night.  
4) Lauren will rehome two of her dogs by July 13, 2017. If she cannot rehome both dogs by that deadline, then she will surrender them to the ACO who will make an assessment. It is understood that if they fail the Central Vermont Humane Society criteria for adoption then they may be euthanized.  
If Lauren fails to abide by just one of these criteria, then she will be found to have committed the Third Offense of the Town's dog ordinance, her dogs will be seized and she will be assessed penalties, fees and costs as provided under the ordinance. Lauren agreed to the above conditions and said she would not fail to abide.  
Phil asked Erika to update the Board after July 13 on what happened to the dogs.  
Peter adjourned the Public Hearing at 6:05 p.m.

#### **Annual Census of Unlicensed Dogs**

The Board reviewed a list of unlicensed dogs according to the Town Clerk's NEMRC program which tracked only those dogs that had been licensed in 2016 and not in 2017. Sarah said she also sent letter to known offenders who hadn't licensed their dogs in years. Many responded by providing updated rabies certificates and new licenses.

**MOTION: Liz moved and Phil approved the 2017 Census of Unlicensed Dogs. The motion passed.**

#### **Middlesex Tax Policy and Empowering the Treasurer to Waive Small Fees**

The Board reviewed Dorinda's proposed policy regarding current and delinquent Town/Education taxes. The Board agreed it was comprehensive and clear and asked to put its adoption on the agenda for the next meeting.  
Meanwhile, Dorinda said she was running into a problem where people were paying their delinquent taxes in full only to receive a delinquent tax notice with additional interest a few days later. This was the effect of notices and payments crossing in the mail. She asked for the authority to cancel these fees when that happens. The Board agreed it was a good idea and that it also should be voted on at the next meeting.

#### **The Learn to Swim Program**

Dorinda noted that the Learn to Swim Program was a separate account as a Warned article at Town Meeting until 1998 when it was changed to a line item on the Town's budget. Despite that, a separate account was maintained and administered by several individuals who distributed monies from the fund to pay half the cost of swimming lessons for Middlesex children at First and Fitness. Dorinda asked for direction on what to do with the old Learn to Swim account since it is now a budget item and has been for some time. After some discussion, the Board agreed that after July 1<sup>st</sup>, Dorinda should close the account and transfer the remaining funds to the General Fund to be used for the Learn to Swim expenses. At the 2018 Town Meeting, the Select Board will ask the voters to approve a Learn to Swim Fund.

Mary left the meeting.

#### **OTHER BUSINESS**

All orders were signed.

Peter told the Board that he had planned to attend a Rumney School Board meeting in response to Nancy Reilly's inquiries at the May 23, 2017 Select Board meeting about the School Board's plans to restrict the public's use of Rumney School for non-school events. However, Carolyn Kiniry-Roberge, chair of the School Board, contacted him at home and assured him that the School Board had no plans to change the current policy which allows Rumney to be used for various events such as the Pie Breakfast, the Harvest Dinner and Town Meeting. Therefore, he saw no reason to attend.

**MOTION: Liz moved and Phil seconded approving the 2017 stray-animal contract with the Central Vermont Humane Society. The motion passed.**

**MOTION: Liz moved and Steve seconded approving the Town's contract with the Washington County Sheriff's Department to provide speeding enforcement for approximately 5 hours per week at a cost of \$7,500 per year. The motion passed.**

Peter signed Paul Otenti's curb cut.

**MOTION: Liz moved and Phil seconded approving the minutes from the May 23, 2017 Select Board meeting. The motion passed.**

**MOTION: Steve moved and Liz seconded approval of the May 9, 2017 Select Board minutes. The motion passed.**

Peter adjourned the meeting at 7:15PM.

Respectfully submitted,

Sarah Merriman  
Town Clerk/Select Board Assistant