

TOWN OF STAMFORD
SELECTBOARD MEETING
June 15, 2017
(UNAPPROVED)

Present: Selectboard: Nancy L. Bushika, David R. Tatro, Michael Denault, Daniel J. Potvin and Carol Fachini.
Visitors: Debra Burchard, John Burchard, Robert Burchard, Ella Butterfield, Rosemarie Curran, Patti Exster,
Helen Fields, Nancy Lesage, Bill Levine, James Williams and Jamie Williams.
Lori Shepard, Selectboard Secretary.

Nancy Bushika called the meeting to order at 6:15 p.m., opened with the pledge of allegiance, welcomed everyone and read a statement with procedural rules for the meeting.

GREEN MOUNTAIN NATIONAL FOREST

1. James and Jamie Williams voiced concerns about the herbicides the National Forest would like to use to treat invasive species. They are full-time residents and walk in that area. Nancy Lesage was also concerned and felt many of the plants they want to treat are edible and have medicinal properties. Helen Fields provided a handout on the negative aspects of glyphosate, the active ingredient in Roundup, which kills amphibian life such as frogs, toads and salamanders. Nancy Bushika received two calls from concerned residents who stated that spraying glyphosate will impact the milkweeds and bees in our community. CJ Vadnais said one application is often not effective; the seeds remain viable on the ground and it sometimes takes years of applications to eliminate the species. Dave Tatro said he thought they were not trying to eliminate the plants, but want to prevent spread them into the forest when logging. CJ Vadnais would prefer they not spray since the seeds can still be spread. Mike Denault suggested concerned residents could sign a petition. He reiterated that the board will not give permission to work in the town's right-of-way until they receive permission from all the landowners. Helen Fields suggested the Forest Service come for an open forum to obtain more information and thought we could all do research and meet to discuss our findings. The Selectboard agreed and will contact the Forest Service to schedule a public meeting. All were encouraged to contact MaryBeth Deller, the Botanist at Green Mountain National Forest, and will be given her contact information.

2. CJ Vadnais asked what affect the logging would have on our town roads. Dave Tatro said because they will be logging in the winter when roads are frozen, our roads should not be impacted. The only difference is the County Road section is a Class 4 road so they would need town permission to plow it and would have to be insured and bonded.

POULTRY

1. Nancy Lesage stated that her son has reduced the bird population by over 100. All of the guinea hens are gone, many of the ducks and they have lost some of the turkeys. The female turkeys are now confined. Jesse is keeping the hens and sells eggs. She has had no problems with dogs in the neighborhood this year, only foxes. She said the statement in the June 1, 2017 minutes "Attempts to resolve the matter amicably have failed..." is a falsehood because Lynn Boyd has not come over to talk to her or Jesse about the birds. Mike Denault's biggest concern is safety on the highway. He would love to see a fence and would like to see this work out for everyone. Nancy Lesage agreed and will let Jesse know the Selectboard has suggested fencing. It will keep the birds out of the highway and out of the neighbors' property. Mike Denault read up on the state law that if a neighbor complains fines can be imposed, but did not know who enforces it aside from civil suits. Mike Denault and Dan Potvin both agreed they would rather not have to create a town ordinance. Dan Potvin and Dave Tatro also felt constructing a fence would reduce the amount of liability.

2. Rosemarie Curran asked what people should do if they are bothered by roosters that start crowing at 4 a.m. The town does not have a noise ordinance. Dave Tatro felt we all make noise that can disturb neighbors, whether it's cutting firewood with a chainsaw, lawn mowing, weed whacking or whatever. It was suggested to start by talking to your neighbor about it.

OLD COUNTY ROAD

Deb Burchard asked about the request that the town take back Old County Road and what the intent was. Nancy Bushika responded that nothing has been done yet. The road was discontinued during the ancient road

process. Deb Burchard said the town would have to go through the process of bringing the road up to standard, install ditching and culverts, create a turn around and pave it, which would probably cost a half million dollars. Carol Fachini thought if the ancient roads decision was reversed, it may not have to be paved. Robert Burchard asked exactly what reversing it meant and questioned her statements being made as a town representative. Carol Fachini said other towns have reversed their decision. Robert Burchard asked for the case law and what specifically she was referring to. Mike Denault injected that Carol Fachini was not representing the town and her request to take back the road and do research on the process is being done on her own, not as part of the town. The town is only concerned with town matters. It was explained that there was a recent article in the VLCT News where a town was sued by property owners and the court ordered the town to reverse their decision because they didn't take all aspects into consideration when they made their decision to discontinue or reclassify the road. Robert Burchard stated that even if the town rescinded their decision to discontinue the road, it wouldn't help the Fachinis because the 1935 discontinuance went to a cellar hole and leaves a gap between that point and the Fachini property line. Mike Denault noted that the conversation wasn't a town matter at this point and wanted to redirect it. Robert Burchard said if the town wants to bring the road up to standard, take it back and maintain it, he'd be all for it. Deb Burchard said the town chose to discontinue Old County Road and one of the reasons was the town didn't want to put money into the road to bring it up to standard. Robert Burchard again mentioned the cellar hole and wanted to identify what section was discontinued in 1935. Bill Levine said this was not the place for that discussion. Robert Burchard felt he had the right to rebut statements being made. He said in 2015 Mrs. Fachini requested that the town take the road back and it was denied, and here we are again fighting the same issue. Dave Tatro felt this matter would need to be decided by a town vote. Nancy Bushika recalled they tried to settle the confusion over the road through the ancient roads process without anyone losing their right-of-way. Robert Burchard agreed that no one has lost their right-of-way and there were laws protecting rights-of-way. Robert Burchard asked if the board was aware of the state law that everyone living on a private road is responsible to fund the maintenance of it. A copy of the law was later given to the board. Right now nothing has happened and whatever Carol Fachini or her lawyer finds, the town will have to deal with it at that point. Dave Tatro said residents could petition the town to be on a warrant. Deb Burchard suggested if the town did take back the road, it should go all the way through to provide a second exit in an emergency. Robert Burchard asked Nancy Bushika what knowledge she had or what information she was privy to when she alluded to the fact that people may have been denied right-of-way access. Nancy Bushika said it was just through the ancient roads process that no one would lose their right-of-way.

SEED SAVERS GROUP

1. The Seed Savers Group would like to have the shed behind the dumpster. Rich Cristofolini has already approached Dave Tatro for help taking it down. Dave Tatro has been waiting until after school was out for the summer. Dave Tatro was happy to let them have it.
2. CJ Vadnais asked if he could trim some of the spruce branches along the north line so he could drive a truck along the edge. Dave Tatro thought that was fine since the trees are dead need to be removed anyway.
3. They have already removed the wooden backboard and have brought it down to the tennis courts.

MINUTES

MOTION by Mike Denault to accept the regular meeting minutes of June 1, 2017, as written. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

SELECTBOARD ORDERS

The Selectboard reviewed and approved the following orders:

WARRANT #23 \$ 5,193.86 payroll

WARRANT #24 \$22,069.93 accounts payable

FINANCIALS

The Selectboard reviewed and confirmed financial statements for the month of May.

ROAD CONDITIONS

1. The chip seal has been redone and is packing down nice. A question was asked why The Lane wasn't redone. Dave Tatro said chip sealing doesn't work well on hills. The Lane will have to be paved.
2. The road crew has been ditching with Jon Bohl.
3. The new laborer has filled out the paperwork and is waiting for the pre-employment testing to be completed.
4. The Bennington County Regional Commission (BCRC) sent paperwork on a new pilot grant project. The grant would provide BCRC with funds to evaluate our roads and determine areas near waterways that need repair. Dave Tatro did not feel this was necessary. He has already spoken with Chris Taft at the Agency of Transportation to review our roads.
5. Dave Tatro talked with the Agency of Natural Resources concerning two stream projects. Dave Tatro has planned the Clough Road work for this summer. A small channel which comes off the Main Road has filled in and needs to be cleaned out. The second project involves a section of Crazy John Stream that is encroaching on the road. This work will be expensive and Dave Tatro would like to wait for a Better Back Roads grant.

RECYCLING

1. There are still three haulers who have not filed their 2017 registration papers or their first quarter reports. Nancy Bushika has called each hauler to remind them but nothing has been submitted to date. A letter will be sent requesting they comply with our ordinance or fines will be assessed. Copies of the letters will be sent to Michael Batcher at the BCRC and Mia Roethlein at the Vermont Department of Environmental Conservation.
2. Michael Batcher asked if we would like to have an ANR representative come down to talk about composting our food scraps which the state requires us to accept as of July 1, 2017. The Selectboard felt it was not necessary. Our trash is burned at Vicon Waste Disposal in Pittsfield, converted to steam, and used as an alternative energy for Crane & Company. So all of our food scraps can be included in our regular trash and will not have to be separately composted. Helen Fields thought it was great and wants our residents to know that all of our garbage is being turned into alternative energy.

OPEN MEETING LAWS

Attorney Jim Barlow contacted the town. He is offering a free Open Meeting Law training program. Agendas should be posted 5 calendar days before meetings and minutes need to be available 5 calendar days after the meeting, as well as on the website if there is one. Helen Fields could not find the last School Board minutes posted anywhere in town but did eventually find them tonight at the very bottom of the school's webpage. The Planning Commission has not been filing minutes of their meetings. Helen Fields as a citizen would like to require that all boards follow the Open Meeting laws. The Selectboard felt it was a good idea to ask Attorney Barlow to come down. All town boards, subcommittees and the School Board will be invited to attend. Helen Fields asked about the consequences of not following the Open Meeting Laws and their enforcement. Bill Levine said it is illegal and any action taken during that meeting can be thrown out. Fines can be imposed and people can be sued personally.

BENNINGTON COUNTY SHERIFF DEPARTMENT

The treasurer contacted the Sheriff's Department to explain that the Selectboard did not want to pay for the 2.5 hours charged for the sheriff's attendance at the School Board meeting in April. The sheriff's department agreed to reduce their bill by \$85.00, the cost of the 2.5 hours. They may choose to bill another party.

DELINQUENT DOG LIST

1. There are 12 dog owners and 18 dogs which have not yet been licensed with the town. The list will be turned over to the Dog Officer for compliance.
2. A dog kennel was brought to the recycling center and was set aside for the Dog Officer if he wants it.

EMERGENCY MANAGEMENT

1. Nancy Bushika did not feel the sharps box was working out. The container was left out and not locked up in the garage. Lori Shepard was speaking to a former visiting nurse who said she didn't have the training to even touch needles. She was told that when patients are set up with a needle prescription the sharps containers are

also provided to them for home use. If someone, whether it's a town employee, or a resident gets picked, they need to go immediately to the emergency room for testing. Would the town be prepared to pay for this if an employee needs medical testing? Dave Tatro felt he is not trained as an employee to be dealing with this. Bill Levine will ask Tapestry for several small boxes that residents can bring home and return directly to Tapestry.

2. Bill Levine attended an exercise put on by the Western MA EOC. It gave them an opportunity to test their emergency plan and contacts. Positions may now be held by different people or phone numbers may have changed. Bill Levine felt we should schedule an exercise to test our Emergency Operations Plan, perhaps on a Saturday in September.

TAX ANTICIPATION NOTE

The Selectboard signed the Tax Anticipation Note from Berkshire Bank.

MICROFILM AGREEMENT

MOTION by Nancy Bushika to sign the agreement with Conduent to microfilm the town's land records books at \$0.16/page and scan the books at \$0.09/page and use funds reserved in the Record Restoration Fund to pay for the service. SECONDED by Mike Denault. All in favor. MOTION approved.

TREE REMOVAL ALONG SCHOOL PROPERTY

1. Dan Potvin submitted a formal quote to remove the dead spruce trees along the north and south lines of the schoolyard. There are more than 11 trees that should be removed. Dave Tatro has requested some other quotes and should have them by the next meeting.
2. Helen Fields asked about the quality of the wood since CJ Vadnais would like to burn wood to make biochar for the Seed Saver beds to enhance the soil. Dan Potvin didn't know if she'd get anything out of it since it's spruce and the trees are dead. She would probably do better to talk to someone with an outside wood furnace. Dan Potvin advised that lime can be obtained from Specialty Minerals.

KLONDIKE ROAD BRIDGE

Nancy Bushika asked if the grass is growing at the Klondike Bridge site. Dave Tatro said it's not growing very well.

MOTION by Mike Denault to adjourn. SECONDED by Carol Fachini. All in favor. Motion APPROVED. The meeting adjourned at 8:25 p.m.

Daniel J. Potvin
Clerk

DJP/las

REMINDERS

1. Dog licenses were due April 1, 2017. Please come in to the town office if you have not yet registered your dog.
2. The recycling center has started its summer hours and will be open on Wednesdays from 3 p.m. to 6 p.m.
3. The town office has begun new hours this June: Monday: closed, Tuesday: 8 a.m. – 12 p.m.; Wednesday: 8 a.m. – 12 p.m.; Thursday: 12 p.m. – 4 p.m. and 6 p.m. – 8 p.m.; and Friday 8 a.m. – 12 p.m.
4. The tax sale has been scheduled for Wednesday, July 12, 2017 at 11:30 a.m. at the town office