

Town of Groton, Vermont - Select board Minutes March 15, 2018 (approved)

Select board Members in Attendance: Deborah Jurist, Wade Johnson, Sr. and Aaron Smith

Attendance for the meeting included: Debra Johnson, Lisa Hart, Carrie Peters, Mark Shallberg, Mary Ellen Boyce, Barbara Johns, Lise Shallberg, Brent Smith, James Downing, Dan Webster, Kitty Diggins, Linda Nunn, Kristian Connolly, Henry Knott, Dorothy L Knott, Jim Cilley, Jim Burke and Jodi Fleurie-Wohlleb.

Wade called the meeting to order at 6:30 pm. Wade congratulated Aaron Smith for being elected the new Select Board member.

### **Installation of Officers**

Deborah nominated Wade Johnson, Sr. for the Chair of the Select Board, Aaron Smith seconded and motion passed.

Aaron nominated Deborah Jurist for Vice Chair of the Select Board, Wade seconded and motion passed.

### **Review/Approve Minutes of March 1, 2018**

Deborah moved to approve the minutes of March 1, 2018, Aaron seconded and motion passed. There was discussion on when the agenda should be emailed. The Select Board decided to have the draft of the agenda emailed out on Sunday night of the meeting week and any additions would be sent to the Select Board Secretary by Monday night and Select Board agenda be posted on Tuesday.

### **Adjustments to Agenda**

Adjustments were to move the Cilley Property up after the Department updates.

### **Select Board Organizational (appointments)**

The following positions were appointed by the SelectBoard;  
Health Officer (2020) was appointed last year and realized it was a 3 year term.  
Deputy Health Officer - Mark Shallberg for 3 years (2021)  
Emergency Management Coordinator - Brent Smith (2019)  
Fence Viewers - Terry Dana, E. Charles Frost, Jr., Kenneth Murray (2019)  
Inspectors Wood, Lumber, Shingles - Kenneth Ricker and Robert Door (2019)  
NVDA Representative - Brent Smith (2019)  
NVDA Alternate - Mary Grant (2019)  
Zoning Administrators - Bradley Houghton, Jr. and Daniel Webster (2019)  
911 Coordinator - Brent Smith (2019)  
Board of Adjustment - Aaron Smith, E. Charles Frost, Jr. and mark Gleicher (2019)  
Select Board Secretary - Debra Johnson (2019)  
Animal Control Officer - Michele Boyer (2019)  
NEK Solid Waste Supervisor - Timothy Dailey, Sr. (2019)  
NEK Solid Waste Alternate - Caroline Diggins (2019)  
Tree Warden - Henry Knott (2019)  
Webmaster - Dave Spencer (2019)

Planning Commission - Carrie Peters (2019)  
Weigher of Coal - none  
Town Service Officer - Linda Nunn (2019)  
Town Agent to Convey Real Estate - Deborah Jurist (2019)  
Town Grand Juror - Gavin Reid (town lawyer) (2019)

### **Highway/Brent Smith**

Jim Downing and Harold Hatch have been helping with the plowing during the recent snow storms. Brent said they are working together to set their schedules.

### **Administrative Asst/Lise' Shallberg - updates**

Lise had a follow up letter written to the Bernier Properties who are now owners of the former Charles Lury residence for the Select Board to sign.  
Lise had the town cleaning position written up for the Select Board to look over before she posts it in three places. Mark Shallberg will be doing the interviews.  
Lise registered all of the three Select Board members for the upcoming Select Board VLCT workshop in Fairlee on Saturday, March 24, 2018.

### **Library - need of two trustees**

The library is in need of two trustees. Kristian Connolly said since the position of trustee is a volunteer position and because the building issue has been going on for years it has been difficult to get trustees. There also have been issues with the cost of the rent for the library with Rural Edge. Kristian suggested that the Select Board members work more with the trustees of the library. The Select Board acknowledged the resignation of Kristian Connolly from a trustee of the library.

### **IT/Gary Lamberton - update**

Gary is on vacation and will be coming to the Select Board meeting on April 5th to discuss town emails for the Select Board members.

### **Cilley property**

Wade said the town needs to wait until the 30 days are up for the appeal process to be done before the appraisal process starts.

### **Financials**

Lisa has a bid for the proposed audit which Glenna Pound reviewed, sent Lisa changes and approved it. Lisa has put it out on the "munninet" service to get a list of at least 3 audit firms that local municipals have used and liked. Lisa will email a copy of this audit proposal to the Select Board members so they can look at and be ready to discuss at the next Select Board meeting. There will be a one year and 3 year proposal.  
Aaron Smith from the Cemetery Commission signed the document for the consent of the Roosevelt Carter Trust for the Cemetery.  
On Monday, Lisa will be having her Workman's Comp audit.

Lisa asked the Select Board who from the library trustees will be signing and approving the librarian's time sheet and any invoice that needs to be paid from the library with the shortage of library trustees. It was suggested that Jim Burke would be the trustee that would do the signing. There were no questions on the budget.

### **Open to Public & Other Business & Actions Taken**

Dan Webster, the health officer showed two pictures of the red Chrysler car that is Chester Mace's. It is only being held up by two cinder blocks. Dan Webster said, at the next Select Board meeting he will present the health order to remove the car to the Select Board. It will be written and serviced by the first constable and served to Mr. Mace. Along with the health order will be a general release that will be releasing the town from any personal liabilities. Dan has spoken with Mr. Mace and Mr. Mace has put up signs and roped off the area around the car. The Title giving Dan Webster the authority to write a Health Order and secure the car is: Title 18 Chapter 011 Section 602. This is a public health hazard. Dan has talked to Brent and he said that the loader could get it out. The car will be taken to Stockleys. The Chairman will need to sign the health order. That state is dragging their feet on the rest of the vehicles. The reason they are dragging their feet is because there is his personal property in the vehicles and the vehicles are on the state's property.

Dan said there is another issue coming up when the snow leaves. There was a septic system permit drawn up by Tom Otterman in 2010. The plan called for a mound system in a flood plain area. The home owner never finished the permit, Tom Otterman and Rich Wilson never signed off on it. The home owner went ahead and put an in ground system in. If this is the case, then the home owner will be fined and they will have to replace the existing system and put a mound system in.

Dan will be meeting with the Dept of Natural Resources on usable right of way for David Boyce.

Barbara Johns has an issue with the disillusion of the Railroad Bed Committee and giving it to the Town Attorney. Deborah said the Railroad Bed Ordinance is at the lawyers now to be looked over. The Select Board will look at the ordinance when received from the lawyer, go over it and if they approve it, then the town has 30 days to raise a petition if they are not satisfied with the ordinance. The Select Board can have an informational meeting with the town before they approve the ordinance.

Wade said the Select Board needs to acknowledge the error in Article 5 from the 2017 Groton Town Report this year at a Select Board meeting. Since it was not on this meeting's agenda, it will be done at the next Select Board meeting in April. This error was made known to the Select Board by Carl Andeer, Esq., a staff attorney with VLCT. The following is part of what was written in his email.

Regarding the "takes effect in 2019"; The law under VSA Section 2651c(b)(3) states that "the term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first." Therefore, a town couldn't vote to have it take effect in 2019, a year (vs 45 days) after the vote.

The following is what the State of Vermont says needs to be done from the Handbook for VT Select Board Members page 103 under J. Errors and Validation:

Errors on a warning or a notice may occur even when care is used in preparation. If the meeting and the business transacted during it is otherwise legal and within the scope of municipal powers, the omission or non-compliance may be corrected and legalized by vote at a regular or special meeting of the municipality called and duly warned for that purpose. 17 V.S.A. Section 2662.

Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or non-compliance may be taken care of by a two-thirds vote of the selectboard at a regular or special meeting called for that purpose. It should be stated that the defect was the result of oversight, inadvertence or mistake. It is of the utmost importance when validating a meeting or action to use the language in 17 V.S.A. Section 2662:

***"Shall the action taken at the meeting of this town (city, village, or district) held on (date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be re-adopted, ratified and confirmed."***

Wade brought up about the AED being put in the gym that was brought up at the end of town meeting this year. There was a short discussion on this. It was suggested to ask Gary Lamberton from Buckaroos and Tracy Puffer from Groton Community Club, to come to the next meeting to discuss this.

### **Sign Orders**

The orders were signed along with a liquor license.

### **Set Agenda for next Select Board meeting on April 5, 2018**

Meeting called to order

Review/Approve Minutes of March 15 and March 22, 2018

Adjustments to Agenda

Department Updates:

Highway/Brent Smith

Administrative Asst/Lise' Shallberg - updates

Library - need of two library trustees, treasure to sign paperwork

IT/Gary Lamberton - update on town emails

Health Officer/Dan Webster - Health Order/Mace's red car

Zoning Administrators/Brad & Dan - discuss the process of the zoning administrator

Listers - Article 5

Cilley Property - discussion on appraisers

AED - Gary Lamberton and Tracy Puffer

Financials - Proposal for Audit

Open to Public & Other Business & Actions Taken

Executive Session to discuss legal matters

Sign Orders

Set Agenda for next Select Board meeting on April 19, 2018

Adjourn

Deborah made a motion to adjourn at 8:37 PM, Aaron Smith seconded and motion passed.

Respectfully submitted,  
Debra Johnson  
Select Board Secretary

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Wade Johnson, Sr. (Chair)

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Deborah Jurist

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Aaron Smith