

TOWN OF LYNDON
SELECTBOARD MEETING

March 25, 2013
5:30 PM

Selectboard

David Dill
Martha Feltus
Kermit Fisher

Press

Amy Nixon

Public

Dan Hill Dawn Dwyer
Steve Mitchell Rick Lloyd
Chad Pilotte Shane Switer
Dan Macek Steve Gray

1. Approval of Minutes:

Motion made by Kermit Fisher, seconded by Marty Feltus, to approve the March 11, 2013 meeting minutes with noted changes. Motion carried 3-0.

2. Approval and signing of orders drawn on the Treasurer:

The Board approved and signed the orders drawn on the Treasurer for weeks #11, 12 & 13.

3. Highway Report:

At 23% through the year, payroll is 27% spent and the entire budget is 22% expended.

4. Liquor License Requests:

Shane Switser answered questions from David Dill and Marty Feltus regarding the Outside Consumption Permit (height of fence, access to fenced off area, hours of operation and lighting for the seated area). Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the First Class Restaurant License for SIJM, LLD dba The Pizza Man. Motion as well as an Outside Consumption Permit with the five standard conditions and pending approval of the Development Review Board. Motion carried 3-0.

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the First Class Cabaret Licenses for CDP Enterprises dba Phat Kats Tavern and Northstar Media, Inc. (The Packing House), to approve the First Class Restaurant Licenses for Customer 1st, LLC dba The Valley View, Delise P. Robarts dba Sweet Basil Catering, and Sodexo Vermont, Inc. (Lyndon State College) and the First Class License for a Club for the Tom Breslin Community Ctr., Inc. all with the same conditions imposed last year. Motion carried 3-0.

Motion made by Marty Feltus, seconded by Kermit Fisher, to approve the Tobacco License for Tom Breslin Community Ctr., Inc. Motion Carried 3-0.

5. Overweight Permits:

The motion was made by Kermit Fisher, seconded by Marty Feltus to approve the nine excess weight permits listed with standard conditions and to authorize Dan Hill to sign the permits on behalf of the Board. The applicants are Austin Construction, Inc., Barrett Trucking Co., Inc., Calkin Rock Products, Cardinal Logistics Management Corporation, Larry Flood, New England Quality Service Inc. dba Earth Waste Metal, Ron Fenoff Excavating, LLC, United Natural Foods, and George & Tammy Wagner. Motion carried 3-0.

6. Appointments:

Dan presented to the Board three individuals that expressed interest in filling the two Grand Juror positions. The names are Leslie Gensburg, Jean Charles and Brenda Mitchell. Motion made by Marty Feltus, seconded by Kermit Fisher to appoint Jean Charles and Brenda Mitchell to the positions of Grand Juror. Motion carried 3-0.

Dan informed the Board that Susan Mills has offered to be the town's representative on the Northeast Kingdom Byway project. Motion made by David Dill, seconded by Marty Feltus, to appoint Susan Mills as the Lyndon representative on the Northeast Kingdom Byway project. Motion carried 3-0.

Dan reported back to the board his findings on the Town Agent position and the Agent to Convey Real Estate. Town Agent assists the Board during times of actual litigation if needed and the Agent to Convey Real Estate executes deeds on behalf of the Town. In the past, the Selectboard has filled the position of Agent to Convey Real Estate. Motion made by David Dill, seconded by Kermit Fisher, to appoint the Selectboard to the position of Agent to Convey Real Estate. Motion carried 3-0.

7. Wood Pellet System Discussion:

Dan Hill checked with Brad Charron, Vermont Fire Prevention Officer, and the town will need two liners for the chimney. Dan has a couple local individuals who he will check with, when the time comes, to bid on the project.

Steve Mitchell spoke in regards to a system for the Town similar to the one currently in the Hopkins building. The system is from Heat and More and is manufactured in Vermont. Steve confirmed to David Dill that he has scrapped the previous proposal for the biomass system. Steve spoke about the fuel savings from a pellet boiler (50% savings) and a hot air system (2/3 savings). He told David that he is proposing one pellet boiler system for the Municipal Office Building and one hot air pellet system for the gymnasium. Steve's recommendation would also be to install three liners in the chimney, for future use.

Rick Lloyd of Heating & More LLC from Marshfield, VT spoke on behalf of the Pelligy systems. He explained the maintenance required for both the wood pellet boiler and hot air system. He gave the Board two separate proposals; one for the Municipal Office Building and one for the gymnasium. He gave several locations where the Board could visit to see the systems in use. When asked about a warranty, he told the Board that he stands behind the product for one year after installation and then there is the standard industry warranty carried by the manufacturer. Mr. Lloyd explained that he does the necessary repairs for one year as well as train someone to provide the necessary maintenance.

Kermit asked Dan Hill if the system proposed by Dan Davis of Cutting Edge required the same maintenance. Dan will ask Dan Davis that question.

8. Annual Highway Financial Plan:

Dan Hill presented the Annual Financial Plan – Town Highways for the fiscal year 2013 beginning on January 1, 2013 and ending on December 31, 2013, as prepared by District 7 based on our highway budget. Motion made by Marty Feltus, seconded by Kermit Fisher, to sign and submit the Annual Financial Plan to the District Transportation Administrator. Motion carried 3-0.

9. March of Dimes Fundraising Walk:

The March of Dimes would like to hold a fundraising walk around Steven's Loop on Sunday, May 19, 2013. Dan has the approval from the Village Trustees and Chief Jack Harris is fine with it. Motion made by Marty Feltus, seconded by Kermit Fisher, to allow the March of Dimes to hold a fundraiser walk around Steven's Loop on Sunday May 19, 2013. Motion carried 3-0.

10. Request for Town Credit Card:

Chief Jack Harris has approached Dan Hill about getting a Town credit card for online purchases and registration for trainings. The Board, unanimously, was uncomfortable with the idea. Kermit Fisher asked how frequently Chief Harris had to use his personal credit card for such purchases and Dan didn't feel it was very often. Marty asked how the Town could get around using credit cards and it was discussed about getting a check from the Treasurer in advance of the purchase. The Board denied the request.

11. Other:

- a. Lyndon Area Sport Association (LASA) Current Expense Note:
Dan presented to the Board the Current Expense Note in the amount of \$20,000 for LASA. This is a yearly request that must be approved and signed by the Board. LASA has moved the date of the Note from July 2 to March 25th to better meet their cash flow. Motion made by Marty Feltus, seconded by Kermit Fisher, to approve and sign the Current Expense Note in the amount of \$20,000 dated March 25, 2013 on behalf of Lyndon Area Sport Association. Motion carried 3-0.
- b. Mark Nurenberg Property:
Dan Hill informed the Board that Mark Nurenberg's facility at 45 Broad Street has been in violation of zoning since the middle of February. His permit allows him to have 11 vehicles parked on the south end of the building and Mr. Nurenberg continues to exceed this number. Justin Smith, Zoning Administrator, has corresponded with him several times with no corrective action. David Dill confirmed that when he went by, there were 13 vehicles parked there. Previously the Board has set the fine at \$100 per day until compliant. Motion made by Marty Feltus, seconded by Kermit Fisher, to impose a fine of \$100 per day until compliant, effective March 25, 2013. Motion carried 3-0.
- c. Dan presented to the Board for approval and signatures, a temporary construction easement on Main Street in front of the Public Safety Building, relating to the water project. Motion made by Kermit Fisher, seconded by Marty Feltus, to approve and sign the temporary construction easement for Main Street. Motion carried 3-0.
- d. Dawn Dwyer, Treasurer, spoke to the board regarding a State Statute for signing orders and warrants that she learned about at a Treasure's training held on March 21, 2013 in Fairlee. Her understanding is that either the Board can sign the orders and warrants at a duly held meeting or appoint the authority to one or more board members. If authority is appointed to one or more board members, the orders and warrants are not then signed at a future meeting by the remaining board members. Dawn will look further into the Statute and report back to the board. David Dill also asked about an Appointment Letter delegating authority to one or more board members to sign orders and warrants at a time other than a duly held meeting. Dawn will look into this document as well.
- e. Steve Gray, Lyndon representative to the Northeast Kingdom Waste Management District (NEKWMD) presented the NEKWMD annual report. He reported that in 2012 three more towns joined the district, Lyndon increased their % of recycling percent from 27% in 2011 to 31% in 2012, and curbside pickup increased from 27 tons picked up in 2011 to 32 tons in 2012, and the first quarter statistics indicate Lyndon is on course for 32 tons in 2013. Steve also shared a discussion had at the last NEKWMD meeting regarding voting their budget by Australian ballot. Some of the smaller towns feel it's a waste of time and money when that is the only article being voted in that manner. Steve also noted that the Swap Shop, located at the Recycle Center, will be closing on May 18, 2013.

12. Executive Session-Real Estate:

Motion made by Kermit Fisher, seconded by Marty Feltus, to enter into executive session at 6:32 PM to discuss Real Estate issue. Motion carried 3-0. Upon returning to open session at 6:55 PM no action was taken.

Meeting adjourned at 6:56 PM

Minutes taken by Dawn Dwyer