

**Dover Select Board
Meeting Minutes
Dover Town Office
September 20, 2016**

THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY THE DOVER SELECT BOARD

Select Board Members Present: Randall Terk, Victoria Capitani, Linda Holland, Tom Baltrus**, Joe Mahon**
Also Present: Recording Secretary, Jeannette Eckert

Public: Ken Black, Randy Johnson, Rich Werner, Lucy Imperatore, Adam Levine, Kevin Stine, Eric Nielsen, Rolf Parker, Allison Ericson, Bob Holland, Dave Cerchio, Celeste & Thomas Keefe, Polly Schmid, Sandy MacDougall, Becky Nealand, Holly Nardone, Jim Green, Dayna Nobile, Sandra LaSpior, George Merle, Debbie Jacobs

Regular Meeting Called to Order at 6:15 PM by Chair Terk

I. Executive Session for Legal Matters (Ken Black)

On a motion by Victoria Capitani, seconded by Linda Holland, the Board unanimously agreed to move into Executive Session for Legal Matters at 6:15pm

Present: Randall Terk, Victoria Capitani, Linda Holland, Ken Black, Jeannette Eckert

On a motion by Linda Holland, seconded by Victoria Capitani, the Board unanimously agreed to move out of Executive Session for Legal Matters at 6:25pm

Decision: None

II. Public Comments:

Kevin Stine, one of the Town appointed representatives for Windham Regional Commission, updated the Board

- Sits on the Planning Coordination Committee at WRC which reviews Town Plans
- Some towns have not been dealing with Act 148 issues yet
- More concerned with the necessary steps that need to happen in 2020
- Another committee I sit on is Natural Resources—makes recommendations on Act 64; water connectivity issues
- What are Dover's water quality issues?
- One of DEC projects is the Adams Hill stream also iron ore seepage
 - Fixing the Rock River between E. Dover and South Newfane
- Culverts need to be inventoried
- Connectivity with culverts and streams—grants are available for towns to do assessments
- This is new to me, will be a learning process
- Offered some facts sheets on municipal road program

Board comments:

- Dover is said to be ahead of schedule where Act 148 is concerned
- According to Bob Spencer's recent letter, WSWM may be getting out of the recycling business
- We are having additional testing done at the Landfill due to water issues in Bennington
- Otherwise unaware of any water quality issues
- What recommendations can WRC make to Dover? Not familiar with requirements of Act 64; give us some guidance on these topics
- Advise member towns on the issues, grant opportunities, etc. to be ahead of the curve
- Municipal road rate assessment
- Perhaps consider quarterly updates to the Board

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**Bob Holland noted that a culvert inventory has been completed. It was the State that put all the ledge in the Rock River, and now they want to remove it?

Lucy Imperatore requested permission on behalf of the Dover Day committee

- Dover Day—‘Chillin at the Park’ is scheduled for Friday night Oct 14th at Dover Park
- Provide a small fire bowl with a cover so kids can toast marshmallows??
- Rich Werner indicated that it does not require a fire permit if in a contained area

Board comments:

- Not a problem.... Just don't damage the grass
- Will have David Smith decide on the best placement for it

III. Highway:

A. Per-fluorinated Compound Groundwater Sampling @ Landfill (\$2,980)

Rec'd a letter from ANR indicating that the State is requiring all towns to test for PFC's

Will be done in conjunction with the annual Landfill water testing done by KAS this month

What is the timing on this? Will it have to be done annually??

**Jeannette will reach out to Rebecca at KAS for some details

IV. Consent Agenda:

A. Approve Minutes of September 6, 2016

On a motion by Victoria Capitani, seconded by Linda Holland, the Board voted 3-0-0 to approve the minutes of September 6, 2016

B. Approve Warrants of September 10 for \$155,778.18 & September 17 for \$500,000

On a motion by Linda Holland, seconded by Victoria Capitani, the Board voted 3-0-0 to approve the warrants of Sept 10 and 17, 2016

V. Fire Dept.: Rich Werner

A. Update on Generator Grant

- Grant Application was finally completed and accepted
- Will put out to bid
- Accept bids at Nov 15th meeting

B. Repealing LP Tank Ordinance

- Ordinance dated 1990, accepted by the Select board on 10/9/1990 due to issues at that time
- Don't see any reason to keep this ordinance now
- Covered by the regulations of the gas companies
- Variances have been granted in the last few years, maybe one or two a year
- Covered by other State requirements
- Multiple accounts off a single tank—Federal government inspections
- LP tanks can still be above or underground

Board comments:

- Don't have a problem repealing it
- But prior to that follow up with VLCT regarding required documentation
- Then record the repeal in the land records

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- Defer decision to next meeting

C. Tower Agreement for Radio

- Original company sold the tower to another company
- Ken Black took over the arrangements unbeknownst to Rich
- Propose to keep antenna at a cost of \$250.00 per month—rental agreement according to deal with Stubbs
- In addition, keep that deal along with plowing of the road—just enough to turn around, in and out, should take 10-15 minutes
- Doesn't seem like a lot to ask
- 30-year agreement but it is a pretty loose agreement; Hand written, no signatures

Board comments:

- Are we going to end up salting and sanding when icy? *Only asking for plowing*
- What is in it for us? Can we say no?
- What does the agreement state? Let's take a look at the agreement first before making any decision

**Tom Baltrus arrived at 6:54pm

VI. **FYI:**

- A. Repairs to Walkway between Town Office and Church have been completed; total cost came to \$179.29 for materials and labor; invoice for ½ the cost was sent to Marge Thurber at WDCC; rec'd a nice thank you note from the Church
- B. Windham County Economic Development Program Annual Report
- C. BC/BS Community Meeting, Oct 6th at Brattleboro Retreat—Jeannette will be attending

**Joe Mahon arrived at 6:58pm

VII. **Liaison Reports:**

- A. Randy rec'd a letter from Bob Spencer at Windham Solid Waste Mgmt.—considering getting out of the recycling business and closing the materials recovery facility
 - Requesting towns look into other options for our recycling purposes—Casella, Triple T etc.
 - Provide a written quote to estimate the costs to the town in comparison to membership in WSWMD
 - Look into costs for one hauler to take trash, recycling and compost combined

VIII. **Executive Session** (Rich Werner):

On a motion by Tom Baltrus, seconded by Linda Holland, the Board unanimously agreed to move into Executive Session at 7:02pm

Present: All five board members, Rich Werner, Jeannette Eckert

- A. Legal Matters
- B. Medical Situation

On a motion by Victoria Capitani, seconded by Linda Holland, the Board unanimously agreed to move out of Executive Session at 7:09pm

Decision: None. Rich will keep the Board informed

IX. **Adjournment of Regular Meeting at 7:10pm**

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I. Public Hearing: Continuance of Vicious Dog/Public Nuisance Complaint

Select Board Members Present: Randall Terk, Victoria Capitani, Linda Holland, Tom Baltrus, Joe Mahon

Also present: Recording secretary Jeannette Eckert

Public Present: Randy Johnson, Rich Werner, Sandy MacDougall, Dave Cerchio, Adam Levine, Bob Holland, Rolf Parker, Celeste & Thomas Keefe, Polly Schmid, Becky Nealand, Holly Nardone, Jim Green, Dayna Nobile, Sandra LaSpior, George Merle, Debbie Jacobs

Hearing called to order at 7:30pm by Chair Randall Terk

The Notice of Continuance of the Hearing was read into the record

All parties intending to give testimony were sworn in

Chair Terk requested testimonies from those assembled that were not here previously

George Merle, housekeeping manager at Mt Snow, resides at 30 Mountainview Loop in West Dover testifies to the following:

About two years ago, I was going into the parking lot of the 200 building at Snow Mountain Village. The dog in question came after me; had to hop over a snowbank and get back in my truck before he stopped chasing me.

Randall Terk: Can you be more specific about what actually happened, and what you did before the dog came after you?

Mr. Merle: All I did was get out of my truck, went around the other side to get something out of my truck, started walking into the 200 building and saw the dog running at full speed after me unleashed; not in a friendly manner, in the daytime, no provocation on my part.

Mr. Green inquired if he could ask Mr. Merle a question.

Chair Terk informed him that he could not, that this is a quasi-judicial hearing wherein the Board is taking evidence, "we ask the questions and then we will decide as a result of the testimony what will be done. You as an owner have a right to appeal with respect to any decision we make"

Tom Baltrus: George, was the dog snarling, barking? Why did you run? Why didn't you think the dog was going to lick you?

Mr. Merle: He was running at top speed, snarling and growling, definitely not in a friendly manner. I happen to be a dog lover. I don't mind dogs coming up to me but you can tell what the intentions are

Victoria Capitani: You are in housekeeping and I would guess you would be in proximity of that area on a daily basis...Had you ever come into contact with the dog previously?

Mr. Merle: This was the only time the dog ever came after me; other than that I have seen him in the 700 building barking

Allison Ericson testifies to the following:

- Attorney representing Lucy Imperatore who was recently bitten by this dog
- As her advocate, trying to hunt down folks who have also been attacked by this dog
- I have spoken to 5 or 6 people, George was one of them, who have been attacked or bitten by this dog. Folks don't like to come forward, makes them uncomfortable talking about people's dogs. Had a hard time getting them to come to a meeting
- I did speak with Mr. Brian Smuta who was attacked by this dog a couple of years ago and I understand Mr. Green has acknowledged that his dog attacked this Mr. Smuta
- I have two sworn notarized affidavits from Larry Derosia and Scott Cole (Exhibits D & E)
- Attorney Ericson read them both into the record and submitted them as exhibits

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Victoria Capitani: Do you know who Mr. Derosia works for?

Attorney Ericson: He also works for W&B Maintenance

Randall Terk: Rich, were these attacks reported to you?

Rich Werner (owner of W&B Maintenance): I never heard about Larry but was aware of Scott's

James Green, owner of the dog in question, testifies to the following:

- First person, I do not recall. I remember one situation where Buck got out, I don't know if that was the circumstance but I don't remember anything happening
- Regarding Mr. Derosia's incident: typically, I let the dog do his business in the woods and he comes right back to me; the dog saw Larry running over to him and he saw the shovel and got upset and I grabbed him
- As far as what happened to Lucy it was totally my fault; she was walking by and said "what a beautiful dog" and that she thought she knew the dog. She went to say hello to him and he bit her. I can't start to tell you how bad it was. I totally hold myself for that. I let my guard down for a second and it was awful. I think what you guys need to know is what I should do to be instructed here on and give this dog a second chance. If anything else happens, that's it, I'll put the dog down. I will walk around the periphery of Snow Mountain Village, typically do not come in contact with anybody. Go Upper Handle Rd just to exercise him a bit and do his business. I'll make sure he has a muzzle on.
- Not sure if you got the report from Debbie Jacobs from Guilford. She gave details on what she thought of him, later on when feeding him she said she would like to work with him
- If you give me the opportunity would like to have her work with him and update you on progress or lack of progress
- Hopefully it all works out

Deborah Jacobs testifies to the following:

- Just to be clear, when I say I want to work with the dog, that is said in the general sense. This is a dog who seemed interested in training
- Whether or not I work with the dog will rest upon my understanding that there would be 110% owner compliance to training plans and management plans
- I don't want to work with a dog whose owner is not committed to this
- Given everything that we know about him...if the two pieces...if there is a light at the end of this tunnel, one of them is Buckshot's willingness to be trained. As you can see in the video he immediately sat for me and did not take his eyes off me which is how we train
- The bright picture is the dog does display an opportunity to engage and learn
- But all hinges on owner compliance

Dayna Nobile, friend of Mr. Green, testifies to the following:

- I have been entrusted with Buckshot when Mr. Green is away
- My experience with him walking him in the area: while on a leash he never seemed as if he was going to attack someone while I was walking him. If there are people around who ask me whether he is friendly or not, I answer "I don't know, sometimes he is, sometimes he's not, I would prefer that you don't pet him". If anyone ever comes at me as if they are going to pet him, I ask them to please not. He has been around people and not pulled me towards them as if he was going to attack them. He is absolutely capable of walking on a leash with people around

Chair Terk asked if the Board had any additional questions. Hearing none the Board proceeded to close the hearing.

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On a motion by Linda Holland, seconded by Victoria Capitani, the Board unanimously agreed to close the hearing and enter into deliberative session

The Board entered a closed deliberative session as recommended by VLCT hearing procedures at 7:55pm

On a motion by Victoria Capitani, seconded by Tom Baltrus, the Board unanimously agreed to reconvene its deliberative session immediately following a public meeting on Tuesday, September 27 at the Town Hall in East Dover.

Hearing was adjourned at 8:25pm

Respectfully submitted by Jeannette Eckert
Select Board Recording Secretary

Public notices of these minutes have been posted at the following locations:
Dover Town Clerk's Bulletin Board, Dover Town Meeting Bulletin Board, Dover School
Dover Free Library, East Dover Post Office, Town of Dover Website: www.doververmont.com