

**Dover Select Board
Meeting Minutes
Tuesday, January 5, 2021**

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

Join Zoom Meeting

<https://us02web.zoom.us/j/86800444071?pwd=RIU2WDQ0cDM3d3AwSGREeFNON2tnQT09>

Meeting ID: 868 0044 4071

Password: 052648

Dial in: 929 205 6099

Meeting ID: 868 0044 4071

Password: 052648

Select Board via Zoom: Victoria Capitani, Sarah Shippee, Dan Baliotti, Joe Mahon, Scott Salway
Also, present: Office Manager, Jeannette Eckert

Public present via Zoom: Tabi Freedman, Shannon Wheeler, Becky Arbella, Jim McDevitt, Randy Johnson, Travis Briggs, Eric Durocher, Richard Sedlack, Linda Sherman, Michael Garber, Paul Fisher, Dana Riccoboni, Diane McCormick, Michelle Pinkham, Jessica Lee Smith, Mike Eldred, Chris Curtis, Ryan Todd, Kevin Stine, Rick Thorpe, Rich Werner, Laura Sibia

Regular Meeting Called to Order at 6:30pm by Chair Capitani

I. Public Comments:

Vicki Capitani related that the chat function on Zoom has been disabled; please raise your hand or wave to get her attention. Zoom does not record chat sessions and as everything should be in public forum, the chat function has been turned off

Also add onto the ED item Trails & Rec Committee Applications—will take questions and comments this evening but will hold an Exec Session tonight or at a later date to discuss applicants in detail

Jeannette Eckert asked to add Approve minutes of Dec 15, 2020 as it had been left off the agenda in error

Becky Arbella related that Wilmington Works and Shires Housing will be partnering again on the 2021 Everyone Eats program

II. Highway: Travis Briggs

A. Consider Replacing Damaged Plow on Highway Truck

Quotes rec'd:

Viking Power Angle- \$7,500 In Stock

Viking One Way- \$6,700 (not in stock 2 wks. to get)

HP Fairfield Power Angle-\$7,789 In Stock

HP Fairfield One way-\$5,600

(would need to come from Maine, transfer Truck runs every weds.)

- Requests permission to replace a destroyed beyond repair snowplow which was the result of an accident in the last snowstorm
- No damage to the truck itself
- Will get some insurance money back thru VLCT: \$4500 minus depreciation
- 20-25-year-old snowplow—did not get a new plow when the truck was purchased in 2019
- Spare plow is being used until it can be replaced
- Recommends getting the \$7500 Viking power angle plow which is in stock and can be picked up
- Funding is available in Capital Equipment

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On a motion by Sarah Shippee, seconded by Dan Baliotti, the Board unanimously agreed to purchase Viking angle plow for \$7500 with funds coming from Capital Equipment

III. Unfinished Business:

A. Revisit Richard Sedlack's Concerns Regarding Zoning Issues

First Issue to address: Air BnB

- The Board had a chance to review the power point presentation
 - Can understand the concern with parking and access to Richard's property
- Richard has spoken with the property owner that is operating the rental
 - Property owner believes guests are doing their best to park
 - Does not believe Whispering Brook should have ever been developed
 - Does not properly plow or sand his parking areas—cars are frequently getting stuck and/or camping out all weekend
- Richard has not spoken with the property mgmt. company
- 8 police reports have been filed in a two-year period
- Whispering Brook Way has a 50 foot right of way according to the deed
 - Prior to development it was the driveway to 25 Stugger Rd
- Randy Johnson relates that he had not reviewed all the reports but was updated by Officer Becky Morris
 - Whispering Brook is a private road so there is no enforcement
 - Richard's property is at the end of the dead end road
 - Unfortunately, if folks are not familiar with the area, they may miss their turn and end up turning around in Richard's driveway
 - It is a civil matter and there is not a lot Dover Police can do
- There is a camera mounted on the corner of the building with a video recording
- Don't have a problem with people making a living
- Real problem is the zoning bylaws not being enforced: Businesses operating in a residential district
 - 109 homes in the residential districts that could be controlled
- Zoning bylaws do not address rental homes—process would require going before the DRB
- Also, a sign issue with the name of the business and directional signage which is visible from the road

Board comments:

- Usually there is a max allowance on parking spaces for rental properties
 - This is a 15-person max; they are allowed 15 sleeping spaces
 - Seems there should be something to do to mitigate the parking problems
- Property Mgmt company is local—would like to have a conversation with them
- This topic is on this Legislative session
- Safety is a concern; should be able to access and leave your home at any time without impediments
- Can research with Town Attorney on the Board sending a letter to the property owner

Zoning comments:

- Single family home being rented as a unit which falls under our current regulation
 - We can look to change or amend that regulation
 - Has been discussed with the Town Attorney and we can obtain a formal written document from him
- Zoning bylaw changes takes a long time to implement
 - This would not alleviate the problems this winter

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- How did ZA Dave Cerchio enforce it?
 - He was two ZA's removed from this; Air BnB's were a different animal back then
- Need to get that info from the Town Attorney to discuss further
- Need to discuss with the property owner to advise them on the public safety issue
- Linda Sherman suggests bringing it up in the VALA (Vt Assoc of Listers and Assessors) meeting; majority of towns across the state are dealing with this issue
- Sarah Shippee suggests asking the Town Attorney to address this
- Signage under a certain size is allowed according to the sign ordinance; people name their homes; not necessarily advertising signs; will be hard to single this one out
- See the parking issue as a bigger one right now than getting rid of the sign
- Will revisit when Attorney composes a statement

Second issue: Zoning

- Lengthy commentary from the ZA has no pretense to it; procedure for following up on a possible violation has not been followed; and does not say why it began
- Complaint filed by the ZA was false (motorcycle repair shop)
- No phone calls or requests to visit the property
- Land is an abandoned construction site which is being cleaned up
 - Northwest corner of the land is being prepared for landscaping
 - Making the land safe for walking on
 - This is not land development
- DEC enforcement officer came out responding to ZA complaint and did not know why he had been called out
 - EPA is now also addressing the issue
- How is this going to be rectified?
- Steam is not a Vt waterway, it is a temporary construction culvert

ZA Tabi Freedman:

- According to Zoning Bylaws, any development or clearing on the land requires a permit
 - Any permits that were filed were expired 10 years prior
 - A warning was sent out
- A stream was impacted, as noted by a neighbor; is visible on the ANR system
- State specialist was contacted, and it is at his recommendation that this is being reviewed
- Land is in the wildlife zone and partially in flood plain
- Requested that Mr. Sedlack contact the State agencies; apparently, they were but no statement was filed that there is no impact
- Forest Hammond needs to approve as it is in the wildlife habitat overlay
- No further information from the property owner was received
- If everything is in line, the warning can be removed
- Appeal process was presented to the property owner
- Complaint should be directed to the DRB and not the Select board
- Due to COVID, the time has been extended to have this reviewed, still in the warning process and not in the violation process
- If a permit had been filed, none of this would be necessary

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Sarah Shippee, DRB Chair, will be assisting in this process with the obtaining of concrete information from the Town Attorney, State agencies, Mr. Sedlack and ZA Freedman; The Select board meeting is not the proper forum for this topic

B. Review Any Budget/Town Meeting Updates

- Rec'd the budget number from EDFD
- No other updates at present, will be waiting on the Legislature as far as Town Meeting and voting plans progress
- Will keep on agenda for future meetings

IV. New Business:

A. Deerfield River Watershed Association—Letter of Support
Chris Curtis representing

- Non-profit group launching a new initiative to determine if it can designate Deerfield River as a wild & scenic area
- Benefit to the communities; feel it is worthy of this designation
- Has met with 14 communities to date, and all have voted to offer support
- Wilmington, Stratton, Guilford, Whitingham have signed on with this
- Designation does not affect local properties or zoning bylaws in any way
 - A management plan is usually adopted in communities for river protection zoning, but it is not mandatory
- Worked on the designation of the Westfield River in Mass. and those communities do have river protection planning
- Looking at all of the segments but not all will qualify for designation
- Deerfield River—one of the criteria is “outstandingly remarkable scenic qualities”
- Study is done within 2-3 years
- Then designation request would be made

Kevin Stine familiar with the Deerfield River watershed; North branch that we have in Dover has some scenic parts but is a top priority for State agencies in remediation process
Classification does not impact the tactical basin plan that the State has for it
Currently a B-1 stream, if it ever went to an A-1 stream would need bylaws

Richard Sedlack would be interested in meeting with Mr. Curtis to discuss further
Joe Mahon: would there be any monetary commitment in the future if we signed on with this?
Chris: There is no cost to participate in the designation process. But there could be compensation through the National Park Service—positive financial impacts; projects to clean up, restore the rivers; Committee of community members will have a say in how the money is spent in the watershed

Vicki Capitani: Do all communities need to be on board for it to move forward?

Chris: No, but believe it is important to make the connection with communities

On a motion by Joe Mahon, seconded by Dan Baliotti, the Board unanimously agreed to authorize the Chair to sign the letter of support

B. Grateful Hearts Program (Becky Arbella)

- In early stages but because of the pandemic, the need has been pushed to the forefront
- Looking for the use of a commercial kitchen; not asking for any funds

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- Grateful Hearts is a non-profit; unsure if we would become a branch of it or call it something else
- No cost to any recipient of the food
- Will be checking in with restaurants and stores for any food they cannot use but is still edible & nutritious
- Food would be cooked, vacuumed packed and frozen; operated all by volunteers in the Valley
- Serve safe management course has been taken and anything served would be under those bylaws
- Will maintain cleanliness at the Town Hall
- Experience with food processing and will provide full training on equipment
- Food is going to waste and there is a real need in the valley
- May be one day a week or one day a month depending on volunteers: one day late afternoon or early evening midweek, Monday to Thursday, flexible on the day
- Hope to make this an ongoing program
- Would like to involve the younger generation to help for community service
- Let's call it Feeding the Valley program

On a motion by Scott Salway, seconded by Dan Baliotti, the Board unanimously agreed to allow Becky Arbella and the Feeding the Valley program use of the Dover Town Hall kitchen one day weekly

C. Vermont Television/Duncan Cable Request to Air Meetings (Ryan Todd)

- Looking to re-air the Select board meetings on Channel 8 at designated times
- Currently looking at just the Zoom meetings
 - Will revisit when the in-person meetings resume
- Currently airing the Wilmington SB meetings
- Eric Durocher has plans to upload the recordings to You Tube which will be available to view by all
- Duncan Cable has no exclusivity to airing the sessions
- Town would still own the rights to the meetings & reserve the right to cancel at any time
- A proposed contract will be forwarded to Jeannette and then to the Town Attorney for review; will revisit when that is completed

V. Economic Development:

A. Update on Town of Dover Website RFP process

- 55 proposals rec'd
- Shannon, Jeannette and Eric will be reviewing and will present top choices at Jan 19 meeting
- Any interest in viewing them, a link can be sent

B. Schedule Economic Development Director Six-month Review

- Thursday the 14th at 4pm in Executive Session

C. Bi-Town Housing Committee Thank You

- Very special thank you to People's United Bank for the \$500 donation to the committee

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- D. Trails & Rec Committee Applications
- A number of applications rec'd
 - Will reschedule review in an Exec Session following Eric's review on the 14th

VI. Consent Agenda:

- A. Approve the Minutes of December 11, **15** & 18, 2020
On a motion by Dan Baliotti, seconded by Sarah Shippee, the Board voted 3-0-2 to approve the minutes of Dec 11, 2020 (Mahon and Salway abstain)
- On a motion by Sarah Shippee, seconded by Victoria Capitani, the Board voted 4-0-1 to approve the minutes of Dec 15, 2020 (Baliotti abstain)
- On a motion by Dan Baliotti, seconded by Sarah Shippee, the Board voted 4-0-1 to approve the minutes of Dec 18, 2020 (Mahon abstain)
- B. Approve the Warrants of December 26, 2020 for \$141,641.03
On a motion by Sarah Shippee, seconded by Joe Mahon, the Board unanimously approved the minutes of Dec 26, 2020

VII. FYI:

- A. Tax Sale, January 13 at 9:30am
- B. Joint Select Board Meeting, Bi-Town Marketing, January 12 at 6pm
- C. Planning Commission Vacancy—One Letter of Interest Received—put on next agenda, **any interested parties please reach out to Jeannette with a letter prior to the next meeting**
- D. Completion of Dover Fire Dept. Collocation Plan on Cell Tower at 285 Dover Hill Road is Scheduled

VIII. Liaison Reports: none

IX. Executive Session for Legal Matters with River Valley School Board Rep.

On a motion by Sarah Shippee, seconded by Scott Salway, the Board unanimously agreed to move into Executive Session for Legal Matters at 8:02pm
Present: all five board members plus Laura Sibilgia, Rich Werner, Rick Thorpe
On a motion by Sarah Shippee, seconded by Joe Mahon, the Board unanimously agreed to move out of Executive Session for Legal Matters at 8:31pm
Decision: Vicki and Scott will keep the Board informed on progress

X. Adjournment at 8:32pm

Respectfully submitted by Jeannette Eckert

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