

Approved October 1, 2013

TOWN OF CORNWALL  
SELECT BOARD MEETING  
Cornwall Town Office  
Tuesday, September 3, 2013

**Present:** Bruce Hiland, Judy Watts, Ben Wood, Abi Sessions, Sue Johnson, Stu Johnson

**Guests:** Misse Smith, Holly Noordsy, David Dodge, Katherine Branch, Michael Collier, Bethany Menkart, Alice Berninghausen, John Berninghausen

Meeting called to order at 7:00 pm.  
General Fund and Highway Orders - *signed*  
Reconciled August Bank Statement - *reviewed*

### MINUTES

**July 2 Minutes** – (item was tabled at August 6 meeting after motion to approve was made, until quorum of attendees was present to approve) Ben MOVED/Judy SECONDED a motion to approve the minutes as distributed. Motion passed with one abstention.

**August 6 Minutes** – Abi MOVED/Judy SECONDED a motion to approve the minutes with the typo corrected in the following sentence: “Ben MOVED / Bruce SECONDED a motion to approve the minutes of **July 2** as distributed.” Motion passed.

### CORRESPONDENCE

- Communication from the Planning Commission recommending that Sarah Pelkey be appointed to fill the vacant seat on the CPC.
- Notice that Marge Drexler has resigned as alternate to ACRPC. The board accepts with regrets and thanks Marge for her service to the Town.
- Information about the upcoming VLCT Town Fair in Killington.
- Note from Health Officer Dave Anderson about a health hazard on Delong road. Dave A. has notified the violators regarding the proper disposal of household refuse on their property.
- Communication from Town Attorney regarding tax appeals litigation

**PUBLIC COMMENTS** – *none*

**TOWN CLERK / TOWN TREASURER’S REPORT** – Sue Johnson

- **New Format for Orders:** Sue presented the board with the general fund and highway orders in the new format created by the new software. Sue said the new software is very user friendly and she is happy with support from the company.

- **The PACE program** is finally up and running. Sue presented a resolution/ re-adoption of PACE program guidelines that the board needs to sign, along with Exhibit B1, the contract between municipalities and the bank for PACE.
- **The Local Disaster Shelter Initiative** offers communities in Vermont and New Hampshire's Upper Valley the training and equipment to open and sustain a disaster shelter for up to 72 hours when assistance is either unavailable or delayed. Cornwall and 33 other towns in Vermont have signed up so far. Town has received a letter from the Red Cross with information.
- **Professional Audit:** Informed the board that Telling and Associates professional audit will be done this year, which will include one audit inquiry and 3 fraud inquiries. The "Management" referred to in the letter from Telling and Associates will be the Town auditors. One of the fraud inquiries needs to be answered by the Selectboard.

## **ROAD COMMISSIONER'S REPORT – Stu Johnson**

**Triangle Intersection** - Stu, along with Selectboard members Judy Watts and Abi Sessions met with VTrans grant program representative Dan Newhall at the site under consideration – intersection of South Bingham and Parkhill Road. The State would like to see the triangle made into a "T", to improve safety. Stu thinks we can do this in-house sometime in 2014 prior to paving. SB will put the item on an agenda in the near future. Judy commented this improvement would result in only one stop sign to replace the multiple signs there now.

**Salt Group:** Stu Johnson and Misse Smith (members of an ad hoc committee tasked with study and recommendations regarding salt in the soil at the Town Garage) – reported on the history of the situation.

## **OLD BUSINESS**

- **VT Gas pipeline project update:** Bruce Hiland reported on meetings with the Governor and communications with VT Gas, ANR, PSD and Conservation Law Foundation that have occurred over the summer.
- **Authority to Close Class 2 and Class 3 Roads:** After a short discussion, Ben MOVED/ Judy SECONDED a motion to give the Road Commissioner permission to close Class 2 and Class 3 roads in Cornwall for up to 3 hours without a vote from the Selectboard. The motion passed.
- **Appointment of Planning Commissioner:** Judy MOVED /Abi SECONDED a motion to appoint Sarah Pelkey to the seat on the Planning Commission vacated by the resignation of Geoff Demong. Sarah will serve in this position until the next Town Meeting. The motion passed.

## NEW BUSINESS

- ***West Street dog complaints:*** The board heard from Michael Collier, Katherine Branch, John Berninghausen, David Dodge, and Bethany Menkart regarding the behavior of a dog on West Street and the inability of it's owners to control it's aggressive and dangerous behavior toward pedestrians and bicyclists. Michael Collier read a statement (attach copy) describing an incident with the dog that resulted in serious injuries for which he was hospitalized. In his statement, Michael requests that the board order the dog be put down and that the dog ordinance be revised to say "dangerous or vicious" instead of "vicious." Michael said that the manner in which the dog ran into the front wheel of his bicycle was clearly an attack. David Dodge said that his experience with the dog is that it behaves like it is going to attack you.

The board has also reviewed a letter from Katherine Branch asking the board to take action; report from Bruce Payne, animal control officer; report from Dave Sears on his investigation of the matter, and a communication from the dog owner.

After a lengthy discussion about the matter, Bruce Hiland said that the board will need to refer to the Town Attorney for advice on what the board's role is here, because the language in the relevant state statues is not clear. Bruce H. and Ben W. will go see Jim Carroll. Meanwhile, Bruce H. will advise the dog owner that the dog should not be seen in the road while this matter is under consideration.

- ***Front Door Unit:*** The front door of the Town Hall (which is a unit with windows) needs to be replaced at an estimated cost of \$2,000 for the unpainted unit and \$500 for the cost of paint. Abi MOVED/ Judy SECONDED a motion to authorize the replacement and finishing of the door at a cost not to exceed \$3,000. The motion passed.

The meeting was adjourned at 8:35 pm

Respectfully submitted, Sharon Tierra, Clerk of the Selectboard