

Approved May 21, 2019

**CORNWALL SELECT BOARD**  
Regular Meeting, Cornwall Town Hall  
May 7, 2019

**MEMBERS PRESENT:** Ben Marks, Magna Dodge, Ben Wood, Brian Kemp

**ALSO PRESENT:** Sue Johnson, Zapata Courage, Barbara Greenwood, Don Burns, Conor Stinson, Mary Dodge, Craig Zontag, David Dodge

The meeting was called to order at 7:00 pm.

Quorum - established.

General Fund and Highway Orders - signed.

**AGENDA** - Magna D. MOVED / Ben W. SECONDED a motion to approve the agenda, with the modification of adding one item first on the agenda, the recommendation of Don Burns to the Cornwall Planning Commission (CPC). Motion passed - 4 in favor, 0 opposed. (only 4 members were present at this point in the meeting)

**MEETING WITH DON BURNS** - Don Burns, recommended for appointment to the CPC, introduced himself, and described his background, interest and availability to serve. After a discussion with Mr. Burns, Ben W. MOVED / Magna D. SECONDED a motion to appoint him as a member of the CPC, the appointed term ending in March 2020. Motion passed - 4 in favor, 0 opposed.

**MINUTES** - April 16, 2019 - Ben W. MOVED / Magna D. SECONDED a motion to approve the minutes as amended - in first sentence in public comments, change "Cedar Swamp" to "Cornwall Swamp". In Road Commissioner's Report, strike last sentence about the mower. Motion passed - 4 in favor, 0 opposed, 1 abstained (John R.)

**CORRESPONDENCE REVIEW**

- New Highway Map from Vermont Department of Transportation - shows discontinuation of Robbins Road.
- Notice from Vermont League of Cities and Towns regarding the Spring Planning and Zoning workshops on June 18

**PUBLIC COMMENTS** - none

**TOWN CLERK / TOWN TREASURER'S REPORT** - Sue Johnson

- April 1 was the deadline for dog owners to pay for annual dog licenses. Many dog owners have still not registered their dogs, as the State of Vermont requires all owners to do. Sue J. presented the Board with the list of delinquent dog owners. The Board authorized Sue J. to send out a formal letter to the names on the list.
- Sue J. sent out 30 letters to delinquent tax payers, with good response.
- Sue J. will be on vacation from May 9-17. Select Board will need to post agenda for May 21.
- Received annual mailing from the Addison County Regional Planning Commission (ACRPC) asking for updates to Cornwall delegates, alternates, and committee members to the ACRPC.

**ROAD COMMISSIONER'S REPORT** - Brian Kemp

- Work on DeLong Road is about to begin.
- Newest truck in in for maintenance.

- Regular road maintenance continues.
- Brian K. viewed the mower options in person.

## **OLD BUSINESS**

### • **Discussion of Proposed Land Use Regulations**

- Ben M. spoke with Zoning Administrator Jim Duclos, who provided a list of his functional concerns with the current regulations and discussed how the new regulations are designed to resolve those concerns. Ben M. asked the Board to review Mr. Duclos's list.
- Received memo from the Development Review Board on how the regulations work within their processes.
- Current regulations have a useful checklist and the Board agreed it is important to have a clear "roadmap" for someone who is considering developing their property.
- Magna expressed her concerns regarding the size, complexity, and cross references of the proposed regulations.
- Ben M. will reach out to Holly Noordsy and Sarah Pelkey before the next Board meeting to get more information/insight on the process of the previous CPC.
- June 27 is the scheduled Select Board hearing on the proposed regulations.

### • **Discussion and Vote on Emergency Management Plan (LEMP) - John R. MOVED / Brian K. SECONDED** a motion to approve the LEMP. Motion passed - 5 in favor, 0 opposed.

- **Discussion with Zapata Courage from Agency of Natural Resources (ANR)-** Zapata Courage, wetland ecologist with the ANR, presented information about a collaborative initiative to provide more protection for the 15,000 acre Otter Creek wetland complex, of which Cornwall Swamp is a part. All of the Otter Creek complex is defined as Class II wetlands. Class II wetlands are protected with a 50-foot buffer, and permits are required for development within the wetlands. A steering committee has been formed, with representatives from all 7 towns (including Mary Dodge from Cornwall) with land within the complex, as well as Vermont Department of Fish and Wildlife, ACRPC, and the Nature Conservancy. This committee intends to petition the Wetland Program at ANC to reclassify part of this complex as state Class I wetlands. Class I wetlands would expand the buffer to 100 feet and development would be allowed only if there's a compelling need to protect public health and safety. However, under either classification I or II, farming and forestry are still permitted within the buffers. Two informal meetings have been scheduled for June 25 and 27. Abutting land owners will be directly notified and invited to these meetings. Ms. Courage wanted the Select Board to be aware of the first step of this petition and to know that the process of reclassification is a long legislative process. Ms. Courage will send a copy of her presentation in pdf form to the Board. David Dodge asked whether mosquito treatment would be allowed if the wetland becomes Class I. Ms. Courage said that yes that would be deemed a compelling need to protect health and safety.

## **NEW BUSINESS**

**Discussion of Snake Mountain Dog Bite Incident** - A dog belonging to an employee of a farm on Snake Mountain Road, ran out and bit a dog walking with its' owner along that road. The owner of the aggressive dog was present and responded immediately. The dog who was bitten did not need medical attention. As the Town's first response to the incident, Ben M. will talk with the dog's owner and will be in touch with the owners of the dog who was bitten to let them know that the Town is responding.

## **OTHER BUSINESS**

### • **Executive Session - Discussion of Road Foreman Position and Discussion of Peet Tax Appeal Settlement**

Ben W. MOVED/Magna D. SECONDED a motion to find that premature general public knowledge regarding the Road Foreman position would clearly place Cornwall at

substantial disadvantage by disclosing confidential employment contract information, and that premature general public knowledge regarding the Peet Tax Appeal Settlement would clearly place Cornwall at substantial disadvantage by disclosing attorney-client privileged information. Motion passed – 5 in favor, 0 opposed.

Ben W. MOVED / Magna D. SECONDED a motion to enter into executive session to discuss the Road Foreman position, under the provisions of Title 1, Section 313 (a)(3) of the Vermont Statutes and the Peet Tax Appeal Settlement under Title 1, Section 313 (a)(1) of the Vermont Statutes. Motion passed – 5 in favor, 0 opposed.

The Select Board came out of executive session at 9:32 pm.

- **Conservation Commission** - The Select Board accepted the resignation of Marc Lapin from the Conservation Commission. The Select Board wishes to thank Marc for his years of service to the Town and his tireless advocacy for Cornwall's natural environment. The Conservation Commission recommends the appointment of Katherine Branch to fill this vacant seat. Ben W. MOVED/ Magna D. SECONDED a motion to appoint Katherine Branch to fill the vacant seat on the Conservation Commission.
- **ACRPC** - John R. MOVED / Ben W. SECONDED a motion to re-appoint Stan Gryzb as Cornwall's delegate to the Addison County Regional Planning Commission and Brian Kemp as Cornwall's representative to the ACRPC's TAC (transportation) committee. Motion passed - 4 in favor, 0 opposed, 1 abstained (Brian K.)

Magna D. MOVED / Brian K. SECONDED a motion to adjourn the meeting. Motion passed - 5 in favor, 0 opposed.

The meeting was adjourned at 9:40 pm.

Submitted by Sharon Tierra, Secretary of the Select Board