

## Town of Mendon

### Selectboard

August 29, 2022

Members of Selectboard present: Larry Courcelle, Bryan Sell

Town Officers and employees present: Sara Tully, Town Administrator & Health Officer

Visitors present: Brian and Carol Gates, Rich Carlson

The Selectboard Meeting was called to order at 5:02 PM at the Town Office.

Agenda: Motion by L. Courcelle to approve the agenda with moving Public Comment to 5:30 PM. Motion seconded by V. Taylor. The Selectboard unanimously approved the motion. S. Tully requested these subjects be added at the beginning of the agenda. The Selectboard approved the motion.

#### Announcement

Welcome PEG TV, present recording the second Selectboard Meeting.

VLCT Training – Infrastructure Investment and Jobs Act Funding for Vermont with the US Department of Transportation, September 8, 2022.

Local Hazard Mitigation Plan Update – The LHMP draft will be presented at the 11/7/22 Planning Commission Meeting. A public comment period will be open until 11/28/22. The LHMP will be submitted to Vermont Emergency Management in December.

#### Administrative Matters

*Selectmen's Orders* were reviewed.

Motion by L. Courcelle to approve orders for 8/18/22 \$19,488.43 and payroll for 8/9/22 \$10,469.97 and 8/20/22 for \$10,518.81. Motion seconded by V. Taylor. The Selectboard approved the motion.

Minutes of Previous Meeting: L. Courcelle tabled the approval of the 8/8/22 to be approved by members present at the meeting.

#### Business

*IDEAL Vermont* L. Courcelle reported information about IDEAL Vermont which is looking for the Town of Mendon to participate. “IDEAL” stands for Inclusion, Diversity, Equity, Action, and Leadership. This initiative creates a coalition of Vermont municipalities dedicated to advancing racial

and other forms of equity across the state through shared learning and tangible actions. It fosters coordination to multiply, amplify, and build synergy across the state. Mendon has been identified for participating with IDEAL because it has demonstrated a willingness to confront and overcome inequity, including racial/ethnic inequity, through actions such as the adoption of the Declaration of Inclusion. IDEAL key partners include the Vermont League of Cities & Towns, Vermont Community Foundation, Abundant Sun, and Vermont Council on Rural Development. Guided by a multidisciplinary team of state agencies, IDEAL Vermont helps local leaders advance equity in their communities through workshops, technical assistance, grant opportunities, and facilitated spaces to share with and learn from peers around the state. The official launch date for IDEAL Vermont is October 26th. IDEAL Vermont will bring the member municipalities together to review the initiative's objectives, identify resources, and develop concrete action steps for municipalities to take. After that, municipalities will engage in regular in-person convenings throughout the year to share progress, troubleshoot issues, learn more about equity work, and offer mutual support. In addition to the regular convenings, municipalities will have access to a resource library to guide their work and technical assistance from relevant state agencies. Member municipalities will also be eligible to apply for small grants of up to \$10,000 each year. Motion by L. Courcelle to participate with IDEAL Vermont. Motion seconded by V. Taylor. The Selectboard approved the motion.

*Community Center* Megan Smith submitted site plans for possible locations of a Community Center on town property on Stoney Meadows Lane. M. Smith is expected to attend the next Selectboard Meeting. L. Courcelle outlined that the committee presenting the project will need to determine the building design, fundraising, bond, maintenance, and upkeep for the building. The project will ultimately go to town vote. V. Taylor requested a site visit.

*Paving Issue* L. Courcelle will follow up with Fuller Sand and Gravel on the paving concerns on Sherwood Drive.

*Security at the Town Office* Issue tabled because no new information to present.

*Disorderly Conduct Ordinance* The Selectboard discussed the draft Disorderly Conduct Ordinance being prepared for adoption on 9/12/22. The ordinance was modeled after the Fair Haven Disorderly Conduct ordinance. C. Gates requested the ordinance be read aloud. L. Courcelle read the draft Disorderly Conduct Ordinance. L. Courcelle stated the ordinance would go into effect 60 days after adoption. Article 5 penalties were discussed and highlighted that the Selectboard needed to determine penalties for this section. Once complete, the draft ordinance will be sent to legal review. B. Gates interrupted the discussion and was informed by the Chair the Selectboard is discussing the ordinance.

#### Public Comment

Rich Carlson attended the meeting to discuss the Townline Road Culvert Replacement Project, the Town's use of ARPA Funds, the dry hydrants in Eastridge Acres and recent robberies in Mendon this summer. The Selectboard informed R. Carlson that the Townline Road Culvert replacement Project was a project planned and managed by Rutland Town. The Town of Mendon has been informed that the project could take a month to complete. The Selectboard stated that the Selectboard has not started the discussion of the use of ARPA Funds. The Selectboard expects to have a complete list of projects to discuss how to use the funds which far exceeds the money available. The Eastridge Acres

Homeowners Association previously submitted a request for ARPA funds. R. Carlson brought up concerns about the recent robberies in his neighborhood which he believed to be three of them. He stated they were not break-ins because people left car doors unlocked and such. His neighbors would like to know what they can expect for law enforcement. L. Courcelle responded that the Rutland County Sheriff is contracted for 32 hours per week and Lema Carter manages this contract for the town. R. Carlson discussed concern that the Rutland City Fire Department has not tested the dry hydrants in their neighborhood for two years. S. Tully provided information regarding the test results of the dry hydrants submitted by Rutland City Fire Department. L. Courcelle read the dry hydrant test results. R. Carlson's concern is that the two ponds maintain their ability to draw water and if they need to be dredged that potentially there is money available in with the Rural Fire Protection Task Force or ARPA Funds. R. Carlson stated the lower pond is classified as a wetland. R. Carlson expressed that he wishes the Rutland City Fire Department do what they are contracted to do. S. Tully informed the Selectboard that to date the Rutland City Fire Department is in compliance of their contract.

Brian Gates attended the meeting to ask the Selectboard the status of repairs to his neighbors driveway. The Chair responded that B. Ellis, Road Commissioner was not present to provide an update. Carol Gates asked why a violation was not served by the Sheriff? Again the Chair stated that the Board needed to follow up with Bill Ellis. Brian Gates addressed that at the last meeting the Selectboard said there was nothing they could do about what he considers a failed well on his neighbors property but there is its in the Zoning Regulations. Carol Gates continued to interrupt and talk over Brian Gates questioning the Selectboard. S. Tully informed the Selectboard that the Board is not in charge or Zoning enforcement, the Zoning Administrator is. The Chair reiterated this information multiple times to Brian and Carol Gates that continued to question the Board's actions. V. Taylor requested we talk about one issue at a time. B. Gates circled back to the neighbor's driveway issue in which the Board already addressed they needed an update from the Road Commissioner. S, Tully clarified the property owners received a letter noticing the property owner they needed to get an Access permit to perform repairs to their driveway, this letter was sent and to date the Selectboard does not have the status of that Access Permit because the Road Commissioner is not in attendance of this meeting and the Selectboard will follow up tomorrow. Carol Gates questioned the enforcement of the ordinance and that people are fined per day for violating the ordinance. S. Tully clarified that the enforcement and penalties are outlined in the Highway Specification Ordinance which is different than the enforcement and penalties of the Zoning Ordinance. Brian Gates requested a copy of the original Access Permit when they put in the driveway and that it never should have been a driveway. S. Tully reported that Access Permits would be filed in the Zoning files if there was an Access Permit issued. Brian and Carol Gates circled back to complaining about the failed well claim and possible Zoning violation. Again, the Selectboard informed Brian and Carol Gates they do not have control over Zoning enforcement. L. Courcelle called Brian Gates out of order. B. Gates denied he was out of order. The conversation continued and escalated with Brian Gates stating that at the last meeting he asked the Selectboard if there was something the town could do over the water issue and that the Selectboard said there was nothing they could do, but that there was something the town could do through the Zoning Administrator. Brian and Carol Gates continued to yell at the Board and L. Courcelle called them both out of order and asked the Rutland County Sheriff to remove Brian and Carol Gates from the meeting. The Rutland County Sheriff warned Brian Gates of Disorderly Conduct. Brian and Carol Gates were escorted from the building by the Rutland County Sheriff while continuing their rant. V. Taylor stated she would follow up with the Zoning Administrator in the morning to determine the status of a violation. S. Tully reported she will follow up with Bill Ellis, Road Commissioner on the Access Permit for the neighbor to perform repairs to their driveway. The Chair, L. Courcelle clarified

all violations the Gates's have received have been issued by Zoning to which the Selectboard has no control.

Business (continued)

*Legal Counsel advisement on Disorderly Conduct and Harassment of Town Employees and Town Officials* L. Courcelle stated this is being handled by Brian Sell and that the Selectboard is seeking legal review of the ordinance by the next meeting. The harassment of town employees and officials is still pending legal review.

L. Courcelle moved to adjourn the meeting at 6:08 PM. Motion seconded by V. Taylor. The Selectboard approved the motion.

Date Approved \_\_\_\_\_

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Larry Courcelle

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Sara Tully - Clerk of the Board

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Val Taylor