

# Town of Mendon

## Selectboard

July 9, 2024

Members of Selectboard present: Val Taylor, Megan Smith, Seth Bridge

Town Officers and employees present: Sara Tully, Town Administrator & Health Officer, Chris Baird, Road Commissioner

Rutland County Sheriff Deputy Cross is present.

Visitors present: Brian and Carol Gates

V. Taylor called to order at 5:30 PM at the Town Office.

Pledge of Allegiance

### Agenda:

Motion by V. Taylor to approve the agenda. Motion seconded by M. Smith. The Selectboard unanimously approved the motion.

### Administrative Matters

*Selectmen's Orders* were reviewed.

Motion by M. Smith to approve orders for \$2,810.37 and payroll for \$11,448.74. Motion seconded by V. Taylor. The Selectboard unanimously approved the motion.

### Announcements:

Employment Opportunities: Highway Maintenance/Equipment Operator

Public Comment: Brian Gates stated he again wanted to talk about the hearing conducted by the Zoning Board of Adjustment in October 2023. He stated that the regulations state that if you appeal a permit you must submit payment for the appeal. He stated that you don't get a hearing until payment is received. He wants to know why the town held a hearing without payment. B. Gates continued with a complaint about the driveway next to him washing out in the road again and he has issued this complain for 3 years. It is a clear violation of 4027. It is way greater than 12% and there should not be a driveway there anyway. S. Bridge asked the Road Commissioner, Chris Baird if he knows what Mr. Gates is referring to. C. Baird responded that he has conducted a site visit with Steve Ellerin, Zoning Administrator and there is a question on where the land boundaries are located. C. Baird further discussed a mound system of dirt in the lower landing that needs a solid barricade or wood box to contain this material or the town will remove it from the right of way. This material continually bleeds into the roadway. Mr. Gates stated

that this material damages his property and no one wants to violate them. Mr. Gates again referenced that it is a violation of 4027. S. Bridge stated that he is trying to understand the town's issue effecting the road and find a solution. V. Taylor stated that the town will draft a letter. Mr. Gates was unsatisfied with this response and says that the Zoning Administrator refuses to violate them along with other things that are clear violations. The shed at Gordon Stakes property is within 50 feet of the road, but the Zoning Administrator has not issued a violation. Mr. Gates stated that the town issues violations against him and believes it is discriminatory. S. Tully confirmed that we have the property owners' contact information and reminded everyone that the driveway access intersecting with a town road is part of the Highway Specifications Ordinance in which the Selectboard does have regulatory control over. Some of the other discussions are proposed violations of the Zoning Ordinance which the Selectboard does not have regulatory control over. The Selectboard does not have regulatory authority over the Zoning Administrator, Planning Commission or the Zoning Board of Adjustment. They have their own appeal processes in their regulations and what should be followed. C. Baird further discussed the stormwater improvements necessary to accurately control the water from the Pasquarello driveway. S. Tully suggested the Selectboard appoint S. Bridge to handle this issue with S. Tully and C. Baird. A solution will be determined within the Highway Specification Ordinance and sent to the property owner.

Carol Gates would like to ask the Sheriff who patrols the neighborhood if he could drive his cruiser up the driveway and determine whether a fire truck could access the property. Deputy Cross responded that he is not a firefighter or a road engineer and referred the request to the Rutland City Fire Department.

### Business

*Deisel Tank Cover* C. Baird submitted a cost to construct a lean-to over the diesel tank as required by the Agency of Natural Resources.

Motion by V. Taylor to approve the cost of the cover over the diesel tank at the Town Garage \$3,394.27 to be spent out of ARPA Funds. Motion seconded by S. Bridge. The Selectboard unanimously approved the motion. C. Baird informed the select board that there will be two permits required for this project from the Fire Safety Division and a town of Mendon Zoning Permit. C. Baird inquired about how to obtain these permits and cost allocation. S. Tully responded that C. Baird can prepare the permit for Fire Safety and have the Chair sign the permit. Any cost for this permit can be allocated to the project cost and paid with ARPA Funds. C. Baird can prepare the Zoning Permit and recommended the Selectboard move to waive the fees. Motion by V. Taylor to waive the Mendon Zoning Permit fee for the Deisel tank cover project. Motion seconded by S. Bridge. The Selectboard unanimously approved the motion.

*FY24 Year End Financials* C. Baird recapped the budget versus expenditures for the Highway budget. C. Baird requested \$70K of unspent highway funds to be rolled over into FY25. C. Baird explained the Road Crew still has one vacant position and that the department is conducting interviews. However it is still unknown whether the highway department will incur additional costs while responding to the needs of operations shorthanded. S. Tully explained that Treasurer, Jesse Bridge, we'll be finalizing the FY24 year end cash forward number to present to the Selectboard for setting the tax rate at the next meeting. Highway Funds are able to be rolled forward at the discretion of the Selectboard. Additional surplus funds are either returned to the taxpayers by reducing the amount of taxes to be collected or retained for a specific purpose and presented to the voters for approval at Town Meeting 2025. Overall it appears revenue is up by \$16,700 and expenses have been underspent by approximately \$100K. These numbers are in draft form and have not been finalized. S. Tully provided an overview on how the Selectboard sets the tax rate.

*Open Meeting Law Compliance with passage of S.55* Effective July 1<sup>st</sup> there are changes in the Open Meeting Law. S. Tully reported that the town is currently complying with the new statute and has posted required information on the new Open Meeting Law on the town's website. The Mendon Open Meeting Law Compliance Policy will need to be updated. This policy lays out how all boards and commissions that are not advisory must submit information to office staff to ensure compliance with the statute. S. Tully and J. Bridge will work on these policy updates.

V. Taylor moved to adjourn the Selectboard meeting at 6:08 PM. Motion seconded by M. Smith. The motion passed.

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

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Val Taylor

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Sara Tully - Clerk of the Board

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Seth Bridge

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Megan Smith