

**MEETING OF THE
ORWELL SELECT BOARD
December 28, 2009
7:30 p.m.
Town Office**

**Select Board: Paula Barnes
Walker James
Carla Ochs
Roland Simmons
Peter Young**

Present: Robert Arnebold

Susan Ann Arnebold, Clerk

The meeting was called to order at 7:30 p.m. by Roland Simmons, Chair.

1. CITIZENS COMMENTS.

Peter Young received a complaint that we have had an unauthorized rider on the town trucks. Dean took his truck on a trip around town. When he got back to the town shed, there was an unauthorized rider seen on top of his truck. Seems he picked up a chicken along the way. After investigation, the owner was found and the chicken was returned. This was a delightful story to share for all.

2. HIGHWAY REPORT.

a. Road Foreman Report - The Road Foreman was out working on the roads trying to keep up with the constant snow squalls.

b. The chimney in the loader barn needs to be repaired before the oil furnace located there can be used. Walker James presented a quote for the repair. Peter Young had many questions and concerns about the rationale of heating this barn. Discussion ensued.

Walker James moved to repair the loader barn chimney and to accept the quote of \$861.66 for this work. Roland Simmons seconded the motion. The motion passed - Yes 4 No 1 [Peter Young].

3. MINUTES.

Walker James moved to accept the minutes of the regular meeting of December 14, 2009, as written. Carla Ochs seconded the motion. The motion passed - 4 Yes 0 No.

4. PAYMENT OF BILLS.

Paula Barnes moved to pay the General Fund orders in the amount of \$14,545.21, the Sewer Fund in the amount of \$1,066.77 and the Town payroll. Carla Ochs seconded the motion. The motion passed - 5 Yes 0 No.

5. SEWER REPORT.

Roland Simmons reported that the Agency of Natural Resources vs Montpelier law suit is still in process. This is an important concern for towns because ANR wishes to set up phosphorous requirements that could triple the sewer treatment costs for towns such as Orwell.

VLCT is party to the law suit on Montpelier's side. Orwell donated \$300 to support VLCT in this fight.

6. TREASURER'S REPORT.

7. OLD BUSINESS.

a. Crown Point ICE WARNING - There is a website - www.nysdot.gov/lakechamplainbridge - where people can view the conditions of the ice in the vicinity of the bridge deconstruction. An ice warning was issued. [A copy is attached to these minutes.] The unusual ferry traffic in this area will have a great effect on the ice and conditions will no longer be normal.

PEOPLE ARE ASKED TO READ THE ATTACHED COPY CAREFULLY AND TO PLEASE HEED THIS WARNING.

b. 2010 Budget Work - The Select Board continued work on developing the 2010 budget. Sewer and payroll budgets were reviewed.

Carla Ochs moved to give an increase of 25 cents to hourly rates, an increase of \$10 per week for the town clerk, \$12 a month and \$20 a month for the sewer treatment employees, to be effective, January 1, 2010. Paula Barnes seconded the motion. The motion passed - 3 Yes 0 No 2 Abstain [Walker James & Roland Simmons].

c. Last Minute 2009 Bills - **Carla Ochs moved to authorize Roland Simmons to use his judgment whether to sign orders for any last minute bills that must be paid by the end of the year. Paula Barnes seconded the motion. The motion passed - 4 Yes 0 No 1 Abstain [Roland Simmons]**

d. Evaluations - Roland Simmons reported that the evaluations, for the sewer treatment employees and the highway crew, were completed. The Town Clerk reported that the evaluation was completed for the Assistant Town Clerk. The final evaluation due [for the Select Board Clerk] was then conducted. All resulting evaluations were more than satisfactory, for these town employees.

8. NEW BUSINESS.

a. Mass Discontinuance Certificate - The Select Board received a copy of the 2009 Certificate of Mass Discontinuance of Town Highways for Orwell that is now recorded by the Agency of Transportation - Mapping Unit. This finalizes the discontinuance process.

b. Animal Control Incident - The Town Clerk reported that recently she received a call early one morning about a dog harassing animals on private property. Discussion followed.

Walker James reported that the owner was eventually found and the dog returned. The animal should have gone up to the AC Humane Society. Walker James will contact Dean to be sure that the owner produces a rabies certificate so the dog can be properly licensed.

The Select Board will urge the Animal Control Officer to bring in written reports to the town office of all animal incidents.

c. PACIF Grant Funding Program - PACIF is offering a new grant program to help members pay for new safety and/or risk management equipment that the municipality would not otherwise be able to afford. The program awards a 50/50 match up to \$5,000. Discussion followed.

The Select Board will consider pursuing a possible grant for next year.

d. School Fuel Billing - On December 18, 2009, the Select Board Clerk submitted the September to December meter reading to the Orwell Village school billing for the school bus fuel use.

9. OTHER BUSINESS.

a. Environmental Court Findings - The Select Board received the findings for the Notice of Violation case from the Environmental Court. "Based on the foregoing" findings "it is hereby ordered and adjudged that the notice of violation is upheld."

“Appellant -Applicant’s application for zoning permit for the as-built structure as a repair of or enlargement of a noncomplying struture, either under Article VII of the 1995 Bylaws or under §4.12 of the 2007 regulations, is denied. Appellant-Applicant’s application for a variance for the as-built structure is denied, as it fails to meet the requirements of either §510 of the 1995 Bylaws, §3.7 of the 2007 Regulations, or the state statute, 24 V.S.A. §4469(a).” “This decision resolves both above-captioned appeals [Notice of Violation & Permit Application].”

b. No Abatement Requests Received - The Select Board confirmed that there were no abatement requests received this year.

c. Facility Use Policy Draft #2 - The Select Board read through and reviewed the second draft for the Facility Use Policy for the Fire/Rescue/Auxiliary Building.

The Building Committee and Peter Young worked together on this policy. Peter Young clearly explained the thinking and process behind the latest draft. Discussion ensued.

Carla Ochs moved to accept the Facility Use Policy and Facility Rental Agreement, as presented, for the Fire/Rescue/Ladies Auxiliary Building. Paula Barnes seconded the motion. The motion passed - 5 Yes 0 No.

The Select Board thanked Peter Young for his work on this policy.

A copy of this policy is attached to these minutes. Additional copies are available at the town office. Copies of this approved policy will be sent to the relevant parties.

d. LUR Amendments Hearing Date - On December 1, 2009, the Select Board received the LUR amendments from the Planning Commission for consideration. Discussion followed.

Peter Young moved to set the Select Board hearing date for Monday, January 25, 2010, 7:00 p.m. at the Town Office and if approved to place the LUR amendments on the Town Warning for March 2, 2010. Walker James seconded the motion. The motion passed - 5 Yes 0 No.

Notice of this hearing will appear in the 12/31/2009 and 1/4/2010 additions of the Addison Independent and will be posted in the usual places around town.

10. ADJOURNMENT.

Carla Ochs moved to adjourn the meeting at 9:20 p.m. Walker James seconded the motion. The motion passed - 5 Yes - 0 No.

Respectfully submitted,

Susan Ann Arnebold

Clerk of the Board