

**Dover Select Board
Regular Meeting Minutes
Dover Town Office
Tuesday, February 6, 2018**

THESE MINUTES ARE NOT OFFICIAL UNTIL THEY HAVE BEEN APPROVED BY THE DOVER SELECT BOARD

Select Board Members Present: Josh Cohen, Victoria Capitani, Sarah Shippee, Dan Baliotti

Select Board Member Absent: Joe Mahon

Also Present: Office Manager, Jeannette Eckert

Public: Lauren Harkawik, Adam Levine, Randy Johnson, Bob Holland, Jim & Judy McDevitt, Jim Desrochers, Ralph Meima, Wayne Estey, Tim Dolan, Marco & Stefan Tallini, Kevin Stine, Kathleen Matos, Stephanie Zumbuski

Regular Meeting Called to Order at 6:30pm by Chair Cohen

I. Public Comments:

Jim Desrochers inquired if anyone else had seen the "tirade on the area" by Phil Gilpin, Jr. It was taken down from his website. It was not kind.

II. Highway: Bob Holland

A. Review Box Culvert Bid Proposals

- 6 bid proposals rec'd: Bob is recommending Bell Engineering
- Bell Engineering of Spofford, NH: Design, Bid, Construction, Close out: **\$15,500**
- Dufresne Group Consulting Engineers of Springfield, VT: Design & Permitting: \$11,300; Construct: \$6,910; Final Design: \$8400 = **\$26,610**
- Holden Engineering of Concord, NH: Engineering Design: \$38,000; Bidding: \$3,000; Construct.: \$14,000; Close out: \$2,000 = **\$57,000**
- John Turner Consulting of Dover, NH Engineering costs: \$15,000; Construction Mgmt. & Inspections: \$21,036.25 = total **\$36,036.25**
- Michie Corporation of Henniker, NH: **\$15,200**
- Otter Creek Engineering of E. Middlebury, VT Design & Permitting: \$16,675; Bid & Construction: \$26,200 for a total of **\$42,875**

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously awarded the bid for the box culvert to Bell Engineering of Spofford, NH for \$15,500

B. Concern Over Route 100 Pot Holes

Comments:

- Dan Baliotti brought this to the Town's attention due to one of his employees getting two flat tires from potholes on Route 100; at least 5 others were also in the same situation; Dan has also had extensive damage to his own vehicle
- Spoke with authorities about the issue. Route 100 needs paving; Suggest the Town compose a letter to Montpelier, Dan would be willing to deliver in person

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- Vicki spoke with Laura Sibilis—she suggested everyone writes a letter to their Representatives and Senators—need to make a lot of noise on this issue; Route 100 is not scheduled for paving until 2020
- Wayne Estey inquired as to why the Reps are not making the noise when they are aware of the situation and should be on top of it
- Laura is aware of it, but it would be easier to present a stack of letters to demonstrate all those concerns; emails could be sent as well
- Money is generated by the ski areas that go directly to the State; this is just another instance where the State is not putting value on the ski towns

III. Board of Health: Wayne Estey

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to recess as Dover Select Board and move into the Board of Health

A. Health Violation Notice for Veronique Czechorowski, 136 Route 100

- This situation has been going on since August. This is the difficult part of this job.
- Requests were made to remedy the violations. Rec'd only excuses with no action
- Fire Marshal has requested action which has not been done
- Last weekend a fire caused fire damage to Apt 1 & 2; still at least three tenants there; Fire Marshal indicated that the units should not be rented
- No smoke alarms; over loaded circuits
- Request to move on this issue; unsure what the next steps are, have never gone this route before

Board comments:

- Can the building be condemned? *That is one option*
- Could involve criminal charges; trespassing
- Suggest contacting David Rugh of Stitzel, Page & Fletcher on the next steps; consult VLCT as well
- Statement of procedural rights? Where do we stand on that? *There have been two hearings which were not attended including this one; notices sent certified mail*

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board of Health unanimously agreed to adjourn and reconvene as Dover Select Board at 6:45pm

IV. New Business:

A. Consider Dover Site for Growing Medical Marijuana (Kathleen Matos & Stephanie Zumburski)

- Before a hard business plan is developed which is part of the application to the State wanted to gather feedback from the community and to be aware of any zoning ordinances; Municipalities have the right to block the application

Randy Johnson touched base with Cindy Hayford of Deerfield Valley Community Partnership to make her aware of the situation & offered the following talking points: *Why we don't want a Medical Marijuana Dispensary in our Town:*

- **Is Medical Marijuana a drug?** If medical marijuana is classified as a drug, it should be treated as such.

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- **Medical Marijuana is still against federal law.** Regardless of Vermont law, federal law continues in opposition to marijuana use and possession
- **Marijuana sales** is a cash only business; places a burden on local police depts.
- **Dover Town Image.** Does a medical marijuana dispensary fit with the town's family-oriented image? Town's image is one of a family town, as well as resort area, families settle down here and raise children
- **History of Substance Abuse Prevention.** Deerfield Valley communities have a strong history of substance abuse prevention work through local funds, State & Federal Grants; Sends the wrong message to our youth—goes against community efforts
- **Deprives the Town of revenue and jobs?** The question is: "Is that worth sacrificing the protection of our children, public safety and the "integrity" of our community"?
- Many Boards in Maine as well as towns in Mass. have issued moratoriums banning marijuana sales
- Previously mentioned that the Town have an ordinance to address this
- Board agreed that it should come from the Towns people
- Recommend a temporary ban until a special town meeting can be held
- Also, sites are open or will be open in Brattleboro and Bennington
- Legalization takes effect July 1st of 2018—ability to grow your own, then why would people need to go to a site in Dover to purchase it?

Kathleen Matos & Stephanie Zumbroski:

- A site is licensed for marijuana to be cultivated, manufactured & sold
- A lot of concerns, talking points; don't want to make this a controversial topic
- Medical marijuana should not be confused with recreational marijuana
- Respect the concerns; temporary ban would not be necessary, would not be happening until the summer--Not taking license applications until the summer
- Bennington site is not able to open; it is not being approved by the Town
- Windham County is ranked the second in the state for having registered medical marijuana users
- Each dispensary can only have a certain number of patients; it is something the area needs
- Information needs to be disseminated as to how people acquire this
- As people are researching the effects of marijuana, it has increased its use for pain, cancer, & other diseases
- Dispensaries can only accept certain amounts of people
- Doctors would have to prescribe the product; viewed as a medical practice

Steve Neratko shared that his wife suffers from encephalitis and frequent seizures—she has medical marijuana prescription through Brattleboro dispensary and it has been a remarkable benefit to her; don't think it will be the bad neighbor that people think it will be

Wayne Estey shared that regarding Dover Zoning—there are no bylaws restricting medical facilities or agricultural facilities; probably allowed in many zones in Dover

Vicki inquired if other Towns were being looked, why Dover?

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Kathleen & Stephanie:

- For security purposes: police, fire are rated higher in Dover than Wilmington and Newfane; locations in Dover are rated higher; only 1 application is granted; 40 points alone are scored on the security purposes
- Dispensaries would carry edibles, oils, plants—different strains—medical responsible practice
- Patients have to have an appointment and have a card to come to the dispensary; a medical facility; 5000 registered card holders
- Heart breaking to see someone die from cancer; Valley has an older population
- Certainly not going to hurt the community
- Time will attest to what uses marijuana can be beneficial for
- Not for profit business—it is a business venture and one that is needed
- Will not be available commercially; Vermont specifically left that out of the bill

Board comments:

- Need to be presented to the Town as a whole; this is bigger than the Board
- Education the public process is important
- Suggest organizing public forums at Town Hall
- Several town wide presentations; behooves the Town to see counter points
- May find that it is worth pursuing or not

B. Request to Extend Grace Period for 1st Time Late Taxpayers to Feb 16 (Marco Tallini)

- Tax due date is Thursday this year. Request to extend through Friday to avoid an 8% penalty for those who have not been late before; don't anticipate many; there have been extenuating circumstances, seen heartbreaking scenarios; delinquent tax collector is now an appointed position rather than elected; 8% penalty is only assessed on the Feb payment; one- time request and will see how it goes

Board comments:

- Tax people do not give breaks or make exceptions
- We take credit cards now online
- Possible to mail a payment if out of town, as long as it is postmarked by due date
- Request for Marco to make a list of late payers and report back to the Board on results of request

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board voted 3-1-0 to allow an extension for a one time only, 1st time late taxpayers until Feb 16, 2018. Motion passes

V. Unfinished Business:

A. Green Lantern Solar Project (Ralph Meima)

Josh Cohen expressed appreciation to Wayne Estey for his letter regarding the solar project which was read at the last meeting; took it to be from a property owner's point of view rather than from a zoning perspective

Recap on the process from Ralph Meima:

- Mid December a draft lease was submitted for review in response to negotiating lease terms with Green Lantern

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- Two issues were raised: Is the process legal and is it a good business venture?
- Similar projects in Bethel, Royalton, Sharon, Cambridge, Starksboro, Newfane, Wilmington
- No competitive bidding took place in any of those locations; limited comments and all projects went ahead
- Piece of property not being used for anything else; Town can make some money on it
- \$500,000 to build; not a big project; in the same ball park of an expensive second home
- Generate a \$4000 yearly revenue in rent; think it's a great site and would like to do it

Public Comments:

- Regarding all the other Towns.... *"If all the other kids jump off a bridge are you going to jump off a bridge too?"*
- \$500,000 investment is a two year pay back for most businesses, yet the payback to residents who invest is a twelve-year payback...can you elaborate on your payback?

Ralph:

- Not a two-year payback...it is longer.
- Net metered project: investors are out in 6 to 7 years once tax credits are used or longer-term investors for a reliable term of twenty years
- Community solar: still have an off taker; selling the wattage of the array to individual home owners; can't tell you which of those business models will be most feasible for this project
- Local demand is being sought in Newfane
- Buying panels through a community solar array generates an 11-year payback—earning a return of 8% per year

Josh Cohen: Good points were raised; RFP's: Would we have thought of these? Do we know of any other companies doing this? Only talking about the cap here, the zoned portion is substantially larger

Adam Levine: Do we know what else this parcel can be used for? Create jobs? Pursue other options—to see what the value of this land is for other projects; could be a substantial revenue generator; before entering a lease with anyone, explore the value

Sarah Shippee researched with Agency of Natural Resources: site only can be used as a park, ballfield or solar array; cap cannot be disturbed; Industrial site would be a huge task & not likely to be successful; hard to say if there would be a market for it. If there are other solar companies out there we should pursue, please let the Board know

Wayne Estey: .8 acres is prime site being sought; most desirable location. Rest of the site which is solar eligible, becomes valueless; why isn't the entire site being sought after?

Josh Cohen: Do we take what we have because we have an offer that we've never had before, or do we wait to see if something else that may or may not come along; are we comfortable waiting for a what if?

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Ralph Meima:

- Green Lantern started doing arrays on landfills a couple of years ago
- .8 acres on the top of the cap, there is really nothing more that can be done on it
- No weight can be placed on the slope
- Cannot build or park on the steep slopes already
- Believe the project to be at the max at the .8 acres

Kevin Stine: Can't imagine anything else on that cap. What would be the possibility of panels on the garage and transfer station roofs?

Steve Neratko: An RFP could be done fairly quickly; believe there are other companies out there however unsure of their interest. Having worked in other communities, RFP's would go out before any lease or sale as well as an appraisal of the land

On a motion by Sarah Shippee, seconded by Dan Baliotti, the Board unanimously agreed for Steve Neratko to create an RFP for solar or other industrial uses of the capped landfill

Additional Comments:

Wayne Estey: \$4000 Lease payment is not the money maker; real value is in the energy credits and tax credits that are enabled by the granting of the lease; RFP should include what the benefits are to the Town; Would like to see \$0 lease payment if the townspeople would benefit greatly

Ralph Meima:

- Understand the Town's side regarding the financial aspects; projects have limited value legislated by the public service board and the state
- 150KW array creates net metering credits of \$45,000 to \$50,000; goes toward taxes, insurance, operating costs etc....not a wildly profitable business
- Renewal Energy Certificates at 4 cents per kilowatt hour
- Look around the state, this is the going rate; there isn't some giant gold rush that is not being seen
- Would not be able to do the project at \$10,000 a year lease payment

B. Catamount Environmental Asbestos Abatement (\$3,825.00)

- Minimal amount of asbestos in back storage closet
- To take up the floor & disturb it, this would need to be abated
- However, if a new floor is put down over the existing floor, it would not need to be abated

Board believes it should be addressed. Funds have been set aside in the Capital Plan—not using anywhere near what was budgeted for this building

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to have the Chair sign the agreement with Catamount Environmental in the amount of \$3825.00

VI. Economic Development: Steve Neratko

A. Events

Minus Zero Festival—request for funds for medical services and shuttles

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- Takes place April 6-8, 2018
- Requesting \$30,000; \$10,000 of which will go toward emergency medical services & \$20,000 to local shuttles
- Reached out to town attorney regarding the liability—did not have concerns
- Large event—medical services and shuttles will be needed
- Recommend funding in whole

Board comments:

Where is the medical personnel coming from? *Will be coming from Stratton which runs their own medical facility; also reaching out to DVR and Rescue Inc.*

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to fund the Minus Zero Festival by Mt Snow for \$30,000 from 1% tax funds

**Liquor permit and Public Assembly permit will come before the Board at the next meeting

Dover Moto Group—request for funds, mainly for advertising, in the amount of \$11,700

- Group of Innkeepers running event from May 17-19, 2018
- Focus on motorcyclists
- Tribute to Mothers for Daughters (formerly known as)
- Expect 300 overnight guests; a bit smaller than past events
- Kick off for other potential events
- Funds go towards ovarian & breast cancer research
- Promote local charities, overnight guests, activities

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to fund Dover Moto Group in the amount of \$11,700 from 1% funds

VII. Liquor Control:

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to recess and convene as local Liquor Control

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously approved the following:

- A. Mt Snow Ltd. d/b/a Cuzzins Outside Consumption Permits:
1. Mardi Gras, 2/10/18, 9am-8pm
 2. Winter Fest, 2/17-2/18/18, 9am-8pm
 3. Winter Fest wk2, 2/24-2/25/18, 9am-8pm
 4. Sam Adams 3D Big Air, 3/3/18, 9am-10pm (Sundance Lodge)
 5. Main St. Music, 3/10/18, 9am-8pm
 6. St Patrick's Weekend, 3/16-3/18/18, 9am to 8pm
 7. Reggae-fest, 3/24-25/18, 9am to 8pm
 8. Winter Brewer's Festival, 3/31/18, 10am to 7pm
 9. Glade-iator, 4/1/18, 9am-4pm

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Kevin Stine expressed concerns about recycling, composting & food waste scraps in regard to issuing outside consumption permits; hold businesses accountable; State mandated as of July 1, 2017 for major food scrap generators

Board comments: Don't disagree with the concept but if the State is mandating it, does the Town need to as well; can put restrictions on permits but feel any need to be in a formal policy that is put in place for all permits issued

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to adjourn as local Liquor Control and reconvened as Select Board

VIII. Consent Agenda:

A. Approve Minutes of January 16, 2018

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously approved the minutes of January 16, 2018

B. Approve Warrants of January 27, 2018 for \$191,178.86 & Feb 3 for \$418,795.31

On a motion by Sarah Shippee, seconded by Victoria Capitani, the Board unanimously approved the warrants of January 27 and Feb 3, 2018

IX. FYI:

A. Grand Opening for Walks with Wolves Creations- Feb 7 at 10am

B. Pre-Town Meeting- Feb 27 at 7pm Dover Town Hall

C. Town Meeting- March 6 at 10am Dover Town Hall

D. Review Town Office Bathroom Project Bid Proposals- March 7

**Randy Johnson rec'd a reimbursement check for \$1,100 for the repairs to police cruiser

X. Liaison Reports: Dan met with Police Dept. "Coffee with a Cop" program will be starting soon with Officer David Hammack

XI. Executive Session for Personnel: Randy Johnson

On a motion by Victoria Capitani, seconded by Dan Baliotti, the Board unanimously agreed to move into Executive Session for Personnel at 8:19pm

Present: Four Board members and Randy Johnson

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to move out of Executive Session for Personnel at 8:30pm

Decision: On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to promote Officer Rebecca Morris to Detective with a pay increase of \$1.00/hour to \$23.10

XII. Adjournment at 8:30pm

Respectfully submitted by Jeannette Eckert

Public notices of these minutes have been posted at the following locations:
Dover Town Clerk's Bulletin Board, Dover Town Meeting Bulletin Board, Dover School
Dover Free Library, East Dover Post Office, Town of Dover Website: www.doververmont.com