

**Dover Select Board
Regular Meeting Minutes
Dover Town Office
Tuesday, July 17, 2018**

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

Select Board Members Present: Josh Cohen, Victoria Capitani, Dan Baliotti, Joe Mahon, Sarah Shippee
Also, Present: Office Manager, Jeannette Eckert

Public: Lauren Harkawik, Bob Holland, Ira Colby, Marco Tallini, Randy Johnson, Steve Neratko, Paul Fisher, Jim & Judy McDevitt, Sarah Bourn, Barbara Hyde, Ralph Meima, Wayne Estey, Tim Dolan

Regular Meeting Called to Order at 6:30pm

I. Public Comments: Request to add two Executive Sessions for personnel to the agenda

II. New Business:

A. Review Oil Bid Proposals

Three bids rec'd:

	<u>Heating Oil</u>	<u>Kerosene</u>	<u>Summer Diesel</u>	<u>Winter Diesel</u>	<u>Propane</u>
Barrows & Fisher:	\$2.355	\$3.029	\$2.516	\$2.616	n/a
Cota & Cota:	\$2.69	mkt rate	n/a	n/a	\$1.99
Guy Nido:	\$2.44	\$2.79	\$2.55	\$2.76	n/a

- Although Barrows & Fisher's diesel rates are lower, they are not fixed and will fluctuate at .20 & .30 respectively over rack price at time of delivery
- Although Nido's diesel rates are a bit higher they are fixed rates
 - Also receiving credits back on pre-buy for Town Office & Police building
 - Have been doing a trusted business with Nido for many years
- Cota & Cota only bid on heating oil & propane; kerosene at market rate

On a motion by Vicki Capitani, seconded by Sarah Shippee, the Board unanimously agreed to award the bid to Guy Nido in the amount of \$123,156.40 for heating oil, summer & winter diesel & kerosene for fiscal year 2018/19

Propane is purchased from Suburban for generators and from Synergy for the Town Hall-- get pricing to compare at next meeting; believe the tanks for the generators are being rented from Suburban—will confirm that as well

B. 2019 Summer Concert Line Up at Layla's—Sandy unavailable, will defer to next meeting

C. Request from West Dover Congregational Church on Paving Front Pathway

- Sarah Bourn, treasurer & member of WDCC, makes a request on behalf of the Church council to pay or share the cost to pave the front pathway as portions are deteriorating; potential safety hazard
 - Both the public and the Town use the pathway
 - Town trucks would be on it to plow or drive through occasionally
- Bob Holland confirms there is a total of 140 feet with 40 feet belonging to the Town, 100 feet belonging to the Church
 - Roughly \$1200 to pave the whole walkway if he can get this year's prices; \$1500 on the high side
- Church pays for the mowing in summer and the Town pays for the snow clearing in winter

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Board comments:

- Other entities such as Dover Historical Society have asked for funds for mediation of water...Are we opening a can of "we can't say no"?
- Could apply for the DO-IT program as a non-profit, considered on a case by case basis; closed for this year but something to consider for future
- DHS only asked when the Valley Trail sidewalk was being put in; don't think DHS really enters into it
- Is there a written agreement between the Church & Town on the maintenance?
- Unique situation; Continuance of the pathway that runs in front of a Town building as opposed to another facility that doesn't have a town relationship
- Public area that is used by others; it should be our responsibility
- Willing to split the cost with the Church; it is not all Town property

On a motion by Joe Mahon, seconded by Victoria Capitani, the Board voted 4-1-0 to pay half the cost of the paving of the pathway—70 feet

Sarah Bourn will bring the proposal before the Church council & get back in touch

III. Unfinished Business:

A. Green Lantern Solar Project Agreement (Ralph Meima)

- Green Lantern has agreed to pay for the additional legal fees from Chris Dugan
- Certificate of Public Good permit application was deemed complete on July 6

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to have the Chair sign the land lease agreement with Green Lantern Solar for the Dover Landfill Solar Array

- Jeannette will notarize & forward signed document to Waterbury location; in turn a co-signed copy will be returned to the Town
- Ralph is looking into the prospect of holding community meetings to inform as wide an audience as possible regarding the 'buy-in' process such as Valley News & Front Porch Forum ...
- Vicki suggests that Front Porch Forum is not the most well used site in Dover

B. Draft Marijuana Ordinance

- Sarah Shippee & Randy Johnson met to draft the proposed ordinance
- Basically, took the town of Newport's Ordinance and adapted it to Dover
- Sarah also consulted with the Town Attorney on the language
 - Including 'public consumption' covers all the areas the Town is empowered to regulate
 - Nothing more is being regulated than what is already addressed by State Law
- Randy commended Sarah on all her efforts to get this done
- Under Federal Law—strictly outlaws marijuana period; State Law allows up to .3% THC
- Civil offense under State Law—punishable by a ticket similar to a traffic violation
- Under the Ordinance the penalty fees would go to the Town

Board comments:

- How do you determine 5% or less of THC?

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- .5%-- manufactured products-- & that would be listed on the content labels
- On the advice of the Town Attorney decision is to include Public Consumption in the Ordinance
- This Ordinance applies only to a medical marijuana dispensary in Dover as stated by State Law

Ira Colby requested feedback from each Board member on their rationale regarding *not* allowing medical marijuana dispensaries

- Josh Cohen feels that the survey spoke from the people and he is bound by their voices; an ordinance is needed to find out if there is a real objection and if so a petition will come forward to challenge it
 - Not sure the economics work; understand the human element but it is almost a 'not in my backyard' argument; does not feel Dover is ready for it; vote came in to support it and that's where I went with it
- Vicki Capitani was at the community meeting presentation and it scared her as regard to the incorrect information that was shared on buying the product, paying for the product
 - We do not have a say on the location unless we have an Ordinance
- Sarah Shippee: one of the criteria for the dispensary application is a letter of support from the Town, that's how this ended up on our laps. There are times these five people make decisions for the Town but I'm not comfortable saying this is one of those times; this is something that needs more input; hopes that by writing the Ordinance, a petition will be brought forward and challenged; want to know that people feel that way; did not need the survey to write the Ordinance; felt the Ordinance was a cleaner way to get a true public response on whether a dispensary should exist in Dover or not
- Dan Baliotti feels medical Marijuana is a medical necessity for people; also believe the survey was not the fairest given the timing of when it was done; also believe that if you really don't like it, get a petition and change it; personally, feel it should happen; also, did not like the presentation; believe second home owners should have a say in it
- Joe Mahon—this gives the say to the Town; not able to have a vote unless an Ordinance is presented; need to go this route
- Sarah: we are not writing an Ordinance to allow a dispensary because the State already allows them; the Town's responsibility is to define and place the restrictions; there is also a zoning issue to consider
- A petition would have to be filed within 44 days of the adoption of the Ordinance; then within 60 days of receiving the petition, a special Town Meeting would be called to hold a vote by registered voters
- Josh—this all came about from a request from our Police Chief for an Ordinance to stop it; so far no one has come forward wanting to allow a dispensary; we went with the negative because that is what was requested of us

Additional comments:

- Ira Colby: on the survey...there are how many thousands of 2nd home owners & the survey was only available by coming here Mon-Fri in person; when are 2nd home owners here?

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- Randy Johnson: Understand the 2nd home owner angle but regardless of how this is written, it is not going to be voted on by second home owners; they can't vote at Town Meeting; mixed feeling about involving 2nd home owners because they don't vote here; thought the Board went above and beyond by offering the survey
- Vicki confirms with Steve Neratko that out of State residents cannot register or purchase medical marijuana in Vermont. Even if they own property here, they don't live here
- Ira Colby: People who were 2nd homeowners do become residents and vote here & become active in the community; feel we should portray a welcoming community not a closed one
- Joe: If you can show me statistics that we'll have 100 out of towners move here, live here and pay VT sales tax, there would be a totally different vote going on. You can't, so that is why we are doing it this way
- Josh—perhaps we could have reached out better to 2nd home owners, but this has been in the paper a lot, no one has come forward with a letter expressing their opinion; perhaps the vote was so low because people really don't care about this as much as we hoped they would
- Barbara Hyde: those of you who know this community know that 2nd home owners do come on a Monday or a Friday and if they were really interested in a vote, they could have arranged to come here
- Jeannette Eckert offered that some folks did call us & surveys were mailed to them; they did not have to physically come in to complete a survey
- Marco Tallini offered that 2nd home owners could have made an effort to call and ask for surveys; many belong to homeowner associations that could easily have disseminated that information in a newsletter; a lot of people did come in that were local but 2nd homeowners did have ample opportunity if they really wanted to
- Dan: Perhaps an adequate survey would work best sent in the tax bills
- Sarah requests to review the Penalties and Costs section; will leave as is
- Paul Fisher seeks clarification on whether this Ordinance is just about dispensaries or if it also addresses law enforcement's actions regarding possession
- Josh—Title is *Ordinance for the Regulation of Dispensaries & Public Consumption of Marijuana*. Public consumption was not really discussed but included on the advice of Town Attorney to cover that base
- Lauren Harkawik: "Dispensary as defined by State Law"? If State law changes & recreational marijuana dispensaries are legal, does that therefore ban that?
 - Board would then address recreational as a separate issue

Table adoption of the Ordinance until a clean copy is available to sign at the next meeting on Aug 7th (please see attached draft of the Ordinance for details)

C. Library Window Quotes

Three quotes rec'd:

- C.L. White of Bennington for \$875.00
- May Jon Glass of Bennington for \$749.42
- Portland Glass of Brattleboro for \$700.03
- All quotes include materials & labor; however, Portland Glass did not include the 'stops' which are missing from when the glass broke previously

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- Vermont Vinyl has not been in touch since July 3rd after missing an appt at the Library on June 30th
 - What to do about Vermont Vinyl? File a suit? Wait for bankruptcy and file a claim? Can't hurt to send them the bill and see if they will pay it
 - If they do deliver the glass....store it for future use

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously awarded the bid to May Jon Glass in the amount of \$749.42

D. IT Services Quotes

- Two quotes rec'd, waiting on a third proposal
- Suggest consulting someone with expertise like Eric Greenbaum again to review & compare the quotes and provide feedback
- Table until Aug 7th meeting

E. Sign Application of Funds per 7/10/18 Decision on Tax Rate

- Request from Marco for the auditors

On a motion by Victoria Capitani, seconded by Dan Baliotti, the Board unanimously agreed to sign the Application of Funds for the 7/10/18 decision on the tax rate

IV. Police: Randy Johnson

A. Roof Bid Proposals

- One bid rec'd from Adams Roofing in the amount of \$16,395.00
- Replacing shingles rather than standing seam
- Followed all the requirements except letters of reference but Adams did the work on the Firehouse roof so those are probably on file
- Payment will be made in installments
- Bid includes disposal of materials

On a motion by Joe Mahon, seconded by Victoria Capitani, the Board unanimously agreed to award the Police roof bid to Adams Roofing in the amount of \$16,395.00 plus \$55 per sheet of plywood if needed

**Siren is still on the roof of the police station from when it was used as a fire station— suggestions on its removal? Don't believe that it is used any longer or even works. Potential that if it can't be easily removed by the roofers, may need to hire a crane to take it down. Perhaps a fire dept enthusiast may want it as a collector's item? Does the Board desire to have a siren in town in case of emergency? Board's consensus is to remove it from the roof.

V. Economic Development: Steve Neratko

A. Revisit Licensing Bill for Dover Wi-Fi

- Steve gathered feedback on the usage via a summary report from the last 30 days
 - Total unique clients: 958; average # of clients per day: 126
 - There were two times when devices were down but were able to get them back up quickly; all were up & running as of last Wed
 - It is used year-round by a decent number of people

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On a motion by Dan Baliotti, seconded by Sarah Shippee, the Board unanimously agreed to pay the expense of \$3442.50 to Up & Running Information Technologies for a 5-year license

B. Dover Website Possibilities—Adam Sroczynski could not be present, defer to next meeting

VI. 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 Dan Baliotti, the Board unanimously approved the following:

A. Outside Consumption Permit for Mt Snow Ltd. d/b/a Cuzzins for C&S Wholesalers Function, August 8 from 4pm to 9:30pm

On a motion by Victoria Capitani, seconded by Josh Cohen, the Board agreed to adjourn as local Liquor Control and reconvene as Dover Select board

VII. Consent Agenda:

A. Approve Minutes of July 10, 2018

On a motion by Victoria Capitani, seconded by Josh Cohen, the Board voted 4-0-1 to approve the minutes of July 10, 2018 (Shippee abstained)

B. Approve Warrants of July 14, 2018 for \$192,884.76

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board voted 4-0-1 to approve the warrants of July 14, 2018 (Cohen abstained)

VIII. FYI:

A. Thank You Letter from Library & Daycare

- Two letters submitted—1 from Library; 1 from Daycare; both were read into the record by Chair Cohen thanking the Board for resolving the parking issues for both entities

B. 2018 VT Emergency Preparedness Conference, Sept 7-8, Lake Morey

C. SeVEDS Quarterly Bulletin

D. Dover Landfill Solar-- Application filed with VT Public Utility Commission

IX. Liaison Reports: none

X. Executive Sessions for Personnel (Bob Holland & Wayne Estey)

On a motion by Victoria Capitani, seconded by Sarah Shippee, the Board unanimously agreed to move into Executive Sessions at 7:46pm

Present first session: All five Board members, Bob Holland

Present second session: All five Board members, Wayne Estey

On a motion by Victoria Capitani, seconded by Dan Baliotti, the Board unanimously agreed to move out of Executive Session at 8:10pm

Decisions: Bob Holland will bring candidate forward at next meeting August 7th

ZA interviews: Finish and come to a consensus; bring a recommendation at next meeting August 7th

XI. Adjournment at 8:13pm by Chair Cohen

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