

Town of Dorset, Vermont



Chartered 1761

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Regular Meeting of the Dorset Select Board March 21, 2017 ~ Minutes

Present: Henry Chandler (Chairman), Megan Thorn, Jack Stannard, Tom Smith, Liz Ruffa, R. Gaiotti (Town Manager)

Absent:

Also, present: Brad Tyler, Mike Connors, Howard Coolidge, Carter Rawson, John LaVecchia, Austin Chinn, Gillian Chinn, Dana Gilbert, Walt Gilbert, D. Green, David Beebe, Douglas Beebe, Joan Menson, Robert Menson, Kit Wallace, Bo Thorn, Roger Squire, Jean Kingston, Terry Tyler, Ruth Tanenhaus, Edward Tanenhaus, Rosalie Fox, Sandra Pinsonault, Danny Pinsonault, Linda McGinnis

H. Chandler, Chairman, called the meeting to order at 6:30 p.m.

Noise Ordinance Public Hearing

H. Chandler opened the Public Hearing at 6:30 p.m. noting that the SB was here to hear comments regarding the proposed noise ordinance which was properly warned and released to the public.

D. Pinsonault commented that the noise ordinance seems to allow for a lot of judgement as to the noise level because there is no decibel level or set noise level listed which allows any noise complaint to be over the limit. M. Thorn responded that there are two types of noise ordinances: one with a mechanical measurement and the one being commented upon tonight ~objectionable/unreasonable noise levels. This draft ordinance includes the suggestion of resolving noise issues directly with the person involved before calling the police. The police will be the final decision makers. D. Pinsonault felt that many people will have to deal with having a written noise ordinance for the whole Town when it seems to be one area which had an issue. He asked about the complaints received and M. Thorn replied that the police had not submitted any complaints, but the Town received complaints related to specific dates. D. Pinsonault believed that statistics were needed to back up the necessity of moving forward with a noise ordinance and J. Stannard said that this ordinance would afford the whole Town protection. M. Thorn said that she understands that this would affect everyone, but a number of people have

complained and are in support of the noise ordinance.

B. Tyler asked about the number of written complaints received and R. Gaiotti responded approximately twelve. B. Tyler did not think that this warrants a three page noise ordinance for the whole Town which covers construction, mowing, etc. as there are short windows of opportunity to work which are also dependent upon weather. He noted that the Dorset Field Club starts their ground work at 6:00 a.m. and would not be happy to have to start later. The police have enough to do without handling noise complaints and it was a waste of taxpayer money commented B. Tyler. J. Stannard remarked that Dorset is a residential Town and this was a quality of life issue. H. Chandler noted that there were complaints on fireworks which were not discharged on July 4th and said that this was an opportunity for the SB to hear public comment. A. Chinn wanted to strike the language of "immediate vicinity" in the noise ordinance, but did not want the ordinance to interfere with early morning workers. E. Tanenhaus also read a statement that was in favor of deleting the phase of "immediate vicinity" in the document. M. Thorn noted that K. Gilbert had sent an email suggesting the elimination of "immediate vicinity" and clarification of the enforcement policy. Emails were also received from D. Green (removal of "immediate vicinity"), L. Bowden (support of ordinance) and T. Shaw (help with train whistle noise).

D. Beebe asked why the whole Town has to be involved if this is a Village problem as there are a lot of stipulations and he is concerned about the Horse Show. W. Gilbert expressed that his biggest problem with noise is the fireworks being launched on dates other than the holidays. The fireworks being used are extremely loud and excessively large shaking his house. D. Pinsonault stated that fireworks are illegal in Vermont already and the police can be called without having a noise ordinance. M. Thorn said that there is no reference in the noise ordinance for fireworks. D. Pinsonault asked how the ordinance was created and M. Thorn responded that she compiled different Town ordinances, the VLCT template, E. Tanenhaus' suggestions, and a survey of different Town businesses. B. Tyler felt that using E. Tanenhaus' suggestions could be a conflict. D. Pinsonault felt there were a lot of gray areas. B. Tyler mentioned businesses such as garbage haulers would not be able to start early in the morning and if they start at 7:00 a.m. it would become a problem with school buses. He also has many customers who have generators that will need to be used outside of the hours of the ordinance and asked if the Town would be liable if a house freezes. B. Tyler felt that noise issues should be dealt with privately and not be a Town issue, especially since there were minimal complaints.

H. Coolidge stated that there is a national decibel level for engine brakes. M. Connors said that a truck driver cannot turn engine brakes on or off immediately as it can be a safety issue for stopping quickly. Engine brakes are considered safety equipment and cannot be regulated. M. Thorn mentioned that there were

exemptions to the ordinance and she would do more research on engine brakes. D. Beebe asked if the Horse Show would be exempt, M. Thorn thought it would be exempt, but H. Chandler was not sure the Horse Show would qualify as a special use/event.

M. Thorn suggested moving the definitions listed after B-5 to be beginning of the Prohibitions section. Dave Beebe asked if the police would write a ticket based upon the word of the person complaining and M. Thorn replied that it would be up to the police officer, but if there is no evidence of noise, then there would be no ticket. B. Tyler expressed that it was a waste of the police officer's time to have him come out for a \$50 ticket (ticket monies will go to the Town). H. Coolidge agreed that the ordinance was a waste of resources. K. Wallace spoke in support of the ordinance saying that the purpose was for peaceful co-existence when there are different ways to behave. She hoped that people would try to resolve noise issues personally before calling the police, but at least there was an option to get help. S. Pinsonault recalled that when the ordinance was first discussed, she wrote a letter to the SB saying that the Town should not get involved in neighbor issues and the Barrows House has passed decibel level tests and not had any recent problems. C. Rawson was concerned about the effect a noise ordinance would have on a small town and the gray and subjective areas in the document. R. Fox agreed with K. Wallace and questioned how excessive noise and parties at the quarry would be handled under the noise ordinance. H. Chandler stated that this was not a nuisance ordinance and M. Thorn said that anyone has the right to call for help for objectionable noise.

B. Tyler asked what the Town Attorney's opinion was and M. Thorn responded that J. O'Dea thought the draft looked good, but noted that noise ordinances could be subjective and hard to enforce. D. Pinsonault asked if the SB had already decided to institute the noise ordinance and H. Chandler replied that the proposed changes need to be considered, but it is not a "done deal." J. Kingston suggested that if the ordinance is adopted that the information be included in the Town Report and on tax bills so that the non-residents will be aware of it. Discussion ensued regarding whether the Horse Show is subject to the noise ordinance and if it would have an agricultural exemption. S. Lareau stated that she felt the ordinance has a lot of gray areas in it. She travels to horse shows very early in the morning making noise when loading the horse trailers and wanted to know if she could be ticketed. M. Thorn said that she didn't believe anyone would find this noise objectionable. S. Lareau felt the ordinance should go to a Town vote and did not believe that residents were aware of the ordinance or have had enough time to consider it. D. Gilbert and W. Gilbert urged the SB to get the word out about fireworks being illegal. C. Rawson felt that there were not enough issues to warrant a noise ordinance and L. McGinnis noted that the issues depend upon where you live and having a serial offender is not pleasant. She did not believe that the fines were high enough and R. Gaiotti said that the State sets the fee schedule.

M. Thorn moved and L. Ruffa seconded to close the Public Hearing at 7:45 p.m.
Motion carried 5-0.

Approve Minutes of February 28, 2017 & March 7, 2017

T. Smith moved and M. Thorn seconded to approve the February 28, 2017 minutes as presented. Motion carried 3-0 (J. Stannard abstained).

T. Smith moved and M. Thorn seconded to approve the March 7, 2017 minutes as presented. Motion carried 3-0 (J. Stannard abstained)

Public Comment

- R. Fox welcomed J. Stannard back to the SB meetings.
- S. Pinsonault asked the SB what they would like to do about the enforcement of the Dog Ordinance as all dogs must be licensed by April 1st of each year, but many residents do not register their dogs. R. Gaiotti commented that the Dog Warden does not have the time to address this issue. Ideas discussed: orange note in tax bill & raise the fine; send bill to dog owner; and create an inventory of dogs. D. Pinsonault commented that dog licenses were important as a rabies shot is required for licensing.
- R. Squire asked the SB if they had a plan for the quarry for the summer. H. Chandler responded they did not have any idea what Mr. McDonough was doing with the quarry this summer, but the SB has signed a contract with the Bennington County Sheriff's Department which gives more coverage time. They have also asked the State for no parking along Route 30 from the quarry to J. K. Adams.

Dorset Marble House Update

Update was postponed by D. Epstein (Dorset Marble House).

Approve Sheriff Contract

T. Smith moved and J. Stannard seconded to approve Law Enforcement Contract with the Bennington County Sheriff's Department valid from April 1, 2017 through June 30, 2018 for 40 (+) hours per week as outlined in the contract document presented tonight. Motion carried 4-0.

Office space for the Sheriff was discussed with two options mentioned. R. Fox suggested contacting the Dorset Nursing Association. T. Smith asked that publicity about the Sheriff's patrolling Dorset be done.

Town Board Appointment Review

The SB members reviewed the appointee list for the Town Boards. H. Chandler thought that the SB could interview a volunteer if there is more than one candidate, but M. Thorn felt that it helps to interview everyone. D. Pinsonault

expressed that people who have volunteered for participation on Town Boards who have been on them for a while might feel insulted if re-interviewed all the time. H. Chandler responded that the SB, as leaders, are responsible to recruit people for Town Boards and it was important to have balance on the Boards. They would not look to change people unless the Board is unbalanced. The SB agreed to have all candidates come in for an interview.

Mad Tom & Route 7 Update (Continued)

R. Gaiotti noted that there was nothing to report yet as they are waiting for the BCRC input on the speed study.

Fire District Agreement Update

R. Gaiotti reviewed the "Town & Fire District Agreements" memo mentioning:

- Fire budgets are included in the approved Town budget ~ East Dorset at \$144,067 and Dorset at \$179,888.
- Support of Dorset fire and water budget development and auditing process
- Supplemental water for Dorset

T. Smith asked R. Gaiotti if he could send a letter to the two Fire Departments to see if they will put on their agenda a discussion to extend the contracts for three years. R. Gaiotti noted that the current contract does not expire until June 30th.

Liquor Licenses

M. Thorn moved and T. Smith seconded to recess the SB meeting to convene as the Liquor Board at 8:40 p.m. Motion carried 4-0.

S. Pinsonault presented documents for HN Williams, Hasgas, Dorset Union Store, Dorset Rising, Dorset Inn, Barrows House, Marble West Inn, Jiffy Mart, Inn at West View Farm, Dorset Field Club and the Chanticleer Restaurant. It was the consensus of the SB members to sign the liquor licenses as presented.

M. Thorn moved and L. Ruffa seconded to adjourn as the Liquor Board and reconvene as the SB at 8:50 p.m. Motion carried 4-0.

Finance Report

- Delinquent taxes as of 3/16/17 is \$137,962 and two parcels have been forwarded to the Town Attorney.
- Approximately 72% through the budget year
- Winter sand/Road gravel expenses are up due to weather
- Town Clerk fees are below projections & Town meeting ballot expense is up due to Act 46 ballot

T. Smith moved and M. Thorn seconded to accept the Finance Report as submitted. Motion carried 4-0.

Manager's Report

R. Gaiotti reported on the Highway/Road Crew activities and the storm event that took place. H. Chandler asked that R. Gaiotti convey the SB's appreciation to the Road Crew. Other items mentioned were: Assessing Department support; DFD water source support; collection of property taxes; web site updates; preparation for noise ordinance; Sheriff contract and the Hike Dorset brochure.

Approve Payroll and Accounts Payable for the Week of 3/21/2017

It was the consensus of the SB to approve the Payroll and Accounts Payable for the week of 3/21/2017 as presented.

Other Business

- T. Smith asked what was the best way to address the dog licensing issue and M. Thorn asked that this be placed on the next SB agenda to discuss a better way of enforcement.
- H. Chandler read B. Addington's email regarding the sign ordinance and lack of PC involvement. H. Chandler noted that the SB has the authority over ordinances ~ such as the noise and sign ordinances. M. Thorn stated that she is currently trying to remove the inconsistencies in the sign ordinance, the SB is legally required to draft ordinances and the PC will be able to review and comment about the drafts. A Public Hearing will then be held.
- L. Ruffa moved and M. Thorn seconded to move to Executive Session at 9:20 p.m. to discuss a formal invitation contract. Motion carried 4-0. Executive Session ended at 9:25 p.m. with no action taken.

M. Thorn moved and L. Ruffa seconded to adjourn the meeting at 9:30 p.m. Motion carried 4-0.

Respectfully submitted,

Nancy Aversano

Town of Dorset ~ Select Board

Date 3/21/17

Regular Meeting

Special Meeting _____

(Please Print)

Name	Address	Representing	Testifying (Yes or No)
Brad TYLER	DORSET VT	SELF	
Mike Connors	E. DORSET	SELF	
Howard Collyer	DORSET	SELF	
CARTER RAWSON	DORSET	SELF	
John LaVecchia	Dorset	SELF	
Austin Chin	Dorset	self	
Gillian CHINN	DORSET	SELF	
Dawn GILBERT	DORSET	SELF	
Walt Gilbert	W. Road - Dorset	"	
D. GREEN	POB #81	"	
David Beebe	P.O. Box 291 Dorset	Beebe Farm LLC	
Douglas Aeber	3775 RT R7 E. Dorset	Aeber Farm LLC	
JOAN MENSON	1131 RT 30, DORSET	SELF	
ROBERT MENSON	1131 RT 30	SELF	
Kit Wallace	2173 Upper Hollis Rd. Suite	SELF	
Pro Thor	599 Main St. Rte 30	self	
ROGER SQUIRE	3395 Dorset-West Rd	self	
Jean Bringsom	3370 Rte 30	Self	
TERRY TYLER	DORSET	self	
Ruth Tennenhaus	35 Barnes Heath Ln	self	
Edward Tennenhaus	"	"	
Rosalie Fox	125 Fox Lane	self	
Sandra Pergament	1665 Rte 7	TIN Clerk	
Denny Pernament	1665 Rte 7	self	
Linda McGinnis		self	

V.