

Approved Minutes
Town of Brookline Selectboard
Wednesday, August 21, 2019, 6:30 PM

Present:

Selectboard: Gwen Tanza, Joseph Dutton, Bruce Mello, Shelby Brimmer

Members of the Public: Doug Wellman, Dot Maggio, Guy Tanza (Town Clerk, Videographer), Peter Barus (Recorder)

Call the meeting to order

The meeting was called to order at 6:31 PM, Mr. Mello acting as Chair.

Review changes to agenda if any

Table traffic safety discussion until next meeting (September 4th).

Unscheduled members of the public

Ms. Maggio

Ms. Maggio reported 123 registered dogs; State Police did welfare check on unlicensed dogs in response to complaints on Papoose Lane; the owners have until August 31st to bring everything up to date; the Windham Humane Society has adopted one, another is for sale, another was found loose and wounded on the road and transported to WHS and the owners gave permission for treatment of the injuries, picked up the animal; Mr. Tanza had been very helpful in the licensing process; owners had promised to submit documents but this had not happened to date, at end of month they will receive a reminder, then a court summons.

There was discussion; some licenses had been obtained, no updated certification; the owner had been informed of procedures; it was noted that a license should not be given without the relevant certificates; papers had cited inoculations in January; Ms. Maggio had done much driving, cleaning up after each animal transport; she noted one complaint on Grassy Brook Road about loud barking; Ms. Maggio suggested requiring more documentation, observing that people are hesitant about making written complaints.

As Health Officer, Ms Maggio had received a forwarded message from Mr. Lavorgna about an illegal driveway across from his property, in the 1300's on Grassy Brook road.

Ms. Maggio listed the relevant history:

- In 1985 property owner was denied curb-cut by Selectboard;
- People living on 39 acres without sanitation in 2007;
- Selectboard had letter and attempted to persuade owners to install septic;
- Letter from Larry Oliver stating he would no longer reside on the property;
- A culvert that keeps filling in, and documents showing that grading has been maintained;
- Three visits to the property by the Health Officer, with photographs, finding the property "very clean, no appearance of people living there, two buildings, a large bucket of clean water and neatly stacked wood, no trash, some footpaths, no people;"
- Email from Mr. Lavorgna to notify the Town of another car on the property;
- Subsequent visit by the Health Officer, again finding no evidence of infraction.

There was discussion of procedures; and that a criminal record had been found online; that Garrett Baxter (Attorney for VLCT) had emailed regarding a previous Selectboard conversation on proper procedures; that Britt W. McLain is listed as property owner, age 53, living in Brattleboro, taxes current; that there is an illegal driveway, and a new form for the curb-cut for

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had been provided to the owner some years ago; that there was some doubt as to whether there was one or two driveways; that NewBrook can be called in case of fire; that the area may be re-ditched; that otherwise the Road Ordinance must be followed.

There was discussion of State septic regulations; that this has been a problem with a long history, but without direct evidence of persons living on the property; that a car with current New York registration was parked at that location; and that Mr. Lavorgna is monitoring the situation, based on past experiences.

There was discussion; that the infringement (if any) would be rental of property without septic, polluting a watercourse; that there had been no evidence found of any wrongdoing, and the Selectboard's prerogative does not include policing private property; that there had been a problem and a complaint some years ago, and a more recent written complaint citing past experience; that Ms. Maggio had performed due diligence and will not proceed further in the matter without some new reason to do so; that it had been obvious in the previous instance that people had been living on the property with drain water running to the roadside in plain sight; that the owner had been in a penal institution at that time; that a letter had been received in 2007 stating that no one would be in residence; that the Health Officer had found no sign of violations; that she had not been able to introduce herself to anyone at the location to date.

Ms. Maggio asked if there would be further direction from the Selectboard, noting that there is no reason to initiate action with ANR, etc. There was discussion, of complaint procedures and state regulations; that there is no health issue; that such complaints are reported to the state; that the curb-cut permit is not the purview of a Health Officer; that there is no basis for any action against the property owner.

Scheduled members of the public

Archie Clark, Doug Wellman

There was discussion of the crack-seal work noted in the August 7th minutes; of whether the subsequent bill had been accurate; Mr. Mello located the invoice; it was determined that the work had been completed.

Approve Minutes

Minutes from August 7, 2019 Regular Meeting

Ms. Tanza moved to approve the minutes for August 7, 2019. Second by Ms. Brimmer. **All in Favor.**

Old Business

Ms. Brimmer noted that Mr. Medina (Director of Operations, WCSU) had checked on the school house documents and found no additional information.

Road Equipment Purchase Committee Recommendations

Mr. Mello cited the Commission Recommendation (draft); Mr. Dutton noted that it is not the final recommendation, but highlights the points of consensus to date; details were omitted to allow for the opinions of experts on the Committee to be worked through; and suggested, Mr. Clark and Mr. Bills not being present at this meeting with their valued perspectives, hearing Mr. Wellman on the matter; and noted that there had been five meetings.

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Mr. Wellman suggested that the financial information speaks for itself, and noted that estimated costs of purchase were about equal to rental costs; but that after five years the equipment is owned, and only maintenance costs remain; that the financials should probably not be the deciding factor; that ownership would relieve schedule pressures on operations, that equipment should be available as needed; that the machine is versatile, can both ditch and mow; that a strong financial case can be made for a piece of mowing equipment that would see returns immediately; and discussed projected long-term savings as being negligible, as they would be worked back into the budget anyway, and future boards cannot be committed to [unencumbered] decisions.

There was discussion; of potential breakage (citing Mr. Bills and Mr. Clark's experience); about the hours on the unit (2,000 + on a 2011 machine in relatively good shape); that Able (the seller) has a good track-record locally and with the BBB; that any kind of equipment is a gamble; that prices are going up; that availability, especially in road emergencies, was a strong point in favor of purchase; of equipment life expectancy; that more use lowers hourly rates; of a potential surge in equipment purchases; that operator wages should also be considered; that the equipment could pay for itself; of efficiencies, mission creep, etc.; about working back from desired results; about process, purchase policy, whether the bidding process would be violated by sole-source purchase under \$150,000.00 (noting that this had been vetted by Garrett Baxter (VLCT Attorney)); of putting it to a vote before the inexpert public; of the previous vote against purchase; of the Treasurer's Association; that most of these discussions were covered in the Committee's recommendation; that should the Selectboard choose to purchase without a town vote, it would still be done through the RFP process; of transparency; of cost-benefit analysis.

Mr. Tanza suggested the Selectboard decide the best action at the next meeting with all members present, and bring the result before Town Meeting as the recommended decision.

Mr. Dutton proposed for the next Agenda that the Selectboard vote on whether to buy an unspecified piece of equipment; after which, if in favor, then vote on whether to wait until after the next regular Town Meeting. There was consensus that this would be on the next Agenda.

The Selectboard thanked the Road Equipment Purchase Committee.

New Business

Traffic Safety Discussion (Tabled)

Summary / Update / Reports

Guy Tanza – Town Clerk Report

Mr. Tanza reported that the office is running smoothly, keeping busy, and Ms. Tanza has been continuing the land records scanning project; that tax delinquencies are down to just over \$2,300; the Town has paid the education taxes and will not have to borrow; and noted the last three years of zero delinquencies.

Highways & Roads

Guy Tanza - Road Commissioner Report

Mr. Tanza reported dismay at the way the yard looks; that there has been an offer to take away the road debris and "crumbles"; and noted that with the Salt Shed reconstruction coming up, the scrap and fill should be removed.

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Ms. Tanza moved to accept the offer to remove certain refuse from the Town maintenance yard, and to consult with Mr. Clark about the asphalt debris, aka “crumbles”. Second by Mr. Dutton.
All in Favor.

Mr. Tanza noted that a cellphone amplifier had been donated by Ms. Hoard for improved cell service at the maintenance yard.

Mark Bills – Road Supervisor

Communications

Email

Regular Mail

- VLCT news
- VLCT “Hot Topics”
- VLCT Annual Meeting announcement (Voting Delegate appointee, Mr. Tanza, signed by Mr. Mello)
- Al Jefferson & Son (flier)
- Brattleboro Development Credit Corp (SeVEDS)

Pay Orders

Accounts Payable

Mr. Mello moved to approve Accounts Payable Warrant #2020-07 in the amount of \$12,735.43. Second by Ms. Tanza. **All in Favor.**

Payroll

Mr. Mello moved to approve Payroll Warrant # 2020-08 in the amount of \$1,967.31. Second by Mr. Dutton. **All in Favor.**

Set agenda for the next meeting – Wednesday September 4, 2019

- Vote on purchase of an unspecified piece of equipment
- If in favor, vote on whether to wait until after the next Town Meeting
- Town Buildings Report, Town Treasurer – financials

Adjournment

Ms. Brimmer moved to Adjourn. Second by Mr. Dutton. All in Favor.

The meeting was Adjourned at 8:08 PM.

Respectfully submitted, Peter Barus, Recording Clerk, August 24th, 2019