

SB Meeting 8/28/2017

Present, Moe Brigham, Chris Jarvis, Carl Russell, Vanessa Brown, Greg Maggard,  
Community present (see attendance list)

Call to Order - 6:00

Approval of Agenda - Chris Jarvis asked about the update on the Irene data. Town Manager Maggard said that he was still gathering the requested information, and suggested that the information could be ready for the next meeting. Brigham moved that the information be added to the next meeting's agenda, Vallee 2nd, approved unanimously.

Public Comment or Inquiry

Mary Floyd was present to ask about the conservation commission's role in the Zaremba appeal. The CC will serve as an advisory capacity to the SB in this process. Russell said that by statute it is already in an advisory capacity to the SB. Brown suggested an executive session regarding legal procedure in this case. This will be added to the executive session already scheduled. Maggard confirmed that the CC is already a representative of the town. Floyd questioned if the CC needed to be a "interested party". Floyd will be included in the executive session that discusses that litigation.

Appointments (6:15) None

Reports Motions and Ordinances

Appoint Greg Maggard as Town Water Commissioner - Maggard discussed the statute that addressed the function of the water system. This would expedite some of the more minor decisions to smooth the process. Russell suggested that historically speaking, that hadn't been necessary as those decisions have come before the board. Brown appreciates Maggard's intention to improve efficiency, but agrees with Russell that these matters coming before the board help to keep the SB informed. Vallee is in agreement with Russell and Brown.

Town Shooting Range Discussion- Brown introduced the discussion around the use of the gravel pit as a shooting range. She asked for clarification regarding the history of the range. Russell responded with actions that had taken place when he started on the board. The SB did not designate the pit, but provided some guidance for safe use. Brown inquired about the liability/insurance around the pit. Russell noted that this information is in the notes from the SB's involvement in this issue several years ago. PACIF (via VLCT) is the insurer. Jarvis asked that we hear from the audience about their personal concerns. Brown clarified her concerns around noise pollution, types of weapons being used, oversight of the site, location, and value to the community.

Russell suggested that an official hearing might be appropriate given the level of interest in the community. He reiterated that Dick Adams and his group came up with a tenable solution which is still used. Russell quoted VT shooting range law, stating that "noise" is only applicable to abutting land owners, and they have one letter from an abutting land owner citing concerns regarding noise. When this issue last came before the board, they had to separate the issues of safety and noise. He reiterated that a decision will not be made tonight. Russell cited that Vermont criminal law that applies to noise between sunset and sunrise. He has heard in the community that Dick has provided good oversight to the site. Brown reiterated that the difference is that this is municipal property which makes the

“problem” unique. Russell stated that there is a 50-60 year history of the pit being used for this process, which makes it feel heavy-handed to eliminate that particular use of the property. He believes is crucial to have a “hearing” to include all interested parties.

Newt Whitcomb asked if out of town/out of state folks can shoot at the pit. Russell said that this is allowed. Dick Adams confirmed that folks from out of state have been using the pit. He conversation with these folks indicates that they are predominantly visiting people in the area. Adams lives on 307 Royalton Hill. He can hear from his home if the pit is being used, and he voluntarily goes over to check in with the people using the pit. Adams cites a date 2/2013, and he has totaled a trip of 269 (how many people he has counted? This year he has been down there 69 times. He educates folks on the rules and practices when he goes down there. Complaints, he has made three trips for complaints, once for shooting on Sunday, and two for rapid fire. Katie O’Neill asked about the complaint trips, and if his presence is enough to change the behavior. Adams says that it is, though he admits that occasionally people get annoyed. he cites that shooting is recreational, and he would hate to see it disappear. Russell asked about annual donations. Adams gets occasional donations of 5-10 dollars. In 2015 he got 50 dollars. 2016 in 68 dollars. As well as some business donations. 108 dollars so far in 2017. Adams says that he is the one who is primarily maintaining the site. Russell noted that Randolph Fish and Game charges \$40 per family. Adams has been selling the brass to cover the expenses for the targets. He feels proud about how it is functioning, but he admits it is hard to do anything about the noise. Jarvis asked about a couple of issues, including types of firearms. Adams says they are not supposed to be using shotguns, use rapid fire, or shooting in the air. Muzzle loaders are allowed. Kent Howard asked to provide clarification about an automatic or semiautomatic weapon (particularly with the use of the term “rapid fire”). Russell clarified that rapid fire is not necessarily indicative of an automatic weapon. Jarvis also asked about the hours the pit is open, and similarity to other ranges. Steve Waterman was able to provide the hours for a state run facility down in Hartford. They get noise complaints from folks across the river in NH. Jarvis thanked Adams for his insight. There was continued discussion regarding calibers, and suppressors. Jarvis noted that until we have a solid alternative, it doesn’t make sense to get rid of the option that we have. Jarvis clarified that there is historical precedent for its use as a shooting range, and commended Adams for his management of the range including the cleanliness of the site which is vastly improved. The “shooting range” sign was posted in 2013.

Russell proposed this topic be placed on a future agenda, and perhaps a public hearing. He encouraged folks who cannot attend meetings to write letters addressed to the SB.

Town Constable Taser Information and Use - Constable Mark Belisle spoke to the SB regarding the proposal of his being allowed to carry a taser. Belisle says there are a couple of programs for buying and regulating the use of the device. The Town of Bethel will use the most financially feasible program for their budget. He notes that he needs to report every time he uses the taser, or even removes it from his holster. Brown asked if he was willing to do a community presentation on the purpose of the taser, and situations under which it would be used. Do we want to authorize our town manager to purchase the equipment, and enter into the agreement? (the policy would not yet be in place, so he wouldn’t carry it until the policy is put in place by the SB). Brown made the motion, Moe second. unanimous approval. implementation of the ordinance is on the next agenda.

Town constable Cell Phone cost and payment share or stipend - Belisle uses the cell phone to be contacted for work, and also as a Wi-Fi source for the tablet that he uses for work (the tablet is owned by the town of Granville) in all the towns. Russell asked for a specific quote (or a bill for documentation) for the expense related to entering into this cost share. The SB does not have major objections, but would like documentation before approving the request.

Adoption of Municipal Administrative Act- Maggard stated that this primarily addresses contested hearings. Stipulates how the meeting takes place, and how it is recorded. Russell said that he felt that they were held well, but that the act makes the process too onerous. Russell asked if the SB needs to

make a motion to adopt the “municipal administrative act”? O’Neill asked if the town would need to purchase audio and video equipment to use these procedures. Brown requested more time to review the act, and will be placed on the agenda of the next SB meeting. Russell clarified that this new process would enter a witness’s statement as sworn testimony. O’Neill asked how the town would be informed regarding the changes that this act may create for their testimony. Russell noted that now that a lawyer has been hired, public input will be limited due to the difficulty in controlling ex-party communication and endangering the case. Will be tabled until the next agenda.

Energy Committee Resignation - Tim Brennan resigned due to work demands. He thanks the committee for all their hard work.

#### Town Manager’s Report

status on action items There will be some FEMA reimbursement to Windsor County for some of the work made necessary by the storms in July. Brown communicated two complaints regarding the condition of “the wall”, after the installation of “the fish”. Russell noted that part of the artists vision is to create a piece on a decrepit piece of urban architecture. Jarvis expressed concern about the lowest fin of the big fish and possible damage during plowing this winter. There are replacement fins, just in case.

Town manager’s Admin report (see attached report) - two interviews for business manager  
Facebook spotlight - Tim Mills, was posted on FB.

#### Minutes and communications

Selectboard minutes of the August 14th 2017 Regular Meeting accepted as written, (Brigham moved, Jarvis second, unanimously approved)

Selectboard Handbook of Rules and Procedures - Reviewed because Russell has received concerns about some of the SB behavior in the community. SB members only have that control when they are acting as a member of the committee, not as individual community members. The SB cannot control the individual behavior of a given member.

committee minutes.

other communications - none

Any other business to come before the board - Brown presented a community concern about activity in the municipal parking lot. Russell suggested that the Constable be notified, and if it is a noise issue at night, community members can call the state police. Jarvis noted that there has been more action by the Findley Bridge as well.

Executive session to discuss personnel matters

Adjourn to executive session at 8:14.