

Sutton Select Board Meeting  
May 30, 2019

Chairman, Joe Solinsky called the meeting to order at 6:02PM

Attending the meeting: Joe Solinsky; Denis Royer II; Gail Weed; Clint Gray; Bruce & Janie Conley; Elizabeth Hubbard; Brandon Mazur; K. Sully Buonconti; Jennifer Botzjorns; Mary Gray

Additions/Modifications: Additions: Clint Gray; Brandon Mazur;

Denis made the motion to approve the April 25, 2019 minutes as printed. Joe 2<sup>nd</sup> the motion. Motion passed

Denis made the motion to approve the Treasurer's report as printed. Joe 2<sup>nd</sup> the motion. Motion passed.

Delinquent report was handed out.

Janice Conley: Route 5 issue. Joe spoke with Jake (Rolfe's residence) and Joe felt he was receptive. Jake told Joe about all his hard times he has been having. Jake said in two weeks he will clean it up. Joe said the Department of Environmentalist will need to be involved if it is not cleaned up. Joe called ANR on May 20, 2019 and explained about the property. The Conley's called the child protective services. Conley's stated they felt the back of the house will collapse, also stated they have no power or water and they tapped into the Conley's house for power. Conley's unplugged their extension cords. The Conley's felt this is the health issue and becoming a hazard on Rte. 5. As of June 1, 2019, Brandon will be the new health officer. Brandon spoke about concerns, but he is unsure about his authority at this point. Brandon will be going to training in July. Brandon says the actions that he has taken is calling the Agency of Transportation about vehicle across the road. Joe has called the Agency of Natural Resources. Brandon has called the DEC and they will investigate. Brandon spoke with the Sheriff's Dept. and stated the dept. is receiving complains about animals in the roads and how the chickens are using the entry way of the house for their coup. In the future, they were informed they will build a barn in the back for the horses, at the present time the horses are being pastured elsewhere. Brandon also spoke with the health department. Joe said he spoke with Jake about the junk ordinance but at this point what good would a fine do. Brandon left it with the sheriff's dept. that he would be coming to select board meeting to update the board about the conversation with the sheriff's department, but Brandon is foggy on what the state language is. ANR told Joe they would contact him about what progress they are making.

Dan updated the board on Better Back Roads; Morey road will be made wider and will be done before the end of June. Two Culverts need to be changed out and the culvert across Root's driveway will also be changed out. No more culverts will be added. Gail and Dianna have been looking into how much to charge for the equipment for working on the Morey Road for reporting on the Better Back Roads Grant in Aid forms.

Jennifer Botzjorns from Kingdom East School District wanted the minutes to reflect how at 4:30AM Dan is so nice about updating her about the roads during the winter months. It is a pleasure to talk to him that early in the morning.

Other business: The Sutton School Lease: Jennifer Botzojorns stated that according to the attorney the following two options can be looked at.

- A. Kingdom East Board cannot approve a new lease: Vermont Statute, Title 16: Education Chapter 009: School Districts, Subchapter 004: Other Provisions sub section 562, Powers of the Electorate, states that, "At a school district meeting, the electoral: (7) May authorize the school board to enter into leases of real property for more than three years, to purchase buildings or sites for school purposes, to locate and erect schoolhouses, and to sell, or otherwise dispose of, schoolhouses or sites for same."

"A. Our Attorney has advised that the Board does not have the power to sign a lease for more than 3 years without the vote or approval of the electorate as per Vermont Statute."

"B. Our Attorney has suggested a solution is to put this as an Article to be voted upon at the next election and at the latest Town Meeting 2020."

- B. Old Lease is still valid: Section 16 f the original lease states that "Successors. All the terms, covenants and conditions hereof shall be binding upon an inure to the benefits of the ... successors and assigns of the parties hereto..."
  - a. Our attorney has advised that Section 16 of the original lease automatically allows the Kingdom East School District is a successor to the Sutton School district and therefore automatically inherits the previous lease.
  - b. Our attorney has advised that because of this clause it is unnecessary to have a successor agreement, the first lease agreement is still valid.
- C. Possible next steps:
  - a. The Sutton Select board should consider A and B above and then let Jennifer know which course of action the select board would like Jennifer to bring to the Kingdom East Board. Kingdom East Attorney advises there are two options:
    - i. Vote: Place a new 99-year lease measure before the Kingdom East Electorate on the next Kingdom East Voting date, which will be no later than Town Meeting Day, 2020.
    - ii. Do Nothing: The town of Sutton and the Kingdom East Board do nothing as Section 16 of the current agreement allows for Kingdom East, as the successor, to maintain the lease for its duration.

Denis made a motion to table this since the 99-year lease is still in effect and the full Select Board can discuss this. Joe seconded the motion. Motion passed.

Jen Botzojorns explained the vote coming up for a 24 Million Dollars Bond: The Kingdom East School Board is proposing to the taxpayers of the eight towns to consider a bond not to exceed \$24 million-dollar bond to fund facility improvements for Burke, Concord and Lunenburg schools.

1. Burke: replace the middle school mobile trailer at Burke which has been used as a classroom for 38 years. It includes building a gym for Burke, which currently does not have one that can house the whole school. Classrooms are added to accommodate the growing student population and make space to address the changing educational needs of the students.
2. Concord: replace the structurally unsafe gym and adjacent classrooms, combining them into one building and reconfiguring classrooms to improve the learning environment.
3. Lunenburg: adding onto the Lunenburg school to create one facility for all the children in the town.

These projects will be done in phases and the money will be disbursed as needed.

Notes: The future possible increased costs for Sutton is as follows:

\$100,000. Assessed house value:	\$ 68.00 increase
\$150,000. Assessed house value:	\$102.00 increase
\$200,000. Assessed house value:	\$136.00 increase
\$250,000. Assessed house value:	\$170.00 increase
\$300,000. Assessed house value:	\$204.00 increase
\$350,000. Assessed house value:	\$238.00 increase

Roadside bids: Summit Contracting and Walt Neborsky; both came in at single pass \$3,500.00 and \$7,000 double pass.

Denis made a motion to award the bid to Summit Contracting with 2 passes. Joe seconded motion. Motion passed

Summit will start the mowing in July.

Clint ATV update: met last month and were assigned certain areas of the town to open some areas. Extended for a year. Secretary would like to be paid going forward. All clerks get paid \$75.00 per meeting. Joe stated that they need to submit an invoice and they will pay it. Clint will give a written report next month on opening trails.

ATV committee made a recommendation for the ordinance that goes into effect Monday June 3, 2019. Clint said he was talking to landowners along the roads and that is an ongoing process. Denis made the statement that the ATV Ordinance was approved at the last meeting.

Audit bids:

Sullivan, Powers & Co; 2018 audit fees \$15,000.00;

Batchelder Associates: audit fees \$ 10,335.00

Telling & Hillman, PC audit fees \$ 7,300.00

Denis made a motion to table the audit bids for all the select board to review and to call a special meeting next week. Joe seconded motion. Motion Passed

Handicap Ramp update: Town received a \$2,000.00 grant towards the handicap ramp. We will need to put an additional \$6,000 toward the project to come into compliance.

Denis made a motion to move forward with the handicap ramp and railing. Joe seconded motion.

Motion passed

DRB Survey; nothing was brought to the select board. The board stressed that nothing will go out until the select board approves the survey. Brandon would like to see in the survey questions about health and childcare in the next 5 to 10 years.

Lister's computer: Denis made a motion to purchase the Lister's computer being paid from the Lister appraisal fund. Joe seconded the motion. Motion passed

Brandon thanked the board for appointing him the Health Officer and taking away the other positions he was appointed to.

Brandon has been training the new Planning Commission Clerk to take his place and he would like the board to consider being reimbursed for training the clerk. The Select Board stated he needed to submit an invoice to be compensated. These fees will be taken out of the budget for the Planning Commission.

Brandon would like to go to training in Rutland for the Health Officer and would like to be reimbursed for mileage. Because we belong to VLTC the training is free.

Elizabeth Hubbard was thanked by the board and Brandon for her help on the issues concerning the property on Route 5.

Joe made a motion to accept Chip Devenger's resignation letter for the Development and Review Board. Denis seconded the motion. Motion Passed.

Paul Brouha is requesting the appointment of Patrick Seymour to the Development and Review Board to fulfill the vacancy of Chip Devenger. They will look for an alternative to the board.

Joe made a motion to appoint Patrick Seymour to the Development and Review Board to replace Chip Devenger's vacancy, term to expire 2020. Denis seconded the motion. Motion passed.

Junk Ordinance: Randy Mitchell and Gale Berry complaints; Gale said he will work on cleaning up his yard in the next few weeks. Gail will mail him a letter about levying fines with the emphasis on safety.

Guard Rail company in Monroe. Inventory is down at the moment. 100 feet of used guard rail if we pick it up, cost of \$1700.00 for 100 feet. If they install it the cost would be \$3,000.00 for 100 feet. We need 500 feet of it, it seems quite pricey. When the full board is here, it will be discussed.

Checks and warrants were signed

Denis made a motion to appoint Elizabeth Hubbard as the fence viewer. Joe seconded the motion. Motion passed.

The sump pump will be installed when electricity is set up.

Denis made a motion to adjourn at 8:52PM. Joe seconded the motion. Motion passed.

Mary Gray  
Clerk