

Town of Charleston
Selectboard Meeting 1/25/2024

MINUTES

THESE MINUTES ARE UNOFFICIAL UNTIL APPROVED AT THE NEXT MEETING.

The meeting was called to order at 6:00 pm by Chair Patrick Austin.

Attending: Selectpersons Patrick Austin, Peter Moskovites and Tim Jenness; Animal Control Officer Sarah Jenness; Town Clerk & Treasurer Teri Gray; and Selectboard Clerk Colleen Kellogg.

The Chair accepted the following additions to the agenda: An additional resume for the Road Crew job, letters received regarding the dog complaint, and an update on illegal compost dumping complaints.

Tim Jenness made a motion to approve the minutes of the January 11, 2024 meeting as written, seconded by Peter Moskovites, and the minutes were approved as written. There was no Public Comment or Road Report

NEW BUSINESS

- Erik Urch, One Atlas, is coordinating final testing of soil piles from Grenier's that are stored in the Ten Mile Square Rd pit. They will coordinate with Wendell to test the soil in early spring. Once verified as clean, the soil can be used by the town, and testing can be tailored to the known use. If not useful, the soils may have to be hauled to Coventry. The Clerk's Office asked Mr. Urch to contact the Foreman to coordinate.
- Patrick Hurley of Memphremagog Watershed Association has been conducting stream crossing and roadway assessments for the Echo-Seymour Lakes Watershed Action Plan. He would like to schedule a time in early spring to take a drive around town with Wendell Hastings and discuss findings. Selectboard members will talk with Wendell and get back to him.
- Regarding the open Highway Driver/Laborer position, the town received one letter of interest and one resume. Board members instructed the Clerk to ask both to fill out applications so that interviews can be scheduled.

OLD BUSINESS

- Board members discussed circumstances under which a potentially vicious dog hearing scheduled for that evening had been cancelled earlier in the week. At the previous meeting, board members agreed to schedule the hearing due to a statutory deadline to respond, and Pat Austin agreed to meanwhile seek legal advice from the VLCT about how the town ordinance applies in the case of James Bronner's complaint. Mr. Austin said that through multiple conversations, and opinions from multiple VLCT attorneys, the town was advised that the dog daycare owner could be considered the owner in this case, however, the town ordinance applied only to dogs at large—off the owner's premises—and the incident happened in her backyard. The Chair read relevant ordinance text including its purpose and the definitions of 'potentially vicious dog' and 'at large.' Given the lack of legal standing to hold a hearing, the town was advised of two available options: 1) convene the hearing and state at outset that the ordinance does not apply and the hearing will not proceed; or 2) cancel the hearing. The Chair said that gathering everyone and then not having a hearing would waste everyone's time. Peter Moskovites voiced support for holding a hearing to give Mr. Bronner a chance to be heard. Animal Control Officer Sarah Jenness said that she reached out to law enforcement

after Mr. Bronner first contacted her about the incident, and none were willing to pursue the matter. Even after she received information that the town could hold a hearing on the matter, she was not convinced that the town could help the complainant—the town cannot enforce laws that don't exist in Charleston. Peter Moskovites made a motion to hold a Potentially Vicious Dog hearing in response to Mr. Bronner's complaint. The motion was seconded by Pat Austin. With no further discussion, a vote was called and the motion failed. Board members completed the complaint response form, denying a hearing, and instructed the Selectboard Clerk to mail the form to the complainant. Five letters of support for Cierra Gaboriault, the subject of the dog complaint, were received by the board.

- Board members conducted a line-by-line review of the proposed 2024 budget and agreed on numbers that will require the town to raise a total of \$753,462.66 in taxes. The budget allocates remaining ARPA funds as revenue for the 2024 budget and enables the town to make a grant to the fire department and provide for additional highway needs. All members voiced support for the resulting budget.
- A draft of the 2024 Town Meeting warning was reviewed. Pat Austin offered a motion to approve the warning. The motion was seconded by Peter Moskovites, and the warning was approved.
- A working draft of the Town Report was reviewed by board members. The final document will go to the printers on Monday, and the report will be mailed to all active voter households in time for the February deadline.
- Pat Austin testified before a legislative committee on the subject of chicken farms as compost facilities and a current complaint by residents of Crawford Hill Rd where compost continues to be illegally dumped by Rodger French and Kathleen Lyford despite a state order to stop. Mr. Austin confirmed that legislators are aware of the problem in Charleston which enforcement agencies have so far been unable to resolve.

Two Selectboard orders totaling \$8,485.52 and two Road orders totaling \$14,406.46 were approved unanimously and signed by all members.

Under Announcements, the NEKWMD's approved 2024 budget was received. Chair Pat Austin said there may come a time when it will benefit the town to leave the district. Leaving will require piggy-backing onto a town with a Solid Waste Improvement Plan (SWIP) in place. This would eliminate a \$25/ton tax paid by haulers and the per capita fee paid by the town, but would require SWIP fees. A SWIP town is not required to have a transfer station.

Seeing no other business, Tim Jenness made a motion to adjourn, seconded by Patrick Austin, and the meeting adjourned at 7:47 pm. The next regular meeting will be held Thursday, February 8, 2024, at 6:00 pm.

Approved this 8th day of February 2024:

Selectboard, Town of Charleston