

Selectboard Hearing

Mon, Apr 07, 2025 6:07PM 58:12

SUMMARY KEYWORDS

Selectboard Hearing, Bean Road, zoning bylaws, special election, planning grant, Vermont Community Development Program, village expansion, contempt motion, RV use, court order, public comment, meeting minutes, action items, municipal tickets, property compliance.

SPEAKERS

Angelina, Peter Yasus, Patti Jamele, Michael Tarrant, Karl Bissex, Frances Rose, Kim Nolan, Alicia Weiss, Karen, Speaker 3, Speaker 2, Speaker 1, Dan Caddy, Alana Norway, Bram Towbin, Arion Thiboumery

K Karl Bissex 00:00
We don't actually have to. Are we ready to open the meeting?


F Frances Rose 00:05
We're working on it. Okay, we're getting there.


K Karl Bissex 00:07
Okay, okay, not to rush. I just want to make sure,


F Frances Rose 00:12
here we go, like a waterfall of participants entering the room.


P Patti Jamele 00:27
This is to have that thing about the paper to talk about,


K Karl Bissex 00:33
yeah, we're gonna, we're gonna take a [cuts off]


 Frances Rose 01:07
and then recording resuming.


 Karl Bissex 01:09
Yeah, anything else? Okay, we're going to open the meeting at 6:10, apologies for the late start. We had a little technical issue, but we seem to be on track. Can folks hear me on the on Zoom.

 Bram Towbin 01:36
Roger that.

 Karl Bissex 01:37
Thanks Dan. Uh, all right, so, so 6:10, I guess we we're getting this recorded, so we'll have minutes this meeting. Yeah, and changes to the agenda, we are going to regarding the executive session that was planned...

 02:06
No, we don't need to do that.

 Karl Bissex 02:07
We don't need to do that because that's been dealt with internally. Okay? And we have any other changes to the agenda?

 Frances Rose 02:22
Don't think so.

 Patti Jamele 02:23
I know that guy and his salary

 Karl Bissex 02:32
yeah, that's that's been resolved.



02:35

Yep, looks like somebody has their hand up.



Karl Bissex 02:40

Somebody has a hand up.



Frances Rose 02:44

No, that's, that's, that's my hand.



Karl Bissex 02:50

Yeah, that's Rose's hand. And, okay, is there any announcements to make?



Frances Rose 02:57

I have an announcement, yes, I'm casually an expression of gratitude for Dan Fingas, who's not here, for hosting the first committee meeting of the East Village expansion Advisory Committee. Dan was here hosting. I was there as well. Dan fully set up the space, facilitated the election of the officers, the chairs of that committee. I just wanted to express appreciation to Dan Fingas for doing that.



Karl Bissex 03:24

And you.



Frances Rose 03:26

I didn't have anything to do with it.



Karl Bissex 03:29

Did it go well?



Frances Rose 03:30

It did. So I thought so, yeah, yeah.

K Karl Bissex 03:33
yeah, great. I'm glad to see that on on track. Any other announcements from anyone? I am not going to be here next Monday. Rose will take over for me, and maybe not the week after, because we're doing these rapid fire select board meetings. I'm going on a trip for seven days. I'm just going to be in wrong end of it, but things will carry on. No other announcements. We have public comment. Anyone have anything they'd like to Yes, a name, please.

A Alana Norway 04:19
Alana Norway, and I don't know if you would want me to comment now, or if you'd want me to wait until you talk about the special election.

K Karl Bissex 04:27
Let's wait on that, because that's going to come up. Yeah. Okay, no public comment. Okay, we're going to be talking about the public the planning grant under the Vermont Community Development Program. I think that's Karen.

K Karen 04:56
Hang on, I'm getting there. I thought Arion was going to be on, but I don't see him. I know he's tied up with work, so...

F Frances Rose 05:07
Arion just dropped in.

K Karen 05:09
Great. So Arion is here. He's going to, Arion is going to take the ball.

K Karl Bissex 05:13
Oh, okay,

A Arion Thiboumery 05:14
I'm sorry,

K Karl Bissex 05:19

we tried to wait for you.

A

Arion Thiboumery 05:20

I'm sorry. I'm right in the middle of an elbow deep in Greece in a project. But anyway, the the jist of the grant application is a block grant for \$60,000 and it would all be used for engine continued engineering for the village expansion project. And you all are aware that there is \$150,000 loan that we can use to pay for this engineering either way. But if we get this grant, it's free money we wouldn't have to spend from that and wouldn't have to pay back or could use for other things. So it either way, the project can move forward, but we are still trying to pursue all grant funding that we think the project is eligible for, as long as the hoops are worth jumping through. Basically, yeah,

K

Karl Bissex 06:07

great, okay,

A

Arion Thiboumery 06:14

that, I mean, that's kind of the jist of it is. It is a planning grant, I think, you know, full I think they require this hearing and conversation about it, because most of these block grants are for much larger non planning grants where there's a lot of money involved. And this is a minor, very minor grant that still has the same procedure, if you will.

K

Karl Bissex 06:36

What does the select board have to do to keep this moving?

A

Arion Thiboumery 06:40

So you guys, if you, if you, I think you have to sort of ask if there are public comments, if there have been any comments made, and then, and then, at the end, vote to move to apply for the plan. The plan will be, uh,--the grant--the grant would be submitted by Dan Fingas, because he's been involved in making this and has the login it has to be submitted through their online portal. So Karen and I, so I would, I've done most of the writing date. It'd be nice to give Karen have a once over before we submit it, and then we would notify Dan to formally submit it on behalf of the town.

K

Karl Bissex 07:17

Okay, so it sounds like that's the action the Select Board needs to take tonight for this grant.

A

Arion Thiboumery 07:27

A Arion Thiboumery 07:27
Correct. Yep.

K Karl Bissex 07:32
Okay. Any, any thoughts?

F Frances Rose 07:36
I see a

K Karl Bissex 07:38
Yes.

A Alana Norway 07:39
Alana Norway, yeah,

K Karl Bissex 07:42
we're just using this tonight. Can you speak up just a little Yeah? Can you hear me move to the front row? Yeah? Just, just sit there.

A Alana Norway 07:48
Okay, I was just wondering if there was a match money wise that we'd be responsible for to go along with that grant.

A Arion Thiboumery 07:55
That's a great question. So there is a 10% match, but it will be in kind, so there's no cash that has to be paid out. And so the in kind donation for these funds of time is some of my time and some from Sandy Vitzthum, that both will go towards managing the engineering of this. We believe that that will be equal to more than 10% and we both have letters included in the application committing that time.

A Alana Norway 07:55
Great.

A Arion Thiboumery 07:56
That's great. Arion, thank you. Sounds like you've dealt with that. Okay, any other questions from the board, and just for clarification, if the engineering is going to be the continuing engineering of the sites and the services on the expansion site. Is that correct? That is correct. Yep, 100% okay.

F Frances Rose 08:54
May I make a motion?

K Karl Bissex 08:55
I think we should, yep.

F Frances Rose 08:57
I make a motion to support the planning grant under the Vermont Community Development program going forward,

P Patti Jamele 09:04
I second that motion.


K Karl Bissex 09:06
It's been moved and seconded. It sounds like Dan will take the lead on this when he gets back.


A Arion Thiboumery 09:12
Yeah, if you could authorize Dan to submit the grant, that would be great. Please just a little little detail.


F Frances Rose 09:20
amending the motion to authorize Dan Fingas to submit the grant on behalf of the Select Board of Plainfield.


A Angelina 09:29
Thank you.


 Karl Bissex 09:30
Do you want to second that?


 Patti Jamele 09:32
I second that.


 Karl Bissex 09:34
Moved and seconded. all those in favor of applying for this grant say, aye.


 Frances Rose 09:38
Aye.


 Patti Jamele 09:39
Aye.

 Bram Towbin 09:39
Aye

 09:40
Aye.

 Karl Bissex 09:42
And that is passed with the majority here.

 Angelina 09:47
Thank you. Thank you, Yep,

 Alana Norway 09:51
thank you guys. Yeah, thanks to work.

F Frances Rose 09:54
Appreciate it.

A Arion Thiboumery 09:55
Thank you.

K Karl Bissex 09:58
Do you want to text Michael? We are going on.

F Frances Rose 10:01
So I texted him something, what do you think is the great time for Michael?

K Karl Bissex 10:06
Well, the next item is 79 V North

F Frances Rose 10:11
So I guess there was the question in my mind, at least, is this an Executive Session for Michael Tarrant, or is this just open session Michael Tarrant?

K Karl Bissex 10:19
I think we're just finding out what the next step is. He will tell us if there's going to be a need for an Executive Session. That's the way I left it with him.

F Frances Rose 10:31
Okay, then can we come back to him? Yeah, yeah. And this...

K Karl Bissex 10:37
Well, we have the we have the next item is a special election: zoning laws. Is Will here?



10:50

I don't see Will here.



Karl Bissex 10:53

I'm just thinking of questions that we're going to have. Perhaps, the... so are we to...? Do you know what we are supposed to do on this?



Bram Towbin 11:09

I'll introduce this.



Karl Bissex 11:12

Can you Yeah, yeah. Is it? Is this going to be a, this isn't a community vote, right?



Bram Towbin 11:23

Community No, no. Sorry, you're talking about this is,



Karl Bissex 11:31

this is the special election zoning bylaws



Bram Towbin 11:34

Right. Okay, so let me explain, yeah, during the town meeting, there was an article, article two in the Australian ballot, the measure passed. However, in Vermont, you're allowed to present a vote for a reconsideration of the amendment, and a citizen got together the proper amount of votes in the proper amount of time, submitted a submitted it to me. I checked it off. It all checked out. Therefore we're obligated to have another election on this specific motion within 60 days.



Karl Bissex 12:28

60 days. Okay,



Bram Towbin 12:29

within 60 days, I would strongly suggest I've gone over the calendar, and there are a bunch of technical warnings and so forth that have to be done, and ideally, may 20. Tuesday May 20

would be the best day to have this election. Tuesday May 20. And is that? Is that election? I forget the procedure. Is that going to be an all day election? Yeah, it will be in the town office, which will be closed, and we'll have an election for Plainfield voters to come in. We'll be sending out absentee ballots, which, if you requested an absentee ballot for the town meeting, you'll you'll get an absentee ballot, and it's, it's the same question. Now there's a little bit of confusion, because the planning commission had a different set of changes, which are separate from what was voted on a town meeting, and there were supposed to be hearings on those changes. The League of Cities and Towns has advised that the reconsideration vote take place before that. Okay, we're really considering what was voted on at town meeting. There will be a link on the planning commission web page, and there will be an explanation of what those particular changes are. So in order for, you know, as in a technical matter, you know, the vote for reconsideration goes forward the it has to pass by more than two thirds of the number of people who voted on it originally. So in other words, oh, it has to be, and the number is about 110

F

Frances Rose 14:43

with does that mean? So in other words, for it to prevail,

T

Bram Towbin 14:46

there would have to be 100 over 110 people who vote, who vote for reconsideration.

K

Karl Bissex 14:59

My understanding was, and please help me here, was that there were some folks who were concerned because the ballot wasn't clear. That they didn't, they didn't vote at all because they didn't see, or, you know, where the is that? Is that what you understand?

T

Bram Towbin 15:16

Well, I think that there are, I mean, I think Alana is here, who got the petition together. So, oh, okay, maybe speak to that. I think that there were, it wasn't simply the placement. There were, you know, it's an issue oriented thing as well.

K

Karl Bissex 15:35

Okay, Alana, can you speak to this please? It'll be helpful just for clarification, yeah.

A

Alana Norway 15:42

My name is Alana Norway, and I came to the Select Board meeting with my concern about the location of the question, yeah, on the ballot, yeah. My computer would not unmute, and it was really hard to participate in that meeting. Oh, it sort of got talked about and moved on. And I

was like, wait, you know, I wanted to talk about it, so that was kind of the first thing. But then I was gone until Thursday, okay, of last week, and so I didn't think I was going to have time to do anything about it. But when I got back, you know, I found out from a few people that they had literally missed the question all together. You know, usually on our when we vote on something like that, we have a smaller, different color piece of paper even to vote the articles right. And that's what we're all used to. And I had called Bram and spoke with him the day after that Select Board meeting to talk to him about if he got and he thought I should come to the next select board meeting and in the comment time, you know, the public comment talk about it. But I wasn't home yet then. So anyway, he said that it was, it came out that way because Carol Dawes, they had help to get all the stuff together right for town meetings. So I understand that I really felt strongly about people missing the question altogether, and I really didn't think I had time, because I had, like, five days to get signatures. And so that Friday, I reached out. I reached out on Thursday, and on Friday, I tried to get get it together, to see how I was supposed to language the petition. And Bram was out that day, so I ended up getting guidance from the secretary of the state's office. I found out you don't have to actually put on the petition. Your reasoning for wanting a revote, you know, so I approached 38 people personally, and only one person said no, and I approached them with the fact that where it was on the ballot and that people missed it, and 77 people didn't vote on that question that voted and and then I got feedback from so many people that had their own concerns. I wish I had a tape recorder so I could play for you, you know, so that we could all be knowledgeable about. And I don't have that great a memory, but people were really into it. And in, in in four days, we got 75 signatures. And

K

Karl Bissex 18:17

that's what you need, right?

A

Alana Norway 18:18

We needed 55. And people, you know, wanted to take one and get their own signatures. And they had their own reasoning for wanting a revote. And I feel strongly about the vague way that the Article Two is written, you know, unless you came to meetings and you were part of the process, which I was, yeah, yeah, you know, you were, I kind of, I pretty much understand, but even then it, it's really vague. And so I was hopeful, and a lot of people are hopeful that, when there was a revote, that there might be more clear cut what they're voting, you know? And then I did find out today from Peter Youngbaer, because I had emailed them that the League of Cities and Towns suggest, or said that you can't, that you have to vote on the same thing is that what it is, yeah, we

T

Bram Towbin 19:12

gotta vote on the same it'll be the same wording of the article, But this time, there'll be a lot of material available, both on the website and through social media, for people to click and see what this is about.

K

Karl Bissex 19:28

Yeah, it sounds like we also may have to have a discussion at a Select Board meeting before that vote. Yeah,

S Speaker 1 19:35

the people that aren't on social media, right, aren't on their computers. I mean, you know, if I know it's a lot of extra work, and I'm hoping to volunteer at the day for voting and maybe get some other people that were interested. But, you know, maybe a flyer or something. I'm just really concerned.

T Bram Towbin 19:52

Will has produced a piece of paper which gives the Planning Commission's reasoning for these changes. But we have that will be yes, and that will be on the website. And it probably was available before, but it wasn't widely distributed.

K Karl Bissex 20:09

Is there a way to make sure it's available for people who aren't on electronics?

T Bram Towbin 20:15

We can post it, yeah. Yeah. Okay, that's fine, and and posted with the election morning too.

K Karl Bissex 20:23

So this has the logic and the reasoning and the debate and

T Bram Towbin 20:27

What the changes are and so forth. And there's a PDF which will list the zoning regs and what the changes are. I think are in red, okay,

F Frances Rose 20:39

I think I'm, I'm wondering how we can learn from this experience. We hosted a meeting, a hearing on these zoning changes in advance of the election so that we could send it to Australian ballot, because we had the option, I believe, of simply not going to, not going to Australian ballot, and simply okaying it from the Select Board perspective. And then that would have been done, but we wanted to bring it before the public, and so we had this hearing. And now I guess what I'm hearing is the hearing itself did not transmit the information needed to

the number of people who have a lot of passion about the subject. And so I'm wondering how we can learn from this experience for the future. Because we thought we were like acting, you know, responsibly, by doing it as we did it

A Alana Norway 21:38

Right. And I was here at that meeting, and I was at other planning commission meetings, and I was still confused. I'm not going to lie. And I don't understand right now why there's still amendments that are being you know that there's a hearing about, well, it would have been, but now they're going to hold off on it and and there were people that wanted to sign it that said they tried the night before to go online and look up the things, and they couldn't find them. So,

F Frances Rose 22:16

I mean, I can clarify why there was additional amendments here tonight. It has to do with the state law regulates that X number of days of effectively waiting and watching are part of the journey toward a hearing. And so these amendments were written in between the warning for the hearing and the hearing itself. And so we would have needed to have warned another, this is like a bigger hearing for, like, I don't even know, 30 days, 60 days, something like that. So these were just these rows in between,

S Speaker 1 23:01

they missed the January 31 hearing. They weren't necessarily on the boat then.

F Frances Rose 23:07

True. These were in addition to those, in addition to which is why we've struck them from the agenda tonight, because we're now hosting a revote as mandated by state law, right?

A Alana Norway 23:18

And they're not, they're not going to be part of the vote.

F Frances Rose 23:21

They're not going to be, but they're going to return--

A Alana Norway 23:23

They're going to be decided on by you guys?

F Frances Rose 23:27

That would be, that would be the mechanics, like, if the vote passes, if this article revote passes, then beyond that, we would have a moment like we were scheduled to have tonight, to hear and approve or not the the additional amendments to the zoning bylaws.

K Karl Bissex 23:47

Yeah, I think, I think one of the reasons it wasn't all done at once was that they ran out of time because of these, these warning times that are needed. And we really wanted to get this on Australian ballot, in front of the public on town meeting day. We really they ran out of time. Basically, there's a lot of things they wanted. They're, they've been wanting to do for a long time, according to Will, to make changes that start to mesh with the state's laws and and also, Goddard is one of the, one of the motivations, too, because they if they're going To turn that from an educational institution to something different, they would need some clarification on what the zoning is. So that's but that didn't happen. All that didn't happen because of time, is my understanding. So we will hang up

K Karen 25:05

Thank you. Like everyone else, I'm a little confused. What happens if we do this revote and it fails, it seems that then there would be another have to be yet another vote, ideally with the amendments. So, I mean, I heard that Bram said that, you know, the Secretary Secretary of State said that it had to be on the same thing. But I just want to double check, does it? Is there any way that we could, you know, save time and money and work and to have this election be on the new amended zoning rather than, you know, to go through that whole process of ...

K Karl Bissex 25:49

No. No, the answer is no, according to the Secretary of State.

T Bram Towbin 25:55


We'd prefer it, but it's not how...

K Karl Bissex 25:57


Yes, yeah. So we're going to be having a ballot measure on May 20. May 20. 20th.

T Bram Towbin 26:04


We can make a motion for that date.

 Karl Bissex 26:09

We can do that. We haven't done that yet.

 Karen 26:11

But what if the people who signed the petition were sort of asked whether they would be okay with that? I don't know. It seems a little slow. I

 Karl Bissex 26:19

think we're beyond that. Unfortunately, okay, there's, there's reasons for a lot of these regulations that and standards that we have to follow. So we're going to follow it. There is another hand up.

 Alicia Weiss 26:32

Yeah. Hi, Alicia Weiss, yeah. There have been questions about why the amendments happen. Yes, they did run out of time, but I want to give credit to Will and the rest of the commission that they were real. They knew there was a lot of interest and there were a lot of concerns, and they were scrupulous about getting as much public input as they felt they needed to address certain questions that arose as a result of the new zoning by law proposals. So it's unfortunate that they ran out of time, but the amendments, I think, are proposed for good reasons and good democratic process. Yep,

 Karl Bissex 27:21

I think what's going to have to happen is we're going to have the vote on May 20, if it passes, then we will talk about the other amendments later. If it doesn't, then we will have the planning commission come back with a whole new proposal with the required public hearings. And does this sound correct? I think that's the state. That's the process we have to go through here.

 Frances Rose 27:50

Yeah. I mean, I think I would add because it sounds like not everyone knew precisely what they were signing or what the effects of signing that petition and submitting it are or were. And there was also question about whether or not this has any bearing over the village extension, village expansion project. And what I hear from the committee is that regardless of voting up or down on these, on these zoning bylaws, it doesn't actually have bearing on the village extension project. And so for spreading that like word of clarification feels important to disambiguate the confusion going on here.

 Alicia Weiss 28:41

A Alicia Weiss 28:41

Thank you. Yeah. I at least this people that I spoke with, which are also the people that circulated the other petitions. I made it clear that it had nothing, that it actually had nothing to do with whether you agreed or disagreed with with the expansion project. It's good to know now that it also won't affect you're saying it won't affect, it won't affect the committee project anyway,

F Frances Rose 29:09

whether, whether or not the village expansion can go forward?

A Alicia Weiss 29:12

Right.

F Frances Rose 29:13

It can, regardless of the outcome of this vote. T

A Alicia Weiss 29:18

That's good, because

F Frances Rose 29:19

That I think take some of the charge out of it?

A Alicia Weiss 29:22

Yeah, I didn't see, I didn't really hear a lot of charge in that direction. I really heard a lot of concern for not understanding the article that they were voting

K Karl Bissex 29:33

on. Yeah, it was not laid out there. Was not laid out. Well, we did have public hearings, as rose mentioned, but so we're going to have to proceed. We'll need a motion to have the vote on May 20, as recommended by Bram. I'd like to make a motion, motion to hold a special election by Australian ballot

T Bram Towbin 29:58

reconsideration or reconciliation it's technically called. A reconsideration election on May 20 to

reconsider the zoning by law. Vote Article Two from town, meeting day.

P Patti Jamele 30:13
Seconded.

K Karl Bissex 30:15
Moved and seconded. Any further discussion, all those in favor say, **aye, aye.** So we are going to ask you to set up the vote. Yeah, Will is going to forward if he hasn't already? Yeah, he is already.

T Bram Towbin 30:36
I just haven't, I wanted to sort of post with the known date of the election.

K Karl Bissex 30:42
Yeah. Okay, good. Well, we have that now. And if I think we should post it, if we can in the normal places for people that don't get on Facebook. And so this will just take us to where we would have been at after a town meeting on May 20. And then if there are further amendments this, that's going to have to be discussed later. Okay, all right

F Frances Rose 31:14
I propose that we buy some time while our attorney gets here by approving needed minutes and warrants.

K Karl Bissex 31:22
okay, approving draft minutes. I think we're...

F Frances Rose 31:28
For March 21

K Karl Bissex 31:30
March 21.

F

Frances Rose 31:36

And this is the agenda for tonight. Are these the meeting minutes for the 31st?

K

Karl Bissex 31:43

Oh, there we are. Yeah, okay, March 31 thank you. I read the minutes, but I need to take is there a motion for this?

F

Frances Rose 31:56

Would you make that motion, Patti?

P

Patti Jamele 31:59

I make a motion that we accept the minutes from the last meeting. March 31st.

K

Karl Bissex 32:20

March 31. Yes, we have a motion.

F

Frances Rose 32:24

second.

K

Karl Bissex 32:25

and all those in favor say, Aye, aye. Okay, we've accepted the minutes and the approval, approval of warrants accounts payable for 3/27, 3/18,

F

Frances Rose 32:28

aye,

K

Karl Bissex 32:42

lighting. Payroll 320, and four, three,

F

Frances Rose 32:53

second motion, motion to approve. Okay. Payroll 3/22,

K Karl Bissex 32:59
second?

P Patti Jamele 32:59
Second.

K Karl Bissex 33:00
and all those in favor, say aye.

P Patti Jamele 33:02
Aye.

F Frances Rose 33:03
Aye.

K Karl Bissex 33:05
All right, so we got those,

F Frances Rose 33:07
so I think this is our bean road moment. Yeah, Michael Tarrant is en route.

P Patti Jamele 33:14
coming here?

F Frances Rose 33:15
No.

K Karl Bissex 33:17
Oh, he's, he's trying to arrive

Oh, he's, he's trying to arrive.

F Frances Rose 33:21

He is balancing he's he's balancing family needs and obligations today, and also with the question of exactly what time he'd be needed. So he's on the way. But we can I see Peter Yasus is here, animal control officer.

K Karl Bissex 33:38

Hi, Peter. Can you tell us any dog related things at Bean road?

P Peter Yasus 33:46

Yes, hello, everybody. I'm sorry. Ask that again.

F Frances Rose 33:51

Yeah. Do you have any updates, Peter?

P Peter Yasus 33:55

myself, No, I had spoken with Dan all week about things, and we didn't really get to go up there yet. I think he was away on training this weekend. So we were going to either meet today or tomorrow, have dinner together and then discuss things and then possibly take a ride up there. So maybe we will take a ride up there this Saturday and take a look.

P Patti Jamele 34:23

What are they looking for?

K Karl Bissex 34:25

Are you looking for them to be gone?

P Peter Yasus 34:28

well, first, we want to come up there and see if the dog is loose. Second, just to see what is going on up there.

K Karl Bissex 34:30

K Karl Bissex 34:38

Yep, yep.

D Dan Caddy 34:40

So to clarify from what I've been doing, Hey, Peter. Devin is away from the property on work during the week. So weekends would be the best time to

K Kim Nolan 34:55

Can I stop you right there, Dan, this is Kim Nolan. He is not he is not away from the property during the week. He is home every night.

D Dan Caddy 35:06

That is handy information. Do you know about what time?

S Speaker 2 35:09

And also, just to let you know, the car that he drives is the bright red, one

M Michael Tarrant 35:13

Red sedan.

K Kim Nolan 35:15

the other two cars are sitting in the yard. Never move. Those don't move. Except once in a great while that SUV, he will drive it down to the store, but the car that he drives is the bright red one, and he leaves every morning between seven and eight, and he's home every night between four and five, so he is not gone all week long.

D Dan Caddy 35:38

That is handy information.

K Karl Bissex 35:40

So yeah, that's that's very important, because he is, he is, and for our attorney got on the line, we understand that the judge gave him a month to leave, and he didn't, because he's still there, and it's been over a week now since he was supposed to be gone. So we're trying to get

the attorney to give us the next step, but it will be, do you go to the judge and to get a warrant? I believe,

D

Dan Caddy 36:11

yeah, as I don't, I don't know if I gave this update. Uh, last week, I remember I'd gone up and checked he hadn't left. Hadn't left. I received a copy of the order to vacate an associated court paperwork. I sent that to Captain Meyer with Washington County Sheriff's like, Hey, here's what we got. He hasn't made any effort to leave. According to Vermont statute, it's the sheriff's department's responsibility to enforce this order. He was going to talk to the sheriff about it. He got back with Bram, and I guess there were some issues with the language in the order to vacate to where it wasn't strong enough to give them the ability to forcibly remove. So while that's all playing out, Peter and I's kind of strategy was to just go up and have a conversation, at least get face to face. Hey, man, here's the situation, what's going on, and see if, while the dog was on a lead, while he was at work when I went up last Monday to take a look around, see if the dog is off the lead once he's home and lets him off like I said, I've already got the photo evidence that the dog was running around the snow off the property. So I think just having a face to face and having a conversation as adults of like, hey, where do we go from here? Because there's other things brewing, and I don't care where you go, but you can't stay here.

K

Karl Bissex 37:44

Well, I think that's a good approach, and I think it's important to have that, that discussion, if, if you can do that.

K

Kim Nolan 37:54

Dan, this is Kim Nolan again. Sometimes his lady friend has that car and she goes to the property during the daytime, and there is a child. I don't know who the child belongs to, but I think sometimes, when she goes there during the day, because she does not work, she's on disability, she lets that dog loose, okay, but she also drives that car. They only have the one vehicle, and then she'll go and pick him up after work.

K

Karl Bissex 38:26

So it's all...

D

Dan Caddy 38:27

I'll park in the truck with a big bottle of water and just watch what happens for

K

Kim Nolan 38:33

You're more than welcome to park in our door yard.

D Dan Caddy 38:37
Thank you.

K Karl Bissex 38:39
Yeah, that's good information. Of course, Kim lives right there so she knows what's happening, and if, if that's in fact happening and the dog is let loose during the day, we would like to know that.

S Speaker 3 38:54
Are you on the group email that Ryan Christensen set up between myself and the residents there?

K Kim Nolan 39:02
yeah, yeah.

D Dan Caddy 39:03
Any, any information you get, like the stuff you just shared here, if you can just reply all with that, I'd like to keep that discussion going so I have a constant stream of information and can develop develop patterns, so that gives me a better idea of when to be there to actually eyes on and affect the conversation,

K Kim Nolan 39:23
Well, like I said, he is home every night.

K Karl Bissex 39:30
Okay? I think, I think our attorney is not here, and I guess we'll have to follow up tomorrow and get get the resolution from him. It's unfortunate he isn't able to hear this.

T Bram Towbin 39:47
Obviously, this is not a priority to this attorney. Clearly.



K Karl Bissex 39:52
yeah, yeah, this has been a this has been in the works for four years now. So

P Patti Jamele 40:02
We've had the same attorney?

K Karl Bissex 40:05
Yeah, the the fear is changing horses in the middle of the stream. I don't know if that's

K Kim Nolan 40:11
right, exactly, to get him up to speed.

K Karl Bissex 40:13
yeah, yeah, and yeah. So we may make changes later, but right now, I think we're sticking there. any other, any word?

F Frances Rose 40:29
No.

K Karl Bissex 40:29
No. Well that's the end of our agenda. So I don't know. We're going to have a meeting next Monday on the 14th. Our regular, This is our regularly scheduled meeting for the Select Board, April 14

K Kim Nolan 40:50
Can you put the bean road on there again? Please?

K Karl Bissex 40:58
Yeah, we can put the Bean Road on there again.]

K Kim Nolan 41:00
Will anybody have talked to Michael Tarrant between now and then?

will anybody have talked to Michael Tarrant between now and then?

K Karl Bissex 41:04
Well, yeah.

F Frances Rose 41:05
So I think the important, the import, is having him speak to all of us.

P Patti Jamele 41:10
Yeah, yeah.

F Frances Rose 41:11
I think there is something special about him addressing the board meeting so we can, like, get him on the phone. But I wonder if that is as useful as getting him to

K Kim Nolan 41:23
I would just like to know, what's the next thing

K Karl Bissex 41:25
would like to talk to him, find out what the next step is, what he's doing, what what the judge is saying. So we we know,

K Kim Nolan 41:33
like Dan reached out to law enforcement to enforce the saying a warrant. I don't realize a warrant was issued.

T Bram Towbin 41:40
I spoke to I spoke to, this is Bram, town clerk. I spoke to Captain Meyer, to from the Sheriff's Department. The challenge is, is that the judges order doesn't specifically say removal from the property, therefore the sheriff's department cannot assist. There has to be very specific language. This is a lawyer thing, and I think that our lawyer should have been more aware of that, or something. So once again, we are we are stymied. It's not that we're completely

powerless. And I would also like to add that I'm pursuing the issuing of municipal tickets to help in this situation and others. I don't have a timetable on that. Would you like municipal ticketing on the next agenda? I can explain all that.

F

Frances Rose 42:39

Are you ready to talk about that in one week, in one week's time?

T

Bram Towbin 42:42

okay, I can talk about it. Yeah, that's fine. Put it on there, yeah, but

K

Kim Nolan 42:46

it did say, though he's not allowed to live in the RV on it. That's how it was worded.

K

Karl Bissex 42:55

Michael's here, that's, oh, Michael's here.

F

Frances Rose 43:00

Welcome, Michael Tarrant.

K

Karl Bissex 43:03

Michael, hello everyone. Thank you for jumping in. We're we're we waited to get you on because we'd like to hear what the what the status is of the Bean Road situation, and what the next step is, and if you've taken that step, I think you were going to, and what we can expect for a judgment or some kind of answer.

M

Michael Tarrant 43:27

So thanks. So hello everyone. So the status is, as you're probably all aware, the time for compliance with the 30 day move out following the court's order ran last week, I sent an email correspondence and a letter asking for compliance with that by Friday, I did not get a response from the individual who's there, Devin. But his sister Ashley, did respond and said she doesn't have anything to do with his residency there, but that she hoped he would comply. I haven't heard from him, and so I'm looking for the board's approval to go ahead and file what's called a motion for contempt, which is an enforcement mechanism filed in court to get compliance with court orders when an individual is not complying. And with that permission from you folks, I will go ahead and file that this week, with assistance from Karen The ZA who's been helpful in providing information that will need to support it, the court will most likely set a hearing in the

next several weeks to address the issue, and after the hearing and evidence, the court will issue a ruling on the motion, either to find him in contempt or not, assuming that the judge does find him in contempt. Usually they give a time frame for compliance. Could be 15 days, 30 days, 60 days. It's up to the judge. that time frame is usually coupled with what's called purgible fines. In other words, the fines will accrue every single day until compliance is had. But if compliance is had within the time frame provided by the judge, then the fines are purged. It's an incentive to comply. And if compliance is not had within that time frame, then the fines become real and not purgible anymore. If compliance is still not had at that point, we have to go back again. The fines are in place, and the judge will consider ramping up efforts, either heightening the amount of the fines or perhaps threatening imprisonment for a short period of time. And that is how things will unfold. It's not clear whether or not Devon will comply either before or after the motion is filed, but if he doesn't, then we'll have to go forward.

D

Dan Caddy 46:15

Constable I just I have a question. We're talking about fines and court orders and contempt. What does it take to get in I sent the previous orders at the sheriff's department, and they said this is not something we can use to forcibly remove the tenant from the property or use law enforcement to enforce the terms of the court order. So what is necessary to have that happen? Because I have no law enforcement authority, and it seems like we're just hoping on the goodwill of somebody that does not care to actually comply with these things. So it seems like it would be a drawn out process on top of one that's already been going on for years while a neighborhood's being terrorized. So how do we modify a filing to get something that's actually enforceable by the Sheriff's Department.

M

Michael Tarrant 47:05

Well, so keep in mind, they own the property, so we can't stop them from going on to it. The only thing that we can stop them from doing is complying with the zoning regs, or not complying with the zoning regs, which is to stay on the trailer as a residence in violation of the court order. So insofar as that compliance goes, we can get compliance through this mechanism. Ultimately, if he doesn't comply, eventually we will have monetary judgments that will enable the town a little leverage, often through a foreclosure, action gets people's attention, sometimes it doesn't, but it often does, and that's the sort of the leverage the court system here is designed not to be punitive. It's to give every effort to get voluntary compliance with the court orders, and sort of, at the end of that leash that the court lets out, you'll find things like imprisonment until compliance is had. And I don't really know how one could stop living in an RV if they're in jail, other than the fact that they're in jail, but it's a it's pretty much the heaviest hammer the court has, and presumably they would have Devin if he does get imprisoned, which admittedly would be many months from now. If that were to even happen, he would probably have to arrange for someone to facilitate the removal of the RV while he's there in order to get out. But that's a long way away. If it even does happen, that's just a potential thing. This is not like a landlord tenant situation, where the town owns the property and we get a rid of possession from the court authorizing the forcible removal after a period of time, they do own the property, they could go and hang out there all day if they want. There's nothing we can do about that. They just can't use it in violation of the zoning, which is residential use. And that's what the court said, and that's what we're going to enforce.

D

Dan Caddy 48:57

And, right, and understand I, I'm not a lawyer. I wasn't trying to sharpshoot you. I just

M

Michael Tarrant 49:02

Oh, yeah, that's all right. Dan, I appreciate the question. Yeah.

K

Karl Bissex 49:07

I have a couple questions. Michael, why does Why would we think that this person is going to care about the fines he hasn't paid, the fines that have been accruing for years? So his his technique seems to be, just ignore everything, and we would just like the trailer move somewhere. And I don't know if that's a judgment that the judge could make. And the other question I have is, is it clear that he is the owner of the property? I thought there was some question about that?

M

Michael Tarrant 49:42

Yeah, that's a good, good question. Carl, so the question of the ownership is ultimately one that the probate court will need to resolve in the final instance here, and they should proceed with it. I mean, they should. I can't make them, but they should. The law does say, though, that the heirs at law of a decedent are the folks who have control over things, unless and until that happens. So they are the ones who will ultimately take the three of them, Seth as well, and so they are the ones who we've enforced against under the law as it's written, but they should go through probate and they should get that cleared up. They should pay the debts of the estate and get everything wrapped up, get the property properly transferred out of their mother's name into somebody's, somebody else's whether it's theirs or whether they market it and sell somebody else. But absent a creditor or somebody else coming in, there's no real mechanism to force anything like that. So here, the difference between the previous scenario was that the original DRB decision from several years ago that was never brought to the environmental division for enforcement when the more recent one was brought, the court concluded that there wasn't sufficient evidence for fines on the record that was before it, but it did conclude that the violation nonetheless existed, and so we do have an enforceable order for removal of the invalid use right, and that's the residential use. So that use has to stop, and unless and until it stops, and it's properly permitted. If they try to use it for that purpose, it will be in contempt. And so I think that's probably the best way to get compliance, is through this contempt process.

K

Kim Nolan 51:34

Okay, this is Kim Nolan, a neighbor on Bean road. so you're saying that we, the court cannot issue something to remove that camper from the property, because he's not supposed to live on he could stay on the property like during the daytime, but he can't go in that camper. We've got to get the camper off the property. How can we do that without another year down the road?

M Michael Tarrant 51:59
Well, remember, it just can't be used for residential use. So

K Kim Nolan 52:05
every night, every night, every weekend.

M Michael Tarrant 52:08
I understand, and that's what and that's the purpose of the contempt motion, to say that he's violating the court's order, which says don't use the property in the RV for residential purposes. But if he were to take the RV and to convert it into some sort of daytime use and then leave during the evening, that would be permissible.

K Kim Nolan 52:27
Probably not going to happen, because that's the same thing that his mother did. She would go away during the daytime and sneak back at night. Well,

M Michael Tarrant 52:37
that's what contempt is for. And if, in fact, he is doing that, and the town believes he's doing that in violation of the court's order, then the town can file another motion for contempt to seek penalties, or perhaps imprisonment, depending on how far down that chain it goes.

K Kim Nolan 52:53
Okay. So one other thing, when you're saying the imprisonment, he has a lady friend that has a child who goes there during the daytime when he's at work. She will also need to be kept off that property, because she is not a relative that I know of. They're not married, so she'll need to be also kept off that property.

M Michael Tarrant 53:15
Well, I can't keep anyone off the property. They own it. They could go and play soccer there all day long, if they wanted to. They could have birthday parties?

K Kim Nolan 53:21
But she does not own it.

M Michael Tarrant 53:22
Well, the town, the town, is not the landlord, and we can't dictate who goes on and off their property. That's up to them. That's their private property. They can choose to do what they want. We can only enforce the town zoning rules, and that's what we did, and the court said no residential use, and that's what we're going to enforce.

F Frances Rose 53:38
I'd like to make a motion. Yep, like to make a motion that we authorize town Attorney Michael Tarrant to file a contempt proceeding for the residents at 79 Bean Road

P Patti Jamele 53:54
I second the motion.

K Karl Bissex 53:59
moved and seconded all those in favor say aye.


F Frances Rose 54:01
Oh, there might be any discussion. I see it might be the handout. Sarah?


K Karl Bissex 54:05
Okay, we have some discussion. Sarah? Sarah?


F Frances Rose 54:18
any other comments? Any other discussion?


K Karl Bissex 54:22
Okay, moved and seconded. All those in favor say aye.


F Frances Rose 54:25
aye.


 Karl Bissex 54:26
aye. All those opposed? Unanimous.


 Kim Nolan 54:31
So he heard, right?


 Frances Rose 54:33
I see Michael nodding.


 54:36
yes. Is that? Is that Francis rose talking?

 Frances Rose 54:38
It is.


 Michael Tarrant 54:40
Sorry, the my Hollywood Squares are small. It's hard for me to tell. I haven't met everyone. I've met Karl in person. Yeah, so it's nice to meet you guys. I did hear the motion. I do understand, and I will work to get that filed this week, and I will communicate through Karl to let him know it's happening, and Karl can inform the board. And if you guys have any questions, feel free to reach out anytime, and I will let you know as soon as the court schedules a hearing.


 Karl Bissex 55:08
Thank you very much.


 Frances Rose 55:10
I appreciate. Michael. I just want to offer witness, the juggling the family responsibilities and this call. Thank you for being here tonight.


 Michael Tarrant 55:18
Yeah, no problem. Thank you guys. I understand municipal government works in the evening. So such is life. So thank you all for the time and the questions and the motion, and I will be in touch later this week.


touch later this week.


 Karl Bissex 55:31
Great.


 Bram Towbin 55:33
Thanks everyone. Good


 Frances Rose 55:35
night, Michael, so yeah, their discussion after the fact from Sarah, our question is whether the Select Board can enforce the connection to the septic as well. Dan Caddy responds, "from my understanding of the town zoning regulations, RV campers cannot be parked within 50 feet of a property line. Wouldn't the current placement of the RV even if vacant be a violation." Our zoning administrator was here a minute ago.


 Karl Bissex 56:02
She was. There she is.

 Frances Rose 56:05
Do you want to comment on this, Karen, these questions, these points?

 Karen 56:12
Hello. It was determined a while ago that the camper is 50 feet away from the edge of the road.

 Frances Rose 56:25
Good to know.

 Karl Bissex 56:27
and adjacent properties.

 Karen 56:29
What?

K Karl Bissex 56:31
And adjacent properties.

K Karen 56:33
I believe so.

K Karl Bissex 56:34
I think you're right. Yeah.

F Frances Rose 56:36
okay, thank you.

K Karl Bissex 56:38
Thanks.

F Frances Rose 56:40
And you're in touch. Karen, with Michael, he said y'all were in touch.

K Karen 56:45
Yes, we are.

K Karl Bissex 56:47
Great, thanks.

K Karen 56:49
You're welcome.

F Frances Rose 56:51
All right. I think we're. I think we announced the next meeting date?

All right. I think we're, I think we announced the next meeting date?

K Karl Bissex 56:55

We announced the next meeting date of one week from today, the 14th, six o'clock, right here.

F Frances Rose 57:02

I make a motion to adjourn at what time is it, 7:04.

P Patti Jamele 57:07

Second.

K Karl Bissex 57:10

Moved and seconded. All those in favor say aye.

F Frances Rose 57:13

Aye.

K Karl Bissex 57:13

Aye. Thanks, everybody.

F Frances Rose 57:17

There was. Karen is still not, no, Karen's gone. Sorry, Sarah, we missed the we missed the septic question. Yeah, the septic question. Did you see the septic question?

K Karen 57:37

No, I can't see the septic question.

F Frances Rose 57:39

The septic question was, can the Select Board enforce the connection to the septic as well at 79 Bean road?



Karen 57:50

That's that's a state, that has to be done by the state.



Frances Rose 57:56

Thank you for clarifying. Yep. All right, we are adjourned. Good evening, everyone. Thank you for coming.