

ROXBURY SELECTBOARD MEETING
MINUTES OF MAY 3, 2021
7:00PM – 7:56PM
THIS MEETING WAS HELD VIA CONFERENCE CALL

MEMBERS PARTICIPATING: Chair Clare St. John, Vice-Chair Shane Ryan and Road Commissioner Dave McShane

STAFF PARTICIPATING: Selectboard Assistant Tammy Legacy

PUBLIC: Casimir Vaicaitis, Jean Henry, Dorothy Guiffre, Hanneke Holderbach, Ben Pincus, Terry Edwards, Heidi Albright, Jane Pincus, Tim Martin, Tom Frazier, Ruth D'Amico, Dave Louder and Nik Sargent

1. The meeting was called to order at 7:00 p.m.
2. No additions or deletions to the agenda.
3. Casimir Vaicaitis spoke to the Board about the excessive dog barking coming from a neighboring property owner on Winch Hill Road. Casimir read a statement to the Board regarding the issue. (*See attached for statement that Casimir read*) Clare feels that Casimir has legitimate concerns. Dave stated that this is a blatant violation of the Dog Ordinance and a letter should be sent from the Board requesting she comply with existing ordinance. The owner of the dogs is Janine Manninen and is Roxbury's Animal Control Officer. Shane agrees with the rest of the Board. Clare stated they would move forward with deadlines. Casimir felt this was the last resort going to the Board.
4. Ben Pincus came to the Board about a petition he submitted regarding ATVs. Clare stated that the Selectboard reached out to VLCT for a legal opinion. It is not a petition because of the way the law is written. You cannot challenge something unless it was adopted first. Ben read the petition (*See attached for emailed petition that Ben submitted*) About 30 people signed on but more wanted to Ben said. Lost Nation has withdrawn their request for expansion. Ben had reached out to people regarding the expansion. Ben asked Selectboard to reach out to people prior to approving any changes. Dave stated the law reads that the ordinance has to be adopted prior to the public waying in on it and would be open to the public to discuss. Ben would like people on the roads to be aware of any proposed changes prior to approving. Ben wanted the Board to know that this is a big issue.
5. ATV Ordinance – Resolution for Temporary Validation – Dave stated it is illegal for ATVs to use any Class IV and Town Trail and Dave would like to pass a resolution for temporary validation of our existing ATV Ordinance until such time that it can be amended to reflect the changes of law that we were just notified of this past week. The motion was seconded and passed with all ayes. VASA and VLCT may work together to create a model ordinance. Ben mentioned the Class IV portion of Sullivan Hill Road is very eroded and speaks out against expansion for Class IV Roads. Dave stated they did not ask for expansion; they had already had permission to use certain roads as part of their trail system. This would allow them to use what they already have been using. There are new laws that prohibit ATV use on roads that they have previously been using. The amended ordinance would list all the Class IV Roads that they have already been using. It was stated that coming into the village is off the table.
6. Road Commissioner's Report
 - a) Roads are in good shape. Grading will be done.
 - b) Equipment is in good shape.

- c) Approximately eight years ago, District 6 was dissolved, Roxbury went to District 4. District 6 is starting up again, Roxbury will be back to District 6.

7. Financial Report

- a) The orders were reviewed. Dave moved to approve the orders with add-ons.
The motion was seconded and passed with all ayes.
- b) The Town received \$5,096.00 for FY21 Reappraisal Payment. This amount offsets the costs of the Town Wide Reappraisal.

8. Unfinished Business

- a) Land Purchase Update – Tammy contacted the attorney regarding the land purchase. It is recommended the Town get title insurance because of the descriptions in the deeds. With Board permission, he recommended contacting Gerry Tallman from Randolph. Gerry is willing to help the Town. The issues go back to the Breitbart deeds and this would protect the Town. The Board thinks this is in the best interest of the Town. Unsure of what the cost of title insurance is. Dave has been contacting surveyors for estimates. \$2,500 to \$3,000 is an estimate and would be at least six weeks out. The Board agreed to proceed with attorney.
- b) The 2021 Local Emergency Management Plan has been approved.
- c) The Hot Spot in the village has been installed. Hot Spot will work in limited area and is attached to the Community Hall. The Hot Spot was through a grant.
- d) Clare read Tim Sullivan's update on CV Fiber. (*see attached emailed statement*) Dave doesn't expect any construction this year but they are working on funding for Northfield and Roxbury. Supplies of fiber and hardware are not available at this time. Focus right now is on funding.

9. New Business

- a) Noise complaint in the village was discussed. Tom Frazier stated that there has been shooting on the D'Amico property for hours on end and prior to that. Mr. & Mrs. D'Amico did not help Tom when he contacted them. The noise is upsetting. Dave stated it is private property. Tom was not happy; he thinks it falls under nuisance and the Board should take care of it. Dave stated shooting does not fall under noise ordinance, it is on private property. Dave spoke to the State Police, he was told there is no law prohibiting it. Shooting does not fall under disturbing the peace. Dave stated there is nothing the Board can do about it, there is no recourse. Bantering went back and forth between Tom and Dave. Ruth D'Amico spoke about the shooting that happens on the D'Amico property. Normally it is once a month, they shoot into the woods, and suggest Tom move because he doesn't like things happening in the village. Tom stated he will get in touch with the National Guard regarding this issue because he was told it was the National Guard doing the shooting. He thinks they should back off.
Bantering between Tom and Ruth. Tom requested the Board send a letter to landowner regarding complaint of excessive noise. Ruth said they will keep the shooting to a minimum. Tom does not like the mindless, endless shooting, they should shoot somewhere else and he is not moving. Dave Louder, Ruth's husband, spoke. Marksmanship Team has been doing the shooting, it is not the National Guard. Gerry gave them permission to shoot. They will stop shooting but the D'Amico's should be able to shoot on their own property.
- b) Tammy explained the current tax map company has retired; CAI Technologies has taken over. CAI would like the Board to sign an amendment giving them the contract. Dave moved to have Clare sign as the Chair. The motion was seconded and passed with all ayes.

10. Other Business

- a) Tom Frazier asked what the status is of the junk ordinance. Dave stated that he would like to wait until July so people can speak on it. Tom thanked the Board on helping with the Jones situation. The State has been dealing with Jones.

11. Executive Session – Dave would like to go into executive session for personnel. Dave moved to go into executive session with an invitation to Tammy to join us. The motion was seconded and passed with all ayes. The Board entered executive session at 7:51 p.m. The Board exited executive session at 7:54 p.m. By consensus, Tammy will pick up gift cards for Roger.

12. Clare will write a letter to Janine regarding dog issue.

With no further business to discuss, the meeting adjourned at 7:56 p.m.

Tammy Legacy, Selectboard Assistant
Approved on May 17, 2021

STATEMENT

CAS VAICAITIS to ROXBURY SELECTBOARD

May 3, 2021

Hi, my name is Casimir Vaicatis and I have a statement to read.

First, I want to thank the Roxbury Selectboard for hearing my complaint of excessive dog barking on Winch Hill Road, in violation of Roxbury Dog Ordinance Section 4D. I need your help.

I've lived in Roxbury for 16 years with my partner Jean Henry directly across the street from the former Day residence. We are retired elderly who moved to Roxbury to enjoy the 'quiet, comfort, and repose' it offers and protects for its citizens.

The property was purchased by Ms. Janine Manninen who moved in with four dogs in 2019. Last year she started a commercial enterprise offering dog training and daycare services, called The Green Mountain Dog Camp. We are the only full-time residents living nearby.

As her business evolved, we became increasingly alarmed and disturbed by periods of 'frequent, habitual and persistent barking'. We endured months of barking, hoping we could ignore it or get used to it, but that was not possible.

The noise travels throughout our property and into our home. It is very nerve wracking, gets under the skin, and has adversely impacted our health and well-being.

Given the presence of a variety of dogs throughout the week, including her own, the annoying barking can erupt unpredictably at any time on any day. The most painful and jarring times occur on Tuesdays and Thursdays when daycare is provided with packs of dogs.

We both spend a lot of time outside and find, particularly on daycare days, we must come inside and turn on music to drown out the irritating noises. On those days we can't have relaxing visits with family or friends because of the disturbance.

We contacted our neighbor on three occasions, beginning five months ago on December 4. Initially she was very understanding and agreed to try and reduce the noise. She said that daycare was only ONE day a week for four hours and asked that we give her time to resolve it.

So we waited. Barking seemed less on training days but remained a problem on the daycare day. Then, to our surprise, instead of solving the problem, she expanded daycare to two days a week. She said demand was high and she hired an assistant to control the dogs from barking. She asked us to monitor the situation and let her know how they were doing.

So we waited again. But the barking continued. Then, last week, five months after our initial complaint, and following a particularly raucous day including an apparent dog fight, we had enough. We wrote to her a third time telling her how much it upset us, and asked if she could use bark refraining collars.

She told us to (quote) "leave her alone". She said she didn't need our permission or consent to run her business, and that daycare is only two days a week for four hours each (implying that we should be able to accommodate eight hours).

We disagree. We already accommodate increased barking and dog activity ALL week, of which the daycare periods are just the most intolerable.

So, since our neighbor asked us to “leave her alone”, even though she is also the designated town dog officer, we come to the Selectboard for your advice and assistance. We ask your help to bring peace and quiet back to our Roxbury home and neighborhood. Thank you.

RECEIVED
APR 22 2021
ROXBURY, VT

A letter to the Roxbury Select Board

While we have heard that the Lost Nation ATV Club withdrew their request to revise the current ATV ordinance, many Roxbury residents thought that it is still important to send this petition in the event that Roxbury considers ATV expansion in the future. Many people have expressed concern regarding illegal ATV use on many roads, and many more residents were upset that the Select Board and Lost Nation ATV Club did not notify Roxbury residents regarding the proposed expansion of ATV use. I included the signed petition below. Following the signed petition, please read my personal comments.

Roxbury ATV ordinance Petition

We, the undersigned, oppose expanding the ATV road access in Roxbury that includes a portion of VT RT-12A, the village of Roxbury, and Sullivan Hill Rd.

We have major concerns about safety, noise, declining property values, and the ways the town would permanently change as a result of allowing ATVs in the heart of the village.

We are asking the Select board to work with the other Town officials and develop a long-term plan that increases the property value of landowners in town, maintains a safe environment for our youngest community members, and preserves a quiet village.

We request that the select board consider the best interests of the town, and vote against amending the current ATV ordinance to expand ATV access on more town roads.

At the very least, we request a warned special meeting on this topic so that all Roxbury residents can weigh in.

We need to work together for a Roxbury that is united with the common purpose of being the place we ALL want to live.

Signed,

Gerri Huck
Rohit Sharma
Debra Rogler
Jim Rogler
Heidi Albright
Ben Pincus

Jane Pincus
Norm Vandal
Asa Twombly
Arthur Smith
Mike French
Claire Chomentowski
Craig Sullivan
Sue Nevins
Carlos Montero
Vickie Rainey
Dottie Guiffre
Lucinda Sullivan
Tom Frazier
Michael Rainey
Forrest Twombly
Liva Coe
Judith Lusk
Steve Lusk
Heather Holter
Andre Souigny
Nan Wardle
John Wardle
Kristen Getler
Nicholas Laskovski
Sergio Pedrini
Alicia Pedrini

Some additional comments from Ben Pincus:

The ATV proposal is extremely polarizing and controversial. In the future, I hope that the select board would ensure that *all* landowners on any given road provide their feedback and concerns, and due to the tremendous noise and danger of ATVs, that consensus is reached in this matter. I also think it is good governance if the select board understands that *any* landowner/resident complaints should nullify a vote in favor of ATV expansion on a given road.

I am concerned that the Select Board failed to discuss this matter with the town, and seemed prepared to vote on it without warning to the residents and landowners in Roxbury. No one notified me that Lost Nation ATV was trying to change this ordinance! Many other Roxbury residents were also angry and confused that they

didn't know that Route 12a could turning into an ATV highway without their feedback.

While I understand the rules do not require that residents to be warned until after an ordinance is modified, I think it is a terrible mistake given the polarizing nature of the issue. I strongly encourage and support the select board's future commitment to promoting conversation and communication between town residents regarding controversial issues, including ATV use and the proposed junk ordinance. I also urge the select board to make decisions that reflect long term goals regarding the character and feel of the town.

If the Select Board encourages consensus building and discussion, you will win strong support from voters, *and* strengthen bonds within the community. There has been a great deal of anger and polarization in this country and in our little town. I urge you to *provide leadership that facilitates discussion before voting on controversial issues.*

While I am in favor of a junkyard ordinance, I think it is essential that the town reaches out to people like Tim Martin, and addresses any economic concerns regarding a junkyard ordinance. Maybe we can't always agree, but the strength of small-town government has relied on open discussion and consensus building rather than resorting to the oppressive weight of majority vote.

I should also mention that *ATVs should never be allowed to travel on paved roads.* The industry and VASA considers this to be a basic rule, due to the lack of traction on paved surfaces. The majority of ATV deaths occur on pavement. Roxbury and the State of Vermont should prohibit all ATVS from travelling on state highways.

And finally, I would like to put it on record that **ATVs are not allowed** on class 4 roads in Roxbury. The statute was modified in July 2020 (snowmobiles are allowed on class 4/unplowed roads).

Thank you for your time,

Respectfully,

Ben Pincus

Tammy Legacy

From: tim sullivan <midiman11@gmail.com>
Sent: Tuesday, April 27, 2021 12:47 PM
To: Tammy Legacy
Subject: CV FIBER UPDATE

Hi Tammy,

here is an update to the 20 CV FIBER towns.

In my opinion it's still going fairly slow , but handling 20 towns and state and fed funding is quite the beast. Nothing concrete for Roxbury in particular.

I'm still hoping EC FIBER can extend their offering to us one day.

Hello Roxbury neighbors,

This is an historic moment for CVFiber and the other communication union districts around Vermont. Federal Covid relief funds will provide a giant boost to universal broadband, turning an elusive goal into reality.

The important thing for the CUDs is to be ready to start the buildout as soon as possible. CVFiber is well-positioned to do just that. Here are the highlights of this update:

- * We are finalizing an agreement with Washington Electric Co-op, in which WEC would run fiber on all its utility poles for broadband access.
- * In May, we will begin an inventory of the thousands of poles in our service area.
- * There is much activity in the Legislature around broadband. We'll run down the latest.
- * Thanks to an agreement with WEC and the Vermont Electric Power Company, we will be able to use an existing fiber line from East Montpelier to Maple Corner.
- * The Regional Planning Commission has agreed to provide administrative support to CVFiber.

To read the full update, please follow this link: <https://cvfiber.net/update-202104>

Respectfully,
TIM SULLIVAN , Roxbury Delegate to CV FIBER
