

## Meeting of the St. Johnsbury Select Board May 13, 2019 at 6:00 PM-Pomerleau Building

Present- SB: Kevin Oddy, Chair, Tim Angell, Brendan Hughes, Dennis Smith, Jeff Moore  
Staff-Town Manager-Chad Whitehead; Assistant Town Manager- Joe Kasprzak; Finance  
Officer Lesley Russ, Town Clerk Stacy Jewell; Zoning Administrator Paul Berlejung  
Press: KATV

### Agenda Amendments:

- On a motion by Dennis Smith and second by Jeff Moore the board added the April Financial Update following the Delinquent Dog Notice

### Public Comment:

- Lonnie Waterman of St Johnsbury requested some information about the condition of roads on Goss Hollow. He indicated that culverts were froze prior to rain events, the highway crews go back to the shop for lunch break, materials were pushed into the river along Goss Hollow and asked if management went out to look at the condition of roads. He also inquired if we can have a second shift grading in the spring.

### Warrants:

- On a motion by Dennis and second by Tim the warrants were approved.

### Liquor Licenses:

- On a motion by Dennis and second by Jeff the board approved the Liquor License for Salt Bistro- Brendan Hughes abstained.

### Minutes:

- On a motion by Jeff and second by Dennis the minutes were tabled.

### Delinquent Dog Warrants:

- The Town Clerk provided the board with a warrant for Delinquent Dogs.
- Jeff Moore inquired if more notification and outreach or stiffer penalties could reduce the amount of delinquencies and Stacy indicated that outreach was provided and the Community Justice Center would be following up with phone calls/
- Brendan Hughes asked if there was an online option and Stacy indicated there was not because of the requirement for proof of rabies vaccinations.

### April Financial Update

- Finance Officer Lesley Russ addressed the board and provided the April Finance update.
- Kevin Oddy asked if we are tracking storm damages separately, and how the Highway Fund was looking and Lesley indicated we are tracking separately and it appears we may have a small deficit in Highway due to other areas of surplus.
- Jeff asked why some of the revenues were at 106% and Lesley indicated that was due to authorized transfers from reserve funds.

### Federal Grant Policies

- Chad presented some updated policies regarding use of Federal Funds.
- On a motion by Dennis and second by Brendan the board approved the policies.

### Water and Wastewater Budget:

- On a motion by Tim and second by Brendan the board approved the Water and Wastewater Budgets as presented.
- On a motion by Tim and second by Jeff the board approved the rates as proposed in the draft budgets.

### Wastewater Connection- Whirligig Brewery:

- On a motion by Tim and second by Dennis the board approved the Class C discharge for the Whirligig Brewery at 397 Railroad Street.

### Zoning Update:

- Paul Berlejung addressed the Select Board. He has issued citations of violation to the manager and property owner at 572 Portland Street and are sending the permit back to the Development Review Board. Paul also issued an update on the number of permits that have been issued from the Zoning Office.

### Tobacco Ordinance:

- On a motion by Dennis and second by Jeff the board adopted the Tobacco Ordinance as follows:

Chapter 8 of the Code of Ordinances is amended to add Section 8-8 to read as follows:

#### **Sec.8-8. Prohibition of Use of Tobacco on Town Owned Property**

(a) *Purpose.* The purpose of this section is to protect the public health, safety, and welfare by prohibiting use of tobacco products, including smokeless tobacco, smoking/vaping and second hand smoke/vape on or upon Town owned property where people congregate and assemble for all purposes including, recreation and leisure.

(b) *Definitions.*

(1) "*Tobacco products* " shall mean smokeless tobacco, chewing tobacco, snuff, as well as cigarettes, electronic cigarettes, vapor cigarettes, cigars, cheroots, stogies, refuse scraps, clippings, cuttings and sweepings of tobacco and all other kinds and forms of tobacco and tobacco substitutes and/or alternatives prepared in a manner suitable for smoking in a pipe and/or vape device or otherwise or for smoking.

(2) *"Tobacco Use"* shall mean possession of lighted tobacco products, substitutes and/or alternatives including vaping. *"Tobacco Use"* shall also mean the use of smokeless tobacco products such as chewing tobacco, snuff or other smokeless tobacco products, where the product is placed in the gum, mouth, nose or otherwise placed in contact with the skin.

(3) *"Town Owned Property"* shall mean all property owned in fee simple by the Town of St Johnsbury within its corporate limits excluding however, all highways, streets and sidewalks.

(c) *Prohibition.* Except as otherwise provided herein, Tobacco Use is prohibited on or upon Town Owned Property. This prohibition shall extend an additional twenty-five (25) feet beyond the physical boundaries of Town Owned Property over and across public rights of ways and easements, which together with Town Owned Property are hereby designated as tobacco-free areas.

(d) *Posting.* The Town shall post and maintain signs or notices clearly and conspicuously identifying areas where the use of tobacco is prohibited with the words "No Tobacco Use".

(e) *Enforcement.*

(1) Any person convicted of a violation or violations of this section shall be subject to a civil penalty, the fine for which shall be no less than fifty dollars (\$50.00) and no more than two hundred dollars (\$200.00), with a waiver penalty of fifty dollars (\$50.00), for each such violation.

(2) All municipal officials duly authorized to issue Vermont Municipal Complaints are authorized to issue complaints for violations of the provisions of this section.

Jessica Neary Folk Art Museum discussion:

- Jessica Neary addressed the Select Board about an idea for a Folk Art Museum. She felt that this would be a good fit for the community.
- The board discussed the Creative Economy and encourage Jessica to connection with Catamount Arts, Dog Mountain and other organizations that are working on these initiatives.
- Scott Buckingham, the Executive Director addressed the board and indicated that Dog Mountain was supportive of the Creative Economy work, but did not have any details of what Jessica Neary was proposing and indicted that he would be meeting with her in the near future.
- 

Manager's Report: Chad Whitehead provided the following updates:

- Andrew Buckley has been hired as the full time Code Compliance Officer and would be invited to a meeting the future to meet the Select Board.

On a motion by Dennis and second by Jeff the board determined there was a need to enter into executive session to discuss a contract and a personnel matter.

On a motion by Dennis and second by Jeff the board entered executive session and invited the Town Manager to attend.

On a motion by Dennis and second by Jeff the board exited executive session. The Chair had nothing to report.

The meeting adjourned on a motion by Dennis and second by Jeff.