

Wallingford Selectboard Meeting
Minutes
February 4, 2019

Selectboard Chair Bill Brooks called the Dog Hearing to order at 6:00 p.m. at Wallingford Town Hall.

Selectboard Members Present: Bill Brooks, Gary Fredette, Rose Regula, Mark Tessier, and Nelson Tift.

Others present: Sandi Switzer, Fred St. Onge, Jay White, David Castonguay, Lois Castonguay and Tori Filskov.

B. Brooks read aloud the Notice of Public Hearing and the complaint filed by Animal Control Officer Tori Filskov. He then swore-in all witnesses planning to offer testimony. He asked if all parties had received copies of the Notice of Public Hearing and Rules of Procedures. All parties responded in the affirmative.

Fred St. Onge distributed copies of a written statement to Board members, the town administrator, the Castonguays and Ms. Filskov. B. Brooks read aloud Mr. St. Onge's statement detailing a December 24, 2018 incident involving the Castonguays' dog, Oliver, at 613 North End Drive. The report referenced a previous bite complaint he made to the Town about Oliver a few years ago, no specific date. Mr. St. Onge said he sought medical attention for the 2018 dog bite.

Jay White testified he had been bitten by the Castonguay's dog, Oliver, on December 2, 2017 while at the Castonguay's home. He said he was bitten on the arm and leg, but he said he did not seek medical attention and did not file a complaint with the Town.

David Castonguay read a statement regarding Oliver's history as a rescue dog and he clarified that Oliver was an Australian Shepherd mix not a Pitbull mix. He said he had a lengthy conversation in 2015 with then Animal Control Officer Jerry Tift regarding the dog's history in Radford, VA. Since locating to Wallingford, Mr. Castonguay said the dog has been involved in training, a fence was installed on the 613 North End Drive property, the dog was muzzled when meeting new people and leashed when off the property. Lois Castonguay provided the Board with letters of support from several people familiar with the dog as well as house sitters and their guests. Since the incident involving Mr. St. Onge, Mr Castonguay said more training has taken place and the dog was sequestered in a downstairs room in the home when people come to the front door.

He said Oliver was wearing a muzzle when Mr. St. Onge claimed to have been bitten a few years ago. Mr. Castonguay acknowledged two bite incidences since moving to Wallingford – one involving Jay White in 2017 and one involving Fred St. Onge in 2018.

Ms. Filskov said she understood both Mr. White and Mr. St. Onge's concerns. She said it was her opinion the Castonguays had taken all the appropriate measures to avoid similar occurrences in the future. Ms. Filskov read aloud a statement she had received from the dog's trainer, Nathan Whitehorne.

Mr. St. Onge urged the Board to read articles he submitted involving the dog while the couple lived in Radford, VA. He added the Castonguays' fence did not go around the entire property.

G. Fredette said part of the issue was the dog's reaction to visitors arriving at the front door. He asked if the solution would be to sequester the dog in another part of the home. He asked Mr. St. Onge if that was an adequate solution. Mr. St. Onge responded he hoped all parties would not have to reconvene in the future following a severe attack.

B. Brooks asked about additional fencing. Mr. Castonguay said he would be willing to install it in the spring.

B. Brooks asked the animal control officer to comment on the Castonguays' actions in response to the 2018 incident. Ms. Filskov said she was satisfied with the precautions they had taken. She acknowledged she had not met the dog.

With no additional testimony being offered, G. Fredette made a motion that was seconded by M. Tessier to close the hearing at 6:31 p.m. Motion carried (5-0).

B. Brooks said the Board at some point would enter deliberative session and issue a written order within 10 days.

B. Brooks called the regular meeting to order at 6:33 p.m. at Town Hall.

Selectboard Members Present: Bill Brooks, Gary Fredette, Rose Regula, Mark Tessier, and Nelson Tift.

Others present: Julie Sharon, Sandi Switzer, Steve Lanfear and Gary Kupferer (by telephone).

Agenda Amendments. None.

Minutes. M. Tessier made a motion that was seconded by R. Regula to approve the 01/21/19 Minutes. Motion carried (5-0). M. Tessier made a motion that was seconded by R. Regula to approve the 01/29/19 Minutes. Motion carried (4-0). G. Fredette abstained because he was not at the meeting.

Pay Orders. S. Switzer requested the \$2079 Rutland Marketing Initiative be deleted from pay orders as the payment was already made to Rutland Economic Development Corp. R. Regula requested the \$8800 for Michelle Kenny be deleted from pay orders until the Town received the grant requisition and all agreements had been signed.

Board members agreed to both requests by consensus. N. Tift made a motion that was seconded by G. Fredette approving the revised pay order total of \$9777.20. Motion carried (5-0).

Road Commissioner Report. Road Foreman Steve Lanfear described the extent of the damage to the 2014 Kenworth plow and plow frame. G. Fredette advised the road foreman to pressure Viking to schedule repairs. Town Administrator Sandi Switzer advised she had made an insurance claim with VLCT, sent photographs of the damage, and forwarded the \$11,700 estimate. Mr. Lanfear said a VLCT representative had contacted Kyle Eastman in order to arrange a visit to the town garage to inspect the damage.

By consensus, the board agreed the road crew in the spring would replace Dick Kendall's 4-foot cedar tree and provide two yards of top soil to fix lawn ruts.

Town Meeting Warning. By consensus, the Board approved the Highway Sinking Fund reserve fund revised amount of \$89,620.58 for Article X of the Town Meeting Warning.

Executive Session. G. Fredette made a motion that was seconded by M. Tessier to enter executive session at 7:03 p.m. under 1 V.S.A. 313 (a), where premature general public knowledge would clearly place the Municipality or person involved at a substantial disadvantage; and for the purpose of confidential attorney-client communications made for the purpose of providing professional legal services to the body. The town administrator was invited to join the executive session and Town Attorney Gary Kupferer was invited to join via telephone conference call. Motion carried (5-0).

The board exited executive session at 7:16 p.m. B. Brooks directed the town administrator to contact Rutland Regional Planning Commission Executive Director Ed Bove to request his organization administer the Municipal Planning Grant for the Wallingford Block at the advice of Town Attorney Gary Kupferer.

Second Quarter Financials. Town Clerk and Treasurer Julie Sharon provided a report of the second quarter financials.

5k Race. Board members by consensus approved Kelly Dilonno's sponsorship letter for the 5k race scheduled for Sunday, May 26.

Bulk Mail Request. M. Tessier made a motion that was seconded by N. Tift approving Susan Cobleigh's request to use the Town's bulk mail permit for a fundraising letter on behalf of Gilbert Hart Library. Motion carried (5-0).

Stan Taylor Property. Following Assessor Lisa Wright's recommendation, the Board agreed B. Brooks would contact the Tinmouth Selectboard Chair in an effort to resolve the Stan Taylor property line matter.

Public Comments. None.

Selectboard Concerns. The Board reviewed a worksheet prepared by J. Sharon related to the expenses and income related to the 1631 Route 103 property recently sold by the Town to Keith Hawkins.

Other Business. The Board approved by consensus a dedication plaque for a long time municipal official.

S. Switzer said she received a request from Gary Wells asking for a parking sign reserving a space for individuals with disabilities be installed near Thoroughbread's Deli on Route 7. B. Brooks asked the town administrator to contact VTrans for specifications.

N. Tift noted Assessor Lisa Wright had requested she be paid her hourly rate to attend a NEMRC workshop. He objected to the request indicating Ms. Wright was a contract employee and training fees and expenses were not the Town's obligation. By consensus, the board declined Ms. Wright's request.

The Board acknowledged receipt of the road foreman's six month evaluation of Kyle Eastman. B. Brooks made a motion that was seconded by N. Tift approving a \$1/hour wage increase effective immediately. Motion carried (5-0).

There was a brief discussion regarding MHG Solar's partnership proposal. G. Fredette suggested the proposal be sent to the Energy Committee for review and recommendations.

The regular meeting adjourned at 7:45 p.m.

G. Fredette made a motion that was seconded by M. Tessier to enter deliberative session for the Dog Hearing matter at 7:46 p.m. Motion carried (5-0).

The Board exited deliberative session at 7:55 p.m. By consensus, the Board issued an Order to David and Lois Castonguay requiring a complete fence around the 613 North End Drive property perimeter be installed by May 1, 2019; the dog, Oliver, shall be sequestered to a separate room away from visitors when someone comes to the home; a Beware of Dog sign shall be installed in a highly visible location in front of the home within 7 days; and the dog, Oliver, shall be on a leash whenever off the property.

The meeting adjourned at 7:56 p.m.

Date Approved: 02/18/19

Sandi Switzer, Town Administrator