

SELECTBOARD MEETING
Monday May 14, 2012
Fayston Town Office

Board Present: Robert Vasseur, Ed Read, Jared Cadwell

Others Present: Stuart Hallstrom

Meeting called to order at 6:01p.m. by Chair Cadwell.

1. **Minutes.** Bob moved and Ed seconded to approve the minutes of the July 2, 2015 meeting. All in favor, so moved
2. **Bridge 177 on VT Rte 100 Use of Fayston Roads Letter.** Jared reviewed current plans for repairs on Bridge 177 based on recent meeting involving CVRPC and AOT – the plan is to move up construction date from early summer as originally planned to early spring with completion deadline of July 4, 2016. Discussion ensued – extension of construction from 21 to 33 days questioned, why dates of construction pushed up and overall concern for increased traffic on German Flats Road in Fayston when school is still in session. Jared has spoken with FES Principal Jean Berthiaume, and reported that with appropriate signage, Jean is not concerned about traffic. Jared stated that a letter from the SB is owed by August 15th. Ed made a motion, Bob seconded that a letter be drafted stating that the SB objects to moving the dates up noting that traffic and safety of school is a major concern.
3. **Road Foreman update.** Road work on Harris Hill continues, and is likely to continue for 2 more weeks. Kew-Vasseur Road work not completed because they ran out of stone; 2' stone will need to be hauled from Williamstown to complete project. Ed asked if it would be cost effective to hire someone to haul stone so that road crew could work on other projects. Stuart stated that Number Nine Hill continues to slide. Discussion ensued regarding next steps – document permission from Tom Folger to move road over into hillside, look into project engineering so that grants can be applied for and potential need to create reserve account. Stuart also stated that new truck is on target and hopes to still have end of August delivery date.
4. **Cheri/Chuck Martin Dog Situation.** Letter presented from Patti detailing phone call from upset neighbors (see attached). SB discussed site visit and noted promise made by the Martins to have all dogs licensed by deadline April 1st – this has not been done. Jared reviewed statute regarding fines/penalties (see attached), appears the SB may have a right to impose a penalty. Jared stated he will call VLCT to inquire on procedure for imposing fines. Jared asked that this be placed on agenda for next meeting.
5. Board signed warrant and read mail.

Meeting adjourned at 6:37p.m.

Respectfully submitted,
Sarah Stavraky

Jared Cadwell, Chair Selectboard

Date

Fayston Town Clerk

From: Fayston Town Clerk <faystontc@madriver.com>
Sent: Thursday, July 23, 2015 9:57 AM
To: jared@madriver.com; <readsweeds@madriver.com>; gvasseur@gmavt.net; rutledgej@wcvr.com
Subject: Cheri/Chuck Martin

Good Morning Gentlemen,

Donald Hanlon came in this morning, very upset with the Martins.

He said that yesterday 10-12 dogs came at him when he went to his mailbox and one of the nipped his leg.

He said that the Martin dogs are out loose ALL the time. They bark continuously. The place is a junk yard. Value of his property, and the lower neighbor's, is affected by this.

He said he has tried to be patient but he is completely fed up.

He asked if the dogs were registered, told him they were not. Asked if they had a kennel permit, told him they did not but did not need one unless they were selling more than three litters a year.

He wants something done!!!

Patti

The Vermont Statutes Online

Title 20 : Internal Security And Public Safety

Chapter 193 : Domestic Pet Or Wolf-hybrid Control

Subchapter 001 : General Provisions

§ 3550. Penalties; enforcement; municipal legislative body; Secretary

(a) A municipal legislative body or an officer designated by the Secretary may impose a civil penalty of up to \$500.00 per violation in accordance with the provisions of this section.

(b) A municipal legislative body may impose penalties for violation of any provisions of subchapter 1 or 2, refusal to obtain a pet dealer permit under subchapter 3, or a refusal to comply with an order issued by a municipal officer under subchapter 5 of this chapter.

(c) An officer designated by the Secretary may impose penalties for violation of a rule adopted by a State agency under subchapter 5 of this chapter, violation of a quarantine order issued under subchapter 5, or refusal to comply with an order issued by a State officer under subchapter 5.

(d) In determining the amount of the civil penalty to be ordered, the legislative body or officer shall consider the following:

(1) the degree of actual or potential impact on public health, safety, and welfare resulting from the violation;

(2) whether the respondent has cured the violation;

(3) the presence of mitigating circumstances;

(4) whether the respondent knew or had reason to know the violation existed;

(5) The respondent's record of compliance;

(6) the deterrent effect of the penalty;

(7) the costs of enforcement; and

(8) the length of time the violation has existed.

(e) When the legislative body or officer has reasonable grounds to believe that a person has violated a provision of this chapter under its purview, the legislative body or officer may issue a notice of the alleged violation, which shall be delivered to the respondent in person or mailed to the respondent by registered mail. The notice of violation shall include:

(1) a civil penalty of up to \$500.00;

(2) a brief description of the alleged violation and identification of the law alleged to have been violated;

(3) a statement that the respondent has a right to a hearing before the legislative body or a hearing officer designated by the Secretary at no cost to the respondent, a description of the procedures for requesting a hearing and a statement that failure to request a hearing within 21 days of the date of mailing of the notice shall result in a final decision with no right of appeal; and

(4) if applicable, a directive that the respondent take actions necessary to achieve compliance with the law.

(f) A person who receives a notice of violation shall be offered an opportunity for a hearing before the legislative body or hearing officer, provided that the request for hearing is made in writing to the clerk of the municipality or the Secretary no later than 21 days after the date of mailing of the notice of violation. If the respondent does not request a hearing in a timely fashion, the decision shall be final and the penalty shall be payable within 35 days following mailing of the notice of violation. If the respondent does make a timely request for a hearing, the legislative body or hearing officer shall hold a hearing within 14 days of receipt of the request. After the hearing, the legislative body or hearing officer may affirm, reduce, or eliminate the penalty. The decision shall be delivered or mailed to the respondent in the same manner as the notice of violation and shall be effective five days following mailing of the decision or immediately following delivery of the decision.

(g) Imposition of a penalty under this subchapter precludes imposition of any other administrative or civil penalty under any other provision of law for the same violation.

(h) The civil penalty shall be paid to the enforcing agency or enforcing legislative body. If the respondent fails to pay the penalty within the time prescribed, the legislative body or Secretary may bring a collection action in Small Claims Court or the Civil Division of the Superior Court.

(i) A respondent aggrieved by a decision made following a hearing before the legislative body or hearing officer may appeal within 30 days of receipt of the decision to the Civil Division of the Superior Court which shall consider the matter de novo.

(j) On application of a municipality or the Secretary, the Civil Division of the Superior Court shall have jurisdiction to enjoin the violation of any provision of this chapter. The Court may also authorize the seizure and disposition of domestic pets or wolf-hybrids when owners refuse to have the pets or wolf-hybrids inoculated or licensed, or when the Court determines that there is a threat to the public welfare. (Added 1993, No. 213 (Adj. Sess.), § 7, eff. June 15, 1994; amended 2013, No. 30, § 3.)