

TOWN OF STAMFORD
SELECTBOARD MEETING
January 2, 2020
(UNAPPROVED)

Present: Selectboard: Nancy L. Bushika, Chair, Michael G. Denault, Christopher Warren, Daniel J. Potvin, and Carol A. Fachini.
David R. Tatro, Road Commissioner.
William Levine, Emergency Management Director.
Tyna Senecal and Heather Tietgens, Finance Committee.
Lori Shepard, Selectboard Secretary.

Nancy Bushika called the meeting to order at 6:00 p.m., opened with the pledge of allegiance, welcomed everyone, and read a statement with procedural rules for the meeting. There were no changes to the agenda or its order.

MINUTES

MOTION by Mike Denault to accept the regular meeting minutes of December 19, 2019 as written. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

SELECTBOARD ORDERS

The Selectboard reviewed and approved the following orders:

- WARRANT #1 \$ 9,312.56 payroll
- WARRANT #2 \$15,221.28 accounts payable

ROAD CONDITIONS

1. Dave Tatro said he came up with an idea to stagger work schedules and he suggested the board could go into executive session to discuss his idea. The regular highway hours are 6 a.m. to 2:30 p.m. He created a rotating schedule where Michael Brothers would have the first Friday afternoon after 2:30 p.m. off and would not be on call for the night. If it snowed after hours, Dave Tatro and Allen Desautels would work. The following Friday afternoon Allen Desautels would be off and then Dave Tatro. The board was receptive and suggested he try it and see how it works.
2. Dave Tatro discussed replacing the 2011 Ford with a similar size truck. The smaller truck is handy for picking up parts and gets around better on the gravel roads. Readsboro has a Dodge and they seem to be happy with it. When the loan for the 2006 Freightliner is paid off, he would like to be ready to purchase the next truck.
3. The board would like to have an equipment schedule prepared.
4. Dave Tatro did not receive any complaints during the recent ice storm.

RECYCLING

1. The school used to have two containers for composting. The automatic pick up was cancelled when the school started using the Jura composter. Micah Hayre informed the town clerk that the Jura composting is not feasible during the winter months and would like to have TAM bring the bins back for composting. The Selectboard was not sure who called to cancel the container pick up and would like to be kept in the loop since they are paying for the service. They do not know if there will be an installation fee to bring the bins back and they would like to keep the automatic container pick up service in place.
2. Dave Tatro said TAM used to be easy to work with but Casella is not.

REVIEW DOG [AND WOLF HYBRID] ORDINANCE

The board reviewed the ordinance and the changes from the last meeting.

MOTION by Mike Denault to accept and sign the Dog [and Wolf Hybrid] Ordinance. SECONDED by Chris Warren. All in favor. Motion APPROVED. The ordinance will take effect in 60 days unless a petition is received.

BENNINGTON COUNTY SHERIFF'S CONTRACT

1. Sheriff Chad Schmidt is willing to honor the \$43.25/hour rate from last year. The Selectboard would like to have the same radio frequency the town uses for emergencies accessible by the sheriffs. Unfortunately, the sheriff uses UHF frequency and the fire department uses VHF. Bill Levine said the sheriff could purchase dual band radios or have scanners installed in the cruisers.
2. The board read an email received from Luke McKay itemizing several issues with the sheriff's department and asked the board to consider investigating other options such as a town constable. Mike Denault agreed with the points in the letter but also feels that many people made it clear that they did not want a town police department and wanted to keep the Bennington Sheriff's Department. Mike Denault felt several of the issues raised in the email could be addressed. He will contact Sheriff Chad Schmidt about the contract, the radios and talk to him about the points in the email.
3. Mike Denault is willing to be part of the research committee to gather information on a town police force or the state police vs. keeping the Bennington Sheriff's Department. Anyone interested in joining the police research committee should contact the town office or a Selectboard member.

EMERGENCY MANAGEMENT

The generator maintenance that was requested in November has not yet happened and will now be in 2020. Bill Levine asked if the 2019 cost could be encumbered in the 2020 budget.

2019 EQUALIZATION STUDY RESULTS

The board received a letter from the State of Vermont indicating that the town's CLA (Common Level of Appraisal) is \$94.83%. This figure indicates that property in town is listed for slightly less than the fair market value. The state requires the CLA to be between 85% and 115%. Stamford's COD (Coefficient of Dispersion) is 21.87%. The COD measures how fairly distributed the property tax is in town. Last year's COD was also over 20% which is why the state has ordered a reappraisal.

BUDGET WORK SESSION

The Selectboard and finance committee reviewed the budget. The board hopes to have a final review of the budget on January 16, 2020 and will schedule a quick meeting on January 23rd to sign the warrant. The January 23rd meeting will start at 6:30 p.m. instead of 6 p.m.

LEPC MEETING

The next LEPC meeting will be in Bennington and they will be discussing the state's 211 system which helps people find the social services they need. Bill Levine cannot attend. Perhaps one of the Assistant Emergency Management Coordinators can attend in his place or a Selectboard member.

MOTION by Mike Denault to adjourn. SECONDED by Chris Warren. All in favor. Motion APPROVED. The meeting adjourned at 8:50 p.m.

Carol A. Fachini
Clerk

CAF/las

REMINDERS

1. Anyone interested in serving on the Fire Department roster committee should contact the town office, a Selectboard member or Paul Dupuis.
2. Anyone interested in serving on the Sheriff/Constable/State Police research committee should contact the town office, or a Selectboard member.
3. Please visit the town's new official website: townofstamfordvermont.org.
4. The town clerk's office hours are: Monday: closed; Tuesday: 8 a.m. to 12 p.m.; Wednesday 8 a.m. to 12 p.m.; Thursday 12 p.m. to 4 p.m. and 6 p.m. to 8 p.m.; and Friday: 8 a.m. to 12 p.m.

PETITIONS FOR WARRANT ARTICLES & ELECTED POSITIONS

The deadline for filing petitions with the town clerk for warrant articles to be included in the town meeting warning is Thursday, January 16, 2020. These petitions must be signed by 5% of the registered voters or at least 33 signatures. V.S.A. 17:2642(a)

The required signatures on a petition to run for an elected office are 1% of the registered voters or at least 7 signatures. The deadline for filing these petitions with the Town Clerk is Monday, January 27, 2020, at 5:00 p.m. Nominating papers may be picked up at the Town Office. V.S.A. 17:2681(a) (b).

Elected positions to be filled this year are:

Town Moderator - 1 year term (*William Levine*)
School Moderator - 1 year term (*William Levine*)
Town Clerk – 3 year term (*Lori A. Shepard*)
Treasurer – 3 year term (*Lori A. Shepard*)
Selectboard member - 2 year term (*Daniel J. Potvin*)
Selectboard member - 3 year term (*Carol A. Fachini*)
School Director - 2 year term (*Barbara Malinowski*)
School Director - 3 year term (*Cynthia Lamore*)
Auditor - 1 year term (*vacancy*)
Auditor - 2 year term (*vacancy*)
Auditor - 3 year term (*vacancy*)
Collector of Delinquent Taxes - 1 year term (*Sally A. Bohl*)
Cemetery Commissioner - 3 year term (*Sally A. Bohl*)
Library Trustee - 5 year term (*Danielle Smith*)

Voting will be held on Tuesday, March 3, 2020 from 8 a.m. to 7 p.m. at the Stamford Elementary School. Applications for addition to the checklist will be accepted during regular town office hours and throughout election day.

Absentee ballots will be available until 5:00 p.m. on Monday, March 2, 2020. Please call the town office at 694-1361.

Anyone interested in serving as an appointed board member, please review the expiring appointed positions in the town report and contact a member of that board or the Selectboard.

TOWN OF STAMFORD

DOGS [AND WOLF HYBRIDS] ORDINANCE

SECTION 1. AUTHORITY. This ordinance is adopted by the Selectboard of the Town of Stamford under authority of 20 V.S.A. § 3549, 24 V.S.A. §§ 2291 (10), (14), and (15), and 24 V.S.A. Chapter 59.

SECTION 2. PURPOSE. It is the purpose of this ordinance to regulate the keeping of dogs [and wolf hybrids] and to provide for their leashing, muzzling, restraint, impoundment and destruction and their running at large, so as to protect the public health and safety of the town and the quiet enjoyment of its residents' homes and properties.

SECTION 3. DEFINITIONS. For purposes of this ordinance, the following words and/or phrases shall apply:

- A. "Dog" means any member of the canine species. For purposes of this ordinance, this term, wherever used, shall also include "wolf-hybrids" and "working farm dogs" except where specifically exempted.
- B. "Enforcement Officer" means any Dog Officer, Police Officer, Humane Officer, Health Officer, or any other person designated as an Enforcement Officer by the Selectboard. Said officer may issue complaints for violations of this ordinance and may be the appearing officer at any hearing.
- C. "Owner" means any person who has actual or constructive possession of a dog. The term also includes those persons who provide food and shelter to a dog.
- D. "Potentially vicious dog" means a dog running at large that inflicts minor injuries on a person not necessitating medical attention; chases, threatens to attack or attacks another domestic pet or animal as defined in 20 V.S.A. § 3541; causes damage to personal property; chases a person; or causes any person to reasonably fear attack or bodily injury from such dog. This definition shall not apply if the dog was protecting or defending itself, its offspring, another domestic pet or animal or a person from attack or assault or the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog.
- E. "Vicious dog" means a dog that without provocation has bitten a person while the dog is off the premises of the owner or keeper, and the person bitten requires medical attention due to the attack.
- F. "Running at large" means that a dog is:
 - 1. not on a leash;
 - 2. not in a vehicle;
 - 3. not on the owner's premises;

4. not on the premises of another person with that person's permission;
5. not clearly under the verbal or non-verbal control of the owner; or
6. not hunting with the owner.

G. "Wolf hybrid" means:

1. An animal that is the progeny of a dog and a wolf (*Canis lupus* or *Canis rufus*);
2. An animal that is advertised or otherwise described or represented to be a wolf hybrid; or
3. An animal that exhibits primary physical and/or behavioral wolf characteristics.

H. "Working farm dog" means a dog that is bred or trained to herd or protect livestock or poultry or to protect crops and that is used for those purposes and that is registered as a working farm dog pursuant to state law.

SECTION 4. NUISANCES. An owner of a dog shall not allow, permit, or suffer such dog to create a nuisance. The following activities shall be deemed nuisances:

- A. Running at large in the town.
- B. A dog that defecates in any public area or on the private premises of another person and whose owner does not immediately remove the fecal material and dispose of it in a sanitary manner.
- C. A female dog in heat not confined to a building or other secured enclosure, except while under the direct control of the owner.
- D. A dog that disturbs the quiet, comfort and repose of others by barking, whining, calling, or howling for a continuous period of thirty (30) minutes or more. This regulation shall not apply to dogs in a kennel/boarding facility which has received a zoning permit under the town's zoning regulations. The zoning permit will govern the use of the kennel/boarding facility.
- E. The provisions of this section pertaining to running at large and disturbing the quiet, comfort and repose of others shall not apply to working farm dogs if:
 1. the working farm dog is barking in order to herd or protect livestock or poultry or to protect crops; or
 2. the working farm dog is running at large in order to herd or protect livestock or poultry or to protect crops.
- F. A dog which damages real or personal property or steals personal property of someone other than the dog's owner, or harasses other people or animals.

SECTION 5. COLLAR AND LICENSE. Each dog shall be licensed according to the laws of the State of Vermont and shall wear a collar or harness with the current license attached. A dog that is visiting from out of state must wear a collar or harness with a current license from its home state attached. A dog that is found without a collar or harness and license shall be immediately impounded.

SECTION 6. ENFORCEMENT. The violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Bennington County Superior Court, at the election of the Selectboard, in accordance with the provisions of 24 V.S.A. § 1971(b), § 1974a and § 1977 et seq. For purposes of enforcement in the Judicial Bureau, the appropriate Selectboard member, Dog Officer, Police Officer, Humane Officer or Health Officer shall be the designated enforcement officer(s). The enforcement officer shall issue tickets and may be the appearing officer at any hearing.

Violations enforced in the Bennington County Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town of Stamford may pursue all appropriate injunctive relief.

SECTION 7. PENALTIES AND COSTS.

- A. First offense \$50.00 full penalty/\$25.00 waiver penalty.
- B. Second offense \$100.00 full penalty/\$50.00 waiver penalty.
- C. Third offense Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$150.00 full penalty/\$75.00 waiver penalty.
- D. Subsequent offenses Impoundment & impoundment costs, any remedial action as required by the enforcement officer, plus \$200.00 full penalty/\$100.00 waiver penalty.
- E. For purposes of determining the sequence of offenses, second and third offenses shall be those that occur within the 12 month period of the anniversary day of the first offense. Any offense occurring after this 12 month period shall be considered a new first offense.
- F. Any owner whose dog has been impounded for its initial third offense shall provide the Selectboard with proof of satisfactory completion of a responsible dog owner training course pre-approved by the Selectboard within six months of the anniversary date of impoundment. Failure to provide such certification may result in forfeiture of the offending animal.
- G. For purposes of calculating the sequence of offenses, offenses shall be counted against the owner.
- H. In addition to other offenses, a dog that is not licensed with the town by the due date of April 1st is a violation of this ordinance. The town will allow a grace period of thirty (30) days. Any dog not licensed with the town by May 1st shall be considered a first offense. A second offense will be counted against the dog owner for any dog that remains unlicensed as of June 1st. It shall be considered a third offense for any dog that remains unlicensed as of July 1st.

- I. Impoundment costs and pre-approved responsible owner training programs shall be set annually by the Selectboard.

SECTION 8. IMPOUNDMENT.

- A. Any dog that is determined by a Dog Officer, Police Officer, Humane Officer or Health Officer to be a potentially vicious dog, which presents an imminent danger to people or other animals, has reportedly bitten a person off the premises of its owner, or is in violation of state licensing law or 20 V.S.A. § 3806 may be immediately impounded.
- B. A person claiming a dog is a “potentially vicious dog” may file a written complaint with the Selectboard. The complaint shall contain the time, date and place where the alleged behavior occurred, an identification of the domestic pet or animal threatened or attacked, the name and address of any victim or victims, and any other facts that may assist the Selectboard in conducting its hearing.
- C. Upon receipt of a “potentially vicious dog” complaint the Selectboard shall proceed as in the case of a “vicious dog” complaint with the exception that if the Selectboard determines that the behavior classifies the dog as “potentially vicious” the Selectboard may order any protective measures be taken absent the dog being humanely destroyed.

SECTION 9. NOTICE OF IMPOUNDMENT AND RELEASE FROM IMPOUNDMENT.

- A. The officer who impounds a dog shall, within twenty-four (24) hours, give notice to the owner thereof, either personally, by telephone call, or by written notice at the owner’s dwelling. Such notice shall inform the owner of the nature of the violations, the location of the dog and the steps that are necessary to have it returned to the owner.
- B. If the owner of the dog is unknown, the officer who impounds a dog shall, within twenty-four (24) hours of impoundment post a public notice. Notification shall be posted in the town clerk’s office and other usual places for public notice for a ten (10) day period. The public notice shall include a description of the dog, including any significant marks of identification, when and where it was impounded or found by the person placing the dog in the town’s custody, and declare that unless the owner claims the dog and pays all expenses incurred by the town for treatment, boarding and care of the dog, any applicable penalties and takes all necessary remedial action within ten (10) days following posting, the town may transfer it to a humane society or a rescue organization. If the dog cannot be transferred to a humane society or rescue organization, it may be destroyed in a humane way.
- C. Impounded dogs shall be released to the owner only after payment of all penalties and impoundment fees (including but not limited to boarding, food, veterinary expenses and a town administrative fee of \$25.00), the final disposition of a potentially vicious dog or vicious dog hearing if applicable, and after all necessary remedial action is taken by the owner. Remedial action shall include, but is not limited to, such actions as providing a collar and current license, and verification of certification of current vaccination against rabies.

- D. If the owner of a dog impounded under the provisions of this ordinance refuses to take the remedial action necessary to secure the dog's release within ten (10) days following notice of impoundment or gives notice either personally, by telephone call, or in writing to the town of forfeiture of ownership before that time, the dog may be ~~placed in an adoptive home,~~ transferred to a humane society or a rescue organization. If the town is unable to transfer the dog, it may be humanely destroyed. The owner of a dog transferred or humanely destroyed shall remain liable for all expenses incurred by the Town for treatment, boarding and care of the dog for the duration of its impoundment and any expenses associated with its transfer or humane disposal.
- E. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If an official designated by the Selectboard to enforce the provisions of this ordinance determines that the dog is a rabies suspect, the Selectboard shall immediately notify the Town Health Officer who shall proceed in accordance with the rules of the Vermont Department of Health.
- F. If a dog in the town's possession is severely or critically injured, the owner of the dog, if known, shall be contacted immediately regarding its care. In the event the dog's owner cannot be contacted within a reasonable period of time or if the dog is without identification, it may be destroyed in a humane manner upon the recommendation of a duly licensed veterinarian. The owner of the dog shall be liable for all medical and associated veterinary expenses incurred.
- G. **The town will not place any dog in an adoptive home due to the risk of liability.**

SECTION 10. INVESTIGATION OF VICIOUS DOGS

- A. When a dog has bitten a person while the dog is off the premises of its owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the Selectboard of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the Selectboard in conducting its investigation.
- B. The Selectboard, within seven (7) days from receipt of the complaint, shall investigate the charges and schedule a hearing on the matter. If the owner of the dog which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and a copy of the complaint.
- C. If the dog is found to have bitten the victim without provocation, the Selectboard shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation that the dog is disposed of in a humane way, muzzled, chained, or confined. The order shall be sent by certified mail, return receipt requested to the owner. A person who, after receiving notice, fails to

comply with the terms of the order shall be subject to the penalties provided in 20 V.S.A. § 3550.

- D. The procedures provided in this section shall only apply if the dog is not a rabies suspect. If a member of the Selectboard or a municipal official designated by the Selectboard determines that the dog is a rabies suspect, the provisions of Subchapter 5 of Title 20 Chapter 193 and the rules of the Vermont Department of Health shall apply. If the dog is deemed healthy, the terms and conditions set forth in the Selectboard's order shall be enforced.

SECTION 11. OTHER LAWS. This ordinance is in addition to all other ordinances of the Town of Stamford and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

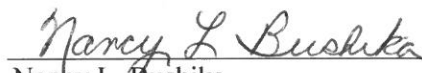
SECTION 12. SEVERABILITY. If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 13. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Adopted by the Selectboard this 2nd day of January, 2020.



Christopher Warren



Nancy L. Bushika



Michael G. Denault



Carol A. Fachini



Daniel J. Potvin

This Ordinance will become effective on March 2, 2020.

Amended 1/2/2020: Section 7, sequence of offenses; Section 9, removal of adoption clause.