

Windham VT Selectboard Meeting Minutes
June 19, 2020 Special Meeting

Present via Zoom web conference:

Maureen Bell, Selectwoman
Kord Scott, Selectman
Joyce Cumming, Selectboard Clerk

Peter Chamberlain, Selectman
Marcia Clinton, Health Officer

Call to order

Maureen identified the meeting and called the meeting to order at 9:00 a.m.

Additions to Agenda/Announcements/Reminders

There were no additions, announcements or reminders.

Public Comment

There was no public comment.

Discuss Eliastams' fence plan as it relates to the dog hearing of May 26, 2020

Before the meeting, Maureen distributed the email response from Becky Eliastam dated June 15, 2020 containing answers to the questions that arose during the June 15th Regular Selectboard meeting. Maureen expressed concern with the fence height. In oral testimony during the May 26 hearing, Becky cited a 6 ft. height for the fence; the proposal from the fence company provides for a 5 ft. fence. In her email, Becky explained that the 5 ft. height was suggested by the representative from the fence company as adequate. Becky noted that the additional foot of fencing adds a significant amount to the cost. Bearing in mind the community's concerns about the dog, Maureen did not feel the 5 ft. fence height was acceptable.

Kord agreed that the fence needs to be higher than 5 ft. considering Windham's micro-climate and snow accumulation in winter. He related his personal experience as a pet owner with a 4 ft. fence years ago. Kord noted that the plan called for fencing in a large area around the house, much larger than he anticipated. He has envisioned a smaller, more secure area.

Peter asked whether the Selectboard decision stipulated the height of the fence. Maureen read the relevant section of the decision and noted that it was what Becky proposed verbally during the hearing. Peter agrees with the need for a 6 ft. fence. He feels that a change from what was discussed would require Selectboard approval.

Maureen referenced the follow-up information on the fence latches. She was not able to share the screen with the information but Kord was able to view it on his computer and remarked that they seemed to be regular fence latches that might easily allow the gates to be left open.

Brief discussion followed on the schedule for the fence installation beyond the 30 day timeline and it was agreed that some leeway would be necessary.

Maureen mentioned that subsequent to the May 26 hearing, Maureen Fitch expressed misgivings in agreeing to containment strategies for the dog. Discussion followed on other possible outcomes. Kord feels the Eliastams are responsible dog owners and are trying to respond to concerns. Maureen stressed that the fence height of 6 ft. asserted in the hearing needs to be upheld.

Discussion followed on the details of Springfield Fence's proposal. Kord noted that most dog enclosures are significantly smaller than what is proposed. From a public safety viewpoint, the enclosure needs to be secure. Kord recalled discussion at the hearing about measures to prevent the dog from digging under the fence. Peter observed that the proposal calls for the fence to follow the ground. The plan did not specify any features that would prevent the dog from digging under the fence.

Kord emphasized the need for the dog to be contained. Maureen commented that she asked Becky what precautions would be taken to assure that the gates would remain locked; Becky did not specifically address that in her response.

Members of the Selectboard agreed that the fencing plan does not provide the level of security that the community needs and the Selectboard should reject the plan.

Joyce asked whether the Selectboard could require that the homeowners' insurance policy reflect ownership of the dog. Brief discussion followed on homeowners' liability insurance and whether the Town assumes any liability. Kord will seek the opinion of legal counsel on the insurance issue.

Motion: To reject the fencing proposal (prepared by Springfield Fence dtd 6/11/20) submitted by the Eliastams and request that they submit a revised fencing proposal based on concerns cited by the Selectboard—moved by Maureen—all in favor.

Kord agreed to draft a response to the Eliastams and submit it to them as soon as possible after review with the Town attorney.

Adjournment

Motion: To adjourn the June 19th Special Selectboard meeting at 9:33 a.m.—moved by Kord—all in favor.

Respectfully submitted,

Joyce Cumming
Selectboard Clerk