



Village of Manchester, Vermont

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Regular Meeting

Village of Manchester Board of Trustees

Monday, May 2, 2016

4:30 p.m., Village Offices

45 Union Street

In Attendance: President, Brian Knight; Trustees: Tom Dyett, Andrea Ross, Tom Deck, Clerk/Treasurer/Tax Collector, Julia Arvin

Absent: Trustee, Jim Lewis

Public: Donald Brodie

As everyone was present the meeting President Knight brought the meeting to order at 4:26 pm.

1. Trustee Tom Dyett motioned to approve the minutes for the Regular Meeting of the Board of Trustees held March 4, 2016 and Trustee Tom Deck seconded the motion. All voted in favor.
2. President's Update:
 - a. Trustee, Jim Lewis is taking a leave of absence. President Knight will assume his responsibilities as Road Commissioner and Tree Warden until he returns.
 - b. Traffic Enforcement Test: President Knight met with the Town of Manchester Chief of Police, Michael Hall on Friday April 30th. A copy of his summary report was submitted and is on file.
 - The Town of Manchester Police Department has identified a clear speeding problem in the Village. Statistics were provided. The presence of police vehicles definitely reduces the speeding.
 - The Chief's recommended the following:
 - a. The Village will continue the present test program which entails the use of off duty police officers at \$25.00/ hour.
 - b. The Village of Manchester will obtain compensation from the Town of Manchester for each ticket written so that it could be possible that the increased enforcement would be at least partially covered by revenue from the tickets.
 - c. The Village will budget to purchase 2 Electronic Warning Signs at a cost of \$2500 each for installation on Main Street.

- Donald Brodie mentioned that the Town of Manchester and the State Police have portable equipment that could possibly be available to the Village in order to avoid the expense of these signs.
 - c. **Truck Traffic:** The Village continues to receive complaints about truck traffic in the Village. Eric Scott has been asked to research the issue and to determine what the Village position could be based on existing ordinances and state law. Additionally he will look into options for enforcement of any pertinent law.
 - c. **Appointments:** Appointments to all committees and boards for the upcoming year appear to be in order. There have been recommendations for positions in the Development Review Board (Gordon McLelland) and the Planning Commission (Bob Johnson). The Board of Trustees will consider these appointments at a short trustee meeting immediately following the Annual Meeting when the tax rate is set.
 - d. **Sidewalks:** The Village office recently received comments from two residents regarding the condition of a stretch of sidewalk on West Road near Dillingham Avenue. President Knight is meeting with Alan Mowrey to discuss.
3. **Review and approval of Section IV of the Village of Manchester Ordinances:**

The ordinance was reviewed by Village Attorney, Rob Woolmington and his suggestions were incorporated in the final version which was presented to the Trustees. Trustee, Andrea Ross motioned to adopt Section IV of the Ordinances as modified and presented and will now be posted for comment and final approval in accordance with SEC 24 VSA. Trustee, Tom Deck seconded the motion and all approved. *Please note: The adopted Section IV of the Ordinances is posted in Addendum A to these minutes.*

4. **Reports:**
- a. **Roads and Trees (B. Knight):** None
 - b. **Treasurer/Tax Collector (J. Arvin):**
 - i. Our fiscal year ended on Saturday, April 30, 2016.
 - ii. Delinquent tax report: 7 delinquent properties with about \$4,000.00 due.
 - iii. Year to date budget figures were distributed
 - 1. 10K state highway allotment was received.
 - 2. There is a potential we may need to borrow money from the Heavy Equipment Fund and/or the Permits and Fees in anticipation of tax payments.
 - a. All Trustees are invited to get involved with the budget meetings coming up. The goal is to have a solid working budget by the beginning of June.
 - c. **Administrative Officer (E. Scott) – Written Zoning Report (full report on file):**
 - i. Design Advisory Committee meeting was recapped.

ii. 3 applications were recently received:

- 1. Taconic Hotel Parking Lot**
- 2. Mulligans outdoor patio**
- 3. Nancy Hutner - rebuild of sunroom**

5. Other business:

- a. The cover of the Annual Report was discussed. Andrea Ross motioned to have Julie Hanes on the cover and Tom Deck seconded the motion. All voted in favor.**
- b. A Second Class License application submitted by the Inn at Manchester to sell alcohol was reviewed and signed by all Trustees present.**

At 4:56 pm, there being no further business to discuss, Trustee Ross motioned to end the meeting, Trustee Dyett seconded the motion and all voted in favor.

Respectfully Submitted,

**Missy Bell-Johnson
Assistant Clerk & Treasurer**

**Minutes of the Regular Meeting of the Board of Trustees
May 2, 2016**

Addendum A

**SECTION IV
SPECIAL EVENTS, ITINERANT VENDORS AND TEMPORARY SALES**

Adopted May 2016

No. 23

The purpose of this Section is to promote safety, convenience and order in all public places, prevent congestion and unsafe traffic conditions on the roads, along the sidewalks, and in all public areas, parks and recreational facilities and, as far as possible to secure for Village residents the quiet enjoyment of their homes and property.

1. Definitions:

- a. Hospitality Business: A hotel, motel, or inn, a bona-fide club, including golf club, retail businesses, public and private schools engaged in; weddings, sport events, outdoor sales events, conferences and workshops.
- b. Itinerant Vendor: A person who goes from place to place selling goods by traveling on the streets or conducts sales at locations upon the streets, or parking lots, or sidewalks, or other non-permanent locations within the Village.
- c. Merchandise: Wares, food, fruit, vegetables, farm products, and all kinds of personal property.
- d. Resident: The owner or occupant of a residential property that is not a hospitality business.
- e. Special Event:
 - i. Any event utilizing a public or private reception tent. A public tent greater than 1,200 square feet requires an additional permit from the local fire department,
 - ii. Any amplified music or public address system used outdoors,
 - iii. Any outdoor activity which results in unsafe or congested traffic conditions on the Village roads, sidewalks, parks, recreational facilities and in all public areas,
 - iv. Any activity after the hour of 11:00 P.M. or before the hour of 8:00 A.M. which disturbs the quiet enjoyment of any person in the Village of Manchester.
- f. Temporary Sales: Any temporary sale of merchandise or services, including, but not limited to; tag sales, estate sales, garage sales, rummage sales, household contents sales, sidewalk sales, auctions, tent sales, outdoor sales or displays accessory to another use.

2. Permit Required:

- a. For a Hospitality Business to conduct or allow a Special Event or Temporary Sales on a property,
- b. For a Resident to conduct or allow a Special Event on a property,
- c. For a Resident to conduct a Temporary Sales, the resident must contact the Village to determine if a permit is required under the terms of this ordinance,
- d. For an Itinerant Vendor to sell or offer to sell or dispose of any goods, services, wares, merchandise, food products or food services,
- e. For any blasting whether in a demolition or construction project, or otherwise. Any application must be accompanied by proof of an valid State of Vermont Explosive License,

- f. For any public fireworks display permitted by the Manchester Fire Department's Fire Chief. All fireworks (except sparklers and novelty devices), are illegal in Vermont unless permitted by the local fire department.
3. **Application:** Any person desiring a permit under this Ordinance shall make application on a form provided by the Trustees or designee. An application shall contain such information as the Trustees or designee shall prescribe and payment of a fee unless otherwise exempted, as determined by the Trustees.
4. **Fees:** For each permit application, an application fee determined by the Trustees shall be paid. A tax-exempt applicant may be issued a permit without payment of the fee, provided that the proposed sale or services, and the proceeds thereof, are devoted exclusively to the purpose of the philanthropic, charitable or religious organization, on behalf of which the applicant acts as an agent. Residents conducting Temporary Sales where the Village has determined a permit is not required are exempt from fees.
5. **Investigation:** Before approving a permit, the Trustees or designee may cause an investigation to be made and impose such conditions as deemed necessary to insure that the approval of the permit will:
 - a. Promote safety, convenience and order in all public places in the Village of Manchester.
 - b. Prevent congestion and unsafe traffic conditions on the roads, along the sidewalks, and in all public areas, parks and recreational facilities of the Village.
 - c. Not result in a disturbance of the quiet enjoyment of any person in the Village of Manchester between the hours of 11:00 P.M. and 8:00 A.M.
6. **Approval of Permit:** The Board of Trustees or designee shall approve a permit application. It shall be the sole discretion of the designee whether to seek the approval of the Board of Trustees. Criteria determining whether or not the Board of Trustees approve an application includes, but not limited to the size, duration, and traffic congestion of the event.
7. **Issuance of Permit:** Upon the approval of the Trustees or the Trustee's designee, the Trustee's designee shall issue all required permits, and keep all necessary records pertaining thereto.

A permit issued pursuant to this Ordinance shall not be transferable or assigned to any other person or entity.
8. **Certification of Insurance:** A Certificate of Insurance naming the Village of Manchester as an additional insured may be required as a condition of the approval. Minimum accepted coverage shall be \$1,000,000 of public liability insurance from an insurance carrier licensed to do business in the State of Vermont, or such other amount as determined by the Village Trustees.
9. **Possession of Permit:** Every permittee shall be in possession of the permit while engaged in the use permitted. The permittee shall produce the permit at the request of any person.
10. **Term of Permit:**
 - a. **Hospitality Business:** Permits shall be valid for one year. If there have been no violations by the permittee, a new application may be made by the permittee for an additional term.
 - b. **Resident Special Event:** Permits shall be valid for specific event day(s) as noted on the permit. Within the Equinox Historic District, or Business 1 or Business 2 Districts, as defined in the Village of Manchester Zoning Bylaw, there may be no more than seven days in one calendar year on any one residential property. In all other Zoning Districts of the Village, there may be no more than three days each in one calendar year, on any one residential property.
 - c. **Temporary Sales:** Within the Equinox Historic District, or Business 1 or Business 2 Districts, as defined in the Village of Manchester Zoning Bylaw, there may be no more than 12 days each in one calendar year, on any one property. In all other Zoning Districts of the Village, there may be no more than two days each in one calendar year, on any one property.
 - d. **Itinerant Vendor:** No permit shall be issued for an itinerant vendor for a period of more than six months. If there have been no violations by the permittee, a new application may be made by the permittee for an additional term.
11. **Enforcement and Violations:**
 - a. The Trustees or designee is empowered to enforce this Ordinance and when necessary, the Trustees or designee shall secure the assistance of the Town of Manchester Police Department.

- b. A person violating the preceding Ordinance shall be fined not more than Five Hundred Dollars (\$500.00), nor less than One Hundred Dollars (\$100.00) for each offense. Each day that the violation continues shall constitute a separate offense. The Town of Manchester Police Department, The Vermont State Police, The Bennington County Sheriff's Department, and such other enforcement officers as the Village Trustees may appoint from time to time, are authorized to enforce this Ordinance.