

HANDOUT  
SELECTBOARD  
8/23/17  
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## Regulating Outdoor Storage Of Junk And Junk Vehicles Town of Bradford, Vermont

**SECTION 1. AUTHORITY.** This ordinance is adopted by the Selectboard of the Town of Bradford under the authority granted in 24 V.S.A. §§ 1971, *et seq.*, 2246 AND 2291, the powers to adopt, amend, repeal, and enforce ordinances, and to manage and regulate outdoor storage of junk and junk motor vehicles within its boundaries.

**SECTION 2. PURPOSE.** The purpose of this ordinance is to protect the public health, safety and well being, and to promote the responsible use of resources and protection of the environment, the Selectboard of the Town of Bradford hereby adopts this ordinance to regulate outdoor storage of junk and junk motor vehicles.

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

- A. "Abandon" means to leave without claimed ownership for 30 days or more.
- B. "Abutting property owner" means any person or persons, corporation or other entity that owns, leases, or in any other way uses or controls the real property abutting any portion of the property of another.
- C. "Enforcement Officer" means any constable, police officer, health officer etc. appointed by the selectboard to enforce the provisions of this ordinance.
- D. "Highway" means any highway, road, street or other public way, regardless of classification.
- E. "Household appliance" means any range, stove, refrigerator, washing machine, clothes dryer, water pump, power tool and the like.
- F. "Junk" means old or discarded scrap copper, brass, iron, steel or other metals, or materials including but not limited to tires, household appliances, furniture, rope, rags, batteries, glass, rubber debris, waste, trash, construction debris, manufactured wood debris, plumbing fixtures, or any discarded, dismantled, wrecked, scrapped, or ruined motor vehicle or parts thereof. Any of the above items used in a bona fide agricultural operation are excluded from this definition.
- G. "Junkyard" means any place of outdoor storage or deposit that is maintained, operated or used in connection with a business for storing, keeping, processing, buying or selling junk, as defined above, or as a scrap metal processing facility. "Junkyard" also means any place of outdoor storage or deposit, not in connection with a business, which is maintained or used for the storing or keeping of four or more junk motor vehicles which are visible from any portion of a public highway. However, the term does not include a private garbage dump or a sanitary landfill that is in compliance with 24 V.S.A. §§ 2201 *et seq.* and any applicable state

Submitted to Selectboard  
on 8/23/2017 by David Sargent

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regulations. It does not mean a garage where wrecked or disabled motor vehicles are stored for less than 90 days for inspection or repairs.

- H. "Junk motor vehicle" means a discarded, dismantled, wrecked, scrapped or ruined motor vehicle or parts thereof, an unregistered motor home not connected to water and/or sewer, or a vehicle other than an on-premise utility vehicle which is allowed to remain unregistered for a period of 90 days from the date of discovery.
- I. "Motor vehicle" means any vehicle propelled or drawn by power other than muscular power, including trailers. Functional vehicles and equipment used for agricultural and construction operations are excluded from this definition.
- J. "Traveled way" means that portion of a public highway designed for the movement of a motor vehicle, shoulders, and roadside parking, rest, observation areas, and other areas immediately adjacent and contiguous to the traveled portion of the roadway.

### **SECTION 4. REQUIREMENTS.**

- A. It shall be unlawful to place, discard or abandon as junk four or more junk motor vehicles in a place where any such item is visible from the traveled way of a highway or town road, or visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- B. It shall be unlawful to place, discard or abandon as junk a motor vehicle upon the land of another without the consent of the owner. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- C. It shall be unlawful to place, discard or abandon as junk four or more junk motor vehicles upon the land of another with the consent of the owner, when any such item is visible from the traveled way of a highway or town road, or visible to an abutting landowner from that portion of the abutter's land used on a regular basis. Any such item so placed, discarded or abandoned is hereby declared to be a public nuisance.
- D. A person who wishes to operate a junkyard within the Town of Bradford is required to:
  - obtain a certificate of approval for the location of the junkyard, and
  - obtain a license to operate, establish or maintain a junkyard from the State of Vermont.
- 1. Certificate of Approved Location. Application for a certificate of approved location shall be made in writing to the Selectboard of the Town of Bradford. The application shall contain a description of the land to be included within the junkyard, which description shall be by reference to so-called permanent boundary markers. The procedures to be

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followed after an application has been made are those specified in 24 V.S.A. §§ 2252-2256, as from time to time amended.

NOTE: Additional wording for municipalities having a zoning ordinance and a zoning board of adjustment or development review board established under 24 V.S.A. Chapter 117: *"The application shall be accompanied by a certificate from the ZBA or DRB that the proposed location is not within an established district restricted against such uses or otherwise contrary to such zoning ordinance."*

2. State Junkyard License. The procedures for obtaining a junkyard license from the State of Vermont are those specified in 24 V.S.A. §§ 2261-2264, as from time to time amended.
- F. All junkyards, scrap yards, and places of outdoor storage of junk shall be effectively screened from public view by a fence or vegetation at least eight feet in height. Any fence shall be of sound construction and of solid vertical board or 'stockade' type construction, and shall be maintained neatly and in good repair. Such a fence shall not be used for advertising signs or other displays which are visible from the traveled way of a highway. Any vegetation used for screening shall be of sufficient density so that it effectively screens the area from view. Failure to provide screening as required herein shall be considered a violation of this ordinance.

### **SECTION 5. ENFORCEMENT AND PENALTIES.**

- A. Upon receiving written notice from the Selectboard to do so, the owner of any junk or junk motor vehicle discovered in violation of Section 4 of this ordinance shall remove or screen the item(s) or vehicle(s) from the view of the traveled way of the highway or town road. Such items shall also be screened from the view of an abutting landowner as seen from that portion of the abutter's land used on a regular basis. If the owner of the junk or junk motor vehicle(s) does not remove or screen the items from view within 30 days from the date of mailing of the written notice by the Selectboard, the Selectboard may notify the appropriate state agency.
- B. Additional Provisions for Junk Motor Vehicles.
  1. If the owner of the land on which a junk motor vehicle is discovered in violation of Section 4 of this ordinance does not hold title or disclaims title to the vehicle, and the true owner of the vehicle is known or can be ascertained, the true owner shall move, screen or dispose of the vehicle upon receiving written notice from the Selectboard.
  2. If the last known registered owner fails or refuses to reclaim the vehicle upon receiving said written notice, or if after an investigation the owner of the vehicle cannot be ascertained, the Selectboard may notify the appropriate state agency.
  3. Further procedures by the state agency are specified in 24 V.S.A. § 2272.

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- C. A violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the Orange County Superior Court, at the election of the legislative body.
1. Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 *et seq.* A civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance.
    - a. A municipal ticket will be issued 30 days after written notification of violation is mailed by the Selectboard if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.
    - b. For purposes of enforcement in the Judicial Bureau, the town constable, police officer, health officer and municipal attorney shall be the designated enforcement officer(s). Said designee(s) shall issue tickets and may be the appearing officer at any hearing.
  2. Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The legislative body may pursue all appropriate injunctive relief. In addition, a civil penalty of not more than \$500 per violation may be imposed for violation of this ordinance. A civil action may be initiated within 30 days after written notification of violation is mailed by the selectboard if the violation has not been corrected in accordance with this ordinance. Each day that the violation continues shall constitute a separate violation of this ordinance.

**SECTION 6. 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 7. EFFECTIVE DATE.** This ordinance shall become effective 60 days after its adoption by the Town of Bradford Selectboard and a 30 day period of public comment. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this ordinance.

Dated: April 14, 2011

/s/ Robert D. Miller, Chair

/s/ Thomas E. Unkles, Vice Chair

/s/ Richard Bolander

/s/ Carole P. Taylor

/s/ Brian Schlager

Handout  
SELECT BOXES  
8/23/17





**Miranda Bergmeier**

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**From:** claudette brochu <cbrochu30@gmail.com>  
**Sent:** Friday, August 18, 2017 10:43 PM  
**To:** norwich@lists.vitalcommunities.org; Miranda Bergmeier  
**Subject:** Major issues facing our town, please be informed

Unfortunately, summer is winding down but town issues are heating up. I have just finished reading the info packet for the upcoming Selectboard (SB) meeting. I want to encourage everyone to look at the information and to attend the meeting. Points of interest to me (and hopefully others):

1. Included in the packet is a contract concerning extending the sidewalk on Church Street. Back in March, one of the homeowners impacted by this project (which has been years in the making but has moved at a snails pace) presented the new SB with the issues related to the project, including but not limited to, the impact on septic systems and tree removal. From what I read in the SB packet the right of way issues have still not been addressed by the powers that be but a contract has been signed. I wonder how this could have happened without SB approval.

2. Investigation by Flanders and Langhus re: property assessment revealed that Norwich is paying significantly more for assessor services than other towns in the state and that our re-assessment schedule is aggressive. While I am not at all an expert on property assessment, it seems we are paying way more for these services than needed. Also included in the packet is a letter from John Carroll concerning the proposed changes suggested by Flanders and Langhus and the legality of the proposed changes.

3. The budgeting season will soon be upon us. I urge the SB and the TM to critically assess any increase(s) in budget requests. I URGE the TM to critically evaluate the condition of all town equipment and replacement schedules with the potential to decrease designated fund appropriations. I find it hard to believe (as I mentioned last year) that equipment that is rarely used needs an aggressive replacement schedule especially if the equipment is in good working order and replacement parts are available.

The TM has the opportunity to re-negotiate employee contracts, especially benefits such as health care, that will put Norwich more in line with area businesses and towns. I want to remind everyone that Norwich HAS BEEN PAYING 100% (and more when FSA's are included) in HEALTH CARE BENEFITS FOR A MAJORITY OF TOWN EMPLOYEES. This is unheard of in this day. Coverage for family members who are eligible for their own employee sponsored health care is also rare but Norwich has been doing so.

Sorry for the length of this post.

Claudette Brochu

7 September 2017

Re: Choosing among "Property Assessment Models"

Dear Members of the Selectboard,

First, I thank you, each of you, for your service to our Town. I admire and appreciate the hard work you do.

In writing to you on the question of "choosing among property assessment models", I wish to emphasize that I am speaking and acting only for myself. Although I am a member of the Board of Civil Authority, none of my views in this matter purport to represent the BCA nor any other public body upon which I serve.

The 7 August report by Steve Flanders and John Langhus intends to "offer the Selectboard an opportunity to choose among three property assessment functions".

In fact, you have only two choices. You have only two choices because one of the three "models" advocated by Flanders and Langhus -- the Town's present arrangement for assessing property -- is not a valid option.

The Town's present arrangement -- where a professional assessor on long-term-contract, reporting to the Town Manager, does most of the Lister's work -- was adopted four years ago under a previous town manager. This arrangement is inconsistent with Vermont law (in your previous meeting one of you used the term "illegitimate"), and it is expensive. Moreover, the present arrangement marginalizes elected officers of the Town (the Listers), and it creates confusion and disruption.

The Flanders and Langhus report might lead the reader to think that many communities with town managers put them in charge of contract assessors, as if Norwich's current arrangement is common. It is not common. The truth is that most towns in Vermont rely on their Listers to be in charge of property assessment, and if contract assessors are needed, they report to the Listers.

When Norwich's current arrangement for property assessment was described recently to an attorney at the Vermont League of Cities and Towns, she responded:

*"I was surprised to read that Norwich has had contracted assessors for 5 years and was curious about why you have continued to do so and also to retain the office of elected lister.*

*"Generally a contracted assessor is brought in to fill a specific and non-reoccurring need, such as during a town-wide reappraisal. Alternatively, a contracted assessor is brought in when the*

*town votes to eliminate the office of elected lister. Having both contracted assessors and elected listers is a set up for inevitable conflict and confusion over roles.*

*“Statutorily-speaking, however, unless the office of elected lister is eliminated (by vote of the voters), the listers are the only town officers decision-making authority over the values set into the grand list, entries on lister cards, decisions made in lister grievances, etc.”*

As explained by the VLCT attorney, state law gives Norwich two choices:

*either* have elected Listers who are in charge of property assessment in Town (and may contract with professional assessors as needed);

*or*, by vote of the townspeople, eliminate the office of Lister and put the Town Manager in charge of property assessment.

The Town’s present arrangement is an awkward hybrid of these two alternatives. This hybrid arrangement is not permitted by Vermont law, and it should be scrapped as soon as practicable.

That leaves you with a choice between:

>> restoring Norwich’s traditional system of property assessment under the direction of townspeople who are elected as Listers; *or*

>> asking the voters to eliminate the elected office of Lister and install a new property assessment system under the control of the Town Manager.

Each approach has its advantages and its disadvantages, its advocates and its opponents.

It seems to me that the choice you face has important meaning beyond the simple question of how best to do property assessments. In fact, the choice you face is between preserving local governance that is still *“of, by, and for the people”* -- or moving the Town further toward government by managers, contractors, and consultants.

Before you make this important decision, I hope you’ll take time to solicit the views of the people of Norwich.

Thanks for giving these thoughts your attention.

Yours sincerely,

John Carroll  
345 Campbell Flat Road  
Norwich, Vermont

49 Tigertown Road  
P.O. Box 562  
Norwich, Vermont 05055

September 7, 2017

Norwich Select Board  
Norwich, Vermont

RE: The Elimination of the Norwich Office of Listers

To the Members of the Norwich Select Board:

It has come to my attention that some members of the Select Board intend to begin the process of eliminating the Office of the Listers. This is a situation that should raise the alarm that our small town's system of government is under direct attack.

The Listers are elected officers of the Town. They are responsible for assuring that the valuations of the townspeople's properties are as fair and equitable as possible. They are also responsible for assuring that the Grand List of property valuations in the Town is accurate and calculated in compliance with Vermont Law. Without the Listers, there is no one answerable directly to the people of the Town to assure that taxes are fairly and equitably apportioned among the townspeople of Norwich.

The Listers are not responsible for setting the tax rate, nor do they set the Town's budget. The Listers are not responsible for the taxes paid by property owners. Those are the responsibilities of the residents of the Town, themselves, through their elected members of the Select Board.

Election of officials is the basis of the democratic process. The elimination of elected officials decreases citizens' self-determination and participation in the governing of their community. It also allows the growth of authoritarian aspects of the community's government.

It is stunning to me that anyone who has experienced democracy can think that eliminating an elective office is good for a town or society. We here in Norwich have already given up a huge chunk of self-government when we chose to substitute the autocratic and minimally accountable town manager regime for the wisdom of the elected select board who is directly accountable to the voters.

It should be noted that the authoritarian nature of the town manager regime is particularly true in the manner that Vermont has chosen to regulate the office of town manager. Under Vermont law the town manager takes direction from the elected Select Board members only in a few specific circumstances set forth by statute. Otherwise, the town manager accepts Select Board input as merely advisory. Moreover, the town manager's rule is almost unfettered, because the ability of the Select Board to terminate a town manager's service is very circumscribed, and difficult, by statute.

If the Office of the Listers is eliminated, and replaced solely by a hired assessor, valuations of townspeople's properties will have to become the responsibility of the Town Manager, since the Select Board is forbidden by statute to interfere with the assessment of property, and in Norwich, the Town Manager has supervisory capacity over the Assessor. Under such circumstances, the valuation process will not be in the hands of elected officials directly answerable to the voters. The undesirability of elimination of elected officials directly answerable to the voters should be self-evident, especially in a society where the democratic process is supposedly held in the highest esteem.

Currently, Norwich has an Office of the Listers and a hired Assessor. Supervision of the Assessor, whether under contract or a Town employee, is supposed to be the responsibility of the Listers, since the Listers are responsible for the production and accuracy of the Grand List that is assembled by the Assessor.

The Listers, being elected, are answerable to the citizens of the Town in a way that private employees are not. Also, the Listers make policies that relate to the assessment of the taxpayers properties, and because the Listers are democratically elected, the policies perform must reflect the will of the citizens of the Town, not that of the Town Manager.

The Town has already experienced the negative aspects of an employee solely under the supervision of the Town Manager: our Zoning Administrator has caused several expensive losses, due to lawsuits and neighborhood controversies, because he is granted extensive independence in the performance of his job for the Town, and has not been held accountable for his errors in the manner an employee in, for instance, a private enterprise would be. Instead, he has been awarded a sinecure by a prior town manager.

Having been a Norwich Lister, and having had something to do with the choice of the Assessor the Town hired, I am very pleased with the Assessor's performance. Because of our Assessor's scrupulous compliance with the laws while engaged in work that inherently includes a good deal of subjectivity, the Office of the Listers has succeeded in avoiding having the usual torrent of appeals of property valuations this year, with only one appeal for the Board of Civil Authority, rather than the 20 to 50 appeals of past years.

Someone may argue that getting rid of the Listers is simply a means of controlling the Town's budget. This is a specious argument. It sounds good, but is deliberately misleading. It's clear that the motive for eliminating the Listers Office is not saving taxpayers' money. The annual stipend for all the listers is less than the cost of one of the several expensive standup mowing machines Norwich uses to trim the few grassy areas under the Town's purview.

Not that the Town of Norwich has ever shied away from paying for frivolous and extravagant expenses. Returning to the Town Manager's office, Charlotte, VT, the other "wealthiest" town in Vermont, which has a population very similar in size and well as substance, has a budget of approximately \$ \$3,013,563, versus Norwich's budget of \$4,840,000, a difference of about \$1,800,000. One part of Charlotte's success at controlling its budget is that it has a Town Administrator, who is completely answerable to the Select Board, and whose salary is considerably less. It is easy to guess that the good citizens of Charlotte are much more circumspect where frivolities and extravagances in the budget are concerned.

Elimination of the Office of the Listers is a huge mistake, and, to put it bluntly, a means to disenfranchise the residents of Norwich, denying them the ability and right to have a say, and participate in an important part of their municipal governance.

Thank you.

Sincerely,

Ernie Ciccotelli