

Town of Pitkin

Work Session, February 14, 2017

Work session called to order by Mayor Steve Pinkston at 6:30 p.m.

Trustees Matt Buchanan, Brad Wick, Chris Nasso, Rachel New, and Cory Nasso were present.

Attorney Jim McDonald was present.

Minutes taken by Clerk Sara Gibb.

**Item 1: Discuss complaint procedures concerning OWTS.**

Attorney Jim McDonald drafted a brief memo with points for the Board to consider. The work session opened with Attorney Jim McDonald presenting each point.

Mayor Steve Pinkston suggests that a hearing be conducted like a work session with no comments until the end. He also believes the Board of Health should be allowed to ask questions and that it would be helpful for the Board to review evidence prior to the hearing.

Trustee Brad Wick is in favor of providing a 20-day notice to allow all parties to be prepared and for the Board of Health to review documentation in advance. He does not believe the public should be allowed to comment. He does not believe Town's attorney should be required to ask questions, the responsibility lies with the Board of Health to ask questions. The job of the Board of Health during a hearing is to sort out data and make a correct decision. He believes witnesses should not be sworn in.

Trustee Cory Nasso believes that information overload is possible if hearings are open to public comment. A hearing should involve only the affected parties.

Mayor Steve Pinkston does not believe a hearing should be in the middle of a town meeting. It should be a stand-alone meeting that is scheduled separately.

Trustee Rachel New stated that the Board of Health must hold a meeting every three months (this is by statute.) To her knowledge, there has not been a Board of Health meeting in several years. She believes the Board of Health should identify items that fall under its jurisdiction and address those items at Board of Health meetings rather than at regular town meetings. She also suggests that letters be sent by those who would like to provide information so that way they can be included in the process but not necessarily the hearing.

Trustee Matt Buchanan believes adjacent property owners should be allowed to weigh in because they are potentially affected by OWTS complaints.

Attorney Jim McDonald suggested placing a cap on witnesses and limiting the witnesses to those who have direct evidence. They should be identified in advance.

Trustee Brad Wick wonders if witnesses can be deposed prior to the hearing. Attorney Jim McDonald believes that would be very expensive.

Mayor Steve Pinkston adjourned the work session at 7:00 p.m.