

UNDERHILL SELECTBOARD MINUTES

Thursday, May 29, 2008

Present: Steve Walkerman, Selectboard Chair; Dan Steinbauer, Selectboard; Steve Owen, Joan Lehouiller, Town Treasurer, Chris Murphy Town Administrator;

Note: This meeting was taped by Ruth Miller fro MMC-TV

6:00 PM: Meeting is Called to Order

- **Citizen's Bank**, Chris Hatch: Chris Hatch cancelled. Joan Lehouiller, Town Treasurer passed out information Hatch had sent to her for the Selectboard.
- **Pick-up Truck Loan**, Joan Lehouiller, Town Treasurer, Guest: Joan reports that Citizen's Bank quoted a rate of 3.5% for a 3-year truck loan. She did not get a response from Key Bank, and Chittenden was offering a 3-year loan for 2.5%. Chittenden is also offering a 2.5% loan rate for a one-year loan. On a motion by Steve W. and seconded by Steve O., the Board agrees to borrow \$16,400 at 2.5% for one year from the Chittenden Bank.
- **Grader Final payment**: The Board signs final continuing loan papers for the final payment on the grader. The loan was from the Chittenden Bank.
- **NE Delta Dental**: Steve signs NE Delta Dental paperwork renewing coverage. Chris had checked the budget, and we had made accommodations for the 7% increase in rates.
- **Tax Sale**: Currently, there is one property, 16 Mountain Road, slated for tax sale on ~~May~~ 17th at 10:00 AM at the Town Hall. The tax sale has been advertised in the Burlington Free Press.

6:35 PM: **Executive Session, Contract Negotiations, Vincent Paradis Town Attorney, Guest**: The Board moves into executive session to discuss the terms of a contract.

7:07 PM: **The Board moves out of Executive Session.**

- **911 Call Box at Town Pond**: Recreation Committee Chair Tom Lee, Guest: Tom meets with the Board to discuss funding of the 911 call box for the Town Pond. The Rec. Committee would like to use the funds for the lifeguard for the call box and to not have a lifeguard at the Town Pond. The Board explains that the line item for the lifeguard salary moved out of the Recreation budget this year and into the Town Salary line item per the request of the outside auditor. As such, those funds are not available for anything other than the lifeguard salary. Tom states that the Rec. Committee voted to have the 911 call box installed rather than hire a lifeguard. Chris asks what happens when kids are at the pond unsupervised or if it takes a while for rescue to appear on the scene. Tom states that the recreation committee feels that kids are not there very often unsupervised; that there are times now, on weekends and evenings that the lifeguard is not there; and that the call box will provide coverage during other times of the year.

Steve W. suggests to Tom that the best approach might be to have both the lifeguard and the call box as the lifeguard is budgeted for this year. There is a discussion about putting a ballot item on in the fall as to whether the community thinks we should continue to hire a lifeguard. Joan raises the liability issue of not having a lifeguard on duty. Chris had checked with one VLCT representative, but will double check what she had been previously told, which is that as long as a notice is posted that there is not a lifeguard on duty and to swim at your own risk the Town does not have exposure for not having a lifeguard.

- Tom agrees to hire a lifeguard this year as it is budgeted for. Chris reports that \$1,100.00 was dedicated to the Rec. Committee budget for getting a phone in at the pond. The cost of the call box is approximately \$2,000.00. This means that the Rec. Committee is \$900.00 short for the call box. Joan reports that the Rec. Committee has \$2,800.00 in their account and that they have \$1,200.00 of unexpended funds from this fiscal year that ends June 30, 2008. Tom responds that the Recreation account money is being dedicated to new projects, such as getting the winter carnival started in February, 2009. His remaining costs for this fiscal year include \$100.00 for port-a-let rental for June, and some salary for the lifeguard. There is agreement that these costs and the additional \$900.00 needed for the call box would be covered by the remaining budget for this fiscal year.
- **Town Pond Pumping:** Tom also asks for help from the road crew to get the pond pumped. Previously, the Board had said that the Rec. Committee would ask the UJFD to pump the pond and coordinate this with the road crew so that they could be on hand to dredge it. Tom states that the Recreation Committee is not clear why the highway department can't just pump the pond as they have a pump, or, if the UJFD will pump the pond, why the highway department can't coordinate that themselves. The Board agrees and asks that the Minutes reflect that the road crew should either pump the pond themselves, or coordinate with the UJFD, with the project finished by June 13, 2008 so the pond will be ready to open the following week.

The Board will move the Recreation budget line item next year into the Public Works budget so that excess funds can roll forward. Tom reports that the tennis nets are up.

- **Animal Control Issues,** Jennifer Silpe, Town Constable/ Animal Control Officer, Guest: Jennifer shares two letters from people in town regarding animal control issues. One is from Tara Carter, who expresses her gratitude to Jennifer for Jennifer's care of her yellow lab

Zeke when it got loose. In part the letter reads, " We really appreciate you getting him back to us safely...we are so thankful for his safe return... you are so kind and caring." Jennifer charged the Carter's for impoundment for overnight kenneling, and for not having tags, and gave them a written warning as this was the first time the dog got loose, so no fine was assessed for the underlying infraction.

Jennifer also reads a letter from Ann and Joel Trudeau who objected to a letter from Jennifer after their dog got loose wherein Jennifer referred to their dog "slipping out". The Trudeau's state that this is an unfair statement as they have small children who don't remember to lock the cellar door where she is kept and that their Rottweiler Gabbie can open it with her nose. They state that they intend to control the dog to the best of their abilities, but that they can't guarantee that she will not leave the property as dogs do wander. The Trudeau's also objected to the fees they were assessed as they felt that they were being charged when others were not and that it may be because of the breed. Jennifer charged them for impoundment and not having tags, and gave them a written warning as this was the first time the dog got loose, so no fine was assessed.

Health Officer: Jennifer Silpe suggests to the Board that she be made the Health Officer. In other communities, the Constable/Animal Control Officer (ACO) is the Health Officer as when there is a dog bite in town the medical community is obliged to contact the Health Officer, and as ACO Jennifer must follow up on the dog bites. The Health Officer would also be responsible for investigating reports of unhealthy conditions such as a failed septic system or an accumulation of solid waste. Jennifer would do municipal ticketing of any health code violations. Steve Walkerman states that he thinks it is excellent that Jennifer wants to take on this responsibility and that it seems to make sense to lodge these responsibilities with one person. On a motion from Dan and seconded by Steve O, the Board appoints Jennifer Silpe as health officer.

Town Constable Training: Jennifer proposes that she go to the State Police Academy for Constable training. There is a discussion about how Jennifer does have some law enforcement authority just by virtue of being elected Constable. These duties can only be taken away by a vote of the general public. There is a discussion of how a previous Board had reached an understanding with a previous Constable to limit her duties. The duties were never properly rescinded by a vote, however, so they are still attached to the position. Jennifer states that she does not want to exercise those duties without proper training, and would support a ballot item this fall to: 1. Take away the law enforcement duties from the Constable unless the Constable receives the State Police Academy training; and

2. Make the Constable position appointed so that if there were problems, the Selectboard could remove the Constable.

The State Police academy training is one week with 58 hours of training. At the end of that time, the Constable is provisionally certified. From there, the Constable has 1 year to gain 50 credits to become fully certified. There is much discussion of this proposal, and the Board agrees that this would be the best way to bring in additional traffic enforcement for the Town. Jennifer makes it clear that she would not require a car, but would probably require a radar gun and blue lights for her truck.

- **Ethan Allen Firing Range:** Jennifer discusses the increased activity at the Range and the large ordinance that was set off during training a few weeks ago. Jennifer states that she is not opposed to training, but wants more notice from the Range about upcoming activity. The Board agrees that they will write a letter to the Range personnel regarding more notice.

8:29 PM: **Executive Session: Personnel Issue:** The Board discusses a personnel issue with Jennifer Silpe.

8:46 PM: **End Executive Session:** The Board will write a letter to the Trudeau's to address the concerns they raised in the letter, stating they do support Jennifer and appreciates the good job she does as Animal Control Officer.

- **Dinner Break:** The Board recesses for a dinner break.

9:10 PM: The Board resumes the meeting.

- **Facility Use Policy:** The Board adopts the facility use policy and rental agreements. On the advice of VLCT, the Board adopted these policies and will require liability insurance from future renters. It is proposed that Underhill and Jericho share the cost of the Jeri-Hill Senior's use of the building. Chris reports that the Lion's Club has an insurance policy that can list the Town as additional insured. Most homeowner's policies can be expanded for one-time use, if not, a low-cost insurance is available for renters.
- **Fees:** The new fees adopted on 5/12/08 will become effective 6/1/08.
- **Transportation Advisory Committee (TAC):** The TAC representative is up for reappointment. Chris will call Stan Hamlet to see if he is interested in serving another term.
- **Trails Committee:** Patrick Lamphere is appointed to the Trails Committee for a 3 year term ending in 2011.
- **Traffic Committee Update:** The Committee would like to redo the fog lines and crosswalks at the Underhill Flats PO, the Underhill Center PO, and the Town Hall. They would also like to do some additional signage, Dan will talk to Rod.

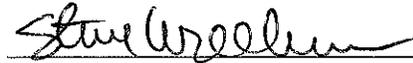
- **Nowlen Driveway Approval:** The Board approves the new curb cut and driveway design for the subdivision at 225 River Road subject to the following conditions to address :
 1. Per the report of Mike Weisel, PE, all fills should be thoroughly compacted in shallow layers(lifts) to at least 90% of maximum density (90% Proctor); and
 2. Once completed, all cut and fill slopes should receive a minimum of 4" of topsoil for the establishment of good vegetated cover. Once seeded, all slopes should be mulched with erosion control matting.

9:58 PM: The Board enters Executive Session on a personnel matter.
10:55 PM: End Executive Session. The Board votes to rescind all fees associated with the 6/9/08 DRB hearings. They will respond to Patricia Nowlen's letter.
11:00 PM: The Board Adjourns

~~7:07 PM:~~
~~11:30 AM:~~ The Board Adjourns

Respectfully submitted,

Chris Murphy, Town Administrator
Read and Approved as submitted/amended



Steve Walkerman, Chair

Date