

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES  
6:00 p.m., Tuesday, April 28, 2015**

**Selectboard:** Clifford Peterson, David Rogers and Rick Heh

**Town Staff:** Nate Sullivan and Brian Bigelow

**Public:** Ruth Miller (MMCTV), Scott Tower, Gael Boardman, John Pepi, Christina Pepi, Eben Widlund and Craig Lassiter

**6:01 p.m.** Meeting called to order by Chair.

**6:02 p.m.** **Public Comment** – None.

**6:03 p.m.** **Scott Tower, President, Underhill Historical Society**

Scott Tower discussed with the Selectboard recent Society actions many of which are related to Old Schoolhouse #5, to include: Town Meeting survey results, fundraising, membership drive, scheduled work projects and Society sponsored events. Society will connect with Town Clerk regarding lease. Discussion also included the potential impact of any future Village Center Designation application for Underhill Center. Historical Society anticipates returning during the Selectboard's budget process.

David Rogers moved to fund porta-a-let rental at the Old Schoolhouse from the Maintenance and Repair line for the period of mid-May to mid-October in an amount not to exceed \$750. Rick Heh seconded and the motion passed 3-0.

David Rogers moved to approve the May 23, 2015 workday at the Old #5 Schoolhouse. Rick Heh seconded and the motion passed 3-0.

**6:24 p.m.** **John Pepi Access Application (JB024)**

Discussion with Board and applicant about the status of permit application and previous Development Review Board (DRB) approval. Current design has a conflict between proposed grades and radius of curves. Consensus of Selectboard is that the design is grandfathered by act of the DRB to include portions of 12% grade. Improvements, especially softening the curves to Underhill Jericho Fire Department or Road Ordinance standards, can be made in the field by applicant and contractor Matt Rooney and would need to be documented after construction as part of the Letter of Compliance and Certificate of Occupancy requirements. Applicant to return with finalized driveway alignment to proposed house site.

No access permit to be issued on grounds of 2013 DRB action and grandfathering.

Clifford Peterson moved that submitted application consisting of modification made by applicant to an O'Leary-Burke Civil Associates drawing dated May 23, 2013 be denied. Rick Heh seconded and the motion passed 3-0.

**6:50 p.m. Eben Widlund Access Application (JB024)**

Applicant's proposal for access reviewed. Applicant and contractor Jim Bedell have proposed a concept to meet the local ordinance. Consensus of Board is that engineering drawings showing alignment and profile and the staking out of the centerline of the driveway is required. Applicant to return at later date when design is available for Selectboard review.

**6:56 p.m. Old Business**

**FEMA HGMP / VT539** – Selectboard reviewed comparison of the Asbestos Assessment bids, the Demolition Request for Proposals (RFP) and the prepared Voluntary Transaction Agreement (VTA).

Consensus of Board was to publicize the RFP and warn a special meeting for Noon on May 26, 2015 for the purpose of opening bids. Consensus of Selectboard was to forward the VTA to the property owners for their review.

David Rogers moved to accept the bid of Clay Point Associates for Asbestos Assessment at VT539 in the amount of \$1,945.00. Rick Heh seconded and the motion passed 3-0.

**Highway Garage** – Nate Sullivan, Road Foreman and Board discussed Highway Garage, road and equipment issues. Truck repair updates provided. Main roads to be graded this week as they dry out. Consensus of Board was to approve use of overtime funds to bring part-time employee back on payroll for 4-6 weeks to assist with debris removal in advance of FEMA deadline of June 7, 2015.

David Rogers moved the Town approve the Proactive Maintenance Agreement with Alliance Mechanical accept in the amount of \$1,670.00. Rick Heh seconded and the motion passed 3-0. Consensus of Board is to have Agreement signed by Staff.

Anchor Foundations has estimated repairs of concrete culvert near Linde property on Pleasant Valley Road at \$7,500. Road Foreman to obtain three competitive solicitations.

David Rogers moved to accept the December 1, 2014 bid of Pike Industries for FY15-16 Paving Project on Pleasant Valley Road in the amount of \$139,071.90. Rick Heh seconded and the motion passed 3-0. For a project of this size Pike is a sole source provider. Chair signs the document.

David Rogers moved the Board approve the PACIF Equipment Grant application. Rick Heh seconded and the motion passed 3-0. Chair signs application.

Winter Sand Hauling Request for Proposals reviewed. One proposed change made to Indemnification paragraph and approved by consensus of Board. Town Administrator to make change and start the process.

**2015 Local Emergency Operations Plan** – 2015 Local Emergency Operations Plan (LEOP) adopted by the consensus of the Selectboard and signed by Town Administrator. LEOP to be forwarded by staff to UJFD and Chittenden County Regional Planning Commission.

**Village Center Designation** - Discussion ensued about coordination with Jericho regarding renewal of the 2010 Underhill Flats Riverside designation and perhaps formation of potential Steering Committee, to include the Historical Society, on a potential application for Underhill Center. Rick Heh will coordinate with Historical Society. David Rogers will look at mapping.

#### **New Business -**

**Memorial Day Parade** – Board reviewed Vermont Agency of Transportation (VTrans) application for closing a portion of Route 15 for one hour for the Memorial Day parade.

David Rogers moved to approve the application for the Memorial Day parade on May 25<sup>th</sup>. Rick Heh seconded and the motion passed 3-0.

Chair signed application. Staff to coordinate with Vermont State Police and VTrans.

**Town Forest Fire Warden** – Reappointment letter of Parker Ripley as Town Forest Fire Warden reviewed by Board. Parker Ripley is willing to serve.

David Rogers moved to recommend Parker Ripley be reappointed as Town Forest Fire Warden July 30, 2015 to July 30, 2020. Rick Heh seconded and the motion passed 3-0.

Chair regrettably notes that the agenda was not adjusted at the start of the meeting to adjust agenda adding two Executive Sessions. One for a personnel issue and one for legal issues related to Repa Road. These will take place at the end of the meeting.

#### **7:52 p.m. Minutes and Warrants**

Warrants reviewed and signed by Selectboard.

David Rogers moved to approve the minutes of the April 14, 2015 Special Meeting minutes as written. Rick Heh seconded and the motion passed 3-0.

David Rogers moved to approve the minutes of the April 14, 2015 Regular Meeting minutes with corrections as noted. Rick Heh seconded and the motion passed 3-0.

#### **8:20 p.m. Member Items, Correspondence, Announcements, Schedule.**

The next regularly scheduled Selectboard meeting is May 12, 2015 at 6:00 p.m and will include a Public Hearing on the Draft Town Plan.

Correspondence – The following items were reviewed by the Selectboard:

- Reports provided by Finance Director
- CCRPC public meeting schedule
- VTrans structures grant status
- Notification from Suncommon regarding a solar array proposed on Blakey Road.
- Vermont Forest, Parks and Recreation notification of projects in FY15-16
- Walk to School project for Underhill ID and Browns River Middle School

Staff directed to contact the Town of Rutland regarding solar array siting concerns. Staff directed to contact Forests, Parks and Recreation regarding winter maintenance of Class 4 road. Staff to contact Underhill ID School with Board's consent for their 'Walk to School' program.

### **8:30 p.m. Executive Sessions**

Clifford Peterson moved to enter Executive Sessions to discuss two items:

- under 1 VSA §313(a)(3) with Town Administrator to discuss a personnel issue.
- under 1 VSA §313 (a)(1)(e and f), to receive advice of counsel and discuss pending litigation, re: Repa Trail, on a specific finding that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage in pending civil litigation. David Rogers seconded and the finding and motions passed by a 3-0 vote.

On a motion by Clifford Peterson, seconded by David Rogers the Board came out of Executive Sessions on a 3-0 vote at 8:56 p.m. No actions taken as a result of Executive Sessions.

### **Adjournment**

**8:57 p.m.** David Rogers moved to adjourn. Rick Heh seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.



Clifford Peterson, Chair



Date