



**Town of Underhill**  
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**SELECTBOARD MEETING MINUTES**  
**Thursday, March 21, 2024, 6:00 P.M.**  
**Underhill Town Hall**

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**Present:**

Selectboard Members: Dan Steinbauer, Bob Stone, Patricia Richards

Town Staff: Brad Holden, Jennifer Silpe-Katz (remote), Amanda Bosley (remote), Parker Ripley (remote)

Others: David Weaver (remote), Livy Strong, Kim Spaulding, Peter Davis

**Note: All votes taken are unanimous unless otherwise noted.**

**1. *Call Meeting to Order / Adjustments to Agenda***

Dan called the meeting to order at 6:00. No changes to the agenda were needed.

**2. *Opening Public Comment (6:00)***

No members of the public wished to comment.

**3. *Consider Fire Permit Software (6:01)***

Underhill fire warden Parker Ripley said he learned from other fire wardens about a web-based platform called BurnPermits.com. Residents enter their information on the site once and then any time they want to burn there is a number they can call to activate a burn permit. The fire warden, assistant fire warden or anyone with administrative access can set the burn risk for the day. Permits can be automatically or manually approved based on conditions. He would get an email notifying him that a resident is burning at a certain address. This would benefit the fire department as it gives a map every day of who is burning and where. The software is completely customizable. We can put in Vermont state laws. He can shut it down and say no permits are being issued due to weather conditions. If there is someone who can't use the online system any administrator can fill out their information online and then all the resident has to do is call the number and it activates the permit. He believes this would be a time saver for him. There is a cost. He issues roughly 350 permits per year. We would have to buy 5000 credits initially. That would equal about 500 permits. Any not used this year roll over to next year. The state is looking to develop their own software but that could be several years down the road. He recommends moving to this platform for issuing burn permits.

**Bob moved and Dan seconded to authorize using BurnPermits.com and spending \$500 to get 5000 credits on the site.**

Bob suggested paying for this from the contingency fund. Patty asked if someone pays a fee when they apply for a permit. Parker said not at this time. Patty asked how Parker would get the word out that the software is available. Parker said he would use Front Porch Forum and the town website and put a message on his voicemail. He will still take phone calls. He can walk people through the process or do it for them if necessary. Patty asked if the software is state-based or independent. Parker said it is independent. Patty asked if there are any other fees in addition to the annual payment. Parker said no. And if we don't use all our credits they roll over. It is only when we run out of credits that we have to pay. Another benefit is that if weather conditions change in the course of the day, for instance if winds come up, he can send a message to people with permits using the method they choose to tell them that their permit is voided due to weather conditions.

**The motion was passed.**

4. ***Committee, Board and Town Officials' Appointments (6:14)***

**Bob moved to reappoint Jennifer Silpe-Katz as animal control officer with a term to expire March 2025, Dan seconded and the motion was passed.**

**Bob moved to reappoint Don Tobi as Underhill tree warden with a term expiring March 2025, Dan seconded and the motion was passed.**

**Bob moved to make the following reappointments to the Development Review Board:**

Charlie Van Winkle, term expiring March 2027

Dan Lee, term expiring March 2027

Penny Miller – alternate, 1 year term

Meg Armstrong – alternate, 1 year term

Mark Hamelin – alternate, 1 year term

Bob noted that Mark Green will be stepping down from the DRB.

**Patty seconded and the motion was passed.**

**Bob moved to appoint Brian Tijan to the Planning Commission with a term expiring March 2028, Patty seconded and the motion was passed.**

**Bob moved to appoint Steve Webster to the Energy Committee with a term expiring March 2027, Patty seconded and the motion was passed.**

**Bob moved to make the following appointments to the Recreation Committee:**

Anton Kelsey, term expiring March 2027

Isabel Tuck, term expiring March 2027

Bob noted that Seth Friedman will be stepping down from the Recreation Committee.

**Dan seconded and the motion was passed.**

Patty thanked everyone on all committees for stepping up and doing the work they do. Bob asked Brad to send letters to Seth and Mark thanking them for their years of service.

5. ***Authorize Signature for FEMA Grant Reimbursement, Town Incurred Expenses for 12 Dumas Rd. (6:18)***

Brad said the town incurred some costs for an archeological/historical assessment/report and an appraisal. We need to sign a document to get reimbursed \$1626.44 from the state for those two things. The appraisal came in quite a bit higher than we estimated when we started this process. We are working with state Emergency Management to try to figure out a path to keep this moving. It may be through a state program rather than FEMA. Either way the procedure will be the same. There will be no match from the resident or town, but if we wanted to do in-kind work it would be greatly appreciated. We haven't committed to anything.

**Bob moved to authorize the chair to sign the authorization for FEMA reimbursement for expenditures to date (\$1626.44) for 12 Dumas Road, Patty seconded and the motion was passed.**

**6. *April 8, 2024 Solar Eclipse (6:25)***

Brad said he talked to a state representative from Forests, Parks and Recreation, who sent a link to the state's website. The parks in Underhill are not being promoted for eclipse viewing. Trail Finder shows Mountain Road and Stevensville Road as closed. He will see if the state plans to put up any signage. Someone from the sheriff's department can be here any hours we want.

Bob said he would like the officer to get here by mid-morning and be done by 5:00. He should largely just make himself available if something should arise. Dan said he wonders if it would be more important to have him here in the morning when people are more likely to think they could access the mountain. Patty said she thinks he should check Stevensville and Mountain Roads and keep an eye on activity and traffic there. If people are parking at Casey's Hill and clogging Mountain Road he can ask them not to. Jennifer said it is good for everyone to know the cost of having an officer here. Brad said we already contract for 10 hours a week and he will just use most of the hours for that week on that day. Bob said he will not just focus on speeding as usual but will make sure there is access to roads and be available if an event arises. Brad said Richmond Rescue heard we would be closing roads and wanted to make sure they would be able to use the roads if their services were required for a mountain rescue. He told them they would. He is planning to do a series of Front Porch Forum posts to let people know where to go for information, that trails are closed, and what the town is planning to do with Mountain Road and Stevensville Road.

**7. *Underhill Animal Control Issues (6:34)***

Jennifer said she has gotten multiple calls about dogs running off their owners' properties into the road. There has been one confirmed bite of a person on a bicycle. She followed up with all the dog owners and the bite victim. She created a public service announcement poster and sent it to neighboring towns with links to their ordinances and also sent it to the Mountain Gazette and they published it.

There was an incident last Thursday on Krug Road. Property owners had given permission for a dog walking service to walk 5 dogs, including their dog, off leash on their property. A neighbor and his dog wandered onto the property as they often do, not knowing the dog walking pack was there, and his dog was brutally attacked and nearly died. The dog is now healing and doing well. Jennifer feels we may want to talk at some point about whether we should have any regulations in place for commercial dog walkers. She knows at least 2 other dog walking companies come to Underhill.

Jennifer said she also wanted to know if we should establish a fee for her services when she consults or goes on a call for a neighboring town. She went on several calls to Jericho last month and she is acting in a consulting capacity for their new animal control person. They give her a stipend. It seems like the town should be able to bill other towns at a set rate.

Bob said he thinks we should talk about it. He is concerned about other municipalities using our resources. He thinks there should be some balance when it comes to that. We can put it on a future agenda. He is also concerned that we don't know who the owner of the dog was that attacked but he has faith that Jennifer will deal with it. Dan asked, we don't know who the owner of the violent dog is? Jennifer said it was a pack of dogs. The dog that allegedly was the aggressor was not an Underhill resident. It is her understanding that the dog is vaccinated and will not be coming to Underhill any more for walks with that person. But she has more legwork to do on that. Dan said he thinks the owner bears financial responsibility for vet bills. Jennifer said the dog walking company is fully insured. She thinks the company is responsible but she needs to do more research. Bob said he is also concerned if this is a problem with other municipalities or if the dog has a history of incidents like this in other communities. He welcomes Jennifer's investigation into this.

**8. *Mills Riverside Park Dog Issues (6:43)***

Kim Spaulding said she and Livy Strong are both members of the Jericho Underhill Park District board of trustees. There are dog issues at the park. There are pack walkers who use the park, mostly with dogs on

leash. There have been dog bites and aggressive dogs. They are interested in having Jennifer on call if they need to have her come for an incident at the park.

Bob said it is his understanding that the park is largely in Jericho. He thinks Jericho also needs to work with us and answer some of the calls. Kim said two other members of the Jericho Underhill Park District board of trustees are talking to the Jericho selectboard tonight with the same request.

Dan said since the Park District is paying for this out of its budget, he doesn't think the selectboard needs to be involved in the decision. The park board can contract with people. We don't need to approve the expense because we have already approved the park district budget.

Livy said there would not be many calls to Jennifer. But there are a few people who have been spoken to repeatedly and are still causing issues. The Park District board thought an animal control officer might have more impact with those people. They thought about creating their own ordinance but it seemed cumbersome for multiple reasons. None of their board members want to confront dog owners and give them tickets. So they thought of using animal control officers.

Bob said he thinks representatives from the Underhill selectboard, the Jericho selectboard and the Park District should get together to talk about this. It is not uncommon for park districts to have a park service officer or ranger. Maybe that is something the Park District needs to consider. There may be other issues besides animal control.

Brad asked if Jennifer has jurisdiction as an animal control officer in Jericho. Jennifer said her authority has never been questioned wherever she went in the state as long as she was enforcing the ordinance that existed in that municipality.

Bob said hopefully Jericho will agree to the idea of a task force and then Underhill can choose someone to be on it. Jennifer said she would be happy to be on the task force as well.

**9. 2024 Crack Sealing Estimate (6:58)**

Russ said this is the third year of a 3-year contract with Freshcoat out of Barre. Their price is going up by \$1000. Brad said we will pay \$4700/day for 5 days for them to do whatever they can get done in that time.

**Bob moved to approve paying \$23,500 to Freshcoat for crack sealing in 2024, Patty seconded and the motion was passed.**

**10. Mud Season Update**

Russ said we have had quite a bit of mud and rough roads. We still have some rough roads. The highway crew used all the stone they had in inventory at the garage and the Beartown pit and they started hauling first from Nadeau's in Johnson and then from Whitcomb's in Colchester. They hauled 59 loads of stone to 14 different town roads. He feels they did a great job. They got to any complaints quickly. Right now, other than potholes and washboard in some places, things are pretty good.

Dan asked roughly when grading can start. Russ said any places they tried to grade during the winter didn't work out. The frost needs to come out of the ground and it needs to dry out. Brad said he thinks the key is that future good weather is needed after grading. Russ agreed. Bob said he thinks a good rule of thumb is that they might be able to start grading when sugaring is done and trees are budding.

Russ said 2 culverts on Cilley Hill Road failed during mud season. Those were replaced with inventory that was on hand at the garage.

Patty asked how plowing was with the roads softening. Russ said it was very difficult. It is still a little difficult. The sides of the roads are still a little soft. There was some damage to his plow where the shoes dug in and broke off the plow. That has been repaired. Patty said we should move forward with the new blades for soft conditions if there is money in the budget at the end of the year.

Russ said a lot of the stone budget has been used. Brad said we will be doing grant-funded work that uses ditch stone. We will need to purchase the stone and get reimbursed. He recommends eking out the stone we have until July when the new budget starts.

#### ***11. Grader Shed, Damage from Wind Storm***

Russ said a wind storm took a side wall off the building called the “grader shed” because it was a grader shed on the old town garage. It is now used for storage of various items. The highway crew would like to get two dumpsters – one for metal and one for non-metal – and start cleaning it up. Then they will need to figure out what to do for storage. One thing stored in the shed is the old town hall shutters.

Bob suggested coming back with an estimated cost for debris removal and where the cost will come from. If a new shed is needed. Russ should come back with an estimated cost for that. Bob suggested maybe use of dumpsters for cleanup could be combined with use of dumpsters for Green Up Day.

Russ said there will probably be no net cost for metal cleanup because the money we get for the metal will offset the cost of the dumpster.

Patty asked if we filed an insurance claim. Brad said he thinks the deductible is too high.

Brad said he will see what from the town hall is in the damaged shed. He can ask the Historical Society if the shutters are historic.

Bob said he would rather wait and see if the same dumpsters can be used for Green Up Day. Brad said last time we got dumpsters for Green Up Day we were reimbursed from the Chittenden Solid Waste fund. We are not supposed to mix other trash with Green Up trash from roadsides, but if we got a metal dumpster for Green Up Day that could include metal from all sources.

Russ said he thought this would be a good time of year to work on the debris cleanup because the crew is often not too busy between storms. He doesn't think there was much metal last year on Green Up Day. He would prefer to start on collecting metal from the damaged shed. The money we get for it will probably cover the cost of the dumpster and trucking.

**Bob moved to authorize getting a dumpster to remove metal from the old grader shed, Patty seconded and the motion was passed.**

#### ***12. Discuss Excavator Mulch Head***

Russ asked if the loan amount for the excavator and trailer has been adjusted to meet actual cost. Brad said we got a loan for the full amount the voters approved. The cost was less than that so the extra was applied to the principal.

Russ said we purchased the mulch head for the excavator. It works well but there are a couple of issues. One is that operating it requires holding down a thumb control on a joystick. It is hard to do that all day. Another is that the mulch head and the excavator compete for hydraulic fluid if the excavator needs to move. We discussed with the dealer adding a priority valve that ensures hydraulic fluid goes to the excavator, which is the highest priority, over the attachment. But we didn't do it because it would cost \$24,025. The priority valve takes away the need to constantly hold the thumb control. To make the crew's efficiency as high as possible

a priority valve would be a good investment. It could also be used with other hydraulic items we may add to the excavator. His thought was that if we had extra loan money we could use it to get a priority valve. If not, we should budget for a priority valve in the future.

**13. Closing Public Comment Period (7:26)**

Peter Davis said he is here to comment on animal control issues. He feels dog owners feel very entitled and do not respect non dog owner rights. On October 2 he was bitten on the leg while running on Pleasant Valley Road by an unleashed dog. The owner was present and witnessed it. It was reported to Jennifer, who responded appropriately. It is a public health issue. He thinks it is unappreciated that dog owners are not respectful of other people. Some let unleashed dogs loose at Tomasi Meadow. This is not a benign problem. It is fairly widespread and growing.

**14. Warrants and Minutes (7:30)**

**Bob moved and Patty seconded to approve the warrants for March 21, 2024.** Patty said some warrants still did not have double signatures. Bob asked if we will just approve the ones with double signatures. Dan said he is not sure we want to hold vendors hostage for our issue. Patty agreed we should not hold up payment but she will keep bringing it up until we are in compliance with town policy.

Russ said he will be more aware of it and verify that someone else will sign bills before he drops them off. He asked if it would be better for someone else in his department who is more knowledgeable about what he is purchasing should provide the second signature. Brad said the auditors would never approve having someone in the same department do it.

**The motion was passed.**

**Bob moved to approve the minutes of March 14, 2024, Patty seconded and the motion was passed.**

**15. Member Items, Correspondence, Announcement, Schedule (7:37)**

The next meeting will be at 6:00 pm on Friday, April 5. It will include a public hearing on the Harvest Crossing implementation grant.

Brad included correspondence on a road concern in the packet. That could be put on a future agenda.

Brad said in order for the selectboard to have a legal meeting all 3 members need to be here. There was a conflict on March 28 so the meeting was rescheduled to April 5. After April 5 Dan will be gone for a while. If an emergency meeting is needed it would probably be around noon and would be short. He believes the chair can authorize signature for the warrants. He will get more information on that.

Bob asked if anyone wants to serve on the task force on the dog issue. Patty said she will. Bob asked Brad to let Jericho town administrator John Abbott know we want a task force. He has no objection to staff members being on it.

**16. Executive Session (7:41)**

**Bob moved to go into executive session under 1 V.S.A. Section 313(a)(3) for the appointment or employment or evaluation of a public officer or employee, Patty seconded and the motion was passed at 7:42. Bob moved to come out of executive session at 8:44, Patty seconded and the motion was passed.**

Bob said during the executive session the board discussed a personnel matter.

**17. Adjourn (8:03)**

**Bob moved to adjourn, Patty seconded and the motion was passed at 8:44.**

Read and approved as submitted/amended:

\_\_\_\_\_  
Dan Steinbauer, Chair

\_\_\_\_\_  
Date Signed

\_\_\_\_\_  
Date Approved