



Town of Underhill

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SELECTBOARD REGULAR MEETING MINUTES

Underhill Town Hall – Remote Meeting

Thursday, August 20, 2020, 6:00 p.m.

Selectboard: Dan Steinbauer, Bob Stone, Peter Duval

Town Staff: Jim Beebe-Woodard, Sherri Morin, Jennifer Silpe-Katz, Nate Sullivan, Andrew Strniste, Kurt Johnson, Laurie Graham

Public: MMCTV, Bridget Stone Allard, Sandy Gillem, Janelle Moynihan, Sirena Sawyer, Valerie Stori, Cody Marsh, David Workman, Martha Erickson, Nicole Thompson, Aaron Carrol, Robert Stone, Mike Smith, Lori Adams, David Burkman, Arnold Thomas, Bob Heiser, Glenn Martin, David Weaver, Joe McLean, John Koier, Barbie Koier

6:00 p.m. Call Selectboard Meeting to Order Dan Steinbauer calls the remote meeting to order. This meeting is recorded by and is available through MMCTV.

6:01 p.m. Adjustments to the Agenda Jim Beebe-Woodard adds Solar Array Tree Clearing to Old Business.

6:05 p.m. Public Comment None

6:06 p.m. Racial Justice

Jim Beebe-Woodard introduces the racial justice group.

Bridget Stone-Allard, on behalf of the racial justice group, proposes items to the selectboard: The selectboard motion to recognize the Anti-Racism Coalition (ARC) of Underhill, as a welcome advisor of town governance. The selectboard recognizes systemic racism must be addressed in order for Underhill to be welcoming and just, and the Selectboard agrees to work with ARC on a statement to be posted on the town website. Any law enforcement contracted to work in Underhill shall have documented training in fair and impartial policing practices. The selectboard will support work of ARC and hold ourselves to use VLCT tools for municipalities. ARC may be financially supported by the town as plan's become more concrete. These action items will be communicated prominently with the community online.

Dan Steinbauer moves to recognize the Anti-Racism Coalition of Underhill as a welcome and valued advisor of the selectboard, as an assist in town governance, as they identify and make recommendations on issues pertaining to systemic racism. Bob Stone seconds. Discussion following the motion includes Bob Stone requesting a formal mission statement from the group within 30 days. Bridget Stone-Allard replies that they are working on a statement using Oswego Unified School District's statement as inspiration. Jim Beebe-Woodard

has been acting as a liaison for the group. Peter Duval wonders if there are other examples of towns recognizing a group that is not a town committee.

Valerie Stori on behalf of the Planning Commission has been exploring working with an independent consultant that would analyze the town plan through an equity/racism lens and exploring trainings for the Planning Commission.

Discussion continues about ARC being a formal town committee, but the group will be a community action group. Bridge Stone-Allard is concerned they would lose autonomy by being a formal committee, and there are advantages to being an advisory capacity. Martha Erickson also states that the group wants to remain an advisory role without legal committee responsibilities. Dan Steinbauer suggests it may evolve into a committee in the future. Peter Duval suggests it is not a group, but just public coming to the meetings. Discussion continues about the role of the group, and Jim Beebe-Woodard clarifies that the group is not asking to be a committee but to be welcomed in an advisory capacity, which means the selectboard does not need to take all of the advice. Peter Duval is concerned about the motion, as it is an outside group, instead of a formal committee, with resources and formal backing of the selectboard. Dan Steinbauer calls the motion to vote. Steve Guay begins his comment. Bob Stone calls a point of order, rescinds point of order and will speak after Steve Guay.

Steve Guay does not see why the town should recognize an advisory board. The group can petition the selectboard at any time. Calling for the town to endorse the group as legitimate, and not everyone in town believes in systemic racism. Steve Guay discusses history of slavery of Vermont, emancipation, other countries involved in slavery. Steve Guay believes this is very political and one-sided, and republicans/conservatives are a minority in the town but are residents and what they have to say matters. Steve Guay does not trust anyone who believes in systemic racism.

The motion was re-read. Dan Steinbauer calls the motion to vote, Bob Stone votes. Peter Duval calls a point of order, citing rule of procedure C6. Peter Duval discusses that he is concerned about calling the group an advisor to the selectboard, suggesting an amendment that we welcome/encourage the group without committing the selectboard and endorsing it as an advisor to the selectboard. Bob Stone is not in favor and is ready to move the question. The original motion is voted on; Dan Steinbauer and Bob Stone approve. Peter Duval opposes. The motion passes 2-1.

6:36 p.m. COVID-19 updates: Primary Election Day, Town-Wide Needs & Funds, Received Cloth Masks.

Primary Election Day: Dan Steinbauer discusses the most recent voting day, as a great experience. Jim Beebe-Woodard notes that the town residents were very appreciative. There was also a separate voting space for those who could not wear masks.

Town-Wide Needs & Funds: Jim Beebe-Woodard discusses whether the town has the capacity to truly work remotely if the town hall needs to close again. Jim Beebe-Woodard notes that things like email can easily be done remotely, but network files and other items are harder to access. Will be working with the IT vendor to identify needs. Jim Beebe-Woodard has been working on Covid-19 relief grants, with deadlines for

reimbursement/funding in September and will work with Jen Silpe-Katz and Sherri Morin about grant opportunities next week.

Cloth Masks: Jim Beebe-Woodard discusses creating a plan for distributing the supply of cloth masks that have been given to the town by the state.

Peter Duval discusses grant opportunities for face coverings, equipment: tablets/phones (for site visits,) hygiene stations. Jim Beebe-Woodard replies that he has not received any requests from any committees for these items, and anything we seek grant money for can not be requested in previous budgets. Peter Duval discusses getting tablets, mobile data and phones; so that all employees can participate in virtual meetings. Peter Duval is concerned about trailheads and cars from out-of-state. Jim Beebe-Woodard responds that it is not the town's responsibility within the state park, and supplying masks to the state park would be a misuse of funds from the state. Jim Beebe-Woodard cautions the town against buying buffs and, instead, stick to recommended masks.

Bob Stone would like to discuss what to do with the 700+ masks received. Bob Stone recommends they follow what Williston has done, with a mask bin available, possibly under a tent, publicized on FPF or Mtn. Gazette. Jim Beebe-Woodard notes the masks received are small, and it is a great opportunity to distribute to younger folks, for parents of school aged children.

Peter Duval asks about other grants from FEMA and the records digitization grant. Discussion about grants continues and Jim Beebe-Woodard discusses that some of the grants are being worked on, and cites a flowchart about expenses in the correct grant category using the right grant money. Bob Stone suggests overtime pay for Jim Beebe-Woodard to work on this; Jim Beebe-Woodard is not authorized for overtime as a salaried employee, and suggests the selectboard identify what exactly they want Jim Beebe-Woodard to purchase in the grant application. Dan Steinbauer, suggests whatever fits into the grant that is considered by the staff vital to what they need to work effectively from home. Jim Beebe-Woodard will get more info from IT vendors and will continue to research grants, where money is allocated, make and receive recommendations, and provide email correspondence with the selectboard over the next few days as there will not be another selectboard meeting before the deadline of Sept. 1. Dan Steinbauer emailing is approved as long as the selectboard is emailing Jim Beebe-Woodard directly.

7:06 p.m. Old Business: Dumas Rd/FEMA buyout, Tomasi Meadow

Dumas Rd./FEMA Buyout: Still in process with no new updates; Jim Beebe-Woodard spoke with Brad Holden today and will continue to report at subsequent meetings.

Tomasi Meadow Jim Beebe-Woodard suggests a motion to authorize Stitzel, Page & Fletcher to continue representing us in the matter, formally authorize purchase of title insurance zoning (recommendation based on consultation with attorneys,) zoning issues: Andrew Strniste is present, counsel provided information on tax proration: as the town will have a tax obligation for the remaining portion of the year.

Dan Steinbauer presents 8 motions with discussion on each, as needed. Dan Steinbauer qualifies the approval of all the legal documents are subject to final, non-substantive edits that the town attorney's may recommend.

Dan Steinbauer moves to approve resolution of the Underhill selectboard with the understanding that it will not be executed until 8/25 when the 1061 has expired. Bob Stone seconds. Discussion: None. Motion is approved by a vote of 3-0.

Dan Steinbauer moves to approve the Town's acceptance of the Trustee's Deed from the living trust for the +/- 16.7-acre Tomasi Meadow property subject to completion of all closing conditions. Bob Stone seconds. Discussion: None. The motion passes by a vote of 3-0.

Dan Steinbauer moves to approve and authorize James Beebe-Woodard, Town Administrator, to sign the assignment of Purchase and Sale (to which the PSA is an exhibit.) Bob Stone seconds. Discussion: None. Motion approved by a vote of 3-0.

Dan Steinbauer moves to approve the Grant of Development Rights, Conservation Restrictions, and Public Access with VLT and VHCB. Joe McLean discusses specific language of underground utility lines and potential installation of a webcam and a weather station, the land trust would be amenable to these, but would require more specific information. Peter Duval seconds. Discussion continues as Bob Heiser believes it would be easy to approve a small weather station/webcam but it would need details of what and where it would be; they would not want to include it upfront without a public process, rather through a management plan. Peter Duval discusses he put the weather station in as an example as it unnecessary to include it, just as it unnecessary to include snowmobiling/parking, as all of those things can be addressed in the management plan. Bob Heiser responds that they need a clause to approve parking in the future, and because there is "no motorized recreation" stated, there must be a clause to make the exception for snowmobiles. Snowmobiling is not mandated, but leaves the town open to make the decision on snowmobiling in the future. Peter Duval motions to amend by deleting new language about undergrounding and weather station and webcam, section 2.2 and 3.8, also deleting the special exception for snowmobiling without VLT approval in section 2.7. No second on the amendment. The selectboard now votes on the original motion and the motion is approved by vote of 3-0.

Dan Steinbauer moves to approve and execute the Memorandum of Agreement regarding the Land Management Fund and to establish "Tomasi Meadow Management Fund" to be maintained as a separate fund under oversight and control of the Selectboard. Bob Stone seconds. Discussion includes Joe McLean discussing the money that will fund the account. The motion is approved by a vote of 3-0.

Dan Steinbauer moves to approve the proposed Tax Proration Agreement to be used and executed in connection with the closing. Bob Stone seconds. Discussion: None. The motion is approved by a vote of 3-0.

Dan Steinbauer moves to obtain the Owner's Title Insurance Policy with the coverage amount of \$243,000. Bob Stone seconds. Discussion: None. The motion is approved by a vote of 3-0.

Dan Steinbauer moves to schedule the closing for 8/28/20 at the Underhill Town Offices, with a convenient time to be mutually agreed by the parties of the transaction. Bob Stone seconds. Discussion includes that this date works for Jim Beebe-Woodard. The motion is approved by a vote of 3-0.

Peter Duval moves to approve a transfer via wire transfer to Jim McLean at least \$23,000 to our lawyer's trust account with the funds to be used in connection with the closing, The breakdown being \$20,000 as town's contribution, \$3,000 for title insurance and incidental cost that may arise with the VLT office refunding to the town, any money not used at the closing. Dan Steinbauer seconds. The motion is approved by a vote of 3-0.

Dan Steinbauer moves to authorize VLT to take any necessary and appropriate steps to facilitate closing and authority of the counsel in the closing. Bob Stone seconds. The motion is approved by a vote of 3-0.

7:38 p.m. New Business: County Farm Road, FY20 Financial Performance Review, Culvert Purchases, Fuller Rd. Culvert, Crack Sealing Bids, Authorize Stitzel, Page & Fletcher to Represent Town on Supreme Court Docket

County Farm Rd. Highway (#45/Butler Lane) Cody Marsh of the Town of Cambridge Selectboard discusses that he was approached by a land owner on County Farm Road, asking to consider giving the closed section of road back to the landowners. Since the road neighbors Underhill, they must notify the adjoining town. Cody Marsh is not asking for anything from the Underhill Selectboard during this meeting, but is providing this information as a heads-up and to gauge the Selectboard's thoughts on closing the stretch of road. Discussion continues as it is not a law to get approval, but the town of Underhill has the right to grieve the throwing up of that road with the transportation agency; 19 VSA 790, states the law of this issue. Cambridge will invite the town of Underhill to the public hearing. Underhill would also need to have a public hearing and would invite Cambridge. Bob Stone asks who the property is; Cody Marsh discusses the landowners as the Howard Family, believing they are the only landowner on either side, and other nearby landowners approve of the closing. Bob Stone asks if anyone is using the road for hiking or skiing. Cody Marsh discusses that the Howard family is concerned with people wandering out of the town right-of-way area and onto their property; they don't want to post the land, the closure would give them more control over who has access to their property. Peter Duval asks about the condition of the road; Cody Marsh replies that the Cambridge side is in better condition than the Underhill side, but he would not drive up there. Bob Stone suggests discussing this in a future Executive Session.

Jim Beebe Woodard notes a missed Old Business item, of Solar Array Tree Cutting, and will report on it in the Town Administrator information later in the meeting.

FY20 Financial Performance Review (Jennifer Silpe-Katz, Finance Officer) Jennifer Silpe-Katz presents the FY20 Financial Performance Review specifically noting that the year ended well despite the pandemic. The Total Revenue slightly exceeded budgeted amount by ~3%, Expenses were below budgeted at ~4%. Only \$24,733 in Taxes Receivable, for comparison 2019 was about ~\$40,000.

Revenue Highlights include switching banks to Union Bank where the interest was much higher.

Department Budgets include \$16,000 in Covid-19 expenses, as "Covid Time" to employees; money that they would have paid anyways, and did not affect bottomline in the departments.

Selectboard expenses under budget by 13% mostly due to HRA budget decrease and did not spend any money in Selectboard line items in Human Resources or Tree Warden. Selectboard Legal fees were considerably higher than budgeted, \$26,000. Selectboard Contingency was over budget due to tire-round up, and that money came in as a reimbursement from CCSWD but the money was received in FY21. Town Hall Expenses below budget by 9%. Planning and Zoning about 8% over budget. Highway Summary was generally positive, Halloween Storm created some unexpected out of pocket costs, there was employee turnover, but a disaster relief grant aided the direct/indirect cost of Halloween storm; several projects slated to be completed in FY21, that were started in FY20.

Crack Sealing Crack Sealing Bid went to two vendors, Fresh Coat and Nicom. Nicom did not respond, Fresh Coat's bid has been received. Kurt Johnson comments that the Fresh Coat bid is similar to recent years. Dan Steinbauer motions to authorize the town of Underhill to approve a crack sealing bid with Fresh Coat not to exceed \$20,000. Bob Stone Seconds. Peter Duval asks Nate Sullivan to comment on the effectiveness of crack-sealing; Nate Sullivan notes that it keeps the water, salt, ice from getting down into the road and further degrading it and it works best on the smallest cracks up to ¼ inch. Kurt Johnson states that it is best to be applied to the most recent pavement to preserve new paving for longer. The motion is approved by a vote of 3-0.

Culverts Purchases Nate Sullivan provided information to the Selectboard about weakening culverts. Multiple smaller culverts will be going on North Underhill Station Road, there will still be a spillway in the road but it will help to solve the issue. Moving away from plastic culverts and using metal. Dan Steinbauer asks why there is a difference in the bids; Nate Sullivan replies about trucking costs and where they get their materials. Dan Steinbauer moves to approve the purchase of appropriate and needed culverts from FW Webb for a price not to exceed \$13,000. Peter Duval seconds. The motion is approved by a vote of 3-0.

Fuller Road Culvert Kurt Johnson, Highway Infrastructure Chair, discusses the Fuller Road culvert that was replaced when road work was going on on Irish Settlement Road. The new culvert, provided by the town, is too short, needs to be 5-6 feet longer. In order to prevent it from being squished, 2+ feet of material placed on top caused a narrower road with steeper slopes. Noticing some erosion. In doing the work on Corbett Road, some concrete waste blocks were found, Kurt Johnson proposes having them moved from the gravel pit to Fuller Road and install them there. Kurt Johnson expects it will be about one day, or under a day, of work. Kurt Johnson notes that if we don't, the steep banking will continue to erode into the stream, an Act 64 issue. Cost includes paying town road crew employees to transport, excavate and complete the project. Kurt Johnson asks if the town is willing to do this, or if Jeff Moulton should talk with his neighbors and hire someone for this job. Bob Stone notes the need to address the Class 4 Road Policy problem, mentions that it will be the last time he approves any expenditures on Fuller Road, and requests a Class 4 Roads Policy presented to the Selectboard by the end of the year. Andrew Strniste replies to Bob Stone, about Class 4 Road policy, and wants to be sure we are treating Fuller Road equally to other Class 4 roads. Kurt Johnson notes that other Class 4 Roads, Downes Road and Butler Road, have received materials from road projects; Jeff Moulton spent 2 weeks and \$2,000 to rent a machine and grating the road as the material was brought to them for this culvert. Dan Steinbauer asks if Jennifer Silpe-Katz could get a spreadsheet on how much money has been spent on Fuller Road. Bob Stone motions to accommodate Fuller Road with proposal Kurt Johnson presented. Peter Duval seconds. Bob Stone is appreciative of Kurt Johnson's efforts but notes equity of Class 4 roads. The motion is passed by a vote of 3-0.

Authorize Stitzel, Page & Fletcher to represent the Town on Supreme Court Docket No. 2020-208 re: Environmental Division Docket No. 129-10-19 Vtec. Dan Steinbauer moves to authorize Stitzel, Page & Fletcher to enter an appearance in Supreme Court Docket No. 2020-208 entitled “In RE Duval C.U. (that is Conditional Use) Denial,” and to take all necessary and appropriate steps to defend that appeal. Bob Stone seconds. Peter Duval recuses himself. Bob Stone discusses that it is open-ended, and asks if they will see it through to conclusion; Dan Steinbauer responds about a second motion. Dan Steinbauer and Bob Stone approve the motion. Peter Duval recuses, and the motion passes by a vote of 2-0-1.

To the extent any express authorization may be required, Dan Steinbauer moves to authorize, ratify and confirm the legal services of Stitzel, Page & Fletcher in connection with all aspects of the Duval appeals to the Environmental Division, including the town’s cross-appeal, and to further authorize, ratify and confirm such other legal services as have been provided to the town by the town’s attorneys to date. Bob Stone seconds. Peter Duval is recused from the agenda item, but speaks as a member of the public; this is significant that the selectboard is now authorizing past-action, which affects many other matters in the town and selectboard, as there are projects done on behalf of the town without the selectboard being involved. Dan Steinbauer and Bob Stone approve the motion, Peter Duval recusing, and the motion is passed by a vote of 2-0-1.

8:40 p.m. Updates from Town Administrator Jim Beebe-Woodard met with Peter Bennett and Rick Heh about the demolition range. Jim Beebe-Woodard plans to meet with Peter Bennett again on Monday.

Jim Beebe-Woodard discusses completion of the TA-60 form to the Agency of Transportation. Not sure if the whole selectboard needs to sign it, or just the Chair; Jim Beebe-Woodard will check with AOT tomorrow.

Jim Beebe-Woodard is following up with Energy Committee members on the heating and tank. It is not permitted to fill the underground oil tank with sand because it is accessible. Peter Bennett has provided some information. Jim Beebe-Woodard proposes that this summary is presented to the Selectboard at the next meeting.

Jim Beebe-Woodard would like to be involved in improvement and updates of the town hall, due to interest and past contractor experience. Most pressing issue in the town hall is the gutters. Jim Beebe-Woodard has initiated some calls, and will refer back to the Selectboard if the cost requires Selectboard approval.

Jim Beebe-Woodard discusses complaints he has received from Black Lives Matter paintings on the roads. Including the new painting on Mountain Road, residents have asked Jim Beebe-Woodard when the town will come to cover it up. Jim Beebe-Woodard supports the Black Lives Matter movement and struggles with the defacement of public property, and is looking for guidance in this complicated situation from the selectboard. Dan Steinbauer hopes that the painting on the roads as a desired expression would stop; he is not sure how to cover them up and what the expense is; Dan Steinbauer is wondering if there are ideas from the advisory committee. Bob Stone suggests clean the road with pressure washing, but is open to asking for guidance from newly-formed body from earlier and suggests Jim Beebe-Woodard could advise the public that the town is certainly aware of the paint on the roads and they are working towards addressing the problem and would appreciate further tolerance and guidance toward this issue. Peter Duval asks Nate Sullivan about the paint on

the road about plowing or sanding, Nate Sullivan is no longer present in the meeting. Dan Steinbauer suggests the new advisory committee tackles this issue and gives a recommendation; and notes that it speaks louder if individual citizens have signs on their property, suggesting artists could sell signs. Dan Steinbauer recognizes the intent is to wake people up, but it can cause people to deface it. Bridget Stone-Allard shares a story and discusses that signs in lawns are protected more than those in the road and is considering equity banners around town. Discussion continues about potential counter-protests. Dan Steinbauer suggests talking with AOT. Peter Duval states that sometimes non-reaction is the best reaction. Jim Beebe-Woodard will report back during the next meeting.

In the Beartown Road Solar Array, tagged trees were cut by Nate Sullivan and crew. Jim Beebe-Woodard went to the site with Green Lantern Solar for another walk yesterday morning and found out the tagged trees were forming a line of trees to be cut and about $\frac{1}{3}$ to $\frac{1}{2}$ acre of trees are still to be cleared. Jim Beebe-Woodard reached out and met with the forester, Mike Ovitt, this morning, and he gave an impression of cost. The forester expects 3-4 days of work, stacked timber to go to McNeill, potentially firewood to be set aside, or donated. Weight would pay for the cost of trucking, town would pay for his time to remove trees, chip smaller items; the forester would provide the town a substantially reduced rate. Jim Beebe-Woodard suggests moving quickly, to begin getting power from the solar array, and also believes it is in good form to offer to walk the cutting line with the abutting neighbor, and is willing to reach out. Dan Steinbauer suggests not soliciting other bids, but there rules around the dollar amount. Bob Stone asks if it is Green Mountain Powers's responsibility to clear, as they may have been unclear about the size and scope of the project; Jim Beebe-Woodard notes that we agreed to do the clearing. Jim Beebe-Woodard will provide an estimate for Selectboard review.

Bridget Stone-Allard asks about the other items from Bridget Stone-Allard's prior proposal. Dan Steinbauer, included them in one motion, and believes it is part of the mission statement for the group. Discussion about the Chittenden County Sheriff and programs on equitable policing.

9:20 p.m. Warrants and Minutes: Review/Approve current Warrants and the Selectboard minutes from August 4, 2020 and August 17, 2020.

Dan Steinbauer motions to approve minutes for August 4, 2020 Regular Meeting of the Selectboard. Bob Stone seconds. Discussion: Some typos include Line 13, name misspelling, and previous correction of the wording around adverse possession. Peter Duval suggests draft minutes come direct to the selectboard. The minutes are approved by a vote of 3-0.

Dan Steinbauer motions to approve minutes for August 17, 2020 Special Meeting of the Selectboard. Bob Stone seconds. Discussion: None. The minutes are approved by a vote of 3-0.

9:25 p.m. Member Items, Correspondence, Announcements, Schedule, The next regularly scheduled Selectboard meeting will be Tuesday Sept. 1st, 2020 at 4:00 p.m.

Brief discussion of correspondence including, access permit memorandum from Andrew Strniste, Bob Heiser letter from VT Land Trust and VT State Police Letter.

Bob Stone would like to acknowledge the passing of John French, a prior Selectboard Member and community member. Send the French Family a card of condolences on behalf of the Town of Underhill. Sherri Morrin suggests flowers. Jim Beebe-Woodard will complete this and follow up with Bob Stone for details.

9:30 p.m. Executive Session per title per Title 1 V.S.A. § 313(2) to discuss the negotiating or securing of real estate purchase or lease options. Including Town Administrator, Jim Beebe-Woodard and Zoning Administrator, Andrew Strniste.

10:27 p.m. Exit Executive Session Action Taken: Jim Beebe-Woodard will reach out to Jeff and Nancy Alexander to arrange a site visit with Bob Stone.

10:28 p.m. Adjournment Dan Steinbauer moves to adjourn. Bob Stone seconds. Meeting is adjourned by a vote of 3-0.

Submitted by Laurie Graham, Record Keeper.

Read and approved as submitted/amended:



Dan Steinbauer, Chair

9/10/2020

Date Signed

9/1/20

Date Approved