

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
Underhill Town Hall
Tuesday, April 24, 2018 6:00 p.m.**

Selectboard: Kurt Johnson, Pat Sabalis and Cat Kearns (attending via Zoom)

Town Staff: RaMona Sheppard

Public: Ruth Miller (MMCTV), Andrew Hadley, Craig Lassiter, Michael Mellott, Francine Mellott, Daniel Lee, David Weaver, Robert Gingras, Duby Thompson, Richard Hawley, Anne Hawley, Jan Steinbauer, Dan Steinbauer, Miriam Pendleton, Steve Webster, Peter Geise, Peter Bennett, Georgann Pedrotty, Kate Yeh, Elaine Herman, Peter Duval, Sue Clark, Karen McKnight, Harrison McCandless John Connell, Susan Lassiter, Roger Frey, Susan Thomas, Penelope Moore, Greg Schmidt, Elliot Danforth

6:05 p.m. Call to order, adjustments to agenda. Meeting called to order by Kurt Johnson. Additions made to the agenda: discussion of formal record of action regarding pay in lieu of insurance.

6:06 p.m. Public Comment Period. None

6:06 p.m. Finance Director: 'Cash in Lieu' (CIL) of Insurance, Invoice Approval.

Selectboard and staff discussed the CIL and proposed resolution.

Kurt Johnson moved the Selectboard sign the resolution as drafted. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Invoices to be discussed at May 8, 2018 Selectboard Meeting.

6:13 p.m. Access Permit

Brian Tijan & Tina Norris, Work in Right-of-Way/Access permit (WS026). Contractor Andrew Hadley in attendance to discuss application with the Selectboard. Proposal is that the utilities will be trenched from a utility pole on property owned by the Tisberts outside of the Westman Road R-O-W to a point across from the Tijan/Norris access. Stone Underground Construction will dig access pits outside of the Westman Road right of way and will bore between the pits at a minimum of four feet (4') below the surface of the road.

Kurt Johnson moved to approve Access Permit for work within the municipal Right-of-Way (ROW) with the following conditions:

- Boring Pits to be outside of the Westman Road Right-Of-Way.
- Utilities to be in conduit.
- Minimum depth under the travelled portion of town road to be 4 feet below the surface of the road.
- Minimum depth below bottom of ditch in Town Right-Of-Way to be 2 feet.
- Applicant to give Road Foreman 48 hours notice prior to boring,

Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

6:20 pm. Old Business

Albertini Lease Land Quit Claim Deed (PV139). Richard J. and Barbara A. Albertini, and John J. Albertini and Christine Albertini as Trustees of the Albertini Revocable Declaration of Trust, requested that the Town of Underhill convey to them or their successors in interest any and all of the Town's lease interest in their land at PV139. The issue arose because their land may consist of glebe land or leased land. On May 22, 2018, the Town posted and published public notice of this proposed conveyance under 24 VSA sec 1061. Thirty days have elapsed since the statutory required public notice and there has been no petition objecting to the conveyance. The only consideration would be for the Applicants to reimburse the Town for its expenses and legal fees

The Selectboard advised those in attendance that there is a bill before the Government Operations Committee that hopefully the Legislature would act on this session that would eliminate the notice posting requirement.

Kurt Johnson moved to authorize the Chair to sign the Quit Claim Deed as prepared in which the Town of Underhill conveys to the Albertinis or their successors in interest any and all of the Town's lease land interest in their land located adjacent to and westerly of the centerline of Pleasant Valley Road right-of-way said property containing 25.02 acres, more or less, as shown on Map Slide 304A in the Town of Underhill Land Records with the condition that the deed be retained until all fees are paid. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Draft RFPs for Irish Settlement Culvert Replacement and Pleasant Valley Road Bridge #8 Repairs

Draft RFPs reviewed. No changes were made.

6:26 pm. Warrants and Minutes. By consensus the Board reviewed and signed current warrants.

Pat Sabalis moved to approve the minutes of the April 10, 2018 Regular Meeting of the Selectboard. Cat Kearns seconded and the motion passed on a roll call vote of 2-0-1, Kurt Johnson abstaining.

6:30 p.m. Col. Robert Gingras, Camp Ethan Allen Training Site (CEATS), accompanied by Major DUBY THOMPSON. In response to local discussions regarding the extent of activity at CEATS over the weekend of April 7 and April 8, 2018, Col. Robert Gingras offered to attend an upcoming meeting. The Chair thanked him for his responsiveness and attendance and invited the public to express their concerns respectfully.

The following Underhill residents addressed Col. Gingras: Michael Mellott, Jan Steinbauer, Pat Sabalis, Craig Lassiter, Susan Lassiter, Daniel Lee, John Connell, and Georgeann Pedrotty. In response to Ms. Sabalis' questions about the lack of monthly firing schedules and the absence of detail, Col. Gingras explained that communication with the Town slipped when the individual tasked with providing schedules was deployed. Col. Gingras and Major Thompson committed to make every effort to provide the Town with schedules that were more specific than recent schedules, and if the schedule slipped, the Range would notify the Town by email. Col. Gingras invited citizens to call the Range directly (899-7013) if they had concerns.

Mr. and Mrs. Lassiter expressed their support for the soldiers training on the Range and stated that they were happy that the Range was in the area.

Mr. Mellott, Mr. Connell and Ms. Pedrotty expressed their concerns regarding the noise from the Range so close to residential areas. Mr. Connell asked that there be more communication between the Town residents and the Range officers so that the Range could understand what residents experience and the residents could understand the Range's challenges. John Connell at the request of the Selectboard Chair volunteered to head an ad hoc committee to promote improved communications and relationship with the Range. In addition it was encouraged that this group reach out to Bolton and Jericho as well.

In response to Ms. Pedrotty's concerns about the firing range near Beartown Road, Col. Gingras explained that the Range made efforts in the past to mitigate the noise. It hired a noise consultant in 2012-2014, planted some trees and would be willing to hire a noise consultant again. He explained that Range 7.1, which was built about 10 years ago, is a small arms (.223 caliber) range with speakers that were converted to smaller speakers closer to the soldiers' level so the speaker volume could be reduced.

Mr. Lee expressed concern regarding military personnel traveling in civilian vehicles up Range Road and asked that the Range management remind drivers of the 25 mph speed limit on Range Road. Col. Gingras suggested that people call the Range and report the license plate numbers of those who do not observe the speed limit, and they may call the State Police or sheriff.

7:05 pm. New Business: Employee Evaluation and Opportunities for increased use of digital media and transparency.

By consensus, the Board agreed that Town employee evaluations would take place on May 30, June 6 and June 20, 2018.

Transparency: Cat Kearns suggested that the Board could increase transparency by posting a link on Front Porch Forum to the Selectboard minutes and the MMCTV video of Selectboard meetings. Pat Sabalis proposed that the Board could summarize new developments in Town-wide issues (like the lease land legislation before the Legislature), circulate the summary to other Board members, and post the summary on Front Porch Forum once approved by the Board. Kurt Johnson suggested that the Town post news about road closures and road work. Kurt described a system, SeeClickFix that Burlington used to solicit information and comments from residents who could post photographs and information and send the data to the city. After some discussion, the consensus was that a town the size of Underhill probably did not need another system, but that the Town could be more proactive in inviting input from residents.

7:25 p.m. Member Items, Correspondence, Announcements, Schedule. Notice made that the next Regular Selectboard date is May 8, 2018.

Correspondence. Selectboard acknowledged receipt of.

- Proposed Memorandum of Understanding between the Town of Williston Fire Department and the Underhill Jericho Fire Department. After review, the consensus of the Selectboard is to have the Chair sign.
- Budget Status Report and Unassigned Fund Balance, both dated April 20, 2018.
- Zoning Administrator Memorandum regarding Temporary Access Permit issued at DE048.
- May 5, 2018 Green Up Day Information.
- Notification from Susan Thomas that Old Schoolhouse #5 has been listed on the National Register of Historic Places.

7:31 p.m. Executive Sessions.

Pat Sabalis has information to discuss regarding the Town of Underhill entering into a contract for professional services.

Chair moved that the Selectboard find that premature general public knowledge of pending contract negotiations would clearly place the Town at a substantial disadvantage by disclosing its negotiation strategy. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Chair moved that the Selectboard enter Executive Session to discuss possible contract under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

At 7:48 p.m. the Chair moved to exit Executive Session. Pat Sabalis seconded the motion and it passed on a roll call vote of 3-0.

No action taken as a result of the Executive Session.

At 7:49 p.m. Selectboard wanted to discuss information received from town attorney related to litigation over the Crane Brook Trail.

Chair moved that the Selectboard find that premature general public knowledge of pending or probable civil litigation involving the Town would clearly place the Town at a substantial disadvantage. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Chair moved that the Selectboard enter Executive Session to discuss pending or probable civil litigation that the Town is a party to under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

At 8:08 p.m. the Chair moved to exit Executive Session. Pat Sabalis seconded the motion and it passed on a vote of 2-0 (Cat Kearns had to leave the meeting during executive session).

No action taken as a result of the Executive Session.

8:09 p.m. Adjournment. On a motion made by Kurt Johnson and seconded by Pat Sabalis the Selectboard voted to adjourn on a vote of 2-0.

Submitted by Pat Sabalis, Vice Chair

Read and Approved as submitted/amended



Kurt Johnson, Chair

5-8-2018
Date