

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES  
Underhill Town Hall  
Tuesday, May 22, 2018 6:00 p.m.**

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

**Town Staff:** RaMona Sheppard, Nate Sullivan and Brian Bigelow

**Public:** Ruth Miller (MMCTV), Mike Timbers, Marjory Curran, Dennis Curran, Suzanne Graham, Jeff Moulton, David Curtis, David Boera, Nancy McRae, Theresa Potvin, Tim Potvin, Karen McKnight, Amy Golodetz, Emile Soisson, Dan Steinbauer, Sarah Reeves

**6:00 p.m. Call to order, adjustments to agenda.** Meeting called to order by Kurt Johnson. Addition to the agenda: add an Executive Session to discuss a potential contract.

**6:01 p.m. Public Comment Period.** Dennis and Marjory Curran in attendance to discuss potential subdivision and access questions. The Currans will work with staff on their applications.

The next item on the agenda (Tech Group) had called to advise that due to traffic they would be late. By consensus the Selectboard will modify the agenda to discuss items where interested parties are in attendance.

**6:06 p.m. Jericho Underhill Park District (JUPD).** Suzanne Graham spoke with the Selectboard regarding her interest in a vacancy on JUPD Board of Trustees. Graham described herself as a frequent visitor to the Park, with an Environmental Science degree and an eagerness to contribute locally.

Kurt Johnson moved to appoint Suzanne Graham to the JUPD Board of Trustees. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**6:09 New Business**

**Dental Insurance.** Finance Director Mona Sheppard and Selectboard discussed the proposed renewal of dental coverage as per Finance Director's memorandum of May 18, 2018

Kurt Johnson resolved that Underhill renew insurance coverage with Northeast Delta Dental. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Road Salt usage.** Memorandum from Finance Director RaMona Sheppard reviewed. Informational discussion re the continued increase in road salt usage. Town Administrator, Road Foreman and Selectboard Chair to further research use of road salt.

**6:14 p.m. Tech Group, Contract for Computer Services, Computer Warranties**

David Boera and David Curtis of Tech Group in attendance. For the past ten years Tech Group has been the Town of Underhill's contract IT service provider. The Contract services include: Help Desk, on site and cloud back up, managed email, system monitoring and security patch management, etc. The current three year contract expires 7/1/18. New contract would be at the same cost (~\$8,400) for the same services. Third party patch security would add approximately \$500 per year.

Age of server and duration of support discussed. A decision on the server will need to be made by 2020. Tech Group to present options Cat Kearns and Mona Shepard to spearhead discussions.

**6:26 p.m. Access Permits**

**Timbers (IS650 Final Access Approval.** Applicant Mike Timbers in attendance to discuss application with Selectboard. Cat Kearns asked questions about the ability to obtain Homeowner’s Insurance in light of the reservations expressed in the UJFD’s letter of May 15, 2018. Applicant doesn’t anticipate that to be an issue. Additional discussion: about proposed slope, the potential environmental impacts of blasting, the proximity of neighbor’s well, the waiver for a 12% grade in a limited area (between stations 0+50 and 3+00) approved as part of the January 16, 2018 Preliminary approval, the May 2, 2018 memorandum of the Zoning Administrator and the February 26, 2018 Development Review Board approval.

Kurt Johnson moved to approve the Access Application of Mike and Lisa Timbers. Pat Sabalis seconded.

Additional discussion ensued. Pat Sabalis discussed the extent of the waiver sought, and spoke to her willingness to consider a 12% grade waiver up to the 50’ length allowed under the ordinance. Kurt Johnson emphasized his view that the request was minor. Applicant expressed his concern was not financial in nature but rather the potential impacts of the environment in general and the nearby water source specifically. In addition he opined that the 12% grade would be as short as 150 feet.

At the conclusion of discussions the vote failed on a roll call vote of 1-2. Pat Sabalis and Cat Kearns voting against and Kurt Johnson voting in the affirmative,

Applicant asked that a previous site plan be considered.

Kurt Johnson moved to approve the Access Application of Mike and Lisa Timbers with standard conditions and a waiver for a single 50 foot section with a maximum grade of 12%. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Potvin (MR027) Accessory Dwelling.** Tim and Theresa Potvin discussed application with Selectboard.

Kurt Johnson moved to approve the Access Application of Tim and Theresa Potvin with standard conditions and a 36’ x 18” culvert and install a ‘Hidden Drive Ahead’ west of the access point. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**6:54 pm. Bid Awards: River Road Paving and Cracksealing**

**River Road Paving.** Four bids were received on May 8, 2018.

FW Whitcomb	\$67.79/ton	1,475 tons	\$99,990.25	11,088lf
SD Ireland	\$63.27/ton	1,580 tons	\$99,966.60	7,900lf
J Hutchins	\$66.00/ton	1,500 tons	\$99,000.00	7,350lf
Pike	\$65.10/ton	1,530 tons	\$99,603.00	10,500lf

**Cracksealing.** Two bids were received 2018.

Nicom	\$3,950 per day for a five day total of \$19,750
Freshcoat	\$3,600 per day for a five day total of \$18,000

Consensus of Selectboard was to seek input from the Highway Infrastructure and Equipment Committee at their next meeting of May 13, 2018. Recommendations by the HIEC were to accept the low bid for by SD Ireland for River Road Paving and to accept the slightly higher bid of Nicom based on completeness of bid (Freshcoat did not provide the required information about the material to be installed) and a desire to have a second contractor to compare output and performance. Freshcoat had been awarded the contract the past two years.

Kurt Johnson moved to award the River Road paving Contract to SD Ireland at the bid price of \$63.27/ton. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

Kurt Johnson moved to award the Carcksealing Bid to Nicom at the bid price of \$3,950 per day for five days. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**7:00 pm. Underhill Conservation Commission (UCC) Proposed Invasive Species Treatment Site and Draft Crane Brook Conservation District Land Management Plan.**

Karen McKnight, Amy Golodetz and Nancy McRae from the UCC and area property owner Jeff Moulton in attendance. Area Property Owner David Demarest submitted two emails which were disbursed to the Selectboard and UCC Chair Karen McKnight.

UCC plan to address one patch of Japanese Knotweed on CBCD land. In coordination with State and County experts, the plan is UCC will use line item funds to purchase black plastic to ‘smother’ 125’ x 30’ patch after plants are ‘knocked down’. UCC requests that the Road Crew be available to assist with covering the plastic. Consensus of Selectboard is that this was appropriate.

Jeff Moulton talked about his concerns within Draft plan. In his emails David Demarest expressed similar concerns. The negative impacts on Moulton’s and Demarest’s access by cars not having a parking area outside of the right-of-way was an expressed concern. The ongoing litigation and proposed subdivision were also raised. Jeff Moulton willing to meet on site with UCC members.

Pat Sabalis expressed a desire that David Demarest could communicate some of his thoughts in a more productive, less insulting manner.

**7:18 p.m. New Business (con’t)**

**Recreation Committee Vacancy.** Emilie Soisson meet with the Selectboard and discussed her interest in serving on the Recreation Committee

Kurt Johnson Moved to appoint Emilie Soisson to fill the remainder of a three year term expiring in 2020 on the Underhill Recreation Committee. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Bridge #8.** Kurt Johnson relayed the results of the Site Visit for interested bidders at Bridge #8 on Pleasant Valley Road. Consensus opinion was that there were too many unknowns to submit a responsible bid. Suggestion to pull the bid and retain an engineering firm to identify the extent of deterioration and reduce the amount of unknowns. VTrans Structures representatives will be on site to inspect bridge on May 29<sup>th</sup>.

Kurt Johnson moved to pull the Request for Proposals for BR#8 repairs. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

**Purchasing Policy.** Selectboard discussed the number of issues with goods and services being purchased reviewed above the \$1,000 threshold of the Purchasing Policy. In recognition that some of the purchases are time sensitive having them held until the next Selectboard meeting was not advantageous. Discussion ensued about having one member of the Selectboard authorized to review and authorize some purchase in appropriate situations. Previous incarnations of the Selectboard have used this process. In addition that Selectboard member would be expected to not only react to staff raised questions but to initiate discussions about single or cumulative expenditures at that level.

Kurt Johnson moved the Selectboard appoint from their body a member to review purchases in the \$1,000 to \$5,000 range. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Kurt Johnson moved the Selectboard authorize Kurt Johnson to act as the Selectboard member who review emergency purchases in the \$1,000 to \$5,000 range. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Fuller Road Culvert. Culvert on Class 4 Fuller Road is failing. The Town has as equivalent culvert in inventory it would be narrow (20') but equivalent to the existing. Consensus to discuss the suitability of utilizing a 28" x 20' HPE culvert on Fuller Road. Jeff Moulton concurred that it would not be an easy fix but it would be appreciated.

Due to attendance the agenda item for Chittenden Solid Waste District (CSWD) will be skipped over.

#### **7:45 p.m. Old Business.**

**Employee Evaluations.** Town Administrator to schedule attendance. For the Special Meetings to be held May 30, June 5 and June 20. Input from Road Foreman to be sought before interviews with Road Crew. Input from Chairs of Development Review Board and Planning Commission Town bodies sought for their staff.

#### **7:48 p.m. Warrants and Minutes.** By consensus the Board reviewed and signed current warrants

Kurt Johnson moved to approve the minutes of the May 5, 2018 Regular Meeting of the Selectboard. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

Kurt Johnson moved to approve the minutes of the May 16, 2018 Special Meeting of the Selectboard. Pat Sabalis seconded and the motion passed on a roll call vote of 2-0-1 with Cat Kearns abstaining.

#### **7:56 p.m. Member Items, Correspondence, Announcements, Schedule.** Notice made that the next Regular Selectboard date is June 5, 2018.

**Correspondence.** Selectboard acknowledged receipt of.

- Memorandum re: MSK invoice of April 30, 2018. Consensus to pay bill.
- Memorandum re Gilliam Brothers Invoice. Kurt Johnson in the role of reviewing emergency purchases authorizes the Gilliam invoice in the amount of \$1,452.12.
- Final Report of Stormwater Master Plan dated April 30, 2018.

- Governor Scott's proclamation of May 20-26, 2018 as Public Works Week. Selectboard recognized the good work performed by Underhill employees.
- Budget Status Report, dated May 18, 2018.
- Memorandum re: Potvin Conditional Use Application Fee. Due to a communication error a DRB Site Visit was not attended by any DRB members while the applicant's had sent their engineer. Applicants are requesting waiver of that cost (~\$450.00) be applied to their Conditional Use fees.

Kurt Johnson moved to reduce the fees owed the Town by an additional \$150, for a total of \$300. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

- Appointment letters for three Regional Planning Commission Committees. Interested parties to be sought. Appointments required prior to July 1<sup>st</sup>.

**8:10 p.m. Chittenden Solid Waste District (CSWD).** Sarah Reeves (CSWD General Manager) and Dan Steinbauer (Underhill Representative to CSWD) in attendance to discuss CSWD programs and FY19 CSWD budget. Sarah Reeves presented updates and future plans. Budget to stay level. General discussion about educational opportunities.

Kurt Johnson moved to approve the FY19 CSWD Budget as prepared and presented. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

### **8:37 p.m. Executive Sessions.**

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 8:45 p.m. the Chair moved to exit Executive Session. Pat Sabalis seconded and the motion passed on a roll call vote of vote of 3-0.

No action taken as a result of the Executive Sessions.

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.

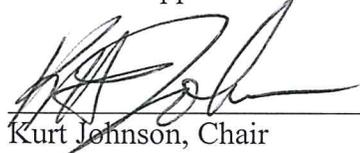
At 9:05 p.m. the Chair moved to exit Executive Session. Pat Sabalis seconded and the motion passed on a roll call vote of 3-0.

The Selectboard announced that the Town will begin to use the firm of Stitzel, Page & Fletcher P.C. for new future legal needs.

**9:06 p.m. Adjournment.** On a motion made by Kurt Johnson and seconded by Pat Sabalis the Selectboard voted to adjourn on a roll call vote of 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended



Kurt Johnson, Chair

6-5-18

Date