

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES  
Underhill Town Hall  
Tuesday, July 17, 2018 6:00 p.m.**

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

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

**Public:** Ruth Miller (MMCTV), Anton Kelsey, Douglas Edwards, Stan Senger, Peter Czaja, Peter Davis

**6:00 p.m. Call to order, adjustments to agenda.** Meeting called to order by Chair. Additions to the agenda: Add Chittenden County Sheriffs contract.

**6:01 p.m. Public Comment Period.** Anton Kelsey discussed the Underhill Recreation Committee's concept of signage to promote the Town Recreation Area. Two signs are proposed. One at the Recreation Area and one at the intersection of Pleasant Valley Road and Stevensville Road. No additional information about the signs at this time. The Recreation Committee will research more with Selectboard approval.

Kurt Johnson moved approval of signs in public right-of-way as described and within the Recreation Committee's budget. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**6:02 p.m. Old Business**

Selectboard and staff reviewed memorandums on the following subjects:

**Vendor Review - July 1, 2017 to June 30, 2018:** 80+ vendors. Review of Highway vendors show that good practices are being followed: quotes are obtained when multiple vendors are available, utilizing suppliers first (Southworth Milton for Caterpillar parts and services), availability is important on many projects (ex. repairs and emergency tree work), proximity is important on hauling materials, utilize state contract pricing when available (ex. road salt and tires), Some services are functionally sole source (ex. chloride application or roadside mowing). Fuel identified as one item that should be solicited every two years, otherwise the Selectboard affirmed that current practices and procedures are adequate. No changes recommended.

Discussion ensued with Road Foreman regarding establishing a practice of pre inspecting vehicles prior to annual inspection to correct straightforward deficiencies in house first.

**Tech Group Managed Service Proposal.** Proposed 3<sup>rd</sup> Party Patch on the file server was discussed and is considered not warranted at this time and to leave at current level. Cat Kearns summarized her research on Logic Monitor® and does not recommend adding peripheral programs to the network at this time.

Kurt Johnson moved the Selectboard include no additional services in the Town's contract with Techgroup. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Health Insurance Advisory Services.** RaMona Shepard passed on results of her contacting municipalities that subscribe to the Health Insurance Advisory Services (HIAS) through Vermont League of Cities & Towns (VLCT); VLCT Employment Resource and Benefits Trust (VERB). In aggregate there is no consensus that municipalities are seeing any savings but that there may be some

educational value. Cost confirmed as \$500 initially and then \$15 per employee per month. Selectboard asks that BCBSVT and MVP representatives come before the board with recommendations coverage and potential cost savings.

**River Road Paving.** Mike Weisel in attendance to discuss the width of travelled lanes. His proposal is to narrow the lane width both as a traffic calming measure and to provide more smooth area for bicyclists and pedestrians. Road Foreman mentions that this has come up before. Pat Sabalis to contact former Selectboard Chair Cliff Peterson. Staff to find Selectboard minutes of discussion and will contact VTrans for requirements. Subject to be readdressed at a future meeting. Discussion continued regarding solicitations of quotes for line striping. Two quotes received to date: L&D at \$0.15 per linear foot and Scott's at \$0.11 per linear foot.

Kurt Johnson moved accept the quote of Scott's Linestriping for fog lines at \$0.11 per linear foot. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Electronic Calendar.** Discussion about establishing a common calendar for Selectboard and employees. RaMona Sheppard will contact Techgroup for suggestions. Consensus to utilize a single paper version unless and until an electronic one is established.

**Turn Arouds and Intersection Sightlines.** Chair passed on discussion with Road Foreman regarding problematic turnarounds and intersections. They will contact landowners.

**Invoices.** Road Foreman advised of invoices in excess of \$1,000.

Kurt Johnson moved to approve the purchase of Grader Blades and carbide scarifier bits from HP Fairfield in the amount of \$1,572.50. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

Kurt Johnson moved to approve the purchase of signs and posts from Work Safe Inc. in the amount of \$1,487.20. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

#### **6:51 p.m. Access permits**

**Douglas Edwards, Repa Trail Access and work in right-of-way.** Applicant Douglas Edwards in attendance. Applicant confirmed he was familiar with the relevant Settlement Agreement. Questions about phrasing in Settlement Agreement to be considered prior to use. Applicant supplied a copy of the Forest Management Plan prepared by Greenleaf Forestry.

Kurt Johnson moved the Selectboard approve the application subject to the following conditions:

- Access and work within Repa Trail right-of-way is subject to a Chittenden County Superior Court (Docket No,333-15 Cncv) Settlement Agreement. Per Paragraph 5 of the Settlement Agreement, Plaintiffs are responsible for obtaining all requisite permits and: "*... All such permits shall include an express reference to the limitations on use set forth in Paragraphs 1 and 2.*" (emphasis added)

*Paragraph 1: "The Parties agree that plaintiff enjoys a common law easement over the Repa Trail sufficient in scope to allow for its use to access a single residential home and limited timber management and removal. This limitation applies on to the extent access to Plaintiffs' land for such residential use or timber management and removal involves*

*the use of Repa Trail. If the Plaintiffs develop an alternative access, the use of said alternative access shall not be restricted by this agreement.”*

*Paragraph 2: “Plaintiff’s easement rights hereunder are not assignable. Plaintiffs may not allow third parties to use the easement to remove timber from property not owned by the Plaintiffs. This Agreement shall inure to the benefit of the Parties’ successors.”*

- Access approval limited to the uses agreed upon on in Paragraph 1 of the Settlement Agreement: “ ... *single residential home and limited timber management and removal*”.
- Applicant to contact Dig Safe (Call 811 or 888-DIG-SAFE) prior to commencing work.
- Applicant to contact Road Foreman (Call 899-9959) 48 hours prior to commencing work and again at the completion of work.
- The driveway shall be built as shown on drawing(s) titled: Douglas Edwards Driveway Access Design Repa Trail, Underhill prepared by Barnard & Gervais, LLC (Project #18046, Drawings S-1 and D-1, dated 06-18-2018) and attached to this permit.
- The erosion prevention and sedimentation control practices set out on the drawings referenced above shall be followed.
- Applicant’s Consultant to provide Certificate of Compliance that the improvements have been installed according to plans prior to utilization of Repa Trail for those uses specified in Paragraph 1 of the Settlement Agreement.

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

**Michael & Eliza Kramer (AR003).** Contractor Peter Czaja in attendance to discuss application with Staff and Selectboard. Peter Czaja requests the Selectboard perform a site visit. Item will be added to the July 18, 2018 agenda.

#### **7:09 p.m. New Business**

**Peter Davis, Fee Waiver request (PV001).** Peter Davis in attendance to discuss request with Selectboard. Circumstances of the 2018 zoning bylaw amendments and lack of demand for commercial space discussed. Proposed work is 725 square feet being converted from commercial to residential changing the use of the 3,618 square foot structure from Mixed Use to Multi-family residential. Consensus of Board is that the bylaw amendment timing and actual scope of the project are legitimate mitigating factors.

Kurt Johnson moved to base the fee on the square footage impacted rather than the change of use classification resulting in a permit fee of \$195.75. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

**Loader Tires.** Item was moved up to take advantage of Road Foreman’s presence. Road Foreman advised of tire failure. Loader drive tires need to be replaced in pairs so the question is try to:

1. repair the tire, insert a tube or purchase a new matching tire or,
2. go with a new pair.

No determination at this time. Additional research to be conducted.

**7:51 p.m. Road and Structures Bond.** Conversation with Town Attorney recommended to be held in Executive Session.

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 8:20 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 Session.

**Grading of Class 4 portion of Stevensville Road.** Karen Davis email of July 10, 2018 reviewed. Discussion about what was approved previous year (year round maintenance or just winter plowing of steep portion) ensued. Consensus to consider request. Notice made of trailhead at the end of Stevensville Road that contributes an inordinate amount of traffic.

Kurt Johnson moved to authorize the grading the Class 4 section of Stevensville Road as necessary to address the wear and tear and safety issues due to the heavy volume of traffic resulting from people accessing the State Park. Pat Sabalis seconded and the motion passed 3-0 on a roll call vote.

Pat Sabalis will readdress possible State funding with Rep. Trevor Squirrel.

**Town Hall Front Steps.** Chair advised that the Front Steps are in need of attention. Town Administrator to contact contractor to determine level of attention required.

**8:32 p.m.** Cat Kearns exits meeting.

**8:33 p.m. Warrants and Minutes.** By consensus the Board reviewed and signed current warrants.

Kurt Johnson moved to approve the minutes of the July 3, 2018 Regular Meeting of the Selectboard. Pat Sabalis seconded and the motion passed on a vote of 2-0.

**8:36 p.m. Member Items, Correspondence, Announcements, Schedule.** Notice made that the next Regular Selectboard date is July 31, 2018. There is a Special Meeting warned for July 18<sup>th</sup> at 1:00 PM for Employee Evaluations.

**Correspondence.** Selectboard acknowledged receipt of:

- June Budget Status Report, dated July 16, 2018.
- July Budget Status Report, dated July 16, 2018.
- Dubois & King Letter of July 10, 2018 re: Vermont Route 15 Paving
- Bryan Davis/CCRPC reply to Dubois & King Letter.
- SD Ireland invoice for River Road Paving in the amount of \$100,880.86

Kurt Johnson moved to authorize the payment of SD Ireland invoice #561.PAVE in the amount of \$100,880.86. Pat Sabalis seconded and the motion passed on a vote of 2-0.

**8:39 p.m. Executive Session.**

Chair moved that the Selectboard enter Executive Session to discuss the appointment or employment or evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes. Pat Sabalis seconded and the motion passed on a vote of 2-0.

At 9:19 p.m. the Chair moved to exit the Executive Sessions. Pat Sabalis seconded and the motion passed on a vote of 2-0.

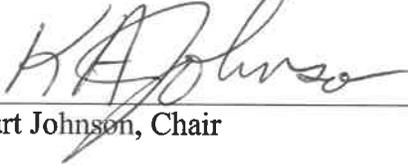
No actions taken as a result of the Executive Sessions.

**Member Items.**

**9:20 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 Brian Bigelow, Town Administrator

Read and Approved as submitted/amended



Kurt Johnson, Chair

8-31-18

Date