

**TOWN OF UNDERHILL
SELECTBOARD REGULAR MEETING MINUTES
Underhill Town Hall
Tuesday, October 1, 2019, 4:00 p.m.**

Selectboard: Pat Sabalis, Dan Steinbauer & Bob Stone

Town Staff: Jennifer Silpe-Katz & Brian Bigelow

Public: Ruth Miller (MMCTV), Charlie Baker, Peter Bennett, Stephen Webster, Roger Frey, Shanie Bartlett, Sam Carlson & Seth Friedman

4:00 p.m. Call to order, adjustments to agenda. Meeting called to order by Pat Sabalis. Additions to agenda: update on FY2020 contracted road projects and discussion about likely cyanobacteria on New Road.

4:01 p.m. First Public Comment Period. Seth Friedman discussed the Moore Park Power Drop and leveling the ground in the ice rink location with the Selectboard. He also emphasized that the Recreation Committee's projects were intended to build community. Quotes are being solicited for leveling and reseeding the ice rink location. Power drop cost coming from Selectboard Contingency line item and leveling from Parks & Landscaping.

4:08 p.m. Charlie Baker, Executive Director, Chittenden County Regional Planning Commission (CCRPC), Annual Report. Charlie Baker, CCRPC Executive Director in attendance to for what he referred to as his "Annual Customer Service Call." Baker and Selectboard reviewed the annual report prepared for the Town of Underhill. There were no additional questions.

4:12 p.m. Jennifer Silpe-Katz, Finance Officer, Budget Status Review. Jennifer Silpe-Katz provided follow up on items unresolved at the September 19, 2019 Meeting. Additional review is required to explain funding sources for the Old Schoolhouse #5 renovations. Finance Officer and Roger Frey will meet to work on this issue.

4:37 p.m. Jennifer Silpe-Katz, Animal Control Officer (ACO), Dog issues. ACO Jennifer Silpe-Katz reviewed status of dog issues related to dogs owned by Cook (PC016), Bernasconi (MD049) and Smith (CO016) with the Selectboard. Shanie Bartlett (CO018) in attendance to discuss the Smith dogs. Concern expressed over the unwillingness of some residents to comply with the local Domestic Pets Ordinance and state registration statute. Review of process and adequacy of local ordinance required. Letters to dog owners as appropriate. Consensus of the Selectboard is to authorize the ACO to involve the State Police in instances when she judges it is necessary. Individual authorizations are not required.

5:09 p.m. Agenda Adjustment. As the representative for the 5:00 agenda item is not present the Selectboard and staff reviewed this year's contracted road projects (Agenda Item added at the beginning of the meeting). FY2020 scheduled paving, crack sealing, and pavement markings are complete. Line stripping is complete in all planned areas with the exception of the recently paved roads. Stripping contractor will be returning now that paving is complete.

5:11 p.m. Sam Carlson, Green Lantern Group (GLG), Beartown Road Solar Array (BE097X). Sam Carlson/GLG and Selectboard reviewed areas of difference in draft lease. GLG considers access and Town representations as resolved in accordance with the Town requests. The inclusion of a security deposit in the Lease agreements is the only outstanding item. Carlson explained the additional costs incurred by GLG because of the longer access road the Town requested. As a result, GLG can't accept the Town's proposal that GLG make a security deposit or pay a higher lease payment. Steve Webster

spoke in favor of the Town signing a Lease Agreement with GLG, citing the financial benefits of the solar array. Since the Public Utility Commission has not issued a Certificate of Public Good, it appears that construction of the solar array will not begin until next year. Further discussion to be held in Executive Session.

4:37 p.m. Old Business

FY20-21 Budget Schedule. No Special Meetings scheduled at this time.

Draft Stop Sign Ordinance. Inventory of municipal road intersections, with and without stop signs, has been completed. Review of Average Daily Traffic (ADT), sight distance and crash history to follow.

Moore Park Power Drop and Leveling. Subject partially covered in Public Comment. No member of Road Crew interested in excavation portion of project on an overtime basis. Staff to notify Linde Electric and Nexus Properties. Staff to continue soliciting quotes for the leveling project and schedule a Special Meeting to review quotes when appropriate.

5:47 p.m. New Business:

FY19-20 Road Salt Contract. Three bids received for 600 tons of bulk rock salt: Cargill (\$78.50/ton), American Rock Salt (\$83.00/ton) and Apalachee (\$85.00/ton). Town has had experience with both Cargill and American and is satisfied with the performance of both.

Bob Stone moved that the Town accept the Cargill quote as presented. Pat Sabalis seconded and the motion passed 3-0.

VLCT PACIF Insurance Renewal. Renewal Application received. Town Administrator to review and complete application. Town Administrator to contact Hickock and Boardman to survey potential cost of commercial insurance.

Cyanobacteria on New Road (Addition to Agenda). Staff summarized status of potential cyanobacteria on New Road: resident contacted Vermont Department of Health with concern and provided a photograph. Determination made that it was likely a cyanobacteria bloom. Town Health Officer posted recommended signage at the site, and the Town notified citizens on Front Porch Forum and Town Website. Staff to collect water sample. Bob Stone offered to deliver to state laboratory. Anton Kelsey and his science students at MMU may monitor the site.

6:03 p.m. Warrants and Minutes. By consensus the Board reviewed and signed current warrants.

Pat Sabalis moved to approve the minutes, with correction, of the September 19, 2019 Regular Meeting of the Selectboard. Dan Steinbauer seconded and the motion passed by a vote of 3-0.

6:05 p.m. Member Items, Correspondence, Announcements, Schedule: Notice made of the next Regular Selectboard meeting scheduled for October 17, 2019. Dan Steinbauer will not be available that evening. Town Office will be closed for new server installation on October 14, 2019.

Correspondence. Notice made of receipt of:

- Vermont State Police Speed Cart Results on northern segment of Pleasant Valley Road from September 4 to September 22. Results show that of 14,483 vehicles, 5,596 vehicles exceeded the speed limit. Staff to post results on Town Website as part of Selectboard's efforts to educate the traveling public regarding the extent of speeding on Town roads and to request compliance with speed limits, and the potential of budgeting additional funds for traffic control.
- Undated memorandum from Underhill Energy Commission regarding decommissioning funds for Beartown Road Solar Array.
- October 1, 2019 email from Steve Webster regarding proposed Beartown Road Solar Array lease.
- Business Resource Services September, 2019 letter regarding changes to health insurance. Larry Smith/Vermont League of Cities & Towns PACIF. Will call and schedule a special meeting to discuss option. Consensus of the Selectboard is that this meeting should be during the workday so employees can attend.

6:11 p.m. Second Public Comment Period. None.

6:12 p.m. Executive Session.

Pat Sabalis moved that the Selectboard find that premature general public knowledge of the review of proposed Land Lease Agreement between the Town of Underhill and Underhill GLC Solar [Green Lantern Group] would clearly place the Town at a substantial disadvantage in negotiations. Dan Steinbauer seconded and the motion passed by a vote of 3-0.

Pat Sabalis moved that the Selectboard enter Executive Session with staff to discuss the proposed Land Lease Agreement with Green Lantern Group under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes. Bob Stone seconded and the motion passed by a vote of 3-0.

At 6:31 p.m. the Selectboard exited Executive Session.

Pat Sabalis moved that the Town enter into to a Land Lease Agreement with Underhill GLC Solar incorporating into the latest redline version of the Lease the parties' agreements related to qualifications on the required Town representations, the access point, and emergency gravel removal. Additionally, in lieu of a decommissioning payment, the Selectboard will propose a Town Meeting Article requiring that an amount to be determined of each year's lease payment be dedicated to a reserve fund for decommissioning purposes if use of such funds became necessary.

Dan Steinbauer seconded and the motion passed 3-0.

Chair will coordinate with municipal attorney.

6:37 p.m. Adjournment: On a motion made by Pat Sabalis and seconded by Dan Steinbauer the Selectboard voted 3-0 to adjourn.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended


Pat Sabalis, Chair


Date