

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES  
THURSDAY FEBRUARY 28, 2013**

**Selectboard:** Brad Holden-Chair, Steve Owen-Vice Chair, Seth Friedman

**Town Staff:** Dawna Brisson-Town Administrator, Kari Papelbon-Zoning & Planning Administrator

**Public:** David Rogers, Gerard Adams, Peter Geiss, David Edson, Clifford Peterson, Helen Wagner, Peter Bennett, Phil Jacobs, Peter Duval, David Demarest, Faith Ingulsrud, Trevor Squirrel, Tim Potvin, Theresa Potvin, Olivia Strong, Paul Noel

**MMCTV:** Ruth

6:00 p.m. Meeting called to Order – Everyone above present except Tim & Therese Potvin, Olivia Strong and Paul Noel  
No public comment

6:00 p.m. Public Hearing on Australian Ballot Questions for Town Meeting 3-5-13. Selectboard Chair, Brad Holden informs the official warning can be found on Page 2 of the Town Report. The Articles are read 1 by 1 with any explanation and/or questions taken after each article:

Article 6 To elect all Town Officers as required by law. -No Questions.

Article 7 Should the town consider purchase of the McClellan property at 284 River Road (adjacent property to the Underhill Center Post Office) as additional land for the Post Office? – Selectboard explains in an effort to be transparent, coming to the voters first to see if any interest in acquiring the property next to the post office for additional space and/or parking (would have old building torn down) before spending any time looking into. Question: Will it come before the voters again before purchasing? Answer: yes.

Article 8 Shall the voters approve the transfer of \$35,000 previously appropriated for the Town Hall roof repair to be used for the Town Hall Historic Preservation & Renovation Project? – Selectboard explains last year the article was very specific to the roof and upon further inspection of the roof, it was determined the roof was solid and was painted instead of repairing. Painting is considered routine maintenance so the \$35,000 was not used and would like to transfer that money so it can be used in a more general way, encompassing the entire building, such as fixing rot and repainting Town Hall. No Questions.

Article 9 Shall the voters approve the transfer of \$165,000 from the June 30, 2012 highway surplus to the Capital Reserve Fund previously established? – Selectboard explains last year voted to establish a Capital Reserve Fund and this year we would like to fund it. The \$165,000 is money we already have that we would like to use in future years to help

pay for projects outlined in the Capital Improvement Plan.

Question: Will voters have any say in the spending of this fund?

Answer: Selectboard explains that yes, because any money to be used would be part of the budget that the voter's approve at Town Meeting.

Article 10 Shall the voters approve the transfer of \$20,000 from the June 30, 2012 unassigned fund balance of the General Fund to the Capital Reserve Fund previously established? - Selectboard explains is basically the same, just have two funds highway and general, so a total of \$185,000 would go into the Capital Reserve Fund. No Questions.

Selectboard highlights that the last three articles are concerning the proposed redistricting, which the Selectboard held a hearing on to approve these articles on 1/17/13 and the Planning Commission warned and held hearings on 12/5/12 and 12/11/12.

Article 11 Shall the proposed map and bylaw amendments to the Unified Land Use and Development Regulations amending the existing Underhill Flats Village Center District and creating the Underhill Flats Residential District approved by the Select Board on January 17, 2013 after hearings by the Planning Commission on December 5, 2012 and December 11, 2012 and the Select Board on January 17, 2013 be adopted?

Question: Why are these articles worded differently and include influencing information about hearing dates and Selectboard approval? Was the wording reviewed by the Town's Atty? Feel it is an improper ballot. Answer: The other articles don't need Selectboard approval. Language was written by the Town's Attorney.

Question: Is it correct that no build out analysis was done?

Answer: No, would require a very detailed analysis, basically an engineering study of the entire area.

Question: Is it correct that the Selectboard doesn't know how many units could be built? Is the 1000 additional building lots figure out there correct?

Answer: The 1000 has no basis. Data put together by Kari on acreage only, taking into account some available data, but a lot of limitations not taken into account such as lot coverage, roads, septic, hydric soils, etc., it would be 750-800 units NOT LOTS. Phil Jacobs comments that he has had some engineering done on his property and not even close to 500, due to setbacks, wetlands, etc. the capacity is way lower.

Article 12 Shall the proposed map and bylaw amendments to the Unified Land Use and Development Regulations creating the Underhill Center Village District approved by the Select Board on January 17, 2013 after hearings by the Planning Commission on December 5, 2012 and December 11, 2012 and the Select Board on January 17, 2013 be adopted?

Question: Area considerably larger than what feels like the center now, what was the philosophy of expanding into the hills?

Answer: Kari Papelbon explains lot size, the two existing welcome to Underhill Center signs, and had long conversation about two areas with undersized parcels on Stevensville Rd and Range Rd and held public forums and received positive feedback or no feedback, so the purpose was to capture as many nonconforming parcels as possible.

6:45 p.m. Brad Holden departs. Before leaving he recognizes this is Steve Owen's last meeting and thanks him for 6 years on the board.

Question: Did you consider the septic impact?

Answer: Septic will be the limiting factor, however, purpose of this district is not to encourage dense development, but to capture nonconforming parcels. This will allow existing residences to put on porches, etc. without going thru DRB.

Question: What does minimum lot size have to do with setbacks?

Answer: Nonconforming parcels are so small they don't meet district standards. There is no legal mechanism that says nonconforming parcels don't have to meet setback regulations, this is the mechanism by which we are allowed to change this. Nonconforming parcels are only grandfathered for lot size.

Question: Why are you redistricting a whole area down to ½ acre for just a small population having variance issues?

Answer: Trying to capture what would make a traditional village district, up to the school to include that as traditional villages tend to have municipal services and buildings and also looked at the location of the welcome signs.

Article 13 Shall the proposed elimination of three outlier pockets of the Soil & Water Conservation District that are located within the Rural Residential District between North Underhill Station Road and Hill Crest Lane approved by the Select Board on January 17, 2013 after hearings by the Planning Commission on December 5, 2012 and December 11, 2012 and the Select Board on January 17, 2013 be adopted?

Question: Zoning proposals are all about minimum lot size, nothing to prevent parcels from maxing out?

Answer: Yes there is, must meet septic, setbacks and go before the DRB.

Question: Sometime in the past they were determined necessary, now deciding don't need, what has changed?

Answer: Not sure why these three outlier pockets were originally created, we went back to the original 1970 comprehensive plan and found they are based on soils maps of the 20's, but didn't really conform to the soil pockets either. Soil maps have been updated over the years and an expert was consulted, who has done a lot of studies of Underhill, who says makes no sense and should go away. Looked at habitat and natural features, but didn't fit either.

Question: What is the benefit to eliminate?

Answer: Town Plan and Town Regulations have district purpose statements and those pockets didn't seem to conform to anything we were trying to achieve.

7:13 p.m. Public departs except for David Rogers.

7:15 p.m. Tim and Therese Potvin arrive to further discuss the Health Officer Inspection of their rental unit. Selectman, Seth Friedman, discloses he met with the Potvins and the Health officer out side of this meeting to get more information on the topic. He reviewed the Town Health Officer Manual and the letter the Health Officer issued with the limitation to 30 days does not go along with the voluntary compliance, so not handled properly. The letter was not a health order. Selectboard apologizes for the error and state the Health Officer is resigning tomorrow, as she can't keep up with the breadth of this job. The Potvins request a written letter of apology, which the Selectboard will get to them in a week and will meet with them again after they receive the letter as a follow-up.

7:20 p.m. Tim and Theresa Potvin depart. Olivia Strong and Paul Noel arrive.

7:20 p.m. Jericho Underhill Park District – Olivia Strong introduces Paul Noel, who is a frequent visitor and has great interest in the Park. Selectboard asks Paul for a little background and why interested in the position. Paul states he has a Fish and Wildlife/Forestry degree and just retired from IBM, after 30 years, and has a dog that he takes to the park often, usually 3x/week and enjoys the park and would like to give back. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approves appointing Paul Noel to the Park District Board to finish out an existing term thru March 2014. The motion passes 2-0, 1 absent.

7:25 p.m. Olivia Strong and Paul Noel depart.

7:25 p.m. New Business:

The Selectboard reviews the current version and the revised version of the CDL Substance Abuse & Alcohol Testing Policy Appendix B. It is noted that the changes are to add the revised date to the Policy cover and to correct the contact person due to personnel changes. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approve the revision to Appendix B of the Controlled Substance and Alcohol Testing Policy. The motion passes 2-0, 1 absent.

The Selectboard reviews the current version and the revised version of the Personnel Policy and Handbook Appendix C. It is noted that the changes are to add the revised date to the Policy cover and to correct the contact person due to personnel changes and a few grammatical corrections. On motion by Seth Friedman, seconded by Steve

Owen, the Selectboard approve the revision to Appendix C of the Personnel Policy and Handbook. The motion passes 2-0, 1 absent.

The Selectboard reviews the current version and the revised version of the Personnel Policy and Handbook Appendix E. It is noted that the changes are to remove the paragraph concerning VLCT Health Trust Leader Program, as it no longer exists and to correct the contact person due to personnel changes. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approve the revision to Appendix E of the Personnel Policy and Handbook. The motion passes 2-0, 1 absent.

The Selectboard reviews the current version and the revised version of the Personnel Policy and Handbook Appendix F. It is noted that the changes are to correct a grammatical error and to correct the contact person due to personnel changes. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approve the revision to Appendix F of the Personnel Policy and Handbook. The motion passes 2-0, 1 absent.

The Selectboard reviews and signs the Certificate of No Appeal or Suit Pending provided by the Chief lister.

Town Administrator explains the Wellness program is free to employees that are on the Town's health insurance plan, however, costs \$15 for employees that are not on the plan. She asks if the Selectboard would be willing to have the Town pay the \$15 for those few employees to participate in the wellness program as a way to encourage more participation, as healthy employees saves money. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approve paying the \$15 for the wellness program kit for employees who want to participate and are not on the health insurance. The motion passes 2-0, 1 absent.

Town Administrator asks for permission to attend the 2013 Worksite Wellness Conference in Burlington in March. The cost is \$75, currently have \$245 left in my training and development budget. The Selectboard grants permission.

7:35 p.m. Minutes for 1/30/13 are reviewed. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approves the minutes as written. The motion passes 2-0, 1 absent.

Minutes for 1/31/13 are reviewed. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard approves the minutes as written. The motion passes 2-0, 1 absent.

Minutes for 2/13/13 are reviewed. On motion by Seth Friedman, seconded

by Steve Owen, the Selectboard approves the minutes as written. The motion passes 2-0, 1 absent.

Announcement – Next Selectboard Meeting is set for 3/7/13 at 6pm for a short organizational meeting to swear in the new member, elect chair & vice chair, appoint the weighers of coal,etc and to adopt the rules of procedure and new calendar.

7:43 p.m. Warrants reviewed and signed.

7:45 p.m. On motion by Seth Friedman, seconded by Steve Owen, the Selectboard moves to adjourn. The motion passes 2-0, 1 absent

Adjourn.

Dawna Brisson, Town Administrator  
Read and Approved as submitted/amended



Brad Holden, Chair

3/14/2013

Date