



# Town of Underhill

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## SELECTBOARD SPECIAL MEETING MINUTES

Tuesday, October 6, 2020, 4:00 P.M.

Underhill Town Hall - Remote Meeting

**Selectboard Members:** Dan Steinbauer, Bob Stone, Peter Duval

**Town Staff:** Jim Beebe-Woodard, Sherri Morin, Jennifer Silpe-Katz

**Committee Members:** Kurt Johnson, Dean Haller

**Public:** Marshall Distel, Chris Bernier, Jennifer Conley, Sai Sarepalli, Daniel Peck, Matthew Rockwell, Travis Beebe-Woodard, Michel Morin, Martha Erickson, Sandra Gillim, Gerard Adams, MMCTV Live

**Note:** All votes taken are unanimous unless otherwise noted.

### 1. *Call to Order / Introductions / Adjustments to Agenda*

Dan called the meeting to order at 4:00. This meeting is recorded by and is available through MMCTV.

Peter noted that standing items – COVID and the Anti-Racism Coalition – were not on the agenda. Dan said those will be part of Jim's report.

### 2. *4:01pm Public Comment Period*

Chris Bernier, an Underhill resident, said he is here to advocate for pedestrian access. He is thankful that the town is embarking on the Underhill Flats sidewalk project and he would be happy to be part of the River Road project.

Dan read a letter from Sandy and Roger Gillim that they had asked to be included during public comments as they were not able to be here for this part of the meeting. They are disturbed by recent attacks on the town administrator and employees by Peter Duval. They understand that he brought a lawsuit against the town that has been going on for several years. They fear his motivation has more to do with his lawsuit than with representing the town's interest. They understand his legal right to be on the Selectboard but question the ethics. Many of the town staff have complained of being treated rudely by him. There are never circumstances where those behaviors are appropriate. They feel it was disingenuous of him not to divulge his lawsuit with the town when asking people to vote for him.

### 3. *4:11pm Old Business*

#### *River Road Report - VHB*

Marshall Distel said the town applied for a planning grant through the Chittenden County Regional Planning Commission. Through that program CCRPC has contracted with VHB to do a study to evaluate River Road, Pleasant Valley Road and Irish Settlement Road.

Jennifer Conley of VHB gave a presentation on the study. She said VHB looked at River Road from Park Street to Range Road. It is a narrow road, 22-23 feet in width. There has been rutting and cracking. The project team visited the site and identified issues with the road. They did 12 borings at various places along

the width and length of the road. The pavement depth is between 5 and 8 inches, which is fine. But the subbase varies as far as material type and what is under it. The condition of the road is affected by freeze-thaw cycles and the presence of non-structural organic materials and the road is reaching the end of its useful life.

They recommend full depth reconstruction down to 30 inches. They looked at several alternatives. The first one is what the town has been doing. That only lasts a couple of years. The cost of this type of approach is about \$500K.

The second alternative is full depth reclamation. The town can keep the current road width or can look at widening to add bike lanes. They did cost estimates with and without widening. This approach takes off the top levels of pavement and a couple of inches of the subbase and repacks that material into the subbase. It doesn't cost as much as full depth reconstruction. The cost estimate keeping the current width is \$1.4 million. If 4 ft. shoulders are added to accommodate cyclists the cost estimate is \$2.3 million.

The third alternative is full depth reconstruction. That gives a full new roadway and life cycle. The cost estimate keeping the current width is \$2.6 million. Adding shoulders the estimate is \$3.4 million. The work could be done in pieces, concentrating on areas where the most challenges exist.

The town had asked about a modified option, with some widening but not a full 30 feet because of concern about adjacent property owners. The road would be widened to about 27 feet. The town also suggested that if the most significant issues are along the edge of the road perhaps the most significant reconstruction could be done there and less could be done in the middle. That option would save money, but with the roadway at the end of its life cycle, the center could begin to fail. A number of borings were taken in the center of the road. If there is an area in the center now without an adequate subbase, under this approach it will still have an inadequate subbase so it may fail after a couple of years. They do not recommend this approach. The cost estimate for a 27 ft. wide road with full depth reconstruction is about \$2.6 million.

Peter asked what AADT is. Jennifer said it is pretty low but she doesn't remember offhand. Peter said he would also like to know the source of that information. Jennifer said she will double check but the source would have been VTrans data.

Dan said he had heard that one reason the edges of the road degrade so quickly is that the road was originally narrower and was not widened properly so there is a lot of organic material under it. Jennifer said that may be true but she has a chart of the different locations of the borings and they really vary by location. Even one in the center line only had a small amount of pavement and some borings at the edges had more. It isn't consistent that the center of the road has a better base and subbase.

Peter asked if it is possible to reclaim the subbase as well as the base. Jennifer said yes; the assumption was that about 3 inches of new material would be processed into the subbase. Peter asked if that can be extended to as deep as VHB wants to go with reconstruction. Daniel Peck said it is not really practical to do reclamation to that depth. It is more economical to just put in new material. Peter asked, can you separate pavement reclamation from subbase reclamation? Daniel said the reclamation process grinds the asphalt with some of the subbase and compacts it before putting in new base above.

Bob Stone asked why the study didn't look at all of River Road. Why was the section from Range Road to the park not included? Kurt said that section is Pleasant Valley Road. Bob said a little piece from Range Road to the stop sign is River Road. Kurt said that wasn't part of the scope. He wasn't aware that bit was considered River Road.

Peter asked if there is a scoping document. Kurt said yes. The scope is 2.2 miles. Peter said he would be interested in seeing that document.

Marshall Distel said the AADT from 2019 VTrans counts was about 3K vehicles per day. There were two counts; one was just under 3K and one was just above. Peter said he believes 3K is a threshold. He wonders what we can do to get AADT below the 3K threshold so maybe we can use different road standards. Bob asked when the counts were done. Marshall said probably in summer. Jennifer said they normalize the data to adjust for the time of year.

Jennifer Conley showed an evaluation matrix summarizing the information presented. VHB's recommendation is full depth reconstruction.

VHB also looked at potential safety enhancements for Pleasant Valley Road and Irish Settlement Road. Both have numerous safety concerns – sharp turns, blind driveways, drop-offs, and lack of signs about cyclists. Speed limits are from 30 to 45 mph. The roads have 3 road rights of way. There are few natural resource concerns. Pleasant Valley Road has a 24 foot width and Irish Settlement has a width of 20-24 ft. There are some constraints on the roads: no notice of bicycle presence, overgrowth of vegetation, blind driveways, a blind intersection, a steep slope away from the roadway, and a reverse curve. They suggest some solutions: signage about bicyclists, thinning and trimming vegetation, a guardrail and warning signs for blind drives, the intersection and the reverse curve.

Peter asked about River Road. What would it take to build a road that would last, say, 100 years? Jennifer said she thinks if you can figure out how to do that VTrans would like to talk to you. With how harsh our weather conditions are, a road lasting that long would be hard to come by. Daniel Peck said the road would have to have a very thick and very well drained subbase. Roadways are typically designed for 20 to 40 years. Peter asked what is done differently on interstate highways. Daniel said they are paved frequently and they have a very deep subbase and 9-12 inches of asphalt.

Peter said everyone should be alert for solutions searching for problems. He wonders if there is really a problem with signage. It seems like we have gotten along well so far without sign clutter. He brought up the intersection with Harvey Road. Daniel Peck said the crest of the hill in that area is probably not conducive to current speeds. The town could lower the profile of the road or shift the intersection further from the crest of the hill. Marshall said he doesn't believe VHB looked at any high cost safety alternatives, just low cost ones.

Jennifer said VHB still has some budget available and could lay out one of the road alternatives on a base map if there is interest.

Peter said part of Irish Settlement Road is in Cambridge. He asked if VHB has had discussions with the Town of Cambridge. Jennifer said no. Peter asked if any consideration was given to newer alternative approaches to speed management or traffic calming. He said a couple of people have suggested making Pleasant Valley Road no longer a through road. How would that affect traffic volume and speed? Jennifer said that wasn't something they evaluated. The town could request help from CCRPC to look into alternatives. The scope for this project was just to evaluate the roads for mitigation features to improve safety, such as signage or trimming vegetation.

Bob Stone said River Road is a Class 2 road. The funding available through VTrans for that road would be better than for a Class 3 or 4 road, right? Jennifer said that sounds true to her. The Transportation Committee could probably answer that question better. Bob said every 3 years we go after funding from VTrans. How much do we typically get for a Class 2 road? Kurt said we get a paving grant every 2 or 3 years and the cap for those grants is about \$175K. We could get more if the road included bike lanes. Bob

said the estimated cost for the River Road paving project is somewhere from \$500K to \$4 million and the most we ever get for a paving grant is \$175K so taxes would pay the rest. Kurt said the \$175K can come every 2 or 3 years. It varies depending on circumstances how often towns get paving grants. Because the road connects Routes 108 and 15 conditions for getting state grants are better. We could break this up into several projects and get \$175K for each.

**4. 4:51pm Sidewalk Project – Timeline for Bids**

Jim said we received our permit this past week for the sidewalk project. We are in a position now where we can put the project out to bid. We need to set a timeline. We have to have it out to bid for at least 3 weeks. He was hoping to have the bid process done before the end of the year. He suggested having it go out to bid around November 1, having it run for the full month of November and picking a date in December to review bids.

**Bob moved to solicit bids for the Underhill Flats sidewalk project, Dan seconded and the motion was passed.**

Bob said he would like to award bids before the first of the year so the project can start as soon as the frost is gone. Jim suggested December 17 as a tentative date to award bids.

Peter said the board had heard some concern from staff that the capital budget was in trouble. That was before the move to drain the reserves for the projects completed this summer. He is wondering how our capital reserves are and how this project will affect them. Jim said this project is primarily funded by a grant. We have to contribute 10% and the \$33K to cover that is in its own dedicated reserve for this project.

Peter said we were told earlier we should be putting off capital projects. Dan said this was already designated in its own reserve so there is no need to put it off. Peter said he is not understanding how we can be very concerned about the capital reserve and still have money to put into this. Bob said this is totally different. We already have money set aside specifically for this project.

Peter said we had a plan to borrow \$750K and we didn't borrow that amount. Dan said this is off topic for this motion. He said he was calling the question. Peter said we have a rule that prohibits calling the question. Dan said he misspoke. He just meant to have the motion voted on.

**The motion was passed.**

Bob asked about the rule that we can't call the question. Peter said it is Rule of Procedure 6.2. Bob asked, our Rule 6.2? Peter said yes. Bob said we may want to revisit that in the future.

**5. 4:59pm New Business**

Jim said there is no new business.

**6. 5:00pm Updates from Town Administrator**

Jim said he received some requests for using outdoor public space. One request was for a "trunk or treat" at Moore Park where kids would go from trunk to trunk and get candy. The ARC group was also interested in handing out social justice signs, but they decided to use a different spot. We have existing documents about use of public space but they refer to buildings, not outdoor space. He wasn't comfortable trying to draft something quickly. He would like to address this issue with the Rec Committee, look at historical use and think about COVID. He went to the CDC website. They have a whole page about Halloween activities and they list trunk or treat events under the highest risk category because they involve touching things. He called the resident who had made the request and told her it was his sense that the Selectboard would not approve the request based on the CDC's guidelines. He suggested that she continue to look for a spot and told her he

would report back after he brought the matter to the Selectboard. He told her his recommendation would be that the town not approve that event. He heard that perhaps the church will host it. He doesn't think the town should authorize what the CDC considers a high risk event.

**Bob moved and Dan seconded not to grant the request to use town property for a trunk or treat event, to ask Jim to send a letter to houses of worship in Underhill informing them of the town's concern about hosting these events and encouraging them to follow CDC guidelines, and to articulate the town's position on Front Porch Forum.**

Peter said he is wondering about Vermont guidance. There are some situations where Vermont's guidance on COVID-19 is at variance from the CDC's. Jim said he trusts the CDC's recommendations on public health but he can research Vermont guidance also. Travis Beebe-Woodard said the CDC's guidance is consistent with the state's guidance around physical distancing and lack of gatherings.

**The motion was passed with Peter opposed.**

Jim said speed sensors will be installed this week to conduct the Homestead Acres speed study. The study will go on for 7-10 days. He gave information about it to the neighborhood association.

There are no updates on Dumas Road. Jim is still waiting to hear from Brad on the boundary lines. Bob asked if the board can get a comprehensive update on that.

Jim said the Anti-Racism Coalition had a sign painting event and distributed signs around town. They had a meeting last week. For the next Selectboard meeting he asked them to work on their mission statement, road painting guidance and a definition of hate speech. They will be at the next Selectboard meeting. He suggested to them that they make an effort to always have a representative at these meetings

Bob thanked Jim for being a liaison to the Anti-Racism Coalition. He said he would like to see a mission statement by the next Selectboard meeting. Jim said that is their number one priority now. Dan said before they do activities in town it is important for the board to know where they stand.

Peter asked how much time being a liaison to this group has taken from Jim's schedule. Jim said most of it is on his own time. During work hours, about 30 minutes a week. Peter said he is concerned about another situation where the town has a committee doing town work but not acting as a public body. Jim said they are not a town committee. They serve in an advisory capacity. Martha Erickson said they were just a group that came together hoping to do education. They are not a town committee but they were recognized by the Selectboard. Their mission statement is close to being done. Bob said this is not a committee. It is a group of individuals. It was publicized that anyone in the community is welcome to attend their meetings to work out goals and present them to the Selectboard. He doesn't recognize them as a town committee but as an advisory group.

Martha Erickson said they intend to keep the group small and limit its numbers in order to meet their goals. It is a misnomer to say anybody is welcome to join it. Bob said it was made clear to him people from the community were going to be able to participate. If that is not the case he will wait for the mission statement to be made available for consideration.

Peter said the Rec Committee or Highway Committee are public bodies that are part of the town. They don't have staff support. He is concerned that we are lending staff support to a non-town organization without the standards that apply to public bodies. Dan said it is appropriate for Jim to be involved. He welcomes the ARC group. He is hoping it will solve problems, not just the huge problem but also problems of communication in the town. Jim and Sherri have been the lightning rods for people who were at odds with

some of the goings on in town. He believes the coalition can be somewhat of a buffer and maybe teach some people some things. He knows education will be part of their mission statement.

Jim said there are no real updates on COVID. That is why it was removed from the agenda as a standalone item and falls under his reports now.

Jim said the digitization grant was approved. He and Sherri have been working on that. She just sent microfilm off for processing. We will have digital records going back into the 90s now and they will be available from a portal on the website.

The LGER grant has been approved. Jim has begun to work on getting year-to-date expenses through August 31 into a spreadsheet because he can send those off for consideration now. He has until mid-December to submit any new purchases and get them reimbursed. He has started making those purchases. He has a technical assistance call in to CCRPC to get clarification on acceptable uses of the funds.

Peter asked if Jim had considered getting air purifiers with the LGER grant. Jim said yes.

Jim said he met with Don Tobi today. The crew Don had lined up to do solar array tree cutting was working in Jay and they were supposed to stop here on their way to Bolton and do the cutting, which was why we were going to get a favorable rate, but they were unable to do that so Don is checking back in with them. If they are not available he will help Jim find someone else.

Jim said Peter has expressed concern about whether the solar array cutting was approved or not. Jim's understanding was that the Selectboard gave consensus to proceed. We didn't talk about dollar figures at the meeting where this was discussed because we were not sure if we would put it out to bid, which we are not required to do. He followed up with Selectboard members after that meeting and shared with them the amount. At least informally he was authorized to spend up to \$3500. He would like a motion tonight to codify that and allow him to continue. He is getting concerned about snow coming soon and would like to get it done. We continue not to get lease payments as a result of not meeting our contractual obligations.

**Dan moved and Bob seconded that the tree cutting operation at the solar array be completed in order for the array to continue to generate solar activity, at a cost not to exceed \$3500.**

Peter said the question he asked in a meeting and in email was about this obligation. In the contract with Green Lantern he can't find that the town is obliged to cut down any trees. He doesn't see any linkage to the lease payments either.

Jim showed a document on the screen and pointed out language stating that the owner agrees at its own expense to clear trees. He said the part about lease payments was conveyed to him in an email. He was told by Green Lantern that until we are officially approved for commercial operations, which requires us to meet our contractual obligations, they will not make lease payments. What he showed on the screen was item #7 in the option to lease agreement.

Peter said the option was superseded by the lease. He doesn't think he has seen the option. Dan said the contract was gone over repeatedly and vetted before Peter was on the board. We are just doing what is obligated. Peter asked to see the option agreement.

**The motion was passed with Peter opposed.**

Jim said the boiler blew and water got all over the floor of the utility room. About \$3500-5000 is needed for boiler repair. He would like to request authorization to reconnect with the energy committee who were

working on a proposal where we would have grant money for this. He would like to reopen that discussion and move it along in a way that meets with everyone's approval so we can have a long term strategy for fixing heat, removing the buried oil tank and so forth. He thinks it is unfortunate that we will waste \$5K on repair of a 20+ year old boiler.

Bob asked if we know what is wrong with it. Sherri said there are 6 chambers in it. One of the seals around a chamber has failed. One or two more are starting to loosen as well. The contractor suggested a kit to replace all of them. That cost of that and labor will be \$3K or more. The boiler will continue to leak until we fix it.

Bob said he is not interested in putting any more money into that boiler or having the energy committee divert a lot of time into this project. We are getting close to needing heat for the building. He would be interested in hearing from the energy committee if they have a very short timeline for reporting back to the Selectboard and we have an emergency meeting. He is hoping we would be able to look at alternatives to oil, possibly propane, and get a comparison of how much taking out the old boiler and putting in a new boiler will cost. We can address the buried oil tank later. He feels we need to move quickly on replacing that boiler.

Jim said he has a folder on this project that includes a one page summary sheet. The cost of a new propane boiler with installation is around \$11K. He agrees that rather than waste \$5K on an aged boiler he would put the money towards a new one. Bob said he would lean that way if we are talking about putting almost half the cost of a new boiler into repairing this one and then still wondering when it would fail again.

Jim said if the board agrees he can reach out to the energy committee and rekindle the discussion and see if they can put something together on a quick timeline. All the research is there. We can stagger the project. We might take the oil tank out in the spring. Maybe we can pump it out this winter and use the oil elsewhere if we can.

Dan said he wants Jim to use the energy committee's expertise and see what the options are. Bob said he would like to know in a week. He doesn't want to have to worry about the building freezing up. Jim said it will be his top priority starting tomorrow morning.

Jennifer Silpe-Katz asked, after they did the minor repair yesterday is it still leaking? She is concerned about what will happen if we need it over the next few weeks. If it leaks we need to have a plan for a dehumidifier or something. Jim said there is a dehumidifier. Sherri said the contractor created a barrier. It will continue to leak until repairs are complete. It will drain into the drain. Jim said we have a heat pump downstairs. If it got cold we could use that.

Peter said heating systems are usually annually maintained and inspected. Was this noted in the last inspection? Sherri said they do come in annually to clean the furnace. She doesn't know if they take it apart to check it. Bob said an inspection was done in December 2019. That was to measure the flue gas temps, CO, etc. Elias Mechanical looked at it. Sherri suggested that Michel Morin, who is a master plumber, explain what is done during an inspection. Michel said what has failed is oaken rope between chambers. There is no visual inspection for that. You cannot physically see it. You look for moisture on the inside and outside. It goes from perfectly fine to failed catastrophically basically overnight. As the metal expands and contracts it weakens over time. It is not uncommon in a 20 year old boiler like ours.

Jim said he will work on this tomorrow and report back to the Selectboard. If we need a special meeting we will proceed accordingly. Dan suggested that Jim send an email if he learns anything new.

Bob said we need 3 bids if the cost is over \$5K. He said we should make apples to apples boiler comparisons.

Bob said he thinks he recalls hearing that one of the zones upstairs was also not working properly or had failed completely. Jim said he thinks that was referring to the cabinet heaters upstairs. He believes they were forced hot water with a fan inside and that both are non-functioning. Bob said he thinks if we are going to address this, phase one of the project would be to replace the boiler, phase two would be to take care of the heaters upstairs and phase three would be removal of the tank.

#### 7. *5:42pm Warrants and Minutes*

**Dan moved and Bob seconded to approve warrants presented on this date.**

Peter noted that check numbers are out of sequence on one page. Is there more than one check book? Jennifer said we have one checkbook but she is guessing if there was a direct payment through electronic fund transfer occurring at the same time it would appear with a different number. Peter asked if that is what E stands for. She said yes.

Peter asked about the \$33,548.68 to US Bank for principal and interest. Jennifer said she believes that was the final payment of the bond and it was principal and interest. She doesn't have the breakdown of the schedule of payments with her that shows each year how much principal and interest we pay and how many payments there are. That was the scheduled payment for this year.

**The motion was passed.**

**Bob moved and Dan seconded to approve the minutes of September 1, 2020 as presented.** Peter said we had held off on approving these minutes before because he would like to propose amendments that provide a little more detail on the charges. Dan said he reviewed that and he doesn't know what Peter is talking about. The minutes are supplemental to the recording of the meeting. The only thing we are voting on is whether it is an accurate rendition of what the meeting was about. Jim said Laurie did go back through the minutes and try to flesh things out. It was her understanding that Peter was going to submit specific guidance and that did not happen. She asked Jim and he told her to do what she thought was right and he would present the minutes to the board again. These are amended from the last time the board saw them.

**The motion was passed.**

**Dan moved to approve the minutes of September 21, 2020, Bob seconded and the motion was passed.**

**Dan moved and Bob seconded to approve the minutes of September 28, 2020 with any corrections made by the board.** Peter said the word "selectman" is archaic and "Selectboard member" would be better.  
**The motion to approve the minutes with the suggested change was passed.**

#### 8. *5:52pm Member Items, Correspondence, Announcement, Schedule*

Jim reviewed correspondence. The first item is an email and report from Dan Albrecht at CCRPC. The report is the 2019 report on the All Hazards Mitigation Plan. That was something we were behind on getting to them. Now that Jim is on board it has been submitted and they are providing it back to us.

There is also another email from the CCRPC. They are trying to document any racial equity efforts in Chittenden County. Jim planned on sharing this with the ARC group mostly as an informative gesture. How does the board want to proceed with this? He can fill it out but the town has done virtually nothing and the ARC group is not a town committee and can't respond on behalf of the town. He can clarify with CCRPC if

they consider ARC's activities applicable. Dan said it would be interesting to know what they think is applicable if Jim tells them what we are doing. Jim said he will discuss it at the next meeting of the ARC group.

Jim said it had been requested that he reach out to the Chittenden County Sheriff's Department and get a copy of their Fair and Impartial Policing Policy. He provided that to the Selectboard and also to ARC.

Peter said he is interested in finding out about the actual activity that the sheriff's department does in Underhill – number of stops, number of tickets issued, locations perhaps. He thinks it would be good for us to evaluate the effectiveness of the traffic enforcement activity we think they are doing because it appears to not be effective. The evidence for that is the great number of yard signs around town. He was hoping to get a sheriff's department representative to give a presentation on what they do.

Jim said they provide us with a list monthly of all stops, citing the infraction and location, whether a ticket or warning was given and the amount of the fine. They just recently added racial group as another category. If the board would like to see it, he can pull together a few months of that. The board might want to review that information first and then have someone from the sheriff's department come. Dan said he thinks reviewing the information would help. We might decide we don't need to have them come. Jennifer said she will reach out to them tomorrow and ask them to compile a summary since the beginning of the fiscal year.

Peter said he wonders if they make an annual report that analyzes what they are doing as part of their internal operations. Jennifer said she will ask them if they have any reports or can give us a summary of perhaps the last fiscal year and also this year to date.

It was agreed that Jim will include that information in the next Selectboard packet. It will be on the next agenda for discussion and the board can then decide whether to ask a sheriff's department representative to come.

Jim said a letter from David Demarest was submitted to him on the same day as the last Selectboard meeting so it did not go into the Selectboard correspondence packet for that meeting. Jim responded to David and explained that correspondence needs to be received 72 hours in advance of a meeting. David asked Jim to include the letter in this packet. David was hoping the letter would be included as part of the hearing. Jim let him know based on what the attorney informed him that that isn't something that gets included just by it being submitted. Dan said that is correct.

Bob said to be proactive maybe something should go out on Front Porch Forum or elsewhere explaining that if people want to have something on the record they should submit their record 72 hours prior to our meeting or attend our meeting. Jim said that is articulated on the Selectboard page on the website. Bob said he would still like it to be published elsewhere. Jim said he can do that.

Peter said he assumes the public comment read at the beginning of the meeting was emailed to the Selectboard chair but he didn't receive a copy of it by email. Jim said it was emailed to him (Jim.) Peter asked why it was not in the packet. Jim said it was emailed yesterday. It was explicitly requested to be read during public comment because Sandy and Roger were not able to be here during public comment. Sandy said that is correct. Jim said the difference is that they were making a public comment and Mr. Demarest was asking to have his letter submitted as part of the hearing. Dan said the email came to the town hall, not to Dan. The option of reading that is by the town administrator or the chair of Selectboard and he felt it was more appropriate to leave Jim out of it, given that he was part of the town staff that registered the complaint. Sandy said she would have sent it directly to Dan but she couldn't find his email address. Peter said he would like to receive a copy. Dan said that can be done.

Peter said he would also like a copy of the PowerPoint presentation from the hearing. Dan said that is part of the testimony. It is not available to any of us until the hearing is complete. There is a 7 day window when Peter and Jim will give a summary to Bob and Dan and it becomes part of their deliberations. It is not part of what Peter can have or the board can have. It was delivered, we received it and that is it.

Peter asked how Dan is crafting the rules for the hearing. Dan said he is getting legal counsel.

Jim said the last correspondence was an access permit memorandum, access permits and accompanying documentation from Andrew Strniste.

Bob said he would like to have a memo sent out to all town department heads and committees reminding them to they need to get access to an established account or work with Sherri and Jennifer so we don't incur taxes on their purchases and saying that tax will not be reimbursed going forward. He doesn't like the idea that we are compensating people for taxes incurred when we are tax exempt. Jim said he will work with Sherri and Jennifer on that.

Because the first Tuesday in November is Election Day, it was agreed to move the first November meeting to Wednesday, November 4 at 4:00.

#### 9. *6:15pm Executive Session*

**Dan moved and Bob seconded to enter executive session under 1 V.S.A. § 313 (a)(1)(B): premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage regarding labor relations agreements with employees and under 1 V.S.A. § 313 (a)(1)(F): confidential attorney-client communications made for the purpose of providing professional legal services to the body.**

Peter said the purpose of the executive sessions is not clear to him. He also wanted to ask about recording the public session after the executive sessions are over. That is an obligation of the remote meeting. Jim said we have been doing that. He presses record after the executive session ends.

**The motion was passed and the board entered executive session at 6:15.** John Klesch joined the meeting during the executive session. The board came out of executive session at 7:40.

**Bob moved and Dan seconded that the Town of Underhill hire John Klesch's law firm to send a notice to the Town of Cambridge advising them of the Town of Underhill's interest in the Butler Road area pursuant to Title 19 § 771 (c) and that the town's interest may also include the continuation of a trail that would continue from Butler Road into the Town of Cambridge.** Bob said he would also like to see a date and time to be determined later that the Selectboard can make a site visit to the area in question. Dan agreed. Peter suggested a joint meeting with the Selectboard in Cambridge to discuss trails in general. Dan said he thinks a site visit would be first. **The motion was passed.** John said he will send a draft to Jim to circulate to the board.

No action was taken on the other executive session item.

#### 10. *Adjourn*

11. **Bob moved to adjourn at 7:43, Peter seconded and the motion was passed.**