TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
6:00 p.m., Tuesday, September 30, 2014

Selectboard: Seth Friedman, David Rogers and Cliff Peterson
Town Staff: Nate Sullivan, Brian Bigelow, Listers Pam Shover, Melissa Lawson and Jay Lederman,
Public: Ruth Miller (MMCTV), Ellen Goodman, Jason Guymon, Karen Guymon, Ron Seymour, Leila Bandar, Christine Toulis, Dick Wilcox, Beth Demas, Rolfe Eastman

6:00 p.m. Meeting called to order. Cliff Peterson proposed adding an Executive Session to the agenda after the Truck purchase agenda items. David Rogers seconded and the motion passed 3-0.

6:02 p.m. Public Comment –

No member of the public in attendance to speak to non-agenda items.

6:03 p.m. Town Truck Loan Documents –

Loan documents from Merchants Bank for the amount of $160,000 at 2.5% were reviewed and signed by the Board. In the event that the final purchase price is less than $160,000 the remainder will be used to pay down the principal.

6:10 p.m. Executive Session –

Cliff Peterson moved that the Selectboard enter into executive session to discuss, on a specific finding that premature public knowledge would put the Selectboard or a person at a substantial disadvantage, confidential attorney-client communications made for the purpose of providing professional legal services to the Selectboard. David Rogers seconded and the motion passed 3-0.

At 6:19 p.m. on a motion by David Rogers, seconded by Cliff Peterson and a 3-0 the Selectboard exited Executive Session. Executive Session summarized as resulting in no action being taken or decisions made.

6:20 p.m. Russell Clark, 2015 Truck Purchase –

Russell Clark was not in attendance for the 6:20 agenda item. Consensus of the Board was to proceed with the next item on the agenda.

6:21 p.m. Listers Pam Shover, Jay Lederman and Melissa Lawson

The Underhill Town Listers request the Selectboard authorize funding for appeals of recent decisions of the Board of Civil Authority. From the slate of BCA decisions, Cliff Peterson advised he would recuse himself from any discussion regarding the Brillhart appeal. Discussion ensued about the need for Executive Session and the consensus of

the Board was that it is not appropriate. Listers advised the Board that there were two decisions of the BCA that they disagreed with, specifically the appeals of Wilcox and Brillhart, and recommend the Selectboard appeal the two decisions to the Director of Property Valuation and Review for a decision by the State Appraiser.

David Rogers moved to appeal the Wilcox and Brillhart decisions and to fund the appeals with $140 from the Selectboard Contingency line Item. Seth Friedman seconded and the motion passed 2-0-1, Cliff Peterson abstaining.

6:32 p.m. Adjustments to agenda.

With the agenda ahead of schedule the consensus of the Selectboard was to address Warrants, Minutes, Correspondence and Old Business at this time and break as interested parties arrived for their scheduled times.

Current warrants were reviewed by the Board after making notice of the $8.33 overage of the Grover Engineering's 'not to exceed' amount of $700.00. Consensus of the Board was to authorize the additional funds and the warrants were signed.

David Rogers moved to approve the minutes of September 16. Cliff Peterson seconded with an addition for the purpose of clarification on page 2 that the phrase "and that the new sidewalk follow the alignment of the existing sidewalk in that area" be inserted after "… *the area of 1 Park Street*". David Rogers accepted the amendment as friendly and the motion passed 3-0.

Draft letter prepared by Cliff Peterson to the Development Review Board was discussed. Draft letter to Road Foreman Nate Sullivan was read. Both letters are to be signed by Chair for distribution.

Discussion about the New York Life proposal was held. Selectboard expressed a concern that approval not appear as an endorsement. Cliff Peterson had reviewed VLCT website and offered to call and see if there were options available to member towns. Consensus of Board is to have item continued to October 14 meeting.

Town Administrator reviewed the following Old Business items:

- Town Hall Exterior Renovations: on schedule and on budget.
- Town Garage Ventilation Improvement Project, 4 contractors participated in walk through. Bids are to be opened on October 8.
- Landfill Recertification: Application Submitted.
- VT539 HMGP: Awaiting Subgrant Agreement.
- CUSI: Forecasting ~20% increases for FY 16 (~$7,400) and FY17 (~$8.900). Consensus of Board was to not sign the Letter of Agreement at this time and to invite attendance at an October meeting of the Selectboard.

7:08 p.m. English Settlement Road Signage.

Discussion about the 'Road Closed' signs at either end of the Class IV portion. Road is steep, narrow and not maintained in the winter. The sign does serve to prevent truck traffic which would find the portion impassable. However, it may deter members of the traveling public who could utilize the road but instead follow the clear message of the signs. Consensus of the Board is to have the Road Foreman and Town Administrator propose and erect more accurate signage

7:16 Jason and Karen Guymon, Access Permit Application at NU073.

The Guymons discussed the application with the Selectboard.

Discussion about the existing driveways at 71, 74 and 77 North Underhill Station Road and the substandard sight distance combined with the limited frontage of NU073.

Cliff Peterson moved to grant a waiver from the B-71 sight distance requirement under the Design section of the Underhill Road Policy due to the unique circumstances of the particular property, and not intended to be a precedent for other applications. Waiver requires maintaining the existing sight distance of 336 feet to the West as measured 15 feet in from the edge of the right-of-way at a height of 3½ feet. David Rogers seconded and the motion passed 3-0.

The consensus of the Selectboard is that at an appropriate point approaching Poker Hill Road; a cautionary, "blind driveway" sign be erected by the Town of Underhill to the benefit of area properties.

Applicants submitted additional information in the form of a letter from their surveyor Michael Gervais/Northern Land Surveying addressing the slope of the driveway (9% maximum grade). Note received from Chris Brunelle that the size of the bridge on his permit is intended as a minimum and larger could be proposed. Use of the property at this time proposed only as a single family residence. Additional review would be required for accessory dwelling.

Cliff Peterson moved to approve the access permit application of Jason & Karen Guymon in accordance with Northern Land Surveying LLC's Sheet Number DR-1 entitled 'Lands of Antoine & Pamela Catudal', dated August 20, 2014. The alignment is to follow that drawing to the proposed principal residence shown. The second driveway shown on the drawing is not permitted. David Rogers seconded and the motion passed 3-0. Chair signed the application with conditions as read into the record.

7:38 p.m. Wilcox Utility Access Permit Application (PH270)

Owners seek to excavate Poker Hill Road to provide underground power to their property. Consensus of Selectboard is that boring would be required rather than open excavation. Applicant to return with a modified proposal.

David Rogers moved Item to be carried over to the October 14, 2014 Selectboard meeting. Cliff Peterson seconded and the motion passed 3-0.

7:47 p.m. Eastman Property

Eastman Property (Town of Westford) Access. The Eastman property is at the end of the 238' portion of Repa Road designated as a Trail. Attorney Beth Demas and property owner Rolfe Eastman spoke with the Board and reviewed the status and history of the property, Repa Road in Underhill, Goodrich Road in Westford and abutting property owners' rights to use the trail for silvacultural purposes.

The Eastmans are not looking for any work to be performed on the trail but for a determination that use of the trail as a driveway would be allowed for any potential purchaser. Cliff Peterson will contact Town Attorney.

8:10 p.m. Roaring Brook

Laila Bandar, Ron Seymour and Christine Toulis met with the Selectboard. Notice has been received from Chris Brunelle that the Grover design would be eligible for a Stream Alteration Permit. The level of Town involvement going forward was discussed along with liability issues to include the implications of work on private property, assessment of this and other areas regarding potential flooding events, the new normal of storm events in frequency and severity, estimated construction cost of $17,000, potential grants, implications of Act 16 regarding regional and local flood resiliency, repetitive emergency costs and option for including as a ballot item on Town Meeting Day. Consensus of the Board is if the process were to proceed with municipal funding it should have ballot approval.

9:15 p.m. Culvert Installation Reimbursement Policy

Policy of culvert installations performed by Town Road Crew reviewed. Residents who are purchasing culverts from the Town do need to pay the Vermont Sales Tax. Future initial installations will be performed by the Town and include billing for time and materials at the FEMA reimbursement rate. This will ensure proper installation.

9:20 p.m. Property Tax Resolution

A proposal to call for the Legislature to enact a two year cap on educational funding was considered by the Board. Proposal has been endorsed by five municipalities. The consensus of the Board is to not endorse the resolution.

9:26 p.m. Member Items, Correspondence, Announcements, Schedule.

Board reviewed the following correspondence:

- Submittals from the Town Finance Officer to include: FY 15 Year To Date Surplus(Deficit), Budget Status Report General, Budget Status Report Highway, Exterior Town Hall Costs and VLCT PACIF Renewal Application.

By consensus the board affirms their intent to renewal with VLCT PACIF.

- Abutter notification of 2 Lot Subdivision on BE108.
- MMCTV request for support for MMCTV's acquisition for equipment required to perform live broadcasts. Consensus of Board is to support their efforts.

The next regularly scheduled meeting is October 14, 2014 at 6:00 p.m. A Special Meeting has been scheduled for October 8 at 8:00 a.m.

9:30 p.m. Adjournment.

David Rogers moved to adjourn. Cliff Peterson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended.

10-14-14

Seth Friedman, Chair Date