

**TOWN OF UNDERHILL
SELECTBOARD MEETING MINUTES
Underhill Town Hall
Tuesday, February 28, 2017, 6:00 p.m.**

Selectboard: Cliff Peterson, Rick Heh and Kurt Johnson

Town Staff: Sherri Morin, Andrew Strniste

Public: Ruth Miller (MMCTV), Stacy Turkos, Peter Bennett, Paul Chamberlin, Tim Chamberlin, Andy Chamberlin, Mike Morin.

6:00 p.m. Call to order, adjustments to agenda. Meeting called to order by Chair. No adjustments to agenda.

6:01 p.m. Public Comment Period. None

6:01 p.m. Board of Listers, Lister Vacancy. No applications have been received to date.

6:02 p.m. William Wilson and the Board discussed procedural matters for the upcoming Town Meeting.

6:05 p.m. Preliminary Access Permit Approval for Marias/IS318 (continued from Feb 14, 2017).

Jason Marias not present. Andrew Strniste spoke to the status of the proposed subdivision with the DRB. On a motion made and seconded, the Board voted 3-0 to continue consideration of the Marias/IS318 access permit to the regular March 28, 2017 meeting at 6:00 p.m.

By consensus the Board deferred to later in the meeting consideration of the application of Paul and Joan Chamberlin for amendment of the Preliminary Access Permit for Chamberlin/RV097 to allow Tim and Andy Chamberlin to arrive.

6:08 p.m. New Business

Town Hall Furnace. Town Clerk Sherri Morin, Mike Morin and the Selectboard discussed issues arising from the ageing Town Hall heating plant and quotes received for replacement of circulator pumps and other equipment and recharging with propylene glycol. On a motion made and seconded, the Board voted 3-0 to accept the February 14, 2017 quote from Raymond Doner for \$4,189.37.

2017 Mud Season Road Postings. By consensus the Selectboard approved and authorized the recommendations of the Road Foreman for seasonal posting of town highways.

6:17 p.m. Old Business

Town Land Contract. Selectboard and staff continued review of the renewal of the Town Tax Stabilization Agreement (“land contract”) for Steve Weir (PH157). Extensive discussion ensued specifically about the Weir application as to compliance with paragraph 3.c. Planning Director advised Selectboard on application of Sections 9.5 and 9.6 of the Underhill Land Use Development Regulations as related to density bonuses and advice from counsel that subdivision of PH157 would create two nonconforming lots. On a motion made and seconded, the Board voted 3-0 to not renew the Town land contract for PH157/Steve Weir.

Green Mountain Power (GMP) LED Streetlights. Selectboard and Underhill Energy Committee Chair Peter Bennett discussed Memorandum of Agreement with Efficiency Vermont and related matters concerning converting Underhill streetlights to LED, as well as the possible installation of an additional streetlight at the corner of Park Street and the River Road. On a motion made and seconded, the Board voted 3-0 to authorize the Chair to sign the Memorandum of Agreement with Efficiency Vermont. The Chair then signed the Memorandum of Agreement.

6:39 p.m. Application of Paul and Joan Chamberlin for amendment of the Preliminary Access Permit for Chamberlin/RV097. Discussion ensued with Paul, Tim and Andy Chamberlin and Andrew Strniste regarding a proposed 18% grade in a part of the access road. Another site visit, possibly with a representative of the Underhill Jericho Fire Department (which has concerns), was considered. On a motion made and seconded, the application was continued to the regular Selectboard meeting of March 14, 2017 at 6:00 p.m.

6:53 p.m. Warrants and Minutes. By consensus the Board reviewed and signed current warrants. On a motion made and seconded, the Selectboard as submitted the minutes of the February 14, 2017 Regular Selectboard meeting.

6:56 p.m. Member Items, Correspondence, Announcements, Schedule: Notice made of the next Regular Selectboard meeting being held on March 14, 2017.

- Notice made of quote received from Road Foreman for filters in the Town Garage in the amount of \$2,580.00. Questions arising, approval or not of the expenditure was deferred by consensus to the March 14, 2017 meeting when the Road Foreman can attend.
- Notice made of email from David Armstrong/Green Mountain Transit for input on eliminating one of the daily runs of the Jeffersonville Commuter, reducing the local match to \$7,000.
- Review of alternative lease documents relative to future lease to Historical Society for Old Schoolhouse #5. Discussion ensued with Town Clerk Sherri Morin participating, including discussion of insurance requirements. On a motion made and seconded, the Selectboard voted 3-0 to authorize the Chair to sign a Repeated Use Facility Rental Agreement with the Underhill Historical Society for the period beginning March 1, 2017 through June 30, 2018, at a rent of \$10.00 (ten dollars) with no security deposit required and occupancy limited to 50 persons. The Chair signed the Agreement as described.
- Notice made of Development Review Board's decision regarding the appeal of violations issued by the Zoning Administrator for development at Warner Creek. Discussion with Andrew Strniste ensued, including the DRB's findings regarding Paul O'Leary of the O'Leary – Burke engineering firm the intent to file a letter of complaint.
- Notice made of receipt of February 21, 2017 Hamlin Engineering report regarding Mountain Road crossing of Harvey Brook replacement with preliminary cost estimate just below \$1M. Extensive discussion ensued as to State involvement, means of paying, and engineering issues.

- Notice was made of the VLCT's Spring Selectboard Meeting to be held March 18, 2017 in Montpelier.
- Chair expresses his pleasure to be moving on and offers condolences to the remaining members and his unknown replacement.

7:32 p.m. Executive Session. On a motion made and seconded and based on specific findings that premature disclosure would severely prejudice the Selectboard and Town, the Selectboard voted 3-0 to enter into Executive Session pursuant to 1 VSA §313(a)(1)(E)-(F) to receive advice of counsel regarding Repa Road, Warner Creek, Demarest, and Piney Grove litigation and the O'Leary-Burke matter.

8:20 p.m. On a motion made and seconded and passed 3-0, the Selectboard exited Executive Session. Rick Heh read a letter of thanks to the retiring Chair for his service and on a motion made and seconded, the Selectboard voted 3-0 that the letter be added to the record of the meeting.

8:26 p.m. Adjournment: On a motion made and seconded the Selectboard voted 3-0 to adjourn.

Submitted by Clifford Peterson

Read and Approved as submitted/amended

 3-13-17
Chair Date