

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

**Selectboard:** Rick Heh, Kurt Johnson and Pat Sabalis

**Town Staff:** Nate Sullivan, Sherri Morin, RaMona Sheppard, Brian Bigelow

**Public:** Ruth Miller (MMCTV), Peter Bennett, Michael Oman, Dan Close, Joan Bowker, Ben Butler, Stacy Turkos, Charlie Baker (CCRPC)

**6:00 p.m. Call to order, adjustments to agenda.** Meeting called to order by Rick Heh. Three adjustments to agenda: add a second Executive Session under 1 VSA §313(A)(1) before adjournment, add brief discussion on Zoning Administrator expenses to New Business and receive an update on the Route 15 culvert replacement at Cilley Hill intersection in Old Business.

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

**6:02 p.m. Nate Sullivan Road Foreman, General Highway issues:**

Road Foreman briefed the Selectboard on status of receiving quotes for structural repairs to the 1997 Excavator. Road Foreman will return April 11, 2017 meeting with final quotes.

**6:14 p.m. Executive Session.** Chair moved to enter into Executive Session with Road Foreman Nate Sullivan, Town Clerk Sherri Morin and Human Resource Director RaMona Sheppard under 1 VSA §313(a)(3) to discuss a personnel matter. Kurt Johnson seconded and the motion passed 3-0.  
7:09 p.m. - On a motion by the Chair, seconded by Kurt Johnson and passing 3-0, the Selectboard exited Executive Session.

**7:10 p.m. New Business.**

**Glebe Lease Land:** Property owners Dan Close and Joan Bowker (HI011) discussed the impact of having a glebe lease land component in their deed on a pending sale. They are looking for a release/quit claim deed. Prospective buyers are willing to close with money in escrow. The town attorney anticipates having a draft policy ready for review by April 11 meeting. Process will include either a Town or Selectboard vote following a 30 days' published and posted notice.

**Downes Road:** Benjamin Butler (DW092) discusses with board improvements he would like to see made to the Class 4 section of Downes Road, most specifically a 'reinvestment in culverts'. There are currently 9 water bars that freeze up and make access difficult during the spring, sugaring season. Consensus of Board is to revisit the issue after additional research. Options discussed ranged from installation of 5 culverts to discontinuing that portion of the road.

**Appointments to Town Volunteer Boards, Committees and Commissions:** The Selectboard interviewed Stacy Turkos for an opening on the Development Review Board and Michael Oman for an opening on the Energy Committee. Discussion ensued related to the Energy Committee's enviable situation of having five interested, qualified residents for three openings and the benefits of having a mix of experienced and new members on committees.

Rick Heh moved to make appointments as follows:

- Stacy Turkos to the Development Review Board for a 3 year term expiring in 2020.

- Nicole Bourassa reappointed to the Energy Committee for a 3 year term expiring in 2020.
- Dwight DeCoster to the Energy Committee for a 3 year term expiring in 2020.
- Mike Oman to the Energy Committee for a 3 year term expiring in 2020

The Board recognizes and appreciates the nine year tenures of both Bob Murphy and Peter Duval and thank each for their service to the Town.

Kurt Johnson seconded and motion passed 3-0.

**7:42 p.m. Agenda modifications. Old and New Business**

By consensus the Selectboard reorganized the agenda to address items which had interested parties in attendance.

**Charlie Baker/CCRPC.** Charlie Baker, Executive Director of the Chittenden County Regional Planning Commission provided an update on Regional Dispatch status with Selectboard. Study continues and recommendations are anticipated in September, 2017.

**Applications for FY18 VTrans Class 2 Paving and Structures Grants.** Draft applications reviewed by Staff and Board, specifically for pavement work on Pleasant Valley Road and a culvert replacement on Mountain Road. Final versions will be ready for the April 11, 2017 Selectboard meeting to be submitted by the April 14, 2017 VTrans deadline.

**Marias (IS318) Preliminary Access Application (continued from February 28, 2017).** Applicant has retained an engineer and will submit drawings when available.

**VT Route 15 culvert replacement.** VTrans personnel had requested meeting with Selectboard regarding the need for temporary construction rights on town owned property at Cilley Hill Road intersection. Staff forwarded the Selectboard's schedule through April. No reply yet. A joint meeting with State and Town staff is being scheduled for the week of April 3rd. Kurt Johnson will also attend.

**8:10 p.m. Warrants and Minutes.** By consensus the Board reviewed and signed current warrants.

Rick Heh moved to approve the minutes of the March 13, 2017 Regular Meeting of the Selectboard. Kurt Johnson seconded and motion passed 3-0.

**8:23 p.m. New Business (continued).**

**Planning & Zoning Department Budget Approval request.** Selectboard reviewed Andrew Strniste's memorandum of March 27, 2017. The subject of the memorandum is to obtain Selectboard authorization to expend funds above the budget amount for an independent engineering review of the Sandy Pines Subdivision amendment application. Per the Underhill Land Use Development Regulations (Article X, §10.6.C. 1-4) the final expense will be billed back to the applicant.

Rick Heh moved to approve the request of the Planning & Zoning Department as per the March 27, 2017 memorandum of Andrew Strniste. Kurt Johnson seconded and motion passed 3-0.

**8:29 p.m. Executive Session.** The town attorney provided a draft letter for Selectboard review related to possibly filing a letter of complaint on Paul O'Leary / O'Leary-Burke Civil Associates, PLC.

Chair moved to find that premature general public knowledge of the draft would clearly place the Town at a substantial disadvantage. Kurt Johnson seconded and motion passed 3-0.

Chair moved that the Selectboard enter Executive Session with Town Administrator to discuss confidential attorney-client communications made for the purpose of providing professional legal services to the Town under the provisions of Title 1, Section 313(a)(1) of the Vermont Statutes.

At 8:48 p.m. Chair moved to exit Executive Session. Kurt Johnson seconded and motion passed 3-0.

Actions resultant of Executive Sessions summarized as:

- Pat Sabalis being authorized to have further discussion with Town Attorney on behalf of the Selectboard on draft letter.
- Staff directed to warn a Special Meeting on April 4 for additional discussion on personnel issue. Additional discussion on glebe situation to be added to agenda if a draft policy is ready for review.

**8:49 p.m. Correspondence, Announcements, Schedule:** Notice made of the next Regular Selectboard meeting being held on April 11, 2017 and the Special Meeting scheduled for April 4, 2017.

Selectboard acknowledge receipt of:

- Budget Status Report dated 3/27/17
- Memorandum from Energy Committee restating their plan of action for conversation with Green Mountain Transit regarding the Jeffersonville Commuter
- Correspondence from the Vermont Rural Fire Protection Task Force

**8:55 p.m. Adjournment:** On a motion made by Rick Heh and seconded by Kurt Johnson the Selectboard voted 3-0 to adjourn and reconvene as the Liquor Control Board.

**8:56 p.m.** The Liquor Control Board convened to discuss annual licensing applications. On a motion by Rick Heh, seconded by Kurt Johnson and passing by a vote of 3-0; the Board endorsed the Second Class Liquor License applications of Jacob's Market and Wells Country Store.

Both license applications were signed by the Liquor Control Board.

**8:58 p.m. Adjournment:** Chair moved to adjourn the Liquor Control Board. Kurt Johnson seconded and the motion passed 3-0.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended

  
Rick Heh, Chair

4.11.17  
Date