

**TOWN OF UNDERHILL  
SELECTBOARD MEETING MINUTES**

**Underhill Town Hall**

**Tuesday, May 10, 2016, 6:00 p.m.**

**Selectboard:** Cliff Peterson, Rick Heh and Kurt Johnson

**Town Staff:** Brian Bigelow

**Public:** Ruth Miller (MMCTV), Bernie Peine, Lee Kirby, Rod Bruner, David & Misuk Weaver, Janet & Stephen Herrero, David Burke, Dan Heil, Mike Fullem, Liam Murphy, Andy Chamberlin, Kiky Krywka, Tim Chamberlin, Paul & Joan Chamberlin, Nick Krywka, Larry Young, Ashley Wishinski

**6:14 p.m.** Selectboard arrived from Special Meeting Site Visit (Chamberlin/RV097) and apologized for being late.

**6:15 p.m. Call to order, adjustments to agenda.** Meeting called to order by Chair. No additions or deletions to the agenda.

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

**6:17 p.m. Old Business.**

**Lister memo re: PV354/Lee Kirby Town Contract:** Selectboard and Lee Kirby discuss status of Town Contract for his property. Rick Heh moves to have both parties adopt the drafted resolution to rescind the second 2016 version of the contract signed by the Town and Lee Kirby. Kurt Johnson seconded and the motion passed 3-0; resolution signed by all board members and Mr. Kirby. By consensus the Board authorized the Chair to sign the contract executed by Mr. Kirby in January, 2016 per the resolution.

**6:21 p.m. New Business**

**Bernie Peine re: Recreation Committee:** Board and Bernie Peine discussed his interest in an appointment to the Recreation Committee. Rick Heh moves to appoint Bernie Peine to the Recreation Committee for a three-year term expiring in 2019. Kurt Johnson seconded and the motion passed 3-0.

**6:23 p.m. Access Permit Applications: Hunt (RA068T), Potvin (MO027-LR014), Chamberlin (RV097), Lamphere (BE116), Wishinski (IS111)**

**6:23 p.m. Hunt (RA068T):** After being sworn in Dan Heil and David Burke of O'Leary-Burke Civil Associates, PLC presented current proposal and responses to Selectboard's May 4, 2016 information request and reviewed applicant's waiver requests as per their letter dated May 6, 2016. Rod Bruner, Mike Fullem, Janet and Stephen Herrero were sworn in and provided comments and testimony, with questions for Mr. Burke. The Herreros provided copies of a letter and map dated May 10, 2016 and prepared by their hydrologist Craig Heindel.

**7:25 p.m. Executive and Deliberative Session**

Clifford Peterson moved to enter joint Deliberative Session and Executive Session under 1 VSA § 313 (a)(1)(F), to receive advice of counsel related to the Hunt Access Application on a specific finding that premature general public knowledge would clearly place the Town at a substantial disadvantage. Rick Heh seconded and the finding and motion passed by a 3-0 vote.

On a motion by the Chair, seconded by Kurt Johnson, the Selectboard came out of Executive Session on a 3-0 vote at 8:01 p.m. As a result of the Executive Session no determination on the Hunt application was made.

**8:02 p.m. Potvin (MO027-LR014):** After being sworn in Larry Young, P.E. and Selectboard discussed current submittals prepared by applicant. Amendments to various state permits will be required. Consensus of Selectboard was that engineered drawings would be required demonstrating conformance with the Road Ordinance. On a motion by the Chair, seconded by Rick Heh and passing by a 3-0 vote, the Selectboard continued the hearing until their meeting of June 7, 2016.

**8:15 p.m. Chamberlin (RV097):** After being sworn in Paul and Andy Chamberlin discussed with the Board the current application and waiver requests with specific references to conditions observed on site during the earlier Special Meeting.

Chair moved to close the evidence and continue in deliberative session at a later date. Kurt Johnson seconded and the motion passed 3-0.

Chair moved to close the evidence in the Hunt /RA068T application and continue in deliberative session at a later date. Kurt Johnson seconded and the motion passed 3-0.

**8:39 p.m. Lamphere (BE116):** After being sworn in Pat Lamphere and Mike Fullem discussed with the Board the current application and waiver requests. Lamphere offered to pay for the installation of any required signage.

Chair moved to close the evidence and to continue in deliberative session at a later date. Rick Heh seconded and the motion passed 3-0.

8:52 u

**8:39 p.m. Wishinski (IS111):** After being sworn in applicant Ashley Wishinski discussed with the Board the current application for a change of use; specifically the addition of a permitted Accessory Apartment within an existing structure. Application consists of no proposed changes to the driveway.

Chair moved to approve the Access Application as presented with the only condition being that no changes are made to the existing driveway. Rick Heh seconded and the motion passed 3-0.

By consensus the Board moves Deliberative Session for Access Permits to the last item on the agenda.

9:02 u

**8:07 p.m. Warrants and Minutes:** The Selectboard reviewed and signed the current warrants.

Cliff Peterson moved approval of minutes of the April 26, 2016 Regular Selectboard meeting. Rick Heh seconded and the motion passed 2-0-1, Kurt Johnson not voting.

Cliff Peterson moved approval of minutes of the April 28, 2016 Special Selectboard meeting. Kurt Johnson seconded and the motion passed 2-0-1, Rick Heh abstaining.

Cliff Peterson moved approval of minutes of the April 29, 2016 Special Selectboard meeting. Kurt Johnson seconded and the motion passed 3-0.

9 u

**8:09 p.m. Member Items, Correspondence, Announcements, Schedule:** Notice made of the next regular Selectboard meeting being held on May 24, 2016.

Selectboard received memorandum from RaMona Sheppard – HR Manage/Finance Director regarding dental insurance renewal. Rates are unchanged from previous year and are the same as FY 17 budgeted amount. Chair moved to accept the Northeast Delta Dental renewal. Rick Heh seconded and the motion passed 3-0.

Notice made of Conservation Commission project to complete an inventory of roadside Ash trees.

Notice made of FY17 VTrans Structure grant denial.

**9:20 p.m. Executive Session**

Clifford Peterson moved to enter Executive Session under 1 VSA § 313 (a)(3), for a personnel matter. Rick Heh seconded and the finding and motion passed by a 3-0 vote.

On a motion by the Chair, seconded by Kurt Johnson, the Selectboard came out of Executive Session on a 3-0 vote at 9:25 p.m.

Notice made of Town Administrator performing additional duties as Interim Zoning Administrator since December. Chair moved that Brian Bigelow receive additional compensation amounting to 40% of the Zoning Administrator salary budget line back dated to the date Brian Bigelow was appointed Interim Zoning Administrator by the Selectboard. Money to be paid from the Zoning Administrator salary budget line. Rick Heh seconded and the motion passed 3-0.

**9:29 p.m. Deliberative Session**

Clifford Peterson moved to enter Deliberative Session for discussion of access permits. Rick Heh seconded and motion passed by a 3-0 vote.

On a motion by the Chair, seconded by Rick Heh, the Selectboard came out of Deliberative Session on a 3-0 vote at 10:36 p.m.

Regarding the Hunt/RA068T application the consensus of the Selectboard to authorize the Chair to commission a third party review under section 6.5.B.5 of the Road, Driveway and Trail Ordinance and assess the applicant for associated costs.

**10:38 p.m. Adjournment:** On a motion made by Rick Heh and seconded by Kurt Johnson the Selectboard voted 3-0 to adjourn.

Submitted by Brian Bigelow, Town Administrator

Read and Approved as submitted/amended



Clifford Peterson, Chair

5/29/16  
Date