

Athens Special Selectboard Meeting
Proposed Policies Review
February 12, 2024 at 7:00pm at the Athens Community Center

In attendance: Heather Chaudoir, Linda Taylor, Thomas Taylor, Tina White, Janet Perry, Dennis Mirante, Denise Randall, David Bemis, Krista Gay, Sandi Capponcelli, Carmen Dresser, Donna Currier, Danny Taylor, Tara Taylor, Treah Pichette, John Oberling, April Lyman, Lynn Morgan, Colin Bratton (WRC), Linda Linblatt, John Linblatt, Ivor Stevens, David Burns, Sherry Maher, Bonnie Hitchcock, Isaac Leslie, Don Capponcelli,

Called to order at 7:01

The board introduces themselves. David restates the purpose of the meeting is to share information and get feedback on the proposed policies.

Adjustments to the agenda

None

Public Comments on Driveway Policy

David Burns asks what the issue is that the board is trying to resolve with the policies. David says that the delinquent tax policy has some small updates for clarification, the VLCT conflict of interest policy is similar to the town's current policy but is an updated version. The driveway and development standards policy would be expectations for new driveways. It is not an ordinance or a law. It would give the state standards for new driveways and developments that the town would expect to be implemented. It would not affect existing driveways. David says there have been a couple of washouts that have involved driveways in the last 6 months, and this policy is something that the state recommends the town has. There are some example driveway policies from adjacent towns available for people to look at. These are recommendations – there wouldn't be enforcement or fines if someone put in a driveway that was different. However if there was damage to the roadway, the town could say the driveway wasn't put in according to the state standards.

Colin Bratton from Windham Regional Commission explains that WRC works as a bridge between the state and the towns to help implement state policies. He says that the state requires high standards for roads so they can withstand washing out during weather events. One thing that is a problem, that is outside what the state regulates, is driveways, which can cost the town more money when they wash out. Having a driveway policy will save the town money because driveways

wouldn't impact the roads as much. WRC encourages towns to have something in writing so there is something to point at if there are issues.

Heather Chaudoir asks where the language came from in the proposed driveway policy. Janet says she researched other policies and came up with something that would work for Athens, without imposing a zoning ordinance. The board reiterates that the policy is not a mandate. Heather points out that a lot of the same language is in the Charlotte policy for "new or enlarged developments." The Athens policy changed the title to "access roads and driveways" but still refers to state standards A76 which is for development roads, not residential driveways. Heather is concerned that the language is written for developments, not driveways. The Athens policy should reference the language and cite the state's B71 standard which is the standard for residential driveways. David says that's a reasonable comment.

Dennis Mirante says the policy doesn't say anything about drainage, which is what the selectboard seemed most concerned about. David says that every single spec isn't in the policy. Janet thinks that specific language would be in the B71 standard. Colin Bratton says that the gravel and grade specs alone have a positive impact on drainage.

Dr. Ike directs their comments to the audience. They says their comment is about the Democratic process, not the content. They say the elephant in the room is the dirty word "regulation." They say it's about freedom to do something or have something done to you. Regulations are agreements about what freedom "froms" and "tos" should be allowed. They observe that the town says it doesn't want regulations and zoning, but actually it does. They want the process to be scrapped and begun again to be democratic process where everyone decides what the regulations are.

April thinks the specs are for a town road not driveways. The width of 18' is for access roads. Driveways are specified at 14' wide. Danny Taylor says the driveway specs include 15x50 pull-offs and circles at the end, which are the same as an access road.

Don Capponcelli thinks the policy seems reasonable to him, but 18" of gravel seem excessive for every site. Danny says he uses fabric, so the 18" isn't necessary.

David Burns says the policy will disproportionately affect poor people. He says the driveway washout on Valley Cemetery Rd. recently was only 6" wide by 6" deep on a flat driveway.

Don is surprised at the confusion at what the purpose of the standards are about. The policy clearly states they are for emergency vehicle access. He doesn't see why people are questioning what it's about.

Danny Taylor wants to know why the town is dictating what people do when they are out of the right-of-way. He thinks it's the right of a homeowner to build their driveway however they want, as long as where it approaches the town road doesn't impact the town road. He says all the other policies he's seen are only for the first 15-20' and the rest of the drivesay is up to the landowner. Danny says the town roads don't even meet the access standards. David says the policy states

recommendations for putting in new driveways, but there is no action the town can take to enforce it unless the town road is damaged by it.

Tom Taylor asks how many 50x50 turnarounds are on town roads to turn the grader around. He thinks there are maybe two.

Dr. Ike clarifies that there is no teeth to the policy. They point at David proposing at the last meeting that he would go and talk out a lighting dispute with some neighbors. They think that's a mechanism for enforcement that isn't written down. They think David's role as an impartial moderator veils the ways he exerts power and influence. They think that the practice of not writing down stuff and then going to discuss it with residents unfairly punishes people who are new to town and poor people.

Dennis says he understands Ike's passion and suggests that the policies could be integrated into a town plan. Dr. Ike wants the adverse effects and impacts to be better defined. They say they don't care the route that it goes, they just want it to be a transparent process.

Heather asks who is interpreting the diagrams in the policy. David says it would be the contractors putting in the driveways. Heather thinks the selectboard should be able to understand and explain the diagrams in the policy.

Danny Taylor says he has asked the road foreman questions about the access policy and Matt just says that Danny knows what to do and he shouldn't worry about it. Danny says that a policy like this will keep potential property buyers from coming to Athens. Danny thinks that if the town is going to dictate to landowners the size of the culverts and installation, then the town should take ownership of the culverts. During a flood event, FEMA pays for washouts involving culverts that are in the right-of-way.

Donna Currier asks who would be turning around in the driveways. The board says it's for firetrucks and ambulances. Donna wonders if the town is going to go in and plow the driveways. It will not.

Dr. Ike appreciates the point about the firetruck turnaround. They say they pay extra on their homeowners insurance because their location is so far from a fire hydrant. They want to know if following the policy would reduce their insurance. David says that is a question for the insurance company, but probably not. Dr. Ike thinks the policy could focus on the things that could reduce landowners' costs instead of focusing on things that aren't problems yet.

Treah asks how this policy came up. Krista says it has been frustrating to watch this policy process because it came up right after the Taylor hill lawsuit ended. She initially heard that it was being worked on for years and was for potential developments on large tracts of land. Now it sounds like it's more about runoff and emergency vehicle access. She says she is confused that the reason the town is implementing the policy keeps changing. David says it was recommended a couple years ago, and the board put it off because it didn't want it to be part of the discussion around Taylor Hill while the lawsuit was active.

Danny asks what is wrong with the existing driveway policy. David says the state recommended it 3-4 years ago.

Denise asks about driveways like hers that runoff into people's yards. If some driveways have nothing to do with running off into the road, how can this policy be about runoff? David says that runoff is part of the reason for the policy. Linda asks about town runoff going into people's driveways. Tom thinks the runoff the town is talking about is what happens during a bad storm, which is an act of mother nature, which can't be beat.

Tina says people are talking about runoff tonight, but the specs don't mention pitch. Danny says the A76 spec does mention it. Tina thinks it confusing to have to chase down the state documents.

Danny says the town standards are greater than the state standards. The state says 12' and the town policy says 14'. It basically specs a road not a driveway. Heather brings up again that the language needs to change to reference the correct state standard.

Krista asks the board if the policy is meant to prevent new developments or to make sure they are developed correctly. They all say it is to make sure accesses are developed correctly, not to stop new development. Tom asks why to put the policy forward if there is no way to enforce it.

Dr. Ike asks what David's role is in the meeting – moderator or selectboard chair. Dr. Ike wonders if David's role is to defend his position on the policy. David says he is a selectboard member and his role is to listen to what people have to say. Dr. Ike points out that only three people in the room are in favor of the policy. They want to know what the next steps are and if the board will be voting on the policy. David says the board will not vote on it tonight, but will probably vote on the three policies at the next board meeting on Thursday. Dr. Ike thinks there is a process and equity issue with David's roles as a selectboard member with a view on the policy, the facilitator of the conversation, and large landowner in town.

Heather C. says that the role of the board chairperson is to help mediate, facilitate and keep the conversation going.

John Oberling says that the policy isn't obligatory. It doesn't change anyone's existing driveway or force anyone to do anything. He asks what the problem is. Heather Chaudoir says the policy needs to be accurate for driveways instead of developments. She also wants to ensure that people want to come to Athens and build houses. She says the standards need to be realistic for what people can afford.

Tom Taylor says the policy should be for the first 15 feet of someone's driveway. It should stop after the driveway crosses the town ditch. As long as the water goes to the culvert, the rest of the driveway shouldn't matter to the town.

Krista asks Ivor if the town policy would affect the work he would do for a new driveway and cost of implementing it. Ivor doesn't think it would affect it at all. He thinks having a recommendation is a good thing. He said he would follow it within the town right-of-way and then use it as guidance for the rest of the driveway. Ivor doesn't think it would affect the total cost. He isn't sure if it would

affect a bank loan – if banks would require a landowner to follow the policy. Krista wants to check on the bank loan process.

Linda Linblatt wants to clarify that people new to the town would be required to change existing driveways to comply. The board says no.

Dr. Ike says that it isn't true that the policy doesn't have teeth. They say the policy still has power even if it can't be legally enforced. They think that the policy would justify sending a selectboard member to someone's house to push the guidance. They say this is an underground process. They don't think the town should pass policies that don't have enforcement mechanisms and leave it to the board, which they don't trust.

Treah says that Dr. Ike's tone is really off putting to people. She says there are multiple ways to look at the issue and she thinks their view might be a little skewed and not helpful to get people to work together. Treah says she doesn't know Dr. Ike but she is really upset with how they are behaving. Treah says Dr. Ike's view isn't how most people in town want to see things handled in a public meeting. Dr. Ike says they have done what people in town have asked, which is to be quiet for the last four years. They say that they have a laundry list of things that they need to speak up about now. They say that the town has discriminated against them and made their life difficult, and they need to speak up.

Dr. Ike asks if the town is a safe place for them to be. David says it absolutely is. Dr. Ike says "show it," and leaves the meeting.

Tom Taylor says that he disagrees with Ivor and thinks the policy would have an impact on cost of a driveway.

Donna asks what will happen if someone's driveway washed out a road, would the town go after the landowner to pay for the damage. David says they might if the driveway was put in purposefully to wash out the main road.

Collin Bratton says that it's not unusual to have a driveway policy. The vast majority of towns have one. He says it's reasonable for people to ask for tweaks to the policy, but the idea of having a driveway policy is not unusual. He says that the state has upgraded its standards dramatically since hurricane Irene and required towns to make costly updates to town highways. It's good to have something in place that protects the town's investment.

The question comes up of the difference between an access policy and the driveway policy. The access policy is boilerplate from VLCT. Janet says the driveway policy goes further than the access policy.

Sherry Maher is concerned with all the discussion and confusion when the board is saying they will vote on the policy in four days. Denise says she wants to table the policy until it's fixed. Krista wants to check with banks about how the policy will affect loans. Sherry wants to add clarification on the town taking over culverts that are in the town right of way. David says that is not part of this policy. It could be something the town could discuss, but not as part of this policy.

Tom Taylor says the town is going to require 18” driveway culverts but the town only has 15” culverts across the roads. He asks what will happen when road culverts wash out.

Tina thinks most people think the term “policy” means an enforceable law. She thinks it would keep people from coming into Athens. David points out that all the surrounding towns have driveway policies. Tina thinks Athens doesn’t have a lot to offer so the policy may be a deterrent.

Danny says the policy language needs to match the specs from the state. Currently it doesn’t match up.

Colin answers Tom’s earlier question by saying that ANR wants all the 15” culverts upgraded, so they may be replaced soon anyway.

VLCT Conflict of Interest Policy

Krista introduces it and says it gives more detail on what the recusal process is. She says that it’s relevant because being in a small town with an extended family, it’s inevitable things will come to the selectboard that appear to be a conflict. She notes that the state takes the position that an elected official is only responsible to the electorate. Since this is only a policy and not an ordinance, a board member is not required to recuse themselves due to a conflict. However, it is a strong suggestion on how to recuse oneself in the case of a conflict and the board could reprimand or publicly admonish a board member who doesn’t recuse themselves.

Delinquent Tax Policy

Hannah says this is a small update from the old version. The old version was hard to work from because it said delinquent taxpayers were required to have a payment agreement, but it didn’t say what happened if they didn’t have a payment agreement. The old policy just said that after a year people would be liable for tax sale if they haven’t paid their taxes. The new policy states that delinquent amounts under \$1000 will not lead to tax sale, but could be taken to small claims court. For delinquent amounts over \$1000, if no payment agreement is made within 30 days of the first notice, or if a payment agreement hasn’t been met, then the delinquent tax collector can begin the statutory actions to conduct a tax sale. Hannah says it doesn’t allow people to ignore their tax bill for a whole year and then pay up when they get a final notice.

David says the board can vote on whether or not to table voting on the driveway policy at the next meeting.

The next selectboard meeting will also be held at the Community center.

Janet makes a motion to adjourn. Krista seconds. Adjourned at 8:04

Respectfully submitted,

Hannah Regier, Town Clerk