

Athens Selectboard Meeting Minutes  
January 18, 2024  
7:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Hannah Regier, Denise Randall (arrives at 7:30), Kate Bova, Carol Oakes, April Lyman, Dennis Mirante, David Burns, FACT TV (Cody), Isaac Leslie, Sherry Maher, Don Capponcelli,

**Called to order at 7:14**

**Adjustments to Agenda**

Janet says they were supposed to set a meeting for the policies. David says that will be under boards and officials.

Hannah asks if approving the final budget will be discussed under Town Meeting Warning. David says it will.

**Minutes of Prior Meeting**

*Sandi makes a motion to accept the minutes as they are. Janet seconds. Put to a vote: all in favor.*

**Public Comments**

Sherry says she thought the notice for this meeting might say it was happening at the Community Center and she wonders why it wasn't. David says they decided to do it here in case they needed paperwork while finishing the budget and warning. Sherry says the word should get out to people in advance where the meeting will be held so they know where to go.

Dr. Ike asks if there will be opportunities for people to discuss things that come up during the meeting. David says there will be minimal back and forth during the meeting so Dr. Ike might want to say what they want to say now. Dr. Ike says that they showed up at last meeting because of a driveway policy put forward and sees that there is a lighting ordinance on this agenda. They understand the definition of an ordinance as a mechanism to enforce a zoning policy. Zoning is defined as dividing the town into certain zones, where the town comes together in a democratic process to decide things like driveways, lighting, sounds, setbacks, and residential development. They say that zoning supposedly doesn't exist in Athens, and they ask why there are backdoor policies and ordinances being proposed that people don't understand what they are. They think this is irresponsible and inappropriate municipal government.

Sherry Maher asks what the lighting ordinance is about. Sandi explains that someone on Reed Rd. Was concerned about neighbor's flood lights that are affecting her property. There is no ordinance written, the board will be discussing the issue later in this meeting.

Krista asks to explain the difference between an ordinance and a policy. She says a policy is voted on by the board and doesn't have legal teeth. Sandi continues and reads from a website: An ordinance is a law that forbids or restricts an activity. David says an ordinance is implemented by a municipal body, and if a petition is brought to the body asking for a vote, then the ordinance can be voted on by the voters. Dr. Ike asks how an ordinance can be enforced. David says that any law enforcement officer can enforce ordinances. Dr. Ike asks if the health officer is a law enforcement officer. David says the health officer wouldn't enforce the dog ordinance, but there are places in the state statutes that say how the health officer can be involved if a dog bites somebody. Dr. Ike quotes the town health officer, Steve Oakes, who called them and said he was going to shoot their tenant's dog. Dr. Ike asked Steve Oakes if that was legal, and Steve said "that's the way things are done around here." Dr. Ike says that makes their business unviable if their tenants are being threatened by the town health officer saying he is going to shoot their dog. Dr. Ike says when putting forward a new ordinance, they want the board to reflect that the enforcement of the current ordinance is by old boy clubs with guns who are calling and threatening them. Dr. Ike asks for a democratic process for zoning where the townspeople discuss together what the policies and ordinances should be. David says that enforcement of ordinances should be by ticket, and that the health officer isn't mentioned in the dog ordinance. Dr. Ike wants to know what they can do as a citizen who has been threatened with a gun on their property. David says they should tell the officer to not be on the property and call the state police if he shows up like that. Dr. Ike says there needs to be more clarity in the town about what the role of the Town Health Officer is, what an ordinance is, what a policy is, what zoning is, and how all of these things get enforced.

Krista says she owes an apology because she presented information that wasn't correct about what an ordinance was. Dr. Ike says they appreciate the accountability.

Dennis asks what role the Constable plays in the dog issues? David says the constable can issue tickets.

### **Boards and Officials**

Don Capponcelli says that the Cemetery Commission has submitted a request for a separate article for their \$3500 appropriation.

### **Treasurer Report**

Hannah says it's been difficult to budget for the expected grant reimbursements for the emergency road work and stormwater program work that was paid out of pocket in 2023. She doesn't think it can be put in as revenue for 2024 because the town needs it to be made whole starting out in 2024. There is a \$109,000+ deficit from 2023 that needs to be made p for. Hannah says the town has used up it's rolling fund balance that usually pays the bills until taxes come in again. On the balance sheet, the general fund has \$1400 in it now. It's not a huge problem because there are other funds that can be digitally borrowed from, and/or the town

could borrow money. She thinks the town needs to think about how to handle these situations consistently, especially with more and more flooding happening. \$92,285.25 is the latest estimate for what the FEMA reimbursement will be, and another \$12,500 for the stormwater program. Between those two grants, the town will be only \$4,600 short for 2023, if those two grant payments reimburse the fund balance and the town raises the full amount of what is needed for 2024 expenses in taxes.

#### Outstanding budget items

Expenses for the small truck -- \$2,000 was budgeted for the year and already this month \$5,900 has been spent. The budget is raised to \$7,000.

Chloride – Sandi says the company that Westminster uses for chloride and tank rental isn't a good fit for Athens because we don't use enough chloride. Matt suggests the town buy two 1500 gal tanks for \$3400 and build a roof over them. Chloride is \$1.15/gal. After discussion and comments from the public, the board decides to budget for one 1500 gal tank and the chloride to fill it. \$3700 is added to the budget.

Hannah says that the town is going to be able to apply directly to the Agency of Administration for assistance with the Community Center scoping work. This is the extension of the MTAP program that Maggie Foley had talked about at the last selectboard meeting. It sounds like there is a good chance the town will be awarded these funds although it's certainly not guaranteed. Hannah suggests using funds from the Town Office Renovation Fund in case the town needs matching funds for this grant. An article would be needed for town meeting to redirect those funds. David thinks the article should be to redirect those funds for all three town buildings. There is \$24,253.73 in the fund currently.

Janet – Budget Committee: She says that all the fuel oil companies have service plans, but the town would have to purchase one. David suggests when the town gets new bids on fuel to ask about the service plans. Janet mentions an independent company in Bellows Falls called All Star.

*Denise makes a motion to accept the budget. Sandi seconds. Put to a vote: all in favor.*

Sherry says she left the submission from the meetinghouse for the selectboard. She says the floor is level in the meetinghouse! Thanks to Don, Ivor Stevens and others who worked on it. There had been places where the floor was 3.5 inches lower and now it's close to 1/16 of an inch from level. Krista notes that Don has been volunteering his time. They are hoping to have a site visit with people from the Preservation Trust and discuss a plan for going forward, including ADA compliance. David asks about the method for ADA. Sherry describes how Chris Cole, a former contractor had envisioned it as a winding path that would get a ramp up to the door. Don has another idea that might work if the building didn't sit on the boundary line, that would involve

having a driveway around the back of the building with parking spots. David suggests making the building handicapped accessible through the rear of the building. Sherry says there is a 15 year conservation easement with Preservation Trust so she wants to start with their ideas. The board discusses more ideas.

Janet says the Planning Commission met again and they are going through the old planning book page by page and changing things as they go.

Krista says that she was asked to reach out to VLCT to clarify if the having the Selectboard present at Planning Commission meetings meant that they had to be warned as a selectboard meeting. It does not, because the selectboard is acting as members of the Planning Commission, not as the selectboard.

### **Setting the time for the policy informational meeting**

This meeting will be to discuss the Driveway Access policy, Conflict of Interest policy and Delinquent Tax policy, explain what the policies are for and get people's input on them. There wouldn't be any votes at the meeting. The informational meeting is set for 7:00pm on February 12<sup>th</sup> at the Community Center.

Dr. Ike asks what the difference of a hearing and an informational meeting. David says that, for example, an ordinance requires two public hearings that are published in the paper before a vote can be held. Policies don't need hearings. Hearings have specific procedures, informational meetings do not.

Notices will be placed in the regular places and the special meeting email list. Sherry asks if a press release would be sent out. David says sure.

Dr. Ike asks what will happen with their and other people's edits. David says that those edits should be brought up at the informational meeting. Dr. Ike asks for the policies to be on the website near where the agenda is. Hannah can do that.

### **Lighting Ordinance**

Krista reads the email from Mary Sonnekson, attached.

Krista asks if Mary has talked to the residents who have the lights. David suggests that before the town considers a light ordinance, that they talk with the residents with the lights and explain that the neighbors are having an issue with it. Sandi says that Mary has met the neighbors but not spoken with them because she doesn't feel comfortable as a single woman doing that. Sandi has also experienced being blinded by the lights when she drives home on Reed Rd. Matt has also noticed it.

Krista asks if the selectboard usually gets involved in neighborly disputes. She thinks David is artful about bringing up difficult topics, but she doesn't think the selectboard should get involved in neighborly disputes. She thinks the board could let the people with the lights know that it was brought up as a problem.

Sandi thinks the homeowner works second or third shift and that might be a reason for the lights. There are suggestions for how there could still be lights that wouldn't be as invasive.

Krista and David will pay a visit to the homeowners with the lights.

### **Benefits**

Sandi shares the estimates from VLCT for various options for Short term disability, Long term disability and Life insurance. It will take a bit longer to get exact figures. The board will put these estimated figures in the budget. The estimates are the figures for a similarly sized town that Kelly Avery pulled as an example for Athens.

Benefits:

LTD: benefit 60% of salary, with \$4,000 max

STD: benefit 60% of salary, with \$500 max

Life: benefit \$50,000

The board thinks the rates are reasonable. Krista thinks it's something the town should offer. \$4,500 total added to the budget in a new line item called ST/LT Disability & Life Ins.

Janet asks about the new state program for paid family leave. Krista says it's a tax that is deducted from the paycheck and then there is a benefit from the state.

David asks when VLCT would be able to start the benefits. Sandi says it will take two weeks to work up an exact quote, then they should be able to start it shortly thereafter; perhaps the end of February.

*David makes a motion to add \$4500 to the budget and make the line item. Krista seconds. Put to a vote: four in favor, Janet abstains.*

### **March Town Meeting warning**

David remembers that Sandi didn't like the numbers handwritten at the bottom of the pages of the town report. She says she's willing to let it go.

There is an article to eliminate of Australian ballot and David wonders if that vote needs to be taken by Australian ballot. Krista looks up the statute for Australian ballot voting and says an article about it can be voted from the floor if that is how we do articles. If it passed, it would not take effect for this year's Town Meeting. Upon reading the proposed article, the board notices

an issue with it stating that voting for officers “will happen by voice vote, from the floor, at all future town meetings.” David says that it can’t be by voice vote, that officers must be elected by paper ballot. The board doesn’t know if they can correct the language to make it legal. Sandi will check with VLCT on what to do.

The board discusses including an article “to act on the town report.”

*Denise makes a motion to have “act on town report” as Article 1. Krista seconds. Put to a vote: all in favor.*

Article 1: To act on the town report

Article 2: To see if the town shall authorize the town to borrow money in anticipation of taxes

Article 3: To see if the town shall vote to collect taxes on September 10<sup>th</sup> 2024

Article 4: To see if the town shall vote to publish a list of delinquent taxpayers in the town report

Article 5: To see if the town shall vote to approve \$XX, with \$XX to be raised by taxes to defray town expenditures

April brings up that the board accepted a late petition. Kate brought her petition this evening instead of turning it in by 1:00pm today. The statute says “close of business” on the 18<sup>th</sup>. Hannah told Kate that the board could vote on accepting the petition.

*Krista makes a motion to accept the petition for malt beverages, spirits and fortified wines. Sandi seconds. Put to a vote: Sandi, Denise, David and Krista yes. Janet abstains.*

Article 6: Shall the voters authorize the selectboard to expend the funds in the Town Office Renovation Fund on projects including the Athens Community Center, Town Garage and Town Office.

Article 7: Shall the licenses for the sale of malt and vinous beverages be granted in this town

Article 8: Shall spirits and fortified wines be sold in this town

The board discusses how to word the article for trash pickup. If this article is voted down, there will be no trash pickup after June 2024. If the budget is voted down, and this article passes, then the selectboard can’t eliminate the trash service. If the article is approved, the amount in the article will replace the amount in the budget.

Article 9: To see if the town shall vote to have trash and recycling pickup, beginning June 2024, as a weekly service with every other week being trash and alternating weeks being recycling, for a total amount of \$XX. [and reduce amount in budget to what is needed to complete our current contract through June 12, 2024]

Article 10: Eliminating Australian ballot for election of officers .. [with whatever edits Sandi finds out are possible from VLCT.] If the petition isn't valid, the selectboard can put in a similar correct article.

Alt Article 10: Shall the town of Athens discontinue the Australian ballot system starting in 2025 and elect town officers by paper ballot from the floor at all future annual and special town meetings, pursuant to 17 VSA 2680(b)?

*Denise makes the motion to include the above alternate article in the warning if VLCT says the submitted petition is not valid and/or can't be corrected. David seconds. Put to a vote: Krista, David, Sandi and Denise yes, Janet no.*

Janet mentions the elderly people in town who were excited to get Australian ballots and being able to come down and vote.

Article 11: Cemetery Commission \$3500

Article 12: Meetinghouse \$2500

Article 13: SeVEDS \$1,140.00

Article 14: Grace Cottage \$500.00

Article 15: Womens Freedom Center \$250.00

Article 16: Youth Services \$330

Article 17: SEVCA \$1000

Article 18: Senior center \$250

Article 19: Visiting Nurses \$1350

Article 20: Grafton Cares \$1000

Article 21: HCRS \$356

Article 22: Senior Solutions \$300

Article 23: Bull Creek Common Lands \$250

Article 24: To set the time and date of future meetings

Article 25: To transact and further business to come before said meeting

Selectboard report – Sandi will write it and Krista offers to help. The board considers having a tribute to Eugene and also thanking Harold for his service.

The board goes through all the agency and committee reports and decides which will be printed in the town report.

Denise suggests putting a line about spaying and neutering dogs on the dog license report page.

Janet asks if the road crew can put in an article.

## **Executive Session**

*None needed*

### **Warrants and Mail**

The warrant was signed and mail opened.

Krista asks if the town ever figured out why the average income went up so drastically in town to make us ineligible for USDA CF grants. Sandi says she has sked Amber to breakdown the grand list so they can see how much property is owned by in state and out of state owners. Hannah says that the Planning Commission was asking for that as well. Sandi thinks it would be informative.

David shares the 2023 Equalization report. The CLA is within the range at 83.04%. But the Coefficient of dispersion is just out of range at 21.26. The town is already working to get a new appraisal. Sandi says the state might start requiring towns to be appraised every six years.

Certificate of Highway mileage due February 10<sup>th</sup>. David reads the mileages.

*David makes a motion that the board all signs it. Krista seconds. Put to a vote: all in favor.*

*David makes a motion to sign wight permits for Newport Sand and Gravel / Carroll Concrete and Barrett Trucking of Burlington. Sandi seconds. Put to a vote: all in favor.*

Hannah will leave a copy of the final Warning in the Town Office for the board to sign.

*David makes a motion to sign the warning by the 25<sup>th</sup>. Krista seconds. Put to a vote: all in favor.*

Michael Perry has been working as a flagger. Janet says he has done training and is certified for it.

Krista is not signing the warrant because she is getting a \$25 security deposit refund from her rental of the Community Center.

David says that Steve Oakes resigned as Constable, Health Officer and Justice of the Peace. David doesn't think that the town can accept the JP resignation because it's a county office. He isn't sure how that works. The board isn't going to appoint a new constable before Town Meeting, but will post the vacant offices. The state appoints the Health Officer. Constable is up for election this year. The board brings up that it may be difficult to count or deliver ballots if 3 of the remaining JPs are on the selectboard and potentially on the ballot this year. David says that if it's an uncontested election it doesn't pose a big problem. Sandi outlines how she delivered ballots that she was on, and then removed herself from the room and did not handle the ballots after they were filled out. David says if he is running for moderator and isn't contested, it isn't a big issue.



Hannah says she read the Grafton town report recently and saw that they contract with the Sheriff's office for animal control. David thinks that would be too expensive.

**Further Business**

*David makes a motion to adjourn. Krista seconds. All in favor.  
Adjourned at 10:15*

Respectfully submitted,  
Hannah Regier, Town Clerk