

Athens Selectboard Meeting Minutes
October 17, 2024
7:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Hannah Regier, April Lyman, Don Capponcelli

Called to order at 7:00

Adjustments to Agenda

None

Minutes of Prior Meeting

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

Public Comments

April Lyman says she has a comment with regard to a letter that was emailed. The letter is included in the minutes. David says that the letter is about a decision that was made in 2019 to replace a culvert at the bottom of Mill Hill and Butson Circle. April recalls that it was said at the meeting in 2015 that the water from Bingham's runs down the road. April says that there is a FACT TV recording of the meeting. The board didn't vote, but did say that the culvert would be replaced. May 16, 2019 was the date of the meeting.

Janet says that it isn't a town culvert, but at the meeting in 2019 Tom Taylor led the residents to believe it was a town culvert.

Krista says that the area with the icing issue is a school bus stop and in the town right-of-way. She asks if someone gets hurt, who does it fall on?

April plays the video of the segment of the meeting for the board. Tom said he was going to put the driveway culvert in. The work was never done.

David asks if the culvert is blocked. No one knows.

Denise wonders why the residents didn't ask for help sooner. Krista points out that the ice was especially bad last year. Janet says that Matt was keeping the ice out of the road. The water that's causing the ice is coming along the road from Carol Bingham's as well as from Taylor Hill. Sandi suggests they go out and see what the issue with the culvert is. David suggests two of the board go. Denise wants everyone to go so there aren't miscommunications.

The board will view the culvert at 3:00pm on October 20th. The meeting will convene at the Town Garage. Hannah isn't available but the board will record the meeting so Hannah can transcribe minutes.

Krista says that Ben Picz reached out again about the road. Janet says that she heard from Matt that there are a lot of 4-wheelers that go up and down that road. There is also someone who stone-rakes the road. David says he'll reach out to the sheriff's department and see if they

can do something about the 4-wheelers. He says that Duane has left so it would be difficult to get gravel up there.

Boards and Officials / Treasurer Report / Insurance Review

David shares the figures for building content values and Property in the Open. David wonders if the town is covered for the cleanup if something happens to the diesel tank and there is a spill. Krista is going to review the insurance policy.

Hannah says that the town received the full insurance payment that was requested for the damage due to the school bus accident on route 35.

The MERP grant application was submitted and the town should hear back by the beginning of November.

Hannah reminds the BCA about the Nov 5th election and that it would be great to have people at 7:00 to count ballots. David asks if there is a drop box for ballots. Hannah says that people may put their ballots in the mailbox, which is secure.

Hannah says she just got the invoice for the guardrail work. It was ~\$4,300 higher than what was in the fund earmarked for guardrails. So that fund is showing a negative balance now. The board discusses if there's a different kind that could be put in by the intersection of Route 35 and Brookline Rd. that wouldn't interfere with visibility.

FACT TV sent an email saying that they will not film meetings for free anymore. There are a few options that Alex at FACT TV has given the town. Filming meetings will cost \$50/meeting. Several years ago the town had budgeted \$700 for FACT TV but has not received invoices or an appropriation request in around 5 years. Krista suggests budgeting for an Owl instead of paying for someone to come and film because it will be more cost effective in the long term. Hannah is concerned that someone will need to setup and manage the Owl and an extra screen. One of FACT TV's options is that they could tap into an Owl stream, record it, and broadcast the recording for no charge. David brings up that if the town had an Owl, every board would probably need to use it. Hannah says the town would also then need to pay for a Zoom subscription for a couple hundred dollars a year.

David makes a motion to pay FACT TV to continue to come out and record meetings. Krista seconds. Put to a vote: all in favor.

Hannah will follow up with Alex at FACT TV.

Hannah says there is a grant disbursement form to sign for the state's share of the 2021 FEMA grant. It was for flooding, mostly on Brookline Rd. The amount is \$1,963.58.

David makes a motion to sign the Public Assistance ERAF subaward number 02140-84621-002. Sandi seconds. Put to a vote: all in favor.

Janet asks Hannah where the repairs for the school bus damage were accounted for. They were mostly put under Emergency Road Work. The truck time isn't something that is a normal expense and the employee hours were paid for in payroll.

Krista – School Board: Mark Berman has started on the schoolboard. There is a community forum on the 22nd at 6:00pm at the school. One thing that some individuals have been suggesting in letters to the editor during election season is more school consolidation to lower taxes. Tracking similar towns nearby, the vote about Newbrook has been delayed. David asks for the community forum to be put on the town website. Krista reviews the situation of funding for small schools (see last month's minutes).

David says there was a meeting in Rockingham with legislators. People asked about PCB abatement in the schools. If state legislators are present at the school forum, David wants them to have the BF high school PCB issue on their radar for getting state funds.

Krista says the Halloween Party is the last Saturday of this month. The Christmas shop will be at the end of November. There is a new member of the Community Center committee – Jen Benware. Jen has spoken with the dog officer in BF about people in Athens who have financial hardship and can't care for their pets. Jen has asked if the Community Center could be used as a donation and pickup center for pet food. Sandi is wary of storing pet food at the Community Center because of mice, but she thinks there could be some kind of drop-off and delivery scenario that has a fast turnaround. Hannah has also said the Town Office is not a good space for storing pet food.

Janet says the Planning Commission is waiting to hear back from WRC with the final draft of the town plan. Mike McConnell has also worked on the Hazard Mitigation Plan. Janet says that she overheard Hannah answer a call with someone inquiring about short-term rental regulations. There are quite a lot of these inquiries that come to the town office, and with other towns starting to have restrictions, Hannah wonders if rental investors will start to buy property in Athens. Krista says short-term rentals are a real issue in Grafton. No one lives in downtown Grafton anymore. Krista explains how some other towns are handling short-term rental ordinances. She is personally in favor of the town having an ordinance that is phased in over time that requires a 6-month owner occupancy of residences if they are to be used for short-term rentals. This kind of ordinance wouldn't affect people or companies purchasing an investment house and turning it into an actual long-term rental property. There are not many short-term rentals currently in Athens but it could become an issue in the future. Krista thinks Athens is more likely to become a glamping or tiny home development destination. David suggests that the Planning Commission look into options for short term rental regulation and make recommendations. He also wonders if a town can charge rooms and meals tax on

short-term rentals. Krista says that rentals aren't hotels. Denise recalls that a friend in Chester had to pay taxes to the town for a short-term rental.

Denise asks if there are any applications for a highway employee. There are none. Janet says Matt has spoken with Ivor, who is willing to help if needed. Denise says that should go through the board, not just be a conversation with Matt.

Hannah has run ads for the last two weeks and spent nearly the \$1,000 budget.

David makes a motion to put the employment ad on Indeed.com and on the State's unemployment office job board. Denise seconds. Put to a vote: all in favor.

Budget 2025

David asks for ideas for the budget committee to look into for 2025.

Janet says the town might want to look into replacing the 550 because it's 5 years old. She thinks a lease would be a good idea. She's concerned about the transmission. The town usually orders a customized truck that takes months to be delivered.

- Updated equipment schedule
- Replace small truck
- Cost to repair the chipper (it needs to be put together with parts that have already been purchased)
- Planning for grant matching for Ober Hill bridge replacement and other large culvert projects
- Contracted services for highway work

Krista wants to make sure contracted services go out to bid if they are being paid over \$10,000. David asks the board to look into it and if it needs to be put out to bid, that can be done next year. He thinks it shouldn't cost more than \$10,000 for the rest of 2024.

The town's policy states that for expenses of \$2,500 – 10,000, three verbal or written quotes are solicited. Over \$10,000 requires written sealed bids. Over \$25,000 needs to be advertised in the paper.

One storm at a time, or one person at a time, would probably stay under \$2,500. Krista and Denise both want to know that the town has a commitment in writing that Ivor would be available if the town needed the help. Sandi suggests wording a contract to include a "per diem" commitment of having an employee. David says he doesn't want to put Ivor off with complicated contracts when he is just trying to help out the town and it makes sense because he already contracts with the town for other needs. This isn't like contracting with a company to do all the winter road maintenance for the town for a set cost. Hannah points out that the town has spent

more than \$2,500 on lots of highway things without putting them out to bid, including hiring Ivor for. Krista is nervous about committing to use Ivor without putting the work out to bid.

Denise makes a motion to hire Ivor Stevens Ground Maintenance on a per diem, as-needed basis to assist Matt with highway maintenance for the rest of 2024. David seconds. Put to a vote: Four in favor. Krista opposed.

Policy Review

Krista hands out copies of the draft Sick / Safe Leave Policy. She reads an email from VLCT that says they haven't heard of other towns letting employees attend doctors' visits without using accrued sick time. David has previously explained that Rockingham allows this, and it allows employees to just take part of a day off. Krista suggests giving more sick time and having employees use it for any doctor visit absence. Sick leave would be used in hourly increments. David wants to keep the 2-hour policy.

The board discusses various options for the 2-hour leave and when documentation is needed from a medical provider. Sandi thinks it's important to have a level of trust and respect with employees. It is decided to leave the 2-hour leave without a note needed. A note would be needed for three-day absences. Krista thinks it is a bad idea but makes the changes.

The new policy is an update that follows the state law, clarifies the reasons that sick leave can be used, and expands sick/safe leave to elected officials. The new policy will supersede the sick leave section of the current Personnel Policy.

Sandi makes a motion to accept the policy. Denise seconds. Put to a vote: four in favor, Janet abstains.

A copy of the new policy is attached to the minutes.

Warrants and Mail

The warrants are signed and the mail opened.

The board asks if employee medical records are kept in a separate file. Currently all employee records are in a file in a locked drawer. Hannah will create a separate envelope or folder for each employee for any medical records. Krista says that employee records need to be retained for 6 years following the termination of their employment.

Hannah says that the scoping phase for the Community Center with Jon Saccoccio is almost complete. She has submitted the project for inclusion on the CEDS and RPP lists which would be beneficial for applying for additional funding.

Further Business

*Denise makes a motion to adjourn. David seconds. All in favor.
Adjourned at 9:19*

Respectfully submitted,
Hannah Regier, Town Clerk

Culvert at Across Butson Circle

From Heather Hitchcock <heatherhitchcock70@gmail.com>
Date Wed 10/16/2024 8:42 PM
To Hannah Regier <townoffice@athensvt.gov>
Cc adlyman@vermontel.net <adlyman@vermontel.net>

You don't often get email from heatherhitchcock70@gmail.com. [Learn why this is important](#)

Hi, Hannah -

On May16, 2019, the Selectboard agreed to replace the culvert at the bottom of Taylor Hill that runs along the length of the opening to Butson Circle and empties into the Mill Brook. Though we (residents of Taylor Hill and Butson Circle) have not been able to find evidence of the vote to replace that culvert in the Selectboard meeting minutes for that date, we were recently able to find the FactTV recording of that meeting verifying the approval.

We understand the culvert will most likely not be replaced prior to snowfall this year, but we want to make sure you are aware of the dangers of not having the culvert functioning. The ice build-up in that spot last winter was 1 - 2 feet thick in places and riddled with deep potholes. Some residents attempted to control the ice by putting sand down, while another tried to scrape it with his tractor. Additionally, I'm told Matt Perry was the one to dig a trench with the Town backhoe, into which he added a bucket of salt. While I do not know the origin of how he came to help, it seems to show both acknowledgement of the dangers the ice was causing, as well as acknowledgement of some responsibility on the Town's part to help with the problem. Regardless of his reasons, we were greatly appreciative of his help!

Though those solutions last winter might have helped temporarily, they did not mitigate the continued dangers of ice build-up to drivers, or their vehicles - especially when coming off Brookline Road. In light of this, and with the amount of ice we seem to be getting in winter, it would be helpful to have continued help from the Town in that area, making it a safer transition from the Brookline Road until the culvert can be replaced.

I am not able to make the Selectboard meeting tomorrow due to a previous engagement, however I would appreciate it if you would read this email during the meeting. Though I will not be there, April Lyman has a copy of the FactTV recording and will be able to cue it up and play it for the Board.

We appreciate the Selectboard's serious consideration of this issue.

Take Care,
Heather Chaudoir (Hitchcock)

DRAFT SICK/SAFE LEAVE POLICY

Adopted 10/17/2024

The Town of Athens (“Employer”) provides paid sick time to eligible employees who must miss work due to their own illness, to care for an ill family member, to receive preventive medical care, or to obtain certain services if they or their covered family member is a victim of domestic violence, sexual assault, or stalking in compliance with the requirements of Vermont law.

Eligibility

Regular employees and **elected officials** who work an average of at least 18 hours per week are eligible to accrue paid sick time (“Qualified Individuals”).

Accrual and Carryover

Regular full-time employees and elected officials **who work an average of at least 18 hours per week** receive **6** days of paid sick time on January 1 of each year. **Qualified Individuals** may carryover remaining, unused sick days each year into the next calendar year up to a maximum of thirty (30) sick days.

Employees who begin after January 1 will receive **6 days (48 hours)** of leave on their first day of employment.

Qualified Individuals may use accrued sick leave after their first day of employment. There is no waiting period that a Qualified Individual must complete before using available sick/safe leave.

Permitted Usage

Available paid sick time can be used for paid time off for any of the following reasons:

- The **Qualified Individual’s** own illness or injury;
- For the **Qualified Individual’s** professional diagnostic, preventive, routine, or therapeutic health care;
- To care for a sick or injured parent or someone **who stood in loco parentis to the Qualified individual**, grandparent, spouse **or partner**, child or a minor for whom **the Qualified Individual stands in loco parentis**, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee’s parent, grandparent, spouse **and/or** partner, or parent-in-law to an appointment related to his or her long-term care;
- To arrange for the **Qualified Individual’s** own social or legal services or to obtain medical care or counseling for the employee’s parent or someone **who stood in loco parentis to the Qualified Individual**, grandparent, spouse **or partner**, child or a minor for whom **the Qualified Individual stands in loco parentis**, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, stalking or who is relocating as the result of domestic violence, sexual assault, or stalking; and
- To care for a parent or someone **who stood in loco parentis to the Qualified individual**, grandparent, spouse **or partner**, child or a minor for whom **the Qualified Individual stands in loco parentis**, brother, sister, parent-in-law, grandchild, or foster child, because the school or

business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Reasonable Notice Required

An employee must provide reasonable notice to Employer, as soon as is practicable, of the need to utilize paid sick leave and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventative health care during regular work hours. An employee may be required to provide documentation supportive of their use of earned sick time.

Documentation of Sick/Safe Leave Use

Qualified Individuals may use up to 2 hours of sick/safe leave at a time without drawing from their sick/safe leave bank. If an individual uses more than 2 hours of sick/safe leave at a single time then they must draw from their sick/safe leave bank.

If a Qualified Individual uses more than 3 days of safe/sick leave, they must submit a note upon their return from leave in accordance with applicable law supporting their need for leave. Records related to sick/safe leave use will be maintained in accordance with applicable law.

Payment Rate

For absences where paid sick time is used, employees will be paid their hourly rate.

Misuse of Sick Time Prohibited

Misuse of sick time is strictly prohibited. Qualified Individuals may only use sick/safe time for the reasons set forth above in "Permitted Usage" or as otherwise permitted by applicable law.

If any employee commits fraud or abuse by engaging in an activity that is not consistent with the allowable purposes for earned sick time (e.g., being sick, caring for an ill family member), the employee will be subject to discipline for their misuse of sick time.

Retaliation Prohibited

Employer and its agents shall not retaliate against an employee because the employee has exercised their rights under Vermont's sick time law, the employee lodged a complaint of a violation of the Act, the employee has cooperated with the Commissioner in an investigation of a violation of the Act, or the employer believes that the employee may lodge a complaint or cooperate in an investigation of a violation of the Act.

Accrued, but unused, sick/safe leave will not be paid out upon the termination of employment for any reason.

This policy supersedes all previous policies pertaining to sick leave. For the avoidance of doubt, this policy is not meant to in any way affect any other personnel policy regarding leave, other than those specific provisions regarding sick leave.

David Bemis, Chair

Sandra Capponcelli

Denise Randall

Krista Gay

Janet Perry abstained