

Athens Selectboard Meeting Minutes
October 19, 2023
7:00pm at the Athens Town Office

In attendance: Sandi Capponcelli, Hannah Regier, Janet Perry, David Bemis, Denise Randall, Krista Gay, FACT TV (Cody), Amber Stevens, Carmen Dresser, Tom Taylor, Linda Taylor, Pam Russo, Ginger Maciejowski, Don Capponcelli, April Lyman, Rachel Shields-Ebersole from BDCC, Ryck Morales from SBA

Called to order at 7:01

Adjustments to Agenda

Krista asks to add the reading of a form relating to her malpractice insurance. Davids says to do that under Boards and Officials.

Minutes of Prior Meeting

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

Public Comments

Tom Taylor wants to know if the board has spoken with the road foreman about the wash on Mill Hill and why it hasn't been fixed. He also wants to know why the road crew goes by his house with the leaf blower and twice have blown leaves on his lawn, house and porch. David says he did speak with Matt. Tom says Matt has no respect for the board or anyone who lives in the town of Athens. He says he has seen the town truck 4 times in different towns, one of them 22 miles away. Tom wants the measurements of the door of the town truck so he can buy a sign for it. He requests that the town hire someone to suck the leaves off of his property. Linda asks if David talked to Matt and David says he did. Linda says Matt blatantly did it again and that is disrespectful to the board and taxpayers. She says the culvert that's crushed and creates the wash never gets addressed. Tom asks why the leaf blowing is happening in front of people's houses. He says there are other places in town where leaves are blown up to the top of people's fences.

BDCC

Rachel Shields-Ebersole explains what the Brattleboro Development Credit Corporation and SeVEDS do. BDCC is a regional economic development agency. They receive a small amount of funds from the state to do economic development work for the whole Windham region and they go out and get grants for the rest of it. SeVEDS is their sister organization that focus on holistic development like housing and other bigger factors influencing economic development and community vibrancy. She is asking that the town consider putting a contribution to BDCC on the budget. \$3/person is their standard request.

Today they had a school event – Reality Fair – to work with high school students to graduate with a plan for a career. She says she has been helping with the community center and garage projects. She knows these big projects are really hard for small towns to take on. She says that they are trying to advocate with the state so small towns get more resources to take on big projects like the community center and town garage. Krista asks what BDCC is doing to help local students stay in Vermont. Rachel says the Pipelines and Pathways program is the most direct way, and they also a staff person who goes into schools and discusses with students how they can have a career and stay in Vermont. They also have an app that matches young people’s interests with local opportunities or training that should be launched within the year.

Boards and Officials

Krista says that as an attorney, her employer’s insurance requires her to read a statement into the record and have it signed. She reads the statement which is attached to these minutes.

David makes a motion to accept the statement. Denise seconds. Put to a vote: all in favor.

Treasurer Report

Hannah says the fund allocations have been made for the year. The budget is tracking high due to emergency road work and as-of-yet unreimbursed grant work. The overall expenditures are at 110% of the whole year as we are entering the fourth quarter.

Denise asks where grant reimbursements are accounted for. Hannah says it depends how things have been budgeted and if they have been budgeted. She has three expense categories, Stormwater program, Grant reimbursable expenses, and Emergency road work. The grants get accounted for under the Revenue line items for State and Federal grants and balance the expense categories.

Denise asks about how gravel and stone from a stockpile, that is used for emergencies, can be replenished after getting a reimbursement grant. Janet says it wasn’t done last time. Hannah thinks there is a misunderstanding amongst the board about how budgeting works. She says that the selectboard should budget for more gravel and buy it if it’s needed. David says that the grant money should be associated against the gravel so the town can repurchase the gravel. Hannah says she can look into how to do that, but currently a FEMA grant goes into the Federal Grant revenue line and offsets the expenses that were incurred. Then the board would need budget for what new materials are needed. She says as they are going into the budgeting cycle now, and encourages the board to budget for stockpiled gravel. Janet doesn’t want grant money being given back to the taxpayers as surplus instead of going into the highway department. Hannah says she can look into changing the accounting -- it might mean changing the current system in NEMRC to get what the board is asking for.

Sandi asks if Darlene is going to continue on as assistant town clerk, and if an adjustment to her salary budget would be made, because it is over budget this year. Hannah says Darlene’s

salary looks higher than it really is because although she is acting as both assistant clerk and asst. treasurer, she is being paid out of the Assistant Clerk line. There is another \$1,500 budgeted for Assistant Treasurer that hasn't been used. It is impossible to separate the tasks of both roles since they are both doing everything when the office is open. The roles were kept separate because there were some questions about residency requirements for one of the roles which turned out not to be an issue. Hannah says that Darlene is willing to continue as assistant when she moves and Hannah is happy to have her. If Darlene wasn't working, Hannah would need to work more. The board asks for the salary line items to be evened out so it's easier to understand.

Hannah says the Meetinghouse Committee paid off the Housing Rehab Fund loan and that is reflected in the balance sheet.

Dead River came and found no issue with the pipes on the town office oil tank, so they've issued a new inspection report that says the tank is fine.

Hannah and Darlene managed to get two of the old safes open and they had the documents in them that were on the old inventory sheets. She is guessing that the last safe that they can't get open probably also has the stuff in it that is on the inventory. She thinks it's not necessary to hire a locksmith to open the last one right now, because there isn't anywhere to put the documents. She'd like to work on the survey plat storage and order the sleeves for them that fit in the cabinet that Grafton gave to Athens. This would be using funds in the Record Preservation Fund. David asks if the money could also come from the Reappraisal fund. Sandi doesn't think it would apply because the fund is for maintaining the grand list and the storage materials are more office supplies. Amber says that the town is going into a reassessment, and they don't want to draw the fund down.

David makes a motion for Hannah to be able to take money from the Record Preservation fund to purchase sleeves for the survey plats. Janet seconds. Put to a vote: all in favor.

Hannah says there is a design meeting with Jon Saccoccio's office next Thursday to look at the initial drawings for the town garage. It is at 2:00pm and will be virtual. She will take the meeting at the town office so others can join.

Ginger / Meetinghouse Committee: They want to acknowledge that they paid the loan back and that there is a letter for the selectboard.

Amber / Listers: The listers are working on getting through all the PTTRs that have come in. They are trying to not put in as many office hours now as it is the slow season and they have had a lot of training already this year.

Amber / Budget Committee: The committee is starting to meet next Tuesday and would like to be on the agenda for the November 16th meeting at 6:30.

Amber and Matt met with 8 members of FEMA last Friday to go over everything that the town wants to be funded by FEMA. She is working with the district manager, Mary, to go over all the numbers and paperwork. She says there was a site inspector, who won't have to come back again now. And the mitigation person was helpful -- they looked at both the landslide and the Ober Hill Rd. bridge. Matt noticed that some of the riprap has moved under that bridge, so they're looking into a mitigation grant there too.

Amber says they haven't secured a contractor for the reappraisal yet.

LHMP / BRIC Grant

Sandi says she submitted a quarterly report for the LHMP. Hannah says that Alyssa Sabetto emailed saying that the window within which the grant needs to be used within about 6 months, so the town needs to put out an RFP for the plan very soon. Sandi asks what the amount of the grant is, and David thinks it's \$5,000. David says that the state will help Sandi with the RFP. David explains that LHMP is the Local Hazard Mitigation Plan. It's a plan that has to be done every five years and approved by the state and FEMA. BRIC is Building Resilient Infrastructure and Communities.

Roads

Janet makes a motion to have a hearing to reclassify certain portions of Ober Hill Rd. Denise seconds.

Discussion:

David says they should talk to an attorney to guide them through the process, including the timeframes for the hearings. Denise asks if the new classification would be as a Trail. Janet says yes. David says Westminster and Rockingham would need to be involved. Hannah says there is \$650 left in the Legal Fees budget for the year. Janet thinks maybe they can ask VLCT for advice. Krista asks why this would need to happen in the next 6 months. Janet says if someone got hurt on the road the town might be liable. Tom Taylor says there are old maps in the town garage – he thinks Ober Hill is a class 4 road from the barway up. David says that for a class 4 the town still has to maintain bridges and culverts, but not for a trail. Hannah says that on the state map Ober Hill is classified as “NUTS” (not up to standard). Denise suggests waiting until the next budget year.

Put to a vote: David, Sandi, Janet in favor. Denise and Krista opposed.

Janet will talk with VLCT and bring info back to the next meeting.

Janet makes a motion to look into reclassifying Whitney Hill Rd. to a class 4.

Krista says that feels so wrong and looks like a first amendment claim, because the people who live on that road asked for help, and complained about how some work was done, and then at

the next meeting the town moves to reclassify, which would be an adverse action. There would be a strong argument that the town is retaliating against people. Krista says it wasn't warned or put on the agenda, so the people who live there didn't have an opportunity to be present and talk about it. David says he is not looking to reclassify that at this point in time – there are houses on the road. He understands it would be expensive to bring it up to full standards. Denise seconds. Put to a vote: Janet in favor. Sandi abstains. Denise, David and Krista opposed.

Sandi brings up the tiny cutoff road at the intersection of route 35 and Brookline Rd. She thinks that should be taken off the state maps. David says it's called Smith Farm Drive. It is completely grown in now. It will be put on a future agenda.

Policy Reviews: Delinquent Tax Policy

Hannah wants clarification on two parts of the delinquent tax policy. One section says that the delinquent tax collector will accept payment plans, provided a signed agreement is entered into by October 15, and the payment amount must be sufficient to pay off the taxes before the next year's tax bill is due. The policy doesn't say what happens if people don't have a payment agreement, or if they don't make payments. Hannah has been trying to get delinquent taxpayers onto payment agreements. Some people do and some people don't, and there are no consequences if they don't. Lower on the policy, it says that "after one year" the delinquent tax collector will start tax sale proceedings. Hannah knows that other town's policies have a shorter timeframe for putting property up for tax sale. David asks if they should take out the section about payment plans. Hannah says no, she thinks payment plans are useful, but she gets pushback on them and doesn't have any leverage, so it seems like a waste of time and energy. Sandi says there needs to be something in the policy that says what happens if people don't sign up for a payment plan. She suggests removing the one year clause and starting the possibility of tax sale at three months if someone isn't on a payment plan. There would still need to be the ability to adjust payment plans or make arrangements with the delinquent tax collector if there are extenuating circumstances. David wants it to be written in conjunction with the statutes. He says the town has no enforcement tools other than to sell the property. He wants it to stay as simple as possible. Sandi says it needs to have a clear timeline, just like a mortgage or a car payment. Hannah says there are a few people who use the town as a bank, and after a year, when they get a tax sale warning, they pay up. With the trouble that the town has with budgeting and collecting enough money to pay the bills, it would be good to have the delinquent tax policy a bit tighter.

Hannah will look at other towns' policies and write up a simple, new delinquent tax policy for the next selectboard meeting.

Policy Reviews: Sample Timekeeping Policy

Krista shares a sample policy, in the interest of protecting the town from any wage and hour violations. She asks if the town is covered by the FLSA, which has hefty penalties for faulty record keeping or if employees claim to not be paid for time they worked or are asked to do unpaid work.

The policy states that in order for the town to keep accurate records and ensure employees are paid for time worked, the town employees have to record their time. It would entail clocking in and clocking out for start time, stop time, time away, and unpaid breaks. The main thing is to make sure all time worked is recorded, regardless of whether it's at home or on town property. There has to be a clause that even if they are asked to not record time, they are entitled to record it and be paid.

Krista doesn't think it's needed for the employees to record what they are doing, unless it's needed for grants. She thinks a timeclock would make it easier. Sandi says the activity log is needed for grants. Denise asks if it could be in a journal or if it needs to be on a timesheet. Hannah says there are in kind matches for grants that need to see when employees are working on a project. Amber says it's important to keep track of when maintenance has been done on each road and that timesheets are the best place for it. It helps for scheduling maintenance. Sandi agrees timesheets are the easiest place to keep track of activities and machines used.

Krista says the language is from the state of Vermont Human Resources policy for state employees. Vermont doesn't require a defined lunch or breaks, but there should be a statement saying they are entitled to an off-the-clock break. The highway employees work from 6:30 – 2:00. Linda Taylor asks if the road crew is getting paid for lunch. Sandi says they are, usually, depending on what they are doing. Janet says they don't take a lunch break. Krista says paid and unpaid breaks should be defined in writing.

Krista says that most similar size towns are contracting out their road work, so don't have a policy like this.

The board will revisit the Timekeeping policy in the next meeting. The board discussed a few more details.

Amber says that Grafton has a 27 page personnel policy on their website.

Janet says she has finished the policy that she started two years ago on Standards for Developments and Home Driveways. David asks if there is a permit needed for a driveway. Janet says she doesn't know if it would piggyback on the other policy they approved a couple years ago. The policy is read and will be brought back up at the next meeting.

Executive Session

Sandi makes a motion to go into Executive session at 8:26 to reference two legal matters, for which premature public knowledge would put the town at a substantial disadvantage. Krista seconds. Put to a vote: all in favor.

SBA / USDA [Before executive session]

Ryck Morales from the SBA shares information on assistance for flood victims. He has a fact sheet for the USDA programs. Homeowners, renters and businesses should register with FEMA, but businesses can then go to SBA for assistance. Oct 21st is the deadline to apply for physical damage for incidents between July 7-21. He goes over the various loans, grants, benefits and payment options that are available.

Executive session resumes at 8:45

David makes a motion to exit executive session at 9:26. Sandi seconds. Put to a vote: all in favor.

No decisions were made in executive session.

David makes a motion for Krista to contact VLCT on a potential legal matter and communicate that to the rest of the board. Denise seconds. Put to a vote: all in favor

Warrants and Mail

The warrant was signed and mail opened.

Janet says she contacted Peter at Apalachee Salt and the prices are the same as last year. They still don't need a contract and have an ample supply.

David makes a motion to sign the WRC Technical Assistance Request for FY24 Grants in Aid. Denise seconds. Put to a vote: all in favor.

The MERP building assessments are scheduled for December 12th.

Denise makes a motion for Hannah to Docusign the VLCT PACIF insurance policy. Sandi seconds. Put to a vote: all in favor.

Sandi is meeting with Colin Bratton and will discuss the new FY24 grant programs with him.

A letter from the Athens Historic Preservation Society and a copy of the check used to repay the Housing Rehabilitation Fund loan are attached to the meeting minutes.

Krista talks about the structure of the AHPS and the Meetinghouse Committee as two separate entities. She is not involved with the AHPS and didn't see the letter before it was sent. Krista

thinks one of the problems is that the money has been coming from the AHPS and not the meetinghouse committee. The meetinghouse committee can only influence how the building and grounds are used and the limited amount of money that is in the town's account. She thinks the question of "what money goes in what pot?" needs to be sorted out when there are fundraisers. David says the town signed an agreement with the AHPS that they can run events at the Meetinghouse. Sandi retells the story of how the HRF loan was incurred via overruns on a construction project. David says it's good that it has been paid back and can be loaned out to people who need work done on their homes.

Further Business

Sandi brings up the 911 addresses on Reed Rd. She says it should go by driveway placement and the current numbers are wrong. Sandi is going to contact Bartlett Holmes and ask if he is going to sell his third parcel. She says if he is, the town should assign a number to it, and have the others in the correct sequence. She says she knows it's inconvenient, but it should be corrected.

Krista asks if when discussing policies, the agenda can reference the policy that will be discussed. The board agrees.

David makes a motion to adjourn. Sandi seconds. All in favor.

Adjourned at 9:46

Respectfully submitted,
Hannah Regier, Town Clerk

October 19, 2023

Chair, Select Board for the Town of Athens, Vermont

Re: Service on the Select Board

Dear Town of Athens Select Board:

I am honored and pleased to serve on the Select Board for the Town of Athens, Vermont (the "Board"). As you know, I am a lawyer practicing with Perkins Coie LLP (the "Firm"). The Firm encourages its lawyers to be active in the community and this may include serving on boards. However, it is important to our insurance carrier and to the Firm that we clearly distinguish between our personal services as board members and the Firm's provision of legal services.

Accordingly, as a member of the Board, I am acting solely in my individual capacity and not as a representative of the Firm. In particular, I am not acting as a lawyer or providing legal services to the Board or the Town of Athens, and any communication between the Board and/or the Town of Athens and me is not protected by the attorney-client privilege. If I receive compensation in connection with my service, this will be my personal property and the Firm will receive no financial benefit.

If the Board or the Town of Athens desires the Firm to provide legal services, such an engagement would be subject to the Firm's normal rules and procedures, which require confirming that this would not create a conflict of interest, signing an engagement letter, and designating a responsible Firm lawyer.

Please sign and return the enclosed copy of this letter indicating the Board's agreement to my service as a Board member consistent with the foregoing limitations. Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Krista Gay

Select Board for the Town of Athens, Vermont agrees to the terms described above.

By: 

Its: 

Date: 10 19 23

STANDARDS FOR DEVELOPMENTS & HOME Driveways

In order to minimize the adverse impacts on the Town of Athens, VT. The following standards must be met by any access roads(driveways) or enlarged developments to provide for the adequate provisions for life safety services for residents and visitors.

DEVELOPMENT ROADS TO BE TOWN HIGHWAYS AND ACCESS ROADS

Must conform to ALL Town Highway standards as outlined in Vermont Agency of Transportation Standard A-76.

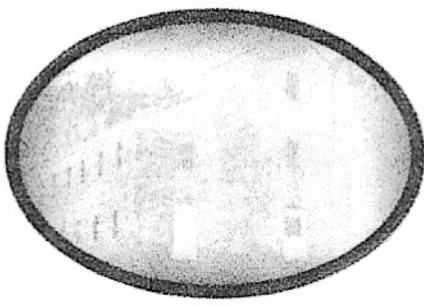
ACCESS ROADS:

Access Roads are roads that serve (6) or more house sites or driveways. They are to be a minimum of 18 feet wide with 2-foot-wide shoulders with a minimum of 18" of gravel with a 4" crusher run stone wearing surface. The usable road must be able to bear the weight of a 50,000 lb. (25 ton) fire truck on all 18' of road. The maximum grade shall not exceed **12%** at any time. If the access road is not a through road, it must have a turnaround at the end large enough to accommodate at least 3 emergency vehicles (40' X 40' Hammerhead or 80' diameter circular turn around). Tree limbs and any other obstructions are to be removed to a height of 12'. All access roads longer than 500' will have vehicle bump-outs (15' X 50') at or near the half-way point or every 600 feet. Any access road that serves 6 or more houses shall have a usable fire pond with a dry hydrant that is accessible year-round.

DRIVEWAYS:

Driveways serve 1-5 house sites or driveways. They shall be a minimum of 14' wide with 2-foot-wide shoulders with a minimum of 18" gravel with a 4" crusher run wearing surface. The usable road must be able to bear the weight of a 50,000 lb. fire truck. The maximum grade shall not exceed **12%** at any time.

All driveway entrances intersections must be at least 18' wide for the first 20' of driveway, tapering to 14' to allow for emergency vehicles to turn around. Driveways longer than 500' or more in traveled length shall have a turnaround at the end large enough to accommodate at least 3 emergency vehicles (40' X 40' Hammerhead or 80' diameter circular turn around). Trees and other obstructions are to be removed to a height of 12'. All driveways longer than 500' will have vehicle bump-outs (15' X 50') at or near the half-way point or every 600 feet.



Athens Historic Preservation Society

September 25, 2023

To: Athens Brick Meetinghouse Committee
Athens Select Board/Housing Rehabilitation Loan Fund Trustees

Following a discussion at the September Athens Meetinghouse Committee meeting, the Athens Historic Preservation Society (AHPS) board met and approved a \$5,000 payment from AHPS funds to retire once and for all the matter of the Housing Rehabilitation Loan Fund (HRLF) balance. Back at the time, the Town advanced funds to the Meetinghouse Committee in what was termed a loan to cover unanticipated expenses associated with the 2016/2017 Stabilization Project. While no actual loan paperwork was produced, and no one from the Meetinghouse Committee was present or participated in this discussion, \$20,000 was moved from the Housing Rehabilitation Fund (HRLF) to the Town Meetinghouse fund so Darlene could pay cost overruns. At that time the "understanding from discussing this in advance with David, [was] that designating this as a loan, leaves open the possibility that funds can eventually be repaid to the fund over time, or at some point in the future, the [HRLF] Committee could decide to make some or all of it a grant to the Meetinghouse." - ABMH meeting minutes 1/4/2017. In fact, Sherry at the time made very clear to David the concern that the committee would not be able to repay those funds.

In retiring this "debt", AHPS looks ahead to continued success in growing a dedicated preservation fund for the ongoing restoration of this historic gem so as to ease the burden on the Athens taxpayers.

When the current project comes to a close by the end of this year or early in 2024, the combined efforts of committee members and the AHPS will have brought \$172,000 to the restoration of the Town owned asset, through a combination of charitable donations, grants and fundraising events.

Respectfully,

The AHPS Board: Sherry Maher
Pamela Russo
Tim Stevenson

**Preserving the bricks and mortar of a rural
Vermont community.**
C/O PO Box 43I
Townshend, VT 05353

To the Select Board
Athens, VT

I would like to request a closed meeting to discuss, my position and what has become unmanageable abuse toward me and my family related to my position with the town of Athens

The continuing negative accusations and personal and professional attacks at open meetings is very disturbing to me and my family and continues outside of meetings. I can provide details when we meet.

I would like the board to make a statement, for the record, at an open meeting to express the board's confidence in me, if that is the case. I feel certain that the board is confident in my dedication and ability to serve Athens with my past and present level of consistency and professional skill.

The matter of designating the _____ a town road has been decided by the board, and ,as far as I understand, final. But the constant discussion about the matter by a few of the public attendants is insulting and discouraging.

These negative and insulting comments at meetings has caused, not only damage to my personal reputation but also upset my family. It continues outside public meetings.

I'm assuming the matter is closed about the designation of the road. I also assume that further attacks on me are not on the agenda. And public comment should be closed.

I would like to ask that this be stated, for the record at your next open meeting. Maybe reiterating that the matter of the road has been researched and decided.

This abuse has to stop, and in light of the board's generous time volunteering, it wastes valuable time and energy for the volunteer Selectboard members. Not everyone has that in mind when speaking about matters before the board.



I hope you will consider this and wait for your response. And as I said I can add more detail when we meet, if needed.