

Athens Selectboard Meeting Minutes
February 15, 2024
7:00pm at the Athens Community Center

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Hannah Regier, Matt Perry, Dennis Mirante, Jeff Slade (Milton Cat), FACT TV (Cody), Danny Taylor, Tara Taylor, Carmen Dresser, Tom Taylor, Linda Taylor, Stan Noga (Brookline Selectboard), Tim Stevenson, Sherry Maher, April Lyman, Don Capponcelli

Called to order at 7:01

Adjustments to Agenda

Sandi says Don would like to speak on the scoping of the town garage. David says that can happen during the boards and officials segment.

Minutes of Prior Meeting

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

Public Comments

David says there will not be back and forth during the meeting, so people should make their comments now.

Tom Taylor asks why the town truck isn't inspected. And he says he hasn't seen the name on the door yet.

Sherry says she would like to understand the question for culverts that are at the bottom of driveways where they meet the road. They have one at the bottom of their driveway which Matt and Tom put in. She thinks it should be clear in the new policy who is responsible for them.

Don acknowledges the five-member board and how much they do and how little they get paid. Three are coming in after working all day. He says that he knows the High School board was always adjusting policies and their process was to have a public reading, followed by a 30-day period to consider before the next meeting where the policy was voted on. He says the way the board has handled the driveway policy seems similar and was responsive to townspeople's needs. He thinks it was appalling that some people said the town was on a power trip or being underhanded. He thinks some of the individuals raising those issues aren't aware of how small town governments operate.

Boards and Officials / Treasurer Report

Hannah points out that the Ford 550 and grader are already over budget for R&M for the year.

Hannah says the the application for MTAP funds directly from the Agency of Administration to fund the scoping of the community center / town office was approved. She is working with WRC to submit a SOW which should reserve the funds. The application was for a ~\$40k proposal from Jon Saccoccio to do an in depth scoping phase for the building, including schematic & detailed design and engineering.

Hannah says the garage scoping work is complete at this point. There is a cost estimate from a professional cost estimator, not a construction company. There are a few different ways to move forward and Hannah is planning to upt together more information for the next selectboard meeting. The town is still waiting for the MERP assessment reports, which can be compared with the garage scoping to see where MERP funding can be applied. There are different options for moving forward with the design and trying to lower the cost of the overall project.

Don says he likes the architect and his drawings for the town garage renovations. He says that Jon Saccoccio is preparing a quote for the next round of his work that will get the project ready to bid. Don thinks the cost estimator did a boilerplate assessment that includes a lot of overhead. Don wonders if there is enough information now to use to apply for grants and if grants would fund the project if the town acted as the general contractor and managed the project and hired out the separate pieces.

David brings up the long distance service for the community center. Hannah got prices from VTel which are lower than MCI. She suggests going with the per minute rate with VTel and see what it comes to after a couple months.

David makes a motion to go with VTel long distance per minute plan and cancel the MCI service. Krista seconds. Put to a vote: all in favor.

The Community Center has a rental coming up next weekend and an Easter egg hunt the last weekend of March. Krista asks for plastic Easter egg donations.

The Meetinghouse committee is still waiting from Farnham for the moisture mitigation work to be done. The floor has been leveled and looks great.

David asks Tim Stevenson to have a meeting after Town Meeting to fill out the LEMP and discuss the emergency response process in the town. Tim mentions the climate resilience tool workshop that is coming up and encourages selectboard members to take part in it. The workshop will be recorded and can be shared with townspeople. Tim says VT Emergency Management can also come out to educate the town about preparing for possible climate impacts.

Hannah says she sent around an email about new FEMA flood maps. Right now they are looking for high-level feedback. Andy from the planning commission said he wasn't going to be able to put much time into it. She thinks it might be good for the town to stay close to that process because it's mapping additional areas along the Bull Creek. Hannah doesn't think the

FEMA team actually came to Athens to map the flood areas. Denise asks if they might come out if requested. Hannah says she will forward the additional info she has to the board.

David asks Krista about the legislation regarding postponing school budgets. She says it's still TBD. There is a pre-town meeting in Grafton which includes a review of the school budget before voting on Town Meeting day.

Janet says the Planning Commission is meeting the 2nd Tuesday in March to avoid Town Meeting.

Benefits

Sandi hasn't heard back from VLCT about the disability and life insurance benefits.

Brookline Selectboard sharing resources

Stan Noga is a selectboard member in Brookline. He understands that there has been direct and indirect communication over the last few years about the two towns' pooling personnel resources. He thinks it might be more efficient for training and other expenses. Stan says they have one highway employee who works up to 30 hours a week. They are about to advertise for someone to assist that person on an on-call basis. Matt says he's had a few conversations with Mark. They've also been approached by Townshend for a similar arrangement. Stan says the statutes permit towns to assist each other, with or without the Windham Regional Commission. Stan says the entire Brookline selectboard thought it would be worth pursuing with Athens to see if there is some way they can provide a benefit to serve their citizens and take advantage of people who already know what they're doing. Stan says they have a new JCB wheeled excavator and an over-the-rail mowing machine. They are also looking for an administrative assistant for 5-10 hours a week to assist the selectboard with research and other work. He hasn't been able to find sample documents yet for an arrangement. He says there are options for having attorneys draft a contract. The contract would be reviewed by the SoS office to make sure it aligns with statutes. They didn't decide on any pre-conditions to get involved. He just wants to make the suggestion today and see if a committee might form to take on the project.

David says that a few years ago WRC put in an effort to try to get something like this going among several towns and it didn't go very far. David says he would be interested in doing it if it would help the taxpayers and add efficiency. He wonders if there needs to be a vote by the town to hire an admin assistant. Krista asks Stan what his scenario is for a collaboration – is it personnel or equipment or other stuff... Stan says they want to discuss what each town needs. He thinks there might be scenarios that develop where it's nice to have someone else on call. He says it's a fluid scenario where they don't need a full-time person, but need help at times. Sometimes they need a flagger or equipment operator. It might be a simple exchange of highway personnel when needed. Krista says her only concern is a potential issue with joint employer status for wages and insurance. Stan says an initial email from a VLCT attorney had a couple options for handling the responsibility. He hasn't gotten into the details yet.

Krista points out that they don't know yet if the employees would be agreeable to a shared scenario. Matt says that he and Mark were talking about sharing equipment like a leaf blower and mulcher. Matt says that they are both small towns and if they're doing a project where they need another hand for a day, they could swap that with each other. He says a lot of towns around do that kind of thing.

Hannah asks that as people are discussing the options that they keep in mind the additional admin load. She says sometimes efficiency in one place could create more work in other places. She says she is supportive of the idea, but also wary of more work falling on her desk without consideration. Stan offers an example that the statue requires a new bank account with money to be put in it by both towns.

Denise makes a motion for Janet, Krista and Matt discuss the idea with some people from Brookline and come back to the board. David seconds. Put to a vote: all in favor.

Tim Stevenson suggests actively involving WRC in the collaborative process. David agrees and says they've already done some of the work.

David says they can plan to start meeting in a couple months.

Grader

Jeff Slade from Southworth Milton says that they have a 2010 used grader that was from the town of Killington. It's a 140M model. Jeff has looked at Athens' grader to get a trade-in value. The new grader is heavier, newer and has a smaller mow board than the current one. Matt has looked at it and says it is tighter than the current one. Jeff says a grader like this comes along once every 5 years, because towns tend to keep graders a long time. Jeff talks about the history of graders and road materials. Now that there aren't any gravel pits left, roads are using crushed ledge that has a lot of fines in it. That makes for a hard road which is hard to grade. Matt says the only time a heavier machine isn't good is in mud season. It has a wing but not a snowplow. David asks how long the grader will be available. Jeff says there are four reservations on it already, so he needs a decision at this meeting. A new machine comparable to this one is \$425k now. The cost of this used machine is \$150k minus \$72.5k for trade. Net cost is \$77,500. The machine would get a 1000 hour service before it sells. It has brand new tires.

Jeff suggests the state loan fund or local bank. Cat financial does a dollar buyout lease on used equipment with 5.49% interest. A full 5 year lease would be in the \$17,200 range /year. There is \$35,000 currently earmarked for grader replacement in the equipment fund, and \$5,000 goes in each year. Hannah suggests putting enough down so the payments are close to the annual allocation amount. Janet thinks it would still be 7-8k with 35,000 down.

David asks if there's an option to purchase a warranty. Jeff says an outside vendor might sell one, but it's outside what Caterpillar does.

Denise says used equipment tends to break down a lot and can be buying someone else's headache. But the town can't afford to buy new equipment. Jeff says there aren't many small municipalities that buy new equipment. Denise says they don't know if the townspeople will pass the budget next month. David says the town does need a grader, so it either keeps the current one and hopes it doesn't break or buys this new used one.

The hours on the new grader are 6800 vs 6612 on the current one. But it has had better maintenance and is newer to start with, has less hydraulic systems, etc.

David asks how long it would take to get a new grader if something major happened to the town's current one. Jeff says brand new graders take 10-18 months from when they're ordered. Jeff says he has 10 used graders, but they aren't better than what Athens has now. He may have some newer ones coming in as trade-ins, but they will be more expensive.

Sherry asks if there is a schedule for replacing the grader. David says there isn't one in the policy although there are schedules for other pieces of equipment.

Denise says she has reserves about spending money on a machine that has more hours, especially when the town is trying to keep the budget down. Krista says that it feels like it's out of budget. Denise says if the current one keeps breaking down, they'll be really out of budget. David says if the town put \$35,000 down and put the remaining on a capital lease, the annual payment would be only ~\$2,000 more than what the town would be raising anyways. The board considers putting \$25k down so it can afford the first payment. Jeff offers that the lease could be done in arrears, with the value of the trade in being enough to not make a payment the first year. The board discusses payment options and amounts with Jeff.

Hannah asks if the grader will be tradable again in 5 years, and can the town get to a place where they are trading in higher value machines. David points out that they already are, because the trade in value of the current grader is only ~18k less than it was purchased for 7-8 years ago.

Hannah points out that in 5 years, the grader replacement fund will be empty if the allocation is going to a lease payment and not towards saving for another replacement. The board says Mike Bates is working on a new equipment schedule and the annual allocations will have to go up.

Sandi says she thinks the town should trade in the grader for this new one. David asks if there is any difference in repair costs for the two machines. Jeff says there's no major difference.

Sandi makes a motion to buy the used 2010 CAT 140MAWD motor grader, trade in the old grader, and do a lease with Caterpillar. Janet seconds.

Discussion: Krista asks what happens if the budget doesn't pass. Jeff says there is a non-appropriation clause in the lease which means the lease is null and void if the funds aren't appropriated. The town could keep the machine for a year and then send it back. But they would lose the traded grader. Jeff says that he hasn't ever had a situation where the appropriation for

the lease was denied. Hannah points out there isn't a separate appropriation vote for the lease, it's all part of the full budget.

Put to a vote: Sandi, Janet, Denise: yes; David & Krista: no

David explains his no vote is because they don't know what's going to happen at town meeting. He thinks the 2010 grader is a good deal and a good fit for the town.

David makes a motion to use \$30,000 from the reserve fund as a downpayment and do a 5-year capital lease for the remainder; additionally, David can sign the sales order and Hannah can work with the figures. Denise seconds. Put to a vote: all in favor.

Policies vote

David makes a motion to accept the Conflict of Interest policy, subject to putting "Athens" as the town name in the document. Denise seconds. Put to a vote: all in favor.

Krista will add the town name to the policy.

Denise makes a motion to accept the Delinquent Tax Policy. Krista seconds. Put to a vote: all in favor.

Sandi wants to have further discussion on the Driveway Access policy. Sandi says there are other options. Colin Bratton sent Guilford's driveway standards which is simple and easy and doesn't include inches of gravel and other details. Marc Pickering suggested adopting VTrans codes and standards annually and the policy becomes following VTrans standards for driveway and road construction. She says from her research other towns never take over driveway culverts, they are always property owners' responsibility even when they are in the ROW.

Krista says that Ivor called her to clarify that he's never built a driveway that needed a loan, so he didn't know about that. Ivor asked if the town had a right of way policy and suggested that the driveway policy become part of the ROW policy. Athens doesn't have a town ROW policy. Danny says Grafton has a ROW policy and requires a permit to do work within the town ROW. Guilford charges a \$15 fee because they record permits in the land records.

Janet clarifies that she shouldn't have printed off the 71A&B pages. She says the policy actually reads that highway and access roads must comply with all highway standards outlines in VT AoT A76. That's the same as a town road. The rest was suggestions for access roads and driveways. David thinks the town could say it follows the state standards.

Danny suggests to look at how many towns take over driveway culverts. He thinks it's 95% and lists names of towns. Sandi says that all the towns she's looked at don't take over the culverts. Guilford does take it over after the landowner installs the first culvert. Sandi reads the Guilford document.

Linda Taylor asks what happens if the highway department damages a culvert put in by a property owner -- does the landowner have to pay for the damage? Sandi says yes, that's how it is now.

Sandi makes a motion to table discussion. Put to a vote: all in favor.

Executive Session

Krista makes a motion at 9:00pm to enter executive session to discuss a legal matter for which premature public knowledge would put the town of Athens at substantial disadvantage. David seconds. All in favor.

David makes a motion to leave executive session at 9:07. Krista seconds. Put to a vote: all in favor.

No decisions were made in executive session.

Warrants and Mail

The warrant was signed and mail opened.

Members of the board ask Hannah if there is a check to Jimmy Fernette on the warrant. She says there is, including payment for an invoice from August 2023. Hannah says she didn't receive any of the invoices until last week and has called Jimmy to suggest he mail future invoices to the town office to make sure she receives them. Denise asks if he gives the bills to Matt. Janet says that he does. Hannah says that she got this pile of four invoices from Matt a week ago. Janet says they were "redo" invoices from Jimmy. Hannah did not receive any of the original invoices from either Matt or Jimmy previously. Janet says that last fall was a mess anyways. The board continues to discuss the necessity of either mailing bills or Matt being sure to hand them over to Hannah in a timely manner.

The board considers the driveway access permit from Bartlett Holmes. The description of the location is "lot 5 between the break in the guardrails." The board understands that it is off of Route 35, but wants to clarify because his current address is on Reed Rd. David says the land can be accessed from Route 35 and there is an access road, south of Gillespie, between two sets of guard rails. Sandi says they need a better description on the application. Hannah says that Bartlett says he talked to Matt about the access. Hannah says there wouldn't be a 911 address for the driveway yet because it isn't a current site.

David makes a motion that Sandi be authorized to sign Bartlett Holmes driveway access application after she talks with Matt and Bartlett about the description in the application. Janet seconds. Put to a vote: all in favor.

Further Business

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

Adjourned at 9:15

Respectfully submitted,
Hannah Regier, Town Clerk