

Athens Selectboard Meeting Minutes
February 20, 2025
7:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Hannah Regier, Danny Taylor, FACT TV (Ginger), Don Capponcelli, April Lyman, Matt Perry (during executive sessions)

Called to order at 7:00

Adjustments to Agenda

David says that there will be an executive session a bit before 7:30 for a legal matter.

Minutes of Prior Meeting

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

Denise makes a motion to approve minutes from the special meeting. Sandi seconds. Put to a vote: all in favor.

Public Comments

April Lyman says the new road crew worker, Robert, is doing an amazing job. She says she can definitely tell someone else is working.

Hannah brings up a letter that friends of hers received from the tree warden. She says there is a copy of the letter in the selectboard box. Krista reads the letter, attached.

Hannah says that Aditi Chang got in touch with her and asked Hannah to offer some comments on their behalf. Hannah also has some comments of her own. The Changs' comments are: They can't tell from how the letter is written if there is really a problem or if the town is trying to appease an important person who made a complaint. They don't want the trees cut, especially without a mutually agreed upon replacement barrier and/or compensation. They are willing to trim the trees that are overhanging the road, if a less drastic solution to whatever the problem is would work.

Hannah has concerns about the whole thing, especially around consistency of what becomes an issue and what doesn't in town. She says that Jay reached out to her on her personal email a couple weeks ago, wanting information about who the landowners were, but he had a different story about what the problem was. In Jay's email, which Hannah reads from, he says it was necessary to cut the trees in response to a complaint from a resident who almost went off the road due to icy conditions in front of the hedge. She points out that it still isn't clear who the complaint was coming from, but it seems like the story was changed to sound more severe when it was sent to her friends. The second consistency issue Hannah brings up is that there are so many narrow tight corners in town that nothing is being done about, including right below

Matt's house where the situation is much more dangerous and someone has actually flipped off over the bank when another car came the other way in the middle of the road. She doesn't know why the hedge has to be cut down at her friends' house when nothing is being done in other places. The third consistency issue is about which complaints are followed through with. Hannah says that if she ever complains about something, Matt either brushes it off or argues that there isn't a problem, so she guesses that someone with a lot of influence must have brought this issue up. Hannah points out that there is another visibility problem by the Meetinghouse where Matt has been asked for three years to cut trees and he refuses, but this hedge at the Changs' seems to be more urgent.

Hannah is also really concerned about discrimination and bullying, with 1) her friends who have an Asian-sounding last name getting particular treatment, and 2) a pattern emerging of Matt's behavior towards Hannah being passive aggressive and uncooperative. She doesn't know his motivations, but she says it's a very low blow if he is going after her friends as a way to get to her.

David says that he had heard of the complaint. It was Ben Picz who made it. David suggested that instead of just going out and cutting the trees that Matt talk to the tree warden. He wanted to be reasonable about it. Denise asks if the landowners are willing to trim the trees back themselves. Hannah says they are, and that she is personally willing to help them with it since they don't live in town. She says that they are super cooperative and reasonable and are confused at what the problem is and why such a drastic thing is being proposed for the hedge that protects their house from the road.

David thinks that the intention wasn't to cut the trees down, but to trim them. Hannah, Krista and Denise point out that the wording in the letter is "cut and remove the trees." Krista says that they have to be really careful when putting stuff in writing especially when people feel they are being treated differently. She says that words have meaning, and the letter says to remove the trees.

Denise thinks that trimming the trees would be fine if they are back out of the road. David says that the trees have been there for a long time and while they are growing out, he thinks trimming the trees, instead of cutting them all down, is reasonable. David says the town did work with a homeowner several years ago on Meetinghouse Rd to clear some Hemlock trees. Hannah says that Aditi and Dennis would like it to look nice, which is why she is offering to do the work herself or hire someone. She says that Matt has taken the over-the-rail mower to the hedge so the trees don't look very nice right now.

Krista wants it to be clear that no one from the town, Jay or anyone else, is to touch the trees. Janet asks when the work will be done. Hannah says that she can do it this weekend if someone gets her some traffic cones. David says he will get the cones. Krista asks that the Tree Warden inspect the trees afterwards to make sure it is satisfactory and close the loop.

Sandi says she wants to make sure that the trees aren't butchered. She says the better time to prune the trees would be springtime for them to grow back fully. Janet is concerned about the

liability on the town for any accidents if they wait. Hannah says the Hemlocks won't fill in very much anyways and she's ok to do the work now. Hannah has done tree work in the past for years and knows what she's doing.

Don says that the Meetinghouse trees aren't a traffic safety issue, but to open up visibility of the building. Krista says that it had been mentioned a couple meetings ago that the trees could have caused a collision.

Boards and Officials / Treasurer Report / Chipper

David makes a motion to order the fuel injector pump for the chipper and have it installed, if it is not over \$600. Sandi seconds. Put to a vote: all in favor.

Hannah – Treasurer report – She paid the annual lease payment for the grader which was \$10,629. She realizes that the town is paying that much a year but only putting \$5,279 into the grader earmark line in the equipment fund. That line item is negative \$11,000 now. She thinks the selectboard might want to amend the equipment fund budget at Town Meeting so that there is enough money being put in to cover the payments.

Hannah says that the BCA hasn't officially appointed poll workers for 2025. She isn't sure if that needs to be done every year but wants to ask the members of the BCA who are present if they want to call a meeting to do that and appoint pairs of JPs to deliver at-home ballots. David says it would be good idea to call a BCA meeting since there are new terms for the JPs that started in February. Hannah says she hopes that the BCA can recruit some new poll workers. It's the responsibility of the BCA, and there has been a falling off of some of the regular poll workers. David says that can be a goal between now and the meeting.

Wednesday 26th 7:00 for BCA Mtg. Hannah will warn with paper letters and email tomorrow.

Executive Session with Town Attorney 7:30

At 7:28, Krista makes a motion to go into executive session to discuss a legal matter based upon a finding that premature public knowledge would place the public body or person involved at a substantial disadvantage regarding confidential attorney client privileges for the purpose of providing legal services to the body. David seconds. Put to a vote: all in favor.

8:24 David says they have left executive session. No decisions were made in executive session. Krista acknowledges some documents that were received in open session. She says there are cards that the board received. Janet says she took the cards back but might have copies of them. There is a folder that says "for Matt's performance review" that has an envelope in it that says "remarks for public comments portion for the selectboard's evaluation of Matt Perry" and an email print out from Hannah. Krista opens the envelope and says it's from John Oberling and Treah Pichette.

Krista says that the purpose is to have full and free conversations, and if Matt wants Janet in the room when the board is speaking to him, that is fine, but she thinks that Janet should be in there

when they discuss as a board. David says he thinks that is fine. Janet says “yea, no” when asked if she’s ok with that.

Krista makes a motion to go into executive session for the evaluation of an employee, and that it be the 4 board members plus Matt. Sandi seconds. Put to a vote: all in favor.

Executive Session / Performance Review

Out of executive session at 9:07. No decisions were made.

Town Plan / NFIP / Ober Rd HMGP

Janet has no updates on the town plan so she’s assuming they didn’t get the stuff done that they’d wanted to, so they will need to postpone it.

Hannah says she had hoped that the planning commission would be there to discuss the NFIP bylaws. David asks Janet to reach out to Hilary Cooke on Walker Rd to talk with the Planning Commission about the bylaws because he works for FEMA.

Hannah thinks the major decisions to make are if the town prohibits new development in the floodplains, which is what a lot of small towns do because it requires less capacity for permitting; or if they want to allow permitted new development. There will need to be some kind of Board of Adjustment or Development Review Board, which could just be the Planning Commission if they are willing to do the review work. She also thinks it might make sense to align Athens’ bylaws with Brookline’s if the two towns will be sharing an administrator. Brookline does allow development with permitting, but they aren’t currently really doing anything with it.

Denise asks if development is allowed with permitting and something happens to a permitted structure, if the town is liable. No it isn’t. There are specific requirements for building in the sample bylaws, as per the state and FEMA guidelines. There will be work for the town to do with inspecting that what is built adheres to what was permitted. Denise asks about current structures in floodplains. They are grandfathered unless they do a significant improvement. They will also be eligible for flood insurance. Hannah says that once the town is signed up, all residents in town will be eligible to buy FEMA flood insurance.

Hannah updates the board on the Ober Rd project. VEM is helping to get the FEMA HMGP grant application together. They are leaning towards the 2B option as what is most likely to be funded, but they would like to see some more modeling from D&K specifically for damage reduction in each proposed scenario. It’s not certain that the additional modeling is in scope for the town’s engagement with D&K. Hannah will keep the board posted if there is a request for additional funds from the town for the additional work. David asks what the timeline is for when all the applications materials will be done. Hannah says that April 1st is the deadline so they will be actively working on it. Hannah says that Colin Bratton is still thinking it would be a really good idea to raise the road and that there are possibly other grant sources for that part of the project.

Garage Project Manager Hiring

There were no other applicants beside Don. David asks if Don is still interested. Don says he is and forgot to put in a formal application. Don asked Mark Grieco but he doesn't have time.

David makes a motion to hire Don as the Construction Project Manager for the town garage project and that he be paid \$30/hr as a temporary town employee for just this project. Denise seconds. Put to a vote: four in favor. Sandi abstains.

Warrants and Mail

Mail is opened and warrants signed.

Hannah points out an email that says next year's highway grant program is open.

David makes a motion to sign the weight permit for Newport Sand and Gravel and Carroll Concrete. Sandi seconds. Put to a vote: all in favor.

Further Business

*Sandi makes a motion to adjourn. David Seconds. All in favor.
Adjourned at 9:23*

Respectfully submitted,
Hannah Regier, Town Clerk