

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

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Hannah Regier, Dennis Mirante, Ellen Mirante, FACT TV (Alex), Don Capponcelli, April Lyman, Mark Berman, Christian Rogerson, Sherry Maher

Called to order at 7:00

Board Organization

Janet makes a motion that David Bemis be chair of the selectboard.

David says if anyone else wants it they can certainly have it. He says he will do it.

Denise nominates Krista to be the chair of the selectboard. Krista accepts.

Sandi seconds David's nomination. Put to a vote: Four in favor for David. David abstains.

David nominates Krista to be Vice Chair. Denise seconds.

Sandi says she still wants it.

Janet nominates Sandi.

Denise seconds Sandi's nomination. Put to a vote: Four in favor of Sandi. Sandi abstains.

Adjustments to Agenda

Sandi says to add the Planning Commission / NFIP, Ethics Policy, and Mileage Policy.

Minutes of Prior Meeting

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

Public Comments

Dennis Mirante says the roads look pretty good for mud season.

Ellen Mirante reads a comment. She thanks Hannah for her work. Ellen proposes that a task list be reinstated for following up on issues that are brought up at selectboard meetings. She gave David the template she had used before. David doesn't have it but Krista might be able to make one. Ellen asks if each selectboard member could list, monthly, what they've accomplished towards savings in the town budget. Ellen wants there to be research done on changing the fiscal year from a calendar year to fiscal year. She reads the eight benefits for this change.

April asks what the plan is for getting the truck off of Mill Hill. Krista says she called the State Police again today. They said they'd asked Benny's to tow it. Benny's doesn't have room to impound the truck. They didn't have any other recommendations. Krista says the plates don't

match the VIN so the police don't know the owner. April says that she knows who left it there – Jonathan Poulan. Larger vehicles don't fit on the road with the truck there.

Sherry says she followed up on the question at town meeting about whether or not the town needs to vote annually on the time of the next town meeting. The response from the Secretary of State's office is that once the town votes to start Town Meeting on Saturday, Sunday or Monday, there is no requirement for the time to be on the agenda each year. Unless it was voted by the town, the selectboard does need to set the start time unless the voters decided on it the preceding year.

Hannah asks if anything has been done to address the dog problem on Brookline Rd. David says that he has talked to Caleb and offered to go out with him, but Caleb says he will visit the residents himself. David says the issue is that there are dogs that are not staying on the property of a residence on Brookline Rd. They are harassing anyone who walks by, acting aggressive, and going onto neighbors' properties. David hasn't heard back Caleb if he's spoken with the owners yet, but David will follow up if he doesn't hear back soon.

Hannah asks if a landowner has a driveway access that the town road crew digs up, will the town replace the driveway? Sandi says she will address the issue under Boards and Officials.

Denise asks if all the elected officers have taken the oath. Hannah says there are a few outstanding. Sandi and Krista fill out oath paperwork and Hannah notarizes.

Garage Renovation

Don has new ideas for the insulation and foundation and wants to know who needs to review and approve the final plans. David says the selectboard should review and approve but thinks there are lots of things that Don can decide. David also suggests there be a public meeting to review the design. Hannah asks that the final scope be run by BGS to make sure that the work is eligible for the MERP grant. Don says he's been in touch with Mike McConnell about looking at the final budget. Timing for a public meeting is discussed. David suggests the meeting be at the town garage. Don is still wrapping up other work and hopes to put more time into the garage project starting next week. The meeting will be mid-April. Don says he is comfortable making day-to-day decisions but wants the board to approve anything significant.

David makes a motion that the selectboard hold an informational meeting sometime in April on the town garage plans, where the selectboard would approve the final plans and any large changes to the project scope. Don has day-to-day decision-making power in his capacity as project manager and will run anything bigger by the selectboard. Denise seconds. Four in favor, Sandi abstains.

Dennis Mirante asks if Don is covered by the town's insurance as a temporary employee. He is. Krista explains to Dennis why Don has been hired as an employee instead of a contractor.

David makes a motion that Don or a member of the selectboard have the authority to sign standard permits for the town. Janet seconds. Put to a vote: four in favor, Sandi abstains.

Don says that a requirement of the MERP grant is that subcontractors carry 2 million in liability insurance. He says if that's an issue, he wants to talk to BGS to see if that can be lowered to 1 million. Krista says that any adjustment to the insurance requirement should be in writing so that it can't void the grant.

Don has met with Peter Jonke of Vermont Center for Independent living on the ADA aspects of the garage project. It is pretty simple and straightforward. There will be designated ADA parking.

Boards and Officials

Sandi reads a road report:

"The hedges on the Chang property on Brookline Road are still proving problematical. Although the pruning has been sufficient for the visibility of cars, small SUVs, etc., the upper growth which has not been pruned has proved an issue to larger vehicles such as the grader. Robbie had two instances the same day when his visibility was impaired due to the branches leaning out. Also, Ivor Stevens has a close call when driving the big truck around that corner. So, the question is if we can go further up and top them off?"

"The road crew did unblock a driveway culvert on route 35 at the Grafton line because the water was overflowing onto the pavement, to prevent damage to the roadway. Sam Farr Rd had a washout during a recent storm. A culvert on the Chang property was an issue as the water was not flowing through it but over it. Reason unknown. The road crew removed the culvert and ditched appropriately to prevent further damage to the road. Removal of the culvert has reduced access points to this property from two to one. The property is still accessible. Does the selectboard want the road crew to replace the removed culvert and make appropriate changes to the ditch/road to prevent any further damage from runoff, or leave the situation as is?"

David says that if the town took it out, they need to replace it. David says he understands the culvert needed to be taken out because Sam Farr Rd and Brookline Rd were washing. Sandi affirms that and says the road crew didn't know why the water was going over the culvert.

Hannah says that she saw where the culvert had been taken out and it had silted in some on the uphill side. She thinks the cause of the siltation is the ditching and drainage work that the road crew did last year higher up on Sam Farr Rd as part of the Grants in Aid stormwater project. A lot more water has been funneled into that driveway culvert, but the culvert itself wasn't upgraded as part of the connected segment ditching work. She thinks the higher volume of water from the new culvert that goes across the road just above the driveway and the much bigger ditches and swales that are all pointing into it, brought a lot of silt and material down into the smaller driveway culvert and filled it up.

Sandi continues her report:

“Ivor Stevens has been trucking gravel for mud season. Gravel was put down on the east end of Reed Rd due to mud issues and grading was done. The roads are currently being monitored for any damages that may occur during mud season. The road crew will not be plowing unless there is significant snowfall, however they be putting down sand and salt as necessary.”

Krista says that given that everything that’s going on, the town has to be very careful and above board. Krista recommends not touching Changs’ property to the extent possible, including the hedges. Sandi says something has to be done in pruning back the hedges. Krista says it makes her nervous because it looks suspicious that there haven’t been these issues before and now there’s all these issues. Sandi thinks that the timing is unfortunate, and the town has been lenient in the past about letting people have plantings and fences in the right-of-way without saying anything. Sandi says that technically, anyone who does plant in the right-of-way is supposed to come to the town and request permission. Sandi says that if they don’t trim the bushes back more there could be an accident. Krista says that the town should not be moving to trim hedges the meeting after there were allegations of discrimination, and there not having previously been allegations that the hedges have caused any kind of problem. Krista asks to wait until the next meeting to take action and that the discussion makes her very uncomfortable. Denise says the bushes are in the right of way but are they newly planted or have they been there for years. Everyone agrees the bushes have been there for years. Sandi says the town has the right to remove them. Krista says that the town has never acted on the statute before until now. She says again this looks really bad.

David asks Hannah if she can prune the trees higher. Hannah says that it’s not possible with the equipment that she has but are pruned straight up. The trees are not overhanging anymore at all. Sandi disagrees on the shape of the trees and says they affect the visibility of drivers of big trucks. Hannah points out that this is not her property – she is friends of the landowners. She did as much as she could do with the pruning and the tree warden came and approved it. Jay said he spoke with Matt. Hannah says they’ve gone through all this very recently. She thinks the board will need to talk with the landowners at this point. Hannah reminds the board of the comments from the landowners at the last meeting – where they were very concerned about not having that protection in front of their house. Hannah thinks there would need to be compensation or fence or barrier built if the town decided to cut the trees. Sandi says that according to statute, because they are in the right of way, compensation is not possible. Krista says this “feels so wrong.”

April Lyman asks why there wasn’t a problem last summer. She doesn’t think the trees grew so much through the winter and now all of a sudden there is a problem. Janet says there was an issue last year and Matt asked to get in touch with the landowner about the trees and nothing happened.

David makes a motion that Sandi contact the landowners and discuss the problem with them and see if they can come up with an equitable solution for everyone.

Sandi says she will talk to Jay also. David says they had a similar problem with hemlocks at the intersection of 35 and Meetinghouse Rd years ago and the town went in and removed them all.

Janet seconds.

Discussion: Krista says this is setting up to be a really good fact pattern for a retaliation or discrimination claim. David thinks if they talk to the landowners and say they just need to go up a little further and that would do it. Denise wants clarity on what is being suggested. Sandi says she'd like to see the trees topped a bit. David wants there to be a solution and not a huge issue. Denise is very leery. David says this motion is just to have Sandi talk to the landowners. Denise says according to the statute, the owners don't have a say. If the owners say no, the town can trim them because they're in the right-of-way. David says that they aren't doing that. Sandi says they are following their normal procedure which is to try to deal with the property owner. Denise is concerned that if the landowners say no and the road crew decides to trim it anyways because it's in the right of way. David says it will be the board's decision, not the road crew's. Put to a vote: Four in favor, Krista opposed.

Sandi says at Town Meeting two issues were brought up about the community center: Lack of handicapped parking and no outdoor lighting. The committee requests: signage for 2 designated handicapped parking spots, outdoor lighting for the corners of the building that can be turned on from the inside. They also would like the Athens Elementary School sign removed from the building and a new sign at the bottom of the drive saying Athens Community Center. They would like the road crew to remove the overgrowth of bushes at the southeast corner of the building and other areas. They would like new cement blocks for the failing retaining wall, and help moving filing cabinets from the office, and items in the hallway, to the basement.

David suggests some blacktop for the parking spots that goes to the end of the ramp. The board discusses ADA requirements. David asks if there's a telephone pole on the entrance side of the building which could be a place to hang a light. Sandi would like floodlights to be on the corners of the building that would have 100% coverage from the lower parking to the entrance of the building. Sandi says the committee is willing to do some of the legwork and getting estimates. The old sign could go in the hallway. They would like a new sign at the bottom of the driveway that says Community Center. David suggests Sandi order a road sign. He is concerned that there might be marks on the building where the old sign is removed from. Sandi isn't concerned. They don't know who can remove the sign. Sandi would like the use of the road crew and their muscles for removing the overgrown bushes and fixing the retaining wall.

Davis makes a motion to explore grants to add parking, get lighting, safely remove and retain the sign (not asking the road crew), have the road crew remove the bushes, purchase a new street sign, and have the road crew install it. Investigate the retaining blocks but not to do anything without another vote. Denise seconds.

Sherry Maher suggests the ramp isn't to code and there was difficulty with a wheelchair on the ramp at town meeting. David agrees and says that needs to be looked at with the ADA parking requirements.

Put to a vote: Three in favor. Sandi and Krista abstain

Mark Berman -- Planning Commission. Mark says that the Planning Commission is happy to help with the NFIP bylaws and also doesn't want to waste time if the bylaws aren't going to be approved by the selectboard. Marks asks if the selectboard will support the effort. David says that he thinks the town needs to join the NFIP, and they need help writing the bylaws. David says he thinks the whole board is interested in joining the NFIP. Krista makes it clear that she supports flood insurance and would not try to sink it. The board discusses the process for approving the bylaws.

David again asks that the Planning Commission talk to Hilary Cooke as a resource for the bylaw creation.

Janet says that there will be an informational meeting on the Town Plan on April 22nd at 7:00pm at the Community Center. The draft town plan is complete and on the town website.

Krista says they still need someone for the High School Board. David says that it isn't the selectboard who appoints the representative, it is the High School Board. There is lots going on with the High School and he thinks it is an important role.

Krista says a bunch of rural schools have joined together to try to have more of an influence together with regard to the new statewide education planning. The school boards themselves can join and selectboards can as well. David doesn't think the governor's proposal will pass this year. Krista will bring more information to the next selectboard meeting.

Denise asks how things are going with the little truck. The new one isn't going to be available for a while. Janet says the dealer is going to put pressure on the place that's doing the body. The end of April is the estimated delivery date.

Policy Updates

David asks if there are draft policies. Sandi says no. Sandi says there needs to be a policy for the road crew to work four 10-hour days in the summer, May 1 – September 30, subject to the needs of the town.

Mileage policy: Matt is asking for gas reimbursements, and the board discusses if it should be mileage instead. \$.70 is the current rate per mile. David asks for Matt and Robbie, and any other town officials, to keep track of any mileage done for the town. David asks that Sandi come up with a policy to review.

Ellen Mirante has comments on requirements for employees to have lunch. Dennis asks if the mileage form would have a line for where the employees are going. It would.

Krista thinks that the selectboard, as a government employer, needs to have an at-will employment statement. The current language is conflicted with saying there is a probationary

period. Krista says there can still be a 6-month check-in to review how new employment is going. David asks Krista to go over the whole personnel policy.

Treasurer's Report

Hannah asks which line items the voted \$15,000 for a materials stockpile should be allocated to. Sandi is going to talk to Matt and the breakdown will be decided at the next meeting. Sandi and Matt are going to start getting together at least once a week.

Dan Judkins from the VTrans Better Roads program called Hannah this morning asking if the snow was melted enough to get photos of the culvert project for grant reimbursement. Sandi will work with Matt to get the photos to Hannah and Hannah will email them to Dan.

There is a contract with WRC to sign for the other big culvert project by the beaver pond. Colin Bratton asked that the board form a committee to work with him on the RFPs that will need to go out for the design and construction. This is the \$200,000 grant.

Hannah says the tax sale has been moved back to April 11th at 10:00am.

David makes a motion that Sandi be allowed to bid on the property in the town's interest if there are not enough bids to pay the taxes, up to the amount of the taxes and fees. Krista asks what the town pays for a tax sale property with. There are no budgeted funds for this. Krista seconds. Put to a vote: all in favor.

Hannah will be on vacation from the 25th – April 1st. The town office will be closed next Thursday. Darlene will cover the office on Monday the 31st. Hannah asks if anyone from the selectboard wants to have their phone number or email on her out of office email reply in case of emergency. David says his phone number can be used.

David makes a motion to sign the contract with Windham Regional for the new culvert project. Sandi seconds. Put to a vote: all in favor.

Appointments / Yearly Requirements

David makes a motion to appoint Don Capponcelli, Robert Anderson, Scott Strasser as Fence Viewers. Krista seconds. All in favor.

David makes a motion to reappoint the seven current Housing Rehabilitation members. Denise seconds. All in favor.

David makes a motion to appoint Andy Toepfer and Mark Berman to 3-year terms on the Planning Commission. Denise seconds. All in favor.

David makes a motion to appoint Don Capponcelli as surveyor of wood and coal. Denise seconds. All in favor.

There is no Health Officer currently. Hannah will put a notice on the boards and website for Health Officer and other open positions.

David makes a motion to appoint Jay Maciejowski as Tree Warden. Krista seconds. All in favor.

David makes a motion to appoint Lynn Morgan as Town Service Officer. Sandi seconds. All in favor.

David makes a motion to appoint Andy Toepfer and Robert Anderson Windham Regional Commission. Denise seconds. All in favor.

Sandi nominates David Bemis as Emergency Management Director. Denise seconds. All in favor.

Hannah Regier is resigning from the Budget Committee this year.

David nominates Michael Bates [Mike's term isn't actually up]. Denise seconds.

Krista nominates Dennis Mirante for the Budget Committee. Dennis says he would do it. Denise seconds Dennis.

David moves for an executive session to for the appointment, employment or evaluation of a public officer or employee, provided that the public body shall make the final decision to hire or appoint or hire the public officer in open meeting and shall explain the reasons for the decision in the open meeting. Sandi seconds.

Krista asks to delay the executive session until the rest of the appointments have been made. Dennis asks to be present in the executive session if he is going to be discussed. David says no. Krista offers that Dennis could be invited back in if it was helpful and appropriate. Dennis says that David didn't want him to fill out a term on the Meetinghouse Committee and David's reason was that he didn't feel Dennis would support him, so he wouldn't support Dennis. David says he is not changing his motion.

Denise nominates David Bemis as the Southern Windsor Windham Solid Waste Management representative. Sandi seconds. All in favor.

David nominates Denise as the SWWSWMD Alternate. Krista seconds. All in favor.

David restates his motion for Executive Session at 8:50. Sandi seconds. All in favor.

No decisions were made in Executive Session.

Michael Bates's Budget Committee term is not up.

Denise has been nominated for the Budget Committee. David recuses himself. Krista yes, Janet, Sandi, Denise no.

David nominates the Brattleboro Reformer as the paper of record for the town. Sandi seconds. All in favor.

David nominates the Windham County humane society as Pound Keeper. Denise seconds. All in favor.

Warrants and Mail

Mail is opened and warrants signed.

David brings up the Visiting Nurses and the question if they are no longer serving Windham County. Hannah says she has emailed with the development director and they have confirmed they are still serving Athens.

Denise makes a motion to approve the town meeting minutes. Denise seconds. All in favor.

David signs the Windham Regional representatives appointment form and asks Hannah to finish filling it out.

Krista makes a motion to sign weight permits for HB Energy, AS Clark, Ivor Stevens, Barrett Trucking, Basin Brothers, Amerigas. Sandi seconds. All in favor.

Janet says the board needs to sign the Vermont State things so they can get grants. These are the road standards. David asks if the financial plan is filled out. Matt usually takes it to Dummerston to get it filled out and the board signs it afterwards.

Sandi makes a motion to sign the certificate of compliance for the town roads and bridge standards and network inventory. Krista seconds. All in favor.

Janet asks if they are going to talk about the municipal equipment loan application. The person signing the loan needs authority and to be available to answer questions about it.

David makes a motion that Janet be allowed to sign for the loan paperwork and fill it out in conjunction with Hannah if needed. Krista seconds. All in favor.

Executive Session

Sandi makes a motion to go into executive session to evaluate an employee or officer. Just the selectboard is to stay. Krista seconds. All in favor.

Executive session ends at 10:14. No decisions were made. No need for motions.

Further Business

The computer in the town garage is dead and needs to be replaced. Sandi personally thinks that the dirt and dust in the garage isn't great for the computer. Sandi still has Matt's town hotmail address on her laptop. Matt needs email for when he rents equipment. David asks about the

iPad that the listers and Matt are sharing. Amber still needs to finish setting it up. David suggests buying Matt a Chrome Book. Sandi says it will need to be protected from the elements of the garage.

David makes a motion that Sandi talk to All-Access and purchase a chromebook for the town garage. [no second or vote]

The board reviews their to-do lists.

*Sandi makes a motion to adjourn. Denise Seconds. All in favor.
Adjourned at 10:20*

Respectfully submitted,
Hannah Regier, Town Clerk