

Athens Selectboard Meeting Minutes
April 20, 2023
7:00pm at the Athens Town Office

In attendance: Sandi Capponcelli, David Bemis, Harold Noyes, Hannah Regier, Janet Perry, Darlene Wyman, Denise Randall, Dennis Mirante, Don Capponcelli, Beth Ann Agostini, John Murphy, Mike Bates,

Called to order at 7:01

Adjustments to Agenda

None

Minutes of Prior Meeting

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

Public Comments

Dennis Mirante: Reads from his notes regarding Taylor Hill Road. He says that the court case seems to have come down to the issue of who should or should not pay for the costs of upgrading Taylor Hill to a class 3 town road. Both the commissioners' report and VTTrans report were adamant about the town not taking over Taylor Hill Road based on safety, cost, liability, necessity, convenience, and does not meet the standards for public good. The taxpayers of Athens should not be burdened by the cost of the upgrade in any way. At the January 9, 2023 hearing in Newfane, his curiosity was aroused by a statement regarding hiring a contractor to provide a cost figure for the road upgrade. A Vermont Superior Court entry order states that the parties have hired an engineer to estimate the cost to upgrade to a class 3 road. He wants an explanation to what this means to the taxpayers of Athens and an update of what is going on and where the board thinks the process is heading. He says the process has dragged on for years and wants to know when it is going to end. David says there is a status conference in June. The town is a party to the action and the court has not issued a decision yet. David says the town has not hired an engineer at this point. There are discussions between the attorneys about whether an engineer might be hired. David says an engineer would not be paid for by the town if one should be hired.

Beth Ann asks if it's still the town's decision to consider taking over the road if it was brought up to state standards. David says yes, it would have to be brought up to state standards first, but it is not the town's decision at this point. Because it has gone to court, it is the judge's decision as to where it goes. The town had already issued a decision that they would take the road over if it was brought up to state specs. That decision was appealed to the superior court, commissioners were appointed by the court, they reviewed the situation and issued a report to the court. The judge has requested that the parties continue to work on it before a final judgement. Ultimately it will be the judge who tells the town if they need to take over the road or not. Beth Ann points out that the commissioners came up with the same conclusion as the selectboard had and that the judge is a sensible person.

Dennis says that the commissioners' report was public information but it took him quite a while to get a copy of it. The selectboard didn't want the Town Clerk to release the document. Dennis asks if the selectboard has the authority to tell another elected official what to do with regard to public records. David says that while the case is in litigation, the board is not going to share materials and the selectboard can make that decision. The town doesn't want to look like it is trying to influence the process. Dennis pushes the point as to whether David could compel Hannah to not share the document. Both David and Hannah believe they did what was right in the situation. Hannah says that she will give access to any public records under her own jurisdiction in the town office, like land records, and listers' cards. She thinks that public court records are best obtained from the court. She doesn't want to be caught in the crossfire.

Don Capponcelli says there are many people wearing many hats in this town and even if one hat doesn't have authority over another hat, we all owe each other professional courtesies.

Boards and Officials

Mike Bates thinks the selectboard is making a mistake on the budget. He says that the town had a deficit last year. He passes out the statute covering deficit: 24 V.S.A. § 1523 and 1683. He says it is not lawful to ignore a deficit.

Mike also says that the town isn't putting any money in for the Brookline Rd. Culvert project which will require a 20% match. The board says there is a culvert fund that they were intending to use for that purpose.

He says there is \$19,358.31 to deal with (his calculation for the 2022 deficit based on actual expenditures versus budgeted expenditures). The statute says an additional 5% tax should be assessed to cover the deficit. He presents a sheet of the last 10 years of comparative municipal tax rates. He says without correcting for the deficit, the town is at 1.33 this year which is the same as the tax rate was in 2013. In 2013 the town raised \$493,508, which was an increase to pay off for tropical storm Irene's damage. The following year the taxes raised were down by \$85,000. Over the years the amount needed to be raised has fluctuated. This year he says the amount to be raised will be \$487,361.15 with all the articles that have already been voted on and the 5% deficit tax.

Hannah asks if Mike is saying the deficit is the amount that the town overspent from what was budgeted. He says yes, that's how he calculated. Hannah asks if he took the 2022 revenues into his accounting and mentioned that there was also the 2021 surplus that was applied to lower taxes in 2022 and which could make that deficit calculation incorrect if he was just going by the expenditures in the budget. There was money already in the bank that the town didn't need to raise again. Hannah wants to know what the state statute's definition of "deficit" is.

David asks someone on the selectboard to work with VLCT and with the budget committee to figure out next steps with the budget and deficit.

David makes a motion to have Sandi work with Mike and Hannah and come back to the May meeting with next steps. Denise seconds.

Discussion: Denise asks if that has to be done by the special town meeting next week. David says it hasn't been warned. Denise says the taxpayers will want to have everything laid out before they vote on the budget. Mike says the budget could be amended on the floor. Put to a vote: all in favor.

[Note: Hannah followed up and sent the following email to Mike, Sandi and David: "I just read through the statutes that Mike brought last night and there is a definition of "deficit" in 1523 (c). It is looking at fund balances, not annual budget and expenditures. None of our funds had negative balances at the end of 2022, so I don't think the 5% extra taxation applies to us. Even though spending was higher than budgeted, the town ended the year with a \$808,149.95 balance for all funds (p 21 in the town report)."]

Don / Cemetery Commission: the commission voted to put \$15,000 in a CD at an effective 4% rate for 12 months. They voted to keep the same level of mowing with Ivor Stevens Ground Maintenance for another year. They have enough pervious surplus in their operating budget to cover that for this season. Next season they will reach out to private groups for donations to help with the maintenance and see what comes up in the budgeting process next year.

Harold / School Board: SU policy committee is working on the policies mandated by the state and hopefully will have all the policies in place in a month. They want to rename the school district now that Westminster is no longer part of the district. There will be a forum for public input at the Grafton School on May 25th at 6:00. There are 36 students at the school: 14 from Athens, 21 from Grafton and 1 from Westminster. There are bids in for the new playground plan. They are hoping to have the new playground completed by the start of school in the fall. Sixth grade success night is June 20th at 5:00.

Denise asks if the new district name has to be approved by the Department of Education. Harold says they will get approval from the superintendent and fill out the forms that the state requires.

Appointments

David makes a motion to appoint Jay Maciejowski at Tree Warden. Denise seconds. Put to a vote: all in favor.

No one has come forward for the empty positions of Grand Juror, Agent or Lister.

Grants / ARPA

It is time to report for ARPA. Last year Janet created a login using her personal email and did the reporting. Hannah says she is grateful for the help and also thinks the login should be an official town email. That way, in case anything happens to anyone, the town's IT vendor will be able to recover the account. Janet says she thinks more people in the mix is not a good idea. Hannah says that she isn't trying to take the role away from Janet. When the town does start spending ARPA money, it might be easier if Hannah did the reporting since she is the one paying the bills, or she can give Janet the reports and she can do the reporting. Hannah just wants to make sure the town is smart with its IT systems. Denise agrees that the login should be a town email. The board discusses getting town emails for the selectboard but it does cost \$6/ per account per month.

David makes a motion that Janet be Account Administrator, Point of Contact for Reporting and Authorize Representative for Reporting. And Sandi be the assistant.

Harold seconds. Put to a vote: Denise, David and Harold in favor, Janet and Sandi abstain.

Janet says she did the reporting on Wednesday. Hannah asks if she can bring the confirmation printout to the town office to put in the file cabinet. Janet agrees.

Hannah asks if the board agrees to add the town email as a login to the reporting portal. David asks if it will make it hard for Janet to go in and out of the portal. Hannah says no, it is just creating another user account. She has instructions on how to do it. David says he doesn't see a reason not to.

Don talks to the other building projects and grants. MERP (Municipal Energy Resilience Grants) has mini-grants available now. The informal committee that is working on this would like to have that go into professional planning work for the two building projects. It seems that this will be an approved use as long as the studies are useful for a community conversation around the projects. Hannah thinks the planning is needed for the community conversation. There needs to be a report to present the projects to the community and show how much they will cost and what grants are being applied for. It will make the renovation projects transparent to the town because now it is just an opaque idea that no one knows very much about. Hannah adds that BDCC (Brattleboro Development Credit Corporation) also has some grant funds available to help pay for the planning, although we don't know exactly how much yet. The town is getting pretty close to having enough grant money to pay for the planning work.

The MERP program starts with building assessments, which can be done for both buildings. Based on that, the town can decide where to focus efforts and apply for implementation grant(s).

Don asks if he can start contacting architect / engineer outfits to get quotes for the planning work. This planning work is also a necessary step to apply for the USDA Community Facilities grants. The next step is to get quotes from architects and/or engineers and then see how much the grant money will cover. Hopefully the architectural reports can fold in the MERP assessments as well, into a big report for each building.

David makes a motion that Don look into architects and engineers to assist with this planning process and get quotes for both buildings. Denise seconds. Put to a vote: Denise, David and Harold yes; Sandi and Janet abstain.

Hannah says she spoke with Susan Westa at Windham Regional, who will be helping with the technical assistance program that the governor put in the state budget. Sue would like to attend the May or June selectboard meeting to hear from the selectboard what their needs will be with regard to technical assistance. This relates to grant writing, admin, program management, etc.

Road grants Sandi says she signed up for the state Grants in Aid program today.

Denise asks Hannah about the moisture removing canisters she bought. They are for the land records safe. She is tracking the humidity and temperature readings in the safe and changing the canisters when needed.

Beth Ann asks if it's possible for the town to get a proper place to store the land records books. Hannah says it is part of the whole Community Center project plan to move the town office there and have a real vault built.

David makes a motion to sign the SFY 2023 Transportation Alternatives grant application. Denise seconds. Put to a vote: all in favor.

Colin Bratton wants to talk to Sandi and Matt on Monday about WRC being project manager for the bridge project. David asks if the town needs a project manager for the bridge. Sandi says she doesn't know. It is just in a scoping phase now. David says with the last experiences the town had with WRC as project managers for culverts, they weren't as helpful as they could have been, especially when the review and the audit happened. But it wasn't Collin in charge at that time. Sandi will see what Collin has to say and what the cost will be.

Roads

Sandi has something to discuss about a resident that should be in executive session.

The culvert work by the pond will begin once school gets out so that the school bus won't have to navigate a detour. The detour will be for about two weeks. Hopefully it will be finished before summer school starts in July.

The road crew got the motor for the chipper and had to order a flywheel. Denise points out that they have worked on the chipper 4-5 days in the last couple weeks. Sandi says the new motor isn't an exact fit so they have had to make some adjustments.

David asks if anyone has heard about cleanup assistance from the feds for the last winter storm. Janet says Matt has been tracking their costs for the cleanup. It isn't certain there will be assistance.

Executive Session

At 8:16 Sandi makes a motion to go into executive session to reference a legal matter where premature public knowledge would put the town at a substantial disadvantage. Harold seconds. Put to a vote: All in favor.

David makes a motion to leave executive session at 8:31. Sandi seconds. Put to a vote: all in favor.

No votes were taken in executive session.

Warrants and Mail

Mail was opened and warrants signed.

Denise asks about the Freightliner repairs of \$1,400 and if they are covered under warranty. The warranty is no longer in effect. The HP Fairfield parts are for the sander.

BDCC is having a southern VT economic summit on May 23rd which is a Tuesday.

The board discusses the chipper motor purchase again.

David signed weight permits for Amerigas, Barrett Trucking, Bacon Sales Acquisitions, TMG Enterprises, Cota and Cota, and Dead River.

David wonders if the warning for the special meeting is in the right place in the newspaper. It is under Public Notices in the Classifieds section. Hannah says that is the only option available in the online interface they use for submissions. It says Legal Notices when she submits them. It cost ~\$90 to post it. David thinks there used to be a Legal Notices section that wasn't under Classifieds. Hannah will look into the options available.

David makes a motion to appoint the Windham County Humane Society as the pound keeper for the town. Denise seconds. Put to a vote: all in favor.

David signs the humane society contract.

David says he doesn't have a copy of this year's LEMP (Local Emergency Management Plan) yet, but it will be very similar to last year's plan.

Sandi makes a motion that David have the authority to sign the LEMP. Harold seconds. Put to a vote: all in favor.

The Vendor Policy was reviewed this month and will be voted on next month. David asks Janet if she came up with a policy for recording meetings. Janet says she doesn't think the town needs one because they are public meetings and FACT TV will record them free of charge. David wonders why FACT TV hasn't been out to Athens recently.

Further Business

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

Adjourned at 8:46

Respectfully submitted,
Hannah Regier, Town Clerk