

Athens Selectboard Meeting Minutes  
June 16, 2022  
7:00pm at the Athens Town Office

In attendance: Sandi Capponcelli, David Bemis, Janet Perry, Harold Noyes, Hannah Regier, Darlene Wyman, Kate Bova, Wichie Artu, Donna Currier, April Lyman, Sherry Maher, Tim Stevenson, Donald Capponcelli.

**Called to order at 7:06**

**Adjustments to Agenda**

None

**Minutes of Prior Meeting**

*David makes a motion to approve the minutes. Sandi seconds. Put to a vote: all in favor.*

**Public Comments**

Sherry asks if there is an answer about people on town garage property. David says that will be covered in the policy review.

Kate Bova presents a declaration of inclusion. Distributes packets. She says this has been in the news and is endorsed by the Governor. The declaration is read by Kate and David:

“The Town of Athens condemns racism and welcomes all persons, regardless of race, color, national origin, sex, gender identity or expression, age, or disability, and wants everyone to feel safe and welcome in our community. As a town, we formally condemn all discrimination in all of its forms, commit to fair and equal treatment of everyone in our community, and will strive to ensure all of our actions, policies, and operating procedures reflect this commitment. The Town of Athens has and will continue to be a place where individuals can live freely and express their opinions.”

52+ towns and other organizations in the state have adopted this already. David said it would have been good to have this on the agenda, but he will act on it tonight.

*David makes a motion to adopt the Declaration of Inclusion. Sandi seconds. Put to a vote: all in favor.*

The declaration is also signed and will be put in the Town Records binder.

**Boards and Officials**

Janet — Oil pre-buy: She has been in contact with the three dealers she has contacted before. Dead River and Cota and Cota are not doing pre-buy at this time. Dead River may do it later in the summer or early fall.

Bart Energy is doing a pre-buy program at \$4.99 + .02/gal tax for heating oil and also have a price protection policy, where, for \$240 gives the benefit of giving us the better price if the

market price per gallon goes down. Pre-buy does not need to be paid ahead, will be payment on delivery. The pre-buy price is good Oct - April.

On Road Diesel is \$.25 over rack price which is \$4.72 now. This price is good for the whole year. David asks if we don't do the pre-buy can we still get the diesel pricing. Janet didn't ask that.

Dead River's current prices are \$5.15 for heating oil and \$5.25 for Diesel.

David points out if there are shortages we'd have oil set aside for us if we did a pre-buy. Harold says the town should protect itself.

*David makes a motion to go with Bart Energy contract including the \$240 payment protection plan, for both heating oil and diesel. Sandi seconds. Put to a vote: all in favor. David amends the motion to add that he be able to sign the contract for the board. Harold seconds. Put to a vote: all in favor.*

Hannah — would like to get someone to clean the town office once a month. David asks how many hours it would take. Sandi says 1 - 1.5 hours if it's maintained every month. Alexis Taylor and Cassie Crane are recommended as possible people to do the job. David suggests pay would be minimum wage (currently \$12.55, the same as town officials receive). Hannah states that she thinks people charge more for cleaning, but she will ask around.

*David makes a motion to allow Hannah to find someone to clean the town office for no more than 3 hours a month. She will find out who is available, what they charge, and if they have insurance, and bring the information back to the board next month. Janet seconds. Put to a vote: all in favor.*

David asks Sherry how much Alexis charged for the Meetinghouse. Sherry doesn't remember but says she did it in less time than expected. April says that \$20 - \$25 is average for cleaning services.

Darlene reads the school report from Lynn Morgan.

"The School Board Town Meeting went well. All the articles passed, therefore as of July 1, Athens and Grafton will be the only members of the Windham Northeast Union Elementary School. The board will also be expanded from 4 members to 6 member, 3 from each community. Until March of 2023 the Athens representatives will be Harold Noyes, Krista Gay and Lynn Morgan. Grafton, as of yet, has not yet elected a third board member.

Monday June 13th was moving up day for our four 6th graders. The ceremony was very nice, and the children did an excellent job on their parts. Emma Lyman received the Good Citizenship Award. Congratulations to Emma, Sydney, Sean and Matheo."

Tim Stevenson - Emergency Committee: The town does not have a heat shelter plan. They will ask on the town wide questionnaire if people think they need assistance in a heat wave. And also ask people if they can shelter others in their home if needed in a heat wave. David says if there are several people who need a heat shelter, someone could bring an A/C unit to the town

office or the school building to create a cooling shelter. Tim isn't comfortable relying on borrowing A/C units from townspeople. David suggests using the Town Office because it has the generator. There are accessibility issues with the school currently, but David says in an emergency the town could make do with it rather than having people dying from heat. Tim suggests being more proactive and finding an A/C unit that the town could have on hand to use in the Town Office. He is uncomfortable not being more prepared, especially when it is an increasing likelihood that we experience a deadly heat wave. David asks if Grafton Cares might help with donating a portable A/C unit? Don says Marlboro School of Music has phased out their portable A/C units. The board asks if they could be brought here? Don will inquire. Could people spend the night at the Town Office? It is assumed they would go home at night, but Sherry says that it's possible houses will hold heat into night as well. David says it might not be comfortable but probably isn't deadly and that the town buildings can't really be 24 hour shelters. Kate will ask the Grafton Cares board if they would contribute to an A/C unit for the town's cooling shelter. Sherry suggests heat pumps also as a possible solution to multiple problems. David agrees and thinks that the town shouldn't spend a lot of money on A/Cs if the town is going to install mini splits sometime soon. There is \$2400 in the Emergency Committee fund and Tim suggests sharing the cost of an A/C unit between the general fund and the Emergency Committee fund.

*David makes a motion that this be a work in progress and that if town funds are needed that he can communicate with other board members to decide to spend not more than the \$2400 in the Emergency Committee fund, without calling a special meeting. Harold seconds. Put to a vote: all in favor.*

Kate says if the town had the standalone type of A/C and if only a couple families needed them, the units could possibly go to people's houses instead of being used in a town building. David thinks that it would be better to be used in a central, town building location.

Sherry says The Emergency Committee is close to sending out the survey. Wichie has put together the survey in an online form. There will be a mailing and also a link sent by email and put on the website, to get people to respond online. They will encourage people who get it to share it with others who may not be on the email list.

Sherry — Meetinghouse: Half of the windows have been taken out since the May meeting — the whole side away from the road and the palladium window — and will be put back in, restored, next week. And the other half will be taken out for repair. The painting and carpentry will be starting soon.

David — says a Board of Abatement Meeting will be called soon. Hannah will call it.

Don — Community Center: The PACIF grant paperwork was submitted.

Don — Cemetery Commission: The board decided to spend up to \$1200 per cemetery on repairs to tablets. These would be aluminum frame type repairs like he has done already. He wants to do row markers in the addition in the West cemetery.

Wichie — Town Meeting Time Survey Committee: Has created a simple survey to send to people. Their next meeting is next week on the 22nd 6:30 - 7:30 and they will finalize the questions and approve it to be distributed. There will be a two phase distribution: one online / email and then a follow up by snail mail.

Janet — Talked to Efficiency Vermont about getting someone to come in and tell the town about all the different things that can be done to improve efficiency in all three buildings. They give the town a list of contractors and let us know if an audit is needed. This will be on Friday June 24th at 10:00. It does not cost anything.

[David steps out of the meeting and hands over to Sandi.]

### **Policy Review**

The board is looking at a proposed policy for Driveway Access, Culvert Replacement and Maintenance.

Janet has a concern in Article 7 about grading of the roads and doesn't think the town should be liable for any culvert damage related to normal road maintenance. Sandi says Matt looked over the policy and is good with the whole thing. Sandi reads Article 7 and doesn't think it is describing normal grading activity. [David returns to the meeting.] Harold says if damage is due to an error by the town crew, then the town would be liable. David and Sandi agree. Sandi says Article 7 lists the situations under which the town would upgrade or replace a driveway culvert. There is some disagreement on exactly when the town might replace a private culvert. Sandi says there are weather related circumstances that require the town to change the design of a road. In a case like that the town should take on the driveway culvert repair work because it's a change instigated by the town. Or if the state came in and required a road to be wider.

Sandi says she went to many different towns and pulled their highway driveway access policies as well as the state statutes and VLCT and this draft policy is a compilation of all those inputs. Harold asks about minimum size for culverts. Sandi says the state requirement is 15" of a driveway culvert, and in special instances it has to be 18". Harold points out that the Road Foreman has the authority to decide what size culvert needs to be put in. Sandi says there will be a permit required from the town for a new driveway. The road foreman will go out and inspect and determine if the permit will be issued.

David says this is different from an ordinance where someone would need a permit to put in a driveway. Sandi says this policy is actually requiring a permit for a new access point. David says there is no enforcement effect in this policy. Someone could choose not follow the policy and put in a driveway with an undersized culvert. An ordinance could have enforcement. Sandi says there are state standards to back up the policy regarding culvert sizes. There is some confusion about how a policy can be enforced. David says we can start with a policy and if people don't comply, the town can work on an ordinance.

Wichie asks what this policy is covering, new construction or existing access? Sandi says any access from a town road onto private property, but not extending an old driveway. Just what is

in the town right of way. David says people can still drive into their field or lawn from a town road to use their property.

Janet shows some examples of policies from other towns. The Grafton policy seems to have penalties mentioned.

Wichie asks what prompted this policy. Janet says it's been mandated since 2017 and Athens hasn't had one. Most towns in Vermont have them already.

Sherry says the culvert at the bottom of her driveway was put in by the town. Tom had contacted them about doing it within the last five years. She asks what happens if a weather event comes along and washes out the culvert, who would be responsible. Sandi says the town would be responsible for it. But if a contractor doing work at their house crushed the culvert with their truck it would be the homeowner's or contractor's problem. David says he doesn't know if the town would be responsible for replacing everyone's culvert in a flood. He says it's a grey area and would need to be addressed case-by-case at the time of a weather event. The history of who installed the culvert would be considered.

Wichie asks that for penalties that a first offense be a warning. He says government rules are hard to follow and people should be given the benefit of the doubt. And he wants there to be something in the policy stating an independent third party would assess and arbitrate disputes between the town and landowners. David is cautious about that approach and doesn't want a big weather event that FEMA can't help with to become a big liability on the town. Wichie asks that the case-by-case decision making process be explicit in the policy. He says the point of a policy is to make that explicit and clear now. Sandi says she will look through other towns and what their policies say. David thinks they should take out the weather related events from Article 7. Janet suggests that the policy state weather related incidents be decided on a case-by-case basis. David would like to just take it out. We don't know in any given event if FEMA will help for private property and the town can't get stuck with paying for replacing everyone's driveway culverts, especially if the town has to pay out of pocket for major storm repairs to the public roads.

The policy will be brought back up at the next meeting. There will also be separate policies for Right of Way and Highway Access.

### **Executive Session**

Not needed

### **Town Garage Yard Access**

Sandi met with Wade Masure of VLCT-PACIF. He suggests: "To maintain sand and mulch piles in the current location on the outside of the gate for town residents. During the off hours and/or when the highway crew is not at the garage, the gate should be closed and locked. Consider signage advising no unauthorized persons or vehicles beyond the gate or garage. Other access areas along the border of the town property should remain secure from entering by others."

David asks if they don't want any townspeople to go in there at all? Sandi says that absolutely no private heavy equipment on town property. Not including Asplunde or other commercial trucks. It is risk management and VLCT is giving the guidelines and may not cover the town should an accident occur. If people want to bring in their truck to get mulch, call the town garage and make an appointment. No town equipment will be used to load private vehicles.

Kate says she's noticed that the town garage has been closed several days during the week recently. David says the crew has been on vacation. Kate wonders why no one is working on a weekday and if they should be staggering their time off so the garage can stay open. Janet says they weren't both off, but Eugene might have left if there was nothing to do.

Wichie asks about the weather emergency trailer — sometimes they will have to get the trailer on a Saturday or weekend. That's different because it's an emergency and the committee is authorized to be in there to get the trailer. It would still be good to call Matt if they can get a hold of him.

David says Matt should get the signage for the gates. Harold asks if it's possible to put out more mulch in the area outside the gate so people can get more without taking the whole pile. Wichie says the wood chips have sand and salt in them which is a problem. There is discussion of putting more mulch out at the Miller Road entrance for people to access. Sandi will ask Matt if he's willing to do this. And the front pile will be just for sand. The other alternative is to not put out mulch for townspeople. David says people want the mulch and the town wants to do it if they can reasonably.

### **Warrants and Mail**

*The mail is opened and the warrant stamped and signed.*

*David makes a motion to sign the HB generator maintenance contract. Harold seconds. Put to a vote: all in favor.*

There is a contract for the Windham County Humane Society to hold stray animals for up to five days. Does not include animals under quarantine. David says the town should look into a place to impound animals that have bitten someone. Sometimes it can be kept at the owner's house if they are responsible. A vet clinic would be the best.

*David makes a motion to sign the contract for Windham County Humane Society for \$385/yr. Janet seconds. Put to a vote: all in favor.*

### **Roads**

Sandi — Matt has asked that the winter sand goes out to bid now before the prices start going up. He'll need 1000 yards. Matt will get the descriptions to Hannah to post and bids will be reviewed at the next selectboard meeting on July 21st. Bid deadline will be by July 18th.

Over the rail mower is coming tomorrow and will be here until the 24th. \$4500 was the contract amount.

Harold thanks the road crew for hand trimming by the intersection of Route 35 and Brookline Rd. Sandi says the top of Mill Hill was taken care of also.

**Further Business**

Janet will check with Bart Energy and email the contract to David to sign.

Sandi will have the conversation with Matt about the mulch pile.

*David makes a motion to close. Harold seconds. All in favor.*

*Adjourned at 8:45*

Respectfully submitted,  
Hannah Regier, Town Clerk