

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

In attendance: Sandi Capponcelli, Hannah Regier, Janet Perry, David Bemis, Denise Randall, Carmen Dresser, Kate Bova, Ivor Stevens, Matt Perry, Krista Gay, James Trimble, Sherry Maher, April Lyman, Linda Taylor, Tim Stevenson, John Oberling, Dennis Mirante, FACT TV, Pam Russo

Called to order at 7:01

Adjustments to Agenda

None

Minutes of Prior Meeting

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

Public Comments

Dennis Mirante reads a statement about Taylor Hill Road. He recounts the process of the various road studies as he understands them. He mentions the town budget and tax burden of town residents. Dennis suggests several ways that the road conflict could end, including having the Taylor Hill residents withdraw their lawsuit. Dennis proposes that residents in favor of the road becoming a town road could directly pledge money towards the project so the decision of how to use taxpayer money is left to individuals. His statement is included with the minutes.

John Oberling expresses his appreciation for Matt and Eugene for all the work they do.

Tim Stevenson asks if the planning commission has been put together yet. David says the appointments will be done tonight.

Kate Bova asks about executive sessions. There have been a lot of them in recent years. She has read about them in the selectboard handbook and that they are supposed to be used only for extreme cases. The handbook says that the public should be told what an executive session is for and that no decisions are to be made in executive session. She never sees anything at the next meeting or in the minutes that says what the executive sessions are for. Denise says that they say if it is "legal, employee, etc." Krista Gay adds that the reason for executive session is so that decisions the selectboard make in executive session can't be used against the town.

Linda Taylor thanks Denise for coming to look at their property. Eugene had dug a ditch with the grader at the bottom of the hill where ledge work had been done and the water runs onto their

property. She says there is a town culvert that runs across their yard that isn't functioning any longer.

Krista says she came to put her name in for the open seat on the selectboard. She sent a letter and has several letters of recommendation from other people she has been on boards with. She really cares about the town and her neighbors and wants to live here long term. She wants to be a person that people wants to talk to. She thinks her legal training can be useful to the town. She was an attorney for the NYC law department which is the largest municipal employer in the country. She says it's important that town employees are paid livable wages and the town has fair policies. She says she ran in March and lost by only one vote. She says it is evident that there is widespread support for her candidacy.

Ivor Stevens says he didn't put as much effort into it as Krista did, but he would be willing to temporarily fill the open selectboard position. He wasn't aware that there was any other interest. He doesn't know if he'd want to fill the position long term.

Krista says that the appointment is for the remainder of the term. A special election would only happen if the majority of the board was absent. David thinks that they can't call a special election just to fill the selectboard seat, but he thinks if there was a special town meeting for another reason, they could also hold an election for open seats then.

Hannah says there is an event on Saturday at 2:00pm at the Community Center to introduce the new community forest. After the presentation, there will be a walk on the land.

Hannah reads an email from Henry Woodbury about problems with the water draining from Whitney Rd. and coming onto his property, plugging up one of his culverts, and washing out his south driveway. Henry says that he gave a lot of gravel from his hill to the TV house project and to the town and would like to get a load of gravel from the town to fix their washed out driveway. The printed email is included with the minutes.

Matt says they reshaped Whitney Rd. and opened up the culverts and ditches. Matt says that no more water can run from Ben's down through or it would wash Whitney Rd. out. Hannah restates that Henry is asking for a load of gravel to help fix his washed out driveway. Ivor asks if cleaning the culverts would help. Matt says he will check the road and stop by Henry's tomorrow. David asks about other work at the bottom of Whitney Rd. Matt says they are going to do that with the grants in aid package this year along with Sam Farr Rd. That work should happen the first two weeks of August.

Treasurer Report / Boards and Officials

Hannah says that tax bills were sent out on Tuesday and thanks Amber, Carol and Darlene for helping get them out. She says she paid A. S. Clark for the culvert work and took \$14,997.00

from the grant matching fund. The remaining \$134,973.00 went under the Grant Reimbursable line item and will be offset when the grant from the state comes in.

She says the chipper flywheel reimbursement went under small equipment purchases from the equipment fund. The town received homestead payments from the state for all the people who have filed their homestead forms and qualify for rebates. She says there is a workers comp adjustment payment on the warrant that is a result of the 2022 audit. Hannah has updated the payroll now for VLCT and the town will need to pay about the same amount again in 2023, in addition to what was budgeted for workers comp. The two payments will total about \$1,800.

Hannah says the generator is supposed to be repaired this Saturday.

Hannah says she spoke with Sarah Macy at VLCT to ask about the debit card. It was recommended to not have a debit card at all and to use a credit card instead. M&T bank requires a selectboard motion for a town to apply for a credit card.

Denise makes the motion that the board approves Hannah Regier to apply for a business credit card at M&T bank with a limit of \$2,500. David seconds. Put to a vote: all four in favor.

Hannah says that Sarah at VLCT thought Square was secure enough to be connected to the town's checking account. Other towns are doing that.

Planning Commission Statement

David makes a motion to approve the statement written in support of the town plan. Denise seconds.

Discussion: David reads the statement. This draft statement is included with the minutes. The selectboard will sign it when Sandi has made a couple small changes.

Sherry Maher asks to clarify the tense of the writing because the town plan doesn't exist yet. David says they can adjust the grammar.

Put to a vote: all four in favor.

Oil prebuy

David makes a motion to approve the oil prebuy that they discussed at the last special meeting. Denise seconds. Put to a vote: all four in favor.

Hannah says there are contracts to sign for Dead River. She asks when the board wants to switch the service. The selectboard says to switch the oil suppliers on August 1st.

Sherry / Meetinghouse – things are moving forward with the meetinghouse. There are several events coming up: an ice cream social Sunday the 30th from 2-4, a concert the following Saturday the 5th at 4:00, and a concert the week after that on the 12th at 2:30.

Tim Stevenson / Emergency committee – says the climate crisis is serious. He is pleased that officials have awakened to that reality. He wants to request that the Community Center be considered as an emergency shelter for people and pets. The board says that there isn't a generator or air conditioner currently. Hannah says that the shelter use was included in the earmark grant that the town has applied for. Tim says that he wants the emergency shelter made a top priority. David says he would like to work with the emergency committee and community center group to plan all that out. Tim agrees.

Tim wants to arrange to have a meeting between the selectboard, emergency committee and state emergency management and maybe WRC to consider what the town will need to prepare for to better deal with what can be anticipated might happen. David suggests to also include the EMDs from other area towns. Both David and Tim will talk to Alyssa about this idea.

Tim states his appreciation for people who showed up to help after the flood, especially the flooding in Tenneyville.

Hannah asks about the communication plan in an emergency because she was getting lots of emails from agencies who needed to know what the needs were in town and she didn't know what the status of anything was. David says he was responding to emails and talking with Tim and Eugene every day and Janet said she also was in contact with Eugene.

Hannah asks for the people who are responding to state agencies to include her in the communications, so she knows what is being communicated.

David says if an EOC is opened, things work smoother. If an EOC is not opened, things are more haphazard. Hannah asks how they know if an EOC is opened. David says there protocols and training involved that the federal government requires. Hannah wants to know who the point person is who decides an EOC needs to be opened. She wants to know what the leadership is in an emergency. Discussion ensues about EOCs, emergency situations, training manuals, etc. Denise reiterates that Hannah should be cc-ed on emails when other people in town are communicating with state emergency officials. Sherry adds that Don and Tim could also be cc-ed. David agrees to do that. Hannah says more communication is always better than less.

David asks if the board has seen the email from Alyssa Sabetto about the FEMA procurement requirements. He will forward that to the rest of the board.

Appointments

The board reads the letters that were submitted in support of Krista's appointment to the selectboard.

Denise makes a motion to nominate Krista Gay to the open selectboard seat. David seconds.

Janet makes a motion to nominate Ivor Stevens. Sandi seconds.

Ivor Stevens has left the meeting.

David asks Krista if she would like to say anything. Krista says that she has heard several times that people want younger people involved in the town and she is consistently the youngest person involved and she goes out of her way to volunteer to help with things. She is committed to showing up to things. Krista says she knows people might be concerned that she's related to people on Taylor Hill who are involved in the lawsuit. She says she would recuse herself from anything involving that lawsuit, just like anyone else who has a conflict recuses themselves. Her understanding of that lawsuit is that it is currently in front of a judge, so there isn't anything she could do on the board anyways to affect the outcome. Her legal training as an employment attorney would be an asset. She knows that issues have come up in the past around personnel policy and she would like to make sure that is consistent, and the town is a fair employer where people want to work. She says she has the support of many community members. The letters of support that came in all state her commitment to the town, and that she does a good job, and she shows up.

Dennis Mirante says he thinks that with the selectboard being the road commissioner now it would be helpful to have Ivor on the board.

Kate points out that Ivor only expressed an interest in serving the remainder of the term, not long term.

Krista says she has many initiatives including meeting accessibility and getting a bathroom in the town garage.

David asks what Krista thinks about the money that is owed the town from the meetinghouse committee. Krista says she hasn't heard anything about it since she has been on the meetinghouse committee, but she knows their fundraisers have been going really well and they have been securing grant funding for projects.

Pam Russo speaks in favor of Krista on the board and agrees with what Kate said about Ivor's interest.

James Trimble says it was his understanding that Krista sent gifts to two members of the selectboard and wants to know what the legal consequences would be for the selectboard members if they accepted the gifts. Krista said she mailed \$10 gift cards to a variety of people as part of Christmas cards as a thank you for the work that they were doing in town. The cards were sent back before she ran for office in town. She said that officials are allowed to accept

nominal gifts. Members of the selectboard say they either didn't receive the cards, returned or donated them.

John Oberling says that Ivor has been in town a long time and is a hard-working person and can be counted on. He does things in a quiet way but John thinks he cares about the town. He thinks Ivor's expertise is useful.

Dennis asks how many boards and committees Krista serves on. Krista says her meetings are: Campbell Fund, Community Center, School Board, and Meetinghouse Committee. She says the meetings and events don't conflict and she really likes volunteering and very rarely misses a meeting.

Sherry says she has had the pleasure of serving with Krista on the Meetinghouse committee. She has been positive and constructive. Sherry thinks the legal training would be a huge asset. She doesn't want to speak negatively towards Ivor at all, but she doesn't see that the board is lacking knowledge about roads. She points to the elephant in the room that seems to be about something else. She sees the board divided 2 to 2 on these candidates and asks what that would mean. David says if the board is divided 2 to 2, no one would be appointed. He says they are both good candidates.

Tim Stevenson says he thinks Krista's energy and expertise is something that the town can use.

Hannah points out that Ivor left the meeting before this discussion and she's guessing that he left because he figured that Krista would be the better candidate. Janet disagrees. David cuts them off. Hannah says that Krista is working hard for this position and that she really wants it.

Dennis Mirante thinks Ivor is the right person at the right time for the right job. He likes Krista and thinks they get along good, but she is part of the lawsuit against the town.

Krista says she did sign the petition along with 50 other people in town several years ago, but she hasn't been involved in any way. Krista says again that she would recuse herself and remove herself from the room when Taylor Hill Rd. is being discussed. Krista points out that two other board members signed the same petition. Sandi says she asked Darlene to remove her name from the petition, so she thinks she isn't on it anymore.

Kate Bova points out that Janet is an example of someone who is managing a conflict of interest while serving the town.

Linda Taylor asks if the town clerk can cast a vote if the board is tied. Answer is no.

Janet says that she thinks that at this time for the town it would be better to have somebody that is not involved in anything that could cause a problem with voting on the selectboard — making

it a tie. David says that Krista would recuse herself if she needs to. Krista points out that often Janet has to recuse herself.

The board's votes:

Sandi: Krista. Denise: Krista. David Krista. Janet: Ivor.

Krista is appointed to the selectboard.

Krista says that she takes being a good neighbor very seriously. She thinks that her relationship with Dennis is a good example because even though they can disagree, they respect each other. Dennis says that he wants to be the first to congratulate Krista.

Krista signs the oath of office.

David nominates Jimmy Trimble for Town Agent and Town Grand Juror. Denise seconds. Put to a vote: all in favor.

David makes a motion to nominate John Oberling, Mark Berman and Andy Toepfer to be on the planning commission. Denise seconds. Put to a vote: all in favor.

MERP / USDA Scoping Grant from BDCC

Sandi says Don sends his apologies for not being able to be there. Sandi says that the implantation grants can only be used on one building. It depends on what it will cover how the town decides which building to apply the grant to. If it covers minisplits and solar, Sandi and Don think it makes sense for it to be used for the Community Center. Hannah says MERP will also cover ADA accessibility features because ADA accessibility is a requirement for the building that it gets used for. MERP implementation grants are up to \$500,000 for a single building.

Hannah says that BDCC has offered the town a \$6,000 grant to be used for architectural scoping work that is required for the USDA Community facilities grants. It would have to be used by August 31st.

David makes a motion to accept BDCC's offer of \$6,000 for scoping work for the town garage and community center. Sandi seconds. Put to a vote: all in favor.

Hannah explains the MERP assessments for which applications have just opened and recommends the town go for Level 2 assessments for both buildings. The assessments don't cost anything to the town. Level 2 asks for the past 3 years of electric and fuel bills and technical drawings for buildings if the town has them.

Denise makes a motion to get Level 2 assessments on both buildings. David seconds. Put to a vote: all in favor.

Hannah asks who wants to do the application work for the assessments. She is happy to do it but would like help from Sandi and Don on collecting the supporting materials.

Roads

Matt thanks Eugene for doing such a good job during the storm cleanup. He says the town only had a few issues. There is a bigger issue with Reed Rd. now with a stream causing a slide of the bank below the road. Matt says it's likely that Reed Rd. will be closed soon. David asks if there's anywhere the town can get Jersey barriers. Matt will see if Bazin has any. Sandi says they met with state people regarding the slide and she thinks it would be good for the town to hire someone to fill out the FEMA applications. David has heard that FEMA may be paying 100% of the storm damages. Matt says he will fix minor washouts next week. The following week they will be working on grants in aid ditch and culvert work.

David also thanks Eugene for the long days of good work. He was out at 5:00am and still working at 6:30pm.

Denise asks if there is a schedule for checking culverts. Matt says there isn't, but they look at them when they drive around. Matt says they are supposed to be taking photos of every culvert and documenting the maintenance. He says FEMA wants that proof and they are going to have to be documenting.

Janet and Matt say it's time to put out the winter sand bid. Matt says he'll need the same as last year.

David makes a motion to have Matt work with Hannah to put out the winter sand bid. Sandi seconds. Put to a vote: all in favor.

David makes a motion to approve the access permit for the Pinnacle Association Lily Pond Highlands Town Line Trailhead Parking Area. Sandi seconds. Put to a vote: all in favor.

Executive Session

David makes a motion to go into executive session at 8:45 to discuss a personnel and legal matter where premature public knowledge would put the town at a substantial disadvantage, and that Matt stays. Denise seconds. Put to a vote: all in favor.

David makes a motion to exit executive session at 9:18. Sandi seconds. Put to a vote: all in favor.

No decisions were made in executive session.

Warrants and Mail

David makes a motion to sign the grants in aid grant agreement. Sandi seconds. Put to a vote: all in favor.

The mail was reviewed and warrants signed.

Further Business

Krista says that for the next meeting her work will provide a form for the board to sign stating that she won't provide legal work on behalf of the town.

*Denise makes a motion to adjourn. Sandi seconds. All in favor.
Adjourned at 9:25*

Respectfully submitted,
Hannah Regier, Town Clerk