

Athens Special Selectboard Meeting
August 29, 2024 at 7:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Denise Randall, Krista Gay, Don Capponcelli, Matt Perry, Tina White, Linda Taylor, Tom Taylor, Sherry Maher, Tim Stevenson, Danny Taylor

Called to order at 7:0X

Adjustments to the agenda

David makes a motion to discuss the MERP grant and sign the standard grant agreement for a highway project. Janet seconds. Put to a vote: all in favor.

Public Comments

Sherry Maher asks about the Meetinghouse corner clearing. David says there are a lot of projects going and it hasn't been on the top of the list. Sherry says that it hasn't been top of the list for three or four years and it's getting to be embarrassing. There has been an agreement with the landowners, and they've been told it's going to be done. Matt says he didn't find out about the agreement until this year, but Sandi says it's been longer. Matt says he will do it when they have time but there is a lot to do before winter comes. He suggests the Meetinghouse committee can hire a private contractor if he isn't doing it fast enough. Sherry pushes the selectboard, as supervisors to the road crew, to keep the project on the agenda and see it gets tended to. David says they will.

Mill Hill Culvert

Sandi says the culvert in question is on the town culvert inventory as is the culvert at the top of Herring Hill on the Toepfer's property. Sandi emailed Andy Toepfer about the history of that culvert. The board silently reads the reply from Andy Toepfer, attached to the minutes.

Members of the board say that if a culvert is on the culvert inventory, it should be maintained by the town. David says this meeting is to decide how to best deal with the issues with the culvert on Mill Hill. Tom Taylor thinks that Sandi's report at the last meeting wasn't correct. He wants the selectboard to listen to the recording of the meeting.

The two proposed methods for fixing the culvert are:

1. Danny Taylor's idea of putting in a Y or T (Materials cost of ~\$186)
2. A catch basin, suggested by DOT and Matt (Materials cost of ~\$1,200)

The board considers if the DOT design is followed, that the town may get more grant funds to repair it if it fails. Krista says this is an assumption and she doesn't think they will actually step in. David asks if there is documentation from DOT with the recommendation. Sandi says there isn't, but she will ask Marc Pickering for it in writing. Sandi says they presented both design options to Marc and he chose the catch basin. Marc Pickering thought a Y could be overpowered in a really severe storm. The board and the Taylors consider the different designs, which is a better investment, and which could better handle storm water.

Tom Taylor says he heard the town would move his stones. He asks if his stones that are moved will be put back. Matt says he doesn't move stones back into the town right of way. Krista says that the town right of way keeps being used as an excuse to do things on people's property. Sandi says that the state statutes (Title 19) say that permits are required to put large stationary objects in the town right of way. Most towns, including Athens, don't enforce this. Krista says the town can't start selectively enforcing it.

David asks if it would hurt anything to put the stones back. Matt says it depends where the catch basin goes. Danny agrees the stones can't go on top of the catch basin. Matt says that as long as it doesn't impede the structure it would be ok to put the mill stones back.

Sherry comments on Matt's initial answer of "no," regarding replacing the stones, and the appearance of a lack of goodwill from the town employee in trying to solve the problem. She says that unfortunately, that seems to be a common issue.

Matt says the mill stones are holding up the edge of the road and keeping it from washing into the Taylor's yard. Without them there would be more of an erosion problem. Danny says they can be rearranged so they don't interfere with the catch basin. Tina asks why the Elliott's stone wall was replaced when it was damaged by the road crew, but there's an argument when it comes to the Taylor's property. Denise says if the stones do interfere with the culvert, something else will need to be done to hold the sand back. The Taylor's accept that the stones may not be in the exact same place that they were.

Krista asks for the board to state their reasons for their decision. David says the reason to go with a catch basin is because the regional district manager for the DOT recommended it.

Denise asked if the stones need to be moved if the Y or T solution is used. They might if they're on top of the culvert. Danny says he is sure the stones can be rearranged so everything works fine and everyone is happy.

Janet asks how the culvert came into being. She remembers that when Tom's dad owned the property, she thought the road culvert drained down the side of the yard into the brook near where there were blueberry bushes. Danny says there was the old steel culvert across the lawn back then, 30 feet uphill from the old blueberry bushes. Tom says Dubois ruined the old culvert and the town replaced it. Dubois or the power company paid the town for the repair. Tom Taylor says it was still the town's water back then. Janet says that town employees don't recollect putting the culvert in. Tina asks why this is still a conversation when the culvert is on the town inventory.

Sandi makes a motion to put a catch basin in on Mill Hill. David seconds.

Discussion: Denise asks about the costs. \$186 for the “Y” vs. \$1,200 for a catch basin, plus labor in both cases. Denise wants to know if the town crew will put in the catch basin or if it will be hired out. Matt is comfortable doing the labor for either solution. There is discussion about how often a catch basin needs cleaning and how likely it is to clog.

Denise amends the motion to add that the town crew will install the catch basin.

Krista and Janet say they will abstain.

David asks about the vote and how many people need to vote to pass the motion. He thinks that if there are three votes in favor it will pass.

Put to a vote: Sandi, David and Denise in favor; Krista and Janet abstain. The motion passes.

Danny offers a tow strap for moving the mill stone. Matt says the work should be done before winter.

MERP

Hannah says that the MERP implementation grant is now open and has a quick turnaround time. The state disqualified a lot of towns, but Athens is still above the cutoff for energy burdened towns. Mike McConnell is going to help put the application together. It seems likely that the town can get the full amount for the insulation for the town garage, plus some other energy improvements for the garage, like a heating system, doors and windows, and ADA improvements. Applications must be submitted by September 20th. October 8th is when awards will be announced. There is no match required for this grant. Hannah says they will try to get real estimates for all the things the garage needs. The town can apply for two buildings, so Hannah thinks they should apply for eligible items for the community center. Funds need to be used by the end of 2026.

David makes a motion that Don, Janet and Hannah be authorized to work with Windham Regional to submit the MERP grant. Denise seconds. Put to a vote: four in favor, Janet abstains.

Denise asks what types of construction the MERP grant can cover. It is only for energy improvements. The building has to be ADA accessible for the grant funds to be used, so 20% of the total request can go to ADA improvements. This could be used for an ADA bathroom in the garage.

David makes a motion to sign the standard grant agreement for the state of Vermont for the culvert at the south end of the pond on Brookline Rd., for \$40,000. Krista seconds. Put to a vote: all in favor.

Denise asks when the guardrails will be installed. Matt says he signed the agreement already.

Janet asks if Bazin will bring the winter sand. Matt knows they are busy working up north with the floods. Matt asks if he should ask Derrig if he talks with Bazin and they can't do it in time (by Oct. 31). The board says that is ok because the bid was very close – about \$400 difference total – and still within the budget.

Matt says they'll be working with Windham Regional on getting a grant for a new erosion inventory. It's an 80% grant with a 20% match in kind. The ditching that has already been done won't need to be changed, but the criteria will become more involved. He thinks the state wants towns to be upgraded everywhere so they can handle a 6-8" storm.

Matt thinks Athens is in a really good place with stone lined ditches. Matt says that any disaster damage that costs over \$15,000 can qualify for a state grant to cover 90% of repair costs.

Further Business / Adjourn

Tim Stevenson asks if the selectboard would allow the meetinghouse committee, or the selectboard, to hire someone to do the brush clearing work at the corner of Meetinghouse Rd. He says it's clear that they can't assume Matt will be able to attend to it in the near future. David says they could see how much it's going to cost. Matt says they can ask some contractors for a rough estimate. Then the town will know if it needs to go out to bid as per the procurement policy.

Sherry asks how much time Matt thinks the job will take. He thinks 3-4 days because they have to cut and burn the wood. Also the stone wall needs to be repaired.

Tim directs a comment to Matt which he says is not a criticism: On Mill Hill, where there are very deep, new ditches, it is very hard to pass. Matt says the road had gotten neglected and vehicles had worked the road edges into the ditches and caused drainage problems. The road crew has just put the ditches back in. Matt says the road should be widened ideally, especially for emergency purposes. David comments that it's never been a good road to meet a car on.

Matt says the rock "Jaws" has moved over 2 feet and may need to be removed before it comes out and does major damage.

Krista says it seems like they are starting to work out a solution for the Meetinghouse corner. She thinks it's important for the town crew to be open about their availability to get stuff done, so they can find other sources if needed. She is also concerned about the board paying for contractors that aren't in the budget. Matt says he knows there isn't money in the budget for contractors, but Sherry seems to want the work done sooner than he's able to. Krista points out again that it has been 3-4 years that the Meetinghouse project has been on the work list. She wants to be mindful of the budget and is also concerned about being accused of favoritism because the town is doing work for some people and contracting out others. She says the board has to accept responsibility that it's been an unnecessary amount of time and now they need to fix it in the best way they can.

Krista makes a motion to adjourn. David seconds. All in favor.

Adjourned at 7:53

Respectfully submitted,

Hannah Regier, Town Clerk

email

Sandi Capponcelli <vtplntldy@hotmail.com>

Fri 8/30/2024 10:02 AM

To:Hannah Regier <townoffice@athensvt.gov>

From: Andrew Toepfer <a.l.toepfer@gmail.com>

Sent: Wednesday, August 28, 2024 5:45 PM

To: Sandi Capponcelli <vtplntldy@hotmail.com>

Subject: Re: question

Hi Sandi,

I bought an 18 inch culvert at LaValleys on Aug. 3, 2021. I have a farm backhoe and was going to put it in myself but I was not sure how to deal with the fiber optic cable that was run right over the top of the culvert. I talked to Matt to learn how to work around the cable. During the discussion he said it would make sense for him to help with the installation of my culvert when he replaced the lower of the two culverts. I would get Dig Safe to mark the line over both culverts and then we could work together to locate and isolate the fiber optic cable. So both culverts were replaced at the same time, probably September of 2021.

Our family has always been told in the past that the town road ended at the turn around where we later built the red garage. The previous owner, Elizabeth Herring had been told the same (she bought the property around 1940). The town has maintained that culvert in the past.

A case can be made that the town road ends about 40 feet before the lower culvert. That is where the State road data, available online, has the town road ending.

But that is not how the end of the town road has been known to be over the years.

It is truly in the best interest of Athens to have the town road crew ensure that culvert is maintained properly because that culvert is the key to keeping the steep road section below it from washing out. When that section washes out, as it did during Irene, it is very expensive to repair(the State fixed the road that time). The new culverts are working great and there has been little erosion since the new ones were put in.

Let me know if there is anything else I can do to help.

Andrew Toepfer
Herring Hill - Athens, VT
72° 37' 0" W - 43° 7' 11" N

On Wed, Aug 28, 2024 at 2:54 PM Sandi Capponcelli <vtplntldy@hotmail.com> wrote:

Hi Andy,

I have a question for you. We are dealing with a situation with the Taylors and they keep bringing up the 2 culverts nearest your house being put in by the town. They keep saying that they were put in on your property and when I look at the general highway map for Athens I can see how far the town highway goes but then the section above that I can't interpret whether or not they have that in as private or a trail. Can you clear this up for me? Also would you have any idea what year they were put in as the state culvert inventory does not supply that info and I can't seem to find any older documents online concerning culverts.

Thanks,

Sandi Capponcelli

PS...I really could use your input by Thurs. as we have a special SB meeting that night.