

Athens Selectboard Meeting Minutes
December 1, 2024
3:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Dennis Mirante, Danny Taylor, Heather Chaudoir, April Lyman, Diane Hitchcock, Donna Carrier, Bonnie Hitchcock, Don Capponcelli

Called to order at 3:00

Adjustments to Agenda

None

Public Comments

Dennis Mirante says that he's been trying to stay away from meetings in town because it's so frustrating. He agrees with Denise's comment from the last meeting that nothing ever gets done. He says that this issue shouldn't be too difficult – the culvert is either on private land or town land. He suggests the town uses his driveway culvert as precedent. He paid for the culvert and maintains it. Dennis is upset at seeing Janet reprimanded. He says the town seems really dysfunctional and divided, and he thinks there are special favors happening.

Danny Taylor says the town put in the driveway culvert at the Hitchcocks' camp, one across from Oakes' pond, and, years ago, one across Tim and Sherry Maher's driveway. The town just put in a plastic culvert and catch basin across Tom Taylor's driveway. And there were two culverts on Andy Toepfer's property, one of which he says the town bought. Danny asks why Taylor Hill and Butson Circle have to fight to have this culvert replaced.

Heather Chaudoir says that the culvert is across Butson Circle, however everyone on Taylor Hill has a right of way to go across the culvert. She says there are family members for both Janet and Krista on Taylor Hill and there seems to be a family feud amongst the Perry and Taylor families. She thinks it is appropriate for Janet to recuse herself from the vote on this matter.

Not many people from Taylor Hill came to their meeting because there wasn't a solution to vote on. She says that April had suggested at the end of the last meeting that the town could buy the culverts and have the residents of Taylor Hill and Butson Circle put them in. She says that because there is a conflict with Matt, and because he doesn't put in the rest of the culverts in town, there isn't much trust that he would do the culvert work appropriately. She says that no one from the Hill would vote for Matt to put a culvert in across Butson Circle. The general feeling from the people who attended, was a preference for the town buying the culvert and Danny putting it in. Danny says he thinks the town should pay for it all and do the work, like they have in the other culverts he mentioned.

Heather says that three of the board members had agreed that replacing the culvert would benefit the town and taken responsibility that some of the water comes off of a town road. She says the trench is obvious where the water comes from Brookline Rd. and the Brookline Rd. water causes an ice problem for school kids and anyone in the area. Additional trenching might be necessary in addition to replacing the culvert to take care of the icing. She says that fixing the problem will save the town money and protect their liability from someone getting hurt.

April says she called WW Building Supply and says that the town does get a significant discount, beyond not paying tax.

Diane Hitchcock says she thinks the town should put in the culvert because the town collects taxes from everyone who lives on Taylor Hill.

David says that Janet requested an executive session. Janet says it can happen at the end of the meeting. Krista asks what the executive session would be for. Janet says it's a personnel matter, then changes to a legal matter. Krista says that to her knowledge there isn't a pending legal matter for which public knowledge would put the town at a disadvantage. Janet says there doesn't need to be an executive session. David says he doesn't know what the matter would fall under.

Butson Circle Culvert

Janet presents a letter that was submitted to the board in April 2023 from Treah Pichette and John Oberling regarding the town taking over Taylor Hill. Krista reads the letter, attached to the minutes. One of the members of the public present asks what this letter has to do with the current situation, which is entirely different from the issue in the letter. Dennis Mirante thinks the letter is relevant because it makes the point that residents are responsible for their own driveways.

Sandi says she contacted Marc Pickering, who will contact Matt and come out to look at the culvert to see if there is anything that justifies the town doing anything to replace it. Denise asks why it has taken so long for Marc to decide to come out. Sandi says Marc got back to her right before she went on vacation, which she passed on to the other board members. Nobody contacted him back to arrange the visit while Sandi was away. Sandi says that Marc wants to make sure there is a good justification for the town to get involved, because every time the town touches something, there is the possibility it might lose out on grants. Sandi says that the work that has been done on other driveway culverts has been done because there is a justification that the work will benefit the town as a whole. Denise asks what the justification is for townspeople having to grade their own road because the road crew won't grade it – this is a situation Denise has heard about from two different townspeople recently. David concurs that he has also heard this. Sandi points to the fact that Matt has been working alone since October.

Danny Taylor says the town roads were maintained by a part-time employee, his grandfather, for years, who did everything by himself. Then there were two part-time employees. He thinks that there being one person is a poor excuse. He asks if Marc Pickering looks at every driveway culvert. Danny thinks this is a town issue and has nothing to do with the state or grants. Dennis agrees with Danny that the selectboard needs to make a decision.

Heather says that not everyone on Taylor Hill Rd. is a Taylor or related to Taylors. She says there are liability issues for both the town and residents. They are simply asking to share the burden of implementing the solution.

Dennis says when he asked for a culvert he got ignored, so he feels upset now that the town is going to put in a culvert for other residents.

Danny says that most towns will take over driveway culverts once they are initially installed because if a flood event happens, the town pays for anything in the right of way. Sandi says it's FEMA takes over, not the towns. She says the other towns she has talked to don't replace culverts in private driveways when they wear out. Danny says that whatever the town has as a policy will be followed by FEMA. He says the bridge and road standards that the town signs every year contradict the town policies.

Janet says there was mention of the Hitchcock culvert. She says that one was damaged when another box culvert was being put in, so the town replaced it. Denise says there was another culvert on Mill Hill that got damaged by the town and wasn't replaced. Janet says that one was a town culvert. Janet also says that the culvert across from the beaver pond was put in because Matt was diverting water in a different way and there needed to be a culvert there that hadn't existed before.

Janet says there is a policy on culverts that states culverts and headwalls on private property, even when they are in the right of way, are the responsibility of the property owner. She reads more from the policy. She asks if the town is going to throw up all the policies to do this work. Denise says the town already has disregarded the policy because they have picked certain culverts to replace and not others.

Heather asks if the board's reticence to vote has to do with the future responsibility of maintaining the culvert possibly falling on the town. Heather suggests that an agreement could be written up for the maintenance.

David asks if there is a price for the cost of the culvert. Sandi says it will cost the town \$2,227.20 from WW Building Supply. (\$371.20 per 20-foot length or 18" culvert.) The board and public discuss culvert dimensions.

Janet asks why the town didn't do the church's culvert behind the town office when that needed to be replaced. She says the church had purchased the culvert and asked the town for help and the town didn't do it because of their policies.

Denise makes a motion to buy and put in the culvert on Butson Circle to help prevent liability on Brookline Rd. when ice builds up.

Janet thinks the liability would be on the property owner. Krista says that what would happen is that the injured individual's insurance would sue everyone who could potentially have a claim. Their lawyers would go through meeting minutes and recordings and pick out where the town has agreed it shares some responsibility for the issue. It can end up being complicated "motion practice" for splitting the liability.

Janet says it's going to be expensive because now other people will want their culverts done. No one seconds the motion.

Sandi says she personally wants to hear what Marc Pickering has to say. Donna Currier and Danny Taylor protest that this isn't a necessary step. Danny reiterates several of his points about how the town looks bad. Someone else points out that the ground is freezing now and time is running out to put in the culvert.

Denise says she's done. She says David sat on the board with her several years ago when they agreed to get this culvert replaced and she is tired of sitting on the board when nothing gets done. She leaves the meeting. Krista and Sandi follow her out.

Danny says the policies the town has don't match up with what they sign for the state for flood damage. He says he put in for a driveway on Brookline Rd last year and didn't even provide a sketch and the town signed off on it. The town didn't spec what size culvert was required.

David says there isn't a quorum to continue business and declares the meeting recessed until there is a quorum. David leaves and says he'll be back.

David, Krista, Sandi and Denise return to the meeting. David says Denise has reconsidered and has not resigned. He says the resignation was never accepted by the board.

David makes a motion that the town pays for the 18" culvert for the price Sandi gave, with the agreement that it is not a town culvert, and repairs will be done by the landowners or right-of-way holders. The landowners will put in the culvert. Denise seconds the motion.

Discussion: Janet asks what happens if it needs to be a 2-foot culvert. David doesn't think that will happen. Krista says that she is not voting but wants to clarify that the culvert the town agrees to pay for is an 18" diameter culvert. Janet says she thinks it's a mistake for the town to agree to pay for something that they have no liability for. Krista recommends that David amend his motion to include why he thinks it's in the town's best interest to buy the culvert.

David says there is the issue of ice coming into Brookline Rd. The town has had to put salt on it in the past for the safety of travelers on Brookline Rd.

Janet asks what was discussed outside during the recess because there was a quorum outside.

David says there was no discussion of the culvert, only with/about Denise.

Janet asks if the town is increasing the culvert budget to \$20,000 or more to do everybody's culverts. David says they are going to buy this one because it causes issues to Brookline Rd.

Denise says they will consider any other requests individually.

Put to a vote: David, Sandi and Denise in favor. Janet opposed. Krista abstains.

Krista says that to avoid future conflict, David should state how the culvert purchase is going to happen. Sandi is going to order the culverts from WW on Monday and have them delivered to Butson Circle.

Heather asks for clarification on who is going to write an agreement and what it will say. David says that the town is not taking ownership of the culvert. The town is helping by paying for the culvert. It is being installed by the landowners. Heather asks if there needs to be a written agreement. David says there should be something that says this isn't a town culvert. Krista says that by them agreeing to this, they are agreeing to the terms David specified. If the residents install the culvert prior to there being a written agreement, by them taking possession of the culvert, they agree to everything that has been decided at this meeting.

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

Adjourned at 3:45

Respectfully submitted,
Hannah Regier, Town Clerk

To address the Athens Selectboard meeting April 20, 2023.....

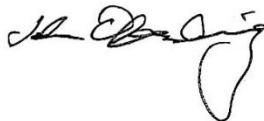
Being unable to attend the meeting in person, we would like to express our opinion on the issue of the Taylor Hill Road situation via this letter.

We have lived in town for 25 ½ years, & our house is approx.. 500 ft. from Reed Rd. Every few years it does wash out, & we must pay upwards of \$1000 to fix it each time. We do not expect the town to pay this nor do we expect to have to pay, through our taxes, for the repair of any other private road or driveway in town. This multi-year wrangling with the residents of Taylor Hill, which has cost the town much money in court & legal fees, has already been decided by several entities. When is enough, enough? More time? More costs for the town? The residents of Taylor Hill have had their arguments heard, had experts view the property & still seem unwilling to accept previous decisions. We would encourage the Selectboard to end this by either giving a final refusal to take over this road or put it to a general vote if that is within legal options.

Treah Pichette



John Oberling



Submitted by and signed by all to put on agenda