

Athens Special Selectboard Meeting Minutes
February 12, 2025
7:00pm at the Athens Town Office

In attendance: David Bemis, Sandi Capponcelli, Janet Perry, Krista Gay, Denise Randall, Hannah Regier, Don Capponcelli, Colin Bratton (WRC), Christian Rogerson, April Lyman (@8:15)

Called to order at 7:03

Adjustments to Agenda

Janet has a couple things she wants to go over: update on the woodchipper, town plan, and how to help employees with ongoing issues of following & stalking.

Public Comments

None

Ober Road Alternatives

Colin Bratton asks if the board has any questions since the alternatives meeting. His main concern is getting the project funded. He says that FEMA is looking for the biggest reduction in future damages so they have less to pay later on. The board reviews the color maps that Colin brought for each of the three alternatives. The flood modeling done by the Dubois & King hydrologist is well informed and based on standard practices that ANR uses also.

Denise asks about the culvert under Brookline Rd and if it needs to be replaced. Don C shows a drawing he made of an idea with trapezoidal segments making 7° turns on a 6' wide culvert to make a broad turn under Ober Rd to gently turn the tributary to the other side of the road. The board reviews Don's idea. David comments that it looks like the culvert proposed by D&K looked like it was going to go into the dooryard of the house at 29 Brookline Rd. Hannah suggests that the conversation is too detailed for where the project is now. Additional design work will need to be done with any of the alternatives that are chosen.

David asks Colin what he thinks should be done. David says he has issues with all three alternatives: He doesn't want to get rid of the Brookline Rd culvert that the town spent over \$300k on ten years ago. He sees the benefit of moving the tributary to below the bridge. He thinks the cement box culvert is exactly what the town wants. He doesn't think the road needs to be raised based on what he has seen in floods. Hannah says that Grout Drive residents say the road has flooded all the way on Ober Road to the last telephone pole by Grout Drive. The board discusses how all the fields along the creek flood. Denise says that the neighboring fields also flood significantly both from the creek and from the gully between the fields. She is positive that the field on the other side of the brook is flooded as well.

Colin says that Scott Jensen will need to answer the questions about the Brookline Rd culvert. The recommended one for this project is significantly larger than the one that's in there now. He thinks ANR has changed their standards since 10 years ago when the current one was put in.

The FEMA Hazard Mitigation Grant is a 100% grant if the town can get it. Colin thinks that the board should consider the alternative that FEMA is most likely to fund. There is a meeting with VEM next week to review the chosen alternative. If they don't want to fund any of the options, he thinks that the town can go back to VTrans and ANR for other grants, possibly phasing the project in stages.

David says that they need to go with a plan that addresses replacing the bridge.

David asks if the sections of the current culvert could be reused if it's taken out. Colin thinks that if it can be removed undamaged and put on a flatbed, it might be reusable.

Don asks about the 120' wide bridge and wonders why it needs to be so big. Nobody has an answer.

The board reviews all the maps – the color coding for flood reduction is confusing. Colin thinks it indicates cumulative improvement from one alternative to the next, with each additional alternative having a greater impact on flood reduction.

David makes a motion to support alternatives 2 and 3 to be reviewed by FEMA and see which one can be funded. Krista seconds. Put to a vote: all in favor.

The meeting with VEM is Feb 18th at 2:30pm. Hannah will forward the invite to the selectboard.

Colin doesn't know the chance of getting the FEMA grant, but the state has over \$100 million in this funding round, so he thinks a \$2.5 mil project is possible.

NFIP (National Flood Insurance Program)

Hannah shares information on what needs to be done to proceed with joining the NFIP. The two major components are developing floodplain bylaws, which are the regulations; and designating a floodplain administrator to review projects and issue permits for any development in the floodplain.

Hannah has checked with Stan Noga in Brookline to see what they do for the administrator position. Brookline doesn't have an administrator and would be interested in collaborating with Athens to share someone for that role. It seems like a common issue for small towns not having capacity to administer the regulations. The details and cost aren't known at this time, but David doesn't think it would be too much. Hannah says there would be some specific requirements that would need to be enforced.

She says that in other towns it is the Planning Commission who works on developing the bylaws. There are two different models that can be followed and adjusted – one from ANR and one from WRC. WRC isn't going to help with the bylaws but the state coordinator, Asa Brayton has offered to help. David says Hilary Cooke has told him to make sure there is good mapping and to be clear about what building practices are and are not allowed. Hannah says there are the new draft maps that are much more detailed. They were created with a desktop model, not on-the-ground measurements.

Hannah reminds the board that joining the NFIP is a requirement for the FEMA grant that they were just discussing. The next steps is creating the bylaws and assigning an administrator. The actual application is simple. There is a one sheet description that all of the selectboard members have. David mentions that the LHMP or Town Plan need to be approved to complete the NFIP application. Hannah suggests that it all be worked on simultaneously. David asks if the Planning Commission can work on the bylaws. Hannah says she is happy to go to a Planning Commission meeting to share the information she has gathered.

David makes a motion to proceed with drawing up Floodplain Bylaws for the NFIP application and ask the Planning Commission to do that work. Krista seconds. Put to a vote: all in favor.

Krista says she 100% supports flood insurance but she is nervous about the permitting requirements. She wants more information on the specifics of the bylaws and permitting process. She's concerned about how it might affect people who live in the floodplain. She says she's nervous about telling people what can be done on their own property. She says she's always thought that if someone wants to do something stupid on their land, they should be able to. But with FEMA flood insurance, the town *must* take steps to regulate what can be done in a floodplain.

Hannah says that NFIP is about more than just making flood insurance available to residents. It's required for the town to be eligible for FEMA grants and for getting a greater state match (ERAP) in FEMA disaster grants. She says it's about taking responsibility with how land is used in the town. David says that there are many other towns that don't have zoning but do have flood insurance. Athens is one of just a few towns in the state that don't participate in the NFIP.

The timeline for completing the application is dependent on how long it takes to develop the bylaws. There need to be two hearings and then the selectboard can adopt the bylaws without a townwide vote. Hannah encourages the selectboard to be serious about their intentions to adopt the bylaws if the Planning Commission is going to put time and energy into developing them. Once the bylaws are underway, the selectboard can plan a joint meeting with Brookline to discuss the administrator position.

Existing structures in the floodplain would be grandfathered and not need to do anything. New structures or significant improvements in the floodplain would need to be permitted.

Being able to get flood insurance is important for some homeowner mortgages and also agricultural loan and grant programs in the floodplain.

Denise wonders if there is a contractor or company who could be a floodplain administrator. David is interested in looking into this also. Sandi wants to know what the job description would look like. Asa Brayton, the state floodplain coordinator may have more information on this.

2024 Highway Grant Reimbursements

Hannah says that reimbursement for the State Emergency grant for the Brookline Rd undermining has been submitted by Meghan Brunk.

The reimbursement for the big culvert past the beaver pond on Brookline Rd, that the town didn't have photographs of, was not accepted by the state. Hannah's photographs taken in the snow were not acceptable. Someone will need to take photos in the spring and the reimbursement resubmitted. Sandi will be responsible for taking photos in the spring. Denise says that it should be the road foreman's responsibility. David says there is a whole list of things that need to be done. Hannah says that each grant has its own requirements that need to be followed.

Executive Session Employment Review

Skipped because Matt is not here.

Further Business

Krista reads the open meeting law regarding adding items to the agenda. Adjustments need to be added at the beginning of the meeting. Last-minute items that require action should be added only in an emergency. The board discussed whether something that isn't on the agenda can be voted on or not. Actions will be put on the agenda for the next meeting unless they are an emergency.

Krista notes that she is uncomfortable discussing business that isn't on the agenda.

Janet has an update on the woodchipper. It needs a new fuel injector. The town can buy one cheaper than Jimmy Fernette can. Once that has been replaced the chipper should be ready to go. Fuel injector costs \$300-500. David doesn't think there's an issue with repairing it since the board already agreed to fix the chipper. Denise thinks it should be voted on at the next meeting.

Town Plan update: the Planning Commission would like to be on the agenda for the next selectboard meeting to present the final plan. There will need to be public hearings after the board accepts the plan.

Janet asks what the town is going to do to help the employees with harassment. Janet says that they lost one employee for this reason. Krista says that it wasn't actually mentioned to the board as a cause. Krista asks if there has been more stuff that's happened since the board last addressed the issue. Janet says the harassment is continuing but she doesn't want to talk about what it is specifically. Krista says it's hard to take action if the board doesn't have specific information about what is happening. She says that it's important for people to be safe in their

job. David suggests at the next meeting the board start an investigation into what is happening, in executive session. Denise would like the employees to come to the board, in executive session, and talk about what is happening. David doesn't know if that can happen. Krista wants to know if there have been police reports filed. No reports have been filed recently, but they were in the past. Krista asks Janet if the accusation is that in the past six weeks have been stalking town employees. Janet says yes. David wants there to be an investigation and report given to the board about what is happening. He wonders if someone needs to be hired to make a report. Sandi reads some information from a website about Vermont laws around workplace harassment. Title 21 of the Vermont statutes has more.

David makes a motion to discuss the situation with the town's attorney. Sandi will contact the attorney. Krista requests that the attorney have a meeting with the board, by phone, at the next meeting in executive session, justified as attorney-client privilege. Krista seconds. Put to a vote: all in favor. (This action was taken as an emergency to take fast action.)

Denise asks to have the employee review moved to the next meeting. Krista wonders if it can be addressed later in the spring when the weather isn't so unpredictable. David would like to get it over with sooner than later so it will go on the next agenda.

Hannah asks a question about the highway employees' timecards. She wants to know if it's ok for them to work fewer than 40 hours a week and keep their benefits. In the past, employees have wanted her to "top off" their week with comp time if they work fewer than 40 hours, but a current employee wants to save his comp time and be paid for fewer hours. The board says that is fine. Janet says that the policy states that 32 hours is full time. Sandi says that if it's just one week and an employee works 30 hours, that's not a problem. David says that the town can't fill in comp time or anything else without the employees indicating exactly what types of pay they want. Hannah will not automatically "top off" the hours anymore. David will communicate this to the employees.

*Sandi makes a motion to adjourn. Denise seconds. All in favor.
Adjourned at 8:29 pm*

Respectfully submitted,
Hannah Regier, Town Clerk