

Athens Selectboard Meeting Minutes
May 26, 2022 at 6:00pm
Athens Town Office

In attendance: Sandi Capponcelli, David Bemis, Janet Perry, Harold Noyes, Denise Randall, Hannah Regier, Fact TV, Pamela Russo, Sherry Maher, Tim Stevenson, Donald Capponcelli,

Called to order at 6:02

Adjustments to the Agenda

David makes a motion to add Public Comments and Roads. Sandi seconds. Put to a vote: all in favor.

Public Comments

Tim Stevenson asks about adding the emergency surveys to the tax bills. It will be 3-4 pages of paper and a return envelope. Hannah thinks it should get its own mailing.

Review Meetinghouse Facade Project Contract

Krista's (as the town agent) main concern when she reviewed the contract was the arbitration clause only allowing 21 days to notify the contractor of a concern with the work. Denise says the meetinghouse committee would have to let the selectboard know immediately if anything went wrong. Sherry says that Candace didn't have a concern about the 21 days. David asks that the committee bring any issues to the boards' attention immediately, without waiting for a meeting. Method: email everyone on the board and call at least one person on the board and actually speak to them (not leave a voicemail). Sherry asks respectfully that members of the board reply to such an email to let her know that they received it. Janet asks if the 21 days can be expanded to 60. Harold says he has researched a bit and seen most arbitration notice periods as being at least 30 days. There is discussion over the process of arbitration and notice.

Harold asks how often someone is in the Meetinghouse to notice if something has gone wrong. Sherry says there will be regular visits while the work is being done. Sandi suggests Don C. act as "Clerk of the Works" for the project because of his experience with carpentry. He would check the work after each phase of work is finished. Don says in full disclosure, he is the one who identified the contractor, Stebbins in the first place. He is willing to do the Clerk of the Works role.

Janet makes a motion that the arbitration notice period be extended to 60 days. Sandi seconds. Discussion: David says if Don or Sherry sees a problem they can notify the contractor within 21 days. Then there will be time to get someone else in to look at it if needed. It's just the notification that needs to happen in the 21 day period. Harold points out that Krista didn't think any of her comments were grounds to not sign the contract. Denise reiterates that point. Sherry says the contractor is fine with the contract as it is and they are waiting for a signed

copy to be sent to them. Sherry rereads the email from Krista and reminds people that Krista's comments were written when she had the impression that the contractor had written the contract, not the town. Harold reads Candace's response that the contract is an industry standard boilerplate that Candace customized to be as town-positive as possible.

Motion put to a vote: Ayes: Sandi & Janet; Nays: David, Harold, Denise. The 21 days will stay in the contract.

David asks that the town have the contractor's preferred contact method in writing so that it is known how to contact about concerns. Denise suggests email so there is a paper trail. Sherry says she would contact the contractor by both email and phone.

Janet brings up the statement about the electricity to be supplied by the town. She says that extension cords from the neighbor's house shouldn't be used because it isn't OSHA approved. Don says it would be a 200 ft run with brand new 10 gauge extension cords. He's asked master electricians at his work about this and no one knew if it was actually an OSHA issue. Sherry points out that the drills, saws and lights for the attic project were run on extension cords. Don suggests that the contractor add in the neighbor as an also insured location and send the neighbor a certificate of insurance. The risks would be for a contractor burning out equipment because of line loss. Sherry and Don think this project should use less power than the attic job. Harold brings up that there may be a lot of battery powered tools on the site also.

Sandi thinks supplying power is setting a precedent for that expectation for future projects. She thinks the line should be taken out of the contract. She thinks the contractor should bring their own generator. She has a concern about the meetinghouse committee's extension cords being used. Sherry says the cords were purchased specifically for the last job, and for future use. Sandi says the last job was done by local people and this job will be a more commercial company. Sherry asks if anyone actually knows if the extension cords are a VOSHA issue. Sandi says the problem with asking VOSHA anything is that they tend to ask why and/or show up at a site. Janet hasn't called either and doesn't want to give them a red flag.

Sherry says the scope of work that was approved by Preservation Trust and National Park Service included the town supplying the power. She doesn't want to change anything in that scope of work that has already been through the very lengthy approval process. Don says he will contact VOSHA and ask about extension cords being linked together. Denise says this isn't the first job that the town has provided power and used extension cords for — the precedent has already been set. If VOSHA says no, they say no. David says each contract stands on its own and can say different things about the power supply. Denise thinks the power supply shouldn't be a breaking point as to whether the board signs the contract tonight.

Harold asks if the Andersons were the plan for the power. Sherry says the Andersons are more than happy to supply the power and have refused compensation for it. Jean says there wasn't a noticeable change in their bill from the last project.

Don will check with VOSHA. If it turns out the cords are a VOSHA problem, the committee will ask the contractor to bring a generator. Sherry points out that the extension cords were

purchased with grant money that the committee got for summer events. Board member Perry was aware of that whole process and has herself provided cords in the past for events at the Meetinghouse. Sherry is surprised that it is coming up as a concern now and hadn't been raised at an earlier time. David says there is a difference between a local event and a contractor situation.

Janet brings up the money. There isn't the full amount in the meetinghouse fund to cover the full cost. Sherry says there is a \$50,000 reimbursable grant promised to the town from Preservation Trust. With the existing balance of the Meetinghouse fund, plus the \$38,000 just deposited into the Meetinghouse Fund from the Historic Society there is enough for the first payment. Adding the \$50,000 grant to that amount will more than cover the anticipated cost of the project. Sherry reiterates that she will be checking with Lisa Ryan at the Preservation Trust if the reimbursement can happen when \$50,000 has been spent, or if the town has to wait until the end of the project. Janet asks where the other money will come from and if the project will stop after the first payment until we get the reimbursement. Sherry says the Historic Society has additional funds that can be used if needed in advance of the grant. Some of those funds are earmarked for other projects, but can be used as upfront payment for this project in advance of the reimbursement.

David asks how much money is in the Meetinghouse Fund now: \$51,584.28. The full contract amount is \$93,000. \$110,000 if they have to replace all the windows. Each window requiring replacement would be prorated from the higher bid figure. Sherry confirms that the historic Society agrees to paying for the work if it goes over the contract amount. Sandi asks if there should be something in writing between the Historic Society and the town. Harold says that we have it in the minutes and on the tape, so that should be enough.

The board already voted on 5/19/2022 to allow David to sign the contract. The contract is signed.

David makes a motion that the town ask Don Capponcelli to be Clerk of the Works to the Meetinghouse Project and work with Sherry and to review the work done by Stebbins, and report back immediately with any issues via email and talking to at least one selectboard member. Denise seconds. Put to a vote: Ayes: David, Denise, Janet, Harold. Abstaining: Sandi Capponcelli.

Sherry asks if she is still the liaison with the board or is Don. David says Sherry is still the primary representative and Don is helping. Either one can do the communicating with the board.

Roads

Janet says Matt gave her an email and wants Sandi to email back the person at FEMA to state that the town has conflict of interest and procurement policies.

David makes a motion that Sandi contact this person and can transmit the town's conflict of interest and procurement policies. Harold seconds. Put to a vote: all in favor.

Janet also has paperwork for next year's storm water project grant for \$11,000. It needs to be signed and back before June 24th. *David makes a motion that the town signs the Letter of Intent to Participate in the SFY23 Municipal Road Grant Aid Program. Denise seconds. Put to a vote: all in favor.*

Janet says the rear seal in the big truck is leaking. It is not covered by the warranty. The problem is that Matt and Eugene could do the work themselves, but if there's a bearing gone inside, the bearing would probably be covered by the warranty. They got an estimate from ATG for \$500.00 for the seal. It could be higher if the work takes longer. David says they should take it to ATG and have them fix it. No objections from the rest of the board.

Further Business / Adjourn

Don: Has an appointment with Farnham insulators to look under the floor in the town office that he wants to reschedule for July when he has more time. The board is fine with that.

Janet: Efficiency Vermont is giving out free audits for municipal buildings. She signed up so the garage and community center could get audits. Don and Sandi say the town office insulation is below standard. Denise says to put the town office on the audit list also if it's free.

Sherry: Was at the town garage on Monday to get mulch for the meetinghouse garden. There was no mulch left outside the gate. The gate was open, so she went in but the garage was locked and neither Matt nor Eugene were on the premises. She looked around back for the larger mulch pile and then was that the road crew had returned. She asked Matt about getting mulch from the back of the garage. Matt said to make it quick because there was an insurance adjustor was coming and the town would get in trouble if she was on the property when the insurance company was there. She was surprised that there would be a problem with a townspeople on the garage yard, during the day, when the gate is open. Denise knows that the insurance was concerned about the sand pile collapsing on people. David asks Sandi to check with VLCT. She has and there is nothing in the written policy, but it is highly suggested by VLCT that townspeople not be on the garage property because of the dangers of moving equipment or possible damage to personal vehicles. Sherry says the gate should be closed if no employees are at the garage. Sandi says there will be signage added. Sometimes the gate is left open if a delivery is expected or if the highway crew is out working on the roads. Denise says that if it's not in the policy, Matt can't tell townspeople not to be on the property. It needs to be clarified by VLCT.

Sherry: Is only here tonight because she is on the list for notification of special board meetings. No one got in touch with her or anyone else on the Meetinghouse committee to request their presence. It strikes her that the meeting was scheduled with no direct attempt to reach out to the committee to answer questions.

David makes a motion to adjourn. Harold seconds. All in favor. Adjourned at 7:08

Respectfully submitted,
Hannah Regier, Town Clerk