

**Select Board Meeting, Monday, October 17th, 2016 in the Cavendish Town
Office Meeting Room at 6:30 pm**

Present: Bob Glidden (Chairman), George Timko, Mike Ripley, Wendy Regier (via telephone), Rich Svec (Town Manager), Bruce McEnaney (Assistant to the Town Manager), Jen Leak (Recording Secretary), Ed McEananey from LPCTV and citizens as listed on the attached sheet.

Absent: Jill Flinn

1. Call the meeting to order

Bob Glidden, Chairman, called the meeting to order at 6:30 p.m.

2. Continue public hearing on the adoption of the Cavendish Flood Hazard Area Regulations (FHAR) update. The draft of the FHARs update were reviewed by the Board of Selectmen with the Chair of the Cavendish Planning Commission on May 23rd and with John Broker-Campbell, Flood Plain Manager for Southern Vermont, on June 28th and were also discussed at Select Board meetings on October 13th & November 9th, 2015 and May 9th, June 13th & July 11th, 2016. The Public Hearing was initiated on August 15th, continued on September 12, 2016 and recessed until October 17th. Representatives from the Cavendish Planning Commission and Vermont Floodplain Management (ANR) are anticipated to be in attendance to help field questions.

Rich opened the public hearing by reading the item above. He informed those in attendance that Wendy is attending tonight's meeting via telephone. He introduced Etienne Ting, Planning Commission Chairman, and John Broker Campbell, State of Vermont Flood Plain Manager, who were both in attendance. Rich handed out copies of the most recent FHARs, which showed minor edits made during the public hearing on September 12th. Rich reviewed those edits with the Select Board.

Rich asked if anyone present had any questions for John or Etienne. Rich asked what the consequences would be for the Town if the Select Board did not adopt these new FHARs. John replied that the previous FHARs would continue to be in effect. However, if there were another flooding event, the State of Vermont would pay an additional 5% of damages, for a total of 17 ½ % of the costs, if the proposed new FHARs are adopted. This would mean that the local (town) share will thus be reduced from 12 ½ % to 7 ½ %.

Mike asked for clarification regarding the imposition of fines in the event of a violation. Mike said he thought a per day fee of up to \$100 was excessive. John said he was not certain whether the Town could modify those fees.

George said he thought these regulations placed an undue burden on owners of properties in the flood plain who would have to make expensive repairs in event of a flood. John said that flood insurance should help pay for those repairs. However, if someone did not have insurance and chose to rebuild to current standards, their flood insurance rates would then be lowered for the future. In addition, they would be lowering their actual risk for damage caused by future flood events. George objected that those repairs would be so costly as to not be possible. John and

Etienne added that the only new significant language in this draft has to do with the designation of the river corridor.

Mike said he thought that the Board has discussed this issue extensively and asked for a vote on the adoption of the FHARs, either as written or modified to give current property owners within the river corridor some concessions.

Before the main motion, *Mike Ripley moved/George Timko seconded a motion to accept the changes that were made in the draft presented tonight. All voted in favor.*

Jeff Davis asked if the prohibition against new structures being built in the river corridor would include sheds. John said “small accessory structures “were allowed, including barns since agricultural activities are exempt from these regulations. Rich added that the Town would advise that all structures in the river corridor be made as flood resistant as possible.

George Timko called for a vote on approval of the FHARs as written and revised. Bob Glidden seconded. Bob Glidden, Mike Ripley and Wendy Regier voted in favor. George Timko voted against. The revised FHARs were approved for adoption.

The Select Board thanked John and the Planning Commission members for coming. Mike added that he wanted to thank to the Planning Commission for all their work on this topic. Rich said he will send a final copy of the FHARs to John and Etienne.

3. Review/approve minutes of the meetings of September 12th, 14th and 26th, 2016

George Timko moved/Mike Ripled seconded a motion to approve the minutes of the meetings of September 12th, 14th and 26th as written. Mike said that, in item # 7 a. of the September 12th meeting, the motion should read that Wendy Regier voted no, then changed her vote after the motion was further explained. He thought the minutes should reflect that. All voted in favor to approve the minutes as corrected.

4. Sign Orders

Bob Glidden directed the Select Board to sign orders at their convenience during the course of the meeting.

5. Review Correspondence

Bob Glidden directed the Select Board to review correspondence at their convenience during the course of the meeting.

6. Adjust agenda

There were no adjustments to the agenda.

Mike Ripley asked if the Select Board could move to item #11, as he had to leave the meeting early, which the Board did.

Mike Ripley left the meeting at 7:40 p.m.

7. Hear Citizens

There were no citizens wishing to be heard.

8. Update on the VTrans railroad bank stabilization project on Cavendish Gulf Road [Vtrans Cavendish RREW12K] which is nearing completion

Rich reported that the soil nail and shotcrete installation is finished. The contractors are now starting to reinforce the road bed and reshape the road ditch. He said he still has concerns about the cleaning of the stone culvert, which courses under the underpass structure and is currently full of debris. Rich said that the upstream section of plastic drainage pipe was crushed and restricting flow and needs to be replaced. However, the contractors did not agree that it was in the scope of their work or their responsibility to make those repairs when Rich brought it to their attention at the pre-construction meeting. Rich added that the shotcrete color is a pretty good match to the existing stone blocks, although, of course, it still looks like shotcrete. He noted, however, that the surface does have a lot of pockmarks which he thought might collect water and thus cause deterioration of the surface more quickly, but, on a positive side, they will also catch dirt and seeds to allow vegetation to cover it more quickly. The project remains scheduled to be completed by October 28th, 2016.

9. Consider Errors & Omissions request from Listers to modify the 2016 grand list entry for parcel #2R08-067

Rich read aloud a statement from the Listers, which explained the error in the listing for acreage of the above parcel. A partial sale of 10.6 acres occurred, and a new tax bill was generated for those acres, but they never deducted those acres from the main parcels acreage. Therefore, a revised tax bill needs to be generated with the corrected acreage for the parent parcel.

George Timko moved/Bob Glidden seconded a motion to accept the errors and omissions correction to the grand list for FY 2016-17 for parcel 2R08-067. All voted in favor.

10. Summary of the status activities to close out the conveyance of town parcel #1R06-059 on Heald Road (former tax sale property) and review of the related financials

Rich handed out copies of the tax sale final financial summary to the Board members. The net revenues exceeded net expenses by \$301.11. A box of the former owners' possessions was mailed to his widow, at a cost of \$25.70, and the remaining \$275.41 was sent to the widow as required by law.

Rich further noted that an "Intention to Sell Municipal Land" notice has been placed in the Vermont Journal and on the Town website and posting boards for another property obtained by the Town at tax sale, specifically, Unit 4 of the North Country Condos, which is located at 55 Depot Street in Proctorsville. So far, no objections to the sale have been received. Rich said some of the other condo owners have expressed an interest in purchasing this property.

He also pointed out that there are significant liens on this unit levied by the condo association for unpaid fees/dues, which would go with the property to a new owner. Rich said that he has spoken with the associations' attorney, and asked for a letter detailing the lien. Rich said he thought that the property should be offered publicly for sale, so that other people could view it and have the opportunity to purchase it. The Select Board agreed that Rich should ask area realtors to give bids for realty service and to choose one to handle advertising of this property.

The Select Board moved on to item #12 as item #11 was previously discussed.

11. Status report on the hiring of a new town manager and discuss requirements for agendas and minutes for the executive session meetings involved in the Town Manager hiring process.

Mike said the Select Board had received 40 applicants and has identified 12 candidates to interview. He handed out a schedule of interviews to the Select Board and Rich, which will start on Wednesday of this week. Mike said he will be reading the same questions to each of the interviewed candidates. Wendy asked if she can attend via phone if needed. Mike agreed that she could. Wendy added that she had an item to discuss in executive session, and asked if she could do that before the interviews begin on Wednesday. The Select Board agreed to meet at 5:45 p.m. on Wednesday, October 19th, to do that.

12. Review of changes to proposed Policy on Objects Placed in the Town Highway Right-of-way and consider for approval

George suggested that the Board postpone this item and discuss it when the full Board can be in attendance. The Select Board agreed to discuss this Policy at the November monthly meeting.

Rich added that the Board talked briefly about a noise ordinance at the September 12th meeting, and asked if they would like to consider this topic in November as well. The Board agreed.

13. Follow-up on Town Employee Health Insurance Policy as discussed at the February 8th, 2016 meeting

Rich asked the Select Board to recall a discussion of this item from last February, which was supposed to be finalized at the March meeting, but which was never done. Rich said he will make the changes suggested at the February meeting, and hand out a final draft for approval at the November meeting. He noted that, since we have not had new employee since February, this delay has not impacted anyone but that it should be finalized as soon as possible.

14. Updates on other town activities

Rich said that he, Diane and Jen recently met with Mary Andes and Ron Pentkowski, from VT Emergency Management, to discuss FEMA closeout relating to Tropical Storm Irene flood damage repairs. They discussed the Meadowbrook Farm Road Bridge replacement, which has not been done yet. As an emergency repair, a large culvert was put in place of the damaged bridge, and has since performed well, even during high water flows. This is a difficult bridge to

replace, since there is no money to put in a temporary bridge or bypass, and closing the road during construction would leave the campgrounds and the permanent residents on this road beyond the culvert stranded.

Given these difficulties, Mary suggested an alternate project program might be possible rather than the bridge replacement. Under this program, the 90% of the federal funds could be used for other specific projects in town. Rich said that, although not strictly necessary under this program, he thought the funds should be used for an emergency related project. He is suggesting that the Board consider installing emergency power backup for two sewer lift stations and the water plant as an alternate project. Currently these facilities are only operable during power failures by using our portable emergency power trailer, however it can only power one location at a time. Rich said he will meet with Mike Smith, from Weston & Sampson Engineering, to discuss this project if the Board agreed.

Rich added that the Meadowbrook Farm Road Bridge doesn't need to be replaced now, although if another event washes it out FEMA might balk at paying to replace it at that time. However, he thought the Town could fix that bridge, on our own, without needing to conform to FEMA PW specifications and for less money. Plus, installing the generators, which would be a simpler project, would allow closeout of the FEMA paperwork much sooner, which is very desirable since we cannot get the remainder of the state monies (ERAF) owed us until all FEMA related projects are closed out.

Rich said he would need to get a proposal together to present to VT Emergency Management by November 1st, 2016. Seth asked if the two shelters (the Fire Department and the Elementary School) near the Depot Street pump house could be included in this plan also. Rich said he had also thought of this, and will include that possibility for consideration when he consults with Mike Smith.

Bob Glidden moved/George Timko seconded a motion that Richard Svec, Town Manager, should research emergency power generators for the two sewer lift stations and the water plant as an alternative project in lieu of the Meadowbrook Farm Road Bridge replacement. All voted in favor.

Rich informed the Board that the town garage was broken into last week, and three chain saws were stolen. A claim will be submitted to our insurance company. Bruce said a dead bolt has now been placed on the door which had been jimmed open. He added that he would ultimately like to replace that door with a solid steel door. Three chains saws have been purchased to replace those that were stolen.

Rich said he is investigating installing heat pumps in the town office and the water plant. Several contractors have submitted quotes and he has met with a representative from Green Mountain Power. The electricity needed to operate them would be paid for by our excess solar credits, and their use would reduce our fossil fuel costs. He estimated it would cost about \$20,000 for the town office installation. George commented that it would take about ten years to pay off that expense, and that we have sufficient funds to cover such a purchase in the Town Office Building Fund. Peter LaBelle, who was present, thought it would be ten years at most, and probably less, if the cost of fossil fuels continue to rise. Rich said he will present the Board with more information, perhaps before the November meeting, for their consideration.

15. Other business

Seth Perry, Town Constable, was present and said he had an animal control issue to discuss. He asked the Select Board to authorize issuance of a fine for the resident at 104 Rogers Drive, who has been warned and fined previously for allowing his dogs to roam freely. Seth said a neighbor has a no-trespass order against this resident, who has been encouraging his dogs to go onto her property. Seth is asking for a \$500 fine per documented offense. He said he has photo documentation of two occasions when the dogs were on the neighbors' property.

Wendy asked what would happen if the dog owner refused to pay the fine. Seth said the Select Board would be responsible for administering the fine.

Bob Glidden moved a motion to proceed with a citation of \$500 per offense for the resident at 104 Rogers Drive for allowing his dogs to roam freely onto his neighbors' property. Rich asked if the Select Board would like him to write a draft letter to this resident. The Select Board agreed. ***George Timko seconded the motion.*** Bob asked if the dog in question was aggressive. Seth said the dog is friendly, but the owner is being problematic. Rich added that other neighbors have had problems with this same resident. Seth said that he has had many previous contacts with this dog owner, but the problems have continued. ***All voted in favor.***

Seth said he was also in attendance to explain his budget and his activities to the Select Board. Seth handed out copies of his budget and reviewed the categories with the Board. He also provided a list, by category, of the hours he has put in so far this year. He said he charges \$50.00 for eviction notices, but all other services are provided at no charge to the individuals involved. Seth added that the county sheriff charges \$150 for eviction notices, and that is why he has charged for this service, although at a much reduced rate.

Rich asked under what circumstances Seth asked for mileage reimbursement. Seth said only when he was on patrol. Seth added that he has been covering most of the animal control calls recently, since one of the current animal control officers no longer lives in town, and the other has been very busy since she is starting a new business. Bob said he will contact the out of town animal control officer and request a letter of resignation, and the return of his badge and equipment.

Seth said he had not realized that his compensation for time on speed patrols was included in his stipend, which is paid monthly. He said the time sheet he had submitted for July and August can be discarded. Rich noted that the time sheets are still useful for the Select Board to see his monthly activities.

The Select Board thanked Seth for coming tonight.

Wendy Regier - Wendy asked if the daffodil bulbs, which the House at Twenty Mile Stream offered to plant on the Proctorsville Green, had been ordered yet. Bruce said he will be ordering them this week, and will deliver them to Tara at the House at Twenty Mile Stream when they arrive. Wendy said she will let Tara know.

Wendy said that, with all the difficulties in this year's presidential election, she was concerned about the safety of voters and election workers. She wondered if the constable would be able to be present at the polls on Tuesday, November 8. Rich said that it was unfortunate that she brought that subject up now since the constable had just left the meeting. The Board took no action on this matter.

George Timko - none.

Bob Glidden – none.

Bruce McEnaney – none.

16. Adjourn

Bob Glidden moved/George Timko seconded a motion to adjourn at 8:22 p.m. All voted in favor.

Minutes Approved: _____

Date: _____