

Starksboro Selectboard Meeting

June 20, 2017

Selectboard members Present: Susan Jefferies, Peter Marsh, Tony Porter, Koran Cousino, Keegan Tierney

Others present: Tom Estey, Celine Coon, Bill Coon, Celina Aiguier, Dennis Casey, Steve Eustis, Louis Dupont

The meeting was called to order at 5:30 pm.

Bills/Orders: T. Porter made a motion to approve bills and orders. K. Tierney seconded. Voted and approved.

Minutes: S. Jefferies mentioned that minutes from last meeting need additions to the Purchase and Sale Agreement section. K. Cousino will add these for approval.

As our first act of business the Selectboard moved to add the following agenda item:

Visitors Business: Celine Coon, Starksboro Town Treasurer, Surplus in Salary line item for Zoning

Administrator: C. Coon mentioned she was approached by Dave Wetmore who was concerned that on page 53 of the Starksboro Annual Report (fiscal year 2015-2016) under Zoning Administrator there was a difference of \$549.00 between the line item Budget and line item Actual and that he may not have been paid accurately. C. Coon did research this and per her research the correct amount was paid to the Zoning Administrator for that fiscal year. She is still reviewing why these line items are not matching.

Road Foreman's report: T. Estey reported that after Sam Stokes road was re-graveled a homeowner let him know their well water turned brown. T. Estey will look into this. He also mentioned that the new roller was put on the back of the grader. The total cost for the 3 foot drum roller was \$5300.00. He let the Selectboard know that a piece of plywood will be put on the inside of the salt shed to protect the metal wall from salt. He mentioned that grading is needed on Big Hollow road but there is an underground cable near a driveway. It is unclear how deep the cable is so it will need to be dug by hand first to find the depth. He reported that gravel and paving work is needed on State Prison Hollow road but this may not get done this year as they may apply for a grant first.

Mail: .

- **Roof Maintenance bid** received from Mitch Horner to recoat the Firehouse roof. Total bid amount is \$4090.00 for labor and materials. P. Marsh reviewed the work to be done in the bid and agreed the estimate looks good. P. Marsh motioned to approve the bid to recoat the firehouse roof for \$4090.00 K. Cousino seconded. Approved. As there are still funds in this year's budget the Board felt it was important to buy the materials before the fiscal year end. T. Porter will talk to M. Horner about getting supplies before the fiscal year end.
- **Painting bid received from Lanny Smith.** L. Smith sent three painting bids. One bid is to prepare and paint the south and west exterior walls of the Town office for \$3,800.00, another bid is to prepare and paint the exterior south wall of the Starksboro town library for \$5,000.00 and the final bid is to prepare and paint the whole exterior of the Starksboro town library for \$19,000.00. The expectation is to have a 50% deposit of approved bids. After discussion P. Marsh made a motion to accept 2 bids, the first bid of painting the exterior south and west walls of the Town office and the bid to paint the exterior south wall of the library for a total amount of \$8,800.00 with a 60% deposit paid before fiscal year end. K. Cousino seconded. Approved.
- **Rounds Road Discussion letter from Steve Eustis.** Steve Eustis came to this meeting to discuss moving telephone poles on Rounds road. This letter is a summary of all points discussed.

Visitors Business: Steve Eustis, Rounds Road discussion: S. Eustis lives on Rounds Road and explained that there is a telephone pole on the road that is partially in the roadway. The road was narrower in earlier years and now that the road has widened the telephone pole is a driving hazard as well as a challenge to plow around in the winter. S. Eustis called the electric company to discuss moving this pole. Per discussion and further follow up with the company it was explained to him that several telephone poles are out of compliance and if that pole is moved other

poles will need to be moved as well. The utility company wanted reassurance from the Town that moving these poles would not interfere with future plans for this road which could in turn cause the moved poles to be out of compliance. S. Eustis also explained what improvements he foresees for the road that he will personally finance which includes improving drainage and possible widening in one area. He mentioned that some vegetation may need to be cut down when moving some poles and this may concern other homeowners. S. Jefferies mentioned that easements may be needed for this depending on where vegetation is cut. T. Porter reported that he has spoken with an engineer from Champlain Valley Telecom who owns the poles. The engineer let T. Porter know they have been informed of discussions around moving the poles and a homeowner contacted them who is concerned about this although it doesn't appear any pole is on their land. P. Marsh let S. Eustis know that the Board supports moving the poles. S. Jefferies let him know the Board has no future plans for the road as this is a class IV road. S. Eustis will call the electric company with this information. T. Porter will call the engineer at Champlain Valley Telecom to let her know the outcome of the Selectboard meeting. P. Marsh gave S. Eustis documentation regarding the Starksboro class IV road policy.

Celine Coon, Starksboro Town Treasurer, Payroll change: C. Coon discussed changing the payroll schedule to eliminate the timing issues they have had in the past. She proposed having a Saturday to Sunday pay period with the pay date remaining the same (Thursday). Per discussion with the Board it was decided that the best day to report hours is by noon on the Tuesday after the end of the pay period. C. Coon also mentioned that to make a smooth transition for the new pay schedule the road crew could be paid for vacation days if there are any gaps in the pay schedule for the first pay period. This pay schedule will affect the assistant treasurer, the treasurer, the road crew and the library employees. P. Marsh made a motion to approve a new payroll schedule of a Saturday-Sunday work week, a reporting day of Tuesday by noon and a pay date of Thursday for the previous week's work. K. Tierney seconded. Approved. This will go into effect the new fiscal year.

Louis Dupont, Robinson School Board, Transfer of land next to Robinson School. L. Dupont mentioned that at a recent School Board meeting there was discussion about the transfer of the land next to Robinson school due to the school consolidation. L. Dupont mentioned it is his understanding that if this land is for sale the Town has the first right of refusal but this should be confirmed. The Board discussed it would be beneficial to have this transfer done before next summer. L. Dupont agreed with this and during the recent School Board meeting it was also agreed that having the transfer done before next summer when a new Board is in place would be beneficial. S. Jefferies will get in touch with the Addison County Regional Planning Commission to see if other towns are working with the same sort of transfer and if so, is there a template to follow in these cases. S. Jefferies will also contact the League of Cities and Towns to see if the Town needs to vote on such a transfer of property. L. Dupont will bring updates of this meeting to the next School Board meeting. He will also follow up with a lawyer through the Vermont School Board Association for legal advice in this matter. L. Dupont and the Board will discuss the outcome of their findings when they are available.

New Business:

- **Emergency Mitigation Plan:** K. Cousino made a motion to approve and sign the Emergency Mitigation Plan. T. Porter seconded. Approved.
- **Commuter Shelter Graffiti:** P. Marsh mentioned the graffiti has been removed.
- **Development Review Board Appointments:** S. Jefferies mentioned she would like to reappoint Marjorie Dickstein, Jon Fenner and Rob Liotard to the Development Review Board. T. Porter made a motion to reappoint Marjorie Dickstein, Jon Fenner and Rob Liotard to the Development Review Board. P. Marsh seconded. Approved. S. Jefferies reported that Dennis Casey has volunteered to be an alternate member. D. Casey who was in the room reaffirmed this. S. Jefferies made a motion to approve D. Casey as an alternate member of the Development Review Board. P. Marsh seconded. Approved.
- **Town Office outdoor lights facing route 116:** A towns person informed P. Marsh that these lights shine into their house windows at night and are bothersome. The Board discussed this and decided to remove the bulbs.
- **Selectboard Project List:** P. Marsh asked if he should remove the hand dryer in the Town Office bathroom along with the corresponding electrical work. C. Coon was surprised at this as she reported she

has looked at hand dryers to purchase and had previously put a catalog of these dryers for review in the Selectboard mail. P. Marsh said they will discuss this at a future meeting.

Old Business

- **Act 250 permit for Sale of Gravel Pit Land:** K. Tierney is working on the Act 250 Permit for land at the gravel pit. K. Tierney mentioned that he was advised to call someone in the department in two weeks.
- **Purchase and Sale Agreement of Gravel Pit Land:** K. Tierney spoke with Kerry Kurt who let him know she has signed and submitted a Boundary Line Adjustment Exemption. The exemption is for a wastewater permit. The Board discussed the DRB meeting that is to be held on Thursday 6/22/2017 to review the Border Line Adjustment for this land and how the outcome could affect the sale agreement. P. Marsh and T. Porter are planning to attend this meeting. S. Jefferies did mention that as the closing date is June 30 they would need the purchase amount money to be in escrow by that date.

Bill Coon who was in attendance at the meeting had the following concerns regarding the Purchase and Sale Agreement:

1. The extension of the contract was not signed by the Purchaser but the extension did include verbiage to the effect that all terms of the original contract would remain the same. To that he felt that the offer would automatically be withdrawn.
26. **This constitutes an offer by Seller until accepted by Purchaser. Before acceptance, this is an offer that may be withdrawn by Seller at any time. The offer shall be deemed to be automatically withdrawn unless accepted by Purchaser before 4:00 pm on the fourteenth day**

after it is signed by Seller or its representative. Acceptance by Purchaser shall mean delivery of a signed copy of this agreement to Seller, along with the deposit check referred to above.

The Board's response was that they had received information from Jim Runcie, the Town attorney, that the contract is still valid. T. Porter reported that B. Coon's question is sound and he did not understand how the contract is still valid and discussed getting clarification of this explanation or an opinion from another attorney.

2. It is B. Coon's opinion that the Purchaser may not have fulfilled all of the terms in section 8.G, and that there has been "excessive effort" on the part of the Town and asked the Board to consider withdrawing the contract and returning the \$1000.00 deposit back to the purchaser.

8. Seller's obligations under this contract are contingent on the following:

- g. **Seller shall apply for any permits that may be required. If it appears to Seller that any necessary permit application or procedure will require what it considers to be excessive expense or effort on its part, it may decide not to complete the process or application to obtain such permit. In the event Seller does not obtain all approvals required for the conveyance the contract will be terminated and Purchaser's deposit will be refunded. In that event neither party shall have any further obligation or remedy under this contract.**

The Board's response was that both parties are pursuing permit application and procedures and are currently in agreement that this contract has a closing date of June 30 and that they will follow through with what is needed up to this date. S. Jefferies did say she is not in favor of terminating the agreement at this time. P. Marsh said it is his feeling that they should keep moving forward at this point per the agreement. K. Cousino said that if the purchaser does not have all permitting or procedures at the closing date, the contract should be terminated, as the Board agreed not to extend. Dennis Casey who was at the meeting was concerned that the purchaser did not reveal she was in foreclosure at the time she presented her case at the Town meeting vote and the initial contract was signed and felt that the vote would have gone differently if the Town knew of this. The Board discussed that they may need to have an emergency meeting before the termination date of the contract as there are outstanding issues.

- **Green Lantern Solar Proposal:** No updates at this time.
- **Judith Bryant Pottery Studio Lease:** *Note: P. Marsh recused himself as a Board member in this discussion only as he was representing J. Bryant who was not in attendance.* T. Porter stated J. Carroll had reviewed the lease and has since rewritten it. The Board has reviewed the new lease and discussed that in Section 8 of the contract the word "interior" should be added for clarification. S. Jefferies also mentioned it would be beneficial to add the square footage of the studio in the contract. The Board agreed to add "approximately 600 square feet" as the size of the studio rented in the contract. C. Coon mentioned she has noticed many lights on in the studio at night when nobody's there and this could cause the utility bill to be high. P. Marsh disagreed that it could change the utility bill because of the efficient light bulbs but did note that the lights should be turned off when no one is there and will mention it to J. Bryant.
- **Jerusalem Schoolhouse/Fire Station Updates:** T. Porter and K. Tierney represented the Selectboard at a recent Friends of the Jerusalem Schoolhouse (FoJS) joint committee meeting to discuss renovations to the Jerusalem School House. Tom Estey and Greg Cousino represented the Fire Department, Susan Klaiber represented the Friends of the Jerusalem School House and Edith Corse represented the Lady's Home Circle. The current building is used as a gathering place for dinners, meetings, hunter's breakfasts and has an attached shed roof fire truck shelter. Several years ago an architect created a design that would bring the Schoolhouse up to code but as the renovations were extensive and expensive these changes had not been put in place. This meeting was to regroup and discuss the challenges that have not allowed the renovations to move forward and to examine design ideas to update the space. They felt the next step is to explore these ideas with another architectural service. K. Tierney and T. Porter were tasked with researching whether the Town has capital to pay for this type of service. The group will meet again on July 12th. The Board discussed this and agreed that it was costly for the architectural service used in the past. They felt that because of the expense of this and the cost for renovation this should be put to a Town vote at the next Town meeting. C. Coon did mention that Jeff Dunham has volunteered his architectural services to the Town and they may want to consider him as a resource. T. Porter and K. Tierney will give an update of this discussion at their next meeting.
- **Town Website** K. Cousino mentioned that Rebecca Elder is ready to start working on the Town website. The Board agreed to add this as an agenda item to the next meeting.

Agenda Items for July 11, 2017:

- Green Lantern Solar Proposal
- Reclassifying Mason Hill North/South, Brown Hill
- Robinson School Property
- Purchase and Sale Agreement Gravel Pit Land
- Act 250 for Gravel Pit Land
- Town Website
- Minute Taker
- Town Office Hand Dryer

The next meeting will be on July 11, 2017

The meeting was adjourned at 8:45 PM

Minutes submitted by Celina Aiguier