

Select Board Meeting, Monday August 13th, 2018 in the Cavendish Town Office

Meeting Room at 6:30pm

Present: Bob Glidden (Chairman), George Timko, Mike Ripley, Brendan McNamara (Town Manager), Bruce McEaney (Assistant Town Manager), Jen Leak (Recording Secretary), Ed McEaney from LPCTV and citizens as listed on the attached sheet.

Absent: Mark Huntley, Sandra Russo

1. Call the meeting to order

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

2. Act upon minutes of July 9th and July 12th 2018.

Brendan said that several attendees of the July 9th meeting had suggested corrections. Carl Snyder was present and said that his comments regarding an increase in tax revenues on the quarry offsetting any losses in tax revenues due to decreased property values on Tierney Road had not been included in the minutes of July 9th. Kem Phillips was present and said that the minutes made Evelyn Turco's comments sound more rational than what she had actually said at the July 9th meeting which was "Threats do not make for good neighbors and that's what I'm hearing tonight." Kem said that the minutes suggested that either threats were actually made or that someone coherently thought that they were. He added that Carl Snyder's comments were not included and neither was Bruce Watson's rebuttal to those comments.

George Timko moved/Mike Ripley seconded a motion to amend the minutes of July 9th, 2018, as mentioned. All voted in favor.

Jen asked for more clarification on how the Board wished to amend the minutes. George said direct quotes were not necessary but the discussions should be included. Brendan offered to review and paraphrase some of the discussions and the Board would review those amendments for approval at the next meeting.

George Timko moved/Mike Ripley seconded a motion to approve the minutes of July 12th, 2018, as written. All voted in favor.

3. Adjust Agenda

Brendan said that he had an item to add to the agenda at the request of Diane McNamara, Town Clerk:

11 a. Board to Consider Board of Civil Authority request to State Property Valuation Review for Time Extension for Tax Appeal Hearings.

4. Hear Citizens

John White, Cavendish Library Trustee, was present. He said that during the summer the library has been closed on Mondays. He said that the Library Board has decided to keep that schedule when school starts in order to hold library classes while the library is closed to the public for the safety of the students.

John said that another safety concern the Library Board has discussed is the lack of cell phone service in Proctorsville near the school. He said that they are investigating placing a cell phone tower near or on top of the water tower behind the school to provide cell phone coverage so that emergency situations could be reported. He said that the Library Board is asking both the School Board and the Select Board to write a letter of support for such a tower. John added that placing it on top of the water tower might help to cut costs. Brendan agreed that it might be possible to place it there.

Carl added that there used to be pay phones which were replaced by free phones for local calls placed around town, and he wondered if a few call-boxes could be re-installed near the school if the cell phone tower was not possible. John added that the library has wi-fi service and he thought many people were not aware that was available.

Wendy Regier was present. She said that the Board of Civil Authority (BOCA) met last week and, since they have the authority to do so, they voted to change the polling place from the Cavendish Town Elementary School to the Proctorsville Fire Station. She said that Diane McNamara had raised this concern and investigated options for changing the polling location. This will take effect starting with the November elections, tomorrow's primary will still take place at the school. Wendy said that this was done for safety so that the school would not be unlocked on election days.

Mike Harrington was present and agreed that the cell service was very poor in Proctorsville but he doubted that any telephone provider would donate anything resembling a pay phone for public use.

5. Board to hear presentation from residents of Tierney Road regarding the proposal of a "Tierney Road Ordinance".

Mike Harrington was present and thanked the Select Board for hearing them tonight. He said that he had emailed a revised ordinance along with an explanation of the revisions to the Board members last week. He said that the proposed ordinance is not a zoning attempt. He said that, if the Board did adopt this ordinance, it would have no bearing on Jason Snow's ability to operate a quarry on Tierney Road or on the Savage's ability to sell the proposed parcel of land to Jason Snow. Mike said that the courts will make that determination. He said that if the proposed ordinance is adopted, Jason Snow's quarry would be grandfathered if the courts approve the project because Jason had already filed for a jurisdictional opinion, but his would be the only quarry ever allowed on Tierney Road.

Mike said that the court case is entirely separate from this proposed ordinance. He said that the proposed ordinance only prohibits businesses which require a federal license in order to operate. He also wished to inform the Board that Mr. Snow's attorney had proposed two offers to settle. The first offer included a payment from the Tierney Road residents of half a million dollars and an agreement from the Savage's to prohibit any quarrying on their land. The second offer involved no money, Mr. Snow would be allowed to operate his quarry until all the stone was extracted from his proposed quarry site, and the Savages would sign the same covenant prohibiting quarrying. Mike said that the Tierney Road residents rejected both offers because they went against everything that they have been asking the Select Board to do for over a year, which is for the Town to uphold the Town Plan and the Town Maps. Mike said that the Town Plan allows quarrying if it takes place sufficiently far away from residential areas, and the Town Maps show Tierney Road as either forest, deer wintering area or rural residential.

Jen asked for clarification on what Mike meant by "Town Maps." Mike answered all the maps which the Town has produced, none of which show any quarrying activities on Tierney Road. Mike said that the Town Plan and the Town Maps are inseparable.

A discussion ensued among the citizens present regarding the proposed ordinance. Brendan said that the Town Attorney reviewed the proposed ordinance and recommended that the Board not take any action while the court case was still pending. Brendan said that he wished to thank the Tierney Road residents for all the work they have put into this topic. The Select Board agreed that they would not make any decision on this matter until the court case was settled. Mike Harrington thanked everyone involved for their input and said he plans to revise this ordinance and re-present it to the Board at the September meeting.

6. **Select Board to review and consider paving proposals for Twenty Mile Stream Rd.**

Brendan said that the Town did receive a VTrans paving grant in the amount of \$175,000. He said that he had hoped to be able to repave both Twenty Mile Stream and Quent Phelan Roads, but there is not enough money to do both. Brendan said that two companies submitted proposals for Twenty Mile Stream Road - Wilk Paving in the amount of \$167,000 and Springfield Paving in the amount of \$145,728. Brendan recommended that the Board approve the Springfield Paving proposal. He added that there may be enough money left over to do some repairs on Quent Phelan Road.

Mike Ripley moved/Bob Glidden seconded a motion to accept the paving proposal from Springfield Paving for Twenty Mile Stream Road in the amount of \$145,728.04. All voted in favor.

Wendy thanked the Town for repairing the sunken culvert at the bottom of Twenty Mile Stream Road. Brendan said that he would pass that along to the Highway crew.

7. **Board to consider approval of Request to Cater Malt, Vinous and/or Spirituous Liquors for La Pizza Lupo. Dates of August 17th and September 21st, 2018.**

Brendan read the catering requests aloud and commented that the previous events they have held this summer seem to have been well attended.

Mike Ripley moved/Bob Glidden seconded a motion to approve the Request to Cater Malt, Vinous and/or Spirituous Liquors for La Pizza Lupo on August 17th and September 21st, 2018, at Singleton's Store. All voted in favor.

8. **Town Manager to update Select Board on progress of WWTF Aeration System Replacement and Replacement of the Depot St. Bridge #58.**

Brendan said that some design changes have been made and the state has approved and signed off on the plans for the aeration system replacement. He said that the sludge removal in the first lagoon will start on August 20th and then the aeration system in that lagoon can be replaced. Brendan said that the completion date is set for January 17, 2019, but the work will need to stop once temperatures reach below freezing. Brendan said that he thinks they will get one lagoon completed and the other two will more than likely be done in the spring. Brendan added that the project is on track financially.

Brendan said that the Depot Street Bridge utility line boring is scheduled to begin October 8th. He said that the state has given the contractor permission to work past the October 15th stream alteration deadline, since the work is occurring under rather than in the river. He said that this work is scheduled to be completed by November 1st. Brendan said that Vtrans will advertise and award bids for the bridge replacement this fall, and the construction is scheduled to begin next spring. He said that the easements with nearby property owners are nearly completed and the bridge is scheduled to be opened by October 2019.

9. **Select Board to review and consider renewal of the Solar Bond Anticipation Note in the amount of \$309,000.00.**

Brendan said that Diane has been paying this bond down with the money that the solar array has saved the Town in electricity costs.

George Timko moved/Bob Glidden seconded a motion to approve renewal of the Solar Bond Anticipation Note in the amount of \$309,000.00. All voted in favor.

10. **Town Manager to provide Select Board with update regarding Town Highway Garage Construction.**

Brendan said that concrete is being poured for the walls and footings on the new site. He said that they are on schedule and within budget. Brendan said that the building is scheduled to be delivered this month. He thanked Randy Shimp for all his work on this project. Josselyn Brothers is erecting the building and estimates it will be ready to move into by the first of November.

11. **Select Board to consider approval of a Special Events Permit for Caledonia Spirits to serve malt, spiritous or vinous beverages at the Vermont Golden Honey Festival on Sept. 8th, 2018.**

Brendan read the Special Events permit aloud and said the Golden Stage Inn is again hosting this event.

George Timko moved/Mike Ripley seconded a motion to approve a Special Events Permit for Caledonia Spirits to serve malt, spiritous or vinous beverages at the Vermont Golden Honey Festival on Sept. 8th, 2018. All voted in favor.

11.a. **Board to Consider Board of Civil Authority request to State Property Valuation Review for Time Extension for Tax Appeal Hearings**

Brendan passed out copies of a letter requesting an extension of the deadline for the BOCA to hear appeals of the decisions from the grievance hearings. Brendan said that Diane believes several members of BOCA will recuse themselves for the appeals on Tierney Road properties due to conflict of interest, and she is requesting an extension so that as many members as possible can attend to ensure having a quorum.

Mike suggested changing the word “planning” to “considering” in the 4th paragraph of the letter.

George Timko moved/Bob Glidden seconded a motion to approve extending the deadline for Tax Appeal Hearings until September 10th, 2018. All voted in favor.

12. **Other business**

Brendan McNamara – Brendan said that the East Road culvert replacement project was completed except for the guardrails. He said that the Greenbush Road culvert replacement is currently in progress and should be done by the time school opens.

Brendan said that the Town Office telephone system has been upgraded so that everyone now has voicemail.

Brendan said that several residents mentioned to him that they saw a number of off-road jeeps at Singleton’s Store. Brendan said that they were part of a tour group out of Reading VT which has travelled on Class IV roads and caused extensive damage in other towns. Brendan said that he has discuss the possibility they might use roads in Cavendish with the Highway Foreman and with other Town Managers in the area. He felt the Board should be aware of this possibility and consider proactive measures. Mike commented that the Board could consider a Town wide ordinance regulating driving on Class IV roads.

Carl Snyder – Carl asked in regard to item #9 if the Town had compared interest rates for a bank note with the rates from the VT bond bank. Jen said that she believed Diane had taken that into consideration before renewing the bank note.

Bruce McEnaney –none.

Mike Ripley – none.

George Timko – George said that the parking lot next to the school was graded but no seed was put down and the recent heavy rains have caused erosion damage. Brendan said that he understood the lot was a 50/50 Town/School project and the Town did the grading work. Brendan said that he thought the school would be purchasing gravel and topsoil but he was not sure where that project now stood.

Bob Glidden – none.

13. **Executive Session (Personnel Matter)**

George Timko moved/Mike Ripley seconded a motion to enter executive session at 7:48 p.m. to discuss a personnel matter. All voted in favor.

The Select Board, Town Manager and Assistant Town Manager moved into the Town Clerk’s office.

George Timko moved/Bob Glidden seconded a motion to adjourn at 8:03 p.m. All voted in favor.

14. **Adjourn**

Bob Glidden moved/George Timko seconded a motion to adjourn at 8:04 p.m. All voted in favor.

Minutes Approved: _____

Date: _____