

Town of Underhill

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February 1, 2023

Ann Janda, Clerk
Chittenden County Communications Union District
Governing Board
110 W Canal St
Winooski VT 05404

Dear Ann,

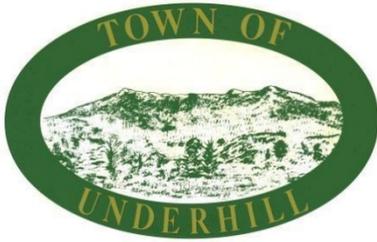
On January 26, 2023 the Underhill Selectboard, at a duly warned meeting, granted me the authorization to contact the Chittenden County Communications Union District Governing Board and to request admission on the Town of Underhill's behalf, pursuant to 30 VSA Section 3082.

I have attached a copy of the draft minutes of that January 26th meeting where the Selectboard unanimously voted to seek admission of the Governing Body of the Chittenden County Communications Union District. Please forward the Town's request of admission to the Governing Body.

Thank you and we look forward to the Board's response.

Kind Regards,

Brad Holden, Town Administrator
Town of Underhill



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SELECTBOARD MEETING MINUTES
Thursday, January 26, 2023, 6:00 P.M.
Underhill Town Hall

Present:

Selectboard Members: Patricia Richards (remote), Dan Steinbauer, Bob Stone (remote)

Town Staff/Officials: Brad Holden, Jennifer Silpe-Katz (remote) Sherri Morin (remote), Deb Moore (remote), Dan Manz (remote)

Public: Joy Atherton (remote), Emery Roy, Erin Wagg – MMCTV (remote)

Note: All votes taken are unanimous unless otherwise noted.

1. Call Meeting to Order / Adjustments to Agenda (6:00)

Dan called the meeting to order at 6:00. He added an executive session for an employment discussion at the end. Brad added a request from the energy committee to authorize him to share information with Efficiency Vermont. Bob said during the Route 15 speed limit discussion if members of the public are available and wish to comment he wants them to have the ability to comment.

2. Opening Public Comments (6:02)

No members of the public wished to comment.

3. Review and Consider Options for Town Meeting and Approve Town Meeting Warning (6:02)

Dan said we have the option of holding this year's town meeting in person or not. He asked that our health officer Deb Moore be here for this discussion. Town moderator Dan Manz is also here.

Bob moved and Dan seconded to hold the 2023 town meeting in person.

Deb Moore said where we are right now, she feels as a health care professional and an individual that it is each person's personal choice whether to be at home or out in public. She thinks it is important to have people together where they can voice opinions. There is flu and there is COVID. Each person can choose what is right for them. She feels we need to move along. She knows there are risks, but that is where she is at.

Dan Manz said he agrees with everything Deb said. With Australian ballot voting you lose the communication opportunities in-person town meeting affords. He would like to get back to that. People can wear masks if they choose. There are opportunities to be vaccinated. He hopes a lot of people will come out if we have in-person town meeting.

Dan Steinbauer says he hears a desire to move on with cautions. The biggest disadvantage to in-person town meeting is that in past years with in-person town meeting only a handful of people have made decisions on the budget. That is a perennial problem. We need to figure out other solutions for that. He hears a lot of wisdom in what Deb and Dan said.

Patty said she is flexible. She agrees that the richness of town meeting is ideal, but at the same time she is worried about the colds that are wreaking havoc on people now. She is wondering if Deb has any statistics

about illnesses circulating now. Do we put any of the population at risk, especially elderly people, if we have in-person town meeting?

Deb said she doesn't have any statistics. There seem to be a lot of colds out there now. We just have to know how to protect ourselves. If people want to come to town meeting they can wear a mask and keep their distance from others.

Patty said she would like to hear from any staff who have thoughts. Brad said he would defer to Sherri because she is there all day for the election. Sherri said she thinks in-person town meeting would be fine. We can just educate people about masking up.

Bob said he is in favor of in-person town meeting. Maybe we can have a blurb printed in a different color reminding people of best practices when being around other people. Maybe we can provide masks and hand sanitizer at the entry point. We can use the best practices recommended by the Vermont Department of Health. Deb said she supports that idea 100%.

Jennifer asked if we are going to have any remote ability or live viewing component for people who have fears but also want to participate. Deb said she also wondered if the choice is either/or. Dan Manz said it really is either/or. The legislation that was passed doesn't allow for hybrid meetings. We can either have an informational meeting and Australian ballot voting or an in-person meeting. He thinks it would logistically be very difficult to make a hybrid meeting work.

Dan Steinbauer asked if Sherri thinks the BCA needs to discuss any changes to the way voting is done. Sherri said we will continue as we have in the past, with town meeting in one direction and voting down the length of the gymnasium in the other direction. The only other options the BCA has are voting at Brown's River Middle School or voting at the town hall. The BCA can talk about that when they meet next week.

Jennifer asked, if you are a resident and you want to have your voice heard on the budget, you have to be at town meeting? There is no voting by mail, no absentee voting, you have to come to town meeting to have your voice heard? Sherri said yes. Brad said the only things we do on the floor at Underhill's town meeting are elect a moderator, hear the reports of the town officers, pass a budget and discuss any other non-binding business thought proper. Without having those discussions and decisions made from the floor there is no real need to have town meeting. Dan said we can beef up informational meetings and promote them as an opportunity to participate. Brad said the recent legislation also extends the ability to have remote informational meetings until July 1, 2024.

Dan Manz said town meeting gives people an opportunity to reduce one line item or agree to pay more for a specific service. With Australian ballot voting, all input had to be during the building of the budget and people did not have the opportunity to discuss the budget with others at town meeting.

The motion was passed.

Bob said he wants to make sure that the budget presented incorporates funds for the highway commissioner position. Jennifer said it does. Highway total wage and benefits, line 220, includes money to pay a salary of \$65,220 plus benefits for that position.

Brad said he prepared two draft warnings that are identical except that one includes wording Nate wanted in Article 8. Instead of "Shall the voters authorize the purchase of a trailer" he wanted "Shall the voters

authorize the purchase of a 20 ton trailer.” Brad is not really sure why Nate wanted that phrase – maybe to make it clear that it is not a small trailer.

Bob asked if we should include in the article the weight of the trailer we have now. If the new piece of equipment the voters are being asked to approve is too heavy for the trailer we have, that can be part of the discussion. Brad said he thinks that would make the article too complicated. The important thing in the article is making it clear that we are replacing equipment we already have. We currently have a 20 ton trailer and we don’t need a trailer that is heavier than 20 tons.

Patty asked if there is any advantage to being less specific. Would Nate’s suggested wording preclude us from purchasing a slightly heavier trailer for the exact same price? She feels the more specific language is more limiting. Dan agreed. He thinks “used for mobilizing heavy equipment” already makes it clear that it is a heavy duty trailer. He thinks adding “20 ton trailer” is redundant.

Brad asked Dan Manz to read draft warning option 1.

Bob moved to approve the March 7, 2023 official warning as read by Dan Manz, Patty seconded and the motion was passed.

4. *Discuss and Consider Requesting Admission to the Chittenden County Communications Union District (6:18)*

Brad said many of the Chittenden County towns are members of the newly formed Chittenden County Communications Union District (CCCUD.) Jericho just signed on. He included in the packet the bylaws and conflict of interest of policy for CCCUD and the statute that refers to the admission of CUD members. A legislative body interested in joining a CUD needs to submit a request. He included Jericho's request as an example.

Patty said she thinks it makes sense for Underhill to join Chittenden County CUD because that is the county we are in. If later on it makes sense for us to work with another CUD like Lamoille, we can still do that. She noted that she is on the Vermont Community Broadband Board, which is in charge of allocating funds to CUDs. She doesn't see that she has a conflict of interest but she wants to be transparent and if there are concerns she would be happy to step aside and not vote on this.

Bob asked if it makes a difference where the telephone exchange office is. If the exchange office is in the middle of Park Street, would it make sense to join the same CUD as Jericho? Patty said it is not clear to her how the location of the telephone exchange would relate, but she has been told that it makes sense for us to join Chittenden County CUD because even if we do that, other CUDs can help our town or parts of our town where that makes sense. She thinks it makes sense to stay with Chittenden CUD because we deal with similar issues as the rest of Chittenden County towns, in that some of the town is served and some is not. She thinks that is a commonality throughout Chittenden County.

Dan said he sees no personal gain for Patty in this. Given her expertise he would value her vote on this. Patty agreed that she has no personal gain from the town joining this CUD or any CUD.

Bob moved to authorize Brad to write a letter to Chittenden County Communications Union District requesting admission, Patty seconded and the motion was passed.

5. *Water Quality Monitoring Estimate for the 2023 Monitoring Season (6:47)*

Brad said he thinks the cost estimate for well monitoring at the former landfill by the company that has been doing the monitoring has gone up a couple of hundred dollars. They have done it for a long time and they

have all the background data. We budgeted \$9,330 for the monitoring, which is the exact amount of the estimate received.

Bob moved to authorize Brad to sign the agreement to have Ross Environmental Associates continue well monitoring for the Town of Underhill, Patty seconded and the motion was passed.

6. *Review Email Regarding Speed Limits on Route 15 Near the Westford Town Line (6:49)*

Brad said he had included in the packet email correspondence from Joy Atherton, who lives near the Westford town line on a road off Route 15. Joy said she has lived on that road for 16 years and during that time the amount of traffic and number of businesses have increased. Her drive is hidden. Weeks ago there was an accident when her neighbor's teenage daughter tried to pull out as someone was coming around the corner. In the time she has lived there she has seen people not being able to stop for school buses because the speed limit is too high for them to respond in time.

Emery Roy said he lives across the street from Joy. He has been there 24 years. Drivers, especially those coming from the Westford side, don't have enough response time. He thinks the speed limit should be investigated. In the 24 years he has been there he has seen 11 total accidents. His daughter's was dramatic. It is a brutal area. He thinks there should be investigation by the state and the town.

Brad noted that the town has no purview on a state highway. Joy said she has talked to the state highway department. She knows engineers have come and looked at the road and said that it is typical of Vermont, but at the same time it is not safe. The only thing the town can do is to ask them to do a speed study.

Bob moved to request that VTrans see if anything can be done to enhance safety on the stretch of Route 15 from North Underhill station to the Underhill-Westford town line. Brad said the request will probably be stronger if the Westford selectboard also supports it. Underhill only has the right to make a request for the part of the road that is in Underhill. **Dan seconded.** Emery said he will submit a letter to Westford as well. Brad said he can talk to the Westford town administrator. Joy and Emery clarified what their addresses are. Joy's mailing address is in Underhill but her physical address is in Westford. Emery is an Underhill resident. **The motion was passed.**

7. *Review and Consider Final Grant Agreement for the Harvest Crossing Affordable Housing Project Planning Grant and Adopt Resolution Form PM-1 (7:02)*

Brad said the resolution form PM-1 states the conditions of the grant agreement and designates the person with responsibility to execute all appropriate documents.

Dan Manz reminded the board that the church was interested in a planning grant from the Vermont Community Development Program but the church was not an eligible entity. The grant had to go to a municipality. So there was an arrangement, which he gathers is a common type of arrangement, that the town would put in the application and there would be a subgrant agreement between the church and the town. He thinks the initial motion was to authorize submitting the grant application. It was accepted by the Vermont Community Development Program. Now the town needs to move to accept the conditions listed and designate who is authorized to submit requests for reimbursement. To get to this point, the church had to complete certain steps such as an environmental assessment, a wetlands assessment, an archeological assessment and an appraisal. All that work has been completed. Now the church is asking if the town will commit to the grant requirements so the church can begin funding this project. The grant is \$50,000. There is a fairly small match required, he thinks 10%, and we agreed to submit an in-kind contribution. Town staff will make a non-monetary contribution of time and the church has a commitment to provide an in-kind contribution as well. The church has hired an engineer who is preparing a site plan that can be taken to the Development Review Board in order to discuss subdivision of the property. In addition to the \$50,000 planning grant the church has a \$10,000 feasibility grant from another group that supports affordable

housing, a commitment of \$200,000 of HUD money that Senator Sanders helped to arrange and \$90,000 in donations. He feels like there is very good support for the project. He thinks it is consistent with the town plan. The church is working on a way to do this that is site-appropriate.

Dan Steinbauer said there will be no cost to the town or the taxpayers. The selectboard is just voting on this because we are the conduit for the money.

Bob moved to accept the final grant agreement between the Town of Underhill and the Agency of Commerce and Community Development for a planning grant for the Harvest Crossing Affordable Housing Project in the amount of \$50,000, to accept and agree to the terms and conditions of said grant agreement, to designate town administrator Brad Holden to have overall administrative responsibility for the activities related to the grant and to designate to Brad Holden the authority to execute the grant agreement and other such documents as may be necessary to secure these funds, Patty seconded and the motion was passed.

8. *Town Administrator Updates (7:16)*

Brad said he spoke to Vermont Local Roads. If our municipality wanted to become a registered training CDL training facility Vermont Local Roads would help us at no charge. We would do the behind the wheel training. The person training needs to have had the type of CDL they are training for for at least 2 years. Dwayne, who has a type A CDL, could train one of our employees to upgrade from type B to type A. Any of our employees could train someone who does not have a CDL. The Vermont Local Roads program would take care of any tutorial work – online work and paperwork. We have to register as a town. We don't have to designate who the trainer or trainee is. It would do no harm to register and be ready. Would the selectboard be amenable to interviewing an applicant for the road commissioner position who did not have a CDL?

Bob said he thinks we should move in the direction of getting that training component taken care of. That is a logical next step for the town. He believes the selectboard would be interested in seeing what candidates are out there. Patty agreed. Bob said he feels we need to talk to the recruiter. He thinks there needs to be better connection with them about any obstacles in our way. He suggested having the recruiter come to a selectboard meeting.

The board authorized Brad to submit the paperwork to register the town as a CDL training facility.

The Vermont State Police submitted an annual report [*see attached report.*] We do not contract with them but they provide us with annual statistics.

Brad said the Conservation Commission would like to use the town hall space for a guest speaker on March 23. Once the new selectboard is formed after town meeting they will set their meeting schedule but if they remain on the current schedule March 23 will be a selectboard meeting night. He wonders if the board would be willing to meet downstairs that night. Dan said he feels that would work fine. Bob agreed. He said we could also probably find a different night to meet so the board could attend the event. Patty said she thinks either way works. It was agreed to approve the Conservation Commission's request to use the space. The board can discuss meeting location and scheduling at a future meeting.

9. *Energy Committee Request (7:25)*

Brad said the energy committee wants to research ground source heat pumps, he believes in conjunction with an ARPA request. They want to work with Efficiency Vermont. Efficiency Vermont wants a customer release and consent form. Patty asked what building this applies to. Brad said he believes the town hall. Board members agreed that Brad should sign the release and consent form.

10. *Closing Public Comment Period (7:27)*

No members of the public were heard from.

11. Warrants and Minutes (7:27)

Dan moved to approve AP warrants for January 26, 2023, Patty seconded and the motion was passed.

Dan moved to approve payroll warrants for January 19, 2023, Patty seconded and the motion was passed.

Dan moved to approve the minutes of the joint Underhill-Jericho selectboard meeting of January 12, 2023, Patty seconded and the motion was passed.

12. Closing Public Comment Period (7:32)

Dan said he had just noticed that someone online named Carol did submit a typed public comment: "What about getting input from the town? Lots of people are not in favor of this project." He assumes she is referring to the United Church's Harvest Crossing project. He would assume that getting input would be part of the church's mission. Brad said there will be a quasi-judicial process with the Development Review Board where there can be input.

13. Warrants and Minutes (continued)

Dan moved to approve the minutes of the special selectboard meeting on January 5, 2023, Bob seconded and the motion was passed.

Dan moved to approve the minutes of the joint Jericho-Underhill selectboard meeting on January 5, 2023, Bob seconded and the motion was passed.

Dan moved to approve the minutes of the regular selectboard meeting on January 12, 2023, Patty seconded and the motion was passed.

14. Executive Session for Employment Discussion (7:42)

Dan moved to enter executive session under 1 V.S.A. Section 313(a)(3) for the appointment or employment or evaluation of a public officer or employee, Bob seconded and the motion was passed at 7:42. Dan moved to exit executive session at 8:09, Bob seconded and the motion was passed.

Dan said the board is directing Brad to research other towns and begin drafting an incident report form.

15. Adjourn

Dan moved to adjourn at 8:10, Bob seconded and the motion was passed.

Minutes submitted by Donna Griffiths

Read and approved as submitted/amended:

Dan Steinbauer, Chair

Date Signed

Date Approved

**Vermont State Police
Local Community Report for 2022: Underhill**

Total Cases: 211

Total Arrests: 19

Total Fatal Crashes: 0

Total Injury Crashes: 2

Total Property Damage Crashes: 14

Total Impairment Operation Arrests: 6

Total Burglaries Investigated: 2

Total Vandalisms: 3

Total Alarms: 8