

## Selectboard Meeting Minutes

August 12, 2019

Present: Doon Hinderyckx, Tom Schnabel, Pat Harvey

Guests: Martha Slater, Walt Wells, Terry Severy, John Champion, Frank Russell, Joan Allen, Jeffrey Friedman, Janice Melvin, Harland McKirryher, Mary Beth Deller, Dick & Diane White, Marvin & Barbara Harvey, Lony Fried, Ton deBoer, Carl Groppe, Bruce & Doreen Jones, Mason Wade for Orca Media

Doon called the meeting at 6:15 pm.

Doon asked if anyone wanted to add any additional items to the agenda. Carl Groppe-School Education Tax update. Mary Beth Deller- dispute her water bill.

Doon confirmed the Meeting conformity.

Doon moved to approve the meeting minutes from the July 22, 2019 Selectboard meeting and the two Special Selectboard Meetings on July 19. Tom seconded, so voted.

Doon began the meeting introducing Carl Groppe. Carl explained how the school board set a tax rate based on the normal practice, where they are given an enrollment count from the state at the beginning of the year. He noted that it is used to build out a budget. The budget was set with just under 3% tax increase. Carl continued to note that towards the end of May, the Agency of Education changed the number of enrollments reducing our student count by about 5% which added close to a quarter-million dollars of additional money that needed to be raised. He noted that they reduced the number from just under 180 (179.8) to 170.3, that added the money he spoke of and has pushed the town education rate into a penalty. Carl noted that the schoolboard has appealed that. He noted that both schools have gone over all the census years of student enrollment for the last three years. They had challenged the number. They even found some students that were dropped off the rolls. They won't have an accurate count they expect until the end of the month. Carl noted that they have talked with the legislatures, Sandy Haas has been incredibly helpful as well as Dick McCormick. Carl noted that the Secretary of Education has said he very much wants to see the accurate tally done. He continued to note this will hopefully put things back where we were, if not a little bit better or little bit worse, but nearer to the number from the beginning. Carl noted that we will have to readjust the bills. The Secretary of Education has indicated that should the number end up short, given the that the information by law was supposed to be given to us at the beginning of the year and changing it at the beginning of June, really wasn't great. There are some ways the Secretary is looking at being able to move the rate and hold the taxpayers harmless. There will be more on that at the end of the month when the numbers have been reviewed and such. Doon asked why if the student count was provided did the state change the number. Carl explained that the state is changing to a new student longitudinal data system. Moving it into a new data base is changing how that number is calculated and assessed. Carl explained that its not a student head count but at a percentage of a student, such as a high school student would be calculated as a 1.3, whereas a preschool student count as a .6. That data base takes all the different attendance information and calculates that number and portions out the tuition students that are the kids from Rochester attending Middlebury, or Sharon Academy and need to be accounted for in Rochester head count and not included in Middlebury or Sharon. The system is complicated to bring that information together and the transition is going poorly. To add to the difficulty, the agency has lost a quarter of its personnel in

the last few years since the 2008 recession and government layoff. Marvin asked out of the 10 or 12 schools in this supervisory union, why is Rochester and Stockbridge always the fall guy. He noted to ask the superintendent that question. Carl noted that there were strong conversations with the superintendent about communication and getting to us in a timely manner. Carl then noted, if we had known sooner perhaps, we could have come to the selectboard and asked if we could hold off on the tax bills. He noted that the problem was revealed when the tax bills were mailed out. The Stockbridge clerk called one of the Stockbridge board members and noted that it wasn't the number we voted on. There wasn't good communication from the central office to the school board to give us time to let people know what was going on. Marvin also asked if any other schools in this district had this problem. Carl noted that none in this district but that it had happened to a few other school districts. The question was raised about whether we would be waiving the penalty and Doon noted that the penalty isn't added to the tax bills until after the May 15<sup>th</sup> payment. Doon noted that the late interest would still be applied to the August late payments. Doon thanked Carl for coming out to explain the situation.

Mary Beth Deller spoke about a past water bill issue that had happened some time ago. She had written several letters explaining the situation. She summarized that the water bill was the result of a running toilet. Terry found that the running toilet was running over through the flow in the tank. Doon noted that from experience, we split the difference for the bill. Tom noted that we had discussed that the owner needs to take some responsibility for the that maintenance, and we will also compromise as well and meet in the middle. Mary Beth noted that she was willing to put together an educational page that could go out with the next water bills to help prevent this from happening to another person.

Joan Updates:

Bethel Mountain Road Repair updates: Joan noted that there are four right-of-way easements that she has been working on. This is where the project will be working outside the Town right-of-way. She noted that we will need permission from the landowners to allow us to do temporary work there or in most cases to install permanent structures, drainage structures that would remain in place. The negotiation has been going on with the four landowners. One landowner has signed, another landowner needs 4 signatures and 3 have been signed and the 4<sup>th</sup> signature will happen next week. Two others are in discussion phase. There are some revisions that had to be made to their right-of-way plan due to some survey work that was done with property boundary work. Changes will be completed before the landowners will sign. Joan noted that work has been underway since last week, clearing all the trees and vegetation has been completed and chipping of the trees is getting done. Some of the drainage work has been started on the slopes with equipment and machinery. They have been purchasing rock from the quarry, so the truck traffic has picked up in town. Joan noted that the truck traffic is moving in a clockwise pattern. She explained that loaded trucks will leave the quarry and go up North Hollow Road and come down Bethel mountain from the top. The empty trucks for the most part will be going through the village and back up quarry hill.

Joan mentioned that we do now have a signed grant agreement with the state. The amount of the grant is \$2, 379,969.00 and that is just for the lower part for what we are calling Site 1. There still must be an agreement reached on how much work is going to be done at Site 2, which the upper part of Bethel Mountain Rd, above the barriers through the intersection and up to the town line in Bethel. That is supposed to be happening this week, she noted and there is some back and forth about whether who was going to be doing the design work and estimating and the bidding as it was done for Site 1. It was

going to be DeBois and King and then VTrans decided it would make more sense for District 4 to be doing that. She noted that they would come back and get an estimate of the repair cost. She noted after speaking with Chris Bump that it would be too much grant money to get from the Federal Highway administration to do all the work that is required on site 2 and what Chris is proposing is doing work that is really needed to button things up for the winter. This would include ditching, shoulder work and paving and leaving the additional culvert work for a grant we could apply to the state next year. He is trying to keep the number down. The number estimate coming in from Dubois was high and the reason it was handed back over to VTrans to come up with a better number.

Joan went on to discuss FEMA and the 24 sites of damage. A team of Julie, herself and John have been working with the FEMA folks. She noted that we have had one phone call with them so far. She continued to note that we are working on populating a spread sheet, which gives a great deal of information on all the different sites and the status of each, how much money has been spent on them so far, how much of that is emergency work, how much of it is permanent work to be done over the next couple of years. She noted we are calculating the amount of labor going into it so far as well as the contracts, materials etc. FEMA will be coming in the following day to go over this information with us and probably a lot of questions going back and forth. They will have site visits to the damaged areas and identifying if they all qualify for assistance.

Joan noted on the Bingo Road Repairs that she and John met with the forest service the week before last and they agreed pretty much that it made sense for a temporary relocation of the road around the area that is sliding into the brook and moving it like 15-20' from where it is now. She noted that the longer more permanent basis is making a detour to take the road further away from the stream so that there won't be a problem in the future. Joan noted that we thought we qualified for a VTrans emergency grant for that temporary repair, which was estimated somewhere around \$21,000.00. We don't qualify because we are asking for too little money. Joan explained that if you take the non-winter budget that we did in our financial budget plan that we submit every year, it must be more than 10% of that budget in order to qualify. She noted that the 10% is what the town would be paying anyway. Pat asked how far off are we. Joan noted somewhere between \$8,000.00 or \$9,000.00. Doon asked if when we do the wider repair would that help to qualify, and Joan noted at that point it wouldn't be an emergency grant. Joan noted that when it comes time to do this more permanent fix it could be several years because the idea is with the temporary, it is hoped to be a fix for as long as 5 years. She noted that will give us the time to get the plans done because it will be much more than a year to get the design done to get the temporary work complete. Joan submitted a special use permit to do the temporary work. She noted that Cricket, when she finds some time in the next couple weeks, will be doing a very simple drawing to submit. Joan noted that John will have to decide if the town crew will do the work or if it makes sense for it to be contracted out.

Lony Fried brought up the concerns of the road condition near her driveway and the hole that causes many to travel on the wrong side of the road. She asked if a sign could be put up for danger ahead. Discussion ensued and concerns were made. John noted that he would investigate it.

Terry noted updates to the utilities. He spoke about a class he took, and how he learned we will have to test for PSAF, which is mandatory from the state as of July 1. He noted how detailed it was to get a sample to provide. He noted that if we fail its not good at all. He noted that we are testing things 20 parts per trillion. He noted that the state guy summarized it as, it's a trillion miles to the moon, so if you

go 4" you could fail. He noted that you are testing for 5 different chemicals. He stressed the amount of work to do a test and the conditions of the environment is critical. Tom asked what the investment and equipment needed necessary to do this test. Terry noted that there isn't any equipment and that there are only two different labs in Massachusetts and two labs in Florida and two labs in California. He noted that he is working through Endyne. They are providing the shuttles three days a week to Boston. Endyne will set up the right kit and will help with the process. He noted that there will be one free test and if that fails, they won't even do the other sample. Terry noted that each test cost \$600 a test. He noted that if you test under a count of 18 you can go three years before another test has to be done. If you test between 18-20, you will have to test quarterly and if the test goes above 20-20.5 then you'll be told not to drink the water. 20.5 is failure. Pat asked where the samples need to be taken from. Terry noted at the well site, with both pumps running and it must come back in. Terry noted that legislature passed it on July 1 and the testing must be done by Dec. 1. Terry noted that there is no funding available. Terry noted that he will be doing the testing in the next week. Terry noted that you only have 4 days from the time you pick up the kits to when they must be sent for the testing. Terry noted how important it was to go through the class.

Doon opened the bid for Roadside Mowing. Only one bid was submitted from Music Mountain Property Maintenance in Stockbridge and his bid was \$14,950.00. The bid was for two machines, one with a 6' ditch bank mower and one with a 5' over the rail mower with a 22' reach. Mowing would be done as laid out by the town of Rochester with one, two or three passes to be completed by September 27. He read that he would provide proof of insurance once awarded the bid. Doon and Tom spoke of the past budget and bid. Doon moved to accept the bid. Tom seconded it, so voted. Selectboard noted that he would need to receive the no-mow list. Marvin spoke that he did a very good job last year. Best job we have had for many years.

Doon invited Jeffrey to speak about the noise. Janice Melvin spoke to the board about bringing to their attention some of the problems for the liquor license and noise from the Huntington House. Janice noted that the Huntington House got the approval for their liquor license and that they have been having a fair amount of noise from 12 noon till 12 midnight. She noted a letter submitted for the noise and continuing long after their curfew. She wanted to know if there was any kind of redress or noise ordinance that would be more cognizant of their neighbors after a certain amount of time. Janice asked if they can make any amount of noise after midnight, as she was told by Huntington House. Doon noted that they can't make any amount of noise that they want to and there is a statute 13VSA 1022 which is the noise in the nighttime statute which states that they are not allowed to make any unnecessary or offensive noise after dark, from dark to dawn is where that rule applies. Doon noted that it would be great if a selectboard member were to go with them over and have another conversation and try to work something out. Doon noted they are responsible for controlling their guests and not allowing them to get out of hand. Doon noted the Huntington House is not correct in saying they can do what ever they want until midnight. Discussion ensued about situations that have come up and the concern for the welfare of people. Pat noted a sheriff was asked to come in on a Friday evening and listen for any mishaps. They didn't note anything for that Friday evening..

Frank spoke about Lower Maple Hill Resiliency and the updates. Frank asked about the two culverts and when they might be replaced. He also noted a traffic hazard above Greg Whites house. He noted a single cone is sitting in the hole. He noted that it seems hazardous especially at night. Doon asked John if he had culverts to replace on the schedule. John replied that we are waiting for it to go out to bid. Pat

noted that the FEMA people were coming tomorrow and following up with a site visit soon. She noted that the wheels are turning. John noted that the cross culvert across from Greg Whites, it must be a cross culvert there because if you just do a driveway culvert it would be pushing way too much water through there and put stress on the houses below. Frank also noted the EEWP with the landowners getting help from the agency and wanted to follow up on what is going on. Joan noted that she handed it over to Pat. Pat noted that the agency has all the information and they are waiting for their analysis and feedback from them.

Doon noted that he wanted to nominate Tim Crowley as the Stagecoach Representative. Tom seconded, so voted.

Doon noted that someone wanted to discuss about the drainage on Middle Hollow Rd. but wasn't present to speak. John noted that it needs to be ditched.

Doon moved to approve a driveway permit on Oak Lodge with some conditions attached from John. Tom seconded, so voted.

Doon brought up discussion about town trees. Martha didn't know of any issue with the trees. Dick White noted that he spoke to Doon about the little maple tree that the kids have been climbing that is dying and said that he would remove it. He also noted that there was another oak tree across from the post office that is half dead that will need to be removed. Marvin noted that he was on the agenda about town trees. He noted that we are in Windsor County and Addison county, Rutland and Orange county has already got the emerald ash-borer. He noted that Doon was with them on a visit on town property some years ago by the cemetery when they were logging the hillside for selective cutting and he noted that there are several mature ash trees behind the tool shed all the way down to the French Mausoleum. He noted that those trees, because they are in a bunch, will be eventually attacked by the borer. He noted that there are several other ash trees along town roads. He noted that they will become a hazard. He noted that it will take 3-5 years before they die, and they will come down limb by limb. He noted that Norm Smith is our tree warden and he would go to the state to get recommendations. Marvin noted that these trees would be dangerous and fall in the town roads. His concern is behind the cemetery and they should be considered because of their value to be taken down. The other trees could be treated and continued to be treated every two years. He noted that the borer is moving 2-3 miles per year dependent on the weather. He noted they don't move after October and then they start moving again in June. He noted concern that we should use Norm Smiths expertise and get professional help with our town's ash trees. Doon thanked Marvin.

Update on the missing book. Doon noted that the only one coming in to search was Toni Deslaurier. Doon noted that it hasn't shown up.

Doon called the meeting at 7:29pm

Respectfully submitted,

Julie Smith

