

SELECTBOARD REGULAR MEETING

MONDAY, SEPTEMBER 26, 2022

7:00 P.M.

Chris Letourneau Meeting Room In-Person and/or Teleconference/Virtual

See the information at the bottom to virtually join or view.

Approved: Approved October 10, 2022

Selectboard Present: Doug Bergstrom (Board Chair), Gary Wright (Vice-Chair), Carolyn Branagan, Dawn Penney, Carl Rosenquist

Selectboard Absent: None

Staff Present: Todd Cadieux Foreman Highway & Public Works, Ken Minck Conservation Commission, Suzanna Brown Planning Commission, Tony Heinlein Planning Commission, David Rugh Town Legal Counsel, Cheryl Letourneau Administrator & Town

Public Present: none

Public Present Zoom: Jen Kale, Jeffrey Hathaway, Karen Grenier, Karen Gonyeau

1. **Call to Order:** D. Bergstrom called the meeting to order at 7:00pm and immediately apologized for moving the agenda to make the executive session the first on the agenda.

7:00 - C. Rosenquist made the motion to enter executive session, seconded by C. Branagan to speak about contracts. The board, David Rugh (Town Legal Counsel) and Cheryl Letourneau were present.

7:23 - C. Rosenquist made the motion to exit executive session, seconded by G. Wright. No motions were made.

7:25 - C. Rosenquist made the motion to enter executive session, seconded by C. Branagan for the negotiating or securing of real estate purchase or lease options.

7:48 - C. Rosenquist made the motion to exit executive session, seconded by G. Wright. No motions were made from session.

2. **Selectboard Minutes and Warrants:**

- a. Approval of Selectboard Regular Meeting Minutes for 09.07.2022

C. Branagan spoke about her stepping down from chair was not a personal conflict but was a health issue. She wants to change the minutes from the two previous meetings.

C. Letourneau said that K. Minck's title needs to be changed from Planning to

Conservation. C. Rosenquist says date for Fall Fest and the time from the last meeting

needed to be corrected. D. Penney said she had grammatical and spacing errors that she would forward.

7:59 – C. Rosenquist made the motion to accept the minutes with the corrections, G. Wright seconded, all approved, motion passed.

- b. Approval of Warrants #75

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39 8:00 – C. Branagan made the motion to accept the warrants, C. Rosenquist seconded, all
40 in favor, motion passed.
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42 **3. Public Comment (For items not on the agenda):**
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44 8:00 – D. Bergstrom asked if there were any public comments, hearing none he moved on.
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46 K. Minck wanted to know if there were any motions made from executive session. D. Bergstrom
47 said no there were not, and those motions would have been made during the open meeting.
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49 **4. Correspondence:**
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51 17 Black Walnut
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53 **5. Board Business (public comment on agenda items limited to 5 minutes):**
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- 55 a. Sherwood Forest – Storm Water Runoff (Forest Glen and Hidden Woods)
56 Provided a draft for the stormwater runoff.
57 b. Town Community Rooms –The town does require a million-dollar insurance policy to
58 use the community room. D. Bergstrom said his understanding from reading it, that
59 organizations would have to carry that. C. Bergstrom asked what about birthday parties.
60 C. Letourneau says that birthday parties used to be held there but they are not held at
61 the Fire Department any longer nor are showers or other parties neither there nor at
62 the library. C. Branagan asked who decided that. C. Letourneau believes that it was done
63 by a previous board due to the way the rooms were being left when the parties were
64 over. D. Bergstrom thinks there are better ways of addressing it then that. C. Branagan
65 says maybe a fee for renting that you get back might solve that. D. Bergstrom agrees
66 and says it is a security deposit. C. Rosenquist says that is in the contract now. D.
67 Bergstrom asks C. Letourneau to pull all the policies. C. Letourneau says she will do that
68 and then give them to D. Bergstrom and C. Rosenquist for their review.
69 c. Police Coverage – D. Bergstrom says this is something that we are going to have to come
70 up with for this budget. He said that he and C. Letourneau had a meeting with their
71 finance, police chief, safety, town manager discussing what the continued coverage
72 might look like. They also review what the current contract and the discrepancy. D.
73 Bergstrom says we have the contract through to December. They are now fully staffed
74 for the first time in 2.5 years so we will see our coverage back up. In response to what
75 has been going on around town they have been getting a lot of calls from people in
76 Georgia and speeding seems to be a big concern. They gave us the Georgia Shore
77 Report and they said it was the worst report they have ever seen for speeding. The
78 average was at least 10 mph over the limit with vehicles going 55 mph there. D.
79 Bergstrom says the road has a lot of pedestrian traffic, biking, skiers, there are a lot of
80 people down there but there is no coverage. He discussed options of coverage here and
81 they will come back to us with a plan that in Cheryl Letourneau us dollars and cents so

that we can look at what direction we want to go. We will do the same thing in St. Albans continues. D. Bergstrom says he will work with C. Letourneau to put things together

- d. Purchasing Policy – D. Bergstrom this is another policy I want to look at. All these policies should be dated when they were accepted. 1.5 is the area that we want to make sure is handled. G. Wright would like to work on this and bring it back to the board. He has gone through it and would like to say what should be added. D. Bergstrom the other thing that needs to be on there is to move from debit card cards and he needs to reach out to A. Baker.

6. Selectboard Sub Committees & Reports:

- a. Town Administrator – C. Letourneau the planning commission is going to have a meeting on 9.27.2022 at the Fire Station about the Cannabis Regulations it will start at 7:00. The dugout that they two approved has been fixed and anchored into the ground and ready for use. D. Bergstrom says it cost \$671 in materials and T. Cadieux says it also cost all day for 2 people and half a day for one. D. Bergstrom says there is a new building that is down there now, and we know that we are responsible for it. C. Branagan asks how can that happen? D. Branagan says he does not know, maybe it was approved during the previous board, and he remembers that he called the town because it was being built too high. C. Branagan says we need a Public Works Director. D. Bergstrom, we do, named Todd. D. Bergstrom says this may be another agreement that we need to get with baseball to come up with a plan of what will happen moving forward. They have added equipment and fences causing the town to dedicate much more time for maintenance. D. Bergstrom just wanted to bring it up because we have the bill for it. C. Branagan says she did not get it. D. Bergstrom says it was in the packet. C. Branagan says she we need to work on us. D. BERGSTROM says she can handle baseball, CAROLYN BRANAGAN agrees.
C. Letourneau says that she and Bonnie have had two meetings with PayData and they have another one tomorrow. The discussion was had on changing all payroll to weekly. Discussion was had regarding updating the personnel policy. Once C. Letourneau has received all input from the department heads, she will share the information with the board. C. Letourneau updated everyone on the progress on Bovat Rd.
C. Letourneau said there was an issue with St. Albans Rec. and she spoke with Kelly Viens. The error was a typo.
VELCO would like to meet with the board and the Planning Commission. They would like to discuss the line upgrade project, from the Georgia Substation to the Highgate Substation. They want a bigger line. It will be the same general location with an increase in height. Discussion is had as to its location. G. Wright suggests a standalone meeting and C. Letourneau will work on that.
- b. Buildings (C. Rosenquist & G. Wright)
 - i. Legal Town Trail #4 Update – G. Wright met with Perrigo to try and locate the line. They will get their engineers on it and get back to us, not immediately as

126 they are dealing with maintenance, we are on hold. C. Rosenquist says there
127 was a recommendation that we renegotiate the contract to have a date certain
128 to end this contract. G. Wright thinks that we should bounce that by each
129 interested party to ensure that we are all on the same page. D. Bergstrom says
130 we need to make the corridor wider which is waiting on engineering to come
131 back and have an end date in place to have a moving of the fence altogether. D.
132 Bergstrom wants this to stay on the agenda to keep everyone on the same page.
133 K. Minck emailed the board saying he does not see the logic of having to move
134 the fence twice. It is not sensible. I think the fence should be on Bryce's
135 property which is where it should be. He is only talking about around a dozen
136 round trips of trucks a day. There is no reason why they cannot do that. I don't
137 think it is prudent to move the fence twice.

138 D. Bergstrom says we are not moving the fence, we are only talking about a
139 couple of spots to make the corridor wide enough. C. Rosenquist adds that it
140 will only be a sidewalk width. K. Minck says the State guidance is 5 ft with 2 ft
141 shoulders which means 9-10 ft. What do you mean about not moving the whole
142 fence. G. Wright clarifies that in a particular case there is a bank, and we need
143 to address it there. K. Minck says it is the majority. G. Wright says no.
144 Discussion is had about the location of trouble. C. Rosenquist says we need to
145 have the area cleared where there is no room and that seems to be in the
146 Gonyeau area.

147 D. Bergstrom says this is just a proposal. He says that we are just looking at this
148 to see if it is feasible at this point. When we come back, we will have a plan.
149 We are trying to come up with a compromise with the current landowners, the
150 agreement that is in place and Bryce. We are trying to find a compromise. That
151 is where we are at. K. Minck wants the fence to be moved to Bryce and wants
152 that option to be kept on the table. D. Bergstrom says that he sees this
153 suggestion as a safety issue, saying this may not even be an option when we
154 hear back from the engineers.

155 Karen Gonyeau – we did have a landowner's statement. Maybe we should hold
156 off. Her concern is that there are other landowners that need to be considered.
157 D. Bergstrom says his understanding is the fence is on the opposite end of the
158 property line, not on the other property. Discussion is had about the property
159 lines and markers. C. Rosenquist asks if we can have K. Gonyeau read her
160 statement.

161 K. Gonyeau says she will email it.

162 D. Bergstrom says we have addressed your main concern of having an end-date,
163 we are waiting for the engineers to get back to us on the feasibility of moving
164 the fence due to the pipelines. K. Gonyeau says they want the fence moved
165 totally back to his property, utilizing the total trail maybe having him put a sign
166 at the beginning and the end of the trail and have the trail have opening hours
167 and then let Bryce use the trail not during those times to alleviate the safety
168 issues.

169 T. Heinlein brought us the violations at the first meeting, violation of the
170 statues. Locked gates are a violation and there may be a third one with ACT 250
171 and the development and access to 104a. That may be a violation. D.
172 Bergstrom says the park is not yet open. T. Heinlein says if it was any other
173 contractor, they would not get this. He is wondering why you are making
174 unnecessary work for yourself. Discussion continues how the state statue
175 originates due to cattle. D. Bergstrom says that no one is denying access with a
176 locked gate, the access is still there. Discussion continues the amount of access
177 needed. He says if there is a time limit on this then he does not understand
178 what the issue is going forward. TH says that he has had that for 8 years
179 already. D. Bergstrom says we are looking at a 6-year plan as of right now.
180 J. Hathaway – I am going to mention that no matter what you cannot allow
181 Bryce to lock the gate on either end since you must have a separate gate down
182 below to access the trail and the laws are clear that the gate cannot be locked.
183 Another statue to consider obstruction above that access and either the town,
184 or the state or anyone that wants to do it could sue to force the gates to be
185 unlocked. The statue is clear that the gate cannot be locked.
186 D. Bergstrom – When we were here last time, I asked all the parties involved if
187 we came back with a proposal that there is a compromise if could we make that
188 work. So is what you are saying right now that none of you want to
189 compromise, and you want us to come up with a different solution. I am not
190 saying it will be the solution you want. I have a different solution. If this is not a
191 compromise that you are willing to work with, tell us now so that we can work
192 on a different solution. It was my understanding when we left that meeting that
193 everyone agreed that this was a decent solution to work on, so I don't want to
194 be wasting our time and I don't want to waste their time on this. The
195 compromise we discussed at that meeting was that we move the fence over to
196 create a corridor all the way down through and setting an end date. That was
197 the discussion at the last board meeting, that was what we are moving forward
198 with and getting engineers involved with. T. Heinlein says he was not here then.
199 D. Bergstrom – The homeowners were here; everyone was here so if that is not
200 acceptable then let us know now so that we can come up with something else.
201 C. Rosenquist – What we have added here is the date certain. D. Bergstrom
202 confirms date certain. He asks JH is that not acceptable? J. Hathaway says he is
203 still waiting for the Perrigo thing to come back but I still have around the gates
204 are locked and that creates a liability that the town is allowing it. Someone
205 could sue the town. D. Bergstrom I don't want to involve Perrigo, I don't want to
206 get their engineers involved if you are sitting here saying you are going to sue
207 over a locked gate. That tells me that this cannot go forward as a compromise.
208 If that's the direction I'm not going to waste Perrigo's time, the engineers time
209 to go down there and look at a pipe if we are not talking about moving it. Is
210 what we talked about acceptable or not acceptable. J. Hathaway – I am not
211 opposed to a compromise. I am still concerned that there is a line that the town
212 must respect the law regardless. You cannot have it both ways. I see this as

213 two different issues, and the town cannot put themselves in the situation
 214 position in tied up in another legal battle when that is the law. They are two
 215 separate issues that are coming around at the same time. D. BERGSTROM – Is
 216 the compromise good to you? J. Hathaway – That probably depends on what
 217 exactly it looks like. D. Bergstrom – It is going to be a 6–9-foot corridor from the
 218 top to the bottom for pedestrian use with the fence moved over slightly in some
 219 areas to create the same thing that is happening right now, with a time limit on
 220 it of let's say 6 years. J. Hathaway – Yeah, I can't speak for everyone but for me
 221 that would work as a compromise, but I can't speak for everyone.
 222 D. Bergstrom – Jen, you have your hand up.
 223 J. Kale – No one person can speak for all of us. C. Rosenquist – I have been given
 224 the assignment with someone else from the board to meet with you to come up
 225 with a list of issues that you want to address and an agreement with the town
 226 about your driveway. I would like to do that as soon as we can so that we can
 227 move forward with your problem about proper access with your driveway. G.
 228 Wright – you brought that question up back in early September and that is q
 229 valid question. We want to put some parameters around that. C. Rosenquist –
 230 You understand that is separate than the issues with the trail, you understand
 231 that. J. Kale – yes, of course. We are looking forward to hearing what the
 232 compromise is after listening to tonight's meeting. You are still looking for
 233 information and that you looking to have an end date for this contract.
 234 D. Bergstrom – My intent tonight is to have a quick straw pull because if you all
 235 say that this is not what you want then we must go back to the drawing board
 236 to look at the other options. When I hear a lot of feedback against it that's what
 237 I want to know before I waste everyone's time. K. Gonyeau – When they
 238 originally put the fence up did, they put look at where the water line was? D.
 239 Bergstrom – I have no idea.
 240 K. Gonyeau – She is willing to work with the town. She is reluctant but she is
 241 willing to work. D. Bergstrom – We are just trying to correct a bad situation and
 242 see what we can do. You must remember that we did not put this in place. We
 243 are just trying to make everyone happy.
 244 T. Heinlein – You are compromising state statue. You should put the fence
 245 where it belongs today. And the end date. D. Bergstrom – I think the end date
 246 is key and I think the usage honestly is not there yet until the growth of the
 247 South Village, which will not be within the next 6 years, correct? T. Heinlein –
 248 You will get the traffic when it is built, and the apartment houses are built.
 249 Discussion continues. D. Bergstrom – We will have an end date; we will have an
 250 end date and we will see if that is even possible. We will move from there. K.
 251 Minck – Can we call Dig Safe? D. Bergstrom – We called, and they will not. G.
 252 Wright – They will not. They were not willing to do it. TH – Thinks that the
 253 water treatment plant will provide the service of telling us where the pipe is. D.
 254 Bergstrom – that would be great if you could do that.

J. Hathaway – I want to clarify that I do not think anyone would sue the town and I want to thank the selectboard for taking on the issue with the trail. I want us to make sure that everything is proper from here moving forward.

ii. Town Garage Update

G. Wright – They paved the driveway over there. D. Bergstrom asks who is doing the paving. T. Cadieux says they are doing it through Pike, but Hungerford is their subcontractor. C. Rosenquist says they did it Friday, the base coat and the final coat goes on in the spring. G. Wright says it is coming along very nicely. T. Cadieux says they can start filling the water tanks this week he thinks. Comcast has their line in. He says he is working on an open house with C. Letourneau. C. Letourneau wants to know where the money is coming from for the open house. D. Bergstrom says it is either your budget or his budget. T. Cadieux I believe it was last year at budget time that they were planning on having an open house and that there was money set aside. C. Branagan asks where was the money set aside? T. Cadieux – I don't know. It was a discussion. C. Branagan – I don't think it was, but we can check with Amber. I'll do that. I'll contact Amber, I don't think it was set aside, I don't remember that, but I'll call her. T. Cadieux says the open house should be November 5th. Discussion continues.

iii. Budget & Finance (G. Wright & D. Bergstrom)

iv. Budget Update – C. Bergstrom – There is no explanation on the mail from Amber, just numbers. D. Bergstrom – yes, we requested the quarterlies, and this is what we wanted. C. Branagan – Cheryl, where is your Events money usually kept? C. Letourneau – That is what I am trying to figure out because we have a Parks and Rec. I have a community events donation line which it looks like I have \$5,000 in. I know we have spent money I just don't see where it is. C. Branagan – Yes, Ill reach out to her. Discussion was had on the rec line items and the GCEC line. C. Letourneau will reach out to Amber to see if she is available to attend the next meeting. D. Bergstrom will compile a list of questions that the board has and forward to Amber so that she can get things ready. Discussion is had on the format of working a budget, the day, the time, and the time allotted per department. C. Letourneau says they did it all in one day last year and it worked out well.

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c. Personnel (D. Bergstrom & C. Rosenquist)

i. Personnel Policy – D. BERGSTROM says we have already gone over.

d. Public Works/Grounds/Recreation (C. Branagan & D. Penney)

i. Fall Fest Follow Up – C. Letourneau – Fall fest was a hit. It was our largest Carl crowd ever. We had lots of new activities for the kids to do. Music was great, fireworks were great. We only had one food vendor and they rocked it. The Lion's Club worked their butts off, they were hopping all day long. Mill River was there with the beer tent. We had the axe-throwing, which was new this

year, the petting zoo was new, the big blue box was new, the train-rides and we had more vendors than we had last year. The weather was perfect, we had another great day.

- ii. DP – We had someone come and look at the tennis courts to look at resurfacing. C. Letourneau said it would be \$2719. to fix the cracks. DP says this is something that should be put into the budget to be done every 5 years. D. BERGSTROM says there is money in the budget for court resurfacing. CHERYL LETOURNEAU clarifies that he is just filling cracks. D. BERGSTROM says that when they pressure washed it, it bubbled and then settled right back down. SB asked how come there were not three estimates like everyone else. D. Penney we have reached out. We just cannot get three people to come and give quotes.

D. Bergstrom – I want to catch you up on some things. I do not want to step on anyone's toes. I have been told that there is this availability of this rink. In this discussion with some of this stuff around the community and adding something, there is a possibility. There are a lot of moving parts, where it would be, if it is even possible. I have reached out to David Kimmel, for anyone that knows he ran the complex for many years and D. BERGSTROM trusts him to give him the truth. Can we utilize it, put it in and build a rec program around and use it as a funding source? The demand is there for 2 or 3 more rinks of ice time. Can we do it, can we make money, yes. Is it the best thing for the community, not necessarily as he thought. It only supports one select source of people, hockey. It will serve people from Highgate to Waterbury, not our community. The other option is more of a community option. It could be a turf field, an indoor facility. It could be basketball, volleyball, LAX, soccer indoor walking, it is versatile. The only other one is in Shelburne and people travel from all over to use it. We can then use it for other event, car shows, craft shows, food event, concerts, meetings. Discussion was had on future recreation building for the town and what best serves our community.

- iii. Baseball -

- e. Committees at the direction of the chair

C. Branagan – The Cannabis met with the Planning. C. Rosenquist and I will study the map that was given to us by S. Brown about what will be permitted in what areas of town and will get back to the board. D. Bergstrom says there is an article in the Vermont Digger about how things are going.

7. Other:

D. Bergstrom – I will need a motion to untable to Black Walnut MOU. C. Rosenquist made the motion, C. Branagan seconded, all in favor, motion passed.

8. Plan Next Meeting & Agenda:

- a. Monday, October 10, 2022, 7:00 p.m. Regular Meeting
- b. Budget Meeting date with A. Baker
- c. Budget Day, October 27, 2022, 9:00 a.m.

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344 **9. Executive Session** (if needed, pursuant to 1 V.S.A sec 313):
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346 **10. Adjourn:**

347 10:50 - G. Wright made the motion to adjourn, C. Rosenquist seconded by all if favor, motion
348 passed.
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350 **Tabled Items:**

- 351 1. Junk Ordinance
352 2. Diversity & Inclusion
353 3. Fairbanks Road Memorial Request
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