

# **Town of Woodbury Selectboard**

## **Approved Minutes – August 22, 2016 Selectboard Meeting**

**Selectboard Members Present:** Michael Gray-Chair, Guy Rouelle, Thomas “Skip” Lindsay

**Town Officers Present:** Brandy Smith--Town Treasurer; Diana Peduzzi—Town Clerk

**Town Officials:** Michael McGlynn-Woodbury Lister

**Members of the Public:** Vail Leach; Marci Young

**Media:** John Pepe–HCTV, Michael Bielawski —Hardwick Gazette

**Michael Gray called the meeting to order at 6:00 P.M.**

**Adjustments to Agenda/Public Comment:** Michael noted a couple of adjustments to the agenda:

- Michael noted Harry Dailey will not attend tonight’s meeting due to illness. However, the Board will discuss items noted in the Road Foreman’s Report.
- Michael did make a public comment concerning the meeting held on August 17, 2016. Michael remarked the meeting was not warned, but perhaps it should have been, as the meeting was called, organized, and facilitated by the Central Vermont Regional Planning Commission. Michael noted the CVRPC is paying approximately \$40,000 for the Brownfields Assessment-Phase 2 Study for the Woodbury Country Store property. Michael continued that yes, there were two Selectboard members at the meeting, and in hindsight the meeting should have been warned.
- Michael McGlynn asked if there are two Selectboard members attending a meeting should that meeting be warned or is that a misconception? Michael commented that is part of the wording in the Open Meeting laws. Skip commented there is a form available should anyone feel the need to file a formal complaint.

There was no other public comment.

**Approve Bills to the Town:** Michael made a motion to approve the bills to the Town, Guy seconded the motion, and the motion passed unanimously.

**Approve the Minutes from the August 8, 2016 Selectboard Meeting and the August 15, 2016 Special Selectboard Meeting:** Michael made the motion to approve both meeting minutes, Skip seconded the motion, and the motion carried unanimously.

**Road Foreman’s Report:** Harry Dailey was absent due to illness however, two topics were up for discussion.

- Mutual Aid Agreements:
  - Skip distributed a draft agreement between Woodbury and East Montpelier for equipment to the Board members noting the importance of Part 3. Part 3 describes the protocol to request aid and to whom the request would be made.
  - Michael McGlynn commented that, as written, the request(s) come to the Selectboard Chair. Michael Gray noted a better way is the requests be sent to the Selectboard and then warned at the next Selectboard meeting. However, emergency requests would be handled in a more expedient manner. Michael Gray continued noting the agreement will serve to benefit both Towns in the sharing of specialized equipment. Guy asked is there is section for sharing equipment in an emergency where the Selectboard Chair could authorize equipment sharing. Skip noted that Part 4 covers emergencies and major disasters. Skip will edit the document as directed.
  - Skip will forward the agreement to Harry for his review and subsequently forward the final draft to the VLCT for their assessment and approval.
  - Skip noted a “labor only” Mutual Aid Agreement between Woodbury and Hardwick remains an open item. Skip will draft this agreement and forward to Harry for his evaluation.
- Underground Storage Tank (UST) Removal at the Town Garage:
  - Skip noted while in the process of putting together a Scope of Work for UST Removal Request for Proposal a couple of questions came to mind: do we really want to spend the money to remove the UST and why do we want to remove the UST? Michael’s understanding is the motivation for the tank removal is tank-monitoring issues. Guy’s concerns with the UST are that the Agency of Natural Resources is no longer in the business of doing corrective action/change of behavior but are more focused on filling their coffers with fines. Guy noted that the removing the UST due to poor performance should not be the motivating factor for removal, however, we should consider removing the UST if the cost of removal is low.
  - Michael noted the receipt of an invoice for UST Cathodic Protection<sup>1</sup> test completed at the Town Garage. However, test results did not accompany the invoice. Guy remarked that if the UST failed the Cathodic Protection Test then it should be removed.
  - Further discussion focused on the feasibility of installing an above ground storage tank (AST) to replace the UST. The group noted the possibility of increased vandalism with the AST, how to monitor the AST, change of regulations for UST’s due to the Vermont Clean Water Act, and costs associated with the removal of the UST.
  - Skip will move forward and promulgate a Request for Information (RFI) focused on the UST removal.
  - Guy noted that Harry Dailey would be invited to a UST workshop being held on September 17, 2016 at the E.F. Knapp Airport in Berlin Vermont.

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<sup>1</sup> Cathodic Protection Test is used to determine the integrity of an UST

- Michael noted he contacted Scott McCullough regarding the winter sand bids. Michael indicated to Scott the Bid Request was published in the Hardwick Gazette as required but Scott told Michael he does not read the Hardwick Gazette. Scott did request that he be notified by mail of the bid request for next year's winter sand. Michael remarked that next year's bid request should include two discrete costs; one that includes sand delivered to the Town Garage and one cost of sand loaded on Town trucks at the pit/quarry.

**Town Treasurer's Report:** Brandy distributed the current Balance Sheet and Financial Statement documents to the Board.

- Brandy announced the Municipal Tax Rate is 0.4379.
  - Tax Bills will be sent out no later than week ending September 3, 2016
  - Taxes are due by October 27, 2016.
- Brandy continued noting she requested bids for Liquid Propane (LP) to serve the Town offices and has received four responses as follows:
  - New England Commercial Fuel Buyer's Association: \$1.35 per gallon
  - Bourne's Propane: \$1.49 per gallon
  - Gillespie Fuels and Propane: \$1.21 per gallon
  - Suburban Propane: \$1.29 per gallon

Michael wondered if the Board could vote on the award. Brandy noted last year's cost of LP was \$3,036.00, below the \$8,000 threshold in the town's purchasing policy that requires sealed bids and a warned select board vote and therefore the Board could award the contract tonight.

Michael made the motion to accept Gillespie's bid of \$1.21 per gallon, Skip seconded the motion, and it carried unanimously.

**Town Clerk's Report:**

Diana presented the following documents to the Selectboard:

- A letter from the Solid Waste District requesting to have someone appointed to the Solid Waste Project Advisory Committee.
- A copy of the Boundary Line Agreement between Jeff Weiss and the Town for property abutting the Town Garage
- A letter from the VLCT requesting the appointment of a person to become a voting member at the annual meeting of the VLCT. Michael indicated some interest in being the appointee.

Diana presented the total Tax Rate schedule (Municipal Rate+School Rate)

- Residential Rate: 2.0092
- Nonresidential Rate: 1.9379

Diana noted the existence of a UST folder containing information dating back to when the current UST was installed.

**Employee/Elected Official Pay Scale Policy:** Skip noted that during the Executive Session held at the last Selectboard meeting the Board determined selected employees and certain elected officials would receive a Cost of Living Adjustment (COLA).

Michael remarked that around this time of year, end of the Fiscal Year, discussion of pay raises occur. Michael further commented he has always questioned why establish pay rates when the budget is already set. Wouldn't it make more sense to set pay raises during the budget setting process?

Michael continued by using a pay scale, persons would know what to expect in terms of pay increases and the process would be more transparent and easier to budget for.

Guy explained the Board would introduce a pay scale table and current employees would enter the pay scale at their current hourly rate. Refer to the table below understanding this is a *draft* pay scale and will be finalized in the near future. Appendix referenced is to the Town Employee Personal Policy; effective date is for illustrative purposes only.

Appendix I (Effective Date July 1, 2016 ) (Woodbury Town Pay Plan)

Pay Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11	Step 12	Step 13	Step 14	Step 15	
Asst Twn Clerk	5	10.66	<del>12.25</del>	12.80	13.28	13.69	14.11	14.55	15.01	15.45	15.94	16.39	16.81	17.27	17.71	18.19
Road Crew Part-Time	6	14.55	15.00	<del>15.45</del>	15.93	16.45	16.95	17.51	18.02	18.50	19.00	19.52	20.05	20.60	21.13	21.71
Asst Treasurer	7	16.75	<del>17.25</del>	17.81	18.37	18.88	19.40	19.90	20.50	21.07	21.63	22.22	22.82	23.45	24.05	24.70
Road Crew Full-Time	8	16.08	16.75	<del>17.25</del>	17.87	18.37	18.88	19.40	19.90	20.50	21.07	21.63	22.21	22.82	23.40	24.04
Treasurer	9	19.20	<del>20.00</del>	20.61	21.30	21.93	22.52	23.18	23.84	24.54	25.19	25.89	26.59	27.32	28.02	28.78
Town Clerk	10	19.96	20.65	21.31	<del>22.00</del>	22.71	23.47	24.14	24.82	25.51	26.24	26.97	27.77	28.53	29.26	30.06
Road Foreman	11	21.03	21.78	22.48	23.24	<del>24.00</del>	24.77	25.60	26.43	27.19	27.98	28.80	29.58	30.46	31.31	32.16

\* Step increases each consecutive full year of creditable service to the Town of Woodbury.

Guy will distribute the proposed pay scale to Brandy and Diana to elicit their thoughts and input to the concept of the pay scale. Diana will place a copy in Harry's mail folder.

**Hazard Mitigation Grant/Phase 2 Study:**

Michael introduced the discussion noting that Diana has produced a report of the meeting held on August 17, 2016<sup>2</sup>. At the meeting, Gail Aloisio from the CVRPC introduced a sequence chart describing the project tasks, task dependencies, and identifying the resources charged with completing each task. Using information from photographs taken at the meeting, Skip created a MS Project Gantt Chart<sup>3</sup> that captured milestones, tasks, sub-tasks, and resources. Skip distributed the document to the group noting that task start and complete dates have not been determined yet.

<sup>2</sup> See Attachment 1

<sup>3</sup> See Attachment 2

Diana commented that she would send this report and others she has produced to the Woodbury web site administrator and will ask to have a separate file created, entitled Hazard Mitigation File Updates. Diana noted the project is more extensive and complicated than first imagined.

Diana remarked one of the next steps for the Town is to get a real estate property appraisal for the old store property and noted the appraisal monies are part of the FEMA Hazard Mitigation Grant's approved pre-award cost. Diana continued the Town should move forward with the lead and asbestos testing on the property and that the testing is part of the CVRPS Grant however, not an approved pre-award cost. Diana noted she received a quote of \$2,500 for the testing when she put the Grant together and therefore the award is not subject to a sealed bid.

A discussion followed focused on if the building should be taken down prior to the Phase 2 Environmental Assessment. Diana commented that Brad Wheeler, Principal Scientist from Wheeler Environmental Services, LLC and a contractor hired by the building owners, recommends the building be taken down prior to commencing the Phase 2 Study. Skip wondered if Mr. Wheeler has an agenda and if it would be prudent to wait until a contractor is selected for the Phase 2 Study and have that person make an impartial recommendation. Diana indicated the Phase 2 contractor has not been selected and waiting would put the project behind.

Guy commented that if the building is removed and the appraisal is done subsequently the value of the property would be diminished. Diana remarked that having the appraisal done prior to the building's demolition would be a better way in which to proceed. Diana commented that the FEMA rules state the appraisal would be based on a pre-flood/pre-Irene property assessment. Mike McGlynn wondered if the person doing the appraisal would be advised of the future plan for the building. Diana commented that it would be clear to the appraiser the property is not going to be sold for the open market but is for a FEMA buy-out and the HMG.

Mike McGlynn asked about the \$10,000.00 heard earlier in the discussion. Diana commented the money was paid by the owners when they bought the property and is the deductible required for participation in the Petroleum Clean-Up Fund run by the Vermont Agency of Natural Resources. Michael McGlynn wondered if this leaves Woodbury insulated from any clean-up claims? Diana noted, yes, that it carries forward to the next owners.

Mike McGlynn questioned if the Selectboard would hold an informational public meeting for the Town of the Hazard Mitigation Grant/Phase 2 Study? Michael Gray noted he has no opposition to holding such a meeting and further indicated the project is an agenda item at most Selectboard meetings.

Michael noted that Diana and Vail Leach have been working with the owners trying to come to a Purchase and Sales Agreement and that it would be good to come to an agreement. Skip wondered if FEMA is the entity that prepares the Purchase and Sales Agreement. Diana noted that FEMA does have a Purchase and Sales Agreement and there are things in the Grant Application including required Deed Restrictions.

Skip remarked that FEMA requires a “Clean Site Letter” from the Agency of Natural Resources before awarding the Hazard Mitigation Grant monies and before they move forward with the Title, Transfer, and Closing.

Diana noted the total Grant is \$125,000 including a \$30,000 match from the Town of Woodbury. Guy noted there is no one obligating the Town come up with extra money. However, Guy indicated if additional funds are required, then the additional costs would have to be discussed further.

A discussion followed focused on the mechanics of Grant awards and where the Town matching funds derived.

The next steps for the project are:

- Securing a contractor to investigate if there is lead & asbestos contamination at the site
- Securing a real estate appraiser

Diana noted at some point we will have to get some short term financing to purchase the building.

#### **Updates and Follow-Ups:**

- **Helicopter Landing Site:**
  - Michael indicated he had contacted Jennifer Harman, the town’s zoning administrator, and she indicated there is nothing in the Zoning regulations that would rule out this type of development. Michael asked if the Selectboard should convene a special meeting to talk about this project or wait until the State holds their required meeting? *Note: here are the required steps for approval by Vermont Statute: Initially a person would come before the Selectboard and ask that they approve the installation. If given approval, the Selectboard would write to the Agency of Transportation indicating their approval. Subsequently, the AOT would dispatch an inspector to examine the site for feasibility. The AOT would then contact the State Transportation Board who would contact the Town. The Transportation Board would meet with the Selectboard and facilitate Town meetings that would include abutters and other Town residents. If successful, the project would move forward to the FAA for certification.*

Skip noted a conversation he had with Scott Fortney, a Vermont Airport Operations Specialist for Policy, Planning and Intermodal Development Division, regarding the proposed landing site. Mr. Fortney recommended the Selectboard hold a community meeting prior the contacting the AOT and subsequently move forward. After some discussion, all agreed to embargo a significant part of the normally scheduled Selectboard meeting on October 10, 2016 to discuss the proposed landing site.

Mike McGlynn asked where the proposed landing site is located? Michael noted the proposed site is located on Guy Rouelle's property.

- Dog Impounding Warrant:
  - Michael met Kim Silk and Kim noted that it would be more complicated than first thought to get a warrant. The warrant would have to be issued by law enforcement, most likely the State Police, based on significant proof and documentation by the Animal Control Officer. Michael noted Kim would continue to research the Dog Impounding Warrant challenges.

Michael made the motion to adjourn at 7:39 PM, Skip seconded the motion, the motion carried unanimously.

Approved Date: September 12, 2016

\_\_\_\_\_/S/\_\_\_\_\_ Michael Gray: Selectboard Chair

\_\_\_\_\_/S/\_\_\_\_\_ Guy Rouelle: Selectboard Member

\_\_\_\_\_/S/\_\_\_\_\_ Thomas Lindsay: Selectboard Member

## Attachment 1

### **Hazard Mitigation Grant from FEMA**

Report on the Status Meeting held on August 17, 2016

The meeting took place at the Woodbury Town Hall, opened at 8 AM and finished up around 11 AM.

Present were: Owners Kirk Gallant and Kim Sample; Shawna Clifford from VTrans District 7; Gail Aloisio and Bonnie Wananger from CVRPC; Linda Elliot and Patricia Coppolino from ANR/DEC; Jaron Borg from ANR/Rivers Management; Lauren Oates, DEMHS; Diana Peduzzi, Michael Gray, Vail Leach, Skip Lindsay and Harry Dailey for the Town of Woodbury.

Gail presented a time line she developed setting out the future phases of the project. (During the meeting this timeline was changed and added to.)

Gail gave an overview of the project development to date for everyone in the room. Her responsibility is the Brownfields program of CVRPC – this project has been approved for inclusion in the program which will fund a Phase 2 Environmental Site Assessment (ESA) for the Woodbury project.

Department of Emergency Management and Homeland Security (DEMHS) administers the FEMA buyout program. Because of prior and (presumed) existing contamination on the project site, the Phase 2 ESA is needed. This study will lead to issuance of a “Clean Site” letter from the ANR/DEC/Brownfields program administered by Trish Coppolino.

Trish explained that, for her to issue the “clean site” letter, the site does not have to be 1005 clean – the level of clean-up needed will depend on the amount of disturbance during the project and the planned end use of the land. For example, contamination found several feet underground can be mitigated by a layer of clean soil as a “cap” for green space.

Lauren Oates from DEMHS explained that FEMA will wait for the clean site letter before giving final award approval.

Linda Elliott, ANR/DEC’s site manager for the Woodbury store and Shatney’s garage indicated that the Petroleum Clean-up Fund (PCF) might fund some clean up if the SMAC (Site Management \_\_\_\_\_) or Clean Site Letter cannot be issued after the Phase 2 is completed.

Kirk Gallant joined the meeting and expressed his skepticism that the ANR/UST program could be trusted. He was concerned by comments about going back on prior owners for liability claims. Trish Coppolino indicated that a letter could be issued to satisfy his concerns. Kirk



made it clear that because they paid the \$10,000 deductible to be included in the PCF, they should have no more liability.

Bonnie Waninger, executive director from CVRPC, indicated that the brownfields program could possibly pay for some design work.

Jaron Borg, rivers management specialist for the ANR, explained that the state will want natural stream banks as much as possible. The town will have to hire an engineer and once the stream restoration has been designed he will determine whether a stream alteration permit is needed.

Shawna Clifford, District 7 VTrans Administrator, acknowledged that the state has committed to changing out the Route 14 culvert after the buildings are removed. She explained that the funding source was re-allocated by the legislature but she still thinks it will be done, maybe not in the same year.

The participants left the meeting to examine the project site.



After returning to the Town Hall, changes were made to the project timeline and other issues were discussed:

- The possibility that the building will have to be demolished before the Phase 2 study can be completed. Lauren Oates explained that pre-award demolition can be approved if the owner's consultant claims that there are "extraordinary circumstances" to substantiate removal of the building prior to purchase. Linda Elliott will contact Brad Wheeler to see if he could make such a claim.
- Kirk is interested in taking the building down this year. The town would have to come up with the money and decide how to make it happen.
- Whether the lead and asbestos analysis needs to be completed prior to demolition. This was not approved as a pre-award cost so we'll have to wait until the application can be amended to approve the early demo and the lead & asbestos study.
- A survey may be needed before any stream bed work is undertaken to determine the rear property line of the adjacent owner – Chris Wright. According to available maps (not surveys) the stream is entirely on the Gallant property. Prior installation of a septic field included building up the stream bank with cement blocks and adding fill, probably beyond the property line. Removal of those blocks will affect the septic field. Kirk suggested that use of a state-permitted septic field on his land on the other side of the stream could be offered to Chris – this would allow a proper septic field for that house. Who would pay for the replacement system would have to be determined.

Gail will make the changes to the timeline and put it all on an excel spreadsheet.

Next steps for the town – Discuss when and how to hire an engineer; decide whether or when a survey should be done. Request proposals for asbestos/lead analysis. Decide whether bidding is required to hire professional services.

## Attachment 2

Woodbury Country Store Chart		
ID		Task Name
1		
2		<b>Building Materials Assessment Plan</b>
3		<b>Building Materials Assessment</b>
4		Building Demo and Safety Stabilization
5		Letter of Extraordinary Circumstances to FEMA
6		FEMA Approval of Letter
7		FEMA Approval of Pre-Award Costs
8		Bid for Building DEMO
9		Building Demolished and Taken Away
10		<b>Phase 2 Environmental Site Assessment</b>
11		Corrective Action Plan
12		<b>Stream Restoration Design</b>
13		Stream Alteration Permit
14		Culvert Design
15		Soils Clean-up
16		<b>FEMA Buyout Award</b>
17		WMD Clean Site Letter
18		SMAC Letter
19		Title/Transfer/Closing
20		<b>Town Reimbursed for Pre-Approved Activities</b>
21		Town Reimburses Contractors
22		<b>Buyout Funds to Town</b>
23		Town Pays Owners
24		<b>Stream Channel Recontouring &amp; Restoration</b>
25		Restored Stream & Floodplain
26		<b>Culvert Excavation</b>
27		Upgraded Culvert
28		<b>Greenspace</b>
29		Site Grading and Landscaping