

Town of Woodbury Selectboard

September 12, 2016 Selectboard Meeting Approved Minutes

Posted September 26, 2016

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

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

Town Officials: Michael McGlynn--Lister; Ron Wells--Lister

Town Employees: Harry Dailey—Road Foreman; Greg Parkhurst--Road Crew Member

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

Michael Gray called the meeting to order at 6:01 P.M.

Adjustments to Agenda/Public Comment: There were no adjustments to the agenda or comments from the public.

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

Approve the Minutes from the August 22, 2016 Selectboard Meeting: Michael made the motion to approve the meeting minutes, Skip seconded the motion, and the motion carried unanimously.

Executive Session: Michael made the motion to enter into executive session at 6:07 to discuss a personnel issue and invite Harry Dailey and Greg Parkhurst. The discussion focused on Greg’s compensation history noting that in the past three+ years Greg’s wages have grown by \$0.75 per hour. The discussion continued with Greg and Harry noting promises of wage increases made by previous Selectboard’s that went unfulfilled.

After thoughtful deliberation, Michael offered a wage increase of \$1.00 per hour to Greg. Greg accepted the offer.

Michael made the motion to come out of executive session at 6:37 P.M. and made a motion to increase the hourly rate of Greg Parkhurst to \$18.45 beginning at the start of this fiscal year. Skip seconded the motions and it carried unanimously.

Road Foreman’s Report: Harry Dailey remarked the Frye’s pit in Danville is now open. Harry received an invitation from Frye’s to inspect the operation and material and was given a load of aggregate to try. Harry noted the material is the same as Bickford’s however, it is a finer mix that may pack better. Harry plans to use the material and determine its effectiveness. Michael

asked if Frye's has a delivered rate for the product. Harry remarked that Frye's would deliver however, it would not be cost effective.

- **Underground Storage Tank:** The discussion moved on to the Town Garage's Underground Storage Tank (UST) for diesel fuel. Harry has proposed to the Selectboard the removal of the UST tank and installation of an Above Ground Storage Tank (AST). Skip presented a document that details the steps required for the removal to Harry and Michael. Harry indicated the road crew could do most of excavation work. Michael asked that Harry research the cost to remove the tank and the installation of an AST.

A discussion ensued with Skip noting if the tank is not leaking then why incur the cost of removing it and the cost to install an AST. Skip continued mentioning the UST had been recently tested for corrosion using the Cathodic Test method and that we are waiting the test results. Michael will put this issue on the agenda for the next Selectboard meeting when the full Selectboard is present.

- **Cabot Road:** Michael is trying to determine how to move forward and address the situation in the Village after the new pavement project was completed. Michael noted he asked Brandy Smith how the "swale" worked during the recent rainstorm. Brandy indicated erosion is occurring underneath the paved "berm" and the paved swale did seem to work.

Jim Smith has contacted Joey Wilson and he suggested some sort of curbing be installed along the "berm" and have the water disburse into the Town Park. Michael noted the VTrans project manager had a different solution to resolve the issue.

Michael speculated that if a Town Road is causing the issue than it is the Town's responsibility to remedy the situation. Michael will contact Shauna Clifford-VTrans Project Manager and ask for her guidance. In an earlier conversation, Shauna Clifford indicated the Cabot Road Paving Grant would cover the expense of installing a "swale" to help with water running off the road. Michael indicated more research is needed and will continue to look into securing a civil engineer.

- **Supplemental Environmental Project (SEP):** Skip remarked that the final SEP document was completed and forwarded to the Town Attorney. (Note the Town was fined for violating the Vermont Agency of Natural Resources Underground Storage Tank Program. The SEP is a vehicle used to mitigate the fine and settle the enforcement action.) Harry, Skip, and Michael edited the original SEP document adding two additional projects the Town is prepared to undertake if approved by the ANR. The document was forwarded to the Town's Attorney for his review and submission to the ANR.
- **Mutual Aid Agreements:** Skip noted Mutual Aid Agreements between Woodbury and East Montpelier and Woodbury and Hardwick have been reviewed by the Vermont League of Cities and Towns-Property And Casualty Fund (VLCT PACIF) personnel. Skip noted both documents are now final and will be distributed to both Towns.

Skip remarked that the documents were sent to the Vermont Attorney General’s office for their scrutiny in hopes of saving the Town Attorney fees and referenced VSA Title 24 Section 4901(c). (c)A municipality may submit an interlocal contract to the attorney general prior to approval by its legislative body. If such a contract is submitted, the attorney general shall determine whether the contract is in proper form and compatible with the laws of this state and notify the legislative body of the municipality of his or her determination. In the event that the attorney general does not respond to the request within 30 days after receipt of a copy of the contract, the legislative body may approve the contract.)

Town Treasurer’s Report: Brandy distributed the current Balance Sheet and Financial Statement documents to the Board. Skip Noted the Delinquent Taxes Receivable are down to \$29,309.27.

Town Clerk’s Report: Diana presented the following documents to the Selectboard:

- A Highway Weight Permit.
- A letter from VTrans announcing the availability of a Transportation Alternatives Grant
- A notice from VLCT PACIF announcing their “Reasonable Suspicion Training”
 - Note this course is a federal requirement of anyone who supervises or manages commercial motor vehicle operators including road Foremen, Selectmen, or Town Managers. See DOT 49 CFR § 382.603.
 - Michael Gray volunteered and will attend the training.
- A VLCT registration form for their annual Town Fair.
 - Skip will attend the VLCT Town Fair on October 5 as the Town’s designee.

Diana questioned Michael regarding the pay scale chart introduced at the August 22, 2016 Selectboard meeting. Michael noted the pay scale chart is a work-in-progress and any pay increases would be in addition to the 2% Cost Of Living Adjustment voted on during the August 8, 2016 Selectboard meeting. Michael continued that the Selectboard want feedback from Diana and Brandy before moving forward with implementing the pay scale.

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	12.25	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	15.45	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	17.25	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	17.25	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	20.00	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	22.00	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	24.00	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.

Refer to the table above understanding this is a *draft* pay scale that will be finalized in the near future. Appendix referenced is to the Town Employee Personal Policy; effective date is for illustrative purposes only.

Appoint Interim Library Trustee: Michael made a motion to appoint Ginger Etkind an interim Library Trustee. Skip seconded the motion and the motion carried unanimously.

Woodbury's Old Mill Dams: Michael remarked he invited Ron Wells to discuss two issues; Old Mill Pond Dams and Delinquent Tax Collections.

Old Mill Pond Dams: Michael noted there are five dams of which four are old millpond dams dating back to the 1800s and one a more recently built earthen dam on Shadow Pond. Michael stated the State is inspecting the dams yearly and charging a fee to inspect the dams totaling \$200.00 if the dam is in good condition and \$350.00 if the dam is not in good condition. Ron noted the fine could grow to \$1,000 if the State declares the dam as falling into the high hazard category.

Ron Wells looked at the issue and noted the existence of categories in the Lister's program that evaluates a property and one that may be used to devalue a property based on certain criteria. Ron noted the dams are adversely affecting property values and commented that the State is taking money from these landowners and not helping them. Michael noted that in South Woodbury, the property owner on which the millpond dam is situated pays the fines and others have the benefit of the pond.

Ron stated he is looking for ideas from the Selectboard on how to help these landowners. Michael indicated, from his point of view, the fees are an unfair cost and noted there is a liability issue for property owners if the dam should fail. Michael indicated there are grants available to remove the dams however once removed the historical significance would be gone. Mike McGlynn wondered if contacting each owner and determining if the owners would want the Town apply for a Grant to remove the dams.

After much deliberation, all agreed that:

- the Town will send a letter to the each property owner asking if they want the Town to proceed with correspondence to the State regarding grant monies for dam removal
- the Listers will re-evaluate each property for tax purposes
- Michael Gray will contact the Vermont Department of Environmental Conservation- Karen Bates regarding dam removal grants

Delinquent Tax Collection and Collector: Michael Gray noted he and Ron had an informal talk regarding Delinquent Tax Collection and Delinquent Tax Collector and continued that he and Brandy Smith had conversations centered on the 1% penalty fee. The 1% late fee does not provide a strong incentive for people to pay their past due taxes.

Ron Wells noted if a person goes delinquent in paying taxes State Statute specifies an annual penalty of 8% plus an annual 6% interest. Ron continued that at a recent Town Meeting the voters changed the delinquency penalty by reducing it to the present 1%. Ron believes the 1% penalty is not working.

Ron remarked the interest on un-paid taxes is 0.5% per month or 6% annually. Ron thought it a good idea to have a rolling fee schedule for delinquent taxes similar to the interest penalty to be fair with those who are delinquent. Skip remarked that charging a 0.5% penalty fee per month that mirrors the interest fee would be a direct way forward. Michael noted that any proposed change must be put before the voters at Town Meeting.

Updates and Follow-Ups:

- **Request for Proposal (RFP)-Lead and Asbestos Testing at the Woodbury Country Store:**
 - Skip created a draft RFP focused on lead and asbestos testing at the Woodbury Country Store as a prerequisite to further testing at the property. In the draft, a mandatory site visit was required. However, Diana disagreed citing past difficulties in gaining access to the site and opining that the site is too small to warrant such a visit. Diana noted there is a great deal of information which may be included in the RFP including Lister’s cards, photos etc. Diana thought the RFP was unnecessarily complicated and contained a lot of repetition.
 - Skip noted, as the building will be eventually demolished, the type of testing and inspection is categorized as “Invasive Destructive Testing” and is more complicated and thorough than other testing.
 - Skip agreed to change the site inspection from mandatory to optional, remove any duplication, and rework the timeline.
 - Skip will forward to Diana a list of licensed environmental contractors in Vermont who are certified to complete the inspection and assessment in event asbestos is found on site.
 - Diana noted that there was a process set up over a year ago where a group was going to do things like reviewing RFP’s etc. and make recommendations to the Selectboard. Diana wondered if now everything is going to have to come to the Selectboard. Skip replied yes for this project. Michael Gray noted that now we – the SB - are trying to have the project be open within the realm/view of public knowledge. Michael continued, the Selectboard is responsible for the project and any expenditure would have to be approved by the Selectboard.

- Michael McGlynn asked if there is an update regarding the Marie Katon property. Michael Gray will contact the ANR person and get back to Michael McGlynn with an update.

Michael made the motion to adjourn at 8:21 PM, Skip seconded the motion, the motion carried unanimously.

Approved Date: September 26, 2016

_____/S/_____ Michael Gray; Selectboard Chair-
_____/S/_____ Thomas Lindsay; Selectboard Member