

TOWN OF HIGHGATE

Selectboard Meeting

Thursday, September 5, 2019 @ 7pm

Approved Minutes

NOTE: All actions taken are unanimous unless otherwise stated

A. Call To Order & Pledge of Allegiance

The meeting was called to order by Sharon Bousquet, Chair @ 7:00pm, followed by the Pledge of Allegiance.

Highgate Selectboard Members – Sharon Bousquet, Chair; Josh LaRocque, Vice-Chair (arrived @ 7:05pm); Bruce Butler; Richard Flint *absent* – *Randy Connelly*

Highgate Office Staff – Wendi Dusablon – Town Clerk & Public Meetings Clerk; Heidi Britch-Valenta – Town Administrator; Shelley Laroche – Town Treasurer & DTC;

Public / Other – Peter St. Germain; Aimee Reynolds; David Roddy; Woody Rouse; Alice S. Cota; Tammy Brown; John Poulin; Jacob Wimett – GeoDesign; Merry Souza; Joseph Depatie; Steve LaFar; Dan Desorcie; Samantha Derosia; Lisa Hango; Richard J. Noel; Ty Choiniere; Charen Fegard

B. Public Comment(s)

- Sue Cota wants people to be aware that bees are a big problem this year. She advised people to check their vents, trees and other areas of your homes and property.
- David Roddy expressed concern over the town's decision to not plow the school parking lot for the upcoming winter season. He previously served for many years on the Highgate School Board and said they worked diligently to find ways and funds to repair the parking lot that has fallen into such bad shape. He feels we can't leave our school "high and dry" when they need us. It was noted that the school is no longer owned by the town, it is owned by our new district MVSD and that MVSD had it on their 9/3/19 agenda to discuss an RFP for plowing services at the Highgate School. Josh apologized for missing the last few meetings but offered to contact the district to confirm that they have funds to contract this work out. It is a liability for the town to plow property that the town does not own. Butch notified the facilities director at the Highgate School of the town's decision, so they are in the know and have time to plan accordingly. David commented that several people are not happy about this, but none of them showed up tonight. He also commented on Sharon's "performance" at the last Selectboard meeting on this topic. Sharon said that Highgate residents are welcome to approach her at any time if they have questions or concerns. Richard Flint expressed frustration with the ACT46 process and the changes it is causing in towns.
- John Poulin and Tammy Brown were present. They own a camp on Platt Road and have experienced issues with winter plowing. Tammy shared photos from this past winter and spring. They have been in contact with the town and Butch came up to the property to discuss this with them. Prior to them owning the camp, the arrangement was to plow the snow into their driveway. Platt Road is very narrow and the town truck has to back out, as there is no place to turn around. John and Tammy installed snow fence with metal bars which was damaged and the driveway

was ripped up. They visited their property in January and could not get into their driveway. They were not sure if the town had plowed the driveway in or if it was who ever plowed for the Towle's across the road. John and Tammy are unsure how their driveway became the location for the snow to be dumped, but they do not want it to continue. Butch has spoken to his crew about this situation and doesn't believe his crew would do this or did do this. It was noted that the Towle's are ok with the snow being dumped just before their property. It was also noted that the snow is going to the right because of the wings. Butch said that, to the best of his knowledge, the plan to not dump snow in John and Tammy's driveway was being followed. The town does not plow the Towle's driveway. Tammy commented that the plow driver for the Towle's laughed about the situation. There was discussion about plowing the snow to the end of the road. Butch feels this would make a much bigger mess. Blocking the end of the road is not an option because the Vanslette family accesses their property year-round. Ty Choiniere feels this topic needs more time and conversation to come up with a plan and public comment is not the proper place for it, it needs to be an agenda item. Motion by Richard Flint to table this topic until the next meeting. The motion was seconded by Josh LaRocque – **APPROVED**.

C. GeoDesign – Transfer Station Slope Stabilization Plan – Jacob Wimmatt – Sr. Project Engineer

Jacob Wimmatt was present with a power point presentation on the Transfer Station slope stabilization plan. There are two locations that are being focused on – near our sand shed and the existing landfill. Jacob shared some background information and analysis information that has been completed. Work was previously done at the Transfer Station location back in 2013 and there have been failures with regard to that project. Without repair, the entire landfill area is in danger of failing. The repair that is being recommended for both locations is a typical stone fill solution. The issue with adding stone is that fixing one problem could cause another. Jacob referred to this as a “see-saw”. The volume of stone needed would be a substantial amount. It was noted that the clay is very weak and soft. Josh asked if steel pilons would be an option and more cost effective. Even with FEMA funding, which isn't guaranteed, the town would be on the hook for 25% of the cost of the project. The ravines in this area are estimated to be 50'-75' deep according to Richard Noel. Jacob estimates the failure areas to be about 100' high in each location with one being approximately 350' long and the other approximately 250' long. Richard Noel also commented that the landfill itself was a ravine that was bulldozed in. Based on their data, the probability of failure is 40%. There is no way of knowing a time frame. If there is a failure, the cost to repair and for associated environmental cleanup is estimated at \$7 million (\$6,997,560.00) dollars. Given the probability of failure was computed at 40%, GeoDesign recommends using 40% of this value for evaluation of expected damages before mitigation - \$2.8 million (\$2,799,024.00). Bruce asked Jacob to identify on the map the area from 2013 that has now experienced further damage. This was a Cross Consulting and GW Tatro project. The swales put in to redirect the water in 2013 are now causing harm because the pipe associated with this project is no longer functioning. There were questions about cutting back on the heavy truck traffic or cutting trees in the sand shed area and if that would help. GeoDesign needs direction from the town on what areas we want to apply for FEMA funding. There was discussion on liability, selling the transfer station property and further discussion on moving the sand shed all together. Heidi provided some background and time frame on dealing with FEMA. This will continue to move at a very slow pace. Shelley added that we have \$63,500.00 set aside in the CIP. Casella's buildings are not in any danger at this time. It is the landfill itself and the sand shed

facility that are most affected. There is no guarantee that we will receive FEMA funding to assist us. Bruce noted that we also have a road in town, Machia Road, with a big issue that we are also working towards repairing. All these repairs are very expensive but necessary to save our infrastructure. At the same time, we can't expect the taxpayers to carry the burden of these expensive repairs. Shelley commented that a bond is something to consider that can be paid back over time. Doing nothing is not an option. The \$7 million price tag associated with that could bankrupt this town. There was further discussion on whether to apply for the FEMA funding for both locations, or just one. The board needs more time to discuss this, considering the dollar amount involved. Motion by Josh LaRocque to *table* this issue until next meeting. The motion was seconded by Richard Flint – **APPROVED**. The board will hold a special meeting if it is needed. Heidi wanted to make sure that everyone was clear on the fact that none of this will fix the broken pipe issue from the previous project. GW Tatro has not gotten back to her with any figures on that.

D. FRA-5 Representative Update – Charen Fegard & Lisa Hango

Charen Fegard and Lisa Hango, both Berkshire residents and our FRA-5 representatives, were present. They have been visiting town boards and school boards in their district, which represents the towns of Franklin, Highgate, Richard and Berkshire. They touched on topics such as housing and rental codes, lead paint issues, available grant funding for towns, village and town center designations, weatherization programs, safety standards, US Census jobs, struggles within the dairy industry, youth services, ATVs and more. Both Charen and Lisa were very impressed to see that Highgate residents attend Selectboard meetings. This shows that our residents are paying attention. Both Charen and Lisa provide legislative updates for their constituents via email, which are also shared with the town. Please contact them to be added to their email lists if you are interested. There will be an Essential Maintenance Practices (EMP) training at the Enosburg Emergency Services Building on September 18th from 5-8pm.

E. Health Order – continued hearing 14 Arthur Drive

Merry Souza, Health Officer, was present. She asked the board for a continuance for 14 Arthur Drive. The process has been slow, due in part to the dumpster (donation from Casella) not arriving yet. The occupant is hoping to work with weatherization soon before the winter months are here. It was noted that the bill of sale had been recorded but we do not have a property transfer yet from Mr. Gawne. Weatherization wants her on the list by Sept. 15th if possible. Shelley is working with the town's attorney on another matter involving another mobile home in the same park. She will ask the attorney to add the PTTR issue to the same letter. Motion by Bruce Butler to continue this hearing to a future date. The motion was seconded by Richard Flint – **APPROVED**.

F. HVFD Update – Joseph Depatie, Chief

- Bids were due today for the new fire truck. Two bids were received:

E-One	\$346,855.00 <i>add \$5,150.00 after 9/26/19 deduct \$6,000.00 if 100% pre-pay at time of contract</i>
Spartan Emergency Response	\$375,769.00

With the \$50,000.00 grant we have \$351,272.00, which includes \$17,000.00 from the HVFD fundraising account, which was dissolved. Both bid off the same RFP that

was issued by the town. Dan Desorcie from E-One was also present to answer any questions. Dan noted that the \$5,150.00 add on after 9/26/19 is due to price increases. Joe would like to work with E-One because of the great service we have received in the past. Delivery will be 420 days out with E-One and 440 days out with Spartan. It was noted that Spartan Emergency Response is located in Connecticut. The new truck will have the same chassis and be very similar to our current truck, E2. It will suit us for many years and allow for growth in our community. It will boost our capacity of water we carry and will also carry foam. Having a pumper / tanker will be more useful to us. Motion by Richard Flint to go with E-One and take advantage of the pre-payment savings option. The motion was seconded by Josh LaRocque – **APPROVED**. Dan Desorcie will get a contract together and to the town, ASAP. A sample contract is included in the bid binder. The board thanked both firms for submitting their bids.

- Burlington Communications has submitted a bid for the communications tower \$21,372.00 and they can do the work ASAP. We only need to have the concrete work done separately. We have only gotten one concrete quote back as of today from Anchor in Fairfax \$1,590.00 without excavation, add \$950.00 with excavation. Our public works department also wants to be added to this tower, we don't know how much extra that will be. SAPD will be added, and that is included in the proposal. Josh spoke with Chief Taylor from SAPD and they can put \$6,000.00 towards the project. The HVFD fund balance of \$16,000.00 will also be used. The Public Works Department has \$1,400.00 in their communications budget that can also be utilized. Motion by Josh LaRocque to approve this proposal and to add SAPD, HVFD and Highgate Public Works to this new tower. The motion was seconded by Richard Flint – **APPROVED**. It will take four weeks to get the tower. The anchoring system is in the warehouse, so the groundwork can be done. Eric Rainville found the ground in this building, so we are good to go there. Richard Flint asked if the current tower will be coming down, because it looks awful up on the new roof. Yes, it will be coming down, it was put back up only temporarily.
- Joe is looking for guidance on illegal burns and enforcing our town ordinance. SAPD has spoken with Barry at NWSWD and they are prepared to write tickets if they are called when the event is taking place. Joe should not have to write tickets, let law enforcement do it. Bruce would like a copy of our ordinance sent to Chief Taylor. Josh will contact him tomorrow. Barry at NWSWD can also write tickets. Our fire warden does not write tickets, he only issues permits by state statute.
- Joe had prepared packets of statements written by several HVFD members regarding an incident recently at an ATV accident where MVR was on scene. HVFD members expressed serious concerns about the prolonged patient care. MVR called HVFD for assistance at the scene. Two HVFD members arrived and MVR continued to wait for other HVFD member(s) to arrive that work for another ambulance service. Ultimately several HVFD members were on the scene and all felt the patient was not provided with care at the necessary time because MVR was waiting for certain people. Those certain people arrived later on scene so eventually MVR decided they had to do something. Sharon recapped what Joe had just explained to make sure the board was understanding the situation correctly: MVR went to the call; HVFD was toned to assist; MVR was waiting for trained EMT(s) that are members of HVFD to arrive before treating the patient. Sharon pointed out that legally a person in an HVFD uniform can't act as an EMT, we have been down this road before with a previous member. There was no reason for MVR to wait. HVFD can only administer basic first aid. HVFD members wrote up their statements of concern

about the lack of time it took MVR to administer care to this patient. The concerns were brought to Joe's attention and he is bringing them to the attention of the Selectboard. In all fairness the board would like MVR to have an opportunity to come in and present their side of this story. Richard Flint would like MVR to be set straight on HVFD policy – and make sure they are aware we do not have first responders. Joe has addressed this with MVR – they are aware. It was noted that we consulted the town attorney on this topic, and it did not fit the qualifications for executive session. That is why the board addressed it in open session. Motion by Richard Flint to invite Missisquoi Valley Rescue to our next Selectboard meeting to discuss this issue. The motion was seconded by Bruce Butler – **APPROVED**.

- Ty Choiniere asked Joe about HVFD monthly business meetings and if they are open to the public. The association was dissolved so they have not been having monthly meetings. The department is, however, at the station every Monday night. Ty also asked about meeting minutes and if those are available to the public.

G. Treasurer Updates – Shelley Laroche

- Motion by Josh LaRocque to sign the check warrants. The motion was seconded by Bruce Butler – **APPROVED**.
- The auditors were here a few weeks back and all went well. Jordan will be back for one day at some point. Shelley overall felt good about the audit.
- Outstanding delinquent taxes are \$43,182.81 not including the Jedware property. After this tax collection season Shelley will start on the next tax sale process.
- Luke Choiniere would like the old front door that has been replaced as part of the ADA modification. Motion by Josh LaRocque to approve this request. The motion was seconded by Richard Flint – **APPROVED**.

H. Town Clerk Updates – Wendi Dusablon

- Motion by Richard Flint to approve the minutes from August 15, 2019, as written. The motion was seconded by Bruce Butler – **APPROVED**.
- Samantha Derosia, Zoning Administrator, was present. She had been invited to attend by Richard Flint to meet the board. Samantha has been our ZA since March. She has also submitted a letter of interest for the listers office position. The board thanked her for being here to introduce herself.

I. Administrator Items – Heidi Britch-Valenta

- Motion by Josh LaRocque for Heidi to sign the ADA contract amendment in the amount of \$9,890.00 for the additional work on the public works side of the building that was voted on at the last meeting. The motion was seconded by Richard Flint – **APPROVED**. Richard added that the ramp on the front of the building looks awful, in his opinion.
- September 17th @ 6pm at the Planning Commission meeting Dominic Cloud, St. Albans City Manager, will be present to discuss development strategies.

J. Lister's Update – Aimee Reynolds & Peter St. Germain

The lister's office has been discussed at previous meetings. Aimee and Pete are our current listers and are here to answer any questions or address concerns. Heidi

checked with the town attorney and we are required to have three listers. We have two and the third position remains unfilled, as no one runs for it at town meeting. We recently have had two people submit letters of interest to fill the open position, which would be until March 2020. At that time the position would be back on the ballot for a full three-year term. Pete intends to stay on board until the end of his term, which is March 2021. He also noted he will run again if necessary and the position needs to be filled at that time. Aimee stated that the listers office works very well and that she and Pete work well together. She also commented that we have two letters of interest for the open seat. One candidate, Richard Wilkens, told the listers he really doesn't want the position but was told it needed to be filled. Aimee feels it would have been nice if people have concerns about that office that they had come to the listers directly, not bring it up at Selectboard meetings for them to hear about afterwards. Aimee feels that the other interested person, Samantha Derosia who is our current ZA, is a good fit because the jobs go hand in hand. Steve LaFar commented that Rich Wilkens submitted his letter of interest and should be considered as well. Steve would like to see the Selectboard interview both candidates and then decide. Steve noted a possible conflict with a current lister based on comments Pete has voiced and felt those comments were unprofessional. Richard Wilkens was not present tonight and Steve felt that was unfair. Samantha Derosia was present earlier but had already left. She was here for a totally separate reason other than the listers office discussion. There was discussion on the letters of interest, and how one was submitted one day after the other. Aimee pointed out that she had discussed this with Richard Flint after the abatement meeting in July and how she told Richard at that time she thought Samantha was a good fit. Aimee feels that Mr. Wilkens doesn't want the position, as he told them he was not interested in it, but he was being asked to take it by other people. Richard Noel stated Samantha does not have a vendetta with the town and the other applicant does. Bruce took issue with that statement, adding that it was unsupported. If someone is not interested, Aimee would rather not take all the time to train them if they don't plan to stay for the long haul. Sharon asked Wendi to post the lister opening to the public. All letters of interest are due by Sept. 19th. The Selectboard will then set a date to interview Richard Wilkens, Samantha Derosia and any other interested persons at a date to be determined after the Sept. 19th deadline. There is also an opening on the DRB that has been advertised. Wendi will repost that also.

K. Selectboard Items

- Merry Souza stated that the Shipyard Boat Launch area and Rock River are both posted due to algae blooms. These are very dangerous for humans and animals, so please stay out of the water until further notice. And also, PLEASE DO NOT REMOVE THE POSTERS. Merry will continue to monitor the situation and make sure signage stays in place.
- Richard Flint went and looked at Thak Blvd. and it appeared to look the same as it did some time ago when he visited the site with a fire truck. The cul-de-sac has a green space in the center and the road narrows. Butch has been around it with the tandem this summer with no problems, but not when there is snow. Sharon wants to see the original decision letter on this development. This topic has come up a few times and Mr. Tremblay would still like the town to take over the road. Both Pat Loyer and Andy King looked at it as well. Richard would like to know if the road and cul-de-sac meet town specs as well.
- Josh stated that Jason Wetherby and Chief Taylor contacted him, both would like feedback on how SAPD is doing here in Highgate since patrolling began on 7/1/19.

We have data from July and August from them. We will ask SAPD to come in for an update in October. There was discussion on civil fines and if the town has seen any revenue yet. We have not, but that usually takes some time, per Shelley. Debbie Rouse had commented at a previous meeting about SAPD speeding through town, and she was going to contact them directly.

- Butch had some quick updates for the board: grader is back and came in under budget; the tractor is fixed; they will be getting sand ready for winter; the large 150 pound stones along Mill Hill have been moved so Butch and Luke have put them back in place – Josh will have SAPD look into this and who may be doing it.

L. Upcoming Events

Sept. 12	6pm	DRB Mtg.
Sept. 13		TOWN OFFICES ARE CLOSED
Sept. 16	5:30pm	Rec. Commission Mtg. at arena
Sept. 17	6pm	Planning Commission Mtg.
Sept. 19	7pm	Selectboard Mtg.
Sept. 20		TAX BILLS MAILED
Nov. 1		TAX BILLS DUE by 4:30pm

Motion by Josh LaRocque to exit the regular meeting @ 10:23pm. The motion was seconded by Richard Flint – **APPROVED.**

M. Executive Session

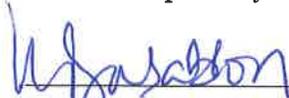
Motion by Sharon Bousquet to enter into executive session @ 10:23pm with Heidi Britch-Valenta to discuss contracts, legal and personnel where premature general public knowledge would place the town and / or the individuals involved at a substantial disadvantage. The motion was seconded by Josh LaRocque – **APPROVED.**

Motion by Josh LaRocque to exit executive session @ 10:40pm. The motion was seconded by Richard Flint – **APPROVED.**

N. Adjournment

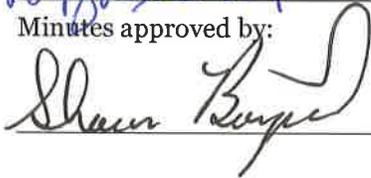
Motion by Josh LaRocque to adjourn the meeting @ 10:50pm. The motion was seconded by Richard Flint – **APPROVED.**

Minutes respectfully submitted by:



Wendi Dusablon – Town Clerk & Public Meetings Clerk

Minutes approved by:



Sharon Bousquet – Chair, Highgate Selectboard

