

# TOWN OF HIGHGATE

## Selectboard Mtg.

November 17, 2016 @ 7:30pm

### 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 Chair, Chris Yates @ 7:32pm, followed by the Pledge of Allegiance.

**Highgate Selectboard Members** – Chris Yates, Chair; Sharon Bousquet, Vice-Chair; Randy Connelly; Joshua LaRocque; Bruce Butler

**Highgate Office Staff** – Wendi Dusablon, Town Clerk; Shelley Laroche, Town Treasurer; Heidi Britch-Valenta, Town Administrator

**Public / Other** – Jean Chevalier; Kirt Mayland; John P. Patnode; Eric Chevalier; Richard J. Noel; Henry Rainville; Alice S. Cota; Sarah Larose; Brian Rowell; Rob Achillas; Sarah Chevalier; Phil Logan; Eric Bessette; Lynn Calderwood; David Desorcie

#### **B. Public Comments**

- Henry Rainville had some follow up questions with regard to the open house. He would like to see the supporting policies for the CIP publicized in the newspaper to get more understanding and support. These policies are on the town's website [www.highgatevt.org](http://www.highgatevt.org). He had questions about the transfer station funds and if they go into the general fund. Yes, they do and have since 2012 Shelley believes. This was a recommendation from the auditors that being a revenue source it should go into the general fund. Henry also had questions on some of the math on the CIP spreadsheet. Eric Chevalier also had questions. Shelley pointed out this is a working document, not a finalized document. Chris Yates added that the Planning Commission focused on major issues that need completion, such as the municipal roof repair, fire department floor and ADA modifications. This document needs to be approved each year and will change, as it is a fluid document. Henry asked if the funds are approved for each line item, do they then go back to the voters prior to purchasing? Shelley said it is considered approved for whatever line item it is assigned to if the voters authorize it at town meeting. Any remaining funds go back to the voters for decisions on how to reallocate. Henry's last question was about trucks and if those are fully equipped, yes, they are per Andy King.

#### **C. NRCS – Rainville Manure Pit (Gore Road) – Sarah Larose**

Phil Logan, Sarah Larose and Rob Achillas were present for this conversation and had some plans to share with the board. The last time the board heard or saw anything on this project was a few years ago when they were asking for a waiver of setback for the pit to be 100' from the barn. The project has changed and Phil went over the changes from then until now. The major change is the storage facility that was just north of the barn was moved about 1000' to the north and well off the road, 150' to the east. There will be a pipeline from the barn and pump facility to pump the manure to the waste storage facility. The remainder of the project south and west of the house is the same general layout as was presented in 2014. They are seeking approval from the town to bore under Gore Road with a 12" sleeve. Phil was unsure who would be doing the actual work to bore under the road. Chris asked if something fails and the road is compromised, who is responsible? Phil stated he imagines it would be the farmer / owner. Chris requested something to show that liability would be covered. Chris also asked about the design where the culverts come under the road. The small pit is no longer there. A manhole will be on the east end of the culverts on the Rainville property and tie the south culvert into the north culvert and cross over the pipeline. Andy King voiced concern over the buildup of material along the shoulder of the road. Matt Rainville has done due diligence to scrape it, but there is still quite a bit of buildup. Sarah Larose will relay this message to Matt. We do not have a true 1111 permit, so that does not need to be issued. Sharon asked about insurance. Bruce agrees, a certificate of insurance from the contractor is needed. Heidi would like to see a document to

show where the town obligation ends with regard to this project. Sarah noted that would be an agreement between the town and the land owner. Henry had questions about realigning the Tarte Road intersection and if any of this infrastructure would hinder that down the road. Phil added that the existing north culvert would remain in its current location if there was any realignment done to the Tarte Road. Motion by Chris Yates to approve the directional drilling under the Gore Road for the Rainville Dairy project, contingent upon receipt of a certificate of insurance from the contractor. Phil asked for more info on the kind of insurance the town is talking about – general liability. Heidi will communicate with Phil and Rob on what the town is asking for, including a minimum dollar number for insurance. It was noted that Matt Rainville is pressed for time on this project. Heidi asked Phil if all the trenches are outside of the right of way. The manholes and trenches will likely be in the right of way on the west side of Gore Road, at the bunk, not the pit. Chris amended the earlier motion to include a waiver of setback to construct two catch basins and a four foot manhole in the town right of way with the drainage boring under Gore Road contingent upon a certificate of insurance from the contractor. Josh has concerns about town liability in the future. There were more questions, including do the structures include catch basins and manholes and do those run with the deed to the property or does it not transfer from owner to owner? The town would like to see something for our land records stating that the town won't be responsible. Chris asked if the contract could be recorded and linked to the Rainville deed showing that it would be the land owner's responsibility to deal with drainage issues. Heidi would like to have the town attorney review the document also. Sarah and Phil stated that this project needed to be done yesterday, even last week, it is very time sensitive. The project needs to be completed due to the concrete work. They have already requested a waiver for continuance, as the deadline was Nov. 15<sup>th</sup>. Heidi asked if the work in the right of way is at grade with the ditch or above grade. The catch basins will be below the concrete base of the bunk silo. The manhole will be at grade and there will be rolled curbs to direct water. Sharon asked how far into the road right of way will they be – about 5'. Andy asked if there was any chance a plow win would hit them – no, only if the plow was off the road substantially. Two things need to happen 1) the town needs to grant a waiver of setback and 2) the town needs to grant permission to work in the right of way. Richard Noel noted that the property is in land trust and won't ever be developed, it would only lay dormant if the farm was no longer there. Motion by Chris Yates to approve a waiver of setback to install two catch basins and a four foot manhole and to also approve work in the town right of way to install a drainage pipe contingent upon receiving the contractor's insurance policy before construction begins and receiving a maintenance agreement to be recorded with the town within 30 days. Proper cones and signage must also be used while working in the right of way. The motion was seconded by Josh LaRocque – **APPROVED**. Phil added that he does not plan to close any lanes of traffic.

**D. MAHA Facilities Board Update – Josh LaRocque**

Since Don Gilbert's resignation, Josh LaRocque and Mark Gilbert have taken on the role of co-chairs. They are looking for volunteers to help out at the rink. He thanked the Selectboard for approving the purchase of the bleachers so they could get the ball rolling for spring. Ice time is filling up fast and high school hockey has recently started. The dehumidifier is running and there have been no trips since they turned it on. All is going well with the new coil and it works fine. Sue Cota turned in \$102.00 in bottle money, which she has collected and donated to the arena for several years. The tin along the east end and behind the bleachers will be replaced after this season. We should all be very proud of the facility, it is looking good both inside and out.

**E. Frontage Road Solar – Kirt Mayland**

**1. Net Metering Agreement**

Kirt received comments back from the town's attorney on a few typos on the agreements. The agreement includes an exhibit D. The schools signed last week and Swanton Village signed today. Chris clarified, one agreement with the Town of Highgate covers all the meters – yes, and the rink is also tied into the town agreement to keep it nice and neat. MAHA will get the bill and the town will receive a copy, so we will see it. Kirt added that the most simple way is for the accountant to credit the 20% on the towns bill every month and then invoice Swanton Village for the 80%. Highgate has signed up for 80% credits on town buildings and 90% credits on the rink. A motion was made at a prior

meeting to sign the agreement – Oct. 6<sup>th</sup>, motion by Chris, seconded by Randy and was approved. Exhibit D is attached, the board has not had a chance to see it prior to tonight. Kirt will be purchasing the Carroll Concrete property on the 29<sup>th</sup>. Brian Rowell asked about kilowatt production from the project. Josh noted that the original motion did not include 90% for the rink. Motion by Josh LaRocque to include the 90% for the rink and to sign the agreement adding this into the original motion. The motion was seconded by Randy Connelly – **APPROVED**.

**2. Land Donation**

Kirt needs to go before the DRB for a subdivision which is a two meeting process, so this will not happen before year's end. His rush was for tax purposes and that has failed for this year. We have a clean phase one report and a letter of reliance. We will deal more with this in the new year with an appraisal and survey to follow. There was some discussion about scrap steel and having it removed from the site. He will forward the phase one report to the town and it can be put in the town's name if it makes the attorney happy. Henry asked about the committee from a few years ago that was looking at town owned parcels. Chris noted that the town parcels were not marketable and we have held onto them. There was some interest in the area off Lamkin Street / Mill Hill but also concerns about stability of the area if disturbed. The property being discussed tonight is the Carroll Concrete property on Frontage Road. There is one big piece to the north of Hempyard Road and two small pieces to the south side. The furthest piece has become a party spot near the airport. The airport may be interested in it to square off their boundary. The corner section nearest Frontage Road is flat, dry and buildable. Sharon would like to revisit the list of town owned properties and see if now is a good time to part with some of it and get it back on the tax role. Henry would be willing to be part of that process if we bring it up again. There is a lot of property around the transfer station, which again brings up the issue of bank stability. Kirt gave Henry some background on the Carroll property.

**F. Public Works Director Updates – Andrew King**

**1. Road name change request - private road #93 to Medor Lane**

This is a road that technically is not even there yet. On previous plans it was given a name "Riley's Way" and a private road #93 but nothing has ever been constructed and no road sign ever put up. The back lots 3 & 4 have recently been purchased by Mike and Kelly Medor. The access goes in between 3351 and 3355 Gore Road. Because a third home is going in off this access it becomes a road, not a driveway. There will be a short road access with a cul-de-sac with the three individual driveways coming off that. The Medor's would like to change the name if possible, which is something that goes before the Selectboard. There was some discussion as to whether this is a DRB decision. The subdivision was done years ago and the last two lots have remained undeveloped. The Medor's recently purchased the lots from Sherry Pfenning and plan to build there in 2017. Another question is if the other two homes already there will need to change their addresses as well. Andy will speak to Mike Medor about this and believes the neighbors should be included in this discussion because it affects their physical addresses as well.

**2. VT Gas – Lime Kiln Road ROW Request**

It was noted that most towns are migrating towards a 1111 permit which is a town right of way permit.

**3. Misc.**

It is that time of the year when material is being spread onto fields. We are receiving lots of calls about material being left behind on the roadways. This creates a very dangerous situation. The motoring public is protected by statute and the farmers are responsible. It is difficult to address the issue, other than to call the police. When the town calls directly, generally they do scrape the road. If we put signage up, is the town condoning the behavior? There is no easy solution, other than to notify the farmer and let them know of the liability they are assuming. It also raises the question, when does the town take action to protect the safety of the public? We invoiced a farmer last year with an incident on Hanna Road where the town had to intervene and clean up. That situation involved an outside contracted party. Brian Rowell said that insurance companies are requiring cones to be put out. The potential for disaster is there. Some roads are wheel rutted and you can't get into the ruts when you scrape. Heidi suggested adding something to our town report on this

issue. Jean Chevalier added that this is a farming community, and it's that time of year, we should use common sense also.

**G. Finance Committee Update – Ron Nye**

Ron Nye was not present at this meeting.

**H. Treasurer Updates – Shelley Laroche**

**1. Check warrants**

The invoice from Radio North \$592.00 is for PWD, not HVFD. Andy confirmed it is for a new radio, speaker and cable for the 2010. Chris asked about the invoice from Brian Spears for mowing. There is no time card, he hands in his hours and it has been done this way for a long time. It was suggested that he has a time card here to track hours, Brian has access to the building to pick up the equipment. He can hand in the time cards when he wants to get paid. The cemeteries are mowed with a contract that pays ½ in the spring and ½ in the fall, which is another option. Brian mows a lot for the town, he does a great job, and it needs to be done.

**2. Misc.**

- Chris said with regard to the barriers at the Airport by Hempyard, they are going through Jim Cota at AOT for a sign package to put up in both directions. They will bring it before the town so we can see them before they are installed.
- Streetlight update – in the Swanton Village territory we have saved \$5,600.00 since February after installation costs. There are dark spots on Lamkin Street and Mill Hill. Chris would like to see 12 more street lights in that area (every other pole) to evenly light up the village as far as Quail Drive. Park Street / Luke Street area in Highgate Falls need a few also. The board will drive around and make notes. Street lights do deter crime. Residents have a say as well. If there are areas that residents feel need more light, contact the public works director. Sharon asked about stepping up patrol on Mill Hill. Chris will reach out to FCSO, and Andy has done so already.
- Shelley is hoping to meet with all departments prior to December 6<sup>th</sup> for budgeting purposes and then schedule a meeting with the board. Shelley will be attending the parks & recreation meeting on December 6<sup>th</sup> and Sharon will join them also. Josh may stop by on December 6<sup>th</sup> as well. Henry asked about the finance committee meetings and when they are held. Typically they are the first Monday of each month, but nothing formal has happened since July. Ron Nye comes in once per month to reconcile the bank statement.
- The auditors want to come back at the beginning of December to finish the audit.

**I. Town Clerk Updates – Wendi Dusablon**

**1. Minutes**

Motion by Sharon Bousquet to approve the minutes from November 3, 2016, as written. The motion was seconded by Josh LaRocque – **APPROVED**.

**2. General Election Recap**

Tuesday, November 8<sup>th</sup> was a very busy day at the polls in Highgate with 1,402 people casting their votes at the General Election. That is a 68% voter turnout. We had very few issues, most regarding people not being on the checklist, finding them on the state wide voter checklist and explaining what their options were, or if they had any at all. Our poll workers were fantastic, putting in a very long day but getting it all done efficiently and professionally. We are all very aware of the national and state level election results, and locally Chuck Pearce and Steve Beyor remain our representatives for Franklin-5. John Patnode expressed concern about having the election at the school on a day when school was in session. We did have some comments about that the day of the election as well. Ben Lowell, our constable, was not able to be present that day. Connie Beyor, school board chair, was present and in the hallway all day. While she is not security, she was very helpful to us – thank you, Connie! Given that the school is the only location we have for large elections, the question should probably be put before the school board to reconsider having school on a day of a large election. It was suggested we could use the arena also. Many other school districts were closed that day, but ours was not. There were no issues, but it was a concern. Candidates who left campaign signs can pick them up by the end of the day tomorrow at the sand shed.

### 3. Moderator Vacancy

We have been advertising this since July. Several residents have been approached individually, with two asking for more information about the position. One of those people, Henry Rainville, is here tonight. Henry said if we are really in a bind he would try to help us out. Training are generally available at the beginning of the year through VLCT.

### 4. Misc.

- Josh asked how many residency cards have been given out. So far about 10 have been requested and either mailed or handed out. These cards can save you money at the arena if you can show you are a Highgate resident. One card is good for an entire household.

## J. Administrator Items – Heidi Britch-Valenta

### 1. Facility Grant

Highgate could be eligible for grant funding if we intend to move forward with ADA compliance issues at the municipal building. This needs to be submitted by January and Heidi will have more information at the next meeting. We will have to wait and see what is approved at town meeting in March. We can still apply for this grant even if we don't use it. Henry added that there is some hazardous material in this building and money should be allocated for that.

### 2. RSG Contract Amendment

This is a grant for the permitting and construction plans associated with the Lamkin Street sidewalk project. Because we went through the Route 78 safety study regarding the intersection impact and relocating the crosswalk they are asking for an amendment to the grant. This involves moving money from construction funds to pre-construction funds in the amount of \$5,044.00. They have done a lot of work beyond what they signed on to do and this will not hurt the overall outcome of the project. There have been some right of way issues, like being able to locate the deed to Flat Iron Park in front of the library. Motion by Chris Yates to approve the RSG contract amendment request for Lamkin Street in the amount of \$5,044.00. The motion was seconded by Randy Connelly – **APPROVED**.

### 3. Misc.

- There are two RFPs in the drop box for the alarm system and safety equipment. Josh and Mark will look them over for the arena. Randy would like the make and models of the panels included in the RFPs.
- Recycling ACT146 has caused changes. All trash haulers are going to be obligated to pick up leaf debris at no extra charge, effective in July. That means it won't just be residents bringing material to the brush depot, so we have to figure out what happens next. Chris believes the brush depot is only permitted for residents. We are due to have Casella in for an update soon, we can discuss it then.
- Open House was held here on Tuesday, Nov. 15<sup>th</sup> from 5pm-7pm. We have put together a list of 54 people that attended, not including town staff and board members, and the list is growing. The food was great with donations from Desorcie's Market, Joey's Jct., Highgate Jolley, Highgate Irving, Sweetie Pies and the Traveling Chef. It was a great opportunity for people to come in and see the projects that are part of the CIP. Sue Cota had no idea the fire department floor was in such bad shape. She would like to share pictures with Highgate residents that did not attend. The floor needs repair, ASAP. John Patnode asked if the core drilling had been done yet. Josh still thinks we should cut the floor out. Josh will talk to Tim Hardy about cutting the floor open, filling it with stone and asphalt. Jean Chevalier would like to hear a date certain on this. We are waiting on a driller. If we cut open the floor we need to be mindful of the power that could go through there. Swanton Village will go past the meter, Dig Safe will not. There was concern about the big water storage tank and if that is undermining the floor.

## K. Selectboard Items

### 1. 911 Emergency Response Forms

Heidi has scanned all the forms we have received and they are in the drop box folder for the board's review. They are arranged by road and total number of residences. There were several duplicates in the stack, as they came in from several sources over time. There has been a public records request on this issue which we are working on and waiting to hear from a few Selectboard members. The 911 forms equal to a total of 132 properties. It was noted that some people have asked for their forms to be removed. In those cases, they

were given back to the residents, we did not dispose of them. Henry asked about town liability with this. Chris said there are too many questions with these forms. Does the form cover a family, or individuals? Do the forms cover renters, or just the property owners? Do the forms follow the property or the occupants? If there is not a land line and the cell phone is too far away from the home, will it revert back to the contracted service? Will it come back on the town if they get the wrong provider? There was some discussion on response times with AmCare vs. MVR. Jean Chevalier and Sue Cota disagree with Chris on this issue. Josh doesn't feel the town should mandate the issue. Jean feels the Selectboard did not do their due diligence on this issue and that at the April meeting people wanted to keep MVR. There was some discussion on legal fees and the costs associated with the public records requests that have come in. Sharon asked if there was a way to release the liability from the town on the issue of the 911 forms. The request forms have to be approved by the town, by MVR and then by AmCare, that is what Chris was told. Chris feels we have kicked this can down the road long enough and wants to take it to a vote. Motion by Chris Yates to reject the 911 requests. The motion was seconded by Randy Connelly – by voice vote Chris Yates and Randy Connelly voted YES / Sharon Bousquet and Josh LaRocque voted NO. Bruce Butler abstained from the vote, leaving this at 2-2, the motion **FAILED**. Chris is done with this issue and taking his personal time to have questions answered. Josh said he has called the state twice and was never told anything about AmCare having to approve the forms, but the town does have to. Heidi added that from Shirley Fecteau's perspective as the 911 coordinator it will be a difficult task to manage.

**2. Misc.**

- Wendi has drafted the 2017 meeting schedule. Motion by Chris Yates to approve the 2017 Selectboard meeting schedule. The motion was seconded by Josh LaRocque – **APPROVED**.
- The Highgate Volunteer Fire Department held elections on Monday, November 14<sup>th</sup> for the offices of Captain (3 year term) and 2<sup>nd</sup> Lieutenant (2 year term). Chris Uzell was elected as Captain and Ralph Comiskey was elected as 2<sup>nd</sup> Lieutenant. Motion by Chris Yates to approve both elections. The motion was seconded by Josh LaRocque – **APPROVED**.
- Sue Cota asked if the Highgate Concerned Citizens group could put a letter in the town report. It has never been allowed before, but the board will wait for Sue to submit a letter on this topic and then decide.

**L. Upcoming Events**

Nov. 18		Municipal Offices closing @ 3pm
Nov. 19	9-3	Craft Show @ Highgate Elementary School
Nov. 24 & 25		Municipal Offices closed for Thanksgiving Holiday
Dec. 1	7pm	Selectboard Mtg.
Dec. 8	6pm	DRB Mtg.

**M. Executive Session**

Motion by Chris Yates to enter into executive session @ 9:43pm to discuss personnel, legal and real estate issues where premature public knowledge could place the town and the individuals involved at a substantial disadvantage. The motion was seconded by Randy Connelly – **APPROVED**.

Motion by Chris Yates to exit executive session @ 10:26pm. The motion was seconded by Randy Connelly - **APPROVED**.

**N. Adjournment**

Motion by Chris Yates to adjourn the meeting @ 10:27pm. The motion was seconded by Randy Connelly - **APPROVED**.

Respectfully submitted by,

\_\_\_\_\_ Wendi Dusablon, Highgate Town Clerk

Minutes approved by,

\_\_\_\_\_ Christopher Yates, Chair – Highgate Selectboard