

**Selectmen's Meeting, Monday, February 8th, 2016 in the Cavendish Town Office
Meeting Room at 6:30 pm**

Present: George Timko (Acting Chairman), Wendy Regier, Jill Flinn, Rich Svec (Town Manager), Bruce McEnaney (Assistant to the Town Manager), Jen Leak (Recording Secretary), Ed McEaneaney from LPCTV, and citizens as listed on the attached sheet.

Absent: Chairman Bob Glidden

1. Call the monthly meeting to order

George Timko, Acting Chairman, called the meeting to order at 6:31 p.m.

2. Review/approve minutes of the meetings of January 11th, 13th, 20th and 27th, 2016

Jill Flinn moved/Mike Ripley seconded a motion to accept the minutes of January 11th, 13th, 20th and 27th, 2016, as written. Wendy commented that, in the January 27 minutes, the Board said they would discuss the Rutland Town solar energy resolution tonight but it was not on tonight's agenda. Rich said he had planned to add that item tonight under adjust agenda. *All voted in favor.*

3. Sign Orders

George Timko, Acting Chairman, informed the Board there were no orders to sign.

4. Review Correspondence

George Timko, Acting Chairman, directed the Board to review correspondence at their convenience during the course of the meeting.

5. Adjust agenda

Rich said he had three items to add to tonight's agenda:

10a Review Town Employee Health Insurance Policy

10b Follow up discussion regarding municipal impact for solar installations.

10c Discuss Windsor County Budget & Assessment

6. Hear Citizens

There were no citizens wishing to be heard.

7. As Local Board of Liquor Control, review and consider application for a second class liquor license for Singleton's Store

Rich read aloud the license application, and said there were no changes since last year's license. *Wendy Regier moved/Mike Ripley seconded a motion to approve a second class liquor license for Singleton's Store.* Rich suggested that Jill should abstain since she is an employee of

Singletons. *George Timko, Mike Ripley and Wendy Regier voted in favor. Jill Flinn abstained.*

8. Review for approval and signature a Certificate of No Appeal or Suit Pending for the Vermont Division of Valuation and Review

Rich explained this form, submitted by the listers on an annual basis, certifies that no parties have suits against or are disputing the 2015 grand list.

Mike Ripley moved/George Timko seconded a motion that the Select Board signs the Certificate of No Appeal or Suit Pending for the Vermont Division of Valuation and Review since there are no cases pending. All voted in favor.

9. Review for approval Amendment #1 to the Finance and Maintenance Agreement between the Agency of Transportation and the Town of Cavendish on the matter of EA/SUBJOB RREW12K-100, the railroad underpass project on Cavendish Gulf Road as was discussed with Dan Delabruere of VTrans at the January 11th meeting.

Rich passed copies of this amendment out to the Select Board members. He said it was much simpler than the first draft. Wendy said she was still strongly opposed to this project. George asked for a motion first, and then the Board could discuss it.

Mike Ripley moved/George Timko seconded a motion to review for approval Amendment #1 to the Finance and Maintenance Agreement between the Agency of Transportation and the Town of Cavendish on the matter of EA/SUBJOB RREW12K-100, the railroad underpass project on Cavendish Gulf Road.

Wendy read aloud a section of the town plan regarding Scenic Resources. She stated again she was opposed to the shotcrete option, since it was not in keeping with the historic and scenic nature of this road. She did not think the RR had taken any of the Town's concerns into account. Rich said that, at the January meeting, Bob had commented that while the aesthetics were not optimal, public safety was the priority. Wendy agreed public safety was a concern, but said she thought that if trains moved slowly through this area they would continue to be safe. George said he thought that slower speeds were not going to lessen the instability of this section. Rich said the Agency of Transportation is concerned about washouts in the future, as well as current safety issues.

Larry said he thought the AOT was concerned about limiting costs and time that the RR was shut down. He thought they could construct the original, concrete block wall plan if they were willing to put in the extra time and money. Wendy said she did not feel the AOT had demonstrated the need to do the shotcrete, or that it complied with our Town Plan.

George said that, since this was a FEMA project, they might lose funding if the Town did not approve the contract. Wendy wondered whether the Town would be liable if an accident happened if the Board didn't sign the contract. Rich said he could not give legal advice, and thought consulting the Town attorney would be prudent if the Board did not approve the project.

Larry thought the Town might consult with an outside engineer to suggest a reasonable solution, which might be expensive. George agreed it might be a tough battle to fight. Wendy asked as to

what use was the Town Plan if we didn't use it to regulate projects in town. She said she would vote on this contract.

George asked if this project had been presented to the Planning Commission. Wendy said she did bring it before the Planning Commission, and noted that John Saydek did help choose the coloration for the original concrete block wall. She said she had not discussed the shotcrete option with them.

The Board discussed whether vegetation might be allowed to grow over and camouflage the shotcrete. They thought it might act to degrade the concrete material and may not disguise the material very much.

Mike asked what would happen if the Board doesn't approve the contract. Rich said he would consult the town attorney to determine what liabilities might incur. George suggested that, since this project wouldn't be started until spring or summer, the Board might postpone this decision. Mike said he would like information on the liability issue by next month's meeting. He said he would also like to know if the state loses their FEMA funding due to the Town's not signing the agreement, would the Town somehow be required to put up that money.

George asked the Board if they wanted to vote on the motion tonight.

Wendy Regier moved/Mike Ripley seconded a motion to table this discussion until the full Board is present and the Town can consult the town attorney. All voted in favor.

10. Consider Dean Kauppinen applications and requests for approval of wastewater connections for a total of four living units, two units each with two-bedrooms and two units each with three bedrooms. The subject four unit apartment building is located at 57 Depot Street in Proctorsville.

Rich said the Town Treasurer received a request and check for the additional two hookups that week. The original letter, received in July, stated the design plans were enclosed, but they were never received. He said that the Board had suggested, at the August Select Board meeting, putting this request before the Planning Commission, due to parking and other issues, but that did not occur.

Wendy said she thought the state issued the Potable Water/Wastewater System permits. Rich said that was correct, but the state requires a letter from the Town approving the additional connections and stating that the system has the capacity to accommodate them before they will issue the permit. Wendy said she would like to see the plans before approving the connections. Rich agreed the Town needed to see the plans, but he thought the Board could provide a letter of support for the state stating that the system has the capacity but with a proviso that the Town would review the specific plans before granting formal approval at a later date.

Rich added that Bob had, at a previous meeting, stated that the Fire Department was very concerned about getting fire equipment down Pie Alley if there were vehicles parked along it. George said he had spoken with Dean, who suggested that he had a plan in mind for parking the additional cars. Rich said it would be helpful to see that plan too.

Rich said he will draft a letter to the state in order to move the project forward. In the meantime, he will request a copy of the plans from Dean, and the Town will hold his check. The Board agreed with this.

10 a. **Review Town Employee Health Insurance Policy**

Rich said this is a revision and update of an existing policy. He passed out a draft to the Select Board members and read through it with them. Rich said he is proposing to change the single person policy co-pay from 5% to 10% of the monthly premium. Rich said that existing employees, who stay in same plan they have currently, would not be subject to this change, but new employees and existing employees who change plans would be.

Mike asked why the different plans have different copays. Rich said it has been that way for a long time, and that the Town wanted to provide insurance primarily for employees themselves and secondarily for their family members, so family plans had a larger copay.

Mike said he thought 60 days advance notice for changing plans was too long. He also thought that all plans should have same the percentage of copay, and he didn't like the waiting period of 30 days after hire before being eligible for health insurance. Rich said he thought 45 days advance notice before changing insurance plans would be sufficient.

Rich said he would make the discussed revisions and bring a final draft for approval at next the Select Board meeting in March, to be effective April 15. The consensus of the Board was in agreement with the March review for approval.

10b **Follow up discussion regarding municipal impact for solar installations.**

Rich recalled that the Board had decided not to put a resolution on the Town Meeting warning but rather to discuss the issue again tonight. He said the Board could submit a resolution to our legislators if they felt strongly about this issue. George said he thought that including other types of renewable energy would be appropriate. George said he was interested in regulating larger projects. Mike said he did not want to regulate what land owners could do on private property, but he would be willing to consider the issue.

Rich asked if the Select Board wanted to make a resolution supporting the notion of municipalities having more input in the state's issuance of Certificates of Public Good. Bruce added that, if an Act 250 permit is needed, any wildlife issue can require further study. However, a renewable energy project can simply bypass that requirement, and he didn't feel that was fair. Mike asked what municipal input would look like. George and Rich said the Town could comment on how projects would be or not be in compliance with the Town Plan.

The Board agreed they would like to let the legislature know that our Town would like more say in renewable energy projects. George read aloud the Rutland town resolution.

Wendy Regier moved/Mike Ripley seconded to adopt the Resolution as drafted by Rutland Town to Increase the Input of Vermont Municipalities Regarding the Siting of Renewable Energy Projects in Certificate of Public Good Proceedings Before the Public Service Board. All voted in favor.

10c Discuss Windsor County Budget & Assessment

Rich said Judge Jack Anderson recently called and apologized for not responding to Rich's questions earlier. He said that there is less than \$120 difference between the actual and FY 2017 last year figures. Rich said that, since there is so little difference between what we put in the Town's FY17 budget and what we will actually be assessed, we probably shouldn't both to try to make any adjustment at this point. The Board agreed that it is not a large enough difference to warrant adjusting the Selectman's budget figures.

11. Review of forthcoming events calendar

Rich reminded the Select Board that Wednesday, February 10th, is local government day. If anyone wishes to go he asked them to let him know so we can make a last minute registration.

Rich commented that the Town Report is now at the printers. The proof should be delivered tomorrow, and the books should be ready for pick up on the 17th and will be mailed by the 19th. Rich said he will also post a .pdf file copy of the Town Report on the Town website that same day.

Rich said that on Wednesday, February 24th, the CCA is sponsoring the pre-town meeting forum for town/school issues and candidates, here at the Town office at 7 p.m.

Town Meeting will be at 7 p.m. on Monday, February 29th at the school, and Australian balloting on Tuesday, March 1st, also at the Elementary school.

The Select Board's Annual Organizational Meeting will take place on Monday, March 14th, at the start of the regular monthly Select Board meeting.

12. Resume work on review of the revised Cavendish Cemetery Regulations

Bruce reviewed the most recent draft changes suggested by the Select Board in previous meetings, and continued reviewing sections not yet reviewed, with the Board and Rich. Bruce said he would make the suggested corrections, and email a final draft to the Select Board members to review before the March Select Board meeting.

13. Other business

Rich said the Highway Department had received the new pressure washer, have assembled it and will be using it soon. Rich further commented that the water system has had some filter maintenance done recently, which caused some slight discoloration in the water in some areas (mainly the center of Cavendish village). He said the Select Board can direct residents to call the town office if they have concerns about their water. The maintenance work is being done with the guidance of the manufacturer.

Jill Flinn ó Jill said that some residents have asked her when the clean-up of the vacant lot next to the school will be finished. Rich said the Town has done its share, all of the work thus far, and there is a school committee working on the remainder of the project. Wendy said she is on that committee, and they hope to do some plantings and clearing in the spring. She said principal George Thomson is on that committee also, and people could call him at the school for more details.

Wendy Regier ó Wendy said she has been reading through the Town policies. She would like to see the Select Board gradually review and update these policies. Rich agreed that would be a good idea and that is what is occurring. Bruce said he and Rich are presently working on updating the Transfer Station policies and procedures now, and will bring them to the Select Board for discussion and review when they are done.

Wendy said she noticed a Southern Windsor County Regional Planning Commission car parked at the intersection of Routes 103 and 131 on Tuesday. Rich said they were conducting a traffic study, which he had requested, since it is a complicated and dangerous intersection which is receiving more use now that the Depot Street bridge is closed. Since there are two state highways, a railroad crossing, and the driveways to the Castle condo complex and the Cavendish Point Hotel all in that area, it is a complex traffic situation. It is sometimes difficult to pull out safely onto Route 103, especially during busy tourist and skiing seasons. Rich said there were traffic studies done during the development of both Okemo and Killington ski areas, but they had not been conducted recently. Rich said he and Bruce both objected to the study being done on a Tuesday, when traffic is much lighter than it would be on a busy ski weekend, but the Regional Planning Commission went ahead with that date at VTransørequest.

Bruce said he remembered that 10-15 years ago there was a police car, with lights flashing, stationed at that intersection on ski weekends to slow traffic down, but somehow it was determined no longer necessary. Bruce said he would like to at least see a police car stationed there again during high traffic periods, and possibly a permanent flashing signal light to slow traffic down in that area.

Mike Ripley ó none

George Timko ó George asked if the new highway truck had been delivered yet. Bruce said it had been delayed, but was ready that day and the highway crew will be picking it up this week.

14. Adjourn

Mike Ripley moved/Wendy Regier seconded a motion to adjourn at 8:41 p.m. All voted in favor.

Minutes Approved: _____

Date: _____