

1 **Pending Approval**

2 Town of Lincoln, Vermont
3 Regular Selectboard Meeting

4 (This meeting held from multiple remote locations via GotoMeeting).

5 **Tuesday, July 21, 2020, 6:30 PM**

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7 **In Attendance:** Selectboard Chair, Bill Finger; Vice-Chair, Paul Forlenza; members Oakley Smith,
8 Will Sipsey, and Bay Jackson; Select Board Assistant/Bookkeeper, Ann Kensek; Selectboard
9 Clerk, Sarah Summers

10 **Guests:** Road Foreman, Dave Cavoretto; Town Clerk, Sally Ober; Residents Lea Calderon-Guthe
11 and Thayer Osborne; Paul Gillies Esq.

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13 Bill called the meeting to order at 6:35 PM:

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15 **1. *Agenda adjustments and approval**

- 16 a. *MOTION BY PAUL, SECOND BY OAKLEY, TO APPROVE THE MEETING AGENDA
17 (as clarified and amended to include a discussion on ash trees/borer under item
18 7b per Will). NO FURTHER DISCUSSION. VOTE CALLED AND PASSED. (5-0-0)

19 i. (Note): Bay to add discussion on solar opportunities to upcoming meeting
20 agenda.

21 **2. *Approve 7/07/2020 regular meeting minutes & recess meeting addendum:**

- 22 a. *MOTION BY BILL, SECOND BY PAUL, TO APPROVE THE 7/07/2020 REGULAR
23 MEETING MINUTES/RECESS ADDENDUM AS CLARIFIED AND AMENDED. NO
24 FURTHER DISCUSSION. VOTE CALLED AND PASSED. (5-0-0).

25 **3. Citizen comments:** NONE

26 **4. Highway report:**

27 a. **Road Maintenance Update (Dave):**

28 i. Atkins Rd. drainage improvement/maintenance: Brief mention, notes
29 provided with agenda.

30 b. **Equipment & vehicle maintenance:**

31 i. Preliminary discussion – backhoe replacement (Dave):

32 1. Dave received some estimates for backhoe replacement; costs to
33 repair comparable to acquiring new. He hopes the Board will
34 consider a purchase.

35 2. Discussion on funding sources: (~~Capitol~~ **Capital** Reserve, Capitol
36 Equipment (\$157,000)). Discussion on adding line item for
37 backhoe; ~~historically~~ combined with excavator **as a single item in**
38 **capital equipment reserve plan since excavator purchase-**

39 3. Dave was able to rent a sandblaster to perform work on the 2011
40 dump truck, truck looks great and the rental brought a savings.
41 Grading ongoing; dry weather makes it more difficult.

42 c. **Grant Applications and reimbursements (Bill/Ann):**

43 i. Better Roads Grant Approval for Colby Hill:

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1. Cat. B grant approval came through for the former Anderson property (conditional upon completion by December ~~21~~31, 2020). Bill confident the completion is achievable; Dave has made contact with Nezin about the project. Dave estimated completion by end of August. It was noted that it would be practical to ~~align~~ **combine** the Colby Hill work with some culvert work needed in South Lincoln. (*South Lincoln culverts will not be funded; the Town has some on hand that can be installed*).
 2. No update on Class 2 Structures Grant. A still-pending application is not hopeful at this point.

54 **d. Potential additional FY21 Projects (Dave/Bill):**

55 i. Forge Hill Road (Paved portion West River Road east 1,090 ft/.21 mile
56 (Dave, Bill, Sarah):

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1. Bill outlined various costs/budgets: S Lincoln Road/Urz Curve still pending, repaving the curve will be largest expense (~\$202,000, possible discrepancy after consideration of Dave's numbers). Column E reflects Sand Resource; \$50,000 set aside to develop sand operation (rough estimate).
 2. Town previously (2+ years) received estimate from Acker for work on Forge Hill. The work was postponed in hopes that the Town could recategorize Forge Hill Road in order to make it eligible for grant funding. Town's efforts towards this goal have not been successful thus far; timely reclassification is not likely/foreseeable. The road is in too-poor condition; urgent work needed before the winter season.
 3. Acker's original estimate included plans for a series of catch basins and underground drainage; Dave is now moving in the direction of simpler, surface-level repairs to satisfactorily complete the project.
 4. Dave noted that 90% of water coming down Forge Hill is coming from the driveways on the righthand side (as you come down the hill) due to deferred maintenance. Some are much higher than travelled areas, allowing water to freely run into the road. Plan includes: speaking to landowners (informative meeting), replacing culverts, knocking berm, driveway improvement, sending water down stone line ditch at the bottom. A new cross culvert at the bottom driveway; paved swale already in place.
 5. Further discussion on logistics/scheduling/road closure to non-residents. Further discussion on the importance of reclassifying; Forge Hill one of Lincoln's most travelled roads.
 6. Bill added that estimations do not include any personnel/equipment expenses. Further discussion on line item clarity. It was noted that the Paving Reserve Fund has \$446,000 available.

88 ii. “Emergency” West River Road – Replacement of 40’ X 48” CGMP
89 (culvert) with 50’ X 60” equivalent CGMP (“Squashed”) concrete
90 headwall upstream and rip rap at discharge (Dave, Bill):

91 1. Bill explained another unanticipated culvert project needing
92 attention near Jeremy Perfect’s workshop/blind curve on West
93 River Road. Headwalls collapsed on both ends, surface of road
94 level subsiding, holes developing, serious issue. Discussion on
95 cost/budget; Paul and Bill to review.

96 a. *MOTION BY BILL TO PRELIMINARILY GO FORWARD WITH
97 THE WEST RIVER ROAD PROJECT & FORGE HILL
98 IMPROVEMENTS IN ORDER TO MINIMIZE COST AND
99 MAXIMIZE EFFECT, SECOND BY WILL, VOTE CALLED AND
100 PASSED. (5-0-0) DISCUSSION:

101 i. *Discussion on predictability/forecasting, potential*
102 *for overall culvert inventory assessment, road*
103 *consulting, expected tax revenues, historic*
104 *maintenance standards/scheduling, copiousness of*
105 *available data, State education & property tax*
106 *processes, State required use of specific computer*
107 *systems.*

108 ii. Dave noted that Otter Creek had previously taken
109 inventory of culverts and the Town can request the
110 report be updated; the best tool to determine
111 which culverts are failing.

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113 ~Lea & Thayer arrive 7:15 PM, Sally Ober 7:23 PM, Paul Gillies 7:25 PM~
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115 e. **Gap Road winter maintenance change request – discussion of town obligations**
116 **viz. winter maintenance w/ Paul Gillies, Esq. (Paul F):**

117 i. Guest Paul Gillies Esq. is an expert on legal aspects of Vermont roads; he
118 has ample historic legal knowledge of the Lincoln Gap Road and has
119 published papers on the subject. Landowners Lea & Thayer bought
120 property on the Gap Road 2-3 years ago and they would like to add
121 driveway access beyond the Town plowing point. Some Board members
122 agree that the only practical location for access is up road (roughly 600
123 ft). The Board has invited Paul Gillies to advise on required next
124 steps/how to move forward.

125 ii. Paul Gillies referred to the 1999 Sagar vs. Waitsfield case which
126 overturned the Supreme Court decision requiring all roads categorized as
127 ‘Class 4’ to be plowed. Gillies explained that the Town may or may not
128 extend their plowing route. He noted that it makes sense to have a
129 formal warned hearing with due notice (publicly posted), sworn in
130 witnesses, arguments presented, and finalized by the Board with a formal
131 written decision (notating a right to appeal within 30 days). The hearing

- 132 would be non-binding and the Board can deliberate outside of open
 133 meeting law. Parties have 30 days to appeal to the Transportation Board.
 134 If further appealed, it is typically escalated to Supreme Court. Gillies
 135 noted that formal findings are useful for establishing future policy.
 136 iii. Lea inquired if the same process is in place for any other class of road;
 137 Gillies confirmed that the same rules apply (even for class 2 and 3 roads
 138 that aren't routinely plowed). Towns can decide not to plow, but formal
 139 processes with hearings and adopted ordinances are typical (an
 140 unintended consequence of the Sagar case).
 141 iv. Paul F. asked about school bus obligations, Paul Gillies recommended
 142 deferring to school district. Thayer asked if it was possible to take a Town
 143 vote; Gillies clarified that a vote could be allowed, but it would be
 144 considered a non-binding advisory article.
 145 v. Lea inquired about a previous plowing decision on Elder Hill; it was
 146 determined that the Town elected not to plow. Brief mention of Forest
 147 Service purview.
 148 vi. Discussion on possibility of 5% voter/landowner petition. Additional
 149 conversations to be added to future agendas.

150 **f. South Lincoln Road & Sand Pit update/progress report (Dave/Bill):**

- 151 i. Otter Creek Engineering has completed the ~~commission~~ application for
 152 wetlands permit; they will pay the fee. **Up front to be reimbursed by the**
 153 **town at the end of July.** Dave has spoken to Robert Clark about sand
 154 pit/Urz: 4 weeks before any action can be taken on Urz; some progress
 155 on sand pit.

156 **5. Budget & Finance:**

157 **a. *Approval of check warrants (Ann/Paul):**

- 158 i. **PAYROLL WARRANT #21/03: \$3,247.49:** Highlights: Masterson monthly,
 159 tax payments.
 160 ii. **PAYROLL WARRANT #21/04: \$3,420.12**
 161 1. ***MOTION BY PAUL, SECOND BY BILL, TO APPROVE BOTH PAYROLL**
 162 **WARRANTS #21/03 & #21/04. NO DISCUSSION. VOTE CALLED AND**
 163 **PASSED. (5-0-0)**
 164 iii. **ACCOUNTS PAYABLE WARRANT #21/04: \$58,869.78:** Highlights: Pre-buy
 165 for Jackman's (\$1.70/gallon to cover until spring), \$32,00 payment on the
 166 International, health insurance, county tax.
 167 1. ***MOTION BY PAUL, SECOND BY BILL, TO APPROVE ACCOUNTS**
 168 **PAYABLE WARRANT #21/04. NO FURTHER DISCUSSION. VOTE**
 169 **CALLED AND PASSED. (5-0-0)**
 170 iv. ***MOTION BY PAUL, SECOND BY BAY, TO APPROVE PREBUY AT**
 171 **\$1.70/GALLON. NO FURTHER DISCUSSION. (5-0-0)**

172 **b. FY20 Preliminary year-end report (Ann/Paul):**

- 173 i. Paul outlined some highlights of the yearend report: Surplus of \$79,194
 174 (line 51). Actual collection was 1.7 million, \$20,000 difference.

- 175 ii. Notable lines: legal services line 41, misc. Town office line 139, total
176 General Fund at 97%, slightly over on sand/gravel/salt/chloride but
177 difficult to forecast, line 188 (purchase made for \$153,000 using loan paid
178 over 5 years ((reserve fund)).
179 iii. Discussion on HWY: Road Crew v Contractors, correlation with equipment
180 maintenance costs. Further discussion on plowing details: number of
181 days plowing, contractor interest. Discussion on misleading accounting
182 line items (health insurance improperly recorded, 75% of equip.
183 maintenance for Western Star).

184 c. ***FY 21 Tax anticipation note (Lisa/Ann/Paul):**

- 185 i. Note will be ready for first meeting in August.

186 **6. Admin & personnel:**

187 a. ****Proposals for re-opening the Town Office – update (Sally/Ann):**

- 188 i. Sally explained that the Town Office meeting room has been outfitted
189 with a new photocopier. She informed the Board about a land records
190 software company who can initiate the online record process at no cost,
191 (\$3/page thereafter, 50/50 split). Company would collect all payments via
192 credit card, and it would take 8 weeks to go live.
193 ii. Sally inquired about emergency sick pay/plans. Ann said she has been
194 working on a workplan for the Office; VLTC has helpful documentation.
195 Further inquiries about sick leave/family leave and whether they work
196 synonymously.
197 iii. Discussion on direct reports, cleaning, contract employment. Ann and Bill
198 to follow up on Town Office cleaning contract.

199 b. ****Voting options update viz. reduced contact & social distancing – progress
200 report (Sally/Paul):**

- 201 i. Paul explained that Rebecca had come for site visit and the 30 x 40 tent
202 will likely work; Will received the quote, (\$1,300 for tent and another
203 ~\$450 for electrical package). Bay noted someone able to donate
204 electrical supplies locally (Mark).

205 **7. Public Safety & Environment:**

- 206 a. ****Sidewalk scoping study survey – (Bay):** No update, survey in process.
207 b. **Will- Ash Trees:** Will explained that within 50 ft. of his house, he has 8 ash trees
208 in the GMP ROW/Town ROW. The trees have been infested by the ash borer and
209 he is concerned they will fall on his house. He has attempted to contact Green
210 Mountain Power, but he has had no response. Paul suggested a full inventory of
211 concerning trees in town before drafting a proposal to Green Mountain Power.
212 Will to get in touch with someone about tree/power consultation.

213 **8. Board Member Concerns:** NONE

214 **9. **Executive session: personal/legal matter:**

- 215 a. ***MOTION BY OAKLEY, SECOND BY PAUL, TO ENTER EXECUTIVE SESSION. NO**
216 **DISCUSSION. VOTE CALLED AND PASSED. (5-0-0)**

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218 **EXECUTIVE SESSION BEGINS 9:00 PM:**

219

220 Respectfully submitted,

221 Sarah Summers

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224 **Executive Session ends at 9:50 PM**

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226 ~~10.~~ **Adjourn: 9:51 PM**