

Pending Approval
Town of Lincoln, Vermont
Regular Selectboard Meeting
(This meeting held from multiple remote locations via GotoMeeting).
Tuesday, September 1, 2020, 6:30 PM

In Attendance: Selectboard Chair, Bill Finger; Vice-Chair, Paul Forlenza; members Oakley Smith, Will Sipse, and Bay Jackson; Selectboard Clerk, Sarah Summers

Guests: Margo & Caleb Casco (Margo of Greentree Real Estate; couple interested in purchasing Steve Pilcher's property), Dave Wetmore (adjoining property owner to Pilcher, Asst. ZA/DBA Coordinator Middlebury, VT,), Steve Pilcher (property owner), Josiah ('Jo') Jackson (Lincoln resident)

Bill called the meeting to order at 6:32 PM.

1. *Agenda adjustments and approval:

- a. *MOTION (BILL), SECOND (PAUL), TO APPROVE THE MEETING AGENDA. NO DISCUSSION. VOTE CALLED AND PASSED. (5-0-0)

2. *Approve 8/18/2020 regular meeting minutes:

- a. *MOTION (PAUL), SECOND (OAKLEY), TO APPROVE THE 08-18-2020 REGULAR MEETING MINUTES. NO DISCUSSION. VOTE CALLED AND PASSED. (5-0-0)

3. Citizen comments:

- a. Jo Jackson followed up with the Board regarding the drainage issue on Atkins/York Hill/River Road. Jo made some observations/recommendations (after recent heavy rains). He said it appeared that the area had received a small amount of attention. He noted a malfunction of ditching/culvert on uphill side of Atkins near an old structure, he said that the fix seems simple. Jo also mentioned eroding portions of road/movement of gravel. Bill agreed and explained the potential for paving Atkins further up with a swale on the right side of the road (as you go up from River Road), potentially mitigating the gravel/erosion issue. Mention of additional ditching/possible diversion on York Hill. Continued suggestions for resolutions to be discussed.
- b. Jo expressed eagerness in hearing plans to reopen the Town Office (under agenda item #6).

4. **Request for use of pent road (Trail) for driveway to access property - Steve Pilcher et al.

- a. Bill introduced Steve Pilcher to explain his request to the Selectboard: The Board was shown a tax map of Steve's 93-acre property (purchased by him and 5 friends after college) in South Lincoln. He explained the access to the property (through a former pent road on the southern boundary of Wetmore's property). The Board was presented with documentation about the history of the road (Butterfield

45 build/establishment of pent/Bridal road in 1869, trail
46 designation/discontinuation of pent road in 1969, 1978 deed, tax bill, as
47 well as some legal case findings: (*Wolcott v. Whitcomb, Smith v.*
48 *Sprague*), (some 'information concerning access' provided by George
49 Vince of Pease Mountain Law). Steve mentioned former bridge(s) built
50 over the creek taken out by flooding, (one or perhaps both in 1998).
51 Steve and the other property owners have elected to sell their property,
52 a deterrent to the potential buyers (Casco) would be the inability to
53 upgrade portions of the trail to make it drivable. Discussion on the need
54 to work the DEC/ANR/characteristics of terrain/bridge spans. Paul
55 invited neighbor Dave Wetmore to share his thoughts and/or concerns:

- 56 i. Dave W. affirmed the former presence of two bridges to access
57 the property; evidence of one bridge still remaining in the brook
58 after '98 flooding. Dave asked if the new owners intend to reside
59 on the property year-round or if a subdivision would be possible
60 in future. Dave expressed a desire to put the bridge in its former
61 location and not where the current crossing is located.
62 Additionally, Dave requested that any future utility lines be
63 buried, road maintenance be shared, and for the property to be
64 used seasonally/appropriately. He added sentiments about the
65 challenging nature of the terrain/likelihood of very complex
66 infrastructure work for tradespersons.
- 67 ii. Oakley asked about the road and where it leads to; Steve Pilcher
68 said there is currently a cabin/camp up the road. Steve
69 mentioned Town Hwy #36. Oakley asked for clarification on
70 Steve's request: Steve explained that he would like the ability for
71 improvements to be allowed on Town trails accessing the span in
72 question.
73 (*Road Foreman Dave Cavoretto arrives*)
74 Oakley mentioned similarity to Green Road project; Bill noted
75 that the Green Road instance was different as Green Road is Class
76 4 and the ROW is considered Town Hwy as opposed to a Town
77 Trail. Bill clarified that the Town gave up maintenance when
78 turning it into a trail.
- 79 iii. Paul asked about Board responsibilities and any downsides.
80 Steve clarified that the potential buyers are concerned about
81 Selectboard authority in terms of type of traffic permitted. Dave
82 W noted that it is important for the new owners to have access.
- 83 iv. Margo Casco explained the current width of the trail (two
84 rods/33') and invited her husband Caleb to speak to their
85 intentions for the property. Caleb explained that the couple
86 currently resides in Hinesburg and seek a place of peace and
87 quiet. Caleb explained that they have no development plans for
88 the property other than the desire to eventually put a bridge in.

89 Discussion/description of pent road and improvements and the
90 need to work with the Agency of Natural Resources given the
91 bridge span required. Margo explained that they would like to
92 eventually replace the bridge and build a road up to the driveway
93 from South Lincoln Road to the camp. Paul said he had no
94 objection but was unclear whether the Board needed to make a
95 formal declaration.

- 96 v. Dave W noted that if the current berm is reduced, issues could
97 arise and that significant maintenance efforts have been made
98 over the years. Margo said she and Caleb are happy to work with
99 Dave W on his desires/expectations.
- 100 vi. Will noted that Lolly Otis may have experience with the Agency of
101 Transportation after recent construction of a foot bridge spanning
102 the New Haven River in West Lincoln..

103 **b. *MOTION (PAUL), TO ALLOW OWNERS TO IMPROVE THE TOWN**
104 **TRAIL ACCESSING Property # 354-109-10604 WITHIN ALL EXISTING**
105 **LOCAL, STATE, AND FEDERAL REGULATIONS, SECOND (WILL). NO**
106 **FURTHER DISCUSSION. VOTE CALLED AND PASSED. (5-0-0)**

107 **5. Highway report:**

108 **a. Road Maintenance Update:**

- 109 i. **Forge Hill:** Dave and Bill to have individual discussions with 4-5
110 property owners. Dave spoke to Acker; final paving will be to be
111 delayed until spring; Tim Parent will be replacing the large culvert
112 on River Road. Bay recommended the neighbors meet
113 simultaneously in order to hear one another's thoughts. There
114 were no objections to the meeting.
- 115 ii. Sand Pit permitting - Robert Clark, OCE met with Chuck Norton,
116 Dave C. and Bill F. to review progress in preparation of
117 documentation that will be needed for the Conditional Use
118 Permit Application. OCE will assist the Town in preparation of the
119 application and provide professional technical expertise in the
120 required hearing. The same documentation will be used in
121 preparation of the stormwater permit required by the state.
- 122 iii. **South Lincoln Road:** Brief mention of South Lincoln Road/Urz
123 Curve . State Wetlands and Army Corps of Engineers permitting
124 processes complete for the project but not issued, expected to
125 be received this week. Lucas Nezin installed two large culverts
126 near the south end of the paved length of South Lincoln Road:
127 headers are done, travelled surface has been restored, stone
128 lined ditch; last major project before final paving (besides Urz).
129 Town has until Dec. 31, 2021 to complete paving as long as State
130 doesn't withhold grant money. Bill noted that there are the usual
131 late-season rush issues with paving companies/scheduling.

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- iv. **Colby Hill:** Project is complete, the phone line has been repaired. Bill noted a ledge in the ditch that may need to be hammered out next year if any adverse effects develop. Mention of culvert pieces remaining in road from various projects (Colby Hill, South Lincoln); Dave confirmed all has been removed.
 - v. Dave told the Board about a recent issue with Dig Safe failing to properly identify/mark all relevant lines. (Rock in Mill Road (???), Nezin). Dave has provided Bay with his thoughts on the Special Gap Road Meeting for Thursday 9/10/2020.

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SPECIAL SELECTBOARD MEETING - THURSDAY SEPT. 10 -GAP ROAD PLOWING DISCUSSION/INFORMATIONAL MEETING.
IF YOU ARE INTERESTED IN ATTENDING, PLEASE EMAIL pforlenza@lincolnvermont.org OR bjackson@lincolnvermont.org TO RECEIVE AN INVITATION TO PARTICIPATE in the virtual meeting on-line

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b. Grant Applications and reimbursements (Ann): (NONE)

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c. 20/21 - Winter Road maintenance strategy:

- i. Dave told the Board that different contractors will be sought as Josh Masterson/Matt Atkins will not be available on a winter long contract basis as in 2019/20. They will be available for some part-time temporary work using town plow equipment. Discussion on contracts, equipment uses, insurance requirements. Board to follow up for insight from Ann.

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d. Garage repair update (Oakley): Work about to begin.

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e. Other Business:

- i. Paul outlined a potential process for the upcoming Special Selectboard Meeting RE: Gap Road Plowing. Discussion on how best to present: issue layout, landowners to speak, thoughts from Road Crew. Discussion on potential geographical changes in terms of recreating at the site. Further discussion on meeting formatting/Q&A. Bill said the meeting should remain unstructured since its goal is information gathering; he further clarified that landowners should present their proposals (as they did to the Selectboard). Bay has gathered Dave Cavoretto's notes/costs in term of Road Crew. Discussion on identifying all options for the Town, potential need for hiring. Further discussion on school bus turnaround, (about 1.5 miles down from current stopping point). Paul added that it seems a large number of factors would need to be considered should it be granted.
 - ii. Bill updated the Board about the investigation of possibilities for a Town Garage sound barrier at the north end of Town Garage facilities. OCE suggests a 6-foot berm with potential additional
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176 barrier fence on top if necessary. The boundary between the
177 Town and and private property to the north needs to be clarified.
178 If this approach is taken, a Conditional Use Permit likely needed.
179 iii. Will informed the Board that the Town of Bristol Selectboard
180 approved the TAC Grant; application has been submitted.

181 **6. Admin & personnel:**

182 **a. Discussion with Town Clerk viz. responsibilities, expectations,**
183 **staffing, and compensation (Sally):** Brief discussion on Town Office
184 staffing needs and re-opening processes.

185 **b. **Conversion of Planning Commission and ZBA to a single**
186 **Development Review Board:**

187 i. Bill said it seems a good time to convert the Planning
188 Commission & ZBA to a single Development Review Board given
189 the recent hire of a new ZA. He noted that Planning Commission
190 members are not required to be town residents. Usually when PC
191 members come from adjacent towns it is because of common
192 issues and challenges. Bill also mentioned challenges in
193 providing consistency with virtual meetings. Minute taker noted
194 recent difficulty in determining which Board/members to report
195 to. Paul clarified that the merge has long been discussed But
196 never acted on.

197 ii. *MOTION (PAUL) TO MERGE THE ZBA AND PLANNING
198 COMMISSION, SECOND (BAY), DISCUSSION: *Bay said the*
199 *motion seemed rushed and that she wondered about the*
200 *motivation for consolidation. She expressed the desire for further*
201 *discussion and research regarding Town needs. Paul elected to*
202 *withdraw his motion, there were no objections. MOTION*
203 WITHDRAWN.

204 **c. **Discussion of website-purpose, use, status, and future**
205 **improvement and design (Bay):**

206 i. Bay shared some findings from recent town website research,
207 some utilize: Wordpress, Revise, Unico. Further inquiries have
208 been made in terms of costs. Brief discussion on Cares Act,
209 Municode, checking with legislature.

210 **d. **Re-establishment of in-person Selectboard meetings:**

211 i. Oakley requested the reopening of in-person Selectboard
212 meetings. He expressed uncertainty in current State
213 guidelines/comfort levels. He said that the people of Lincoln are
214 better-served when the Board can meet in-person. Bill agreed
215 and informed the Board about some new technologies available
216 for 'hybrid' meetings should distancing capacity be unachievable.
217 Jo said it would be nice if other boards had the ability to meet
218 and if members of the public could be served day-to-day. The
219 Board members were in agreement on taking steps forward on

220 meeting in-person. Jo inquired about the entity preventing Sally
221 from reopening the Office, Bill clarified that it is the Town Clerk's
222 decision and that Sally takes most direction from the Secretary of
223 State's Office.

224 **e. *APPROVAL OF CHECK WARRANTS (Ann/Paul):**

225 i. **PAYROLL # 21/09: \$4,202.51**

226 ii. **PAYROLL #21/10: \$4,380.61**

227 iii. **ACCOUNTS PAYABLE #21/10: \$133,051.57**

228 iv. *MOTION (BILL), SECOND (WILL), TO APPROVE BOTH PAYROLL
229 WARRANTS and AP warrant VOTE CALLED AND PASSED. (5-0-0)

230 v. Confirming warrant numbers and totals with Ann.

231 **f. **Coronavirus Municipal Records Digitization Grant:** Ann working on
232 various grants, update to be provided.

233 **g. **Local Government Expense Reimbursement Grant:** (See above)

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

235 **a. **Sidewalk scoping update - (Bay):** Bay spoke to Chrissy at Dufresne
236 Group and there were several comments about a multi-use path/trail on
237 the survey responses. The sidewalk pursuit is extremely challenging due
238 to river/ledge restrictions (5-foot grass strip/sizing). There could be
239 another option for 8-foot paths elsewhere. Brief discussion on materials:
240 gravel, concrete, wood (Waitsfield), synthetic wood. Discussion on how
241 best to disperse information to community regarding sidewalk vs. multi-
242 use trail; VTRANS encouraging virtual meetings.

243 **b. **Ash Tree Management Grant (Will):**

244 i. Will to meet on September 16th with various parties regarding ash
245 trees.

246 **c. **Town Transfer Station - continuing trespass and thefts:**

247 i. Discussion on reimbursements requested from Transfer Station
248 thefts (itemized list provided by Randy). Discussion on recent
249 activity, stove donation, gate closure, general cleanup/grading
250 needed at Transfer Station.

251 *MOTION (PAUL), SECOND (BILL), TO REIMBURSE RANDY FOR
252 \$750. DISCUSSION: *Town obligations to subcontractors, contract*
253 *details. VOTE CALLED AND PASSED. (4-1-0)*

254 ii. Brief mention of a request to campaign at the Transfer Station.
255 Paul proposed it be allowed within a month prior to the election,
256 (not before Oct. 3), and at a distance on southern side with no
257 impediment to vehicular flow.

258 **d. Continuing solar discussion:** (NONE)

259 **8. Board Member Concerns:** (NONE)

260 **9. **Executive session:** *MOTION (PAUL), SECOND (BILL), TO ENTER INTO
261 EXECUTIVE SESSION to discuss on-going legal matters. VOTE CALLED AND
262 PASSED. (5-0-0)

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264 **EX SESSION BEGINS: 9:17 PM**

265 **EX SESSION ENDS: 9:23 PM**

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267 **10. Adjourn: Motion (Oakley), second (Will) 5-0-0 9:24 PM**

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269 Respectfully submitted,

270 Sarah Summers

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272 Clarifications BF, 9/6/20