

TOWN OF CHESTER
BOARD OF SELECTMEN

August 17, 2016
Minutes

PRESENT: John DeBenedetti; Arne Jonynas; Ben Whalen; Dan Cote; Heather Chase;
David Pisha

VISITORS: Julie Hance; Naomi Johnson; Mary Jane Miles; Jeff Holden; Jennifer
Jones; Christian Avard

The meeting was called to order at 7:00 p.m. by John DeBenedetti.

There were no additions or deletions to the agenda.

1. APPROVE MINUTES:

August 3, 2016:

A motion was made by Heather Chase to approve the August 3, 2016 minutes of the
Chester Selectboard meeting and Executive Session meeting record as amended.

Seconded by Dan Cote. The motion passed.

Page 3, should imply that this is for impervious surface

Page 2, correct to read MacAllister

2. CITIZEN'S COMMENTS:

Mary Jane Miles was present to talk with the Board. She asked that the Town of Chester
look into adopting a Child Safety Ordinance. She stated that this issue came up a few
years ago when a transitional housing unit came into town. She presented the Board with
a copy of Rutland City's ordinance which has been held up in court. Mary Jane Miles
asked the Board to look into putting something into effect in the future. She stated that
that she would like this on the next agenda.

Mary Jane Miles stated that she would also like to see a Junk Yard Ordinance reviewed in
the near future. John DeBenedetti stated that this has been presented in past years which
created a very lively conversation. Mary Janes Miles stated that there are properties in
town that have large quantities of garbage bags along the river. David Pisha stated that
the garbage bags can be addressed through the health officer. Julie Hance stated that
garbage along the water ways can be addressed through flood plain management.

3. OLD BUSINESS:

LED Street Lighting: David Pisha reported that there is a savings of almost \$10,000.00
per year.

Open Meeting Law: David Pisha stated that Garrett Baxter from VLCT will be in Chester on August 24.

Fund Balance Policy: David Pisha stated that the Fund Balance Policy is being drafted. It will be on an agenda in September.

Wind Farm: David Pisha stated that he has contacted various state agencies who have not yet received applications for the proposed wind farm at this time. The Grafton Woodlands group told him that the wind farm developer has stated that they will abide by the result of the vote in November. David Pisha was asked to add this to the Old Business List.

Master Plan: David Pisha stated that there is a time table for the master plan including the upcoming events. The steering committee is expected to consist of Julie, David, Bob Flint and Jason as well as 3 members of the community. John DeBenedetti asked if the Steering Committee needs to be an official committee. Julie Hance stated that it does not have to be. She stated that all meetings would be open to the public as there would be no reason for there to be any closed door meetings. David Pisha stated that the new website is anticipated to be rolled out with the introduction of the Master Plan efforts. It was suggested that another announcement go out in the upcoming water bills.

Water: David Pisha stated that an update on the water project is on the agenda.

Rainbow Rock: John DeBenedetti stated that he has had three individuals come to him with concerns regarding the liability that might come with the ownership of the “rainbow rock” property because of the access off of Green Mountain Turnpike. It was discussed that there are risks for all outdoor entertainment. It was also agreed that there may be money available to help with the access. Heather Chase stated that she collects water samples and there are times when the water in this location comes back high in e-coli. Frank Kelley is monitoring this and could speak to this more definitively.

Library Elevator: Julie Hance stated that she has requested a copy of the elevator report for further review. She has also questioned the reasoning for this report and how it was generated. Julie Hance stated that the library is due for an inspection in October.

4. CONFLICT OF INTEREST POLICY:

The Board reviewed the draft Conflict of Interest Policy. Heather Chase stated that she would like the term “bias” removed. She also stated that she has issues with Article 5(b). She stated that she would like this wording regarding duplicate boards to be removed. She stated that it is the responsibility of the Selectboard to not appoint people on duplicate boards. Heather Chase stated that Article 10 should not be in the policy and provided an alternate example. Julie Hance stated that Article 10 is a method of holding the Selectboard to the standards of the policy. Heather Chase stated that she would like the title “Enforcement” changed. It was agreed to change the title to “corrective action”.

The Board discussed and agreed to discuss the term “bias” with Garrett while he is here on August 24. Julie Hance will make sure that Garrett Baxter has a copy of the updated policy as well as these minutes.

John DeBenedetti asked that this item be added to the end of the agenda next week so that other towns can leave if they need to.

5. FINANCIAL UPDATES:

General Fund: David Pisha stated that tax collections are less than last year. As we get closer to September 15 the revenues should increase. Revenues are almost equal to last year, down \$16,000. Expenses are down dramatically. Financially the general fund is doing well. Budget to Actual shows that from a budget standpoint the town is looking good. There were transfers into the capital plan which took place earlier than expected. John DeBenedetti noted that the paving of Mountain View is not reflected in these numbers, but still leaves the town ahead. David Pisha stated that the other paving will be taking place on August 29 beginning with Popple Dungeon and High Street and potentially Coach Road. David Pisha stated that the Balance Sheet was run as of August 10 instead of the end of July. John DeBenedetti questioned the transfer to water. David explained that this is for the water project which will be reimbursed in approximately 4-6 weeks. Arne Jonynas questioned the \$105,000 from the school overpayment. David Pisha explained that this happens every year as they reconcile the previous year’s education taxes. John DeBenedetti questioned 04-419-95, SRDC and what it is. David Pisha indicated that this title should say Economic Development, not SRDC. John DeBenedetti stated that the Rock Climbing Camp and Dance Camp seem to be off.

Water: David Pisha stated that this account is up slightly from a year ago. New bills going out this week. Fee collections are off slightly. Delinquent collections are well ahead of last year. Contracted Services will be reimbursed in 4-6 weeks. When reimbursed the bottom line will go from loss to profit. There is a small amount due to the CEDC which David will double check.

Sewer: David Pisha stated that sewer is similar to water. Fees collected are down and delinquencies are ahead. Operational revenues are similar to last year. Expenses are up slightly, but bottom line is still in the black.

Delinquent Tax: David Pisha stated that collections are up \$12,000 from a year ago and are down \$7800 from last month. He stated that there are efforts being made to decrease this list. Dan Cote requested another updated list. He would like to see this quarterly. Julie Hance will include this for the September 7 meeting. Water delinquencies are up from last year and down compared to last month.

Ambulance: David Pisha stated that there were 32 dispatched calls and 32 responses. The new employee is helping to meet all of the calls. The new alliance with Ludlow is working well also. Meghan is also taking over the financial background work from Georgia slowly. John DeBenedetti questioned the ambulance salary which has only

expended 20%. David Pisha noted that this is done in November. Ben Whalen would like to see the full time salary and other salary separated out.

David Pisha stated that the Solar Agreement to date shows approximately \$8,000 to the positive. The July savings were nearly double those of June.

Fund Activity: The Capital Fund shows the purchase of an excavator. Resurfacing of the Basketball Court took place.

Chester Development Fund: John DeBenedetti questioned when People's Bank will come visit. David Pisha stated that he will schedule this for an upcoming meeting.

6. QUARRY ROAD FINDINGS:

John DeBenedetti stated that there are draft Findings of Fact and Order of Doing enclosed. He read the draft into the record which are attached to these minutes. Dan Cote requested that this be changed to read Selectboard instead of Selectmen. The Board took a recess for Julie Hance to make this change at 8:40. The Board reconvened at 8:43.

Arne Jonynas stated that he is against this discontinuance. He stated that he hates to see large parcels of land being bought up and posted. Ben Whalen stated that after the last turn it feels like a driveway and he has no issues with it. Discussion ensued regarding the potential of reclassifying as a Class IV Road or as a trail.

A motion was made by Ben Whalen to sign the Selectboard's Order of doing and Findings of Fact. Seconded by Dan Cote. The motion passed with Arne Jonynas voting in the negative and Heather Chase abstaining.

7. COACH ROAD LOOP PROJECT:

Naomi Johnson was present to discuss the potential of the Coach Road Loop Project. She handed out the costs to date. The substantial completion inspection was performed today. The final costs are now much easier to project. She stated that Contract 1 is under by \$150,000.00 due to the river crossings not being needed. The total construction cost is \$2.4 million. There is still a contingency factor of 5% or \$76,000.00. This is set aside in case there is something unforeseen during construction. Total project cost is now estimated at \$3.5 million and the bond vote authorized \$4.05 million.

Naomi Johnson stated that Coach Road has been identified as the highest priority in the next water phase. The state has authorized use of these funds for the Coach Road Loop Project and hydrants (\$200,000) and improvements at the well house (\$150,000.00). This estimate of \$200,000 has been provided by SUR West who just finished the water main project. Dufresne would need to obtain a survey and design which would need to be provided to the State for approval. The permit to construct will take some time. John DeBenedetti questioned if a bid process would be needed. Naomi Johnson explained that the State will allow a change order if the cost is under 20% of the original contract, which

this is. SUR West would make the most sense to do the project since they are in town. Naomi Johnson explained the Loop Project will be a change order under the water main contract. The well house would be a change order under the water tank project.

Jeff Holden explained that there is a section of 6 inch main on Coach Road that is falling apart that needs to be replaced. It is also expected that the “6 inch pipe” is actually a 2” pipe. The pipes are producing rusty water.

Jeff Holden stated that he has been very impressed with SUR West and would recommend them for the loop project.

Heather Chase questioned if there is a breakdown of the engineering costs on the well house. Engineering amendments are already included in the step 2 amendment. Naomi Johnson has stated that there has been an overrun in engineering due to the ACT 250 permitting and the need to rebid one project twice. In addition, there were 3 contracts verses 2 which provided the town additional savings. There were also additional borings required due to the wetlands delineation. There will also be 2 permits needed for the Coach Road project. The Step 3 will include the construction engineering additions of approximately \$10,000.

Naomi Johnson has stated that her company is willing to take the risk of moving forward with the survey prior to state approval due to the timing. Heather Chase questioned how much of an overrun is the engineering. Naomi Johnson stated that she can get the final numbers.

Jeff Holden stated that the controls at the well station have been causing problems and will need improvements very soon. He also stated that the new system would be an energy savings for the well house.

Naomi Johnson stated that she is hopeful to have the work done this fall. However, it will depend on receiving the permit to construct from the state.

The Board agreed to move forward with the project as presented to the Board.

8. NEW BUSINESS/NEXT AGENDA:

Arne Jonynas discussed single homes on town roads. David Pisha will present a list and present it at the next meeting. Arne Jonynas would like Scullin Road reviewed.

It was agreed that Child Safety Ordinance be added to the next agenda. He would also like to discuss the Junk Yard ordinance. David Pisha will speak with Michael Normyle about his efforts. He would also like the Tax Delinquency List. Dan Cote would like there to be discussion about better ways to deal with speed management in the town.

David Pisha stated that the Windham Windsor Housing Trust has asked to come speak at the next meeting.

9. EXECUTIVE SESSION – SETTLEMENT AGMT:

A motion was made by Dan Cote that the Selectboard finds that the public disclosure of attorney/client communications with the Town's counsel concerning the terms of a settlement with the Agency of Natural Resources, Department of Fish & Wildlife in connection with the Town's pending Act 250 application concerning a pending Act 250 application, will necessarily involve communications of and relating to the relative merits of the Town's case, the premature disclosure of which could place the Town of Chester at a substantial disadvantage in any further activities or actions. Seconded by Ben Whalen. The motion passed.

A motion was made by Arne Jonynas to enter executive session, pursuant to 1 V.S.A. §313(a)(1)(E) and (F), for the purposes of discussing the possible resolution of a contested Act 250 application to which the public body is a party and for the purposes of engaging in confidential attorney/client communications with the Town's counsel made for the purposes of providing professional legal services to the Board in the form of advice and discussions relating to a proposed resolution by settlement with the Agency of Natural Resources, Fish and Wildlife Department in connection with the Town of Chester's water tower project. I further move that the Selectboard finds that the public disclosure of attorney/client communications in considering this settlement proposal will defeat the purpose for which the attorney/client privilege exists pursuant to V.R.E. 502, which is to foster a free and open exchange between an attorney and his or her client in connection with decisions which are made in the course of litigation. Seconded by Heather Chase. The motion passed.

The board entered Executive Session at 9:34 p.m. Invited in David Pisha, Naomi Johnson, and Julie Hance.

A motion was made by Ben Whalen to exit Executive Session at 10:29 p.m. Seconded by Dan Cote. The motion passed. There was no action taken.

10. EXECUTIVE SESSION – TOWN MANAGER REVIEW:

A motion was made by Arne Jonynas to enter into executive session for the purpose of performing the annual review of the town manager. Seconded by Dan Cote. The motion passed. The board entered Executive Session at 10:30 p.m.

A motion was made by Ben Whalen to exit Executive Session at 11:22 p.m. Seconded by Arne Jonynas. The motion passed. There was no action taken.

11. ADJOURN:

A motion was made by Ben Whalen to adjourn. Seconded by Dan Cote. The motion passed. The meeting adjourned at 11:23 p.m.

Julie Hance
Secretary of the Select Board

Heather Chase
Clerk of the Select Board