

Minutes of Selectboard Meeting
June 17th, 2015

Present at Meeting:

Bert Potter, Selectman; Aaron Korzun, Selectman; Steven Nicholson, Selectmen; Barry Griffith, Town Agent; Sharron Winnicki, Lister; Mark Goodwin, Clerk

VT DEMHS: Mary Andes, Ron Pentkowski

Members of the Public:

David Fretz, Brown Bridge Neighbors

Richard Gile

Lisa Steckler

Marilyn Dalick

Michelle Suker

Laurel Fretz

Call to Order:

The meeting was called to order at 7:00 PM by Selectman Potter

Approval of Agenda:

Aaron moved and Steven seconded to approve the agenda. Modifications: Bert indicated that the Road Commissioner would not be attending, due to a late fire call the previous night.

Approved with Modifications

UCRR Slide / PW 2867:

Mary Andes from VT Department of Emergency Management and Homeland Security (VTDEMHS) presented an update on the review by the FEMA Regional 1 Office of the Upper Cold River Road Shear (PW 2867) change in scope, specifically the request for a funding increase from ~\$361k to ~\$867k. Ms. Andes reviewed that extensive documentation that had been given to FEMA by both Otter Creek Engineering via her office as well as material developed by her office upon FEMA's request concerning the various different aspects of the project; engineering approaches, easements, right-of-ways, along with other particulars. VT DEMHS indicated that this was one of about ten to fifteen high priority Irene recovery projects within the State of Vermont that are still being worked on at the FEMA Regional 1 Office. Mary summarized that because of the complexity of the project, both in terms of engineering as well as other augmentations that the review process for FEMA has been tediously deliberate and difficult to conclude as to what the best approach might be. Mary indicated that FEMA was wary of making a decision that may set a precedent that could not be rationalized to the specific project variables that are particular to this project, variables such as the rights-of-way, easements, when easements were obtained and other technical design constraints related to the ROW.

VT DEMHS indicated that they have followed up on a regular two week basis since April of this year. She indicated that both OCE and VT DEMHS have been timely with their responses to FEMA for material in order that they might make a decision. Mary Andes did indicate that there had been extensive legal review of the project and internal FEMA debates in respect to interpretation of Public Assistance policy while attempting to fulfill Mission Mandates for disaster recovery. Mary indicated that she understands that George F Vanderschmidt, Deputy

Director at FEMA Region 1 is expected to be making a decision on the various internal recommendations imminently within the next few weeks.

(At this juncture Ron Pentkowski delivered an approval letter from FEMA for the Clement Bridge Alternate Project and extension for the Stoudt Bridge Alternate Project completion).

The forthcoming decision will indicate what approach will be taken. Mary indicated that she was cautiously optimistic that FEMA will be making the “sensible” decision and approve the stone buttress approach which is more cost effective, technically feasible and addresses the inherent cause of the slope toe erosion.

At this point, Bert Potter, chair opened the floor for questions / comments from the public:

Richard Gile: Made the observation that as time goes on the slide is exacerbated, and is affecting the Cold River road.

David Fretz: Could Mary quantify “few weeks”?

Mary Andes: indicated that she will be contacting FEMA tomorrow with information and additional documentation in respect to the fact that the Stone Buttress is the preferred design.

Carl Crawford: There are three essential possibilities that FEMA can conclude; #1 decline the PW altogether and not reimburse for any work, #2 MSE Wall approach, which cost significantly more and does not solve the inherent problem of erosion at the slope toe and #3 the Stone Buttress approach which has been the preferred approach from the beginning. What appears to be at issue is how to rationalize at the FEMA policy level the need for flexibility when it comes to the issue of utilizing “private” property for the repair of public facilities.

Mary Andes: “Few weeks” means hopefully by the end of this month but reasonably by July 15th.

Carl Crawford: indicated that it is “doable” that the project could start by the end of June and be completed this year. Permits are still active or would require minimal notification to bring them forward and renewed.

David Fretz: Does FEMA really want to solve the problem?

Mary Andes: It is her observation that FEMA does want to fulfill its’ mission of disaster recovery. Because of the complexity of this particular project, FEMA sees it as a learning experience. As she indicated FEMA is looking to reconcile strict adherence to policy with the flexibility of what is pragmatically “on-the-ground”. She indicated that she believes that FEMA is looking for a way through the restrictions of strict policy interpretation without advancing the unintended consequences of setting a precedent that has nationwide implications.

Michelle Suker: Continuing to delay is costing more money in terms of repair costs, costs to individuals like herself who have to drive excessively more miles and cost in terms of emergency response.

Sharon Winnicki: Is the Town planning on keeping the Brown Bridge open during the winter, and will fire trucks even be able to fit through the bridge?

Bert Potter: The Road Commissioner is anticipating keeping the Brown Bridge accessible year round. Plowing may not be on the same priority as the main roads, but it will be plowed. First responders, not necessarily the fire trucks themselves, should be able to utilize the Bridge.

Carl Crawford: Announced that he will be leaving OCE as of July 1. It was his hope that there would be some resolution by then for this project. He indicated that Mark Youngstrom would be the point of contact until someone else was named. Carl indicated that Mark Youngstrom happened to speak with Tom Berry who works on Transportation issues for Sen. Patrick Leahy, who was aware of this FEMA project.

Mary Andes: It not necessarily helpful when the Congressional delegation gets involved with these projects and contacting FEMA. She indicated that she confers with Tom Berry regularly and will keep him apprised of the status in conjunction with Mark Youngstrom. Everyone (VT DEMHS & FEMA) is trying to get to the right answer.

David Fretz: Does the issue of Private Land and the consequences of proceeding without pre-approval refer to the Richmond project, and how does that compare with this project?

Mary Andes: Yes, in a way. VT DEMHS is trying to avoid the prospect of having funds pulled back. Again, that is what is taking time to deliberate at the Regional level. Comparatively, there are substantial differences between this project and the Richmond project, especially in respect to the interpretation of a facility, which this particular project has clear definitions, but the Richmond project was more ambiguous. There are similar examples throughout the country, and FEMA works slowly in order to review how best to make exceptions to arrive at fulfilling its' mission.

David Fretz: When can we start to write our own letters if needs be, after July 15?

Michelle Suker: There is continuing deterioration of the bridge, particularly graffiti, because it is not travelled on a regular basis.

Carl Crawford: Indicated that he would be hesitant in applying that sort of pressure, in that it may jeopardize the project or extend the schedule.

Mary Andes: Sometime after July 15th would appear to be appropriate, although she indicated once again that it is not always helpful in respect to FEMA to apply that kind of pressure. Mary indicated that she tends to draft press releases for Senator Leahy in regard to these types of issues. She added that she tends to find that it most useful when the letters are passed through her office.

Chairman Potter concluded this portion of the meeting and extended a thank you to Carl, Mary and Ron for presenting.

Roy - Shunpike Culvert:

Bert reported that he had an update from the Road Commissioner and that the first culvert for the Roy property on Shunpike has been installed. Jamie has preparing to present to Roy the

expected cost on the second culvert. The Road Commissioner expects to have a determination on how is planning to proceed by July 1.

Spirituos Liquor License Petition:

The Clerk informed the Selectboard that he had received a petition to hold a special meeting in order to vote on the question: "Shall licenses for the sale of Spirituous Liquor be granted in the Town of Shrewsbury". The Selectboard was informed that the petition had the requisite number (5%) of voters, so that a special meeting would be required.

However, the Clerk also informed the Selectboard that upon further investigation that a reference was found to a 1979 Annual Meeting ballot vote result in a March 7th, 1979 edition of the Rutland Daily Herald. It was verified with the Secretary of State's office that the results that were published in the article could be used as an "official" result if the Selectboard, in consultation with the Town Agent choose to do so. The vote result which was not recorded in the Town Proceedings nor the Town Report were published as: *Final figures on the vote to allow the sale of malt and vinous beverages were: 135 yes; 9 no. To allow sale of spirituous liquors, the final vote figures were: 121, yes; 23 no.*

Steve moved and Aaron seconded to accept the results of the 1979 Town Meeting as reported in the Rutland Herald March 7, 1979 edition concerning the questions relating to malt & vinous beverages and spirituous liquors. Approved

Steve moved and Aaron seconded that under the provisions of 17 V.S.A. § 2643 the Selectboard will decline calling a special meeting duly requested by the petitioners because it is not necessary. Approved

Line of Credit:

Steven moved and Bert seconded to reiterated its' action from May 21, 2015: Steven moved and Bert seconded to authorize the Treasurer to renew the Mascoma Line of Credit when its' tenure expires, in June 2015 including a payoff balance of \$5.07. in addition include any other institution that the Treasurer can negotiate favorable rates with. Approved

Scheduling of Determination of Tax Rate:

Sharron Winnicki, Chair of Board of Listers briefed the Selectboard on the status of the Grand List. Grievances are presently ongoing, and expect to close hearings on Monday. Sharron indicated that the Listers expect to finalize a working Grand List by the end of the month and should have the required 411 property value data for determining the tax base line by the July 1st Selectboard meeting.

Bert will ask the Treasurer to be available for the July 1st Selectboard meeting to collaborate in setting the Tax Rate.

Town Office Septic:

Bert reported that Hubbard Bros. was reluctant to use their particular equipment to find the septic cover, but recommended another vendor. Bert will communicate the piping and other configurations to ascertain if the vendor would be able to pinpoint the cover.

Steve will be calling Bill Loshen to set a time to come and examine the water pump.

Town Garage:

Jamie reported to Bert that the roof plywood on the Town Garage was separating from the rafters. Bert had Lenny Page come look at it, and called John Berryhill. Because the building is only eight years old and the shingles are still in good shape, Bert inquired about warranty. Apparently, Ginnacola Construction will be making some repairs in the near future, at no costs.

Open to the Public:

Michelle Suker inquired as to what "Plan B" would be if the FEMA funding does not come through for the UCRR slide, would the Town vote to bond for the funds to make repairs? Bert responded that at present, the Selectboard is doing the best it could to have FEMA pay their appropriate share. However, it was his personnel opinion that the voters of the Town would not, as a matter of course, approve a bond for the repair of the Upper Cold River Road slide.

Minutes:

Previously approved. Steve noted that the on the handwritten and signed minutes of June 11, reference was made to corrections to the minutes, the referenced minutes were for June 3, 2015.

New Business:

Jamie will be requesting a John Deer grader bid, in so far as that other Catapellier dealers have been unresponsive to his request. He suspects it is because of territory limitations of the dealers.

Orders

Bert moved and Aaron seconded to approve:

Road Commissioner Orders # 6A of June 17, 2015 for \$222.22 and Selectboard Orders # 6A of June 17, 2015 for \$14,213.85. No discussion. Approved

Meeting was duly adjourned at 9:03 PM

Respectfully submitted,
Mark Goodwin, Town Clerk

These minutes are unofficial until approved by the Selectboard at the next regularly scheduled meeting.