

TOWN OF CLARENDON BOARD OF SELECTMEN MEETING
REGULAR
July 24, 2023
Minutes

Attendees:

Selectboard

Mike Klopchin, Chair
George Ambrose, Clerk
Robert Congdon
Cash Ruane
Art Menard

William Chmielewski, PEG TV
Heidi Congdon, Treasurer
Katie Nop, Secretary
Gloria Menard, Town Clerk
Robert Luchini
Chris Beitzel
Richard Ley
Bob Bixby
Aaron Cola
Kevin Peck
Pat Lanfear

Call to Order

Chairman Klopchin called the meeting to order at 6:00PM.

Agenda additions/deletions

N/A

Approval of Meeting Minutes

Selectman Ambrose motioned to approve the Teer Road workshop minutes from July 10, 2023. Selectman Congdon seconded for discussion. Selectman Menard noted that he was listed in the attendance list and he did not go to that workshop. He also said that there was a typo for Chairman Klopchin's name. With those corrections noted, the motion passed unopposed.

Selectman Ambrose motioned to approve the Regular Meeting minutes from July 10, 2023 as presented, Selectman Ruane seconded, and all approved.

Selectman Congdon motioned to move to Guests to hear from VTrans about the airport presentation and Selectman Ambrose seconded. The motion passed unanimously.

Guests

Robert Luchini and Chris Beitzel~ Rutland-Southern VT Regional Airport Act 250 Municipal Impact Questionnaire-

Chris Beitzel and Robert Luchini were present to discuss the master permitting hangar project going on at the Rutland-Southern VT Regional Airport. There were handouts given to the Board that displayed Act 250 partial findings for 12 hangars (not for construction). It is a portion of the permitting a developer would have to go through in order to construct. Legislation passed bill S.162 (Act 78) in 2019 and VTRANS began a state-wide Master Permitting effort. The regulatory process has been a barrier to entry for hangar development. Clough, Harbor and Associates was hired by VTRANS to assist in this process. VTRANS made some assumptions to permit what a developer might like. In the drawings provided, there were 3 large hangars (120'x120'), 3 medium (60'x80'), and 6 small ones (60'x60'); split between the East and West sides of the airport. Down the road, a developer

could propose a project that the State had already permitted for and if it met all the requirements, it would expedite the development process.

Chairman Klopchin asked if these hangars were to go up, if they required a tarmac to the buildings. Robert Luchini confirmed that they would require an apron. They discussed the different locations of the proposed hangars that are part of the master permitting project, if a developer were interested. The siting of the hangars has been completed, environmental impact review has been completed, and water and waste-water permitting is in progress. ANR is reviewing the water and waste-water plans.

Robert is compiling documents for the Act 250 application. The application consists of 10 criteria that must be met, with multiple sub criteria, totaling about 32. 4 criteria would need to be met specific to an actual development plan, but most of the regulatory process would be streamlined, with the master permitting effort that Robert is tasked with. They anticipate that the larger hangars will need domestic water and waste-water, while the medium and smaller hangars do not. Chairman Klopchin asked how large an aircraft would fit in the large hangar. Robert replied that it could have a max wingspan of 120'.

It's impossible to know what a developer would like. The State, through this effort, has made a couple options available. If a developer would like something larger, there would have to be an amendment to the Act 250 application, positive findings, and meet all the requirements. If a smaller hangar is proposed (than the State's 60x60'), and within the requirements- their application will likely be faster and easier.

Selectman Ambrose asked how many large hangars of this size are at our State airports. Robert did not have that number. Large aircraft with 100' wingspan do fly into Rutland but do not have a place to store the plane since these large hangars are not in existence. They either park elsewhere or on the ramp/tarmac. Selectman Ambrose also asked if the proposed hangars are the maximum amount allowed at the Rutland Airport. Robert said no, there is room for future development, and the hangar does not have to be in the proposed locations. This master permitting effort is like a blanket permit to get started; however different locations would make the process longer. The regulatory process has been a barrier to entry, which is why this effort has been made.

Selectman Ambrose questioned if this will speed up the Act 250 process and if so by how much. Robert Luchini directed the Board to VTRAN's website that estimates how much time it will save a developer.

Chairman Klopchin said that in the past, the East side of the airport has struggled with water run-off. He asked how they proposed on fixing that, if hangars were to go in. Robert said that their Stormwater Permit includes a bio retention pond, underdrain system, and other BMPs (best management practices) to deal with the stormwater.

Selectman Congdon circled back to the Act 250 Municipal Impact Questionnaire. Robert Luchini would like that form filled out as part of the Act 250 application under the Master Permitting project. It included checking off boxes whether emergency services, road maintenance, and solid waste disposal would be burdened by the project that Robert Luchini brought before the Board, with a few additional follow up questions. They discussed the questions and filled out accordingly. Selectman Menard asked if there's any hangars that are looking to go in. Robert said there is interest but the Act 250 process turns many developers away.

Selectman Congdon motioned to have the Board Chairman sign off on the questionnaire, Selectman Ambrose seconded, all Board members approved.

The Board thanked them for coming.

Selectman Congdon motioned to jump to the Teer Road discussion, Cash seconded, all approved.

Highway

Teer Road project discussion

The Teer Road residents were invited back to continue the conversation about the proposed road project near their residences. Cash explained that on Teer Road he would like to install a retention pond below the guardrails (at the top of the road) about 15ft long, 8 ft wide, 4ft deep. A retention pond will be put in at the bottom of the road as well. The ponds will be stone lined and act as a filter. It all depends on rainfall and snow fall, how often they will act. The swale will be eliminated at the bottom of the road. The retention pond will be installed below the resident's water well. Teer Road will be pitched about 3% to the south and the south side ditch will be cleaned and re-stoned. There shouldn't be much discharge into the ponds on the north, with the road pitched to the south. Ken Black's driveway culvert should be replaced.

There was more discussion about the retention ponds. Pat Lanfear felt that there hasn't been a stormwater problem on her side of the road (north). She reiterated some issues she's had with boards that had been installed near the upper guardrails. Pat disagreed with the current way Teer Road is being graded and cited some examples of issues that the neighbors have experienced because of it. Pat said that they will not be held liable if anyone gets hurt near the retention ponds. Katie had reached out to VLCT/PACIF to gather some information about responsibilities/liability of the town's ROW. She received an email back from them with some clarifying information. Depending on the circumstances and factors of a possible claim, it will be determined who is at fault. If the town is at fault for something within their ROW, they would be responsible. Pat requested a copy of that email; Katie provided it for her.

Aaron Cota asked if a contractor or town would do the work. Cash responded that the project will be contracted out. Pat Lanfear had some concerns about underground wires. The town will have DigSafe take a look at it. Pat went on to explain that she felt there were no water run-off problems near her home. She also expressed her dislike with the town's current plowing techniques on Teer Road.

At the conclusion of the discussion, Selectman Congdon explained that this is project is in accordance with the Clean Water Act. He could sympathize with Pat's displeasure that is directed towards the clean water measures that have to be put in place. Several years ago, ditches were installed in front of his family's property and at that time they were very against it. The Board explained that they have worked with a State technician to come up with a solution that is the least disruptive to the residents but also meets the requirements of MRGP.

Selectman Congdon also gave a fair warning that at the bottom of the road, that culvert needs to be replaced within the next year or two (at the intersection of Walker Mountain Road and Teer Road).

Pat mentioned that in the past the Board had discussed taking out the bend in the road. The Board reminisced on the history of maintenance concerns surrounding erosion and water drainage.

Joanne Black was unable to attend the meeting, but Pat expressed on her behalf that she had concerns about her spring up above their property and the water lines. She wanted to let the town know to be careful around those water lines because they are not very deep.

Road Commissioner Report-

West Tinmouth Road project is completed except for one driveway culvert. There is one landowner that will be moving his driveway about 30 feet. The ditches were grass seeded today.

Cash said they will keep moving along on working on the washout on South Creek Road. Also on South Creek Road, near the new tar, past the ledges, a sink hole developed during the flood. The culvert may have collapsed but the road crew has not been able to get down to see it because the water has not receded enough. They have made a temporary fix. It will require a 4-foot squash culvert. The box culvert project on Creek Road has been moved to August. Reclaiming for paving on Walker Mountain Road will start next Wednesday. The contractor was running 10 days behind because of the flood-the equipment was being used for flood clean up.

Richard Ley, town resident in attendance, noted that at the corner of Route 133 and Walker Mountain Road needs to be mowed. It's dangerous to pull out of there. The Board explained that it's on the state road and they are responsible for maintaining it. Unfortunately, the grass that needs to be mowed may be just outside of their ROW. Selectman Congdon said to have Katie reach out to the Castleton garage (who mows it), about getting the corner mowed because they have received multiple complaints.

Bob Bixby had a complaint that the corner of Creek and Alfrecha Roads need to be roadside mowed. Cash confirmed he hand mowed it last week. Currently, the roadside mower has some power steering issues so it's been slow going getting the road sides mowed. Selectman Congdon suggested renting a tractor and hooking our mower to it to get to roadside mowing done.

Approval of Select Board Warrants

All new warrants and warrants previously signed by the designated Select Board Member were approved and signed by all Select Board Members.

Public Comments

N/A

Old Business

N/A

New Business

Setting of Tax Rate -

Heidi, Treasurer, presented the Board with the new tax rates:

TOWN OF CLARENDON

Municipal and Education Taxes for FY2024

Homestead Property Tax

Homestead Education Tax	\$1.5576
Town Tax Rate	\$ 0.4931
Local Agreement Tax	\$ 0.0012

TOTAL HOMESTEAD PROPERTY TAX FOR FY24: \$2.0518

Non-Homestead Property Tax

Non-Homestead Education Tax	\$ 1.5875
Town Tax Rate	\$ 0.4931
Local Agreement Tax	\$ 0.0012

TOTAL NON-RESIDENTIAL PROPERTY TAX FOR FY24: \$2.0817

TAXES ARE DUE AND PAYABLE - SATURDAY, OCTOBER 14TH, 2023

The education rate for homestead jumped 11 cents this year, while the town tax rate only went up 1 cent (for homestead). For example, an individual with a \$200,000 home, that will look like a \$250 raise in taxes. Last year the education rate was down 12 cents and this year it went back right up.

Selectman Ambrose said the only way the education rate will come down is if they close schools. The Board talked about how when the school merger went through several years ago, they were falsely assured that the education rates would come down because of it.

Heidi reminded the public that the rates are produced by the approval of budgets, which is what they vote on every year in March. The only control the Selectboard has over the tax rate, is the municipal portion. This year's taxes will be due and payable by Saturday, October 14th, 2023. The Treasurer's office will be open that day to receive taxes.

Selectman Ambrose motioned to approve the tax rates/date as presented and Selectman Congdon seconded for discussion. Selectman Congdon reiterated what the Treasurer said.

In the face of the increase this year, it's important to note that the municipal rate only went up 1 cent. If they look over the last several years, the Board has strived to not raise the municipal portion as best they can. Until Montpelier makes some changes, the education rate will likely continue to climb. He went on to say that it's very disheartening that the school mergers were supposed to steady the education tax rate, and it has not done so. Selectman Ambrose echoed that, and added that during his time on the School Board, he expressed that a merger will not be a cost-savings, only consolidation would be. He said that they have to close schools to save money and lower taxes. The local school board does not have much control either. Selectman Congdon said this is a state problem not a local problem. He mentioned that the per pupil spending has gotten out of control. There is a fear of competition in the marketplace- and there are efforts to root out that competition. Richard Ley agreed and stated that they [the State] deny the best education to our kids by doing that.

After that discussion, the motion passed unopposed. For the record, the Chairman agreed with the conversation and vote.

Propane pricing-

Katie gathered propane pricing for the winter season. She had reached out to Lake Champlain Coal, Keyser (current provider), and Suburban propane. Lake Champlain Coal responded that they could not take on new customers at this point because they are short staffed so they did not provide a quote. Keyser offered pricing at \$1.779 for 2,000 gallons beginning August 1 to May 31. Suburban quoted \$1.625 for 2,200 gallons for 12 months and a flat fee for switching out the tanks. The town currently does not own their own tanks. Selectman Congdon motioned to continue with Keyser because the price difference was minimal and they won't have to deal with switching out the tanks; and have the Board Chairman sign the contract. Selectman Menard seconded the motion and it passed unanimously.

FY24 Grants in Aid grant execution-

The FY24 Grants in Aid grant will be for next construction season. The amount awarded was \$15,000 with a \$3,750 town match to be used on hydrologically connected roads. Selectman Congdon motioned to have the Chairman sign the grant and Selectman Menard seconded. The motion passed unopposed.

Structures Grant execution-

The town was awarded a Structure grant in the amount of \$27,000 with a 10% town match to be used for engineering/scoping for a culvert replacement at the intersection of Teer Road/Walker Mountain Road. Selectman Congdon motioned for the Chairman to sign the grant and Selectman Ambrose seconded. All Board members approved.

Juneteenth Holiday-

Selectman Congdon motioned in effort to save time, that this conversation be placed on their budget workshop agenda in the fall and discuss it under compensation and benefits. Selectman Ruane seconded and the motion passed unanimously.

Town Officer's Report

Heidi-

Heidi, Treasurer, provided the board with a budget status report. The last fiscal year they budgeted to reduce the fund balance by \$130,000. They were only able to reduce it by \$13,780, due to the amount of delinquent taxes that came in. Heidi asked the Board if, instead of leaving that balance in the General fund, if they wanted to move any of that money to the Equipment fund or Municipal Buildings fund, or a combination of both. They did not need to decide tonight, but consider what they would like to do.

Selectman Congdon asked if any of the leftover Highway fund balance was shifted into the Equipment fund. Heidi said nothing could be moved over because the Highway budget was fully expended. Selectman Congdon suggested splitting the funds between the Equipment and Municipal Buildings fund. Selectman Ambrose asked if the Treasurer had a recommendation on how to distribute the funds. Heidi said that after taxes come in, there will be about \$400,000 in the Equipment Fund but the grader has not been purchased yet. That will eat up the majority of that fund. There's just over \$225,000 in the Municipal

Buildings Fund (leftover ARPA money and interest). Selectman Congdon asked the Road Commissioner what piece of equipment should be purchased next. Cash thought that the '16 Mack was getting tired, the roadside mowing tractor, or the loader. Selectman Congdon reminded the Board that the road crew was supposed to perform more preventative maintenance on the loader to keep it running longer.

Kevin-

Kevin, Cemetery Committee, reported that the tree in Spafford finally came down.

Katie-

Katie, Secretary, reported that she discussed with Horst, Transfer Station attendant, about the new Discover Books Program that is out. This is an initiative through the Rutland County Solid Waste. It's a free program where residents can drop off books (hard and soft), DVDs, and audio books. They will be "recycled, redistributed, or resold to give the books new life and reduce landfill waste." There would be a metal bin at the Transfer Station to facilitate this program. The Board was agreeable to moving forward with it.

Katie also noted that the next Select Board meeting is August 14th. This is the Monday before the Vermont State Fair begins. There are a couple Board members and staff that are involved with the fair. She asked if the Board wanted to cancel that meeting. Selectman Congdon said to play it by ear. If there's not much on the agenda, they could postpone but that will be decided later. Katie also reminded the Board that they wanted to work on an Appropriations Policy. She asked if they wanted to set up a workshop. It was decided there will be a workshop before the September 11th Regular Meeting.

Select Board Member Concerns

George Ambrose-

Selectman Ambrose reported on the Rutland Town Highway Committee meeting that he and Chairman Klopchin attended. This was in regard to the Rutland Town Class 4 section of Quarterline Road that has some maintenance issues. Ambrose reported that there were about 30 residents in attendance, a mix of both Clarendon and Rutland Town. Rep. Art Peterson was also there. The Clarendon Selectboard had reviewed the minutes from the committee meeting. It was left that Rutland Town would draft a proposal for a maintenance agreement and then send it to Clarendon to review. Chairman Klopchin and Selectman Ambrose reiterated that the whole Board would have to review it. At the last Selectboard meeting the Board had voted against entering into an agreement with Rutland Town. Selectman Ruane asked if it was worth having Rutland Town put something together, knowing that the Clarendon Selectboard will likely vote it down (as they already have). He went on to explain why they should not enter into a maintenance agreement. Cash explained that the plow route does not allow for an extra section of road, efficiently. It would add 20 minutes to the route; he felt that was taking away from Clarendon residents. He determined that Clarendon cannot take on more, and if they had a road maintenance agreement with Rutland Town, other neighboring towns would approach Clarendon for maintenance agreements as well. Chairman Klopchin and Selectman Ambrose felt that a portion of Clarendon tax payers are asking the Board to consider this proposal so they should see what comes of it.

Selectman Ruane motioned that Katie draft a letter to Rutland Town letting them know that Clarendon is not interested in entering into an agreement with them. Selectman Menard seconded for discussion. The Chairman called for a roll call vote: Selectman Menard voted in favor of sending the letter, Selectman Congdon voted in favor of sending the letter, Chairman Klopchin voted no because he wanted to stand up for the Clarendon citizens requesting this, Selectman Ambrose voted no to sending a letter because they owe it to the members of the town, and Selectman Ruane voted in favor of sending it. The motion passed 3-2. Katie will send a letter via mail to Rutland Town letting them know.

Adjournment

Selectman Congdon motioned to adjourn at 7:47PM and Selectman Ruane seconded. All Board members approved.

Approved August 28, 2023

SIGNED:  Mike Klopchin, Chairman

SIGNED:  George Ambrose, Clerk