

TOWN OF CLARENDON BOARD OF SELECTMEN MEETING
REGULAR
November 13th, 2023
Minutes

Attendees:

Selectboard

Mike Klopchin, Chair
George Ambrose, Clerk
Robert Congdon
Cash Ruane, joined via phone @ "Highway"
Art Menard

Katie Nop, Secretary
Gloria Menard, Town Clerk
William Chmielewski, PEG-TV
Bob Bixby
Horst Gebeaur
Jimmy Austin
Jeanne Stimpfel
Teresa Miele
Shelley Lutz

Call to Order

Chairman Klopchin called the meeting to order at 6:05PM.

Agenda additions/deletions

N/A

Approval of Meeting Minutes

Selectman Ambrose motioned to approve the Regular Meeting minutes from October 23, 2023 and Selectman Congdon seconded. The motion passed unopposed.

Highway

Road Commissioner Report

N/A

2023/2024 Salt Pricing-

3 companies had been reached out to for salt: Cargill, Apalachee, and American Rock Salt. American Rock Salt did not respond. Cargill quoted \$86.50/ton and Apalachee was \$86/ton. Clarendon used Apalachee last year and were very happy with their service and product. Apalachee uses Casella to haul their salt and the Road Commissioner likes that the service is kept local. Selectman Ambrose motioned to go with Apalachee for \$86/ton and Selectman Congdon seconded. All Board members approved.

Access Permit- Tyler Bovey, Knipes Drive

There was an access permit application for Tyler Bovey of Knipes Drive. Road Commissioner Ruane met with the individual and requests a 40' x 15" culvert for the access. It was noted that Cash would like to meet with the contractor when the driveway goes in. Selectman Congdon motioned to approve the access permit for Tyler Bovey with the notes from the Road Commissioner. Selectman Ambrose seconded, and the motion passed unanimously.

FEMA DR4720 update/AOT Emergency Funds- August storm-

Katie provided an update with where things are at with the summer flooding events. The FEMA disaster (DR4720) covers costs for damages that occurred in July. They do not cover damages that occurred in August. Clarendon had a total of 5 damage sites; 2 of which occurred in July, and the other 3 occurred in August. Katie has been trying to find outside

sources for funding as these disasters were not planned/budgeted for. She was directed to reach out to AOT. AOT has a Town Highway Emergency Fund that towns can request funds in cases like these. There is a grant application and letter required to apply for those monies.

Katie explained she is looking for direction on getting these road projects off the ground and a permanent fix in place. FEMA requires strict contracts (since emergency period is over). Katie felt she was not competent in writing those contracts and suggested getting an engineer involved to assist with the process. Engineering costs are covered under FEMA projects and AOT. The town has to cover 15% for FEMA projects, and 10% for the AOT projects. Katie looked to the Board for guidance on how to proceed. Selectman Ambrose asked if Katie had an engineer in mind. Katie responded that FEMA likes to see towns make the effort to reach out to 3 different engineers. The town has worked with East Engineering on the Creek Road improvements and have liked working with them. They provided Katie with 2 other engineering contacts to reach out to.

Road Commissioner Ruane asked Katie about the culvert replacement suggestions. Katie reported that VTRANS did a hydraulic study on the culvert, per her request. Selectman Congdon clarified which culvert was being referred to. Katie said it's flagged, there's sink hole above it on the new pavement on South Creek Road. Road Commissioner Ruane discussed further the specifications of the culvert replacement suggestions. Katie provided the Board with the hydraulic study. Road Commissioner Ruane felt the suggestions were "overkill" but understood that state standards require certain specs for culvert replacements. Selectman Congdon asked if the culvert had a hole in it. It's unclear to what extent the culvert is damaged. FEMA inspectors have looked at it as well as VTRANS and they will discuss. The Board discussed that perhaps water got in around the culvert which caused the sink hole in the road.

Selectman Congdon didn't think there would be any harm in getting quotes for engineering. Katie asked the Board if she should get engineering out to bid per site. She explained that engineering is exempt from the formal bid process in the town's Purchasing Policy. If FEMA is looking for at least 3 quotes, and it's anticipated that engineering could cost over \$5k, then engineering should follow a formal bid process. At the conclusion of the conversation, Katie said she would get engineering out to bid and have the individual sites listed out. To clarify for the Board and the public, the 5 damage sites from the summer flooding events are as follows:

- S. Creek Shoulder
- S. Creek Guardrails
- S. Creek Culvert/sinkhole
- Middle Road/Cold River bridge
- East Clarendon Road box culvert

Selectman Congdon confirmed that Road Commissioner Ruane was in agreement with this progress. Katie will send out a draft RFP for the Board to review before she posts it.

Chairman Klopchin asked if the Road Commissioner had anything else he would like to discuss. Road Commissioner Ruane reported that he is soliciting quotes for truck replacement in preparation for budget time. Road Commissioner Ruane extended thanks to his crew as they work to prepare for the winter season.

Transfer Station

Maintenance upgrades request

Horst Gebauer, Transfer Station lead attendant, was present to discuss the quotes he had gathered from contractors. He had quotes for window and door replacement, floor insulation, and possibly heat pumps. Selectman Menard stated that the topic should be tabled as none of the projects described had been budgeted. He thought further discussion should happen at the upcoming budget workshops. Chairman Klopchin asked Katie how much was in budget for these projects. Katie responded she did not think there was room in the Transfer Station budget for additional expenses, but the newly established Municipal Maintenance Buildings fund held about \$221k.

Selectman Congdon asked Horst what projects were priority. Horst responded that getting the doors replaced is high priority as the Transfer Station office loses heat with the current ones. Horst explained that if floor was going to get worked on, it would change the measurements of the windows/doors. Selectman Ambrose asked if the Transfer Station office building was sitting on concrete. The Board figured it's all pole barn.

Horst received pricing from R.K. Miles and Lavalley's for the materials. He said before anything happens the compactor would have to be removed from the TS office. Selectman Congdon noted that awhile back he suggested selling it. Selectman Ruane chimed in via phone and suggested that the Transfer Station use the old Town Hall windows. Selectman Congdon didn't think that was a bad idea since they were double insulated and could use the sashes. Chairman Klopchin asked if the contractors could work with that. The Board discussed different configurations of ways the TS office could be improved.

Selectman Congdon said that before the double front door could be replaced or the floor done, the compactor has to come out of the office first. Horst clarified again that if the floor is put in, it will change the dimensions of windows/doors and will require special order of those materials.

Selectman Ambrose motioned that the town puts the compactor up for sale, and Selectman Congdon seconded. Selectman Congdon confirmed that research was done and the town does in fact own it. Katie asked how they wanted it listed. Selectman Congdon suggested Craigslist. Katie questioned how much compactors go for/their value. The motion passed unopposed.

The Board discussed with Cash and Horst a strategy of getting the compactor out of the office.

Selectman Congdon motion to move the rest of the upgrades discussion to budget time. Selectman Ambrose seconded. Horst added that he has a buddy that has a 9 light steel door that's in good shape. The Board asked Horst to look into that more and bring it to budget time. The motion passed unopposed.

Chairman Klopchin asked that the road crew coordinate with the Transfer Station crew to get the compactor out within the next 2 weeks. Road Commissioner Ruane responded yes, weather permitting. Chairman Klopchin asked that they remove it on a day when the Transfer Station is closed. There was discussion about whether an improvement to the doors and windows would alleviate the drafty floors. Selectman Menard stated that the public are in and out of the office so the doors will be opening and closing frequently. Horst objected and said the doors are always shut during the winter, and the attendants go out to the public when they arrive at the TS. Selectman Menard said that's still opening and closing the doors.

Katie mentioned that there are two packets floating from Dave Potter from Rutland County Solid Waste with information pertaining to that.

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.

Guests

Teresa Miele-Quarterline Residents- Meeting Procedures-

Teresa stated that she's not looking for a decision this evening, but her and the residents she's representing (Clarendon Quarterline residents) were looking for the Board to consider what the procedure is when residents bring a safety concern to the Board and that subject gets taken up under other business, without those residents knowing. She cited the example of the SB Meeting on July 24 concerning a Quarterline Road issue. The group was understanding that the Board is able to bring up information under other business, but the citizens were wondering what can be put into place, so that if a concern is brought up, the item gets on the agenda in a way that the citizens know that it's there, and can be apart of the conversation. She questioned what could be done differently in the future. They would appreciate that this incident doesn't occur again.

Chairman Klopchin explained emergency meeting procedures. Selectman Menard and Congdon said that's not what Teresa was referring to. Selectman Menard explained that the Clarendon board has gotten into trouble before for making decisions during meetings that were not warned. He cited the example of the gun resolution. The decision was made right away without getting more feedback from the public. Selectman Menard admitted the Board could have delayed the decision regarding Quarterline Road at the July 24th meeting. Selectman Congdon agreed and realized the Board needs to be cautious about hasty decision making. Selectman Congdon explained that the Quarterline Road topic came up under Selectboard Member Concerns on 7/24 and it was acted on. Selectman Congdon said there was no reason the Board couldn't have paused and taken time to think about that decision. However, within the Open Meeting laws, it was perfectly legal for the Board to discuss that business under Select Board Member concerns. Selectman Congdon added that if they were to discuss a policy outlining this procedure, it could be difficult because they wouldn't want the policy to block the Board from taking action during an emergency or time sensitive situations. Chairman Klopchin said he had felt the urgency to discuss Quarterline Road because he thought the residents wanted them to act on it. Selectman Menard countered it was acted on because the Clarendon board didn't want Rutland Town spend time on drafting a proposal when it wasn't necessary. The Board agreed they got caught up with what they felt like was the urgency on this matter.

Selectman Ambrose suggested that the SB Member Concerns heading on the agenda is rather vague but the notion of a "concern" is for information purposes only. He thought the Board may need to think about adding "information only" to that agenda item. Selectman Congdon said that action from the Board came from Clarendon board members attending Rutland Town's Highway Committee meeting. Selectman Congdon said that what should have happened was an agenda item be under Highway with a report out time. Selectman Menard said that Selectman Ambrose could have had his concern as an item on the agenda at the 7/24 meeting. The Board was in agreement that Selectboard Member Concerns should be for the purpose of presenting information and be cautious of making decisions under that agenda heading. Teresa was appreciative of the thoughtful conversation.

Teresa had a few more questions regarding meeting procedure. For example, at a meeting in August there was discussion about asking Cash to reach out to Rutland Town to exchange contractor information and having a selectboard member be a part of that conversation so there wasn't any confusion. Teresa said that phone call didn't happen until September and it didn't happen in the way it was agreed upon. She asked what the procedure is when timelines are not met and there's no discussion as to why it didn't happen within that timeline. She questioned if that's something the residents should be looking out for, or the Board. She stated that the phone call was not reported until a month later.

Lastly, she said the residents are unsure how to proceed based off of the October 5th Rutland Town Highway Committee meeting. Teresa said that Rutland Town would like Clarendon reconsider a proposal for road maintenance. Teresa stated that Chairman Klopchin had previously asked what Rutland Town is willing to pay, but she reports Rutland Town feels stuck because Clarendon has asked them not to draft a proposal and thus cannot offer numbers. Teresa questioned if it's the residents' responsibility to get the discussion back on the agenda or the Selectboard's.

Road Commissioner Ruane chimed in and stated that he had left RT Road Commissioner Sears a voicemail and it was quite awhile before he heard back. Teresa countered that there's a difference of opinion on the timeline. Teresa said she had talked with Dave Sears while they were ditching, and without asking Dave, he offered that he received a phone call from Cash on a Friday and returned it on the following Monday.

Selectman Menard said that at the RT Highway Committee in October, he was under the impression that Rutland Town was going to take care of the maintenance. They had bought more trucks, and Clarendon did not need to consider a proposal anymore. Teresa said that plowing/sanding will still be an issue for them because Quarterline is pavement and then referred to Jimmy Austin to explain. Jimmy said they are spreading salt on Quarterline and are not set up to sand the 3/10 of the mile of dirt road. Selectman Menard shared the example of private roads. He had a Clarendon resident reach out to see if the town would maintain his

private road, if they were going to maintain RT Class 4 section of Quarterline Road. There are 35 private roads in Clarendon. Selectman Menard questioned the residents if Clarendon should feel the obligation to take care of all those roads as well. Shelly Lutz shared state statute on the maintenance requirements for private roads. In essence, the statute explained that the residents that live on a private road agree to pay for the maintenance of their road. Shelly asked Selectman Menard if that citizen was willing to pay Clarendon.

Teresa reported that Rutland Town is taking care of grading but the plowing is still an issue. She quoted the October 5th Rutland Town Highway Committee Meeting minutes. She felt that it was clear from their minutes that Rutland Town wants Clarendon to reconsider. She was bringing it up because of meeting procedures. Selectman Congdon said this was the first that he had heard that Rutland Town wants Clarendon to reconsider. It would imply that they would send a letter to reconsider. Teresa said they could ask them to send a letter, but the issue is how to stop the problem of information being looped around. Selectman Congdon said it's not expected that the Selectboard read all bordering towns meeting minutes so they would need to send a letter to make the Board aware. Jeanne Stimpfel added that there were 4 Clarendon board members at that RT Highway Committee Meeting that heard the request.

Teresa reiterated that Rutland Town is stuck because Clarendon has said no to a proposal and questioned who's responsibility it is to follow up and get it on the agenda. She said that it's not a criticism of the Board but there is a gap in meeting procedures. Selectman Menard said that they have no power over the Rutland Town Selectboard. He stated if they want to send a proposal, they can send one over. Shelly said it's because the Clarendon board refused the first time so they're asking the town to reconsider. The residents were willing to send a letter to Rutland Town requesting a proposal if the Clarendon board was okay with that.

Selectman Congdon said that before the Highway Committee Meeting there was discussion that Rutland Town was considering contractors for the maintenance of the Class 4 section of Quarterline Road. Selectman Congdon asked the group where Rutland Town was at with the contractor information they were given. Selectman Menard reiterated the feeling he got from Rutland Town was that they were going to handle winter maintenance. Selectman Congdon said if they have a contractor in place that would be the best of both worlds- the road would get plowed and sanded, and Clarendon does not have to worry about the liability of their equipment on Rutland Town's roads. He questioned where Rutland Town was at with that. If they had a contractor selected, the issue is null.

Teresa responded to the concern of liability. She stated there is no liability issue for Clarendon to maintain a Rutland Town road. It would be a business transaction that they would enter to with another town. Clarendon would enter into a written agreement with Rutland Town, similar to how Rutland Town does business with Mendon and West Rutland. If it was a handshake deal, then there would be concern. Teresa said nobody wants that- they would be looking for a written agreement. Teresa reiterated that their contractor is going to run into the same issue that Jim was explaining (going back for a small load of sand to maintain the 3/10 of mile section of road). Teresa said they will not get to plow that section of road for 1-2 days, which she felt is a safety issue. Teresa explained that Rutland Town was willing to pay Clarendon for the maintenance. It's not that Clarendon would be taking on hours that they would not be paid for. The contractors are not going to solve the problem of timeliness.

Selectman Menard said that the town has 2 road crew workers right now. Teresa stated the Board was going to hire a 3rd part timer. She figured they were going to make a decision tonight. The Board responded they were not and they had no viable candidates at this time. Teresa reminded them that factually, it's adding 20 minutes onto the plow route for Clarendon. Jimmy Austin added that the Clarendon truck is turning around in Rutland Town, if the Board was concerned about Clarendon vehicles crossing town lines. Jimmy suggested the town have "spares" that are available to come in for winter storms. Selectman Menard stated that it's a different world now and nobody wants to work nor can they find anyone that's qualified. Jimmy said he would be willing to be on the list for on call. He suggested Eddy Baker as well.

Teresa questioned if the Board was willing to have Shelly Lutz reach out to Rutland Town and request a proposal. Road Commissioner Ruane said the first step would be to see where Rutland Town is at with contractors. Selectman Congdon said there was nothing wrong with reaching out to Rutland Town and see where they are at with things. The Board decided that Katie would reach out to Bill Sweet at Rutland Town so that communication can be dispersed to all Board members at once.

Selectman Congdon attempted to make several motions regarding making contact with Rutland Town but no seconds were made. The Quarterline group reiterated their concern was for the safety on that road. The argument of private roads being plowed came up again as well.

At the end of the conversation, Selectman Congdon motioned to have Katie draft an email to Bill Sweet at Rutland Town requesting an update on where Rutland Town is at with soliciting contractors for Quarterline Road maintenance and what the contractor's schedule for maintaining the Class 4 section would look like if they've hired one. Selectman Ambrose seconded the motion and it passed unopposed.

Shelly Lutz asked how Clarendon handles plowing Class 4 roads. Selectman Congdon responded that they do not maintain them. Shelly responded that .26 miles of Knipes Drive is considered Class 4 on a VT Rans Highway map. Selectman Congdon said that the Board will have to look into that because they were not aware of that. Shelly spoke with the landowner at the end of Knipes Drive and it is plowed by the town.

Public Comments

N/A

Old Business

Transfer Station emergency staffing-

Katie said she wasn't present at the last meeting, but the topic of having volunteers or paid staff as back up for the Transfer Station was discussed. Heidi reached out to VLCT for clarification. The bottom line for anyone wanting to get paid for working at the Transfer Station, obviously the town would need be following normal hiring procedures (IRS paperwork, reporting to DOL). VLCT's main concern was that anyone helping out at the Transfer Station be properly trained for safety purposes. If they do have volunteers, VLCT does have a model volunteer agreement which would list out the scope of the services they're offering. The agreement is linked in the email. The Board said Katie could compile a list of interested people that have mentioned they would be willing to work at the Transfer Station and she could contact them directly if they'd like to volunteer or be paid. Selectman Congdon said it's very out of the ordinary that they will need back up.

Teresa Miele did not think that someone could volunteer at the Transfer Station under FLSA's definition of volunteer, citing that the Transfer Station wouldn't qualify under civic, charitable, or humanitarian reasons. Katie read the section of the FLSA, provided by VLCT that allows volunteering for public agencies. Teresa had an issue that the definition of volunteer was not included in the excerpt. The Board argued that the Transfer Station would fall under civic volunteering.

New Business

VEM Buyout discussion- Fredericks Property-

The Fredericks property is located on Cold River Road. Selectman Congdon said the concern is that the town can't locate the owner and essentially, it's an abandoned property. In meetings with VEM, they said the property would be a good candidate and to get the process started by filling out the intake form. The Intake form does not rope the town into anything. Selectman Congdon motioned to approve that Katie fill out the form for the VEM buyout, Selectman Ambrose seconded, and all Board members approved. Selectman Menard questioned what the value of the property was. Katie thought it was set at 0 so that it didn't collect delinquent taxes. Selectman Menard said the buyout would be 0 then. Katie hoped this program would assist in the getting the property cleaned up.

FY25 Budget Workshop schedule-

The first budget workshop will be November 27th at 5PM. The rest of the workshops will be determined thereafter.

Town Officer's Report

Secretary, Katie, reported that the Shrewsbury admin said she would send Katie an update from Shrewsbury's meeting on the 15th regarding Katie's correspondence with Fitzgerald Environmental. Katie received a packet from E911 which looks like an annual audit which is due mid-December. She will be working with Matt on reviewing it. The Board is welcome to look over the maps and provide input. The Creek Road improvement project is completed now, so Katie will be working on the grant reimbursement for that once the final invoice is paid. The grant has to be submitted before the end of the year.

Select Board Member Concerns

Selectman Congdon wished everyone a good Thanksgiving.

Executive Session- Personnel

Selectman Congdon motioned to move into executive session at 7:53PM and Selectman Ambrose seconded. The motion passed unanimously.

Selectman Congdon motioned to come out of executive session at 8:16PM, and Selectman Ambrose seconded. The motion passed unopposed.

Selectman motioned to offer part time on call employment to the candidate that was discussed, Selectman Menard seconded, and all approved.

Adjournment

Selectman Congdon motioned to adjourn at 8:17PM and all board members approved.

SIGNED:  Mike Klopchin, Chair

SIGNED:  George Ambrose, Clerk