

Minutes

Town of Plymouth, Vermont

Select Board - Regular Meeting

Monday, November 6, 2023 @ 6:00 PM

Board Members Present:

Jay Kullman Keith Cappellini

Staff Members Present:

Angela Kissell Elaine Pauley Michelle Pingree
Naomi Moyer (zoom)

Others Present:

Bruce Pauley Frank Vetere Karen Evans
Rod Smyth Fran Kissell Roz Tepper
Dennis Waskiewicz Justus Pingree Rick Martin
Tessa Buss Bruce Tucker Midge Tucker
Willow Bascom Terry Bascom Marie Caduto
Margo Marrone

Attending via Zoom:

Mike Oloughlin Todd Mennes Rose Vetere
Al Poirier Mary Jane Crotty Tom Wendell
Elisabeth Rondinone Tim Sink Haylee
Fernando Ferriera Karla Katherine Pingree
Richie Ruggiano Senator Clarkson Tina

1. Call to Order:
 - a. Jay Kullman called the meeting to order at 6:03 p.m.
2. Consideration of Any Changes, Additions or Removals to Agenda:
 - a. Grant Funds for Salt Ash Cultivation
3. Approve Meeting Minutes:
 - a. **Jay made a motion to approve the October 16, 2023 regular meeting minutes. Keith seconded the motion. The motion carried.**
4. Marie Caduto ANR Tactical Basin Planner on Money Brook:
 - a. Marie Caduto, Watershed Planner introduced herself.
 - b. Marie started by giving an overview of the watershed itself; what they're working on and the extent of the damage; what has been done and what will be done to try and help with the sediment issues. Marie went on to say that Money Brook is a small brook compared to a lot of stuff that they work on. The whole watershed area is just over one (1) square mile. The length of the brook is not even two (2) miles long. The major landslide area is only about eight (8) acres. The issue with Money Brook is that it is really steep. It has a slope of approximately 18% which means that the water is really fast and powerful when it comes down that slope. Marie pulled up an Elevation Change map. She said that the top of Salt Ash Mountain is the tip of the watershed. From there it is coming

off at 3,120 feet and when it hits the flats down by the barn it is 1,160 feet so that water plummets almost 2,00 feet in under two (2) miles. As the water comes down that steep and hits the flats, it explodes out. What this is called is an alluvial fan and anything located in this area is in a hazardous location. Images from Irene were pulled up on the TV screen to show people what it looked like after the August 2011 flood. There have been a number of assessments that have been done on Money Brook. DEC covered a couple of them and Vtrans covered a couple of them to look and see how it is affecting the lakes. The images of the Lakes were from Irene; however, it didn't look much different after the July 10th flooding. There were before and after images of Money Brook after the sediment had been removed. Recent photos from atop were provided and the slide is an estimated 1,000 feet long and 250 feet high. Marie gave an overview of Historic Flood Damage and Channel Management. She said that this is nothing new and to be blunt, it's probably not going to change going forward. The Historical Data – Conclusions:

- * Landslides have existed since at least the 1930s.
- * Flooding at Route 100 and Bridge 108 is a historic and recurring problem.
- * Incremental development of the alluvial fan at the base of Money Brook has increased risk to infrastructure.
- * Conditions exacerbated by recent climate change: more frequent, more intense rains and stream flows.
- * Coarse sediments – 3 to 4 times per century, 5% chance in any given years. Concern for Vtrans, Town of Plymouth, and residents in the alluvial fan.
- * Fine sediments – chronic condition, 3 to 4 times per year (or more) during moderate to high flows. Concern for Plymouth and Ludlow residents downstream of the Black River and its in-stream chain of lakes.
- * Landslides are the common source for both the coarse and fine sediments. Alternatives to address this sediment source area should incorporate this dual flow regime and multiple management objectives.

c. Marie gave an outline of the VT Dec Restoration Work:

- * Geomorphic Assessments – Black River, Money Brook, Buffalo Brook and Patch Brook
- * Education and Outreach (LRA)
- * Lake Assessment – Round Pond
- * Sediment Study – Lake Rescue
- * Project Scoping – Money Brook
- * Slope Planting – Money Brook
- * Pingree Flats – River Corridor Easement – Berm Removal and Wetland Restoration

– to provide floodwater access to the flood.

Over time these changes have helped restore the wetlands and habitat has been created.

d. The State purchased the development rights from the Pingrees for a portion of their land so there is permanent protection from development; 50” natural floating buffers along river and brook; and no manipulation of the channels.

e. Marie provided a slide that outlined \$301,557 that VT Dec Invested in Money Brook & Black River projects between 2006 – 2019.

f. The more that we can find for locations along the Black River to trap the sediment will help as there isn't much that we can do with the slope.

g. Marie ended her presentation and said that she would be happy to take questions.

h. Frank Vetere commented that during Irene the brook overflowed and went south. With this flood it went north. Does that change your thinking about solutions?

i. Marie answered, no. She said that if you look at Lidar maps, the brook has been in different locations over time. It is going to continue to change locations depending on what is in its way on the way down.

- j. Midge Tucker said that she didn't believe that Marie had been out to see her property. They didn't build the banks higher on her side. The water totally surrounded our house and nothing is being done help to them. Silt is 4 feet higher than it was. She asked if Marie could come to her house and look.
- k. Tesha Buss said she spoke with Joe Casella and Joe stated that one of the main reasons that the brook rerouted was because four (4) huge pine trees fell in one location and that essentially created a dam. What is being done about this?
- l. Marie answered, in the upper part of the watershed trees are going to continue to fall until it reaches a slope that is steady and gradual enough for vegetation to grow. Having all of the trees down in the upper part of the watershed is a good thing as it will continue to slow the water down. Removal of trees in the lower area by the Highway is a good idea because they could block the flow of the water under the bridge. She also added that Vtrans has the right to manage that brook to protect the highway so they can do that work.
- m. Fran Kissell said that it looks like what Casella did, sped the water up and did not slow it down.
- n. Marie said that it is pretty straight right now as I looked at it recently.
- o. Fran asked if that is going to get repaired?
- p. Marie answered by saying that she has to leave that in Vtrans hands.
- q. Bruce Pauley said that as far as he can see, the area is inadequate for the water to get passed the highway. It will continue to rip the highway out, the way it is now, until they decide to open it up a lot further from South to North even if it means almost a long bridge. This would allow a lot of water to take its natural path. If they don't change how they allow the water to go under the highway, nothing else is going to change.
- r. Marie said that she was in agreement with Bruce and that she is not trying to point fingers, but our bridge infrastructure, all over the state, is undersized. The culverts and bridges are undersized and are not adequate for the amount of water that we get today.
- s. Marie also added that after Irene, the rivers program and the State fought FEMA well over a year because what FEMA will pay for is for you to replace this with exactly the same thing and as we know, that doesn't work. We need to replace it with bigger and it took well over a year for FEMA to allow the State to upgrade.
- t. Marie said that the bridge by the highway at Money Brook is fairly new so the likelihood of it being replaced anytime soon...your guess is as good as mine. Because it is in good shape, they're not likely to replace it over others that are in terrible shape.
- u. Bruce says you're calling it a bridge but it is a culvert?
- v. Marie, yes, it is a box culvert. It should be a bridge.
- w. Tesha Buss asked if there is a measurement for where the jurisdiction of Vtrans ends along Money Brook and where Rivers and Streams picks up?
- x. Marie couldn't answer that as she did not know. She does know that Vtrans has significant authority to manage up and down of the bridge to protect the infrastructure, but if there is a specific distance, she does not know the answer.
- y. Midge Tucker thought it was 100 feet as they told her they could not put fill up more than 100 feet.
- z. Dennis Waskiewicz added that even if the bridges are resized it is not going to change the sediment issue?
- aa. Marie said that the sediment issue is not going to change until the slopes stabilize enough to start growing vegetation and that is a long-term condition.
- bb. Dennis Waskiewicz asked if it could be helped along?
- cc. Marie Caduto answered, not with State funding. I cannot image the millions of dollars it would take to stabilize those slopes...5, 10, 15 million. It is absolutely massive up there.
- dd. Frank Vetere, you mentioned leaving the trees in the channel bed up high because it would slow down the water. It was my understanding; the trees fell in the water that caused the diversion of the water to go North and destroy Tesha's house and half of my land. I don't see how leaving trees in a brook is helping things. It is actually causing dams and once you have an uncontrolled dam the water

is going to go wherever it wants. If you have a brook that is properly designed it is going to stay in the channel.

ee. Marie said that is the misconception, that we can design a stream channel, we can't.

ff. Frank thinks it's a misconception to say that you can let trees fall and let the water go wherever its going to go, randomly.

gg. Marie, the northern bank is where all of the mass failures are. The southern bank is very steep but mostly ledge. I wish that I could sit here and say that we can go in there and fix things, but its 1,000 feet long and 250 feet high...it's a massive failure and it's not going to get fixed. I hate to be the bearer of bad news, but that is the situation.

hh. Midge Tucker asked what people are supposed to do.

ii. Marie said that is why FEMA has buyout plans for people in really hazardous locations. I know it's a horrible thought and I can't imagine doing it myself, but that is why those programs are available.

jj. Midge Tucker asked about building a wall like the Notch Road?

kk. Jay Kullman asked Marie if this is something that we ask you about or something we go to Vtrans about or is it a combination?

ll. Marie said it is probably a combination. The State has funded a new program and it is called the Flood Resilience Communities Fund. Right now, they are focusing that program on buyouts of houses that were not completely destroyed but those that are in hazards way. This program allows for 100% of pre-storm fair market value.

mm. Fran Kissell asked if the material up in the watershed is salable? If so, sell it to offset the cost.

nn. Marie said that it is not like we haven't considered doing something like that up there especially post Irene when this first revealed itself. Between the slope, access, and the extent of the problem, it is simply not feasible.

oo. Fran Kissell asked what was the estimated cubic yards that got dumped into the river this time?

pp. Marie said that she did not know this time; however, she can send Jay the assessment. The Geological assessment that Chris and George did and it has all of the numbers of how much sediment moved.

qq. Marie, we are our own worst enemies as we have built our homes and businesses in the flood ways.

rr. Jay Kullman wanted to add that the Town is going to be sponsoring a buyout. It doesn't mean that the Town is going to pay for it, but we have one in the works and the State is going to pay for it. We will have an appraisal done. It is 100% of the appraised value the day of the flood. It looks like the State program is good; they have two avenues. If anyone has questions, they should come see us.

ss. Frank Vetere asked what are the next steps with regard to the brook. Is the work that was done in July and August finished for now.

tt. Marie said that you would have to contact Vtrans for those answers as the work that was done was for Route 100.

uu. Dennis Waskiewicz said, we have physical damage to structures and roads, but we have sediment going all the way down the Black River and it is impacting recreation value, environmental value, fishing value. Has anyone put a number on this value? Maybe spending 5 million dollars upstream isn't so bad? Are you doing anything about that?

vv. Marie answered by saying, not to her knowledge. She said that she thinks everyone agrees that mitigating it at the source is not feasible.

ww. Fran Kissell asked, can you please look at it? Can you please look at what this gentleman has asked?

xx. Marie said that she can make that request. She certainly understands that the lakes are a huge resource to everybody in the Region.

yy. Senator Clarkson, I think Tesha and I can speak one of the top priorities for this session is coming out of it with a plan to pull together the key partners such as the Army Corp of Engineers, ANR, Vtrans, Silver Jackets, our federal and State partners working today to create a plan for the next 10 to 20 years mitigating the challenges that we face plus figuring out how we are going to raise the money. We have

a resiliency fund, but it is inadequate. The Feds have the deeper pockets. We are aware that this is our top priority for the entire state. We probably should have been working on this with greater effort after Irene, but it's our top priority this session.

zz. Marie concluded by saying, that if anyone wants to get in touch, Jay has her information. I do have a few business cards that I can leave on the table. I am willing to come out and visit folks and see what the situation is and try to assist by making connections to the right folks.

aaa. Jay thanked Marie for coming out.

5. Approve Paving Bid:

- a. Jay Kullman mentioned that the bid was reviewed at the October meeting, but not officially approved. **Jay made a motion to approve the Pike Industries, Inc. paving bid in the amount of \$294,079.50. Keith seconded the motion. The motion carried.**

6. Review and Possibly Modify Short-Term Rental Registration Form:

- a. **Jay made a motion to make administrative changes to the Short-Term Rental Registration Form. Changes were as follows: Remove the \$40.00 recording fee; add the Knox box model no. 1658; update Margot Martell's phone number. Keith seconded the motion. The motion carried.**

7. Select Board to Approve Two Business Credit Cards for the Town of Plymouth:

- a. Jay asked if we were changing companies and who they were for.
- b. The business cards will be thru M&T Bank. One will be for the Town Clerk and the second will be for the Highway Foreman.
- c. **Jay made a motion to approve two (2) business credit cards. Keith seconded the motion. The motion carried.**

8. Review and Possible Approve NEMRC Contract:

- a. Jay had questions with regard to the contract and cost. This item was tabled until the next meeting so the Select Board has time to review annual costs.

9. Dog Ordinance:

- a. Dog Ordinance takes effect on November 17, 2023.

10. Mail and Warrants:

11. Other Business:

- a. Jay Kullman said that we had a request from SA Cultivation, the dispensary. He originally applied for \$7,500 in grant funds, but didn't have a plan in place. He contacted us and we went over this at the last meeting. He requested some assistance for the work that he has done. We had an estimated \$3,850.00 in uncommitted funds and said that we would review his request. I went over and looked at the property to see the work that was done. There was new vinyl siding, enclosed windows plus other work. He supplied receipts in the amount close to \$8,000.00. The motion was made in the previous meeting to approve the request based on work being completed.

12. Set Date for Next Meeting:

- a. Next meeting is scheduled for Monday, December 4, 2023 @ 6:00 p.m.

13. Possible Executive Session:

- a. Went into executive session at 7:31 p.m.
- b. Executive session ended at 8:11 p.m.

14. Adjourn

a. **Meeting adjourned at 8:34 p.m.**

Respectfully submitted.

Angela Kissell
Recording Secretary
Town Clerk

Select Board

Jay Kullman, Chair

Rick Kaminski

Keith Cappellini