

Preliminary Minutes

Town of Plymouth, Vermont

Select Board - Regular Meeting

Monday, March 18, 2024 @ 6:00 PM

Municipal Building Meeting Room

Board Members Present: Jay Kullman Rick Kaminski Keith Cappellini

Staff Members Present: Angela Kissell Elaine Pauley Michelle Pingree
Michael Coleman Natasha Bockhov

Others Present: Bruce Pauley Frank Vetere Rick Martin
Tom Harris Margaret Marrone Karen Evans
Albert Poirier Sue Poirier Joy Donnelly
Todd Menees Barbara Lurie Mark Savery
Stephanie Seavy Margaret Tucker Karen Bruyn

1. Call to Order and Introduction of Those Present:
 - a. Jay Kullman called the meeting to order at 6:01pm followed by an introduction of those present.
 - b. Jay noted that due to the technical difficulties we wouldn't be able to offer zoom at the meeting.
2. Consideration of Any Changes, Additions or Removals to Agenda:
 - a. Jay Kullman said that we had some additions to the agenda. We have two (2) purchase and sales agreements to review as well as VT Bond Bank documents to sign.
 - b. Michael Coleman asked to add two items as well. He wanted to talk about opening the ATV trails early as well as have meeting on April 10th to coordinate for Green-Up Day.
3. Approve Meeting Minutes:
 - a. **Jay made a motion to approve the February 5, 2024 Regular Meeting Minutes. Rick Kaminski seconded the motion. The motion carried.**
 - b. **Jay made a motion to approve the March 4, 2024 Town Meeting Minutes. Rick Kaminski seconded the motion. The motion carried.**
4. Leslie Wright, Civil Engineer – Natural Resources Conservation Service (via zoom):
 - a. Since zoom was down, Leslie Wright was unable to provide his presentation.
 - b. Tom Harris, who is coordinating with Leslie, spoke in his place. Tom said “Black River tributaries are a threat to Flood Control, water quality and public recreation.

The Black River source is Black Pond in Plymouth, Vermont. The river travels south for 7 miles and flows through Lakes Amherst and Echo before it reaches Ludlow. Along the way it is fed by four tributaries, Great Roaring Brook, Money Brook, Buffalo Brook and Patch Brook. Upon reaching Ludlow it travels 3 miles south through Lakes Rescue and Pauline until it is fed by Branch Brook and turns East. It then flows east through Ludlow and Cavendish to the Connecticut River. These four tributaries are responsible for erosion that causes massive mudslides fouling the water with colloidal clay and filling the river and lakes with alluvial debris. They all are the result of human disturbances at higher elevations on steep terrain. Money Brook is the worst.

The US Department of Agriculture Natural Resources Conservation Service Watershed Protection and Flood Prevention Operations Program wants to help remediate the source of the Black River through hazard mitigation. And they want to help fix the Amherst Dam. To do so they require that the local municipality invite them in to conduct a study of what needs to be done. They call this a local sponsorship and need it to ensure they have local cooperation.

- c. Tom ended by saying that we should also have them look at Great Roaring Brook, Buffalo Brook, and Patch Brook. This is a project that is going to take several years and since he is retiring in July, he will have time to dedicate to this.
 - d. Frank Vetere offered to be of assistance, if it's needed.
 - e. **Jay Kullman made a motion to support as long as there is not expense to the Town. Rick seconded the motion. The motion carried.**
5. Appoint/Sign Southern Windsor/Windham Counties Solid Waste Management District Rep:
- a. **Jay made a motion to appoint Arthur Lynds as Southern Windsor/Windham Counties Solid Waste Management District Representative. Keith Cappellini seconded the motion. The motion carried.**
6. Board to Appoint Town Officers:
- a. Jay Kullman announced that there would be an Appointment of Officers as follows:
 1. **Town Clerk, Angela Kissell – Jay Kullman made a motion to re-appoint. Rick Kaminski seconded the motion. The motion carried.**
 2. **Treasurer, Norma Pauley – Jay Kullman made a motion to re-appoint. Keith Cappellini seconded the motion. The motion carried.**
 3. **Collector of Delinquent Taxes, Norma Pauley – Jay Kullman made a motion to re-appoint. Rick Kaminski seconded the motion. The motion carried.**
 4. **Road Commissioner, Richard Kaminski – Jay Kullman made a motion to re-appoint. Keith Cappellini seconded the motion. The motion carried.**
 5. **Health Officer, Frank Vetere – Jay Kullman made a motion to re-appoint. Keith Cappellini seconded the motion. The motion carried.**
 6. **Zoning Administrator, James Allen – Jay Kullman made a motion to re-appoint. Keith Cappellini seconded the motion. The motion carried.**
 7. **Planning Commission & Zoning Board of Adjustment:**
 - a. **Anne Brown – Jay made a motion to re-appoint. Rick seconded the motion. The motion carried.**
 - b. **Richard Martin – Jay made a motion to re-appoint. Rick seconded the motion. The motion carried.**

- c. **Bruce Pauley – Jay made a motion to re-appoint. Rick seconded the motion. The motion carried.**
- d. **Frank Vetere – Jay made a motion to re-appoint. Rick seconded the motion. The motion carried.**

8. Fence Viewers, Andrew Crossman – Rick made a motion to re-appoint. Jay seconded the motion. The motion carried.

9. Tree Warden, James Allen – Jay made a motion to re-appoint. Rick seconded the motion. The motion carried.

10. Weigher of Coal, Tom Gianola – Jay made a motion to appoint, Keith seconded the motion. The motion carried.

11. Emergency Management Coordinator, Dave Olster – Jay made a motion to appoint. Rick seconded the motion. The motion carried. Jay thanked Al Poirier for all of his years of service.

7. Board to Discuss Constable Position/Duties:

- a. Keith Cappellini started by saying he was an early advocate of expanded constable roles, an option explored with former constable, Josh Linton. He also openly admitted fault based on his initial interpretation of the process for expanding constable roles, according to the statute.
- b. There was much discussion around the constable role as it currently stands and the different levels of training/certification that a constable can obtain.
- c. Bruce Pauley understood the logistics behind constables was for towns that don't have sheriffs. The concern is one of coordination if you have two organizations providing coverage. As Jay pointed out there is cost involved. Who is liable? A lot of things come into play.
- d. Keith Cappellini added that it is still murky and the ball had been kicked back and forth. He did say that there is a difference between an appointed constable versus an elected constable.
- e. Bruce said that he didn't foresee two different law enforcements.
- f. Karen Evans asked if it was an elected position.
- h. Keith said, yes, it is.
- i. Margo Marrone stated that Mr. Buswell was the constable years ago and he handed out tickets.
- j. Newly elected Constable, Stephanie Seavy talked about the different levels of training and the duration of those trainings. She has spent a lot of time researching the law, ordinances, and responsibilities that pertains to her new position. She said that she will perform the duty of constable as the Town of Plymouth wishes her too. She added that she is fine with performing it as a civilian versus the law enforcement role.
- k. The Select Board did concur that the Town would be moving forward with one Constable at this time as no one received enough votes to be elected to the 2nd Constable role.

8. Board to Review, Approve, and Sign Town Road and Bridge Standard Documents:

a. Jay Kullman made a motion to approve. Rick Kaminski seconded the motion. The motion carried.

9. Board to Vote on Community Center Director Position:

a. Jay Kullman made a motion to approve for the elimination of the Community Center Director Role. Keith seconded the motion. The motion carried.

10. Board to Review and Possibly Approve Day Care / Community Center Usage:

- a. There was discussion around the Community Center and its usage. Jay Kullman spoke that Lauren will be expanding her daycare into the 2nd larger room on the back side of the building. He also noted that the Historical Society will remain in the building as well.
- b. There were questions about the pickleball courts and still being able to use the outside facilities.
- c. Margaret Tucker added that Lauren was getting a porta potty to allow for outdoor restroom usage as to not disrupt the children when they're sleeping.
- d. Also, the pickleball courts can still be used, but within a specific timeframe each day and/or so many days a week.
- e. Rick talked about the Farmer's Market and its new location. For a couple weeks the idea was tossed around about the vendors setting up at Chloe's Market, but after careful consideration it was determined that the Annex building location would be better suited. The Town will provide Rebecca Ruplin with a key to the Annex building which will allow access to the rest rooms and the vendors would be responsible for making sure everything is cleaned up and tidy.
- f. Michael Coleman added that we want to be sure that all of the Town documents are secure in the vault and everything is squared away.
- g. Rick Kaminski added that we were going to be entering into a Lease Agreement with Lauren and it will have items outlined so everyone is on the same page.

11. Board to Review and Approve Vermont 100 on 100 Relay Scheduled for Saturday, August 10th:

- a. **Jay Kullman made a motion to approve their request. Rick Kaminski seconded the motion. The motion carried.**

12. Discussion About 553 Echo View Drive – Property Taxes:

- a. Jay Kullman asked for an update from the Listers as to status of the homeowner's concerns.
- b. Michael Coleman said that the individuals feel that their taxes are too high. The grievance process is in July. If the tax payers grieve their taxes and are not happy with the answer they can go to the Board of Civil Authority (BCA). If they're not happy with the answer from the BCA they can submit a request to the Division of Property Valuation and Review (PVR). If they're unhappy with PVRs answer then they can take it to the Supreme Court. All filing fees are paid by the Appellant. If the Appellant takes it to the Supreme Court, then the Town is required to hire a Lawyer to represent them; however, the Appellant can be pro-se.
- c. Karen Evans reiterated the same process and how Rules for Abatement are very sticky.
- d. Jay Kullman stated that the 1st tax bill went out in August so they knew the amount then?
- e. Elaine Pauley said they refused to pay the 2nd installment because of the amount and they weren't happy because of the lack of communication.
- f. Michael Coleman added that all grievances must be in writing.
- g. Elaine Pauley said that a delinquent notice was sent on 2/4/24 and they responded by 2/9/24. The owners told her that they were out of the country and would contact her when they got back.
- h. Michelle said that it is still too late to grieve. The process is set by statutes.
- i. Elaine Pauley said that a check was received on 2/28/24 based on the amount due on 2/1/24, it did not include the additional fees that were accessed.
- j. Michelle Pingree said that the residents receive two (2) letters. In 2001 they started building the house without a permit. Michelle said that her and Natasha who is the 2nd Lister in the office did a site visit today. There is a new 10x14 shed that is now on the property. There has not been a permit

filed with the Town for this which is violation. Michelle also added that correspondence is sent to residents via certificate of mailing from the Post Office.

k. Michael Coleman said that this could fall under Manifest error by the Lister's Office.

l. Karen Evans said that it sounds like they received all of the proper notifications as there is very strict rules on the process.

m. Jay Kullman added that he is not an expert, but the evaluation does seem fair.

n. Michael Coleman said that the software that is being used is based on old data.

o. Elaine said that we need to address the original problem which is the evaluation.

p. Jay Kullman noted that the assessment is based on \$175.00 a square foot which seems reasonable.

q. Michelle Pingree said that he feels since he had friends help him build it, which saved him approximately \$250,000, so he should have to pay for that value.

r. Jay Kullman asked if there is anything that we need to do?

s. Michael Coleman answered by saying, if he goes to PVR we will need to hire an attorney and it will cost more than the penalty.

13. Review and Possibly Approve the Vermont Journal for Legal Advertising:

a. Jay Kullman made a motion to continue to use the Vermont Journal as our advertising source. Rick seconded the motion. The motion carried.

14. Mail and Warrants:

a. Receipt of P&Z Ordinance Changes

15. Other Business:

a. In the beginning of the meeting Jay Kullman noted that there were three (3) items/documents being added to the agenda and they will follow.

b. Michael Coleman asked to add two items as well and those topics will follow.

c. Jay Kullman said that the Town had received a Purchase and Sales offer on a piece of land that the Town had purchased at tax sale. The offer was for \$6,500 on parcel id 000328. There was much discussion between and audience and the Select Board as to the best approach.

d. Jay Kullman made a motion to decline the offer. Keith Cappellini seconded the motion. Open for discussion. Rick Kaminski made a motion to counteroffer at \$12,000.00. Keith seconded the motion. The motion carried.

e. Jay Kullman said that the Town has received a Purchase and Sales offer on a property on Crimson Hawk Road. The offer was for \$3,500.00 on parcel id 000375. There was much discussion between the audience and Select Board. There is an approximate balance of \$8,094.00 owed to the Town.

f. Keith Cappellini made a motion to decline the current offer and counter with \$8,094.00. Jay Kullman seconded the motion. The motion carried.

g. Jay Kullman said that there were loan documents from the Bond Bank. These loan documents have an interest rate of 1.3%. This loan will pay off the balance of a loan with M&T Bank that carries a higher interest rate.

h. Rick Kaminski made a motion to approve loan documents. Keith Cappellini seconded the motion. The motion carried.

i. Rick Kaminski discussed bridge/road closures coming up within the next few weeks and to stay tuned as to when they will happen.

j. Karen Evens talked about all of the trees that were down on or next to Kingdom Road a short period of time ago. She didn't know what we could do about it.

k. Michael Coleman asked if we would open up the ATV trails for Green-Up Day on Saturday, May 4th if they're dry enough and weather conditions permit.

l. **Jay Kullman made a motion to approve opening up the ATV trails early. Rick Kaminski seconded the motion. The motion carried.**

m. Michael Coleman also added that he would like to have a meeting at the Town Hall on April 10th to coordinate for Green-Up Day.

16. Possible Executive Session:

- a. Went into Executive Session at 8:05 pm.
- b. Came out of Executive Session on 8:50 pm.

17. Adjourn:

a. **Kaith Cappellini made a motion to adjourn at 8:51 pm. Rick seconded the motion. The motion carried.**

Respectfully submitted.

Angela Kissell
Recording Secretary
Town Clerk

Select Board

Jay Kullman, Chair

Rick Kaminski

Keith Cappellini