

Town of Pittsford SELECT BOARD MEETING – May 17, 2023

MEMBERS PRESENT: W. Joseph Gagnon, David Mills, Alicia Malay, Mark Winslow and Thomas Hooker. OTHERS PRESENT: Chuck Charbonneau, Steve Belcher, Kevin Blow, Rick Conway, Sandy Conway, Mike Norris, Rich Bowman, Jim Radamacher, Ann Radamacher, Donna Wilson, Lisa Wright, David Atherton – Town Manager, Kelly Giard – Recording Secretary.

The Select Board was called to order at 6:30 PM by Chair Malay.

Chair Malay stated that there was no need to amend the agenda. Motion by J. Gagnon and seconded by D. Mills to accept the agenda as posted. Motion passed unanimously 5 – 0.

MINUTES:

The May 3, 2023 regular meeting minutes were signed with no corrections.

TOWN MANAGER REPORT:

Town Manager Atherton reported the following:

- Attended a Municipal Roads General Permit seminar on May 3 in Rutland with Chad Eugair. This was a training on the use of the new MRGP website that municipalities use to update drainage and culvert that has been completed on local roads.
- Met with VTrans to review proposed sidewalk repairs/replacement along Route 7 in the Village area. The required 11-11 permit has been submitted with work plans and awaiting approval.
- Attended the Otter Creek Communication Union District meeting. This was the annual reorganization meeting. This meeting marked the last meeting of Tony Ferraro, who is the Pittsford Rep.
- Bi-weekly payroll will be beginning next week with ADP with the first 6 months of services free of charge. The change has not been well received by the Union.
- The Police Department has submitted a COPS grant. If this grant is awarded, Pittsford will have the costs of a full time officer covered for 3 years with a commitment to cover the 4th year as a part of the grant.
- A warranty claim has been submitted for the fabric covering on the salt/sand shed. This is a challenge due to the company being sold.
- A letter has been received from VTRANS Traffic Operations stating that they will be performing a traffic study, per request, to extend the 25 mph speed zone in the Village District. A copy of this letter was included in the packets for review.
- The International truck has been returned and made it through the day with no issues!

SELECTBOARD MEMBER REMARKS:

Selectman Mills reported that he attended the recent Rutland Regional Planning Commission meeting and they are going to be working on the Regional Plan in October 2023 with an anticipated completion date of April 2026; Outback Solar representatives made a presentation

to the Regional Planning Commission and he stated to the Regional Planning Commission that they have not met with the Pittsford Planning Commission. Kevin Blow, Chair of the Planning Commission stated that there was no communication to attend a Planning Commission meeting. Town Manager Atherton stated that the Town has filed a motion to intervene. Outback Acres has submitted an intent and has put the project on hold for re-evaluation. Mike Norris explained the Lease Option Agreement and the state criteria and notifications. Kevin Blow asked the Planning Commission for rules and regulations for the Town Plan and has invited a Select Board member to attend a future Planning Commission meeting for discussion.

Selectman Winslow inquired if the requested backhoe information was available. Town Manager Atherton will compile this information for a future meeting.

Chair Malay stated that she attended a recent OMYA Stakeholders meeting with Town Manager Atherton.

PUBLIC COMMENT:

None presented at this time.

OLD BUSINESS

ATV ORDINANCE:

Signed as previously approved.

Personnel Policy:

Signed as previously approved.

NEW BUSINESS

Village Farm Application for VT Property Tax Exemption:

Lisa Wright was present to discuss the Village Farm request for VT Property Tax Exemption. Ms. Wright explained the process and that the Listers have the authority to grant or deny requests. Ms. Wright explained that since she is not an elected official that she is deferring this to the Select Board. Ms. Wright explained that the applicant can appeal to the Board of Civil Authority. Ms. Wright explained that the status of the building is in disrepair and is good for community functions. The building is currently rented and the taxable assessment is \$152,800 with a land value of the 22.4 acres of \$92,400. The taxes on the property are \$3420 for the last year. D. Mills stated that the rental income is more than the taxes and he is not in favor of exemption. D. Mills stated that the Village Farm has been telling the Select Board that there will be no cost to the town, however, the exemption will cost the town taxation. Motion by D. Mills and seconded by M. Winslow to deny the request. Motion passed unanimously 5 – 0.

Ms. Wright exited at 6:50 PM.

Discussion with Planning Commission about Bridge 108 Appeal Decision:

Members of the Planning Commission were present to discuss the Select Board decision on the Bridge 108 project appeal.

- Chuck Charbonneau stated that he was looking for the decision being stated in the minutes and was not able to locate. Town Manager Atherton stated that the minutes were posted on the website, which Mr. Charbonneau stated that the minutes were not available. It was discovered that the website is currently disabled due to reconstruction.
- Donna Wilson inquired why the decision was made in Executive Session with no communication to the Planning Commission and felt that this was disrespectful to the Planning Commission.
- Kevin Blow stated that the Planning Commission cancelled the meeting that was scheduled with the Select Board. Town Manager Atherton explained the Select Board and Chair Malay explained the decision of the Select Board being based on the responsibility to the taxpayers.
- M. Winslow stated that the Select Board agreed to file an appeal due to the timing, however, funding was a concern.
- Chuck Charbonneau inquired if this decision was influenced by a towns person. The Select Board members stated that this was not the reason.
- Chuck Charbonneau stated that he reviewed the financials related to this project and inquired if the Zoning concerns were more important than safety. Chair Malay stated that the Zoning issues were a violation and needed to be closely monitored.
- D. Mills explained that the most recent bill, which was included in the orders for current review, was \$2009. M. Winslow stated that the first filing related to the appeal was \$1,000.
- D. Mills agreed that communication was an issue.
- Mark Norris stated that Atty Gary Kupferer attended the Planning Commission meeting in March and recommended that the Planning Commission file the appeal and not both boards, however was under the impression that the boards both voted to file the appeal. Mr. Norris expressed concern of finding out about the withdrawal of the appeal after the fact and was under the impression that 2 appeals were filed.
- Town Manager Atherton stated that there is a misconception and that the Select Board appoints the Planning Commission and they have no statutory authority.
- Rick Conway read the May 2, 2023 bill from Kupferer and Blake and spoke with Chair Malay, Selectmen Mills and Winslow – as a resident and not a member of the Planning Commission.
- Rick Conway stated that his Atty Dumont will communicate and that the town could participate in mediation, which would make a stronger case for the town. Mr. Conway stated that he has done some research of legal expenses with the Town Reports and stated his findings. Mr. Conway stated that this impacts safety, and business and the “State didn’t follow the law”
- Chuck Charbonneau recommended that the members of the Select Board review the scoping report for Segment 2 because the greens will be used and or removed for the project.
- Ann Radmacher inquired if the Select Board may want to look at the town for input.

- Sandy Conway stated that the pervue is not safety.
- D. Mills explained that the Select Board members are all in favor of the slip lane.
- J. Gagnon apologized for the lack of communication and didn't feel that it was intentional.
- Jim Radmacher inquired if there was any way of convincing the State and Chair Malay stated that the request was made and denied.

Mike Norris, Kevin Blow, Rick Conway, Sandy Conway, Donna Wilson and Chuck Charbonneau exited at 7:33 PM.

Otter Creek Watershed Insect Control District Vote to Add Proctor to the District:

Steve Belcher was present to discuss the addition of Proctor to the Otter Creek Watershed Insect Control District. Mr. Belcher stated that Proctor had been on a "rental" basis, however, now that the budget has undergone a revamping, Proctor will now be contributing to the overhead, as well as the insecticide. Proctor did vote to join the district at Town Meeting. Motion by D. Mills and seconded by T. Hooker to admit Proctor into the Otter Creek Watershed Insect Control District. Motion passed unanimously 5 – 0.

Location of Potential Police Station:

Chief Warfle and Lt. Pratico have been looking into grant funds to search for space to construct a separate police station. There has been discussion of the area of the garage at the Municipal Office, First Response Building, or the proposed Fire Substation in Florence. D. Mills expressed concern of the cement pad at the First Response building due to being exposed to the elements for a long period of time. Rich Bowman stated that this pad was cracked. The Select Board agreed to allow the research and application for grants.

OCCUD Resignation and Need for Representatives:

Tony Ferraro has resigned from the OCCUD board due to moving. Any community member interested in serving on this committee is asked to contact the Town Manager. Town Manager Atherton stated that he has spoken with Fidium Fiber representatives who indicated that residents can type their address into the website to check availability in their area.

Act on Orders (\$441,514.79) and Payroll (\$13,283.14):

D. Mills stated that \$364,754.90 was sent to the OVUU.

M. Winslow inquired the expense for flag poles. Town Manager Atherton stated that this expense was for the poles on the telephone poles for flags.

M. Winslow inquired if the amount paid on the iPads for the Police Department was the final payment. Town Manager Atherton state that this was the final payment and the only ongoing payments would be for wifi.

The Select Board adjourned at 7:47 PM.

EXECUTIVE SESSION

T. Hooker made the motion and seconded by M. Winslow to go into Executive Session to discuss a clear and imminent peril to the public safety 1 VSA §313(a)(5) where premature knowledge could be damaging to the Town and may be jeopardized by public disclosure. Town Manager Atherton and Rich Bowman were invited to remain for Executive Session.

In accordance with 1 VSA§ 312 (b), where premature general public knowledge would clearly place the Municipality or person involved at a substantial disadvantage, the Board unanimously agreed to enter into Executive Session at 7:50 PM.

Motion by M. Winslow and seconded by D. Mills to exit Executive Session at 8:40 PM with the no action taken.

Motion by M. Winslow and seconded by D. Mills to adjourn at 8:41 PM. Motion passed unanimously 5 – 0.

The next Select Board meeting will be held on June 7, 2023.

Respectfully Submitted,

Kelly Giard
Recording Secretary

Alicia Malay, Chair

David Mills, Vice Chair

Thomas Hooker, Selectman

W. Joseph Gagnon, Selectman

Mark Winslow, Selectman