

**Duxbury Selectboard Meeting Minutes**  
Monday, April 22<sup>nd</sup>, 2019

Note: The complete audio recording of this meeting may be found at [www.duxburyvermont.org](http://www.duxburyvermont.org)

<b>SELECTBOARD MEMBERS PRESENT</b>	Bob Magee, Mari Pratt, Dan Schillhammer, Jerry McMahan, Kevin Garcia
<b>MINUTES PREPARED BY:</b>	Jonathan DeLaBruere
<b>CALL TO ORDER</b>	The meeting was called to order at 6:00 PM by Bob Magee.
<b>INTRODUCTION OF SELECTBOARD MEMBERS</b>	Selectboard members introduced themselves and attendees were reminded to sign in using the sign-in sheet.

**CHANGES TO THE AGENDA**

<b>DISCUSSION</b>	<ol style="list-style-type: none"> <li>1. Move Town Forest Committee to next regular meeting</li> <li>2. Move Complaint from Jim King regarding Town Clerk &amp; Zoning Administrator to next regular meeting</li> <li>3. Add Waterbury Area Trails Alliance (WATA) to Old Business</li> </ol>		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>	

**CITIZENS AND VISITORS TO ADDRESS THE BOARD**

<b>DISCUSSION</b>	Tamatha Thomas-Haase wrote a letter to the Selectboard and asked that it be read during this portion of the meeting. The letter is attached to the minutes.		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>	

**APPROVAL OF MINUTES**

<b>DISCUSSION</b>	Motion by Jerry, Second by Dan, All in Favor of approving the 04/08/19 Selectboard minutes as posted.		
<b>ACTION ITEMS</b>	<b>PERSON RESPONSIBLE</b>	<b>DEADLINE</b>	

## REVIEW OF SELECTBOARD MAIL

DISCUSSION	Moretown Fire Department is looking for \$3000 for fire service coverage from April 1 <sup>st</sup> , 2019 – March 31 <sup>st</sup> , 2020. Motion by Mari, Second by Dan, All in Favor of accepting the contract as presented, and authorizing the treasurer to complete the request.	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Send signed fire service contract to Moretown Town Administrator, and to Duxbury Treasurer for payment	Jonathan	ASAP

## REPORT: SELECTBOARD ASSISTANT

DISCUSSION	<ol style="list-style-type: none"> <li>1. Motion by Dan, Second by Bob, All in Favor of accepting the revised proposal from DuBois &amp; King and reaching out to get a contract in place to be presented at the next meeting.</li> <li>2. Motion by Kevin, Second by Jerry, All in Favor of signing the project commitment form for the Transportation Alternatives grant for a scoping study of Camels Hump Road.</li> </ol>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Send signed project commitment form to VTrans project manager	Jonathan	ASAP
Reach out to DuBois & King to let them know that the town has accepted their proposal and is ready to begin drafting a contract	Jonathan	ASAP

## REPORT: HIGHWAY FOREMAN

DISCUSSION	<ol style="list-style-type: none"> <li>1. Adam discussed that the town needs to give employees a letter the day of the drug test, which has not been happening.</li> <li>2. Expressed concern about the privacy of employee records that are kept in the town office.</li> <li>3. Expressed concern about residents trying to fix road issues on their own. If a resident has an issue with any town maintained road, they are urged to call the Duxbury Highway Department.</li> <li>4. Expressed concern about the lack of money in his budget for items that the town needs immediately.             <ol style="list-style-type: none"> <li>a. Motion by Kevin, Second by Dan, All in Favor of spending no more than \$9000 for grader tires.</li> <li>b. Motion by Jerry, Second by Kevin, All in Favor of spending no more than \$5500 on maintenance stone.</li> </ol> </li> </ol>	
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

**REPORT: TOWN TREASURER**

DISCUSSION	There was discussion about how many Selectboard members should be reviewing and signing warrants before being paid by the treasurer. Currently only two members are doing this, as opposed to three members done previously.		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE	

**NEW BUSINESS**

DISCUSSION	<ol style="list-style-type: none"> <li>1. <b>Waterbury Ambulance Service Incorporated Station (WASI) Relocation</b> <ol style="list-style-type: none"> <li>a. WASI has outgrown their current facility and asked the board if Duxbury has any town land that they would allow a new facility to be build on. The board wanted to think about this until the next meeting, and asked that Mark, Executive Director, to return at that time with the requirements of the new facility.</li> </ol> </li> <li>2. <b>April 2019 Flooding Update and Discussion</b> <ol style="list-style-type: none"> <li>a. From the Selectboard Assistant Report - Flood damage from rain and melting snowpack last week in Vermont caused more than \$2 million in damages to public infrastructure. This prompted Vermont Emergency Management (VEM) officials to request a Preliminary Damage Assessment (PDA) from the Federal Emergency Management Agency (FEMA). That will determine if the state can get a federal major disaster declaration. The request seeks assessments in Bennington, Caledonia, Essex, Orange, Rutland, Washington and Windsor Counties. The state must show at least \$1 million in response and public infrastructure recovery costs. Individual counties need to show public infrastructure damages and recovery costs of \$3.78 per capita. The estimated damage to Duxbury is upwards of \$100,000 including emergency repairs and permanent fixes.</li> </ol> </li> <li>3. <b>Addressing Road Issues and Concerns</b> <ol style="list-style-type: none"> <li>a. If any member of the community notices any road issues or has any concerns, they are urged to call the Duxbury Highway Department.</li> </ol> </li> <li>4. <b>Role of the Emergency Management Team</b> <ol style="list-style-type: none"> <li>a. The Emergency Management Team consisting of Director, Emergency Operations Center Chief, 6 Zone Captains and Zone Reporters as well as the Planning Commission, Health Officer, Service Officer, Zoning Administrator, State Police Advisory Board, Fire and Tree Warden and Constables help plan, oversee and implement municipal &amp; mitigation activities. The EMD and the zone captains are all equipped with traffic cones and radios to communicate with one another should an emergency arise.</li> </ol> </li> </ol>
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**5. Emergency Meeting/Open Meeting Law Discussion**

a. The board discussed the emergency meeting that took place on 3/28/19, as there have been multiple concerns about whether or not the meeting was in response to a true emergency.

**6. Mari's Response to Bob's Letter**

a. Mari provided a response to Bob's letter that can be reviewed by listening to the audio recording on the town website.

**7. Tax Anticipation Loan**

a. A tax anticipation loan was discussed as it was previously used in the town. Since the town is now operating on a fiscal year basis from July 1 – June 30, this is not feasible anymore. Mark Morse expressed that the town needs to collect money from taxes and put into a grant fund, as the surplus that is currently being used for grant local match is not sustainable.

ACTION ITEMS

PERSON RESPONSIBLE

DEADLINE

**OLD BUSINESS**

**1. 2019 Local Emergency Management Plan Adoption**

a. Karl Lander, the Duxbury Emergency Management Director, presented the town's 2019 Local Emergency Management Plan. In accordance with 20 V.S.A § 6 and the 2018 State Emergency Management Plan, "each Vermont jurisdiction is expected to develop and maintain a Local Emergency Management Plan". A current local emergency plan is also required for municipalities to receive federal preparedness funds and increased state reimbursement through the Emergency Relief and Assistance Fund (ERAF). Municipalities should review and update their emergency plans annually and readopt them between Town Meeting and May 1 every year. Municipalities report adoption of LEMPs through their Regional Planning Commission with the LEMP adoption form. Motion by Dan, Second by Jerry, All in Favor of adopting the 2019 Duxbury Local Emergency Management Plan as of 4/22/19.

**2. Town Garage Update**

a. Motion by Kevin, Second by Dan, All in Favor of accepting the contract as presented by DeWolfe Engineering in the amount of \$12,000.  
b. Motion by Kevin, Second by Dan, All in Favor of approving to spend \$500 to rent a lift for DeWolfe Engineering to access the inside roof in order to complete the structural designs.

**3. Gravel Pit Act 250 Permit Update**

a. There is a gravel pit escrow in the amount of \$39,417 to be used for the gravel pit reclamation. A site visit with the Act 250 District Coordinator is scheduled for tomorrow, April 23<sup>rd</sup>, 2019 at 9:30AM.

DISCUSSION

**4. Waterbury Area Trails Alliance (WATA) Safety Plan**

- a. Discussed the Safety Plan presented by WATA, and the boards concerns about specific details left out of the plan that they asked be addressed. These included police presence at the intersection of VT Route 100/Crossett Hill Road South and VT Route 100/Stevens Brook Road. The board asked Jonathan to reach back out to see if these details could be included in the plan before the race takes place.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Send executed contract to DeWolfe Engineering	Jonathan	ASAP
Contact WATA and ask them to include the additional details about police presence	Jonathan	ASAP

**EXECUTIVE SESSION**

<b>DISCUSSION</b>	Motion by Mari, Second by Kevin, All in Favor of moving into Executive Session at 9:55 PM.	
	Motion by Jerry, Second by Kevin, All in Favor of coming out of Executive Session at 10:23 PM.	

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

<b>ADJOURNMENT</b>	Motion by Jerry, Second by Kevin, All in Favor of adjourning at 10:24 PM. The next meeting is a special meeting scheduled for Monday, April 29 <sup>th</sup> , 2019 at 6:00 PM.	
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April 22, 2019

Dear Town of Duxbury Selectboard,

First, let me apologize for the tardiness of this letter relative to its primary topic. As some of you know, I've been on a rigorous chemotherapy regimen since November and have fallen behind in my listening to Selectboard meeting recordings.

A few days ago, I listened to the board's emergency meeting on March 28. According to Vermont open meeting law, 1 V.S.A. § 312(c)(3), an emergency meeting may be held in the event of a *true* emergency, i.e., when "necessary to respond to an unforeseen occurrence or condition requiring immediate attention." As a former Selectboard member and a former chair, I find it hard to believe that a discussion on contracts was "unforeseen" nor does it meet the threshold for needing immediate attention – unless of course the roof of the garage had caved in or a contractor determined that it posed a hazardous work environment for our crew, for example. It is clear to me that the discussion on that night could have waited the 24-hour notice requirement for special meetings and should have been so warned.

More disconcerting to me than open meeting law violation was that the chair of the Selectboard patronizingly and crudely admonished fellow board member, Mari Pratt, for seeking guidance and counsel from the Town Clerk on open meeting law requirements. In addition, he belittled and was extremely disrespectful toward the Town Clerk. As you know, we are extremely fortunate to have as our Town Clerk a woman with many years of experience as a Selectboard member who also carries a wealth of knowledge on municipal governance and policy. It seems to me that we *want* Selectboard members to seek out information from others in order to ensure sound decision making. To be admonished for talking with a member of the municipal team is counter-intelligent, counter-productive and counter to a relationship between the board, the clerk and the foreman that, when working respectfully, works best for the town.

Finally, I was incredibly disappointed that as the tone and tenor of the chair became less and less respectful toward a municipal employee and Mari Pratt, other members of the board were silent and allowed the disgraceful eruption to occur without pause. I urge all of you to hold one another accountable for engaging in civil, respectful discussion and disagreement. Not doing so provides permission for bullying behavior to gain ground and eventually silence healthy debate of the critical topics facing our town.

Sincerely,

Tamatha Thomas-Haase

**Town of Duxbury  
Selectboard Assistant Report  
04/22/19 Selectboard Meeting**

**1. Grants In-Process**

**a. Crossett Hill Road Slide (Planning Phase) – FEMA**

- i. VHB's surveyor is still pulling together a few things for the Right Of Way (ROW) drawings. When it's complete, Golder will send it along, so our lawyer can continue working on easements for the project. The town has received a request from a property owner in the project vicinity expressing concern about where the access location will take place. They also expressed that they would like any disturbed area to be put back to its original state after the construction is complete.
- ii. VHB's environmental scientist has completed their onsite survey for Ordinary High Water (OHW). They are tentatively meeting onsite with both the State of Vermont and Army Corps of Engineers on April 25th to review the project, and go over the permit applications. Depending on how the meeting goes with the regulators, they hope to have the permits submitted the first week in May. Based on required notice periods, and review time, Golder likely won't get the final permits until the end of May or beginning of June.
- iii. Final design drawings, detail, quantities, etc. are underway and Golder is targeting to have an internal draft drawing set by the middle of this week.
- iv. Golder has proceeded with the assumption that the project will be allowed to have a full road closure. Realistically, it is likely that construction (with road closure) will extend at least a month into the school year, impacting buses.

**b. Scrabble Hill Road Stabilization – Municipal Highway & Stormwater Mitigation FY19**

- i. VTrans has accepted our selection of VHB as the Municipal Project Manager, and we now have a signed contract in place. As the town representative, VTrans will keep me in the loop on any project communications with VHB going forward. I have set up a conference call with VHB tomorrow to discuss the project details.

**c. Salt/Sand Shed – Municipal Highway & Stormwater Mitigation FY19**

- i. A revised proposal was submitted to the Town of Duxbury by DuBois & King on Friday, April 19, 2019. That proposal was

provided to the Selectboard to review prior to the next meeting on 4/22/19. The revised proposal is within the town's budget of \$50,000.

**d. Camels Hump Road Scoping Study – Transportation Alternatives FY19**

- i. The project commitment letter was presented to the board at the last meeting, but it was delayed until the next meeting because of the concern about the amount of funds available in surplus.

**2. Grants – Pending Review**

- a. Ryan Road Culvert Replacement – Better Roads FY20
- b. Scrabble Hill Road Culvert Replacement – Better Roads FY20
- c. Morse Road Culvert Replacement – Better Roads FY20
- d. Stevens Brook Road Culvert Replacement – Pre-Disaster Mitigation (PDM)
- e. Atwood Road Culvert Replacement – Town Highway Structures Program
- f. River Road Paving – Class 2 Town Highway Road Program

**3. Grants – FEMA Public Assistance**

- a. Flood damage from rain and melting snowpack last week in Vermont caused more than \$2 million in damages to public infrastructure. This prompted Vermont Emergency Management (VEM) officials to request a Preliminary Damage Assessment (PDA) from the Federal Emergency Management Agency (FEMA). That will determine if the state can get a federal major disaster declaration. The request seeks assessments in Bennington, Caledonia, Essex, Orange, Rutland, Washington and Windsor Counties. The state must show at least \$1 million in response and public infrastructure recovery costs. Individual counties need to show public infrastructure damages and recovery costs of \$3.78 per capita.



Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

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## Construction access for Crossett Brook Slide

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DAVID SPECHT <dspecht@comcast.net>

Sun, Apr 21, 2019 at 12:00 PM

Reply-To: DAVID SPECHT <dspecht@comcast.net>

To: Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Mr. DeLaBruere,

I would like to express my concerns about granting the town access to the the area known as the Crossett brook slide through my property. When standing in the road looking south at the barriers the area of my property to the left of the slide has an area where I have placed large rocks and created a roadside garden. Some of this garden is in the town right of way and some is outside. I do not mind granting access through my property to the left of the barriers including through my garden outside of the right of way. I would ask that that after construction is complete any access roads are graded and seeded to prevent erosion into the stream, and that the garden and rocks if disturbed and restored as reasonably as possible to their current condition. I understand that the construction crews need access and am willing to be a good neighbor and accommodating.

On the other side of the slide, to the right as looking south there is an area which is of far greater concern to me. At this location I have I have long planned for improvements to be made. This is not just a section of woods next to the road. I have cleared trees at this location, obtained a curb cut permit and installed a driveway to the clearing. The drive continues down to the lowest section where I plan to create a diversion pond. Maintaining the ability do develop this very site has been the impetus of my efforts to prevent the adoption of zoning regulations prohibiting my my plans from becoming a reality. I am concerned that providing access though this area will will disturb its scenic beauty in a manner that could not be restored in my lifetime.

I ask you to forward these concerns to the company creating the project design so they can accommodate my concerns to the greatest extent possible.

Respectfully

David John Specht

2574 Crossett Hill

## **Board Meeting**

**April 8<sup>th</sup> 2019**

### **Road work/Crew work**

Did pothole repair and mud work on River road (multiple times), Camels Hump (multiple times), Scrabble Hill, Turner Hill, Dowsville road, Clark road, Wilder road, Stevens Brook, Welch road, Grout road, Crossett Hill, and Morse road.

Under the rail work on S Crossett

Repair and reopen flood damage areas (Camels Hump, Morse road, Richardson road, Turner Hill)

Repair culvert on camels hump

### **Foreman Work**

Work with crew

Meeting on drug testing

### **Equipment**

Truck 2 had front broken leaf spring. Was repaired under warranty

Truck 1 was set up for summer hauling

### **Grading**

I wanted to go on the record and state some of the challenges we are facing and why roads aren't getting fix as fast as taxpayers would like. First it April some spots are still draining and water is still pumping out of the ground. Also the grader tires are shot. They are in the July's budget but I have to go much slower and easier so it doesn't spin. Excessive spinning could lead to a blown transmission. I am also trying to pull the shoulders in where I can so water can run off the road. I have always struggle with this and I told myself this was something I wanted to do right this year. I won't be able to do it everywhere but I want to try. We are also out of stone and we only have about 10 tandem loads of gravel left. We started the year with about 1,500 yards of gravel and we used almost all

of it. There is more in the pit but because of the lake around it we can't get to it. I have talk about this problem many times through the years. And finial we are out of money. I have review my budget and we just are out of funds to buy any stone or anything for that matter.

Submitted by

Adam Magee

Road Foreman

# 2019 Gravel Grinder Safety and Emergency Action Plan

## Pre-event Notification:

- Ride notification will be posted on Waterbury/Duxbury/Stowe Front Porch Forum.
- Event information signage will be posted on town roads prior to the event (including both ends of Crossett Hill Rd.)
- Additional notifications will be made where possible (Facebook, newspaper, radio, etc)

## Pre-event Safety Precautions

- Waterbury Fire and Rescue, Washington County Sheriff, and State Police will be pre-notified of the event and will be provided with ride safety plans, maps and application contact information.
- Riders will be notified prior to the ride that they along with spectators are prohibited from parking in private drives, turnouts and fields/yards.
- Riders will be informed of required good road etiquette (riding single file, not blocking intersections, paying attention to traffic at aid stations, etc.) during the event.

## Ride-day Precautions:

- Ride start will be at 9:00am
- Riders are required to follow the marked course for the duration of the event. Course will be marked with yellow signs indicating direction and spray paint on the road surface for key turns. Course marshals will be stationed at critical turns where deemed necessary.
- Cones and barricades will be placed at critical intersections (precise locations TBD the day prior to the event during course marking).
- Signage will be placed at strategic locations to alert drivers that there is a ride occurring (these signs will be promptly taken down after the ride).
- Volunteers will be placed at strategic locations along the course to let riders know about on coming turns and to give drivers a warning that there may be bikes present.
- There will be a sheriff along the course at:
  - The beginning of the ride (mass start escort)
  - Route 100 and Route 2 Intersection
  - See below for specifics
- The ride will be escorted by a Sheriff at the beginning of the ride when the group is en masse from the start location at 5 Pilgrim Park. The escort will continue to the top of Perry Hill Road, a point at which riders tend to begin to spread out. The Sheriff will escort the ride from the rear. The Sheriff will then move to the intersection of Route 2 and Route 100 to warn drivers and riders on that turn up Route 100.
- The course will be swept clear of riders by a vehicle at the end of the ride.

## Insurance & Liability

VMBA's insurance covers the participation of the volunteer for the ride. Barring willful and wanton negligence – volunteers are covered. Every participant will have signed an assumption of risk form at registration. Once this paperwork is complete, the rider will be given a wristband.

The wristband indicates that riders have assumed personal responsibility for any existing medical conditions that may impact their experience. For example, riders are asked to disclose if they have a bee allergy or other pre-existing condition. If so, the paperwork at registration requires that they assume personal responsibility for the administration of any medication if needed. If a volunteer sees someone without a wristband, they will ask them politely to make a quick run to registration to get one.

As always, definitive care will be provided by local emergency services personnel. Event volunteers are not expected to administer definitive care.

### **Head/Spine**

If a rider crashes and reaches for their back or neck, **DO NOT MOVE THEM**. Have them lie still, immobilize their head and call 911 immediately.

If person is just "off a bit" after a hard crash as per his/her friends – get them back to the start/finish with a vehicle as quickly as possible and call for medical assistance.

### **Bleeding**

If a rider cannot effectively manage bleeding, apply pressure and call 911 immediately.

### **Anaphylaxis**

If a rider is experiencing anaphylaxis, call 911 immediately. They may be carrying treatment, (an epipen) and will likely know how to manage their allergy.

### **Bone or Tissue**

Everyone has a different pain threshold for joint damage and broken bones, etc. (excluding the head/neck – see above). In the event of a compound fracture or significant discoloration of surrounding skin is present – call 911 immediately. If the extent of an injury is unknown, it's best to be conservative and request the help of professionals.

### **Regulatory Illness**

A 42 degree day with light rain is prime hypothermia territory. Symptoms include, blue lips and shivering, mumbling, grumbling, stumbling, etc. Have them jump into a vehicle and crank the heat. Volunteers are encouraged to have a few extra t-shirts, jackets and a blanket if the forecast looks cold. However, volunteers are not expected to provide all potentially necessary equipment or clothing to deal with emergencies of this type. Riders are expected to provide for themselves adequately for the conditions forecasted for the day.

Alternatively, if the person is sweating excessively, is a bit irritable, complains of a headache or nausea, they may be experiencing **heat exhaustion**. A salt tab, some water, fanning them down and taking it easy will likely lead to a fairly quick recovery.

**Heat stroke** is much more serious illness and will require a 911 emergency response. Symptoms include hot, dry skin, rapid breathing/heart rate and likely a throbbing headache. Cool these folks down as quickly as possible – get them into shade, pour water over them slowly and fan like crazy and/or get them into a vehicle and crank the AC. In the event that a person continues to experience heat stroke medical attention may be required...

## Duxbury Selectboard Meeting Monday, April 22<sup>nd</sup>, 2019

Name	Address	Affiliation
Lars Dickson	3528 Crows Camp Rd	
Mark Polyzos		WAST
Adam Mysee		Rec 2 Foreman
Jeff Potros.		
KARL LANDER	2855 (Rt 1A) HAMPDEN	EMD
Jim Smith		
MARK MORSE		