

# **SANDGATE VERMONT SELECTBOARD MINUTES - MARCH 21, 2022**

## **CALL TO ORDER: 6:00**

**ATTENDANCE:** Board Members: Karen Dzialo, Charlie Pike, Joe Nolan and Karen Tendrup. **Also present:** Sandra Reidy, Melissa Mattison, Willy Mattison, Debra DeSacia, Tim Fagan, Vincent Lapenta, Sharon Lapenta, Ann Hamerle, Margaretta Pero, Richard Zoppel, Jeanne Zoppel, Kayla Zoppel, Jim Henderson, Jessica Hill, Mike Hill, John Grover, Jessica Pendleton, Ryan Perkins, James Peters, Ashley Coones and Rob Viglas.

**REMAINDER OF BOARD APPOINTMENTS:** Joe Nolan states that the last to be appointed is the Road Liaison. The Board has decided to appoint Charlie Pike. Melissa Mattison raises her hand and states that at the last meeting the Selectboard said they would contact all the other people to be appointed and Tom Santelli asked to be considered for the Liaison position. Joe answers that Tom was considered for the job but the Board decided to appoint Charlie. Willy Mattison asks if the Board had a special meeting to appoint Charlie. Joe answers they had an executive session last Monday night. Melissa Mattison asks when the meeting was posted. Joe Nolan states that Executive sessions do not have to be posted. Melissa Mattison states that according to the open meeting law you can not do that. Joe says that the Board will look into it. Sandra Reidy states that the Board was calling an Emergency Meeting under clear and imminent danger to the public.

**CITIZENS CONCERNS:** Referring to the Road Erosion north of the covered bridge on Sandgate Rd. Willy says the problem has been there since last July and hasn't moved since. Joe Nolan says that according to Josh Carvajal, as soon as we can take action on it the better off the road will be. Joe goes on to say it was considered an emergency situation they found a contractor who will fix it the next day. Karen Tendrup states that Josh Carvajal works for the state and if he tells us a job needs to be done, it has to be done. Willy Mattison asks if Josh Carvajal came to the executive meeting. Karen answers no. Willy says to Karen is this Joe telling you. Karen says she was at the site visit with Josh, Joe and Charlie. Joe had called the Road Crew at 6:00 am to meet them at the site but they did not show. Willy Mattison states that they were out working on the Roads. Joe Nolan says that the job is fixed and there is no point in arguing about it. Melissa Mattison says she understands the Board was calling an emergency meeting but the rules state that some public notice of the meeting must be given as soon as possible before the meeting. Joe asks Willy and Melissa Mattison why they do not want to see the road get fixed. Willy answers that's not the point they don't want to throw money away. Mike says he heard the fix cost between \$5,000 and \$7,000 and states that Bill Barney just fixed twice that amount of road

for \$6,500. Mike asks why the Board didn't get any other quotes. Joe answers that the work had to be done immediately. Willy Mattison says to Joe he should not have been involved in hiring Nate (the contractor who was hired for the Road Erosion). Willy states that Joe works for him. Joe Nolan says he does not work for Nate. Willy Mattison tells Joe he is a liar. Karen Tendrup pounds her fist on the table and states that the meeting is not going to go like this, there can't be so much arguing back and forth. Debra DeSacia asks if the Town has to absorb the cost of the erosion fix and will not be reimbursed by FEMA? Joe says that job was done to FEMA specs and we should be reimbursed for the work done. Jim Henderson asks if we have the bill for the work and if he can get a copy for tomorrow's meeting with FEMA. Bill Doyle from FEMA is coming to meet with Jim Henderson and Mike Hill and they will submit to him the bill to be added to the temporary emergency grant. Jim adds that FEMA will most likely not be making site visits as they are moving to virtual visits and they will evaluate the costs based on measurements and photos that Jim and the Town submit to them. He goes on to say that what happened was not out of the ordinary and will most likely be reimbursed as a temporary fix, then FEMA will respond back and work on it for a permanent fix. Jim continues to say that the area was fixed during the Irene storm and Josh made note that the fix was only temporary and not the way he would recommend fixing it today. Mike Hill states that he will give all the grant info to Charlie Pike and he can attend the FEMA meetings now as the Road Liaison. Charlie Pike states that a Road Liaison is the go between for the Town's people and the Road Foreman. Jim Henderson asks if Mike will be at the meeting also. Mike answers most likely not, the road Liaison can take over that duty. Jim pleads with Mike to attend the FEMA meeting tomorrow because Charlie does not have the notes and has not been involved in the process. Joe Nolan says to Mike that it's in the best interest of the Town if he attends the morning meeting. The subject jumps back to the road erosion, with several comments expressed at the same time. Joe states that the work had to be done, the black top was going to cave into the river. Willy Mattison states that he knows the work needed to be done but he feels that the Board went about it the wrong way. Joe replies that he is sorry Willy feels that way, the work was done in a matter of urgency. Joe adds that if 2 trucks had met on the road and one had gotten too far over by the guard rail it could be a liability to the Town. Karen Tendrup asks Willy Mattison to explain why he thinks the Board went about the process the wrong way. Willy Mattison replies that there are other contractors in this town that were not considered. Karen Tendrup states that it is her understanding that Willy is upset because he was not picked for the job. Willy states that it is a lie. Karen Tendrup explains that it is just her understanding and she was not present for the conversation. Tim Fagan says that the "understanding" is hearsay. Willy states that Joe said at the conversation in question, that we need to get someone in here competent to do the job. Willy asked "So I am not Competent?" Joe states that he did not say competent, instead he had said, someone who is

capable to do the job. Karen Tendrup says, so this conversation did happen and it was not hearsay. Joe Nolan states that the Town of Sandgate elects Selectmen to make decisions for the Town and that is why the Board agreed that this problem had to be taken care of. Karen Tendrup asks if everyone can wait their turn to speak. Melissa Mattison says she thought that Joe Nolan was the Chair of the Board. Joe Nolan answers that he is the Chair and the Selectboard members can speak. Melissa states that the Chair of the Board needs to lead the meetings. Joe says he will lead the meeting. Joe Nolan calls on Jim Henderson. Jim states that it is his understanding that Josh Carvajal will be coming to town tomorrow and if anyone had a simple question to ask him, referring to the road damages, he would be able to answer them. Jim continues to say that Josh will be visiting the road erosion site but also a few other sites in town that need to be evaluated. Josh Carvajal will be here tomorrow at 10:00 if anyone would like to meet up and ask questions. John Grover states that the Town should have put the road erosion job up for bid as most towns do. Joe Nolan answers that as he stated earlier the job was an emergency situation and they felt there was no time to put out a notice for bid and it was agreed that the work had to be done A.S.A.P. Jim adds that the Town has a procurement policy that allows the Selectmen to make emergency purchases. He adds that this was the same policy used during the July storm for several areas. Jim continues saying that FEMA has this emergency policy and they have approved it. Jessica Hill states that during the July storm Woodcock Road was eroded down the bank and the problem was not fixed immediately, it was barricaded off into a 1 lane road. Joe states that it was likely not fixed immediately because it wasn't on the main road. Jessica adds that the Woodcock Road was fixed with FEMA money and didn't cost the tax payers money. Joe states that as said earlier, FEMA will most likely cover the cost. Jessica Hill says why take the chance using tax payer's money? Joe will take that in advisement. Joe Nolan calls on Ashley Coones. Ashley says that she is concerned about people where the roads are so bad that an emergency vehicle can't get through. She goes on to say that Rupert Road on the Rupert side is much better, just like the difference of West Sandgate Road from the Vermont line into New York. Ashley asks what can be done with the roads to make them passable to emergency vehicles. Joe answers that they will work with the highway department to try and improve these areas. Jessica Hill states that she lived on Rupert Road and every year it would break up and she could not get through with a 4-wheel drive truck. She adds that Charlie and Ed Pike were on the road crew then and she was told to park at the Zoppels and walk a mile to her house. She continues that she has yet to see any of these roads better since Mike Hill has been dealing with the roads. Jessica adds the roads were worse 10-15 years ago. Debra DeSacia asks how the Board chooses the contractor to hire for an emergency situation. She goes on to say that in her last town of residence, they used an approved list for emergency situations. She recommends that the Board come up with a voter approved list. Mike Hill states that there are a few contractors

right in town that should have a shot at the work. He continues to ask the Board why they didn't consider some of taxpayers for the job instead of hiring out of town. Joe Nolan asks if there are any other citizens concerns. Willy Mattison asks Joe why he didn't want to address the comment Mike made. Joe says to Mike, he thinks it is a good idea. Mike states that he considered the local contractors first when bidding jobs. Joe says the contractor they used is local, but not in town. He continues that the Board chose him because he was the most qualified for the job. Joe adds that if there is going to be an argument about every decision the Board makes, we will not get anywhere. Ashley Coones states that as a citizen she would like to see the petty fighting end. She adds that there must be a way for the community to get together and find a solution to make things better. Karen Dzialo says that the 2 comments of keeping the bids in town and having an approved emergency contractor list, are very good suggestions. Joe Nolan calls on Jessica Pendleton. Jessica states that the portion of the Sandgate dirt road, where the Crown Maple truck was stuck is impassable. Jessica continues that she had called the Board members and the Road Foremen but nothing was done all weekend. Jessica would like to know what the policy is for road problems on the weekend. Joe Nolan states that the policy has to change. He continues to say that the road crew was not working on Thursday or Friday. He adds that everyone knows what the weather was like on the weekend and we are all aware of the traffic in Beartown due to the Crown Maple trucks. Jessica asks if Crown Maple is going to continue putting money into our roads like they promised and how many times have they given money. Joe answers just once. Kayla Zoppel states that she works for Crown Maple and the trucks have to run during the season. Jessica Pendleton states that residents still have to get through. She continues saying that when we know the trucks are running, we know it was 70 degrees on Friday and we know its one way in one way out, what are we going to do about it? Joe states that the Town Administrator from Arlington has written a letter of concern regarding our roads and the safety of fire trucks and the school bus. Melissa Mattison asks if the Town Administrators letter was about 1 issue. Joe answers the issue was in the Notch. Melissa states that Joe voted not to have the Notch fixed. Joe says he chose not to put a \$6,500 blacktop band aid on top of the hole in the Notch. He would like to see the problem fixed permanently. Mike Hill states that the road erosion work finished recently is just a temporary fix. Joe states that the difference between the 2 sites is that the road could have fallen into the river, in comparison to the notch, you land in a hole. Jim states that the 2 projects are not comparable. The road erosion is a temporary fix but necessary, as for the Notch we do not know what is causing the sink hole. He continues to say that whatever is put on the hole in the notch will sink. Melissa Mattison brings it back to her point that the Arlington Town Manager should be told this. Karen Dzialo answers that a letter has been sent to the Town Manager stating that the problem in the Notch will have gravel touched up until the spring, when further work can begin with an engineer

present. Vincent Lapenta states that he lives on Pantaleon Road and the bank is washing out. Jim Henderson says that it is on his agenda to visit that site at tomorrow's meeting. Vincent Lapenta asks if he can get an update after the meeting. Jim says that he will knock on their door to give a report. Vincent also asks what class road the Pantaleon has been changed to. Mike Hill answers that it is a class 4 from the Lapenta's driveway and up. Vincent Lapenta asks if that means the homeowner beyond his driveway is now responsible for that portion of road. The answer is yes. Vincent mentions that there is a culvert in that section of road that completely clogged and causing problems elsewhere. Willy Mattison explains that it is flowing into the town portion of that road and either a water bar must be put in or the culvert cleaned and possibly replaced. Vincent explains that on the night of last July's storm the previously mentioned culvert and Dan O'Brien's culvert caused the bridge to wash out with significant damage. Willy continues to say that he believes the town is responsible for the maintenance of that culvert. Mike Hill adds the Town has a policy when a property owner receives a permit for an access the owner pays for the culvert and the Town maintains it. Willy Mattison states that Ed and Charlie Pike put the culvert in. Charlie Pike explains that the culvert was put in about 20 years ago. Vincent Lapenta would like to see the problem solved. Joe Nolan comments that the situation sounds like a no brainer, since it is affecting the town road, we should take the initiative to fix the problem. Willy Mattison asks if the Town wants to put a \$400 culvert in or a water bar. Joe Nolan says we will have to decide that, he would meet the road crew tomorrow at the site and make an assessment. Mike Hill states that there are more pressing issues than that. He continues that the West Road needs 2 culverts changed and a ditch immediately. Willy Mattison says it is a hazardous situation. Joe Nolan States that he and Charlie Pike were there about an hour ago. Mike Hill states that in the past he would decide how to fix a problem but he is not sure if he should go through the Board first or proceed with his own discretion. Joe says that it is a serious situation and Mike is capable enough to use the Town equipment and get the work done. Mike says he needs to hire an excavator to dig the ditch from one culvert to the other. Charlie asks if the West Road is deemed by Mike as a hazard, why they hadn't told anyone earlier? Mike answers that they did not know about it till today. Charlie asks if they check the roads every morning. Mike answers that they were working on the emergency in Beartown, bringing loads of gravel since around 5:30-6:00 this morning. Jessica Pendleton says that she did not see anyone there at 5:30 this morning but Willy was there at 7:15 when she was driving through. Willy states that he was on his second load of gravel. Joe Nolan states that regardless, the problem (referring to West Road) must be fixed tomorrow. He goes on to say that if the Road crew is not capable of fixing it with the Town's backhoe, Dave Pendleton's excavator can be rented. Willy Mattison asks if they will use his excavator any more. He goes on to say that he charges \$75/hr. for rent and it would be hard to find it for cheaper. Joe Nolan states that it was

agreed to keep the hired contractor in town and Dave Pendleton is a taxpayer and his excavator sits in eyesight of the problem. Willy asks if Dave will do the job for \$75/hr. Joe states that Pendleton quoted \$400. Willy says he can install a culvert in less than 2 hours. Jessica Pendleton states that Dave Pendleton had not seen the job yet, he was told 3 hours of work and that is where the quote came from. Mike Hill asks who told Dave 3 hours? Jessica answers Joe had told him. Mike says the job needs 2 culverts and a ditching. Mike asks Joe if they are quoting Dave for 1 culvert. Joe Nolan states that they had planned on the 1 culvert where they saw a washout and the culvert is completely clogged. Mike states that the culvert below is rotting and needs to be replaced also. Joe goes on to say that the reason that culvert is washed out is because there is an obstruction in the culvert and the culvert failed. Joe believes that is the lack of maintenance that had caused this problem. Willy states that he was there about 3 weeks ago with the backhoe and cleaned that culvert out. Willy reiterates that the culvert below is part of the problem. Jessica Pendleton asks a question that she would like to clear up, based upon hearsay, she continues to ask if Willy is paid by the hour by the Town while using his excavator. Willy answers that he rents the excavator and works the Town hours on it. Mike adds that they pay \$75/hr. for the excavator and \$25/hr. for Willy's time. Jessica asks if Willy has insurance for rental. Willy Mattison answers yes. Jessica states that Dave does not have to have that job. Willy states that he would like to know if the Selectmen are trying to phase him out of renting his equipment. Charlie states that they are not doing that, instead are curious how jobs were being bid out before he entered the Board. He goes on to ask how they bid out the job for Jean Eisenhart. Willy says that was grant money, the Town rented his excavator and the road crew did the work. Charlie asks if the Town could not have rented another excavator cheaper. Willy thinks he has the lowest prices around for rental and work done. Mike states that it is the Boards duty to take care of the funding and grant money from now on. Charlie says he understands that, his real concern is for issues like the \$13,000 dry hydrant and fix that is recorded in the book. Willy states that he put in a dry hydrant for \$2,200, but was not involved in the fix. Mike states that Charlie is talking about 2 different places, the fix was at Erthein's and the dry hydrant on Fred West's lawn. Charlie asks who was bid for the job. Willy states that they put a bid out for the dry hydrant with no response and Mike fixed the Erthein hydrant. Joe notes that that dry hydrant is not working again. Mike states that it has malfunctioned since that last rain storm. Charlie wants to know what the \$13,000 cost came from. Willy states that the cost was in the pipe and hydrant and other materials. Mike states that the Board will have to start figuring out how these projects are priced out. He continues using the example of the Better Back Roads Grant—if the Grant awards \$10,000, the Town needs to figure out how to meet that threshold and get as much work done for the money. Mike says to ask Suzy dePeyster for the list and costs of materials for the dry hydrants. Willy adds that the Town will be reimbursed grant money for

that. Tim Fagan asks why Charlie does not know. Charlie remarks that he has just joined the Board. Tim Fagan comments that Charlie should seek information before asking a question. Ann Hamerle would like to know when Rupert Road will get some attention. She adds that the conditions are really bad currently. Mike states that it's up to the Board, someone else can fix it. Ann Hamerle says that the road crew usually does a good job but they have not seen them in about 5 days. Jim Henderson asks why Mike said someone else can fix the Rupert Road. Margaretta Pero notes that the roads have been better since Mike Hill has been Road Foreman. She remarks that mud season is a big worry for her. She adds that she knows the cost will be significant for the fix as she had tried to gain attention to the problem 3 years ago. Mrs. Pero states that the road over the Rupert line is significantly better and she would hope that some time the Town could find funding for a fix. Mike states that citizens need to show up at a budget meeting, that would be the time to bring up these issues. The Selectboard can raise the amount on the budget and the voters can vote at the Town Meeting. Karen Dzialo states that over the last few years the Selectboard has worked on a plan that has rated and prioritized the problem areas in town. She adds that the Town will eventually get to all the problem spots working with the grant money that belongs with it. Jim Henderson remarks that what Karen is referring to is called the Road Erosion Inventory. Jim adds that unfortunately the list only refers to any road within 100 feet of the surface waters, this is a requirement of the Clean Water Act. He continues that towns must have these roadways up to the State's standards by a certain date. For the past 4 years the Town has put all the Grant and Aids and Better Back Roads money into hydrologically connected road segments. This includes ditches dug and culverts replaced. Jim adds that Rupert Road is not hydrologically connected, therefore can not be included in the grant and aids. Another grant would have to be obtained for Rupert Road. Ann Hamerle remarks if the 5 really bad spots on Rupert Road were addressed, it would make a big difference. Jim notes that a Better Back Roads grant project was done on the Rupert Road a few years ago but only where a stream existed. Margaretta Pero states that a small stream runs on the side of the road and there may be underground water sources causing the problem. Jim Henderson states that the State has a specific definition of a stream. Willy suggests that at certain times driving a dump truck in and out of the road for a fix can cause more damage to the road. Margaretta says that she understands and agrees. She adds that she does not want Mike to give up. A few in the crowd remark the same. Jessica Hill has a concern about the appointment of Charlie Pike as the Road Liaison. She believes that when Charlie was on the road crew nothing was done. She adds that she would like to know why Tom Santelli was not considered as Road Liaison. Joe Nolan states that Tom was considered, but not chosen. Jessica asks Joe if he lived here 20 years ago and saw the road conditions. She goes onto to say that she is disappointed with the decision and the roads are much better than when Charlie and Ed Pike were the road crew. Jessica

Pendleton remarks that she believes the roads change with the years, particularly how the spring thaw happens. Jessica Pendleton asks Mike if he had ignored her this weekend when she called him. He states he told her to call the Board because he is not sure where he stands currently. Jessica says she is disappointed because she thought she could depend on Mike. Mike says he was not going to run right out and fix the problem spot (south of Jessica Pendleton's property), especially since the Board went behind his back on the road erosion fix by the covered bridge. Joe states that he called Mike the morning of the road erosion meeting. Mike states that he met them when he received the message. Willy says that the Selectboard should have given more notice. Jessica Pendleton states that she has lived at her residence for 20 years and she had never been made to feel as she did this weekend. Jessica Hill says that's why we need to come to more meetings. Jessica Pendleton remarked that she notices there are a lot of bitter feelings between people right now and it is affecting the progress of work in our . She adds that there are a lot of people on both sides that have to calm down. Karen Tendrup comments that she also lives in Beartown, she had to walk to her job 3 days in a row. Mike states that Karen Tendrup lives 5 miles on dirt road and that should be expected in the spring. He adds that Karen should have a 4-wheel drive vehicle. Karen Tendrup remarks that Jessica Pendleton called her 3 times this weekend and she tried to do everything she could. She adds that if Mike wants to be the Road Foreman he need to do his job. Mike states that he does not want to be the Road Foreman. Karen asks that Mike notify the Board because it is not fair to the town to leave them hanging. Joe asks Mike Hill if he would like to stay on as Road Foreman. Mike answers that he does not have to answer to that at this moment. Jessica asks if the Board is authorized to call someone to put down some stone so that people in Beartown can get through. Joe states that the Board will have to find a new Road Foreman. He adds the comment, you can see what we are dealing with here. Jessica Hill states that she has seen Mike Hill walk out of family functions to make sure that the roads were safe for all the people, for years. Tim Fagan states that the Board owes Mike Hill an apology. Vincent Lapenta asks where does that leave us? He continues to say that this is crazy. Joe Nolan agrees. About 8 people start talking at the same time. The conversation becomes inaudible. Sandra Reidy interrupts to ask that everyone not speak at once so the minutes and recording can be understood. Joe Nolan calls Kayla Zoppel. Kayla states that the Selectboard had appointed Charlie as Road Liaison knowing that it would rub Mike Hill the wrong way. She goes on to say that everyone knows that Mike and Charlie do not get along. Joe states that he would like Mike Hill to remain as Road Foreman and would like to see Mike step it up and try a little harder. Kayla states that Mike Hill has always worked really hard. Joe says there have been quite a few complaints. Melissa Mattison states that in the Selectmen's minutes, all the way back to 2017, there were minimal complaints. She adds that most of the complaints as of recently have been Charlie Pike before he was elected to the Board. Charlie



comments he attended Selectmen's meetings as a Citizen who felt the roads needed improvement and were being neglected. Melissa Mattison asks Karen Tendrup as Health Officer if she has found out any information about her request for looking into the health hazards at the Grogan Property. Karen answers that she has to take a course of certification for Health Officer that she will be attending in the beginning of April. Tim Fagan states that if Karen Tendrup is not Health Officer currently, then who is? Sandra Reidy answers that it automatically defers to the Chair of the Board. Karen Tendrup states that she has been appointed and is acting as the Health Officer. She adds that she cannot just go to a residence without following the proper legal steps. Melissa comments they had been coming for years to complain about the conditions of the Grogan residence with no answers. Sandra Reidy stated that before Karen was appointed, the Health Officer for Sandgate was the same as Arlington. Joe Nolan asks if we could get Arlington's Health Officer's advice for this situation. Melissa Mattison states that, from her research, the Animal Control Officer must be involved also. She adds that they have a concern for animal welfare and loose animals. Karen Tendrup says that she is working on a solution. Jim states that last summer the State went to the residence to look and it does not meet the definition of a farm, so they do not have to abide by the State of Vermont's Best Agriculture Practices. He adds that the residence is really a hoarding situation and the State cannot do anything about it. Melissa states that when she spoke to the State, they said they cannot do anything because of the Right-to-Farm law. She adds that the Humane Society will not intervene, the State Troopers must call them. She continues that the State Troopers said the Humane Society must call them. Melissa says that Erin McDermott has gone over and rounded up the animals but they were out again the next day. Joe says the Board will figure out how we can legally take action. Karen Dzialo states that Jim Henderson has been a big asset to the Town and expressed her appreciation for his professionalism and hard work.

**LIEN ON GROGAN TAX SALE PROPERTY:** Joe states that the Board has agreed that the lien on the Grogan Property will not carry over to any other person who purchases the property.

**APPOINTMENT TO THE PC/ZBA:** Caroline Kimball has been appointed to the Board.

**TREASURER'S REPORT:** The Board reads the report. There are no questions.

**OTHER BUSINESS:** Joe Nolan states that the Town is still waiting on the dry hydrant test. The Firemen will come as soon as the weather permits. Jessica Pendleton asks if they would like to hire Dave Pendleton for the work on West Rd. Joe states that the Board will decide before the end of the night. Willy Mattison would like to know the phone number for Charlie Pike. Charlie states his cell number is 802-682-8721.

**ROAD REPORT:** No road report.

**REVIEW MARCH 7, 2022 MINUTES:** The Board approves the minutes.

**SIGN ORDERS:** The Board signs the orders.

**ADJOURN:** Karen Dzialo makes a motion to adjourn. Karen Tendrup seconds.

Meeting adjourned at 7:18.

**THE NEXT MEETING WILL BE HELD ON APRIL 4, 2022.**

Painstakingly submitted by Sandra Reidy