

## Meeting Minutes

### Poultney Board of Selectmen

Monday, September 24, 2018 – 6:30 PM

### Poultney Town Hall

Jeff King, called the meeting to order. Selectmen present included: Jeff King, Frank Fressie, Terry Williams, Tom Coloutti, and George Miller. Others present included Paul A. Donaldson, Town Manager, Ron Kelley, Highway Foreman, and members of the community (see sign in sheet)

**Adoption of the Agenda:** Tom Coloutti made a motion to adopt the agenda. Terry Williams seconded the motion. Motion carried.

**Approval of Minutes:** Frank Fressie made a motion to approve the minutes of 9/10/18. George Miller seconded the motion. Motion carried.

### **Public Comments and Concerns:**

- Petition re: Poultney Properties, LLC (Dollar General)
  - Garry Kupferer, Esq. discussed the 2 “petitions” filed by Poultney Properties, LLC. The first petition was an attempt to persuade the Selectboard to support the appeal currently in the Environmental Court. He likened it to a “suggestion” but not really a legal petition. He reminded the board that the Selectboard has always maintained that it supports the DRB in its decision, and he has continued to represent that in the Environmental Court. He has participated to monitor the matter and keep Donaldson and the board abreast of the process. He noted that the matter is currently scheduled for a 3-day trial October 22-24, but there is a pending motion to continue that trial date.
  - Gary Kupferer discussed the second petition to amend or change the Bylaws pursuant to 17 VSA 2543a. His opinion is that such petition should have been brought to the Planning Commission pursuant to 24 VSA 4441(b), and that it is not procedurally proper to attempt to amend bylaws through a town-wide vote.
  - David Cooper, Esq., representing the developer, Poultney Properties, LLC, stated that his client had asked the Town Clerk to send it directly to the Planning Commission. Paul Donaldson stated that was the first he had heard that and he has had numerous conversations with the Town Clerk, who is not present at this meeting, about this matter. David Cooper did state he had found information on the VT. SOS website that says such types of petitions could go to the voters, but agrees in this case that the Planning Commission is the appropriate route to go.

Donaldson stated he would accept the petition for the Planning Commission, but noted that that board may undertake its own legal inquiry as to whether the petition is filed correctly. Gary Kupferer stated he could find no case law regarding a form of petition threshold.

- Carol Bunce asked about whether the Selectboard had filled the vacancies in the DRB and the PC. Jeff King stated the SB is in the process of interviewing candidates.
  - CB Hall made a statement thanking the SB for giving the matter consideration to get through the process.
  - Patty McWilliams questioned what happens if the court decides in the town's favor, can the petition still go through. Discussion followed about the appeal process.
  - Kerry Furlani asked whether if all appeals are exhausted, is the Planning Commission the only remaining avenue to amend the bylaws?
  - Terry Wiliimas made a motion to continue to support the DRB decision in the Environmental Court case. Tom Coloutti seconded the motion. Motion carried will all in favor.
- Poultney Resilience Team – Community Sufficiency Grant Application /Community Development and Engagement Specialist
    - Carl Diethelm: Poultney 2020 is applying for the Community Sufficiency Grant in order to hire a Community Development and Engagement Specialist. The group is asking for the Select Boards endorsement to meet eligibility requirements.
    - Jeff King commented that his review of PDRC documents shows that the 20/20 group may be a subset of PDRC already. Jonas Rosenthal stated he is not aware of this.
    - Frank Fressie opined that if the 20/20 group is part of the PDRC, perhaps they should seek PDRC assistance.
    - Jonas Rosenthal mentioned that the SB has already supported Ryan Ihrki from Green Mountain College, and their Resilience Team. Mr. Rosenthal also discussed a Hills and Hollows grant opportunity whereby its a \$7500 match, he would like to seek the match as follows: \$2500 from a private foundation, \$2000 from PDRC, and \$2500 each from the Town and Village.
- Slate Valley Park Group
    - Donaldson had circulated notes and comments from Barbara Scott regarding a grant application with the Vermont Land Water Conservation Fund. The deadline is October 15 for Phase I, and December 1, fro Phase 2.
    - Jonas Rosenthal stated that the grant is to provide technical assistance to hire professional grant writers. He stated the town had participated in 2 such grants

in the 1980's with PES to build ballfields. And in 1990 to build the playground.  
Discussion followed.

- Tom Coloutti made a motion to participate in Phase 1 of the process so long as it will not cost the town any money to build the park. Frank Fressie seconded the motion. Motion carried will all in favor.

### **Road Report:**

Ron Kelley reported the following:

- The crew has been brush hogging and chipping roadsides with the assistance of Jim Seamans.
- Discussion regarding Highland Grey Grants-In-Aid.
- Discussion regarding salt prices There is a new outfit the state is using, where the salt comes from Egypt. The price is about \$4.00 per ton cheaper than Cargill but Kelley stated he is reluctant to go with an unknown entity. Discussion followed, and the consensus of the board is that Kelley should decide to go with his instinct and use Cargill for salt this year.
- The crew will participate in training in October
- Ron Kelley has been gathering specifications on new truck to replace 2005/06 truck
- Tom Coloutti asked about grading Windy Wood Acres. Kelley advised that the crew has done this in the past and charged an hourly rate. Kelley advised there is plans to grade Kinni Kinic in the spring as well

### **Town Managers Report:**

Paul Donaldson reported the following:

- Young at Heart Senior Center floor/roof specifications
  - Paul Donaldson received the revised Requests to Bid, and will have it published.
- Poultney Lister: Errors and Omissions re: Heritage Court Apartments
  - The Lister miscalculated the tax rate for the non-profit.
  - Terry Williams made a motion to allow the adjustment. Tom Coloutti seconded the motion. Motion carried.
- Slate Valley Trials
  - Donaldson advised that the fire department has visited the sites of the trials to review access points and abilities. Aarron Kerber will continue discussions with the group. Discussion followed.

### **Letters & Communications:**

Jeff King received communication from the Poultney United Baptist Church seeking support for some grants they wish to apply for. Donaldson to follow up and provide letter of support.

### **Transact Any Other Lawful Business:**

Jeff King suggested the Town Selectboard request a meeting with the Village Board of Trustees to discuss mutual aid, possible merger, and other matters that both boards may share interests in.

**Health Officer:**

None.

**Executive Session:**

Terry Williams made a motion to enter into Executive Session to discuss Personnel Matters at 8:25PM. Tom Coloutti seconded the motion. Motion carried. At 8:54PM George Miller made a motion to leave Executive Session with no action taken. Tom Coloutti seconded the motion. Motion carried.

**Rutland Regional; Planning Commission:**

Donaldson stated that Gerri Harrison has advised that she wishes to resign her position of representing Poultney in the Planning Commission meetings. Terry Williams has advised he is interested in attending. Jeff King stated he would be interested in being an alternate. Discussion followed.

Tom Coloutti made a motion to appoint Terry Williams Poultney's representative on the Rutland Regional Planning Commission, and Jeff King as the Alternate. George Miller seconded the motion. Motion carried with Terry Williams and Jeff King abstaining.

**Board Orders:**

Tom Coloutti made a motion to pay board orders. Frank Fressie seconded the motion. Motion carried.

**Adjournment:**

Frank Fressie made a motion to adjourn the meeting. Tom Coloutti seconded the motion. Motion carried.

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s/Paul A. Donaldson

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# Poultney Selectboard Attendance Sheet

Joseph Rosenthal	PDR C
Greg R. Kipler	attorney for town
DAVID COOPER	ATTORNEY FOR POULTNEY PROPS
KATE MULCAHY	ASSOCIATE
C. B. Hall	641 Thrall Rd.
J. M. Johnson	104 BENTLEY Ave
Carl Diethelm	51 Main St Ste 1
Emily Sinnott	219 Kinni Kinnic Ln.
Chuck Colvin	757 E. Main St.
Andrew Ohl	
Patricia Estrada	51 main st. Ste 1
KERIN DEVLIN	1355 Thrall Rd.
Patricia McWilliams	229 Clark Hollow Rd
Kerry O. FMain	142 College St
DIANE BARGIEL	153 Partridge Ln.
Bill CRUIKSHANK	274 E. MAIN ST
Carol Bance	17 Wilson Ave Ext
Barbara Betit	44 Main St.
BRUCE TAYLOR	ST LOUIS MO
MONA HALL	641 Thrall Rd, Poultney
TOM THACKER	54 CHURCH ST, POULTNEY