

MINUTES SELECTBOARD EMERGENCY MEETING
Grafton Town Hall Upstairs In Person/Live
With accommodation for persons unable to attend in person via interactive Zoom

Monday, July 24, 2023, 4:00 pm

Present at the meeting in the Town Hall:

Selectboard: Chair Joe Pollio, John Gregory, and Rich Thompson

Selectboard online: Seth Pajcic

Selectboard not present: Vice Chair Cathy Siano-Goodwin

Also: Bill Kearns, Morgan Wilbur, Patrick Cooperman, Patsy Ellis, Jim Ellis, Sam Battaglino, Wendy Martin, John Patterson, Bob Donald, Denise Martin, and Russell Record

Present online: Liisa Kissel, Liz Provo, and Charles Bonin

1. Call to order: The Chair called the meeting to order at 4:00 pm.

2. Adopt Agenda: It was moved by John Gregory, seconded by Rich Thompson to adopt the agenda. Motion passed unanimously.

3. Culvert at Patsy Ellis' Property (105 Kidder Hill Road): Patsy Ellis (105 Kidder Hill Road property owner), began the conversation by stating there is a drainage pipe that runs through several properties within the village and connects with the Saxtons River on her parcel. When there is a large rain event, the end of the pipe often gets destroyed by the flood waters. Ellis said the Town and Windham Foundation both insist they do not own the pipe. She said she needs the pipe repaired immediately so that she can continue to restore the rest of her property back to "pre-flood" condition. Bob Donald, CEO of the Windham Foundation, said this subject came up in June 2022 with Denise Martin as well. The Windham Foundation repaired the pipe on the Martin property as a courtesy. Donald also stated that back in 1975, when the pipe was installed, the Windham Foundation owned most of the properties that it goes through, however, that is not the case now. Denise Martin asked if the Town is liable for flooding of the infrastructure when the overall town is in jeopardy. There was no response. Patrick Cooperman said he thought it was cynical for the Town and Windham Foundation to at one point install the drainage system and now that there's an issue, no ownership is being taken; even though the system benefits the Town as a whole. Russell Record said the drain has been installed for 49 years and was originally put in because there was an open ditch running through Town, which was unappealing. He feels that the pipe is now personal property since the properties it goes through are no longer owned by the Windham Foundation. Ellis feels it should be the responsibility of whoever put the drainage system in.

Ellis had given the Selectboard a notarized Right-of-Way Agreement executed on January 30, 1976 and signed by Dorothy U. Wilson, who had at the time owned the property at 105 Kidder Hill Road (which was called River Street then), stating that she was giving consent "to the Selectmen of the Town of Grafton and The Windham Foundation, Inc. to install and maintain a 24" culvert underground across the rear of my property on River Street in Grafton, Vermont, for

the purpose of providing drainage of surface water from my properties and other properties in the vicinity.”

Joe Pollio said the Selectboard would move into Executive Session per 1 V.S.A. § 313 (F) “confidential attorney-client communications made for the purpose of providing professional legal services to the body.” Bill Kearns suggested inviting Bob Donald into the executive session to come to a resolution.

Cooperman said he thought it was insane for residents to have to go to the Selectboard and beg for a resolution. Pollio said this specific board would commit to a resolution because the issue has been dragged out long enough.

Martin asked if FEMA would pay for the damages if it were personal property. Kearns said they likely would not, however, if owned by the Town there may be benefits.

It was moved by John Gregory, seconded by Rich Thompson, to enter into executive session at 4:29 pm and to invite Bob Donald, Bill Kearns, and Morgan Wilbur. Motion passed unanimously.

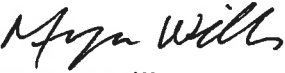
It was moved by John Gregory, seconded by Rich Thompson, to exit executive session at 5:00 pm. Motion passed unanimously.

It was moved by Seth Pajcic, seconded by Rich Thompson, for the Town to supply the culvert and materials to repair the specific segment in question (property at 105 Kidder Hill Road) and the Windham Foundation will provide the labor and equipment for repair. Motion passed unanimously.

It was moved by John Gregory, seconded by Rich Thompson, to seek an agreement within 3 months, the Windham Foundation will come back to the Town with a resolution after meeting with their Board of Trustees. Motion passed unanimously.

12. Adjourn. It was moved by John Gregory, seconded by Rich Thompson, to adjourn the meeting at 5:06 pm. Motion passed unanimously.

Respectfully submitted,


Morgan Wilbur