

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

Tuesday, February 20, 2024, 6:00 pm

Present at the meeting in the Town Hall:

Selectboard: Chair Joe Pollio, Vice Chair Cathy Siano-Goodwin, John Gregory, Seth Pajcic, and Rich Thompson

Also: Morgan Wilbur, Charles Bonin, Kirk Goodwin, Suzanne Welch, Patrick Cooperman, Sam Battaglini, Christine Tattersall, Lisa Record, Colby Record, Kim Record, and Matt Siano

Present online: FactTV, Amber Stevens, Lain Stevens, Hardy Merrill, Kevin Suh, Anita Siano, Wendy Martin, and Krista Gay

1. Call to order: The Chair called the meeting to order at 6:01 pm.
2. Adopt Agenda: It was moved by Seth Pajcic, seconded by John Gregory to adopt the agenda. Motion passed unanimously.
3. Approve Minutes of the February 5, 2024, meeting: It was moved by Cathy Siano-Goodwin, seconded by Seth Pajcic, to approve the minutes of the February 5, 2024, meeting. Motion passed unanimously.
4. Windham Foundation Generator Agreement: Joe Pollio said the agreement had been updated since the last regular Selectboard meeting to state the following: “the Windham Foundation, Inc. hereby grants to the Town of Grafton an irrevocable license to connect to the Windham Foundation generator for power outages and other emergency situations for the useful life of the generator.” With no hesitation from the rest of the board, Pollio signed the agreement.

It was moved by Seth Pajcic, seconded by Cathy Siano-Goodwin to approve the presented agreement titled “Generator Payment Agreement between The Windham Foundation and Town of Grafton.” Motion passed unanimously.

5. Clerk/Treasurer:

Bonding Discussion: Kim Record presented an email (attached on page 4) from Elijah Emerson with Primmer Piper Egglestone & Cramer PC explaining the bond process. Record recommended the Selectboard working with Emerson to acquire a bond to pay for the Walker Bridge project. Record said that Emerson was already familiar with the Town because he helped with the bond process for the Town Garage. She went on to explain that it would need to be voted on by Australian ballot. She explained the difference between bonding and going through a commercial bank. Cathy Siano-Goodwin asked if Emerson or the bond bank could help with writing the language for the Australian ballot and answering any questions. Record said they likely would be able to help with the whole process. Joe Pollio clarified that Record was looking for the Selectboard’s approval to move forward with having this cooperation be the bond council to begin the bond counseling process.

It was moved by Seth Pajcic, seconded by John Gregory to proceed with the agreement with Elijah D. Emerson of Primmer Piper Egglestone & Cramer PC for bond counseling. Motion passed unanimously.

6. VT Senate Bills S.236 and H.289: Matt Siano presented that the State of Vermont Legislature has been trying to pass bills that essentially remove a lot of the local power that Towns have. He briefly stated that S.236 cites

solar, safety, public health, and traffic and that H.289 would be taking away homeowners' rights to have solar on their property. Siano would like the Selectboard and Planning Commission to work together on these issues and potentially write a letter to the legislature with the concerns. Seth Pajcic said that H.687 is another bill that is related to ACT 250, thus forcing more restrictions. Pajcic suggested contacting VLCT. Siano would also like to contact the Windham Regional Commission.

7. Highway Report:

July 2023 Flood Update & LHMP Grant: Bill Kearns was not present, therefore, Morgan Wilbur gave an update stating that she, Kearns, and John Gregory had worked together to submit 3 projects for reimbursement. Seth Pajcic asked for an estimate on when all of the 18 projects would be submitted. Wilbur was hesitant to commit to a date but thought it could be done in approximately 2 months. Suzanne Welch asked if the Town would need to bond for this project as well because of lack of funds available. Kim Record said she intended to bond to cover the payments for the Walker Bridge project. By doing that, she felt comfortable that the town could continue operations as usual while waiting for the reimbursement. Wilbur said the Local Hazard Mitigation Plan expires in November 2024. There is a grant program through the State of Vermont to help cover expenses to update the plan. Therefore, Wilbur requested signing authority to sign the grant agreement.

It was moved by Seth Pajcic, second Cathy Siano-Goodwin to approve Morgan Wilbur as the authorized representative to approve the grant agreement to update the Local Hazard Mitigation Plan. Motion passed unanimously.

Excess Weight Permits: VELCO

It was moved by John Gregory, seconded by Seth Pajcic to approve this weight permit and authorize the Town Administrator to sign and issue. Motion passed unanimously.

Open 2025 Tandem Axle Truck Bids: Selectboard Clerk, Rich Thompson opened the bids.

- There were 3 bids received: Reed Truck Services and R.R. Charlebois Inc. sent refusal letters.
Advantage Truck Group (ATG): \$202,088

Joe Pollio asked if the bid from ATG included a trade-in value and when the truck would be delivered. Thompson said that it included a trade-in value of \$80,000 and that the truck is expected to be delivered on or before October 2024. Colby Record will review the bid and be prepared to award at the following meeting.

Town Road and Bridge Standards Certification: Morgan Wilbur said the Certification of Compliance for Town Road and Bridge Standards and Network Inventory is a yearly certification for the Selectboard to attest to following at least the minimum State standards and that the inventory is up to date. All Selectboard members signed the certification.

Guard Rail Accidents: Seth Pajcic said there had been three accidents involving damage to the guard rails. One of the individuals agreed to a payment plan and the other two do not have insurance. Pajcic said that Morgan Wilbur tried contacting Progressive since that was the insurance company documented on the police report but they gave Wilbur a difficult time. Pajcic asked a paralegal through his law firm to contact them. Progressive ultimately sent a certified letter stating the individual does not have insurance. Pajcic said the Selectboard could take the two individuals to small claims court, but hiring an attorney for that would be several thousands of dollars. Joe Pollio said that it isn't right that they can get away without paying for the damages but he understands that it would be more expensive to have an attorney handle the situation.

Colby Record said he would like to post all of the dirt roads in a few days. Wednesday morning, the crew planned to fix the bad ruts that were caused during the warm weather. Otherwise, they would be doing maintenance on the trucks and equipment in preparation for the snow and ice in the forecast. Record mentioned

he would like to talk about moving the pickup purchase in the Capital Budget up to next year, rather than in 2026. John Gregory recommended talking directly to Hardy Merrill the Capital Budget Committee Chair. Record said he did but hoped to get the opinions of the Selectboard as well. Gregory suggested getting leasing options for the loader and grader, rather than financing, and that should free up enough money for the purchase of the pick-up truck. Record and Merrill will communicate more about this.

Matt Siano thanked the road crew for working on the dirt roads and thought they'd done a great job. He was concerned about the equipment, for instance, the grader, traveling at fast speeds on the roads. Colby Record said that he operates the grader and that it goes up to 25 miles per hour. Siano requested that he slows down while driving it on the roads. Cathy Siano-Goodwin asked Record if they were going to fix Parker Hill Road. Record said they planned to repair Stagecoach Road soon but he could also look at Parker Hill Road. Seth Pajcic noted that the highway crew is working with limited materials and doing the best they can with what they have available.

8. Committee Reports:

Personnel Committee: Seth Pajcic said they'd like to discuss personnel in Executive Session.

9. Other Business: Seth Pajcic said the wastewater committee finally received a letter from Tighe & Bond and that he would be meeting with the committee on Friday to discuss the letter.

Joe Pollio received an email from Liisa Kissel regarding gunshots in Houghtonville after dark. Christine Tattersall said she also heard them and was concerned. Seth Pajcic quoted 13 V.S.A. § 1022, by stating within the statutes, anything that disturbs the peace between sunset and sunrise can warrant a fine. He said the Selectboard could send a letter but there is no proof of who was doing the shooting. Lisa Record said that the Town's contract with the Windham County Sheriff's Department, as far as she knew, was for motor vehicle traffic stops only and that they likely would not respond to a firearm complaint. However, she suggested to the public that if they call and the dispatcher is not helpful, they should request to speak with the Sargent or a deputy on duty.

10. Public Comment: There was none.

11. Next regular meeting: Morgan Wilbur said she would prefer to keep the next meeting as March 4th. She had communicated with FEMA and the State about putting the Bell Road culvert out to bid and if all goes well with the plans, she would like the Selectboard to approve that on March 4th. Joe Pollio said the board would keep the March 4th meeting and if it needed to be cancelled, it could do so. Therefore, the next regular meeting is scheduled for March 4th, 2024, at 6:00 p.m.

12. Executive Session 1 V.S.A. § 313 (3) "evaluation of employees": At 7:06 p.m. it was moved by Seth Pajcic, seconded by Cathy Siano-Goodwin to enter into Executive Session and to invite Morgan Wilbur.

At 8:39 p.m. it was moved by Cathy Siano-Goodwin, seconded by Joe Pollio to exit Executive Session. Motion passed unanimously. There were no actions taken as a result of the Executive Session.

13. Adjourn. It was moved by Seth Pajcic, seconded by Cathy Siano-Goodwin, to adjourn the meeting at 8:40 pm. Motion passed unanimously.

Respectfully submitted,



Morgan Wilbur

Grafton Clerk

From: Elijah Emerson <eemerson@primmer.com>
Sent: Monday, February 12, 2024 4:25 PM
To: Grafton Clerk
Subject: Bond Election

Hi, Kim. It was great to speak with you today. The Town of Grafton is already a client of the firm – we handled the 2012 bonds – so we don't need the formality of an engagement letter. Instead, I will outline the bonding process and the work that I would be doing.

The first phase of the process is the bond election. This is where the voters authorize the Selectboard to issue the notes/bonds. This starts with the Selectboard adopting the Necessity Resolution, which will kick off the voter approval process. Additionally, the Selectboard will adopt (i) the warning, (ii) ballot and (iii) declaration of official intent. I will draft these documents in addition to the Clerk's Certificate of Vote, Posting and Publication, which will be filled out at least 30 days after the vote. Once the Necessity Resolution is adopted, I will work with you to make sure proper notice of the vote occurs. Once the Clerk's Certificate is returned to me, I can draft the preliminary opinion. This is the document you would take to banks or the Bond Bank to apply for a loan. The Bond Bank's summer pool application should be due around late May/early June, so we will want to have the preliminary opinion issued around then. That would mean a vote should occur around late April. There is time to get the vote warned for late April.

The second phase is closing on the bonds (or note if using a commercial bank). This is a more extensive process and involves me drafting the closing documents and working with the Town to have those adopted and signed. I also need to issue a formal legal opinion to the Bond Bank and participate in the closing.

We use a discounted rate for municipal clients; approximately 10% off our standard rate of \$335/hr., which is \$300/hr. The first phase usually involves 2-3 hour of work – so the cost can be in the range of \$600-\$900. The second phase is more time-consuming because the documents are more lengthy and there is a closing on the bonds. It is hard to estimate, but it is usually in the range of \$1500-\$2500.

Thanks, and let me know if you have any additional questions.

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Elijah D. Emerson | Attorney at Law

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