

Town of Pittsford SELECT BOARD MEETING – August 7, 2024 - DRAFT

MEMBERS PRESENT: Alicia Malay, David Mills, Mark Winslow and Dan Adams. ABSENT: Thomas Hooker. OTHERS PRESENT: David Atherton – Town Manager, Kelly Giard – Recording Secretary, Ann Reed, Brent Garrow

The Select Board was called to order at 6:30 PM by Chair Malay.

Chair Malay stated that there was a need to amend the agenda to add Personnel to Executive Session and Town Manager Atherton stated that he would like to add Contracts to Executive Session. Motion by D. Mills and seconded by D. Adams to adopt the agenda as amended. Motion passed unanimously 4– 0.

MINUTES:

The July 17, 2024 regular meeting minutes; the July 17, 2024 Liquor Board minutes and the July 30, 2024 special meeting minutes were signed with no corrections.

TOWN MANAGER REPORT:

Town Manager David Atherton reported the following:

- Grant agreements were signed for the FY 25 Grants In Aid program for annual ditching and stone lining along gravel roads and Better Roads grant for the culvert installation on Whipple Hollow Road.
- Worked with Markowski Excavating and RNESU on a contract to store materials on the lot next to the Municipal Offices. One stipulation was that the materials be removed prior to the Haunted House event.
- Submitted a Letter of Intent to the VTRANS Municipal Assistance Program to apply for the FY 25 Better Roads Category A Grant Road Erosion Inventory Program. Pittsford is eligible for \$14,000 to reassess road erosion inventory. This is a requirement as part of the Municipal Roads General Permit.
- Attended the Vermont Community Leadership Summit at VTC in Randolph with Ann Reed and Alicia Malay. Some of the information received was there is still ARPA funding available, possible funding for assistance with the Route 7 Segment 3 sewer upgrades.
- The Highway Department staff has been busy with roadside mowing and continued ditching along Creed Hill Road, as well as assisting the Recreation Department with set up for Pittsford Day.
- During the month of July, the Police Department issued 104 traffic tickets, however, there are still excessive speeds throughout town even with the increased enforcement.
- Bridge 108 update includes continued installation of support excavation and continued demolition of the northern end of the existing bridge.

D. Mills inquired the status of the sewer lines. Town Manager Atherton stated that the sewer lines that were discussed at the Community Leadership Conference were for the Route 7 Segment 3 project. The sewer lines on the south end of town would be a longer distance and

the water line to Casella's would be from Rowe Apartments south. The sewer line would be from the village to Casella's, which may require a pump station. There was discussion to lay both pipes at the same time and it would be a larger project due to the required distance between the 2 pipes.

D. Mills stated that the roadside mowing on West Creek Road needs to be done again with cutting some branches back so cars can avoid crossing into the other lane. This will be sent to the Highway Foreman.

SELECTBOARD MEMBER REMARKS:

D. Mills stated that he received a call from Wilk Paving regarding the paving contract. Town Manager Atherton stated that this would be discussed in Executive Session.

M. Winslow inquired the depreciation application. Town Manager Atherton explained that the previous auditors were not calculating properly. This change will be beneficial when applying for grant funds and will show a more accurate accounting for the sewer department. Ann Reed explained that she has made corrections on assets and depreciation that the former auditing firm entered, which was based on others work. Town Manager Atherton explained that with this reallocation, the Sewer Fund has shown an ending balance in the positive, which has not happened in a number of years.

M. Winslow stated that he received a number of calls from taxpayers over the weekend who received their tax bills and were upset with the bills. There was discussion that this was not entirely the town's fault and that the state education funding has increased.

M. Winslow also stated that he has had calls again regarding the equipment at the Bridge 108 project and vehicles cannot see traffic coming from the north from the Oxbow Road. Town Manager Atherton stated that he has spoken with the contractor and will make another contact with these concerns.

PUBLIC COMMENT:

Brent Garrow came to address the Board about his property located at 3018 Route 7, Garrow Auto Sales. He has concerns about the work done on the sidewalks that the town did. Ever since the sidewalks were installed, every time it rains, gravel comes down into his parking lot. B. Garrow stated this never happened before the sidewalks were done. He said it was a lot and that he had called the town offices before and they had sent the highway crew down to clean it up. They cleaned it up twice. It happened again and he called again. B. Garrow stated to his surprised the Town Manager's demeanor and profanity used when talking to him. B. Garrow stated this was a cause for concern and the way he was spoken to was not ok. B. Garrow stated that he told him it was not ok and we could discuss it again at another time. The words used were profane and unacceptable according to B. Garrow. B. Garrow was told that he would not

have the gravel taken care of. B. Garrow then stated he left a message for D. Atherton and he wished he had it so the board could hear it. The message said that we need to do something with this problem, as it persists. D. Atherton stated he was not going to do anything. B. Garrow said he came in to pay his water and sewer bill on Friday and the Town Clerk's office was closed. He went down the hall to Ann's office, but she can't take credit cards. B. Garrow went back to his office to get a check and when he came back, Ann was not in her office but he was able to get Helen's attention and she let him in her office. B. Garrow then backtracked and said that when he came in the first time, there was a lady there with white hair. Ann was in her office and Dave was in the hallway. B. Garrow was headed to Ann's office when he stopped to address D. Atherton. He asked what are we going to do about the problem and he was pointing his finger at D. Atherton. D. Atherton told B. Garrow he was going to have to hire someone. B. Garrow then told D. Atherton he was acting like the same word used against him by the town manager and the town manager said, there, we are even. B. Garrow stated he would like to get the lady's name that was in the hallway. She had to walk between them during the confrontation. B. Garrow stated that is when he left to go get his check. When he came back, he was chit-chatting with Helen and Liz about moving a vehicle for the town, the haunted house, and other stuff. He said D. Atherton came around the corner, saw him, stopped and left, then came back around the corner while he was talking to Liz and Helen. D. Atherton came back at B. Garrow in what B. Garrow felt was a threatening manner. B. Garrow stated D. Atherton told him that he will not talk to him the way he did and that B. Garrow could come to his office, but he would not like the outcome. Helen and Liz were both there and witnessed the event. B. Garrow finds this very unacceptable of a person that works for the town to speak like that. He stated he would not talk like that to anyone and he owns two businesses. He would not even talk to vendors in that manner. He felt the behavior needs to be addressed.

M. Winslow clarified that B. Garrow had two issues. One is the gravel that is ending up on his parking lot and the other one is the conduct of the Town Manager.

B. Garrow agreed those are the two issues.

M. Winslow asked D. Atherton what he would like to say.

D. Atherton stated he did not have much to say. Ann was in her office when Mr. Garrow was in the hallway and pointing his finger at him. D. Atherton stated he asked B. Garrow three times to stop yelling at him and to put his finger down. There was a woman in the hallway. D. Atherton stated that he has the voicemail message on his phone and he can play it for the Board. The message goes from the town to you, which is where D. Atherton got irritated. When someone comes into the town offices, whether it is a disgruntled taxpayer or something else and it is a town problem, we understand. People get upset, D. Atherton stated. It is when it becomes personal, that is when it becomes a different situation. B. Garrow made it personal twice according to D. Atherton and he did not appreciate it. D. Atherton stated that the town initially

cleaned the sidewalk off, like B. Garrow stated. This was due to cleaning up the debris from paving, which was not a big problem. D. Atherton further stated that this is not a town problem, as it does not come from the road or our sidewalks. The road is Route 7, which is a state highway. The gravel is coming from up the road on private property. It is not the Town's fault. We have seen heavy rain events. Debris and gravel flow downhill. D. Atherton said he does not feel it is the Town's responsibility to clean up someone's parking lot. If we start to do that, how many are we going to be cleaning? D. Atherton then played the voicemail left by B. Garrow. The voicemail stated "Hello David. This is Brent Garrow calling. I am calling in regards to my parking lot at Garrow Auto Sales. The front needs to be cleaned again. You can figure out what we are going to do about this because you will be cleaning it every time it rains unless we fix this problem. Give me a call back." Brent left his phone number and thank you at the end of the message. D. Atherton then stated that he believed B. Garrow had called Ann a couple of times before that. D. Atherton admitted he probably should not have called B. Garrow what he called him but after the conversation got heated up, it seemed like the appropriate thing to say. D. Atherton stated it is the first time he has called someone that as a Town Manager but people need to know where the line is between work related and personal. When things get personal, it is not good.

D. Adams asked if he understood correctly that the conversation was in the hallway and not in D. Atherton's office.

D. Atherton stated it was last Friday and he was walking down the hallway. B. Garrow was standing in front of A. Reed's office. B. Garrow said "You're going to clean this up" and D. Atherton responded with "No, we're not."

D. Adams asked if B. Garrow persisted.

D. Atherton stated for about 20 seconds more.

A. Reed said the whole conversation was less than two minutes. She stated that B. Garrow was on the loud side and D. Atherton did not really raise his voice. D. Atherton did say if you will stop yelling and want to talk, I am more than willing to talk. D. Atherton did also ask B. Garrow to remove his finger because he was pointing right at D. Atherton's chest.

B. Garrow stated there was enough room for the woman to walk between the two of them. D. Atherton stated it was because he backed up.

D. Adams asked if the situation first occurred when the sidewalks were redone in October.

A. Reed stated it happened before that. B. Garrow called her a time or two before that and she got ahold of Chad and asked him to clean up the gravel. She did not talk to D. Atherton about it, reaching out to Chad directly because she didn't think anything of it at the time.

M. Winslow asked where the gravel was coming from.

B. Garrow stated the gravel is coming down. Before, it went a different way and was diverted. He wants to fix the problem so this does not keep happening. B. Garrow thinks it is coming from up the road and not the neighbors.

M. Winslow asked if it was flowing down.

B. Garrow stated it was.

D. Mills asked if it was flowing down the sidewalk.

B. Garrow stated it was flowing down the sidewalk and ending up in his parking lot.

M. Winslow asked if part of above him did not have sidewalk poured.

D. Atherton stated that Maseroni's property does not have one in front.

A. Malay stated it was just in that one section. She could understand if rocks were flowing heavily every time it rained it might go further because the sidewalk is now smooth.

D. Adams stated he had stopped to take a look at the area. The snack bar driveway is $\frac{3}{4}$ " stone but the sand has washed away between the sidewalk and the lawn. It flows down the sidewalk, across Maseroni's and deposits at Maseroni's as well. There might be a gallon of sand at the end of Garrow's parking lot.

B. Garrow explained that when you have that type of gravel on the pavement, with the amount of traffic he gets, the pavement starts to get damaged. He is ok with the traffic and has even installed a light on the telephone pole there because the police pull so many over in that area. He said it is totally fine they do this, but they are crushing up that gravel on his pavement.

M. Winslow asked if B. Garrow had spoken to the two neighbors about the situation and if he thought it was both neighbors.

B. Garrow stated he did not think it was Maseroni's stones were coming down because they are too big. It is more sand.

D. Adams stated there is gravel on top with an under-burden of sand underneath. You can see the ruts from the snack bar going down the hill. That is what is being deposited in the parking lot.

B. Garrow stated that it was not happening before they changed the road all the way through. He said there has to be a way to divert it from coming straight. If it was on the side of the road, that it would be different.

A. Malay stated it will be fixed when that portion of Route 7 is done and we get curbs, but in the meantime she wasn't sure.

D. Mills asked B. Garrow if he had an idea of what it will take to fix it.

B. Garrow stated he thought of a few ways.

D. Adams asked if D. Atherton could discuss this with Chad.

M. Winslow stated he thought the state needs to be involved in this. It is their road and not ours. The Town just repaved the sidewalk. The sidewalk was probably gone. M. Winslow then asked B. Garrow if he had talk to the neighbors above him and if he thought it might be prudent before we do anything.

B. Garrow said he didn't think so and he didn't want to do anything. This was happening because of water flows.

D. Adams stated that we have an increased parking lot size at the snack bar now.

Both M. Winslow and D. Adams stated this happened at the same time.

D. Adams stated that perhaps we should talk to the state. The sidewalks are within the State right of way. He also clarified that the sidewalks are town sidewalks.

D. Atherton stated that yes, it is town sidewalk.

B. Garrow asked if this meant the town needed to maintain it.

D. Atherton stated it is not up to the town to maintain people's properties and driveways. He talked to someone that worked at Garrow Auto Sales when it was the old service center and there was a building where the cars are parked now. The person said when it rained then, there was debris in the parking lot. This problem existed before. It makes sense because it is downhill. If it was our road and we had a drainage issue because something was not sloped right and we were causing an issue, we would need to correct that. This is not a direct cause from us. This is not something we can fix because it is not even within our right of way or our property.

D. Adams stated the sidewalk is ours but it is not material from our sidewalk that is washing down. It is material from above. You can see where it was washed out.

D. Mills stated, along the lines of talking to your neighbors like Mark said, it is costing them money to have their driveway fill coming down and filling your driveway. It is to their advantage to do mitigation, or at least be involved. If it was D. Mills and his driveway kept washing away down to his neighbors, even if it is a load every couple of years, it is still money to fix it. D. Mills asked if there was a way for the neighbors to pitch their driveways so it is not ending up in Garrow's property. This is the first step to the solution. If we do not get anywhere there, we can relook at it. The installation of the big parking lot and the sidewalks were roughly the same time.

D. Adams stated the south side of the snack bar parking lot shows the ruts where it has eroded. It is the silt type material.

M. Winslow stated again that it is traveling across Maseroni's driveway and ending up at Garrow's parking lot.

D. Adams stated it could be some of Maseroni's too with the torrents of rain we have been having.

M. Winslow said that maybe we should check with the State to see if there is anything they can do in addition to B. Garrow talking to his neighbors since they own the road. Those two things together would be how he would look to go.

B. Garrow said that would be ok, that he was just looking for a solution.

D. Mills stated that he thinks they all understand that. If it was their sidewalk washing into your driveway, it would be a completely different conversation. There are not chunks of asphalt in the driveway.

M. Winslow stated they are going to leave it to B. Garrow to talk to his neighbors and the Board will reach out to the State. That is issue number one. Issue number two...

A. Malay reminded that we are in public comment and probably already said more than should have been said. They can't take any action but they do have it in executive session to discuss personnel and it can be discussed then.

B. Garrow thanked the board. The board reminded him to talk to his neighbors.
Mr. Garrow exited at 7:09 PM.

OLD BUSINESS

None presented at this time.

NEW BUSINESS

Errors and Omissions from Assessor's Office (name change only):

A request was received from the Assessor's Office regarding Parcels 0048 and 0387 to change the names on the properties with no value change. Motion by M. Winslow and seconded by D. Mills to approve the request as presented. Motion passed unanimously 4 – 0.

Radar Speed Feedback Sign Location:

Information was received regarding the radar speed feedback sign location and the information was included in the packet for review.

Swim Area Closing Date/Lifeguards vs Swim at Your Own Risk:

The Recreation Director has reported that most of the lifeguards will be returning to school in the very near future. VLCT was contacted regarding the possibility of posting as "Swim at Your Own Risk", which VLCT stated is fine, however, the signage and postings have to be plentiful and well-advertised. Motion by M. Winslow and seconded by D. Mills to move forward with the "Swim at Your Own Risk" and post in as many places as possible. Motion passed unanimously 4 – 0.

Town Office Hours:

Town Manager Atherton stated that there is very little use of the office during the later hours on Thursday and is proposing that the hours be modified to Monday – Thursday 8:00 AM – 4:30 PM and 8:00 AM – 3:00 PM on Friday. There was discussion whether the Town Clerk's Office is at a point that they can reopen on Friday, which Town Manager Atherton will look into and report back at a future meeting. Discussion also included that there may need to be longer hours during the dog licensing season and when taxes and utility bills are due.

Act on Orders \$172,327.66; Payroll \$22,364.13:

There was discussion regarding the payment to Thunder Towing for the Durango. Town Manager Atherton explained that the new Police Durango is going to need a new engine, which is covered under warranty.

The orders were signed with no further discussion.

The Select Board recessed and convened as the Liquor Board at 7:29 PM

The Select Board reconvened at 7:30 PM.

EXECUTIVE SESSION

In accordance with 1 V.S.A. § 313(a) where premature general public knowledge would clearly place the Municipality or person involved at a substantial disadvantage to discuss pending or

probable civil litigation or prosecution wo which the public body is our may be a party 1 V.S.A. § 313(a)(1)(E) to include the Town Manager. Motion by M. Winslow and seconded by D. Mills to exit Executive Session at 7:43 PM with no action taken. Motion passed unanimously 4 – 0.

2nd 7:45p.m. Motion by Winslow/Mills to enter executive session for “The appointment, employment, or evaluation of a public officer or employee, provided that a public body must make the final hiring or appointment decision, and explain its reasons for the decision, in open meeting. 1 V.S.A. § 313(a)(3)” to include the Town Manager.

7:49p.m. Motion by Mills/Adams to exit executive session. No action taken

Dan Adams had to leave to meeting for another engagement.

3rd 7:50 p.m. Motion by Winslow/Mills to enter executive session for ““premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage concerning the annual paving contract, per 1 V.S.A. § 313(a)(1)(A)”, to include the Town Manager.

8:10p.m. Motion by Mills/Winslow to exit executive session. No action taken.

The meeting adjourned at 8:11 PM.

The next Select Board meeting will be held on August 21, 2024.

Respectfully Submitted,

Kelly Giard
Recording Secretary

Alicia Malay, Chair

David Mills, Vice Chair

ABSENT
Thomas Hooker, Selectman

Dan Adams, Selectman

Mark Winslow, Selectman