

Approved Minutes
MAIDSTONE SELECTBOARD MEETING

Monday, January 9, 2023

7.00 pm

Hybrid Meeting, both in person and by Zoom Video Conference

Members Present in Town Hall (in-person): Scott Lovell, Brad McVetty, Bruno McKenzie

Town Officials and Staff Present via Zoom: Town Clerk and Lister Amy Pear; Assistant Town Clerk Suzy Irwin; Town Treasurer, Delinquent Tax Collector, Planning Commission and Zoning Board member Bob Champagne-Willis; Zoning Board and Planning Commission member Bruce Barker; Zoning Board and Planning Commission member and Auditor Chris von Alt; Lister, Auditor, and Health Officer Sandra Gray; Administrative Assistant Mary von Alt

Also Present via Zoom: Jim and Sherry Bennett, Laurie Snowman, Lin Mixer, Carol and Burt Kline, Andy Champagne-Willis, Mike Otis, Jan Barker, Bonnie Lovell, Paul Kamins, Dave Kamins, June Lockert, Lisa Plourde, Sam and Carol Gorham, Ed Tully, Sandy and J I Ireland

Chairman Scott Lovell began the meeting by reminding everyone about the Rules for Participation, based on the Rules of Procedure passed at the September 12, 2022 Selectboard meeting. (The Rules are posted on the Town website; they were emailed in advance to the people who have requested Selectboard meeting notifications.)

Chairman Scott Lovell then called the meeting to order at 7.00pm.

APPROVE MINUTES:

- Draft Minutes for December 5, 2022: Brad pointed out a grammatical correction that needed to be made on page 3 in the Update from the Emergency Management Coordinator. Brad made a motion to accept the minutes with that minor change; Bruno seconded the motion. All voted in favor.
- Draft Minutes for December 19, 2022: Bruno made a motion to accept the December 19th Special Selectboard meeting minutes; Brad seconded the motion. All voted in favor.
- Draft Minutes for December 5, 2022 Local Hazard Mitigation Plan Public Meeting: Brad questioned whether the Selectboard had the authority to approve these minutes, and said he was the only Selectboard member at the meeting. Bob C-W said in the past the Selectboard has approved the minutes of the Annual Meeting, also a public meeting not under the purview of the Selectboard. Brad said the Selectboard has to approve and sign those minutes. Suzy recalled that had been done in the past. Amy checked her records, which did not include Selectboard signature on the 2017 meeting minutes she had at hand; the other public meetings she reviewed did not have signatures. No definite conclusion about past practice was reached. Scott asked if the Selectboard wanted to approve the minutes; Brad said he had no idea, but decided to go ahead and made a motion to approve the Maidstone Public Meeting for the LHMP hearing; Bruno seconded the motion. All voted in favor.

ZONING ADMINISTRATOR AND TOWN MODERATOR VACANCIES:

- **Nomination by the Planning Commission of Mike Otis for the Zoning Administrator position:**
Brad said he had asked at the Planning Commission meeting if there had been any contact with the three applicants, and that apparently there had only been contact with Mike Otis, according to Chris. Nothing was shared about the conversation or answers. Apparently Chris had left a voicemail with Alexa, but she had not received it, and he wondered why she was not interviewed at the meeting. Brad liked the application that she had written up. He also wondered about a comment made by Dave Kamins at the meeting that did not appear in the meeting minutes; that comment made Brad do a lot of thinking. Brad and Scott asked Dave, who was in attendance, if he would share the comment. Dave said in retrospect he wished he had not made that comment, but felt that he was now obligated to share it again. Dave said

that Mike was the Zoning Administrator when he bought his place; Dave said that it was very difficult to get responses from Mike. Looking back, he was very nervous as his lawyer had resigned and Shoreland was involved. Dave felt it was critical to get timely responses from Mike, but he did not feel that he did. Subsequently, after attempts to get a signed permit, he and his son visited Mike at Mike's home. It was a tremendous visit; Mike is a great guy, very very friendly. The net of it all was that Dave was left feeling that Mike was unresponsive; he feels that the problem is easily fixed, if Mike has other qualifications that are suitable, and people keep an eye on him. Scott asked if the Selectboard wanted to move to accept or decline the nomination. Chris von Alt, Chair of the Planning Commission, said that he had no objections about going back and getting written references, and interviewing the three candidates, re-evaluating, and then giving the Selectboard another look at it.

Mike Otis then commented that he did not recall any communication problems with Dave Kamins when he was doing his permit; he did remember working with Dave and visiting him one or more times at his place. No one else has ever said they had a hard time getting hold of him (Mike). At the time, we didn't have the cell phones that we have now, and Mike was working full-time; it was probably a little harder to get hold of him than it is now that he is retired. Brad thanked Mike for his comments.

Bruno then said he had a question for Mike; he said that he was sure Mike was the Zoning Administrator at the time that a couple of girls were selling ice cream from their boat on the lake, and he recalled that Mike had made them stop doing that. Mike said he remembered the girls selling ice cream and thought perhaps they were Bruno's neighbors. He did not stop them and never talked to them. Bruno said that the rumor was that Mike had shut them down, but Mike said he never had a thing to do with that.

Scott asked if the Selectboard wanted to get some more input from the other two applicants or did we want to move on the one with Mike. He said he thought if we were hasty in not giving the other people enough time, we should get them to do it. He noticed that Alexa had a pretty good resume. Bruno said that he knew Sean McCarthy was late on his application, but Bruno didn't think that anyone had notified Sean that it was due at noontime. Brad and Scott repeated that Sean's application was accepted and considered anyway. Amy pointed out that Sean had the same notification that the rest of the Town did; the posting went up on December 20th, with a deadline of noon on January 5th.

Scott asked Chris what his opinion was. Chris said it was the Selectboard's decision. He said he did make an effort to contact people and solicit information, but did not feel comfortable discussing this openly in the meeting and thought if the Selectboard wanted to have a discussion about this, we should go into executive session. He said if the Selectboard wants them to, the Planning Commission can go back and look at all three candidates in more detail.

Burt Kline asked if the other applicants were present. Bruno said that unfortunately, they had already nominated Mike Otis. Laurie Snowman said that all applicants had the same deadline, that Mike is very qualified, and that it appeared that the Selectboard wanted anyone but Mike. Scott said that could be the case, that he had not heard good things about Mike, and has not learned anything about the other two applicants. He thinks we should interview the other applicants a little better; Brad and Bruno agreed. Jim Bennett said Alexa would have loved to be here, but is working tonight.

Scott said he thought we should get more input on the other two applicants and asked Chris what he thought. Chris replied that he thought that was fine if the Selectboard was going to treat all the applicants equally; if the Selectboard was not going to treat them all equally, they should say that now. Chris said he did not want to interview people and do a bunch of work if the Selectboard had made a decision that they didn't like Mike and would not accept him. Scott said he was concerned about what Dave Kamins had said and that he himself had heard several things, and thought that for the betterment of the Town, we ought to look at all our resources and not just one.

Mary expressed concern that part of what Scott referred to hearing and what Bruno offered was just a rumor, and that it is dangerous if we start listening to rumors. Going back and interviewing people is fine, but giving credence to rumors is concerning. Also, she said that if we do want people to provide references, that should be included in the posting; she has not seen that done while she has been here.

Bruno then told Mary he would check with the family of the ice cream selling girls to find out what the story is; if it is a rumor, he will apologize for bringing that up.

Chris repeated that he was asking the Selectboard if the Planning Commission interviews the three people then nominates Mike again, will the Selectboard consider that nomination seriously or reject it? He asked if it is the lack of the information about the other two candidates that concerns them, or the information that they have about Mike. Scott says it is not so much the lack of information; he has heard very good things about Sean, but has not heard good things about Mike; he doesn't know Alexa. Scott says that since Sean wrote the Bylaws for the Town, he knows a lot more about being a Zoning Administrator than he (Scott) does; he is concerned that somebody knows the job.

Bruno said we should make a motion and get it over with. He then made a motion not to approve Mike Otis as the Zoning Administrator; Brad seconded the motion.

Mike asked to speak and said that he did not know what Scott had heard about him. He had done the Zoning Administrator job for about 6 years; he worked with Bruno on several permits; Brad knows him also. Before being the Zoning Administrator, he worked on the Planning Commission, and worked with Sean McCarthy with whom he and a couple of others wrote the Bylaws, so he is just as familiar with them as Sean. He had made several suggestions on the Bylaws and did a lot of research with other towns and other people about them. He followed the Bylaws for 6 years, while he was the Zoning Administrator. There were no complaints or problems; there were no issues at the Selectboard level; the Town had no problems with the lawyers, and nobody went to court. As far as anybody ever told him, it ran well while he did the job. He again said he doesn't know what Scott has heard, so he cannot answer any of that, but if Scott would like to address that with him he would love to answer anything that Scott has to say about him. Scott said, "We can do that, too, Mike," then continued on to say that he thinks we should keep all our options open and do what is best for the Town, to which Mike replied that he would not be doing this if he did not want what is best for the Town.

Chris told the Selectboard that Mike has participated in a number of meetings and has worked well with the Commission and the Board, which was another factor taken into consideration. Bob C-W asked if the motion was saying that Mike's name should be withdrawn and not considered. Scott said the motion is to seek another nominee, yes. He agreed with Chris that the Selectboard was denying the nomination made by the Planning Commission.

Amy asked if the wording is "shall" or "may" appoint; Mary said it is "shall" in both Vermont Statutes and Maidstone Bylaws. Since the word "shall" is used, Amy wondered if the Selectboard should consult with the attorney to see if they have to give cause for not following the Statute. Bruno said he called Vermont League of Cities and Towns (VLCT) and was told that the Selectboard is the last to approve the Zoning Administrator, and that there is no need to post the vacancy again; the Commission can continue considering the other two applicants.

Bob C-W said it seems to him that there has been a lot of conversation going on behind the scenes that he was not aware of; he wondered if there was bad blood as this action strikes him as being something personal. Brad said there was nothing personal, that he likes Mike. Brad was concerned about Dave Kamins' statement that Mike was hard to get a hold of. Chris said that comment was from one person over a 6 year period of time; it seemed to him that it was deeper than that. Three people made the decision to nominate Mike, in contrast to the comment of one person, who now says he wished he had not said anything.

Laurie Snowman said that she felt from the start of this discussion that it was personal and thinks that the Selectboard had their minds made up coming into this meeting. She said that Sean McCarthy has proven to be unreliable and inconsistent, as past Zoning Board members will attest. Alexa is intelligent, but has no experience in zoning. Mike has the most experience and is the best man for the job. Personal has to be put aside to talk business; she thinks Mike is the best person for the job.

Bruno said that unfortunately, the Selectboard has already made their decision; Brad pointed out that they had not voted on it. Bruno said there are two other candidates for the Commission to consider, and if they wanted to bring up an Assistant Zoning Administrator, Bruno would be happy to approve Mike for that position.

Chris von Alt said, "By the Statute, Bruno, the Board went ahead and nominated you to be the independent zoning administrator, and that position has to be nominated by the Planning Commission, so your position right now is not following the Statute."

Sandy Gray said she echoed what she had heard others say, that Mike is the best candidate for the position. The Selectboard was basing their decision on one statement from Dave Kamins. She thinks this should be looked at more thoroughly instead of just dismissing Mike; all three candidates should be looked at, instead of just saying, "okay, we don't want Mike, let's look at the other two," who may not have the experience or the qualifications. Brad said he would go along with that.

Dave Kamins then said this was in no way personal for him, that he really likes Mike, and that it is an easy problem to fix. It sounds like there has been no other input along the lines of his own, and he accepts Mike's explanation that the difficulty in communication was potentially due to other factors, and that it was potentially on both sides. He would hate to be the person that's responsible for removing Mike from the nomination process; he does not think that is fair for Mike or for himself.

In response to Burt Kline's questioning about candidates and timely applications, Scott said that he thinks the Town ought to look for the best person for the job. He said that he knew in taking the job that sometimes there would be hard decisions to make, that need to be made, and that he would do what was best for the Town. Burt expressed appreciation for that and for all of Scott's hard work, but said it appeared that the Town that showed up at this meeting does not agree with Scott's assessment. He also found it troublesome that Mike seems to have shown more interest in the Town than the other two candidates.

Scott then asked if the Selectboard wanted to have the Planning Commission go back and interview the other two candidates. Brad said that he wanted Bruno to withdraw his motion, have the Commission interview the other two or one candidate, since Sean did not get his application in on time, and give them all a fair shot again. Bruno made a motion to withdraw the motion to not approve Mike Otis for the Zoning Administrator. Scott called for a vote on Bruno's motion to withdraw his motion. All voted in favor.

Scott summed up by saying that we would withdraw that and take a look at all three again and do some more investigating. Chris asked if the Selectboard wanted him to come up with a process himself or wanted to recommend something - go out and solicit letters, or just talk to each person. Scott said Chris should just talk with each person on the phone; Brad requested that the Selectboard be given some of the information that Chris gets, so that they can understand what the candidates are thinking. Chris asked if the discussion should be done in the open or in executive session. Scott and Brad said it didn't matter to them, with Scott expressing his preference for things being done in the open. Chris asked the Selectboard to confirm that the Commission should talk with other people in the Town who had worked with these people, which the Selectboard said was fair enough. Mary asked for clarification if the Selectboard was saying that the interviews should be conducted in public. Scott said that it is up to Chris if he wants to ask questions in public; but if not, he thinks Chris ought to just call them and interview them. Chris said the Commission would talk with the people who have worked with the candidates and solicit information from other people in the Town and from the applicants themselves. The Commission will compile that information and then talk with the Selectboard to decide how the information should be presented. Brad said that sounded good. Bob C-W said the proper procedure would be to table this nomination until a future meeting. Brad then made a motion to table the nomination for the Zoning Administrator until a date to be decided on later on; Bruno seconded the motion. In the brief discussion that followed, Chris said the posting of the position stated that the position would remain open until all positions are filled. There was a deadline within which to respond to the initial posting, but since the position has not yet been filled, anyone can still apply. The discussion concluded, Scott called for a vote on the motion on the floor. All voted in favor.

Discuss and act upon response to Town Moderator vacancy:

Dave Atkinson previously resigned from his position as the Town Moderator because he intended to be away on travel, but those plans have changed. Dave has applied in response to the vacancy posting. Brad made a motion to appoint Dave Atkinson as the Town Moderator for 2023; Bruno seconded the motion. All voted in favor.

REPORT FROM THE ROAD COMMISSIONER:

Brad said he has applied for another Better Roads Grant for work on the upper end of Maidstone Lake Road, starting at the campground and coming back to the telephone building where the power line comes through. He applied for the maximum amount, which is \$20,000. He thinks the grant decisions will be made in July. This past weekend he received a few emails regarding the Lake Road being rutted and rough due to the weather we have been experiencing. He had been under the impression that Allen Bouthillier would be York raking it with his heavy rake that might smooth the road out. Apparently, that did not get done or the road froze before the work could be done. Brad is not sure how to go about fixing the road. He mentioned trying to grade it and let it freeze back down, or trying to get gravel to fill it in. A discussion ensued, including:

- Guildhall's roads are in the same condition;
- Grading the road might just create chunks/balls of frozen dirt to be kicked around;
- The possibility of adding more gravel:
 - Adding more gravel now might help, but might also cause a mess in the Spring;
 - It will be difficult to obtain more gravel, as Brad had purchased pretty much all the gravel available in the North country for the road work this past Fall;
 - The only one who might have gravel is Mike Belknap in Bloomfield. Brad bought everything that Beatty had; Brad can call Mike to find out what he has available;
 - How many loads would be required? Brad isn't sure, but says that the road from the turn just before Bill Sanborn's to Lin Mixer's needs attention. He doesn't know if we can get away with spot graveling it. He doesn't want to gravel the whole length as he thinks that we'd have a major mess;
 - The Town is on a new budget now, so money is not the problem; it's just a matter of how much material is available;
 - Lin commented that putting gravel in the ruts might work, but gravel on the whole road would be pushed into the ditch by the snowplow. He did not think the road had been graveled for a very long time. Brad responded that he had graveled it in 2012 or 2013, when the Town had a \$150,000 grant; he thinks the total bill from Route 102 to the campground was somewhere around \$160,000 or \$180,000. He could find the paperwork if anyone is interested in those facts.
 - No decision needs to be made by the Selectboard; Brad will see what he can do.

REPORT FROM THE TOWN TREASURER:

Bob says he closed the books today for 2022. The report the Selectboard has in hand was prepared on Thursday, so there are minor changes to some numbers, including the oil and legal numbers. He says the Town did a pretty good job this year staying mostly within budget, with some numbers down and some up. He has turned his records over to the Auditors to start the 2022 Audit.

The Town needs to hold a Special Meeting to discuss and decide upon the 2023 Budget. Bob will provide a worksheet that records the Budget Amounts for 2022 and the Actual Expenses for 2022, as well as blank spaces for recording the Budget Amounts for 2023 that the Selectboard decides upon. It was decided to schedule a Special Meeting for Monday, January 16, 2023, at 7.00pm; this will be a Hybrid meeting, both in-person and via Zoom. Last year, it only took one meeting to finalize the Budget, but in prior years it has taken more than one meeting. The Set Budget will be turned into the warrant article in the Town's Annual Report.

The Selectboard Warrant is on the Signing Desk with all the information.

REPORT FROM THE DELINQUENT TAX COLLECTOR:

A couple more names have dropped off the list. The public auction for the Wiedeman property is set for Thursday, February 16th, at noon at Town Hall. Bidding must be done in person; there is no remote for that process. Bruno asked what the story is with the Styles, who are listed on the Delinquent Tax Collector's Report, wondering if they are on a payment plan. Bob replied that there are no plans other than promises to

pay. The way that our policy is set up currently, anything that appears in the 2021 column cannot begin to go up for a tax sale until April 15th of 2024.

In response to the Town Clerk's question about her responsibilities with regard to the tax sale, Bob said that there are filings that he will do with Amy regarding land records; the lawyers are taking care of all required postings. Bob received paperwork today that may provide more answers.

After the last Selectboard meeting, Bob received notification from VLCT that they were offering training for Delinquent Tax Collectors. Bob has not received any such training, therefore wanted to attend. He wrote to Scott to let him know it was happening. He has not yet received a bill for the \$28.00 training fee from VLCT, but hopes that the Selectboard will authorize reimbursement. He received a book for the Town entitled "The Delinquent Tax Collector's Book". Brad made a motion to reimburse Bob the \$28.00 for the training course; Bruno seconded the motion. All voted in favor.

REPORT FROM THE LISTERS:

Bob reported that the Town has received the 2022 Equalization Study Results, including notification of the CLA and COD for 2022, which will affect our 2023 tax rates. The 2022 CLA (Common Level of Appraisal) is 76.3, and the COD (Coefficient of Dispersion) is 18.68. The CLA represents the Equalization Study from 4/1/19 until 3/31/22, so it reflects a complete year of pre-Covid sales and 6 months of the early Covid sales, with the remainder being the Covid sales that are very very high in comparison to our Grand List values. Ten towns, including Maidstone, that were reappraised in 2019 have received the order to reappraise again. Knowing that this was coming, this has been talked about at Selectboard meetings and with NEMRC, which will start our statistical reappraisal this summer. That will affect the 2024 Equalization Study. This CLA rate of 76.3 will really hurt our education tax rates, both homestead and non-homestead, for the 2023 billing season. The Commissioner from the Division of Taxation estimates an 8.52% increase in the education tax rates for 2023. Bob has participated in the NEK School Choice District meetings at which they set the budget, which is preliminarily anticipated to increase about 20%. A non-homestead education tax rate of 1.386 is projected; if that ultimately is the rate, that would give us a non-homestead rate of 1.8165, up considerably from 2022. The non-homestead rate is statewide, but the homestead rate is according to our school district. Overall Homestead Education Tax rates are projected to be 1.31; however, our particular school district was already at 1.493 in 2022.

The School Budget will be published in our Annual Report. The Legislature will have set the yield by June, which is the last variable for the school tax rates for 2023.

REPORT FROM THE TOWN CLERK:

Amy reported that the Municipal Energy Resilience Program Grant was not available as of the end of last week; she will check into that again this week.

Annual Town Meeting is the focus of work now. The deadline for any committee reports is January 30th, so that they can be prepared for the printer. She asked if the Road Commissioner wants a report included in the Annual Report; Brad responded that he doesn't typically put in a separate report, but uses the Town Treasurer's Report, as that lists all of the information.

Amy said people visited Town Hall today looking for information relating to possibly subdividing a large parcel. Jim Bennett asked for more details. Amy said that these are only inquiries. No permit applications have been received. Once there are approved permits, that will be public information.

OLD BUSINESS:

- **Update regarding location of NEK Broadband's installation:** Scott and Brad said they are meeting with NEK Broadband this week on the 11th of January.

NEW BUSINESS:

- **Discuss Essex County Sheriff Trevor Colby's letter to the Town and take any action necessary:**
Brad does not think we have a contract with the Sheriff's office at present. Brad asked Bob how much the Town has in the account. Bob replied that the Town used the Reserve Account for this. He thinks that the Town does have a signed contract with the Sheriff's office that authorizes up to \$5,000.00 per year; services are billed hourly. Bob found a contract dated July 1, 2020 til June 30, 2021, signed by Sheriff Colby and the Chair of the Selectboard. Amy said that the Sheriff usually sends a contract around budget time; she will check at Town Hall to see if there is a contract.

Lin spoke about his recollections from the last time the Sheriff attended a Town Meeting, about the people who work out of that Office, and about the difficulty of getting the Office to send people out when requested, if they are not out already; in particular, he mentioned a recent incident in Lunenburg, when the Sheriff's Office would not send anyone out in response to a request from the Fire Department. Brad asked for any comments or suggestions about what the Sheriff's Office ought to do and about what they are currently doing. Lin said that Larry Smith typically is here once a week on Tuesday, Wednesday, or Thursday. Lin has suggested to the deputies that they swing up other roads in Maidstone to check things out when they are driving up to the Lake to patrol. Typically, we only see them on patrol on weekdays. Lin suggested that it would be nice for patrols to occur on weekends when things are busier. Bruno said Matt's mother has bought a place here on the West side, which Bruno anticipates will result in Matt making an appearance in a cruiser more often. Lin said that a deputy who had a place here was told to just go directly to his place; he would not take a swing down either road. Lin suggested that the Town clarify this with the Sheriff's Office.

Scott asked if the Sheriff is looking for the Town to sign a new contract now. Brad said that he thinks the Sheriff is asking what the Town would like the Sheriff to do; maybe we can suggest days to patrol. In response to Jim Bennett's comment, Brad said he is sure that the Sheriff will come address the Town, if requested to do so. Bruno said that he talked with the Sheriff when the Town received this letter. The Sheriff was happy with Maidstone and was not looking for more money, but was concerned about other towns that are requiring a lot of service, but not paying a lot of money. That's why he sent the letter out, according to Bruno.

OTHER BUSINESS:

Scott asked if there were any other business. Bruno said that he had something, then said, "Chris von Alt, you explained a while ago that you brought up there that in State Statute technically my position as Temporary Zoning Administrator is not valid." From what he has seen in the State Statutes, Bruno said, "it states that if we do not have a Zoning Administrator or an Assistant Zoning Administrator, the Selectboard is to nominate or point out a Temporary Zoning Administrator." Chris replied that he was referring to the Assistant Zoning Administrator position. Bruno pointed out that he is not the Assistant Zoning Administrator, but the Temporary Zoning Administrator.

Health Officer Sandy Gray said the Town Clerk had sent her some information about obtaining free radon kits. She pursued that opportunity with the result being that the Town is being sent 30 free radon kits that will be available at Town Hall; they can be distributed at Town Meeting as well. A poster about this will be on display at Town Hall. There is a toll free number to contact if people want a kit of their own. There are also funds available for people who discover that they have radon in their home. Sandy expects the kits to arrive in mid-January.

ADJOURN:

The business of the meeting concluded, Brad made a motion to adjourn the meeting; Bruno seconded the motion. All voted in favor. The meeting was adjourned at 8.22pm.

Respectfully submitted,
Mary von Alt