

**Minutes**  
**MAIDSTONE SELECTBOARD MEETING**

Monday, May 1, 2023

7.00 pm

Hybrid Meeting, both in person at Town Hall and by Zoom Video Conference

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

Town Official Present at Town Hall: Emergency Management Coordinator and Fire Warden Bill Sanborn

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

Also Present via Zoom: Laurie Snowman, Gayle Otis, Jan Barker, Andy Champagne-Willis, Lin Mixer, Jim Bennett, Sam and Carol Gorham, Ed Tully, Burt and Carol Kline, Paul Kamins

Scott Lovell called the meeting to order at 7.01 pm.

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; he asked people to wait their turn until he calls upon them and to be respectful. (The Rules are posted on the Town website; they have been emailed to the people who have requested Selectboard meeting notifications.)

**APPROVE MINUTES:**

In the Draft Minutes for the Selectboard Meeting on Monday, April 3, 2023, Brad pointed out the omission of the word "add" in this line, "Maidstone did not any highways" under Certificate of Highway Mileage 2023 in the Report from the Road Commissioner. Mary will correct that omission. Scott made a motion to accept the April 3, 2023 minutes as amended; Bruno seconded the motion. All voted in favor.

**REPORT OF THE ZONING ADMINISTRATOR:**

Zoning Administrator Mike Otis reported that the Zoning Permit Application form has been revised in an effort to improve it, and a new Conditional Use Permit Application form and a new Variance Request form have been created. A brief discussion was held about whether or not the Selectboard had to approve the zoning forms; Mike has not found any indication of that, and Brad did not know. The Selectboard decided to check with VLCT regarding a requirement for Selectboard approval, and table the zoning permit applications, as Bruno suggested, until next month.

About seven permit applications have been submitted during this past month, Mike reported. The only issue was that a Notice of Violation had to be sent to the Tyrells, whose previously approved permit was for adding to their camp. Instead, they had demolished their camp due to problems encountered, and were proceeding with work under the old permit. They have since submitted a new permit application that has been approved; they are good with Shoreland and Wastewater, and have submitted a permit application for their storage container. Mike expects them to begin work shortly. In response to Bruno's question, Mike explained that the Tyrells had a jurisdictional letter from Shoreland Protection for their previous permit, and because they are not changing the footprint or adding anything outside of that, Shoreland gave them the go ahead for the work described in this new permit; Mike has the Shoreland letter attesting that.

**REPORT OF THE ROAD COMMISSIONER:**

Brad said he had applied for the Better Roads Grant for \$20,000 for doing some ditching at the Lake. He has been notified that we are going to receive the grant; it will not be effective until the 1st of July, he thinks - that's when we will receive the final paperwork. He intends to use that grant for work starting at the campground and continuing about a mile down the Lake Road to the telephone building. Lin asked if Brad

still intends to gravel the road between the pay phone, which is opposite Beach Road, and the campground, as he had mentioned at a previous meeting. Brad said that he will do that as part of the Better Roads Grant.

Brad has also applied for a Class 2 Highway Gravel Grant totaling \$119,200. Brad has been informed by email that the Town will receive an unspecified portion of that. He says they usually knock off 20%, which would bring it down to a little over \$95,000. He intends to start that work at the Intersection of Maidstone Lake Road with Westside Lake Road and gravel about a mile and a half on Maidstone Lake Road to somewhere around Beach Road (by the State Park day use area).

Brad has sent in a letter of intent for the Grants in Aid program, for a little over \$5,000, but has not heard back yet about that.

If the weather ever straightens out and stops raining, he will start grading the roads and smoothing things out.

#### REPORT FROM THE TREASURER:

- **Budget to Actual:** Bob said he has given the Selectboard the Budget to Actual for the first four months of the year. It has been a busy tax collection season for the remainder of the 2022 taxes. The Town has received \$72,000 of the \$81,000 that was outstanding at the beginning of the year. Everyone who did not pay their taxes on time has been notified about what is required of them and what their options are. The distributions of the donations that are part of the Annual Meeting have been made. The distribution to our emergency services will be done this month.

There are documents to sign on the Signing Desk. He has made the payment to the NEK Choice School District, as it is due within 20 days of April 15th. The larger payment to the State of Vermont is due on June 1st. Both are on the Signing Desk for all three Selectboard members to sign. Bruno reported that he had signed all of the documents that he needed to sign.

- **Selectboard Warrant:** Bob said he has produced the Selectboard Warrant, but a lot of the backup documentation that required signature was on the Signing Desk. The Warrant will not therefore match with what is attached to it, but it is on the Signing Desk for the three signatures.
- **Update about legislation:** The legislative session will probably wrap up by the 12th of May.
  - The H.480 under consideration will revamp the reappraisal process, moving all towns into a regularly scheduled reappraisal every 6 years, rather than a reappraisal being triggered by the CLA (Common Level of Appraisal) or COD (Coefficient of Dispersion). Both the House and Senate are removing the CLA from being a trigger for reappraisal, although it will still be a very important number. The legislation has encountered a lot of pushback, but is still moving forward.

Bob discussed the following, as it relates to the H.480 legislation. Maidstone has signed a contract to do a statistical reappraisal, with the work being done this year for the April 1st, 2024 Grand List. A Town can only do a statistical reappraisal within 5 years of the last reappraisal, and 2024 marks the end of that 5 year period. Although we are no longer being required to do a reappraisal at this particular time, Maidstone will be at the top of the list of towns required to do a reappraisal and, if we wait until it is required by the State, we will have missed the opportunity to satisfy that requirement with a statistical reappraisal; a full reappraisal will cost twice as much.

This summer we will start the statistical reappraisal, in which a number of properties will be randomly chosen, the data for each of which must be verified. Meanwhile, on Tuesday May 9th, the Listers and the paid Assessor will be looking at anyone's property whose value has changed, based on the Grand List for April 1st of 2023. Grievance notices will be sent out; grievance hearings will occur at the end of May or the beginning of June, the usual schedule. The Grand List will be lodged on the 15th of May, according to the regular schedule.

Bruno said he had received a complaint from a property owner this past winter about a Lister coming on to his property, when the owner had not been aware that would be happening. Bruno asked if the Listers could phone people ahead of time to tell them they would be visiting their property. Bob pointed out that

legally Listers are allowed to go on to people's property unless it is posted. Two days are set aside each year, one in the Spring and one in the Fall, on which the Listers and a hired Assessor visit properties; the precise list of properties that will be visited is not always known ahead of time and may change during that day, therefore it is very difficult if not impossible to give advance warning to each property owner. At the Treasurer's request, the Town Clerk has put out an email blast to notify the Town of the upcoming property visitation day on May 9th. *(NOTE: this information has now been included on the Town website both on the Home Page and on the What's New page.)* These visits are only to view the property from the outside; no internal inspections are involved.

- The S.60, the Local Options Tax, probably will not make it out of this session.
- The S.100, referred to as the Housing Bill, will dramatically change Bylaws if it goes through. It is all about affordable housing, and stipulates that where a single family dwelling is allowed, a duplex must also be allowed. There are exemptions for small lots and for zones within Lake Districts. This bill is still moving, but the deadlines for this session are approaching, so it is possible it will not happen this year.
- H.492, that deals with the setting of one component of our Homestead Tax as well as with our Non-Homestead Tax, is under consideration. The variations between the House and Senate versions are minor. That bill has to move this session.
- **NEK Choice School District** has been going through a lot of fluctuation. The Superintendent has left after just one year. The Business Manager has left, so there's a new Business Manager. Bob participates in the School District meetings as well as meetings of the ENSU (Essex North Supervisory Union) that oversees our NEK Choice School District. He feels it is important that the Town of Maidstone is represented at those meetings.
- **Opioid Settlement:** Bob opted in for the Town at the encouragement of Vermont League of Cities and Towns (VLCT), which said that the more towns that opted in, the more money would be received by the State. This is a no lose situation for the Town. The Selectboard received information about the different components of this. The amount of money that the Town might receive through this and the length of time any potential payments might continue are unknown. Once the Town receives funds, we will know what can be done with them. One idea that Bob and Preston Horton discussed would be the purchase of a defibrillator for Town Hall, if the funds afford something like that; there are two at the Lake that were paid for by Maidstone Lake Association. If the Town finds that it has no need to use the Opioid Settlement money for addiction services, we can turn it over to the State for any of the services that the State provides, or we can check with our local emergency services to see if they can use the money.
- **Review and approve the application for the \$4000 Community Capacity Building "Mini"-Grant**, part of the Municipal Energy Resilience Program (MERP). Amy and Bob participated in a seminar about the MERP that is being funded at this time. This particular grant cycle is all about municipal buildings making better use of their energy. There are three components to the program :
  - First is the mini-grant of \$4000; this funding can be used to help write the proposals for the big grant(s);
  - Second is to conduct an Energy Study - a building assessment of our Town Hall in order to recommend what we can do to improve energy usage;
  - Third is the big grant; there are big grants out there for Towns to improve the energy resilience of their municipal buildings.

At the seminar that Amy and Bob attended, all towns were encouraged to apply for the mini-grant. In response to Brad's question, Bob said that there is no matching funds requirement. This is just a grant that they are offering to municipalities to move them along the way of this energy resilience project. Bob needs the Selectboard's approval to apply for the mini-grant.

Amy said that she would like to discuss the functionality of solar at Town Hall with Scott, as he is using solar.

Brad made a motion to approve Bob to fill out the application for the mini-grant; Bruno seconded the motion. All voted in favor.

#### **REPORT OF THE DELINQUENT TAX COLLECTOR:**

There are 26 taxpayers who did not pay their tax bills on time; they have all been notified. Of those, there are 3 who have now paid their delinquent taxes.

#### **REPORT FROM THE TOWN CLERK:**

- **Our Town website** is in a state of limited functioning. The Town Clerk has reached out to three different places for preliminary quotes, but needs the Selectboard to decide what it would like to do with the website and what direction it wants to move in. Amy gave a brief history - the website had to be moved to a different platform a couple of years ago, and, following direction, she worked with somebody locally to get it set; the platform on which that person put the website is no longer functioning. Amy recommends that the Town allow her to get some quotes with similar setups for us and bring those to the Selectboard. She has three emergency quotes that indicate the cost will be somewhere between \$4500 and \$6000 to get a website built. Bruno asked if Craig Merwitzer had called today. Bob replied that he had talked with Craig, but has not updated Amy about that. Scott asked if this has to go out to bid. Amy responded that according to our Purchasing Policy, the Town can handle purchases of between \$2,001 and \$49,000 in two different ways - either by getting at least three competitive quotes or through a bid system. Scott said he thinks competitive quotes would be fine. Brad asked if there are people in the area who could do this job, or if we would have to go outside. Amy said the woman in Littleton who currently does our computer work gave Amy a recommendation for another company in Littleton that has a partner who specializes in municipal websites. She also received an email from a Selectman in Lunenburg who forwarded her a contact for an NEK website company. At least two of the four that she has been able to reach out to are local. Scott said Amy, Mary, and Bob should figure out what the Town should have and then seek competitive quotes. Bob pointed out that this would be outside of anything that had been budgeted for with the General Fund; he recommends that the Selectboard reach into the Reserve Fund to fund this type of expenditure.
- **The Traffic Study.** Amy has reached out to Doug Morton of Northeastern Vermont Development Association (NVDA), who said that we are on his list. He plans to be out to visit in May, and will let us know before he comes. If the Selectboard has any questions, Amy will let him know. The Selectboard said they did not have any questions at this time.
- **The flagpole at Town Hall:** Amy said the flagpole did not fare well in the recent storm. She has obtained pricing. Scott said he has done research and was thinking of a commercial grade flagpole. He thinks that a flagpole should be rated for a 70 mph wind, or we will have to buy another in just a few years. For a 30 foot flagpole with a light and a hinge that allows the flagpole to be lowered, the price will be in the neighborhood of \$2000. Brad has done research with the same results. Scott questioned where the Town should take the money from; Bob responded that it should come from the Reserve Fund, depending on how quickly the Town wanted to move on this. The options would be to authorize the expenditure of up to a certain amount, or to wait until the next meeting for a quote. The Selectboard discussed the overall cost, which would include the pole plus the concrete and installation costs. Bruno made a motion to spend up to \$2500, taking the money out of the Reserve Fund, for the purchase and installation of a new flagpole and flag at Town Hall; Brad seconded the motion. All voted in favor.

#### **REPORT FROM THE EMERGENCY MANAGEMENT COORDINATOR AND FIRE WARDEN:**

Bill Sanborn reviewed the bids for the equipment trailer and created a comparison spreadsheet recording the information from the three companies that submitted bids. After some discussion amongst Bill and the Selectboard, the Selectboard's consensus was that Border Truck Equipment out of Irasburg offered the best deal. Bill agreed with the Selectboard. Brad made a motion to purchase this trailer for \$10,751 from Border Truck; Bruno seconded the motion. Bob reminded the Selectboard that the funds would come from the ARPA (American Rescue Plan Act) funds, so the motion needed to include that language; Brad said to add that in. Scott summed the motion up by saying, "We have a motion first and seconded to take the money from the

ARPA funds for \$10,751 to buy the trailer from Border Truck.” All voted in favor. Scott told Bill to go ahead and order the trailer, and thanked him.

### REVIEW OF TOWN POLICIES:

**Fair Housing Policy:** Brad spoke about the email received from Jack Donnelly expressing his opinion that the Fair Housing Policy needed to be streamlined and more limited. As little was known about that policy, the original of which was dated 1988, after a brief discussion, it was decided that Mary should contact VLCT to ask about the nature of the policy, and if it is necessary for the Town to have such a policy.

**Purchasing Policy:** Mary referred to the document that she sent to the Selectboard on which she recorded information gathered from the Purchase Policies of other Vermont towns about categories of purchases and dollar amounts assigned. Brad said that he would like to see some changes made in Maidstone’s Purchase Policy, perhaps incorporating ideas from other towns. The Selectboard discussed looking at the sample policies from other towns in depth and considering what different options the Selectboard would like to adopt and which amounts might be increased. The decision was made to further review and consider the policies from other towns and Maidstone’s own policy, tabling the Purchasing Policy for now to allow more time for research, and bringing it back for consideration next month.

**Conflict of Interest Policy, Rev 1:** Brad made a motion to accept the Conflict of Interest Policy, Rev 1 with the changes provided; Bruno seconded the motion. All voted in favor.

**Equal Employment Opportunity Policy:** Brad made a motion to accept the Equal Employment Opportunity Policy as written; Bruno seconded the motion. All voted in favor.

**Cemetery Policy:** The Town Clerk created a draft Cemetery Policy. Bruno said he was happy with it. Scott said the only thing he was wondering about is line #15: “The Maidstone Cemetery Commission must annually provide a written report to the Town Auditors as to the condition and needs of the burial grounds under its charge, including a detailed statement of its receipts and expenditures and the amount and disposition of the funds in its control (18 V.S.A. § 5379). The Town Auditors must audit this statement, file it in the office of the Town Clerk, and include it in whole or in summary in their annual report (18 V.S.A. § 5380).” Brad objected to the Town having a Policy, rather than the information sheet that had been discussed at the last Selectboard meeting. He said he didn’t believe we need 90% of the information included in the draft Policy. Referring to line #15, Brad said he saw no reason why the Cemetery Commission needs to write a report for the Auditors; that’s all done by the Town Treasurer, who keeps track of all of that. Amy responded, “Except that it’s a State law, whether we have a policy that says we do it or not... That’s a State law that exists that you guys were supposed to have been doing, I guess, all along.” Amy agreed that the Treasurer has that information and pointed out that the Statute says that, if the Selectboard is the Cemetery Commission, the Chair can get that information from the Treasurer. Brad said he thinks we should check with VLCT. He says the paperwork is in Town Hall, and any expenditures for cemeteries are recorded. Amy agreed that it was easy enough to get the information from the Treasurer, but repeated that the report is required by State law. Brad said, and Scott agreed, that we should just go back to an informal informational sheet as was discussed at the last meeting. Amy asked Scott to clarify, which he did, that the Selectboard wants her to reach out to VLCT and find out if this Statute still applies to our Selectboard or not. The Selectboard decided to table the Cemetery Policy until we have more information.

**Records Management Policy and Retention Plan:** Brad made a motion to accept the Records Management Policy and Retention Plan; Bruno seconded it. All voted in favor.

**Notary Policy:** Brad asked if we had this policy before. Amy explained that we do have such a policy, but the current policy falls extremely short of what the Notaries Public actually do. Furthermore, the references included in the policy for the Secretary of State for legal advice do not exist anymore, and had not been updated. Brad said that from reading the State laws listed, it appears that the Notaries Public do not work for the Town, but for the State. Amy said that the Town pays for the Maidstone Notaries’ training, and they

represent the Town, therefore it is probably in the Town's best interests to make sure we have some guidelines for those for whom we pay for training and who represent us. Brad thinks that is a lawyer question. Amy said the Town pays for three people in Maidstone to be Notaries Public - Town Clerk Amy Pear, and Justices of the Peace Laurie Snowman and Bruce Hobaugh, who are both also Board of Civil Authority members. That means, if Town Hall is not open and the Town Clerk is not available, there are two other Notaries who can serve the people of Maidstone. Bruno asked if the Notaries charge for their services; Amy said that none of them do, as they work for the Town. It's a service that we provide to our residents and landowners. Scott said he was fine with the policy the way it is. Brad said he didn't have any problem with it, but had not realized that the Town needed a policy for a Notary that works for the Secretary of State. Amy said that the last policy we had stated that the Notaries would not notarize anything unless they knew the individual personally; Amy pointed out that it is entirely possible that a Notary doesn't know everybody in Town, and, in following that policy, would turn away Maidstone residents or landowners. This draft policy represents what we are supposed to do for our residents and landowners. Bruno said he doesn't see a problem having this policy, if it helps people out. Brad made a motion to accept the Notary Policy; Bruno seconded. All voted in favor.

#### **OLD BUSINESS:**

**Discuss Taylor cemetery work:** Amy gave a brief history. At a Selectboard Meeting last Fall, Amy was directed to get bids for Taylor cemetery work. The Selectboard was supposed to meet at Taylor Cemetery and do a walk through to determine what work needed to be done, but weather set in and prevented that. At the last Selectboard Meeting, Bruno mentioned something about nothing having been done. That prompted Amy to bring this topic up with Scott, in order to verify what the Selectboard wants her to do at this point and get it moving forward. The Selectboard then made arrangements to meet in person to do a walk through on Wednesday.

#### **NEW BUSINESS:**

**Discuss and act upon the mowing of the Town Hall and Town cemeteries:** Jason McVetty has been doing this mowing. Scott asked if we needed to consider the Purchasing Policy with regard to this mowing job. After a brief discussion, in the expectation that Jason will charge the same price this year, the Selectboard decided to go ahead with Jason. Brad made a motion, using the words Bob suggested, that in lieu of the review of the Purchasing Policy, the Selectboard will approve Jason McVetty for doing the mowing at the Town Hall and cemeteries for this calendar year; Bruno seconded the motion. All voted in favor.

**Start the bid process for Town trash pickup and recycling:** Brad said that Paul Tomasi of the Northeast Kingdom Waste Management District (NEK WMD) had prepared the old contract; Brad said we should reach out to Paul to let him know that we have to send this out for bid again; Paul may have updated information that should be added into it. Bob would like to see a concise summary sheet that would make the math clear to all, and recommended that the new contract incorporate the way that Dottie's invoices present information; Brad said Bob should inform Paul of that. Dottie's contract is up on June 18th; Bob asked if the Selectboard could authorize him to get something together and put it out to bid, so that the Selectboard could have it for the June 5th Selectboard meeting. Scott made a motion to authorize Bob to put something together and present it to NEK. Brad said he thought that Paul would do that, and that all Bob has to do is let Paul know that he wants Paul to use the format that Dottie uses. Brad said that he doesn't think the Selectboard needs to approve what is sent out, as long as Paul and Bob are okay with it. Brad made a motion to have Bob contact Paul Tomasi at Northeast Kingdom Waste Management and see if he will prepare a bid spec for the Town of Maidstone rubbish and recycling hauling; Bruno seconded the motion. All voted in favor.

#### **OTHER BUSINESS:**

Lin gave a heads-up that Vermont Electric Co-op has a subcontractor out at the Lake working on the installation of four poles on the East Side; they will then be wiring two poles on the Westside. They will leave after that work, but will return after a month to continue work. Brad said he received that information last week. Lin was happy to hear that, and wanted the people on the Lake to know as well.

Amy told everyone that she had received a message from Suzy Irwin saying that she would have to resign from her position as Assistant Town Clerk. Everyone expressed their deep gratitude to Suzy for her many years of service to the Town of Maidstone and their sorrow that she is resigning. Bruno made a motion to

**Approved Minutes**

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send Suzy Irwin a bouquet of flowers and a thank you letter for the work she has done for the Town; Brad seconded the motion. All voted in favor. Bob said he would take the lead on getting the flowers.

Scott asked if anyone else had anything to say. Bruno said he did and continued, "At the last meeting, I asked if I could talk to the Town Attorney, and a few of you members officials spoke up and said that was not my position to be calling the Town Attorney on a zoning bylaw. So I did call VLCT, and they told me with the permission from the Selectboard I have the right to call the Town Attorney on anything I would like to ask him. I just want to make that clear with you guys. So I would appreciate it not telling a Selectboard member what they can and cannot do, okay, especially for some of you appointed officials - we are your boss, you are not ours. The other issue I wanted to bring up is that I was at the Zoning Board and the Planning Commission meeting a couple of weeks ago, okay. There was questions that were brought up and some of you guys were struggling to give some answers. A simple answer is, "Sorry, I don't know that answer, but if you would like me to research it I can get back ahold of you during the next meeting" or something, because some of the answers that you guys were just trying to come up with just did not make any sense. If you don't know the answer, don't try to come up and make something up. That's basically all I have to say. It's simple."

As nobody else had anything they wanted to say, Brad made a motion to adjourn the meeting; Bruno seconded it. All voted in favor.

The meeting was adjourned at 8.29 pm.

Respectfully submitted,  
Mary von Alt