

Approved Minutes
MAIDSTONE SELECTBOARD MEETING

Monday, November 6, 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 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; Assistant Town Clerk Suzy Irwin; Zoning Board and Planning Commission Chair Chris von Alt; Lister, Auditor, and Health Officer Sandra Gray; Administrative Assistant to the Selectboard Mary von Alt

Also Present via Zoom: Lin Mixer, Sam and Carol Gorham, Bonnie Lovell, Andy Champagne-Willis, Sandy and J I Ireland, June Lockert, Burt and Carol Kline, Laurie and Bob Snowman

Chairman Scott Lovell called the meeting to order at 7:00 pm. He reminded everyone that the Rules of Participation are in effect. The first order of business was to approve the minutes for the October 9, 2023 Selectboard meeting.

APPROVE OCTOBER 9, 2023 SELECTBOARD MEETING MINUTES:

Bruno made a motion to accept the October 9th minutes; Brad seconded the motion. All voted in favor.

REPORT OF THE ZONING ADMINISTRATOR:

The Zoning Administrator reported that since September the Town has received these permit applications:

- Jeff Scarinza submitted a permit application to put an addition on the back of his camp. Because the addition was within 25 feet of the Lake, Mike had to deny it. He talked with Jeff, explaining the denial and the option of requesting a variance. Jeff decided against the variance and withdrew that permit application. Subsequently, he submitted a permit application for a bunkhouse not within 25 feet of the Lake, already approved by Shoreland; Mike approved that application.
- Richard MacKenzie submitted a permit application to put a shed on his property; that was approved.
- Jan and Bruce Barker submitted a permit application to reconfigure the roof and redo a bathroom; that was approved.
- Dave Lufkin submitted a permit application for putting new decks on the building he owns on Route 102; that was approved.
- Anne Carr submitted a permit application to totally rebuild her bathhouse on Westside Lake Road without tearing it down; that was approved.

Mike reported that part of the Tanguay farm on Route 102 is being sold. The farm includes land in both Brunswick and Maidstone. The eastern part of the farm that is between the railroad owned by Maine Central and the river is being purchased by The Nature Conservancy. Lawyers for The Nature Conservancy say the railroad legally creates a natural subdivision. Mike spoke with the Planning Commission, which had no objection. He checked with a licensed surveyor to find out how such a situation is handled in Vermont; the surveyor confirmed that the railroad is considered a natural subdivision. Mike relayed that information to The Nature Conservancy, telling them to go ahead with the project without any other request for subdivision.

Lastly, Scott and Heather Lafoll who own the farm across Route 102 from Maidstone Town Hall are interested in subdividing their land. However, the farmland is conserved permanently and therefore cannot be sold off as anything other than farmland. They have two choices: to sell the whole farm, or to divide out the farmland that is conserved from the property that is not conserved, which is the house and the woodlot. There is enough road frontage for the house and woodlot to comply with Maidstone Bylaws, but Scott wanted to subdivide without having a survey done. Mike advised him that a survey is required for a subdivision. It could take 6 months to have the property surveyed, so Scott is now considering possibly shelving the idea or selling the whole farm.

That concluded the Zoning Administrator's Report.

REPORT FROM THE PLANNING COMMISSION:

- **2023 Maidstone Town Survey:** Chris von Alt, Planning Commission Chair, reported what is happening with updating the Town Plan. Maidstone has had a Town Plan and Zoning Bylaws for 50 years. The current Plan was adopted by the Selectboard on February 1, 2016; State law requires that Town Plans be readopted, revising as necessary, every 8 years. The Maidstone Town Plan expires on February 1, 2024; the Planning Commission has the responsibility for updating and revising it. Adopting a new Town Plan that follows State requirements and State planning goals, and having it approved by our Regional Planning Commission, the Northeastern Vermont Development Association (NVDA), will make the Town eligible to apply for a broader range of State funding. The Town Plan will be the basis for updating the Bylaws, in particular including flood plain regulations that play a role in making flood insurance more affordable for those that need it.

Step One in the updating process is to seek public input. That is the reason the Planning Commission created the 2023 Town Survey that the Town Clerk just distributed by mail. The Survey can also be completed online; the Town Clerk sent out an email to all on her distribution list that includes the link to the Survey, which is posted on the Town website. The Survey was developed based on what's been done historically in the Town, incorporating questions from the 2006 Town Survey. The questions were also shaped to get input related to the 12 Required Elements that the State says must be included in the Plan. (If anyone would like a copy of the 12 Required Elements, please contact Mary von Alt at sbasst05905@gmail.com.) Scott asked if there is a deadline for completing the Survey; Chris said no deadline has been set; the Town will accept them for quite a while. Once the Commission has compiled and analyzed the survey results, public meetings will be held to discuss the results and to discuss any individual concerns about the questions; these meetings will be a vehicle for gathering more public input to use in updating the Town Plan. Chris stressed the importance of everyone in Town participating in the Survey and all public input opportunities. Planning Commission meetings are public, held via Zoom; there have been 5 concerning the Survey and Town Plan this year. Updating the Plan is a community-driven process, so public participation is very important.

- **Municipal planning grant application:** The municipal planning grant application has been submitted by the Planning Commission, for a total of \$8,720.00; the Town's matching portion of this would equal \$872.00, within the \$1500 allocated by vote of the Selectboard at the October 9, 2023 meeting. NVDA assisted with the grant application preparation. It is expected that grant award decisions will be made later this month. Chris thanked Scott and Brad for creating their GEARS (Grant Electronic Application and Reporting System) accounts that are required for the grant submission and acceptance process.

REPORT OF THE ROAD COMMISSIONER:

Brad reported that the mowing along Maidstone Lake Road and Westside Lake Road has been completed and looks pretty decent. His focus now as Road Commissioner is getting ready for winter. Laurie Snowman thanked Brad for the great job on mowing.

Lin Mixer thanked Brad for getting the signage back up on the Lake Road. He asked if there is an update about putting gravel on the Lake Road; Brad responded that he would like to get some graveling done and is hoping that the snow will hold off, so that he can get some gravel on the rock put in earlier this year.

Amy asked if Brad has any more information on the logging operation scheduled for this winter. Brad said he thought it would start somewhere about the first of the year, with the log yard being opened before it freezes. A curb cut permit application has been filed. Brad is supposed to meet with the people responsible, but that has not been scheduled yet. Amy asked if the Town can do anything about them starting at 4:30 in the morning with all the associated noise; Brad said he does not know of anything - there is no noise ordinance in Maidstone. Amy asked if there are not regulations in Vermont regarding quiet hours. In response to Bruno's question, Brad said that the work is being done by the State. Lin said the cutting this time is being done well away from the road, so he doesn't think noise will be an issue, other than trucks moving.

REPORT FROM THE TREASURER:

- **Budget to Actual:** There is nothing extraordinary to report, said Bob. The one area that we did not budget enough for is the Town Hall software, as reported at previous meetings. Tax collection has gone well, with just 3.1% being considered late, which amounts to \$42,000. Since then, the Town has collected \$16,000 of that. There is no need for the Town to invoke the TAN (Tax Anticipation Note) to borrow money. We have enough money to pay our school taxes, and have already paid the Homestead one to the Northeast Kingdom Choice School; by December 1, 2023, the Town must pay the larger bill for Non-Homestead to the State.
- **Selectboard Warrant:** The Selectboard Warrant and background material are on the Signing Desk. The members of the Selectboard also need to sign their individual sheets for the annual payroll, also on the Signing Desk.
- **Communication regarding Twin States Clean Energy Link:** Bob has been in communication with the people involved in the Twin States proposal to install conduits for electricity along Route 102. He now has a much better understanding of the property taxes that would entail. The actual value of what they are putting in is extraordinary, Bob said, and will affect our Grand List greatly, if and when this project goes through. At our current Grand List, 30% of our municipal tax income would come from the Twin States Clean Energy Link. They would be the largest taxpayer for Maidstone. Our municipal taxes are the only taxes the project would help us with; the impact on school tax rates would be minimal and extremely difficult to calculate. The impact on our municipal taxes would mean a reduction of \$140/\$100,000 of valuation for everyone else. Bob said he is happy to talk with anyone about this.
- **Decision about limits for uninsured/underinsured auto liability coverage in Town insurance policy:** Vermont League of Cities and Towns' (VLCT's) PACIF (Property and Casualty Intermunicipal Fund), through which the Town carries insurance, has expanded the limit for uninsured/underinsured auto liability coverage this year from the former limit of \$250,000/occurrence to \$10 million. The Selectboard must decide what limit it wants in the Town's insurance policy. The PACIF people at VLCT have assured Bob that Maidstone has no exposure in this area, as we do not have Town vehicles. Their recommendation is that the Town stay with the \$250,000/occurrence limit. The Selectboard needs to vote to set the limit on this insurance; after which the Board has the option of authorizing Bob as the Town Treasurer to sign the document setting the limit decided upon by the Selectboard. Lin said he thinks the recently purchased fire warden trailer qualifies as a Town vehicle; given that a volunteer may be driving that vehicle, should that be taken into consideration in deciding on this liability limit? Bob replied that PACIF knows about the vehicle, but did not bring it up and still made the recommendation reported; he does not have an answer for Lin, but can ask the PACIF reps. Bruno made a motion to give Bob Champagne-Willis the authority to sign on behalf of the Selectboard, setting the limit for uninsured/underinsured auto liability at \$250,000. Brad seconded the motion. All voted in favor.
- **Discuss the recent work performed at Taylor Cemetery by R & S Tree & Landscaping, the compensation requested, and the compensation authorized; act upon as necessary:** The project at the Taylor Cemetery has not been completed by the company hired to do the work, R & S Tree & Landscaping. Rita Branch of R & S contacted Bob after the last Selectboard meeting, telling him that it was too late in the year to spread and seed topsoil, as there was not enough time for the seed to germinate. Bob suggested that the company bill the Town for the work done thus far, then bill for the remainder after the rest of the work is completed in the Spring; R & S then sent the invoice for the work completed. Scott decided that he would not sign the invoice authorizing payment, as he thinks the company should not be paid until after the job has been completed next Spring. Bob informed Rita Branch of R & S that he had put this topic on the Selectboard Agenda; she responded, telling Bob that he should not have told her the Town would do two payments, and that she was going to talk to her lawyer. The Selectboard discussed the amount of work that had been completed, R & S Landscaping's request for payment for work completed (\$827 invoice out of an overall price of \$1827), and how that should be handled. Bruno said the Town should have stipulated a timeframe within which the work had to be completed. Laurie Snowman asked if there are any before and after photos documenting the conditions at the cemetery and the work done thus far. Amy said that there are such photos at Town Hall. Bruno suggested that the Town make a partial payment of \$500 now, with the remainder to be paid upon completion of the work in the Spring. Brad made a motion for a \$500 payment; Bruno seconded the motion. All voted in favor.

REPORT OF THE DELINQUENT TAX COLLECTOR:

The only part of unpaid property taxes considered delinquent are those for 2021 and 2022; the rest (2023 taxes due on October 15, 2023) are considered late and therefore not in the purview of the Delinquent Tax Collector. There has been very little activity concerning the three properties with delinquent taxes on the Report.

REPORT FROM THE LISTERS:

The study done on the Town's valuation came out fine and has been approved by the State. The Statistical Reappraisal is now underway and will continue into the Spring.

REPORT FROM THE TOWN CLERK:

- Town Hall has been super busy, said Amy, including assisting the Planning Commission with distribution of the 2023 Maidstone Town Survey. Over 400 surveys were either mailed out or hand delivered, plus 250 emails were sent with the link to complete the survey online. The survey link is posted on the website. The sandwich board with survey information is outside of Town Hall where it can be seen from Route 102.
- The Annual Report from NEK Broadband has been received and sent to the Selectboard.
- The Town Clerk is now working on scheduling for the Annual Report, Town Meeting, and the Democrat and Republican presidential primaries in March 2024.
- The Local Hazard Mitigation Plan (LHMP) is now approved by the State; approval is effective until October 16, 2028.
- The required free energy efficiency assessment of Town Hall for the Municipal Energy Resilience Program (MERP) grant was performed on October 25th. A Memorandum of Agreement (MOA) was signed with MERP in order to get that assessment done. All the documents requested regarding energy usage have been supplied. A report is not expected until possibly the first of the new year.
- The Town Clerk is looking into two new areas for possible grant funding for the Town. One is MTAP (Municipal Technical Assistance Program) and the other is BRIC (Building Resilient Infrastructure and Communities). Amy said it looks like there may be grant funding available to help the Town with planning and bylaws through MTAP. She will do some research. Last week, she did a training in BRIC, which again seems to offer opportunities for funding. She will do more research on this as well. Scott thanked Amy for this work finding grant opportunities, with both Brad and Bruno joining him to say thank you. Bruno thanked Amy for doing the work on the generator grant. Amy said that, according to Bill Sanborn, the mast and antenna are in; we are just waiting for the radio. The goal is to get the work done before the final deadline.

OLD BUSINESS:

- **Request authorization from the Selectboard to apply for the \$500,000 Municipal Energy Resilience Program (MERP) grant:** Brad asked Amy how much she intended to apply for in this grant. Amy responded that she didn't know who was going to apply for this grant; that is up to the Selectboard. She thinks there should be a meeting of the minds to:
 - figure out what projects are the most important for Town Hall to get done;
 - prioritize that wish list;
 - get some pricing for that wish list;
 - Then figure out what to apply for.

Amy suggested some questions to consider: does the Town want to look at solar with cold climate heat pumps with an oil burner as a backup system? Or cold climate heat pumps with electric only? Or with propane as a back-up? A propane furnace would be smaller and probably more efficient to run for that forced hot water in the vault, probably easier and cheaper to run than the oil burner. But without doing a lot of research and without knowing what the Selectboard is interested in prioritizing, Amy said she would not know how much money to apply for. Brad said the report about the energy audit is supposed to include recommendations about the furnace and what to replace it with, if the Town decides it should be replaced. Brad suggested that we wait until the energy report is received and then decide what to apply for. In response to Brad asking if there were a deadline, Amy said she did not yet have any information about the application process. The Selectboard then decided to table this authorization request until we have more information.

NEW BUSINESS:

- **Discuss and take action as necessary regarding the 2022 speed limit change proposal for Maidstone Lake Road:** Amy said that she has been asked about this topic and did not want to let it drop by the wayside. The traffic study was not conducted as scheduled by NVDA this past summer due to the demand of flood recovery efforts. Where does the Selectboard want to go from here? The Selectboard asked Amy to get the Town back on the list with NVDA to have the study done between Memorial Day and Labor Day 2024 when traffic is peaks again. She will contact Doug Morton at NVDA to get Maidstone on the 2024 schedule as requested.
- **Discuss what the Selectboard requires for details on the time card of the Zoning Administrator and whether or not the Selectboard approves of the Zoning Administrator having regular hours during which he is available at Town Hall; this includes how compensation for the Zoning Administrator is structured, earned, and budgeted:** Scott asked Mike to provide itemized details about what work is performed for the hours on his time card, for instance for the work he did regarding the Mike Tanguay issue. Mike replied that he didn't put any time down for Tanguay or for the LeFolls across from Town Hall. He continued, "Basically, if I am at Town Hall because I have had the requirement to be there, that's what I put down. Anything outside - monitoring, violations, people calling me, email, etc., etc. - I haven't put anything down because I didn't want to impact the budget; I felt some of this is community service, volunteer stuff... [Being at Town Hall] I think was necessary and useful during the summer, but since September, I don't think it's necessary or useful to be there all the time. I have only been there maybe three times in the last two months. I don't know how much you guys really want me there the rest of the winter up until next summer again. Maybe it's useful or budget wise not to be there at all, unless I have a requirement, if somebody asks me to be there and meet with them. I don't know how you guys feel about that type of scenario." Scott said that if there are hours, just put in the details. He continued, "We certainly appreciate you when you don't put the hours on there. People who work for the Town doing these jobs are not doing it for the money, but for the service to the Town." Mike agreed and said that the hours on the time card are for time at Town Hall; he said that if needed, he will be at Town Hall, but he does not think there will be much of a need for that for the next six months.

Laurie Snowman asked if this itemization is required for all Town employees, as she did not itemize work performed on her time card when she was a lister. She wondered if this were being done across the board or just in certain areas. Scott replied that the Selectboard as the boss is just being responsible when asking for details as needed in certain areas.

Bruno spoke about the fee the Zoning Administrator receives from the permit application fee, referring in part to his time as a Temporary Zoning Administrator.

In conclusion, Mike agreed to put in the details on his time card. He pointed out that most if not all of the money he is being paid does not come out of the budget, but is funded by the permit fees. He does not know what the exact figure is, but does not believe that his pay has impacted the Town budget much.

- **Begin preparing for the annual budget discussion:** Bob said a printed copy of the Municipal Compensation Study conducted by VLCT is available at Town Hall; this will also be available online. He pointed out that the last time budget discussions were held, there was talk about changing the formulas for determining the salaries at Town Hall. He suggested that perhaps we want to deal with the formulas in December, rather than waiting for budget discussions in January. Bob is already receiving requisitions from the various entities to which the Town gives donations. He has already built the worksheet for next year's budget, to help the budget work be done easily. After a brief discussion, the Selectboard decided to hold a Special Meeting on Monday, November 27, 2023 at 7:00 pm, to begin preparing for the annual budget, discussing salaries and taking action as necessary.
- **Purchasing Policy:** Brad made a motion to change the \$4000 amount under Incidental Purchases to \$9,999.99; Bruno seconded the motion. All voted in favor. Brad then made a motion to increase the Regular Purchase amount from \$49,999 to \$49,999.99; Bruno seconded the motion. All voted in favor.

Amy had a question regarding purchases in the Incidental category, wanting to make sure she is getting it

right. Using the recent purchase of the design of a new website that cost \$7,500 as an example of an Incidental Purchase costing less than \$9,999.99, she asked to verify that for such an Incidental purchase, no bids would be required, that she could just go out and hire a company to do the website. Scott said that with the Selectboard's approval she would be able to. Amy said that if the money is in the account, she should not need pre-approval. Brad said that the Selectboard still has charge of the money and there should be an okay needed for the purchase. Amy said, "But if the money is in the account, we can just use it, right? If it's there. Kind of like the mowing, Brad," to which Brad said, "Right. Yes." Amy continued, "You had the money for maintenance. It was in there. You just hire somebody to do it. So if we have the money in the budget for, say a computer project, we can just go out and hire for it." Bruno said the the Selectboard had "approved the mowing because he had a contract, and we approved the contract." Brad added, "Yes, it's just that we don't have to send it out for bid. We have the authority to hire somebody or just purchase it up to that amount, but the Selectboard has the final say in the amount of money." Amy said she must have missed that when she was out, then asked if such a purchase had to be "pre-approved or just signed off by you guys once it is purchased?" She then read from the Purchasing Policy, " 'Incidental purchases may be made without a formal bid or competitive solicitation. Such purchases may be made by designee of the legislative body... based on cost, quality of goods and services,' but it needs pre-approval is what you're saying. I just want to make sure that whatever you put into place, we can use properly." She added, "That doesn't have to be an answer you guys need to give right now. We can have a discussion. I just want to make sure that if I go to use it, I don't use it improperly." In response to Mary's question, Bob explained that the limited number of purchases made with the debit card are handled somewhat differently, but that by statute, the Selectboard has to approve all purchases. Amy then asked, citing buying another book for the Land Records as an example, "Is there some delineation so that we know if there's money in the accounts to do this stuff what do we have to come to you guys and get pre-approval for?" Brad said that in his opinion, the way it has always been, is if it is in the budget and okayed, you have the authority to spend up to that budget. If anything else comes in that is not in the budget, then you have to go to the Selectboard to get approval of it." He continued, " As long as you can stay under the budget, I have no problem with it." Bruno and Scott agreed.

OTHER BUSINESS:

Chris von Alt said that he had received an email from Jesse Noone of NVDA telling him that Maidstone has now been pre-approved to get money from the State through the Municipal Technical Assistance Program (MTAP) to which Amy had referred earlier. Chris did some research online and found that to get any more information about the program, he had to fill out a sheet stating that he was representing the Town. He did not want to start poking into this without approval from the Selectboard. Amy explained that you have to meet a certain threshold to be eligible for MTAP. She will continue looking into it, as it appears to be a means of getting money for Maidstone for planning and bylaws. Bob explained that the program is offered by the Vermont Agency of Administration through the Regional Planning Commissions (RPC), NVDA being our RPC. Maidstone did not meet the criteria initially, but now does after a reassessment by the Agency. The Legislature set up this program because it realized that while larger municipalities with larger administrative capacity were able to reach out for State and Federal grants and assistance from State agencies, smaller towns with limited administrative capacity were not able to do this and therefore were not tapping into eligible funds. This is a new development about which the Town has just been notified. NVDA is responsible for informing and helping us. Chris said it looks like a way to get funding to help with the Town Plan if Maidstone does not receive a Municipal Planning Grant. Bob said that if there is a form that must be filled out, we will make sure it is on the Selectboard agenda for either the Special Meeting or the December meeting. Amy will leave paper copies in the Selectboard's mailboxes of the email regarding this that she forwarded to the Selectboard in mid-October.

The business of the meeting concluded, Brad made a motion to adjourn; Bruno seconded the motion. All voted in favor. The meeting was adjourned at 8:22 pm.

Respectfully submitted,
Mary von Alt