

Approved Minutes
MAIDSTONE SELECTBOARD MEETING

Monday, December 4, 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; Assistant Town Clerk Suzy Irwin; Treasurer, Delinquent Tax Collector, Lister, Zoning Board and Planning Commission member Bob Champagne-Willis; Zoning Board and Planning Commission member Bruce Barker; Zoning Board and Planning Commission Chair Chris von Alt; Lister, Auditor, and Health Officer Sandra Gray; Selectboard Administrative Assistant Mary von Alt

Also Present via Zoom: Lin Mixer, Andy Champagne-Willis, Jan Barker, June Lockert, Burt and Carol Kline, Lisa and Paul Plourde, Laurie and Bob Snowman

Chairman Scott Lovell called the meeting to order at 6:59 pm. The first order of business was to approve the minutes for the November 6th Selectboard meeting.

APPROVE MINUTES:

Bruno made a motion to accept the November 6th minutes; Brad seconded the motion. All voted in favor.

REPORT OF THE PLANNING COMMISSION:

Chris von Alt, Chair of the Planning Commission, said that 114 responses to the 2023 Maidstone Town Survey have been received so far. The survey results will be discussed at the Planning Commission public meeting scheduled for Wednesday, December 6, 2023. At that meeting, the Commission intends to come up with a schedule for public meetings to review and discuss the Survey.

Chris reported that no news has been received about the Municipal Planning Grant application that the Commission submitted at the end of October. A decision was supposed to have been made in November, but there is nothing on the State website. That is probably not good news, but the Planning Commission has heard nothing.

REPORT OF THE ROAD COMMISSIONER:

Brad said there was nothing to report. The Town has made it through a couple of slippery storms without too many problems, he said. Chris von Alt thanked him for the good work, with Lin and others adding their thanks to Brad as well as to Jason for the good work.

REPORT FROM THE TREASURER:

- **Budget to Actual:** There is nothing extraordinary to report, said Bob. Some negative expenses appear in November that deal with his calculations of the cost of office supplies and mailing related to the Town Survey. He has taken money from the Planning and Zoning Fund to cover those expenses, as authorized by the Selectboard in a vote at the October 9, 2023 Selectboard meeting. Bob processed the annual payroll today; that does not show up on this report, but is available.
- **Selectboard Warrant:** The Selectboard Warrant is on the Signing Desk. It is short for the month of November, but still about one-half million dollars were expended in November.
- **Estimate of education taxes by Department of Taxes:** The Town received a letter today from the Commissioner of the Department of Taxes, releasing the estimation for education taxes in the coming year. Bob says it is the worst projection that he has seen for school taxes. The governor issued a statement expressing his displeasure with the projected tax increase and calling on the Legislature to take action. This starts the discussion about all aspects of the increased tax rate, said Bob. The new year will bring a new way of counting students and weighting various factors; that causes a lot of unknowns. Bob participated in a meeting with Brad James of the Agency of Education, who basically feels that this legislation will have a negative impact on the NEK Choice School District. The Legislature sets the education tax rates; the Commissioner's letter is not usually an accurate prediction. However, Bob

warned, an expected education tax increase and the expected increased Grand List (the document that lists all of the real property in the Town and its assessed value) are not good news for the Town about what the tax increases will be for this coming year. Bob will continue to be in direct contact with Brad James, who understands our situation, and will follow the legislation, keeping the Selectboard updated.

- **Twin States Clean Energy Link proposal:** Bob said lots of conflicting and sometimes wrong information is being thrown at the towns by the representatives of the Twin States Clean Energy Link proposal to bury transmission lines along Route 102, citing incorrect statements about the amount of taxes that towns will receive. A Memorandum of Understanding (MOU) between National Grid's Twin States and the Northeastern Vermont Development Association (NVDA) has been signed. Twin States is proposing to give NVDA twenty million dollars over a thirty year period to distribute in the form of grants and loans to towns directly affected by the Energy Link and surrounding communities. Bob strongly recommends that the Town ask questions about where those grants and loans will be going. If approved, this project will be implemented in the latter half of this decade; any financial benefit will not be felt until the transmission line is up and running.

Bob said that the Town must be proactive in pursuing a thorough understanding of what is involved in this project and what it will mean to the Town, both in financial and environmental impacts. The project will greatly impact Route 102, our only road, involving one side only of this already poorly maintained road. The plan is to tear up 102 a mile at a time. How that will impact daily traffic, how the Town will be impacted while work is being done, and what the provisions will be for emergency vehicles to utilize Route 102 while construction is ongoing are all questions that must be asked. Reports are coming out about the environmental impact of the heat generated by buried transmission lines and about the impact of electromagnetic activity associated with such buried lines. Repaving the road after the upheaval of burying the transmission lines is not planned; instead, those involved with the project are talking about blending their repair/restoration work with what already exists, a very unsatisfactory approach, Bob has learned from observation and experience. No road is ever as good after blending, said Bob. Twin States is using Route 102, said Bob, because the towns impacted along the route do not have a big population with whom the company must deal. Scott said that what he understood is that they are using the State right-of-way because that means the towns do not have a say in the matter; it's the State's decision, meaning that Maidstone cannot say "No". Bob suggested that is the first question to ask. He has also heard that towns will be entering into an MOU about what the expectations are and what the end result will be.

A discussion ensued including but not limited to the following:

- Scott said that emails he received from Cory Parent, who spoke about this project at the June Selectboard meeting, indicate that this proposal is a go-ahead; Brad said the first phase is a go-ahead.
- Lin spoke about the two meetings that he attended about this project in Bloomfield; the representatives were not able to answer the questions he asked. Agreeing with Bob, he suggested that we should formulate questions and a plan, involving our State representative and State senator.
- According to Bob, Lemington is vocally not happy about this project. Burt then asked if we should get together with Lemington and other towns and arrange a panel discussion to get information.
- Chris spoke about 24 V.S.A. Chapter 121: Intermunicipal Cooperation and Services, which stipulates how towns can work together to address issues, saying that towns working together will have more force.
- Bruno wondered if the Selectboard members of the towns involved should get together. The towns involved with the Route 102 portion include Canaan, Lemington, Bloomfield, Brunswick, Maidstone, Guildhall, and Lunenburg. Bruno pointed out that Maidstone is right in the middle, therefore a perfect place to hold the meeting. This would be a public meeting; Maidstone Town Hall has the equipment to broadcast via Zoom.
- Brad suggested that an email be sent to the other towns involved to find out if they are interested in meeting and when they might be available.
- In response to Scott's request, Mary said she would work on this with Bob and Amy, and come up with a draft email for Scott to review.

- This project is the latest in a line of proposals to bring electricity down from Quebec through New Hampshire and Vermont. The recent Northern Pass was one such proposal. Lin recalled a proposal to locate an earlier version of this project along the power lines perhaps 8 - 10 years back.

REPORT OF THE DELINQUENT TAX COLLECTOR:

There has been minuscule movement on the Delinquent Taxes, which are 2021 and 2022 taxes, reducing them a small amount. The Late Taxes, which are those that were due in October 2023, have decreased by \$8,000 from the amount reported at the November Selectboard meeting, so we are making steady progress.

REPORT FROM THE LISTERS:

NEMRC (New England Municipal Resource Center) is reviewing properties to ensure that the reappraisal statistics for those properties are accurate and justified. This will involve random visits by NEMRC personnel to various properties. NEMRC representatives do not go inside any properties, but view them from the outside, and drive vehicles that are identified as belonging to NEMRC. The Town is not notified about property visits by NEMRC ahead of time, as they do the visits when they have an opening in their schedule. Valuation of properties will be finished by April 1, 2024. Notices of reappraised values will be sent out in May. Grievance hearings will be scheduled in June. The calendar is specified by law.

REPORT FROM THE TOWN CLERK:

Amy said that there should be a bag on the desk from the Connecticut Valley Sno-Riders as a thank you to the Town for the cooperation with snowmobile-related road changes. She thought it was brought in by Lin Mixer, but he and Brad corrected her to make it clear that Brad delivered the bag to Town Hall.

Recent work at Town Hall has involved distributing and receiving the 2023 Town Survey, preparing for elections in 2024, and putting the Town Report together. The traffic study by NVDA will be conducted in the Spring of 2024. The Taylor Cemetery issue has been looked into; Brad visited the cemetery to view the area referenced in the complaint previously discussed at the November Selectboard meeting, reporting that everything looked fine. Amy sent a letter with an update to the Selectboard. In the Spring, if the family still has concerns, the issue will be revisited.

OLD BUSINESS:

There was no Old Business.

NEW BUSINESS:**Discuss and take action as necessary concerning 2024 Town wages:**

Brad made a motion to do away with the current way that the Town Treasurer and Town Clerk wages are calculated using a formula, and go to a straight salary, using the current year's salary, with the addition of a cost of living increase. Bruno seconded the motion. All voted in favor.

Scott began discussion of the Zoning Administrator's pay by saying, "My thoughts on the Zoning Administrator is to do away with the \$20/hour and just have the fee for the permit. Myself, I feel that when we take these jobs on, these are - you are doing your civil service, and I don't think we should be making any money on them. You know it's not a for profit thing. I don't know what you guys think, but I think we would go just to the money for the permit will go to the Zoning Administrator." Brad said, "Go back to what it used to be," which Scott repeated and to which Bruno said, "Yup."

Bob Champagne-Willis said, "This discussion has been going on for a bit. It started under Lloyd, and the issue we came up with was that there is a lot of enforcement that we ask of our Zoning Administrator (ZA) that has nothing to do with permits. There are issues that rise up - I'll give the Stanleys as an example for the number of hours that Lloyd had to put in to try to get them to comply. They just went ahead and built. There was an incredible amount of work that had to go in to encourage them to do the right thing. They still do not have State permitting on that property, but they did at least finally satisfy the Maidstone Zoning Bylaws. This discussion started - we have added money to the pay of a ZA to handle violations and the amount of basically

extra work. When you do [pay] based on permits, you are acknowledging the people who want to go along with the Zoning Bylaws and do the right thing; it's the people who do the wrong thing. As a Town, we should want people to do the right thing, but not everyone does. The ZA is the one who is obligated to administer the Bylaws."

Scott replied that, "Myself, I feel that sometimes you get paid \$60 to just show up and say, 'Hey, everything looks good.' Other times, you have to work for your money. I think that the same thing goes on with every town job here. There's times where I have to go to the cemetery to look at something or go to some property up back, and I think it's just part of the job that we do. Like I said, you're doing it for your civil service, you're not doing it for profit."

Laurie Snowman said she had read over the background documents and sees that the Town had allocated \$3000 for the ZA in the budget, but through the end of December, had only paid out \$2,610, "so it seems like you won't even go through that \$3000. You've taken in \$2460 in application fees, so you are talking not much money in difference. Now back in November of 2022, I was looking over the minutes. When Bruno had approached Eileen to be the ZA for Maidstone, he had made a motion to pay the \$20/hour and you guys all voted on it unanimously. I am confused as to why you want to go back now when you are not close to paying the three grand that is allocated. It doesn't seem like he is taking advantage of the situation. It seems like he is doing a good job."

Scott replied, "My thoughts are that he shouldn't be making a profit on it. I know we said that we were going to pay Eileen \$20/hour. That was somebody that didn't know anything about Maidstone's bylaws or anything and would have to come in and do some research on that. But when Mike took this job, he said he knows these Bylaws like the back of his hand, and that he was the man for the job because he helped write the Bylaws. I know that there are certain things it would be nice to be paid for, but we are paying him \$20/hour, and if he gets \$60 for the permit and then when he comes down here to put the paperwork in, we're paying him on top of that. I think \$60 for the permit is fair. You shouldn't get the \$60 and then come down here to put the paperwork in and get \$20 more."

Bob Snowman said that, "It looks like for all the billable hours, you are only talking about five hundred bucks." He went on to say "taking the chance of losing a Zoning Administrator who is doing a really good job for \$500", with Bruno interrupting to say that it was a lot more than that. Bob kept going, saying "Over and above the application fees, tell me how much it is."

Bob C-W said, "I can chime in here. Of the \$2610 that Mike was paid this year, \$1560 was the permit fees, and \$1050 was hours billed. I agree with Scott ... the \$60 is not for going to Town Hall and doing the work [that] you are already getting paid for with the \$60; however, we have violators, we have people who don't go with the rule. Again I quote Stanley; he just went ahead and built. We need a Zoning Administrator to enforce our Bylaws, and I think we are doing a disservice to our Town to just say that you are going to do that for free, unless you get a permit. And this year it was \$1000 above and beyond any permit fees. We are not talking about someone getting rich." Mary asked Bob, "Wasn't there additional money that came in on the permit fees?" Bob explained that we charge \$85 for the permit application fee; of that \$60 goes to the Zoning Administrator, \$15 is for recording fees, and \$10 goes into the Town coffers. That \$10/permit fee offsets the \$1050 that the ZA was paid this year, effectively reducing that to \$790.

Amy said that she was under the impression that the \$20/hour was being billed for work not directly associated with a permit. Scott said "That was our intention originally, but I think that we are getting billed now when he just comes down to fill out the paperwork for the permit." Amy suggested that "maybe we just need to clarify this and figure that out." Scott says it is his understanding that the ZA gets the \$60 just for filing the permit and that when he comes down to do the paperwork, we are paying on top of that. Amy asked if anyone had asked Mike if that is what is happening. Scott say this is an ongoing thing, that he has been asked.

Burt Kline referred to the paperwork showing that the same pay terms were offered to Eileen, Mike, and another person. He then asked if this wasn't a three year term agreement. Scott said it is a three year term, but the Town sets the budget every year. Burt replied that he knows that Vermont has an employee at will law, "so there are no legal ramifications, Scott, there would only be moral, and I know you are a moral man, so

being a moral obligation, I would assume that as a Town we would live up to our moral obligation. Also this is a 24/7 365 job, I notice it's weekends, holidays, and nights included." Scott said, "I have one of them jobs right here, too, Burt, but I don't charge the Town for it." Burt continued, recalling Carl Drega, "you need someone who can handle this job, handle the situation, calm people down. I think Mike's the right guy for the job, and I would be concerned in this day and age of trying to maintain a good workforce of competent people - for a few bucks like this, I think it's worth hanging onto Mike. I don't think we should be changing our agreement on a three year term when we have hired someone, we have said this is what we are paying you, come to work for me, and now that you are here, I think we will change that." Scott replied that it might seem like "chump change, but it's not been a full year, and we are over a thousand."

Jan Barker said, "The only thing I am remembering, that I haven't heard you guys bring up, is that one of the reasons that Mike is going into the Town office is that the three of you had asked him to, for a certain number of hours. I haven't heard you refer to that." Scott replied that it was not a certain number of hours, but that this is what he thought, "that if extra work needed to be done ... but to come in to do the paperwork...". Jan said, "That's where I keep losing you guys, because I was under the impression that he was there to do work other than for permits for which he was being paid, and because you guys had asked him to be available at some point when the office was open because people were complaining they couldn't talk to him. I seem to recall that meeting. I just want to make sure that's part of the conversation as well, because I don't think it's him going down to file the permits. I think we need to clarify that, that's all." Scott said it was too bad that "Mike isn't here, so we could talk about it with him." Mary explained that the only reason Mike was not here tonight was that they had medical appointments that they had to go to in Burlington. Otherwise, he would have been at the meeting.

Mary said she had a couple of questions, "The first of which is if the Selectboard could tell me what good changing the terms under which a job was advertised - because this was sent out to Alexandra, to Sean, and to Mike when they applied for the job, this is what they were told they would be paid, and we have the job description - what is the good thing that this will accomplish, by changing the pay now, that Maidstone as a whole will benefit from?" Scott replied, "I would not have a problem with paying the \$20/hour for extra stuff." Mary continued, "If you take this action, there will be a result, and clearly you must be expecting that there will be a result, so what is the good thing that this is going to do for Maidstone? What do you see positive happening out of this?" Scott replied, "Saving money in the budget, for one." Mary replied, "Well, you are going to save about \$800, maybe. And what will be the result, what do you anticipate will happen? Because before, Bruno said, when we brought this up at the last meeting, that at the time he proposed Eileen who did not have any experience, who had limited experience in Guildhall, he said that this was necessary, this was what she needed to take the job. That was okay to be paying a person who had very limited experience being a Zoning Administrator, and now we have somebody who has close to 7 years of experience doing this in Maidstone, and you are deciding that he really should be paid less. So what is going to happen to the Town that is very good out of that? Other than saving \$800. What happens when we try to find another Zoning Administrator? We said that Eileen had to be paid more because she knew less. Now we have someone who knows the Bylaws, and has clearly demonstrated the kind of calm, patient temperament that you need to do a job like this. If you look at the Zoning Administrator job description that was sent to you back in February - it is a draft, but it is a record of what a Zoning Administrator does - now you are saying that you are going to change that. When you get a permit, you don't just sit in the office and sign it, make a copy, and hang it up. You have to talk with the person, you have to visit the premises so you know what's happening, you're supposed to be monitoring it as it goes along because some people might get a permit and then just go do whatever they please. So somebody who knows, who is enforcing our law, our Town law, is supposed to be monitoring that. And at the end of a project, you are supposed to know whether they followed the rules or not, whether they followed the permit. So what you are saying is that you think he is coming into Town Hall, being paid to sign something and make copies and that's all he does." Scott says the permit fee of \$60 should cover three hours of work, with which Mary agreed. But, she continued, "How is he supposed to be paid for the unpleasant stuff? That we rely on a ZA to do, to actually look and know what's going on around Town, to notice if there are violations, to protect the Town by enforcing the Bylaws that we have authorized, that we have put in place. So now he is supposed to do that [to enforce the Bylaws and act upon violations] without pay - and the next Zoning Administrator will have to do that when you have to hire another one. Nobody can come back at all and say, 'Well, this person wants more and therefore we have to pay them more because they want it.' I don't see what you are accomplishing that is positive, to be honest."

Scott then said, "I understand what everybody's getting at here. We can argue about it all night long, but I think you know where I am coming from." Mary responded, "I know where you are coming from, Scott. I am concerned about what you are doing to the Town. You are the leadership of the Town."

Bob Snowman commented that he thinks that the amount of money spent was pretty cheap for having a Zoning Administrator, a position that has always been a headache to find the right person for.

Burt said, "Those of us who have come to the meeting believe that we have given you enough information, that we support Mike and what he does. He's not easy to replace, and we don't want to take that chance. He does a wonderful job. We have spoken. It is a representative form of government, and I would love to have you see it our way."

Chris said he believes that Mike is doing an excellent job, that he is well qualified for the position. He does not think that the Town will find a better person to do the job. He does not believe that Mike is getting paid twice for the same work, and that he himself would find people saying that to be insulting. Chris thinks there is a mistake in interpretation, a failure of communication between the Selectboard and the Zoning Administrator, if that's what the Selectboard thinks. That is not the character of the man. Chris feels that if the Selectboard accuses Mike of that and tells him that the Town is going to cut his pay, he will probably resign. Then the Town will have to find someone else to do that job. "Who will take that position, when we have no one to fill it, who will fill that role? Who did it last time?", Chris asked. When Bruno replied that he did it, Chris asked if that were a conflict of interest. Bruno said, "It's no conflict of interest because if you read the State law, it states that it's a Selectman who becomes the Temporary Zoning Administrator." Chris said that was not the conflict of interest. He said he doesn't understand "why we are focusing on the Zoning Administrator incessantly; it comes up every meeting, and I think he is doing a great job. Do you think he's doing a great job?" Bruno replied, "I think he's doing a great job." "Do you think that we are lucky that we have him here?" Chris asked, and Bruno replied, "Yes, we are." At this point, Scott said everyone should calm down.

Suzy said she thinks the Zoning Administrator should be paid extra for the violations, and that it's worth it to pay the extra money.

Brad suggested that maybe there is a way to come up with the paperwork to record what Mike is doing on the permits, and then for anything other than that, have a list of what he is actually doing. The Selectboard has asked for details on the time card a number of times, said Scott.

Mary said there is confusion about that; she remembers a couple of years ago when there was talk about wanting the Zoning Administrator to put in regular hours at Town Hall. This year that has come up at a couple of meetings, as she has pointed out in emails to the Selectboard. Mike has asked if the Selectboard wanted him to continue to have hours at Town Hall, but nobody has answered that question. She said that if the Selectboard does not want the Zoning Administrator to have to be at Town Hall for a couple of hours a week, that should be made clear. Mike has said that he does not put time he spends on other issues on the time card. As Brad said, we need to come up with a clearer way of documenting what the ZA is being paid for. She said, "If you totally eliminate the additional pay, you leave the Town unprotected. In the Town Survey that we have just done, the vast majority of people really like Maidstone, want the land protected, want to keep the development regulated. They like being in a small town and don't want overdevelopment. We are leaving ourselves wide open if we don't have somebody watching."

Scott suggested that we reword the job description to specify what is part of the permit and what is extra. Brad agreed with that, saying, "I would leave the money in the budget, as long as we know where it is going. The \$60 should pretty much cover anything small on the permit that he has to do. If there are any court cases or violations that he has to deal with, that should come out of this budget." Mary said, "Then what you are saying is, you have no requirement that the Zoning Administrator *has* to be at Town Hall, because that was the way behind the scenes it was thought, the way the job was interpreted, because there had been discussions about that. But if you don't want him to be at Town Hall, then he doesn't have to fill out a time sheet." Bruno said, "He has to be at Town Hall because he has to do the paperwork." Mary clarified that "he doesn't have to be at Town Hall as he was doing it; he was putting in regular hours on Mondays to be available ... I was there when people would come in and talk with him; it wasn't anything they had filed a permit for. They happened to come in, saw the Zoning Administrator was there, and they had questions about

work that they wanted to do. Somebody came in one time who wanted to put in a deck; Mike then told them about Shoreland and what the Town Bylaws were. It was something that they didn't even have to put in a permit for. So there's a lot of stuff, as I think Amy said at the last meeting, that goes on behind the scenes."

Bruno said that another option we have is to talk with Mike about the hours that he spends on permitting, and raise the permit fee. That way it's not the Town paying the extra fee of \$20/hour; it would be raised through the application fees. Mary referred to her experience as a personnel manager regarding the serious consequences of reducing a person's pay; usually that indicates that somebody is doing a bad job, and, after warnings, ends with the person being fired. She said it doesn't usually have a happy ending when you tell a person that you are not going to pay them as much anymore. "The State is making more laws that towns will have to follow; we will have to put those laws into our Bylaws and somebody has to enforce those. The complexity is not going down. I think you are right to talk about how you can be creative in how we fund that [the ZA's pay] and how you can be specific about what you are looking for and what you need documented. But I would hope very much that you not just say, 'We're not going to pay you that much anymore.'"

Scott asked, "Do we want to decide what we're going to do right now, at least get it done with and out of the way? Say keep the \$20 an hour, but have to decide what it's for." Brad said, "If it's extra work for violations or whatever, all it has to be is documented for me." Mary added, "The benefit of what the Selectboard is saying about making it clearer what the Zoning Administrator is being paid for is that it's an opportunity for the rest of us and the people in Town to learn what goes on; if people realize that there is a consequence to violating the Bylaws, that you will get in trouble, that will help reduce the violations."

Bob Snowman said that about three years ago when Lloyd was the Zoning Administrator, the Selectboard voted on having the ZA have regular hours at the Town Office. He thinks that is where some of the confusion on pay is coming from. Mike is at Town Office every Monday at \$20/hour. Bob thinks that if the Selectboard does not need Mike to be at the Town Office every Monday, it would clear up a lot of the problem. Maybe the motion that the ZA be at the Town Office should be rescinded, said Bob, adding that being at Town Hall is where the big discrepancy is, with which Scott and Brad agreed. "I think we should talk with Mike about this before we go any further," said Scott, "about what I expect and what the \$20/hour is for."

Laurie thanked the Selectboard "for listening to all of us, being reasonable, and taking all of our thoughts into consideration. I appreciate that."

The Selectboard agreed they were done with this issue for now. The business of the meeting having been concluded, Brad made a motion to adjourn; Bruno seconded the motion. All voted in favor. The meeting was adjourned at 8:21 pm.

Respectfully submitted,
Mary von Alt