

**WAITSFIELD SELECTBOARD**  
**November 19, 2018**  
**Waitsfield Town Office**  
**6:30 P.M.**

Board Members Present – Paul Hartshorn, Chair; Sal Spinosa, Vice Chair; Darryl Forrest, Kari Dolan, Jon Jamieson,

Others present: Robin Morris, Lisa Loomis (Valley Reporter), Robert Cook, WCTV.

Staff: Trevor Lashua, Town Administrator

The meeting was called to order at 6:27 pm

II.1. Agenda additions, removals, or adjustments per 1 V.S.A. § 312 (d) (3) (A)

There was an addition of needing an executive session for an evaluation of a public employee as allowed in 1 V.S.A. 313.

II.2. Public Forum

There was no public comment.

II.3. Discussion re Community Vitality Committee’s Local Option Tax Report and Recommendations.

Enclosed in the meeting packets were the following items:

- a) A copy of the PowerPoint presentation (from the Mad River Valley Planning District website).
- b) A letter from the “For Local Opportunities” (FLO) committee regarding its proposed timeline.
- c) A copy of the FLO Proposal from the subcommittee.
- d) A copy of the proposed FLO Commission bylaws.
- e) A copy of the proposed draft charter for the Mad River Valley Planning District.
- f) An analysis by Town staff of FY17 and FY18 data from the Vermont Department of Taxes showing a breakdown of potential local option tax revenue by source (sales and use, rooms, meals, and alcohol) and point of origin (which town).

In addition to discussing the proposal and its policy and governance implications broadly, the Board also tried to identify a process for review and decision-making – one that includes public engagement and involvement. The letter from the FLO subcommittee members related to timing and next steps was discussed in relation to the Waitsfield Selectboard’s preferred timeline.

Darryl included a letter in the packet. He expressed that the FLO committee is seeking approval to go to Town meetings to get more public input. Everything is currently in draft form.

Kari was not able to attend the presentation but was able to go online, watch the meeting and take notes. She thanked the committee for working on the topic for the past five years and specifically the last eight months.

Kari summarized the proposal, which is available to the public. Out of the process of looking at the economy in the Valley, this idea was born. A committee was formed eight months ago at the

49 Planning District level that includes members of various Boards and committees in Waitsfield,  
50 Warren and Fayston. They put together a terrific slide show and script allowing easy access to  
51 the information presented. It is clear our community is unique and wonderful. They also  
52 presented some challenges in ensuring a vibrant future, which may mean spending money. They  
53 also recognized the challenges of aging populations, declining student enrollments, housing, and  
54 employment. The trends in population projections over time show a downward trend. There is a  
55 vibrant winter economy and a summer economy. There was also recognition of climate control  
56 and reducing carbon footprint. There is also inadequate public transportation when there is a  
57 need for it. There are a tremendous amount of volunteers as the towns rely heavily on them. The  
58 committee proposed a solution in collaboration and with long-term vision in mind. They are  
59 referring to the proposal as FLO (For Local Opportunities in reference to the Local Option Tax  
60 on sales, rooms, meals, and alcohol).

61  
62 This is an idea for the public to evaluate, a type of “straw” proposal. They are really seeking  
63 input and feedback for goals, priority projects, the structure of a board, and the overall structure  
64 of a LOT in collaboration with other communities. The proposal identified gaps such as  
65 community projects. They identified additional support for destination marketing. They also  
66 talked about recreation and tourism; and opportunities for enhancing recreation across the board  
67 and economic development (housing and employment opportunities).

68  
69 The proposal is a 1% LOT applied to retail (which is subject to sales tax), rooms, meals and  
70 alcohol (the state legislature allows for the 1% to apply to those categories). The statute that  
71 allows municipalities to adopt a LOT requires 1%, of that 1%, 70% is to be kept locally, 30%  
72 would go to the state. The focal point is that 70% will go to the towns. Kari did an analysis of  
73 where the funds would go and how they would be used both for the communities and the state.

74  
75 Some items it does not apply to are items such as clothing, over the counter drugs, food,  
76 beverages, gas, heating, rent, mortgage and services to some extent. Any internet sales that are  
77 subject to a sales tax would be subject to the LOT. Kari looked at the LOT from Colchester and  
78 why they passed a LOT and what they do with their monies. There is a Costco there making it a  
79 huge attraction for out of community visitors.

80  
81 It is local money, managed locally, to be spent locally. The estimate from previous tax records  
82 would generate about \$1 million a year gross, or \$700,000 after the 70% was split out. The  
83 analysis by the Vitality Committee shows that about 55% would be paid by visitors, 21% by  
84 part-time residents and 12% for those purchasing ski passes and the residents would be 12%.  
85 Trevor asked how the source of these estimates could be determined since they all involved cash  
86 sales. Trevor provided a breakdown of data from the Vermont Department of Taxes showing  
87 retail sales would be the bulk of the money; the table also showed that approximately 60% of the  
88 LOT revenue would be generated in Waitsfield.

89  
90 The Vitality Committee estimated it would cost \$2 per month per person, including all household  
91 members (children as well). For a family of four it would be \$96 per year on average.

92  
93 The Vitality Committee’s proposal then discussed its proposal for how the three communities  
94 would work collaboratively in a formal structure toward mutually beneficial goals. They are  
95 seeking input as to the structure. They are proposing the LOT/FLO committee would have 7  
96 commissioners, one appointed by each Selectboard (which can be a selectperson), one elected by

97 voters from each of the three Towns and the MRVPD will appoint the chair. The chair would  
98 only vote in cases of a tie and would be managing a grant program to ensure the progress and  
99 outcomes of investments.

100

101 The proposed bylaws for the FLO committee require the adoption of a charter, which the voters  
102 would need to approve. Trevor discussed the fact that, under State law, only towns, cities, and  
103 incorporated villages are authorized to levy local option taxes. The charter would, essentially,  
104 serve as an exception to state law. Trevor also discussed the history behind the LOT only being  
105 an option for the three municipal entities listed, with one historical concern being the use of local  
106 option tax revenue being used regionally and without local governance. There was some interest  
107 from Vitality committee members in offering the upcoming Town Meeting Day as a voting day  
108 for this plan if there is enough interest/desire. The Vitality committee members do recognize  
109 needing a reserve fund and a third party auditor to maintain transparency and accountability.  
110 There are proposed meetings in December and January to see if the towns would be ready to  
111 vote. The board members agreed it is an aggressive timeline.

112

113 The charter alone has a lot of moving pieces and is very complicated. Trevor explained that the  
114 bulk of the charter is not about local option taxes or the FLO proposal, but about expanding the  
115 authority of the Planning District and, by extension, its steering committee.

116

117 Sal and Paul are not sure about the rush to the public and moving to having a vote at Town  
118 Meeting Day. There are policy questions; questions about the structure and many questions from  
119 the various presentations and information given that have not been answered. The Selectboard  
120 usually does some vetting before an endeavor such as this and the rush to a vote is questionable.  
121 The charter creates a municipality within a municipality, separate from the FLO component. The  
122 concern is trying to understand what the intended and unintended consequences are. While a  
123 charter of the three towns and the LOT are intertwined, Trevor saw it as two policy questions:  
124 one related to the mechanism and the authority of the Selectboard, and one related to the  
125 necessity or desirability of the LOT.

126

127 Sal does not believe time is of the essence and is in support of taking as much time as is needed  
128 to vet the proposal as a Board, then inform the public. The board only learned about the proposal  
129 a few weeks prior and he mentioned there does not seem to be fair time to learn about what  
130 exactly is being proposed. Sal was aware of the work done prior to bringing the proposal to the  
131 Selectboard and the public and suggested to take it slowly and to exhaust all options prior to  
132 bringing it to the public so that it is done right. He did not see it to be useful to give information  
133 to the public at this point because there are still so many questions.

134

135 Kari wanted to recognize that the committee took what they saw as a need and came up with  
136 some options that developed into this proposal for which she was appreciative of. She did a  
137 significant amount of research comparing LOT plans adopted by other Towns in the state (19 of  
138 them) and broke down size, use of dollars, (the 30% going to the State PILOT fund, which it  
139 uses to pay municipalities a portion of the property taxes it would otherwise owe for state-owned  
140 land), the way they handled questions from the public, local business input and what can we  
141 learn from them. She also put together advantages and disadvantages of other communities who  
142 are struggling with the same type of proposal for a LOT. No other communities have done what  
143 this proposal is proposing which is combining multiple towns under a charter empowering a  
144 separate entity. She had categories for her questions such as timing, structure, the projects

145 themselves (what would the money be used for?), the application of a LOT, the level of outreach  
146 necessary of the businesses (some communities had surveys for the businesses), the options (she  
147 has seven different options) and a strategic plan of sorts. For example, the towns could remain  
148 separate, levy an LOT separately, and under a strategic umbrella work cooperatively on a project  
149 or regional goal. Kari will type up her analysis, questions and notes and give it to Trevor to pass  
150 on to the committee and Selectboard.

151  
152 Jon’s perception is that there are a lot of needs in the town and the Town has been in the mode of  
153 keeping property taxes low, which has been very successful and Trevor has raised the issue of  
154 debt load and its impact. At the same time there are rising needs. Waitsfield seems to have all the  
155 problems and lowest amount of advantages in terms of income. This is an attempt to facilitate  
156 cooperation and to recognize the three towns have common goals. Jon said we are the only ski  
157 town that does not have a LOT (besides Jay and Burke). They are improving their communities  
158 and are outcompeting us. For example, Stowe spends \$111 per capita on recreation and the MRV  
159 spends \$9.

160  
161 Robin Morris spoke and does not think there is clarity in what the Town or three towns actually  
162 need as shown in the proposal. His concern is raising money when there is not an underlying  
163 plan for a project. Affordable workforce housing could be one of these driving projects. His  
164 concern is that the revenue would not be spent appropriately. Sal did point to various major  
165 projects the Town has successfully completed in the last 10 years such as the Water System, the  
166 Village reconstruction after Irene, decentralized wastewater, Bowen Road, Town Office, Wu  
167 Ledges, and others.

168  
169 The Vitality committee meets every Wednesday at 2:30 excluding 11/21/18 and Darryl  
170 suggested for other members of the Selectboards to attend the meetings to bring their concerns,  
171 questions and suggestions.

172  
173 The vitality committee asked if they could go to the public with the proposal. There can only be  
174 one LOT in a municipality. If this charter is agreed and voted upon the Town of Waitsfield  
175 could not have it’s own LOT.

176  
177 **Motion:**  
178 *Jon moved invite the FLO committee to the 12/17 meeting (with a general discussion item at the*  
179 *12/3 meeting) to answer questions and concerns by the Selectboard. Kari seconded. Motion*  
180 *passed 5-0.*

181  
182 II.4. Proposed Water Ordinance Revisions.  
183 A copy of the proposed water ordinance that includes the feedback received from the Town  
184 Attorney was enclosed. The Town Attorney’s review focused on the sections highlighted, which  
185 are the areas of the ordinance proposed to be amended or added. The additional changes  
186 identified enhance the document’s clarity.  
187 The (revised) proposed process for Selectboard review and action, is as follows:  
188 • 11/19/18 – The Selectboard discusses the amendments and feedback from the Town Attorney,  
189 incorporating the changes into the document. The Board adopts the ordinance as amended.  
190 • 11/21/18 – Notice of the proposed amendments is posted in five “conspicuous” places around  
191 Waitsfield, as well as the Town’s website. The notice will include information on where to find a  
192 complete copy and whom to contact with questions or concerns.

- 193 • 11/29/18 – The notice posted around town and on the website is published in the Valley  
194 Reporter.  
195 • 01/02/19 – The final date for an appeal to be filed; a petition signed by at least five percent of  
196 registered voters is required. If an appeal is filed, the vote would be by Australian ballot and  
197 occur within 60 days of receipt of the petition.  
198 • 01/18/19 – If no appeal is filed, the ordinance becomes effective as amended.

199  
200 Trevor went through changes the Town Attorney had and that the Water Commission also  
201 amended.

202  
203 **Motion:**

204 *Jon moved to enact the water ordinance as amended by the Water Commission, to include the*  
205 *additional amendments provided by the Town Attorney. Sal seconded. Motion passed 5-0.*

206  
207 II.5. Adoption of Personnel Policy Updates for 2018.

208 The policy has been amended per the 11/5 discussion; a memo detailing the changes was  
209 enclosed. There were three.

210  
211 **Motion:**

212 *Kari moved to approve the Personnel Policy as amended. Jon seconded. Motion passed 5-0.*

213  
214 II.6. Approval of Grant Agreement Resolution – Joslin Memorial Library Accessibility  
215 Modification Grant.

216 The Selectboard needs to adopt the enclosed grant resolution agreement as part of the process of  
217 finalizing the grant agreement with the Vermont Community Development Program (VCDP).  
218 The agreement covers the \$75,000 accessibility modification grant awarded to the Town on  
219 behalf of the library. The library is providing the local match (20%).

220  
221 **Motion:**

222 *Kari moved adopting the resolution for grant 07110-AM-2017-Waitsfield-00004, the Waitsfield-*  
223 *Joslin Memorial Library Accessibility Modification grant. Jon seconded. Motion passed 5-0.*

224  
225 II. 7. Bills payable and Treasurer’s warrants.

226  
227 **Recommendation:**

228 *Approval and signature, where appropriate.*

229  
230 II.8. Minutes of 11/05/18.

231 The minutes for 11/05/18 were enclosed.

232  
233 **Motion:**

234 *Darryl moved to approve as presented and/or with any corrections or additions. Kari seconded.*  
235 *Motion passed 5-0.*

236  
237 II.9. Selectboard Roundtable.

238 The benches by the covered bridge are under the snow banks. New plaques will need to be put  
239 on them in the spring as they were not able to move them before the early snow.

240

241 Jon would like to know where the Town is at for the Wait House in terms of maintenance and  
242 assistance. His concern is that the lack of movement by the Selectboard to address the conditions  
243 of the building which he said is weighing on the tenants. Trevor did work to establish the  
244 building committee comprised of three tenants, and suggested focusing on the identified needs  
245 such as the sign. An RFP for a property manager is in development.

246

247 Darryl brought up the conditions of the speed signs. Trevor informed the board that the Sheriffs  
248 department is moving away from the use of the trailer-style speed signs.

249

250 Kari brought up that she has reached out to the other Selectboards in the Valley to ask if she is  
251 creating a conflict of interest by remaining on the Selectboard with her recent appointment as  
252 State Representative. She has not heard of any concern but that her term and service on the  
253 Selectboard is welcome. The board supports her.

254

255 Sal asked about the Town Pond memo. In the case of the pond by the Big Picture, the State  
256 agency has stated it is not a storm water pond but it is a pond connected to a wetland. The upside  
257 is that it stores water during flooding events. There is an open door to do some mechanical  
258 dredging but it would be a large project given the amount of silk. An Army Corp permit and  
259 State permit would be needed and there are fees associated with both.

260

#### 261 II.10. Town Administrator’s Report.

262 There was nothing added from the written report.

263

#### 264 III.1. Other Business.

##### 265 Item III.1. Correspondence/Documents/Reports received.

266 There was a copy of the letter regarding horses being loose. Trevor will send the letter to the  
267 owner.

268

269 The ongoing Town health complaint on Main Street was completed as of this meeting; a copy of  
270 the closure report was supplied to the Board.

271

#### 272 IV. Executive session.

273 *Kari moved and Darryl seconded a motion to enter executive session for personnel matters and*  
274 *employee evaluations at 8:25 p.m. Motion passed 5-0.*

275

276 *A motion was made and seconded to exit executive session. Motion passed 5-0.*

277

278 *A motion was made and seconded to approve the Road Department FY18 evaluations and*  
279 *corresponding pay adjustments in FY19. Motion passed 5-0.*

280

281 *A motion was made and seconded to adjourn. Motion passed 5-0.<sup>1</sup>*

282

283 Respectfully submitted,

284

285 Deanna Sellars

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<sup>1</sup> The trio of motions highlighted will be amended to list the members making and seconding each motion. The outcome and substance are recorded fully.

286 Recording Secretary