

**WAITSFIELD SELECTBOARD**

**October 21, 2019**

**Waitsfield Town Office**

**6:30 P.M.**

**Board Members Present** – Paul Hartshorn, Chair; Sal Spinosa Vice-Chair; Darryl Forrest; Kellee Mazer; and Jon Jamieson.

**Board Members Absent** – None.

**Others present:** Mike Kingsbury, Alice Peal, Mark Peal, Duncan Brines, Rebecca Baruzzi, Mary Simmons, Steve McKenzie, and MRVTV.

**Staff:** Trevor Lashua, Town Administrator; Sandy Gallup, Town Treasurer.

The meeting was called to order at 6:30 p.m.

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

None.

Item II.2. Public Forum

Mike Kingsbury praised the road crew for the wonderful job they did replacing the culvert at Cross Road, Common Road, and Palmer Hill Road, and the safety measures they took to do so.

Alice Peal updated information for the Mad River Valley Planning District’s Transportation Advisory Committee (TAC). They are moving forward with rerouting of the bus through Mad River Green with various stops in various locations in the shopping center. She was thankful for the communication with Green Mountain Transit. She also updated the Board regarding the Free Wheelin’ program and its success. Alice clarified that it is not only for seniors but for anyone in the Valley. There were 151 rides booked between September and October and it has been extremely successful. They will be asking for more volunteer drivers and plan on asking volunteer drivers to use their own vehicles with the intention of providing them compensation through mileage. There will be some fundraising activities in the near future, and possibly even direct funding from municipal budgets in the next fiscal year. There was brief discussion on the challenges of a volunteer driver/car program, such as insurance and safety.

Item II.3. Old County Road Halloween Closure Request.

The organizers of the annual Halloween event on Old County Road are seeking approval from the Selectboard to close the road. The Selectboard has traditionally approved the request with the conditions listed below:

- 42 1. To publish notice of the closure in the *Valley Reporter* if possible;  
43 2. To provide written notice to the following as soon as possible:  
44 • Washington County Sheriff Dept.  
45 • Vermont State Police  
46 • Waitsfield-Fayston Fire Department  
47 • Mad River Valley Ambulance  
48 3. To remove “Road Closed” signs immediately following the event and to return the  
49 signs to the Town Garage as soon as possible;  
50 4. To designate at least one individual with responsibility for ensuring compliance with  
51 the terms of this approval. The contact information of this person(s) should also be  
52 provided to the Town;  
53 5. To place a volunteer at each end of the road to allow local traffic through;  
54 6. To contact Waitsfield Telecom for permission to use its parking lot;  
55 7. To make “extra effort” to notify each resident of the road in advance.  
56

57 Mary Simmons was present to answer any questions regarding the road closure. The Board asked  
58 if any issues were reported last year; Trevor said that there were no major issues reported.  
59

60 ***Motion:***

61 *Jon to approve the closure of Old County Road on Thursday, October 31<sup>st</sup>, with the conditions*  
62 *listed above. Kellee seconded. Motion passed 5-0.*  
63

64 Item II.4. Public Hearing – Proposed Amendments to Zoning and Subdivision Bylaws.

65 Copies of the Planning Commission’s report on the proposed amendments, the public hearing  
66 notice, and a graphic showing various permutations of housing on lots under the planned hamlet  
67 development (PHD) and planned residential development (PRD) scenarios were enclosed in the  
68 packets.  
69

70 Copies of the zoning and subdivision regulations were included in Selectboard packets in  
71 September when the Planning Commission presented the proposed amendments.  
72

73 The public hearing is a required component of the zoning and subdivision regulation amendment  
74 process. Please note that the statutory process for amending land use ordinances is different than  
75 the statutory process for amending other ordinances (such as the proposed amendment to the  
76 traffic ordinance changing Carroll Road’s speed limit, to use a recent example).  
77

78 Following the close of the public hearing, the Selectboard has the following (basic) options:

- 79 1. At the 11/11 or subsequent meeting, adopt the changes as proposed by the Planning  
80 Commission. The changes would be effective 21 days after the Board’s decision unless  
81 an appeal is filed (by 47 petition). An appeal would trigger a vote at an annual or special  
82 meeting.

83 2. At the 11/11 or subsequent meeting, amend the proposal. This sets in motion an  
84 additional process that includes more public hearings and involvement from the Planning  
85 Commission.

86 3. Take no action. The statute does envision legislative bodies taking no action on  
87 proposed bylaw amendments. If no action is taken, and 12 months pass, the amendment  
88 would effectively be denied. There is also an appeal mechanism allowing for a vote at an  
89 annual or special meeting (again, by petition).

90

91 The recommendation of staff is to consider the proposed amendments, public hearing feedback,  
92 and identify questions for additional research or analysis in advance of the 11/11 meeting.

93

94 The Town Plan does envision bylaw changes of this nature. Both the policy and tasks sections of  
95 Chapter 4 identify smaller housing, smaller lots, and increased density in appropriate places. A  
96 question for the Board to consider when reviewing the proposed changes is how they support,  
97 enhance, or implement established policy statements.

98

99 Steve McKenzie had some concern regarding the changes in opening the Agricultural Residential  
100 district for additional development. Duncan Brines from the Planning Commission was present  
101 as well and explained that the roads which are labeled “scenic roads” would prohibit building in  
102 most areas. The Planning Commission is going to look at the Irasville District more closely and  
103 begin looking at zoning. Duncan does not believe there would be an influx of buildings but that  
104 this might allow for maybe two or three PUD that would otherwise not have been able to be  
105 built, possibly allowing for more affordable housing. The actual spaces that may support Planned  
106 Hamlet Developments is more limited, due to factors such as wastewater capacity, scenic road  
107 standards, wetlands, and slopes.

108

109 Paul closed the public hearing. The Board will discuss the proposal at its 11/11 meeting.

110

111 ***Motion:***

112 *No motion was made.*

113

114 Item II.5. FY20 Quarterly Budget Status Report and FY19 Audit Update.

115 A copy of an FY20 quarterly budget status memo from Town Treasurer Sandy Gallup was  
116 enclosed. The report was relatively unexciting (which is good news).

117

118 Draft copies of the FY19 audit and summary were enclosed; final copies were handed out. The  
119 FY19 audit represents a significant, hard-won, achievement – the audit was without any findings,  
120 significant deficiencies, or other similar issues.

121

122 There were two recommendations for the qualified report, which was an exceptional  
123 improvement from the 2017 audit. Sandy thanked the Board for their support and for prioritizing  
124 their efforts. The Board also thanked Sandy for her work and Trevor for his dedication and  
125 leadership.

126  
127 Sandy summarized the report and went through each fund and gave a report of which were under  
128 budget and over budget. Total debt as of the end of the year was \$5,129,000 million, which is  
129 approximately \$387,500 lower than it was the year before. A lot of what the Town does is raise  
130 money to pay debt. Despite that, the Town is budgeting well.

131  
132 The status report in the first quarter showed revenue and expenditures compared to the first  
133 quarter in the past years. It showed that percentages were on par; 96% of taxes were paid on time  
134 and in addition, taxes were paid for the entire year in installment #1 as opposed to being spread  
135 across the four installments.

136  
137 **Motion:**  
138 *No motion made.*

139  
140 Item II.6. General Local Option Tax Charter Amendment Discussion.  
141 The Town Attorney has reviewed the timeline adopted by the Selectboard at its 10/7 meeting and  
142 has offered a few recommendations to enhance elements of the process. The timeline itself is not  
143 changed and meets the statutory requirements and process for charter amendments while still  
144 allowing for additional local elements.

145  
146 Drafting of the charter question and proposed amendment language is underway as well. To  
147 review, the Board voted to move forward with a charter amendment enabling the later  
148 implementation (following a separate public vote) of local option taxes.

149  
150 The timeline envisioned the 10/21 discussion as a general one, with the Selectboard identifying  
151 any research or analysis tasks. The focus would be on local option taxes generally, and not tied  
152 to any specific proposal. An outline of a draft public information and feedback plan is also in  
153 development.

154  
155 Darryl would like to see what the language would be on the ballot for Town Meeting. He did  
156 bring documentation with specific charter language from other towns passing charter  
157 amendments as a reference. Trevor and the Town attorney have a target date of 11/25 to have  
158 language for the LOT amendment to the charter, based on the adopted timeline.

159  
160 Sal wanted clarification on why the Town is voting to amend the charter. Trevor clarified that a  
161 charter amendment is required because Waitsfield was not an eligible community per the

162 statutory standards from nearly 20 years ago; this was often referred to as the “gold town” test<sup>1</sup>.  
163 If the Town had met the “gold town” test, approval from the voters would be all that was  
164 required. Because Waitsfield was not, as of the timeframe in question, a charter amendment –  
165 essentially an exception to State law that applies at the local level – is required.

166  
167 Darryl raised the issue of sending the Planning District subcommittee’s MOU to the Town  
168 Attorney for review. He stated that the subcommittee wanted Waitsfield to do the review so that  
169 the group could use it to shape its marketing and communication efforts around it.

170  
171 Trevor reminded the Board that the decision in August was to shelve any discussion of the MOU  
172 until some time after a vote at Town Meeting; the motion explicitly lists March. There would  
173 still be a time for attorney review well in advance of a potential vote in November 2020 or  
174 March 2021. Trevor also said the timeline is built for the generic questions of whether or not to  
175 enable an LOT – sending the MOU to the Town Attorney alters a series of decisions already  
176 made.

177

178 ***Motion:***

179 *Darryl moved to send the three-Town MOU dated July 18, 2019, to the town attorney to get a*  
180 *legal review an opinion of any necessary changes to allow the town of Waitsfield to do a 1%*  
181 *LOT which are subject to the state of Vermont tax room and sales, meals, and alcoholic*  
182 *beverages. Kellee seconded. Motion passed 3-2. Sal and Paul opposed.*

183

184 There was a discussion for the motion by Kellee. She agreed the tri-town negotiating team was  
185 on a path to make changes and adjustments as they went. Following it through would have an  
186 attorney review at some point. Both she and Darryl believe the MOU should also be reviewed as  
187 it will, at some point if the amendment change gets voted through, also need to be reviewed.

188

189 There was discussion about how the original timeline, agreed to by a unanimous Board vote, did  
190 allow for attorney review but had it happening after the charter amendment vote. Darryl thought  
191 it would be useful for the MOU subcommittee to have the review, as the two other towns have  
192 done it. Paul said that the Town would be spending money for legal fees for a project that voters  
193 may not even want to participate in.

194

---

<sup>1</sup> The “gold town” term was introduced during the creation and implementation of Act 60, the education funding law enacted in the 1990s. It connotes a municipality that sends more money to the State Education Fund than it spends locally. Funds provided to the State Education Fund are pooled and disbursed amongst the various districts with the goal being the creation of a common baseline level of per pupil spending. The Legislature eventually allowed communities that met the applicable standards to be considered “gold towns” to levy local option taxes following an affirmative vote; the goal was to provide a revenue source other than the property tax to offset any impact related to funds sent to the State. The individual use of those funds varies by municipality.

195 There was additional discussion about whether or not the timeline, which was built on six weeks  
196 of agreement and consideration, was still valid. The plan, for now, is to continue using the  
197 timeline as a guide for a generic, enabling LOT question as originally agreed upon.

198

199 Item II.7. Consider Warning the Final Public Hearing for Joslin Library Accessibility Grant.

200 The grant agreement with the Vermont Community Development Program requires a final public  
201 hearing before closing out a grant. As the formal grantee, the Town is responsible for holding the  
202 hearing. The grant agreement requires that it be warned at least 15 days in advance. A copy of  
203 the proposed public hearing notice was enclosed.

204

205 **Motion:**

206 *Jon moved to warn the final public hearing for the Joslin Memorial Library Accessibility*  
207 *Modification Grant, #07110-AM-2017-Waitsfield-00004, on Monday, November 11, 2019 at*  
208 *6:35 p.m. at the Waitsfield Town Offices. Darryl seconded. Motion passed 5-0.*

209

210 Item II.8. Consider Appointing an Interim Assistant Zoning Administrator.

211 Statute provides municipalities the option of appointing assistant zoning officers. Appointing an  
212 interim assistant zoning administrator would be an insurance measure, providing flexibility and  
213 responsiveness should the unforeseen or unusual occur. Permits would continue to be issued by  
214 or in coordination with the previously appointed interim zoning administrator. The appointment  
215 would only extend through the interim services period.

216

217 **Motion:**

218 *Darryl moved to appoint Town Administrator Trevor Lashua as the interim assistant zoning*  
219 *administrator, pursuant to 24 V.S.A. § 4448. Jon seconded. Motion passed 5-0.*

220

221 Item II.9. Consider Approving a Peddler’s License Application.

222 The issuance of peddler’s licenses is allowed by 24 V.S.A. § 2291 (9). Each year since 1993,  
223 Eastman Long has applied for and received a license to sell maple syrup. A peddler’s license is  
224 good for one calendar year; a copy of the license application was enclosed.

225

226 **Motion:**

227 *Jon moved to approve the peddler’s license application for Eastman Long and waive the fee.*  
228 *Darryl seconded. Motion passed 5-0.*

229

230 Item II. 10. Bills payable and Treasurer’s warrants.

231

232 **Motion:**

233 *Approval and signature, where appropriate*

234

235 Item II. 11. Minutes of 9/23/19 and 10/07/19.

236 The draft minutes for the 9/23 and 10/07 meetings were enclosed for review.

237

238 **Motion:**

239 *Jon moved to approve the minutes of 9/23/19 and 10/07/19. Kellee seconded. Motion passed 5-*  
240 *0.*

241

242 Item II.12. Selectboard Roundtable

243 Jon discussed the work plan assembled by Mad River Planning District, mentioning that the time  
244 allotted to projects exceeded the number of hours budgeted and planned for. He wanted to make  
245 sure the Board was aware that district staff works a lot more than is always allocated or claimed.  
246 A local resident praised the recent event at Lawson’s as it brought in a lot of business but  
247 suggested traffic control for events of that size. Jon also praised the work done for the boardwalk  
248 and suggested that something is done with the pond in terms of deciding whether or not to  
249 remove the vegetative growth or allow it to continue to fill with it.

250

251 Sal presented information on the single-use law and the use of glass. He would like to see it in  
252 next meeting’s packet.

253

254 Kellee continued to share why she supports the MOU and for her, she wants to make sure the  
255 public knows and understands all they need to in order to make an informed decision.

256

257 Sal asked again for information specific to the MOU subcommittee and its various iterations.  
258 Darryl provided information on money spent. Sal asked who had been involved in the drafting  
259 and editing of the documents, especially whether or not there had been help from anyone outside  
260 the group; Darryl indicated he believed it was limited to members of the subcommittee.

261

262 Item II.13. Town Administrator’s Report.

263 There are still job postings up for the Zoning Administrator position. There was a brief  
264 discussion about the hiring process and timeline, and the number of applicants lagging behind  
265 the prior year’s efforts.

266

267 III.1. Other Business.

268 The Wait House conversation will be on the agenda for the 11/11 meeting.

269

270 Item III.1. Correspondence/Documents/Reports received.

271 None to report.

272

273 Item IV. Executive Session.

274

275 *Sal moved that the Board find executive session necessary and prudent, and that premature*  
276 *public knowledge could place the Town at a substantial disadvantage. Jon seconded. Motion*  
277 *passed 5-0.*

278

279 *Sal moved to enter executive session for contract, legal and real estate. Jon seconded. Motion*  
280 *passed 5-0. The Board entered executive session at 8:37 p.m.*

281

282 *Darryl moved that the Board exit executive session at 9:14 p.m. Jon seconded. Motion passed 5-*  
283 *0.*

284

285 *No action was taken as the result of executive session.*

286

287 *Darryl moved to adjourn at 9:14 p.m. Kellee seconded. Motion passed 5-0.*

288

289 *Respectfully submitted,*

290

291 *Deanna Sellars*

292 *Recording Secretary*

293

294

295

296