

# **Mount Holly Select Board Meeting**

## **November 10, 2020**

### **Minutes**

**In-Person with Zoom Meeting: 898 6126 5487**

**Present: Select Board:** Jeff Chase, Jennifer Matthews, Mark Turco

**Town Officials:** Sue Covalla, Jim Corven, Dennis Devereux, Francis DeVine, Diana Garrow, Russ Garrow, David Johnson, Nicole Lewis, Annette Lynch, Jon McCann, Stephen Michel, Don Richardson, Jim Seward, Brigid Sullivan, Mary Surething, Laura Swartz, Carol Woolley, Clinton Woolley

**Members of the Public:** Paul Barton, Peter Berger, Morgan Collins, Ted Crawford, Don Eatmon, Roger Garrow, Robert & Zena Gates, Robin Nelson, Paul Nevin, Christine Pratt, Ron Pruzinsky, Renee Sarmento, Donna Seward, Ray Tarbell, Amy Turco

**1. Call to Order** by Mark Turco at 6:32 pm.

**2. All recited the Pledge of Allegiance.**

**3. Changes and/or additions to the agenda** – None were necessary.

**4. Approval of October 13<sup>th</sup>, 2020 Minutes** – Jeff Chase made a motion to approve the minutes, seconded by Mr. Turco, unanimously approved.

#### **5. Reports**

a. **Highways & Transfer Station Update** – **Clinton Woolley** reported he was determining the roadwork to be completed for the next Grants-in-Aid program, and he was working on a five-year plan for roadwork. He also reported that the metal pile had been picked up and two loads of tires had been removed from the transfer station. Food scraps need to be disposed of every two weeks, and because of the time and expense involved, he thinks the town needs to do its own composting.

i) **Municipal Roads Grants-in-Aid Program** – Mr. Chase made a motion to sign the Letter of Intent to participate in the Municipal Roads Grants-in-Aid Program, seconded by Jennifer Matthews, unanimously approved.

#### b. **Treasurer – David Johnson**

i) **Monthly Income & Expense Report** – Mr. Johnson reported the Property Taxes Receivable still had a whole month before the final due date. Looking at the Profit & Loss, he noted: another quarterly payment of \$30,201 has been received for the State Aid for Roads; a Special State Aid for Roads payment of \$31,197 has also been received for roadwork with no strings attached; the Solid Waste Labels Sold figure of \$11,824 is \$1,200 more than this time last year; nothing out of the ordinary with salaries and general fund expenses; ballot item Social Service & Support checks to go out shortly; the Solid Waste Disposal Exp. of \$677 is for tire disposal; the Special Road Projects expense of \$2,000 is for the Summit Road culvert repair; the first half (\$6,850) of the Garage Bond Interest Expense has been paid with the other half due in May.

ii) **Highway Supplemental Aid** – Mr. Turco thought we should put the \$31,197 Special State Aid for Roads funds into resurfacing some roads come spring. Mr. Chase and Ms. Matthews agreed.

iii) **Outside Audit – Firms & Costs?** – Mr. Johnson said O'Brien & Shortle in Rutland will perform the audit. Staff time will be billed at \$100-\$130/hour and accountant time will be billed at \$140-\$200/hour with a total cost of about \$20,000. Letter of engagement to come.

c. **Mount Holly Planning Commission: Town Plan Revisions Update** – **Jim Seward** said not too much was getting done due to a changeover in personnel. Mr. Turco said he walked his tap lines with a State forester and the forester said he thought the State had no intention of allowing Vail to come down our side of the mountain. Mr. Seward commented he had heard the same and that was good as it would hurt Mr. Turco. Mr. Turco replied, “Absolutely!”

d. **Mount Holly Conservation Commission Update** – **Francis DeVine** reported the Commission was finalizing their organizational structure. A decision was made to have co-chairs with Phil Crane and Mr. DeVine currently serving in those positions; Jim Corven is clerk. The Commission will finalize its policies and procedures at its December meeting. In anticipation of receiving the Municipal Planning Grant, Commission members created a committee (Annette Lynch, Phil Leonard, Fred Garrow) to draft an outline on how best to utilize the funds to update the natural resources inventory for the town. Commission members are also looking into creating a survey of residents on town issues, interests and concerns. They are talking with Professor Rich Clark of Castleton University and the Polling Institute in the hopes the creation of the survey

will become a student project. Peter Smith, Mr. Corven and Mr. DeVine are gathering data for the survey. The Commission is monitoring grants available through the Lake Champlain Basin Program, and Commission members are looking into trainings available through the Agency of Natural Resources.

e. **Rutland Regional Planning Commission Update** – Jon McCann reported the meeting focused on how towns could create a Communications Union District to pursue better broadband access. Mount Holly has almost 100% coverage, so this is not an issue here.

f. **Rutland Regional Transportation Council Update – Don Richardson** was not present.

g. **Rutland County Solid Waste District Update – Clinton Woolley** reported that after a two-hour discussion on the budget, it was discovered the meeting was not a legal meeting.

## 6. Old Business

a. **Administrative Officer Appointment** – Ms. Matthews noted this was an item that was tabled last month after a fair amount of discussion. She stated the following: the VT State Statutes (VSA 24§4448(a)) require the appointment of an Administrative Officer (AO) after the adoption of by-laws; Mount Holly's Subdivision Regulations are by-laws; Mr. Johnson stated last month that there are funds available to cover the costs associated with the Administrative Officer; the Planning Commission by unanimous motion approved the AO job description on September 22, 2020; and the Planning Commission recommended, again by unanimous motion, the appointment of Renee Sarmento to be the Administrative Officer. Mr. Johnson again stated there was \$2,000 available in the budget for the Planning Commission clerk and Administrative Officer. Ms. Matthews pointed out we were now over four months into the fiscal year with none of that amount spent to date and only \$150 per month needed for the Planning Commission clerk's pay. Stephen Michel asked what the requirements were for the AO. Ms. Matthews read from the aforementioned State Statute, noting that the Town of Mount Holly was currently in violation of State Statute. She also said she had spoken with an attorney at the VT League of Cities and Towns about the recommendation of the former Select Board chair that it was in the best interest of the Select Board to ignore State Statutes. The attorney stated that any Statute with the word "shall" is creating an obligation or a duty or a required action that cannot be ignored, and that the town cannot decide to ignore or not follow State Statute. Ms. Matthews stated she did not think it was in the best interest of the town to have the Select Board knowingly violate State Statute. Mr. Chase pointed out the Flood Hazard Regulations also require an Administrative Officer. Additional discussion ensued, including the difference between the Administrative Officer position which is a statutory position and that of the Planning Commission clerk which serves as an aid to the Planning Commission. For all of these reasons, Ms. Matthews made a motion to appoint Renee Sarmento the Administrative Officer, seconded by Mr. Chase, unanimously approved.

b. **Permit Application Fee Schedule** – Mr. Turco asked if the old fee schedule had been found. Mr. Seward said no schedule was found but the fees were \$150 per lot for either a minor subdivision or a major subdivision. Ms. Matthews referred to several documents provided to the Select Board by the Planning Commission. The first document notes the current fees and what those fees would be if adjusted for inflation. The Building Construction Registration Ordinance states the Select Board "may adjust the fee and fine on an annual basis." The ordinance was adopted in March of 1995. The building construction registration fee was \$20 then, and 25 years later, the fee is still \$20. That fee would be \$35 today if adjusted for inflation. The Subdivision Regulations also state the Select Board can review and adjust fees. Both the minor and major subdivision fees were \$150 per lot when the ordinance was adopted in March of 1998, and 22 years later, the fees are the same. Those fees would be \$242 per lot today if adjusted for inflation. The Planning Commission recommends the minor subdivision fee remain at \$150 per lot, and the major subdivision fee be raised to \$350 per lot. Mr. Turco said \$350 was too high. Ms. Matthews stated the fees were just a recommendation by unanimous motion from the Planning Commission, but it is the Select Board that sets the fees. Nevertheless, she said she was grateful to the Planning Commission for the time and effort they put in to researching and preparing these documents for the Select Board. Discussion ensued about the fees including: Select Board decides fees and provides a 30-day notice for comments on new fees; Mr. Michel stated he did not understand the issues at the previous Planning Commission meeting and wanted to reconsider his decision; Mr. Seward stated it takes 20 minutes more to do a major subdivision than the time needed to do a minor subdivision; fees reviewed for surrounding communities are generally higher than current proposed fees; administration fee may require ordinance change; removal of the word 'permit' from fee schedule; and other items. Ms. Matthews made a motion to set the Building Construction Registration fee at \$25, the Minor Subdivision Fee at \$150 per lot, and the Major Subdivision Fee for four or more lots at \$200 per lot, seconded by Mr. Chase. Ms. Matthews and Mr. Chase voted aye; Mr. Turco voted nay.

c. **Select Board Admin. Assistant** – Ms. Matthews reported the ad for the position had run twice in the *Vermont Journal*. It was listed on the Town website and it had run in the *Chit Chat*. To date, no responses

have been received. It was agreed to continue to run the ad in the *Vermont Journal* and the *Chit Chat*, and to run it in the *Rutland Herald*.

d. **Other** – There was no additional Ongoing & Old Business.

## 7. New Business

a. **Planning Commission Appointment – Two Terms to November 2023** – Ms. Matthews stated two Letters of Interest had been received. Mr. Chase made a motion to appoint Lisa Terreri and Brigid Sullivan to the Planning Commission, the terms running until November 2023, seconded by Ms. Matthews, unanimously approved.

b. **Conservation Commission Appointment – One Term to September 2021** – Ms. Matthews stated one Letter of Interest had been received. Mr. Turco made a motion to appoint Nicole Lewis to the Conservation Commission, the term running until September 2021, seconded by Ms. Matthews, unanimously approved.

c. **Town of Mount Holly Website – Jim Corven** submitted some information on municipal websites to the Select Board. He stated it did not reflect well on the town to have an ‘unofficial’ website as it made it seem the town was not up to speed. He said websites are now considered part of a town’s infrastructure and should be maintained. He said that as far as he could tell the agendas and minutes were posted in a timely manner on the website which is what is needed for a website to be official. Dennis Devereux stated that many small towns did not have the ability to maintain a website and are not required to do so. Amy Turco said it will cost her business over \$5,000 to update their website and the town could not afford that expense. Mr. Corven stated his request was only to have the website be official rather than unofficial. Discussion ensued about the importance of websites, the information online about Mount Holly, the five-day posting requirement for the minutes, and the distinction between an official and unofficial website. Ms. Matthews noted that the town did currently have the ability to meet the five-day posting requirement for the website, and she concurred with those who thought the website should be official. Mr. Turco and Mr. Chase preferred to table the issue until a Select Board admin person was hired so as to roll the website duties into that position. Ms. Matthews stated that adding those duties on top of all the others required of a 10-hour-a-week admin assistant was unrealistic.

d. **Social Service Appropriation Policy** – Ms. Matthews explained the need for a written policy for social service appropriations as more requests are made for tax-payer funds to help cover the requesting organizations’ expenses. The organizations need to know the procedure for a request. The policy proposed is based on VLCT’s model policy and it exactly replicates the town’s current informal policy. Discussion ensued. Mr. Johnson asked if a policy needed to be warned. Ms. Matthews stated she thought not. Mr. Turco and Mr. Chase wanted to wait to see if a policy does need to be warned. Item tabled and will be revisited next month.

e. **Okemo Valley TV Contribution** – Mr. Turco said it had been brought to us to do something for their extra efforts. Ms. Matthews explained that Okemo Valley TV had gone above and beyond in helping the town initially transition to Zoom meetings and currently in setting up the hybrid model for both the Zoom and in-person meeting. It was suggested that some additional funds be provided to Okemo Valley TV as a show of appreciation for all their efforts. Discussion ensued. Mr. Turco stated they had spent a lot of time setting up for the meetings, and he made a motion to make an additional one-time contribution of \$500 to Okemo Valley TV, seconded by Mr. Chase, unanimously approved.

f. **Don Eatmon’s Letter** – Mr. Eatmon read his letter stating that Ms. Matthews had a conflict of interest when discussing Vail because she lives on Branch Brook Road. Ms. Matthews addressed several issues raised in the letter (quotes are from Mr. Eatmon’s letter):

- The Select Board did not form “a commission to change the Town Plan.” The Select Board asked the Planning Commission to strengthen the town plan.
- “If there was ever any development on the west side of Okemo, the ONLY access road is Branch Brook Road.” Vail would want direct access off of VT Route 103 to any ski area development on the west of the mountain either using Station Road or punching in a road near Wright Construction, especially as the Jackson Gore development continues to creep closer to Mount Holly up VT Route 103. Access along Healdville & Branch Brook Roads seems unlikely.
- “... development would impact Ms Mathews property.” The Branch Brook Road property is solely owned by Ms. Matthews’ husband, who welcomes any and all development associated with Vail as it would greatly increase the value of his property, and who does not necessarily agree with Ms. Matthews’ goal to keep Mount Holly affordable for Vermonters.

Ms. Matthews clarified several other issues and she stated that she had no problem recusing herself from “discussions or actions regarding changing the Town Plan to prevent development of the west side of Okemo.” Ms. Matthews asked if Mr. Eatmon thought the conflict of interest policy also applied to Mr. Turco with his

sugaring operation on the west side of Okemo. Mr. Turco stated it would have no impact. Mr. Eatmon said Mr. Turco leases the area from the State so there was no conflict.

g. **Ron Pruzinsky's Letter** – Mr. Turco read the submitted letter asking that signs be posted stating that ATVs, dirt bikes and snowmobiles are not allowed on town roads. Mr. Chase suggested a notice run in the *Chit Chat*. Mr. Turco agreed saying the notice should say that the use of ATVs, snowmobiles and unregistered vehicles is prohibited on town roads. \*

h. **Other** – Ms. Matthews noted the increasing COVID-19 cases in the State with over 112 new cases in the past three days and 12 people currently hospitalized with four in the ICU. She said the Governor was starting to tighten restrictions on gatherings in an effort to protect the health and safety of Vermonters. These restrictions might affect future Select Board meetings.

8. **Concerned Citizens Comments** – Mr. Michel recommended encouraging people with the ability to attend Select Board meetings via Zoom to do so in order to limit the number of people attending in person. He said that offering both options increases participation.

9. **Announcements/Other Business**

- a. **Reminder: Property Taxes due November 30<sup>th</sup>; 8% Penalty & 1% Interest per Month added after 11/30**
- b. **Reminder: Town Office Closed on November 11<sup>th</sup> & November 26<sup>th</sup>**
- c. **Other** – Ms. Matthews wished everyone a **Happy Thanksgiving**.

10. **Review & Sign Orders** – to be signed one Select Board member at a time at the town office.

11. **Executive Session: Title 1 V.S.A. S 313(a)(3) – personnel** – Citing Statute, Ms. Matthews made a motion to enter Executive Session to discuss a personnel matter at 8:41 pm, seconded by Mr. Turco, unanimously approved. Motion to exit Executive Session was made by Mr. Turco at 9:02 pm, seconded by Ms. Matthews, unanimously approved. No actions taken.

12. **Adjourn** – Mr. Turco adjourned the meeting at 9:02 pm.

Respectfully Submitted: Jennifer Matthews

Approved: 12.8.2020

\*Amended at 12.8.2020 meeting: Registered ATVS and snowmobiles are only allowed on town roads in accordance with VT DMV regulations.