

Mount Holly Select Board Meeting
September 10, 2019
Minutes

Present: Select Board: Mark Turco (chair), Ron Tarbell, Jennifer Matthews

Town Officials: Susan Covalla, Paul Faenza, Carol Garrow-Woolley, David Johnson, Jon McCann, Mary Surething, Clinton Woolley

Members of Public: Robert Bryant, Archie Bussino, Lance Bussino, Dennis Devereux, Judy Hyjek, Annette Lynch, Timothy Morton, Gannon Osborn, Andy Tanger, Ron Unterman, Joan Weir

1. **Call to Order** by chair Mark Turco at 6:00 p.m.

2. All stood for the **Pledge of Allegiance**.

3. Consideration of any changes and/or additions to the **Agenda** - Jennifer Matthews requested that the Concerns of Mr. Bryant (#6d) be brought to the top of the Agenda as Constable Paul Faenza had another meeting to attend, and that a report by Jon McCann of the Rutland Regional Planning Commission's Regional Committee meeting be added to the Agenda. Both the change and the addition were approved.

4. **Approval** of the August 13, 2019 Minutes – Ron Tarbell made a motion to approve the minutes, seconded by Mark Turco, passed unanimously.

6.d. **Mr. Bryant's Concerns** (initially raised @ August 13th Select Board meeting, refer to minutes):

(i) Role of the Town Constable: Mr. Bryant had listed a number of concerns regarding the Constable, mainly a lack of response to calls. The Constable, Paul Faenza, was present and answered Mr. Bryant's questions. Mr. Faenza stated he had responded to vehicle crashes, and calls from the Fire Department and Rescue Squad. He emphasized that his role is the civil process of enforcing the town's ordinances. He does not have law enforcement authority, and he has no arrest power. Criminal matters are the province of the State Police, who generally will not respond to non-criminal events. Mr. Faenza said that he often takes information and passes it on to the appropriate authorities, and he said that he and the State Police maintain good communication. Mr. Bryant asked to meet with him and Mr. Faenza agreed to do so.

(ii) Jennifer Matthews said that she and two of the Listers had visited the private property that concerned Mr. Bryant because of over 10 camping vehicles on the premises. Ms. Matthews counted six camper vehicles. She noted that the owner stated she had a large family, and only family and friends were camping there. The property owner stated that each camper was supplied with water from a hose and that there was Port-a-Potty access with regular pumping. Ms. Matthews noted that Mount Holly has no zoning, so the campground matter is regulated by the State of Vermont. The town does not have the power to control such land use as the Town of Mount Holly has few regulations or ordinances governing land use and has consistently rejected zoning in the past in order to preserve the freedom of the individual. Ms. Matthews had several conversations with the Permit Specialist at the State Agency of Natural Resources' Department of Environmental Conservation. He provided Ms. Matthews with questions and things to look for during the property visit. After the visit, he stated that if there was no evidence of a commercial enterprise with signage, advertising, and money changing hands, then one had to take the owner at her word. Mark Turco spoke of Act 250 regulations kicking in with commercial development, if the campground became a commercial enterprise. Mr. Bryant stated he too had spoken with ANR, and he filed a complaint with them about the property.

(iii) When he asked about work being done at the school, Mr. Bryant was reminded by Select Board members that the Mount Holly Elementary School is property of the Unified School District, not the Town of Mount Holly. Any concerns about plumbing work would have to be addressed there, not with the Town. Mr. Bryant also asked where all the tax money went. Mr. Turco explained that the education taxes go to the State to be redistributed for education costs.

(iv) Mr. Bryant noted that the junk on the porch of a Shunpike Road property had been cleaned up in the past month but that other clean-up was needed. The owner of the property was present and answered points raised by Mr. Bryant, including that tires to be used to construct a fence would be filled to prevent water collection. Mr. Bryant

complained that the town had done nothing in response to three petitions on this matter filed in the past ten years. Mark Turco said he knew nothing about those petitions. Asked who was responsible for record keeping, Mr. Bryant was told it was not the Town Clerk but the Clerk for the Select Board, work currently being completed by Ms. Matthews. Mr. Bryant's final judgement was "Our Town is screwed up – nobody knows nothing. The roads are taken care of . . ." Ms. Matthews stated she disagreed with that assessment, but that Mr. Bryant was entitled to his opinion.

[Note: Later in the meeting, Mr. Bryant and the owner of the Shunpike Road property got into a heated argument over junk, junk cars, and dumping. Constable Paul Faenza stepped in.]

5. Reports

a. Highways

i) Update – Clinton Woolley

A resident of Gates Road South requested permission to upgrade the Class 4 road to Class 3. He would take care of all ditching and the like. This would also provide a turnaround for the Road Crew. Mark Turco stated the road would have to meet all Town standards, and Ron Tarbell said the work would have to be inspected once completed. The Select Board had "no problem" with the request with the understanding that a final review of the work would be required.

ii) **Hose Machine Purchase** - Mr. Woolley said that Kimball Midwest had offered a deal of \$4,200 for the machine as a new customer, rather than the usual annual cost of \$10,000; this included hoses of two sizes, couplings, crimpers, etc. Such a machine would eliminate regular trips to Rutland for supplies. The Crew went through two hoses in the past week-and-a-half week. Ron Tarbell and Mark Turco said the Select Board would "mull it over." Mr. Tarbell said the Road Crew could use Ludlow's machine and invoice Mount Holly.

Mr. Woolley also reported that the excavator was in town doing ditch work, segmented roadwork was in progress, and that grading would be done by winter.

b. Treasurer – David Johnson

i) **Monthly Income & Expense Report** - Mr. Johnson reported that the new checking account with Community Bank was operational and that various funds were being transferred, including the new HRA account. He also noted that the Town had collected taxes worth \$2.9 million in August for a total so far this year of \$3.8 million collected.

As to Income & Expenses, Mr. Johnson noted that there was not much activity to report on as it was early in the new fiscal year. Solid waste label sales are up to \$6,642, well above the budgeted amount of \$2,000 per month, running closer to \$3,000 per month. The new furnace for the garage was \$6,700. Winter Sand is all in at cost of \$26,000 with \$11,000 in hauling expenses.

ii) **Second School Advance** of \$200,000 will be made to tide the school over until the State payments are made.

iii) **Delinquent Tax Sales Update** - The only tax sale scheduled this year has been cancelled as the taxes have now been paid in full, so all 2017 taxes have been paid. The only remaining tax delinquency is \$3,000 from 2018 with the owner having paid off half of what is due.

c. Rutland Regional Planning Commission Regional Committee – Jon McCann

Jon McCann, Mount Holly's Representative to the RRPC, reported that a number of regional projects, seven solar projects and the proposed cell tower in Mount Holly, were discussed. The RRPC had received the same information that was sent to the abutters of the cell tower project. Mr. McCann stated he emphasized that the Mount Holly Select Board strongly supported cell service in town. He told the committee that some concerns had been raised re: the need for camouflage and the lack of coverage maps plus some abutters asked to view the balloon test thought the methodology was sloppy. Ms. Matthews then read from the RRPC Regional Committee minutes: "Staff will draft letter with comments on the balloon test, public notification, tower aesthetics, other potential sites, coverage and forest blocks." She questioned how those issues were raised, as the Public Hearing on the cell tower had been canceled and the Town of Mount Holly had not yet spoken on the issue. Mr. McCann replied he was voicing his opinion and those of some in town with whom he had spoken. Ms. Matthews emphasized that he was the Representative for the Town of Mount Holly, and as Ron Tarbell stated, the Town as a whole, not just a handful of residents.

6. Old Business

a. Public Utilities Commission Update re: Back-Up Phone Battery Power (Case # 19-0705-PET)

i) **VTel Insert** – Ms. Matthews reported that the towns of Shrewsbury, Mount Holly, Andover, Tinmouth, and now Wallingford continue to press the PUC on the problems that exist with the phone backup batteries which die during prolonged power outages. The telecom providers state they are in compliance with FCC regulations. The towns are pushing for best practices in regards to education, technical assistance, battery life, and financial help. The next PUC workshop is scheduled for September 19th in Montpelier. Ms. Matthews held up an insert VTel had recently included with bills that directed customers to their website for additional backup battery information as well as a video on their use. Andy Tanger noted the video was very informative.

ii) **VTel Presentation Proposal** – VTel is also willing to come to the Town to do a workshop or information session on the backup battery system. If enough interest is expressed, the Town will pursue this option.

b. **Town Office Roof Bids** - Two bids were received. They were opened. Both were for the same work. One bid was for \$7,515 from Buddy System Roofing; the other was for \$5,180 from Dancers with Roofs LLC. Although the Select Board would prefer to use a local business, given the over \$2,300 difference in bids, Ron Tarbell made a motion to accept the bid from Dances with Roofs, seconded by Jennifer Matthews, passed unanimously.

c. **Swap Shed** – Ms. Matthews reported that the swap shed had been ordered and should arrive within days. She regards it as part of the Town's recycling effort, keeping reusable goods out of the landfill. The pad for the shed has been prepared by the Road Crew. Preliminary rules will be:

- good to excellent quality reusable goods only
- keep it neat

Otherwise, the shed will go away, per Mr. Turco.

7. New Business

a. **Support Letter – VT Department of Forests, Parks & Recreation 345-Acre Acquisition** - Jon McCann spoke on behalf of the Mount Holly Conservation Trust to request a letter of support from the Select Board for a land conservation project in Mount Holly that is joint venture between the Mount Holly Conservation Trust (MHCT), the Vermont Land Trust (VLT), and the Okemo State Forest (Department of Forests, Parks & Recreation, Agency of Natural Resources). Joan Weir of VLT, Tim Morton and Gannon Osborn of the Department of Forests, Parks & Recreation, and various members of the MHCT were present. The Vermont Land Trust purchased two parcels of land off of Government Road and Route 155; the two parcels of about 345 acres will be merged to become part of the Okemo State Forest. The land would move from private ownership to land open to the public for recreation. The VAST snowmobile trail and the Catamount cross-country ski trail both run through the property. Hunting, fishing, hiking, and other forestry activities would be available. The land is the headwaters for the West River and sources for the Mill River (Otter Creek) and Black River (Branch Brook). It completes a 100-mile travel corridor for wildlife from the Massachusetts border to Warren, VT. It will connect the southern Green Mountain National Forest, Okemo State Forest, Coolidge State Forest, and the northern Green Mountain National Forest. The land is currently in the hands of the Vermont Land Trust. The Mount Holly Conservation Trust is raising funds to pay the Land Trust for the property that will then be transferred to the Okemo State Forest with a conservation easement that prohibits any private development.

There was considerable discussion. Ms. Matthews asked for further details around the conservation easement. Gannon Osborn stated that funding from the VT Housing & Conservation Board, which this purchase has, requires a conservation easement. There would be no residential or commercial structures, no commercial use. Mr. Turco asked about sub-leasing. Mr. Osborn replied that there could be special use permits, but no commercial use and no large swaths cut. He stated that the conservation easement would remain in perpetuity. Joan Weir noted that the two properties purchased would be merged into one with no subdivision permitted. Dennis Devereux expressed concerns about conserving more land when working Vermonters already have difficulty affording a home due to high land and housing costs and high property taxes. He thought a balance was needed between affordable housing and conservation, and he would like to see more housing opportunities. Mr. Devereux also expressed concerns about the impact on the Grand List and property taxes. Mr. Osborn stated that State of Vermont does not pay taxes, but would make payments in lieu of taxes (PILOT) based on the assessed value of the property. No local agreement payments would be made. Ron

Unterman spoke about the chokepoint that exists for the VAST trail on this property as all trails from the south-east corner of the State connect through there. The only crossings are over Star Lake, a water crossing, or on this land. What would happen if this property was in private hands and closed to snowmobiling? Ms. Matthews asked if the property had now been purchased and by whom. Joan Weir replied that the VLT owned the property, and it was purchased for \$642,000 with additional funds being raised for project costs and conservation costs for a total of \$813,000.

Jon McCann referred back to Mr. Devereux's remarks about the need for more housing for young families in town. Annette Lynch spoke of the Affordable Housing Task Force that the Select Board formed about ten years ago to investigate the lack of affordable housing in Mount Holly. She thought the work of the task force was worth looking at again, so that Mount Holly does not become a land of only large homes owned by the wealthy rather than a community for the children raised here and their families. Ms. Matthews noted that the Town Plan calls for a diversity of population ("To encourage, support, and maintain a community of residents and property owners with age, social, and economic diversity"). She stated a desire to support the great elementary school in town and young families. She also noted that the Town already has 13,000 acres in land use and conservation; what are the consequences of this conservation on the Grand List and on the Tax Rate? Ron Tarbell asked about tabling the issue. Ms. Matthews made a motion to table the request for a support letter while the Board of Listers and the Town Treasurer explore answers to the aforementioned questions. Mr. Tarbell seconded the motion, which then passed unanimously. Tim Morton of the Department of Forests, Parks & Recreation spoke of the year-round access and recreational benefits that will be available to Town residents, especially snowmobilers, with the property as part of Okemo State Forest.

b. Mount Holly Community Association Cider Days Road Closure – Ms. Matthews read a note from Morgan Skiathitis asking that the end of Maple Hill Road be closed down on Saturday, October 12th from 9:00 am to 5:00 pm and on Sunday, October 13th from 11:00 am to 5:00 pm for Cider Days. He also asked that there be no parking on the eastbound side of Church Street. Ron Tarbell made a motion to approve the request, seconded by Ms. Matthews, passed unanimously.

c. Designate VT League of Cities & Towns Annual Business Meeting Delegate - The meeting is on October 2nd & 3rd. Jennifer Matthews was selected as the delegate, and Ron Tarbell will be attending some of the workshops.

d. Fall/Winter Transfer Station Hours - The last Wednesday will be October 9th. Winter hours will start the following weekend with the first open Sunday on October 13th.

8. Announcements/Other Business

a. Household Hazardous Waste Collection – will be on Saturday, September 14th, from 8:00 am to Noon.

b. Mount Holly NewsFlash – Ms. Matthews and the Select Board as a whole thanked Diana Garrow for picking up the operation of the NewsFlash and transitioning it over to Kevin Plew, who is streamlining the operation. The Select Board passed their thanks on to Mr. Plew as well for the continuation of this valuable community resource.

9. Review & Sign Orders – Reviewed and signed.

10. Executive Session: Title 1 V.S.A. S 313(a)(3) – personnel – Ron Tarbell made a motion to enter Executive Session to review personnel matters at 7:30 pm, seconded by Jennifer Matthews, passed unanimously. Motion to exit Executive Session at 8:12 pm was made by Ron Tarbell, seconded by Mark Turco, passed unanimously. No actions taken.

Respectfully submitted: Jennifer Matthews

Minutes Approved: 10.8.2019