

TOWN OF STAMFORD
SELECTBOARD MEETING
September 17, 2020
(UNAPPROVED)

Present: Selectboard: Nancy L. Bushika, Chair, Carol A. Fachini, Daniel J. Potvin, Christopher Warren and Michael G. Denault.

Visitors: Laura Champagne and Deborah Darling.
Kate Wanner, Trust for Public Lands.
Chris Mattrick, Green Mountain National Forest
David R. Tatro, Road Commissioner.
William Levine, Emergency Management Director.
Lori Shepard, Selectboard Secretary.

Nancy Bushika called the meeting to order at 6:00 p.m. She led the Pledge of Allegiance and welcomed everyone. She read a statement with procedural rules for the meeting. There was some correspondence added to the agenda. There were no changes to its order.

HEARING OF VISITORS:

Kate Wanner from the Trust for Public Lands and Chris Mattrick from the Green Mountain Forest asked for the town's support for the purchase of over 2,000 acres in Pownal, Stamford and Readsboro. There are 1,025 acres located in Stamford. The acquisition would provide permanent protection for the Stamford Pond Trail and would allow permanent access for public recreation. She would like a letter of support from the Selectboard. Dan Potvin does not usually support sales to the National Forest, but he would like to support David Rubin from Park Forestry. Nancy Bushika noted that the map shows a XC ski/snowmobile trail going across County Road to the Stamford Pond Trail, which is incorrect. The town has not given permission for snowmobile use on County Road. Kate Wanner said she would look into it and correct it. Nancy Bushika asked if they could relocate the trail on existing National Forest land to connect the Appalachian Trail side to the Stamford Pond Trail. Nancy Bushika asked if ATVs or side-by-sides would be allowed. Carol Fachini would support the use of motorized vehicles on National Forest land. Chris Mattrick said their forest plan, which does not allow motorized vehicles (except snowmobiles on the VAST trail system), is for the entire National Forest and they have very limited ability to change the use for various towns. On rare occasions the use of Off Highway Vehicles (OHVs) have been allowed on small trails only to connect to other trails on non-National Forest land. Nancy Bushika asked if camps could be built on the parcels the National Forest wants to buy. Dan Potvin thought the tract behind him is probably over the 2,000 square foot line and would not be buildable. The parcel of land off of County Road and above Sumner Road is beautiful land and he thinks a good amount of it would be buildable. Chris Warren asked if there was a way to remove land from National Forest. Chris Mattrick felt it is unlikely that National Forest land would ever be sold back to the private sector. Nancy Bushika reviewed the tax analysis which was submitted along with the map showing where the parcels were located. Their analysis indicates that based on the 2019 tax rate, the tax on these parcels was \$5,073.00. The National Forest does not pay taxes, but submits a payment-in-lieu of taxes (PILT) which was calculated to be only \$3,465.00 on these parcels. They estimated that to make up the loss, the tax on a \$200,000.00 property would increase by \$3.41, across town. Mike Denault is leery about supporting the sale to National Forest without input from our taxpayers. He also recalled a class action lawsuit a few years ago because the government failed to pay the appropriate amount of PILT money owed to towns. The topic will be placed on the agenda for the next meeting to give taxpayers the opportunity to consider the pros and cons of the sale before the Selectboard makes a decision.

MINUTES

1. MOTION by Carol Fachini to accept the regular meeting minutes of September 3, 2020 as written. SECONDED by Dan Potvin. All in favor. Motion APPROVED.

2. MOTION by Chris Warren to accept the minutes for the public hearing to receive comments concerning the proposed Zoning Bylaws on September 9, 2020 as written. SECONDED by Dan Potvin. All in favor. Motion APPROVED.

SELECTBOARD ORDERS

The Selectboard reviewed and approved the following orders:

WARRANT #37 \$ 7,811.36 payroll

WARRANT #38 \$10,654.25 accounts payable

COMMUNICATION UNION DISTRICT

Bill Levine indicated that the group now consists of 15 towns. It has received a \$200,000.00 grant. The funds will be used to conduct a pole survey in Stamford, Whitingham and Halifax. The original goals of the district were to build in the least-served areas first. Bill Levine said we are being given priority, along with Readsboro and Halifax.

RESPONSE FROM SCHOOL DIRECTORS TO USE GYM/MULTIPURPOSE ROOM FOR SELECTBOARD MEETINGS

Bill Levine attended the Schoolboard meeting and advised that they consulted with the Secretary for the Agency of Education. The Secretary allowed the use of the gym/multipurpose room due to the fact that the Selectboard is a government entity needing to conduct business. The Selectboard reviewed the letter from the School Directors who voted to allow the Selectboard to use the room. The School Directors also imposed several stipulations such as 6' social distancing at all times, the wearing of masks at all times, a temperature/health check screening by all who attend, limited use to the gym only and the town must pay for cleaning/disinfection. Nancy Bushika felt the Secretary's allowance would help other towns such as Readsboro, whose Selectboard has also not been able to use their facilities. Mike Denault and Dan Potvin both disagreed with the restrictions. The Governor's order is not a law, it is a guideline. It states that masks should be worn when social distancing cannot be maintained. It also states that people who cannot wear masks due to health reasons are not required to do so. Mike Denault feels he has the constitutional right to free speech and it is wrong to force someone to wear a mask. He cannot physically wear a mask and will resign if he is prevented his constitutional right to attend a meeting. There are lawsuits pending across Pennsylvania that the Governor's orders are unconstitutional. The Selectboard is complying with the open meeting laws by allowing people to attend in person or remotely. Dan Potvin agreed that you can't force someone to wear a mask. He would like to see the guidelines that the Schoolboard refers to. Chris Warren felt the School Board is governed by the Agency of Education rules in addition to the Governor's rules and they are more restrictive. Bill Levine interjected that the School Directors have control of the gym. Mike Denault argued that the state gives them control of the school, but this is a mixed-use building and we have yet to define exactly what areas are school and when. That area is deemed a multipurpose room and the kids are not using it. It is owned by the taxpayers of Stamford and we all have the right to free speech in that room. We must defend the rights of the townspeople to use this building. Nancy Bushika asked if we hold meetings in the town office and too many people show up, will they have to leave? Dan Potvin said no and asked Bill Levine if too many people show up and the Selectboard deems it an emergency, would he open the school as Emergency Management Director? Bill Levine responded that the board would have to declare that there is an emergency for him to take over the building. Mike Denault believes the health screening request goes against the HIPAA laws and felt we are all adults who would not attend a meeting if we are sick. Mike Denault feels this board is most concerned with the safety of the people, which is why it is necessary to have access to the multipurpose room when the Selectboard cannot hold a socially-distanced meeting in the town office. Mike Denault and Dan Potvin do not feel the Selectboard can force compliance of the mask wearing and health screening of every person who attends a Selectboard meeting. Nancy Bushika asked the board if they would like to hire Rich Cristofolini, the school custodian, to set up and clean the area after use. The board agreed and Nancy Bushika will contact him. The costs may be reimbursable through a COVID grant. The Selectboard will respond to the School Directors indicating that they will recommend that everyone wear a mask and suggest everyone undergo the health screening, but will not force someone who is unwilling, and will not refuse someone the right to participate because of it.

MOTION by Dan Potvin to change all regular Selectboard meetings to the first and third Friday of each month at 6 p.m. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

ROAD CONDITIONS

1. It is time to discuss winter sand. It is difficult to obtain competitive bids because no one wants to haul sand this far. For several years now we have not bid it out, we have asked Eilers Bros. for a price and Dave Tatro has been very happy with their product and service. Mike Denault suggested we ask for a price and can discuss hiring them again if it is reasonable.
2. Dave Tatro ordered a new crank for the tractor engine. They pulled apart the engine and saw it was cracked.
3. The highway crew has been working on Maltese Road.
4. Deb Darling asked if the highway crew could look at Clough Road to clean out the silt that has built up in the culvert. Dave Tatro will look at it and will need to call the Agency of Natural Resources to obtain a permit if he needs to do any work.
5. The driveway letters haven't gone out yet. A property owner on East Road tried to install a water bar to reduce the water spill into the road.
6. The state was supposed to fix the culvert at the intersection where Brown Brook Road meets Main Road, but they have not done so.

RECYCLING

1. The state has acknowledged receipt of the town's application to recertify the transfer station for another ten years. The next step is to notify the abutters of the application and publish a legal notice. The state has removed the town from the e-waste list.
2. Mike Denault is not aware of any more dumping on Class 4 roads.
3. Dave Tatro will review the recycling update sheet before it is finalized.
4. Nancy Bushika is working with Dave Tatro to finalize a letter to be sent to local haulers to contract for the town's transfer station hauler work. She would like to have the bids back by the first meeting in November.

FINANCE COMMITTEE

Nancy Bushika asked if the Selectboard would like to appoint a Finance Committee for the upcoming budget season. Pat Sullivan is unable to participate. The board hopes Heather Tietgens and Tyna Senecal will be willing to serve again this year. Nancy Bushika noted that the Vermont League of Cities & Towns stated last year that the Finance Committee was advisory only, and since it was appointed by the Selectboard, did not have jurisdiction over the school budget and probably not the fire department budget. Mike Denault values the input they provide. Nancy Bushika thought it gives more transparency. Dave Tatro believes town meeting goes smoother with the support of the Finance Committee. The board agreed to appoint a Finance Committee as in the past. They changed the guidelines to ask the committee to review their opinions with each board prior to distribution to the public but removed the deadline date. Anyone interested in serving on the Finance Committee should contact a member of the Selectboard.

CLAYTON AVENUE HEALTH OFFICER INSPECTION

The Health Officer has visited the Clayton Avenue property five times and has not seen any trash overflowing that would create any type of health hazard.

REAPPRAISAL CONTRACT

1. Nancy Bushika contacted Lisa Wright about the increase in the contract cost. She provided a lengthy response but was not willing to reduce the rate. The amount is not worth the town's effort to start over and rebid the job and every year costs go up. Lisa Wright indicated that data collectors could save the town money. She will not train the data collectors so unless they are willing to give the town a long-term commitment, it might not make sense. Also, they would have to be hired by the town. Nancy Bushika will speak to Lisa Wright to see what the job entails. One application for the data collector position has already been received.
2. Lisa Wright recommended the town hire Sansoucy to appraise the utility properties in town. She estimated it would cost around \$6,000.00. It is a gamble as to whether the new value would be worth the cost. Chris Warren felt since we are reassessing the rest of the town, we should also reassess the utilities so everything is up to date

and accurate. The board agreed and Nancy Bushika will let her know.

MOTION by Dan Potvin to hire Wright Appraisal Company for \$90,644.00 to reappraise the town for the grand list year 2022. SECONDED by Chris Warren. All in favor. Motion APPROVED.

COVID-19 GRANTS

The board reviewed the bid from Carl Newsome. Option 1 would be to install a mail slot in the back door of the town office for \$180.00. Option 2 would be to remove a small window in the rear of the town office, install the mail slot, and insulate and finish the area to match the interior and exterior for a cost of \$680.00. Nancy Bushika is concerned that snow melting and falling off the roof in back is a potential hazard. Perhaps a railing could be installed to encourage people to walk close to the building and avoid the area where the snow falls. Lori Shepard would prefer Option 2 since the collection basket/box would have to be moved every time the door was opened with Option 1. The town will watch for the overhanging snow and take precautions as needed.

MOTION by Dan Potvin to accept Option 2 and hire Carl Newsome for \$680.00 to replace a small window in the back of the town office and install a mail slot. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

MOTION by Chris Warren to purchase a motion sensor camera for the area at a price not to exceed \$300.00. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

VERMONT POLICE/BENNINGTON COUNTY SHERIFF'S DEPARTMENT

Nancy Bushika saw an article in the Deerfield Valley News about possible changes to the way the state handles dispatching. If the state implements this new system, they could charge the town for every call they respond to. This would cost towns a lot of money. Mike Denault does not think that is right when their services are already paid for with tax dollars. Mike Denault felt the article was disturbing and is something we need to pay attention to. We may need to seriously look into law enforcement in the next year. There were also a couple of unusual entries on the Bennington County Sheriff's Department bill this month.

MOTION by Dan Potvin to adjourn. SECONDED by Carol Fachini. All in favor. Motion APPROVED. The meeting adjourned at 8:51 p.m.

Carol A. Fachini
Clerk

CAF/las

REMINDERS

1. The town office continues to be closed in accordance with the Governor's Stay Home – Stay Safe Order to slow the spread of COVID-19, but we are open by appointment and are willing to assist our residents by email, regular mail, or telephone.
2. Anyone interested in serving on the Finance Committee should contact a member of the Selectboard.
3. Please visit the town's official website: townofstamfordvermont.org.