



# Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075  
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## Selectboard Regular Meeting Approved Minutes

### Thetford Town Offices

(w/Virtual Attendance Option)

Monday, July 19, 2021 7:00pm

Selectboard members present: Sharon Harkay (Chair), Li Shen (Vice-Chair), Steve Tofel

Selectboard members absent: Mary Bryant, Nick Clark

Others present: Bryan Gazda (Zoom attendance - Town Manager), Lisa Niccolai (Zoom attendance - White River Conservation District)

Total attendance in meeting room: 3

Total attendance on Zoom: 18

Discussion participants: Stuart Rogers, Wayne Parks

Sharon Harkay called the meeting to order at 7:01pm.

### 1. Agenda Review

Sharon Harkay said a request came in from the Thetford Center Community Association after the agenda was finalized. They would like to use the town green. The request will be added after the Lake Wise presentation.

### 2. Town Manager Report – Bryan Gazda

#### 1. AT&T Update

Bryan said he had a phone call with attorney Ed Adrian this afternoon. A conservation easement is being requested by the State Agency of Natural Resources (ANR). There have been meetings between the town, AT&T and ANR, and we are working on a letter of intent between the Upper Valley Land Trust (UVLT) and the town. The reason for this letter is that the UVLT is not going to be able to execute an easement with us until late next winter or early spring. The letter will state that we are going to enter into this conservation easement. Bryan said he found out late last week that the ANR is requesting a Memorandum of Understanding between all three parties. Ed Adrian and Will Dodge will be working on that over the next 2 weeks and there will be more discussion at the August 9<sup>th</sup> meeting.

#### 2. Municipal Roads Grant

Bryan was notified that the town is in line for a Municipal Road Grant of approximately \$14,800.00 for the state fiscal year 2022, although he doesn't have the agreement yet. We will be using that for the ditching and culvert plan from Two Rivers Ottauquechee Rivers Commission.

#### 3. Open Positions

An interview for the joint position of Lister's Clerk/Zoning Administrator is scheduled for Wednesday morning with the applicant, the chair of the Planning Commission and Development Review Board, and Li Shen. The Planning Commission needs to make a recommendation to the Selectboard, who will then make the appointment.

#### 4. New Equipment

The new front-end loader arrived today. The rear fenders and strobe light were not on the loader, but Bryan spoke with the salesperson, and they will be in sometime this week to put those on.



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### 3. Public Comment

Stuart Rogers said agenda item #8 (Discussion of labor relations agreements with employees, anticipated Executive Session pursuant to Title 1 V.S.A. 313(a)(1)(b)) is vague and wanted to know what it pertains to. Sharon Harkay said they would not be going into Executive Session, but instead she is going to introduce what she is working on without getting into specific details. The discussion will be open.

### 4. Lake Wise Presentation with Lisa Niccolai, White River Conservation District

Sharon Harkay introduced Lisa Niccolai from the White River Conservation District, who is spearheading the program.

Lisa Niccolai introduced herself and explained that the White River Conservation District has partnered with the Department of Environmental Conservation (DEC), Lakes and Ponds division to bring Lake Wise to different parts of Orange County. Recently a tactical basin plan was created which looked at the watershed area and identified Lake Fairlee as a priority for protection and enhancement. Lake Fairlee is in pretty good shape right now but has some disturbing trends. It came to our attention through this tactical basin plan that we needed to make some positive impacts on the lake. We worked with the DEC and Lake Wise is a program they are supporting to help shoreline owners improve their management around the lake, to protect water quality, and to reverse some of these trends. Lisa said Lake Wise is completely voluntary, the landowner is not obliged to do anything if they agree to have a Lake Wise assessment. Someone from the state and the program would come to your property, look at what's happening on the property, and help address any issues such as erosion and shoreland areas. There are four areas of focus: driveways, recreation areas, structures and septic, and shorefront. When Treasure Island became a topic of discussion, it seemed like this would be an opportunity to do a Lake Wise assessment because it does involve all these issues in one form or another. Once you go through an assessment, you don't have to do anything, but the hope is that people will be inspired to act. The Shoreland Protection Act would be invoked for any activities that are 250' from lake shore, so as the town is starting to think about how they are going to manage Treasure Island, that's something to consider. It deals with impervious surfaces or clearing of vegetation on the shoreland. By doing a Lake Wise assessment we can work together to help address the kinds of concerns that are part of the Shoreline Protection Act. The district was recently awarded funds from DEC to do a lake watershed action plan. This will allow the district to subcontract with engineers who will look at the entire watershed around Lake Fairlee and identify key areas that are causing issues with the lake. This would make Lake Fairlee eligible for additional funding from the state. We anticipate that it will be next year when most of the assessments will take place. Lisa said that Treasure Island will be an area identified as an important area for improving some of the erosion issues, and shoreland areas. Lisa asked if there would be interest from the town in pursuing an assessment for Treasure Island. This might be beneficial when creating the master plan for Treasure Island.

Sharon Harkay said that she was at the Treasure Island Exploratory Committee meeting when Lisa spoke to them, and she mentioned that the assessment would give a list of recommended items. We could pick and choose to do certain items, but if we did all we would get certification. Does that do anything for us if we get certification? Does that open the door to more funding or is it more of a feel-good piece of paper? Lisa said there are a couple of factors. By getting



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certified you do get a nice feel-good sign to put up. There is an educational opportunity to demonstrate and possibly use some signage that would be appropriate in a place like Treasure Island, to say there are native plants going in here and we are doing this to protect water quality and improve your swimming experience – things like that. In terms of additional funds, going through the Lake Wise assessment would also demonstrate a huge commitment to protecting water quality as well as recreational needs. Any time we can partner up and show commitment working towards a goal is beneficial in terms of seeking funding for some of these projects. You are right in that you will get a list of all the things you could do to the property, and you are not obliged to do them all. Lisa gave examples of some projects that could be recommended.

Li Shen said that Lisa mentioned that the Shoreline Protection Act has jurisdiction over anything 250' from the shoreline. Does that mean it has to be a buffer zone or does it just say what can and can't be there? Lisa said she is not as familiar with the Shoreland Protection Act, as it's really a jurisdiction of the state, but as she understands it, it's not completely a buffer. It is changes that may be happening in that zone, so if there is going to be an increase in impervious surfaces or things like that, then it must be permitted through the state. There are some restrictions on clearing of vegetation which does include the layer of leaves and other matter. There is a formula for how many and what size trees can be removed.

Sharon said that it has come to her attention that we have wake boats on the lake. What is going to be done to address that situation? It sounds like they are really damaging when it comes to shorelines. Is the Shoreline Protection Act going to step in and try to control these boats in any way? Lisa said that's outside of her area of knowledge, but she would hope so. The other approach is doing what we can to protect the shorelands.

Li said there is a group called the Federation of Vermont Lakes and Ponds and has heard that they may ask the DEC to write rules for specific lakes to limit what kinds of activities can be done on a specific lake. This would not be legislation but a writing of rules, although Li said she doesn't quite understand how it works.

Steve Tofel asked if the survey being done of the shoreline is just Treasure Island or the entire lake. Lisa said they are doing outreach to all the lakeshore landowners. They were in contact with some landowners last year, and they have been in contact with some of the camps. Treasure Island is of interest because of the size of the property. Everyone around the lake would be of interest, but it is voluntary. The goal is to have several people get certified and then cultivate interest in other landowners to do the same.

Wayne Parks asked for an explanation of a wake boat.

Li said a wake boat is a type of motorboat that is designed and engineered with a large ballast to displace as much water as possible so it creates a big wave that people behind can surf on. They are very powerful, and Li heard that a wake can be up to 8' tall. They are viewed as a real nuisance to other users on paddleboats or kayaks or even sitting on a dock.

Sharon said that's why she asked Lisa about them because we can do everything that Lake Wise suggests for protecting our shorelines, but if these wake boats continue to cause damage she doesn't know if the shoreline can hold up to it.

Sharon thanked Lisa for coming to speak at the Selectboard meeting. They will discuss whether to join the program and get the assessment done on a future agenda.



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## **Agenda Addition: Request for the usage of town green.**

Sharon Harkay said she looked at the new sign on the town green and it directs people to contact the town manager for usage of the green. The current facilities policy still says people need to come to the Selectboard. Since the policy has not been updated, we will take action on the request tonight. The Thetford Center Community Association would like to hold a Local Vendor Market Fair on August 8th, from 9 to 5. The money raised will help with maintenance of the community building.

**Motion** by Steve Tofel to approve the request of the Thetford Center Community Association to hold a Local Vendor Market Fair on August 8<sup>th</sup>, 2021, from 9am to 5pm. **Roll call VOTE:** Li Shen in favor, Steve Tofel in favor, Sharon Harkay in favor

## **5. Setting date for Public Hearing for Flood Hazard Area Regulations**

**Motion** by Li Shen to hold a public hearing to discuss and approve the Flood Hazard Area Regulations at the Selectboard meeting on August 23<sup>rd</sup>, 2021. **Roll call VOTE:** Li Shen in favor, Steve Tofel in favor, Sharon Harkay in favor

## **6. Municipal Planning Grant**

Bryan Gazda said he wanted to get this information in front of everybody so they can look it over. This is a planning grant, not a structural grant, with a November 1<sup>st</sup> deadline. Bryan will reach out to the Planning Commission chair, and hopefully we can provide some feedback on options for use of the grant at the August 9<sup>th</sup> meeting. There is a \$2500.00 match. Bryan said he was thinking about Treasure Island or the Timothy Frost building, but he said studies have already been done for that building. Bryan said he has been in touch with the Agency of Commerce and Community Development. Bryan will continue to work on it.

## **7. Discussion of labor relations agreements with employees, anticipated Executive Session pursuant to Title 1 V.S.A. 313(a)(1)(b)**

Sharon said the further we go into the town manager form of government, grayer areas are discovered as far as who does what, and there has been some confusion over any number of these items. Sharon has talked with the Vermont League of Cities and Towns, who agreed that there are a lot of gray areas and every town in Vermont has to figure out how to handle them.

Sharon said she also spoke with both the Town Clerk/Treasurer and Town Manager to get their input. Sharon has the report from the original Town Manager search committee, a first attempt at a chart of duties, and other documents to review, which will be her next step in the process. She will then create a chart for review.

Sharon said that everyone wants this form of government to work., but like other towns, there needs to be some clarification of roles. When she gets back from vacation, she will continue to work on this.

## **8. Warrants and Minutes**

Going forward, the warrants will be in the meeting room for Selectboard review and approve, instead of the list used when the meetings were held remotely.

**Motion** by Sharon Harkay to accept the warrants as presented. **Motion accepted (3-0-0)**



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**Motion** by Sharon Harkay to approve the special Selectboard meeting minutes of July 12<sup>th</sup>, 2021 as edited. **Motion accepted (3-0-0)**

Wayne Parks asked if there were health reasons which prevented the Town Manager or other Selectboard members to attend in person. Wayne Parks felt as elected officials, Selectboard members should be at the meeting.

There was discussion about virtual member participation according to the Vermont Open Meeting Law.

## **Adjourn**

**Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 8:04 p.m. **Motion accepted (3-0-0)**