



Town of Thetford Vermont

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**Flood Hazard Zoning Bylaw Hearing
And Selectboard Special Meeting Minutes
Thetford Town Offices
(w/Virtual Attendance Option)
Monday, August 23, 2021 7:00pm**

Selectboard Members present: Sharon Harkay (Chair), Li Shen (Vice-Chair), Mary Bryant, Steve Tofel (on Zoom)

Selectboard Members absent: Nick Clark

Others present: Bryan Gazda (Town Manager), Tracy Borst (Town Clerk/Treasurer), Martie Betts (Selectboard Assistant)

Total meeting room attendance: 2

Total Zoom attendance: 20

Flood Hazard Area Zoning Bylaw Hearing

Selectboard Chair Sharon Harkay called the meeting to order at 7:01 PM. Selectboard members introduced themselves. There were no Planning Commission members in attendance. Li Shen gave a brief explanation of changes to the bylaw. There were no questions.

Motion by Li Shen to accept the new Flood Hazard Area Zoning Bylaw as already approved by the Planning Commission on June 15th, 2021. **VOTE by Roll Call:** Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor

Motion to adjourn the hearing on the Flood Hazard Area Zoning Bylaw at 7:06 PM and convene the Selectboard meeting. **Motion passed (4-0-0)**

Special Selectboard Meeting Agenda:

Sharon Harkay called the meeting to order at 7:06 PM.

1) Agenda Review

No changes to the agenda.

2) Town Manager Report – Bryan Gazda

a) Route 132 Update

Bryan has just received the project update and explained they will be moving to a bi-weekly project update on Wednesday mornings, instead of weekly as they are now scheduling 2 weeks ahead. There has been one issue getting materials for the underdrain, as the original supplier was not able to provide what's needed. Another supplier has been found with a little bit of additional cost, but still within overall budget. They are finishing up the boxing out of the road with a goal of completing that by Labor Day. That should reduce the number of 10-wheel trucks that are on the road. The plan is to get the base coat on by the end of October.

b) COVID-19 Mask Requirement

Bryan has contacted the Vermont League of Cities and Towns and was told that the town did have the ability to require masks in municipal buildings. Bryan said he also contacted Mariah Whitcomb, Thetford's Emergency Management Director, who confirmed that Orange County is considered a substantial transmission area and the CDC website recommends indoor masking for



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substantial and severe transmission areas. The recommendation is for the mask mandate to be in effect for the next 4 weeks.

c) Post Mills Dangerous Building Update

Bryan said the property owner has contractors lined up to take down a portion of a building. Zoning regulations will be reviewed to determine whether he can keep the footprint of the building if he removes the entire current structure.

d) Treasure Island Update

Bryan said Treasure Island will be open as much as possible. A new person has been hired to help with the gate. There is also a grant opportunity for recreation, with the letter of intent due by Friday. We are looking at a tri-town agreement, and Bryan has received some comments from the Treasure Island Exploratory Committee. Sharon said she had heard the committee was thinking of putting in for a study of the old caretaker building, possibly turning it into a center that would house various things, and in the grant write up she noticed they could put in for signage. Sharon asked if they were going to try to cover signage with the grant or do fundraising. Bryan said fundraising has already begun for the signage. Mary Bryant asked if the Lake Fairlee association or the committee was working on putting up a new sign, because she has seen mock-ups for one. The committee has been working on that. Li asked Bryan to elaborate on the tri-town agreement. Bryan said it was his understanding that the Selectboards in West Fairlee and Fairlee are interested in working together on this, as Treasure Island is a treasured resource. What could we do collectively together that might give more weight in the application process? We would be the lead agency. Sharon noted that Delsie (*Delsie Hoyt, West Fairlee Selectboard Chair*) is the one that brought the grant to our attention. Bryan said this is also an opportunity for getting a master plan for Treasure Island, and then build off that for future improvements. Sharon asked if there was an idea of how many weeks the gate would be open. Bryan said it's a week-by-week situation. The current employee is a student, so they have more availability in the afternoons. Lifeguards will end after Labor Day weekend. Sharon asked for more specifics. Bryan said the beach should be open from 3:00 PM to 7:00 PM, but he doesn't know how many days a week this employee will be there. Bryan said they will put the information out on the website once they know. Bryan said discussion about opening without staff leads to thoughts about the gate, why it was put in, and do we need to change the location. If we are thinking of using Treasure Island as more of a four-season type of area, do we need to move it? It will be a little bit of work to move it down because the opening is a little wider than the span of the gate.

3) Public Comment

Jim Masland said he would like to join in on the discussion about the Lebanon landfill when it comes up. Jim said he wanted to alert the Selectboard that there is no water in his fire pond. He said he had met with the Fire Department some time ago and said they should have a discussion with the Fire Department about this topic and what to do about it. His agreement with the Fire Department was signed decades ago. Sharon asked how the water normally gets into the fire pond. Jim explained there is a stream on the high side of his driveway from the old Pero well. There is a pipe that runs under the driveway and empties just above the pond. The pit liner that was put in 30 years ago, has cracked and no longer holds water. Li said she thought the history of the fire ponds was because in some previous Town Plan it was noted that Thetford was really deficient in firefighting ability, and there was a big push to get private landowners to build fire



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ponds. About 25 ponds were built at that time. Jim said his location is good for a fire pond. Sharon wondered if they needed to call a special meeting or if it can wait until the September 13th meeting, or if Jim could just sit down with the Town Manager to discuss between meetings. Jim felt the best use of everyone's time would be to talk Bryan.

4) Lebanon Landfill Discussion with Tom Kennedy

Sharon introduced Tom Kennedy, who is with the Greater Upper Valley Solid Waste District (GUVSWD). Tom said this agreement is an amendment to a solid waste agreement all the towns signed in the year 2000. The reason for this is the City of Lebanon is going to a bar code system for waste. Depending on which option the town chooses, a resident can go to go to the City of Lebanon's website, download a permit which is associated with a bar code, and then load that barcode with funds. When you go to the gate in Lebanon, they will scan bar code and debit your account. The agreement goes into effect on September 1st of this year. The GUVSWD has spent 2 ½ months negotiating with the city. When they first got the agreement, they hired their attorney to review the original contract on behalf of the district and municipalities, which resulted in some changes. Reviewing the agreement, Tom pointed out that the Town has 3 options; 1) the town would act as an agent for the City of Lebanon. A resident would come into the Town Hall, and the designated agent would assist that person in getting their permit and bar code. 2) the town signs the agreement, but the individual resident would need to go to the Lebanon website to purchase the permit and load the barcode. 3) the town does not sign the agreement. By not signing, no resident or commercial entity that has a place of business in the town of Thetford, would be allowed to go to the landfill and the 2000 agreement would stay in place. That 2000 agreement is not friendly to towns because in that agreement there is no pro rata share when it comes to closing costs, or if something happened at the site and you had to spend a considerable amount of money to remedy the situation. The 2000 agreement does not have a time associated with it; it's based on when they fill a cell. Over the years it's been very difficult to determine when the city has completed a cell and opened another. All the towns in the GUVSWD except for Norwich does not control their trash. If you sign this agreement and the municipality controls the trash, with the non-compete clause in this agreement it is clear that whoever handles trash in your town must bring it to Lebanon. Since Thetford does not have a facility, the town is not controlling it so therefore the non-compete clause does not apply. The other major change in this amendment is there is an opt out clause which says with a year's notice you can opt out of this agreement.

Tom says he has talked with every town so far, and all towns to date are selecting Option 2. No town has declined to sign the agreement.

Sharon asked how this would work for residents that don't have smart phones. Tom said that is problematic, and they would need to ask a relative or neighbor for assistance. Tom said the bar codes can be printed off and they can be loaded digitally using either a debit or a credit card. Tom said he forgot to explain that the City of Lebanon has an ordinance called the "Welcoming Ordinance" which is an ordinance that says an agent or employee of the City of Lebanon cannot assist any immigration efforts made by ICE (*Immigration and Customs Enforcement*). If you choose to have the town be responsible for these permits, whoever the agent is for the town will have to go through a welcoming training.



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Joanne Kirsten said she just purchased a new card with 10 punches, which she will not be able to use up by September 1st. Can that money be applied to the new bar code system? Tom said he does have an email into the city asking that question, as it has come up in previous discussions. Tom said he also wanted to mention that towns are going to have to report the amount of recycling that they do, but GUVSWD has been creating these reports for some time now and they will take care of it.

Stuart Rogers said he understood that the permit with the bar code will be required on September 1st but the process of loading money on to the permit will take place slowly over the next couple of years. Punch cards will still be accepted at the gate.

Jim Masland, as the representative to the solid waste district, has been aware of these negotiations. He said the new agreement is somewhat better, and he would urge the Selectboard to sign it.

Motion by Sharon Harkay to accept the Municipal Solid Waste Agreement with the City of Lebanon, choosing Option #2 under Permit Required which opts to allow residents to obtain individual permits directly from the City of Lebanon through their online portal, therefore being able to dispose of their acceptable waste directly to the Lebanon Solid Waste Facility beginning September 1st, and to authorize the Town Manager to sign the agreement.

Tracy Borst said she wanted clarity on the implications of this agreement. We still have our recycling center in Thetford, and we still have access to the Hartford landfill and recycling. This agreement doesn't come with a dollar amount except when the cell closes and we're on the hook for our portion of packing that cell. Tom Kennedy said that part of the bag fee goes to a closure cost, and that goes into a fund. With this agreement going forward it's going to be based on pro rata share based on how they are tracking the tonnage going through. With this new system they will be tracking the tonnage by town, whereas right now they track it by the hauler. Right now, it is difficult to determine the number of people from the Town of Thetford who use Lebanon and how much tonnage they are disposing. No matter what landfill you use, there is always some exposure. Tracy responded that this agreement isn't an exposure to the municipality of Thetford to make a payment—the users are paying. Tom said the municipality is representing the users, as it is an agreement between the Town of Thetford and the City of Lebanon. There is some exposure to the town, but it is much less than the existing agreement. Sharon wanted to know if even though only a few of our residents may take their trash to Lebanon, the whole town will be chipping in to close the cell. Tom said the cost is based on the numbers of users and the tonnage. Jim Masland said that currently the trash from the recycling center on Saturday mornings also goes to Lebanon, which means it's calculated in the town's portion of tonnage. Tom confirmed and added that Lebanon is required to establish the fund and there is a significant amount of money in it, but there is liability to the town. Tom said that to date Lebanon has generated enough revenue to pay for the capping of the cells, this is more of a situation in which Lebanon would have to do something above and beyond, and so they may be seeking additional funding.

VOTE by Roll Call: Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor

5) Memorandum of Understanding and Letter of Intent for Conservation Easements of Town Lands with Attorney Ed Adrian



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Sharon Harkay introduced Ed Adrian, the attorney that has been working on the AT&T cell tower agreement and negotiations. Ed Adrian then introduced the attorney working with AT&T, Will Dodge, who gave a review of milestone dates for the project. The current MOU and Letter of Intent puts 50% of the town forest on 5 Corners Road under a conservation easement with the Upper Valley Land Trust. The details of the easement will be worked out over the course of the next two years. The Memorandum of Understanding allows for the construction of the tower to go forward while the conservation easement is being worked out. It is anticipated that the tower will be in use by the spring of 2022.

The tower will be 195 feet high and there are no plans for any lighting.

Motion by Sharon Harkay to accept the wording of the Memorandum of Understanding and Letter of Intent between the Town, AT&T, Agency of Natural Resources and the Upper Valley Land Trust, and to authorize attorney Ed Adrian to sign both. **VOTE by Roll Call:** Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor

6) Discussion of Five-Year Road Plan with Rene LeBlanche from Stantec

Sharon Harkay introduced Rene LeBlanche from Stantec Consulting Services, who will discuss a 5-year road plan.

Rene explained that he has been talking with Bryan about the need for an assessment of all the roads in Thetford. Rene reviewed information that was in the meeting packet.

There was discussion about the culvert evaluation recently conducted by Two Rivers Ottauquechee Regional Commission.

Bryan said there is money in the budget for Stantec to do the assessment. Once the assessment is completed, he can determine with the Department of Public Works (DPW) Director whether the work needs to be contracted out.

Motion by Li Shen to accept the proposal from Stantec Consulting Services for a Town Wide Roadway Assessment in the amount of \$36,375.00, and to authorize the Town Manager to sign the contract. **VOTE by Roll Call:** Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor.

7) Senior and Affordable Housing Committee (SAHC) – Request for Time with Selectboard

Sharon Harkay apologized to the members of the committee who had been waiting for this discussion. Mary Bryant, liaison to the committee, said at their last meeting several questions were discussed that they wanted to bring before the Selectboard.

a) Consideration for SAHC to change their committee's name

Sarah Martel, a member of the committee, said the members would like to suggest changing the name to the Thetford Housing Committee. Sharon said the Selectboard could rule on that during this meeting. Stuart Rogers asked if by changing the name of that committee, would it then change their bylaws or charge.

b) Selectboard to give charge to the SAHC

Mary Bryant said that many members of the committee have resigned, and the three current members thought it would be fitting to have new charge. Two options were given:

#1 The Senior and Affordable Housing Committee will work with citizens of Thetford, the Town Manager, Town Planning Commission and regional agencies to address our town's



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housing crisis. The committee will provide education on the causes and solutions to our housing shortage and provide opportunities for citizen engagement to understand the issues and to participate in creating housing solutions for senior citizens, present citizens of Thetford and those that wish to make the town of Thetford their new home.

#2 The Thetford Housing Committee plans to focus on promoting housing that supports current residents, people who wish to join our community, and those who wish to return to their hometown.

Sharon noticed that any quest for land for housing was not included in either option. Mary Bryant said that right now the committee is not interested in looking for land. Sarah Martell added that the former committee was under a different town government structure, and this committee would be more of an education advocacy group.

There was discussion about removing the words “senior” and “affordable”. The current committee members want to remove implications of either a very specific charge or bias. Cathee Clement, another committee member, said that specificity is not needed in the title or the mission statement. The work of the committee will determine what direction to go in, and what to look at, but it should not be directed by the title. Sarah agreed and said that they want to stay away from the word affordable. Sharon Harkay requested the ideas in writing and the Selectboard will review at the September 13th meeting.

c) Change the quorum of SAHC to 3 (max. of 5) members so committee may vote and proceed with decisions/actions.

Currently there are only 3 members on the housing committee, and they have asked that the number of committee members be changed to a minimum of 5 and a maximum of 7. There was discussion about whether a committee could have a minimum and maximum number. In order to move things forward with a quorum, the number of members would need to be five.

Motion by Sharon Harkay to change the title of the Senior & Affordable Housing Committee to the Thetford Housing Committee, to change the number of members to five, and to review their mission statement at our next meeting on September 13th. **VOTE by Roll Call:** Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor

8) Discussion about Agricultural Tax Stabilization, Draft Language

The Selectboard reviewed draft language for the tax stabilization process. The Selectboard would like to run it by the Vermont League of Cities and Towns. Bryan will consider how it might impact the budget and ask the Listers to generate a list of information about the number of agricultural parcels in town.

9) Appointment to the Connecticut River Joint Commissions Upper Valley Subcommittee

Motion by Sharon Harkay that we appoint Linda Mattson as a representative to the Connecticut River Joint Commission’s Upper Valley Subcommittee, effective immediately. **Motion passed (4-0-0)**

10) Review and Possible Approval of Lister’s Errors and Omissions



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Motion by Li Shen to accept the Lister's Errors and Omissions Certificate presented by the Listers for property 642-202-11374 for a Real Value Change from \$275,930 to \$224,620.

Motion passed (4-0-0)

11) Approval of One-Time Request Caterer Applications (Liquor Commission) – move item.

Sharon Harkay temporarily adjourned the Selectboard meeting and convened a meeting of the Liquor Commission at 9:44 PM.

Motion by Mary Bryant that we approve the applications to serve alcohol from Monkey House Hospitality, LLC at Camp Ohana on October 2nd, and October 10th, 2021. **Motion passed (4-0-0)**

Motion by Sharon Harkay to approve the application to serve alcohol from Blood's Catering & Party Rentals, Inc at Camp Ohana on September 5th, 2021. **Motion passed (4-0-0)**

Sharon Harkay adjourned the meeting of the Liquor Commission and reconvened the Selectboard meeting at 9:47 PM.

12) Consideration of Request to Bury Utility Lines

Bryan Gazda said he had 2 requests to install underground electrical power lines, one on 5 Corners Road and the other on Cadwell Road.

Electrical contractor Pat Dixon will install approximately 955 linear feet of electrical power cable for Thomas Troy. Blake Excavating has agreed to install a new culvert free of charge, while doing the work for Pat Dixon. Conrad Reining is requesting an approximate 55 linear foot cut across Cadwell Road for the installation of underground power cable.

Joanne Kirsten expressed concerns about potential damage to her property, as there has been substantial damage done in the past. Bryan assured Joanne that the width of the road will not change.

Bryan's recommendation to the Selectboard is to approve both projects. Work on 5 Corners Road will cause the road to be temporarily closed for a few hours.

Motion by Li Shen to approve of the installation of underground power lines in or across Cadwell and 5 Corners Roads, and to accept the offer to replace the culvert on 5 Corners Road at no cost to the town, as described in the plans presented.

VOTE by Roll Call: Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor

13) Warrants and Minutes

Motion by Steve Tofel to accept the regular Selectboard meeting minutes of August 9th, 2021, as presented. **Motion passed (4-0-0)**

Motion by Sharon Harkay to accept the warrants as presented. **Motion passed (4-0-0)**

14) Adjourn

Motion by Steve Tofel to adjourn the Selectboard meeting at 9:52 PM. **Motion passed (4-0-0)**