



Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075
802-785-2922 • thetfordvermont.us

Selectboard Regular Meeting *Draft* Agenda Thetford Town Offices

(w/Virtual Attendance Option)

Monday, December 6, 2021 7:00pm

To connect to Zoom via computer: <https://us02web.zoom.us/j/88122490498>

To connect via phone only: +1 (646) 558 8656 | Meeting ID: 881 2249 0498

Note: Selectboard meetings are in public, but not of the public. 1 V.S.A. § 312 (h) states, "At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson."

7:00pm – Call to Order

- 1) Agenda Review
- 2) Town Manager Report – Bryan Gazda
 - a) Update on AT&T
 - b) Budget Update
 - c) Other
- 3) Public Comment
- 4) Consideration of Request to Waive Homestead Declaration Late Filing Penalty
- 5) Discussion of Possible Town Mask Mandate
- 6) Inventory of Town Roads Discussion with Bryan Ruoff of Stantec
- 7) Green Procurement and Energy Efficient Investments, Inc Project with Geoff Martin, Intermunicipal Regional Energy Coordinator
- 8) Discussion of Sharrows Grant
- 9) Discussion of Possible Ballot Mailing to All Registered Voters
- 10) Warrants and Minutes
- 11) Adjourn

Edward G. Adrian (Of Counsel)
Zachary J. Chen
Christian S. Chorba
Steven R. Ducham
Brian P. Monaghan
Claudine C. Safar
Kristen E. Sharris
* Also licensed in NH and ME

Memorandum

Attorney-Client Privileged

To: Bryan Gadza, Town Manager - Town of Thetford, Vermont
From: Edward G. Adrian, Town Counsel
Date: November 23, 2021
Re: Transfer of AT&T Lease to Tower Co.

You have requested us to weigh in on whether the November 17, 2021 request by AT&T to transfer the Lease that the Town signed on February 19, 2021, complies with the terms of the Lease. We offer as follows:

The Operative language found on page nine, paragraph 16 of the Lease provides as follows:

2. 16. ASSIGNMENT/SUBLEASE. Without any approval or consent of the other Party, this Agreement may be sold, assigned or transferred by either Party to (i) any entity in which the Party directly or indirectly holds an equity or similar interest; (ii) any entity which directly or indirectly holds an equity or similar interest in the Party; or (iii) any entity directly or indirectly under common control with the Party. Tenant may assign this Agreement to any entity which acquires all or substantially all of Tenant's assets in the market defined by the FCC in which the Property is located by reason of a merger, acquisition or other business reorganization without approval or consent of Landlord. As to other parties, this Agreement may not be sold, assigned or transferred without the written consent of the other Party, which such consent will not be unreasonably withheld, delayed or conditioned. No change of stock ownership, partnership interest or control of Tenant or transfer upon partnership or corporate dissolution of either Party shall constitute an assignment hereunder. Tenant may sublet the Premises in Tenant's sole discretion.

On September 16, 2021 the Public Utility Commission (PUC) awarded AT&T a Certificate of Public Good (CPG) for a cell tower to be constructed in the Thetford Town Forest. Exhibit 0. Paragraph 4 of the CPG requires that any transfer of the CPG be approved by the PUC in advance. *Id.* at 1.

On October 15, 2021 AT&T Attorney Will Dodge informed the Town that consistent with the terms of the Lease, AT&T would be seeking to transfer the CPG to TowerCo. Exhibit 1. Included in this notice are the points of contact at TowerCo. as well as assurances from AT&T that they will continue to be involved in the cell tower development. On October 15, 2021 AT&T filed a *Motion for Partial Transfer of Certificate of Public Good* of the CPG, requesting that that PUC transfer "construction, ownership and operation of the Tower, Compound, and Access Road." Exhibit 2 at 2. AT&T antennas and equipment would remain under control of AT&T. *Id.*

On November 15, 2021 the PUC approved the partial transfer and stated that TowerCo. and AT&T will remain as co-holders of the new CPG. Exhibit 3. On November 16, 2021, AT&T requested that the Town approve transfer (Exhibit 4) of the Lease to TowerCo. stating in relevant part:




Pursuant to this contractual arrangement, Tenant wishes to transfer its interest in the Lease to TowerCo. TowerCo will assume all the rights and obligations of the Lease, including paying rent. TowerCo will build and operate the tower site as provided in the Lease. Tenant will install its equipment on the tower site. Pursuant to section 16 of the Lease, TowerCo hereby requests Landlord's consent to the assignment of the Lease agreement from Tenant to TowerCo. Tenant will install its equipment after the tower site has been constructed pursuant to the terms of the Lease. TowerCo is fully capable of complying with the financial terms and all other terms of the Lease. Please indicate your consent to the assignment by executing and acknowledging below.

As set forth in the attached exhibits, TowerCo. has been approved by the PUC to take over the CPG and was recognized in that process as having significant experience both in Vermont and elsewhere constructing and managing similar projects.

The Lease with the Town allows for review of any proposed transfer, but contemplates that the consent to transfer not be "unreasonably withheld, delayed or conditioned." Our understanding is that the Selectboard will be reviewing the transfer request at its December 6, 2021 meeting. TowerCo.'s reputation working on similar Vermont projects, was represented to the PUC and that in turn was used to form part of the basis for transferring CPG requirements to TowerCo. During the meetings with the Selectboard leading up to the approval of the lease, AT&T was clear that the project would be transferred to another entity to construct and maintain the cell tower. Based on these factors, it would not be reasonable for the Town to withhold consent for the transfer of the Lease.

We recommend that after reviewing this matter in executive session, the Town vote to approve the transfer in open session and give Bryan Gadza signatory authority for the same.

From: Will Dodge wdodge@drm.com 
Subject: AT&T Thetford: CPG Partial Transfer to TowerCo [DRM-ID.FID926900]
Date: October 15, 2021 at 11:32 AM
To: Edward Adrian eadrian@msdvt.com, Bryan Gazda bgazda@thetfordvt.gov
Cc: Simon Brighenti (sbrighenti@clinellc.com) sbrighenti@clinellc.com, Jeff DellColli jdellcolli@clinellc.com



Gents:

Good morning: I wanted to let you know that, as I believe we mentioned before, AT&T is going to file the paperwork today with the PUC to transfer the CPG of the Tower, Compound, and Access Road (as distinct from the AT&T antennas / operating equipment, etc., for which AT&T retains its CPG) to a company called TowerCo. TowerCo is based out of Cary, NC, but has done several projects for AT&T throughout Vermont. The principals at TowerCo with whom I've worked include Craig Hartman (chartman@towerco.com) and David Hockey (dhockey@towerco.com). TowerCo will be undertaking all the construction with the supervision of AT&T's construction personnel.

This is by no means any type of abandonment of the Project by AT&T: we're still going to be involved at every step (incl. with the conservation easement – I'm setting up the escrow account today), and are pushing to get started with construction this year. I mainly wanted to make sure you received a heads up before the paperwork is filed later today. The CPG transfer process usually takes about 40 days total.

In other news, I'm expecting to have the PDF of the fully-executed amendment back to you today, and understand that Simon Brighenti is taking care of getting everything recorded. No news from UVLT in the meantime.

Thanks and give me a call or write me an email with any questions.


William J. Dodge | Director | Energy, Environment and Telecommunications Group
Downs Rachlin Martin PLLC | Business Sense · Legal Ingenuity
199 Main Street, PO Box 190 | Burlington, VT 05402-0190 | **Mobile:** 802-324-2114
wdodge@drm.com | www.drm.com Admitted in VT, NH, ME 

Exhibit
2

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-_____-PET

Petition of New Cingular Wireless PCS, LLC and Tower Co 2013 LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 906 Five Corners Road in Thetford, Vermont	
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**MOTION FOR PARTIAL TRANSFER OF
CERTIFICATE OF PUBLIC GOOD**

NOW COMES New Cingular Wireless PCS, LLC d/b/a AT&T Mobility ("AT&T") with the support of TowerCo 2013 LLC ("TowerCo" and together with AT&T, "Petitioners") and hereby request that the Public Utility Commission ("Commission") amend the Certificate of Public Good ("CPG") issued in Case No. 21-1227-PET on September 16, 2021, to reflect a partial transfer of obligations for construction and maintenance of the Tower, Compound, and Access Road (as defined below) approved in this Case to TowerCo 2013 LLC ("TowerCo").

In support hereof, Petitioners represent as follows:

a. Introduction

1. On September 16, 2021, the Commission granted AT&T a CPG, authorizing the installation and operation of a telecommunications facility at the Thetford Town Forest, located at 906 Five Corners Road, Thetford, Vermont (the "Property"), on a portion of the Property leased by AT&T pursuant to a lease agreement with the Town of Thetford. The approved Facility was described as a 194'-tall monopole tower (the "Tower") and associated equipment within a 50' x 50' fenced-in compound (the "Compound"), together with an existing 12'-wide access road extending 650' from Five Corners Road that will be extended approximately 1,500'

from the end of the existing road to the Compound (the "Access Road"). Case No. 21-1227-PET, Order of 09/16/2021 at 2.

2. The CPG also authorized AT&T to install six (6) panel antennas all mounted on the Tower at a centerline height of 190' aboveground level ("AGL"). In addition, the Project included a 7' by 7' equipment cabinet, a 50kW emergency backup generator, and other conduits, equipment, and hardware used in connection with AT&T's 4G LTE wireless service. Collectively, AT&T's antennas and equipment as approved are referred to as the "AT&T Facility".

b. Request for Partial Transfer

3. Condition No. 3 of the CPG states that "[t]his Certificate of Public Good shall not be transferred without prior approval of the [Commission]."

4. Pending approval by the Commission, AT&T will be entering into an Agreement with TowerCo concerning the construction, ownership and operation of the Tower, Compound, and Access Road, separate and apart from the AT&T Facility.

5. TowerCo is a member-managed limited liability company headquartered in Cary, North Carolina, that obtained a license to do business in Vermont on January 31, 2014. Formed in 2004 to meet the infrastructure needs of wireless service providers by developing, acquiring, owning, and leasing communication towers, TowerCo has a substantial portfolio of wireless and broadcast communication real estate. TowerCo currently owns over 200 communications towers and has agreements to build and lease infrastructure to various telecommunications service providers. The Commission has previously approved partial transfers of certificates of public good to TowerCo pursuant to orders issued in Docket Nos.

8261 and 8160, dated as of October 1, 2014 and May 14, 2014, respectively. Both of the tower sites in those prior dockets were constructed and now host operational AT&T wireless facilities.

6. Under an agreement with AT&T, TowerCo will provide AT&T with build-to-suit services for the Tower, Compound, and Access Road, so that once constructed AT&T may install, test, operate, and maintain the AT&T Facility. TowerCo will construct, own, operate, and maintain the Tower, Compound and Access Road, while AT&T retains ownership of and responsibility over the AT&T Facility.

7. Petitioners will continue to be bound by the conditions and terms of the CPG and all related permits. TowerCo will be responsible for the construction, operation, and maintenance of the Tower, Compound, and Access Road in accordance with the obligations set forth in the existing and pending permits and approvals, including the CPG, the requirement to assist the Town with granting a conservation easement to the Upper Valley Land Trust for the area to the south of the Compound, and any subsequent orders issued in this proceeding. Similarly, AT&T will be responsible for the installation, operation, and maintenance of the AT&T Facility in accordance with its obligations set forth in this proceeding, other relevant permits and approvals, and any subsequent orders.

8. Following the partial transfer, TowerCo will be responsible for marketing space on the Tower to other telecommunications providers.

9. A partial transfer of the CPG will have no substantive impact on any of the findings of the CPG, nor does it affect the Commission's conclusion with respect to compliance with the

criteria of 30 V.S.A. § 248a. The public interest is satisfied, considering that TowerCo and AT&T will continue to be bound by the conditions of the CPG and related approvals.

10. In connection with the foregoing, Petitioner offers the following:

Prefiled Testimony of Jeffrey DelliColli	Explanation of request for partial transfer of CPG.
Prefiled Testimony of Craig Hartman	Explanation in support of request for partial transfer of CPG.

REQUEST FOR RELIEF

WHEREFORE, Petitioners respectfully request that the Commission issue an Order and Amended Certificate of Public Good approving the partial transfer of the CPG from AT&T to TowerCo, allocating to TowerCo responsibility for the construction and operation of the Tower, Compound and Access Road to be located at the Thetford Town Forest, 906 Five Corners Road, Thetford, Vermont, and with AT&T retaining responsibility for installation and operation of the AT&T Facility at said location.

DATED at Burlington, Vermont, this 15th day of October, 2021.

Respectfully submitted,

DOWNS RACHLIN MARTIN PLLC
Attorneys for Petitioners

By: 

William J. Dodge, Esq.
199 Main Street, P.O. Box 190
Burlington, VT 05402-0190
Telephone: (802) 863-2375
Email: wdodge@drm.com

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-4234-PET

Petition of New Cingular Wireless PCS, LLC and TowerCo 2013 LLC requesting approval of a partial transfer of certificate of public good for a telecommunications facility in Thetford, Vermont	
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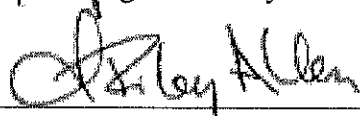
Order entered: 11/15/2021

AMENDED CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission ("Commission") this day found and adjudged that the Certificate of Public Good ("CPG") issued to New Cingular Wireless PCS, LLC ("Petitioner") on September 16, 2021, in Case No. 21-1227-PET (the "Project") is amended to reflect the partial transfer of the CPG to Tower Co 2013 LLC ("TowerCo"), and that the installation and operation of the Project by the Petitioner and TowerCo will promote the general good of the State, subject to the following conditions:

1. Operation and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Commission approval. Failure to obtain advance approval from the Commission for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Commission Rules and Orders.
3. This Certificate of Public Good shall not be transferred without prior approval of the Commission.

Dated at Montpelier, Vermont, this 15th day of November, 2021.

)	
Anthony Z. Roisman)	PUBLIC UTILITY
)	
)	COMMISSION
Margaret Cheney)	
)	
)	OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK
November 15, 2021

Filed:

Attest:


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 21-4234-PET - SERVICE LIST

Parties:

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wdodge@drm.com

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Eric B. Guzman (for Vermont Department of Public Service)
Vermont Department of Public Service
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Montpelier, VT 05620
eric.guzman@vermont.gov

STATE OF VERMONT
PUBLIC SERVICE BOARD

Case No. 21-4234-PET

Petition of New Cingular Wireless PCS, LLC and TowerCo 2013 LLC requesting approval of the partial transfer of a certificate of public good for a telecommunications facility in Thetford, Vermont	
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Order entered: 11/15/2021

**ORDER GRANTING REQUEST FOR APPROVAL OF PARTIAL TRANSFER OF CERTIFICATE OF
PUBLIC GOOD****I. INTRODUCTION**

On October 15, 2021, New Cingular Wireless PCS, LLC (“AT&T”) and Tower Co 2013 LLC (“TowerCo”) (together the “Petitioners”) filed with the Vermont Public Utility Commission (the “Commission”) a motion for approval of the partial transfer of the certificate of public good (“CPG”) issued to AT&T for a telecommunications facility in Thetford, Vermont, approved by the Commission on September 16, 2021, in Case No. 21-1227-PET (the “Project”). The motion seeks approval to add TowerCo as a co-holder of the CPG.¹

No comments on the motion have been filed with the Commission.

II. DISCUSSION AND CONCLUSION

Pursuant to condition No. 3 of the CPG, the “Certificate of Public Good shall not be transferred without prior approval of the Commission.” In support of its motion, AT&T states that it has entered into an agreement with TowerCo whereby TowerCo will be responsible for the management, operation, and maintenance of the facility in accordance with the obligations set forth in the CPG.

The partial transfer will have no substantive impact on any of the findings of the CPG and does not affect the Commission’s conclusion with respect to the Project’s compliance with

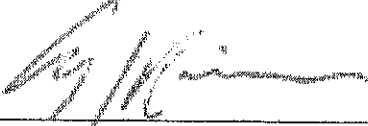

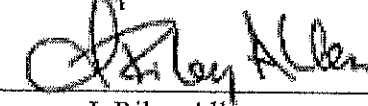
¹ TowerCo constructs, owns, leases, and operates telecommunications facilities on a nationwide basis. Petition at 2-3.

the applicable criteria of 30 V.S.A. § 248a. Therefore, the Commission grants the motion to amend the existing CPG to reflect the partial transfer to TowerCo. An amended CPG reflecting both Petitioners as CPG co-holders shall be issued.

Because the Project's CPG requires that construction of the Project be done in accordance with the plans and evidence submitted in this proceeding, we hereby admit into the evidentiary record of this case the Petitioners' request along with the prefiled testimony, affidavits, and exhibits of Jeffrey DelliColli and Craig Hartman.

SO ORDERED.

Dated at Montpelier, Vermont, this 15th day of November, 2021.

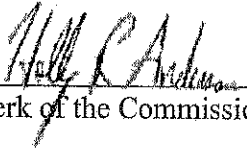
)	
Anthony Z. Roisman)	PUBLIC UTILITY
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)	COMMISSION
Margaret Cheney)	
)	
)	OF VERMONT
J. Riley Allen)	

OFFICE OF THE CLERK

November 15, 2021

Filed:

Attest:


Clerk of the Commission

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Appeal of this decision to the Supreme Court of Vermont must be filed with the Clerk of the Commission within 30 days. Appeal will not stay the effect of this Order, absent further order by this Commission or appropriate action by the Supreme Court of Vermont. Motions for reconsideration or stay, if any, must be filed with the Clerk of the Commission within 28 days of the date of this decision and Order.

PUC Case No. 21-4234-PET - SERVICE LIST

Parties:

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eric.guzman@vermont.gov



November 17, 2021

Town Manager
Town of Thetford
3910 Vermont Route 113
P.O. Box 126
Thetford Center, VT 05057

Re: Option and Lease Agreement ("Lease") dated March 4, 2021, by and between Town of Thetford, a Vermont Municipal Corporation ("Landlord") and New Cingular Wireless PCS, LLC ("Tenant")

To Whom It May Concern:

TowerCo 2013 LLC ("TowerCo") is a reputable tower management company with over 16 years of tower management experience. TowerCo has owned and operated over 5,000 tower sites nationwide. TowerCo and Tenant are parties to a contract whereby TowerCo constructs and operates tower sites for the use and enjoyment by Tenant.

Pursuant to this contractual arrangement, Tenant wishes to transfer its interest in the Lease to TowerCo. TowerCo will assume all the rights and obligations of the Lease, including paying rent. TowerCo will build and operate the tower site as provided in the Lease. Tenant will install its equipment on the tower site. Pursuant to section 16 of the Lease, TowerCo hereby requests Landlord's consent to the assignment of the Lease agreement from Tenant to TowerCo. Tenant will install its equipment after the tower site has been constructed pursuant to the terms of the Lease. TowerCo is fully capable of complying with the financial terms and all other terms of the Lease. Please indicate your consent to the assignment by executing and acknowledging below.

Thank you for your time and consideration. My contact information is below if you have any questions.
Best Regards.

Sincerely,

Sara Lynn Brady

Lynn Brady
Sr. Manager, Real Estate and Construction
508:494-6078

Agreed to and Acknowledged:

By: _____

Title: _____

Date: _____

STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Case No. 21-1227-PET

Petition of New Cingular Wireless PCS, LLC requesting a certificate of public good, pursuant to 30 V.S.A. § 248a, authorizing the installation of wireless telecommunications equipment at 906 Five Corners Road in Thetford, Vermont	
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Order entered: 09/16/2021

CERTIFICATE OF PUBLIC GOOD ISSUED
PURSUANT TO 30 V.S.A. SECTION 248a

IT IS HEREBY CERTIFIED that the Vermont Public Utility Commission ("Commission") this day found and adjudged that the proposed site preparation, construction, operation, and maintenance of telecommunications equipment (the "Project") by New Cingular Wireless PCS, LLC, d/b/a AT&T Mobility ("CPG Holder") at 906 Five Corners Road in Thetford, Vermont, will promote the general good of the State, subject to the following conditions:

1. Site preparation, construction, operation, and maintenance of the Project shall be in accordance with the plans and evidence submitted in this proceeding. Any material deviation or substantial change in the Project is prohibited without prior Commission approval. Failure to obtain advance approval from the Commission for a material deviation or substantial change from the approved plans may result in the assessment of a penalty pursuant to 30 V.S.A. §§ 30 and 247.
2. The Project shall comply with applicable existing and future statutory requirements and Commission Rules and Orders.
3. The CPG Holder shall pay all invoices (if any) from any State agency that (a) are related to this proceeding and (b) are not still under review by the Commission.
4. This Certificate of Public Good shall not be transferred without prior approval of the Commission.
5. The Town of Thetford (the "Town") shall permanently conserve approximately 87.6 acres within the approximately 149.2-acre Thetford Town Forest, located at 906 Five Corners Road (SPAN 642-202-11297), as depicted on the Conservation Plan prepared by Dewberry

Engineers, Inc., last dated July 15, 2021, and incorporated herein by reference (the "Conservation Land").

6. Permanent conservation shall be accomplished by the Town conveying a conservation easement with respect to the Conservation Land to Upper Valley Land Trust, Inc. ("UVLT"), consistent with the Letter of Intent between the Town and UVLT. The final form of the conservation easement shall be subject to approval by the Vermont Agency of Natural Resources ("ANR"), through its Fish and Wildlife Department (which shall not be withheld or conditioned provided the Conservation Easement meets the purposes and the minimum features set forth below in conditions 7-11), in advance of conveyance by the Town. Prior to the conveyance, pins shall be placed along the boundary of the Conservation Land by a licensed surveyor.

7. The easement shall be perpetual in duration, and no residential, commercial, industrial or mining activities shall be permitted on the Conserved Land in order to advance the following purposes (the "Purposes"): conserve wildlife habitat and Highest Priority Interior Forest and Highest Priority Connectivity Blocks and protect rare, threatened and endangered plant species, water bodies and natural communities, including vernal pools, talus woodland and the Red Maple-Black Ash Seepage Swamp.

8. The easement shall require that activities and uses proposed for the Conserved Land be identified within and performed in accordance with a management plan developed with the Town and approved by UVLT that is consistent with the Purposes (the "Management Plan").

9. The easement shall allow for the Town to conduct limited forest management on the Conserved Land in a manner that is consistent with the Purposes pursuant to a forestry plan prepared by a Vermont licensed forester, which plan shall be a component of the Management Plan.

10. The easement shall prohibit use of mechanized or motorized recreational vehicles of any kind on the Conserved Land.

11. The easement shall allow for dispersed pedestrian recreational uses such as, birdwatching, cross-country skiing, fishing, hiking, snowshoeing, walking, wildlife observation, photography and hunting, which uses shall be identified in the Management Plan.

12. The CPG Holder shall pay the reasonable and actual costs of the conveyance of the conservation easement to UVLT, including the \$7,000 one-time stewardship fee, together with

reasonable UVLT legal fees and staff costs incurred in negotiation of the easement, and contracted or staff costs incurred to document the baseline condition of the Conserved Land (as further described in condition 14, below) up to \$14,000. The CPG Holder shall, following issuance of the CPG, prepare an escrow account to deposit \$21,000 to be used by the Town in connection with the Conservation Land transaction, and paid to UVLT on or before the closing.

13. The Town shall convey the conservation easement to UVLT within two years of the issuance of the CPG for the Project. The easement shall be recorded in the land records. Within 60 days of closing, the CPG Holder shall send copies of the recorded conservation easement to the parties and submit a copy to the Commission.

14. A Baseline Documentation Report ("BDR") shall be prepared prior to conveyance of the conservation easement. The BDR shall accurately depict the current state and natural resource values of the Conserved Land. Copies of the BDR shall be provided to the parties prior to the conveyance of the conservation easement.

15. Prior to conveyance of the conservation easement, the Conservation Land shall remain in its natural state to support conservation purposes, and shall be free from all agricultural, residential, and commercial uses of any kind and from all activities that might damage, compromise, or interfere with ecological diversity and with the natural processes occurring therein. Any forest management activities on the Conserved Land prior to conveyance of the conservation easement must be approved in advance by ANR, through its Fish and Wildlife Department, pursuant to a forest management plan from a licensed Vermont forester, and shall be conducted primarily to preserve and enhance the parcel's contribution to Highest Priority Interior Forest and Highest Priority Connectivity Blocks and leave undisturbed the areas containing Rare Threatened and Endangered plant species, water bodies and natural communities such as the Black Ash and other swamps and talus woodland on the Conserved Land.

16. The Town and the CPG Holder (if any lands that the CPG Holder leases or has an easement to are utilized for access) shall provide ANR with access to the Conservation Land, on reasonable notice, to observe and monitor the condition of the Conservation Land and compliance with the terms and conditions of the memorandum between the CPG Holder, the Town and ANR dated August 23, 2021, before the conservation easement is conveyed to UVLT. However, the Town and the CPG Holder may require ANR representatives and/or visitors to

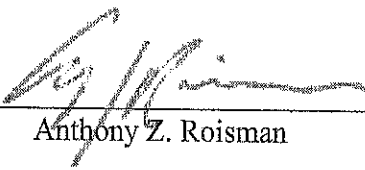
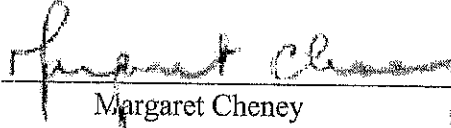
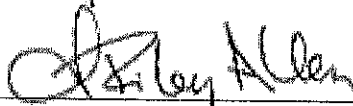
comply with all safety and security requirements applicable to the Project site, including the Project access route.

17. Subject to the foregoing restrictions, site preparation and construction for the Project may commence before the conservation easement is conveyed to UVLT.

18. Site preparation, construction, maintenance activities that require vegetation management or may cause earth disturbance, and decommissioning shall only occur between May 15 and August 31 or between October 16 and March 14, except for the following: 1) initial construction of the Project in calendar years 2021-2022; 2) exigent circumstances imposing an imminent threat to the safety of persons and property at the Project; and 3) where the CPG Holder obtains advance written approval from ANR.

19. Silt fence shall be installed as shown on pages Z-4 through Z-6 of the Revised Site Plan Drawings, exhibit ATT-JD-19. The CPG Holder shall remove erosion prevention and sediment control measures within 30 days following final stabilization.

Dated at Montpelier, Vermont, this 16th day of September, 2021.

)	
Anthony Z. Roisman)	PUBLIC UTILITY
)	
)	
Margaret Cheney)	COMMISSION
)	
)	
J. Riley Allen)	OF VERMONT

OFFICE OF THE CLERK

September 16, 2021

Filed:

Attest:


Clerk of the Commission

Notice to Readers: This decision is subject to revision of technical errors. Readers are requested to notify the Clerk of the Commission (by e-mail, telephone, or in writing) of any apparent errors, in order that any necessary corrections may be made. (E-mail address: puc.clerk@vermont.gov)

PUC Case No. 21-1227-PET - SERVICE LIST

Parties:

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Marion Betts

From: Sharon Harkay <sharkay@thetfordvt.gov> on behalf of Sharon Harkay
Sent: Friday, November 26, 2021 3:13 PM
To: Alexis Jetter
Cc: Thetford Selectboard; Marion Betts; Nick Clark; Lilian Shen; Steve Tofel
Subject: Re: MASK MANDATES Please put this on the agenda for the next SB meeting

Categories: Selectboard, Follow Up

Thanks for your request, Alexis. I'm going to suggest that we put it on the agenda for the Dec. 6th meeting, which is the next one.

On Tue, Nov 23, 2021 at 1:03 PM Alexis Jetter <axjetter@gmail.com> wrote:
<https://vtdigger.org/2021/11/22/vermont-lawmakers-approve-scotts-town-by-town-mask-mandate-bill/>

Thanks!

All best

Alexis

--

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From: **Mariah Whitcomb** <emd@thetfordvt.gov>

Date: Mon, Nov 29, 2021 at 11:21 AM

Subject: Re: Masks and community safety

To: Sharon Harkay <sharkay@thetfordvt.gov>

Cc: Bryan Gazda <bgazda@thetfordvt.gov>

Thanks for reaching out on this. Emergency Management supplied masks to the entire community for 18 months from the very beginning of Covid until this Summer. We stopped when the state expired the state of Emergency. At that time, we had distributed over 3500 masks.

The challenge now is not supply, but compliance with mask wearing guidelines and rules and enforcement. We see this in communities with current mask ordinances, like Lebanon NH. Masks are readily available, but the topic, and the pandemic itself is so politicized, many are ignoring sound science and public health recommendations.

I have noticed here in town, more folks are voluntarily wearing masks again. This is excellent, and I encourage this where possible. I believe there is a need for indoor mask wearing again particularly with the current prevalent variant (Delta) and the newly identified omicron variant. It is my understanding that we still require masks in all municipal owned property. It is the private businesses and other locations that would be affected by a town mandate/ordinance.

To answer your original question, there is some money in emergency Management that could be used to purchase some masks, but it is not an unlimited supply. Surgical masks are beginning to become slightly more challenging to buy... I would not want to add to this strain for medical personnel or first responders. I do have a number of fabric masks that I was planning to provide to the food shelf again to help with those that may be unable to purchase their own. I also am bringing more to our Elementary School after a conversation with our Principal and school nurse.

While I am unable to attend the upcoming meeting, I would note that from a public health perspective, I am **in favor** of indoor mask wearing in public locations, but I remain very concerned on how this is implemented and, if a mandate, enforced. It is not fair to hard working store owners, assistants etc to expect them to enforce this and put up with the inevitable abuse from those who disagree. This is the conversation that I believe needs to happen if a mandate is considered here.

Thank you for listening. I recognize this is a difficult issue for all involved as it is incredibly complex.

Respectfully,
Mariah

VLCT MODEL FACE COVERING RULE GUIDANCE

INTRODUCTION

The VLCT Model Face Covering Rule has been developed as a result of a temporary law (Act 1, “an act relating to temporary municipal rules in response to COVID-19”). The Act allows selectboards to adopt a temporary rule that requires individuals within the town to wear face coverings while indoors at locations that are open to the public. As with other grants of rulemaking authority, the Act is permissive meaning that municipalities can – but are not required by law to – enact face covering rules. When the selectboard votes to adopt such a rule, it initially will remain in effect for 45 days unless repealed before that time. The selectboard must meet during the initial 45-day period to reconsider any rule and vote to affirmatively extend the rule an additional 30 days or rescind the rule or it will expire automatically at the end of the initial 45-day period. Thereafter, the selectboard must meet at a minimum once every 30 days to reconsider the rule, at which meeting the selectboard must vote either to rescind the rule, adopt an amended rule, or extend the rule for an additional 30-day period. If the selectboard does not meet before the initial 45-day period or the subsequent 30-day period(s), the rule automatically expires. The temporary law granting this rulemaking authority will sunset (i.e. be repealed by operation of law) on April 30, 2022, when any local mask rules still in effect will also automatically expire.

HOW TO CUSTOMIZE THIS MODEL

This model rule should be customized to suit the particular needs of your municipality, giving careful consideration to each element in light of your community’s resources and expectations. Opportunities for editing this rule are marked with *italicized text*. The selectboard should consult with law enforcement to ensure that the provisions of the rule are relevant and realistic in terms of the resources needed for enforcement.

LOCAL RESTRICTIONS

The right to impose local face covering rules are bestowed by state law and may not exceed the limited grant of authority it provides. Any local rule regulating face coverings must be consistent with state law or risk being deemed void by a court of law.

DEFINITIONS

The law does not define the phrase “location open to the public” and there’s no requirement that any facial covering rule contain a definitions section. Without a definitions section in a facial covering rule, the phrase likely would be interpreted broadly to mean any indoor space or area that is open to the public, but wouldn’t include private residences or private offices/workspaces that are not open to customers or the public. However, the legislative body may choose to further define public locations or other relevant terms in its rule if it helps clarify the rule’s requirements. This model rule was developed to provide the broadest application possible which necessarily meant not further defining any phrases or terms. VLCT MAC’s opinion is that selectboards have the authority to limit the scope of its face covering rule to certain indoor public locations so long as it does not infringe upon a fundamental right.

Selectboards seeking to craft a more targeted rule should contact their town attorney for additional assistance.

EXCEPTIONS

The law has no stated exceptions to whom the rule applies; however, since municipalities have not only those powers and functions specifically authorized by the legislature but also any additional powers that are incidental, subordinate, or necessary to the exercise of such express authority, it is fairly safe to assume that they may also carve out exceptions to any rule they create so long as they are reasonable, do not implicate a suspect class, and are rationally related to the rule's objectives. *Hinesburg Sand & Gravel Co. v. Town of Hinesburg*, 135 Vt. 484 (1977). Examples of exceptions to the requirement to wear facial coverings that the legislative body may choose to add to its rule may include, but are not limited to: children under 2 years; a person with a disability who cannot wear a face covering or cannot safely wear a face covering for reasons related to the disability; a person for whom wearing a face covering would create a risk to workplace health, safety, or job duty as determined by the workplace risk assessment; and/or a person while eating or drinking inside any establishment that serves food or beverage. If a selectboard decides not to have a section that allows for exceptions, then this section of the model rule should be deleted and all subsequent sections renumbered accordingly.

RULE ENFORCEMENT

If your municipality adopts a local face covering rule, the town's first and primary method of enforcement should be educating the public of the rule's requirements and requesting voluntary compliance. Furthermore, there is no requirement that such a rule if adopted must be enforced or even include an enforcement provision. For those rules that do include enforcement provisions, there are two options: civil and criminal enforcement. The vast majority of all municipal ordinances and rules are civilly enforced. Tickets for violation of a town's civil rule are issued by enforcement officers on the State's pre-printed "Uniform Traffic Complaints" which are available in booklets from the Vermont Judicial Bureau, P.O. Box 607, White River Junction, VT 05001-0607. When the issuing officer wishes to enforce a local rule, they will fill out a ticket, provide two copies to the alleged violator, and retain two copies, one of which is sent to the Judicial Bureau. A ticket may be served in person or by mail. Although not required by law, we recommend using certified mail, return receipt requested.

A violator can respond to a ticket/complaint in one of four ways:

- Admit to the offense and pay the waiver fee.
- Not contest the charge and pay the waiver fee.
- Deny the charge and request a hearing.
- Fails to respond within the requisite 20 days, resulting in a default judgment. In such case, the violator is ordered to pay the full amount of the fine (rather than the waiver fee).

If the violator pays the waiver fee, the money collected by the Judicial Bureau is sent to the town, minus an administrative fee which is retained by the Bureau for administrative expenses.

If the violator asks for a hearing, it will be held by a hearing officer assigned by the Judicial Bureau. The Bureau is designed to be used without attorneys. Therefore, if there is a hearing in the Judicial Bureau, the law enforcement officer who issued the ticket must appear to represent the town. The burden of proof is on the town and the violation must be proven by "clear and convincing evidence." If the defendant or town is unhappy with the outcome of the hearing at the Bureau, an appeal may be taken to Superior Court. **Due to the rarity by which municipal rules and ordinances are criminally enforced, this model rule only provides for civil enforcement.**

PENALTIES

The selectboard does not have to include a penalty provision if it does not intend to enforce this rule. However, one would need to be included if the selectboard sought to impose a fine for a violation. In that event, fines must be set by the selectboard in amounts not to exceed \$800. The selectboard must also set a "waiver fee" for each offense. This is the fee that defendants pay to avoid contesting a municipal ticket in the Judicial Bureau. When setting the penalty and waiver fee amounts, the selectboard must determine what amounts are sufficient to deter violations of the rule. Fines are punitive in nature, and, therefore, the amount of the penalty does not have to correspond to the costs incurred by the town in enforcing the rule. Waiver fees should be set to discourage contested actions. Subsequent violations of the same rule should lead to an increased penalty and waiver fee.

RULE ADOPTION PROCESS

The adoption of rules is governed by Title 24, Chapter 59. The process starts with the drafting of the rule, and its review by the selectboard. The selectboard then adopts the rule formally, by a majority vote of its members at a duly-warned selectboard meeting ensuring that the action and a copy of the proposed rule are entered in the minutes of the meeting. The rule must be posted in at least five conspicuous places in town and must be published in a newspaper of general circulation on a day not more than 14 days after the selectboard's vote to adopt the rule. The information included in the newspaper must include the following: the name of the municipality; the name of the municipality's website, if the municipality actively updates its website on a regular basis; the title or subject of the rule or rule; the name, telephone number, and mailing address of a municipal official designated to answer questions and receive comments on the proposal; and where the full text of the rule may be examined. The Act explicitly states that the permissive referendum process that otherwise governs the adoption of ordinances and rules (i.e. 24 V.S.A. § 1973) does not apply in the adoption or renewal of this particular rule; the rule, therefore, will take effect immediately upon passage.

This model rule has been developed for illustrative purposes only. VLCT makes no express or implied endorsement or recommendation of any rule, nor does it make any express or implied guarantee of legal enforceability or legal compliance, or that any rule is appropriate for any particular municipality. Each municipality is advised to seek legal counsel to review any proposed rule before adoption and / or use. VLCT PACIF members are advised to seek input from their municipality's loss control specialist regarding insurance considerations and risk avoidance.

[TOWN/VILLAGE/CITY] OF _____, VERMONT

RULE REQUIRING WEARING FACE COVERINGS INDOORS IN PUBLIC SPACES

Section 1. Authority.

This Rule is adopted by the [Selectboard/Trustees/Council] of the [Town/Village/City] of _____ under authority of Act 1, an act relating to temporary municipal rules in response to COVID-19 (2021).

Section 2. Purpose.

The purpose of this Rule is to require all individuals to wear face coverings while indoors at locations that are open to the public in order to prevent and mitigate the spread of COVID-19 and protect the public health and safety of the [Town/Village/City] of _____.

Section 3. Requirement to Wear Face Coverings.

All individuals in the [Town/Village/City] of _____ shall wear face coverings while indoors at locations that are open to the public.

Section 4. Exceptions.

Face coverings are not required for:

- [insert exceptions, if any, e.g., “children under 2 years”; “A person with a disability who cannot wear a face covering or cannot safely wear a face covering for reasons related to the disability”; “A person for whom wearing a face covering would create a risk to workplace health, safety, or job duty as determined by the workplace risk assessment; “Any person while eating or drinking inside any establishment that serves food or beverage;” etc.]

Section 5. Enforcement.

A violation of this Rule shall be a civil matter which may be enforced in the Vermont Judicial Bureau or in the [insert name of county] County Superior Court, at the election of the [Selectboard/Trustees/Council].

Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, any Enforcement Officer shall have authority to issue tickets and represent the [Town/Village/Council] at any hearing.

Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The [Town/Village/Council] may pursue all appropriate injunctive relief.

Section 6. Penalties.

The Enforcement Officer is authorized to recover civil penalties for violations of this Rule as set out below:

1st Offense: \$___ fine.	Waiver amount: \$___
2nd Offense: \$___ fine.	Waiver amount: \$___
3rd and subsequent Offense: \$___ fine.	Waiver amount: \$___

For the above offenses, the Enforcement Officer is authorized to recover a waiver fee, in lieu of a civil penalty, in the stated amount, for any person who declines to contest a municipal complaint and pays the waiver fee.

Section 7. Other Laws.

This Rule is in addition to all other ordinances and rules of the [Town/Village/Council] of _____ and all applicable laws of the State of Vermont. All ordinances, rules, or parts of ordinances, rules, resolutions, regulations, or other documents inconsistent with the provisions of this Rule are hereby repealed to the extent of such inconsistency.

Section 8. Severability.

If any section or provision of this Rule is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Rule.

Section 9. Effective Period.

This Rule shall take effect immediately upon the approval by the [Selectboard/Village/Council] and shall remain in effect for a period not to exceed 45 days following its initial adoption. The [Selectboard/Village/Council] shall meet during the 45-day period in which this initial Rule is in effect and vote either to rescind this Rule or to extend it for an additional 30 days. Thereafter, the [Selectboard/Village/Council] shall meet at a minimum once every 30 days to reconsider this Rule, at which meeting the [Selectboard/Village/Council] shall vote either to rescind this Rule or to extend it for an additional 30-day period. The filing of a petition under 24 V.S.A. §§ 1972 and 1973, shall not govern the taking effect of this Rule.

ADOPTED by the [Selectboard/Trustees/Council] of the [Town/Village/Council] of _____ at its meeting
on this ____ day of _____, 20__.

SIGNATURES of [Selectboard/Village/Council]:

Brattleboro Mask mandate

"All establishments located in the town of Brattleboro that invite the public into their premises for the purpose of receiving services, purchasing products or otherwise transacting business, shall require both staff and customers (or visitors) to wear cloth face coverings or face shields over their nose and mouth while inside."

From: **Brown Senger** <brown.senger@gmail.com>

Date: Sat, Dec 4, 2021 at 5:14 PM

Subject: Masks

To: <sharkay@thetfordvt.gov>

Sharon, noticing that the select board will be considering a mask mandate for the town, I would like to express my opinion that masks should be required indoors for the next 4 months. Having said that, I realize that the issue of enforcement is a knotty one. I don't think we should put our police in the position of enforcing the mandate, which, of course, means there will be violators. We'll just have to live with violations, and as individuals choose to avoid businesses that violate the mandate. At least the town would be taking a responsible stand, and the violators would be clearly defining themselves as irresponsible. Sarah Jo Brown

Sent from my iPad

Letter To Thetford Selectboard and Thetford Community Re: Town Mask Mandate

From: Alexis Jetter, Thetford Center, VT

Dec. 5, 2021

Martie Betts: Please include this in the SB official records/minutes of this meeting. Thanks!

Dear Members of the Thetford Selectboard, Thetford friends and neighbors,

I am heartened that the Selectboard, at its upcoming December 6 meeting, will be discussing a possible town-wide indoor mask mandate. I may not be able to attend the meeting, so I'd like to share some thoughts here.

As you probably know, Covid-19 has already claimed 7 lives in Orange County and 416 lives statewide, with a total caseload of 51,629 patients. More than one in four Vermonters are not fully vaccinated. As a result, Covid transmission rates are rising rapidly. Our regional hospitals are overloaded, critical care beds are in short supply, and surgeries for many seriously ill patients are being canceled or dangerously delayed. Some hospitals are transferring patients to nearby states to get the care they need.¹

We are lucky to have two outstanding public health advocates in Thetford: Mariah Whitcomb, Thetford's Director of Emergency Management, has distributed over 3,500 masks to town residents, educated our community about Covid symptoms and prevention, and strategized with health officials statewide to stem the Covid tide. Mariah favors an indoor mask mandate (see her thoughtful statement in the SB packet). Unfortunately, she cannot be at Monday's meeting. But happily for us, Thetford's Anne Sosin, a leading Dartmouth medical researcher who studies how local governments can best stop the spread of Covid, is planning to attend. Anne would like to speak at Monday's SB meeting and answer any questions you may have. I hope the SB gives her sufficient time to explain why a mask mandate is so needed.

I will leave the science to the scientists, as we all should. Even they don't yet know enough about the new Omicron variant to estimate its potential impact. But there is already one worrisome aspect of this complex, highly mutable virus that researchers are watching: it appears to target toddlers and small children.

That should tell us all we need to know: It is time, past time, for us to protect our children, our families and our community by issuing an indoor mask mandate and making our town, our shared public spaces and our commercial establishments safer.

¹ Some VT and NH hospitals are transferring patients as far away as Connecticut and New York State to get the level of care that they need. "And we're not just talking about COVID patients," New Hampshire's health commissioner told legislators last week. "We're talking about patients with heart attacks and strokes." https://www.sentinel-source.com/news/local/fiscal-committee-approves-funds-to-address-shortage-of-hospital-beds/article_a40ba235-0e65-567a-83b7-e1c972e97282.html

Monday night's Selectboard meeting will be an important first step in addressing this issue. But some voices are rarely heard in the ongoing debate over mask mandates in stores: the viewpoints of the people who work in them.

I understand that SB chair Sharon Harkay has asked local business owners about their response to a possible town mask mandate. That's an excellent idea. But business owners are not the people most at risk from Covid. Their employees are. They're the ones who face the public, well within 6 feet, up to 8 hours a day, up to 7 days a week. They don't have the luxury of asking customers to put on masks; some employees, in fact, have been instructed by management NOT to ask customers to put them on. (Which I totally understand.)

So I decided to ask the people who work in Thetford's grocery stores what they felt about a mask mandate. On Saturday, Dec. 4, 2021, I drove to Thetford's four grocery stores: Baker's Store in Post Mills, the Village Store in Thetford Center, Wings and Huggett's in East Thetford.

I interviewed four cashiers (one in each store) and one person stocking shelves. Employees expressed a wide variety of opinions. Some welcomed a mask mandate; others did not. All had interesting things to say. Here's what I learned from those conversations.

SURVEY: THETFORD EMPLOYEES AT LOCAL GROCERY STORES

METHOD: (If you could call it that!) I started all my conversations by explaining that:

- The SB would be discussing a possible Thetford mask mandate on Monday, Dec. 6.
- I believed the SB chair was speaking to local store owners and business owners about a mandate, but I hadn't heard that she was speaking to employees who work in those establishments.
- Because I was concerned that workers might feel forced to choose between wearing a mask or losing their low-wage jobs, the first question I asked each of them was: *Would you quit your job if you were required to wear a mask at work?*
- I followed up with questions about their mask use, vaccination history, and thoughts about a mask mandate.

FINDINGS

1. Two of the main cashiers at two local grocery stores do not wear masks and are not vaccinated. Both are young men. I asked both of them if they would quit their jobs if they were forced to wear a mask.

- One said he had a medical "exemption" from any mask requirement and so wouldn't face any repercussions if he refused to wear a mask. When asked the nature of his

exemption, he said, angrily, "None of your business." (Which is true.) He said he is not vaccinated.

- The other young male cashier at a different grocery said he would wear a mask if required to, and that he had worn one earlier in the pandemic. (He didn't have the financial resources to quit his job, he said.) He said he was not vaccinated because he worried that he'd get Covid from the "live virus" in the shots.
- That "live virus" concern has no basis in fact. See explanation below of how Covid vaccines work, from Q&A published by the CDC, the federal Centers for Disease Control and Prevention²

2. Two cashiers at two other town grocery stores are vaccinated. Both are women. Both said they support wearing masks and getting vaccinations and would not quit their jobs if a mask mandate were passed by the Selectboard.

- One woman wears a mask and works behind a small plexiglass screen that was donated by a local resident. She lost a previous job in at a Hanover restaurant recently because the precautions she took to protect herself and customers from Covid angered her employer, who said she was "slow." She was fired with no notice.
- She masks up, not just to protect herself, but to protect the person she lives with, who is immuno-suppressed. She is also concerned about an elderly relative, whom she doesn't want to expose to Covid.
- She said her current employer was supportive and did not question her decision to mask up, but that customers at the store make "all kinds of assumptions" about her because she wears a mask and frequently hassle her about it. She indicated that those interactions often felt uncomfortable. Interestingly, she is not fully in favor of a mask mandate. But she thought a sign posted on the door encouraging people to wear a mask in the store would be a good idea.
- The other woman, who is older and works at a different Thetford grocery, is triple vaccinated and says she ordinarily wears a mask. But at work, she found that wearing a mask fogs her eyeglasses and makes it impossible to clearly see the cash register and

² ** From Myths and Facts About the Covid Vaccine, <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/facts.html>

"The mRNA vaccines do not contain any live virus. Instead, they work by teaching our cells to make a harmless piece of a "spike protein," which is found on the surface of the virus that causes COVID-19. After making the protein piece, cells display it on their surface. Our immune system then recognizes that it does not belong there and responds to get rid of it. When an immune response begins, antibodies are produced, creating the same response that happens in a natural infection."

grocery items. She says that her eye doctor sells wipes that help somewhat, and that she intends to stop by his office when she has a chance to purchase them.

3. One young man stocking groceries in one of the stores was not wearing a mask. He said he would not quit his job if he was required to wear a mask. He said he was not vaccinated. When asked why, he said he believes he got Covid earlier in the pandemic and assumes that he is now immune. When he described his symptoms, however, they included none of the primary signs of Covid infection (e.g. respiratory problems, chest pain, confusion, loss of taste or smell, etc).

4. The masking "culture" of customers in each store varied widely, although the behavior of the customers largely mirrored the behavior of the cashiers.

- At Baker's Store, the four shoppers in the store with me were unmasked. (All were male.)
- At Wings, about two-thirds of the 7 or 8 shoppers were unmasked. This included several men and a few women
- At the Village Store, a young man (who was the lone customer) put on his mask after selecting his purchases and seeing that the cashier and I were wearing masks. He said, apologetically, that he'd forgotten to put it on.
- At Huggett's no one at all wore a mask, except for a young woman who entered the store as I was leaving. Both workers behind the counter were unmasked (one, a young woman, had left the counter by the time I spoke with the young male cashier). And not a single person who was in the store with me was masked; I counted five or six. One was a woman; the others were men.

A FEW OBSERVATIONS

1. Something has changed

Three or four months ago, shoppers in Thetford's grocery stores were more likely to wear masks than they are today. I have a fair sense of Thetford mask-usage over time because I dash into Baker's Store and the Village Store frequently, and shop at Wings every few weeks. I suspect the increase in vaccinations, state-wide, has given residents a sense of freedom and safety, which is understandable. After getting vaccinated, many Thetford residents have stopped wearing masks inside Thetford stores. And, of course, a subset of shoppers have never worn masks inside Thetford stores. (More on that in a moment.)

2. Most Thetford residents shop in other Upper Valley towns, as well, where they're likely to be required to wear a mask. Hanover and Lebanon, including West Lebanon, require shoppers to wear masks inside stores.³ In Bradford, VT, Farm-Way has required shoppers to mask up since

³ <https://lebanonnh.gov/1406/Mask-Ordinance-FAQs> The Lebanon "mask required" poster isn't all that awful. See for yourself. <https://lebanonnh.gov/DocumentCenter/View/12278/Mask-Poster> And we could ask a Thetford graphic artist to make a friendlier sign.

the beginning of the pandemic. People seem to take it in stride. Why wouldn't people in Thetford respond the same way?

3. Then there's the economic argument. Some say forcing customers to wear masks would convince them to shop elsewhere, depriving Thetford stores of much-needed revenue. Maybe. But the opposite is definitely true: Thetford grocery stores are losing customers who are afraid to shop there. Several older Thetford residents have told me that they would like to shop in Thetford stores, but they don't feel safe because so many people inside those stores are unmasked. As older people—who are most at risk from Covid—know all too well, vaccinations don't fully protect you from infection when unvaccinated, unmasked people share a small indoor space with you.

4. And that's the bottom line: People who shop in **Thetford's grocery stores ARE at risk – particularly when the cashiers and other employees in those stores are unvaccinated and unmasked**. *Which some of them most assuredly are. That's not an assumption. When asked, those cashiers and store employees readily confirmed that.*

5. Some mandate opponents argue that Thetford's stores are small potatoes. Why bother them? Go after the big guys. The answer is in the question: the stores are small and their aisles are narrow, increasing the likelihood of Covid transmission. It's virtually impossible to keep a safe social distance (6 feet apart) from other shoppers when passing in the aisles. Or when waiting at the cash register. At Baker's Store, a popular place to stop for coffee or a slice of pizza, customers often hang out by the deli counter, which is close to the cash register. Most if not all of those customers are unmasked. There's no way to maintain a safe distance.

6. The value of a friendly but firm sign. Several Thetford neighbors are convinced that, if signs were taped to the doors of our town's small stores, telling people that, for the good of all, they should wear a mask inside the store: The vast majority would mask up. Some happily, some grumpily. But most would. After all, customers need to mask up for just a few minutes while in a store. "It's not such a big deal to put on a mask," a woman shopper at one of Thetford's small groceries told me yesterday. "I don't understand why people make such a big deal over it."

7. And yes, of course. Jerks will be jerks. Even several months ago, at what was then the height of the pandemic, some individuals insisted on their "right" to enter small stores in Thetford without putting on a mask. Some of them grew angry when offered a free mask, and a few threatened violence. I'm guessing that these guys may still refuse to wear masks inside public spaces, whether we pass a town mandate or not. But that's a very small minority of Thetford residents. And threats of violence are a matter for the police to handle, not store employees or customers. I have full confidence in Police Chief Mike Evans' ability to respond firmly, promptly and effectively should that situation arise.

8. Despite health educators' best efforts, misinformation is rampant. As noted, one mask-less cashier said he was afraid he'd get Covid if he received the vaccine. Another mask-less employee, as noted above, said he was convinced he had already been exposed to Covid

because he was sick for two days earlier in the pandemic with a nasty bug (but with no respiratory symptoms, loss of smell or taste, etc., that are characteristic of Covid).

9. No complimentary masks were available or in clear sight in any of the stores.

I might be mistaken because, in the past, Wing's had masks by the front window. I didn't see masks there the other day. Having a stash of free masks and hand purifier as you enter enables shoppers – without shaming or discomfort – to quietly do the right thing.

10. Store employees, understandably, find it cumbersome and uncomfortable to wear masks all day long. Friends who are public school teachers or work in restaurants or other indoor jobs find it difficult to function all day long with a mask on. Anyone who wears eyeglasses while masked can tell you how frustrating it is to have to endlessly wipe their fogged lenses. But most people are willing to make that sacrifice for public safety. Because that's the only way we're going to bring this pandemic to its knees – or, more likely, merely slow its spread.

FINAL THOUGHTS

Does it need to be said? Yes. It is shameful that our governor, after doing a reasonably good job earlier in the pandemic, chose the coward's path at this dangerous time. Gov. Phil Scott refused to issue a state-wide mask mandate, which would be far more effective than this piecemeal approach. "They want to cancel Christmas," Scott said of legislators who pushed for a state-wide mask policy. "What we're doing is working," he added. "It's unfortunate, the number of deaths."

I leave you to ponder that statement. But clearly: it's up to us to fix this thing. I hope we are up to the task, and that we have the courage to stand up and do the right thing.

Alexis Jetter
Thetford Center, VT
axjetter@gmail.com

Attachments:

- USA Today, editorial by Anne Sosin et al, "Our best shot at controlling COVID: Data-driven mask mandates amplify protection of vaccines"
<https://www.usatoday.com/story/opinion/2021/09/09/use-masks-data-vaccines-manage-covid-cases-climb/5715127001/>
- Anne Sosin's testimony before the VT House Committee on Government Operations about a Temporary Municipal Mask Mandate, Nov. 22, 2021

I also highly recommend The Atlantic: "America's Pandemic Star Loses Some Luster"
<https://www.theatlantic.com/politics/archive/2021/11/vermont-covid-19-coronavirus-surge/620792/>

MEMORANDUM

TO: House Legislative Committee on Government Operations

FROM: Anne N. Sosin, MPH
Policy Fellow, Nelson A. Rockefeller Center, Dartmouth College
(802) 299-9449
Anne.N.Sosin@dartmouth.edu

SUBJECT: Temporary Municipal Mask Mandate Act

DATE: November 21, 2021

I am a public health expert and Policy Fellow at the Nelson A. Rockefeller Center for Public Policy at Dartmouth College. Since March 2020, I have focused my research on COVID-19 and rural health equity in New Hampshire and Vermont. I am also a member of a team of New England experts that proposed data-driven mask policies in a recent opinion editorial in USA TODAY.¹ This testimony is based upon my independent analysis and does not represent the views of Dartmouth College or other entities.

In this written testimony, I will do the following: 1) describe why Vermont's current public health situation warrants a mask policy, 2) review the evidence on masking and mask policies, 3) explore challenges with the implementation of the Temporary Municipal Mask Mandate Act,² and 4) propose a data-driven mask policy.

1. Why Vermont's Current Situation Warrants a Mask Policy

Vermont has achieved significant progress in vaccination, but like other highly vaccinated settings, is experiencing a significant surge driven by the Delta variant.

We have growing evidence that while vaccination remains our primary strategy for ending the pandemic, vaccine-only strategies are insufficient to control the Delta variant and mitigate its widespread impacts on schools, health systems, businesses, and other areas of life. Vaccines remain highly effective at reducing hospitalization and death; however, emerging evidence shows that protection from infection and transmission wanes within months of vaccination.³ We are also learning that vaccine efficacy against hospitalization declines for older adults and individuals with underlying medical conditions in the Delta-variant dominant period, indicating the need to prioritize booster

¹ Raifman, Sosin et al. "Our best shot at controlling COVID: Data-driven mask mandates amplify protection of vaccines." *USA Today*, September 9, 2021. <https://www.usatoday.com/story/opinion/2021/09/09/use-masks-data-vaccines-manage-covid-cases-climb/5715127001/>

² <https://legislature.vermont.gov/Documents/2022/WorkGroups/Senate%20Government%20Operations/Bills/21-1038/Drafts,%20Amendments,%20and%20Legal%20Documents/W~Jaye%20Johnson~DRAFT%20Legislation%2011.16.21~11-19-2021.pdf>

³ Link-Gelles, R. (2021). COVID-19 vaccine effectiveness in the United States. <https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2021-09-22/04-COVID-Link-Gelles-508.pdf>

doses for these groups.⁴ Several recent studies have demonstrated that vaccinated people can become infected and transmit the virus, and under some conditions as efficiently as unvaccinated people.^{5,6,7}

As a result, high COVID-19 transmission is occurring even in heavily vaccinated settings. European countries that achieved similarly high levels of vaccination, including Denmark, are also seeing a rapid resurgence of infections.⁸ Spain, a country that achieved a high level of vaccination but that has also maintained other non-pharmaceutical interventions including masking has avoided the current surge affecting Northern Europe.⁹ Communities that achieved near universal vaccination of their eligible population have also seen outbreaks.¹⁰

Vermont currently has the 9th highest incidence of COVID-19 in the US and has had one of the fastest case growth rates in the US in November.¹¹ This fall, the Delta surge has resulted in a number of pandemic records in Vermont--the highest single-day case counts, the highest 7-day rolling average, record cases in our schools, hospitalizations approaching our pandemic record, highest rates of infection in children too young to be vaccinated.^{12,13,14} More than 30% of all Vermont's pandemic deaths have occurred since the start of September.¹⁵

Topline indicators obscure the widespread impacts of the surge. Since the school year began, Vermont has recorded 1768 infectious cases in schools.¹⁶ By conservative estimates, that translates to 12,376 lost days of in-person instruction.¹⁷ This estimate does not include loss of in-person instruction for the thousands of students forced to quarantine, some repeatedly, in the first months of school. It also does not capture lost days of work for parents or the impacts on Vermont employers experiencing workforce shortages.

⁴ Link-Gelles, R. (2021). COVID-19 vaccine effectiveness in the United

States.<https://www.cdc.gov/vaccines/acip/meetings/downloads/slides-2021-09-22/04-COVID-Link-Gelles-508.pdf>

⁵ Brown, C. M., Vostok, J., Johnson, H., Burns, M., Gharpure, R., Sami, S., ... & Laney, A. S. (2021). Outbreak of SARS-CoV-2 infections, including COVID-19 vaccine breakthrough infections, associated with large public gatherings—Barnstable County, Massachusetts, July 2021. *Morbidity and Mortality Weekly Report*, 70(31), 1059.

<https://www.cdc.gov/mmwr/volumes/70/wr/mm7031e2.htm>

⁶ Siddle, K. J., Krasilnikova, L. A., Moreno, G. K., Schaffner, S. F., Vostok, J., Fitzgerald, N. A., ... & Sabeti, P. C. (2021). Evidence of transmission from fully vaccinated individuals in a large outbreak of the SARS-CoV-2 Delta variant in Provincetown, Massachusetts. *Medrxiv*. Preprint.

⁷ Singanayagam, A., Hakki, S., Dunning, J., Madon, K. J., Crone, M. A., Koycheva, A., ... & Lackenby, A. (2021). Community transmission and viral load kinetics of the SARS-CoV-2 delta (B. 1.617. 2) variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal, cohort study. *The Lancet Infectious Diseases*.

[https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00648-4/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00648-4/fulltext).

⁸ Picheta, Rob, "Europe is learning a crucial lesson -- vaccines work, but they alone won't stop Covid now," August 20, 2021.

<https://www.cnn.com/2021/11/19/europe/europe-covid-vaccination-rates-fourth-wave-cnd-intl/index.html>

⁹ Rossi, Melisa, "Why Spain Has Avoided Europe's Covid Surge," November 17, 2021. <https://news.yahoo.com/why-spain-has-avoided-europes-covid-surge-100025909.html>.

¹⁰ "In one of the country's most vaccinated places, masks were still key to slowing Covid-19,"

<https://www.cnn.com/2021/10/01/health/covid-vaccine-colorado-tourist-town/index.html>

¹¹ New York Times data, <https://www.nytimes.com/interactive/2021/us/covid-cases.html>; Accessed November 21, 2021.

¹² Vermont Open Geodata Portal, <https://geodata.vermont.gov/datasets/vt-covid-19-daily-counts-table/explore?showTable=true>; Accessed November 21, 2021.

¹³ Vermont Open Geodata Portal, <https://geodata.vermont.gov/datasets/vt-covid-19-hospitalizations-by-date-emr/explore>; Accessed November 21, 2021.

¹⁴ DFR Covid-19 Modeling, https://dfr.vermont.gov/sites/finreg/files/doc_library/dfr-covid19-modeling-111621.pdf; Accessed November 20, 2021.

¹⁵ Vermont Open Geodata Portal, <https://geodata.vermont.gov/datasets/vt-covid-19-daily-counts-table/explore?showTable=true>; Accessed November 21, 2021.

¹⁶ COVID-19 Cases in Vermont K-12 Learning Communities While Infectious, Vermont Department of Health, Nov. 15; Accessed November 20, 2021. <https://www.healthvermont.gov/sites/default/files/documents/pdf/COVID19-Transmission-Schools.pdf>; Accessed November 20.

¹⁷ This estimate is based on an average of 7 lost days of school per case, accounting for 10-day isolation periods and weekends.

The Delta surge is also exacerbating significant strains on Vermont health systems. Healthcare leaders at academic medical centers and critical access hospitals report that COVID-19 is already affecting access to care for non-COVID patients across the region.¹⁸ Regional hospitals report making upwards of 30 calls to transfer patients for critical care, and many non-COVID patients languish in hospitals for lack of access to appropriate care. Vermont's ICU capacity is currently at 85-90%; functionally, an ICU is completely full when it reaches 85% capacity.¹⁹ Further, a new modeling study released by the CDC estimated that when ICUs reach 75% capacity, patient care suffers and leads to excess death from other conditions.²⁰ While COVID-19 is not the only driver of health systems strain, it is the most modifiable factor through public health interventions. We cannot predict or prevent heart attacks or traumas or solve an acute-on-chronic health workforce shortage with short-term public health interventions.²¹ We can, however, rapidly deploy evidence-based policies to control COVID-19.

Several factors, including high population mobility, continued return to in-person work, heightened travel, the absence of nonpharmaceutical interventions, and the presence of the highly transmissible Delta variant, support projections that Vermont will continue to see sustained or growing levels of infection. Vermont is making tremendous progress in vaccinating children 5-11 and in delivering boosters; however, only 26% of children have received their first dose and 34% of Vermonters have received a booster.²² It is essential that Vermont employ other policy strategies to control COVID-19 and mitigate its secondary impacts while it continues to vaccinate children and deliver boosters to eligible adults.

2. Evidence and Data on Masking and Mask Policies

We have significant and consistent evidence in support of masking and mask policies as a tool for controlling COVID-19.²³ Two policy studies have demonstrated that state-level face mask mandates are associated with reduced COVID-19 growth rates.^{24,25} A large randomized control trial, considered the strongest form of evidence, found that increasing masking from 14 to 43 percent resulted in a 34% decrease in COVID-19 in older adults, the group at highest risk of hospitalization and death.²⁶ Lab studies have shown that even basic cloth masks can block more than 50% of aerosols, and higher-quality masks provide even greater protection.²⁷ Two new studies on school masking from the CDC during the Delta surge show a large effect of masking on cases and quarantines, together providing evidence that masking

¹⁸ Doyle-Burr, Nora, "COVID-19 drives crunch for beds in Upper Valley hospitals," October 28, 2021. <https://www.vnews.com/ICU-beds-hard-to-find-amid-workforce-shortage-and-COVID-19-surge-43246877>.

¹⁹ Stenehjem, Edward, "COVID-19: What it means for a hospital ICU to be at capacity," November 23, 2021. <https://intermountainhealthcare.org/blogs/topics/covid-19/2020/11/covid-19-what-it-means-for-a-hospital-icu-to-be-at-capacity/>.

²⁰ French G, Hulse M, Nguyen D, et al. Impact of Hospital Strain on Excess Deaths During the COVID-19 Pandemic — United States, July 2020–July 2021. MMWR Morb Mortal Wkly Rep 2021;70:1613–1616. DOI: <http://dx.doi.org/10.15585/mmwr.mm7046a5>

²¹ French G, Hulse M, Nguyen D, et al. Impact of Hospital Strain on Excess Deaths During the COVID-19 Pandemic — United States, July 2020–July 2021. MMWR Morb Mortal Wkly Rep 2021;70:1613–1616. DOI: <http://dx.doi.org/10.15585/mmwr.mm7046a5>.

²² Vermont Department of Health Vaccine Dashboard, <https://www.healthvermont.gov/covid-19/vaccine/covid-19-vaccine-dashboard>

²³ Brooks, J. T., & Butler, J. C. (2021). Effectiveness of mask wearing to control community spread of SARS-CoV-2. *Jama*, 325(10), 998-999. <https://jamanetwork.com/journals/jama/fullarticle/2776536>

²⁴ Lyu, W., & Wehby, G. L. (2020). Community Use Of Face Masks And COVID-19: Evidence From A Natural Experiment Of State Mandates In The US: Study examines impact on COVID-19 growth rates associated with state government mandates requiring face mask use in public. *Health affairs*, 39(8), 1419-1425. <https://doi.org/10.1377/hlthaff.2020.00818>.

²⁵ F Joo, H., Miller, G. F., Sunshine, G., Gakh, M., Pike, J., Havers, F. P., ... & Coronado, F. (2021). Decline in COVID-19 hospitalization growth rates associated with statewide mask mandates—10 states, March–October 2020. *Morbidity and Mortality Weekly Report*, 70(6), 212.

²⁶ Abaluck, J., Kwong, L. H., Styczynski, A., Haque, A., Kabir, M. A., Bates-Jefferys, E., ... & Mobarak, A. M. (2021). *Normalizing Community Mask-Wearing: A Cluster Randomized Trial in Bangladesh* (No. w28734). National Bureau of Economic Research.

²⁷ Lindsley, W. G., Blachere, F. M., Law, B. F., Beezhold, D. H., & Noti, J. D. (2021). Efficacy of face masks, neck gaiters and face shields for reducing the expulsion of simulated cough-generated aerosols. *Aerosol Science and Technology*, 55(4), 449-457. <https://www.tandfonline.com/doi/full/10.1080/02786826.2020.1862409>.

continues to remain effective against the highly transmissible Delta variant.^{28,29} These studies add up to a clear conclusion: masks and mask policies represent a critical strategy for controlling COVID-19.

On July 27, the CDC changed its guidance to recommend universal indoor masking for vaccinated and unvaccinated persons in areas of substantial or high transmission.³⁰ Six states currently have a mask mandate in place. States that reintroduced mandates following the change in CDC guidance saw immediate and significant increases in masking.³¹ Masking currently ranges from 51-67% in states with mandates compared to 33% in Vermont.³² Notably, Vermont achieved 86% community masking when its state mandate was in place, compliance that was above the highest reported level in all states with masking mandates currently in place. In Hawaii, the state with previous levels of masking most comparable to Vermont at 82%, 67% of residents currently report masking, twice as high as in Vermont. While public health experts rely on peer reviewed studies and not point-in-time comparisons of states to assess the effectiveness of masking policies on controlling COVID-19, we currently see that five of the six states with mask policies have rates of infection significantly lower than Vermont.³³

While opposition to masking dominates media coverage, national polling data from November shows that a majority of Americans continue to support mask mandates.³⁴ We do not have polling data available from Vermont; however, a public records request of constituent communications to Governor Scott provides some insight into public opinion on mask mandates in Vermont.³⁵ 324 of 357, or 90% of constituents who contacted Gov. Scott between September 21 to October 25 on the subject of mask mandates or COVID mitigation measures expressed support for at least a mask mandate. Only 33 constituents expressed opposition to a mandate. Several additional constituents contacting Governor Scott did not ask explicitly for a mask policy, and are therefore not included in this total, but called for a more aggressive public health response.

3. Why the Temporary Municipal Mask Mandate Act Will Not Work

Governor Scott's proposed Temporary Town Mask Mandate Act will not work and is contrary to science. I encourage the Legislature to work with the Governor to pass a law that is data-driven and will most effectively protect Vermonters from COVID-19 and mitigate the impacts we are currently seeing on our health systems and schools. I am concerned that a local control approach will have suboptimal public health impact, unnecessarily burden municipal leaders with making and implementing public health decisions, and exacerbate health, educational, and economic disparities.

A town-by-town approach falls short of the aggressive statewide strategies needed to address Vermont's current public health crisis. Individuals, households, and communities live, learn, and work, and recreate across multiple communities, counties, and even state lines. Many schools draw students from several communities. Viral transmission does not respect town boundaries, and piecemeal policies to disrupt it will therefore be less effective.

²⁸ Jehn M, McCullough JM, Dale AP, et al. Association Between K–12 School Mask Policies and School-Associated COVID-19 Outbreaks — Maricopa and Pima Counties, Arizona, July–August 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1372–1373. DOI: <http://dx.doi.org/10.15585/mmwr.mm7039e1>.

²⁹ Budzyn SE, Panaggio MJ, Parks SE, et al. Pediatric COVID-19 Cases in Counties With and Without School Mask Requirements — United States, July 1–September 4, 2021. *MMWR Morb Mortal Wkly Rep* 2021;70:1377–1378. DOI: <http://dx.doi.org/10.15585/mmwr.mm7039e3>.

³⁰ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html>.

³¹ COVID-19 Projections, Institute for Health Metrics and Evaluation (IHME), <https://covid19.healthdata.org/global>, Accessed November 20, 2021.

³² COVID-19 Projections, Accessed November 20, 2021.

³³ New York Times data, <https://www.nytimes.com/interactive/2021/us/covid-cases.html>, Accessed November 21, 2021.

³⁴ Axios/Ipsos Topline polling, A survey of the American general population (ages 18+), Nov. 5-8.

³⁵ https://www.ipsos.com/sites/default/files/ct/news/documents/2021-11/Topline_Axios_Ipsos%20W57.pdf#page122.

³⁵ Vermont public records request of constituent communications on COVID mask mandates and mitigation policy from September 21 to October 25, 2021 to Governor Scott, submitted by Alexis Dubief, data shared with author on November 21, 2021.

Thetford Town Offices

Mechanical Scope of Work Narrative

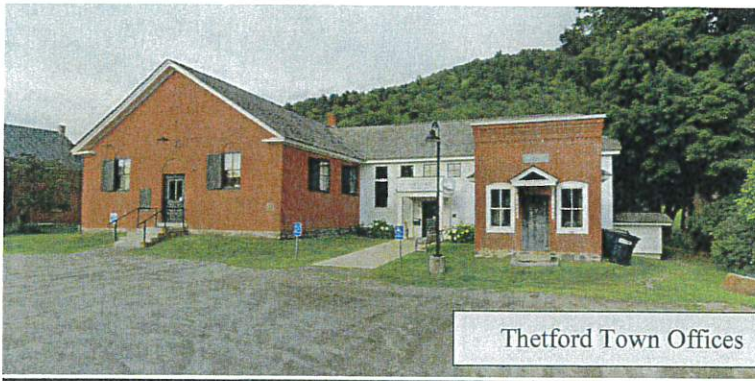
December 6, 2021

The town office building is a renovated facility that has LP gas furnaces heating the spaces with DX cooling. Each unit also provides ventilation for the occupied areas. The load bearing masonry building has been renovated and spaces are very tight to run ductwork and piping. We would recommend leaving the existing LP gas furnaces in place and install heat pumps for the Vault area, administrative department, police chief, and the Food Shelf in the basement area. Two of these spaces currently do not have any temperature control.

The primary reason for doing this project is to modernize the heating, reduce fossil fuel use, replace inefficient windows, and improve building comfort. In addition, the project will have a fuel reduction of about \$1,000 per year,.

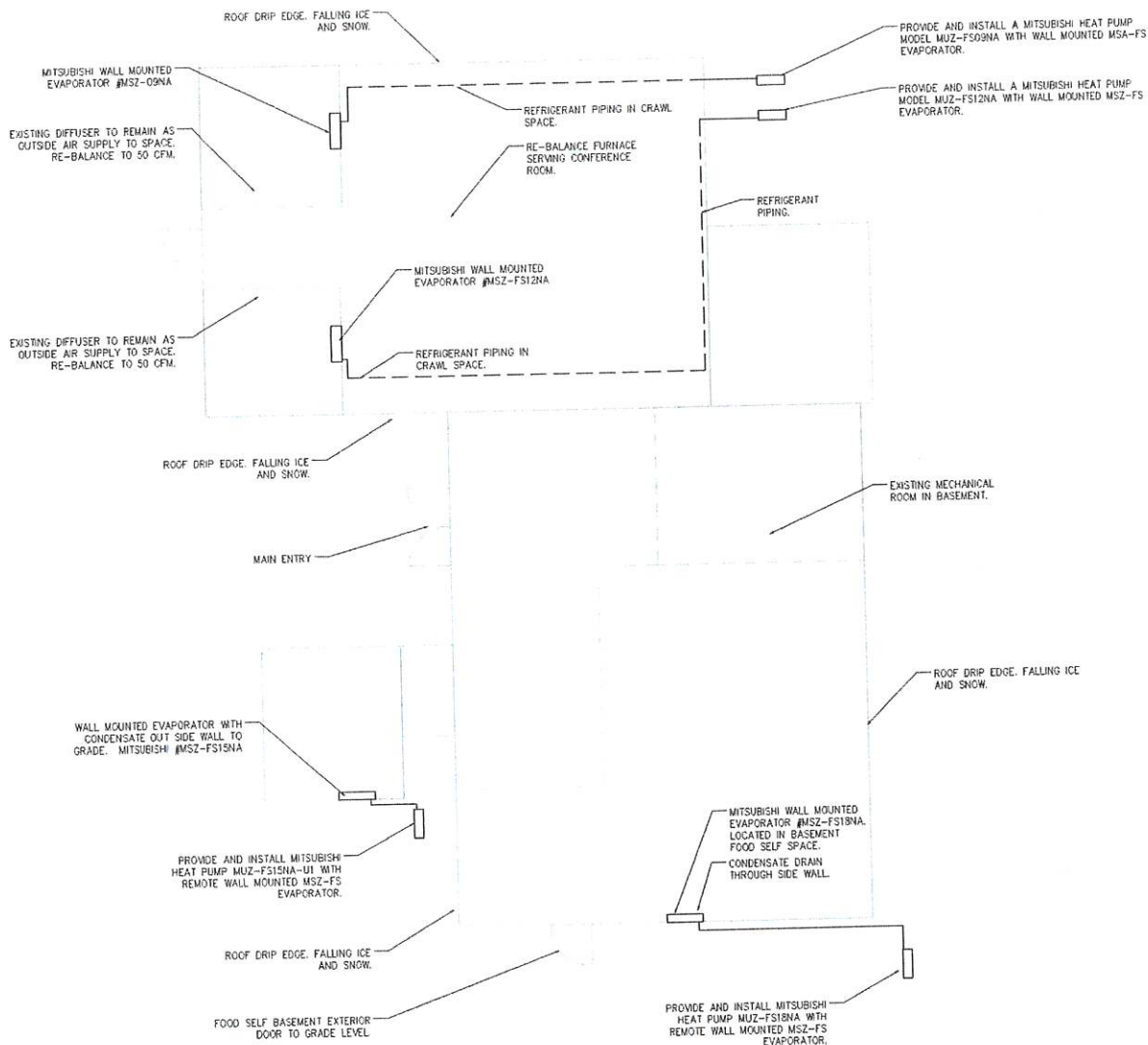
Thetford		
1	Town Offices HVAC (Dedicated heat pump Police Chief, Food Shelf, Vault area, & Administration) Rebalance town manager office	\$62,100
2	Controls	\$27,800
3	Window Replacement	\$38,639
4	Door Weather Stripping	\$900
5	Basement Lighting	\$800
	Subtotal	\$130,239
	P&P Bond	\$1,302
	Town Total	\$131,542
	5 year lease estimate annual payments	\$28,300

This project would be eligible for up to \$5,000 in rebates and grants from Efficient Vermont. Project is subject to permitting and historic review. Asbestos or lead abatement is not included.

**Mechanical Scope of Work**

Provide and install heat pumps as shown on drawings M1.1. Heat pumps shall be based on Mitsubishi or equal. Install all refrigerant piping per manufacturers installation manual. The existing furnace system shall remain in place in the HP zones to provide outside air. Reduce the airflows to these spaces as shown on plans and increase the airflow to adjacent spaces (Conference rooms). Coordinate final evaporator locations with owner. This will move the town toward a majority fossil fuel free heating and cooling system for the town.

Drawing is shown of following page:



ENERGY EFFICIENT INVESTMENTS, INC.

19 STAR DRIVE UNIT D ■ MERRIMACK, NH 03054 ■ Tel. (603) 423-6000 ■ Fax (603) 423-6001

www.EEISERVICES.com

Building envelope improvements

Upgrading the historical buildings windows from original single pane with an efficient aesthetically acceptable window is recommended.



Replacement of door weatherstripping throughout is recommended with new construction style double glazed Pella windows. Scope of work would include 9 Pella Reserve Traditional single hung 39 x 68 Windows with sill flashing. Windows will include argon Low-E dual pane, with screens

Owner can deduct \$3,500 to use replacement style windows rather than new construction.



(Photo is sample only window grid patterns will match existing).

Lighting Improvements

The building has been equipped with LED lighting, with the exception of a few low traffic fixtures in the basement area. The remaining fixtures will be upgraded to LED as part of this project.

HVAC Controls

EEI recommends installation of a full DDC direct digital controls system with remote monitoring. This will allow for improved energy performance and remote diagnostics and to ensure the heat pump systems do not fight with existing ventilation systems

Marion Betts

From: Tom Ward <tom.ward3@gmail.com> on behalf of Tom Ward
Sent: Sunday, December 05, 2021 3:25 PM
To: Thetford Selectboard; Bryan Gazda
Cc: Marion Betts
Subject: 12/6/21 Selectboard Meeting - Objection to Sharrows
Attachments: Gmail - Sharrows have been shown to be ineffective 1.pdf; Gmail - Sharrows have been shown to be ineffective 2.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Thetford Selectboard and Bryan Gazda,

I understand that the topic of sharrows is on the Monday, December 6th Selectboard agenda. I am writing to reiterate my objection to the proposal to place sharrows on Tucker Hill Road, Academy Road and Route 132.

My objections are the same as I voiced during a similar conversation in April:

1. Sharrows are not effective. I have previously provided the selectboard with research that questions the efficacy of sharrows (see attached emails). Some studies indicate that sharrows may cause more safety issues than they solve.
 1. "The more direct safety measure was equally discouraging. The number of injuries that occurred per 100 cyclists in a given year decreased the most in areas that installed bike lanes, nearly 42 percent. That's not too surprising, but Ferencak and Marshall also found that injuries in blocks with sharrows only declined about 20 percent—less of a decrease than occurred in Chicago blocks where no bike infrastructure was created at all, nearly 37 percent."
(Source: <https://www.bloomberg.com/news/articles/2016-02-05/study-sharrows-might-be-more-dangerous-to-cyclists-than-having-no-bike-infrastructure>)
 2. Sharrows are recommended where speed differential car: bike is low, e.g. roads with <25mph. The speed limit is higher than 25 mph on RT 132, Academy Road and most of Tucker Hill Road.
 3. Generally not suitable for roads >35mph
 4. "Share the road messaging" is not working elsewhere and it causes confusion. Some jurisdictions have begun to replace "share the road messaging" with "Bicycles May Use Full Lane" signage. In fact, Delaware discontinued use of the "Share the Road" plaque in November, 2013, because "Some believe the plaque puts more onus on the bicyclist to share the road than the motorist." "Road users are unclear whether "share the road" means that drivers should give space when passing or that bicyclists should pull to the side to allow drivers to pass." The US Department of Transportation - Federal Highway Administration Manual on Traffic Control Devices (MUTCD) states: It is still compliant with the MUTCD if a jurisdiction chooses to post a SHARE THE ROAD (W16-1P) plaque under a Bicycle (W11-1) warning sign, but it would not be the best practice. Source: https://mutcd.fhwa.dot.gov/knowledge/faqs/faq_part9.htm#signsq5
2. The initial vote to support this grant was rushed without conducting adequate research on the topic of sharrows. It should be standard practice to conduct adequate research before spending tax dollars on any project. I have yet to see the proponents of this grant present research that indicates the effectiveness of sharrows in a rural environment.
3. Spending tax payer dollars on a project with questionable efficacy is not a good use of funds. I understand this grant involves a 50% match, most of which would likely be filled through in-kind funds (road crew labor). These

are hours that can be better spent otherwise by our road crew. This is not a good use of Thetford tax payer dollars.

If the goal is safer roads to increase bicycle usage, short of building separate bike paths, the most impactful thing to do is enforce existing speed limits. (See the discussion of speed and survival rates in the attached April 11 email.) Lower speed gives drivers more time to notice and react to a cyclist on the road. The topic of electronic speed limit signs was discussed at an April selectboard meeting. Has the selectboard or town manager further investigated this option? Second, improve our road surfaces; in numerous places on Tucker Hill Road a cyclist is forced to ride close to the middle of the road to safely navigate the damaged surface. This creates further unsafe conditions for cyclists, runners, and walkers. I understand such improvements are expensive. However, if the selectboard is truly serious about replacing car trips with bicycle trips, cyclists need to feel safe. Without cars traveling at slower speeds and road conditions being improved, sharrows will do little or nothing to improve cyclist safety.

Respectfully,

Tom
Tucker Hill Road Resident

Tom Ward

mobile: 781-640-1920
tom.ward3@gmail.com



Tom Ward <tom.ward3@gmail.com>

Sharrows have been shown to be ineffective

Tom Ward <tom.ward3@gmail.com>

Thu, Apr 8, 2021 at 3:14 PM

To: selectboard@thetfordvt.gov, Bryan Gazda <bgazda@thetfordvt.gov>

Bcc: The Babbott Wards <babbottward@gmail.com>

Dear Selectboard and Bryan,

I would like to add to the comments I made at Monday's selectboard meeting regarding the plan to put sharrows on Tucker Hill Road and Academy Road. To be clear, these comments represent my own opinions and are not intended to represent the position of the Energy Committee of which I am a member.

As a lifelong cyclist, I am all in favor of bicycle safety and increased ridership. When a bike commute or ride replaces a trip in a car, it makes a positive impact on greenhouse gas emissions (GHG). However, I am not convinced that sharrows will improve safety or increase ridership. I have not found a study that concludes that sharrows increase ridership and safety. Some research has found that sharrows do reduce dooring (when the opening door of a parked car hits a cyclist, clearly not an issue on our roads). In fact, sharrows may actually result in decreased safety and increased injury. (See the Effectiveness section here: https://en.wikipedia.org/wiki/Shared_lane_marking#). And this article: <https://www.bloomberg.com/news/articles/2016-02-05/study-sharrows-might-be-more-dangerous-to-cyclists-than-having-no-bike-infrastructure>

I'm curious to know what research the selectboard has done on the efficacy of sharrows. What community input went into the decision to proceed with sharrows on the roads? Will the selectboard consider new information/opinions? I understand Sharon polled residents of the Tucker Hill Road and Academy Road neighborhoods and all but one of the two dozen respondents are not in favor of sharrows. Additionally, the listserv has recently been scattered with posts in opposition to the sharrows.

As a taxpayer, I see this "experiment" (as this was characterized to me by Li) as an ineffective use of funds. Maybe the grant can not be used for anything else, but that does not mean the grant funds should be spent. I understand that if we use the grant funds, the town is required to match the funds or provide an in-kind match, such as DPW hours. I think our match could better be used elsewhere. Why should we conduct this experiment when others have already conducted research showing sharrows are not effective? If this is truly an experiment, what metrics are planned to be used to conclude whether sharrows are successful or not? Are there baseline statistics to compare to? Is there a plan to collect data?

We do need to get out of our cars and find better transportation alternatives. Separated bike lanes would accomplish this, but unfortunately bike lanes are far from affordable for a small town such as Thetford. We need to start somewhere, but experimenting with sharrows on our rural roads is not a good use of funds – be they from a grant or matching town taxpayer dollars.

Respectfully,

Tom

Tom Ward

mobile: 781-640-1920

tom.ward3@gmail.com

Sharrows have been shown to be ineffective

Tom Ward <tom.ward3@gmail.com>

Sun, Apr 11, 2021 at 8:20 PM

To: selectboard@thetfordvt.gov, Bryan Gazda <bgazda@thetfordvt.gov>

Bcc: The Babbott Wards <babbottward@gmail.com>

Dear Selectboard and Bryan,

I am writing to provide a few more thoughts on bicycle and pedestrian safety on our roads.

I believe the town already has the most important safety signage already in place, speed limit signs. And Vermont has handheld portable electronic device laws intended to reduce distracted drivers. The slower the speed and the less distracted a driver is, the more time they have to see and react to a cyclist or pedestrian along our narrow, hilly roads with many blind corners. Unfortunately, at least on Tucker Hill Road (which I know better than Academy Road) a significant percentage of drivers routinely exceed the speed limit. I would be surprised if the average speed on the majority of Tucker Hill Road is under 40-45 mph. I have not measured it, but I am quite sure cars traveling toward RT 132 as they head down the hill approaching Poor Farm Road routinely exceed 50 mph.

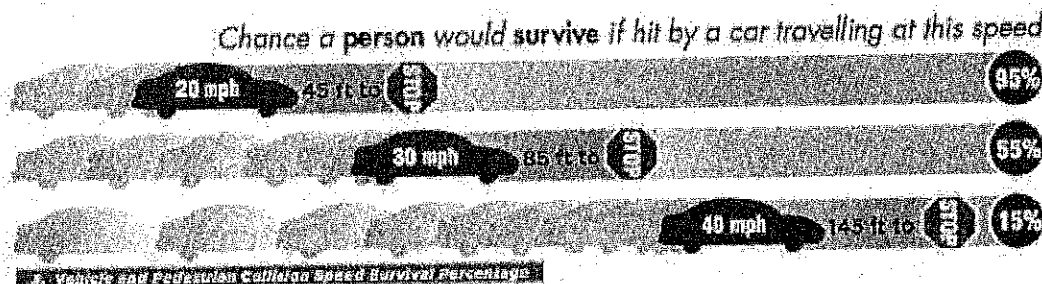
Here is a compelling chart from the Vermont Criminal Justice Council website: <https://vcjc.vermont.gov/sites/vcjc/files/files/resources/VT%20Police%20Academy%20training%20re%20walk-bike%20safety.pdf> (page 47)

The survival rate of a pedestrian or cyclist being hit by a car traveling 40 mph is 15% compared to a 55% survival rate at 30 mph. This is quite dramatic.

GUIDANCE: Motorist Enforcement

Speeding in lower-speed zones

For a person walking or biking, being hit by a car going 40 mph in a 25 mph zone means 85%+ chance of death. In a 55 mph zone, though, it doesn't matter if a car is going 55 or 70 -- you're dead either way.



If improving bicycle and pedestrian safety (which in turn should increase bicycle ridership) is the primary goal, enforcing (and maybe lowering) speed limits would do far more than adding sharrows or additional signage to our roads.

Cyclists and pedestrians have responsibilities too. In many auto vs bicycle/pedestrian accidents, the driver's response is "I did not see them." Cyclists and pedestrians should ride and walk/run defensively. Increasing visibility is key. When bikers and walkers/runners wear bright, reflective clothing and equip their bikes with front and rear lights drivers see them sooner. A 2013 study from Denmark found that riders with *daytime* running lights were 19 percent less likely to be hit by drivers than a control group without. (<https://pubmed.ncbi.nlm.nih.gov/22884376/>) Flashing lights can increase visibility even further.

In summary, slower car speeds and increased bicycle and pedestrian visibility can dramatically increase the time a driver has to react to the presence of a bicycle or a pedestrian. This can make even our narrow roads safer, hopefully resulting in some car trips being replaced by bicycle trips/commutes and safer pedestrian paths.



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Selectboard Regular Meeting *Draft* Minutes

Thetford Town Offices

(w/Virtual Attendance Option)

Monday, November 15, 2021 7:00 PM

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

Selectboard members absent: Nick Clark

Others present: Town Manager Bryan Gazda, Town Clerk/Treasurer Tracy Borst, Police Chief

Michael Evans (via Zoom), Selectboard Assistant Martie Betts

Community members: Stuart Rogers

Sharon Harkay called the meeting to order at 7:04 PM.

1) Agenda Review

2) Town Manager Report – Bryan Gazda

a) FEMA Update

Bryan said there are continued roadblocks with FEMA. Information that had been sent by Mary Ellen Parkman a few years ago had to be resubmitted. Mary Ellen has graciously agreed to work with the State to make sure they have everything they need. At this point it doesn't look hopeful for getting any payments by the end of the year.

b) Other

Paving for Route 132

There has been a delay with the paving due to the inclement weather. They hope to finish up by Wednesday or Thursday of this week. Then they will work on guardrails and getting the project ready for winter.

Flagpole in Post Mills

Logan Protzman came to see Bryan about installing a flagpole at the Post Mills Common. Logan is working on achieving his Eagle Badge, so it's a project he would like to do as an Eagle Scout. He would like to put a telescopic flagpole on the common, and emailed Bryan his plans. This will be a solar operated pole, so no electricity will be needed for lights. Bryan supports the idea.

3) Public Comment

No public comment.

4) Request for Waiver of Homestead Declaration Late Filing Penalty

The party making the request was not at the meeting.

5) Consideration of Procurement of Replacement of Police Cruiser

Police Chief Michael Evans presented his information for a 2022 Ford Police Interceptor Utility Vehicle, which is based on the Ford Explorer. This is a hybrid model. Chief Evans said he has had a number of conversations with people who are using hybrid vehicles and the reports were good. Chief Evans discussed mileage statistics and repair history of the current vehicles. There



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were three dealership quotes for the Selectboard to review. Ford of Claremont includes a 5-year 100,000-mile extended warranty. Chief Evans said he and Bryan Gazda have had conversations about the replacement schedule and the merits of warranties but asked that the Selectboard approve the money that includes the warranty and if we decide to forego it, we will spend less than you approved. Chief Evans also spoke with Geoff Martin about the vehicle in consideration of the green fleet policy. At this time, Chief Evans feels we are not ready to go entirely with electric vehicles.

Sharon Harkay asked how many miles this vehicle would be able to travel on electric. Chief Evans said he was not exactly sure, but he spoke with the Hanover department who uses these vehicles, although their travel is different from ours. It will have to be determined by use. Sharon commented that she was glad the Chief and Bryan were going to take a look at the extended warranty, because as she has looked at them over the years, she has been convinced that they just aren't worth it. Chief Evans said once they look at the replacement schedule, that will determine whether they anticipate going beyond normal coverage and the need for any kind of warranty. Mary Bryant said she was also curious about the extended warranty. With the cars that we have presently, have you ever used the extended warranty, and do you think you that we have gotten back more than the cost of them in the cost of repairs than the warranty.

Chief Evans said they have used the extended warranty on a number of repairs. There have been a number of years where we were over 60,000 miles. Unfortunately, that warranty was a 5 year, 125,000 miles warranty. We aged out slightly before we exceeded the mileage cap. But there were a couple of rather expensive engine repairs. There was also a water pump issue. We were fortunate to have the warranty then, but it might be beneficial to get on a better replacement cycle.

Mary said pretty clear that over the life of the hybrid vehicle and electric vehicles they are less expensive to run and need fewer repairs over the course of their life. Mary said she think it's great that we are moving in this direction.

Chief Evans said in regard to how fast can you go, the bigger advantage is the amount of idling time that we do, as we're coming in the winter season, if we shut the car off we'll have ice in a matter of moments. There is also the consideration of keeping a comfortable work environment for the employees. Even on a traffic stop, the engine will shut off, the care will remain ready to go. Just for financial side of it, Officer Rogers car year-to-date has cost us approximately \$3200 in gas, and using the savings indicated by Hanover we could reduce that amount by more than 1,000.

Motion by Sharon Harkay to purchase the hybrid police cruiser that Chief Evans has suggested from Claremont Ford for \$43,173.00, and to authorize Town Manager Bryan Gazda to sign any necessary paperwork. **VOTE by Roll Call:** Mary Bryant – in favor, Steve Tofel – in favor, Li Shen – in favor, Sharon Harkay – in favor

6) Anticipated Appointment to fill Open Lister Position until March Elections

Motion by Sharon Harkay to appoint Susan Howard to the position of Lister until the March 2022 election. **VOTE by Roll Call:** Mary Bryant – in favor, Steve Tofel – in favor, Li Shen – in favor, Sharon Harkay – in favor

7) Anticipated Appointment to fill Town Moderator Position until March Elections



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Sharon Harkay said the moderator Michael Kiess is rejoining the Peace Corps and headed back to Uganda. Two people put their letters of interest in, Deecie Denison and Charlie Buttrey, who is in Boston, and unable to attend. (*Deecie Denison attended via Zoom*)

Motion by Steve Tofel that we appoint Deecie Denison to act as the moderator for the Town Meeting in February of 2022.

Tracy Borst wanted to clarify the motion, as the moderator would be appointed starting now, serving until the next election. Steve amended the motion: To appoint Deecie Denison to act as the Town Moderator beginning now and lasting until the next election. All in favor. **Motion passes.**

Pat Pisano's letter of interest for appointment to the Thetford Elder Network.

Motion by Steve Tofel that we appoint Pat Pisano to the Thetford Elder Network Committee. All in favor. **Motion passes.**

Mike Kiess stepping down from Joint Energy Committee.

The Selectboard Assistant will put out a notice of the opening.

8) Discussion of Non-Union Health Insurance for 2022

Bryan Gazda reviewed a spreadsheet sent to the Selectboard. Bryan said his understanding of past practice with determining the percentage rate for town contribution is to use the Police Bargaining Agreement (PBA). In the past the Selectboard started moving from 100% contribution to 85% at 2.5% increments. Right now, we are at 90%. Within the current bargaining agreement there are some percentage adjustments now. What is presented to you is tentatively set in the PBA, and the 87.5% would be following the plan that's been put in place. Also, this year the State created a small group plan for businesses, which is what we are considered. With that change, the Blue Cross premiums went down a little over 6%. By basing our dollar amount on the Blue Cross Platinum plan, the amount of money the employees would get is less this year, if we stick with that same concept.

Sharon said she wanted to add on so it's clear on how this works. The town bases its contribution on the Blue Cross/Blue Shield Platinum program for 2 people. That is the most expensive out of 8 plans that we have on our chart. As our charts show, the 88% town contribution for annual premium, we are contributing \$18,629 per employee for a 2-person plan. They can take that money and chose any of the 8 plans. Employees have choice. While we base our town contribution on the one plan, the employees can choose any one of the 8 plans. Tracy had given us the history of the insurance plans, and while the agreement has changed over the years, right now we pretty much follow what the Police Union has.

Bryan explained that employees can still maintain a Health Savings Account. That amount will decrease in the upcoming year due to those two factors; BC/BS rates going down and the decrease in the percentage the town is giving.

Tracy Borst said the Town designates an amount of money that they will contribute for each employee's health insurance, and then employees can pick from Vermont Health which plan works for them. If the employee picks the platinum plan, which the percentage is based on, it has a lower deductible, so it is not eligible for an HSA. You have to be in a higher deductible plan to qualify for an HSA. The BC/BS Platinum, with the lower deductible, also has copays. The



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employees picking the platinum plan is going to have a deduction for their insurance, but they will also pay copays every time they go to the doctor, and a percentage of radiology or an emergency room visit, and the like. If an employee picks a high deductible plan, that qualifies for an HSA. A high deductible plan is going to cost less than the Town contribution, so the difference would go into an employee's HSA account to help cover the cost of the deductible. With the Town contribution going down, based on the new group rate for the platinum plan, for myself staying on the same plan, my insurance will be \$1700 more this year, and my deductible goes up by a couple hundred dollars. That's just an example of how those costs are effecting employees.

Sharon pointed out that the Town is basing their share on the most expensive plan.

Tracy said that's because of the collective bargaining agreement. It wasn't always that way. There was discussion about how the insurance rates change and how the town percentage is determined.

There was discussion about possible consequences to changing the town contribution for non-union employees.

Motion by Sharon Harkay that for this coming year the Town contributes 88% toward non-union based on BCBS platinum plan.

Steve Tofel asked how much more would it cost if we did adjust the contribution for non-union employees.

Bryan said he could get numbers to Steve.

Motion called. VOTE by Roll Call; Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor, Steve Tofel – abstain

9) Discussion of Agricultural Tax Stabilization Policy

The Selectboard reviewed the draft document put together by Li Shen. Li said it was difficult to find examples in the state of Vermont.

There was discussion about which agricultural lands should be under the agreement.

There was discussion about possible creating a committee to write the policy.

Li and Sharon will take a second look at a policy from the town of Berlin. The Selectboard agreed to put this for discussion after the budget season.

~~10) Possible Ratification of the New England Police Benevolent Association, Local 403 Union Contract~~

11) Warrants and Minutes

Motion by Sharon Harkay to accept the regular Selectboard meeting minutes of November 1st, 2021, as presented. All in favor. **Motion passed.**

Discussion about non-Social Service organization financial requests

Sharon said that last year, organizations like the Library Federation, the Fire Department and others had come to the Selectboard with a request for financial contribution and asked that the Selectboard place an article on the Town Meeting. There was an article for each organization. The question is are we going to continue the practice of warning an article so the town can vote as opposed to a line item.



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1 Li said they are non-town organizations so they can't be put in as a line item.
2 Stuart Rogers said that the Selectboard, prior to having a Town Manager, had those organizations
3 come in to explain their budget. The town has no authority over these organization, so they
4 became separate warned articles. This gives an opportunity to have the discussion as a warned
5 article, a petitioned article has to be warned as petitioned.
6 **Motion** by Li Shen for any non-social service, or non-town service provider to the town, be a
7 warned article so the voters can vote on the amount of money the service provider is requesting,
8 without requiring a signed petition. All in favor. **Motion passed.**

9
10 **Motion** by Sharon Harkay to accept the warrants as presented. **VOTE (3 -0 -1)** Mary abstained,
11 as she attended via Zoom.

12 #23.2	\$34,277.33
13 #30.3	\$224,002.45
14 #31.3	\$359.88
15 #40.1	\$39,622.55
16 #22.4	\$34,800.56
17 #41.1	\$24,597.45

12) Adjourn

20 **Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 8:52 PM. All in favor.

22 **Motion passed.**