



# Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075  
802-785-2922 • [thetfordvermont.us](http://thetfordvermont.us)

## Selectboard Special Meeting \*Draft\* Agenda

### Thetford Town Offices

(w/Virtual Attendance Option)

Monday, January 24, 2022 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 Sayre Bridge
  - b) Other
- 3) Public Comment
- 4) Discussion on Possible Extension of Mask Mandate
- 5) Discussion about Town Meeting – location, time, other
- 6) Discussion of S.222, Temporary Open Meeting Law Procedures in Response to COVID-19
- 7) Request from the Treasure Island Exploratory Committee
- 8) Presentation and Request from Tom Ward concerning Wake Boats on Lake Fairlee
- 9) Final Acceptance of 2022 Budget, Selectboard Report and Warning
- 10) Scheduling of Special Selectboard Meetings on January 26<sup>th</sup> and 31<sup>st</sup>
- 11) Warrants and Minutes
- 12) Adjourn

**TOWN OF THETFORD, VERMONT**  
**RULE REQUIRING WEARING FACE COVERINGS**  
**INDOORS IN PUBLIC SPACES**

**Section 1. Authority.**

This Rule is adopted by the Selectboard of the Town of Thetford 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 of Thetford.

**Section 3. Requirement to Wear Face Coverings.**

All establishments located in the town of Thetford 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 face coverings or face shields over their nose and mouth while inside.

**Section 4. Exceptions.**

Face coverings are not required for:

- Any person officiating or participating in a religious service or activity in which the temporary removal of a face covering is necessary to participate in or complete the religious service.
- 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 a workplace risk assessment

**Section 5. Other Laws.**

This Rule is in addition to all other ordinances and rules of the Town of Thetford 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 6. 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 7. Effective Period.**

This Rule shall take effect immediately upon the approval by the Selectboard and shall remain in effect for a period not to exceed 45 days following its initial adoption. The Selectboard 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 shall meet at a minimum once every 30 days to reconsider this Rule, at which meeting the Selectboard 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 of the Town of Thetford at its meeting on this 13<sup>th</sup> day of December 2021.

**SIGNATURES of Selectboard?**

*Steph Clark*  
\_\_\_\_\_  
*P. J. Shee*  
\_\_\_\_\_  
*Mary Buzant*  
\_\_\_\_\_  
*D. E. Harkney*  
\_\_\_\_\_

From: U.S. Senator Bernie Sanders <[Info\\_Sanders@sanders.senate.gov](mailto:Info_Sanders@sanders.senate.gov)>

Sent: Thursday, January 20, 2022 3:30 PM

To:

Subject: Rapid Tests and N95 Masks for Every Vermonter

# THE VERMONT BERNIE BUZZ

NEWS from SENATOR BERNIE SANDERS



## Rapid Tests and N95 Masks for Every Vermonter

Dear Fellow Vermonter,

As you read this, the number of COVID cases in Vermont are reaching levels far greater than at any point in the crisis. Today, I am writing to you with some news that should be of help as we fight this terrible pandemic.

The scientific community has been very clear that wearing masks helps prevent the spread of the COVID virus. It protects both the individual who wears the mask and those who are nearby.

**But, what research has also been very clear about is that not all masks are created equal.**

### Time it takes to transmit an infectious dose of Covid-19

		PERSON NOT INFECTED IS WEARING			
		Nothing	Cloth mask	Surgical mask	N95
PERSON INFECTED IS WEARING	Nothing	15 min.	20 min.	30 min.	2.5 hours
	Cloth mask	20 min.	27 min.	40 min.	3.3 hours
	Surgical mask	30 min.	40 min.	1 hour	5 hours
	N95	2.5 hours	3.3 hours	5 hours	25 hours

It will take 25 hours for an infectious dose of Covid-19 to transmit between people wearing non-fit-tested N95 respirators. **If they're using tightly sealed N95s—where only 1% of particles enter the facepiece—they will have 2,500 hours of protection.**

Note: Results published in Spring 2021. The CDC expects the Omicron variant to spread more easily.

Source: ACGIH's Pandemic Response Task Force

The research tells us that N95 masks are far more effective than cloth masks in preventing the spread of COVID. In fact, a non-medical N95 mask provides 2 hours of additional protection, as compared with a cloth or surgical mask, in preventing the spread of the virus. As a result of that reality, the Biden Administration today announced that it will make 400 million N95 masks available for free around the country, including at community health centers and pharmacies in Vermont. This is a good first step, but more must be done. That is why last week I introduced legislation to have the Administration utilize the Defense Production Act to produce the large quantity of N95 masks that we need and distribute them to every household in the country through the Postal Service. If this bill becomes law, every Vermonter would receive a package of three N95 masks for free.

**Secondly, we also know that getting tested frequently is key to ending this pandemic.**

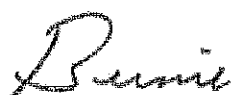
Starting this week, Vermonters can order free, at-home, rapid COVID tests online from the federal government which will be delivered directly through the U.S. Postal Service. To make your order, just go to <https://www.covidtests.gov/>.

**Finally, without question, vaccination – including booster shots – remain the best way to protect yourself and others against COVID.**

The good news is that our state is leading the country when it comes to getting shots in arms. But if you haven't been vaccinated yet, please schedule your shot today by clicking [here](#). If you are vaccinated but know someone who isn't, please make a call and encourage them to make an appointment. It's easy, it can save your life or keep you out of the hospital.

There is no question that COVID has disrupted all our lives. If you are tired and frustrated with it, trust me, you're not alone. But, as we go through this pandemic, let's continue to do everything we can to stay safe and healthy and to protect our families, friends and co-workers. Together, we will get through these very difficult times.

Best Wishes,



From: Susan Senning <[ssenning@vlct.org](mailto:ssenning@vlct.org)>  
Date: Thu, Jan 13, 2022 at 9:46 AM  
Subject: RE: Changing From Calendar Year to Fiscal Year

The controlling statute on this matter reads, "(t)he fiscal year of other municipalities shall end on December 31, unless the municipality votes at an annual or special meeting duly warned for that purpose to have a different fiscal year, in which case the fiscal year so voted shall remain in effect until amended." 24 V.S.A. Section 1683(c) at <https://legislature.vermont.gov/statutes/section/24/051/01683>. I would suggest the following article:

"Shall the town vote to adopt a July 1 through June 30 fiscal year, effective for the fiscal year beginning July 1, 20\_\_, as provided by 24 V.S.A. Sec. 1683?"

Generally, the transition is easier if the town votes on whether to switch over to a fiscal year at one meeting and then vote on the actual budget at a subsequent meeting. While towns making the move to a fiscal year can either adopt a transitional six-month budget for the period January 1 to June 30 or adopt a single budget, a transitional 18-month budget is probably the more popular way to make the change.

Below is some basic information about switching from a calendar to a fiscal year that is taken from the VLCT Selectboard Handbook, which is dated but still applicable:

#### **The Pros and Cons of a Fiscal versus Calendar Year.**

Vermont law mandates that school districts operate on a fiscal year of July 1 through June 30, but allows municipalities to operate on a calendar or fiscal year. 24 V.S.A. § 1683. According to VLCT's most recent data, between one third and one half of Vermont municipalities have moved to a July 1 to June 30 fiscal year. Following are some of the advantages and disadvantages of making the switch.

Reasons to maintain the status quo of a calendar year:

1. Inertia, or, "this is the way we have always done it."
2. The transition period will require more work.
3. Depending on how the transition is made, there could be a nine-month gap between the end of the fiscal year and the next town meeting. This may make officials seem less accountable and will make it difficult for voters to discuss expenditures made as long as 21 months before the meeting and plan expenditures up to 16 months in the future.
4. It will complicate payroll records and income tax reporting that are required to be done by calendar year.

Reasons to switch to a fiscal year:

1. The school and town will be on the same time schedule so the budgets will be concurrent.

- 2. The voters get to approve the budget in March for the tax year that starts in July. Therefore, no operating expenses are incurred before budget approval. This is in contrast to the calendar year basis where the town operates from January 1 until town meeting with no budget in place.
- 3. Tax collection may start soon after the beginning of the fiscal year, thus eliminating the need to borrow money for operating expenses.
- 4. Auditors will have more time to do their job as they can audit the books in July and August and prepare the town report by December or January.
- 5. Winter highway maintenance costs are in a single year budget cycle.
- 6. The town's fiscal year will coincide with the state's fiscal year for highway and other funding, such as Act 60.
- 7. There is room to schedule the annual budget vote for May or June by which time the grand list will have been completed and the Legislature will have adjourned (probably) so that more information will be available about state funding and statutory changes.
- 8. If surrounding municipalities are on a fiscal year, intermunicipal agreements with them would be easier.

**How to Change.** State statute governs the way (Australian ballot or not) your municipality votes on the question of changing its fiscal year. If your town votes to decide this particular question by Australian ballot or if it has already voted to decide all public questions by that method, then the vote must be by Australian ballot. Although there is no specific statute, it is reasonable to conclude from similar voting situations that the town must vote on whether or not to switch over to a fiscal year at one meeting and then vote on the actual budget at a subsequent meeting. While towns making the move to a fiscal year can adopt a transitional six-month budget for the period January 1 to June 30, experience has shown that the adoption of a single, transitional 18-month budget is probably the more expeditious way to make the change. While this method may appear difficult because 18 months of tax money is lumped into one budget, spreading the payments out into quarterly payments will make the actual paying of taxes less painful.

For example, a town would hold a special meeting in January 2002 to decide to change to a fiscal year. Then, in March 2002, it would vote on the proposed transition budget or budgets (see below). Or, vote in March 2002 on the usual calendar year budget and vote to decide to change to a fiscal year. Then, in March 2003, vote on a January 1, 2003–June 30, 2003 budget and the new fiscal year budget for July 1, 2003 through June 30, 2004.

Following are a couple of ways to change from a calendar year to a fiscal year:

Have one 18-month fiscal year:

- Transition year .....Jan. 1, 2022 through June 30, 2023
- End of transition.....July 1, 2023 through June 30, 2024

This method appears difficult because 18 months of tax money is lumped into one budget.

However, spreading the payments out into quarterly payments will make the actual paying of taxes less painful (for example, payments due in August and November 2022 and February and May 2023).

Have one special six-month budget:

- Special budget.....Jan. 1, 2022 through June 30, 2022
- End of transition.....July 1, 2022 through June 30, 2023

This method would necessitate voting on two separate budgets within a few months' time. It may seem very confusing to voters and create a lot of work in a short period of time for town

officials.



**Susan E. Senning, Esq.**  
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Please visit [www.vlct.org/mac](http://www.vlct.org/mac) for MAC resources on various municipal topics.

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S.172

An act relating to authorizing alternative procedures for 2022 annual municipal meetings in response to COVID-19

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE FINDINGS, INTENT, AND PURPOSE

(a) Findings.

(1) The General Assembly finds that the continued spread of COVID-19 in the State of Vermont has the potential to jeopardize the health, safety, and welfare of Vermonters voting in their 2022 annual municipal meetings. These meetings include annual town meetings, which are required by general law to be held on the first Tuesday of March; annual school district meetings, which are generally required to be held between the months of February and June; and other municipal annual meetings with meeting dates controlled by charter.

(2) In 2021, the General Assembly enacted 2021 Acts and Resolves No. 60 to authorize the use of outdoor polling places and the mailing of ballots to all active registered voters in municipalities that use the Australian ballot system for local elections. However, the General Assembly finds that COVID-19 concerns persist regarding 2022 annual municipal meetings because many municipalities want to continue their custom of conducting annual meetings using floor votes.

(b) Intent and purpose. It is the intent of the General Assembly that the citizens of Vermont should be able to protect their health, safety, and welfare

while also continuing to exercise their right to participate in annual municipal meetings. Accordingly, the purpose of this act is to permit municipalities to:

(1) by vote of the municipal legislative body, apply the Australian ballot system to the municipality's 2022 annual meeting; and

(2) move the date of the municipality's 2022 annual meeting to a potentially safer date later in the year.

Sec. 2. ANNUAL MUNICIPAL MEETINGS IN THE YEAR 2022;

ALTERNATIVE PROCEDURES

(a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A. § 711e that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2022, any municipality may apply the Australian ballot system to its annual municipal meeting held in the year 2022 by vote of its legislative body. Any such vote shall also apply the Australian Ballot method of voting to any vote that occurs as a result of the annual meeting, such as a budget revote under 17 V.S.A. § 2680(c)(2) or a reconsideration vote pursuant to 17 V.S.A. § 2661.

(b)(1) A municipality may use electronic means, without designating a physical location, to conduct a public informational hearing held pursuant to 17 V.S.A. § 2680(h) in advance of the municipality's annual meeting.

(2) When a public informational hearing is held electronically under subdivision (1) of this subsection, the municipality shall:

(A) use technology that permits the attendance of the public through electronic or other means;

(B) allow the public to access the hearing by telephone whenever feasible; and

(C) post information on how the public may access meetings electronically and shall include this information in the published agenda for the hearing.

(3) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record any public informational hearing held pursuant to this subsection.

(c) Notwithstanding any provision of law to the contrary, in the year 2022:

(1) a municipal legislative body may vote to move the date of the municipality's 2022 annual meeting to a date later in the year 2022; and

(2) the Town of Brattleboro may hold its annual Representative Town Meeting by electronic means.

(d) In any municipality that moves the date of the 2022 annual meeting pursuant to subdivision (c)(1) of this section, municipal officers shall serve until the annual meeting and until successors are chosen.

(e) The Secretary of State may waive statutory deadlines or other statutory provisions, or provisions set forth in a school district's articles of agreement, related to a municipal election as necessary in order for a municipality to apply the Australian ballot system to its meeting in accordance with subsection (a) of this section. This waiver authority applies to statutory provisions set forth in a municipal charter or provisions set forth in a school district's articles of agreement if the waiver is requested by that municipality.

(f) The provisions of 17 V.S.A. § 2680(e) shall apply to any municipality that votes to hold the 2022 annual municipal meeting by Australian ballot pursuant to subsection (a) of this section. A municipality shall not warn any question on whether the municipality shall adopt the Australian ballot method of voting on a permanent basis, for any or all articles, for any subsequent municipal elections.

### Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

S.222

An act relating to authorizing temporary Open Meeting Law procedures in response to COVID-19

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE INTENT; COVID-19 RESPONSE AND OPEN  
MEETINGS

It is the intent of the General Assembly that during the continued spread of coronavirus disease 2019 (COVID-19) in the State of Vermont, public bodies should organize and hold open meetings in a manner that will protect the health and welfare of the public while providing access to the operations of government. Accordingly, this act sets forth temporary Open Meeting Law procedures in response to COVID-19.

Sec. 2. OPEN MEETING LAW; TEMPORARY SUSPENSION OF  
DESIGNATED PHYSICAL MEETING LOCATION  
REQUIREMENTS

(a) Notwithstanding 1 V.S.A. § 312(a), until January 15, 2023:

(1) a quorum or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location;

(2) the public body shall not be required to designate a physical meeting location where the public may attend; and

(3) the members and staff of the public body shall not be required to be physically present at a designated meeting location.

(b) When the public body meets electronically under subsection (a) of this section, the public body shall:

(1) use technology that permits the attendance of the public through electronic or other means;

(2) allow the public to access the meeting by telephone; and

(3) post information that enables the public to directly access and participate in meetings electronically and include this information in the published agenda for each meeting.

(c) Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record its meetings held pursuant to this section.

(d) Until January 15, 2023, in the event of a staffing shortage due to COVID-19, a public body may extend the time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not more than 10 days from the date of the meeting.

(e) Notwithstanding 1 V.S.A. § 312(c)(2) and (d)(1)(B), until January 15, 2023, a municipal public body may post any meeting agenda or notice of a special meeting in two designated electronic locations in lieu of the two designated public places in the municipality or in a combination of a

designated electronic location and a designated public place. A municipal public body shall post the notice or agenda in or near the municipal clerk's office and shall provide a copy of each notice or agenda to the newspapers of general circulation for the municipality.

Sec. 3. EXPIRATION OF TEMPORARY AUTHORITY

The authority granted by this act shall expire on January 15, 2023.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.

S.223

An act relating to authorizing temporary elections procedures for annual meetings in the year 2022

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. ANNUAL MEETINGS IN THE YEAR 2022; TEMPORARY PROCEDURES; CANDIDATES FOR LOCAL OFFICE; SCHOOL DISTRICT BALLOTS

(a) Notwithstanding 17 V.S.A. § 2681(b) or any other provision of law to the contrary, a person shall not be required to collect voter signatures in order to have the person's name placed on the ballot as a candidate for a local election that is held at a 2022 annual municipal meeting.

(b) Notwithstanding 16 V.S.A. §§ 706w and 711e, any other provision of law, or any school district article of agreement that requires the ballots of member municipalities to be commingled by the district, the legislative body of a school district may vote that ballots for the 2022 annual district meeting shall not be commingled before counting. The ballots may be counted by each member town and the results reported to the school district clerk for determination of the official district-wide results.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.



Hi Sharon and thank you for your note...

The question stems from our desire to briefly articulate some of the exciting/important things that the Committee did this past year and are planning vis-a-vis TI, and to also receive further input from community members about their hopes for TI (we are currently creating a fundraising priority list).

Would this be useful/productive?

Best...  
-David

On Wed, Jan 19, 2022, 11:37 AM Sharon Harkay <[sharkay@thetfordvt.gov](mailto:sharkay@thetfordvt.gov)> wrote:

Hi David,

Since there isn't an article about Treasure Island on the Town Meeting Warning, there isn't an obvious time for you to speak at Town Meeting. What is it you want to discuss exactly? If you can let us know (hopefully by this Thursday mid day), we can discuss the possibility and the best timing at the SB meeting Monday night.

Thanks!

Sharon

On Tue, Jan 18, 2022 at 2:36 PM DMR <[davidmalcolmroth@gmail.com](mailto:davidmalcolmroth@gmail.com)> wrote:

Greetings Bryan, Sharon and Marti - I've been asked by members of the Committee to request time during Town Meeting to speak about/answer questions about Treasure Island. Please advise what else I/we need to do other than send this email...

Best as always!  
-David

----- Forwarded message -----

From: **Tom Ward** <[tom.ward3@gmail.com](mailto:tom.ward3@gmail.com)>

Date: Wed, Jan 5, 2022 at 2:34 PM

Subject: Wake Boat Issues on Lake Fairlee - seeking Selectboard Support

To: Li Shen <[lshen@thetfordvt.gov](mailto:lshen@thetfordvt.gov)>, Thetford Selectboard <[selectboard@thetfordvt.gov](mailto:selectboard@thetfordvt.gov)>

Cc: Bryan Gazda <[bgazda@thetfordvt.gov](mailto:bgazda@thetfordvt.gov)>

Hi Li and the Thetford Selectboard,

I'm following up on an earlier Wake Boat communication I had with Li to provide additional information regarding the environmental, safety, and property damage issues caused by Wake Boats.

As Li knows, I'm hoping the Selectboard will write a letter of support (LOS) for a petition authored by Responsible Wakes for Vermont Lakes recommending the ANR implement rules to manage wake boats. (RWVL is a grassroots citizens group which I'm involved with.) The full petition is in draft form and not available. However, I have attached a summary which includes the proposed rule.

I've also attached:

- A Letter of Support from the Lake Fairlee Association
- A joint Letter of Support from the Vermont Center for Ecostudies and Audubon Vermont. The Vermont Center for Ecostudies has been involved with the wonderful loon nest float at the north end of the lake near Treasure Island for several years. Lake Fairlee's loons have had successful hatches 5 of the past 6 years!
- A Wake Boat Educational one-pager

#### **Background:**

Wake boats are boats specifically designed to create large wakes for wake surfing and wakeboarding. These enhanced wakes have the potential to negatively impact one of Thetford's special assets, Lake Fairlee. Issues include impact on the aquatic plant and wildlife, invasive species spread, water quality/algae blooms, shoreline erosion, boater and swimmer safety, and shoreline property damage.

You may have all read Li Shen's excellent July 11th piece in [Side Note](#) regarding Wake Boats which references some of the issues these boats are already causing on Lake Fairlee. In early 2021, individuals from several Vermont lakes and ponds formed Responsible Wakes for Vermont Lakes. RWVL's present efforts are focusing on submitting a petition to the Vermont Agency of Natural Resources requesting that wake boats be managed on all Vermont lakes via a change in the "[Vermont Use of Public Waters Rules](#)" Chapter 32 (2021). A similar rule-making path was pursued via the now-disbanded Water Resources Board several years ago to regulate jet skis. The Lake Fairlee Association's Board voted this summer to support the work of RWVL and they have just submitted a letter of support for the petition. However, only the state has power to regulate what occurs on the state-owned lake waters.

To learn more about the wake boat issue, I recommend you read Li's [Sidenote article](#) and also read the attached one-page summary of the issues. If these pique your interest, **I highly recommend you watch the July 14th presentation made by members of RWVL as part of the Sierra Club of Vermont's "Community Conversations" program. Here is the link to the presentation. The presenters do an excellent job framing the problems.**

<https://www.youtube.com/watch?v=NXBtAJyqStM>

(The presentation ends around minute 35, the remainder is Q&A. You can save time by watching this at 1.5x speed. Click on the gear icon in the bottom right of the Youtube screen and select a playback speed.)

If the Selectboard is so inclined, RWVL would appreciate a letter of support from the Selectboard to go along with the petition when filed with the ANR. They hope to file the petition with the ANR by the end of January. If helpful, I would be happy to attend a Selectboard meeting to discuss this further.

I look forward to hearing from you.

Respectfully,

Tom

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**Tom Ward**

1571 Tucker Hill Road, Thetford Center, VT 05075  
mobile: 781-640-1920  
[tom.ward3@gmail.com](mailto:tom.ward3@gmail.com)

# PROTECTING VERMONT LAKES FOR FUTURE GENERATIONS

#8

## BY MANAGING THE IMPACTS OF WAKE BOATS AND THEIR ENHANCED WAVES

Developed by the *Responsible Wakes for Vermont Lakes* group: [responsiblewakesvt@gmail.com](mailto:responsiblewakesvt@gmail.com)

**Issues Presented by Wake Boats and Enhanced Waves:** Artificially enhanced wakes created by wake boats and wake-enhancing devices can cause environmental damage, degrade water quality, create safety hazards for people in or on the water and near shore, and cause physical damage to property and shorelines.

**What are Wake Boats:** Wake boats are powerful motorboats designed to produce large wakes to enhance recreational activities such as wakeboarding and wake surfing. These boats were introduced in the 1980s, became popular in the 1990s and are now growing in popularity.

**Reasons to Manage Wake Boat Usage:** The wave energy of these enhanced wakes is much greater than that produced by other boats or by wind-driven waves. Wakes can be 4 to 5 feet in height.

The thrust from a wake boat engine is powerful and angled down toward the lake bottom. It can reach down 20 feet, scouring the bottom and causing significant disruptions below the surface of the water.

### Environmental effects:

- Invasive species introduction (from lake-to-lake transport in ballast tanks) and proliferation through fragmentation
- Shoreline erosion
- Increased algal blooms due to stirred-up sediment, including phosphorous, which adds nutrients to the water
- Habitat destruction, aquatic plant disruption and threat to wildlife (turtles, amphibians, nesting loons, etc.)

### Economic impacts:

- Damage to shoreline buffers -- trees, shrubs, natural borders and homeowner plantings
- Damage to property -- docks, boats, lifts, etc.
- Diminished property values
- Reduced tax base
- Threat to tourism from adverse impacts

### Safety concerns:

- Personal injury to swimmers, anglers and other boaters
- Obscured forward vision resulting from boat operation in enhanced-wave mode (heavy ballast weighs down the stern and causes the bow to rise, blocking ability to see swimmers or small watercraft in the path of the boat.)

### What can be done about managing wake boats and wake boat activities in Vermont?

In many other states, the adverse impacts of wake boats and wake boat activities have increased significantly over time. At least 15 states and the province of Quebec are considering artificial wake-enhancement restrictions. Vermont needs to address these issues before they become unmanageable. Education is essential – BUT NOT ENOUGH – to prevent the damage caused by enhanced wakes. There is growing momentum across the US and Canada to address the environmental and safety impacts of wake-enhanced water sports. Vermont needs to join this effort and develop restrictions based on water depth as well as distance from shore, other watercraft and other public uses -- particularly on small and/or shallow lakes and ponds. *Efforts to manage wake boats and the impact of large and enhanced boat waves are not intended to prohibit wake boats or wake-riding sports in Vermont. There are appropriate bodies of water in Vermont for these boats and activities. Small or shallow lakes and ponds are inappropriate for wake boats and wake sports.*

More detailed information can be found by watching our July 14, 2021 Sierra Club presentation:

<https://www.youtube.com/watch?v=NXBtAJyqStM>

**DRAFT (10-12-2021a):** Petition to Vermont Department of Environmental Conservation  
for Amended Lake Use Rules for Vermont Lakes and Ponds

**Statutory Authority**

This petition is filed pursuant to 10 V.S.A. §1424 and is a request to the Vermont Department of Environmental Conservation to adopt a revised rule for boating use on lakes and ponds under the Vermont Use of Public Waters Rules.

**Existing Rules**

This proposed rule will manage and regulate the operation of wake boats and their use in the activities of wakesurfing and wakeboarding on Vermont lakes and ponds. There are no current rules that apply specifically to wake boats or their use in wakesurfing and wakeboarding in Vermont. Current regulations prohibit operating a vessel at greater than “no wake speed” within 200 feet of the shoreline and other lake users and objects.

**Proposed Rule** (to be added to § 3 of "[Vermont Use of Public Waters Rules](#)" Chapter 32 (2021)).

*Use of wake boats for wakeboarding and wakesurfing is permitted only in defined areas of water bodies (“wake sports zones”) where all the following conditions are met:*

- 1) the distance from shore is greater than 1000 feet*
- 2) the water depth is greater than 20 feet*
- 3) the area of the water body satisfying 1) and 2) is more than 60 contiguous acres*

*For water bodies where no such areas exist that satisfy all three conditions, vessels defined as wake boats are prohibited.*

*This proposed rule does not apply to use of a wakeboard behind a conventional vessel that has not been modified with wake enhancing equipment.*

**Associated Definitions**

A “wake boat” is a powerboat vessel which, by design or modification, has one or more functional ballast tanks, bags, compartments, containers, plumbing, hull devices, or other similar devices or systems designed to increase the displacement of the vessel or otherwise affect its performance for the purpose of enhancing or increasing its wake while under power.

“Wakesurfing” is a water sport activity performed by a person using a surfboard, wakeboard, or similar device to ride on or in the wake directly behind a wake boat, without the use of a tow line.

“Wakeboarding” is a water sport activity performed by a person being towed behind a wake boat and using a surfboard, wakeboard, or similar device to ride behind the boat.

“Wake Sport Zone” is the area of a lake that meets the proposed rule for use of vessels for wakeboarding and wakesurfing.

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## EXECUTIVE SUMMARY

As boating popularity rapidly grows, proper management of Vermont's water bodies is vital. In this petition, we argue that the fast-growing water sports of wakesurfing and wakeboarding as enabled by wake boats do not constitute normal water uses that have been in place in Vermont since 1993 (Public Water Rules, § 5.6). Performed in some areas of lakes permitted by present rules governing motorboats, these new water sports uses are incompatible with traditional uses that include fishing, swimming, canoeing, kayaking, waterskiing (i.e., using non-wake boat recreational sport boats), etc. Thus, establishing use rules applying specifically to these new activities is urgently needed to manage them to minimize the negative impacts of wake boats and their water sports activities while also allowing their users to enjoy these activities under appropriate conditions.

These newer wake sports are enabled by wake boats designed or modified with unique features to enhance the generation of large wakes. The resulting wakes are significantly larger and more powerful than other recreational sport boats. They have longer wavelengths and travel farther before they decay in height. In addition, the heavy motors are placed far to the stern with their downward-directed propellers capable of producing a powerful aft-directed jet ("slipstream") of water extending much deeper than all other motorized boats. This stirs up lake bottom sediment which can cause increased growth of algae and spread existing aquatic invasive species (AIS) such as milfoil. Finally, wake boats further enhance their wakes by increasing the vessel's stern displacement using water ballast chambers or bags, and other hull devices and modifications, designed to enhance wakes. Because of their ballasts' enormous volumes (2000 to 6000 pounds of water) compared to bass boat live-wells (up to 250 pounds), and because, unlike live-wells, wake boat ballasts are impossible to inspect, clean, completely drain, and dry, they profoundly increase the risk of lake-to-lake AIS spread compared to other boats. The "Clean, Drain, Dry" recommendations of the ["Stop Aquatic Hitchhikers" Campaign](#) is promoted as a best practice by Vermont DEC Greeter Programs. By not being able to be inspected, ballasted wake boats are in defiance of [Vermont's aquatic nuisance species transport law](#) (10 V.S.A. § 1454). As a result, the risk of spreading AIS by wake boats has been shown to be markedly increased. Thus, to minimize the risk of spreading AIS, this petition recommends the prohibition of vessels with functional ballasts for wake sports on inappropriately sized lakes without wake sport zones.

The standard 200 ft minimum no wake Safety Zone distance from shore, other boats, swimmers, moorings, etc., provides inadequate protection against the extraordinary wave heights produced by these sports because of the large distances needed to attenuate these waves. Increasing the shoreline protection zone width to 1000 ft for these wake sports would provide the critical distance required to make resulting waves equivalent to those of typical cruising boats and limit adverse consequences of wake boats and their activities. In addition, to reduce the negative impact of the prop slipstream, we propose requiring depths of greater than 20 ft for these sports. Regions satisfying shore protection and minimum depth requirements should be a minimum of 60 contiguous acres, allowing multiple boats to operate safely. Regions satisfying all three conditions would be designated "wake sport zones."



Audubon | VERMONT

October 27, 2021

Secretary Julie Moore  
Vermont Agency for Natural Resources 1 National Life Drive  
Davis Building 2  
Montpelier, Vermont 05620-3901

Commissioner Peter Walke  
Vermont Department of Environmental Conservation  
Davis Building-3rd Floor  
Montpelier, Vermont 05620-3901

Dear Secretary Moore and Commissioner Walke:

We write on behalf of the Vermont Center for Ecostudies (VCE) and Audubon Vermont to express our support for the petition submitted by Responsible Wakes for Vermont Lakes to amend the Vermont Use of Public Waters regulations to address wake boat activity. Wake boats<sup>1</sup> produce greater wave energy and support larger ballasts than other motorized watercraft currently used in Vermont and have been shown to negatively impact aquatic ecosystems and associated species.

VCE's mission is to advance the conservation of wildlife across the Americas through research, monitoring, and community engagement. Audubon Vermont protects birds and the places birds need to thrive through a mix of strategies including the use of science and public outreach. Our organizations are committed to the careful stewardship of Vermont's natural resources including our lakes and ponds as well as the great diversity of wildlife that depend upon these waters. We also support public participation in decisions affecting community use of natural resources. For these reasons, we encourage the Vermont Agency of Natural Resources to engage in rulemaking to manage the ecological impacts of wake boats.

Increased wave energy stemming from wake boat use is a serious concern and can be detrimental to erosion control efforts, aquatic vegetation, and shoreline nesting birds. Of particular interest to our organizations are potential impacts to nesting loons. Common Loons, a species of greatest conservation need in Vermont, typically nest within two feet of the shoreline and only 2-8 inches above the water line, making them vulnerable to both flooding and large waves. These nests are often protected from natural waves by being built on shorelines not exposed to large open reaches of water where waves dissipate before reaching the nest site. However, loons do

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<sup>1</sup> Wake boats are also known as wakeboard boats, surfboats, or tow boats and are designed to create a large, specially shaped wake, for a wakeboarder to jump the wakes from side to side doing aerial tricks. [Wikipedia](#). The Petition defines wakeboats as "a power boat vessel which, by design or modification, has one or more functional ballast tanks, bags, compartments, containers, plumbing, hull devices, or other similar devices or systems designed to increase the displacement of the vessel or otherwise affect its performance for the purpose of enhancing or increasing its wake while under power".

occasionally build nests in areas fully exposed to wave activity when suitable nesting locations are limited. These nests frequently fail due to flooding and washouts from both natural waves and boat wakes (Loon Preservation Committee and Loon Conservation Associates personal comm.).

In exposed conditions, wakes reaching the shoreline in excess of 3-6 inches can potentially flood or wash-out a nest site. Although nest flooding is rare when motorboats adhere to no wake zone rules within 200 ft of the shoreline, we are concerned by the increased use of watercrafts designed to create larger wakes and produce greater wave energy, especially in locations that do not normally receive larger, wind-caused wave action. The literature comparing wake size and wave energy from wake boats to other forms of motorized recreation is limited, though existing reports suggest wake boats may produce up to five times the wave energy and twice the wake height at 500 ft. as cruising boats (Goudey and Girod 2015, WEC 2021). This form of recreation represents a new challenge to the expected protections offered by the current 200 ft. no wake zones.

Wake boats also pose a threat to aquatic ecosystems due to their comparatively large ballasts, which carry special risks for spreading invasive species. Aquatic invasive species are easily dispersed by human activity and have the potential to negatively impact native biodiversity and aquatic ecosystem functioning (Havel et al. 2015). Specifically, invasive species alter the food web by outcompeting native food sources, and offering little or no food value for native wildlife and may also affect the abundance or diversity of species that provide important habitat for native wildlife.

For these reasons, among others, preventing the spread of aquatic invasive species in ballasts and on the surface of watercraft is an ongoing concern in Vermont, where hundreds of thousands of dollars are spent per year on their eradication (Vermont Agency of Natural Resources 2010). Mitigating wake boats' potential spread of aquatic invasive species is complicated by the prevalence of ballast tanks that can neither be inspected visually nor completely drained, and are not rated to withstand temperatures needed to successfully decontaminate their contents. Therefore, wake boats represent a greater risk of spreading invasive species than other forms of recreational watercraft on Vermont water bodies.

Given the potential negative consequences of wake boat use on Vermont's aquatic ecosystems and vulnerable species, we urge the Agency of Natural Resources to reassess how wake boat use is regulated on Vermont water bodies. The thoughtful petition filed by the Responsible Wakes for Vermont Lakes offers a reasonable approach and is supported by science.

Sincerely,



Ryan Rebozo, Ph.D., Director of Conservation Science  
Vermont Center for Ecostudies



David K. Mears, Executive Director  
Audubon Vermont



## Literature Cited:

Goudey C.A and L. Girod. 2015. Characterization of Wake-Sport Wakes and their Potential Impact on Shorelines, prepared for the Water Sports Industry Association.

Havel, J.E., Kovalenko, K.E., Thomaz, S.M., Amalfitano, S., Kats, L.B. 2015. Aquatic invasive species: challenges for the future. *Hydrobiologia* 750: 147-170.

Vermont Agency of Natural Resources 2010. Report on Aquatic Nuisance Control Activities in Vermont, prepared for the Vermont House Committee on Fish, Wildlife and Water Resources, the House and Senate Committees on Agriculture and the House and Senate Committees on Natural Resources and Energy

Water Environment Consultants (WEC). 2021. Boat Wake Impact Analysis. Prepared for the Lake Raburn Association inc. and Lake Burton Civic Association.



# 8

January 5, 2022

Secretary Julie Moore  
Vermont Agency for Natural Resources 1 National Life Drive  
Davis Building 2  
Montpelier, Vermont 05620-3901

Commissioner Peter Walke  
Vermont Department of Environmental Conservation  
Davis Building-3rd Floor  
Montpelier, Vermont 05620-3901

From: Lake Fairlee Association, Inc.

Re: Support for the Petition submitted by Responsible Wakes for Vermont Lakes to amend the Vermont Use of Public Waters Rules to manage wake boat activity on Vermont lakes and ponds.

The Board of the Lake Fairlee Association writes in support of the Responsible Wakes for Vermont Lakes Petition to the Vermont Agency of Natural Resources (ANR) to manage wake boats and their activities on Vermont lakes and ponds.

The Lake Fairlee Association is a 501(c)(3) nonprofit organization dedicated to the preservation, protection, and enhancement of the distinctive ecology and natural resources of Lake Fairlee and its surrounding watershed.

Artificially enhanced wakes, created by wake boats and wake-enhancing devices, cause environmental damage, degrade water quality, create safety hazards for people in or on the water, and cause physical damage to shorelines and property.

The latest Vermont Inland Score Card indicates Lake Fairlee has POOR scores for Nutrient Trend, Shoreland and Habitat, and Aquatic Invasive Species. The Water Quality Standards Status is Stressed due to phosphorus level and trend. The impact of wake boats' enhanced wakes and the deeply-angled, propeller-generated underwater slipstreams created by the propulsion system of wake boats will further deteriorate current lake conditions. The Lake Fairlee Association is particularly concerned with:

- Invasive species introduction (from lake-to-lake transport in ballast tanks) and proliferation of existing Eurasian milfoil through fragmentation within our lake
- Shoreline erosion
- Increased algal blooms due to stirred-up sediment, including phosphorous, which adds nutrients to the water
- Habitat destruction, aquatic plant disruption and threat to wildlife: turtles, amphibians, nesting loons, etc. (Lake Fairlee has had a pair of loons nesting on a state approved floating platform that have successfully raised one or more chicks five of the last six years.)

In addition to the environmental concerns, wake boats are incompatible with – and have the potential to crowd out – traditional recreational uses that include fishing, swimming, canoeing, kayaking, paddle boarding, sailing, and waterskiing. The enhanced wakes create significant safety issues and have already resulted in personal injury on Lake Fairlee.

We strongly urge the ANR to act favorably on the Responsible Wakes for Vermont Lakes' petition to change the water use rules so as to manage wake boat activity in the State's waters.

Sincerely,

Board of Trustees, Lake Fairlee Association, Inc.

cc. Meg Handler  
For Responsible Wakes for Vermont Lakes  
366 Pine Shore Drive  
Hinesburg, VT 05461  
(802) 238-1901  
Meg@MegHandler.com

## TOWN REPORT 2021; EDITED DRAFT

2021 was a year that saw some transitions and tying up of loose ends.

We started the year with Tom Yennerell as interim Town Manager, commuting three days a week from Springfield, VT. Meanwhile, a job search, conducted by MRI, a recruiting company serving municipalities exclusively, had been underway since late 2020 and a final candidate selected. We welcomed incoming manager Bryan Gazda to his first Selectboard meeting on January 25th, even though his official first Day was February 4th. In the next couple of weeks an overlap between Interim Manager and new Town Manager allowed the hand-off of duties, clarifications and instructions about projects in mid-stream, and an introduction to the personnel at Town Hall, the DPW and to the Town itself.

Another project that was carried over from 2020 sprang from the push by AT&T to build a telecommunications tower in Thetford. Public opposition led to shifting of the proposed location to the Town Forest, a site with the least visual impact that still met the federal mandate for FirstNet emergency response coverage. In 2021 the project progressed in fits and starts, one of the sticking points being the VT Agency of Natural Resources' call for conserving the portion of the Town Forest south of the tower through the Upper Valley Land Trust. AT&T agreed to put money into an escrow account to cover the cost of establishing and upholding the conservation easement. The lease of "2500 square feet including the air space" of the Town Forest will generate \$24,000/ year, compounding annually by 2%. Following acceptance of the lease by the Town, the tower was finally approved by the VT Public Utilities Commission in September. The tower does not require lights.

The big issue that dogged town government into 2021 was the COVID 19 pandemic that shut down public gatherings, starting in 2020. Act 92 temporarily suspended Vermont's Open Meeting Law and allowed meetings to be conducted exclusively by electronic means. One question was how to apply this to Town Meeting, or whether to postpone it till some unspecified date when in-person meetings could begin. Budget considerations were a factor. Thetford's fiscal year coincides with the calendar year. Thus budget spending starts on January 1st and it would be prudent to have an approved budget in a timely fashion. Tracy Borst and Mike Keiss formulated a solution, to hold several public informational meetings remotely, followed by voting on the Articles and electing Officers by Australian Ballot.

On June 14th Governor Scott terminated all COVID restrictions. The Selectboard meetings, which up till then had been conducted remotely using Zoom, shifted to a hybrid, in which board members met generally in person at Town Hall while the public had the option to attend in person or through Zoom. Town Hall, which had admitted the public by appointment only, re-opened its doors to regular hours. Precautions like masking, barriers and maintaining distance are still in effect to protect both staff and residents, particularly with the emergence of more virulent COVID strains. In fact, after a summer respite, VT COVID cases began to surge due to the infectious Omicron variant.

On November 22nd a new VT bill allowed towns to enact their own mask mandates. After input from the community we adopted a 45-day policy (renewable as needed) requiring that establishments open to the public post signs to say masks are required.

We are pleased to report that Town Clerk and Treasurer, Tracy Borst was elected to serve as President of the Vermont Town Clerk and Treasurers Association in September. In addition, both Tracy and Assistant Treasurer Kristie Wadsworth obtained the Vermont Treasurers' Certification. Assistant Town Clerk and Selectboard Assistant Martie Betts has made significant improvements to the town website in her unofficial role as town IT specialist. The hard work and professionalism of our Town Hall staff is greatly appreciated.

Thetford stands to benefit from the federal American Rescue Plan Act to the tune of two payments of \$378,000, in 2021 and 2022. The town has till 2024 to allocate the funds and till 2026 to spend them.

Town Hall saw some staff turnover in 2021, with the departure of Lister and Zoning Administrator Diane Osgood, and the replacement of the Recreation Director role with Recreation Coordinator Amy Fahey. In December, Chief of Police Michael Evans announced that he was leaving for a position in the private sector. We welcomed Angela Jones as the new Zoning Administrator and Listers' Clerk, the latter position was open since Terri Leffler departed in 2020. Finally, we also welcomed Susan Howard as the new Lister and Michael Scruggs as Interim Police Chief.

## 2022 THETFORD TOWN MEETING WARNING

*Draft 1/21/22*

The legal voters of the Town of Thetford, in the Country of Orange, and the State of Vermont, are hereby warned to meet in the gymnasium of Thetford Academy, in the Town of Thetford, on Saturday, February 26th, 2022 at 10:00 am to transact the following business:

- Article 1 To hear the reports of the Town.
- Article 2 Shall the Town authorize payment of real and personal property taxes on Friday, 14th, 2022 by physical delivery to the tax collector before 5 pm on that date?
- Article 3 Shall the Town raise the sum of \$1,299,227 (one million, two hundred and ninety-nine thousand, and two hundred and twenty-seven dollars) for the budgeted expenditures of the Town General Fund?
- Article 4 Shall the Town raise the sum of \$31,000 (thirty-one thousand dollars) to be added to the Police Capital Fund?
- Article 5 Shall the Town raise the sum of \$1,124,015 (one million, one hundred and twenty-four thousand, and fifteen dollars) for the budgeted expenditures of the Department of Public Works Fund?
- Article 6 Shall the Town raise the sum of \$129,000 (one hundred and twenty-nine thousand dollars) to be added to the Public Works Capital Equipment Fund?
- Article 7 Shall the Town raise the sum of \$116,190 (one hundred and sixteen thousand and one hundred and ninety dollars) as an appropriation to the Thetford Library Federation?
- Article 8 Shall the Town raise the sum of \$210,175 (two hundred and ten thousand and one hundred and seventy-five dollars) as an appropriation to the Thetford Volunteer Fire Department?
- Article 9 Shall the Town raise the sum of \$106,406 (one hundred and six thousand and four hundred and six dollars) to be added to the Thetford Volunteer Fire Capital Fund?
- Article 10 Shall the Town raise the sum of \$135,975 (one hundred and thirty-five thousand and nine hundred and seventy-five dollars) as an appropriation to the Upper Valley Ambulance?
- Article 11 Shall the Town raise the sum of \$5,250 (five thousand, two hundred and fifty dollars)

as an appropriation to the Lake Fairlee Association whose mission is to protect and preserve the natural beauty of Lake Fairlee for current and future generations? *(or to help pay for treatment to reduce the amount of milfoil in the lake?)*

- Article 12 Shall the Town raise the sum of \$4,266 (four thousand and two hundred and sixty-six dollars) as an appropriation to the Clara Martin Center for the purpose of providing behavioral health care services?
- Article 13 Shall the Town raise the sum of \$13,000 (thirteen thousand dollars) as an appropriation to VNA/VNH to provide visiting hearse and hospice care?
- Article 14 Shall the Town raise the sum of \$5,000 (five thousand dollars) as an appropriation to the White River Council on Aging for the purpose of providing services through the Bugbee Senior Center including Meals on Wheels?
- Article 15 Shall the Town raise the sum of \$300 (three hundred dollars) as an appropriation to The Family Place for the purpose of supporting families with children through a variety of programs?
- Article 16 Shall the Town raise the sum of \$500 (five hundred dollars) as an appropriation to Orange County Restorative Justice for the purpose of addressing legal and conflict issues and the needs of harmed parties?
- Article 17 Shall the Town raise the sum of \$1,300 (thirteen hundred dollars) as an appropriation to Safeline for the purpose of providing services to women and children experiencing domestic and sexual violence?
- Article 18 Shall the Town raise the sum of \$750 (seven hundred and fifty dollars) as an appropriation to the Orange County Parent Child Center for the purpose of providing family support and outreach programming?
- Article 19 Shall the Town raise the sum of \$3,200 (thirty-two hundred dollars) as an appropriation to Tri-Valley Transit (formerly Stagecoach) for the purpose of providing scheduled bus runs as well as door-to-door transportation services?
- Article 20 Shall the Town raise the sum of \$1,400 (fourteen hundred dollars) as an appropriation to Senior Solutions for the purpose of providing services and resources for aging in Southeastern Vermont?
- Article 21 Shall the Town raise the sum of \$8,000 (eighteen thousand dollars) as an appropriation to the Community Nurse of Thetford?

- Article 22 Shall the Town raise the sum of \$1,388 (thirteen thousand, three hundred and eighty-eight dollars) as an appropriation to the Public Health Council of the Upper Valley for the purpose of providing shared public health initiatives and services within a variety of health networks?
- Article 23 Shall the Town raise the sum of 400 (four hundred dollars) as an appropriation to WISE for the purpose of ending gender-based violence through advocacy, prevention, education, and related services?
- Article 24 Shall the voters of Thetford establish a capital improvement program (CIP) and budget policy for the Tri-Town Commission for the purpose of maintaining the Lake Fairlee dam in accordance with 24 V.S.A. §4430?
- Article 25 Shall the voters of Thetford reduce the number of Tri-Town Commission members per Town (Thetford, Fairlee, and West Fairlee) from three members to two members?
- Article 26 To transact any other business of the Town.

DRAFT



# 2022 Thetford Town Meeting Warning

*Draft 1/21/22*

The legal voters of the Town of Thetford are hereby warned to meet at Thetford Town Hall in said Town on Tuesday, March 1, 2022 to transact the following business by Australian ballot:

Article 1 To elect all Town Officers required by law:

- Town Moderator for a term of one year
- Selectboard member for a term of three years
- Selectboard member for a term of two years
- Treasurer for a term of three years
- Lister for a term of three years
- Lister for one year to complete a term of three years
- Cemetery Commissioner for a term of three years
- Trustee of the Public Trusts for a term of three years
- School Director for a term of three years
- School Director for a term of two years
- School Moderator for a term of one year

Article 2 Shall the Town authorize payment of real and personal property taxes on Friday, 14th, 2022 by physical delivery to the tax collector before 5 pm on that date?

Article 3 Shall the Town raise the sum of \$1,299,227 (one million, two hundred and ninety-nine thousand, and two hundred and twenty-seven dollars) for the budgeted expenditures of the Town General Fund?

Article 4 Shall the Town raise the sum of \$1,253,015 (one million, two hundred and fifty-three thousand, and fifteen dollars) for the budgeted expenditures of the Department of Public Works Fund?

Article 6 Shall the Town raise the sum of \$16,190 (one hundred and sixteen thousand and one hundred and ninety dollars) as an appropriation to the Thetford Library Federation?

Article 6 Shall the Town raise the sum of \$316,581 ( three hundred and sixteen and five hundred and eighty-one dollars) as an appropriation to the Thetford Volunteer Fire Department?

Article 7 Shall the Town raise the sum of \$135,975 (one hundred and thirty-five thousand and nine hundred and seventy-five dollars) as an appropriation to the Upper Valley

Ambulance?

Article 8 Shall the Town raise the sum of \$5,250 (five thousand, two hundred and fifty dollars) as an appropriation to the Lake Fairlee Association?

Article 9 Shall the voters appropriate a total of \$39,504.00 to the following social service agencies, pursuant to 24 V.S.A. §2691?

- \$4,266 (four thousand and two hundred and sixty-six dollars) to the Clara Martin Center for the purpose of providing behavioral health care services?
- \$13,000 (thirteen thousand dollars) to VNA/VNH for the purpose of \_\_\_\_?
- \$5,000 (five thousand dollars) to the White River Council on Aging for the purpose of \_\_\_\_?
- \$300 (three hundred dollars) to The Family Place for the purpose of \_\_\_\_?
- \$500 (five hundred dollars) to Orange County Restorative Justice for the purpose of \_\_\_\_?
- \$1,300 (thirteen hundred dollars) to Safeline for the purpose of \_\_\_\_?
- \$750 (seven hundred and fifty dollars) to the Orange County Parent Child Center for the purpose of \_\_\_\_?
- \$3,200 (thirty-two hundred dollars) to Tri-Valley Transit (formerly Stagecoach for the purpose of \_\_\_\_)?
- \$1,400 (fourteen hundred dollars) to Senior Solutions for the purpose of \_\_\_\_?
- \$8,000 (eight thousand dollars) to the Community Nurse of Thetford?
- \$1,388 (thirteen thousand, three hundred and eighty-eight dollars) to the Public Health Council of the Upper Valley for the purpose of \_\_\_\_?
- \$400 (four hundred dollars) to WISE for the purpose of \_\_\_\_?

Article 10 Shall the voters of Thetford establish a capital improvement program (CIP) and budget policy for the Tri-Town Commission for the purpose of maintaining the Lake Fairlee dam in accordance with 24 V.S.A. §4430?

Article 11 Shall the voters of Thetford reduce the number of Tri-Town Commission members per Town (Thetford, Fairlee, and West Fairlee) from three members to two members?

Article 12 To transact any other business of the Town.

TRI TOWN COMMISSION ANNUAL MEETING November 10th 2021

Peter Berger called the meeting to order at 7:02 pm.

The call-in member was identified as Jessica Eaton.

Peter Berger made a motion to approve the minutes of the 2020 Annual Meeting. Unanimously approved.

Nancy Anderson made a motion to join the the Association of Dam Safety Officials, for a \$55 annual fee. Unanimously approved.

The purchase and installation of the safety buoys was discussed. We have a quote of \$1762.20. The Tri Town Commission only has \$700 allocated for this purchase.

Lisa Hinsley suggested that we could pre-pay the \$700 and then raise the rest of the amount next year, and thus be able to install the buoys in the spring.

Peter Berger said there is no estimate on the cost of the actual installation. Tad Nunez had suggested a triangular set-up, a cable, with buoys, attached to the Shady House and another to the camp building on the dam, both leading to a mid-stream attachment with an underwater anchor. Someone would have to take a boat out to do the installation. Bryan Gazda commented that a big concrete anchor used at Treasure Island weighed a few thousand pounds. He has a price quote for it. The anchor is 5 feet in diameter and several inches thick.

Peter Berger recommended that we add \$1,500 to the original amount. Tad Nunez said more money should be added. He said he would ask the state (for specifications) and would get a firm quote. He proposed an amount not to exceed \$4,500.

Another configuration of the line of buoys could go from dam to shore. Peter Berger thought that it would raise private property issues. Tad said there would be installation costs, it would need more than a cinder block anchor because water moves in the lake outlet stream.

Steve Malinoski made a motion to allocate an amount not to exceed \$4,500. Unanimously approved.

Lisa Hinsley said that last year, money to fix the sink hole and purchase signs was included in the \$700 that was allocated, but there was no breakdown of each expense.

Peter Berger said he had heard from Jeff Tucker that the sink holes are not due to the dam. Peter thought that buoys and signs were more crucial.

Lisa said there was \$1000 in the budget for legal fees that had not been spent. Peter Berger said that money was to finalize language to add the capital fund to the Interlocal Agreement.

Li Shen asked whether it was acceptable to make changes to the Interlocal Agreement without input from a lawyer. Bryan Gazda asked what changes were needed. Peter replied they are to start a capital budget and stabilize the contribution between the towns. He thought that \$1,500 a year should be paid into a capital fund.

Nancy Anderson said that in the past the Commission had hired Jack Condon, a lawyer with experience in dams. We might go to him for suggested language. Li Shen suggested we draft some wording and then ask a lawyer to review it. Peter Berger said it would be an addendum on a pro-rated basis to have a capital fund. And also an addendum to reduce the number of members from each town to two. Steve Malinoski commented that we don't need an attorney for that. Tad Nunez had written to Peter Berger that it is straightforward to create a capital improvement plan with funds from each town, by going back to the respective towns.

Peter Berger said he will work up some language and finalize it in the second week of January to share with all the towns. He agreed it needs to be approved by the Commission and then by the towns. Tad added that each town can go to its own attorney and if it happened before the second week in January it can still be added to the Town Meeting warning.

Bryan Gazda asked whether it would still be on time if our town attorney recommended changes. Peter Berger said he would send it out to the towns in December, to allow some leeway. Nancy Anderson suggested a draft by December 1st, for a capital budget and a reduction in number of members. Just the framework could be created without any dollar amounts, as an addendum to the Interlocal Agreement.

Motion for Peter Berger and Tad Nunez to draft language for a framework to set up a capital budget and reduce the number of members, for December 1st.  
Unanimously approved.

Lisa Hinsley reviewed the budget.

There is no increase for VLCT dues, it will be the same as last year. She has not yet heard from PACIF. The stipend for the Thetford highway department to perform maintenance will remain at \$500 and the stipend for Lisa's treasurer work will remain at \$400.

Peter Berger said we will become members of the Dam Association and will finalize a plan for the Lake Fairlee dam with Jeff Tucker (Dubois & King) and Ben Green (State Dam Safety Engineer.) The plan will outline what is to be accomplished and the cost.

Without discussion Peter Berger nominated Bryan Gazda to be Dam Facility Manager.  
Unanimously approved.

Bryan asked what the expectations are of him as the facility manager. Peter Berger replied that this is not spelled out in the Interlocal Agreement. Peter will talk to Dubois & King to finalize a management plan. The dam is considered a private dam and is not maintained by the State. We need contracts to maintain it by ourselves.

Lisa said until there is a better plan we should stick to the stipends as is, and make (stipends to) both Fairlee and Thetford \$500. Lisa asked what the signs were for. Steve Malinoski replied they were to keep people off the dam. (No Trespassing; Private Property etc.) Bryan Gregory (the tenant of the camp on the dam) was very concerned about trespassing.

Lisa asked if the railing was going to be painted. Peter Berger said it was a "to do" item.

Peter made a motion to approve the 2022 budget of \$8,000. Unanimously approved.

Tad Nunez asked whether the budget we just passed had any effects on peoples' rights regarding lake water level. The beneficiaries are the property owners. He asked if the Lake Fairlee Association (LFA) had ever been asked to be a player in the agreement. Peter Berger commented that the LFA has become more formalized after the moratorium (on development) on Lake Morey. He mentioned private businesses on the lake, like the camps and the Aloha Foundation, and that Skip Brown from Aloha had been interested in the dam from the beginning. We should approach the LFA and property owners.

Peter Berger made a motion to adjourn at 8:00. Seconded by Nancy. Unanimously approved.

Budget:

	<u>2021</u>	<u>2022</u>
VLCT dues	1000	1000
PACIF	1220	1250
State of VT Fee	200	200
Dam Association	-	55
Legal Fees	1000	-
Buoys, signs	700	4500
Stipend Thetford	500	500
Stipend Fairlee	400	500

**Creation of a Capital reserve fund**

Shall the voters of \_\_\_\_\_ create a Capital Program and Budget Policy is to establish a capital improvement program (CIP) for the Tri-Town Commission in accordance with 24 V.S.A. § 4430. The capital assets of the Tri-Town Commission and their conditions are critical to the quality of maintenance of the Fairlee Dam. Through a CIP, the Tri-Town Commission can plan future operating budget expenditures, debt repayment requirements, and potential reserve fund needs in order to better manage its long-term financial position.

**Reducing the membership**

Shall the voters of \_\_\_\_\_ reduce the number of Tri-Town Commission members per Town (Thetford, Fairlee, and West Fairlee) from three members to 2 members?



# Town of Thetford Vermont

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## Selectboard Special Meeting \*Draft\* Minutes

### Thetford Town Offices

(w/Virtual Attendance Option)

Monday, January 10, 2022 7:00pm

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

Others present: Town Manager Bryan Gazda (via Zoom), Town Clerk/Treasurer Tracy Borst, DPW Forman Dale Lewis (via Zoom), Selectboard Assistant Martie Betts

Contributing Community members:

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

### 1) Agenda Review

Sharon Harkay said she wants to make sure the Town Report is as accurate as possible, and the Thetford Elder Network has neither the term limit listed, nor their individual term dates.

Mary Bryant noted that the Treasure Island Exploratory Committee all have this year listed as their term expiration dates.

Both committees will be added to agenda item #10.

### 2) Town Manager Report – Bryan Gazda

#### a) UVM Local Government Intern Program

Bryan Gazda said he was contacted 3 months ago about the University of Vermont Intern Program for local government, and he had responded that he would be interested. He was notified last week that they were getting ready to assign interns to municipalities, and he received a presentation about what the interns will be able to do. Bryan wanted the Selectboard to know that it was possible there will be an intern in Thetford for the spring semester. He thought a good project for the intern would be the water study project.

#### b) AT&T Cell Tower Update

Bryan spoke with a representative from TowerCo a few weeks ago and they are ready to get going with construction on the cell tower. They are ordering materials now in anticipation of starting once roads allow it. Bryan will speak with Dale Lewis about it, but TowerCo would like to start in early May.

Li Shen asked if they were planning on constructing the tower in early May, or the access road.

Bryan said it would likely be a combination of the two. They anticipate having the tower up within 60 days. Bryan thought they would put an access road in to get the project started, and then put a final road in when the project was complete. Li said she is concerned about deep ruts and damage to the land while it's still drying out from mud season. Bryan agreed and said he was also concerned about Five Corners Road. Bryan has asked to have a project meeting before construction starts. His understanding of the contract is that the revenue will start coming in as soon as they start the project.

Sharon asked Bryan if he knew how many hours per week were in the UVM Intern Program.

Bryan did not know, but said the information might be in the presentation, which he hasn't had a chance to finish.



1

### 2 **3) Public Comment**

3 No public comment.

4

### 5 **4) Library Federation Presentation & Request for Funds**

6 Sharon said the Selectboard had asked members of the Library Federation to come to the  
7 meeting to explain their financial request for this year.

8 Phebe McCosker said there were two library contingents at the meeting. She is the treasurer of  
9 the Library Federation, and Peter Blodgett, and Barbara DeFelice are Federation board members.

10 David Goody and Hedi Parafina are on the Latham Library board, as well as Barbara DeFelice  
11 who is chair. Emily Zollo is the librarian.

12 The budget is level funded for this year. Phebe said they were in the process of 2 different  
13 transitions; one is energy efficiency work being done on the building, and it is a little hard to  
14 budget for that as it is in the early stages. The other change they are looking at is a change in  
15 their head librarian. In the past the head librarian had done a bit of maintenance/custodial work  
16 as part of the job description and Latham is looking at having that split off from the job  
17 description. Money is budgeted for a custodial position.

18 Sharon asked if the Latham budget comes entirely from the Federation. Phebe explained that the  
19 Federation consists of 5 distinct 501c3's or independent institutions, Thetford Academy,  
20 Thetford Elementary School, the Historical Society, Latham and Peabody Libraries. Sharon said  
21 she was asking because when writing the warning she included the Federation, but not Latham  
22 Library. Phebe said the Federation gets an appropriation from the Town which is used in 3  
23 different ways, some to Latham, some to Peabody and some stays with the Federation for  
24 building maintenance. No other article is needed.

25 It was confirmed that an article would be warned for the Library Federation in the amount of  
26 \$116,190.00.

27

### 28 **5) Certificate of Highway Mileage**

29 Bryan explained that this is an annual certificate submitted to the State which will help determine  
30 the amount of State highway funds given to the town. This is an opportunity to make any  
31 changes if necessary. There are no changes currently.

32 There was a discussion about asking the state to take over Route 132. This will be considered for  
33 a project in 2022 after Town Meeting.

34 **Motion** by Li Shen that we sign the Certificate of Highway Mileage to verify that road mileage  
35 has not changed. **VOTE by Roll Call**; Mary Bryan – in favor, Steve Tofel – in favor, Li Shen –  
36 in favor, Nick Clark – in favor, Sharon Harkay – in favor. **Motion Passed.**

37

### 38 **6) Initial Discussion of Town Meeting Plans**

39 Sharon said this discussion is intended to be an initial discussion of whether to have an in-person  
40 Town Meeting or to move to Australian ballot and have informational hearings, as we did last  
41 year. The Vermont Legislature has passed a bill that would allow us to do that or move the date  
42 to later in the year. The legislation has not been signed by the Governor.

43 Tracy Borst said that informational meetings are required if they move to a ballot vote. Tracy  
44 would like to have an in-person Town Meeting, but does have concerns about health safety, and





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- 1 Thetford Academy has also expressed concerns about opening their facility for the meeting.
- 2 Tracy noted that the Vermont House is having remote meetings only and the Senate has also
- 3 moved to virtual meetings through February. Schools are also closing due to COVID infections.
- 4 Tracy would not be in favor of mailing ballots to everyone automatically, but by request of the
- 5 voter.
- 6 Mary Bryant added that she felt the informational meetings were well attended last year. She also
- 7 noted the closing of schools and expressed concerns about someone becoming very ill because
- 8 they attended a town meeting. For budget purposes, Mary felt moving the meeting until later in
- 9 the year would cause a lot of other problems.
- 10 Steve Tofel felt they should delay the decision if they possibly can. He has heard epidemiologists
- 11 say they were expecting a dramatic drop of COVID cases by the end of February. If the meeting
- 12 is delayed a few months, even if the virus is progressing, the meeting could be held outdoors.
- 13 Steve did not have concerns about the delayed approval of the budget.
- 14 Tracy confirmed that a decision would need to be made at the January 24<sup>th</sup> Selectboard meeting
- 15 to meet the deadline for the warning.
- 16 Li Shen said she does not have a good feeling about postponing the meeting, and the discussion
- 17 about cases dropping is all conjecture. She would like to make the decision so they can then be
- 18 clear about what they are doing.
- 19 Bryan Gazda felt the budget is the biggest concern. There have already been changes to the
- 20 budget and this might cause more radical changes. He will contact the town Health Officer for
- 21 her perspective. Bryan would like to keep moving forward with the current date and have it like
- 22 we normally do in February, only remotely.
- 23 Sharon said they came to conclusion last year that we didn't have the technology to hold a
- 24 remote meeting.
- 25 Tracy said the legislation doesn't allow for voting that way, so they can't hold Town Meeting
- 26 remotely. The bill passed allows you to change the date and allows you to move your floor vote
- 27 to Australian ballot. There is also additional legislation that will remove the requirement of a
- 28 physical meeting location, but that exception is only through April.
- 29 Nick Clark thought that people would not be concerned about voting by Australian ballot but
- 30 would be concerned about attending a meeting to vote in person. He felt there would be
- 31 maximum participation by going to Australian ballot.
- 32 Sharon had been feeling like this current surge could dissipate by the time we have Town
- 33 Meeting, and with the size of the gym people could be safely spaced for an in-person meeting.
- 34 However, she has been hearing that while we might be able to meet and discuss in person okay,
- 35 there might not be enough people interested in coming and voting. Sharon said that while she
- 36 would feel okay about meeting, she doesn't want to have other people too afraid to come. Sharon
- 37 noted that there is time to keep listening and watching what happens with the virus.
- 38 Steve said to not have an in-person meeting is a disenfranchisement to the entire town and the
- 39 ability to amend from the floor, or to make a motion from the floor.
- 40 Nick said that wasn't quite true, as anyone can have an article on the warning.
- 41 Steve said in practicality that doesn't happen.
- 42 Li said she agrees with Bryan's feeling that they need certainty about the budget at an earlier
- 43 date.



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1 Tracy said a person can make a motion from the floor to change the total budget amount but  
2 can't make a motion to cut a specific piece of the budget.  
3 With no further comments, the discussion was ended.  
4

## 5 **7) Revised Budget Discussion**

6 The Selectboard reviewed the changes made to the budget discussed at a prior meeting. Bryan  
7 explained that he created two scenarios; one without the Social Service appropriations, and one  
8 with the appropriations added in.

9 Mary Bryant wanted to bring the life insurance benefits for 9 full-time employees up from  
10 \$25,000 to \$50,000. This was discussed last year to make it more equitable between employees.  
11 It would also be a benefit that would help us be competitive.

12 Tracy Borst said this would cost \$11 per employee per month.

13 Mary said that would be a total of \$1188 per year and it would still only be about 1/3 the cost of  
14 police union employees.

15 Bryan said he would check into it and report the impact on the budget.

16 Sharon asked if the police body cameras and video storage are in the budget?

17 Bryan said the radar signs are in there, but he needs to follow up with Chief Scruggs for a price  
18 quote on the cameras and storage.

19 Li asked about the consulting fund, as she thought that had been spent. Bryan said the first  
20 invoice from Stantec was just received so that money hasn't been taken out yet.  
21

## 22 **8) Review of Town Meeting Warning**

23 Sharon had a draft version of the warning for Selectboard review. This draft supposes the  
24 meeting will be in-person and will have to be changed if they move to Australian ballot and  
25 informational meetings. Sharon said in the past the capital equipment funds were separate from  
26 department budgets and wanted to know if they should have separate articles this year.

27 Stuart Rogers said several years ago the capital equipment funds were included in the department  
28 budget and it was very loudly stated that people wanted it separate for discussion. They wanted a  
29 separate vote, and it is legally a separate fund.

30 Steve said if they went with Australian ballot that would make it one article.

31 Sharon said each of the Social Services will need to have their own articles, as well as the  
32 Library Federation. The Fire Department, Lake Fairlee Association and Upper Valley  
33 Ambulance are all in the budget.

34 Bryan wanted to clarify that the Social Services are not a part of the general budget.

35 Nick pointed out the reason everything was consolidated last year was for printing the ballots on  
36 one page. The Library Federation, Fire Department and Lake Fairlee Association aren't social  
37 services because they don't qualify under statute. We are members of Upper Valley Ambulance  
38 which is why they are a line item in the budget.

39 Tracy confirmed that they do not have to have the article about the tax penalty.

40 Sharon said she would contact the chair of the school board.  
41

## 42 **9) Review of Selectboard Report**

43 Li Shen, who wrote the draft, suggested adding in language to recognize accomplishments of the  
44 Treasurer and Assistant Treasurer.



- 1 Sharon wondered about including the Post Mills Airport and mask mandate.
- 2 Li didn't think the circumstances with the Post Mills Airport are ready for the report but could
- 3 add in something about the mask mandate.
- 4 Sharon gave some edits.
- 5 Bryan said his report would include Route 132, FEMA reimbursements and a recognition of
- 6 staff.

## 8 **10) Review of Open Elected and Appointed Positions**

9 Sharon had asked for a comprehensive list of open positions so the board can be knowledgeable  
10 about what committees need help. Sharon is waiting for confirmation that the school board  
11 vacancies are a 2-year term and a 3-year term.

12 Sharon said that the question about the Thetford Elder Network came up because there is no term  
13 limit listed and none of the members have an expiration date. Sharon wondered if the  
14 Selectboard should assign term limits to come in line with all the other committees and  
15 commissions.

16 Steve Tofel, the liaison to TEN, said it is a very social group that does a lot of very good things  
17 in the community. He thinks they see themselves as serving for a very long time and is not sure  
18 anyone in town is going to care one way or the other.

19 Li asked if committee and commission members have some sort of liability protection through  
20 the town. Bryan confirmed.

21 Li said if this committee has not been officially recognized by the Selectboard that might impact  
22 that.

23 Nick Clark thought that the TEN meals already get some coverage under our insurance, such as  
24 workers comp for the chef. Nick noted that TEN has been acting in good faith as a town  
25 committee.

26 Sharon suggested that Steve could simply ask the members about term limits and Steve expressed  
27 concerns that they may use that as their opportunity to leave the committee.

29 There was brief discussion about the Treasure Island Exploratory Committee being set up as  
30 temporary. Selectboard assistant Martie Betts read the motion that created the committee in  
31 2020, and no date was set for the duration of the committee itself. Sharon noted that Lucas  
32 Stepno was at the meeting, and he is a member of the Treasure Island Exploratory Committee.

33 She told Lucas that she was under the impression everyone on the committee wanted to continue.

34 Lucas said that was the general consensus and said Doug Tiffit should be added to the list.

35 Mary Bryant suggested that they continue with 1-year terms and see what happens.

36 The Selectboard agreed.

## 38 **11) Warrants and Minutes**

39 #1.1 \$79,467.23

40 #1.3 \$37,191.84

41 **Motion** by Sharon Harkay to accept the warrants as presented. VOTE unanimous (5-0-0)

42 **Motion passed.**

43



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- 1 **Motion** by Sharon Harkay to accept the regular Selectboard meeting minutes from Monday,
- 2 January 3<sup>rd</sup>, 2022. VOTE (4-0-0) Nick Clark left the meeting at 8:36 pm, prior to the vote.
- 3 **Motion passed.**
- 4
- 5 **12) Adjourn**
- 6 **Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 8:37 pm. All in favor.
- 7 **Motion passed.**