



Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075
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Selectboard Regular Meeting Approved Minutes Thetford Town Offices (w/Virtual Attendance Option) Monday, June 20th, 2022 7:00 PM

1. *Agenda Review*
2. *Town Manager Report – Bryan Gazda*
 1. *Treasure Island Donation*
 2. *Route 132 Update*
 3. *Other*
3. *Public Comment*
4. *Presentation and discussion of Treasure Island Proposed Trails*
5. *Announcement of Street Naming Hearing*
6. *Discussion of Revised Draft Delinquent Tax Policy*
7. *Discussion of Revised Facilities Use Policy*
8. *Discussion of Community Visioning*
9. *Warrants and Minutes*
10. *Adjourn*

Selectboard members present: Sharon Harkay (chair), Mary Bryant, David Goodrich, Steve Tofel

Selectboard members absent: Li Shen

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

Participating Community members: Stuart Blood, Lucas Stepno, Doug Tiff, Dale Gephart, Lisa Nicolai, Wanda Vaughan, Nick Clark, David Fisk, Jim Masland, Alexis Jetter, Angela McCanna, Melissa Krzal

Sharon Harkay called the meeting to order at 7:02 PM.

1. Agenda Review

No changes to the agenda.

2. Town Manager Report – Bryan Gazda

1. Treasure Island Donation

Bryan wanted to recognize a generous donation that came through the Ompompanoosuc Community Trust in the amount of \$3356.00 for a new sign, lifeguard chair and umbrella.

2. Route 132 Update

The paving on Route 132 has been completed and they will be meeting to finalize the last punch list. Hopefully the project will be completed in the next two weeks.

~~3. Other~~

3. Public Comment

Stuart Blood wanted to follow up on an email he had sent to the Selectboard during the week that didn't get into the packet. Stuart said there is an issue that the town needs to be tracking that has



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to do with a health advisory that the EPA issued last week for levels of PFOAs and PFOFs in drinking water. Those levels are the lowest concentration that pose a human health risk. Stuart said this is an issue because PFOAs and PFOFs have been found in monitoring wells near the capped landfill in Post Mills. These chemicals have been found in wells in Post Mills in the past three years and the levels have increased. This is clearly a long-range problem. These chemicals are called forever chemicals, and it's a problem that is not going to disappear. The Green Mountain Economic Development Corporation (GMEDC) is getting involved in a program that would limit liability and allow it to gain control of the landfill and lease the property to a developer who will build a solar array on the landfill. Stuart said his understanding from the site manager for the Thetford project is stalled at the Phase 2 site assessment for lack of funding. GMEDC and the town have a confluence of interest in this process, because both the town and GMEDC want to see a solar project developed there. The town has an additional interest in the public health issues related to ground water quality for drinking. The plume of contamination is in an area that people are likely going to want to develop. The EPA has appropriated a billion dollars in federal funding to address these chemicals in the water. About a year ago, Governor Scott specifically identified the Post Mills landfill as one of the priority sites when he proposed a \$25 million-dollar brown field cleanup fund. The town needs to make a determination on where new wells should not be drilled. The town needs not to be a passive observer, make noise and get in the front of the line for federal money. Stuart said his final request is that this issue be put on an upcoming agenda for the Selectboard to discuss and he would like to attend to discuss it further.

Sharon Harkay asked Bryan if the existing water study group would be able to look into this issue.

Bryan responded that the Post Mills water company is part of the group so he would anticipate this could be a topic of discussion. He was not sure how far they would be able to get into it with the funding available now. They can take a look and see how far it goes.

Melissa Krzal said she had stopped next to the field by the community building and noticed that the pollinator garden was next to the community garden and not around the gazebo, which she thought was an excellent idea. If people got married or had parties there it would make it look better, and it seems like a road hazard putting it next to the garden because people might stop and look. Flowers were going to go around the gazebo and when did it change? Melissa asked when the group decided to put it around the garden and are any going to be put at the gazebo.

Sharon Harkay reminded people that throughout the history of the Selectboard meetings and it's even in the Selectboard handbook, that they are not supposed to comment on the public comments. They should just accept the comments and if appropriate, deal with the topics later. Sharon told Melissa she could talk to her separately and fill her in.

Martie Betts asked the Selectboard to consider adding Juneteenth as a town recognized holiday and add it to the personnel policy. Martie also asked that certain town properties, the garden on Buzzell Bridge Road common, the gazebo and the Timothy Frost building landscaping be tended to. Martie mentioned trees growing up under the foundation as well as overgrown foliage. The gazebo has rungs falling off and there is a tree growing under that as well. It's not unusual for people driving through town to stop and take pictures of the Timothy Frost building as well as Town Hall. Martie asked that while the Selectboard is considering how to take care of buildings that they consider management of landscaping as well.



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4. Presentation and discussion of Treasure Island Proposed Trails

Sharon Harkay explained the order of events for this agenda item. She noted that the Selectboard is still in the discussion process of the trails.

Lucas Stepno, a member of the Treasure Island Exploratory Committee said he was excited for the opportunity to speak about trail work. An updated map was displayed virtually. Lucas explained that the biggest change from the old map was the removal of the Phase 2 boardwalk on the northern tip of the island. The trails already exist, the goal is to reroute a poorly placed trail. Recreation and education have always been core values at Treasure Island, and while we appreciate nature conservation, what we need is to preserve public access to nature. Our intention is to produce trails that are nature education trails. Our goal is to balance recreation with conservation and sustainability. The southern loop around the bottom of the property has a picnic pavilion in it that needs a little bit of work. That could easily be another way to make \$50 a day like they do on pavilion #1. Lucas feels that the trails would add value, encourage people to visit more and make people want to spend more time there.

Sharon asked how they came up with the re-routing of the trails.

Lucas said it was a group effort between committee members and members of the community to determine the re-routing of the trails. We did a lot of scouting to try to find the best place for a path. The existing path is being used right now, but there are ticks, poison ivy, and it's too close to a beaver dam. There are lots of opportunities for improvement. Lucas said that the committee invited Li (*Shen*) to write that article (*in Sidenote*) and it was great to get so much public feedback. We didn't realize how controversial that northern area was. Through some of that feedback, Lucas said he learned where the wetland designation area was. We made sure to keep our trail away from that area.

Doug Tiff, also a Treasure Island Exploratory Committee member, said Luke has been the real mover of getting the trail documented, and has been the contact with the Upper Valley Trails Alliance. Doug said that a subgroup is focused on conservation, and they made contact with the Thetford and West Fairlee Conservation Commissions and invited them, as well as Lisa Niccolai, on various times to scout the trail. They also made a point to invite Li (*Shen*) because she's done such good work with *Sidenote*. We wanted to explain why there would be these high school kids in July, and possible August, out there working on the trail. Upper Valley Trail Alliance works with high school groups about their work. As far as the wildlife is concerned, Doug said it has been a little overstated how pristine this area is. A part of our work has been identifying areas that need significant clean-up, as it has been a neglected area and a dump site. You could say we are trying to intrude on the wildlife on their behave, to try and undo some of the damage that's already been done. We are trying to see this trail as a way of making some awareness of this area as something that needs to be back to a place that wildlife will feel at home in. We will be placing an orientation center about plants and animals in the old art shack, and include benches not for picnicking sites, but places to go and quietly observe. Plant identification has already started. As for the Phase 2 section, we have come to a consensus that it's not a good idea. The entire north end could be part of a larger conservation plan. We're hoping the plan will include education, research and restoration, and part of what we do on the north end is to encourage a different ethos than what might happen on the southern end.



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Dale Gephart said it's been a pleasure to work with this committee. The committee has paid a lot of attention to the plants and animals and has invited people to comment on these sensitive habitats. Each habitat is somewhat different, but it's only 12 acres. Dale said he feels the committee has moved the trail significantly to protect the plants and animals.

Lisa Niccolai works for the White River Conservation District and her involvement with Treasure Island came about through LakeWise, a state program to work with lake side property owners. The committee invited her to see if Treasure Island was suitable for an assessment, which it was, and with Selectboard approval it took place. Her first visit to Treasure Island was a look at the north section, and we walked an existing trail that looked like it had not been planned. Lisa said the committee has been receptive to almost every suggestion she has made, such as moving the trail upland with one or two areas where people can access the lake. We started to look at other options as they were moving through this process, such as pruning instead of moving trees. The removal of trees triggers various aspects of the Shoreland Protection Act. We also looked at 2 culverts running under Route 244 that are creating these wetland areas and talked about perhaps slowing the flow of that water so that it would have a chance to infiltrate before it enters the lake. They also identified numerous invasive species which indicates heavily disturbed areas, and they looked at ways to remove them to control their spread. Lisa described the area as a heavily disturbed site, not a prime habitat. From the LakeWise perspective, this is a really positive way to improve a situation that is not good. There is opportunity to design something that is thoughtful and more appropriate for the site has a large benefit. Lisa felt it would be worth the effort to find a way to get the permits that are needed.

Dale Gephart said the inventory of plants is on I-Naturalist (<https://www.inaturalist.org/>) and you can find what's growing at Treasure Island.

Bryan Gazda said he has been talking with 3 state agencies, Fish & Wildlife, DEC Wetland District, and the Lake and Shoreland Agency. They would be the permitting agency for the trail if it is needed under the Shoreline Protection Act. There is an endangered bat species in the area, so it is recommended that trees be taken down in late fall/winter, if necessary. The DEC has identified the north end as a wetland area. Because of the 2 culverts off Route 244, a representative that came in 2020 identified a meadow that might also qualify as wetland area, so that's going to be the primary area where we will get a delineation done. The state has a list of consultants who will do that, but there will be a cost associated with it. The Lake and Shoreland Agency is the primary agency that we would need to submit information to, and it's a 2-stage process. The first stage is to submit information on what you are proposing to see if it needs to be permitted. If it does, we will need to submit an application and go through the permitting process. If we do have to go through the full permitting process, it would be a minimum of 45 days, as there needs to be a 30-day public comment period. Realistically it will be fall before any work could begin.

Sharon asked what the cost would be and if we would be doing the wetlands delineation and gathering of information concurrently?

Bryan said it would be between two to three thousand dollars for wetland delineation mapping, and he thinks it would be done concurrently.

Sharon asked about the checklist on the Lake Shore Protection Act?

Bryan said we could, but the agent told me once we make a determination to contact him and he would walk us through.



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Mary Bryant asked Lisa Niccolai if she thought the two wetland sites were created over the years by the dumping of water from the culverts or were they there from years before Route 244 was built.

Lisa said that would be tough to guess but there was probably a natural swale coming down from across the road. If you did a delineation, you could look at the plant species and soil types to see what's there and if it's possible that it was prior to the culverts.

Mary asked if the wetland as is and/or any improvements to it could help clean the water from the culverts before going into the lake.

Lisa said definitely, that slowing the flow of the water would help. Wetlands are a sponge and filter. The more time the water has to absorb into the ground the better. Lisa is just guessing but would assume that all the salt and things that are coming off cars are flowing into the ditch which then flow into the lake.

David Goodrich said he has walked the trail 3 different times with the company of David Roth, Dale Gephart, and Doug Tiff. David said he appreciated their time and found them to be extremely thoughtful and aware. He thinks they are going in the right direction, although he is not ready to support it until we get the permitting in place.

Steve Tofel wanted to thank the committee and felt they had done a remarkable amount of work. Steve said he would like to add an agenda item on a subsequent meeting making this a permanent committee.

Bryan wanted to mention with all the agencies he spoke to, none indicated there was anything that can't be resolved or done in order to get permits for the project.

Sharon said this might be a good time to bring up the fact that because we have a town manager form of government, Bryan could make the decision without the Selectboard's approval. Li Shen and Stuart Blood were adamant in saying that the Selectboard needs to say we approve, vote and say we want to have the trails. Sharon looked back in state statute about what the town manager has responsibility for versus the Selectboard, and in her take on it, it seemed like an extremely gray area. Sharon contacted VLCT and asked one of their attorneys for their opinion, and he confirmed that it is definitely a gray area. The Selectboard by law is told that it is their responsibility to establish and lay out any town park and recreation. It is then the town manager's responsibility to take the plan and to put it into existence. What we have in Treasure Island is an existing recreation facility, but I haven't found any clear record that a Selectboard in the past said we want trails and establish that as a part of the layout of Treasure Island. Sharon is hoping that the Selectboard and town manager will work together in deciding whether or not these trails should go in if at all possible according to the protections established for the environment through the state. An important piece for the Selectboard is to decide if trails are something we want to pursue on Treasure Island and if we don't want trails, do we want to say we want to go through the wetlands delineation and look to the Lakeshore Protection Act to see if we need a permit.

Steve asked what would happen to the current trails that need to move back from the shoreland if we don't move forward. We should realize that there are trails now.

Sharon said we don't know if a Selectboard said there should be a trail and made it, or if people made it in their wanderings. Sharon asked Bryan where the money might come from.

Bryan said there is a Treasure Island fund, and \$2,500 in the general fund for engineering. There are a couple of funding sources, so we won't have to wait for another year.



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Motion by Sharon Harkay that we authorize the Town Manager to hire a consultant for a wetland's delineation, and to start the process of gathering data for the lakeshore protection act so we can move the process along. VOTE by roll call: Mary Bryant – in favor, David Goodrich – in favor, Steve Tofel – in favor, Sharon Harkay – in favor. **Motion passed.**

The Selectboard took public comment:

Wanda Vaughan, a resident of East Thetford, reminded the Selectboard that Treasure Island used to be a youth camp in the 1960's and earlier. Most of the trails actually led to camp buildings. Wanda said she went to camp when she was young, and that the buildings were used by campers and were all over the property.

Nick Clark said in 2020 he looked at this area with a district biologist who did not identify any trails. He encouraged the Selectboard to make sure the trails were preexisting trails.

Jim Masland saw an earlier version of the plan that showed a boat launch at the north end, which now seems to be eliminated. He was happy to see that because a little launch becomes a big launch, and the loon nest is not too far away. It takes just one irresponsible person to damage loon nest for a year.

Stuart Blood noticed that the comments have been about aquatic life habitat and not terrestrial habitat. He asked why the site couldn't be cleaned up without relocating or creating trails, and asked if there has been a wildlife inventory done by a biologist? Finally, Stuart told Sharon he took issue with her characterization of his comments in their email exchange. Stuart said Sharon initiated that discussion by writing to him, asking for his opinion about why there was pushback against the trails, and she offered the opinion that it should be the town managers decision. Stuart did not feel that his response was terribly adamant as she described. It seems clear to him, from extended conversation, that this is a policy decision with conflicting values being addressed and that it is the sort of thing we elect officials to do. He would not be in favor of turning it over to even a very skilled town manager, who is not elected.

Sharon apologized to Stuart.

Dale Gephart said he is not aware of a study but has learned of a stewardship plan. A trained ecologist/biologist would come and do a study of Treasure Island.

David Fisk of Post Mills noted that a lot of work has been done, but he still has issues with trails at the north end. They would be a disturbance to animals, and their habitat. When you move toward an animal, they move away from you. You have entered the animal's home and they see you as a threat. They use up energy to avoid you, which could be used to forage, raise young, and survive winter. Think of how you are alert when you see someone you don't know walking along your property line. Particles on the bottom of shoes and on clothing can change the plant life. Explorers on a trail can create side trails, gather wild edible plants, and even collect animals, such as turtles. David said he is in favor of cleaning up the north end, and then leaving it to the animals.

Alexis Jetter thanked the committee for its efforts, and she hesitates to be a voice against the trail but she is. She spoke of swimming to the north end of Treasure Island and being intimately familiar with that section of the shoreline. When she swims by, she sees a great blue heron, and loons. Even though she swims a fair distance from a great blue heron, that likes to hang out near one of the carve outs that people have created, not making noise or creating wake, it watches her and then flies away. Loons can be curious, but Alexis feels even as a swimmer and with greater distance than the trails, in the water and not threatening, my invasive role as a swimmer effects



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the wildlife there. Alexis felt contributions from Li Shen about the width, and Stuart Blood's comments really helpful. Alexis thinks we need to step back and find other ways to educate people about the lake.

Angela McCanna said she spends a lot of time with her son at Treasure Island and felt that the voices of the people who use Treasure Island are not being heard tonight. We're the people who go every week; know the place and they want to explore. To hear that the critters are more important than our children and our town's public access, what about the children? Doesn't anyone care about the kids in Thetford?

Wanda Vaughan asked about the restrictions placed on the property because of federal money used to purchase it.

Sharon said she read through information about restrictions on the property, and outdoor recreation is the primary purpose. We are to give access to as many people as possible and offer recreation for all ages. There are some restrictions like maintaining the property so it's attractive, sanitary provisions, lifeguards, things like that.

Doug Tiffit said he was a bit reluctant to speak because he is not a Thetford resident but not that long ago the Selectboard was considering selling that land as a house lot. We are not acknowledging the obligation of public access accepted when we acquired this property. It would be great to have the northern area be recognized as a wildlife preserve. We can regulate the experience there and there is so much potential in the property.

Sharon said to correct the record, it was a previous Town Manager and one or two Selectboard members who wanted to demolish the house. She was adamantly opposed to that idea and wanted to make that clear.

Melissa Krzal said that we as humans are incredibly selfish by wondering how the land can benefit us. It's not a lot of land, just a small piece of Lake Fairlee, so why do we want to ruin it for the animals that live there. As for the idea of a controlled environment, there is always going to be that one kid or adult who will want to go where the animals are. She did not think we should ruin the ecosystem for our pleasure.

Wanda Vaughan said her husband's grandfather was on the Selectboard when they decided to try to purchase the property in order to give Thetford residents access to the lake. He had a strong belief that all the land would be bought up and there would be no public access to enjoy the lake. We have to honor some of the history - should we go wild and make it a crazy human area? Of course not, but Wanda is in favor of bringing back trails.

Nick Clark said the Selectboard from 2020 has been misrepresented. The former Recreation Director, Nathan Maxwell initiated a discussion to get the property under 10 acres so other improvements wouldn't trigger Act 250. That is what prompted talk about the sale of the land. It does not justify building trails, and he does not think there should be trails there. He cautioned about mischaracterizing the past.

Sharon said she was going to close out the agenda item and thanked everyone for attending, listening and sharing. No decision has been made on the trails but the town will move forward with the wetlands delineation and the wetland shoreland protection act.



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5. Announcement of Street Naming Hearing

Sharon Harkay announced there would be a street naming hearing at the July 11th Selectboard meeting for a private road currently listed as 0 Latham Road. The request came from Matthew and Jaime Pierson. They want to name the road Makayla's Way.

6. Discussion of Revised Draft Delinquent Tax Policy

Bryan Gazda reviewed changes that were made based on previous comments and other input. Bryan noted that item C is in the policy although the town does not tax personal property. It could be deleted or left in per the VLCT policy.

Mary Bryant said she didn't have the same copy that Bryan was working from.

There was discussion about the penalty fee in items F, which was changed to \$2,500 in both F and G.

There was discussion about the allocation of partial payments. David Goodrich said he thought it should be the option of the taxpayer, not the tax collector. Tracy questioned whether or not the computer program that is used automatically distributes the payment evenly between interest and principal. Tracy explained that the interest is on the balance due, not on the principal. Bryan pointed out that in the VLCT guide for Delinquent Tax Collectors, it is recommended that the payment be evenly distributed.

Mary said there is nothing written that takes into account a person's situation. That the town will just take the house to tax sale after 60 days, and then where do they go? David Goodrich said circumstances can be brought to the town through the abatement process. Bryan said there had been a change in the state statute to make sure people behind in their taxes know of the Homeowners Assistance Program. The tax collector should let people know the resources available to them and that's why there is a 60-day period.

Mary wanted to know what happened to the money beyond the taxes due collected when a property sells. Sharon said the property owner gets the money. Bryan said there is also a one-year time frame to make arrangements to pay the overdue taxes. If the payment arrangement is in place, the property will not go to a tax sale.

Mary said she found it ironic that we are charging more money to people who are having a hard time paying money. Could we lower the amount of interest and penalties even more?

Sharon pointed out that the circumstances for not paying taxes may not always be that a person is poor or destitute.

Tracy asked how the current delinquent taxes will be handled once this policy is in place. Is it going to be implemented right away? Bryan said that was his goal.

David Goodrich suggested that the old policy should stay in place until the next tax cycle begins, on October 15th. Tracy said there were delinquent taxes now that the policy would apply to.

Mary questioned whether it would even be legal to change the policy for the current delinquents. Steve said it was okay to change the policy, even for those currently delinquent.

Tracy said if you allow a two-year plan to pay back the taxes, you should consider how far that policy will allow them to be in arrears. Bryan did agree that the amount could compound, but the goal is for the delinquent tax collector and the property owner to come up with a plan that works for both.

Bryan will bring in a clean copy for the June 27th meeting.



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7. Discussion of Revised Facilities Use Policy

The Selectboard discussed the policy and Bryan will provide a clean copy for the June 27th meeting.

8. Discussion of Community Visioning

Motion by Sharon Harkay to table the discussion on community visioning and take it up in July.
VOTE by roll call: Mary Bryant – in favor, Steve Tofel – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion passed.**

9. Warrants and Minutes

#20.3 \$100.00
#25.1 \$2,169.71
#12.4 \$23,517.24
#24.1 \$36,009.74

Motion by David Goodrich to approve the warrants as presented. VOTE by roll call: Mary Bryant – in favor, Steve Tofel – in favor, David Goodrich – in favor, Sharon Harkay – in favor.
Motion passed.

Motion by Mary Bryant to approve the regular Selectboard meeting minutes of June 6, 2022, as edited. VOTE by roll call: David Goodrich – in favor, Steve Tofel – in favor, Mary Bryant – in favor, Sharon Harkay – in favor. **Motion passed.**

10. Adjourn

Motion by Steve Tofel to adjourn the regular Selectboard meeting at 9:31 PM. VOTE by roll call: David Goodrich – in favor, Steve Tofel – in favor, Mary Bryant – in favor, Sharon Harkay – in favor. **Motion passed.**