



Town of Thetford Vermont

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

Selectboard Regular Meeting Minutes Thetford Town Offices (w/Virtual Attendance Option) Monday, July 18, 2022 7:00 PM

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

Others present: Town Manager Bryan Gazda, Selectboard assistant Martie Betts

Sharon Harkay called the meeting to order at 7:10 pm.

(Please note: technical difficulties with audio feed delayed the start of the meeting.)

1. Agenda Review

Sharon said there are notes on general discussion for ARPA. Does the agenda item need to be renamed? Bryan said they could. He wanted to look at categories first, before sending out a survey. Agenda item #7 was renamed.

2. Town Manager Report

a. Latham Road Wet Area

Bryan said he and DPW foreman Dale Lewis looked at the wet area, which they determined to be outside of the town right-of-way. It would appear that the property owner has been doing the ditching, and as it is not in the town right-of-way, it is not the town's problem to fix.

b. Update on EEI's HVAC System Proposal

Bryan said he had a meeting last week with Geoff Martin and Erica Ko who are continuing to look at the various components of how EEI have set up their proposal.

The proposal will be ready for the Sept 12th Selectboard meeting.

c. Other

Bryan had a virtual meeting with Lisa Niccolai and Misha Cetner, from the Shoreline Protection Act, about Treasure Island. Misha will do a site visit on August 4th around 9:30 or 10:00. The Shoreline Protection Act requires 3 permits and there is a lot to it. Sharon asked if Bryan would object to warning the site visit so Selectboard members could attend. Bryan will check with Misha to make sure he doesn't object. One bid for the wetland delineation work has come in from Dubois & King and it's in the ballpark of \$4500.00 to \$5500.00.

Bryan, Steve Tofel and David Goodrich met on Robinson Hill Road, and Lisa Niccolai will put together a LakeWise storm water management plan. With the diversion or channeling of water on a paved road, you have to start thinking about where you are going to put the excess water. Sharon suggested that Lisa take a look at the Stantec report as there was quite a bit about that road. Bryan said all parties have the report.

3. Public Comment

No public comment.



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4. Continued Discussion and Possible Adoption of Proposed Facilities Policy

Bryan reached out to Attorney Charlie Buttrey who sent an email with three suggestions. He did not answer the question about organizations and events that really need the insurance vs. ones that don't.

Sharon noted that Charlie's first point was something she had raised. Sharon agreed that it would be better to end the sentence after the words "user fee" and said the Selectboard or whoever should be very careful when they make their decision and be ready to tell people why that decision was made.

Bryan said to remember that waiving or reducing the fee is an option and not something they have to do.

Sharon thought the second suggestion to add "or as a consequence of the event" was prudent and a good idea and agreed with the third point that the language should be consistent between the use agreement and the policy. Sharon said while we still have to hear about whether certain groups need insurance, we could just put in a waiver to reduce the user fee or waive the insurance requirements just so we get the policy going.

David Goodrich liked the option to waive the insurance and said they need to be consistent and be able to defend their decision.

Bryan pointed out that with that waiver the Selectboard will more than likely be hearing from every user.

Mary Bryant said she didn't think they would have that many to review.

Li agreed that there are not too many events on the green.

Bryan reminded the Selectboard that this will also cover the use of Treasure Island.

Sharon said she would like to amend the language of the waiver to say the fee may be reduced, and/or the requirement to provide proof of insurance when alcohol will not be consumed.

Sharon asked Bryan for a final draft in August.

Charlie Buttrey joined meeting at 8:35 pm.

Sharon told Charlie the remaining question is whether there are some types of situations where we should absolutely require insurance and whether there might be some where we could waive.

Charlie gave the example of someone having a memorial service for a town resident on the green with no alcohol, why should they get insurance? From a policy perspective, is the point to encourage people to use these facilities or are they just available if people want to use them?

Sharon said they would like to encourage more people to use the facilities, and the Town Manager wants to make sure the town doesn't wind up with a big insurance claim.

Charlie said he can't imagine wanting a celebration of life for his mother (for example) and then have to cough up money because of a policy. As an attorney, when he goes after someone he goes after who has the deepest pockets. Charlie asked Bryan if the town insurance policy would exclude an injury on town property? Bryan said probably.

Charlie then said from a legal opinion it is a good idea, but he's not sure it's a good idea from a policy perspective. If you want the public to use the facilities, you don't want to then put hurdles in the way.

Bryan gave the example of the upcoming vendor fair, if someone were to trip and fall over one of the ropes a vendor put up, who would Charlie go after.



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Charlie said he would get in touch with vendor's insurance company first, then the association who put on the event and finally, the town's insurance company.

Sharon wondered about someone who had a birthday party and had things like a bounce house. Charlie said that alcohol does create other issues and thought there should be a change in the language to include an accident that occurs as a consequence of the event.

Sharon said they looked at the three items Charlie had sent and agreed with all three earlier this evening.

Steve Tofel wondered if it would be worthwhile to have wording in there about a for-profit entity being required to have insurance.

Li thought that would kill anything like a vendor fair. These vendors are small and probably don't have insurance.

Sharon said the Selectboard would use their best judgment in whether or not to consider insurance.

Charlie said he liked giving the Selectboard that flexibility.

Bryan said he would need to look at the actual rental agreement and see if we need to ask specific questions of the user.

Sharon asked Bryan to have one version with the waiver, and one without for the August 1 meeting.

5. Setting Speed Limits on Town Roads and Residents' Request for Lowering the Speed on a Section of Academy Road

Sharon noted that the agenda specifically mentions a section of Academy Road and since the agenda was posted, residents on Sanborn Road wanted to have a section of that road addressed. The Selectboard reviewed the traffic ordinance.

Steve Tofel said on Academy Road at the bend by the state park the speed was increased from 25 mph to 35 mph. We have heard from residents that their mailboxes are on the west side of Academy Road while their houses are on the East side. They have to cross the road to get their mail and it is dangerous for someone who might not be able to get off the road quickly. They have requested a reduction of the speed limit back to 25 mph, which would mean changing the ordinance.

Li said the police had a big say in road safety and the ordinance. It is the police who have an idea of what's safe and what's not. Maybe the residents need to get the opinion of the police.

Sharon said she remembered Chief Evans and then town engineer Mary Ellen Parkman doing the survey but doesn't remember an explanation of exactly why they did what they did.

Li said it had to do with sight lines and guidelines from the state. People will drive at the speed that they feel the road can handle. If we have problems with pedestrians in the road there should be signs.

Mary asked if they could move their mailboxes.

Steve said the placement of the mailboxes is up to the postal service and it apparently wasn't an option.

Sharon said they should consider the human factor rather than just formulas and stringent rules. People feel unsafe crossing the road, it's a short length of road, and it's just before Thetford



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Academy so it seems for all those reasons we could have our current chief look at it to see what's reasonable.

Steve said we're talking about 10 mph for 3/10 of a mile.

Mary agreed that Chief Scruggs should look at this.

David noted that when he drove Academy Road, the transition from 25 mph to 35 mph seems to be at the boundary of the village center designation. It might be a factor to keep in mind.

Bryan said he would talk with Chief Scruggs.

Sharon said a resident told her that while according to the ordinance, Sanborn Road should be 25 mph the entire length from Latham Road to Route 5, the end closer to Route 5 is marked 35 mph.

Barbara DeFelice, who had contacted Sharon, said it was posted 35 mph on both ends, but she had only sent pictures from the Latham Road end.

Bryan said that was simply a sign change.

6. Discussion on Which Requests for Liquor Licenses for Events Should Be Handled by the Town Clerk Versus the Liquor Control Board

Sharon said this item is about who handles the requests so they can firm up the policy. Sharon felt if the request is submitted far enough in advance the local liquor control board should say yes or no.

The Selectboard assistant read an email from the Barre City clerk that included the statute and policy of the city that allows for the clerk to sign under certain circumstances.

There was discussion about new caterers vs. previously approved catering companies.

Mary said if the caterers do not come before the board, then it's just paperwork. What is the real difference between the board or Tracy signing?

Sharon said there would be more people to review with the board, and perhaps one of the board members would have experience with the caterer, plus the local liquor control board is statutorily in charge of this.

Steve said if the caterer has come to the board already, and there will not another meeting prior to the event, the clerk should be authorized to issue the permit.

Li agreed.

Motion by Sharon Harkay to suspend the Selectboard meeting at 8:07 pm and convene a meeting of the local Liquor Control Board. VOTE: All in Favor (5-0-0). **Motion passed.**

Motion by Sharon Harkay that new caterers to Thetford are required to get their approval for their liquor license from the local Liquor Control Board. And further, that those caterers who have gotten licensed before, if their event will be happening before the local Liquor Control Board meets again, the Town Clerk will be authorized to give approval for their license.

Steve suggested the language "all licenses for catering events where liquor will be served will be approved by the local Liquor Control Board, except previously approved caterers, licensed by the state who will have an event that will come before the next meeting of the local Liquor Control Board. Those may be approved by the Town Clerk." Sharon Harkay amended her motion to the language Steve Tofel suggested.

VOTE by Roll Call: David Goodrich – in favor, Li Shen – in favor, Mary Bryant – in favor, Steve Tofel – in favor, Sharon Harkay – in favor. **Motion passed.**



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Motion by Sharon Harkay to adjourn the meeting of the local Liquor Control Board at 8:12 pm and reconvene the Selectboard meeting. VOTE: All in Favor (5-0-0). **Motion passed.**

~~7. Draft Survey for Soliciting Ideas for Spending of ARPA Funds~~ **Getting Familiar with the Categories for Possible ARPA Funding**

Bryan had put together a white paper regarding the presentation by Katie Buckley. Bryan suggested looking at the categories and deciding where we should put the focus. This will help in the creation of the survey.

Sharon said they should double check the list from Katie for state programs already in existence. Sharon asked about roads, buildings, and maintenance.

Bryan said that comes under lost revenue.

Sharon wanted to make sure those three items were included in the survey.

Bryan didn't necessarily agree and said they should look at capital improvements and infrastructure. Childcare is covered in 2 or 3 sections. There are several state and federal programs that have assistance and while we can look at childcare, we should keep it simple.

Sharon said we need projects that are a onetime thing. We can't afford to start something that we can't keep up.

Mary said there are a great deal of needs in this town, but she would like to see the needs prioritized. What do we need now? The church is a great thing, but not a critical thing to keep people going to work or our economy going. What are the things that are the most heavily impacted by COVID?

Sharon said they are not talking about renovating the Timothy Frost building but fixing structural problems so we do not lose the historical structure due to neglect.

Mary said we don't need to take that project out of the fund

Li disagreed and said it would be hard to find money somewhere else. This building is crucial to this place and this sense of place. It could be a useful building, but it can't be anything if it's structurally unsound.

Mary said there are so many needs in town, and they should make a list to prioritize. She didn't mean to make the church a topic of discussion.

Bryan said that's why he presented the categories. They need to truly understand the needs.

Bryan reminded the Selectboard that the money could also be used for matching grants.

Sharon cautioned the Selectboard not to keep looking at 2024 as the end date because there is a danger of waiting until the last minute.

Sharon said this changes our timeline drastically. Is Bryan now suggesting the draft survey might not come before the Selectboard until September 12th?

Steve said he was trying to decide how specific they needed to be.

Mary disagreed. People want to know what the money is going to be used for.

Sharon suggested having an initial survey with broad categories and then a second survey with choices under those categories proven to be the priorities.

Sharon asked Bryan to have examples from other towns by August 1, and then perhaps by Sept 12 there could be a draft survey.



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8. Warrants and Minutes

#29.1 \$47,672.39

#28.1 \$60.00

#25.3 \$5,310.00

#13.2 \$14,988.89

#14.4 \$27,226.10

Motion by Li Shen to accept the warrants as presented. VOTE: All in favor (5-0-0). **Motion passed.**

Approval of minutes was postponed at the next meeting.

9. Anticipated Executive Session Pertaining to Employment or Evaluation of a Public Officer or Employee per 1 V.S.A. § 31 3 (3)(a)(3)

Motion by Sharon Harkay to enter Executive Session to discuss employment or evaluation of a public officer or employee per 1 V.S.A. § 31 3 (3)(a)(3) and to invite Bryan Gazda. VOTE by Roll Call: Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion passed.**

The Selectboard entered executive session at 8:51 pm.

Motion by Sharon Harkay to exit Executive Session at 9:45 pm. VOTE: All in Favor (5-0-0). **Motion passed.**

No action taken

1. Adjourn

Motion by Steve Tofel to adjourn the regular Selectboard meeting at 9:46 pm. VOTE: All in Favor (5-0-0) **Motion passed.**