



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 17th, 2023 7:00 PM

Selectboard members present: Sharon Harkay-Chair, David Goodrich-Vice-Chair, Mary Bryant, Steve Tofel

Selectboard members absent: Li Shen

Others present: Town Manager Brian Story, Connor Rigney (TRORC) Sarah Wraight (TRORC), Emergency Management Director Mariah Whitcomb, Joint Thetford Energy Committee Chair Nolan Riegler, Selectboard assistant Martie Betts

Participating community members: Bill Huff

Sharon Harkay called the meeting to order at 7:00 PM.

1. Agenda Review

Steve Tofel asked if they could discuss the request to continue support for wake boat safety on Lake Fairlee. There is going to be a public hearing on August 1st. The Selectboard will discuss between agenda items 7 and 8.

David Goodrich requested moving the discussion of Article #6 to another date. Sharon said it would be best not to push it off because it is time sensitive.

2. Notes from the Selectboard Chair

Sharon wanted to reiterate that the town is looking for someone to fill a vacancy on the Conservation Commission and for letters of interest for the impending opening on the Selectboard. The Selectboard position will start on August 8th and last until the election in March 2024.

3. Town Manager Report – Brian Story

1. Update on the Condition of Public Roads and Storm Damage

Brian expressed his sincere thanks to Emergency Management Director, Mariah Whitcomb, who did a great job coordinating efforts both during the serious conditions of last week and during the subsequent additional days of risk. Brian added that the Department of Public Works did a terrific job keeping the roads open where they could and making repairs as quickly and safely as possible. For all residents, the state is still collecting damage information and suggests that people call Vermont 211 to make reports and seek assistance if needed. Reporting damage will help the state assess what areas are eligible for aid. There will be low interest loans available for people who need repairs and rebuilding.

~~2. Other~~

Steve Tofel commented that the DPW should not only get credit for the work they did during the storm, but also for the ditching and clearing of culverts that had been done before the storm.

Brian agreed and said it's not just the emergency preparation but also the ongoing investment that helps us be prepared for these events.



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4. Public Comment

There was no public comment.

5. Public Forum on the 2023 Local Hazard Mitigation Draft Plan with Connor Rigney of TRORC

The public forum began with Connor Rigney and Sarah Wraight from Two Rivers-Ottawaquechee Regional Commission (TRORC). Connor said tonight's conversation is a high-level overview of planning and expectations. There are three significant potential hazards for Thetford that have been identified by the committee - severe or extreme weather, flash flood and fluvial erosion and infectious disease.

Connor explained what a mitigation plan is and why it's important to have one.

Connor reviewed possible strategies for the identified hazards.

Steve Tofel asked how this would interface with the current procedure managed by the town's Emergency Management Director (EMD), Mariah Whitcomb. Connor said this plan would guide the actions of the EMD.

Brian Story asked about maintaining a list of the vulnerable population. Mariah Whitcomb said the maintenance of that list is assigned to the Fire Department because of HIPAA. Green Mountain Power also has a list that can be compared to the Fire Department List.

Mary Bryant wondered if a system should be created to care for riparian zones and to keep things moving forward. Connor said it is up to the Selectboard to decide the maintenance systems. The Emergency Management Director is usually the point person, along with the Road Foreman. Mary said it may be time to look at whether a paid position should be created or for other ways to support the volunteers.

Sarah Wraight said there is a section about plan maintenance included in the document.

There was discussion about how often the plan gets updated.

Steve Tofel asked about rivers and riverbeds. Sarah said the Agency of Natural Resources manages the rivers.

Sharon pointed out that there used to be Red Cross training for volunteers who worked in emergency shelters and wondered if it should be added to the plan.

There was a discussion about emergency communication systems.

Connor said this will go to the state for review and then to FEMA. They will send it back with their notes and edits, and the Selectboard will hold a hearing, where it could be signed by the Selectboard.

Connor said he wouldn't expect this process to be completed until the fall because of the recent flooding in the state, however the state is aware that Thetford is working on the plan.

Sharon thanked Connor for the time he has given to the project over the past few months.

6. Discussion and Possible Acceptance of the Draft Grant of Development Rights, Conservation Restrictions and Public Access Easement from the Upper Valley Land Trust

Sharon said the Selectboard needs to discuss this conservation easement as it is drafted. This goes back almost 2 years, dealing with the legalities of the AT&T cell tower in the town forest.



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The Agency of Natural Resources said they would not approve the cell tower unless we were to conserve about 87 acres. At that time, we conveyed the acreage to the Upper Valley Land Trust and they were given a maximum of 2 years to work out the exact details of the conservation easement document. Attorney Ed Adrian has reviewed the document and has given the go-ahead, and the Thetford Conservation Commission has also reviewed and is okay with the document. After we look through it, the document still needs to be approved by the Agency of Natural Resources. All of this has to be completed by September 15, 2023.

David Goodrich asked why the town couldn't hold the conservation easement instead of signing it off to a third party. Sharon said that is the legal process. David said the Upper Valley Land Trust resells some of their properties. Is that a possibility? Sharon said that is a possibility and it is in the document. David said the Selectboard has a fiduciary obligation to the residents and citizens, and it seems like it has not been open that the possibility of this town land could be sold. Sharon said that the town attorney has read through the agreement and he is looking out for the town's interest.

David said as he read through the document, he found a couple dozen instances where it is written "at the sole discretion of the grantee" and it is very concerning to him. Sharon said she thought this document was similar language to documents pertaining to other conserved lands.

Mary Bryant wanted to clarify that the Upper Valley Land Trust will own that section of the town forest. Sharon confirmed that the land is conveyed to them, and then the town is given rights for use of the land.

Sharon said the only way we were able to have the cell tower is to agree to this. We can't go back on our agreement to go through with this process. At the time, the Selectboard wanted the cell tower in the town forest so it wouldn't be visible, which is what residents were objecting to. We also get revenue from the cell tower.

David said he understands all of that, but he feels that not being able to see a cell tower is not worth losing 87 acres of town forest.

Sharon said that she is sorry if David doesn't like the agreement, but a previous Selectboard has already signed off on it. The only thing we can do is ask the attorney about specific things. She did notice in the document that snowmobiles will be able to use any trail that runs through the 87 acres. Sharon asked where the trails connect.

Bill Huff explained how they go from Five Corners Road through the town forest.

Sharon said that was a big exception to allow snowmobiles to continue using those trails.

Mary said she appreciates David's point, but her understanding is that even if they sold the land the town would still have all of the rights that are outlined in the agreement.

Sharon said she doesn't think the Upper Valley Land Trust has any intention of selling, but if it was needed in the distant future, she thinks they would find a similar entity to take the land.

The Selectboard reviewed the section that listed what would be allowed, and David pointed out that there is also a section that states they can prohibit activities like hunting.

Mary asked if they take on the insurance and liability for the land.

Sharon said she saw where we have to pay the taxes, but she doesn't remember reading about liability.

Mary wondered if it would be helpful to have a meeting where a representative from the Upper Valley Land Trust could attend.



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David said he had been in contact with Ed Adrian earlier that day and he was under the impression this was going to be discussed at the Selectboard meeting on August 21st. David would like to revisit the discussion then.

Mary spoke about a dog that was killed in a trap on the land and expressed concerns about other animals or even people getting caught in traps. She would like that removed from the document. Bill Huff said he was not going to discuss the merits of trapping, but it is legal in the state. Bill said his understanding of the document is that the town is not giving up the land, they will still own it. The town will convey it forever but will give up development rights. Bill said he understands David's point of view because a municipality can grant the same easements, so why through a third party.

Sharon said the next time we could have the attorney here, when the town manager is also available, is not until August 21st. If we wait until August 21st, that gives the Agency of Natural Resources very little time to act before September 15th. Legally they must approve it.

David said if the discussion is tabled until the 21st, it is his intention to put his concerns in writing to the attorney, and he will forward the attorney's response to the board in preparation for that meeting.

The discussion will be moved to August 21st.

7. Consideration of the Joint Thetford Energy Committee's Request for Changes in the Committee Name and Their Charge from the Selectboard

The Selectboard reviewed the name change and charge from the energy committee. Sharon had made some edits to the charge submitted by the committee.

JTEC chair Nolan Riegler; gave some background on how the name and charge were decided. Sharon said that a charge to a town committee defines what the Selectboard is asking of the committee and expects them to accomplish.

Nolan will take the suggested changes back to the committee.

7b. Letter of Support for Wake Boat Safety on Lake Fairlee

Steve Tofel heard from Tom Ward, who has asked the Selectboard to reaffirm the letter written by the Selectboard in January, and to draft some additional language pointing out that there are camps on the lake and it's more of a safety issue than anything else.

Sharon said that Tom included suggested language in his email including that the Selectboard include a minimum 1000' from shore wake boat operational distance.

Sharon noted that Tom also included a map in this email and while Sharon was initially concerned about safety at Treasure Island, the map shows that with the 500' rule they won't be anywhere near Treasure Island. Does the town really have a role in supporting this if it's not going to affect town property?

Mary pointed out that there are camps that pay taxes to our town to keep their waterfront safe. It's a larger issue than just our town land, it's the whole environment of the lake.

The Selectboard reviewed the map for property and camps that are in Thetford.

Steve will write a draft letter for the Selectboard meeting on August 7th.



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8. Nomination of Someone to Attend the 4th Annual VT Community Leadership Summit on August 15th at Vermont Technical College in Randolph

No one has expressed interest in attending, therefore there is no nominee.

9. Warrants and Minutes

10. #14.4 \$23,608.58

Motion by Mary Bryant to accept the warrants as signed. VOTE; All in favor (4-0-0). **Motion carried.**

Motion by David Goodrich to accept the Selectboard meeting minutes of July 10th, 2023, as edited. VOTE; All in favor (4-0-0). **Motion carried.**

Bill Huff asked about the agenda item after the Executive Session and wondered if he could make a comment. Currently the recommendation has been made to spend a considerable sum of money to hire Two Rivers Ottauquechee Planning Commission to serve as interim Zoning Administrator, and Bill said he would hope that the Selectboard would reconsider or consider other options for these few weeks, such as hiring somebody local. Bill said he wasn't sure that they would be able to make decisions or do business on behalf of Thetford residents, and to spend \$7500 for 6 weeks, a few hours a day, a few days a week seems unwise.

Sharon said that normally they don't respond to public comments, but they do have some options they will be looking at, and in the end it's the Planning Commission who decides and makes a recommendation to the Selectboard. We are not at the stage of appointing that position.

11. Anticipated Executive Session to discuss the employment of a public officer or employee per 1 V.S.A. §313(a)(3).

Motion by Sharon Harkay to enter Executive Session at 8:53 PM to discuss the employment of a public officer or employee per 1 V.S.A. §313(a)(3), and to invite the Town Manager to the discussion. VOTE by roll call; Mary Bryant – in favor, Steve Tofel – in favor, David Goodrich – in favor, Sharon Harkay – in favor. **Motion carried.**

The Selectboard exited executive session at 9:23 PM.

No action was taken.

~~12. Possible Appointment of an Interim or Permanent Zoning Administrator~~

13. Adjourn

Motion by Steve Tofel to adjourn the Selectboard meeting at 9:24 PM. VOTE; All in favor (4-0-0). **Motion carried.**