

**Stowe Selectboard, Board of Health, Liquor Commission & Water/Sewer Commission Meeting
Monday January 10, 2022**

Present:

Selectboard Members: William Adams, Nick Donza, Jo Sabel Courtney, Willie Noyes, Lisa Hagerty
In Person attendees: Scott Brinkman, Cindy Fuller, Sarah and Justin Sliwka, Paul Sakash, Deb Longe,
Leighton Detora, Rachel Moore, Susan Connerty
There were 22 participants on Zoom.

Call to Order

Chair Adams called the meeting to order at 5:00pm.

Approve the Agenda

On a motion by Ms. Lisa Hagerty, seconded by Ms. Jo Sabel Courtney, the Board approved the agenda as presented.

Stowe Board of Health – Emergency Health Order 47 Cliff Street

Willie Noyes recused himself from the meeting as he is the landowner of 47 Cliff Street.

Scott Brinkman, Deputy Health Officer, has issued an Emergency Health Order to Willie Noyes, owner of 47 Cliff Street, due to the property not having functioning central heat and a “two prong electrical receptacle in the first-floor bathroom that is hot to touch.” The Emergency Health Order stated that these conditions be remedied by Monday January 10, 2022 at noon and assess a fine of \$200 per day for each violation.

Chair Adams opened the hearing at 5:34pm and asked to hear from the Deputy Health Officer and property owner. He noted that this would not be a public debate and would not take any questions from the public, rather just a hearing of statements from the Deputy Health Officer and the property owner. Mr. Brinkman stated his findings, noting that he had been called to the property by the tenants and conducted his inspection on January 6, 2022. An inspection had also occurred on August 31, 2021 by the previous health officer. Mr. Brinkman stated he did not believe any of the concerns outlined in the September 2021 report had been corrected other than the smoke and CO alarms. He said there were other issues that had not been remedied. He was called specifically due to the lack of hot water and central heat. He said he was able to remedy the hot water issue, but the central heat unit was not able to be repaired. He also noted there was a fire in the upstairs bathroom electrical outlet in September 2021, but that it was contained and the fire department had turned off the breaker to that area. He also described an outlet in the first-floor bathroom that was reading 141 degrees F, and that on other side of the wall was warm. Other outlets in the house were reading at ambient temperature. Mr. Brinkman said that he recommended turning the breaker to that outlet off, however they felt they could not disable more outlets in the house due to the need for portable electric heaters in the house that are being used to heat the home without central heat. Mr. Brinkman stated that when he visited the home the outside temperature was in the low 30s F and the inside temperature was 62 degrees F. Mr. Brinkman also stated that over the weekend, there was another fire in the home with an outlet that a space heater was plugged into an outlet in the dining room. The Fire department was called to evaluate the outlet and were able to remove the outlet while keeping the electricity on. Mr. Brinkman stated he felt this was a dangerous condition in the home with the electrical service and lack of central heat.

Mr. Carl Lisman spoke representing property owner Mr. Willie Noyes. He asked Mr. Brinkman if he could tell if the outlet had been overloaded, which Mr. Brinkman said he could not. Mr. Lisman also asked if the Health Officer had the ability to make the tenants allow repairs in the building. Mr. Brinkman said he was not authorized but that in conversation with the tenant they indicated they were willing to allow someone in the building to make repairs. Mr. Noyes stated that he heard from Suburban Propane that the furnace was not repairable on December 10th, he immediately searched for a

replacement. He located a replacement and asked the tenant to vacate the house during the installation due to the volatile nature of propane gas. The furnace was delivered on December 18, 2021 and the outside installation work was completed, but the tenant would not leave the home for the repairs to be completed inside. Mr. Noyes stated that he spoke with Suburban Propane and that if the tenant will vacate, with their animals, they will install the replacement furnace on Saturday January 15th. Mr. Noyes stated that he hired someone to do the electrical work and when he arrived on October 4, 2021, no one answered the door, however they witnessed the tenant home. He also made an appointment to fix the outlet and smoke detectors, and they did not allow the property owner's agent to enter the home and called the police on them. Mr. Noyes asked that the Board of Health to extend the deadline to remedy the central heat to 5pm on Saturday January 15, 2022 and require the tenants to vacate the property for the duration of the repairs. Mr. Robert Fletcher, Attorney for the Town of Stowe, questioned Mr. Noyes on if he or his agent could confirm if the tenant did or did not hear knocking when the electrician arrived to do repairs and Mr. Noyes stated that he could not confirm that. Mr. Noyes stated that a second time he had an electrician arrive to do the work, they refused to allow the electrician in a second time, and that the police were called and a police report was issued. Mr. Noyes also stated that he had opted not to renew the tenants lease in August 2021 with the intent of renovating the home, but despite the eviction notice 30 days prior to the end of the lease, they are still there.

Chair Adams asked for clarity on if the electrical repairs need to be completed by a Master Electrician, and Mr. Noyes stated that in speaking with John Black, Electrical Inspector, that he understood that in housing with two units or less, it is not required that a Master Electrician complete the work. Mr. Brinkman stated that he indicated Master Electrician in his report but was not aware of the specific laws, only that he was concerned of the scope of the electrical work.

Chair Adams stated he would go into Executive Session at the end of the meeting to discuss further and would deliver findings at that time. He ended the hearing at 6:18pm.

Mr. Noyes resumed his position on the Board.

Consent Agenda

1. 12/27/21 Minutes
2. 2022 Certificate of Highway Mileage
3. Special Event Applications
4. Sewer Allocation – Spruce Peak Treehouse Building

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board approved the Consent Agenda as presented.

Economic and Community Services New and Increased Requests

Town Manager Charles Safford stated that a number of Economic Development and Community Service organizations have requested new or increased appropriations from the Town as part of the FY'23 budget, and that the Selectboard has asked that they come before them to speak to their request and give the Selectboard an opportunity to ask questions. Mr. Safford state that the Selectboard does have a policy for Economic and Community Service Requests, noting that the policy sets a guideline of keeping funding to less than $\frac{3}{4}$ of 1% of the Towns General Operating Budget. The new/increased requests totals \$28,850 and the amount available for new/increased requests is \$9,781. He also noted that the guidelines are to cap any request at 20% over the previous year's appropriation, and a number of the requests are for more than this amount. If the Selectboard were to reduce the increases to 20%, they would still have to reduce the requests by an additional \$2,699 to bring it in under their guidelines. He also indicated that Stowe Performing Arts submitted an email recognizing the 20% cap on increased requests and decreased their request from \$7,500 to \$2,900.

The Selectboard heard from the following organizations:

Friends of the Green River Reservoir: Mr. Tom Kastner, a board member of the organization, spoke to the request for a new appropriation of \$1,000. Mr. Kastner stated that they work to protect the viewshed, design and build a contact station and handicap ramp and accessible campsites at the Green River Reservoir, which is a State-owned property open to all to use. Mr. Kastner stated that they have been around for about 20 years but have relied on memberships for funding. They are entirely volunteer organization, with a budget of \$10,000-\$20,000 per year.

The Current: Ms. Rachel Moore, Executive Director, spoke to the increased request from \$15,000 to \$20,000. She explained that they have increased their financial assistance program by 25% to offer opportunities to more children, particularly during the pandemic. She also noted free programming and the development of a glass and ceramics studio as new services that The Current is offering. Ms. Moore noted that they have increased scholarships from \$10,000 just a few years ago to over \$20,000 in 2021 through a sliding scale fee on the website. She stated currently they are relying on grant funding to provide this increased support.

Lamoille County Conservation District: Mr. Peter Danforth, Director, spoke to the increased request from \$500 to \$1,000. He noted that in addition to the ongoing outreach to schools and libraries on conservation, LCCD also has increased the amount of consulting work with the Stowe Stormwater Master Plan, both with the municipality and private landowners. Because of this increased work, they are asking for increased funding.

Stowe Area Association: Ms. Carrie Simmons, Executive Director, spoke to the increased request from \$20,000 to \$30,000. She noted that Stowe is #2 in the State with business receipts, of which SAA is a large driver. Investing in tourism is known to have a positive economic impact, as shown by an increase in Local Option Taxes, and SAA drives the branding for Stowe as a four-season resort town, along with other support such as booking, and running the visitors center. Ms. Simmons stated they would like to continue to discuss larger funding as presented to the Selectboard in November with a percentage of LOT but chose to ask for the \$10,000 increase this year. Ms. Hagerty noted that the Town has also picked up the SAA funding of the Mountain Road Shuttle at a cost of \$16,000 and have increased the funding for public restrooms to SAA by \$8,000 in the FY23 budget.

Stowe Vibrancy: Ms. Elise McKenna, President of Stowe Vibrancy, and Ms. Aimee Green, Executive Director, spoke to their increased request from \$20,000 to \$22,500. Ms. McKenna explained that there were three reasons for this increase: two new events they have added, Newcomers Night and Indigenous Peoples Rocks Day, being the fiscal agent for the Stowe Community Fund, and the expanding role of the executive director, who has not had an increase in salary in many years. The Board would like to increase the stipend paid to the Executive Director by \$2,500 which this increased funding would be used for.

Stowe Story Labs: Mr. David Rocchio, Executive Director, spoke to the new request for \$1,000. He explained that Stowe Story Labs started 10 years ago through a partnership with the Helen Day Art Center and now works with around 200 artists from around the world running programs and workshops for screenwriters and filmmakers. Mr. Rocchio said he would like to work to bring more films to Vermont, including a three-day film festival at Stowe Cinema.

Stowe Performing Arts: Ms. Lynn Paparella, Executive Director, spoke to her increased request from \$2,400 to \$2,900. (previously, she had requested \$7,500 but adjusted the request to fit in the 20% cap). She explained that she has programmed 3 concerts for the Music in the Meadow series, but noted that the tent costs have doubled from the prices in the past, and is trying to help defray the cost of the tents.

Stowe Youth Baseball/Softball: Mr. Damon Brink, President, spoke to the increased request from \$2,000 to \$2,750. He thanked the Stowe Parks & Recreation department for their hard work to maintain the fields in Town and noted that these well-kept fields have helped grow the program. Mr. Brink explained that the Town funds are used to pay for indoor baseball time at the Stowe Arena during the turf season. He explained the increase is to help with two large baseball tournaments that are held in Stowe – the Steve Cunningham Classic and the fall state-wide tournament. The funds are used for umpires and promotion of those tournaments.

It was noted that all these requests are from the Economic Development and Community Services budget. There were no increases requested in the Social Services appropriation budget. It was also noted that Stowe Jazz Festival had not requested funding in the FY23 budget due to unforeseen circumstances. No decisions on funding were made the Selectboard at this time. They will deliberate on what to include in the FY23 budget for the final public hearing and warning approval at the January 24, 2022 meeting.

FY'23 General Fund Operating Budget & Capital Plan

Mr. Safford noted that there was an increased in the Lamoille County Sheriff Dispatch Services, which was updated in the budget. Staff had anticipated it would be \$276,325, but the actual assessment came to \$289,925, an increase of \$13,600. This amount is based on census and Grand List, and the Town population has increased significantly with the recent 2020 census.

Mr. Safford also explained for context that the rate of inflation has increased nationally by 5.4% using the October CPI-U, and the tax rate is projected to grow by 5.67%, which is a larger than usual increase, but follows closely with the rate of inflation.

There was no further discussion on the budget at this time. A public hearing will be held at the January 24, 2022 meeting.

Draft Annual Meeting Warning

Mr. Safford presented a draft Annual Meeting warning for the Boards consideration. In addition to the standard articles, it includes a bond vote (\$4M) for Stowe Electric sub-station improvements and asking voters to reallocate unused bond proceeds (\$1.25M) from the Main Street Overhead Utility /Sidewalk project to purchase an aerial ladder truck.

Mr. Safford also noted that the Vermont Legislature is allowing towns to choose to do all voting by Australian Ballot as was done last year, and mail out the ballots to all registered voters, rather than hold an in-person meeting with increased COVID concerns. Another option is to push back Annual Meeting to a date in the future, but this could delay capital projects without voter approval of the budget in March. It was also noted that the Informational Meeting would fall on Monday, February 28th unless the Board chose to adjust their meeting schedule, but must be held within 10 days of the voting date. Mr. Safford suggested switching the February meetings to Monday February 7th and Tuesday February 22nd (due to Monday February 21st being a holiday). Town Clerk Lisa Walker stated that it was likely ballots would be mailed out in early February. She noted that there was an increase in participation with the mailing of ballots and implemented changes in the hopes of cleaning up the voter registration list, which should reduce the number of ballots returned. It was the consensus to not hold an in-person annual meeting and mail out ballots to registered voters with no postage on the return envelope as there are places people can conveniently drop them off in addition to the option of mailing them back. It was also the consensus to move the Selectboard regular meeting schedule to February 7th and Tuesday February 22nd with the 22nd being the Annual Meeting Informational Meeting.

Final approval of the Annual Meeting Warning will happen at the January 24, 2022 meeting.

Municipal Employee Testing and Mask Policy

Mr. Safford presented a draft policy enacting rules required by the Occupational Health and Safety Administration for employers with over 100 employees requiring employees to be either fully vaccinated

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or submit to weekly COVID-19 testing. Mr. Safford noted that this has been appealed to the United States Supreme Court but a verdict has not been made at this time. He noted that the Selectboard could put this policy in to place on their own or table it pending final outcome of the appeal. He noted the administrative time and effort this would take would be difficult to manage, particularly with testing difficulties at this time. The Town currently requires masks for all employees in Town buildings and vehicles.

On a motion by Ms. Courtney, seconded by Mr. Noyes, the Board tabled this discussion until the outcome of the appeal to the Supreme Court with the understanding that if it is not upheld by the Supreme Court then the staff would not bring it back to the Selectboard for further consideration.

Manager's Report

Mr. Safford noted that Public Works Director Harry Shepard has directed his Highway, Water and Sewer staff members to work in teams to attempt to limit spread of COVID among the staff and allow the Town to remain operational for essential services, similar to what was put in place last winter. Mr. Safford also noted that the Police Department has stopped doing fingerprinting and other non-essential public services due to the spread of COVID. Town Buildings remain open to the public at this time, with the public having been respectful of wearing masks.

The Board discussed if they should hold meetings remotely going forward, if the State Legislature should allow it. They felt it was important to meet in person as they are more productive. Ms. Hagerty floated the idea of having the board meet in person but limit public attendance if allowable. If the law is amended to permit it and a situation arises where spread is concerning, the Chair and Town Manager can make a decision to go remote when warning the meeting.

On a motion by Ms. Courtney, seconded by Mr. Noyes, the Board went into Executive Session at 7:50pm to discuss Personnel with Attorney Bob Fletcher via Zoom.

The Board came out of Executive Session at 8:35pm.

There being no further business, Chair Adams adjourned the meeting at 8:36pm.

Minutes respectfully submitted by Abigail Sweetser.