

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Monday February 13, 2023**

Present:

Selectboard Members: William Adams, Jo Sabel Courtney, Nick Donza, Lisa Hagerty, Paco Aumand
In Person attendees: Barbara Baraw, Betsy Sherman, Tiffany Donza, Jamie O'Brien, Tom Hand, Ryan Thibault, Viviana Sofia, Donna Adams, Brian Harris, Rebecca Chase, Cindy Stafford, Eric Garret, Riley Stafford, Rose Stafford, Michael Stafford, Mila Lonetto, Lynn Altadonna, Tad Davis, Harley Davis, Jared Annelo, Peggy Smith, Shap Smith, Willie Noyes, Deb Longe, Meg & Jeff Kauffman
There were 17 participants on Zoom

Call to Order

Chair Billy Adams called the meeting to order at 5:01pm.

Approve the Agenda

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

Executive Session

On a motion by Ms. Hagerty, seconded by Mr. Nick Donza, the Board went into Executive Session at 5:03pm to discuss personnel. They invited Rachel Moore to join them.

On a motion by Mr. Paco Aumand, seconded by Ms. Hagerty, the Board came out of Executive Session at 5:40pm.

Consent Agenda

1. 1/23/23 Selectboard Minutes
2. Water/Sewer Allocation – 3418 Mountain Road
3. Water/Sewer Allocation – Summit View Drive Lot #1
4. Town Meeting Banner
5. Mansfield View Water Corp ANR Distribution System Planning Project Letter of Support
6. Cemetery Commission Fee Schedule
7. Liquor Consent Items

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

AT&T 5 Pleasant Street Small Cell Wireless Facility

AT&T is currently looking to locate a small cell wireless telecommunications facility in the Stowe Village area. They originally proposed and filed an application with the Public Utility Commission for a pole to be located at the intersection of Pond and Depot Street. The proposed pole would be a total of 46 feet tall, including the proposed antenna. The Planning Commission met with the Selectboard in December 2022 with concerns about this location in the historic village and co-authored a letter of concern to be sent to the PUC regarding the pole location. The Planning Commission recommended AT&T further investigate less visible locations in accordance with the Stowe Town Plan and Town of Stowe Zoning Regulations. AT&T then requested a stay on the current proceedings with the PUC while they evaluated alternative locations.

AT&T then proposed a possible location at 5 Pleasant Street, replacing an existing SED utility pole. While this location is still within the historic district, it is less visible from the village core or Route 100.

The Planning Commission and Historic Preservation Commission both reviewed the 5 Pleasant Street location, with the Planning Commission preferring that location and the HPC preferring the original location at Pond and Depot Street. There were also concerns about the surrounding residential properties and the character of the residential area.

Mr. Safford also explained that while the Stowe Selectboard has some input into the hearing as an “Interested Party” the final decision on approving the site actually comes from the Public Utility Commission. The Town of Stowe Town Plan is considered in these hearings.

While the Stowe Town Plan recommends locating utilities in existing structures such as steeples, cupolas and rooftops, AT&T has indicated that is not -a good option with this type of technology. The goal of this wireless facility is not to expand coverage but rather to expand capacity, as currently there is a capacity issue when Stowe has a large number of visitors in the village area. This type of equipment is designed to be installed on utility poles and would not work from a steeple or cupola.

A large number of neighbors surrounding the proposed 5 Pleasant Street location were present at the meeting and on Zoom to voice concerns about that location. These concerns included lowering of property values, concerns that the pole is not in the Public Right Of Way and does not have an easement for the location, noise from the device, radiation from the device, and the visual impact in a residential area, and from Sunset Rock.

Will Dodge, legal representation for AT&T attended the meeting and provided context to some of these concerns, along with Kevin Breuer an AT&T engineer. It was discussed what other possible locations might be considered. AT&T presented on the proposed use of the Arena roof, which they indicated would require a special directionalized antenna and would not have as effective of a coverage area as one closer to the village. They also further explained why the steeple was not a good option for the device as it needs to be outside and omnidirectional. It was noted that some locations, such as Burlington, utilize lamp posts. It was -asked if a pole if located on Depot & Pond Street could be designed to look more like a light pole. It was also suggested that they consider a building rooftop on Highland Avenue. Finally, it was suggested if there was a potential pole or other application that might be available within Memorial Park

It was noted that AT&T is currently permitted to install a number of these facilities on poles along the Mountain Road to boost capacity in that area as well, and Verizon also has been using this Small Cell Technology.

Mr. Dodge indicated that at this time AT&T is open to looking into some of the alternative locations noted and evaluating if any of them will work. He did note that this is an issue of public safety, not just convenience, as most people rely on their cell phones, as does public safety infrastructure. Town Staff and legal council will continue to assist AT&T as they evaluate other locations and will bring this issue back before the Selectboard at a future meeting.

Art in Public Places Policy

Mr. Safford provided a draft Art in Public Places policy for consideration for adoption by the Selectboard. This policy was requested by the Selectboard and developed with input from the Stowe Arts & Culture Council and legal council. The policy limits art displays in public places to locations that have historically been used for art, and further limits it to Stowe-located non-profit organizations. It was noted that this policy is a general guidance document for both those looking to display art in public places and for the Selectboard to evaluate those requests. Historically the Town has applied the standards of the policy to requests for art in public places, but having the policy in place will provide surety that these standards are utilized fairly and consistently.

It was discussed that artwork is considered a form of speech, so it has some legal protections in terms of the artist’s viewpoint. However they do have a right to deny any artwork that may be considered vulgar, obscene, discriminatory or hateful.

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As part of the policy, all requests to display art in public places will go before the Selectboard for approval.

On a motion by Ms. Hagerty, seconded by Mr. Aumand, the Board approved the Selectboard Policy Regarding Artwork in Public Places.

Memorial Park Master Plan Update

The Town utilized a Qualifications Based Selection process for the consultants to complete the Master Plan, and have recommended Black River Design, who also is doing consulting work for the adjacent Stowe Elementary School. Mr. Safford indicated that the proposal is for a not to exceed amount of \$85,000 to be billed on an hourly basis. He reminded everyone that the project is based on trying to accommodate the agreed upon priorities in the Stowe Parks & Recreation Priorities for Memorial Park which included a 5,000 sf replacement of the Gale Center, additional pickleball courts, and improved site circulation. In addition, there are regulatory requirements such as the 3-acre stormwater rule. The Park has limited space and challenging site, so it will be important to be creative and disciplined at the same time.

Ms. Tiffany Donza expressed concerns about the urgency of needing to look at Memorial Park as the current tennis courts are overdue for replacement and may not be usable much longer. She voiced that recreation was the heart of the community and asked that this be considered a high priority for the Town.

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board accepted the proposal by Black River Design for the proposed Memorial Park Master Plan Update and authorized the Town Manager to sign the Agreement on behalf of the Town.

Public Works Development Agreement

Staff provided a draft Public Works Development Agreement between the Town of Stowe and Alpine Meadows Homeowners Association for a proposed replacement of their private water distribution system. This system is supplied by Town Water and is old and has been problematic with leaks. The proposed agreement allows Alpine Meadows to replace their distribution system and convey the new system with easements to the Town, which will allow for individual metering of each lot. A Letter of Credit for Surety is not required with this Agreement as it is the replacement of an existing system rather than a new build. Pending permit applications, the work is anticipated to be done this summer.

On a motion by Ms. Courtney, seconded by Ms. Hagerty, the Board accepted the proposed Public Works Development Agreement for the replacement of the Alpine Meadows water distribution system and authorized the Town Manager to sign the Agreement and any related permit applications on behalf of the Town.

Manager's Report

Mr. Safford provided information regarding the Rooms, Meals & Alcohol taxes collected in Stowe from 2010 through 2022. He noted that Stowe is the second highest in total receipts in Vermont in 2022, at \$179,244,009.

Chair Adams noted that he, Mr. Safford and Town Assessor Tim Morrissey would be participating in a Senate Finance Committee hearing on Tuesday February 14, 2023. They will be discussing the letter the Selectboard sent to the Governor and local legislators requesting that they increase the caps for income sensitivity credits on property taxes.

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On a motion by Ms. Hagerty, seconded by Mr. Aumand, the Board went into Executive Session at 7:53pm to discuss personnel and Real Estate.

The Board came out of Executive Session at 8:30pm.

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board appointed Peggy Freedson to fill a vacant At-Large seat on the Arts & Culture Council.

There being no further business, Chair Adams adjourned the meeting at 8:35pm.

Minutes respectfully submitted by Abigail Bourgeois.