



**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Wednesday, February 14, 2023**

Present:

Selectboard Members: Lisa Hagerty, Billy Adams, Nick Donza, Paco Aumand, Jo Sabel Courtney

In Person Attendees:

Town Manager Charles Safford, Town Attorney Joe McClean, Assistant Town Manager Will Fricke, Interim Fire Chief Scott Reeves, Police Chief Don Hull, Heather Snyder, Mila Lonetto, Ryan Cashman, Karen Ross, Bob Ross, Barbara Puddicombe, Tim Cianciola, Sam Gaines, Marina Meerburg, Leo Clark, Willie Noyes, Deb Longe, AJ Shinnars, Nancy Krakower, Barbara Bool, Susan Romans, Alison Karosas, Ethan Carlson, Blake Blundell, Mary Skelton, Lyn Altadonna, Julie Marks, Ann Fano, Carol Fano, Brook Dingleline, Peter Schmeckle, Elaine Glynn, Jan Reynolds, Alison Beckworth, Beth Gadbois

87 joined via Zoom.

Call to Order

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

Approval of the Agenda

Mr. Donza made a motion to move item A-5 (Stowe Arts Festival) from the consent agenda to regular business as item B-0. Ms. Sabel Courtney seconded the motion. All were in favor.

On a motion by Mr. Donza, seconded by Ms. Sabel Courtney, the Selectboard approved the agenda with the aforementioned changes. All were in favor.

Executive Session

Mr. Donza moved to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage. Ms. Sabel Courtney seconded. All were in favor.

Mr. Donza moved to go into executive session to discuss personnel and real estate. Ms. Sabel Courtney seconded. All were in favor. The Selectboard entered executive session at 5:03pm.

On a motion by Mr. Donza, seconded by Mr. Adams, the Selectboard came out of Executive Session at 5:30pm. All were in favor.

Ms. Sabel Courtney motioned to appoint Andrew Reinhard to the Stowe Energy Committee, effective immediately. Mr. Donza seconded. All were in favor.

Consent Agenda

On a motion by Ms. Sabel Courtney, seconded by Mr. Adams, the Selectboard approved the consent agenda, except for item A-5 (Stowe Arts Festival) which was moved to regular business.

Event Application – Stowe Arts Festival

Mr. Donza said he requested to pull this item for discussion to discuss the traffic impact during Indigenous People's Day weekend with the rest of the Selectboard. He said that the 2023 event had a significant traffic impact, and while he believes it is a great event, there should be a discussion on whether it can be moved to another weekend. He said he is not suggesting to not approve it for 2024, but he would like to send a stronger message that the organizers consider having it, if possible, on another date.

Mr. Aumand said he would like to hear from someone with a perspective on how the event drives the economy over that weekend, and whether the financial impact is worth the traffic impact. He questioned whether the attendees stay in Stowe or are just in town for the day of that event. Mr. Sabel Courtney said her feeling is that most are not staying overnight.

Mr. Donza asked Mr. Safford if the Town can request that the upcoming Traffic Study examine this issue. Mr. Safford replied that if the Selectboard is in agreement, he can request that the study examine the point at which the surface transportation system would be at capacity.

Mr. Adams asked if the issue was the event or the location. Ms. Hagerty replied that the issue was the date. She said that, anecdotally from her own experience, business decreases that weekend at stores on Mountain Road because the traffic makes it difficult to turn out of driveways.

Mr. Donza said that in general the Town tries to position special events during slow times, and that if the Town could find good partners to bring events when it's not as busy and drive business, that's great, but having it during the busiest time is too much.

Mr. Tim Cianciola was recognized by the Chair; he stated that it would be difficult to change the week for the Stowe Arts Festival because show staff are scheduled multiple years ahead at other shows for the weeks before and after the event. Mr. Aumand asked what the effect on the Stowe Arts Festival would be if they modified the ordinance to eliminate events on Indigenous People's Day weekend. Mr. Cianciola replied that it would likely be the end of the event. Ms. Hagerty asked about previous locations of this festival in Stowe. Mr. Cianciola said the show has been held on the Mayo Farm events field in the past, but rain could threaten to force the show to cancel due to flooding, whereas the Topnotch events field

does not flood. Ms. Hagerty asked if the show has considered remote parking or a shuttle bus. Mr. Cianciola said they would be happy to discuss it and would strongly encourage it.

Mr. Adams asked Mr. Safford when he would suggest reviewing the ordinance. Mr. Safford said a review by the Selectboard would be for 2025 events. Mr. Adams suggested to Mr. Cianciola that he send relevant data on the Stowe Arts Festival that would inform their work on the Special Events Ordinance. Mr. Safford said that he and Chief Hull can work with the Stowe Arts Festival on ideas for the event organizers consideration to minimize traffic impacts this year, and the Selectboard can observe traffic on the 2024 Indigenous People's Day weekend and let that inform the discussion on the Special Events ordinance after the event.

Mr. Donza moved to approve the Stowe Arts Festival. Ms. Sabel Courtney seconded. All were in favor.

January 24, 2024 Selectboard Minutes

Mr. Adams presented two changes to the January 24, 2024 Selectboard minutes. The first was clarifying that a revised purpose statement for the Short-Term Rental Ordinance was presented by Ms. Brooke Dingleline further into the work session than the minutes indicated. The second was capturing the discussion of an action plan for a Short-Term Rental Ordinance agenda item for the February 14, 2024 Selectboard meeting.

Mr. Adams moved to table the January 24 minutes. Mr. Donza seconded. All were in favor.

Event Application – Trapp Family Lodge Solar Eclipse Event

Mr. Safford summarized the Trapp Family Lodge solar eclipse event application. Trapp Family Lodge is requesting to host a ticketed event with up to 1,200 attendees on their property for the purpose of viewing the solar eclipse in the afternoon of April 8. Staff recommends approval with the understanding that there will be no parking on public roads.

Ms. Sabel Courtney pointed out that the event application says the event ends at 3:00, but the solar eclipse takes place at approximately 3:20. Mr. Fricke said that he discussed that with the Trapp Family Lodge organizers, who said that they had made a mistake in the timing for their event, but the event application reflects the timing they had decided on. They will be changing the time for their event internally, so it overlaps with the eclipse. Mr. Safford recommended approving the event for 10:00am – 5:00pm.

Mr. Adams moved to approve the event application with the adjustment of the ending time from 3:00pm to 5:00pm and with the understanding that there will be no parking on public roads. Ms. Sabel Courtney seconded. All were in favor.

Short-term Rental Registry Ordinance Work Session & Potential Introduction/Initial Adoption for Public Hearing Purposes

Chair Hagerty requested that Mr. Safford give background on the current draft of the ordinance. He said that on January 24, the Selectboard had started review on a draft ordinance, and there was considerable feedback from the Selectboard and the public. Legal counsel did their best to try to capture those changes, but it can be difficult to discern what was the opinion of an individual and what was a consensus of the Selectboard. The Town Attorney took the initiative to simplify the ordinance and make

it as user friendly to read and interpret as possible, and to incorporate comments made, including by Brook Dingledine and others. He visited with and provided legal counsel to the Selectboard about the contents and answered their questions in executive session at the January 31 special meeting. The revised version was posted for the public well in advance of this meeting so they would be aware that it had evolved. Since then, Brooke Dingledine on behalf of her clients indicated that they were in general alignment but requested some additional changes. They wanted to move the response time for the designated responsible person from 30 minutes to 45 minutes, and they wanted to indicate that they would not need to respond to an automated alarm unless called by the fire or police department when the property is being leased or rented as an STR. We spent time massaging that language from the original draft that Brooke had sent via email to something that legal counsel and staff were comfortable with tentatively subject to the review of the Selectboard. We wanted to ensure that it was in good form so the Selectboard could hit the ground running should they decide to.

Ms. Hagerty said that the current draft incorporates what we've attempted to do, which is to create a dynamic registry with data that is not point in time, but ongoing. It is the data that in most of our meetings we've heard that it seems like most people want but have perhaps different opinions on how to get it. It certainly is one of the two problems this ordinance is trying to solve. One is a dynamic data collector, and the other is to improve the response time from a responsible person when there are public safety calls to homes that are short-term rented. In the process we've had a lot of feedback from property managers and others. We've been in conversation with many of them, and I hope that over the course of the last few weeks that we've been able to capture some of the nuances without losing the impact of what we're planning to do. So I think that in the end it's been a very collaborative process.

Ms. Hagerty then summarized the changes made in the most recent version of the ordinance; modifying the response time for a Designated Responsible Person from 30 to 45 minutes, that they would not be required to respond in that time unless the property was being leased or rented as a Short Term Rental, and that they would not be required to respond to an automated alarm – only upon request by the Stowe Fire Department.

Mr. Adams asked who determines which ordinance – the Fire Alarm Ordinance or the Short-Term Rental Registration Ordinance – a lack of response would be fined under. Mr. Safford said that it would be the discretion of the issuer, but since STRs would be required to have a lock box or other reasonable means of providing immediate access, that would eliminate the need for a keyholder to respond to an automated alarm. Mr. Adams questioned whether data on false alarms showed the base issue was STRs or false alarms, because the data had shown 30 calls to STRs. Fire Chief Scott Reeves clarified that they did not begin to collect information on which calls were to STRs until October 2023, so the 30 only covers the end of the year. For 2024 so far, 12 of 52 calls have involved STRs. That can be anything from a true emergency from bad batteries in a CO alarm. The other issue with the reporting is that the system does not give the officer filling out the form a lot of choices, so a false alarm can be anything from burnt food, a chirping smoke alarm, a code accidentally punched in, etc. Of the 12 STR calls in 2024, two have involved a monitored alarm system. Of the four calls that involved an STR this year that I was on, I was able to contact a responsible person twice, and twice I was not able to. None of the calls were to unoccupied vacation homes.

Mr. Donza asked if a property rented seasonally – 4 months at a time and then again for 7 days, for example – would be considered a short-term rental. Mr. Safford said that a property like that would not fall under the definition of a short-term rental, being rented for fewer than 30 consecutive days at a time and more than 14 days per calendar year. Mr. Adams said that all rentals, including this type of property, should be required to give their contact information for the fire department's use, that there is potentially

a large segment of rented properties that are not covered by this ordinance and should be. Mr. Safford said that state statute only gives the Town the authority to regulate short term rentals, it doesn't authorize the Town to regulate all public buildings. Ms. Hagerty said that while the Town can only require the response time from short-term rentals, any rental property should strive to meet that standard. Mr. Reeves added that the reason they need a responsible person for a short-term rental is a situation where they need to shut off utilities on a property, which would lead to a housing issue for the people renting it as they have nowhere else to go and likely do not know anyone in the area or have any local resources.

Mr. Aumand asked why an ordinance is necessary to collect this information. Mr. Safford said that it would otherwise be voluntary and developing a database would be staff intensive, whereas the purpose of an ordinance in general is to regulate a third party, and this would require the information. Mr. Reeves added that some STRs do not follow existing state regulations – the state fire marshal has shut down at least eight STRs in Stowe since October 2023 due to not following fire code. He said that, from his observation, local property managers tend to not be an issue – the problems tend to stem from large national property management companies. Mr. Safford clarified that while the Vermont Division of Fire Safety is responsible for building code issues, they are primarily complaint-driven due to a lack of resources. Furthermore the issue of having a responsible person respond would be a local fire department issue, not a state issue. Ms. Hagerty said that the action of requiring a registration and having STRs attest to following the code could be educational for them and encourage them to fix code issues.

Mr. Adams pointed out that the Town has not yet made an attempt at a voluntary registry, and that property managers we heard from would be more than willing to do a voluntary registry. Ms. Hagerty replied that the properties that are more likely to voluntarily provide their information are not the properties that are causing issues, and that ordinances in general are not there for those who are following the rules. And I think we've got a room full of people who are following the rules, and I understand that that feels super frustrating when we're doing something to try to raise the bar in compliance, and most of you are already compliant. And you know that's what 95% or more of all ordinances are.

Mr. Donza said that he feels that the ordinance is in good form and he is ready to advance it.

Mr. Adams questioned why it is necessary to require an STR to register before operating, and that he disagrees with adding a registration requirement to something that is already legal. Mr. Donza said that otherwise it would be a volunteer ordinance; if you are not willing to fine somebody or have restrictions it is voluntary, and that there would be no reason for an STR to register until they get fined. Mr. Adams said that since it's an annual registration, it's up to the next select board to determine whether they're going to allow you to register again. Mr. Donza replied that a future selectboard could do away with STRs all together, but this ordinance does not do that.

Mr. Adams proposed to strike section IV paragraph 9(a) from the draft ordinance. Mr. Donza, Ms. Hagerty, and Ms. Sabel Courtney said they were not in favor of the change. Mr. Aumand concurred with Mr. Adams' view, saying that this is more of a regulation than he had wanted.

Mr. Adams said that it is unreasonable to charge STR operators a fee for something that will benefit the Town as a whole. Ms. Hagerty said they will have to agree to disagree.

The Selectboard struck "and to be effective upon adoption" to make the Adoption statement read "ADOPTED at Stowe, Vermont, this ___ day of _____, 2024.," to clarify that the ordinance is not effective until May 1, 2025, at the request of Mr. Adams.

Mr. Adams reiterated his disagreement with only applying the registration requirement to short term rentals, and not seasonal rentals or rentals that do not rent for more than 14 calendar days per year. Mr. Donza said that Vermont does not give towns the authority to regulate those rentals, and the Town can only work within the regulations the state gives them.

Mr. Adams said there is nothing in the ordinance to protect the right to rent for those who are currently renting on short term basis. Mr. Donza said that we are not taking anything away, because every property is permissible to rent under this ordinance.

Chair Hagerty called for 30 minutes of public comment. The Selectboard heard from virtual and in-person attendees with a variety of viewpoints, who were invited to share their thoughts on the draft Short-Term Rental Ordinance.

Mr. Donza moved to introduce and adopt for public hearing purposes the Short-Term Rental Registry Ordinance and cause the ordinance, or a concise summary of it to be published in a newspaper general circulation in the town, in the form adopted and instruct the town manager to warn a public hearing at 5:30, on Thursday, February 29th 2024 to consider the same for final passage. Ms. Sabel Courtney seconded. Mr. Donza, Mr. Sabel Courtney, and Ms. Hagerty voted in favor. Mr. Adams and Mr. Aumand voted against.

Manager's Report

Mr. Safford provided the Selectboard with the January YTD actuals for the General, Water, and Sewer Funds. Everything is tracking to come in within budget. He also provided them with the Local Option Tax Rooms, Meals & Alcohol for the 2nd quarter FY 2024, which came in at \$370,977, down 4% from the level for last year, still a strong number for this quarter. This quarter is October through December.

Mr. Safford informed the Selectboard that the Quiet Path Bridge between Fields D & E has suffered foundation failure because of subgrade scour conditions that occurred with the December 18th storm. The bridge is still usable because the ground is frozen, but it will need to be closed before spring thaw. A smaller crossing approximately 800' upstream and above the breached beaver dams was undamaged. A site map and photos depicting the changed conditions are enclosed. The extent of the erosion is significant and would require a larger span bridge to maintain the Quiet Path crossing at this location. Staff are currently evaluating possible relocations of the path to avoid this crossing location on a temporary or potentially long-term basis. This will likely have impacts to abutting agricultural use, but the agricultural lease holder has expressed a willingness to work with the Town on the path relocation.

Mr. Safford also informed the Selectboard that the propane fired hot air furnace at SBR building has a cracked and deteriorated combustion chamber, requiring that the unit be taken offline and disconnected from the propane supply. Staff have implemented several temporary electric heaters and are closely monitoring indoor room temperatures. We solicited two quotes for a replacement furnace but there is a minimum of a 4–6-week lead time, so we have also made arrangements to secure additional temporary heating units should they become required.

Mr. Safford provided the Selectboard with charts showing grand list growth and ratios of homestead vs non homestead assessed value for Stowe to inform the discussion surrounding education funding. Mr.

Donza said that the Town previously had a Memorandum of Understanding (MOU) with the Stowe School District prior to the school district merger, and that it would be in the best interest of the Town to consider re-enacting it for the Town to pay for expenses that may be eligible through the municipal budget.

Mr. Safford provided the Selectboard with a message from Lamoille FiberNet CUD, saying that the Lamoille Fibernet Communications Union District (CUD) has finalized its construction contract with Fidium Fiber to bring high-speed broadband to more than 4,000 unserved and underserved addresses in Lamoille County this year.

Mr. Safford informed the Selectboard that the preliminary public comment period has begun for the Department of Environmental Conservation's draft 2024 Materials Management Plan (MPP).

Mr. Safford provided the Selectboard with Act 250 Minor Notices for 7320 Mountain Road and Lot 14 on Spring Trail Road.

Mr. Safford provided the Selectboard with recent minutes from Town boards and commissions.

Other Business

Mr. Safford informed the Selectboard that the School Board has moved their budget vote to March 15. They will still be using their allotted time at Town Meeting for discussion. He advised that the Selectboard may need to consider shifting back tax due dates, as there may be ripple effects from the School budget delay.

Mr. Aumand informed the Selectboard that he has signed an agreement with the Lamoille County Sheriff to assist with the revision of the dispatching formula and the governance structure of the Lamoille County Communications Center. He added that he will abstain from participating as a Selectboard member during the life of the contract for related matters that may come before the Selectboard.

Adjournment

There being no further business, Chair Hagerty adjourned the meeting at 8:34pm.