

Stowe Selectboard Liquor Commission & Water/Sewer Commission Meeting

Wednesday, June 12, 2024

Akeley Memorial Building
67 Main Street
Stowe, Vermont



Selectboard Members Present: Billy Adams, Paco Aumand, Jo Sabel Courtney, Ethan Carlson

Absent: Nick Donza

In-Person Attendees: Town Manager Charles Safford, Assistant Town Manager Will Fricke, Police Chief Don Hull, Interim Fire Chief Scott Reeves, Finance Director Cindy Fuller, Public Works Director Harry Shepard, Marina Meerburg, Barb Puuddicombe, Beth Gadbois, Heather Coburn Snyder, Alison Karosas, Paul Sakash, Andrew Volansky (12)

Zoom Attendees: Blake Blundell, Becca Blundell, Missy Merrill Burgess, and 6 others (9)

Call to Order

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

Approval of the Agenda

Mr. Aumand noted that he will need to recuse himself from voting on the Lamoille County Sheriff Dispatching Contract (Consent Item A-3). The Selectboard moved Consent Item A-3 to Business as Item B-7.

Mr. Aumand moved to approve the agenda as amended. Ms. Sabel Courtney seconded. Motion passed (3-0, Mr. Carlson absent).

Executive Session

Ms. Sabel Courtney moved to enter executive session to discuss personnel and contracts. Mr. Aumand seconded the motion. Motion carried (3-0, Mr. Carlson absent).

The Selectboard entered executive session at 5:02pm. The Selectboard left executive session at 5:32pm.

Consent Agenda (Items A-1 through A-7)

1. May 22, 2024 Selectboard Minutes
2. Adams Camp Management Plan Update Adoption
3. *[Lamoille County Sheriff Dispatching Contract, Moved to Business as Item B-7]*
4. Picnic Table Donation for Village Green
5. Special Event Application - Music in the Meadow
6. Special Event Application - Race to the Top of Vermont
7. Liquor Consent Items

Ms. Sabel Courtney moved approve the consent agenda as amended. Mr. Carlson seconded the motion. Motion carried (4-0).

Equipment Fund Amendment – Parks Mowers (Item B-1)

Mr. Safford said that staff is recommending amending the Equipment Fund for FY25 to replace the 72” electric zero turn with a gas model, and replace the 54” gas zero turn mower with a 60” electric model. Parks staff have tested various electric zero turn mowers and found various pros/cons with the available 72” electric models, chiefly the lack of side discharge and bagging capabilities. Staff believe they can utilize a 60” electric mower

better than a 72” electric mower. He also said that staff is requesting to award the 60” mower before July 1 due to a discounted price.

Mr. Carlson said that he thinks the 60” sounds like the right move for electric right now.

Mr. Aumand moved to amend the Equipment Fund from \$46,000 budgeted for a 72” electric mower to \$19,500 budgeted for a 72” gas mower, and \$10,000 budgeted for a 54” gas mower to \$30,599 budgeted for a 60” electric mower. Mr. Carlson seconded the motion. Motion carried (4-0).

Mr. Aumand moved to approve the waiver of a formal bid process and to award the purchase of the Gravely electric mower from Tucker Machine for the amount of \$30,599, to be delivered prior to July 1 due to the discount which expires June 30. Ms. Sabel Courtney seconded. Motion carried (4-0).

FY’25 Draft Water & Sewer Budgets (Item B-2)

Mr. Safford said that the water and sewer budgets are basically status quo budgets. Water and sewer operations continue to experience inflationary pressures affecting expenses while our revenues, particularly usage fees, have declined, likely because of moderated economic activity from FY22 post COVID highs. PFAS in our drinking water and wastewater residuals and new regulatory requirements continues to add challenges and expenses. The budget proposes no rate increase for Water and a 4% rate increase for Sewer. Both funds continue to have positive fund balances. However, the Town has large capital projects on the horizon in both Water and Wastewater, caused by PFAS issues. He also noted that there are potential capacity issues on the horizon related to density increases where infrastructure investments could be needed.

Mr. Safford noted that the FY’25 Sewer Fund are projected to have a net operating deficit of \$255,046. Mr. Carlson noted the impact on cash and that we are using a lot of reserves when there are big projects on the horizon. Mr. Safford said that there may need to be a combination of using reserves and borrowing as the anticipated reserves are not likely to cover some of the projects. He also said that he doesn’t think there is enough money to meet major capital projects. Mr. Safford added that the funds are overall healthy, but the Board may need to decide if they feel there is capacity to increase the rates; however, there are some things will relieve some pressure in the operating budget in the next couple of years from debt retiring.

Mr. Adams asked if the 4% sewer fee increase will apply to access as well. Mr. Shepard said that it will apply to access and usage.

Mr. Adams asked if there is a shared allocation in the highway budget for the sewer plant driveway paving project, as the driveway is shared with the highway garage. He suggested putting the project in the highway budget to pay for it out of the general fund rather than the sewer fund. Mr. Shepard said that the general fund is paying for the approach from River Road to the sewer plant gate, and they felt it was a reasonable approach for the shared use. Mr. Adams noted that he felt the impact on the driveway is higher from the highway vehicles than the sewer department.

Mr. Adams asked about the Town’s ability to continue exporting residuals. Mr. Shepard said that the Town has for years sent residuals to a company in Canada, who uses them for a mine reclamation project. However, they are not currently in a position to renew at the end of the year due to regulatory changes in Quebec and Canada. They are hoping to get answers to make it so they can continue to provide service. In anticipation of this the Town has been trialing trucking the residuals to Montpelier who have more advanced solid processing technology, which has been a success thus far.

Beth Gadbois asked how much of Stowe drinking water has PFAS. Mr. Shepard said they noticed their water customers that the village green water supply has low single digit parts per trillion of PFOA, and they know that from testing that there are a number of other wells in Stowe that have it. There has not been a large-scale testing program for private wells, but the reality is that it’s everywhere. Mr. Safford added that Stowe is currently under the regulatory threshold for public drinking water, and this is proactive on the part of Public Works and the Town to think of what our options are in case those regulatory levels further decrease.

Mr. Carlson moved to warn a public hearing on the FY25 Water and Sewer Budgets and Rate Schedule for June 26, 2024. Ms. Sabel Courtney seconded. Motion carried (4-0).

Luce Hill Bridge FEMA Hazardous Mitigation Grant (Item B-3)

Mr. Adams noted that the Town is lucky to have professional staff who can apply for and administer these grants, and many towns are not set up to do that.

Mr. Safford said that the Town has for a long time wanted to expedite the replacement of the Luce Hill Bridge for structural reasons, and also that the bridge is not wide enough and is causing riverbed scouring. The Public Works Department has identified an opportunity to potentially fund the bridge replacement through the FEMA-funded Hazard Mitigation Grant Program, which was recently changed to fund projects at 100%, up from 75%. The alternative is to continue to wait for the state bridge replacement program, which would require 10% funding from the Town. Mr. Adams asked what the commitment from public works would be for the grant, if it was received. Mr. Safford said they would need to hire a consultant for engineering work and would oversee the work. He also indicated it would involve Finance's time to help account for the grant.

Mr. Aumand moved to approve the submission of a pre-application for the HMGP for the design and construction of a replacement of the Luce Hill Rd Bridge. Ms. Sabel Courtney seconded. Motion carried (4-0).

Emergency Management Building Generator FEMA Hazardous Mitigation Grant (Item B-4)

Mr. Safford said that this is the same grant program as was discussed with respect to the Luce Hill Bridge. The voters approved \$300,000 for an emergency management building (Stowe High School) generator at Town Meeting this year. This is an opportunity to potentially have that 100% grant-funded.

Mr. Aumand moved to approve the submission of a pre-application for the HMGP to install a generator at the Stowe Emergency Management Building. Ms. Sabel Courtney seconded.

Mr. Adams asked how quickly it would be able to be completed if the Town were to receive the grant. Mr. Shepard said hopefully within a year, depending on if the project would qualify and what that would look like. Mr. Adams asked if the grant could pay for costs already incurred. Mr. Safford said they are committed to preliminary work that will help put us in position, but they don't bank on going back in time. Mr. Aumand said that in his experience the government won't approve expenses already incurred to procure an award.

Motion carried (4-0).

Ordinance Enforcement Discussion (Item B-5)

Mr. Adams said that the Selectboard received a note from a member of the community describing an accident on the Rec Path involving a bike and a dog on a long leash, and requesting increased signage to alert people to Rec Path rules. Mr. Safford said they used to have a part-time animal control officer, but made the decision to move that to a full-time position with a broader ability to do law enforcement. The Police Chief is exploring starting an ambassadors program, with a retired officer leading the effort and hopefully volunteers to assist, to increase awareness on Rec Path rules.

Mr. Adams said his goal is to be fair and equitable across all ordinances. He noted that the fire department and police department provided statistics on calls and traffic violations in preparation for this meeting. He asked how many alarm call outs are for false alarms. Chief Reeves said the reporting software has different codes for each call. Calls for "alarms" can be unintentional, malfunctions, set off from contractors, etc. With respect to the alarm ordinance, they can only fine for malfunctions. The second time they come out they can start to fine, within a six-month period. They have issued five fines since November 2023 when they received the technical ability to do so.

Mr. Safford said the Town's goal is compliance and to treat people fairly / equally under like circumstances. They rely on officer discretion to decide whether to issue a warning or a ticket based on the particular circumstances. By way of example, if it is someone's first offence they may issue a warning, but if something is repeated or so egregious they may issue a ticket straight away. At some point they need to ensure ordinances are enforced out of

fairness and potentially to protect public safety. Mr. Adams noted that Town ordinances are inconsistent with respect to specifying whether officers have discretion. Mr. Safford said that officers always have discretion, and it is hard to codify everything. He said that over time they could insert language on discretion into ordinances. Mr. Adams said that he would like to see better record keeping on violations and measure how each ordinance is being enforced, noting that he is not looking for more active enforcement, but more consistency across ordinances. Mr. Aumand said the issue of discretion is a management tool, not a political tool. He said he does not support a limitation on management's ability to exercise discretion.

Chief Reeves indicated the Fire Department will track bona fide versus false alarms going forward, but Chief Hull indicated he would need to assess if their software was capable.

No action was taken at this time.

Short-Term Rental Registration Platform Draft Request for Proposals (Item B-6)

Mr. Safford noted that this is a request for proposals for services, rather than a bid for equipment, and it is a qualifications-based selection. Different vendors may provide different levels or mixes of services. They want to make sure the vendor knows what they're doing, have staff assess everything, and make an apolitical recommendation to the Selectboard. He said they provided a rough outline of the timeline to implement the registry, with the recognition that it won't be enforced until May 1, 2025, but it may be prudent to get it done sooner rather than later to get people used to a calendar-year schedule and give them lead time to register.

Mr. Aumand inserted language to specify the desire to approve registrations "in real time." Mr. Carlson voiced agreement and noted that if something is not asked for in the RFP you may not get it.

Mr. Carlson inserted language noted the need to have the ability to modify the form at a later date, and noted that the state may be passing a new privacy bill, and the platform would need to be in compliance. He also noted that registration will be voluntary at first, and he likes the timeline of a launch in November.

Mr. Adams asked if it would be possible to have a presentation to the Selectboard by the top three candidate vendors. Mr. Safford said those are typically done by staff on an apolitical basis. Mr. Carlson said he understands Mr. Adams' suggestion, but it could set a precedent where every time the Town buys software there needs to be a public presentation. Ms. Sabel Courtney said she would leave it to staff discretion. Mr. Safford added the Council-Manager form of government came about to depoliticize hiring and procurement.

Mr. Adams said that if reports and data analysis are purchased separately, they should not be paid for by registration fees. Mr. Carlson inserted language to clarify that the platform should allow for "user-configurable reports."

Mr. Adams said staff should be hands on in sending letters and they shouldn't come from the vendor. Mr. Carlson suggested that it may be simpler for the vendor to send them, but staff should have the final say on whether letters are sent. Mr. Safford noted actual enforcement decisions to issue tickets would be made by staff.

Mr. Aumand said that there should be a data privacy policy to accompany the program. Mr. Safford said that data produced by the Town would be public record, but we may need to say that data cannot be sold to third parties. Staff will work on drafting policy/procedures.

Blake Blundell asked for the RFP to include the vendor to explain their methodology for identifying STRs.

Missy Merrell Burgess asked for the RFP to include a statement that the data is owned by the Town and sale of the data is forbidden. She also asked for the RFP to specify the platform needs the ability to assign one agent to multiple STRs with different owners.

Mr. Aumand moved to authorize the release of the Short-Term Rental Registration Platform RFP. Ms. Sabel Courtney seconded.

Alison Korosas asked for the RFP to have the platform allow changes throughout the year as to whether a property is over or under the 15-day threshold to be defined as an STR.

Ms. Sabel Courtney called the question.

Motion carried (4-0).

Lamoille County Sheriff Dispatching Contract (Item B-7, formerly Item A-3)

Ms. Sabel Courtney moved to approve the FY'24 Dispatching Contract with the Lamoille County Sheriff's Department. Mr. Carlson seconded. Mr. Aumand abstained. Motion carried (3-0-1).

Manager's Report (Item C-1)

Mr. Safford provided the Board with a notice from Lamoille Housing Partnership, saying they are considering a merger with Downstreet Housing and Community Development. They cite difficulties in their previous recruitment effort for an Executive Director, as well as a challenging long-term funding landscape as reasons for the merger. They will be holding an informational session and a vote by its membership on the merger on Monday, June 17 at 3:00pm at The Wing Center (24 Upper Main Street) in Morrisville. The Selectboard indicated they were not opposed to redirecting Lamoille Housing Partnership's FY25 appropriation of \$6,000 to Downstreet Housing and Community Development in the that case the merger is approved.

Mr. Safford provided the Board with a notice from Stowe Electric Department that they are looking to upgrade the Wilkins Substation for the purpose of meeting increased demand. They are seeking a certificate of public good for the project.

Mr. Safford provided the Board with Act 250 notices.

Public to be Heard Non-Binding (Item C-2)

No public comment.

Executive Session

Ms. Sabel Courtney moved to enter executive session to discuss personnel and contracts. Mr. Carlson seconded. Motion carried (4-0).

The Selectboard entered executive session at 7:33pm. The Selectboard left executive session at 8:10pm.

Mr. Aumand moved to direct staff to change the Cemetery Commission charge to include the appointment of an Alternate member for the Selectboard's formal approval at a future meeting, and to appoint Christine Kaiser as an Alternate to the Cemetery Commission. Mr. Carlson seconded. Motion carried (4-0).

Mr. Aumand moved to appoint Janet Godin to the Cemetery Commission. Ms. Sabel Courtney seconded. Motion carried (4-0).

Adjournment

There being no further business, Chair Adams adjourned the meeting at 8:12pm.

Notes

Minutes submitted by Will Fricke.

The Selectboard of the Town of Stowe meets on the second and fourth Wednesday of each month at 5:30pm.

A recording of this public meeting is available at: <https://www.townofstowevt.org/selectboardrecordings>