

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Monday November 22, 2021**

Present:

Selectboard Members: William Adams, Nick Donza, Jo Sabel Courtney, Willie Noyes, Lisa Hagerty

In Person attendees: Paul Sakash, Beth Oleks, Chris Oleks, CJ Grimes, Art Shinnors, Lynne Rogers, Dave Rogers, Ash Carr, Eli Hayward, Dan Snyder, Meghan Rodier, Katie Nichols, Walt Frame, Mary Skelton Altadonna, Marjorie Ward

There were 32 participants on Zoom.

Call to Order

Chair Billy Adams called the meeting to order at 5:30pm.

Approve the Agenda

On a motion by Ms. Jo Sabel Courtney, seconded by Mr. Willie Noyes, the Board approved the agenda with the addition of one liquor consent item to the Consent Agenda

Consent Agenda

1. Minutes of 11/8/21 Meeting
2. Banner Policy Amendments
3. 539 Thomas Lane Water/Sewer Allocation
4. Liquor Consent Item

On a motion by Ms. Lisa Hagerty, seconded by Ms. Courtney, the Board approved the Consent Agenda with the additional item A-4, Liquor Consent Item.

Local Hazard Mitigation Plan Public Comment

Meghan Rodier from Lamoille County Planning Commission was present to discuss the Stowe Local Hazard Mitigation Plan Draft which is up for public comment. The purpose of the plan is to identify local hazards that are a threat to the community and outline mitigation actions to reduce vulnerability to threats, including natural and man-made disasters. The Town is required to maintain an updated Hazard Mitigation Plan as part of the requirements for Emergency Relief Assistance Funds and other grants. Chair Adams noted that a number of the other plans noted in this plan, including the Stowe Mountain Emergency Action Plan and Emergency Manual, have not been updated since 2014. Ms. Rodier noted that there are no mandates for private organizations to update emergency plans, but it is strongly recommended. Ms. Rodier noted that LCPC will be accepting public comment until 12/10, when it will be submitted to FEMA and VEM for their approval and sent back to the Selectboard for final adoption.

Recreation Commission Priorities

Lynn Altadonna, Chair of the Recreation Commission, and Matt Frazee, Parks & Recreation Director, presented to the Board the Recreation Commission's priorities for upcoming projects. The main priorities they discussed are replacement of the Tennis Courts in Memorial Park and replacement of the David Gale Recreation Center. It is recognized that Stormwater permit requirements need to be fully understood for the Memorial Park area before any major replacements can be undertaken. However, Mr. Altadonna and Mr. Frazee explained that the current tennis court surface is broken making the courts difficult to use and -may become unsafe and need to be closed for use if not repaired or replaced. There are some existing funds that were allocated in the capital fund for repairs to the courts that may help to hold them, but - they are recommending full replacement as soon as possible, including the replacement of one tennis court with four pickleball courts, as that is a fast-growing sport in Stowe for all ages. The remaining tennis court would also be able to be converted into four temporary pickleball courts.

The David Gale Recreation Center was built in the 1970s and while it has served many generations of children in Stowe, it is now past the life expectancy of the building and the program space needs have outgrown the space. The Recreation Commission is recommending a complete replacement of the Gale Rec Center with a 5,000 square foot building that would meet ADA codes and other current building codes, have room to house the summer camp program with 120 kids, five office staff and have storage and conference room space. They also recommended a permanent outdoor pavilion to provide outside shade and space for the summer camp children and replace the current temporary tent that is set up for summer. A new space would be more desirable for programming and would give the community more options for using the space.

In addition to the courts and recreation center, the Recreation Commission presented other mid- to long-term goals including a skate park/pump park, relocation of the Cape Cod Road/Route 108 Recreation Path crossings and looking at improvements to the fields on Mayo Farm.

The first step in the process will be to update the Memorial Park Master Plan, to look at Stormwater requirements, other limitations of the site, and get cost estimates for what may be feasible in that area. The Recreation Commission is requesting the Town budget for this master plan in the FY23 Capital Plan.

Outside Consumption Ordinance First Reading

After receiving citizen complaints about noise from businesses related to their outside consumption of alcohol permit, the Selectboard indicated it would look into an ordinance that might allow some control over outside consumption permits in the future, prior to the spring annual license renewals for bars and restaurants. Town Manager Charles Safford prepared and presented a draft Outside Consumption Ordinance that would limit outdoor consumption at all bars & restaurants in Stowe to no later than 10pm. Mr. Safford noted that for the ordinance to be binding, it would require approval from the Voters to give the Selectboard authority to condition liquor permits. Once the voters approved the ability to condition permits, then the ordinance could be modified by future selectboards -through the ordinance amendment process outlined in the Stowe Town Charter which includes a public hearing process. Currently without this ordinance or the ability to condition permits, State Law states that bars and restaurants can operate outside consumption up to 2am.

A large number of bar and restaurant owners in Stowe spoke to concerns about limiting the time on outdoor consumption permits. It was noted that the number of complaints is very minimal compared to the overall number of liquor permits issued in the Town of Stowe, and that police can currently enforce noise in the nighttime laws if there is excessive noise. Many people spoke to the effect this would have on their businesses, as to limit outdoor consumption to no later than 10pm would mean that service cutoff would actually be 9:30pm or earlier. It was noted that many special events, including weddings, would be affected by this ordinance and it could cause issues with hotels, such as those that offer poolside service on summer evenings. It was also discussed that limiting outside consumption doesn't necessarily limit outdoor congregation, people can still smoke, chat and gather outside and cause noise.

Many business owners spoke to the impact of the COVID pandemic on their businesses and how outdoor seating was often seen as a preferred option for many people and urged the Town not to impose limits on that. Businesses located in the Village also spoke to concerns that they would be unfairly impacted as they are more visible serving outside than restaurants on the Mountain Road.

Chair Adams stressed that while Stowe is a resort and tourist driven community, it is still a community, and that noise needs to be managed so that Stowe remains a desirable community not just to visit but to live in. He noted that with the increase in outside dining with COVID the Town has seen an increase in noise outside, and the Board may want to see how things continue in a post-COVID world before enacting further restrictions. He encouraged bar and restaurant owners to work collaboratively with their neighbors. At this time the Board did not desire to further advance this ordinance to a second hearing. Mr. Safford encouraged those with complaints about noise to contact the police department non-emergency line, as they can be objective responders and enforce the Noise in the Nighttime rules if necessary.

Capital Plan Amendment – Luce Hill Bridge Abutment Emergency Repair

Public Works has observed structural distress in the north-east abutment of the Luce Hill Road Bridge. The bridge has experienced significant scouring (erosion of the stream bed) since it was built in 1952, Harry Shepard, Public Works Director estimates it to be 12-13' of scour. In 2011 the Town implemented scour stabilization underpinning, but a horizontal crack approximately 5' from the top of the footing is showing movement and possible settlement of the abutment footing associated with the scour conditions. Because of this, Public Works is recommending emergency structural bracing for the existing abutment, as well as monitoring program, scoping study and independent structural assessment. Public Works has received quotes for the emergency structural bracing from prequalified firms with the lowest being \$18,000 by Winterset, Inc. Mr. Shepard noted that the structural bracing will not interrupt the function of the bridge, although during implementation it may at times be reduced to one-lane alternating traffic. The Luce Hill Bridge is not currently on the VTrans replacement schedule, but Mr. Shepard is hoping the independent structural assessment will help make a case to VTrans regarding the condition of the bridge and the need to replace and increase the length of the bridge significantly to avoid future scouring conditions. Changes to the bridge will also impact the recreation path and parking at Chase Park.

On a motion by Ms. Hagerty, seconded by Mr. Noyes, the Board approved a \$20,000 appropriation from the General Fund Capital Reserved for the proposed Emergency Structural Bracing of the Luce Hill Road bridge abutment.

Transportation Alternatives Grant Application – Luce Hill Rd/Chase Park Bike and Pedestrian Scoping Study

VTrans has advised that they are advancing the proposed Luce Hill Road Intersection Improvements project, which they intend to include in this year's State Transportation Improvement Plan. Public Works is seeking grant funding for the reconstruction of the Luce Hill Road Bridge, which includes doubling the bridge span, and a relocation of the recreation path and reconfiguration of parking at Chase Park. The proposed grant will be a VTrans compliant scoping study to consider possible bike and pedestrian improvements and connectivity along Luce Hill Road from the Mountain Road Intersection to Chase Park. The estimated cost of the scoping study is \$28,500, of which the Town would be responsible for \$5,700 (20% local match) which would come out of the Public Works Administration budget.

On a motion by Ms. Hagerty, seconded by Ms. Courtney, the Board approved the Transportation Alternatives Grant application submittal to VTrans for a Bike and Pedestrian Scoping Study for Luce Hill Road between Chase Park and Mountain Road and authorize the Town Manager to sign and submit the application, along with a transmittal letter affirming the Selectboard support for the project on behalf of the Town.

Manager's Report

Mr. Safford noted that the 2021 Listers Cards are now available on the Town of Stowe website.

On a motion by Ms. Courtney, seconded by Mr. Noyes, the Board went into Executive Session at 7:47pm to discuss Legal and Contracts.

The Board came out of Executive Session at 8:33pm.

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

Minutes respectfully submitted by Abigail Sweetser.

**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting
Monday December 6, 2021**

Present:

Selectboard Members: William Adams, Nick Donza, Jo Sabel Courtney, Willie Noyes, Lisa Hagerty
In Person attendees: Rachel Vandenberg, Mark Vandenberg, Maura Mancini, Susan Connerty, Lynn LaFleur, Michael Valdez, Tom Ashworth, Deb Longe
There were 51 participants on Zoom.

Call to Order

Chair Billy Adams called the meeting to order at 5:31pm.

Approve the Agenda

On a motion by Mr. Nick Donza, seconded by Mr. Willie Noyes, the Board approved the agenda as presented.

Indoor Mask Mandate Resolution

Chair Adams opened the discussion noting that there were many participants both in the audience and online via Zoom and asked that everyone take part in a civil discussion together. The State has not put a mask mandate in place, but rather gave authority to Towns to put a mandate in place for public places if they chose to do so. Chair Adams noted that this meeting was called to discuss this topic at the request of a resident, Lynn Goldsmith. Ms. Goldsmith explained that she made the request after seeing many tourists in town for the Thanksgiving holiday not wearing masks, combined with the increased COVID positivity rate in Vermont.

Other residents spoke to concerns about a mask mandate, citing civil liberties, personal choice, divisiveness in the community and mental health as reasons not to implement. Some residents and business owners spoke to concerns on how long this would be in place, as COVID may not be going away any time soon, and that authority like this should only be used in emergency situations, which the Governor has not declared. Many also said people had the right to choose to wear a face mask if they felt they should but did not want to force it on all. Many business owners spoke to concerns about putting their employees, who are already stressed, in the position of policing the people who enter their establishments without a mask. They also felt that enough had been put on business owners throughout the pandemic.

Others were concerned that forcing all to wear masks would increase isolation, fear and mental health issues, which could contribute to the rising number of deaths by suicide and drug use. There was also concern that re-instating a mask mandate would be a first step towards further shutdowns and restrictions. Resident Ms. Susan Connerty quoted studies by environmental toxicologists who felt that a mask mandate was dangerous to people's health as they were not designed to be worn for more than a few hours, and they inhibit oxygen intake. Resident Ms. Elizabeth Sherman, a retired biology professor, stated that she felt that there were no negative effects from wearing masks and that they should be used to help stop the spread the disease, and a mask mandate would increase compliance.

Many spoke to the effectiveness of vaccination and booster shots, and that while the case counts are rising, those who are vaccinated are not likely to end up in the hospital or dying from the disease. Some stated they felt more emphasis should be put on encouraging vaccination and booster shots rather than a mask mandate.

Other business owners spoke to concerns about theft and crime with face masks making it difficult to identify criminals. Mr. Michael Valdez stated he felt there was a higher chance of being a victim of crime due to masks, than of being a victim of COVID. Another business owner stated she had been a victim of shoplifting and knew of instances at other stores in town. Mr. Safford was asked about crime statistics during the original mask mandate and he said he would follow up with information.

Selectboard Meeting 12/06/21

Selectboard member Ms. Lisa Hagerty, spoke in favor of the mandate, voicing concerns about the statewide ICU capacity, the stress the virus has taken on healthcare workers, and feeling that wearing masks kept the rate of transmission down in 2020 and early 2021, and perhaps was lifted too soon. She also felt that having a Town mandate would make it easier for staff asking people to wear masks, rather than making it more stressful, a sentiment that was supported by Ms. Katrina Veerman, owner of P.K. Coffee, where masks are required.

Ms. Tiffany Donza spoke to concerns that implementing such a mandate would be an abuse of power, however Ms. Hagerty pointed out that the Governor did give Towns the right to implement mandates, so it was not an overreach by the Selectboard.

Ms. Jo Sabel Courtney suggested changing the language from requiring masks to recommending masks so the Town was still putting weight behind the statement without putting business employees in the position of enforcement. Ms. Beth Gadbois stated she felt that it was not a good idea to put out a suggestion without teeth or enforcement. Chair Adams spoke to the need to protect the residents of the Town, not just the businesses and tourists, particularly during the upcoming holiday season in which it is anticipated 10,000 visitors will come to Stowe. Mr. Nick Donza stated he felt it was not just the business community but residents as well who were suffering from fatigue and mental health issues from not being able to connect with others, and that a mask mandate would only further divide the community while sending a message that it is not safe in our community right now. Mr. Willie Noyes stated that businesses had the right to require masks, and that the Town did not need to get involved and let people make their own decisions.

On a motion by Ms. Hagerty, seconded by Mr. Noyes, the Board moved to adopt the proposed Resolution Regarding Face Coverings.

Chair Adams stated that this was not an easy decision to make, and that he was weighing listening to the community and business owners as well as the science. He stated he believed masking was an important way out of the current pandemic, but that that as an elected official he was listening to the people.

On a roll call vote, the motion failed 4-1.

Manager's Report

Mr. Safford noted that the Lamoille County Transportation Advisory Committee has drafted changes to the Rules of Procedure. Stowe's TAC members have not expressed any concern with the draft.

On a motion by Mr. Donza, seconded by Mr. Noyes, the Board went into Executive Session at 7:49pm to discuss Contracts.

The Board came out of Executive Session at 8:27pm.

There being no further business, Chair Adams adjourned the meeting at 8:27pm.

Minutes respectfully submitted by Abigail Sweetser.