



**Stowe Selectboard, Liquor Commission & Water/Sewer Commission Meeting  
Wednesday, January 31, 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

8 joined via Zoom.

**Call to Order**

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

**Approval of the Agenda**

On a motion by Ms. Courtney, seconded by Mr. Adams, the Selectboard approved the agenda. All were in favor.

**Consent Agenda**

Mr. Adams inquired as to whether the minutes for the January 24 meeting should be on the consent agenda. Mr. Safford said they were not able to be completed for today but will be available on the website as a draft tomorrow and will appear on the agenda for the February 14 meeting.

**Annual Meeting Warning Adoption**

Mr. Adams asked if the Selectboard needed to approve the school board annual meeting warnings alongside the Town warnings. Mr. Safford replied that the Town and school board are separate municipal corporations, so there is no need for the Selectboard to approve the school warning and they can be warned separately. Mr. Adams asked for clarification on whether both the school board and the Town

can approve articles that appear on the same physical Australian ballot. Mr. Safford said the ballot formatting is up to the Town Clerk, and that it could be two separate ballots or one ballot.

Mr. Donza asked whether a moderator will be elected in the future if the voters approve the article to shift all budget and public questions to Australian ballot. Mr. Safford replied that one would not, because there would not be a Town Meeting to moderate. Mr. Aumand stated that they could utilize a moderator for special meetings or informational meetings. Mr. Safford replied that even special meetings would be by paper ballot not floor voting. The Selectboard could choose to have a moderator chair the informational meeting but is not required to do so.

Mr. Donza moved to approve the Annual Meeting Warnings. Ms. Sabel Courtney seconded. All were in favor.

### **Executive Session**

Mr. Donza moved to go into executive session to receive advice from legal counsel. Mr. Aumand clarified that the motion should be made that premature general public knowledge would clearly place the public body at a substantial disadvantage. He stated his opposition to moving into executive session and that he did not view reviewing a new version of the Short-Term Rental ordinance to be a substantial disadvantage. Mr. Donza withdrew his motion. Mr. Adams stated that he was in agreement with Mr. Aumand. Mr. Aumand requested that the Town Attorney explain the reasoning for entering executive session. Mr. McClean stated that the Selectboard has attorney-client privilege to communicate with him about matters relating to representation of the Town and the provision of legal services, and vice versa. That precludes the Town from having to publicly disclose legal advice that the Town received and protects the confidentiality of those communications. If the Selectboard receives legal advice in public session, they or the Town Attorney could be forced to disclose what advice was given in a potential future lawsuit involving the ordinance.

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. Hagerty seconded. Mr. Donza requested that the Selectboard discuss the motion. Ms. Hagerty stated that she has specific legal questions regarding the ordinance that would meet the bar of putting the Town at a substantial disadvantage. Mr. Adams said that the Selectboard has been discussing the ordinance for 3 months now, and ordinances that have been adopted by other municipalities for 6 or 8 months, and that he would assume that most of the information and questions that could be asked have already been discussed and he doesn't understand why it would meet the bar of a substantial disadvantage. Ms. Hagerty replied that when she asks her question, he will understand why. Mr. Aumand stated that he was not against going into executive session to receive specific legal points from the Town Attorney, but he did not feel that it was appropriate to hear testimony from the Fire Chief or to discuss the entirety of the ordinance in executive session. Mr. Safford said that Mr. Reeves requested time to discuss the Short-Term Rental Ordinance with the Selectboard, and that it does not need to be in executive session. Mr. Adams said that since the STR Ordinance was not warned for this meeting, the Fire Chief could be invited back for a subsequent meeting where STR Ordinance is warned, and that it is important to follow a normal and open process for the discussion. The Selectboard then discussed ordinance first reading and public hearing rules. Mr. Donza, Ms. Hagerty, and Ms. Sabel Courtney voted in favor of the motion. Mr. Adams and Mr. Aumand voted against.

Ms. Sabel Courtney moved to go into executive session to receive legal advice, and to include the Town Manager, the Town Attorney, and the Assistant Town Manager. Mr. Donza Seconded. Mr. Donza, Ms. Hagerty, and Ms. Sabel Courtney voted in favor. Mr. Adams and Mr. Aumand voted against. The Selectboard entered executive session at 6:35pm.

On a motion by Mr. Donza, seconded by Ms. Sabel Courtney, the Selectboard came out of Executive Session at 7:18pm All were in favor.

### **Scheduling and Warning Discussion**

Upon leaving executive session, the Selectboard discussed the process for warning a first reading and public hearing for the Short Term Rental Registry Ordinance. Mr. McClean clarified that the Selectboard can hold a work session and can introduce the ordinance and take steps that are preliminary to the public hearing in the same meeting, the steps to which include publishing the warning for the public hearing at least one week prior to the date of the public hearing. Mr. Safford added that if the Selectboard amends the ordinance at the public hearing, they would need to have the warning published three days before the another public hearing.

Mr. Donza moved to instruct the Town Manager to warn a meeting for a work session and potential introduction of the Short Term Rental Registry ordinance on February 14. Ms. Sabel Courtney seconded the motion.

Mr. Adams clarified that the Selectboard is discussing a new draft of the Short Term Rental Registry Ordinance that is different from the draft previously discussed on January 24. He requested that the motion include that language. Mr. Aumand stated that this procedure should come before the current motion on the table. Mr. Donza withdrew his motion. Mr. Safford asked the Board if they were okay with him posting the draft ordinance before the full packet is out. They all affirmed they were.

Mr. Aumand moved to inform the public that the Selectboard is prepared to advance the Town Attorney-provided draft ordinance that was reviewed in executive session to the next meeting for further discussion subject to the discussion and direction the Town Attorney was given during executive session. Mr. Donza seconded the motion. All were in favor.

Mr. Donza moved to instruct the Town Manager to warn a meeting for a work session and potential introduction/initial adoption of the Short Term Rental Registry ordinance on February 14. Ms. Sabel Courtney seconded the motion. Mr. Donza amended his motion to include that the public can be heard at that meeting, at the request of Mr. Aumand. Ms. Sabel Courtney seconded.

Mr. Adams said he will vote no on the motion because he feels the motion forces the Selectboard into a position to move the ordinance forward. Mr. Donza stated that the intent is to think on what they heard and reflect on the text they have in front of them, but it should be warned as being potentially more than a work session if the Board feels that it is in a place that it can move forward. Mr. Aumand said that he feels it is appropriate to signal to the public that this is where the Selectboard is going. Mr. Donza, Ms. Hagerty, Ms. Sabel Courtney, and Mr. Aumand voted in favor. Mr. Adams voted against.

Chair Hagerty recognized Brooke Dingleline via Zoom. Ms. Dingleline requested more time to review the ordinance than the typical Friday to Wednesday period. Mr. Safford said he will have the Town Attorney send the draft that will be reviewed on February 14 to her directly by Friday, February 2, and that he will post it to the website on the same day.

### **Selectboard Town Report Submission**

The Selectboard discussed the status of the Board's submission for the Annual Town Report.

### **Adjournment**

There being no further business, Chair Hagerty adjourned the meeting at 7:47pm.