

Pending Approval
Town of Lincoln, Vermont
Regular Selectboard Meeting
Burnham Hall
Tuesday, April 5, 2022
Date 6:30 PM

Attending: Selectboard Chair, Bill Finger (BF); members Paul Forlenza (PF), Alan Schmidt (AS), Oakley Smith (OS), and Bay Jackson (BJ); Selectboard Ass't and Zoning Administrator, Ann Moreau-Kensek (AK); Town Clerk, Sally Ober (SO); Selectboard Minutes Taker, Christine Birong-Smith (CBS)

Additional participating speakers: Dan Guy, Ellie Bryant, Chris Acker, Kyle Clark, Marilyn Ganahl, Sally Taylor

Others present: David Schmidt, Chris Acker, Stephen Harris, Sarah Taylor, Jackie Tuxill, Ellie Bryant, Harry Reynolds, Sarah Farr, Michael O'Connor, Liz Saslaw, Tori Manikelly-Prouty, Wm Tim Bradford, Carol Bradford, Gregor Masefield, Dan Guy, Katie Clark, Kyle Clark, Willa Clark, Tommie Thompson, Jake Peirce, Ali Zimmer, Sarah Laird, Louise Rickard, Josiah Jackson

Others were present to witness meeting both in person and via Zoom

Meeting called to order by Bill Finger at 6:31pm

Agenda adjustments and approval

- Access permit off Elder Hill for driveway needs to be confirmed by the board
- Annual contract for animal holding facility needs to be approved
 - Added to Other Business

Motion BF, PF 2nd to approve agenda with these amendments

Passed 5/0/0

Public Comment

- 1a. Dan Guy questioned and sought clarification as to whether the Selectboard is aware of a building permit issued to a specific highly visible property at an elevation above 2,300 ft
 - Brief general discussion
- 2a Marilyn Ganahl – co-signed (20) letter re: zoning permit procedure viz. proposed landing strip
 - Prior to beginning Ganahl's presentation, BF presented information and materials from the Selectboard re: subject permit which included the following:
 - Slide showing timeline of subject permit to its present status was shared with attendees
 - BF provided what the Selectboard is able to discuss and not
 - It was shared that the Zoning Board will review subject permit
 - Acknowledgement of the need to update town zoning
 - The town has a grant to support generating these updates
 - Explanation of the zoning process provided
 - Ganahl's presentation re: subject permit
 - Verbal presentation of her concerns around zoning process

- 48 • Including lack of democratic practices and transparency and lack of
- 49 review of potential environmental impacts of this project
- 50 ▪ Submitted letter to the Selectboard outlining the issues and concerns presented
- 51 • Letter contains the signatures of community members in agreement with
- 52 letter content and submission
- 53 ○ Kyle Clark, owner of the property under discussion and holder of subject permit,
- 54 responded to Ganahl's presentation
- 55 ▪ Spoke to his permit process experience to date with Zoning Administrator, AK
- 56 ○ Jackie Tuxill, resides on abutting property to subject property
- 57 ▪ Jacie spoke about her support of the letter submitted and provided opinion on
- 58 revisions to town zoning processes
- 59 ○ Ellie Bryant directed questions to town Zoning Administrator, AK re: permitting
- 60 quantities and
- 61 ▪ AK spoke about intention include zoning permits on website to create more
- 62 transparency
- 63 ○ AK took time to expressed gratitude to those who showed up to express perspectives and
- 64 encouraged participants to consider volunteering in town government and continue
- 65 participation in town meetings
- 66 ○ Bryant provided additional comment to clarify that she is not seeking a public hearing on
- 67 every permit issued by the town
- 68 ○ PF asked if it would be appropriate for Clark to speak to plans, but it was determined by
- 69 the Selectboard body that it would be more appropriate for that to take place at a zoning
- 70 hearing
- 71 ○ PF expressed gratitude re: the presence of participants today as part of democratic
- 72 process and also encouraged participation in town government
- 73 ○ Sally Taylor is on planning commission and spoke to AK's efficiency in this process and
- 74 acknowledge that the systems that are in place were followed
- 75 ○ Clark added comment on permitting process timeline and notification to neighbors
- 76
- 77 • 3a. Chris Acker's permit for driveway re: installed concrete block headwall
- 78 ○ Town Highway Supervisor visited site
- 79 ○ Acker said that there was information in previous minutes re: subject project is
- 80 inaccurate, and he feels that the wall is exactly where it was agreed to be
- 81 ○ It is noted that there have been three zoning administrators involved in this project
- 82 ○ General discussion to sort through previous conversations and points

83 **Motion** OS, PF 2nd to approve the issuance of a certificate of compliance

84 **Passed** 4/0/1 [AS abstained]

85 **Consent Agenda**

- 86
- 87 a. Minutes 3/15/22 regular meeting & 3/25/22 special meeting
- 88
- 89 b. Payroll check warrants
- 90 PR 22-39 \$3,118.36
- 91 PR 22-40 \$4,230.80

92 PR 22-41 \$4,552.09

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94 c. Accounts payable check warrants

95 AP SPEC \$273.00

96 AP 22-41 \$1,230,391.98

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98 **Motion** BF, PF 2nd to approve the warrants as presented

99 **Passed** 5/0/0

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101 **Amendment to the March 15 minutes for Kristi LaFayette re: organic gardening**

102 ○ Add to the minutes that she alleges that water is damaging her buildings in addition to flooding
103 water that makes it impossible to maintain organic gardens.

104 ○

105 ○ **Motion** BF, AS 2nd to approve with that amendment

106 **Passed** 4/0/1

107

108 **Old Business**

109 a. IT Proposals – AS provided verbal presentation of findings from review of IT company
110 proposals

111 a. BF provided information of what his findings are from asking around

112 b. AS provided pros and cons of each company and their proposal

113 c. Slide of proposal summary shared

114 d. It was determined by the Selectboard that there will be no special meeting to make
115 decision re: proposals

116 i. Instead AS will call other towns about Top Floor and VC3 and will report back at
117 next meeting so a decision can be made at the next meeting

118 ii. PF will speak with Becca Elder at Starksboro about VC3 to gain their
119 perspectives

120

121 **New Business**

122 a. Approval of meeting and action schedule for new Lincoln School District

123 b. Special Town Meeting WARNING– May 9 – School Board Election

124 c. Special Town Meeting-WARNING – May 16 - School Board Expansion (2)

125 ○ PF discussed new developments around withdrawal

126 ○ SO and PF are going to redo the dates and aim for November 8th, General Election day to elect
127 the three schoolboard members for first three, and then elect an additional two schoolboard
128 members on town meeting day in order to create a five member

129 ○ House bill h. 272 passed

130 ○ This bill provides Lincoln a partial carve out so Lincoln can continue its withdrawal
131 process with additional requirements added to process

132 ■ There is an attempt to change that as it crosses to the Senate

133 ○ PF provided exit agreement update with school district and going back to MAUSD to look over
134 information and terms again

135 ○ Exit agreement can't be signed at this time, but the discussion can begin now. Save
136 Community School members are working on the agreement.

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Reports

- a. Highways
 - o BF spoke with Town Highway Supervisor who said that almost all town roads have been graveled and graded at least once, and frost is drying up well; Town Highway got call from VSPre: holes – this has been resolved
- b. Selectboard Assistant
 - a. Public records request by Kristi Lafayette and provided support to that
 - b. Many weight permits
 - c. Emergency Management plan will be next meeting, AK is preparing for this
 - d. Kristi LaFayette has added to her original public records request
 - i. LaFayette claims level of the road was raised
 - 1. BF explained there wasn't change to road height because pavement was first removed and the replaced at the same depth.
- c. –
- d. Planning & Zoning
 - a. Discussed timeline of a current construction project of concern to Dan Guy
 - i. Green standing seam roof with no outdoor lights and the owners will not be there that often
 - ii. State regulations say Z has to be posted on the property and town says it has to be posted on road,
 - 1. In Question: does state take precedence over town?
 - 2. If this is a violation of the state, then it may reopen the appeal period
 - 3. Construction has begun and there's a floor to cabin started
 - 4. Town plan says this kind of structure cannot be built over 1800 ft and the state says 2500 feet
 - 5. One idea was to treat it as conditional use, and if state takes precedence over town
 - a. AK is going to investigate who could take action in this context
 - b. AK reviewed contents of permitting file to date; the regulations are enforceable, but the town plan is not enforceable; review of judicial process re: suits discussed as an aggrieved party
 - b. AK is creating a list of necessary zoning revisions and using Bob Hall's [former Zoning Administrator] list to prepare for redoing zoning
- d. Town Clerk, Treasurer, Listers
 - o New Treasurer has begun position and the transition is moving smoothly
 - o Applicants for new DRB are coming in – three submitted so far
 - o ARPA
 - o There is a list of 22 projects, 18 are projects within Lincoln, 3 outside of Lincoln from social organizations with requests to contribute to them
 - o Interim regs from US Treasury said one of those projects would have to qualify under one of the project categories
 - o PF and BF found there's a new, simpler process that says that you can simply state that you are going to request the standard allocation with reduced reporting requirements
 - VLCT has recommended to take the standard allocation, but the Selectboard only has one chance to make the selection to take standard allocation prior to April 22nd and the next meeting is just in time to decide on this
 - o PF needs someone else to take over overseeing ARPA soon

- 188 7. Other Business / Board member concerns
189 ○ Annual contract for animal holding facility needs to be approved
190 ○ Benefit of contract is that ACHS maintains kennel for stray dogs so Lincoln's Animal
191 control Officer Nate Reynolds has a place to put them, and then people have to pay to
192 ACHS to take their dog out of the kennel
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194 **Motion** BF, BJ 2nd to approve annual contract for animal holding and to authorize Bill Finger to sign
195 **Passed** 5/0/0
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197 8. Executive Session – Personnel, litigation

- 198 4 **Motion** OS, PF 2nd to enter executive session at 8:38 PM to consider pending
199 5 litigation to which the Town is a party, because we find that premature public knowledge will
200 6 place the Town at a substantial disadvantage.
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201 **Passed** 5/0/0
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203 Exited executive session at 9:17 PM
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205 There was no action taken as result of discussion in executive session.
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207 Meeting adjourned at 9:18 PM
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209 Respectfully submitted by Christine Birong-Smith
210 (with minor edits by BF, and minutes following line 203 by BF)