

PENDING APPROVAL

Town of Lincoln

Regular Selectboard Meeting

**Tuesday, June 21, 2022 6:30 PM
Town Office**

Attending: Selectboard Chair, Bill Finger (BF); members Alan Schmidt (AS), Oakley Smith (OS), and Bay Jackson (BJ); Selectboard Ass't and Zoning Administrator, Ann Moreau-Kensek (AK); Selectboard Clerk, Christine Birong-Smith (CBS); Amy Menard (AM) of Putnam & Menard

Others in Attendance via Zoom: Andrew L'Roe (AL)

Called to order at 6:33p by Selectboard Chair, BF

Agenda adjustments and approval

- Agenda amended by BF to add the item for the Middlebury Area Land Trust Agreement on Willard Woods needs discussion and signing
- Item Number 3 Letter C warrant needs review and approval

Motion BF, 2nd AS moves to make agenda changes

Passed 3/0/2 [BJ not yet present, PF absent]

Public Comment

None

Consent Agenda

1. Minutes 6/7/22 regular meeting
 2. Accounts payable check warrants
 1. PR 22-51 \$5,425.84
 2. PR – 22-52 \$5,082.10
 3. AP 22-52 \$33,975.85
- BF reviewed the legal outlines in Check Warrant Summary to clarify costs and to see if there were questions
 - There were no questions

Motion BF 2nd AS to approve Consent Agenda

Passed 3/0/2 [BJ not yet present]

Discussion of conflict-of-interest transparency and management w/counsel

- BF provided AM with brief background of issue as it broadly relates to town management and organization
 - Intentions of why this topic is being reviewed and why legal council is being sought outlined by BF
- AM presented formal legal guidance to the Selectboard re: the topic of conflict-of-interest
 - AM suggests Executive Session if SB would be getting into specific issues
 - AM spoke about how she can provide general guidance outside of Executive Session
- AM provided background re: what she and chairman BF have discussed about this topic in the context of the SB being comprised of elected officials who are always being asked by the public why decisions are made and who is making them
- AM stated that if there is a possibility that looks like a conflict-of-interest may be present within a town issue or its context, then it is best not to have the perceived conflicted parties participate
 - AM noted that there much tension and connectivity within small town politics and that officials have to be mindful and aware of this when proceeding with town issues
- AM noted that things can become convoluted and muddled
 - Resulting in the potential for conflict of interest and the intricacies regarding how intertwined relationships can get drawn into litigation and other disputes
 - AM noted that there is nothing you can do to fully mitigate this
 - The conflict-of-interest policies existing in Lincoln, and they are “good” policies and it is in the town’s best interest to follow them
- AM commented that the town is moving in the right direction of establishing the DRB as part of its organizational structure
- Recommended that SB take time to consider candidates and to choose wisely

Motion OS, 2nd BJ make a motion to enter Executive Session per confidential attorney/client communication made for the purposes of providing professional legal services to the body where substantial disadvantage in an open meeting per 1 VSA 313 subsection A1

Passed 4/0/1

Executive Session - 1 VSA§313(a)(3) Review and discussion of candidates for appointment to Planning Commission or Development Review Board/DRB

- SB went into Executive Session for discussion of conflict-of-interest specific issues at 6:59p
- SB remained in Executive Session with AM as counsel until 8:05p
- No action taken as a result of Executive Session

Old Business

1. ARPA /Survey – Update
 1. Edits are in progress in preparation for dissemination
2. Sandpit – Conditional Use Response – update
 1. SB has have what is intended to be the final draft
 1. Hard copy of this draft was provided to each SB member
 1. Draft generated by Robert Clark of Otter Creek
 2. This draft will get sent back to the ZBA for review
 2. BF provided brief review of permit contents, including:
 1. Sight distances
 2. Engineer Standards met
 3. Storm water permit with State of Vermont and approval by ANR to satisfy condition two
 4. Conditions and how they are being met are outlined in the draft
 1. BF verbally presented each one individually

Motion OS, 2nd AS to approve the submission of the responses to the permit conditions to the zoning administrator who will then move it forward in its processes

Passed 4/0/1 [PF absent]

3. Burnham Hall organizing elevator renovation is in progress
4. OS will approach Maple Broadband for further communication re: project work
 1. OS will reach out to Kate McGowan for discussion

Reports

Highways

- Summer paving projects
 - BF made an error on tonnage of asphalt = overage
 - BF explained how the error occurred, and this was covered by the contingency fund
 - BF explained progress and budgeting and costs on current and completed asphalt projects
- Summer drainage projects
 - There will be a look into drainage and possible source of odors on Forge Hill as the town works to resolve this issue
- Equipment condition & maintenance
 - SB needs to set time to resolve sound issue from town garage

Selectboard Assistant - AK

- AK reported that there are six (6) new houses thus far

- Planning Commission will continue to meet
 - This would be a good time to transition people into vacant positions
 - PC is currently working on creating a document with the recommendations generated by Bob Hall and other recommendations by PC members and ZA to pass to the new PC for a place to start with the new regs
- AK distributed and verbally presented a write up re: what is occurring with zoning

Boards, Committees & Commissions

- Lincoln Conservation Commission (LCC)
 - There will be a conservation camp this summer up in Willards Woods and existing issues with project were discussed:
 - The issues of parking and toileting were discussed
 - OS brought up issues regarding accessibility, specifically ADA, and to make sure that the camp is following terms of conservation land terms
 - **Consensus agreement to bring Jamie, camp organizer, in to discuss these and other details**
 - Suggested to investigate ARPA fund allocation for supporting this project
 - BF revisited idea of purchasing land across the street from Willards Woods
 - Rhonda Hutchins has the contact information
 - AS will call re: the inquiry
 - BF will give AS her number
- Lincoln Community School (LCS)
 - PF will provide details down the line re: school budget
 - Town is covering certain aspects of legal fees for the withdrawal process

Regional Participation/Affiliation

- Addison County Regional Planning Commission (ACRPC)
 - Five year All Hazards Plan is being updated
 - Process was started in late 2019/early 2020 and was put on hold due to the pandemic's beginning
 - AK is the main person working with AL on plan development
 - AK reported that this plan is helpful because it supports the town in getting 20% on highway grants, and it identifies problem areas and plans for mitigation.
 - AK noted that some of the data used in the plan is from 2018
 - Town may want to consider updating some of those statistics
 - The creation of an All Hazards Plan will increase town funding for grants from 70% to 80% funding
 - Plan includes review of top five hazards, such as ice storms
 - The SB is not required to sign off on it
 - AL is just using this meeting as a chance for review and then the paperwork has to be brought back to FEMA

- AL will likely submit what exists into their cue and edits can be made while it is in the cue
 - AL wants updates and comments back within the next couple of weeks so he can add them into the submitted document
- ACRPC Transportation Advisory Committee (TAC) - AS
 - SB needs to file a letter of intent for stormwater grant by Friday
 - BF will send it over to AS to send out
 - Diane Lanphere, legislative transportation committee chair, made it sound like there might be another resource for funding the suggested York Hill bridge work
 - It was clarified that the York Hill Bridge is still under consideration for funding and there was a misunderstanding at the previous meeting regarding availability of funds
- Addison county Solid Waste Management District (ACSWMD) - BF
 - There's a project underway to build a new transfer station off Campground Road in New Haven
 - All of the property is currently owned by Pete Norris
 - Inspiration for purposed project stems from the idea of modeling Addison County waste disposal after Chittenden County's model where transfer station openings rotate each day by town
 - This conversation morphed into looking at new property to build a new transfer station
 - As of now, the project is moving forward to see if it is feasible

Adjourn by BF at 9:05p

Respectfully submitted by Christine Birong-Smith