

1 **PENDING APPROVAL**

2 **Town of Lincoln**
3 **Regular Selectboard Meeting**
4 **Tuesday, July 19, 2022 6:00 PM**

5 **Town Garage & Town Office and via Zoom**
6

7 **Site Meeting at Town Garage 6:00 pm – 6:30 pm**

8 **Attending:** Selectboard Chair Bill Finger, Vice Chair Oakley Smith, members Alan Schmidt,
9 Bay Jackson, and; Selectboard Ass't Ann Moreau-Kensek; Highway Supervisor Dave Cavoretto

10 **Guests:** Tommie Thompson and James Needham

11 Tommie, an adjoining property owner to the Town Garage, explained to the Selectboard his
12 complaint on changes over the years at the Town garage that he says have affected his property,
13 including the tree line between the properties being ruined by silt from the sand pile; changes in
14 the parking, change in the use of the shed; vehicle lights shining in his home at night, noise from
15 the trucks, especially at night in the winter.

16 Discussion on where the property line is. One side was flagged when neighbors bought the
17 property uphill. A survey will be done.

18 Possible remedies were discussed for dealing with the silt, noise, and lights. At minimum,
19 several rows of cedars could be planted.

20 Neighbor James Needham shared that he had no complaints and doesn't want more taxpayers'
21 money spent at the garage.

22 Tommie thanked the Selectboard for coming and it was agreed the first step is to get the survey
23 done.

24 Dave talked a little about the recycled asphalt pile and how it can be reused on the roads.

25 The Selectboard returned to the Town Office for a Regular Meeting at 6:30 p.m.

26
27 **Regular Meeting at the Lincoln Town Office**

28 **Attending:** Selectboard Chair, Bill Finger (BF); members Alan Schmidt (AS), Paul Forlenza
29 (PF), Oakley Smith (OS), and Bay Jackson (BJ); Selectboard Clerk, Christine Birong-Smith
30 (CBS); Animal Control Officer, Nate Reynolds (NR); Planning Commission member, Serena
31 Fox (SF); Maple Broadband member, Kate McGowan (KM)

32 **Others in Attendance via Zoom:** Attorney John Klesch (JK)

33 Town Office meeting called to order at 6:34 pm by Selectboard Chair, BF

34 **Agenda adjustments and approval**

- 35 • Item numbers 2 and 3 were switched around in their order exchange so NR and Town
36 Clerk, Sally Ober's, issues could be discussed first

37 **Motion** BF, OS 2nd to approve agenda with adjustment

38 **Passed** 5/0/0

39 **Consent Agenda Motion to approve consent agenda by bf 2nd pf ayes have it**

- 40 1. Minutes 7/5/22 regular meeting & 7/14 Special Meeting
41 2. Payroll check warrants
42 • PR 23-02 \$4,651.36
43 • PR 23-03 \$4,483.65
44 3. Accounts payable check warrants
45 • AP 23-03 \$471,120.82

46 **Animal Control rabies holding facility** – Nate Reynolds (NR), Animal Control Officer

47 Noted in Meeting Agenda: *We have a contract with the ACHS (Homeward Bound) to serve as a*
48 *holding facility for stray dogs brought in from Lincoln. However there is a specific exclusion for*
49 *animals required to be held for a rabies watch. Nate had recent incident where rabies watch was*
50 *required and ACHS noted the exclusion.*

- 51 • NR provided verbal report to selectboard regarding two issues involving dogs:
52 ○ NR recently had a challenging interaction with a town resident when responding
53 to a call regarding an issue with two dogs chasing deer in a field
54 ■ Issue appears to be resolved at this time
55 ○ Recently received a call to respond to a rescue dog from NYC who attacked its
56 foster family
57 ■ NR found himself in a precarious position with Homeward Bound because
58 of the terms of Lincoln's contract with them:
59 • Contract with Homeward Bound does not include aggressive
60 animals unless it is a stray and this dog was not technically a stray,
61 as it was owned by a rescue and being fostered
62 ○ Custody of foster dog transferred to Homeward Bound and
63 two behaviorists saw dog and said it wasn't savable and the
64 dog was put down
65 ○ Town pays a fee to use Homeward Bound as its holding facility so the town
66 doesn't have to maintain a kennel, but recent situations are presenting where it is
67 complicated and/or challenging to work within the terms of this contract

- 68 ○ NR wants to know if the town is willing to consider
- 69 establishing a kennel in town
- 70 ○ NR is willing to take on Lincoln having its own facility if
- 71 Homeward Bound is unwilling to amend contract for these
- 72 instances
- 73 ○ BJ raised the question of whether or not NR can become
- 74 certified to have tranquilizers as a precaution?
- 75 ○ BF said the selectboard will be in contact with Homeward
- 76 Bound to proceed with communications
- 77 ○ NR brought up his compensation:
- 78 ▪ NR has been doing this 20 years and his compensation has continued at
- 79 the same rate. NR proposes for compensation based upon 24/7
- 80 availability, risks, and accommodations:
- 81 • Hazard pay for dealing with aggressive animals
- 82 • Continue receiving compensation for having animals at his house
- 83 overnight
- 84 • NR believes Cornwall has a good model at \$100 per month
- 85 baseline compensation for role
- 86 • BF suggested NR generate a formal proposal then selectboard can
- 87 work from there to establish compensation;
- 88 • NR talked to his wife and they're willing to put kennel facility on
- 89 their property to support maintaining
- 90 • PF asked NR to submit billing annually to support budgeting

91 **Public Comment** – No public comment

92 **Election Ballot by mail - re: local Justices of the peace**

- 93 • Sally Ober, Lincoln Town Clerk, has requested that ballot voting system for Justices of
- 94 the Peace be revised so they are no longer separate ballots, but instead include voting for
- 95 these officials on the tabulator ballot to streamline the tallying process

96 **Motion** BF 2nd PF to put the Justices of the Peace on the tabulator ballot for the general election

97 **Passed** 5/0/0

98 **Old Business**

- 99 1. Lincoln School District Budget
- 100 • Lincoln school board has been meeting on a weekly basis for the month of July to
- 101 get policies and procedures in order
- 102 • The school board approved a set of warnings for special election on
- 103 August 18th which will officially expand board from three to five members
- 104 by taking nominations from the floor
- 105 • Jeannie Alberts and Rob Backlund are interested in joining board

- 106 • The next opportunity to vote on a school budget until next year,
107 but there will be costs between now and next year's vote and
108 moneys from January until school is operational to make SU
109 1. In the meantime, there will need to be a superintendent and
110 a curriculum coordinator and special ed coordinator and
111 business manager and this has to happen in order to
112 negotiate contracts and there needs to be approx. 50 grand
113 (overall costs will be split with Ripton)
114 1. School board is reviewing funding options
115 2. School board is developing exit agreement and Lincoln
116 submitted it to MASUD
117 1. State Board of Education is talking about an option
118 to assign us to an existing supervisory union or to
119 deconstruct MAUSD and reconstruct a new SU
120 2. July 28th will be an informational meeting for
121 August 18th ballot items
122 3. In the accounting system we need a separate
123 education account because right now it is run out of
124 the general fund
125 1. By default and stature, Van is school district
126 treasurer and is willing to take on this role
127 for now, but the school district can elect
128 their own treasurer; same with Sally Ober
129 functioning as interim school district clerk
130 2. ARPA – Survey update (Maple Broadband – KM)
131 • KM provided comprehensive verbal presentation of Maple Broadband financing
132 trajectory and funding resources
133 • Hardcopy distribution of spreadsheet outlining various details distributed
134 • In her presentation, KM outlined financial aspects of the \$30 million build
135 out
136 • Highlighted that it is too expensive for private industry to finance
137 which is why it is multi-business/operations run;
138 • KM reviewed profits and bond dollars to both subsidize finances
139 and generate profits on a county wide level
140 1. Maple Broadband is looking to selectboard to appropriate a
141 portion of ARPA funds to support this county wide effort,
142 but it is self-serving because we'll benefit as a community
143 by increasing access
144 2. KM reviewed the \$4 return on investment for each dollar
145 and staffing for the project:
146 1. There is a marketing contract and an intern from
147 Middlebury College that the college is paying for
148 3. KM outlined what money has been procured and how it is
149 being allocated and said the first audit came out clean

- 150 4. KM highlighted that there is stability in who is running the
151 show because leadership for project is all willing to stay
152 one for at least the next year
- 153 • PF wanted to know if there are people who can go get money for
154 this project in other ways
 - 155 1. KM said granters are a challenge to hire and that there are
156 very little options for funding this kind of project
 - 157 • KM has been informed that the ARPA community survey is going out
 - 158 • Selectboard requested a paragraph re: the Maple Broadband project to post
159 in survey

160 **Executive Session - Two-part motion:**

161 **Motion** OS, PF 2nd Move to find that premature general public knowledge of attorney client
162 communications and discussion of pending litigation would clearly place the Town at a
163 substantial disadvantage by disclosing privileged communications and other confidential
164 information.

165 **Passed** 5/0/0

166 **Motion** OS, PF 2nd Move to enter into executive session for attorney client communications and
167 to discuss pending litigation, and to invite the Town's legal counsel to join.

168
169 **Passed** 5/0/0 [Entered x-session @ 7:29 PM]

170
171 [Exited Executive Session @ 7:47 PM]

172
173 Motion by Oakley, 2nd by Paul to approve the July 6 Settlement of the Munson lawsuit including
174 payment by the town of a \$5,000.00 contribution towards the settlement based on claimed back
175 wages

176
177 **Passed** 5/0/0

178
179 **Sandpit conditional Use Response**

- 180 • Selectboard submitted responses to conditional use permit back at the beginning of the
181 month and since then the ZBA looked at it on July 8th at their regular meeting and then
182 last week adjacent to the hearing on the airstrip and then put it on the end of agenda
- 183 ○ OS spoke at the meeting to the financial impacts of not moving ahead of this
- 184 • Selectboard is still awaiting approval and sandpit is on ZBA agenda for next meeting for
185 further discussion, not a vote
- 186 • OS spoke to those present about financial issues of going to market to buy gravel because
187 costs are going up and BF presented spreadsheet of sand pit cost analysis on projector
- 188 • Only some of the conditions of the permit have to be signed off on before construction
189 can happen, the others are process conditions

- 190 • SF commented on her own behalf and not of the
- 191 ○ SF does not feel that the board has had time to review

192 **Transfer station certification**

- 193 1. No updates

194 **New Business**

- 195 1. Catering Permit – Monkey Hospitality, LLC – 432 Orchard Road North
- 196 1. Catering permit to accommodate 400 to 600 people for a company party hosted
- 197 at a private residence

198 **Motion** BJ, AS 2nd acting as local control commissioners to approve permit for the above on the

199 5th of August with 400 to 600 people

200 **Passed** 5/0/0

- 201 2. Pollinator Garden @ Town Office – conceptual Judith Siegel and Lisa Nading have
- 202 suggested establishing a pollinator garden at the town office on Quaker Street
- 203 1. not ready to move forward and just want to see if the selectboard conceptually
- 204 approves

205 **Motion** OS, BJ 2nd to approve concept of pollinator garden at the Town Office

206 **Passed** 5/0/0

207 **Reports**

- 208 a. Highways
- 209 a. Avery Smith will not be plowing
- 210 b. The selectboard will have meeting to figure out how to contract and staff plowing
- 211 drivers at the next regular meeting
- 212 c. Planning/Zoning –
- 213 i. Newly hired Zoning Administrator came in to discuss details and begin
- 214 preparations for transitioning into position

215 **Executive Session**

216 **Motion** OS AS 2nd 1 VSA §313(a)(3) Review and discussion of candidates for appointment to

217 Planning Commission or Development Review Board/DRB

218 **Passed** 4/0/1

219 [Entered X-Session @ 8:48 PM]

220 [Exited X-Session at 9:47 PM]

221 **MOTION by Bay, 2nd by Oakley to approve updated RESOLUTION establishing a**
222 **Development Review Board (DRB) and Planning Commission.**

223 **PASSED 5/0/0**

224 **MOTION by Oakley, 2nd by Bay to appoint DRB and Planning Commission Members as**
225 **follows:**

226 **DRB – Steve Halnon, Nicole Lee, Brian Frazier, Emmett Mosely & Alison Zimmer**

227 **PC – Matt Atkins, Ken Pohlman, Spencer Prescott, Barbara Warrington & Serena Fox**

228 **PASSED 5/0/0**

229 **Appointees and all applicants will be notified by e-mail.**

230

231 **Meeting adjourned at 9:59 PM**

232

233

234 **Respectfully submitted by Christine Birong-Smith, Selectboard Clerk**

235 **Decisions following executive sessions entered by Bill Finger**