

Town of Lincoln
MINUTES
Annual Town Meeting, March 2, 2020

Selectboard members present: Ellie Bryant, Bill Finger, Paul Forlenza, Will Sipsey and Oakley Smith

Moderator, Will Sipsey, reviewed the rules of the meeting and called the meeting to order at 6:09 p.m. Hearing no objection, State Senator, Chris Bray, who serves as Chair of the Senate Natural Resources and Energy Committee gave an update on some of the things he is working on in the VT Legislature. Sen. Bray also serves on the Government Operations Committee. Some of his priorities are the Vermont Clean Water Act and finding cleaner energy supplies. State Representative Mari Cordes had some legislative reports to hand out which she and Rep. Caleb Elder prepared together. Mari serves on the House Health Care Committee whose focus is on affordability and accessibility of health care, pharmaceuticals, and mental health resources for Vermonters. Mari is also the Vice Chair of the Climate Solutions Caucus which is trying to identify some bills to sponsor for taking action on our climate crisis. Resiliency is one focus of the work they are doing. Contact MariCordes.com to reach her; she wants to hear from her constituents. Rep. Elder serves on the Education Committee where they are working on updating the pupil weighting standards and improving universal pre-K access. Other major topics being addressed in the legislature include workforce development and school construction bonds. Paid family leave and minimum wage bills were passed but vetoed by the governor. Both the Senate and House voted to override the veto on the minimum wage bill, but the paid family leave override failed by just one vote in the House. Cannabis is another challenging topic coming up. CalebElder.com is a great way to contact him.

At 6:15 p.m. there was a head count of approximately 100 people in attendance at this meeting. Many more continued to enter and filled in seating throughout the hall. Perhaps 150 attended at peak.

The Moderator asked non-voters to identify themselves and reminded them that they would need permission from the body to speak.

The legal voters of the Town of Lincoln are hereby warned and notified to meet at Burnham Hall on Monday, March 2, 2020 at 6:00 p.m. to discuss and transact business, and on Tuesday, March 3, 2020 at the Town Office, the polls to be open from 7:00 a.m. to 7:00 p.m. for voting by Australian ballot.

Agenda for Meeting at Burnham Hall on Monday, March 2, 2020 at 6:00 p.m.

Article 1 To elect all town officers as required by law, by Australian ballot, voting to be held at the Lincoln Town Office, polls to be open from 7:00 a.m. until 7:00 p.m., Tuesday March 3, 2020.

No action required. None taken.

Article 2 To act upon the reports of the Town Officers as submitted by the Town Selectboard.

*Motion: Mark Mulqueen, Second: Tina Scharf, Discussion: Justin Cox, the new minister at the United Church of Lincoln, drew our attention to page 9 of the town report. He asked us to celebrate the births and young children in our community, the commitments of partnership in marriages listed, and to remember those who have passed and gone before us. We shared a moment of silence. **Article 2 passed by voice vote.***

Article 3 Shall the Town authorize the payment of real property taxes to the Town Treasurer, in two equal installments, with the due dates being the second Wednesday of October [October 14, 2020] and the second Wednesday of March [March 10, 2021], per 32 V.S.A. 4871?

*Motion: Linda Daybell, Second: Christie Sumner Discussion: none. **Article 3 passed by voice vote.***

Article 4 Shall the Town collect interest on overdue taxes from the due date of each installment in the amount of .5% (1/2 of 1%) per month or fraction thereof, in accordance with 32 V.S.A 4873?

*Motion: Paul Forlenza, Second: Lisa Truchon Discussion: none. **Article 4 passed by voice vote.***

Article 5 Shall the voters authorize a total Highway Fund expenditure for operating expenses of \$ 1,052,578 of which \$ 682,003 shall be raised by taxes and \$ 294,236 by non-tax revenues and \$ 76,339 is surplus revenue?

Motion: Paul Forlenza, Second: Linda Daybell Discussion: Paul Forlenza asked permission to suspend the rules and present information regarding Articles 5,6, and 7 at the same time. Hearing no objection, Paul referred to page 37 in the town report and presented a budget overview via a slide show. Questions from the audience and responses from the Selectboard include:

- 1. What is the surplus and why such a reduction? Ans: The surplus is there because our expenses are less than we budgeted. Perhaps we are getting better at budgeting or perhaps we are not saving as much as we did in the past.*
- 2. What are the increases in legal services for? Ans: The sand pit agreement and a*

personnel issue which cannot be discussed at this time.

3. *Why are contractor costs higher? Ans: Snowplowing contractors have been hired to clear some of the smaller roads in town with non-town trucks.*
4. *Why has the cost of recycling gone up? Ans: There is less of a market for recycled materials. The fees for trash disposal have helped offset this cost in the past, but instead of increasing fees to individuals, the board decided to absorb some of these costs in the budget.*
5. *Are we getting less grant money and why? Ans: Grants for road projects are competitive and the amount of funds available has not increased. The reduction in grants is not for a lack of trying, and we enlist help from Addison County Regional Planning Commission and others to make our applications compelling.*
6. *What would be the increase in the tax rate from last year? Ans: 8.6% (if Articles 5,6, and 7 pass).*
7. *There was an expression of appreciation for the clarity of the budget presentation.*

Article 5 passed by voice vote.

Article 6 Shall the voters authorize a total General Fund expenditure for operating expenses of \$ 424,452 of which \$ 262,839 shall be raised by taxes, \$ 136,120 by nontax revenues and \$ 25,493 is surplus revenue?

Motion: Lisa Truchon, Second: Ed Hanson, Discussion: None. **Article 6 passed by voice vote.**

Article 7 Shall the voters authorize a sum of \$150,000, for further restoration and improvement of existing Class 2, asphalt surface Town highways, to be deposited in the Paving Reserve Fund?

Motion: Bill Finger, Second: Linda Daybell, Discussion: Bill Finger asked permission to explain this with a slide show, there were no objections. Bill pointed out that authorizing this would be helpful because the paving season bridges our fiscal years. When we get grants, we often need to pay up front and then get reimbursed after the work is done. Questions and Selectboard answers:

1. *Is this a one-time request or is it for every year? Ans: This year the Selectboard is asking for \$150,000 to go into the paving reserve fund, but the board has identified about \$300,000 worth of paving projects to address. The answer to this question will depend on whether paving grants come through.*
2. *What would this effect be on the tax rate? Ans: 9 cents.*
3. *What is the cost of maintaining a paved road vs. a dirt road? Ans: It depends on location, slope, traffic, and how well the road was built from the base. The Selectboard tried removing pavement from lower Gove Hill a few years ago and the residents there wanted the pavement back.*

4. *What about the paved portion of Forge Hill Road? Ans: Forge Hill Road is a Class 3 road and doesn't qualify for Class 2 paving grants. The Selectboard is trying to reclassify this road. Forge Hill also has drainage problems and may end up without pavement like Page Hill is now.*
5. *What feedback has been received regarding the advisory lane paint job on Quaker Street? Ans: This has seemed to slow down drivers, which was one of the goals, and the board has heard positive feedback from residents in the village that it feels safer to walk or bike in the designated lanes.*
**Paul Forlenza called for a point of order and asked people to stand to ask their questions so the Selectboard can see and hear them.*
6. *What about the lumpy section of Downingsville Road near the Transfer Station? Ans: The freeze/thaw cycle of weather has been affecting that section and many other roads right now creating frost heaves. The areas most affected are where the roads are not well constructed at the base in the first place.*

Article 7 passed by voice vote.

Article 8 **Shall the Town of Lincoln vote to exempt the Lincoln Volunteer Fire Company from municipal and state property taxes, per 32 V.S.A 5404a(a)(4)?**

Motion: Ed Hanson, Second: Lisa Truchon, Discussion: none. Article 8 passed by voice vote.

Article 9 **Shall the Town of Lincoln vote to exempt the Lincoln Cooperative pre-school from paying municipal taxes for a period of 5 years and to pay the state education tax due as a voted exemption, per 32 V.S.A 5404a(d)?**

Motion: Christie Sumner, Second: Mark Mulqueen, Discussion: none. Article 9 passed by voice vote.

Article 10 **Shall the voters of the Town of Lincoln authorize the purchase by the Town of a 7+/- acre parcel of land and appurtenant right of way from William J. Norton, Jr., and Kim M. Norton for the purpose of operating a municipal sand pit, at a purchase price not to exceed \$393,840, to be paid as follows: an initial payment of \$10,840, and the balance to be financed through mortgage financing from the sellers, William J. Norton, Jr., and Kim M. Norton, in an amount not to exceed \$383,000, with an annual interest rate not to exceed 3.00%, over a period not to exceed 25 years?**

(To be voted on by Australian Ballot on March 3, 2020)

*Motion: Tina Scharf, Second: Christie Sumner, Discussion: The Selectboard began distributing handouts. **Town Clerk, Sally Ober, asked for a point of order that all handouts also be distributed to the Clerk, so they can be part of the record of the meeting.** Selectboard Chair, Bill Finger, asked for permission to present a slide show which would explain some of the reasons for Article 10. The main reasons the Selectboard is saying this is a good idea are:*

- 1. It is local and will be strictly for Lincoln use only.*
- 2. It reduces CO2 emissions by 93%.*
- 3. It is safer. Trucks travel a shorter distance through less populated and less congested roadways.*
- 4. It reduces wear and tear on the town trucks.*
- 5. It is less expensive to use a local resource.*
- 6. It does not require additional borrowing or bonds, and the costs can be carried in the existing highway budget.*

Questions from the audience and answers from the Selectboard:

- a) What is the interest rate? Ans: 3%*
- b) Are the costs calculated at present value? Ans: Yes.*
- c) Will the right of way be open to the public and will this sand pit become a shooting range? Ans: The road will not be open to the public. There will be a gate, and a shooting range is not a goal of the management plan.*
- d) What are the start-up fees to make this happen? Ans: We have already spent about \$17,000 getting to this point which included legal fees and consultants. We estimate \$30,000 to establish the site and upgrade the access road.*
- e) How often will sand be extracted? Ans: For about a 2-month period each year, the sand will be transported to the Town Garage for use in winter.*
- f) Where did the purchase price come from? Ans: The purchase price was based on the volume of sand estimated to be extracted, and by comparing the value of that sand to what other pits in the area charge. No other appraisal of value was done, because there are no sales of this kind to compare to in our area.*
- g) Will the changes to Act 250 being proposed in the legislature at this time possibly come back to bite us if we decide to do this without knowing more about where that process will end up? Ans: We have the Act 250 exemption papers in hand, so this should not be a problem.*
- h) Who will be extracting and hauling the sand from the proposed pit? Ans: We plan to hire a private contractor to expedite the extraction process, and town trucks will do the hauling. We have contractor quotes, but have not chosen one yet.*

- i) *Will the paving on Lincoln Gap Road be improved? Ans: Lincoln Gap Road will be maintained as needed along with all other paved roads in Lincoln.*
- j) *Would there be penalties if we end up terminating the contract? Ans: Yes, there are some non-refundable expenditures which we would not get back. (\$10,000)*
- k) *Does it make sense to wait until all the permits are in place before we vote on this? Ans: It's a little like a chicken and egg situation. The Selectboard does not want to spend a lot more time and legal fees on this project, unless the voters are in favor of pursuing it.*
- l) *How can we be sure the sand is good quality and the amount is going to last? Ans: The Selectboard consulted with Steve Revell of Lincoln Applied Geology, and asked Steve to respond to this question. Steve indicated that he evaluated the potential for this sand source and it is excellent quality, medium-coarse sand, which rivals any material from other pits in the area. His subsurface tests indicated a homogeneous source and he views this as a very good opportunity for the Town.*
- m) *Were there any efforts to find a sand source elsewhere in town? Ans: Yes, about six years, the board looked at another potential source of sand in town but the effort was shut down by neighbors. The Selectboard has been on the lookout for an alternative local source of sand ever since that time. Sally Taylor mentioned that she asked another property owner and they said "No".*
- n) *How did we get the \$5,000 buy-back price, and could someone else buy it for a different price? Ans: [William Jr.] aka "Chuck" and Kim Norton did not want to sell this land originally, but selling turned out to be the only option to avoid a lengthy Act 250 process. The Norton family does not want the land to go back on the open market after this is over, so this price made the whole thing a bit like a lease alternative. Nick Norton, Chuck and Kim's son, stood and stated that if we find 40 years of sand there, he would likely be the one negotiating with the Town in 25 years. It would be his intent to keep allowing the Town to access this sand for as long as possible if that is what the Town wants by negotiating a new deal.*
- o) *Does the Norton family have to buy the land back after 25 years? Ans: They will have the option, but they will not be required to buy it back.*
- p) *Comment from Sally Baldwin, who attended earlier information sessions on this topic: Right now we purchase our sand from Middlebury, and so do other towns. If that source runs out, we may have to travel farther to get sand elsewhere. By making this purchase, we are also locking in a*

fixed price for the next 25 years. Sally encouraged others to vote YES on this.

- q) How will road infrastructure updates be paid for? Ans: The FY 21 budget for sand will cover those costs.*
- r) Would this deal cause any conflict with tapping maple trees and extracting sand? Ans: The Selectboard will be required to have a development plan drawn up for the property. The plan is to take sand for two years and then reclaim the extraction site a segment at a time as we go through it, replanting a maple forest after the sand is gone.*
- s) This seems like a great deal, but the structure of it makes it sound more like a lease. Ans: The Selectboard and the property owner have both employed legal advice throughout this process and this is the arrangement that was agreed upon.*
- t) If there is more than 25 years-worth of sand, can we extract extra toward the end, before the contract buy-back deadline? Ans: Yes.*
- u) What if there is less sand than we expected? Can the Town get out of the contract? Ans: We don't expect that this will happen and the agreement has been signed with terms laid out. The Selectboard expressed gratitude to the Norton family for their flexibility, patience, and agreeable approach toward making this a win/win opportunity for the town and their family.*
- v) A neighbor sees this as a great opportunity, but also wanted to recognize that the Nortons will lose part of their sugarbush in this deal. Selectboard response: Chuck reports that the maple trees on this site are suffering because of the extremely well-drained soil. After the sand is extracted, the goal is to reclaim and replant maple trees and restore the sugarbush.*
- w) Can the Town use this sand pit as an external source of revenue? Ans: No, the agreement is that the sand is only for use on Lincoln roads.*
- x) Is there an estimated cost for reclamation? Ans: Not yet, it will depend on the management plan.*

Todd Goodyear called the question to end discussion. Sally Baldwin seconded. Dan Ober asked for a point of order that Tommie Thompson had his hand up and the Moderator had indicated to Tommie that he would come back to him. The Moderator ruled that we would give Tommie one more chance to speak, then vote on calling the question.

Tommie Thompson is Chair of the Lincoln Zoning Board of Adjustment (ZBA) and is Vice Chair of the Planning Commission. According to Tommie, the Nortons got a major subdivision in the year before last and one provision of that was that any further subdivisions would require an upgrade of their private road to class 3 standards. The ZBA would require a conditional use permit for this project. Tommie also indicated that the Town Plan calls for allowing local sand

sourcing, but he is concerned that the costs of upgrading the access to Class 3 road standards is not included in the budget. He is also concerned about cutting short the conditional use process.

Back to calling the question, the Moderator asked all those in favor to stand, and most people stood. **The Moderator ruled to end discussion. Voting on this article will occur by Australian ballot on Tuesday, March 3. The moderator recessed the meeting at 8:50 p.m.**

RECESS TOWN MEETING

After much discussion on the sand pit topic, the Moderator allowed for time to stretch and socialize first, and this interlude ended at 9:06 p.m.

1. **Notice of School Budget vote by Australian ballot 3/3/2020** Sarah McClain, MAUHS School Board Member from Lincoln, and Dawn Griswold, MAUHS School Board Chair from Monkton, were present. (School Board Member, Elizabeth Ratta was home sick). Sarah explained that there will be two questions on the ballot tomorrow: Article 10 to create an Education Reserve Fund which would be established from a surplus, and Article 11 which is a proposed budget that would maintain programs without a reduction in force. Q: How much of the budget is administrative? Ans: 8%. Q: What is the largest driver in the reduced revenue? Ans: The amount of surplus we use to offset taxes and a reduction in the number of students. There was discussion about what is happening at Lincoln Community School (LCS). We had a visiting principal for the first half of this school year and now Tory Riley is back. Fifth and sixth graders read the book "March" and got to hear civil rights leader, John Lewis, speak which was a highlight of the year. This year's cultural study is on Harlem Renaissance. Students got to participate in a mock trial at the VT State House. Principal Tory Riley indicated that LCS continues to provide excellence in academics, to nurture individuals, and to create intergenerational opportunities for connecting with one another. A concern is that families struggle to find affordable housing in Lincoln, and Tory encourages community involvement in finding solutions to this challenge. Q: Can we work toward more communication between the school and Selectboard? Q: We are hearing about potential for re-organization of schools in our district. What is the best way to get involved with this process? Ans: The Community Engagement Committee meetings. There are potential scenarios being researched now. Meetings are announced on the MAUSD website and you can ask the Superintendent's Office to get on an email list for meeting announcements.

2. **Recognition of civil service** : *Town Clerk, Sally Ober, thanked the following:*

Josh Otey-stepping down after 5 years as 1st Constable.

Meredith Johnson-retiring after 4 years of cleaning the Town Office.

Bob Hall- our Zoning Administrator for 14 years will be leaving us at the end of June.

Barb Rainville is no longer on our Zoning Board of Adjustment, where she has served for 23 years. She led the board for more than half of those years as Chair.

Elizabeth Ratta-School Board is stepping down after filling a vacancy last year.

George Vince-we neglected to recognize last year for being our Agent to Prosecute & Defend Suits, Grand Juror, and Agent to Deed Real Estate after serving for 42 years in two of these positions!

We thank all of them for their service to our Town, and we welcome new people to become involved. Also, Jill Rainville and Maple Landmark were thanked for purchasing the new seat cushions on all the chairs in Burnham Hall.

Introduction of candidates for election 3/3/2020 : *Several candidates identified themselves and the positions they are seeking.*

RE-OPEN TOWN MEETING

Time: 9:31 p.m.

Article 11 Shall the Town authorize the Agent to deed property?

Motion: Fred Danforth, Second: Christie Sumner Discussion: none. Article 11 passed by voice vote.

Article 12 Shall the Town of Lincoln vote to appropriate the sum of \$5,000 to help support the Lincoln Cooperative Preschool?

Motion: Ann Kensek, Second: Judi Danforth, Discussion: none. Article 12 passed by voice vote.

Article 13 Shall the Town of Lincoln vote to appropriate the sum of \$44,000 in support of the Lincoln Library?

Motion: Mark Mulqueen, Second: Tina Scharf, Discussion: none. Article 13 passed by voice vote.

Article 14 Shall the Town of Lincoln vote to appropriate the sum of \$4,000 to help support Lincoln Sports, Inc.

*Motion: Jo Jackson, Second: Patty Schoenhuber, Discussion: none. **Article 14 passed by voice vote.***

Article 15 Shall the Town of Lincoln vote to appropriate the sum of \$55,896 to the Lincoln Volunteer Fire Company?

*Motion: Barry Olson, Second: Tina Scharf, Discussion: Someone remarked that the Fire Company is out on a call right now! **Article 15 passed by voice vote.***

Article 16 Shall the Town of Lincoln vote to appropriate the sum of \$7,500 to Bristol Rescue?

*Motion: Ann Kensek, Second: Jacqueline Olson, Discussion: none. **Article 16 passed by voice vote.***

Article 17 Shall the Town of Lincoln vote to appropriate the sum of \$5,000 to the Lincoln Cemetery Association?

*Motion: Ann Pollender, Second: Mike Fisher, Discussion: What about the line in the budget for cemeteries? Bill Finger answered that this request is for the Maple and Lee Cemeteries, which are cared for by the Cemetery Association. The budget line item is for the care of all the other cemeteries in town, which the Selectboard oversees. **Article 17 passed by voice vote.***

Article 18 Shall the Town of Lincoln vote to appropriate the sum of \$400 to the Lincoln Conservation Commission for invasive species control?

*Motion: Tina Scharf, Second: Sally Baldwin, Discussion: [Tina Scharf, Conservation Commission Chair, spoke.] **Article 18 passed by voice vote.***

Article 19 Shall the Town of Lincoln vote to appropriate the sum of \$1,000 to support the Lincoln Community School Mentor Program?

*Motion: Sarah McClain, Second: Patty Schoenhuber, Discussion: [Tory Riley spoke about this request.] **Article 19 passed by voice vote.***

Article 20 Shall the town of Lincoln vote to appropriate the sum of \$1,000 to support the services of the Turning Point Center of Addison County?

*Motion: Ann Kensek, Second: Ann Fisher, Discussion: What is the Turning Point Center? Ans: It helps people who are struggling with addiction to drugs and alcohol. **Article 20 passed by voice vote.***

Article 21 Shall the Town of Lincoln vote to approve the following agency requests?

\$1,250	Addison County Home Health and Hospice, Inc
200	Addison County Restorative Justice Services
1,300	Addison County Parent/Child Center
600	Addison Counter Readers
400	Addison County River Watch
1,170	Addison County Transit Resources
500	Addison County Economic Development Corporation
2,500	Bristol Recreation Department
1,100	Age Well (formerly CVAA)
750	Comm Hlth Svcs of Addison County – Open Door Clinic
1,600	Counseling Service of Addison County, Inc.
1,000	Charter House Coalition
700	Elderly Services, Inc.
2,000	HOPE – (Addison County Community Action Group)
250	Homeward Bound
650	End of Life Services (Hospice Vol. Svcs)
1,000	John W. Graham Emergency Shelter
490	Retired Senior Volunteer Program
500	Vermont Adult Learning
1,250	WomenSafe
\$19,210.00	TOTAL

Mike Fisher asked the Moderator to seek unanimous consent not to read the entire chart of requests. Unanimous consent was granted and the Moderator did not read the entire list of agencies. Todd Goodyear asked if the Selectboard would restructure the meeting so more people would be present to vote on this large amount of money. A point of order was made that there still has not been a motion or second recorded for this article. Motion: Christie Sumner, Second: Judi Danforth, Discussion: [more discussion] Article 21 passed by voice vote.

Article 22 To transact any other legal and proper business when met.

Thank you to Robby Cavoretto and Nate Gusakov for helping with microphones during the meeting!

Jonathan Johnson read and made a motion to pass a non-binding resolution to become an Article 16 [of the Vermont Constitution] and Second Amendment [of the Constitution of the United States], Sanctuary Township for keeping and bearing arms. In doing so this would send a message to our law makers.

A point of order was made that this has not been warned. The Moderator believed that it is reasonable to expect that if this resolution had been warned, other people would want to be present to participate in the discussion and vote on such a resolution. The Moderator ruled the resolution out of order.

Bill Finger made a motion to adjourn. Mike Burgess seconded.

TIME ADJOURNED: 10:04 p.m.

Minutes respectfully submitted by Sally Ober, Town Clerk _____

Approved by Will Sipsey, Moderator _____

Approved by Bill Finger, Selectboard Chair _____