

Town of Lincoln  
Selectboard Regular Meeting  
August 6, 2024

{Draft} Meeting Minutes

<https://us06web.zoom.us/rec/share/JqjzI8GghkZIxylFibIzokdpTPwnHJ8CV0wFI-7vjvcfslwb8edbuiOjs4CvnH.7C9qaOwCCLn2k6G2>

Vote format: YES/NO/Vacant, Absent, Abstention, Recusal

Called to order at 6:32 PM by Tim McGowan, Chair

Present: Amanda Allen, Victor Atkins, Conor McDonough, Tim McGowan

Other town officials present: Kristyn Brady, Selectboard Assistant; Patricia Waugh, Town Administrator; Nicole Lee, Development Review Board Chair (Zoom); James Needham, Development Review Board

Guests: Kathleen Kolb, Lincoln Cemetery Association

Public present: Dan Guy, Christine Fraioli, Louise Rickard, Adam Masterson, Dave Wood, Chuck Norton, Judy Brown, Marilyn Ganahl (Zoom), Tatanka True (Zoom)

Public Comment

Dan Guy brought up the Clark landing strip appeal decision and shared that interested parties have written a letter to the judge. He was disappointed that the town was not taking a firmer stand on the decision handed down from two boards to deny the conditional use permit. He believes the town attorney hasn't participated enough in the environmental court proceedings.

Dan also discussed the Beta employee party held on August 3, 2024, at a private home on Orchard Road North – Dan said there were 2,500 people at the party, with private security at the end of the public road stopping cars, forcing other residents to wait in line to come home. He shared that the neighbors were not notified in advance of the party in what would have been a gesture of common decency.

Christine Fraioli thought that the Gordon family was previously prevented from having this kind of event – Conor McDonough remembered that theirs was an event business and they were renting out their location as a party site vs holding one annual private party. They were accordingly given more conditions, including a 100-person cap and 10pm end time.

Christine shared that paying guests in her barn were stopped at the top of Elder Hill and felt like they were being accused of something. The party went until 11:30pm. She asked about any ordinances addressing that amount of noise at that hour of the day. Tim McGowan said he would look into it, but it's also difficult to enforce.

Louise Rickard shared that those preparing for the party were also pounding metal posts into their field at 6:15am to mark parking areas – noise was a factor outside the party itself.

Trish Waugh urged residents to be involved in the town planning process and to continue to be vocal at public meetings to address their desire for additional ordinances. There are new board and committee members who want to hear this feedback.

Marilyn echoed that this party was a huge imposition and the road was like a freeway. She believes we need better ordinances.

Tim shared that he visited the party between 7:30 and 8:30pm and observed something well run and organized. He spoke to the private security and asked First Constable Matt Collins to be present to enforce decorum. He was disturbed to learn that there was no communication with neighbors ahead of time.

### Agenda

**MOTION** by Tim, 2<sup>nd</sup> by Victor to approve the agenda with the following changes: Add discussion of the creemee stand, add discussion of hosting state elected officials for a public meeting.

**PASSED** 4/0/1

### Updates and Reports

#### Cemetery Association Update

- They have just completed their ARPA-funded culvert project. The work cost more than the estimate, but they made up the difference from association funds.
- They continue to have conversations about Maple Cemetery's deteriorating fence that was considered for ARPA money but was ultimately denied. She brought a piece of the rusted fence topper that has fallen off. She said that there has been renewed citizen interest in the project and volunteers would like to spearhead a fundraising campaign. She will continue to share updates, particularly if it opens the door for some kind of match funding from town.
- Their third ARPA-funded project was for headstone repair, which is moving forward.

#### Development Review Board Update

- Clark case: The court agreed with the Development Review Board on accessory use but not on conditional use. Nicole Lee shared that they were notified late last week. She read through the motion to reconsider and the town is now in a holding pattern – there is nothing for the DRB to do. The Environmental Court is setting dates for future hearings to go about determining the conditional uses. She addressed the earlier comment about the town doing more by saying she wasn't sure what more could have been done. The town attorney agrees that it's out of our hands while the environmental court decides what to do next. It hasn't been remanded back to the DRB, and when there are updates, the attorney will reach out and the DRB will respond.
- Bicknell case: Earlier in the spring, the environmental court did not uphold the Zoning Board of Adjustment's decision and found that parties did not appeal in time, so the Bicknell project will move forward.

#### Treasurer Update

- Trish shared that all quarterly payments we get from the state for our roads have come in for the current fiscal year.

#### Highway Update

- The crosswalks in front of the school and general store will be painted by the Bristol Public Works Department, because they have the equipment. Edge marking for the Highway Safety Improvement Program grant deliverables will get done next. The work for that grant is almost complete.

- Conor confirmed with Chuck Norton that the highway crew has been in touch about running the sandpit and the timing. Joe has already told Will that he can do the stripping and stump removal even if Chuck isn't there.
- James Needham shared that he drove through the Gove Hill project, maybe before it was completed, and didn't see any seeding or mulching that is required for that kind of ditching work. He thought it should have been done as they ditched, but maybe it already got washed away. The Board will look into the rules about what is required and ask what was done.

#### Grants Update

- Sugar Bush Hill Bridge - The hydrology study results came in and noted no changes were needed for the request by Kyle Medash. We can go with the original contractor for the repair work, Tim Parent of Parent Construction, who can do it in late October. Tim asked if we want to apply for the federal grant now to replace the bridge rather than repair it. Conor asked what's the downside of applying for the grant. Victor worries that the two-year process to replace it leaves us with an unsafe bridge for all that time. We know the repair is only temporary, and no one can say exactly how long it will last. Tim suggested going back to Brian McWalters at Vermont Emergency Management to share the results of the study. A special meeting may be needed to make a decision after that. Amanda shared that she made a note at the original meeting that there is an application for a phased approach that may provide funding for the repair and eventual replacement.
- A grant agreement came in for the Downingsville culvert replacement, drainage, and riprap installation. The work needs to be completed by September 2025.

#### Town Administrator Update

- Trish has met with all the town office and garage staff and committee chairs to learn about roles, needs, and expectations. She is thinking about how we can better support volunteers.
- She will investigate decals for highway vehicles and magnets with Lincoln badging for the zoning administrator or other officials in personal vehicles conducting town work. She'd like to see us take a consistent approach to the town logo – it's very different on the website. Tim asked for Trish's informed recommendation.
- Microsoft Office 365 migration - We finally got approved for government tenant status, and Trish shared the timeline for platform installation and rollout. She will create one consistent email signature for all staff.

#### New Business

There was discussion of ATV use on roads and the impacts in other towns similar to Lincoln.

- Victor Atkins shared what he learned from calling towns that allow ATV use on town roads. The feedback was overwhelmingly positive. Towns have had fewer issues with bad behavior, because ATVs can be on roads openly. He gathered some example ordinances and the history of their decision-making processes. Some towns start by opening roads to ATVs for a short trial run. Some are investigating it right now, just like us. Amanda asked about any implications for road maintenance, and Victor said he hadn't heard about any issues yet. He said in one town an ATV club does some volunteer road maintenance to offset the heavier use. The Town of Royalton put together a committee to help with decision-making and shared all the pros and cons they considered. Some towns issue an ID # that must be displayed. They enforce helmet rules and require that ATV drivers abide by all vehicle laws. Some towns allow it in daylight hours only. Victor also talked to Lincoln Highway Supervisor Will Mathis, who is for it.
- James Needham shared that he is not an ATV owner, but when this issue comes up he sees it taking on a classist aspect, where wealthy neighbors with fancy side-by-sides are seen as law

abiding and blue collar four wheelers are seen as rulebreakers. He saw a great example of ATV use on roads and positive culture around it in Belvidere, Vt., where they sell an annual permit at the general store. He said the Northeast Kingdom has a well established trail and road network, and there's a statewide organization that gives some guidance and can be a resource. He worried about the enforcement aspect in Lincoln, but ultimately thought that bringing it into the light is better than just having people decide for themselves what the rules are.

- Chuck Norton shared that a similar shift happened with snowmobiles in the 1970s – riders were going all over and causing damage until VAST came along, organized, and imposed some rules. He worried about liability coming back on the town. He's for ATV road use as long as there are regulations. He thought it would be a good conversation to have with the constables.
- Adam Masterson wondered about the town's liability if we create a policy, whereas perhaps individual ATV users are liable now because there is no policy. He worried that we don't have police here to enforce a registration, but he would allow it on any 30 mph dirt roads.
- James thought peer pressure goes a long way when it is out in the open. People will stop each other from doing something that will ruin the privilege for others. Victor thought that formation of a club could help with enforcement. Conor thought a constable-hosted safety driving course for teens would be helpful.
- Tatanka True asked how much is spent by the town when there is a petition or request to look into a policy like this. Conor and Tim responded that it depends on the topic, but we have free resources, some volunteer time is put in, and in some cases there is a cost for staff time or even legal fees. Tatanka noted that he sees a trend of some trying to limit things that have taken place here in town for generations.

## Current Business and Authorizations

### Highway Department Uniforms

- The Board previously voted to approve the weekly cost of uniforms for the FT Highway Supervisor and PT permanent Highway Maintenance Worker. There was previously discussion of building team unity by also giving uniforms to the two PT seasonal workers. A new FT permanent Highway Maintenance Worker will also be joining the team and needing a uniform.
- Conor wanted to make the uniform offerings equitable so no one feels lower on the totem pole.
- Tim added that each individual can decide if they want the rental or their own clothes.
- The current estimate is based on the recommendations of the uniform company and the existing highway crew. It is cheaper than reimbursing for personally owned gear, which we've been doing.

**MOTION** by Conor, 2nd by Amanda to approve the additional cost of uniforms for seasonal PT workers as well as new staff.

**PASSED** 4/0/1

- The Board still needed to clarify if PT staff get the same safety-toe boot allowance as full-timers and how much. FT staff gets \$300. Conor asked with the cost of good boots, do we want someone to buy something inadequate because their allowance is less? There was discussion of whether the amount should be half or should we just operate knowing that few other employers are providing this kind of benefit to PT staff, and they won't expect it. Amanda asked if we could reconsider the policy being so generous later if the team were to grow. Tim said he is only looking at the current situation and wants the PT workers to have appropriate gear. In the future, we will probably always have a PT person and we would want the same for them.

**MOTION** by Conor, 2nd by Tim to approve extending the same \$300 boot allowance to PT staff as FT staff.

**PASSED** 4/0/1

#### Town Administrator Signatory Status

**MOTION** by Tim, 2nd by Victor to authorize the town administrator to sign checks on behalf of the town and issue her a town credit card.

**PASSED** 4/0/1

#### Accounts Payable & Payroll Warrants

**MOTION** by Tim, 2nd by Conor to approve **AP 25-06 for \$31,927.38**. Includes \$5,310 for calcium chloride; \$5,096 for fuel; \$4,597.10 for stone; \$2,345.43 for vehicle parts; and \$1,154 for workers compensation audit adjustment.

**PASSED** 4/0/1

**MOTION** by Tim, 2nd by Victor to approve **PR 25-03 for \$6,773.57** [pay period ending 7-13-24]; **PR 25-04 for \$5,579.05** [pay period ending 7-20-24]; and **PR 25-05 for \$7,296.70** [pay period ending 7-27-24.]

**PASSED** 4/0/1

#### Previous Meeting Minutes

**MOTION** by Tim, 2nd by Conor to approve the meeting minutes for the 7/16/2024 regular meeting and 7/23/2024 special meeting.

**PASSED** 4/0/1

#### New Business

- There was discussion of updating the brown National Forest signs across town, as suggested by Chris Mattrick, District Ranger for the U.S. Forest Service.

**MOTION** by Tim, 2nd by Conor to work with Chris Mattrick to update the brown National Forest signs that are in disrepair.

**PASSED** 4/0/1

- There was discussion of selling the old garage doors that came off the Town Garage.

**MOTION** by Conor, 2nd by Tim to authorize Will Mathis, highway supervisor, to use his best judgment to dispose of the doors.

**PASSED** 4/0/1

- There was discussion of getting additional bids for the transfer station platform repair. The focus will be on the platform safety and we will worry about the warming hut in the future. This work needs to get done before residents can be allowed on the platform.
- Reps Mari Cordes and Caleb Elder are available to appear at a special meeting on the Monday August 19, 2024 at 7pm. Conor confirmed that this can be held at Burnham Hall. Kristyn will help to promote the event.
- Tim brought up the creemee stand's conditional use permit and their apparent full operation of the stand. The permit has not been signed and issued, so they should not be selling anything yet. He asked how the Board wants to enforce the rules. James shared that ultimately the DRB will be

approving the change of use with conditions, and the store may or may not know what the conditions are, but they cannot operate without meeting the conditions. They complied with their permit to renovate the building. They say they are giving away creemees for donations and not selling them, so it's a bit of a gray area. A story in the Addison Independent and promotion on Front Porch Forum seems to indicate that they are fully open for business. The concern is that they are in business before they have met conditions and before the permit has, in fact, been signed. Ultimately, it falls on the Zoning Administrator to issue a zoning violation. James feels that the store has been made aware of the remainder of the process. Tim will follow up with Steve Gutowski.

### Appointments & Employment

- There was discussion of the hiring process for a new Town Treasurer. Van Talmage is leaving in a few weeks. He has been showing Trish what he does and approached bookkeeper Ashley Smith about taking on more responsibility. Conor pointed out that the town treasurer is the Burnham treasurer as well. No job description has been posted, because there isn't enough time to hire someone to train with Van. Trish will learn directly from him and see what time savings can be made before posting for a replacement.
- There was discussion of the hiring process for a PT assessor. We have received an application from someone who is currently the PT assessor for the Town of Monkton. Trish will set up an interview with her when Lisa Truchon is back from vacation.
- There was discussion of reassigning the 911 coordinator duties from the lister, Lisa Truchon, who will be retiring this month, to Steve Gutowski, the zoning administrator. He is willing to do it as long as he gets training. Thank you, Steve!

**MOTION** by Tim, 2nd by Conor to reassign the 911 coordinator duties from the lister to the zoning administrator.

**PASSED** 4/0/1

**MOTION** by Tim, 2nd by Victor to enter executive session regarding the appointment, employment, or evaluation of a public officer or employee. 1 V.S.A. § 313(a)(3)

**PASSED** 4/0/1

Kristyn Brady, Selectboard Assistant, and Trish Waugh, Town Administrator, were invited into executive session.

Entered executive session at 8:53 PM.

Kristyn Brady exited executive session at 9:10 PM.

All others exited executive session at 9:55 PM.

The board discussed instituting a wage schedule and performance metrics for future employee evaluations and extending an offer to Daniel Cram for the full-time highway maintenance worker position.

**MOTION** by Conor, 2nd by Tim to extend a job offer to Daniel Cram for the full-time Highway Maintenance Worker role at \$27.50/hour plus benefits, with a possible increase after 90 days to \$28.25/hour.

**PASSED** 4/0/1

**MOTION** by Tim, 2nd by Conor to adjourn.

**PASSED** 4/0/1

Respectfully submitted: Kristyn Brady