

**Town of Moretown  
Office of the SELECT BOARD**

**Draft** – Notice of unapproved minutes of the 8/15/16 Selectboard meeting

Board members present: Jason Aronowitz, Rae Washburn, Michelle Beard, John Hoogenboom, Tom Martin

Guests include: Chris Keating of the Valley Reporter, Sheila Getzinger, Paula Woods, MRV TV, Ruth Van Heuven, Rita LaRocca, Craig, Sierra, and Amy Eilers, Susan Goodyear, Gabe Gilbert, Duane Pierson, Cheryl Brown as assistant to the board

John called the meeting to order at 6:00 pm.

**Public Comment Period:**

**Sheila Getzinger** thanked the board members for their service and proceeded to express her views on the vote regarding the selectboard appointing a delinquent tax collector and continued that the vote to do away with the elected delinquent tax collector (DTC) ended with her loss of rights to vote. As she sees it that right was taken away from her without a public discussion and voted on without public discussion. Sheila asked what lead to that article and why was it so urgent it couldn't wait until town meeting where there would have been an opportunity to discuss this.

Sheila continued and presented a petition with 131 signatures asking for the vote to be reconsidered. She, or others, spoke face to face with everyone who signed the petition. People are concerned about this topic. She brought attention to an article in the Valley Reporter, which was that if the DTC was appointed by the Selectboard, they would then have control over that DTC so that he or she would then do what they said. A very bad position in her mind for a DTC to be put in. She thinks the DTC has done a very good job of balancing the interest of the town with the interest of the taxpayers.

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Sheila is in favor of the Board of Abatement process, a larger group rather than a few or one, and she thinks the town attempted to put Craig in a difficult situation when they asked him to waive his commission. She learned Craig does have the authority not to accept the penalty or interest, which may amount to the same as abatement, but that's one person making a judgement call that has an effect on all. Not a good thing.

Sheila thinks the voting process on this matter was also flawed as the first 25 people who submitted absentee ballot didn't receive that article ballot because it wasn't ready because the Board hadn't decided in fact to have a vote until after the absentee ballots were available. But still, that is 25 people who lost their right to vote. Some absentee voters said they were asked whether or not they wanted the local ballot. Sheila thinks there is a little technical issue about whether or not that is appropriate. She thinks it is inappropriate and in the past we have all been handed a bunch of ballots. If we decided not to vote them there is a box to put them into. Check in/check out ballots add up. But to ask people whether or not they want a ballot is inappropriate in her opinion. She wasn't asked she was handed a packet of ballots, which she thinks is the way it should have happened.

For all of these reasons, they submit the petition including 131 signatures of what they feel are registered voters. Sheila doesn't think any other town in the valley has an appointed DTC. She also suggested using Front Porch Forum as a means of public outreach.

**Note:** there were two elections; and two separate checklists.

Michelle said that it is her understanding that an appointed DTC means that the selectboard has no more authority over that person than if he/she were elected. The abatement process would not change from what it is now.

Sheila said she knows that, but the article in the Valley Reporter had a direct quote to the effect that an appointed DTC would do what we say.

Michelle restated that the selectboard would not have any control over an appointed DTC.

Sheila said that if this issue arose over paying the DTC, the voters could also vote to pay the DTC a fixed amount. You do not have to appoint the DTC to change the way they are paid.

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Michelle explained how and why the board made the decision to make the change. Saying that in January, VLCT provided a News Letter talking about Town Meeting Resources about 2014 related legislative changes, one of changes was to allow towns to appoint the DTC that could be the treasurer. This was part of their decision and a coincidence of timing. Her thinking was that this would bring the tax penalties into the town budget, which is a substantial amount. Which could be one of the reasons the legislature voted to make that change because it makes sense financially for towns?

Sheila's comments were that bottom line is, to get to that end, you took away my right to vote and you did that without me having the right for discussion.

Michelle noted there was public discussion on the articles to be voted on 8/9/16, at a meeting on 7/5/16.

Sheila mentioned that from time to time there are warnings in the Valley Reporter and the Front Porch Forum, and she expects that she will see all of them there, so she didn't look at the Times Argus for a warning. She accepted responsibility for not knowing that the Times Argus is the paper of record, but we are all busy. Something needs to change. Not one of the 131 people they talked to saw the warning.

Michelle said it isn't our intent to hide anything from the voters. Well attended public hearings are always our goal, but happen rarely.

Paula suggested 7/5 might not have been a good day for a public hearing considering it's the day after a holiday. How many people would really attend a public hearing on July 5<sup>th</sup>?

Sheila said it says to her that you don't want anybody there. Paula agreed it looks like that.

John said bottom line, if someone couldn't make it on 7/5 they could have come in and talked to us after, like you are doing tonight. A public comment period is on every regular meeting agenda.

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Sheila said she learned about the vote when she read the Valley Reporter article.

Susan Goodyear questioned why the article was done? Why did you take away our right to vote?

Tom said no one is taking away your rights here. It was a financial decision. We are looking for revenue for the town, and think the town should get the 8% delinquent tax penalty. Consistently about \$13,000 per year is collected in penalty.

Michelle said the post mark change made at town meeting created an additional \$8,000 or so collected in penalties in 2015.

Susan mentioned an article that read the selectboard would most likely appoint the town treasurer as DTC with a salary. She also wonders about the checks and balances.

Michelle thinks there are more checks and balances having the treasurer do the work via the NEMRC software and with the yearly CPA review/audit. She understands the public comments, and reiterated that the board thought it was a good idea and asked the voters for their input.

Jason thinks having a full discussion now, isn't as useful as having a full discussion of this later at a warned meeting were we can bring in everyone who is interested in this so there can be communication and he is interested in making a motion to set up that meeting.

Before a meeting date is set, the petition will be validated by the town clerk to ensure there are enough signatures of registered voters, which is 5% or about 70, so there isn't much likelihood that the petition isn't valid, but the board wants time to look at their schedule before setting up the informational meeting date. Note: The petition must be acted on by the board 60 days from the date of its receipt and in order to be a valid vote on the new article, the number of votes must equal at least  $2/3^{\text{rd}}$  of the original number of votes cast on 8/9/16.

There was discussion that there would need to hold a special vote to meet the 60 day law requirement, and the cost of that vote to the town. This was considered during the petition process, but the timing requirements to file a petition for re-vote has limitations also that would not allow the new vote to be on the November ballot.

**Note:** the vote passed 230 to 178 = 408 total votes on this article.

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Rae said he thinks there are some valid concerns expressed tonight and doesn't have a problem with the revote, but he really thinks Sheila's Front Porch Forum post was over the top.

Sheila said when people take away her right to vote she barks and she stirred the pot intentionally. It is that important to her.

Rae truly believes everyone has a right to vote; people have died for the right to vote, but to say on a public forum that we are throwing Craig under the bus and the Selectboard has other interests in this vote is wrong.

Sheila said she believes the selectboard is throwing Craig under the bus. If this is all about money, I think you are throwing him under the bus. She heard that someone on the board called Craig and asked him to abate penalty and interest and he declined, and thinks you all want to get rid of him.

Michelle said she called him as was discussed in a public meeting, and it's in the minutes that she would call Craig, and ask him to waive the penalty on the 22 taxpayers whose payment was received one day late (postmarks of 10/30 or before). They realized he couldn't abate the fees, but he could not accept them.

Tom said explained why the board asked Craig to waive the penalties for the 22 people who were one day late, they thought it was the right thing to do. Tom also told Sheila how he thought calling these people in her Front Porch Forum article, illiterate was unacceptable.

Sheila responded that she did not call anyone illiterate. Sheila said she asked if that was the excuse they gave.

Michelle read the article out loud (of which the wording will not be included in these minutes, but can be found in post #1556 Front Porch Forum article).

Afterward Tom said regardless your intent Sheila, these people are not illiterate they are your neighbors and friends. The delinquencies in part were caused by a floor vote at Town Meeting to change the date taxes were due, and change the method taxes were received. The fact that the 22 people who were one day late didn't read their tax bill fully and didn't notice the change, resulted in about \$98,000 being in the mail box the next day. They were late. Craig received around \$8,000 in money that day as the result that he did not earn. That's why we the Board asked him to not accept the penalties on those 22 people. He refused and collected the fees.

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Sheila asked how the board of abatement could abate taxes for two people, a lawyer and a second home owner and not abate taxes for the other people?

John said we gave those people every opportunity to abate the fees. We sent letters out to every person who was one day late.

Sheila said the Board of Abatement could have abated the late fees for all without the taxpayer requesting the abatement, based on the fact that the BOA made a finding that the Town failed to properly notify the taxpayer of the change in the post mark and the change of date, via a manifest error.

Michelle said she contacted VLCT who said the selectboard cannot abate. Only the BOA can do that in a hearing after receipt for abatement via a written request.

Sheila said she is talking about the BOA not the selectboard, and BOA had the authority to abate without a request from them.

Craig said he got the same answer there are no exceptions for abatement of penalty and late fees, except by the BOA. It's not his job.

Michelle said she agrees with Craig. Abatements should fall to the BOA, but correct me if I am wrong (Craig), your letter does not tell people how to apply for an abatement.

Craig said the delinquent tax policy is printed every year in the town report.

Michelle suggested that the abatement information be printed on the DTC letter when sent to collect, so they know their appeal rights.

There was continued discussion on; the guidelines and authority of the BOA; the suggestion to tier the penalties by time possibly, was made by Gabe.

Amy stated the DTC job is not an easy one. It is not a Monday – Friday job, he is on the phone nights and weekends working with people. Craig earns his money. She thinks people under appreciate the job of the delinquent tax collector.

**More public comment – Ruth Van Heuven and Rita LaRocca, garden club**

**volunteers** came in tonight to talk about landscaping at the new town office.

In their opinion, the town isn't being well served by Henry Erickson, in that they have talked with Henry several times on ways to save money on the landscaping.

Such as, when they discovered that 50 plants had been bought, they explained that the garden club could have donated the plant for free, and were told the plants had been ordered and it was a done deal.

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They also suggested other landscaping ideas whereby the town could mow the area rather than plant 50 plants, possibly with free ditching dirt from the road department. The garden club will maintain the flowers planted around the building, but they cannot help with the 50 day lilies as they do not have the help.

Also, today they learned that the good soil they were promised for plantings would be 75% topsoil and 25% compost. Good soil would be 75% compost and 25% topsoil. They also are very concerned with drainage. All of the above concerns brought them in tonight to talk with the board personally.

Rae is also concerned with the drainage (which should include placing stone around the wall), saying tonight it looked like a moat for the runoff. At the 8/3 meeting with Bill and Henry, the plan was to place filter paper and good soil.

Tom will call Bill Gallup tomorrow to have the contractor move forward with the board's decision on 8/3 for the drainage, and he will also talk with Martin for his thoughts on the lawn maintenance. Rae is the point person for Bill.

**Schoolboard and Duane re: Parking lot maintenance** – Duane said the school directors discussed the parking lot maintenance plan, and agreed ownership/title issues need to be address first. The wish is for the town and school to hire a surveyor, splitting the cost, to determine ownership of the area in question; parking lot/church/school boundaries, and then divvy up the maintenance costs via a percentage of ownership/use. The estimate for licensed surveyor (Richard Bell) to do the boundary work will be about \$1000.

Tom moved to pay 50% of the survey costs to determine the parking lot area boundaries, based on Duane's estimate. Michelle seconded. Motion passed.

**Playground** – Duane brought in a drawing of a revised area for the new playground. It is west of the soccer field and just to the left of the tennis court. There was discussion about the playground being quite a ways from the school. Duane said it was found to be a three minute walk on a nice shaded road, and he is pleased with the new site. The new site is also well out of the flood zone, making the permitting process less cumbersome and site costs substantially less.

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There was also discussion about using the baseball field as a site. Duane said that area is in the flood plain and has poor drainage. Other than the site change, no other changes to the plan will be made.

John moved to accept the new site by the tennis courts for the new playground, as proposed by Duane tonight. Michelle seconded. Motion passed.

**Morefest** – The Morefest celebration will be on 8/27/16 at the Moretown Elementary School and fields. There will be fireworks, lawn sale, corn roast, food vendors, artists, tours, bands, bake sale, antique car show, tractors and much more.

The selectboard very much appreciates the hard work of the committee to make the festival happen.

## **Reports & Communication**

**Training for maintenance of the town office furnace etc.** – Henry Erickson wants to know from the town who will train for service maintenance of the furnace, the ventilation system etc. at the new town office. The board will ask JB if he is willing to do the training.

**Blodgett litigation** – Letter from Paul Gillies to the court making them aware of the site visit and hearing planned for 9/19/16, to relocation the access to Blodgett trail and to discontinue the old access as surveyed by Rob Townsend.

**Mr. Case** – has agreed to move forward with the use of a small portion of his land for a new access to the Blodgett trail. A letter was sent to Mr. Case acknowledging the Town's intent to move forward with an easement deed, and to thank the family for their cooperation.

**Firetruck** – The fire department is anxious to take delivery of the used truck purchased from Speculator NY. The loan documents cannot be finalized until the 30 day appeal period for the vote has passed.

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**Park & Ride grant** – Rae reported meeting with Clark Amadon and Doug Newton to go over details for the grant application. Doug will send estimates for the grant application soon.

**Tires from the old playground** – Duane said there are a dozen or so old tires left near the new town office from the old playground set that need to be gotten rid of. When Tom calls Bill Gallup he will remind him that RUGGCO needs to dispose of the tires left on the construction site.

**100B bridge near the Maynard snack bar** – John reported receiving a message from the Maynard's that you can hear cars hit the pavement on the little bridge by their snack bar because there is a dip in it. Cheryl will let Dick Hosking from VTrans know about the problem.

**River Conservancy Arthur Buck park dedication** – John reported there was good representation and a good presentation for the event. He spoke about Craig Elwell, as the park is dedicated to Craig.

#### **OLD BUSINESS:**

**Sand pile/Schultz screening** – John has the pricing for 3 – 4' trees for the sand pile area and for the 5-6' trees to be planted at the Harris and the Schultz property. The rotary will help plant the trees. John will check on warranty. The planting is scheduled for 9/17/16.

**Extension for the town office grant** – Rae spoke with Clark about the extension the town will request to extend the 12/31/16 grant deadline. Rae will prepare an explanation for the need for the extension, as it relates to paving the parking lot.

**Grow Compost** – No news on the Act 250 proceedings.

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**New Business:**

**8/9/16 vote** – All articles passed. **Note** discussion earlier tonight in public comment which relates to a petition submittal for the delinquent tax collector article.

**Front Porch Forum purpose** – There was discussion on the purpose of Front Porch Forum, and if the articles are monitored by them before posting.

**Approval of minutes:**

**8/1/16** – Michelle moved to approved as amended to add suggestions from Jason: Investment fees - Currently the Town is paying *Merchants Trust 0.8% in management fees, plus any fees the underlying mutual funds may have.*

PSB applications – *Jason reported that Waitsfield, Warren and Fayston (Mad River Valley Planning District) may collaborate on provisions for renewable energy siting to be added to their town plans, a condition required by Act 174 for towns to be given due consideration by the PSB in regard to renewable energy siting. Tom asked Cheryl to ask the Moretown Planning Commission to look into whether Moretown should participate.*

Rae seconded the motion. All were in favor.

**8/3/10** – Michelle moved; John seconded to approve. Motion passed. Jason abstained as he was absent for the meeting.

**Sign warrants and documents –**

**Better Back Roads grant agreement** – The memorandum of understanding (MOU) between CVRPC and Moretown was signed. The BBR grant is for \$4,000. Its purpose is to help pay for the CVRPC to complete a road inventory for capital budgeting. The MOU allows Better Back Road to reimburse CVRPC for their time.

**P/R warrant # 16043** – ck# 17963 e-ck# 2238-2248 was approved.

**A/P warrant # 16044** – ck # 17964-17996 was approved.

Note: prior to the start of each meeting, check and warrant numbers are verified as being consecutive with the prior warrants.

Meeting adjourned at 8:15.