TOWN OF MARLBORO REGULAR SELECT BOARD MEETING Thursday, December 12, 2019 4:00 PM

ATTENDANCE: Present were Select Board members Tyler Gibbons, Chair; Jesse Kreitzer, Vice Chair; Julia von Ranson, Member; Edie Mas, Planning Commission Representative/ Village Wastewater Subcommittee Chair; Jonathan Morse, Adrian Segar, Bob Anderson, Bob Elliott, Town Residents; and Lauren MacArthur, Select Board Assistant.

CALL TO ORDER: Tyler Gibbons, Chair, called the meeting to order at 4:00 pm.

Changes to Agenda: "Letter to the Town of Wilmington Regarding Traffic Signs" was added to *New Business*.

Unscheduled Public Comment: Bob Elliott asked the Select Board to put aside some money to resurface Higley Hill Road. He believes that the money from the State should be used for this purpose.

Scheduled Business:

APPROVAL AND SIGNATURE OF PAY ORDERS: The Pay Orders were approved and signed. *

*The Select Board approved the annual holiday bonuses for the Highway Department for \$150 each. (Gibbons, von Ranson)

Edie Mas visited the Select Board to give an update on the Village Wastewater Subcommittee of the Planning Commission. They have received a preliminary draft report (which offers three solutions and recommends one wastewater plan) from the consulting engineers at Dufresne Group. The Planning Commission has reviewed the report and would like to plan a meeting of the subcommittee to review the report and both ask and answer questions. Edie will send the report to the Select Board. There will be an additional meeting to present a plan and accept feedback from townspeople. The Select Board expressed their support of this process.

Jonathan Morse, Adrian Segar, and Bob Anderson presented a statement expressing their deep concern for the proposed merger of Marlboro College with Emerson College and closure of the Marlboro campus. They requested 1) "a town resolution proclaiming full-throated and documented support for an alternative plan" and 2) "a special town meeting at the earliest possible date to consider the issues of the currently planned College 'merger'." They stated concern about the only major employer in town closing and frustration over the college's lack of response to both national and local press and offers to buy the campus. Jonathan, Adrian and Bob Anderson also stated their hope that the Town could increase pressure on the college, influence public opinion, and perhaps have a political effect.

Tyler responded by detailing the action that the Select Board has taken, including working with Forrest Holzapfel, Town Clerk, to gather legal advice from Paul Gillies, the Town's attorney. The Select Board also sent a letter to Kevin Quigley on December 10, 2019, but had not received a response yet. Tyler shared the letter at the meeting:

"Dear Kevin,

I hope this finds you well this early, snowy winter.

I'm writing on behalf of the Select Board to see if there is any way Marlboro residents can get more information about the College's Emerson proposal. As Select Board members, we have heard a great deal of concern, frustration and confusion from Marlboro residents since the news broke. Townspeople have been piecing together reports from the media, secondhand accounts of the College's meetings, social media posts, and, I fear, rumors and hearsay.

We are concerned for the staff and faculty most directly affected by this potential merger, the economy of our town, and for the well-being of the fabric of this community, and I think it would be beneficial from a community perspective for residents to have an opportunity to ask questions and receive the most up-to-date information on the proposal. Could the College provide an avenue where residents could better understand the history, current state, and potential outcomes of the Emerson proposal, or otherwise make available a space where residents can get more accurate, firsthand information?

Thanks much for your consideration,

Ty Gibbons Marlboro Select Board, Chair""

Tyler also stated that the Select Board plans to request the assistance of BDCC/SVEDS to prepare for potential job loss in town. The Select Board stated that calling a special town meeting based on a non-binding article may not be legal and referred to VLCT's "Quick Guide to Warning Special Town Meetings," which states that the Select Board must call a special town meeting if a valid petition has been presented and "if the subject of a petition is one over which the voters have been given authority by Vermont State law." The Select Board offered other possible solutions, such as petitioning to add an article to the regular Town Meeting or preparing and presenting a separate, private petition to Marlboro College's Board of Trustees.

None of the Marlboro Committee for Universal Broadband (MCUB) members were able to attend this Select Board meeting, but Tyler reported that a few MCUB members recently attended the first meeting of the regional broadband organization. The Windham Regional Commission (WRC) received the BIG grant, a \$60,000 planning grant, and is establishing the Windham Region Broadband Project. In response to a request from the WRC, the Select Board passed a resolution, stating their intent to participate in the Windham Region Broadband Project (via MCUB). The Select Board also identified Steven John, Chair of MCUB, as the Town's representative and point of contact in this effort. (Kreitzer, Gibbons)

APPROVAL OF MINUTES: The Select Board approved minutes from the regular

meeting on 11/26/19. (Gibbons, Kreitzer) The Select Board amended and approved the "Select Board Report" for the *Marlboro Mixer*, which includes the "Roads Report". (Gibbons, von Ranson)

OLD BUSINESS:

The Select Board returned to the specific requests made earlier in the meeting by Adrian Segar, Bob Anderson, and Jonathan Morse. The Select Board decided not to call a special town meeting. Based on the following legal opinion from Paul Gillies, the Town's attorney received via email on December 2, 2019, they also determined that taking a stance on the merger is not within the Select Board's legal jurisdiction and could expose the Town to damages for interference:

"Towns are mere creatures of the legislature, created to perform municipal functions. Burlingtonv. C. V. Ry. Co.,82Yt.5,71 Atl.826 (1909); Sargentv. Clark,83 Vt. 523,71 Atl. 337 (1910). That is the fundamental principle of Vermont town government. It requires any town officer to first answer what power comes with the office, and to stay strictly within the limits of express statutory authority. Most actions of town officers are protected by sovereign immunity. That disappears when a town acts outside its authority. I can think of no express statutory authority allowing the town through its selectboard to engage in binding action to interfere with the sale. The town could expose itself to damages for any interference."

The Select Board approved additional Beaver Deceiver installation work on North Pond Road, which will add a pipe through the beaver dam and lower water levels. The cost of the additional project is quoted to be \$2000. (Gibbons, Von Ranson)

NEW BUSINESS:

The Select Board reviewed a letter (drafted by Jesse Kreitzer) to Gretchen Haverluk, Wilmington's Bi-Town Economic Development Office Consultant. The letter stated support for the possible installation of new signage along Route 9 Westbound at the intersections of Augur Hole Road and Hughes Road in Marlboro, directing travelers to Mount Snow. The Select Board accepted and signed the letter. (Gibbons, von Ranson)

INFORMATION ITEMS AND MAIL:

The Select Board acknowledged receipt of the Animal Control Officer's report regarding an animal neglect issue. The issue appears to be under control.

Tyler will be stepping down from the Select Board in March. The position will be advertised in *The Mixer* via the Town Clerk's election announcement and the "Select Board Report." The current Select Board members will make themselves available to speak with people who are interested in running for the open position.

The meeting was adjourned at 6pm.

Respectfully Submitted, Lauren B. MacArthur, Assistant to the Select Board