

Minutes

Town of Marlboro, VT Select Board Meeting

Thursday, December 28, 2023

Call to Order @ 6:00pm

Attendees: Jim Agate – Chair; Molly Welch – SB Vice-Chair; Jeff Skramstad – SB Member; Nick Morgan – SB Assistant/Town Admin; Andrew Richardson – Highway Supervisor; Forrest Holzapfel – Town Clerk; Bob Fisher – Town Attorney; Mary Sargent – Zoning Administrator; Laurel Copeland – HMCA President; Chris Serkin & David Dunn for Potash Hill; Jim Herrick, Staley McDermet, Nancy Anderson, David Holzapfel (Zoom) – Residents.

Regular Select Board Meeting Agenda

Identify Any Changes to Agenda:

Scheduled Business (Note: Times are approximate):

Unscheduled Open Public Comment: None

Approval of Minutes from December 14, 2023 – Skramstad/Agate – Passed unanimously.

Approval of Minutes from December 16, 2023, Public Hearing on Zoning Amendments – Skramstad/Welch – Passed unanimously.

Signature of Pay Orders – None to sign.

New Business

First Aid Building on Hogback Mountain - Laurel Copeland -HMCA: Laurel Copeland (President – HMCA) came to the board to discuss and review hers & the HMCA's efforts to find funding to assist in the razing and hazardous material mitigation of the former First Aid Building on Hogback Mountain. The HMCA has determined that to do the job will cost approximately \$45,300. Through an ANR Grant program, the HMCA has found a grant that would cover up to \$30,000 of the cost. The grant is an 80/20% split, with the grant amount capped at \$30,000 with the remaining amount covered by the town. The Grant would require the Town to put up the funds initially and would be repaid by the Grant once the work is completed up to the \$30,000 cap. At this time, the Grant is in its "pre-authorization" phase and Laurel noted that she would be meeting the 12/30/23 deadline of this phase.

Laurel answered questions from the Board and others attending the meeting regarding the existing endowment, which was transferred back to the HMCA in August 2021, noting that the Fund is invested and currently sits at approximately \$117,000 with investment proceeds feeding back into the Fund to build the Fund back to its \$120,000 target. Currently, private donations are funding the efforts of the HMCA in its charge to husband the resources of Hogback Mountain. When asked if there was any chance of using some of the Fund in this First Aid Building situation, Laurel quoted the intent of the Hogback Endowment was to use "the fund to pay for the modest cost. This is a quote, about producing and managing recreational programs and activities benefiting the public interest in education, conservation, wildlife habitat, trail management, low impact recreation, and other related activities and improvements. Unquote". Following up with "As the MOU puts it, quote, essential to any proposed and approved activities is the ability to pay for them...close quote. Unfortunately, removal of the first aid building is not a modest cost."

The meeting discussed other sources of funding aside from the grant including private donations, funds from National Grid, and/or funds from the town's general fund pending input from town residents. There was further clarification on what funding the ANR grant would provide and what the Town might need to add, with the general consensus being that if the Grant was approved, \$30,000 would com from the grant with the remaining amount (approximately \$15,000) being provided by the Town. Nick also mentioned that he is working with the WRC and State agencies on other potential sources of funding that were previously not thought to be available, but he would investigate after the New Year and keep the Board and Laurel advised.

As the Grant is in the Pre-Authorization phase the Board asked Laurel to proceed and to keep them apprised of the status and if and/or when the process moved to the next level return to the Board with the next steps and discuss the details of the Grant Funding (i.e., the Town would lay out funds initially and then be reimbursed by the Grant up to the cap or \$30,000) at which time the Board could make an informed decision on moving forward with this badly needed project.

Laurel noted that she had to leave, thanked the Board for their time, committed to stay in touch either directly or through Nick and that Nancy Anderson (HMCA Board Member) would be remaining at the meeting should there be any further questions.

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Review of 12/16/23 Warning Info Meeting: The Board all agreed that the info meeting held at the MCC on 12/16/23 was productive and are looking forward to the “budget-centric” info meeting @ the MCC on 1/6/24. One item from the 12/16/23 meeting regarding the \$408.00 provided to the Animal Rescue Fund administered by the ACO was revisited, with the Board agreeing that it would be best to continue with this item in 2024 as the ACO funds this out of the small stipend the ACO is paid for the year, and is essentially “no-cost” to the town, as the stipend is paid one way or the other.

Highway Department:

Outline Plan for finding contractors for Mold Project: Andrew and Nick advised the Board that rather than trying to assemble contractors and remediators separately, in effect acting as the general contractors, they will be formalizing an RFP seeking a General Contractor to handle all aspects of the project, which is hopefully looking to begin in June.

As this is potentially an expensive project, Jim suggested that there could be BSG department grants that could at the least help fund the design and engineering aspects of the project. The Board asked Nick to look into this and Nick took the action item and will report back to the board.

Review of Public Hearing on Proposed Amendments to Zoning Regulations & Vote on putting Amendments through to warning (Bob Fisher Available for questions): Following the Public Hearing on 12/16/23 on the 7 Zoning Regulation Amendments proposed and presented by the Planning Commission, the Board planned to vote on the amendments (The amendments can be found as an addendum to these minutes on Select Board Page of the Website <https://marlborovt.us/wp-content/uploads/2024/01/Addendum-to-2023-12-28-Proposed-Zoning-Amendments-from-PC-2023-10-10.pdf>). Town Attorney Bob Fisher noted that after the vote, he and Forrest would review past history and actions by the Town on how the Town handles such amendments (i.e., what happens to an amendment if it is voted yay or nay). The Board agreed to continue with the review, comments, and votes, and then have Bob report back at either 1/11/24 or 1/25/24 SB meeting to advise on how to proceed. The votes on all the amendments will appear below.

There were several comments on amendments 1 & 2 mostly noting that the amendment was overly restrictive and burdensome, especially for smaller landowners, Staley McDermet put forth the thinking of the PC and why they saw this as needed. Commentary on #3 centered around the “vagueness” of the amendment and a need for clarification. Mary spoke specifically on #4, noting that “primitive camps” should not be exempted as there is, at times, a real need to monitor them and make sure they are not over-reaching the definition of a “primitive camp” and adversely impacting the Wildlife Overlay. Several residents noted that should the exemption be rescinded for “primitive camps”, a person looking to put up a tent and “camp out” for a while would now be required to go through a whole review process. It was also noted that before removing the exemption, the definition of what classifies as a “primitive camp” seems to need to be revised, so that an undue burden of going through a review for putting up a “tent” to camp out on one’s own property is not the end result of removing the exemption for a “primitive camp”. Amendments 5 & 6 received a general consensus of approval and resulted in little discussion. Similarly, amendment 7 also had minimal comment, except asking the Planning Commission to further define what the standards are for an environmental consultant, but all agreed that in the meantime, the Board felt that the DRB could provide guidance for landowners as who or what entity they could use as an environmental consultant.

Votes on the Proposed Amendments:

- #1 – Aye - 0; Nay - 3
- #2 – Aye - 0; Nay - 3
- #3 – Aye - 1; Nay - 2
- #4 – Aye - 1; Nay - 2
- #5 – Aye - 3; Nay - 0
- #6 – Aye - 3; Nay - 0
- #7 – Aye - 3; Nay - 0

(To listen to the completed discussions of the amendments the Audio of the meeting is available on the Town’s Soundcloud, here → <https://soundcloud.com/marlboro-select-board/2023-12-28-marlboro-select-board-meeting-audio> - Zoning Amendment time stamp 00:30:00 to 01:32:00).

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Discussion and Review of situation with Potash Hill: Chris Serkin (Chairman of Marlboro Music) and Lawyer David Dunn from Potash Hill came before the Board to discuss how Potash Hill can move forward with their plans and become a valued and contributing entity in the community. Town Attorney Bob Fisher framed and summarized the issues: The former landowner (Marlboro College) was an educational institution and in order for Potash Hill to continue in this form they would need to be (as per Marlboro Zoning Regulations) certified by the State as an educational institution and thus be able to use the land under the regulations as an EDU district. Marlboro Music (Potash Hill) does not have this certification, so a new solution needs to be found:

A reclassification of the area to a PUD under the existing Rural Residential District can be reviewed and see what conditional uses could be allowed.

A reclassification of the current EDU as either another “Village District” or extend the current “Village District” to include the former Marlboro College land.

Investigate other options through amending Zoning Regulations to help Marlboro Music become a going concern.

Chris took the opportunity to express his desire to make Marlboro Music a going concern and to attract more users and uses for the property. The number one issue to succeeding in this is the current lack of housing that comports with the Town’s Zoning Regulations. Chris stressed that he wants Marlboro Music to be a productive and additive influence on Marlboro and that he and the rest of Marlboro Music really want to help Marlboro and maintain what makes Marlboro, Marlboro.

As noted, the main and first priority is the building a “cluster” of three separate residences on Cottage Road. Bob noted that this could be covered under a PUD designation, pending other issues such as water and sewer. Extending the “Village Designation” was also brought up here as a possible solution.

It was generally the sense of the Board and of Marlboro Music that this issue needs to be handled in steps:

1. Start moving forward on the three cottages, in terms of plans - size, sewer, etc.
2. Start investigating Zoning Regulation changes that can facilitate such a cluster while not damaging what makes Marlboro, Marlboro and existing regulations.
3. Work together to allow for the residences that Marlboro Music needs to work.

All present agreed to keep the lines of communication open and to keep all information open for review.

Old Business

Town Administrator Report:

FEMA Update: Nick reported that prior to the New Year, all documents have been provided to FEMA and that he is waiting for the Town’s FEMA representative to advise if anything further is needed before the information is sent “up the ladder” for approval and ultimately for the receipt of funds from FEMA.

Camera at Recycle Update: Per the Board’s approval of the security camera system from HSS, Nick advised that he has contracted HSS to officially accept their quote and work out when installation can begin. Nick advised that he & HSS plan to speak after New Year’s and coordinate with Andrew, the best time to proceed with the installation.

Adjourn @ 8:19p (Skramstad/Agate – Passed unanimously)