

## **Draft Minutes**

### **Town of Marlboro Select Board Meeting**

**Thursday, June 13, 2024 @ 6pm – Town Office & Via Zoom**

#### **BEGIN ZOOM RECORDING:**

**Attendees:** Molly Welch – Chair; Jeff Skramstad – Vice-Chair; Kate Kirkwood – Member; Nick Morgan – Town Admin/SB Assist; Rebecca Sevigny – Acting Treasurer; Andrew Richardson – Road Supervisor; Evan Wyse – Asst. Town Clerk/Del. Tax Coll.; Marcia Hamilton, Haley Elisha, Brandin Burdick, Lisa Vorel, Mathew Conlon, Mark Schmitter, Jesse Anderson, Christine White, Ron Nelson, Brenda Kelly – Residents; Dan Cotter – Potash.

**Call to Order @ 6:00pm**

**Sign Guidelines of Conduct - Done**

#### **BEGIN ZOOM RECORDING:**

**Call to Order @ 6:01pm**

**Sign Guidelines of Conduct - Done**

#### **Regular Select Board Meeting Agenda**

Identify Any Changes to Agenda:

**Scheduled Business** (*Note: Times are approximate*):

6:00-6:10p **Unscheduled Open Public Comment:** Haley & Brandin asked to make comment on speeding issues in the town center, the Board advised them, that this topic was on the agenda already and if they were willing to wait for those items to be discussed, they both agreed and halted their public comment until later in the meeting.

6:11p **Approval of Minutes from May 23, 2024 – (Welch/Skramstad – Passed unanimously)**

6:11p **Signature of Pay Orders - Done**

#### **New Business**

##### **Highway Dept:**

*Lake Road Residents Requested Time: (Please note that the following is not a transcript of this session, should a complete record of the following be desired, an audio recording is available using on the Marlboro Soundcloud page link which can be found on the Select Board page of the Marlboro Website- <https://marlborovt.us/>.)*

The residents (see names below) of Lake Road (running along Sunset Lake) came before the Board to advocate that Lake Road not be “privatized”. Prior to having the residents speak, Jeff Skramstad advised the attendees that the Board very much is looking forward to hearing from the residents, but noted strongly, that the Board is just beginning to look at Marlboro Road standards and that there is no current decision (or even discussion) of “privatizing” Lake Road. Notwithstanding, Jeff was glad to have the Lake Road residents express their thoughts and concerns.

Lisas Vorel who was acting as the lead spokesperson for the group noted that the residents would speak in their order of where their land is on the road. Both Jesse Anderson and then Lisa Vorel (speaking for her father) read statements into the record (these statements have been included with these minutes as addendum). The main thrust of both of these statements noted that the residents of Lake Road are fully tax paying landowners in Marlboro and as such, feel and believe that Lake Road should be treated just like every other Marlboro roadway. It was further noted that the Lake Road residents do much to maintain the general area and are open to the use of the road for tourists and others to access Sunset Lake (boating, etc. but no swimming). It was further noted that services (fire, police, etc.) are minimal and that any “negative” change to Lake Road’s status (i.e., privatization) would be untenable.

Mark Schmitter spoke next, seconding what both Lisa and Jesse had stated in their statements and added that while the road is used by many visitors to Sunset Lake, the residents have found that these people are very conscientious about cleaning up after themselves and posed the situation that if the road was “privatized” who would police this, putting the residents in the position of acting as the authorities.

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Highway Dept: - Lake Road – (continued):

Next Matthew Conlon, who noted his family has owned their land since 1939, also back the previous statements and additionally noted that everyone on Lake Road are good neighbors and strongly look to preserve the status quo. Brenda Kelly was next to speak noting also noting that those “non-residents” using Sunset Lake are “good” users and treat the area with respect and do their best to be aware of the ecosystem and the environs of the Lake. She noted that should the road be “privatized”, a burden of maintaining a gate and policing use of the road would be an undue burden on the current landowners and potentially cause other problems associated with use of Sunset Lake. Christine White added that it is very important for the Town and the Select Board to consider what the landowners on Lake Road have contributed to Marlboro versus what costs may be associated with maintaining the current status of Lake Road (Class 4).

After the presentations by the Lake Road landowners, Jeff endeavored to make reassure them and any who review the meeting minutes or recording that the Select Board is just at the very beginning of a process to in determining road standards for all town roads. Also, the Board is also just starting to gather information from town residents, the State Agency of Transportation, and the Windham Regional Council on how best to proceed with maintaining the town’s roads to best serve all town residents.

Jeff and the rest of the Board thanked the Lake Road landowners for coming and providing their information and opinions and advised that they are always welcome to attend any Select Board meeting (or request time at a meeting) if they have more to contribute, again, assuring them that there are currently no plans to privatize Lake Road.

*General Discussion on the Necessity of Speed Calming in the Town Center: (Again, please note that the following is not a transcript of this session, should a complete record of the following be desired, an audio recording is available using on the Marlboro Soundcloud page link which can be found on the Select Board page of the Marlboro Website- <https://marlborovt.us/> .)*

The Board was scheduled to discuss the report created by Vtrans with suggestions for speed calming in the Town Center and to discuss the possible installation of speed bumps in the town center. As residents, Haley and Brandin had requested an opportunity to discuss this issue, the Board provided this time for them to express their thoughts, concerns, and opinions.

Haley began with an appeal to the Board that the speeding through town issue has become even more important recently, reporting that dogs & cats have been hit and killed on South Road (including her own pet). She stressed that it was crucial that South Road be safe, and that the importance was not just concerning pets, but with the nature of the South Road, children (and adults) are at risk as well, and something must be done to prevent a possible tragedy. Brandin also added his support to Haley’s comments and added that the situation has, in his opinion, gotten to the point where the children on South Road are being forced to avoid the road and even have to stay indoors. He further spoke about how this has been an ongoing problem and is only getting worse. Nick advised that he will be asking for the Sheriff’s Office for more Deputy Time on South Road and Brandin noted (and Haley concurred) that often they are not in the Town Center (more frequently out at the intersection with Route 9) and even when they are in town, they are not actively stopping speeders and writing tickets. Andrew noted that writing tickets to speeders could be the best deterrence. Nick took the action item to speak with Sheriff Mark Anderson, to not only get the mobile radar feedback signs for the month of July into August, but to also request additional Deputy time (above contracted hours) and to advise him and insist that the Deputies issue tickets and not warnings to speeders. In addition to the increased signage and more vigilant Sheriff coverage, the Board directed Nick to price out “movable” rubber “speed bumps or tables” & appropriate “warning speed bump ahead” signs, seek Vtrans approval of their installation and discuss with the town’s attorney if there are any issues.

Andrew took the opportunity of this discussion to assure both Haley & Brandin and all residents of Marlboro that he is equally concerned about this issue and is open to discussing anything that may be of help in solving this issue. He also noted that the Town should just budget for the radar feedback signs and just get them installed rather than continue to apply for small grants that have so far been rejected.

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### Highway Dept: Speed Calming (continued):

Haley brought up the possibility of changing the width of the road to influence drivers to slow down, the Board agreed to look into this with the Highway Department and Vtrans to see what this would entail and make sure reducing the road width does not cause other problem. Haley also asked about a plan that has worked in other towns where the road is narrowed to the extent that it becomes “one lane”, where drivers need to wait if a car is driving in the other direction. (similar to a covered or narrow bridge). The Board noted that this had been presented to previous Boards but at the time was deemed “not the right” solution for a winding road such as South Road. Nonetheless, the Board agreed to reach out to the WRC to revisit this plan and begin discussions on feasibility. The Board tasked Nick to contact the WRC on this plan and to see if they or other State agencies have other solutions. The Board also noted that the “Town Center Plan” that has been initially developed will address many of the issues (crosswalks, more stop signs, etc.) is still in progress. Kate suggested a small committee to specifically address the speed calming issue, Jeff noted that the Town Center Plan Committee is still active, and he will make the speeding issue a major component of their discussions and to develop ideas that can be implemented as soon as possible.

The entire Board and Andrew thanked Haley and Brandin for their contributions, urged them to continue to present their thoughts and ideas to the Board, strongly advised them that this is a major issue to them and would work diligently to solve this issue, and urged both to feel free to express their issues any time.

### *Crosswalk on South Road at the Music Festival Campus:*

Dan Cotter came to the Board to request permission to put a crosswalk on South Road between the parking lot and Persons Auditorium on the campus. While the Board had no objection, Nick advised that technically, approval from Vtrans needed to be obtained before any “traffic” infrastructure (which a crosswalk classifies as) can be installed on a town road. Dan completely understood and wanted to make sure all the regulations were followed, and he and Nick agreed to proceed with contacting Vtrans to find out and start the process. Nick advised the Board that he would advise the process and that they would ultimately have a final say once the process was completed.

### *General Updates:*

Andrew reported that new Crew member Matt is very close to getting his CDL. Also, the work project (trenching, drainage, etc.) near Houghton Road has been completed and the North Pond Road project (culverts & ditching) is about half completed and the work is going well.

Motion to enter Executive Session at 7:13p (Welch/Skramstad – Passed unanimously)

### **Executive Session**

Motion to return to regular order out of Executive Session at 7:39p (Skramstad/Welch – Passed unanimously)

### Treasury Department:

#### *Quarterly Report:*

Rebecca provided the Board with Quarterly Reports of the Town Budget and Finances for them to review and bring her questions at a subsequent meeting. She also discussed the handling of Delinquent Taxes going forward. All Delinquent Tax funds have been moved from a previously separate bank account at M&T bank to an account at the town’s main bank (Community Bank) to streamline the process of transferring the funds. The Board suggested and Rebecca concurred that all current Delinquent Tax funds be noted as including all fund (premium, interest paid, payments, etc.) and that going forward all these differing categories be separated in the accounts to improve tracking moving forward.

Rebecca noted that the Tax Anticipation Line of Credit (\$850K) has been drawn down by approximately 85% (mostly to cover payments for the school). She anticipates that everything should be paid off as required by December as Tax Revenue starts arriving. She did advise the Board that the Town had received a \$63k refund from the school district as an adjustment to the calculation method resulted in an overpayment by the town.

#### *Vermont Child Care Contribution – Tabled*

#### *Cemetery Funding:*

All funds for the Center & King Cemeteries have been combined into a single bank account, which will allow for greater potential investment income when funds are not required. While the actual funds will be merged into this single account all funds will be accounted for and monitored separately.

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### Treasury Department: Cemetery Funding (continued):

Marcia Hamilton reported that she hired a gravestone company to repair stones in Center Cemetery. It is the same company (Shea Monument Company) used at Clark Warren Cemetery. Marcia further noted she would soon meet with them at Center to assess which stones would be repaired first with the \$2,000 that was budgeted for that purpose. Also, Marcia noted that Rebecca knew about the meeting with the crew and that the \$2,000 would be paid out soon. Marcia noted her intention here was to keep the Board apprised of the ongoing activities so they would be able to review the incoming pay orders with the appropriate knowledge.

### *General Department Updates:*

Rebecca reported that she is continuing with her streamlining of the Town's banking, reducing the number of banks where the town holds its account which will result in greater ease of monitoring and, when necessary, transferring funds between the appropriate account.

She has also revamped the "pay order" process so that the Board will have an easier time approving and monitoring payments (will be a monthly process now, with the exception of Payroll). The Board was greatly please to hear this.

Finally, Rebecca reported that she is instituting a new system where checks received by the town can be scanned at the office and batch submitted to the bank. During tax season, this system will save a great deal of time, not only in the deposit process but also in terms of her or someone else having to drive from Marlboro to Brattleboro to make the actual deposits. The Board also thought this was a great move.

### *Tax Collector Compensation:*

The Board discussed the compensation for the current Delinquent Tax Collector (Evan Wyse), rather than the previous plan where the Collector received percentage of Delinquent Taxes received, the Board felt it was more appropriate for the remainder of this term (through the 2025 elections) that the Collector receive an hourly rate of \$23.52/hour.

**Motion: Approve the rate of pay for the Delinquent Tax Collector for the remainder of his term (through the 2025 elections) to be at \$23.52 per hour. (Welch/Skramstad – Passed unanimously)**

### Windham County Sheriff's Office:

#### *WCSO FY 2025 Contract:*

After a review of both the General Contact and the ACO "One-off" contract, the Board took up the following motion:

**Motion to approve and sign both the WCSO FY 2025 General & ACO "One-off" contracts as submitted by the WCSO. (Welch/Skramstad – Passed unanimously)**

#### *Request Additions WCSO Deputy Time:*

In an effort to assist in speed calming through town, Nick requested that the Board approve an additional 8.5 hours of Deputy time per month (bringing total Deputy time to 20 hours/month). Based on the town's contract this additional time would be at a rate of \$65/hr. Prior to making a decision, Jeff suggested that using this time two hours per week on different days in and around "rush" hour, to have the greatest impact on speeders. As previously discussed earlier, Nick advised that he would insist with Sheriff Anderson, that the deputies be located in and directly around town, not out on Route 9, and that they actually write tickets (as a deterrence) rather than issue warnings.

**Motion to authorize Nick to request additional hours of WCSO deputy coverage in town up to 20 hours/month including hours allocated by the current contract. (Skramstad/Welch – Passed unanimously)**

#### *Regional Policing Meeting at WCSO 6/21/24 -130-230p:*

Nick advised the Select Board that there will be a meeting on 6/21/24 at the WCSO in Brattleboro to continue to discuss a regional policing plan that the Sheriff is developing. Nick noted he will be attending and let the Board know that they are welcome to attend as well, they just have to let him know so he can advise the Sheriff's office.

## **Old Business**

### Town Administrator Report

*Revising Dog Ordinance Review & Amendment:* Nick asked the Board if they wanted to begin the process to revise the Dog Ordinance to correct the impoundment cost section. The Board requested that Nick start the process.

**Old Business (continued)**

*Open Meeting Law Changes:* Nick noted that as of 7/1/24, there have been changes to the “Open Meeting Law”. The major points are that as of 7/1/24, while “hybrid” meetings are allowed, someone from the group holding the meeting must be at a physical location so that any attendee can attend the meeting in person. Additionally, effective 1/1/25 all groups under the “Open Meeting Law” must attend a mandatory training session. Information on when and where this training will be conducted will be forthcoming.

Town Administrator Report (continued):

*Guests for future meetings:* Nick advised that Marlboro’s State Senator Nader Hashim will be attending the 7/25/24 meeting. The Board also requested Nick invite State Representative Emily Long and to look into possibly getting either the actual person or their representative (Bernie Sanders, Peter Welch – Senators, & Becca Balint – Congressional Rep).

*FEMA Update:*

The Town has been approved for their funds from FEMA for the July 2023 Rain/Flood event and should have the funds in 3 weeks or so. Nick advised that he would keep the Board updated if there are any glitches in the process.

*Garage Mold RFP update:*

The Board has received and reviewed three bids for the Mold Remediation project at the Town Highway Garage. None of the three quotes included the “rebuilding” of the interior after the remediation. There was one clearly superior bid for the project and at the request of the Board, Nick is requesting past customer references and any potential thoughts, bids, etc. on the reconstructive portion of the project. Nick took the action item and is hopeful to have more complete information by the next SB meeting.

**Motion to Adjourn @ 8:28p (Welch/Skramstad – Passed unanimously)**

Hello, my name is John Anderson and I am one of the three owners of record of [REDACTED] Lake Rd., the last property on the west end of that dead-end road.

I would be opposed to any change in the status of Lake Rd. Since 1902 when the property was acquired by our family we have paid property taxes to the town of Marlboro. Being strictly seasonal cabins, these properties have not burdened the school system with children. As the road is not maintained in winter and as we are remotely located, fire protection or any other emergency services are merely a vague hope. For police response we have for decades relied on either the State Police or the County Sheriff. Other than an annual grading and minimal maintenance of the road (and the costs of an occasional tax re-appraisal) we have been no burden to the town.

In fact, between taxes collected and State aid money provided we suspect that this road might actually be a net positive, a bit of a cash cow.

We understand that Lake Rd. is remote for the road crew and only accessible by going through a small piece of Dummerston. It's a little inconvenient. But it's not unique. Newfane has a mile of road which is only accessible through Dummerston. Dummerston has a length of road that can only be reached from Brattleboro. Roads in Vermont are crooked and meandering and road crews have a hard and often thankless job. We can certainly empathize.

However, as we assume that you are not going to change the status or reduce the maintenance of the final 1/3 mile of every dead-end road in the town and we assume that you are going to continue to tax the properties

along Lake Rd we would view any proposed change of status, such as abandonment or reduced maintenance of this road as being discriminatory and, frankly, insulting.

As I stated earlier we are opposed to any change in the status of Lake Rd. While we can empathize with all road crews, the answer to their myriad and very real problems is not simply to abandon or neglect any road that they find to be an inconvenience. Such abandonments would set a precedent for inequity that we would not want to have established in any Vermont municipality.

Respectfully, 5th generation Vermonters and long time taxpayers,

John Anderson

Joseph Anderson

Jesse Anderson

Cutting services in an inequitable manner is as problematic as raising taxes in an inequitable manner as both are means to the same ends and either put a disproportionate burden on some properties for the benefit of others.



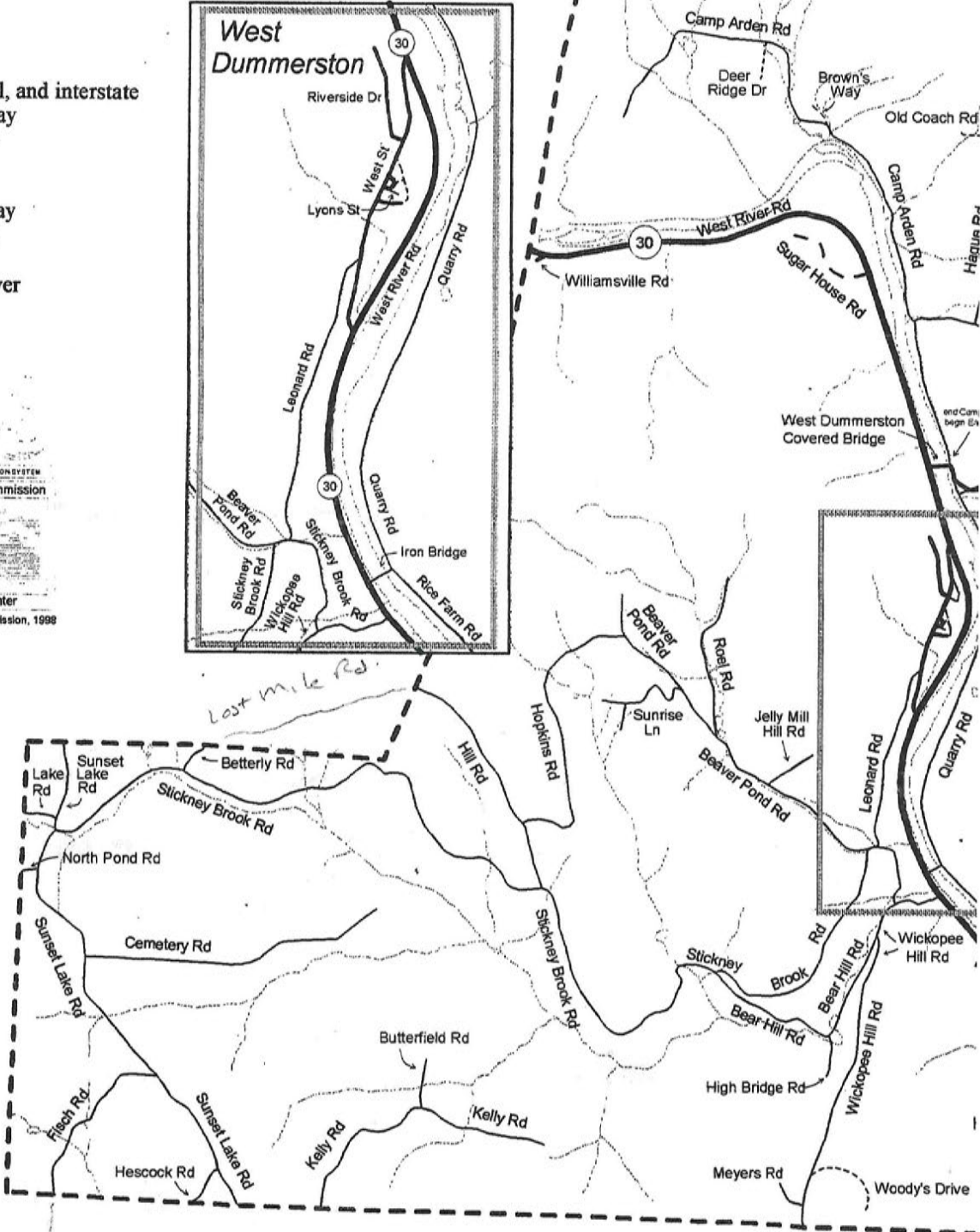
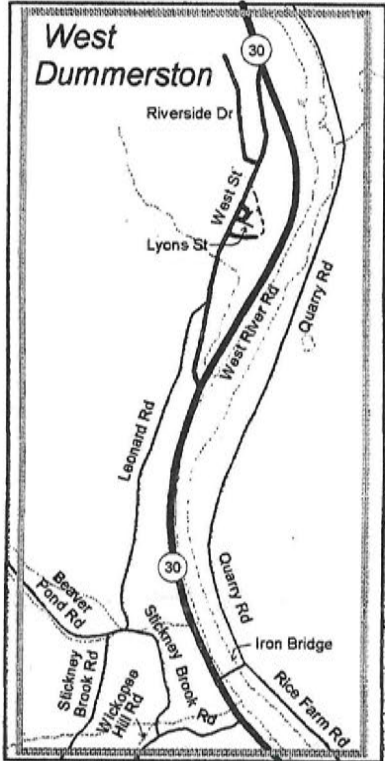
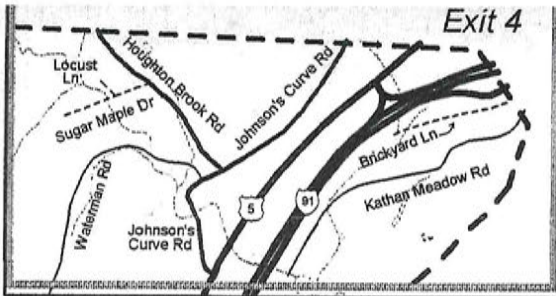
# TOWN OF Dummerston

## Road Name Map



0.5 0 0.5 1 Miles

- Paved roads:**  
state, federal, and interstate  
town highway  
private road
- Unpaved roads:**  
town highway  
private road
- stream or river



Williams



June 13, 2024

Town of Marlboro, Vermont

**THIS LETTER WAS WRITTEN BY JOHN M. WILLIAMS—Owner of [REDACTED] Lake Road properties**

**The TOPIC is the**

“PROPOSED PRIVATIZATION” of Lake Road in Marlboro Vermont

Road “Privatization” has several different meanings. The common theme appears to be complete cessation of Town or other municipal services, and maintenance, and the transfer of liability to an individual or group. It does NOT automatically mean “closure” of the road. We believe Marlboro is proposing cost reduction by eliminating maintenance only, rather than closing Lake Road.

While knowing, and monitoring, and limiting expenses are necessary and beneficial, any “rewards” (savings) must be considered and weighed vs. the risks and any other cost “ripple effects”. Sunset Lake is a remote, but popular place. We routinely see cars from 5 different states. We, the taxpaying property owners, do a significant amount of policing and protecting our investments. The cottages are considered “summer homes” for some of us. We ALL look out for the interests of our lifelong neighbors.

**WHO ARE WE**

To introduce ourselves, we represent the remaining 7 cottages located on Sunset Lake in the Town of Marlboro. Their sole access is via Lake Road, which is off Sunset Lake Road in Dummerston.

The remaining watershed, other than the 7 cottages, is virtually all owned by the Town of Brattleboro.

Aside from the remaining 7 camps, there have been at least 8 other cottages, plus a tabernacle, and a partial foundation of a 16<sup>th</sup> cottage. There was also a farm on the NorthWest corner of Sunset Lake Road and North Pond Road.

Over the years, fires took at least 3 of the structures and the Town of Brattleboro bought, and demolished several others-some of which had been rented out by the

township of Brattleboro (including Town Office Holders Justin Holden of the Water Department and later his son Ormond, and yet another was owned by Selectman Stellman and his family). Road maintenance and other services were more plentiful in those years. We had trash barrels and a routine collection service “back in the day”. However, we have never felt that we had effective access to Marlboro services such as Police, Fire Department, Post Office, or Library, although Marlboro township has collected our taxes for hundreds of “cottage years”. I say “hundreds” as some of the public records show the Williams’ Family as landowners since 1903.

## **WHAT**

Lake Road is a dead-end road. It is not plowed in winter, and is often not drivable until April or May. Lake Road is about a mile long, with its Eastern end in Dummerston, and the remainder running along the north shore of the lake in the Town of Marlboro. In addition to these two political entities, the Town of Brattleboro owns virtually all of the watershed area. The State of Vermont also seems to have some ‘say-so” about the timing, and volume of water release into Stickney Brook and, maybe, its quality.

You, Marlboro, know better than us, what kind of confusion, “finger-pointing”, and delays may occur when trying to get three governmental agencies to agree on policies and procedures, when their agendas are not in sync.

The variety and quantity of private users of a possible change in road status will add to the inputs and pressures from day-one (or before). You will still receive the typical phone calls, plus a deluge of new questions, complaints, and comments from the public. For example, it is not uncommon to see 3 to 5 different state license plates parked on or along Lake Road on a weekend, often directly below a “no-parking” sign.

## **WHY**

The remaining 7 cottages are owned and used by three extended families; none is ever rented out. None have been sold to “outsiders” in my memory.

Two of the families have owned and controlled them for 6 generations, with the 3<sup>rd</sup> family boasting 4 generations.

These folks were here before the Lake was made a reservoir, or its dam raised and creating of the island.

Five of the 7 cottages have been owned and occupied by these families for 437 “tax years”; one was noted in a newspaper dated 1903 (121 years); one owner has, himself, been using, and protecting, and enjoying the lake property for more than 80 years; he was there last weekend.

Although Marlboro continually reduced services while simultaneously increasing taxes, owners of most of the cottages have expended time and resources to benefit the Lake and woods along the shoreline.

Our feelings and loyalties, and desire to maintain and protect the Lake, run deep. Various residents, over several generations have performed many “free” services to help protect the quality of this unique asset.

These include:

- Discovering and reporting unusual heavy underwater weed growth
- Some road maintenance (potholes and culverts)
- Brush trimming
- Opening up ditches to help drainage and erosion problems
- Trash pick-up
- Clear downed trees
- Help monitor and protect the loons (I read in a state park that Sunset Lake typically produces 1 to 2 annually of only about 24 hatched in the entire state)

We have, for at least 75 years, notified and otherwise discouraged swimmers, campers, and fire builders, and motor boaters, when the integrity of the Lake seemed threatened; IT IS OUR DRINKING WATER AS WELL.

## **STATEMENTS**

We are likely the most affected financially and liability-wise by either privatization or closure. We were NOT notified that any such action was being considered. Does that comply with “sunshine laws”?

A Town road official told me directly about two years ago that the main difficulty of servicing Lake Road was that the Town was having problems hiring staff. True?

## **QUESTIONS—To respect the Select Board’s time, these questions will be read, and emailed to the township for later discussion**

- 1) Which, or what course, is the Town considering?
- 2) Can/will you tell us if other roads are also being reviewed?
- 3) Can/will you tell us what our reported cost-per-mile is compared to those others?
- 4) Can/will you tell us the components and dollars you expect to save by the action?
- 5) How and where would accidents and thefts be reported?
- 6) Who would investigate such incidents?
- 7) What are you now liable for that we would have to assume?
- 8) What would be our responsibility for common area property?
- 9) Would we be able (or expected) to issue citations for things like trespass, and illegal parking?
- 10) Can we limit access as we choose (such as the timber cutting about 5 years ago)?
- 11) Who received the money payment for that lumbering activity?
- 12) Are there any plans to physically isolate the private property from hikers, bikers, and drivers in good weather?

- 13) Any plans to control access from snowmobilers, bikers, hikers, and walk-ins in off seasons?
- 14) Can we opt to barricade the road from those we deem to be troublemakers?
- 15) Do we build and maintain a fund for maintenance?
- 16) Legal considerations for the above?
- 17) Would the towns still “own” the road?
- 18) Can you really relieve yourselves from liability, even though you still own the road as the history of human nature says at least one of you three legal entities would be named in most legal actions (you have the “deep pockets”).
- 19) Would one of you entities continue to post and maintain the water quality signage?
- 20) Would you have “legal standing” to enforce and prosecute violations?
- 21) We assume you each have personal liability insurance for your town actions; Could we “piggy-back” on that program?
- 22) What would happen if we refused to accept the road?
- 23) We assume you will save some miniscule maintenance dollars (based on what you appear to do) and maybe some liability insurance dollars; will we then get a tax reduction?
- 24) We assume you have done this before; what kinds of problems have others encountered? What were two biggest problems they ran into?

Thank you for your consideration in allowing us to provide additional insights and to leave the access public and “as is”.

Sincerely,

John M. Williams