

**Minutes****Marlboro Select Board Meeting****Thursday, July 24, 2025, 6:00pm**

**Attendees:** Jeff Skramstad – Vice-Chair; Kate Kirkwood – Member; Nick Morgan – Town Administrator/SB Assistant; Rebecca Sevigny – Treasurer; Forrest Holzapfel – Town Clerk; Bob Fisher – Town Attorney; David Manning – Resident; Tim Jones & Don Mills – GMP.

*(Note: Molly Welch was unable to attend – As both Jeff Skramstad and Kate Kirkwood were in attendance, there was a quorum on the meeting proceeded.)*

**BEGIN ZOOM RECORDING:**

*(Please note: As these minutes are not intended to be a “transcript” of the meeting, a complete Audio recording of the meeting can be found on the Town’s Soundcloud page here: <https://soundcloud.com/marlboro-select-board> ).*

**Call to Order @ 6:04pm****Sign Guidelines of Conduct – Done****Regular Select Board Meeting Agenda**

Identify Any Changes to Agenda: First order of business: Adding agenda item per 1 V.S.A. § 312(d)(3)(A) (from Vermont.gov “Vermont Statutes online” - Any addition to or deletion from the agenda shall be made as the first act of business at the meeting.)

**Motion: Add review of Marlboro Town Tax Rates to the agenda at 6:55p prior to Treasurer’s 2<sup>nd</sup> Quarter Budget Report. (Skramstad/Kirkwood – Passed unanimously)**

**Scheduled Business** *(Note: Times are approximate -early arrival-15-20 minutes- is suggested):*

**New Business**

Open Public Comment - none

Approval of Minutes from July 10, 2025 **(Skramstad/Kirkwood – Passed unanimously)**Approval of Minutes from July 22, 2025 – Special Meeting **(Skramstad/Kirkwood – Passed unanimously)**

Signature of Pay Orders - Done

Document Signatures &amp; Approvals

- **Final approval and signature of Personnel Policy: Motion: Approve Updated Personnel Policy to be effective 8/1/25 and to be distributed to all Marlboro Employees. (Skramstad/Kirkwood – Passed unanimously)**

**Resident Requested Time – David Manning (30 minutes):**

Marlboro Resident David Manning requested time before the Board to discuss issues that he has been having and complaints he has with the Marlboro Highway Department Road Foreman. At the direction of the Board (to facilitate the inclusion of his issues in these minutes) Mr. Manning was asked to provide (and read into the record, should he wish to) a written statement which would be included with these minutes as an addendum. In addition to the written statement, Mr. Manning also presented “screen shots” of a text chain he had with the Highway Department Road Foreman (also added to these minutes) and played several “videos” he had taken on his phone of his interactions with the Highway Department (note that while not completely clear, some of the audio from these “videos” is legible on the audio of the meeting).

In Mr. Mannings statement, he outlines 5 specific incidents during which, Mr. Manning felt he was not treated properly (the complete details as presented by Mr. Manning can be found in the included addendum). As part of these issues, Mr. Manning brought up several Vermont State Statutes requiring a notification process including public hearings and notice to landowners, which Town Attorney discussed later in the meeting and are noted below. While reading his statement, Mr. Manning added some additional comments on the issues that are not in the statement and can be reviewed via the Audio recording available on the Town’s Soundcloud page (see the link at the top of these minutes). Mr. Manning also took this opportunity to express his concerns over the upcoming work on the current road maintenance project on Stratton Hill & Adams Brook Roads, which he is concerned as the work moves to a different section of the road(s) could present some issues with heavy water run-off which, due to the work, could result in potential flooding onto his property and even his home. To this point, Mr. Manning advised that his concerns were partially spurred by discussions he has had with other residents in the area.

During the section, Town Attorney, Bob Fisher, addressed the State Statutes brought up by Mr. Manning and advised that the Statutes being referenced did not apply to regular road maintenance, but to major work, including reclassification, declassification, significant alteration to the road layout, and the laying out of a new roadway. As the work being done did not fit these categories the public hearing and notification process did not apply. Mr. Fisher did note however that

**New Business** (continued)Resident Requested Time – David Manning (30 minutes): (continued)

general notice and discussion with landowners of road maintenance would be a good idea. The Board agreed with Mr. Fisher and noted that at a previous meeting had already made a commitment (along with the Highway Department Road Foreman) to provide detailed information on the work project being scheduled and to organize meetings with landowners well in advance of these future “summer” road maintenance projects to address questions and concerns prior to the start of the work. In addition, Mr. Fisher advised the Board that while the discussion by Mr. Manning of the issues he feels he is having with the Highway Department Road Foreman are appropriate for the “open meeting” setting, should the Board wish to discuss the Highway Department Road Foreman’s performance (brought up by Mr. Manning) that would more appropriately handled in an “executive session” should the Board wish.

After some discussion with Mr. Manning about his written statement and the issues he brought up, the Board noted that they would take all of this into consideration and would work to see that the issues were handled appropriately and would be resolved to his satisfaction. The Board also thanked Mr. Manning for bringing additional details and concerns to them regarding the current work on Stratton Hill & Adams Brook Road. Regarding this, the Board advised that they would contact the Highway Department and pause the work to give them time to consult with Chad McGann, the Municipal Roads Program Coordinator for ANR – Watershed Management Division – Wastewater Program, about the future work and the process to possibly implement the Feasibility Exemption Process should the work, as planned, present an issue. The Board directed the Town Administrator to reach out to Mr. McGann to schedule the meeting for Friday or Monday between Jeff Skramstad and Mr. McGann.

The Board thanked Mr. Manning for his presentation and assured Mr. Manning that they would reach out to the Highway Department to pause the work until they had more information from the anticipated meeting with Mr. McGann.

GMP – Ames Hill Project: GMP representatives, Tim Jones & Don Mills, came to the Board to discuss and review GMP’s plans to “harden” the electrical lines along Ames Hill Road on both the Brattleboro and Marlboro sections of the road, by burying the lines among other features to improve the resiliency of the grid which should reduce the number of outages caused by weather and other environmental issues. As part of the discussion, the Board noted that Road Supervisor, Andrew Richardson, had provided GMP with explicit conditions and requirements that GMP must follow to be able to complete their project but also protect the Marlboro segment of Ames Hill Road. GMP added an item (7) to their letter indicating that they would meet Mr. Richardson’s requirements (which were included as an addendum to the agreement letter). **The Board advised that they were in support of the project and that they would need about a week to review the letter before signing. All parties agreed that that this time frame would work, targeting August 8<sup>th</sup> or 9<sup>th</sup> to sign the agreement.** The Board tasked the Town Administrator to facilitate the process and maintain communications between all parties.

Review and Approval of Marlboro Tax Rates as Determined by Town Clerk & Treasurer: The Town Clerk and Treasurer presented the upcoming 2025 Marlboro Property Tax rates and advised the Board that once approved, the rates and explanations will be posted on the Town’s website and at the Town Office. The top line rates were presented as follows: “Homestead rate: \$3.1516; Non-Residential rate: \$2.9101”. After a detailed explanation by the Town Clerk (Forrest Holzapfel) and the Treasurer (Rebecca Sevigny) and discussion the Board approved the rates. **Motion: Approve the Town Property Tax Rates for 2025 as received at the 7/24/25 Select Board Meeting. (Skramstad/Kirkwood – Passed unanimously)** After approving the rates, the Board signed the Tax Rate document and provided it the Town Clerk for posting. *Note: Mr. Holzapfel noted that as Select Board Chair, Molly Welch, was not able to attend this meeting, he would have her sign at the beginning of next week.*

Treasurer 2<sup>nd</sup> Quarter 2025 Budget Report: Treasurer, Rebecca Sevigny, came to the Board to review the 2nd Quarter 2025 Marlboro Town Budget report (spend vs. budget). Mrs. Sevigny reported that the current deficit the town is running includes both past year expenditures and currently also includes the TAN, the TAN portion will be paid off by 12/31/25 as tax revenue arrives. The Treasurer advised the Board that the plan to pay down the Town’s loans for Highway Department Major Equipment (Trucks, Grader, and Loader) is going well and the target of having them paid off (thus reducing the Town’s liabilities) by summer of 2027 is well within reach. After completing a line-by-line review the Board thanked Mrs. Sevigny for her efforts both regarding the report and her handling of the Town’s finances.

**Executive Session**

**Motion:** Fining that premature knowledge of the topic that we need to discuss now would be deleterious to the public & town the Select Board deems it necessary to hold an Executive Session. & **Motion:** That we move into executive session to discuss personnel issues according to Vermont Statute 1 V.S.A. § 313(a)(1)(a) @ 8:00p.

**Motion to Return to regular session @ 8:37p (Skramstad/Kirkwood – Passed unanimously)**

**Old Business**

- If necessary, any follow-up to 7/22/25 Special Meeting - none
- Town Administrator Report
  - General Updates - None

**Motion to Adjourn @ 8:38p (Skramstad/Kirkwood – Passed unanimously)**

**Please note that the following addendum is a statement written and read into the record by Marlboro Resident David Manning. The statement was provide by Mr. Manning and has been included in its entirety and is included here without any edits or corrections.**

**ADDENDUM TO JULY 4, 2025 SELECT BOARD MINUTES**  
**DAVID MANNING STATEMENT & SCREEN SHOTS OF TEXTS**

List of harassment from Andrew Richardson

1) Nov 22-25 2023 see screenshots provided, on nov 22 at approx 5:30pm I made a facebook post asking if all the plowing has been done yet as my road still was unplowed. At aprox 7:30 I receive a message from Andrew the road foreman through facebook messenger, im providing the screen shots of the exchange but the most important point is that my road remained unplowed for an additional 40 hours after it should have been done and I believe that was done spitefully and purposefully, you can see in the messages that on the 23<sup>rd</sup> that he would not be sending anyone up to plow until the 24<sup>th</sup> a full 2 days after the roads had been plowed for the rest of town. In short, Andrew took 2 full days and 2 nights after finding out that he and his crew had made a mistake (unsure what the original cause was Andrew gave 3 different possibilities in his first message please see p1 of provided screenshots).

2) Dec 3 2023 (eight days after last incident) I received a call from Peggy Tiffany acting as Marlboro animal control officer that Andrew Richardson had made a complaint against my dog. I informed her that last week andrew seemed embarrassed because I posted on the marlboro vt facebook group asking if the roads had been plowed and mine had not been (see 1 above) and this complaint seemed to be retaliation for that. No written warning or citation was received by me.

3) January 2025 (little over a year later) I discovered that the roadwork that was being done along adams brook rd was substantial and would have profound effect on the unique local ecology of the south side of Adams brook road, a road that I own frontage on and whose drainage s my home, my actual house, more than any other party with frontage along the road. Within the last year that was demonstrated by the beaver dam breaking on the audetts property up the hill and my and the melansons driveways were washed out. Its easy to see how drainage from Adams brook or str atton hill road could, if not managed properly and with care to ALL the aspects could cause some expensive damage down the road that I would likely uniquely bear the brunt of, due to the local topography. I asked Andrew to stop until I could address these points to the select board according to title 19 V.S.A. 923

Title 19 : Highways  
 Chapter 009 : Repairs, Maintenance, and Improvements  
 Subchapter 005 : APPEALS AND MINOR ALTERATIONS  
 (Cite as: 19 V.S.A. § 923)

§ 923. Quasi-judicial process

In order to protect the rights of interested persons and the public, the process described in this section shall be used whenever so provided by other provisions of this title. As used in this section, "interested person" means a person who has a legal interest of record in the property that would be affected by the proposed action.

(1) Notice. The select board shall give written notice by certified mail or by one of the methods allowed by Rule 4 of the Vermont Rules of Civil Procedure for service of original process to any interested person describing the proposed activity affecting the property. The notice shall include a date and time when the select board shall inspect the premises. The notice shall precede the inspection by 30 days or more except in the case of an emergency.

(2) Inspection of premises. The select board shall view the area and receive any testimony pertinent to the problem, including suggested awards for damages, if any.

(3) Necessity. The select board shall decide on the necessity for the activity or work proposed and establish any conditions for accomplishing it. This includes the award of damages, if applicable. The select board shall announce the decision and the reason for it within 10 days of the inspection unless the select board formally delays the proceeding in order to receive more testimony.

(4) Notifying parties. The select board shall notify the interested persons and other interested parties of its decision. It shall file a copy of its decision with the town clerk within 10 days of its announcement.

(5) Appeal. If an interested person is dissatisfied with the award for damages, he or she may appeal using any of the procedures listed in chapter 5 of this title. Notice or petition for appeal shall not delay the proposed work or activity. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2015, No. 158 (Adj. Sess.), § 24.)

I have still yet to see this statue being followed as there has been no proper meeting warned so this is still an active situation

**ADDENDUM TO JULY 4, 2025 SELECT BOARD MINUTES**  
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**(CONTINUED)**

At first Andrew agreed and had his guys temporarily stop the work (at that time it was chipping hazelnut trees which seems a clear violation of Title 19 chap9 sec 904

Title 19 V.S.A. S 904 Tree and brush removal The legislative body of a municipality, if necessary, shall cause to be cut and burned, or removed from within the limits of the highways under its care, trees and bushes that obstruct the view of the highway ahead or that cause damage to the highway or that are objectionable from a material or scenic standpoint. Trees that have been set out or marked by the abutting landowners and shade trees that have been designated pursuant to 24 V.S.A. chapter 67 shall be preserved if the usefulness or safety of the highway is not impaired. Young trees standing at a proper distance from the roadbed and from each other, and banks and hedges of bushes that serve as a protection to the highway or add beauty to the roadside, shall be preserved. On State highways, the Secretary shall have the same authority as the legislative body. (Added 1985, No. 269 (Adj. Sess.), § 1; amended 2019, No. 171 (Adj. Sess.), § 3, eff. Nov. 1, 2020.)

I had not been able to make a select board meeting to voice my concerns. It was Jan 15 approx 1 week after mine an Andrews last interaction where he told me the work would be paused while I went and talked to the select board And I heard what sounded like chipping down the road so I went to investigate and did indeed find Andrew and road crew chipping hazelnut bushes I had asked him to avoid. I asked him what was all this about because he told me he would stop until the select board heard my concerns. He told me he has no time to wait for that. I asked him what the next steps were and he said well we can call the select board or I can call the police, I said great how about we call the select board and he said "im going to just call the police"and then he did. I watched him make the phone call and asked him if he was going to call the select board and he said no the police are on there way, then he picked up a chainsaw and started back in on cutting hazelnut bushes and throwing the in the chipper. And I left, at no time did I block any work from being done or get physical or anything illegal so its still beyond me why Andrew thought the State police needed to get involved but I returned home and about an hour later 3 Vermont state troopers were walking down the path to the house and I told them what was going on and they told me that they would ask him to stop working until the select board would hear it and left. Vermont state police case # 25B1000283 I feel that the select board should obtain the police report and body cam footage so they can see first hand what was said to the police to fully investigate this matter.

All this is say that I had the Vermont state police called on me In what feels like a retaliatory way, especially given the history of the interaction, Zero reason for the police to be called. I am attempting to enforce and protect my rights as a landowner and abutter of the the roadwork and that makes this violation criminal. Andrew attempted to and did use the police to harass me for legally and lawfully requesting that I be allowed to bring my concerns to the select board. Which at this point had become yet another point where he was using his position as road crew foreman to harass me

4) May 20025 I discovered that a member of the road crew improperly used my property as a turn around and in doing so made some 8 inch deep ruts and furthermore they extended approx 8-10 feet past the right of way. I went to the select board and requested if be fixed but that 1) hand tools would be used to avoid further damage and that 2) we would agree on the time ahead time, tools were going to be used on my land outside of the right of way and I wanted to be there while the work was completed to ensure that no further damage was made. Neither of these 2 reasonable requests were honored. I was called several times by Andrew, would leave a message telling me they would be up with equipment, or at a certain time (not a time agreed on).

Jeff and Andrew made a site visit on May 13 without telling me they were coming and allowing me to be prepared to have visitors as I had requested. I have video of this in its entirety as well. Where Andrew admits that he personally turned around and caused the ruts. And we rehashed a number of emails that were sent and what I would expect in the future to make this right . How I had already rearranged the Monday prior and then had no one show up like was planned.

Two days later on may 15<sup>th</sup> at lunch time where I watched from my kitchen window a Marlboro town truck drive down stratton hill heading north. About 2 min later my phone has a voicemail and its Andrew saying he was in that truck that just drove by. I took my food off the stove and headed down to where the ruts were made and im seeing Andrew parked just up the road from the ruts and just past a curve where you couldn't see him from the house. He was sitting in the truck as it idled when I came up I told him now was not a good time and he told me he didn't step foot on my property and came up to "measure the road" I have video footage of the entire interaction. The key points being that 1)Andrew was parked for over a min when I came to approach him, why was he parked there? Attempted to make a plan and time when he could come up, was told not now. I felt additionally harassed, there seemed to be zero reason for him to be out there parked to not be fixing the road, the whole story didn't add up.

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**(CONTINUED)**

5) on may 27 a member of the road crew was sent up to fix the ruts that Andrew made he had a piece of heavy equipment in which he did the work which caused much more damage and completely obliterated the violets that I had been working to grow there as a low light cover . It seemed that this was also done in retaliation as the equipment was not necessary as a hand shovel could have done all the work in less than 20 min, on questioning the road crewman said that he was to do all the inside the right of way with the equipment and the outside the right of way with the shovel.

Any one of these 5 incidents would be problematic in themselves but when added together over the course of a year and a half feel like harassment 2 times I have had the authorities called on me and both times were for nothing, no citations issued.

A brief recap of the situations as loosely organized

Situation 1, Andrew used his position to keep me stuck in after a snow storm for 2 days and 2 nights as retaliation for asking on Facebook if everyone's road had been plowed yet because mine wast.

Situation 2 Andrew called animal control to lodge a complaint that I feel was entirely based on retaliation , especially after spending 2 full extra days stuck in after a snow storm and there being zero reason he would need to call animal control

Situation 3 Andrew again calls the state authority this time in the form of VSP as a retaliation for me asking him to stop the road work that was being improperly done/warned

Sitiation 4 Andrew preformed and illegal turn round on my land and rutted it up to the point where it needed to be fixed and then harassed my with drivebyys

situation 5 Andrew caused further damage to the rutted areas plantings by directing the road crew to come up and use a way bigger piece of machinery than was needed for the job

*Videos referenced in the above statement are available to view using the following YouTube Links (Please note that the videos can only be accessed using the links):*

Video #1 <https://youtu.be/N7XQqsg3tlo>

Video #2 <https://youtube.com/shorts/24XfEiY8P2g>

Video #3 <https://youtu.be/KyDDsi59SOc>