

TOWN OF MANCHESTER, VERMONT
SELECTBOARD VIRTUAL INFORMATIONAL MEETING

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Anita Sheldon, Clerk
Manchester Town Clerk CVC

Saturday, February 26, 2022, 1:00 PM

BOARD MEMBERS: Ivan Beattie, Greg Cutler, Jan Nolan, Laurie Kunz, Heidi Chamberlain

TOWN STAFF ATTENDEES: John O'Keefe, Brian Vogel, Leslie Perra, Michael DeCubellis, Jamie Greene, Chris Towslee, Bill Beideman, Anita Sheldon, Brian Van Horn, Janet Hurley, Patrick Owens

PUBLIC ATTENDEES: Alan Benoit, Anne Corso, Astri Kilburn, Becky Nawrath, Ben Weiss, Bernadette C Robin, Bill Philip, Brooks Cole, Cathy Stewart, Cindi, Craig Waller, Cynthia Kilburn, Dave Spiler, Deb Hayes-McGraw, Ginny, Gordon Black, J. Violet Gannon, Jackie Wilson, Janet Hurley, Jen Shaw, Jennifer Luty, Joanne O'Connor, John Clark, Jon Grant, Eileen Braheney, Joyce, Kathe Dillman, Maurie Hill, Kellie, Kevin, Kimberly P., Kirk Moore, Kit, Laurie Metcalfe, Lindsay Brillon, Maddie, Marie Ferrarin, Mark Lachac, Nancy Wolf, Nancy Hadley, Paul Carroccio, Rep. Kathleen James, Rep. Seth Bongartz, Rhonna Cass, Richard Heilemann, Robert Lemonik, Ron, Cathy Aliberti, Sally Hespe, Sean-Marie Oller, Shari Siegel, Suzie Eisinger, Terry Dorsey, Tom, Tony, Victoria Silsby, Wayne Bell, Phil, Alison Stannard, Susan Howard, Carl Bucholt, Chris Anderson, Cathy Stewart, Chris Adams, Consie West, Craig Light, Craig Waller, Dave Citron, Elizabeth Marx, Ellen Ecker Ogden, Jen Shaw, Jo, Joanne O'Connor, Karen Preissler, Kate O., Katy McNabb, Mark, Mary, Martine V., Nancy Wolf, Orland Campbell, Robin Verner, Sally Hespe, Sanfra Weiss, Terry Dorsey, Tony DuPont, Carol DuPont, Brian Benson, Judi, Kate O., Philip Snow, Kevin, Kimberly P., Manchester Business Association, Moira, Don, Geoffrey Chamberlain, and others

Beattie called the meeting to order at 1:04 P.M. Beattie acknowledged long-time resident Tim Waker for his dedication to the community and read the Town Report dedication and gave a brief overview of the meeting. Beattie turned the meeting over to Moderator W. Michael Nawrath. Nawrath recognized Rep. Kathleen James and Rep. Seth Bongartz as they provided brief legislative updates. Topics to note included housing initiatives, workforce retention bonuses, funding for childcare providers, additional funding to address hunger in Vermont, current use, climate change, clean air, and natural beauty in Vermont with hopes of bringing younger families to the area. Steven Nichols addressed climate action and affordability of living in the area, noting that 80% of businesses in Bennington County did not know if they would be open next year. James noted the legislature was trying to shift our economy from fossil fuels to renewable energy in a thoughtful manner using an incentive-based approach. Nawrath read the warning: *The legal voters of the Town of Manchester are hereby warned and notified to meet at Manchester Town Hall (40 Jeff Williams Way, Manchester Center, Vermont 05255) on Tuesday, March 1, 2022, between 8:00 a.m. and 7:00 p.m. to transact the following business by Australian ballot:*

ARTICLE 1. *Shall the Town vote to appropriate \$6,255,519 to defray the operating and capital expenses of the Town for the ensuing year; of which \$3,477,389 shall be raised by property taxes and \$2,778,130 by non-property tax revenues (including \$1,380,000 in local option tax revenues); provided, that in the event that local option revenues are less than \$1,380,000, funds from the Property Tax Relief Reserve Fund may be used to offset the shortfall in local option revenues?*

Beattie directed voters to the budget summary on page 17 of the Town Report, the summary of proposed revenues and expenses on page 18 with a comparison of the prior year's budget and tax rate comparisons on page 21 of the Town Report. For the purpose of budgeting and planning, the Town used an increase in the Grand List from 2021 of less than 1% (\$10,000,000 in growth), or \$12,035,902. The proposed budget included total spending of \$6,255,519, up from \$5,979,211 in the Fiscal Year 2022, an increase of \$276,308, not including voted appropriations. The proposed non-property tax revenues are predicted to increase by \$117,230 to \$2,778,130 in the Fiscal Year 2023. The tax rate increase would be 2.99% when factoring in the modest \$10,000,000 increase in the Grand List and property tax spending. The proposed operating budget included an additional \$15,000 for the Police Department for downtown and park patrols and enforcement largely due to a volume of complaints. The budget for Applejack Stadium was moved from the Department of Public Works to Parks and Recreation. Payroll expenses increased 4%, including a 3% cost of living adjustment for employees, while benefit costs decreased by 3% due to savings in health insurance. The Fiscal Year 2023 budget includes a \$135,000 wheeled excavator for the Public Works, Water and Sewer departments; \$140,000 for a truck to be used by the Department of Public Works; \$70,000 for a dump truck for the Water and Sewer Department; \$125,000 for a new roof on the Department of Public Works building; \$275,000 for paving; \$20,000 from the Town Clerk Records Preservation Fund for digitization of land records. Steven Nichols reviewed the various increases in expenses from FY '22 and FY '23, with Selectboard members responding. O'Keefe explained page 19's personnel expense spreadsheet and its purpose. O'Keefe referred voters to page 53 of the Town Report, clarifying that most funds from the first round of ARPA funding were still unallocated and the entire second portion of ARPA funding was unallocated. There would be subsequent public meetings for voters to provide feedback and input. Brian Benson and Beattie discussed the municipal tax rate would increase by 2.99%. When including voted appropriations, the town tax rate would go up by 5.04%, which is out of the Selectboard's control. Debbie Hayes-McGraw and O'Keefe discussed rental income found on page 25 of the Town Report. Brian Marthage asked for an update on current Northshire Rescue Squad negotiations and encouraged all parties to come to a resolution to support the community. Beattie provided a brief speech regarding the deficiencies within the Northshire Rescue Squad (NRS). Manchester is a regional hub, with regional medical facilities, employment and entertainment. Manchester is 50% of the population served by the Northshire Rescue Squad and is approximately 70% of the NRS call volume. The current NRS model does not support the needs of Manchester. Beattie would like to see a more complex relationship with the NRS board and stated there were funds available for various options, should that be necessary.

ARTICLE 2. *Shall the Town vote to charge the maximum interest and penalty allowed by law on overdue unpaid real property taxes (and provide no discount for early payment), with payments delivered in person at Town Hall, or by U.S. Mail (must be postmarked by the due date), due in two installments, as follows:*

1st Installment: Friday, September 2, 2022 at 4:30PM: 45% of town taxes and 60% of school taxes

2nd Installment: Friday, February 3, 2023 at 4:30PM: 55% of town taxes and 40% of school taxes?

Brian Vogel stated the article was the same as last year. Nichols asked if the Town would work with delinquent taxpayers to reduce the amount of delinquent taxes. Sheldon stated state relief information was available in the Town Clerk's Office and asked if the Selectboard currently offered payment plans. O'Keefe confirmed the Town had set up payment plans with individuals before.

ARTICLE 3. *Shall the Town vote to authorize cannabis retailers in the town pursuant to 7 V.S.A. § 863? "Cannabis retailer" means a person licensed by the state cannabis control board to sell cannabis and cannabis products to adults 21 years and older for off-site consumption?*

Laurie Kunz explained that a municipality may opt in to host a retail cannabis establishment by majority vote, but the opt-in vote requirement only applied to retail licenses, and the retail portion of integrated licenses. Kunz further explained that the opt-in vote had no impact on the ability of other license types to operate in a particular municipality. Cultivators, wholesalers, manufacturers, and testing laboratories are examples of other license types. None of the license types listed require an opt-in vote to operate in a municipality. 7 V.S.A. 863(a)(1) states that a municipality can opt-in at any time. A municipality may vote to opt-out from allowing retail cannabis establishments, but such a vote would not apply to any retail establishment operating in the municipality at the time of the opt-out vote. A municipality may regulate cannabis establishments to the same extent they may regulate any other business under their authority to create zoning bylaws in 24 V.S.A. § 4414 and their authority to regulate signs or public nuisances in 24 V.S.A. § 2291. Municipalities may regulate any cannabis establishment license type in this manner. As per 7 V.S.A. § 863(b) a municipality may not: (1) regulate cannabis establishments to any greater extent than they could any other business; (2) place conditions on the operation of cannabis establishments, or create special rules for them, that is not within their zoning authority under 24 V.S.A. § 4414 or their authority to regulate signs or public nuisances under 24 V.S.A. § 2291. Nichols, O'Keefe, and Kunz discussed cannabis regulations, acknowledging the State had only written three of seven sections of the bill. Nawrath noted the 20% tax would go to the State, and Manchester would receive 1% from cannabis sales. Carol DuPont acknowledged the testing of impaired driving under the influence of cannabis was cumbersome and difficult. DuPont's concerns were also raised within the police profession. Philip Now, Kunz, O'Keefe, and Hurley discussed cannabis consumption in public places noting the State did not allow it.

ARTICLE 4. *Shall the Town vote to authorize up to \$120,000 from the Capital Improvement Contingency Reserve (CIRC) Fund to purchase land from the Old Railroad Bed, LLC (parcel 11-20-59.01) and all improvements to the parcel, including bridges and trails, for the purpose of operating and maintaining a public recreation trail; and furthermore, shall the Town vote to authorize up to \$50,000 from CIRC Fund for certain improvements to the recreation trail between the Dana L. Thompson Memorial Park and North Road, including on parcel 11-20-59.01?*

Heidi Chamberlain explained the article would authorize the use of \$120,000 to purchase land from Old Railroad Bed, LLC, as well as \$50,000 for initial improvements along the trail, such as improvements to the bridge and mitigation for neighbors. In addition to the \$120,000, an additional \$80,000 had been pledged by Bike Manchester for the acquisition of the land. Lastly, the purchase of the land by the Town would be conditioned on the acquisition of easements from two property owners, one of them being the Northshire Civic Center (Riley Rink). Nichols, O'Keefe, and Beattie discussed the proposed \$5,000 operating budget if the Town were to purchase the trail, noting the trail would meet forest regulations. Kathe Dillman and Maurie Hill gave an overview of the work Bike Manchester had done to build the trail, encouraged support of Article 4, and urged voters to visit BikeManchesterVT.com for a brief video. O'Keefe stated that public ownership would be from Manchester Elementary Middle School to North Road. Two landowners were willing to provide easements to traverse their property, noting all lawsuits were settled. Amy Verner stated the property was being given to the Town by Amy and Robin Verner, Bill Drunsic, and Jim Hand. When the trail was initially discussed, costs

were near \$1,000,000. Robin Verner confirmed the owners were donating the original purchase price of \$80,000.

ARTICLE 5. *Shall the Town vote to authorize up to \$50,000 from the Capital Improvement Contingency Reserve (CIRC) Fund for the purpose of completing the Manchester skatepark at the Dana L. Thompson Memorial Park?*

Greg Cutler explained the article authorized up to \$50,000 from the CIRC fund to complete the skatepark at the Dana L. Thompson Memorial Park. The Town previously constructed phase 1 and part of phase 2. The proposed expansion would complete phase 2, and part of phase 3. The Selectboard did not intend to complete phase 3 in its entirety. After the expansion, the Manchester skatepark would be the second-largest in Vermont, with only Burlington's skatepark being larger. A private donor had agreed to contribute \$250,000 towards the completion of the skatepark and the skatepark committee had approximately \$93,000 on hand. Lastly, with the additional \$50,000, another \$107,000 in fundraising would be required in order to complete the skatepark. Nichols and O'Keefe discussed the limited maintenance cost of the concrete structure that replaced the wooden structure. Carl Bucholt confirmed the activity he saw at the skatepark and believed this would be a good investment. Brian Marthage asked if the money from the CIRC fund would reduce the tax burden. Beattie reiterated money used from the CIRC fund would not impact the tax rate increase. Marthage, Carl Bucholt, and Brian Benson spoke in favor of the article.

ARTICLE 6. *Shall the Town vote to support the concept of a regional field house at the Dana Thompson Memorial Park in Manchester, with the understanding that regional towns would participate in its construction costs under a formula based on a combination of grand list, population and distance, in exchange for a special use status for those who live or own a second residence in the Town? Advisory, non-binding article.*

Cynthia Gubb stated the advisory question would be brought to seven different towns on Election Day and gave a brief overview of the field house. Alan Benoit stated his displeasure with the size of the building, the aesthetics of the building, and the lack of energy efficiency. Healthy and sustainable communities could not be maintained by heating with propane. He further noted the Town of Manchester had seen two one-hundred-year flood events within the past 10 years. Nichols and Bongartz discussed Rep. Seth Bongartz's involvement in the Manchester fieldhouse project and Nichols' concern of a possible conflict of interest. Bongartz stated there were no conflicts of interest as Bongartz is a non-profit consultant in addition to being an elected State Representative. Nichols and O'Keefe discussed permit applications submitted on behalf of the Town of Manchester. Nichols stated the lion's club barn was a historic structure and he did not support tearing down the building for the benefit of the field house and further commented on parking concerns. Brian Marthage and O'Keefe discussed the long-term master park plan, which the Town is currently working on. Carl Bucholt expressed his displeasure with energy efficiency as he felt it was irresponsible. Bill Drunsic stated heating fuel would not exceed 10,000 gallons per year and confirmed the proposed structure met energy standards. Karen Preissler and Gubb discussed the evolving field house plans over two years and noted public input was encouraged. Gubb confirmed an indoor pool was researched but was not included in the design due to cost. Victoria Silsby and Gubb discussed the importance of a community survey seeking public input before an advisory vote. Debbie Hayes-McGraw and O'Keefe discussed parking requirements, noting the Development Review Board would consider parking, the maximum number of field house users per day, a landscaping plan, and energy usage of the building. Gubb acknowledged an inter-municipal agreement would be required if the article was approved. Brian Benson and Gubb discussed the need to downsize or redesign the project if enough

towns did not agree with the proposal. Drunsic noted the project would not go over budget as adjustments would be made as necessary to stay within the proposed budget. Paul Carroccio recommended the Selectboard consider pivoting proceeds and creating an endowment. Carroccio urged the town to look at the project's operational management, from the Town Manager down, to make sure the building was in good shape. Carroccio did not believe the Town was ready to manage such infrastructure. Bill Drunsic stated the field house idea came from the area needing additional indoor space for recreation. Karen Preissler spoke in favor of an indoor pool. Rebecca Nawrath and Drunsic discussed the Lion's Club barn and noted the building would be dismantled as it was not a structurally-sound building. Nawrath asked if the historic building was used to obtain grants for other projects. O'Keefe invited Nawrath to come in and research her question with him.

ARTICLE 7. *Shall the Town vote to establish a new wastewater (sewer) district in the Town of Manchester to generally include lands along Route 7A / Main Street from Cemetery Avenue to North Road, and as further defined through regulations approved by the Board of Sewer Commissioners?*

Jan Nolan explained the article authorized the Selectboard to create a new wastewater district in the Town of Manchester, separate from the existing sewer district, for the purpose of constructing, financing, and operating a new wastewater district along Main Street / Route 7A from approximately Cemetery Avenue to as far north as North Road, as further described in Article 8. This section of town was an area designated by the Planning Commission for growth and development. Among other uses, the Town was hopeful that the combination of available land and town water and sewer would encourage affordable and workforce housing construction. As currently designed, permit fees would be structured to encourage, among other things, affordable and workforce housing. Steven Nichols, Debbie Hayes-McGraw, and O'Keefe, discussed funding for the project, a tiered system for hookups, and noting current sewer users would not be paying for the new sewer district. Hayes-McGraw stated a priority should be to protect the Town's aquifer rather than establishing a new sewer district. Bill Drunsic spoke in favor of the article as the article would support additional housing. Paul Carroccio sympathized with Hayes-McGraw and Drunsic's comments and encouraged the Town to use ARPA funds as both projects should be prioritized.

ARTICLE 8. *Shall general obligation bonds or notes of the Town of Manchester in an amount not to exceed One Million, Nine Hundred Thousand Dollars [\$1,900,000], subject to reduction from available state and federal grants-in-aid be issued for the purpose of financing the cost of expanding the public wastewater (sewer) system along Route 7A / Main Street from approximately Cemetery Avenue the o north of Hunter Park Road, the estimated cost of such improvements being One Million, Nine Hundred Thousand Dollars [\$1,900,000]?*

John O'Keefe explained the article authorized the Board of Sewer Commissioners to bond for the Main Street / Route 7A sewer main extension. The project would include approximately 6,460 feet of new 8-inch polyvinyl chloride (PVC) pipe. O'Keefe noted the project would begin at Cemetery Avenue and run north along Route 7A. The project had been divided into three phases. The last phase would end approximately 600 feet north of Hunter Park Road. The work would include a new sewer main, manholes, and service stubs to the edge of the right-of-way for each property and sidewalk and pavement replacement as needed. The total project cost, estimated at \$1,900,000, would include all three phases. The funds also included construction, engineering services during construction and a 10% contingency. The Clean Water State Revolving Fund was expected to have significant subsidy (grant) money available this year due to the Infrastructure and Jobs Act. This project would be eligible for ranking on the Clean Water State Revolving Fund Priority List. If the project ranked within the fundable range on the list, the project could receive potentially 50% to 75% subsidy (grant). The

subsidy would be available on a first-come, first-served basis. If the 50% to 75% subsidy is received, the remainder of the cost would be paid for through a low interest (0-3%), 30-year loan from the Clean Water State Revolving Fund.; Repayment sources would include connection fees, Town ARPA funds, and property assessments. The project was designed and permits were expected to be issued in February or March of 2022. If approved, the project could begin as early as the summer of 2022, being one of the first major sewer expansion projects in decades. The informational meeting and discussion would meet the requirements of a bond article public meeting. Nichols, Karen Preissler, O'Keefe, and Beattie discussed the project's total cost being \$1.9 million, noting water and sewer lines must be separate. Due to the need for keeping the two systems separate, the Town may need to replace the current sidewalk.

ARTICLE 9. *Shall general obligation bonds or notes of the Town of Manchester in an amount not to exceed One Million, Two Hundred and Seventy Thousand Dollars [\$1,270,000], subject to reduction from available state and federal grants-in-aid be issued for the purpose of financing the cost of making public water system supply, transmission and distribution improvements, including replacement of the Richville Road Water Main, the estimated cost of such improvements being One Million, Two Hundred and Seventy Thousand Dollars [\$1,270,000]?*

Doug Kilburn provided an overview of the article, specifically authorizing an expenditure of up to \$1,270,000 for the replacement of an old water main with approximately 2750' of 12" ductile iron water main. The project would go from Airport Road to Cass Terrace and would replace a 4" cast iron pipe. Records indicated the line was installed in 1913, making the line 109 years old. The current water main was inadequate for modern flows and did not meet the fire flow requirements. The project, if approved, would continue the water department's efforts to improve fire flows throughout Town. Due to the unique timing as it related to federal funding, it was likely that the federal government would provide between 50% and 75% of the funding through the "Infrastructure and Jobs Act". The informational meeting and discussion would meet the requirements of a bond article public meeting. Kilburn asked for support. Steven Nichols asked if reserve funds would be used for either article 8 or 9. Beattie stated both articles were bond articles.

Articles 10 through 24 are under the provisions of 24 V.S.A. § 2691 and § 2692. Shall the Town vote to appropriate general funds to social service agencies?

ARTICLE 10. *To appropriate \$243,740 to the Manchester Community Library?*

J. Violet Gannon spoke in favor of the library, gave a brief speech, and asked for support. Nichols and Gannon discussed the increase in gross wages found on page 59 of the Town Report to help support employees who cannot seem to work and live in Manchester due to the housing crisis. John Clark spoke in favor of the library and urged support, noting the tax rate would decrease if all voted appropriations from last year were approved without any new appropriations.

ARTICLE 11. *To appropriate \$87,000 to Northshire Day School?*

Jacquelyne Wilson spoke on behalf of the Northshire Day School noting a \$250,000 deficit. Manchester, Dorset, and Sunderland were asked to provide an appropriation to help with operating expenses. Nichols and Wilson discussed subsidy programs for low-income families provided by the State of Vermont. Dan Pietrucha and Wilson discussed why the agency did not increase childcare costs. Wilson stated quality childcare at an

affordable price was a goal of the Northshire Day School. Pietrucha urged voters to vote no. Jennifer Luty and Elizabeth Marx spoke in favor of Northshire Day School.

ARTICLE 12. *To appropriate \$10,000 to the VNA & Hospice of the Southwest Region?*

Bernadette Robin spoke in favor of the VNA & Hospice of the Southwest Region, provided a brief overview of the agency and asked for support of the article. Nichols and Robin discussed hours of operation and VNA's focus on patient visits during COVID-19. Carl Bucholt spoke in favor of the VNA & Hospice of the Southwest Region due to personal experiences.

ARTICLE 13. *To appropriate \$4,000 to the Southwestern Vermont Council on Aging?*

No discussion.

ARTICLE 14: *To appropriate \$2,500 to the Tutorial Center?*

Sean-Marie Oller thanked voters for support in previous years, provided an overview of the organization and asked for support.

ARTICLE 15: *To appropriate \$2,400 to Bennington Area Habitat for Humanity?*

Kirstin Comeau gave a brief explanation of the services provided by Bennington Area Habitat for Humanity and asked for support of the article. Nichols and Comeau discussed the requested funds being used in Manchester, as there would be two houses built in the Town of Manchester.

ARTICLE 16: *To appropriate \$2,000 to Greater Northshire Access Television?*

No discussion.

ARTICLE 17: *To appropriate \$2,000 to Center for Restorative Justice?*

Kimberly Philips spoke in favor of the Center for Restorative Justice, provided a brief explanation of services offered, thanked voters for past support and asked for support of the article. Nichols and Beattie discussed requirements for agencies seeking an appropriation. Philips acknowledged the funding requested was specifically used for Manchester residents.

ARTICLE 18: *To appropriate \$1,850 to Project Against Violent Encounters?*

Lindsay Brillon provided a brief speech in favor of Project Against Violent Encounters and asked for support.

ARTICLE 19: *To appropriate \$1,811 to Community Action in Southwestern Vermont?*

No Discussion.

ARTICLE 20: *To appropriate \$1,500 to Retired Senior Volunteer Program?*

Cathy Aliberti spoke in favor of the article, provided an overview of services offered in Manchester, thanked RSVP volunteers, and asked for support.

ARTICLE 21: *To appropriate \$1,500 to Neighbor to Neighbor?*

Suzie Eisenger spoke in favor of the article, provided a description of services offered in Manchester, and asked for support of the article.

ARTICLE 22: *To appropriate \$1,000 to The Collaborative?*

Victoria Silsby spoke in favor of the article, directed voters to The Collaborative's report on page 56 of the Town Report and asked for support. Nichols thanked Silsby for her work with the Collaborative.

ARTICLE 23: *To appropriate \$500 to Vermont Association for the Blind and Visually Impaired?*

No discussion.

ARTICLE 24: *To appropriate \$420 to Vermont Center for Independent Living?*

No discussion.

ARTICLE 25. *To elect Town Officers for the ensuing year.*

No Discussion.

With no further discussion, Cutler moved to enter into executive session to discuss contract negotiations, seconded by Jan Nolan at approximately 6:30 P.M.

With no further action to be taken by the Board, Nolan moved, seconded by Chamberlain to adjourn at approximately 7:00 P.M.

A handwritten signature in cursive script, appearing to read "Jan Nolan". The signature is written in dark ink on a white background.