



Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075
802-785-2922 • thetfordvermont.us

Selectboard Regular Meeting Minutes Thetford Town Offices (w/Virtual Attendance Option) Monday, October 18, 2021 7:00 PM

Selectboard members present; Sharon Harkay (Chair), Li Shen (Vice-Chair), Mary Bryant (via Zoom), Steve Tofel (via Zoom)

Selectboard members absent: Nick Clark

Others present; Town Manager Bryan Gazda, Town Clerk/Treasurer Tracy Borst, Selectboard assistant Martie Betts

Sharon Harkay called the meeting to order at 7:00 PM.

1. Agenda Review

Bryan Gazda said he didn't get the actual bargaining agreement for the Police union until late Friday, and he would like to do a thorough review before the Selectboard ratifies the agreement. The agenda item will be moved to the November 1st, 2021 Selectboard meeting.

2. Town Manager Report – Bryan Gazda

• Personnel Update

Bryan announced that Angela Jones has been hired as the Zoning Administrator and Lister's Clerk. Angela is returning to the area from North Carolina. Her first day was October 13th. The Department of Public Works will begin their winter schedule on November 1st, which is Monday through Friday 6 AM to 2 PM.

• Municipal Grants Update

Bryan will hold another detailed workshop with the water districts where they will put together a needs assessment. Then a grant writing committee will be formed. Bryan told the Selectboard it wouldn't hurt to make a resolution or motion to allow the grant to come in, just in case it is needed for the grant.

Bryan thanked Kate Emerson and Bill Westgate of Fivos, Inc. in West Lebanon for office furniture donated to the Town of Thetford. Some of this will be used in Bryan's office, and the rest is being stored for future use. Bryan also thanked the DPW crew, especially Dale Lewis, who volunteered his vehicle and horse trailer to move the furniture.

3. Public Comment

No public comment.

4. Homestead Declaration Late Filing Penalty Waiver Requests

Tracy Borst said she would be representing Richard Bressett and Kim Meredith. When Mr. Bressett was at the previous Selectboard meeting, there was an indication from the Selectboard that they may be willing to split the penalty, but we weren't sure if that could be done. Tracy contacted the Vermont League of Cities and Towns (VLCT) and they do allow for a partial credit. The Bressetts would like to request a partial credit of \$200.



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Motion by Mary Bryant that we refund back \$200 to Richard Bresett and Kim Meredith. **VOTE by Roll Call:** Mary Bryant – in favor, Steve Tofel – in favor, Li Shen – in favor, Sharon Harkay – in favor. **Motion passes.**

Bonnie Weiss explained that she always files her taxes, including the HS-122 and I-144. This year she filed her taxes on March 1st. Ms. Weiss said she received a refund from the State at the end of March and deposited it in her savings account. She didn't know there was a problem until she received her tax bill at end of August for the full amount. Ms. Weiss contacted the State tax department said they had not received any of the paperwork, so she scrambled to refile. After consistently checking in with the state, she saw that it had posted at the end of September and notice had been sent to the town.

Sharon asked for the amount of the penalty. Ms. Weiss said it was \$273.21. Sharon asked if she had received the letter from the state that informs people how much they will get back, and Ms. Weiss said she hadn't gotten the letter. That didn't occur to her, as she has been distracted by personal matters.

Motion by Sharon Harkay to waive the late filing penalty for Bonnie Weiss, in the amount of \$273.21. All in favor (4-0-0) **Motion passes.**

5. Introductory Presentation with Tina Foster of Brian Boland's Estate/Post Mills Airport

Tina Foster introduced Dan Mullen, an attorney she has been working with concerning the estate of Brian Boland. Tina said that Brian Boland's will states that he is bequeathing the airport to the town, with a life estate for Tina at the airport. This bequest was made with the restriction that it is used for small aircraft and balloons. If for some reason it could not be used for that, the property should remain as open space for recreation. The remainder of his estate and property is equally distributed between Tina and the town. Tina has been named as the executor of the estate.

Dan Mullen with Sheehey, Furlong and Behm, said the airport is offered to the town, but if the town is unable, unwilling or disclaims the property, (upfront the town has the right to not take the property), in such case there is a pecking order on how it would be passed along. If the town takes the property, and if at any point the property can't be used as an airport, it will remain as an open space for recreation.

Tina went on to explain that a group of pilots who use the airport, and the Post Mills Soaring Club are very interested in seeing it remain an airport. There has been a group of people who have been working on keeping operations going. *(Several of these people were at the meeting)* They are hoping for a way to keep the airport operational or as a space that is an airport but welcomes people from the community to visit and enjoy the museum. Tina spoke of her hope to expand on other opportunities.

Sharon asked about the bus that Brian had wanted to turn into a diner. Tina said the diner was not a tenable thing, but it has been made smaller and turned into a stage. While it's not road worthy, it can be driven around the airport. Tina said she has been working hard on the finances. If the town decides to take the property, the piece that is complex will be determining what that looks like.

Sharon asked if Tina would like to expand on the split of the rest of the estate.



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Tina read the will, “All the remainder of my estate and property of every kind and description, and wherever located, real and personal, as follows; one half shall be distributed to Tina Foster, the other one half to the town of Thetford, to be used on the same terms as provided above for the airport.” Tina said there is also a condition in the will that she pay all real property taxes, and that she maintains and keeps up the residence. Tina said she would hope that whatever the split would look like, it would be good for both her and the town.

Sharon said she wondered if the estate included any funds that would help the town cover expenses that might be incurred if the town does accept the airport.

Tina said there are some funds. Her understanding is that Brian wanted her to have a little money to help pay the expenses while she is there, but it’s not enough to keep the airport going in perpetuity. In her role as executor of the estate, there are things that she will dispose of, not valuable or integral to the airport. Her intent is to help keep the place going with any money that comes from disposing of things, not to use the money personally.

Steve Tofel suggested that we might want to form a committee to gather more information, and possibly consult with the town attorney. This is a wonderful thing that Brian wanted to leave this to the town and Tina. This might consist of the Town manager, one or two members of the Selectboard, Tina and a few people that know something about operating an airport.

Tina said there is a small group of people who are operating the airport now, and thought those people would be important, along with representation from the glider club. Brian had also left a note suggesting that community members and perhaps someone interested in the arts, and education should be included.

Sharon wondered if a preliminary step would be for the Selectboard and Town Manager to meet with the town attorney to pick his brain about the kinds of things we should think about before making the decision of whether to accept the airport. Then if it looks like we’re given the go ahead to explore this we would have the larger group that you are talking about. Steve agreed. Li added that there isn’t any rush to make a decision. The town needs to make sure its interests are protected concerning liability and also, the airport did generate taxes.

Tina said the intent was to keep paying the taxes. What we have been wondering is whether it would be possible for the town to accept the airport but have the operation at a minimum, and then potentially the operation and maybe ownership could go to a non-profit or other organization that would then be able to pay the taxes and relieve the town of any liability.

Tina said she didn’t think it was Brian’s intent to have the airport be a burden to the town, but rather his hope was that by leaving it to the town it would remain a community resource.

Mary Bryant said she thinks Thetford is really lucky to make claim of having its own little airport, glider club and hot air balloons. That is really unique. Mary said she is touched that Brian left it to the town. It is an amazing gift. Mary appreciates the fact that fellow Selectboard members are thinking very practically as we must, but she is also hearing about this group of people and wondered if they had met yet. What would they like to have happen?

Tina said that the people who are interested in the day-to-day management of the airport have met. There has not been one big meeting with everyone though.

Mary said it is an exciting moment, and she would like to see the town proceed with the responsibility of making a wise decision, as well as hearing more of what people would like to see happen. More ideas give us more possibilities.



Town of Thetford Vermont

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Li Shen said there is a model in Thetford with the Upper Valley Fish & Game Club, which leases property owned by the town, and they do assume liability for all their actions on that property. The details are in the lease, so the town could own it, but then lease the whole thing under an agreement that incorporates all of the things Tina mentioned. The town does not want to be in the business of running an airport.

Dan Mullen said that looming over all of this is the probate court and the judge, who ultimately has the say on how the property can be distributed. Tina just became the executor, and there is a sixty-day time period for Tina to determine what the estate is comprised of. That information will come together slowly and once that's done, there is an open time period to administer the estate. Attorney Mullen said there was no rush, and the town should take as much time as needed. Tina added that it was really important for her to get this right, or as close as she can. In her mind, that means taking the time to think about it and getting input from others.

Sharon asked Attorney Mullen if he had any sense of how slowly or quickly the probate court might work. Would it be months or years?

Attorney Mullen said it depends on each estate. There are set timelines by statute, such as 60 days from when an estate is opened to file an inventory. An extension of that time can be requested. Currently the courts are pretty burdened, due to a backlog of cases from COVID-19. An estate can be kept open for a very long time, as long as you have a reason to do so. Tina said she has already requested an extension for the inventory.

Bryan Gazda said the best way forward might be for he, the town attorney, Attorney Mullen and Tina to meet to discuss the will. Bryan has not seen a copy of the will yet. The four could sit down and do some of that preliminary work. Bryan has heard from the insurance carrier, and this is not something that would be covered through VLCT. The town would have to look elsewhere for insurance. Bryan's recommendation to the Selectboard is to allow some time for Bryan to look through the documents and for the attorneys to start a conversation. Then they can report to the Selectboard as to what is and is not feasible.

Tina said we need to really understand what the possibilities are, so she is open to that suggestion.

Greg Hanlon said he is president of the Post Mills Soaring Club and is a resident of Lyme, NH. He is very encouraged that everyone is open minded about this. This is a really unique gift and Thetford is really lucky to have this airport and to potentially own it. Small airports like this are disappearing around the country at a really rapid rate, as are soaring clubs as a result. The Post Mills airport is unique among a unique subset.

Sharon asked if the Selectboard could give the group some questions that they would like to see answered by our attorney. Bryan said they could forward them to him and he would get them to the attorney. Attorney Mullen will send Bryan a copy of the will.

The Selectboard was in agreement to task the Town Manager, Bryan Gazda, to meet with Tina Foster, Dan Mullen, and the Thetford town attorney to discuss the Post Mills airport.

6. Treasure Island Exploratory Committee's End of Year Report and New Fundraising Project

David Roth gave an overview of the committee's inception and their original charge. David said it has been an extraordinary and accomplished year, and committee members are proud of the work they have done.



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Doug Tifft did a brief review of the annual report (*included in the meeting packet*). The committee has been considering ways to first add value to Treasure Island, and then consider ways of reducing costs. They have looked beyond just a place to go swimming but have investigated opportunities to have activities through multiple seasons. Doug talked about the possibility of partnering with different groups, including some of the camps on the lake. In the report, the committee has offered eight different proposals for the Selectboard to consider as the next focus for the committee.

Lucas Stepno said he spends a lot of time at Treasure Island with his 7-year-old son, who loves to swim, and play with trucks in the sand. Lucas spoke about a new Treasure Island sign that would make it easier for people to find the facility. (*Image of design in meeting packet*) Lucas said they reached out to Katherine Babbott-Ward, as they were impressed with the work she did on the sign for Sayre Bridge on Tucker Hill Road. The new sign design reinforces the fact that Treasure Island is a public beach, and the committee adopted the loon as a mascot.

Mary Bryant said she thought the design was stunning.

David Roth said they had great success with fundraising for the salary of the beach manager, so their intent is to fundraise for the sign.

Sharon Harkay said she has had the privilege of being the liaison to this committee. There is true joy, passion, and dedication in the committee for building up Treasure Island. Sharon noted that the town is really lucky to have them serving on the committee. In terms of different proposals, Sharon asked if they continue to work on the master plan, couldn't the other 7 points be incorporated.

Li Shen said she saw specific mention in their report of getting the other towns involved who also benefit from Treasure Island and would welcome the idea of involving all the three towns. (*Fairlee, West Fairlee, Thetford*) Li noted that less than half of the attendance at Treasure Island is Thetford Residents. The rest comes from other towns. She is also interested to see what they would come up with for extended seasons or year-round use.

The Selectboard briefly discussed the building at Treasure Island.

Alexis Jetter thanked the committee and the Selectboard for really considering the potential of Treasure Island. She suggested reconsidering the idea of having a year-round caretaker, a previously successful model for the facility.

Steve Tofel said the concerns about that building have been discussed for some time, and he would like to see a deadline for a decision on what to do with it.

Bryan said an inspection had been done on the building shortly after the former caretakers left, and there are modifications that would need to be made to become a rental property again.

It was agreed that the master plan for Treasure Island should be the priority.

The Selectboard thanked the committee for their work and their report.

7. Municipal Planning Grant Applications

David Forbes gave a brief overview of the municipal planning grant process using the Cares Act Money. Two Rivers Ottauquechee Regional Commission feels that a consortium of towns would be more impactful than individual towns. The grant would be used for the updating of the zoning bylaws, and specifically the bylaws for housing. The Planning Commission has reviewed and recommends that the Selectboard approve the application.



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Li Shen asked about the amount of funds and whether there is a matching amount from the town. David said there are no matching funds required, and the total amount would probably be between \$7800 and \$9000.

Li clarified that this funding would be used for professional assistance in rewriting our zoning bylaws. David confirmed.

Motion by Sharon Harkay that we enter into and agree to the requirements and obligations of the Municipal Planning Grant Program for the purpose of modernizing our zoning bylaws, to authorize the Planning Commission to serve as the agent for the Town of Thetford, and to accept Kevin Geiger of Two Rivers Ottauquechee Regional Commission as the grant administrator.

VOTE by roll call: Steve Tofel – in favor, Mary Bryant – in favor, Li Shen – in favor, Sharon Harkay – in favor. **Motion passes.**

Motion by Sharon Harkay to approve the submission of the Municipal Planning Grant on behalf of the Thetford water district contingent, upon the approval of the Planning Commission, and to authorize the Town Manager to sign any documents involved.

VOTE by roll call: Mary Bryant – in favor, Steve Tofel – in favor, Li Shen – in favor, Sharon Harkay – in favor. **Motion passes.**

8. Thetford's Potential Participation in the National Opioids Settlement

The Selectboard reviewed and discussed the opportunity to participate in the National Opioids Settlement.

Bryan said more municipalities signing the settlement would mean more money to the state. Steve Tofel likened the settlement to a class action lawsuit.

Motion by Mary Bryant that we agree to sign on to participate in the National Opioids Settlement and to authorize the Town Manager to sign any documents. All in favor (4-0-0)

Motion passes.

9. Extension of \$2.1 Million Loan for FEMA

There was discussion about the projects this loan covered, which are currently being reviewed by FEMA for reimbursement.

Tracy Borst said the note is due on November 1st, regardless of the FEMA process. There is no cost difference between an extension of 90 days or a year and considering what the town has been through with FEMA, Tracy recommends extending for a year. There would be no penalty if it was paid early.

Motion by Sharon Harkay to agree to the extension of our loan from Community National Bank with a new maturity date of November 1st, 2022, to give FEMA more time to continue the process. All in favor (4-0-0) **Motion passes.**

~~10. Ratification of the New England Police Benevolent Association, Local 403 Union Contract~~



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11. Warrants and Minutes

Steve Tofel noted that in the packet there is a congratulatory letter to Tracy Borst and Kristie Wadsworth regarding the awards they received from the Vermont Municipal Clerk's and Treasurer's Association.

Sharon said she had meant to talk about that in public comment and will make sure the announcement goes on the website and other places. Sharon said that Tracy has also become the VMCTA President.

There was discussion about how to get signatures on the warrants, as two Selectboard members attended the meeting virtually.

Motion by Sharon Harkay to approve the regular Selectboard meeting minutes of October 4th, 2021, and the special Selectboard meeting minutes of October 7th, 2021, as edited. All in favor (4-0-0) **Motion passed.**

12. Adjourn

Motion by Steve Tofel to adjourn the regular Selectboard meeting at 9:27 PM. All in favor (4-0-0) **Motion passes.**