

MONKTON SELECTBOARD MEETING  
MINUTES

Tuesday June 14, 2022  
(Approved 6/28/22)

The meeting was called to order by Stephen Pilcher at 7:01 pm.

Members in attendance: Stephen Pilcher (chair), Paul Low, Bill Martin, John McNerney, Marikate Kelley

Members absent: none

Others in attendance: Jessica Demeritt (recording secretary), Jaime Shulte, Renee McGuinness, Mark Burritt, Victor Cousino, Levi Cousino, George Roy, Barbara Roy, Michael Hurlburt, Laura Farrell, Amy Savage, John Dunham, Callie Brynn. Greg Paulman, Nancy, Theresa Payea, Anthony Delgreco, Ann Miller, Christopher Kruckel, Scott Johnson, (This list is incomplete; others arrived after the meeting began.)

**ANNOUNCEMENTS**

none

**REGULAR BUSINESS:**

APPROVE MINUTES

**J. McNerney moved to approve the minutes of the May 24, 2022**

**Selectboard meeting as written. Seconded by B. Martin. All voted in favor.**

REVIEW AND APPROVE CHECK WARRANTS

**B. Martin moved PR 20606 in the amount of \$9,323.75. P. Low seconded. All voted in favor.**

**B. Martin moved to approve AP 20610 in the amount of \$21,549.73. J. McNerney seconded. All voted in favor.**

REVIEW AND APPROVE OVERWEIGHT PERMITS, ETC.

The following overweight permits were reviewed and approved:  
Mitchell Excavating

PUBLIC COMMENT

R. McGuinness asked what the town of Monkton was, and answered that it was the people. She understood that the ARPA funds were to relieve difficulties due to COVID. She wanted to hold the Selectboard to account for appropriate use of the funds for the townspeople. She proposed dividing the funds evenly among every Monkton household.

**NEW BUSINESS:**

## DISCUSSION OF ROAD CONDITIONS

Bob is concerned about the road conditions and wanted to know what the town was doing about getting the roads back in shape. B. Martin said they were working on Rotax currently, and Hollow Road is next. T. Payea expressed concern about trapping beavers which were causing a problem at Hollow Rd and said the beaver-deceiver has been a very effective alternative to controlling water levels on Monkton Pond. No blacktop is planned for this year. N. Pond Road culvert has been at a standstill for a couple of years. Bob is concerned that the gravel is washing off the road due to lack of crowning. Bob said it is not a put down on the road crew; he felt that the roads were hazardous and gravel was being wasted. B. Martin said he would ride around with the Road Foreman on Thursday and look at the conditions. M. Kelley noted that the amount of rain that is falling is heavier than in the past. Bob showed the Board photos. A. Delgreco noted that people are traveling at high speeds on the dirt roads. J. McNerney stated that the people at the state level have commented that road care has been very difficult. S. Pilcher said there is \$85,000 in the town budget for gravel to put on the roads to help with crowning. S. Pilcher noted that not enough material is coming back in from the roadside. B. Roy noted that their mailbox has risen and the road has been dug down. G. Roy wanted to see the roads built back up instead of seeing the ditches dug deeper. S. Johnson was concerned that there is not enough knowledge being applied to road care and commented that Junior Lewis offered training. Was there an option for grader school for the road guys? M. Hurlburt said that he has seen some changes with the weather, the road use, and the truck size. He noted that the ditches are full of material. He noted that a prior road foreman would bring in gravel when the roads were soft. Dig the ditches out and build up the roads is his recommendation. S. Johnson said he has experienced some unsafe moments on the roads in Monkton. S. Pilcher suggested sending emails about road concerns copied to the road foreman and the Selectboard so everyone is on the same page. P. Low said he is driving the roads a lot and has observed that when there is highway department turnover the roads may be poor for a bit. P. Low said please be patient; finding help is hard and the nearby towns are competing for road employees. The people speaking were all supportive of the road crew and appreciate their work. A. Delgreco said that the Selectboard needs to be responsible for the road crew just like bosses are responsible for their employees. Multiple people noted the difficulties with the Church Road culvert. B. Martin said the state wanted to do a hydrostudy at that location prior to upgrading the culvert. J. McNerney noted that there were a number of same vintage culverts so a number of issues are popping up at the same time and the more demanding state regulations were dramatically increasing costs and lengthening the time to replace larger culverts. C. Brynn said when there are a lot of potholes the roads are very loud at her house. It's hard on people's vehicles. She would like to see training happen for the road crew. A. Savage wondered if there could be updates for what is happening in town for the roads. S. Pilcher said he could add it to the agenda for the twice a month meetings. He noted that the road grader was repaired instead of coming

to the town to ask for a new one at a cost of \$200,000. J. Dunham wondered how to make sure that roads are repaired and kept up? S. Pilcher answered Monkton has a new, young road crew. He noted that the private sector pays better than the public sector. The Selectboard has a liaison to the highway department to streamline communication. B. Martin said he would ride around with Shane regarding the issues discussed, and he would follow up with possible training with Junior. One person stated that there was not enough gravel on the roads and that it has been bad for some time. He wanted more money for the roads. M. Kelley said she appreciated everyone's comments.

M. Hurlburt is concerned about the caterpillars in the trees. S. Pilcher asked him to email the tree warden for more info.

#### TOWN OFFICIALS CODE OF CONDUCT

S. Pilcher sent R. McGuinness the town's personnel policy and conflict of interest policy. R. McGuinness felt bullied on the Monkton Facebook page by elected officials and appointed officials. She cares about the community members and has made many connections. S. Pilcher said when people are representing the town, individuals need to be courteous and respectful. S. Pilcher said on social media it is difficult to tell when someone is speaking personally or as an official. R. McGuinness doesn't want things to be contentious. S. Pilcher said he can remind committee members that they have certain responsibilities.

#### UPD DISCUSSION AND SCHEDULE HEARING

S. Pilcher wondered about the ridgeline overlay district. The zoning map was made in 2011 and included in the UPD approved in 2012. The 42% rule to define the Ridgeline District first appeared at that time, but has since been removed and the outline on the map defines the boundary today. S. Pilcher thought that perhaps reverting to that language might remove some of the ambiguity as to where the boundary came from. J. Schulte asked what is an economically viable use of land: agriculture and logging yes, but development? Is there a clear definition of what a "taking" would be? What would be the remedy to stand up to the challenge of a "taking"? There was discussion about how to define the ridgeline district. J. Schulte observed that the scenic, rural, ecological needs are the direction the rules are going in. M. Kelley asked what we are trying to protect and how to define them. Those definitions need to be clear from a legal view so that they are not arbitrary. L. Farrell stated that fragmentation of large forest blocks has a significant adverse effect on many wildlife species. She read a statement recommending that the language proposed by the Planning Commission for the Ridgeline District be adopted with the exception of the part relaxing the development restrictions which have been in place for at least 10 years, at least until we have better defined what critical resources in the area may be adversely affected. (A copy of L. Farrell's statement is attached to these minutes.) A. Miller said she supported L. Farrell's statement. She observed that Act 171 has not yet been addressed. The ridgelines are a big part of the forest blocks affected by Act 171. C. Kruckel said he does not support L. Farrell's

statement about development having an adverse effect on wildlife. L. Farrell stated that she has a PhD in Biology and a Master of Science in Wildlife Ecology and Conservation. There are multiple people inquiring with multiple lawyers about the law regarding ridgeline zoning. C. Brynn spoke about current use and protecting ridgelines and connectors because we can't get them back. S. Pilcher is going to wait to learn more about the "taking" issue.

S. Pilcher asked when is a conditional use disallowed. J. Schulte said if it is not clearly stated in the UPD it probably won't happen. Concern was expressed that the proposed language allowed for uses not specifically disallowed, in addition to uses specifically listed as allowed offers too much flexibility. There should be a list of specifically allowed uses. J. McNerney said there is nothing in conditional use that says anything about protecting natural resources. He quoted from Waitsfield's UPD and how they worded protections. J. McNerney was asked to write something up on the topic. S. Pilcher wanted to see a definition for invasive species, linking to a current state site for invasives. There was discussion about the erosion control section, and the UPD being more rigid than the state's guidelines. There was discussion about protecting riparian areas and the 50 foot setback. J. Schulte would like to see that expanded to 150 feet conditional use.

R. McGuinness read from the Vermont Constitution. She felt that the UPD is about controlling property, which speaks against the Vermont Constitution. C. Kruckel said a fox family made a den in his friend's backyard. He said the foxes did not mind living within 50 feet of a house. He questioned the science behind the UPD and thinks we will be moving in a new direction in a few years towards freedom.

S. Pilcher asked about conditional use and adding slopes of 15-25% and noted that it should probably be put in the conditional use section of the document.

B. Martin said affordable housing should always reference the VHFA definition. There was discussion about affordable housing. He questioned walkability and sidewalks. S. Pilcher said that if a property is dividing into five or more lots, then you must go through the PUD process. B. Martin wondered about open land versus open spaces.

A. Miller asked if she could be on the agenda for the next SB meeting, 6/28/22, regarding ARPA funding and mapping. L. Farrell spoke about a living map. J. McNerney noted that the lead times from the companies capable of doing the mapping work have extended dramatically. Further delay as town ramp up their act 171 compliance efforts will push this out even further. L. Farrell suggested it could be 2 years. J. McNerney also mentioned that a private funder had offered a substantial donation toward the mapping project but that the funds would need to be committed by the end of the month, otherwise the funds would be put toward other projects.

#### TOWN ADMINISTRATOR JOB DESCRIPTION / PAY RATE

no action taken

#### LOWER PARKING LOT AT TOWN OFFICE

S. Pilcher spoke to the architect and Otter Creek Engineering. A lower parking lot would require a 4 foot wide rock catch basin to slow the water and asphalt at a cost of \$8-10,000. The concerns are keeping the water from undercutting the asphalt, and erosion on the steep slope. S. Pilcher said he will ask Otter Creek for a design to be bid out.

#### FACILITIES USE REQUEST

There is a request for the facility for the fifth Wednesday in November. P. Low is managing requests on the calendar. There was discussion about committees and facilities use requests and making accommodations. K. Lambert would like to do an international music event 6/21 at 5pm. There was discussion about possible conflicts. R. McGuinness asked about the process.

#### **OLD BUSINESS:**

##### SALVAGE YARDS IN MONKTON

no action taken

##### 1859 TOWN HALL STATUS

The capital grants list is available. S. Pilcher suggested K. Farrell could use help with the work to get funding. R. Hopp and C. Polzella have done a really nice job clearing out the building. J. McNerney offered to take care of the remaining electronics.

##### ARPA FUNDS STATUS / PROCESS

Some funds were allocated to the library (lost fundraising) and the town (back taxes) but have not been disbursed yet. The fire department's lost fundraising money was \$10,500. **J. McNerney moved to reimburse the MFD for lost fundraising due to COVID in the amount of \$10,500. Seconded by B. Martin. All voted in favor.** There was discussion about how to approve allocation of ARPA funding. The Selectboard is working on a scorecard. S. Pilcher said he would make a page on the website for the ARPA funds proposed projects.

##### SIGN

B. Martin said the sign will be assembled by P. Low and installed by the highway department.

#### **OTHER BUSINESS:**

The next meeting will be on Tuesday, June 28, 2022 at 7pm at the town hall.

**J. McNerney moved to adjourn the meeting at 9:56pm. All voted in favor.**

These minutes are respectfully submitted by Jessica Demeritt.

Attachment: email from L Farrell regarding Ridgeline District

**Subject:**Comments on Ridgeline language in UPD draft

**Date:**Tue, 14 Jun 2022 20:24:50 -0400

**From:**Laura Farrell <lfarrel@gmail.com>

**To:**Selectboard <SelectBoard@monktonvt.com>, Jaime Schulte

<jschulte@monktonvt.com>, Ann Johnston Miller

<ajohnstonmiller@monktonvt.com>, Laura Farrell <lfarrell@monktonvt.com>

We are still learning and compiling findings relevant to the ridgeline areas in Monkton. In addition to contributing to the scenic rural character of our town many of these are large forest blocks that mitigate flooding, protect water quality, provide wildlife habitat and regionally significant connective habitat. Forestry and agricultural economic activities are currently allowed in the ridgeline district.

The 2015 Vermont Forest Fragmentation Report, prepared by the Department of Forests, Parks and Recreation pursuant to Act 118 of 2014 and submitted to the Vermont Legislature, suggests that a home site has ecological impacts to an approximately 30-acre area around it. This would perforate core forest in many scenarios.

Given that the legal approach to the ridgeline zoning is unclear, and that ecological areas with other significance that fall largely in ridgeline areas have not been mapped, I recommend that the Selectboard accept the UPD changes proposed by the Planning Commission, EXCEPT that changes to the ridgeline zoning language that open up ridgelines to development be redacted, and current language left as is until further study and review is completed.

Thank you for considering this matter.

Sincerely,  
Laura Farrell