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3 **Selectboard Meeting**
4 **September 1, 2016 at 7:00 p.m.**
5 **Jericho Town Hall, 67 Vermont Route 15**
6

7 **Members present:** Wayne Howe (Chair), Tim Nulty

8
9 **Others present:** Todd Odit (Town Administrator), Amy Richardson (Secretary), Glen Martin, Ellie Martin, Susan
10 Bresee

11
12 The public meeting was called to order by Mr. Howe at 7:02 p.m.

13
14 **1. Public Comment.**

15 There was none.

16
17 **2. Request to Place Sandwich Board Sign on Town Property.**

18 Mr. Odit said we received a letter from someone hoping to use the Town property at the corner of Packard Road
19 and Route 15 for a sandwich board sign. He and the Selectboard members discussed the request, including
20 other methods the resident could use to get the word out.

21
22 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard accepted the staff recommendation to deny**
23 **the request.** The motion passed 2-0.

24
25 Mr. Nulty noted one of the events benefits the Food Shelf. He, Mr. Howe, and Mr. Odit discussed the possibility
26 of allowing the sandwich board on Town property for that event only, since it is supporting a non-profit. Mr.
27 Nulty asked Mr. Odit to confirm the presumption that all, or most of the money is going there; if that is correct,
28 then to give permission for that event because it is a community event. The Selectboard members discussed the
29 matter further, including the status of the property.

30
31 **3. Approve Revised Planning and Zoning Fee Schedule.**

32 Mr. Odit stated the list of proposed changes to the fee schedules includes mostly clarifications and additions
33 based on issues we have run into before. He noted some examples and discussed what fees were added or
34 clarified, including the rationale. The Selectboard members and Mr. Odit discussed the proposed changes.

35
36 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard approved the revised fee schedule as**
37 **presented.** The motion passed 2-0.

38
39 **4. Approve Catering Permit – Waterfront Catering Group.**

40 Mr. Odit and the Selectboard members discussed the catering permit request.

41
42 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard approved the Catering Permit for Waterfront**
43 **Catering Group on September 24, 2016 at the Mansfield Barn.** The motion passed 2-0.

44
45 **5. Discuss Outside Agency Funding Requirements.**

46 Mr. Odit stated at the last Town Meeting there were quite a few questions about what information the Town has
47 regarding the agencies we fund. He said after calling around to other towns, two samples were provided from
48 Richmond and Essex. He noted these would be for the groups that are discretionary. Mr. Howe clarified non-
49 mandated. Mr. Odit agreed, discussing the examples provided from Richmond and Essex with the Selectboard

50 members. The members agreed they preferred the sample form from Richmond. Mr. Odit and the Selectboard
51 members discussed the matter further, including how the form could be incorporated into the current budget
52 process to improve transparency.

53

54 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard adopted the Richmond form with changes to**
55 **be made by the Town Administrator to adapt it to our Town without changing the basic gist of the form.** The
56 motion passed 2-0.

57

58 **6. Approve Truck Finance Contract.**

59 Mr. Odit stated the Town has been approved for the funding to finance the truck and now we need to approve
60 the contract. He discussed the terms of the financing. He noted the Selectboard accepted the proposal at the
61 last meeting, so final approval of the contract is what is needed. The Selectboard members and Mr. Nulty
62 discussed the matter further. Mr. Nulty asked what is escrow VPA. Mr. Odit consulted the contract and
63 responded it is Vendor Payable Account, explaining how the account would work.

64

65 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard approved the finance contract with Kansas**
66 **State Bank as presented.** The motion passed 2-0.

67

68 **7. Approve Minutes of 8/18/2016.**

69 Approval of the minutes of 8/18/2016 was tabled.

70

71 **8. Other Business.**

72 Mr. Howe said we received a letter from Glenn and Ellie, but we have not had a chance to look at it for more
73 than a few minutes. Mr. Odit said I don't know what the letter says, but I assume it is about the zoning which is
74 scheduled to be on the next agenda. Mr. Nulty asked the Martin's to explain their recommendation to him in
75 their own words. Mr. Martin stated the Planning Commission sent to you a set of revised zoning regulations; a
76 lot of it the property owners in the Commercial District are finding a considerable amount of that onerous. He
77 said we are recommending to you is that you do not pass those regulations until we have had a chance to work
78 with the Planning Commission and the Consultant to come up with some revised regulations that could be
79 acceptable.

80

81 Mr. Howe asked whether there was a meeting on the 29th. Mr. Martin responded we had a meeting Monday
82 with the Planning Commission and the Consultant, noting others in attendance. Ms. Martin stated what was
83 really good about that was that so many of the landowners were there and voiced their concerns. She said this is
84 really big thing to have happen; we are not waiting until after the fact and then fighting about it, we are talking
85 about it now. She talked about what is being discussed and many of the questions that are being considered in
86 the process.

87

88 Ms. Martin said then it will be something that you come up with that the taxpayers have an interest in; it is not
89 something that is being pushed upon us and forced upon us, so that we have to go to court to fight about, which
90 is not any fun. Mr. Nulty said that is a fair point. He commented that it always happens when the zoning
91 restricts the use of land; whenever it happens somebody gets hurt. He stated that by itself, that isn't an
92 argument that necessarily carries a lot of weight; everything else you said, at least to me, makes sense as a
93 procedural point.

94

95 Mr. Nulty said I spoke to Katherine Sonnick yesterday about her feeling about that meeting because I gathered
96 that it appeared it got pretty heated and even looked like Katherine might have been under pressure she
97 shouldn't have to sustain after the meeting. He said she didn't feel that way; she thought it was a positive
98 meeting; I was very pleased to hear that she didn't feel that way. He said others did feel that way, noting we got
99 a letter saying we should look into this because it looked like she was being treated in a way that civil servants

100 shouldn't have to put up with. Mr. Nulty reiterated that she didn't feel like that and she thought it was a
101 productive meeting. Mr. Howe clarified not conclusive, but productive. Mr. Martin stated as proposed they will
102 render some lots useless.

103
104 Mr. Nulty stated there is another question that has been brought up to me privately from at least one
105 landowner; there was a great deal of consternation in the Town, probably a significant majority of its citizens,
106 about the way in which the Dollar General kind of snuck past us, but it happened. He said we appealed, we lost,
107 we were not happy about that, but it is done. Mr. Martin said there were open hearings, so how did it sneak by.
108 Mr. Nulty responded it is a long story; we were not happy about it and a pretty large percentage of the
109 population wasn't happy about it, but it happened. He said there was then a very strong feeling that while we
110 were going about the business of reconsidering the Commercial District, we didn't want any more accidents like
111 the Dollar General to slip by because it takes a long time to make the proper changes to zoning. He explained we
112 implemented a temporary policy and it has been brought up to me that the temporary policy effectively
113 hampers, encumbers, inhibits use of some of the lands in the Commercial District by itself.

114
115 Mr. Nulty said it devalues the properties during this temporary period, but with the new assessment of
116 properties, they are not being reassessed in view of the reduced value to the properties. He said in other words,
117 you are still being taxed as though we had not done the temporary thing, which reduces the value of properties,
118 yet you are being taxed as though it didn't and in my view that is unfair. He stated we took that action; we
119 recognized that it impairs some properties, to some degree during that period; that should be recognized in the
120 tax assessment. Mr. Nulty discussed the matter further, saying that is a personal opinion that has not gone
121 before the Selectboard. Mr. Martin stated in our letter we pointed out the items that if they were changed, we
122 think we could live with the temporary regulations. He noted Randy Clark sent you a list of some changes.

123
124 Mr. Odit said at the last Selectboard meeting, it was made public that the next discussion on these zoning
125 changes would take place on September 15th; there are a lot of people who are interested in this and this wasn't
126 on the agenda. Mr. Howe agreed, saying that would be a more appropriate venue for a full discussion of this.
127 The Selectboard members and Mr. Odit discussed the matter further. Mr. Odit explained what will happen
128 during the next meeting regarding this topic.

129
130 Ms. Martin stated we are asking you really to not be rushing this through. She said everyone in the Commercial
131 District is really feeling like we are having something pushed upon us and we are not happy with that. She said
132 this building is here because I wasn't happy that they were going to put it up on the corner of Packard Road. Mr.
133 Nulty noted that is not the only reason; it was also due to the cost. Ms. Martin discussed her role in petitioning
134 to not abandon this building 40 years ago; noting she will do the same thing with these zoning regulations. She
135 also discussed the positive response to Jericho Market and Dollar General. Mr. Howe said I am not convinced
136 that the data that has been presented by the Planning Commission supports that completely.

137
138 Ms. Martin said when we met with Raphael, he made it clear there were things he doesn't agree with that are in
139 the plan as well and he would not advise for them to be there; he advised otherwise. Mr. Howe stated the next
140 meeting is the venue for this discussion. Mr. Nulty said if there is a constructive discussion going on with the
141 Planning staff, which is what I was told by Katherine Sonnick, then we do not want to truncate that process and
142 make a precipitated decision. Mr. Howe agreed. Mr. Nulty noted we will step in if it reaches an impasse.

143
144 Ms. Martin said the landowners had wanted the Selectboard members to attend the meeting with David
145 Raphael. Mr. Nulty said we were advised not to attend, discussing the open meeting rules. Mr. Howe said I was
146 very interested, but it didn't seem like it was appropriate for me to attend the meeting. He said there are
147 deliberations, they are constructive, and they are going somewhere; if there are a couple items that we can
148 come to some agreement about, then it is worth continuing the process. He stated we don't want to rush to any

149 kind of decision; we are in the middle of a study and I think all of those are important factors. Mr. Howe
150 reiterated that it will be on the agenda for the 15th and we will have an update at that time. Mr. Odit agreed.
151 Mr. Nulty said we also feel that the temporary regulations prevented another surprise. Ms. Martin said we don't
152 know anything about temporary regulations; what are you talking about. Mr. Odit explained that was when the
153 Selectboard had previously tweaked the description of the Commercial District. Ms. Martin said our
154 understanding, according to the zoning ordinance, is that the present zoning is in force at this time. Mr. Nulty
155 explained the temporary changes that were implemented following the approval of Dollar General, noting that
156 the Town Plan wants commercial development to be in the three village centers whenever that is possible. He
157 discussed the matter further. Mr. Nulty said it was intended to make sure that the policy that we have had since I
158 have been on the Selectboard is in fact reflected in the actual zoning. He said now we are going about the
159 business of trying to adjust the zoning rules for the Commercial District at large and not everybody is going to be
160 happy with that.

161
162 Ms. Martin said when you read our letter in full, you will see that my understanding of what you are proposing is
163 another Village Center within the Commercial District. She stated I don't understand why you think that the
164 Dollar General would be more appropriate in the village rather than in the commercial land; why is it not
165 commercial. Mr. Nulty said that is an interesting interpretation. Mr. Howe asked if that is because of the mixed
166 use. Ms. Martin said take a good look at what he is presenting; it sounds like developing another Village Center.
167 Mr. Martin clarified what Raphael is presenting, discussing what is included. Ms. Martin agreed, adding the
168 commercial area is exactly what we have there; it is commercial; you have commercial uses there, including
169 Dollar General.

170
171 Mr. Nulty said that is an interesting interpretation; I am not sure I would be in favor of a fourth Village Center
172 there either. Ms. Martin asked what do you envision there for business. She said we have had experience with it
173 and what we would like to have done, but have not been able to do it. She stated the Town has used water as a
174 stopper, so that nothing happens on our land; we just pay big taxes. Mr. Nulty said that you shouldn't have to
175 do. Ms. Martin and Mr. Nulty discussed the matter further, including the future of the Commercial District and
176 property taxes.

177
178 Mr. Howe stated I do think the Selectboard, in approving \$1,000 for a meeting with the Consultant,
179 demonstrated some sensitivity to the needs of the commercial property owners. He said what comes out of that
180 study and what comes out of the recommendations of the Planning Commission is the subject of the discussion
181 on September 15th. Ms. Martin said if you look back in the minutes of the meetings, one of the items was that
182 Raphael would meet with the landowners; so people are saying wait a minute, they said they were going to do
183 this and they are not doing it. Mr. Howe asked did you have your meeting. Ms. Martin responded we did, but
184 we had to push for it and you had to spend more money on it when it was already in the agenda that it was
185 something that you were going to do; do you see how it looks to us. Mr. Howe said another way to look at it is
186 that we appreciate the Selectboard showing a commitment and a sensitivity to the commercial property owners
187 by making sure that that meeting happened. Mr. Martin said we do. Ms. Martin said we are sorry it had to cost
188 more money. The Selectboard members agreed, noting it was a fair expenditure.

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190 **9. Approve Warrants.**

191 The Selectboard members present signed the warrants.

192
193 On a **motion** by Mr. Nulty, seconded by Mr. Howe, **the Selectboard adjourned at 7:51 p.m.** The motion passed
194 2-0.

195
196 Respectfully Submitted,
197 Amy Richardson