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5 **TOWN OF CHESTER**  
6 **SPECIAL SELECT BOARD MEETING**  
7 **April 15, 2026, Minutes**

8 **Board Members Present:** Lee Gustafson, Arne Jonynas, Peter Hudkins, Tim Roper, and Lauren  
9 Fierman at Town Hall.

10 **Staff Present:** Julie Hance, Town Manager, at Town Hall.

11 **Visitors Present:** Kirk MacGinnis via Zoom; Jim Carroll at Town Hall.

12 **Agenda Item 1, Citizen's Comments**

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14 Kirk MacGinnis understood the board may enter executive session and asked that no disputed  
15 authority, no site specific assumptions, and no operational position regarding the disputed  
16 Wymans Falls Road section be treated as settled fact outside of clear written record. Lee thanked  
17 him.

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19 **Agenda Item 2, Executive Session pursuant to 1 V.S.A. § 313 (1)(E), discussion with legal**  
20 **counsel regarding pending litigation**

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22 A motion was made by Arne Jonynas to find that premature general public knowledge of  
23 confidential attorney-client communications for the purpose of providing professional legal  
24 services relative to pending litigation involving Wymans Falls Road would place the Town of  
25 Chester at a substantial disadvantage. The motion was seconded by Lauren Fierman. The motion  
26 carried.

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28 **Agenda Item 3, Executive Session pursuant to 1 V.S.A. § 313 (1)(F), receive advice from**  
29 **legal counsel concerning Class IV roads and draft policy**

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31 A motion was made by Tim Roper to enter into executive session for the purpose of  
32 communicating with town counsel regarding pending litigation involving Wymans Falls Road  
33 pursuant to 1 VSA § 313 (1)(E); motion to include inviting in Town Manager Julie Hance and  
34 Attorney James Carroll. It was seconded by Arne Jonynas. The motion carried.

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36 (The board entered executive session at 5:03 p.m.)

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38 A motion to exit executive session was made by Tim Roper, and seconded by Arne Jonynas. The  
39 motion passed. No action was taken.

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41 (The board exited executive session at 5:49 p.m.)

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43 **Agenda Item 4, Adjourn**

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45 Tim moved to adjourn, and Lauren seconded the motion. The motion carried, and the meeting  
46 was adjourned at 8:24 p.m.

1 **SELECT BOARD MEETING**

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3 **Board Members Present:** Lee Gustafson, Arne Jonynas, Peter Hudkins, Tim Roper, and Lauren  
4 Fierman at Town Hall.

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6 **Staff Present:** Julie Hance, Town Manager, at Town Hall.

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8 **Visitors Present:** Kirk MacGinnis, The Chester Telegraph, Sharon Jonynas, Linda Diak, and  
9 SAPA TV via Zoom; Jim Carroll at Town Hall.

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11 **Call to Order**

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13 Chair Lee Gustafson called the meeting to order at 6:30 p.m. He welcomed everyone to the  
14 meeting and noted they had already done the Pledge of Allegiance at the earlier meeting.

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16 Lee noted they would add, after Agenda 5, under New Business, a discussion of an Act 181  
17 letter, which they all should have received by email. Lee entertained a motion and Peter moved  
18 and Lauren seconded the motion to modify the agenda. Arne understood why they were  
19 discussing it because it had been in the news but noted it was an important topic that a lot of  
20 people would like to discuss, and when it was done this way, others would not have an  
21 opportunity to speak because they had not been given notice. Julie said the board could wait.  
22 Arne said there had just been some changes at the legislative level that day and that it looked like  
23 they would toss out the rule road and Tier 3. Arne realized the discussion would include  
24 complete repeal but thought it was a discussion to have with the public and should be warned  
25 because there was no urgency, at this point, and there were also still two regional development  
26 corporation meetings regarding this. Lauren had seconded it because she thought it was good to  
27 discuss what they want in the letter but she agreed it would be better if it were warned in  
28 advance. Lauren asked Lee his feelings about waiting. Lee said he drafted the letter because he  
29 had seen others and thought it would be good to have the discussion. Lee recommended they  
30 include it in this agenda and then discuss it at a future agenda. Julie said the reason for adding it  
31 was the agenda didn't include new business. Tim said he had a long track record of not wanting  
32 to add items to the agenda, unless it was imperative, because as Lauren had said, they should  
33 provide an opportunity to warn it and would prefer not to discuss it at this. Lee asked for a vote  
34 since there was a motion on the floor. Lee and Peter voted aye and Arne, Tim, and Lauren voted  
35 nay. The motion failed. Peter said his concern was they wouldn't meet again for three weeks and  
36 the legislature would have already decided. Tim and Lauren were fine including it under new  
37 business. Julie will be in Montpelier at a VLCT meeting tomorrow and will get an update.

38

39 **Agenda Item 1, Selectboard and Town Manager Roles; Attorney Jim Carroll**

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41 Jim had put together reference materials he used when questions were asked of him regarding the  
42 manager and select board roles. Jim noted it was all he was doing and had not planned on being a  
43 municipal attorney but loved the work. Jim said VLCT had put together a great handbook and  
44 provided the members with that. Jim noted a conflict of interest statute had just been adopted.  
45 Jim had viewed the job descriptions for town manager and the select board on the town's  
46 website. Jim suggested adding to the select board description that they perform certain

1 administrative functions and act in a quasi judicial capacity, so they could be engaged in  
2 administrative, judiciary, and legislative. Part of what they are delegated with is re-delegated to  
3 the town manager, which mostly consists of the administrative functions. Jim noted that Julie is  
4 both the sewage and health officer, and the tax collector. The Select Board also acts as the local  
5 Board of Health without a whole lot of assistance from the State of Vermont. Julie noted that she  
6 delegated the position of health officer.

7

8 Jim said Vermont is a Dillon's Rule state and not a home rule state, so all authority is delegated  
9 from the state down to municipalities. Home rule allows towns to do everything they want to  
10 unless the legislature tells them differently. Arne wondered if most states were Dillon's or home  
11 rule and Jim wasn't certain. Tim thought 17 were Dillon's Rule states. Jim told them Section 172  
12 said, as a board, they can't do anything out of their joint authority to act, so a concurrence of  
13 three or more constituted a majority. A quorum is also necessary and they need to do everything  
14 within the Open Meeting Law and due notice. Jim said any one of them, individually, cannot  
15 pass any legislative authority. Jim told them their duties fell under Section 872. Tim asked how  
16 much authority they had with utilities and Jim told them not a lot. Under Title 19, there are a  
17 whole lot of duties under town highways, but state highways are under the state's control.

18

19 Jim told them Chester has a charter, which are authorities conferred upon specific municipalities,  
20 and look like the general authorities conferred by statute. Jim said some charters confer the  
21 authority to tax but that didn't apply to Chester. Jim said authority over the fire department and  
22 EMS under charter and statute. Jim said they have a management form of government. Section  
23 1233 gave them the authority to appoint a town manager, who can only be removed for cause.  
24 Vermont is an at will state and employees can be terminated at any time. In connection with this  
25 statute, positions are set up so they can only terminate for cause. These are the town manager,  
26 zoning administrator, police chief and police officers, in general, so that they are not politicized  
27 positions. Politics should not play a role in retaining or hiring a town manager. The board may  
28 set a term of employment for these positions. A hearing must be held to terminate these  
29 employees that are appointed which is held before the Select Board. Arne thought that seemed  
30 like a conflict and Jim said it was but there was nobody else to do it. Jim said a Select Board  
31 should not terminate someone until the proceeding is held and agreed it was difficult to do. Jim  
32 said board members could recuse themselves, if necessary. The board can also hire an attorney  
33 and the employee may also have an attorney. The town may decide to hire an attorney to  
34 prosecute the case. Jim said these fell under property rights in a job and was no different than a  
35 situation where the Select Board acted as a quasi judicial body, such as with a health officer.

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37 Tim wondered if the local health officer regulated restaurants and Jim said they fell under the  
38 state's authority. Jim said properties that become a public health issue was an example of where  
39 health officers become involved.

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41 Jim said someone who is hired or contracted by the town may fall under this when the contract  
42 has been altered. Jim also said the board can't discriminate, retaliate, or terminate someone for  
43 being a whistleblower.

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45 Under 1235, Jim said in a town management form of government, the general authority to  
46 supervise the town is conferred to the town manager, whose duty is to perform those duties. The

1 select board retains the ability as the hiring body to oversee the town manager but for day to day  
2 activities, the town manager is responsible. Jim thought Chester was lucky to have both the town  
3 manager and select board for this. Jim said the police chief has authority to conduct operations  
4 but, administratively, it begins with the town manager overseeing them. Jim said it also applied  
5 to the fire department. Jim said they're not obligated, for all employees, to hold a due process  
6 hearing but should consider whether one is required which eliminates the due process issue that  
7 comes up in federal claims. Lee and Julie noted they had experienced that in the past.

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9 Under 1236, the authorities conferred on Julie to perform as part of her duties.

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11 In 1237, the board retained the right to conduct an examination to have oversight and know more  
12 about what was going on but Jim thought it should flow through the manager because it's the  
13 appropriate power, authorities conferred, and to keep the board out of becoming conflicted  
14 because decisions must be made only on the evidence put before them.

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16 Under Section 901(a), dealing with the topic of immunity. Jim said Vermont has a long history of  
17 sovereign immunity that is enjoyed by the town, which is a holdover from British law and has  
18 been adopted and used through current day because the legislature hasn't eliminated the concept  
19 of sovereign immunity. To the extent the town is acting within its authority, the town is immune  
20 from monetary damages. This attempts to waive part of that immunity by requiring lawsuits that  
21 name individuals need to be brought in the name of the town and requires the town provide the  
22 defense and bear that cost. In addition to sovereign immunity, there is qualified individual  
23 immunity that attaches to people doing their job in the scope of their authority who haven't  
24 violated clearly established law. It is intended because municipal individuals get put between a  
25 rock and a hard place all the time. Jim used the police as an example. Jim noted these were only  
26 state claims and under federal claims, monetary damages may be recovered if litigation is  
27 successful. Peter mentioned volunteers were covered under this and Jim said they should be and  
28 this was a defense that could be used, provided they weren't acting maliciously. Julie said the  
29 Chester CCC is an independent group not appointed by the Select Board and not a statutory  
30 commission who works collaboratively with the town. Lauren thought if they were volunteering  
31 at the request of the town, they would be covered, but if a group wanted to do something and  
32 received the blessing of the town, there may be an issue. Lauren thought it should say serving at  
33 the town's request rather than discretion. Jim said there are a lot of commissions designated by  
34 statute. These were questions of liability and whether there would be coverage under the statute.

35

36 Jim said there is a municipal code of ethics and he understood Chester has a conflict policy,  
37 which was great. Julie noted they would be working on an ethics policy, because they were  
38 different. Jim said there is a state ethics commission but they didn't appear to have any  
39 investigatory tools so they refer back to whoever is responsible at the town level for  
40 investigations. Jim was happy to talk through conflict of interest issues with them. Lee asked  
41 what that looked like for board members with conflict of interest issues. Jim said a lot of them  
42 were gut checks and whether they were making a decision and if it was a legislative function and  
43 whether there was a conflict because it could benefit the board member, their spouse, or a family  
44 member. Tim noted it was tough in a small town. Jim said to the extent they're voting on a  
45 regulatory authority that impacts everyone in the same way, that's not a conflict and is what  
46 they're there to do. If there is a specific ordinance or legislative action where there's potential to

1 benefit them financially, that was a conflict. Lee asked if it was financial or any kind of benefit  
2 and Jim said it could be any kind of benefit but they tend to be financial. Tim said, in the past,  
3 they had a health order and wondered if he was a neighbor, if he should recuse and Jim thought  
4 he should. Jim also added that if he ever complained about it or suggested an outcome, he  
5 should. Lauren said talking about it was a pretty clear conflict. Lee wondered if there was  
6 enforcement associated with it and there was not. Lee wondered if someone spoke about it but  
7 could put it aside, if there was a basis to recuse themselves. Jim advised that they don't discuss  
8 things with someone if it's going to come before the board for a quasi judicial proceeding. Other  
9 board members can suggest a fellow member recuse themselves but can't force them to.

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11 Julie noted there was a lot of gray when she should bring something to the board and when it  
12 should be her decision. She wondered if there was a rule of thumb or if it should be a  
13 conversation with the board. In the past, there have been times, in hindsight, that she's thought  
14 she should have brought something before the board. Jim thought it may be a good idea to  
15 inform if something is going around town but then the question is to do it in an open session or in  
16 executive session. Jim suggested starting by going to the chair for guidance whether it should be  
17 brought before the board and whether it should be in open or executive session. Jim agreed to err  
18 on the side of informing.

19

20 Jim and the board thanked one another for the discussion.

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## 22 **Agenda Item 2, Approval of Minutes of April 1, 2026 Select Board Meeting**

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24 Tim moved and Arne seconded a motion to approve the minutes. Lee noted on page 2, line 37,  
25 Jewett Road was misspelled. The minutes were approved, as amended.

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## 28 **Agenda Item 3, Citizen's Comments**

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30 There were no comments.

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## 32 **Agenda Item 4, Liquor License & Entertainment License Approvals**

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- 34 ● Stone Hearth Inn & Eatery – Entertainment License
- 35 ● Pizza Stone VT – Entertainment License

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37 Lauren moved and Peter seconded a motion to approve the entertainment licenses. The motion  
38 carried.

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- 40 ● Global Montello Group (Jiffy Mart) – Tobacco License & Tobacco Substitute  
41 Endorsement
- 42 ● Dollar General – Tobacco License

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44 Tim moved and Peter seconded a motion to approve the tobacco licenses. The motion carried.

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## Agenda Item 5, Safe Roads for All Grant

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Julie had previously spoken with each of the board members, individually, about this. The Safe Roads Grant is federally funded and spins off the grant that many regional planning commissions applied for. Chester had signed onto the regional crash data so Chester is part of it, and given greater priority. The grant would fund the planning process and demonstration tasks, which are mock ups for discussion of regionalizing EMS and fire services. It is connected to roads and is a post crash resolution. Chester's regional partner is Springfield Hospital. Transfer services are included, as well as 911 services. Julie noted they have discussed regionalizing for several years but getting a consultant to help navigate is expensive and this grant would fund the whole thing. They would apply for the maximum of \$3 million; there is a match but it's all in kind. Any time Chester responds to a motor vehicle accident, the cost of doing so, such as manpower and equipment, is applied toward the match. All of Springfield Hospital's expenses are included so the match will easily be met. Arne noted they would be performing these services anyway. In addition, Julie said because it goes beyond labor, they can claim their labor as an expense and possibly reimbursed later. Julie said they can purchase all the needed equipment to demonstrate; if a transfer vehicle is needed, it would be included. The advantage would be to use labor to cover the match and get whatever equipment is needed, as long as it's justifiable. Julie said it would be a great grant and fund what they've been talking about. She said there were all kinds of scenarios, such as partnering with Ludlow or Bellows Falls, or just staying with Springfield Hospital. The project scope is developed as going through the planning process and not necessary for the application. Julie met with a very successful grant writer, along with the chief and another staff member who is very familiar with the program. The grant writer was excited because he's always wanted to do this in Vermont, which is one of the only remaining states who doesn't regionalize. No Vermont municipality has ever applied for this grant so he suspects Chester will be a shoo-in and have the potential to be very successful. Tim wondered if they were working with other towns, if they would administer the grant and Julie said everything would come through Chester. Julie said they would hire the grant company to do the grant, which would then cover the cost of hiring them. Julie said they would want them because they are experienced and could get all available money. Charlestown was awarded the grant two years ago and there was internal stuff going on, so they refused the grant. Peter said the Safe Roads grant is what established the connection and he expected more would come out of it. Julie said if they had not participated in the earlier grant, they would not have the crash data and would have to do that first but since that was already done, they could focus on how they would work. Public safety is what is being focused on. Arne noted this should provide better service at a better cost. Julie said they would have far advanced care and continuity of care and death prevention. Peter said ambulances don't make money but everyone charges for them. Lauren said it would let them decide if they want to do the next step before spending money and sounded like a gift. Julie said regionalization of certain services will happen so it is only a matter of time. This was a great way for Chester to try it and determine how to get better care at a cost taxpayers can afford. Julie said they didn't need a motion. Julie noted the grant writer had waived most of their fees knowing they would manage the grant. Arne asked if there were any upfront fees. Julie said it was \$15,000 and could be covered by each of the departments and grant funds and would not hit the budget. Arne said they've been discussing it for 5 or more years but had no idea how to start and this would do that. The board instructed Julie to proceed and thought it was a great opportunity.

