

1 **TOWN OF CHESTER**
2 **SELECTBOARD**

3 **January 5, 2022 Draft Minutes**

4 **Board Members Present:** Arne Jonynas, Jeff Holden, and Lee Gustafson at Town Hall; Heather
5 Chase and Leigh Dakin via Zoom.

6 **Staff Present:** Julie Hance, Town Manager and Chief Richard Cloud at Town Hall; and Susan
7 Bailey, Secretary via Zoom.

8 **Visitors Present:** Chester Telegraph, Judy Hallberg, Victoria Dubin Master, and SAPA TV via
9 Zoom.

10 **Call to Order**

11 Chair Arne Jonynas called the meeting to order at 6:01 p.m. with the pledge of allegiance. He
12 welcomed everyone to the meeting.

13 **Agenda Item 1, Approve Minutes from December 15, 2021, Selectboard Meeting**
14 **December 17, 2021, Special Selectboard Meeting,**
15 **December 29, 2021, Special Selectboard Meeting**

16 Arne said first item was to approve the December 15, 2021, minutes from the public forum meeting
17 regarding whether to approve a mask mandate. Arne said he had gotten halfway through the 21-
18 page minutes and bailed. He reminded people in addition to the minutes, the recording is on SAPA
19 TV. Lee moved to approve the minutes and Jeff seconded the motion. Arne asked for changes or
20 corrections, Lee noted on page 2, line 1 that Mr. Ucci's name was misspelled. He also noted on
21 the same page, line Chris Klum instead of Plum. The members thanked the secretary for taking the
22 minutes. Leigh pointed out Michael Alon was spelled incorrectly on page 8, line 45. The minutes
23 were approved unanimously, as amended.

24 Lee moved and Leigh seconded the approval of the December 17, 2021, minutes. Leigh noted on
25 page 1, line 22 questioned the word resolution rather than recommendation. Lee said at that point,
26 they were talking about a resolution. Leigh thought page 3, line 36 the word encourage was
27 misspelled. The minutes were voted on and approved unanimously with corrections.

28 Lee moved and Leigh seconded a motion to approve the December 29, 2021, minutes. Leigh noted
29 on page 3, line 34 "Arne said spend they could spend" that the first spend needed to be deleted. A
30 vote was taken, and the minutes were approved unanimously with corrections, as stated.

31 **Agenda Item 2, Citizen Comments/Answers from Previous Meeting**

32 Arne asked for citizens comments on items not on the agenda. There were no comments.

33 **Agenda Item 3, Old Business**

34 Julie said the statements approved at the December 29th meeting were on the website and moved to
35 be more front and center and visible. A PDF document was added so it would be easier for someone
36 to print out. If they chose to hang it in their business, they could. On the Facebook page and website,
37 they had posted the COVID response tree that the Vermont Department of Health issued. It was a
38 useful tool and a good document.

39 The Andover contract was on the agenda under executive session in case they chose to discuss it
40 under executive session, but that wasn't necessary.

1 Jeff said he printed the COVID tree off for his guys. Everyone agreed the tree was very useful and
2 easier to read and understand.

3 Arne asked for anything else under old business.

4 Heather asked when they would discuss the information about cannabis. Arne said they could
5 discuss it when they reviewed the draft town warning because that's where it would be if they were
6 going to include it. He thought it would warrant a more in-depth discussion as a warned agenda
7 item. Heather respected where he wanted to discuss it and just didn't want to end the meeting
8 without discussing it.

9 **Agenda Item 4, Review Draft Town Warning**

10 Julie said one thing they would want to decide is the legislature was currently addressing an
11 amendment that would allow essentially the same process as last year for town meetings. They
12 hadn't yet voted, and she had heard it would take place the following day. It would allow a hybrid
13 town meeting as they had done last year with no action from the floor and all articles would become
14 Australian ballot. While they didn't have the authority yet, it looked like they would have that
15 option. It would change how they warned it. She and Debbie had no issues with doing it that way
16 as it had gone smoothly last year.

17 Lee said his recommendation would be to do it that way again.

18 Heather agreed with Lee, and so did Leigh. The consensus of the board was to do it the way they
19 had done it last year.

20 Arne read the Town of Chester Warning Notice of Town Meeting notifying the legal voters of the
21 Town of Chester to meet on Monday, February 28, 2022, at 6 p.m. for an informational meeting
22 on the following articles, which included Articles 1 through 17. Voting on Articles 1 and 2 would
23 be by Australian ballot on March 1, 2022, from 9 a.m. to 7 p.m. at the Chester Town Hall Second
24 Floor. Arne then read through the articles.

25 Lee suggested a colon after the word, fund, in the second line of Article 4.

26 Leigh asked if Article 10 was new and would someone speak to it at Town Meeting. Julie said
27 none of the special appropriation articles were new or were larger amounts of money. They were
28 all the same as the prior year. They always recommend someone be present to answer any
29 questions.

30 Arne said the retail cannabis article would have to be added as a separate article. Julie had sent an
31 email out that included information for people if they were interested in seeing how it would work
32 and would go forward. Arne thought it warrant a warned item on the agenda to get input from the
33 public. They talked about it last year and put it on hold partly because the state didn't know what
34 was going on and there were no details and a lot of issues that weren't answered yet as far as
35 revenue, taxing, and how it would all work. Arne thought it would be appropriate to involve the
36 townspeople at this time to see where they would like the town to go regarding the issue and
37 possibly present it as a vote for the people to decide. Arne welcomed other opinions to see how to
38 proceed on it.

39 Lee thought they needed an in-depth discussion and feedback from the town and community.
40 Depending on how that meeting went would determine whether they warned it. Lee asked what
41 their timeframe was. Julie said the Town Warning needed to be set and signed at the next meeting.

1 They could call a special meeting later in the year on this topic. It is an item that needs to be voted
2 on by Australian ballot. She understood the school would be having a special vote on their bond
3 later in the year so they could tag it onto that. If they didn't want to rush it, they could have a
4 special meeting.

5 Lee asked when they had to decide, and Julie said it didn't appear there was a deadline.

6 Heather's reasoning for bringing it up was if they needed to vote on it and it required a special
7 election, it could be costly. If there was another opportunity to put it on the ballot, that would be
8 good. It was her initial impression that towns needed to vote whether to opt in or out. She thanked
9 Julie for the information she provided.

10 There was discussion regarding if the town should allow cannabis retailers or retailed portions of
11 integrated licensees and what that meant. Julie said the way she understood integrated licensees
12 was there were five cannabis facilities throughout the state and Chester didn't have one and they
13 aren't who would establish one. She understood they were established by the control board.

14 Arne thought they were the ones that were medical marijuana facilities. Julie read the definition of
15 an integrated licensee: a person licensed by the State Cannabis Control Board to be engaged in the
16 activities of a cultivator, wholesaler, product manufacturer, retailer, and testing laboratory in
17 accordance with state law.

18 Heather understood there was no deadline. If they voted for it and then voted to rescind it, the
19 people who had been awarded the privilege to sell retail cannabis items would then be
20 grandfathered in. Julie said that was also her understanding.

21 Heather wondered if they didn't vote on it this year if they could vote on it at any time. Julie said
22 she would ask that exact question of the League. When it came out last year, they initially said it
23 had to be voted on in 2022. Then the VLCT said there was no major hurry, and it was all stayed in
24 the legislature. Jeff added that he understood they hadn't even have the Control Board appointed
25 at the time.

26 Julie said everything else she was reading indicated no deadline, but tomorrow she would call the
27 League and ask Garrett if it had to be voted on in 2022 and if there was a deadline.

28 Arne said he understood if you wanted to allow retail marijuana sales, you had to opt in. If you
29 didn't opt in, it wasn't allowed.

30 Heather said from her perspective, she would rather the citizens choose than the board, at this time.

31 Arne agreed with Heather that the town should make the decision. Lee thought they were getting
32 further ahead of themselves at this point. He wanted more time to prepare so they could have an
33 in-depth discussion.

34 Leigh questioned the wording of a retail establishment already selling products. She thought these
35 were products related to this already sold in town. She asked how it only computed to medical
36 marijuana.

37 Julie said it didn't. Julie said it was only if your town had an establishment and Chester didn't. The
38 dispensaries are allowed to have a retail portion. If your town has a dispensary in it, that vote is to
39 allow the retail portion to sell retail items in your town.

40 Leigh thanked Julie for the clarification.

1 Arne was hearing they needed more information and could have a better discussion on it as a
2 warned agenda item. The reason he thought it should be done sooner rather than later was if it
3 would all take effect in the fall of 2022 when they could open an establishment for retail sales. If
4 someone was going to do that, there was a lot of paperwork and legal work involved and other
5 things that would need to happen beforehand. He thought it only fair if someone wanted to do that
6 in Chester, they provided them enough time to prepare.

7 Arne would rather have it at a regularly scheduled meeting rather than getting it in right now.

8 Lee said they would have to have the discussion at the next meeting on January 19th and decide.

9 Heather asked if someone from the League could come to the meeting and talk.

10 Heather and Arne both agreed that for anyone considering opening a business it would be good to
11 know if the town was going to allow it and that was reason not to delay.

12 The Chester Telegraph asked if a resident could submit a petition to put it on a warning. Julie
13 thought yes, as 5% of the voters could petition almost anything. Julie would get confirmation and
14 email Shawn in the morning.

15 Arne said the example article that they gave was not very lengthy: Shall the town authorize
16 cannabis retailers in town pursuant to 7 VSA § 863? That was the opt in part that would be
17 presented on the town warning, or a petition by 5% would also work.

18 Lee asked if funds requested on Town Warning would include a sheet with the sum of articles.
19 Julie said once the budget was set there was a section that included those.

20 Lee asked if the town report would include a statement from each group. Julie said it would if they
21 gave a report.

22 Arne asked if there were any other questions and there were none.

23 Julie said she would find out if they weren't interested, did they need to vote to opt out, if there
24 was a deadline and she would confirm the petition. She asked if there were any other specific
25 questions they wanted answered.

26 Leigh asked what the financial benefits would be for Chester and who would benefit the most.

27 Julie's understanding was that unless they had a local option tax voted in town, there was no tax
28 benefit. She didn't think Chester would get a tax benefit from cannabis sales. Arne wasn't sure if
29 that was true and Julie said it was but it could change in this session but she thought they were
30 holding heavy to no. Arne said the bill would become law on October 7th so that was the deadline
31 they were talking about if someone was going to open a business.

32 Lee said they could open business after it became law. Arne said sometimes they act to encourage
33 businesses but there may be some they don't want to encourage. Jeff thought it should be decided
34 by the voters and not the board. Arne said the VLCT broke it down on their website how it would
35 affect towns and gave details.

36 Heather asked Jeff when he would want it on a ballot. Jeff didn't think they should rush it.
37 Montpelier was voting on it tomorrow. He wasn't against it but thought it should be decided by
38 the people in town. Everyone knows it's legal now and people that want it don't have a problem
39 getting it. He didn't think it was detrimental either way. He didn't believe it would be a monetary
40 benefit to the town and could possibly be a cost on the law enforcement end. He didn't have all

1 the information but thought it was something that should be decided by the voters and not the
2 board. Lee thought they needed an in-depth discussion about it. Arne said there was a lot of interest
3 when it came up a year ago. Jeff said unfortunately they didn't have anything figured out. Arne
4 said that's why they postponed it and agreed it should be a warned article on an agenda. They
5 would get more information for the next meeting. Julie said she would see if someone from the
6 League could attend a meeting via Zoom and answer their questions.

7 **Agenda Item 5, General Fund Budget Review & Capital Plan Review**

8 Julie said there wasn't a lot of change as far as 2022 budget line items.

9 The December 31, 2021, numbers were in the actual column.

10 The highway had a deficit of a little over \$118,000. Their accumulated years were holding a surplus
11 of \$56,000 which was helpful.

12 The remaining general fund budget, not including highway, was at \$181,800. There were varied
13 reasons why. \$140,000 of it was attributed to the public safety building and the
14 unanticipated/unbudgeted expenses that came with it that they were unaware of.

15 The fiscal year 2020 unassigned fund balance was \$585,700, which was a healthy fund balance.
16 The auditors believed the best way to handle the deficit this year was to let it fall through to the
17 fund balance, which would still leave a little over \$400,000, so it was still a healthy fund balance.
18 Julie had struggled for two weeks how to make up the deficit and the auditors told her that's why
19 you have a healthy fund balance. They wouldn't want it to happen every year, but COVID was a
20 prime example of why a healthy fund balance was needed for unanticipated things, like a pandemic.
21 That was Julie's proposal of which the auditors supported.

22 The 2022 budget reflected an increase of \$61,461. She had heard back from Scott Wunderle
23 regarding fencing. \$61,461 included the \$17,000 for the fence. Scott's recommendation was to do
24 an attractive fence and he would supplement it with shrubbery to look more attractive. If there was
25 nothing but a straight line of shrubbery, it could provide a place for someone to hide and jump out.
26 Once the fence went down the bank, it wouldn't need to be fancy and could be done less
27 expensively. The purpose of it there would be to keep kids and animals out for safety reasons.

28 Lee asked where the property line was. Chief Cloud said if they came in a little bit the fence would
29 be all on their property.

30 Julie said nothing had changed dramatically for the 2022 budget.

31 Arne didn't get the fence at all as far as the parking area because the parking area sits 8 or 6 feet
32 higher than down below. He asked where the fence would go and the purpose of it.

33 Chief Cloud said the fence would go in the ditch from Pleasant Street straight down to where the
34 town property line was. There were three major reasons for a fence: security provided for vehicles
35 parked there overnight; to provide safety for neighborhood dogs and children while they're doing
36 fire department, police, or K-9 training; and because it's a landing zone, to keep animals, people,
37 and kids from entering the landing zone area.

38 Arne said the building was brand new and they haven't even been in it half a year and they're
39 already starting to add things to it. He understood the helicopter landing zone but questioned
40 whether there would be more expenses later. Chief Cloud said there would be lights on the back of
41 the building and the fence had been in the original design but was cut out because of expenses.

1 There was discussion among the board members about whether a fence was necessary, the type of
2 fence, the protection and safety it could offer, as well as the \$17,000 cost.

3 Lee thought they should consider that they may need to spend a little money to protect life and said
4 \$17,000 was a cheap insurance policy to keep someone from getting hurt or killed.

5 Heather preferred educating people about the safety issues before putting up a fence.

6 There was discussion about animals running loose during trainings and keeping neighboring kids
7 from getting hurt. Heather questioned why they had put the building there if they were so concerned
8 about the traffic going in and out. Jeff said because of its central location for responding to
9 emergencies. Chief Cloud said 99% of the time it was fine but when kids saw the red lights flashing
10 or the helicopter, it was natural for them to want to see what was going on and that's why the
11 precautions were there.

12 Getting Scott Wunderlee involved for the landscaping would be helpful. Arne wanted to see the
13 entire layout and plan for the property for the future. He wanted to make sure they went at it with a
14 plan and ideas that everyone was on board with. Arne said he may not want the fence, but he didn't
15 want people to get hurt. Lee thought they needed to be careful and make sure they protected the
16 public.

17 Heather supported the building but didn't think a fence would necessarily make it any safer. She
18 suggested they look at landscaping, some other things, and the whole approach of what they wanted
19 to do.

20 Lee agreed with Arne about wanting to see the long-term plan for the property. Lee asked Julie to
21 provide the board with the long-term plan for the building. Julie said she wouldn't have it for the
22 next meeting but would get it. She wanted to know if they still wanted the \$17,000 in the budget.

23 Julie said she would not have a plan from Scott until the spring because he was very busy. He had
24 recommended they talk to Springfield Fencing and pick out an attractive fencing and he would
25 supplement it with shrubbery, but it didn't sound like that's what they wanted. There was more
26 discussion about whether the fence would be chain link or wood.

27 There was discussion about the helicopter pad, the cost and whether it had been approved. Lee said
28 the pad area had been approved for training. Chief Cloud said the pad would not be different than
29 what was currently there, except that it would be plowed in the winter. Two lights would need to
30 be added but it wasn't a paved area just an open area for the helicopter to land if needed.

31 Leigh said she was naïve and didn't know how many children lived in the apartment complex. She
32 thought having conversations and communication and teaching opportunities with the neighbors
33 could be worthwhile. Arne agreed with a lot of what she had said.

34 Arne asked the board how they wanted to go with it.

35 Jeff thought there was a need for it. He has been in emergency services in some capacity for over
36 30 years and thought it would be a safer situation to have a fence for when people were responding
37 or training.

38 Julie said they could allocate the funds and make the decision later. They could allocate funds with
39 the caveat that they don't do it until they come back with a bigger part of a plan. If it didn't get
40 spent, it didn't get spent.

41 There was more discussion regarding spending \$17,000 on a fence and/or landscaping and the

1 message a fence may send, as well as the safety issues surrounding the need for a fence.

2 Heather wanted to study the issue of how the neighbors would be affected by erecting a fence. She
3 recommended \$20,000 in the budget for landscaping and a possible fence but to have a plan
4 approved and voted on by the board before they implemented it.

5 Arne agreed with Heather on the \$20,000 but preferred to leave it to the committee that did the
6 building to make the decisions as opposed to the Selectboard. Heather thought that was fine but
7 wanted to see a plan. Arne was hearing they should budget \$20,000 and earmark it, and as time
8 went on, they would decide how to spend it.

9 Lee was comfortable with \$17,000 and Jeff seconded it. Arne and Julie agreed that no motion was
10 needed, only a consensus to leave in the \$17,000 or increase it to \$20,000, or no money at all. There
11 was a consensus to leave it at \$17,000 and it would come back before the board. Lee volunteered
12 to be part of the committee addressing it.

13 Arne thanked Chief Cloud for attending.

14 Julie said there was nothing different in the budget than from the last time that had viewed it.
15 They would vote on it at the next meeting. Julie would look at everything one more time, and
16 department heads would do the same.

17 The new budget was \$61,000 more than the old budget – not quite a penny and a half increase. The
18 deficit would be taken from the fund balance. They were only looking to maintain a \$500,000 fund
19 balance as they went along. \$585,000 was an accurate figure for the fund balance. The deficit of
20 \$180,000 brings the fund balance down to \$400,000. The deficit was not audited so it could change.

21 Jeff said they did well for the year they've had. Arne said the town has done a great job. Julie and
22 all the department heads had done well keeping the numbers down. Out of the \$180,000, \$140,000
23 were expenses on the new building that they weren't aware needed to be done, so it was probably
24 really \$40,000 and a lot of that was the legal fees on different items that had come up during the
25 year. He thought they were in good shape compared to a lot of other towns.

26 Arne asked if there were any other concerns regarding the budget.

27 Heather was thankful they had a reserve fund balance. Arne agreed.

28 Leigh apologized for having missed the past 10 minutes of the meeting due to computer issues on
29 her part.

30 Julie said she needed to make a change and the \$40,000 highway truck she had at \$11,250 per year
31 was for the \$45,000 truck. It should have been \$10,000 per year. She pointed out in capital that at
32 the end of 2022 they would be landing with a fund balance of \$290,000 to carry forward to 2023.
33 2023 was the last year of the 2016 bond. In 2024 things will start to go down and in 2025 and 2026.
34 They haven't budgeted anything in the future but until they get through 2024, they will do it one
35 year at a time. Then they will do long-term planning. Arne said the carryforward from 2021 was
36 \$491,000. Julie pointed out they had removed \$200,000 into the fund balance for the sidewalks,
37 and they didn't construct sidewalks this year. They will end 2022 with \$291,000. They haven't
38 touched the fund balance because it could prove to be helpful in 2023 and 2024. An ambulance
39 purchase would be coming in 2023.

40 Arne asked for any questions or concerns on the capital plan. They would finalize everything at the
41 next meeting.

1 **Agenda Item 6, New Business/Next Agenda**

2 Julie said the next agenda would be full. The Planning Commission would be there to talk about
3 parking on Cobleigh and would present them with an interim adoption of one item they needed
4 corrected in the bylaws re Baba-a-Louis. Julie would have them fully prepared but there would be
5 a public hearing to begin the meeting. Currently, if a building has been vacant, its use only lasts two
6 years. The Planning Commission wanted to change that rule so the use could last for five years. It
7 would help a few businesses in town with some permitting issues while the final bylaws are being
8 worked through. This is an interim change they needed to take effect. Interim adoption was easy.
9 There is a public hearing that goes into the regular meeting, and they can approve it effective
10 immediately in this type of measure. There is no waiting period when it's an emergency measure.
11 Preston's and the Planning Commission's recommendations were 5 years.

12 They will have cannabis and the budget and capital plan, and water and sewer budgets, and the
13 warning on the agenda. Some shouldn't take long, but there may be items that have lengthy
14 discussions.

15 Arne asked if there was anything they wanted to see on future agendas. He said once the budget
16 was done, and things quieted down, he was interested in the property next to the Pinnacle on Lover's
17 Lane. He wanted the information as far as the ownership, stipulations on the contract and the fact it
18 was for sale. It's such a part of the Pinnacle already, trails cross it, and people cross it. He wondered
19 if it was something the town could purchase. It was worthy of investigation. It originally was
20 donated to the Vermont Forestry Association as a public forest for the town and was now on the
21 market.

22 Lee also mentioned the solar fields.

23 Arne asked for anything else on future agendas.

24 **Agenda Item 7, Executive Session: Andover Contract Review**

25 They opted not to discuss the Andover Contract in executive session. It was straightforward, and
26 Julie didn't want to make it lengthy or cumbersome. It addressed the role of Chester Ambulance
27 and Chester Fire and how they would be servicing the town of Andover. It included the formulas
28 by which they would be looking at every year. It was a one-year contract that would automatically
29 renew for one year in case something happened at the end of the year. It would cover them one
30 extra year if something fell apart, but it only would renew for a one-year term. Within the next two
31 years they would need to decide if they wanted to keep going. It would build in a safeguard.

32 Arne said the one-year renewal would revert to the formula. They were sticking to the price they
33 gave them. Item #5 stated they would annually, on December 1st, give the Andover Selectboard the
34 contribution amount expected from them in the next year and set forth the formula they would use.

35 Heather asked if they had the ability to review the formula every year. Julie said the formula is
36 redone every year. If they wanted to change the formula, they would do it in the contract
37 presentation for the next year.

38 Heather suggested there be a sentence that the formula would be reviewed on a yearly or biyearly
39 basis. She thought they should allow themselves the ability to review the formula. Julie would
40 include language that allowed them to change the formula. Arne thought Andover would appreciate
41 a formula they could look to every year that was consistent. If there was an issue and something
42 came up, they should have the ability to increase it if they needed to. Heather said there was a

1 formula years ago that she understood, but she didn't think they should become committed to a
2 formula when it was only the first year and they don't know how the numbers will look year to
3 year. If Andover had zero trips out but still had the ability to call, she wondered how it evened out.
4 She wanted to be able to assess the formula in years to come to make sure Chester was in a good
5 position.

6 Lee had a question about the operational costs' formula: deficit divided by total costs by the calls
7 per town. Julie said you take the total budget plus the capital and revenue and divide it by the total
8 number of calls between all towns. If Chester had 100 and Andover had 10, you divide it by 110
9 and multiply it by the number of calls per town. Julie said if the deficit was 1,000 and Chester had
10 90 calls, she's getting a per call cost. $1,000/110 =$ per call cost times the number of costs per town.

11 There was discussion on how to write the formula out in the contract so that it was clear.

12 Arne asked if legal had to review it and Julie said Jim had looked through it and didn't think they
13 needed to pay him for what they are doing.

14 Lee had some grammatical changes to make it clearer. He told Julie he appreciated her work.

15 Heather preferred to see it one last time before it was sent to Andover. It was decided they would
16 approve it at the next meeting on the 19th and send it to Andover.

17 **Agenda Item 8, Adjourn**

18 Lee moved to adjourn, and Jeff seconded it. The motion carried unanimously, and the meeting was
19 adjourned at 7:57 p.m.