

**TOWN OF STAMFORD
SELECTBOARD MEETING
December 29, 2020
(UNAPPROVED)**

Present: Selectboard: Nancy L. Bushika, Chair, Carol A. Fachini, Daniel J. Potvin, Christopher Warren, and Michael G. Denault.

Visitors: Sally Bohl, Roger Bouchard, Sharon Bouchard, Carolyn Brooks, Tammy Daniels, Brandon Fields, Helen Fields, Susan Flash, Ross Hanlan, Colleen Harrington, Kevin Hoyt, Sheila Lawrence, Marta Miller, Kimberly Roberts-Morandi, Thomas Morandi, David Orton, John Paul Potvin, Pat Sullivan, J. Therrien, Clay Zeller-Townson, Richard Marion, Howard Weiss-Tisman, Pamela Tworig, Susan Welsch, William Wheeler, and Zachary Winokur.
Tyna Senecal and Heather Tietgens, Finance Committee.
David R. Tatro, Road Commissioner.
William Levine, Emergency Management Director.
Lori Shepard, Selectboard Secretary.

Nancy Bushika called the meeting to order at 5:30 p.m. She led the Pledge of Allegiance and welcomed everyone. She read a statement with procedural rules for the meeting. Some correspondence was added to the agenda and the order was changed to move the hearing of visitors toward the end of the meeting.

EXECUTIVE SESSION

MOTION by Dan Potvin to find that premature public discussion of employee matters would place the town at a substantial disadvantage. SECONDED by Mike Denault. All in favor. Motion APPROVED.

MOTION by Dan Potvin to enter executive session to discuss employee reviews and salaries pursuant to 1 V.S.A. § 313(a)(3). SECONDED by Mike Denault. All in favor. Motion APPROVED. The Selectboard entered executive session at 5:31 p.m. William Wheeler and Sally Bohl were each invited individually to participate.

MOTION by Mike Denault to exit executive session. SECONDED by Dan Potvin. All in favor. Motion APPROVED. The board exited executive session at 6:02 p.m. Nancy Bushika will calculate the numbers and follow up with the town clerk next week.

BUDGET WORK SESSION

The Selectboard reviewed the remaining town and highway expenditures. They discussed the pros and cons of purchasing a new highway truck vs. the higher maintenance costs of keeping the older trucks. They also considered hiring a year-round, part-time highway laborer. A budget work session will be scheduled for the first part of the January 7, 2021 meeting.

HEARING OF VISITORS

1. Sheila Lawrence questioned why she was not appointed Assistant Emergency Management Coordinator. She has served in this position for over 20 years and enjoyed it. Dan Potvin and Nancy Bushika advised that no Emergency Management Coordinator or Assistant was appointed this past March, only Bill Levine was appointed Emergency Management Director.
2. Clay Zeller-Townson submitted letters from himself and Matthew Aucoin to the Selectboard. He read his letter to the board, thanking them for their commitment, acknowledging the difficult times we are facing, asking that health care workers and high-risk members be considered, and expressing his desire for the town to maintain a sense of community, warmth and generosity of spirit.
3. Pat Sullivan read the letter she submitted to the Selectboard asking that all meeting attendees strive to be kind, not interrupt others and follow time limits. She encouraged the use of Zoom which allows greater participation and provided insight to improve its use.
4. Chris Warren suggested that everyone who attends remotely through Zoom enter their full name to facilitate meeting attendance.

COMMUNITY PROJECTS COMMITTEE

1. Helen Fields will consult with Pat Sullivan to provide an update for the Town Report.
2. Clay Zeller-Townson has volunteered to fill the vacancy and serve on the committee.

MOTION by Mike Denault to appoint Clay Zeller-Townson to the Community Projects Committee. SECONDED by Chris Warren. Motion withdrawn.

MOTION by Mike Denault to amend the previous motion to appoint Clay Zeller-Townson to the Community Projects Committee for the remainder of the existing open term. SECONDED by Dan Potvin. All in favor. Motion APPROVED.

EMERGENCY MANAGEMENT

Bill Levine advised that the Fire Department members have started the vaccination program.

MINUTES

Nancy Bushika asked to amend the minutes of December 17, 2020 to state that Lori Shepard and Attorney Deborah Bucknam were invited to participate in the executive session. Chris Warren asked to have the full petition added to the minutes. The petition, signed by sixty residents, is as follows:

We the People declare this town of Stamford to be a Constitutional Town of the United States of America and of the State of Vermont. We hereby ratify both our state and federal constitutions, which serve to protect and preserve our God given rights. Neither the legislature nor any executive or judicial officer may disregard the provisions of our Constitution which our founding fathers fought to establish and generations of veterans shed blood to preserve. No kind of emergency, perceived threat, or suspect danger is reason to usurp our rights and liberties as citizens of this great nation. We hold these dear above all else, echoing the words of Thomas Jefferson, "When you abandon freedom to achieve security you lose both and deserve neither." We choose to stand firm on God and our Constitution, in the face of any tyranny that may seek to rob us of our freedoms.

Who will govern the governors? There is only one force in the nation that can be depended upon to keep the government pure and the governors honest, and that is the people themselves. They alone, if well informed, are capable of preventing the corruption of power, and of restoring the nation to its rightful course if it should go astray. They alone are the safest depository of the ultimate powers of government. – Thomas Jefferson

Helen Fields would like the constitution capitalized and referred to as the U.S. Constitution.

MOTION by Mike Denault to accept the regular meeting minutes of December 17, 2020 as revised. SECONDED by Carol Fachini. All in favor. Motion APPROVED.

SELECTBOARD ORDERS

The Selectboard reviewed and approved the following orders:

WARRANT #53 \$18,988.08 payroll

WARRANT #54 \$ 5,949.93 accounts payable

TERMINATION OF GOVERNOR'S EMERGENCY ORDER PURSUANT TO V.S.A. TITLE 20 SECTION 13(3) AND IMPLEMENTATION OF LOCAL RECOMMENDATIONS FOR SAFETY AND PROTECTION

Nancy Bushika stated that the board discussed this matter in executive session at the last meeting and wanted to bring it out for public discussion and hear the townspeople's point of view. V.S.A. Title 20 Section 13(3) was read:

The Governor...Upon receiving notice that a majority of the legislative body of a municipality affected by a natural disaster no longer desires that the state of emergency continue within its municipality, shall declare the state of emergency terminated within that particular municipality. Upon the termination of the state of emergency, the functions as set forth in section 9 of this title shall cease, and the local authorities shall resume control.

Dan Potvin announced that the Selectboard would like to do this and have the Selectboard assume local control instead of the Governor. The Governor is not enforcing his orders at this time, but what if he does. You hear on the news different Governors issuing fines or arresting people who go against their emergency orders. We are trying to prevent that type of control here. Chris Warren noted Section 9 lists only certain powers. Dan Potvin acknowledged that the school is under a different branch of government and this would only apply to the town. Bill Levine does not feel this statute is applicable because it refers to natural disasters which were defined as a winter storm, flood, tornado or hurricane. Bill Levine contacted the Secretary of State's office, the Vermont Attorney General, the Vermont League of Cities and Towns, and the Emergency Management Department for clarification but received no determination. They recommended that the town consult its attorney. Carolyn Brooks felt the Governor is doing a good job and his recommendations have kept our state the safest in the country. Dan Potvin stated that the Selectboard has an attorney, Deborah Bucknam, who will represent the town free of charge if the Governor does not accept the town's request for termination and court action is needed. He said there are only one or two covid deaths in Bennington County but there must be at least five deaths from car accidents, yet no one turns in their keys and stops driving. Pat Sullivan referred to the Governor's restrictions and border towns are allowed to cross without quarantining each time. She said she wears a mask to protect others because she cares about others as well as herself. She feels out of respect, others should wear a mask as well. Mike Denault said his family lives in Clarksburg, MA and visiting family is not considered an essential reason to leave the state, so he would be required to quarantine for 14 days every time he visits his parents under the Governor's order. People think the Governor will not enforce this type of travel restriction, but it has already been enforced right here in Stamford. Mike Denault stated that a Stamford School student was questioned about buying their Christmas tree in Clarksburg, MA and the child was sent home to quarantine for 14 days because leaving the state to buy a Christmas tree was deemed non-essential business. So it can and has been enforced. He stated that most masks are not very effective and give the mask wearer a false sense of security. He does not mean any disrespect to Pat Sullivan or anyone and referred to Clay Zeller-Townson's phrase that we all have freedom and personal choice. Mike Denault said it comes down to the Constitution and the Governor does not have the right to go against it. Helen Fields felt the Governor has done a fabulous job keeping people safe and does not trust the Selectboard with decisions concern her health and safety. Dan Potvin feels he does not need a Governor to force us to stay safe; we are all adults with common sense and are capable of making our own decisions. Chris Warren said regarding trust in the Governor vs. trust in the Selectboard, this is not a matter of trust in an individual, but a trust in systems. Personally he would trust the medical resources of state government more. Dave Orton thanked the Selectboard for standing up for the rights of the town. He feels the Selectboard wants to take action now because the Governor is overstepping and infringing on our rights, like interrogating school children about their holiday gathering size and essential vs. non-essential travel. Kevin Hoyt said if we are going to give the Governor credit for averting a virus with a 99.9% survival rate, we also need to hold him accountable for the loss and closing of businesses, and the increase in alcoholism, suicides and drug overdoses. Carol Fachini noted that the restrictions in California are much tougher than anywhere else, yet they have the highest covid numbers in the country. Mike Denault feels it's not about covid, it's about the Governor's orders violating our constitutional rights. Once the public accepts this violation in the name of safety, the government can take away any other rights in the name of safety. Pam Tworig acknowledged that Americans feel very strongly about their rights and feels the Selectboard really does care about the town and wants to do the best thing, so the system that is implemented is very important. She is also concerned that the board seems to be at odds with the Emergency Management Director. Mike Denault said he has the utmost respect for Bill Levine and the board is not trying to undermine his authority. The board is only trying to protect our rights and the rights of the townspeople. If the Selectboard moves forward, this termination would only be in relation to the covid-19 emergency orders. If there was a flood tomorrow, Bill Levine would be in charge. This does not exclude the town from FEMA disaster funding or the town's eligibility to pursue grants. The Selectboard can terminate their local control at any time. Mike Denault noted that the board is not advocating for a free-for-all without common sense. The board would mirror the declarations from the Department of Health, the Governor and the scientists as long as it doesn't violate the constitutional rights of the people. The board would still recommend wearing masks, social distancing, washing hands, and staying home if you are sick. But the travel ban preventing certain types of travel infringes on our rights. Stating how many people are allowed in your home is an infringement of our rights. We have the right to pursue happiness and putting pressure on churches to enforce restrictions, the taking of

property or shutting down of businesses without just compensation – these are constitutional rights being violated throughout the state. Mike Denault explained, if there is a flood and the Governor blocked the road for your safety because it was washed out, we accept that. But if the Governor orders an evacuation because of the flood and a resident refuses to evacuate and remain in their home, the Governor cannot force you to be removed from your home. That would be an infringement of your rights. He heard a lawmaker state that firearm deaths are an epidemic and in the name of safety, he wants to outlaw firearms. That is very concerning to him because it is a constitutional right to bear arms. To put it in perspective for someone without guns, if the state declared that golf clubs were considered a deadly weapon and were therefore unsafe, wouldn't you be concerned about your right to own and keep golf clubs? John Paul Potvin raised several concerns such as restrictions against the practice of religion, crossing state lines for essential vs. non-essential business, the capacity limits of businesses and the closing of restaurants and bars. Mike Denault feels if the town doesn't do something to send a message, any type of safety issue or perceived threat could be used to violate our constitutional rights. He agrees with Bill Levine that we should get clarification of the term natural disaster. Nancy Bushika agrees that she does not want her rights taken away, nor the ability to hunt and own guns, but she does not feel qualified to implement recommendations in place of the Governor. She noted that if the board votes to begin this process, it won't take effect right away and we will still have to follow the Governor's orders until then. The Selectboard would present a petition to the Governor. He should approve it according to statute, but will most likely deny it and the town would pursue its request through legal channels at no cost to the town.

MOTION by Dan Potvin to declare the state of emergency terminated within the town, pursuant to V.S.A. Title 20 Section 13(3), resume local control, and implement local recommendations for safety and protection. SECONDED by Mike Denault. 3 in favor (Nancy Bushika and Chris Warren opposed). Motion APPROVED.

CORRESPONDENCE

Ryan Wolter who is buying a camp on County Road received the proposed Road Agreement. His homeowners insurance will not add the town as an Additional Insured because the town has no ownership in the property. The Selectboard believes it is the plower's liability insurance policy that needs to list the town as an additional insured. Dave Tatro reviewed the lengthy process of bringing the road up to standard and petitioning the town to accept it.

COURT CASE AGAINST VERMONT TOWNS AND CLERKS

Lori Shepard advised that the Connecticut Attorneys Title Insurance Company brought an action in Chittenden Superior Court against nine Vermont towns and their town clerks. It claims that Vermont statute requires town offices to be available at all reasonable hours to inspect the land records. The town clerks are trying to follow the Governor's emergency order of working from home and limiting attorneys and title searchers to appointment only, which is conflicting with state law. The clerks are banding together and Lori Shepard advised that she would be signing a petition to support the other clerks.

MOTION by Mike Denault to adjourn. SECONDED by Carol Fachini. All in favor. Motion APPROVED. The meeting adjourned at 9:25 p.m.

Carol A. Fachini
Clerk

CAF/las

REMINDERS

1. The town office continues to be closed in accordance with the Governor's Stay Home – Stay Safe Order to slow the spread of covid-19. The town clerk is scheduling appointments and is willing to assist residents by email, regular mail, telephone or fax.
2. Please visit the town's official website: townofstamfordvermont.org for town information and updates.

PETITIONS FOR WARRANT ARTICLES & ELECTED POSITIONS

The deadline for filing petitions with the town clerk for warrant articles to be included in the town meeting warning is Thursday, January 14, 2021. These petitions must be signed by 5% of the registered voters or at least 35 signatures. V.S.A. 17:2642(a)

The requirement to submit Nominating Petitions to run for an elected office is waived due to Act 162 along with the requirement to obtain signatures of 1% of the registered voters. A Consent of Candidate form will be required to run for an elected office and the deadline to file the Consent is Monday, January 25, 2021 by 5:00 p.m. A Consent of Candidate form may be picked up at the Town Office. V.S.A. 17:2681(a) (b).

Elected positions to be filled this year are:

- Town Moderator - 1 year term (*William Levine*)
- School Moderator - 1 year term (*William Levine*)
- Selectboard member - 2 year term (*Nancy L. Bushika*)
- Selectboard member - 3 year term (*Christopher Warren*)
- School Director - 2 year term (*Erika Bailey*)
- School Director - 3 year term (*Kelly Holland*)
- Auditor - 1 year term (*vacancy*)
- Auditor - 2 year term (*vacancy*)
- Auditor - 3 year term (*vacancy*)
- Collector of Delinquent Taxes - 1 year term (*Sally A. Bohl*)
- Cemetery Commissioner - 3 year term (*David McKay*)
- Library Trustee - 5 year term (*Barbara Goldstein*)

Voting will be held on Tuesday, March 2, 2021 from 10 a.m. to 7 p.m. at the Town of Stamford Community Room. Applications for addition to the checklist will be accepted at the town office and throughout election day.

Absentee ballots will be available until 5:00 p.m. on Monday, March 1, 2021. Please call the town office at 694-1361.

Anyone interested in serving as an appointed board member, please review the expiring appointed positions in the town report and contact a member of that board or the Selectboard.