

MINUTES SELECTBOARD MEETING
Grafton Town Hall Upstairs In Person/Live
With accommodation for persons unable to attend in person via interactive Zoom

Tuesday, September 2, 2025, 6:00 pm

Present at the meeting in the Town Hall:

Selectboard: Chair Cathy Siano-Goodwin, Vice Chair Anna Keegan, John Gregory, and Steve Sargent

Selectboard not present: Buzz Fisher

Also: Morgan Wilbur, Colby Record, Patrick Cooperman, Patsy Ellis, Wendy Martin, Dave Hall, and Joe Neal

Present online: FactTV, Nancy Merrill, Charlie Bonin, and Amber Stevens

1. Call to order: The Chair called the meeting to order at 6:00 pm.

2. Adopt Agenda: It was moved by Steve Sargent, seconded by Anna Keegan to adopt the agenda. Motion passed unanimously.

3. Approve Minutes of the August 18, 2025, meeting: It was moved by Anna Keegan, seconded by Steve Sargent, to approve the minutes of the August 18, 2025, meeting. Motion passed unanimously.

4. Approve Minutes of the August 21, 2025, special meeting: It was moved by Cathy Siano-Goodwin, seconded by Steve Sargent, to approve the minutes of the August 21, 2025, special meeting. Motion passed unanimously.

5. Highway Report:

Excess Weight Permit: McElwain Contracting, LLC

It was moved by Anna Keegan, seconded by John Gregory, to approve the weight permit and to authorize the Town Administrator to sign and issue. Motion passed unanimously.

Open Truck #3 Bids: Selectboard Clerk, Steve Sargent, opened the bids.

- There were two bids received: One Nation (\$94,498) and One Nation (\$77,400).

Open Additional 2025 Paving Bids: Selectboard Clerk, Steve Sargent, opened the bids.

- There were two bids received: Springfield Paving (\$44,550) and Bazin Brothers Trucking LLC (\$23,562)

Other: Colby Record reported that they have continued work on Hall Ranch Road, specifically under the ash tree removal grant and the Better Roads grant program. He mentioned they are approximately halfway complete. He said there are 2 culverts that need to be replaced on Hall Ranch Road, which he would coordinate with Morgan Wilbur about a road closure for those. Record talked about his plans for putting chloride on the roads to combat the dust. The crew is nearly out of chloride, but he planned to order more and hoped it would be delivered by the end of the week. He also stated that they are approximately halfway done with the trailer repair. Cathy Siano-Goodwin asked if he could look at the water runoff into the road near the Kellogg property on Houghtonville Road (191 Houghtonville Road). Record said he had experience with that driveway and he felt like the driveway was pitched the wrong way, but he would make sure the ditches were working properly. Wilbur mentioned there had been an issue with Green Mountain Power while they were cleaning up the debris and wood from their project on Route 121 East. She explained that Hayden Lake had lumber on his driveway that the sub-contractor for Green Mountain Power removed. Wilbur shared contact information with Lake, who

will coordinate retrieving that wood. Siano-Goodwin asked about grading and putting chloride on Parker Hill Road. Record said they were asked by a homeowner to not grade the road until mid-September because she was having a house delivered. That said, he would look into putting chloride on the road above this particular property.

6. Clerk/Treasurer: There was no report.

7. Committee Reports:

Cemetery Committee: Morgan Wilbur reported that she and Buzz Fisher met with the abutting landowners for the Houghtonville Cemetery. The group discussed a few different options for expanding the cemetery, but Wilbur will check on rights-of-way and how to go about changing them, if necessary.

Parks Committee: There was no report.

Highway Committee: There was no report.

Personnel Committee: There was no report.

July 2023 Flood Update: Morgan Wilbur reported that the box culvert had been installed on Hinkley Brook Road and the guardrails were scheduled to be placed on Wednesday, September 3rd. Wilbur also said that she, Colby Record, and David Rogers met with Stevens & Associates and Rebecca Chalmers at the Eastman Road retaining wall for Chalmers to do a wetland delineation. Wilbur said Chalmers was unable to review maps on site, but thought because a cross-road culvert connected a Class 3 Wetland with the site (which is considered Class 2), it would make the project location a Class 3 wetland. Wilbur said from her understanding, that essentially would mean more permitting and it may restrict the contractor on a start and end date for construction.

8. Short-Term Rental Ordinance: Anna Keegan stated that she had heard back from VLCT with a response to the Town's liability in regards to Short-Term Rentals (STR). She paraphrased the email, which is attached on page 3. Keegan felt the right and responsible thing for the Selectboard to do is to attend the forum in November, which should provide additional guidance. Cathy Siano-Goodwin asked if a simple registry would be sufficient, rather than a full ordinance. Keegan said the ordinance is essentially a registry. John Gregory said he felt it was important to wait until the VLCT forum before making an uninformed decision. Steve Sargent talked about how homeowners are typically liable for general building inspections. He asked if the Town didn't accept a registration fee if liability would follow. Keegan was unsure but felt VLCT had been following the STR discussions around the State and should have additional guidance.

9. Review Contract with Windham Regional Commission for Septic Pumping Ordinance Update: Morgan Wilbur explained that the Selectboard sent out an RFP for consultants to help with updating the Septic Pumping Ordinance but was unsuccessful. However, she contacted WRC, and they have offered to help the Town. Mike McConnell from WRC attended the recent Planning Commission meeting, where they reviewed the contract. The Planning Commission made a motion in support of the Selectboard approving the contract with WRC. Wilbur said the contract is in the amount of \$19,530 and is expected to have an updated ordinance by April 30, 2026.

It was moved by Cathy Siano-Goodwin, seconded by Anna Keegan, to approve the Contract Agreement with Consultant for Municipal Project Management Services with Windham Regional Commission to work with the Town on updating the Septic Pumping Ordinance. Motion passed unanimously.

10. Other Business: There was no Other Business.

11. Public Comment: There was no Public Comment.

12. Next regular meeting: Monday, September 15, 2025, at 6 pm.

13. Executive Session: At 6:37 p.m., it was moved by Anna Keegan, seconded by John Gregory, to enter Executive Session to discuss “evaluation of employees” per 1 V.S.A. § 313 (3) and to invite Morgan Wilbur. Motion passed unanimously.

At 7:08 p.m., it was moved by Anna Keegan, seconded by Cathy Siano-Goodwin, to exit Executive Session. Motion passed unanimously.

No action was taken as a result of the Executive Session.

14. Adjourn. It was moved by Anna Keegan, seconded by Steve Sargent, to adjourn the meeting at 7:09 pm. Motion passed unanimously.

Respectfully submitted,

Morgan Wilbur
Morgan Wilbur

ATTACHMENT: Email Correspondance with VLCT Regarding Short-Term Rentals

Hello Anna,

Thank you for checking in with us on this matter.

Short-term rentals present both opportunities and challenges for communities, and you are not alone in working to strike the right balance. To support municipalities in navigating these complexities, VLCT will be hosting a Short-Term Rental forum in early November. This event will bring together municipal leaders, professionals, and stakeholders to discuss challenges, opportunities, emerging issues, and best practices. We anticipate a robust exchange of ideas and wealth of useful information to come from this session. Please keep an eye out for more details of this event coming soon.

Regarding your specific questions of “Can the town be held liable?” and “Does the town need more insurance because of this ordinance?” unfortunately they cannot be answered with a simple yes or no.

It is possible for individuals to make allegations and sue the Town for a wide variety of reasons. Regardless of the outcome, the Town must still defend itself against those claims. Liability in each case depends on the unique and specific set of facts and circumstances related to that specific incident. While there are generally broad protections for the Town related to code enforcement, there are exceptions, and those protections do not fully extend to municipal officials enforcing local ordinances.

As for whether the Town needs to secure more insurance because of this specific ordinance, the amount of insurance the Town needs is not typically driven solely by one exposure. Towns face a variety of risks and exposures which it must consider in managing its risk and liability. In general, the PACIF Board and membership have sought to secure a limit of liability insurance that is likely to cover most reasonably expected losses. Through your membership in PACIF, you have a \$10,000,000 per occurrence limit for General Liability and \$10,000,000 per occurrence for Public Officials Liability, subject to an overall aggregate for all members.

The question of whether the Town is better off with or without the ordinance is a public policy decision which must weigh a variety of factors including public safety, liability, reputation, among others. Risk avoidance is an established risk management strategy, though it may not always be the most desirable as it eliminates both potential risks and benefits.

If it aligns with your timeline, attending the Short-Term Rental forum in November may provide valuable insights to help inform your final decision regarding the ordinance.

Should you have any additional questions in the meantime, please let us know.

Best Regards,
Phil

Phil Latvis
Director, Risk Management Service