

North Branch Fire District #1
78 Dorr Fitch Road
West Dover, VT 05356

Website: <https://northbranchfiredistrict.com>
Phone: 802-464-7560 x 110
Fax: 802-464-3040
E-mail: administration@nbfddwwt.com

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE
PRUDENTIAL COMMITTEE**

Minutes of the Continuation of the Annual Meeting of the North Branch Fire District #1, Prudential Committee, from May 3, 2021, on October 14, 2021.

This Meeting, having been duly Warned, was called to order at 10:00 a. m. by Moderator, Sarah Shippee.

Members Present: Steve Montello, Bob Stone, Jon Prial and Ken Westby

Also Present: Representing Nbfd#1 was Bart Howes, Rebecca Snow, Helen Krzeminski, James Valente from CV&G, P.C., and members of the public.

Members of the public voted to allow Bartholomew Howes and Andy McLean to speak.

Sara Shippee noted that there was a discrepancy on the Warning for the continuation of Article 10 and what was stated at the end at the Annual Meeting, prior to the continuance. She clarified that the motion had been amended to EXCLUDE the Church, Twice Blessed and the Historical Society, from the Article. The Warning states that these entities are INCLUDED. She gave two options for the public:

- 1) Ignore the Warning or
- 2) Amend the Article to re-include those three entities so that it matches the Warning.

Tom Ferrazza made the motion to amend Article 10, to INCLUDE the West Dover Congregational Church, Twice Blessed and the Historical Society, that were excluded during the last meeting, so that it matches the current Warning.

Shippee stated the new Article shall read: **To see if the Fire District will vote to exempt the Dover Town Offices, West Dover Fire Department, Dover Police Department, Dover Elementary School, Dover Historical Society, West Dover Church and Twice Blessed from taxes for the coming year.** Geri Golet seconded the motion.

Discussion: Barbara Hyde asked why those entities were excluded. Shippee explained there was a motion, at the Annual Meeting, in May, to exclude them. It was seconded and passed, changing the amendment to exclude those three entities.

Shippee called for a vote to approve the amendment. The amendment to Article 10 passed.

Shippee offered the Prudential Committee an opportunity to speak on the Article. Montello stated that Nbfd has an attorney who will present information on the State Statute that pertains to this Article. Prial noted that there were different terms being used such as taxes and fees. He stated that a sewer charge is a fee, not a tax, just as any other utility. He stated that James Valente will be able to further explain this. Prial further explained that Nbfd has a duty to 1) provide a service 2) be lawful and 3) a fiduciary responsibility.

Members of the Fire District voted to allow James Valente to speak.

Valente gave a slide show presentation to clarify the rules of the State of Vermont that Nbfd is bound to adhere to. He included explanations of statutes, ordinances, and the States Attorney General's Office. He gave an analysis, in detail, Title 24 V.S.A. §3615, and a historical analysis of municipalities and sewage disposal systems in Vermont. Karen Gaynin asked to clarify the reference to the State of Vermont having to pay. Valente explained that the statute is stating that even State of Vermont buildings must pay a sewer charge.

Geri Golet read a part of the statute that says, "may choose to charge..." and asked if NB could choose not to charge some entities. Valente stated that Nbfd could choose not to charge a fee and instead use a system of a tax, requiring a change in the way the system is currently set up. Golet asked if NB could charge only a minimum to nonprofit or charitable organizations. Valente responded that it may be possible but would not be equitable.

Andy McLean spoke for the Select Board of the Town of Dover and their position on the subject. He stated the Town and their attorney's position is that these are taxes, not usage fees. They feel that some entities are exempt. He noted that NB has, since its inception, has had tax sales, the bills say tax on them, NB abates taxes and uses a Board of Abatement. He said that is the Town's position is to move forward with the vote, even if it is under advisement, from the Prudential Committee, not to. He added that communication should have been better, and they read the Warning in the newspaper, recently.

Westby asked if there was a legal opinion from the Town. Mclean stated that he did not have a written one, that they met remotely, the previous day.

Joseph Mahon spoke as part of the Town of Dover Select Board. He confirmed McLean's opinion was one of the towns and he also noted he thought communication could have been better between North Branch and the Town of Dover. He added that his concern was "is this going to be the next debt?"

Montello responded, first by explaining the need for everyone to have a meter and Nbfd to monitor. He noted that this article in question, goes back to May and the Annual Meeting. Montello said should NB start to charge these entities; the first bill would be in May of 2022.

Mahon stated that those charges were not included in the budget for the same period. He noted that the Town would then need to start charging for the services and taxes they have not been charging North Branch.

Sarah Bourn pointed out the Warning uses the term "tax" and that is what the public is there to vote on.

Randall Johnson asked if NB will be charging these entities for a deduct meter. Montello stated all submeters are installed at the user's expense and are charged for these meters. Barbara Hyde spoke as a member of the West Dover Congregational Church. She explained the services they provide. Hyde stated the members of the Church's position on being charged for usage by NB, a being tax exempt and they consider charges from NB to be a tax.

Tom Ferrazza questioned whether you could legally pull the vote. He asked "If it is illegal, can they vote?" Valente responded that a Town could go "rogue" and vote. He stated it would be legitimate until a judge says it is illegal and you can no longer do it. He stated the statute is not clear on the difference between a tax and a fee.

Bob Stone stated that Green Mountain Power charges usage. He asked if there were circumstances of them exempting anyone from paying an electric bill. Valente responded that there were none that he knew of, but he knew of circumstances where utilities charged a tax to build dams and hydro generation plants. That would be added to the utility charge for use.

Mahon asked if any other business could be conducted at the meeting such as to amend the Article to include a date of July 1. Shippee responded only non-binding business could be conducted. She asked McLean to comment. He stated that the voters could make that amendment, although it may be difficult, Shippee could facilitate that. He suggested instead to take Nbfd's word, on the start date, if the Article fails.

Marco Tallini stated that NB refers to usage fees but continues to use tax sales as a method of enforcement to collect those taxes.

McLean stated that there may be other ways to collect fees other than tax sales, such as disconnection.

Jon Prial noted that no other surrounding towns exempt entities from sewer charges. He stated that he is glad everyone is comfortable with the reasons meters need to be monitored by NB. He wanted the public to consider equability and what is legal.

Hyde read an excerpt from Title 20, Ch. 171, focusing on Fire Districts, which uses the word "tax". She stated that the issue of taxes vs. fees was confusing.

Shippee calls the question. Article 10 reads **"To see if the Fire District will vote to exempt the Dover Town Offices, Dover Fire Department, Dover Police Department, Dover Elementary School, Dover Historical Society, West Dover Church and Twice Blessed 501c (3) from taxes for the coming year. "**

The Article was read and called for a vote.

10 opposed and 15 were in favor. Motion carries.

Ferrazza made a motion to adjourn the continuance of the Annual Meeting at 11:40.

Seconded by Montello. Passed unanimously.

Respectfully Submitted:

Helen Krzeminski

Helen Krzeminski,

Administration

Assistant Clerk

Posted: North Branch Fire District #1, Wastewater Treatment Facility & Administrations Building, Dover Town Office and www.northbranchfiredistrict.com