Town of Panton Chartered 1761

3176 Jersey Street • Panton, VT 05491-9331
Ph: 802.475.2333 • www.pantonvt.us

Panton Selectboard Meeting, Boundary Hearing and Zoning Regulation Amendment Hearing minutes
Wednesday, August 13, 2025

In attendance: Theresa Boucher, Selectboard member; Kirsten de la Cruz, Selectboard member; Robert T. deGraaf, Selectboard member; Reece Jaring, Selectboard member; Kyle Rowe, Town Clerk/Treasurer; Rick Cloutier, Road Foreman; David Martini, Zoning Administrator, Assistant Clerk Donna Oliver. Citizens present: Ron Redmond, Vergennes City Manager; Chris Bearor, Vergennes Mayor; Andy Kirkaldy, Writer, Addison Independent; Mel Hawley; Steve Rapoport; Bettyjo Bouchey; Eileen Brennan; Ed Brennan; Sharon Ashcraft; Jeanne Jackson; Richard Jackson; Gretchen Bailey; Cathy Fuller; Steve Weber; Judy Stokes Weber; Deb Brace; Kathy Kennett; Charles Kennett; Janice Moulton; Mary Rudd; David Rheaume; Julie Rheaume; Claude Bourgeois; Logan Roth-Longe; Travis Scribner; Jamie Dayton; M'Lissa Dayton; Kathy Rossier; others who did not sign in.

On Zoom: Karen Quigley and three others we could not identify.

1. Call to Order: Theresa called the meeting to order at 5:28 p.m.
2. Additions/deletions to the agenda: Kyle added the approval of minutes from the 7/17, and changed the order of the Road Foreman's report to after Public Comment
3. Public comment: Kathy Kennett asked that the members of the board put their cell phones in a basket to stop them from using them during the meeting
4. Road Foreman's report: He raised the issue of the paving plan and reported that they have done a lot of work to prepare for replacing the culverts on Panton Road. He also said the work has been done for the Better Back Road grant and he has submitted the receipts to the Town Clerk for reimbursement.
    a. Kyle said that we will be updating the paving plan which will be included in town reports moving forward. What has been presented is only a starting point for discussion. Our goal is to pave a road within 1-2 years after a decade since last paved. But we need to scale back as the cost for paving has gone up significantly. We will be seeking grants as they become available.
    b. Steve Weber wondered why we are discussing the paving plan when the Reserve Fund Planning Committee is working on a paving plan. Other plans in past years have been haphazard so we want to do it in a clearer way. Theresa pointed out that this is not cast in stone but is just a start.

c. Deb Brace asked if Addison had finished paving their end of Lake Street. Rick said they had not started it, but would be completing it this year with rubber chip seal.

5. Hearing on Vergennes/Panton Boundary. Reece made a motion to move into the hearing, seconded by Theresa, all in favor.
    a. Kyle said that the historical record shows that no survey was ever done of the City of Vergennes when it was created in 1788. However, the charter line coincides with the parcel lines of the 200-acre blocks in Ferrisburgh as outlined by the survey done by Benjamin Ferris in 1763. Tim Cowan, a local well-regarded surveyor, has done a presentation on this issue and has provided compelling evidence for the original Vergennes Charter lines, confirming the City at 1200 acres. Kyle said that the city is currently taxing 1600 acres. Tim Cowen's presentation is on the Panton and Vergennes websites. In addition, Tim's presentation to the Ferrisburgh historical society/Selectboard is also on the Ferrisburgh website.
    b. Claude Bourgeois asked about the history of the situation. Kyle said the lot lines in Ferrisburgh were more distinct which gave some idea of where Vergennes lines were created. In addition, the marker signs on Rte. 22A and Panton Road denoting the boundary lines have been perpetuating the error for years. Tim confirmed that there are no boundary markers at the edges of Vergennes. He will also be at the Vergennes informational meeting on August 26th.
    c. Mel Hawley raised a procedural question, noting that the language being used to run this session is not correct. The hearings, according to 24 VSA §1461, should be held after the towns in question have agreed on the boundary. He said this hearing is premature and the record should be clear that there has been no agreement between the municipalities. Kyle said that according to 1461 and legal opinion, the municipalities can hold as many hearings as we want.
    d. Kathy Kennett asked if residents of the two towns can vote to have a say in this issue. Very few people – namely the city council in Vergennes and the selectboard in Panton – are making the decision.
    e. Sharon Ashcraft asked who comprised the working group from each community. It should be comprised of people we know. She could not find any names. Kyle said the information is on the website. She wondered by the administrative staff made the decision about which option is the best and not the legislative bodies. Finally, she said that Vergennes has been taxing these properties for 185 years and this constitutes adverse possession and should be considered. Kyle responded that there is no adverse possession in municipal law. There are a number of cases, many of which are on the website, that make clear Vergennes cannot go outside of its boundary to tax properties in other municipalities. Sharon also wondered why we didn't recommend option A which is the least disruptive. Kyle said that there is no one-size fits-all approach. We just wanted a starting place for discussion, to provide a soft landing. Two members of the Selectboard said the group would be working on this taking all into consideration.
    f. BettyJo Bouchey, a resident of Vergennes whose parcel is one that would be affected by this issue, expressed her concern about how this has been handled so far. There were inaccuracies in the materials on the web, and it seems that the humans who will be affected have not been considered. There are many implications that need to be

considered, such as how the tax rate in each municipality will be affected, the ability of Panton to take on more revenue to manage and making sure that the sewer issue is clear. If this moves forward we would want an iron-clad legal agreement that any accessions would continue in perpetuity.

g. M'Lissa Dayton, a resident of Panton, said that the people of Panton didn't ask for this; we are trying to right the situation. We should not be attacked on Front Porch Forum.
h. Cathy Fuller, a resident of Vergennes, said that there are lots of questions to be answered, but we should not make this a fight. She is concerned that her family inheritance not be impacted. She also wants everything to be clearly communicated.
i. Kyle said that the goal is all services would remain intact; the only change is where you vote and pay your taxes. The Vergennes appraisal information of all properties will be accepted and a possible solution for zoning it to create a new zoning area for these parcels. This would be all part of the negotiations.
j. Deb Brace, a Panton resident, said we should get what's ours; the bottom line is dollars and cents. We should barter for an agreement not to pay for fire, library or some other contract. Our two options are to go all the way and get all land back or make an agreement for some payment from the city.
k. Travis Scribner, who has a property in the middle of this, said that his family made a conscious decision to live in Vergennes. He feels like this is taking away his agency.
l. Mel Hawley provided some historical context from his perspective. He became City Manager of Vergennes in 1981. He was sitting at his desk, and above his desk was an aerial photo of Vergennes, with a narrow boundary of red tape indicating the boundaries of Vergennes. Using measuring tools he discovered that the boundaries as far as were on the photo were significantly different that the charter size of Vergennes. He stated he assumed it was due to some aspect of the curvature of the earth, and returned to work. He resumed the stories in the late 80s, early 90s, and describing himself as too cheap to hire a tax mapper, took it upon himself to layout the tax parcel maps. Vergennes had the ortho photos, and the mylar. Using some surveys, he traced the boundaries onto the ortho. He further stated he wasn't consulted at all during the fact finding process. He continued to describe how he designed the tax maps. Using surveys with town boundaries and posts driven in the ground by the Agency of Transportation, and projecting the lines across where the surveyed property lines indicated. He continued that the Vergennes parcel maps are as accurate or more accurate than Panton's. He continued that the statute of the state law, 24 VSA 1461 was very different prior to 2005. He further added that when the parcel maps were digitized, the total acreage of Vergennes was 1606. He stated that his initial assumptions from 1981 were correct, and that Vergennes was approximately 400 acres larger than the charter size. He added that his point is that 24 VSA 1461 stated at the time that acquiescence of a town line for more than 100 years basically became the town line. He continued that property taxation started in 1841, and that if Panton examines their Grand List from that period, they will find no boundary line creep. He stated that the town boundaries were agreed upon in 1841, and it has been that way since then. He stated that he recognizes that the Panton Town Clerk wants to claw back some portion of that. He asked that the Selectboard note blame the people today because of an agreement in 1841. He added that it's about peoples lives, and that the Selectboard should support leaving the boundary lines where the tax map recognizes them to be.

i. Kirsten asked Mel how he would handle the situation if it was reversed.
ii. Mel stated that he believes in history. If there was evidence of recent boundary creep, it could be corrected. But the fact that there was evidence going back to 1841 was compelling.
iii. The Town Clerk asked what about the evidence that goes back to 1794, and the fact that Vergennes is only chartered to be 1200 acres.
iv. Mel stated he will not tolerate questions from the Town Clerk, only Selectboard members.

m. BettyJo Bouchey explained that her training is in managing conflict, noting that resolution of the conflict should focus on those who are most affected. In this case, we, the residents would be most affected. She also pointed out that the estimate of $10M does not include the cost of supporting this change. She is also very suspicious of the data on the website as she has found many errors already.
n. Kathy Rossier, who pays taxes in three municipalities, asked if the Panton Selectboard knew ahead of time about the letter that was sent to Vergennes residents about this issue. Kirsten said they did not.
o. Kathy Kennett thanked Kyle and Ron (Redmond) for their work. It's clear the line must be established, but the April deadline will not work. Kyle pointed out that the State legislature will not agree to any changes in town/city charters where boundaries are in question. This issue needs to be solved.
p. In response to a question posted on Zoom, asking about why we wouldn't take on the trailer park, Kyle said that Panton is small and the trailer park is large with hundreds of residents. In addition, there is the sewer piece which would require significant legal arrangements. Finally, should we take it on, 20% of our electorate would be in the trailer park.
q. Gretchen Bailey asked about arbitration. Kyle answered that arbitration is expensive, and there are no guarantees that arbitration will resolve the issue to everyone's satisfaction. In these cases, the discussion begins at the charter line.
r. Theresa thanked everyone for their comments; they will help the Selectboard as we move forward. She made a motion to move on to the rest of the agenda at 6:42 p.m.; Reece seconded. All in favor.

6. <u>Hearing on Proposed Zoning Regulation Changes/Enforcement Powers</u>. Theresa made a motion at 6:43 p.m. to move into the hearing on this topic; Reece seconded. All in favor.
    a. Kyle explained that this proposal has gone through the Planning Commission. This is a required step in this process.
    b. Jamie Dayton, DRB chair, explained that there was a desire to give the Administrative Officer some power to enforce zoning regulations. The Planning Commission used the language used by the City of Vergennes as a starting place.
    c. David Martini, Panton Zoning Administrator explained current practice is that when a complaint arises and the person violating the ordinance does not remediate the problem, the DRB must go to Environmental Court to impose a fine, which can be cumbersome. This new legislation would also require that a complaint be received in writing. The Administrative Officer may go on the property to determine if there is a violation and can

then levy a fine if there is no remediation. If the problem is rectified, the violation can be dropped.

d. Kyle said that many other towns have taken this step to get some compliance with a middle ground. Jamie said the DRB thought this was a reasonable step to obtain compliance with our ordinances. Kyle said that if the Selectboard approves this will go into effect in 60 days.
e. Reece made a motion to approve implementation of this amendment to the zoning bylaws Theresa seconded. All in favor.
f. Theresa made a motion to move back into the regular agenda at 6:55 p.m.; Reece seconded. All in favor.

7. Clerk/Treasurer Updates.
    a. Kyle reported that the ash trees grant funding has been received and deposited. We received the grants for the culvert replacement on Panton Road. The voter list has been purged by the BCA. We are in the process of reviewing and updating the personnel policy. Kathy Kennett noticed that a page was missing and notified the office. Unfortunately this page is also missing in the hard copy version. We will hopefully be receiving the first installment of the FEMA grant in the next couple of weeks.

8. Approval of minutes of 7/9 and 7/17.
    a. Theresa made a motion to approve the minutes of 7/9 as submitted; seconded by Reece. All in favor. Theresa made a motion to approve the minutes of 7/17; Reece seconded. All in favor.

9. DRB/PC Appointment.
    a. A new resident, Logan Roth-Longe, has expressed interest in serving on the DRB/PC. His letter of intent had been distributed to the Selectboard members. Logan spoke briefly. The Selectboard had no questions. Reece made a motion to approve this appointment; seconded by Robert. All in favor.

10. Municipay Provider Contract.
    a. Kyle explained that we currently use Stripe, which is difficult to use and has poor customer service. Hinesburg recently signed on with Municipay, which processes payments of any type. It is free to the town, and support is free; it will be integrated into our website. Residents can make tax payments with a credit card which includes a 3% convenience fee; ACH payments are $1.50. Currently we do not take credit cards except through Stripe. We can eventually get a card machine for the office, for which there will be no rental. We would need to update our payment policy, which Kyle had prepared ahead of time.
    b. However, Robert pointed out that the return check fee is now $36. Our policy will need to be updated.
    c. M'Lissa Dayton pointed out that we would have to do continuous uploads to keep tax data current.
    d. Kyle pointed out that we would not be required to do uploads. People can make payments as long as they know what they owe.

e. Jamie Dayton presented a friendly amendment: that we will not upload tax records. M'Lissa said that they may sell data to Zillow, Realtor.com, etc.
f. Reece made a motion to accept the proposal, including the amendment; seconded by Robert. All in favor. The payment policy will be tabled until the next meeting.

11. Internal Controls Checklist.
    a. M'Lissa Dayton had noted to the Treasurer previously that we have not done this one-page financial questionnaire required by the State in a couple of years. It is also required by our auditors. It must be approved by the Selectboard and should be posted on our website. The State and VLCT provide workshops that can been attended by Selectboard members. No questions were raised. Theresa signed the document as only one member is required to sign. Theresa made a motion to accept; Reece seconded. All in favor.

12. FY26 financial review. Kyle presented our budget to actual as of July which looks okay. He reviewed some anomalies. One area he noted was that we do not have enough budgeted for legal expenses. We have gotten into trouble in the past by not seeking legal advice when we should have. He also presented a spreadsheet created by the Reserve Fund Planning Committee to allow the Selectboard to know at any given time what our cash position is. The town currently owes more to the reserve funds than it has in the bank. Our cash position is poor. We need to better manage our funds; we will be discussing this again shortly a little further down the agenda.
    a. Kathy Kennett asked if this document can be put on the website.
    b. Kyle agreed that would be done.

13. Vergennes Fire Protection Contract. When the budget for FY26 was originally created, the wrong amount had been budgeted for this expense. The city had increased the fee to $62,000, but we had budgeted $55,000. Panton and Vergennes negotiated and agreed they would accept what the voters had appropriated this year.
    a. A question was raised about how this is affected when someone has a fire in Panton. They usually get a bill for the service. Kyle said he was not sure how that worked.

14. Lake Champlain Basin Program Grant Application.
    a. Kyle said this grant for improvements at Arnold Bay does not require a match from the town. The improvements have already been approved by the Planning Commission. A plans was written years ago by David Raphael but the project was shelved when we did not receive it. He reviewed the parking improvements, dock extension and swim platform. The Maritime Museum will go in with us on this submission. We will be applying for 70-80K. We will need approval of the Selectboard to submit. Reece made a motion to approve submission of the proposal; Kirsten seconded. All in favor.

15. TAN application.
    a. Following up on the discussion earlier in the agenda, Kyle stated Panton should stop using reserve funds to help pay bills in between tax payments. Panton should be using Tax Anticipatory Notes. National Bank of Middlebury offers a line of credit that can only be used once per dollar. We will pay interest of 4.1% on the amount we take and will pay it back with tax revenue. He has calculated our max cash flow deficit at $321,000. It has

been suggested that we use a third bank account for reserve accounts so they are used only when necessary. That will also create a paper trail. The funds will receive 3% interest and that amount will be retained in that account. Reece asked how we will cover the interest payments. Kyle suggested a couple of line items: bank fees and account services. We hope this fee will be minimal. Next year we will budget for interest. M'Lissa Dayton commented that we always took a TAN when she worked in the office since we only have two tax payments per year. This can be changed by approval of the voters. This should be investigated. Reece made a motion to approve application for a TAN. Robert seconded. All in favor.

16. FY26 tax rate.
    a. Using Form 411 Kyle presented the calculation for the tax rate. Based on our municipal grant list figure $1,818,166.77 and our budget, we have calculated a 0.5355 tax rate. This is a 9% decrease from FY25. We are also expecting a 5% decrease in the education rate. Utility values have increased in Panton and they have decreased in other towns. There is one BCA grievance, but any adjustment there will not make a big difference. Reece made a motion to accept the tax rate as calculated; Robert seconded. All in favor.

17. National Opioid Settlement.
    a. Kyle reported that most towns return any benefit back to the state. The estimated amount is $180. Reece made a motion to accept the clerk/treasurer's recommendation to return any funding back to the state; Robert seconded. All in favor.

18. AP/Payroll Warrants. All were reviewed and signed.

19. Reece motioned that a specific finding be made that premature general public knowledge would clear the public body at a substantial disadvantage, Kirsten seconded, All in Favor

    a. Having made that finding, Reece motioned to enter Executive Session to discuss attorney client communication and discuss contracts, Kirsten seconded, All in Favor
    b. Executive Session was entered into at 8:08 p.m.

20. Reece made a motion to come out of executive session at 8:50 p.m., Kirsten seconded, All in Favor
21. Reece motioned that Town buyout the existing lease of the solar panels on the equipment shed from VSF-Panton LLC for $2500, Kirsten seconded, All in Favor
22. Reece motioned to adjourn the meeting at 8:50 p.m., Robert seconded, All in Favor

Respectfully submitted

Donna Oliver, Assistant Clerk