

**2023 ANNUAL TOWN MEETING & ANNUAL TOWN SCHOOL DISTRICT  
MEETING MINUTES  
HELD MARCH 6, 2023**

Moderator - Frank Davis called the meeting to order at 6:00 p.m. Everyone stood for the Pledge of Allegiance. Frank then gave a few minutes for everyone to look over the Town Reports and thanked the Town Clerk, Town Clerk's Office, School Officials, and the Town Road Crew for their services.

Frank announced the annual dedication to Curt Brainard for his many years of service with the Town was in our 2022 Town Report. Curt has been with the Town since 1965. He worked as a Trustee of Derby Center, Road Commissioner, Derby Lions Club for over 50+ years where Frank personally worked with Curt. He has always been quite generous with his time and energy and dedication including the 4<sup>th</sup> of July Parade Organizer and has been a Cemetery Commissioner for over 43 years and is still holding that position. Frank asked Curt to stand for a well-deserved round of applause.

Frank added that Curt Brainard was also chosen as the "Super Senior" on the WCAX news. WCAX news caster, Joe Carroll, was present to film Curt Brainard for the "Super Senior" award.

Frank then introduced Brian Smith - our State Representative. Brian said a few words and thanked Joe Carroll for coming to our Town Meeting and congratulated Curt for the "Super Senior" award. We hope you don't ever leave Derby because you are the only one that knows where the culverts are. Brian then spoke about what is going on in Montpelier and the new bills that are in effect - Bill 67 Hazardous Waste Bill, Bill 126 – 30/30 & 20/50 Bill for preserving Land, Bill 158 – Bottle Cleanup Bill and Bill S5 – Affordable Heat Act Bill. For more information you can look up the Bills on the Vermont State Website or call Brian Smith.

Frank then asked for a moment of silence, in remembrance moment to offer prayers for our Armed Forces; people suffering calamities around the world and for world peace. Frank then asked for a motion to approve the 2022 Town and School Meeting Minutes on page 25 in the Town Report. Judy Nommik made a motion to approve the minutes, seconded by Nikole Brainard, with no further discussion, minutes were approved.

Frank then read Article 1 and Article 2 which will be voted on tomorrow by Australian Ballot.

- Article 1.** To elect by the Australian Ballot System the following Town and Town School district officers for **one year:**
- |                                |                              |                     |
|--------------------------------|------------------------------|---------------------|
| (1) Town & School Moderator    | (1) Delinquent Tax Collector | (1) First Constable |
| (1) Town School Board Director | (1) Second Constable         |                     |
- To elect by the Australian Ballot System the following Town and Town School district officers for **two years:**
- |                         |  |
|-------------------------|--|
| (1) Select Board Member |  |
|-------------------------|--|
- To elect by the Australian Ballot System the following Town and Town School district officers for **three years:**
- |                         |                                 |
|-------------------------|---------------------------------|
| (1) Lister              | (1) Town School Board Director  |
| (1) Select Board Member | (1) Union School Board Director |
- To elect by the Australian Ballot System the following Town and Town School district officers for **five years:**
- |                           |  |
|---------------------------|--|
| (1) Cemetery Commissioner |  |
|---------------------------|--|

- Article 2.** Shall the voters of the Town of Derby School District approve the School Board to expend **\$7,471,330.00**, which is the amount the school board has determined to be necessary for the ensuing fiscal year?

**VOTING:** The polls for voting on the above said **ARTICLES 1 & 2** will be open at **8:00 A.M. and will close at 7:00 P.M. on TUESDAY, MARCH 7<sup>th</sup>, 2023, IN THE LOWER LEVEL OF THE DERBY MUNICIPAL BUILDING LOCATED AT 124 MAIN STREET, DERBY CENTER.** The polls shall be under the supervision of the Town of Derby Board of Civil Authority.

Nikole Brainard – Chair of the School Board stated that they have a Power Point presentation to show the which will help explain the budget.

The Power Point Presentation focused on – Factors Influencing the Budget, Highlights of the Budget, Chart of Comparison Education Spending, Homestead Tax Rates, Tax Rates & Fund Balance to Reserve. Nikole stated the amounts currently in each Fund Account: Building & Grounds Fund \$42,412.48, Multi-Purpose Room Fund \$125,000.00 the board opted not to add to the multi-Purpose Room fund this year, Technology Fund \$38,835.12, Curriculum \$18,734.00, Equity Fund \$24,255.31 which is not a year-by-year fund & School Support Personnel Fund \$121,000.00 which pays for some staff positions. We encourage everyone to get out and vote.

Tom Cyr – The day is coming when we will have to transition – powering our systems and was wondering if the school had discussed getting or thinking of electric busses in the future. Nikole stated that they have not discussed that yet. The school needs a new sewer system, and the leach field needs to be fixed or replaced and that is going to be a big expense. Brian Smith – In the State House Transportation they talked about electric school buses and the State of Vermont ordered 25 buses, but Brian doesn't recommend them with the cold weather we have here. The electric buses are made for

warmer climates.

Nikole then thanked the School Board members and the members who will be done their term - Gigi Gobeil-Judd has been on the board for over 16 years and welcomed Paul Chambers to the Board. Gigi Gobeil-Judd thanked the Town and said it was a privilege to serve the School and the Town.

**Article 3.** Shall the voters of the Town of Derby School District authorize the Board of School Directors to place the 2021-22 fund balance into three reserved funds: **\$288,737.00** into Building and Grounds fund, **\$80,000.00** Technology fund, **\$50,000.00** Equity fund?

Allen Yale made a motion, seconded by Scott Boskind. Further discussion: Betsy McDonald asked if the funds in the Reserved Fund Account was enough to cover the cost of the sewer system and leach field needed, Nikole Brainard said it's a start. No further discussion. Motion passed.

**Article 4.** Shall the voters of the Town of Derby vote to authorize the Select Board to purchase other land or real estate not to exceed a total purchase price of **\$20,000.00**?

Frank asked Grant Spates to introduce the Select Board members. Frank read Article 4, Curt Brainard made a motion to approve the funds, seconded by Doug Spates. Ken Lawson asked what land they were talking about. Steve Gendreau said it was land by the Kids Fishing Pond on Route 5.

Steve Gendreau asked to amend the amount to \$30,000.00 because \$20,000.00 is no longer enough to purchase land.

Steve made a motion to amend the motion changing the amount to \$30,000.00, seconded by Bill Gardyne. No discussion. Motion passed.

Frank then read Article 4. Shall the voters of the Town of Derby vote to authorize the Select Board to purchase other land or real estate not to exceed a total purchase price of \$30,000.00? Discussion - Steve Gendreau said its money to use if they have wanted to purchase land but there is no intention of spending the funds, it's just in case. No further discussion. Motion passed.

**Article 5.** Shall the voters of the Town of Derby authorize payment of property taxes to the Town Treasurer on or before **Monday, October 16<sup>th</sup>, 2023, at 5:00 P.M.** without penalties. After that date the taxes shall be placed in the hands of the Delinquent Tax Collector with added penalties and interest?

Nikole Brainard made a motion, seconded by Gigi Gobeil-Judd. No further discussion. Motion passed.

**Article 6.** Shall the voters of the Town of Derby vote the sum of **\$200,000.00** for the rebuilding of roads in the Town of Derby, said monies to be raised by taxes?

Bruce Penfield made the motion, seconded by Dan Kurzman. Discussion – Scott Warthin asked what the plans were for the \$200,000.00. Steve Gendreau said for Nelson Hill Rd, Hinman Settler Rd – a topcoat, Hammer Handle Rd and Day Street. Nancy Moore – asked if it was Hammer Handle Rd for Nelson's fields and manure pit. Do we really need to do that, Steve said there are houses on that street the Town plows that street and they share it with the Village of Derby Line. Scott Boskind asked if Salem View Heights was in the budget for this year, Steve said not this year. Paul Prue wants the Town to leave Hinman Settler Rd as it is. Bruce Penfield said that Hinman Settler Rd took a big hit this winter and is going to take a lot of work and money right now it's rough. No further discussion. Motion passed.

**Article 7.** Shall the Town of Derby vote to appropriate the sum of **\$3,300.00** to assist the **Northeast Kingdom Council on Aging** in providing services to older Vermonters in the ensuing year?  
A motion was made by Bill Gardyne, seconded by Gigi Gobeil-Judd. No further discussion. Motion passed.

**Article 8.** Shall the voters of the Town of Derby appropriate **\$12,000.00** to **Haskell Free Library & Opera House** to provide services to the residents of the Town?  
A motion was made by Brian Smith, seconded by Nikole Brainard. No further discussion. Motion passed.

Karen Chitambar made a motion to combine **Articles 9 thru Article 20** into a one motion vote, seconded by Carol Brown. All in favor. Motion passed.

Motion made by Allen Yale to approve **Articles 9 thru Article 20**, seconded by Christine Moseley. Discussion – Judy Nommik would like to talk to the Representatives about increasing the rate on Article 18, Brian Smith will set up a meeting with her.

Ruth Duckless wanted to let the Town know that the Dailey Memorial Library's Community Garden is a great asset to our Town and is available at no cost to the library.

Bruce Penfield wanted to know why the Cemetery budget is up by \$15,000.00, Curt Brainard said it went up like everything else. The Commissioners thought it was time to increase employee wages.

Doug Spates – Derby Pond Milfoil – who oversees the funds and how they are used. Karen Jenne said the Village of Derby Center Trustees hires a diver for the removal of the Milfoil, Derby Pond is used as a main source of drinking water for the Village of Derby Center & the Town of Derby.

**Article 9. – Article 20.** Shall the voters of the Town of Derby vote to raise, appropriate and expend the sums:

- Article 9.** \$42,500.00 to support the **Dailey Memorial Library.**
- Article 10.** \$2,000.00 to support the **Orleans County Citizen Advocacy.**
- Article 11.** \$15,000.00 to support the **Town of Derby/ Salem Lakes Preservation Association.**
- Article 12.** \$10,000.00 for the removal of **Eurasian Milfoil/Lake Derby (Derby Pond).**
- Article 13.** \$13,600.00 to support the **Orleans Essex VNA & Hospice Inc.**
- Article 14.** \$9,242.00 to the support of **Northeast Kingdom Human Services, Inc.**
- Article 15.** \$6,150.00 to support the **Umbrella.**
- Article 16.** \$61,120.89 to care and up-keep the **Cemeteries in the Town of Derby**, of which \$13,700.00 shall come from **Cemetery revenues** and \$47,420.89 raised by taxes.
- Article 17.** \$1,600.00 to support the **Orleans County Historical Society**
- Article 18.** \$2,500.00 to support the **Rural Community Transportation, Inc.**
- Article 19.** \$2,000.00 to support the **Pope Memorial Frontier Animal Shelter**
- Article 20.** \$1,500.00 to support the **Northeast Kingdom Learning Services, Inc. (NEKLS).**

No further discussion. All in favor. Motion Passed.

**Article 21.** Shall the voters of the Town of Derby vote to exempt from Real Estate Taxes the property of **International Water Company** on the Herrick Road for a period of 5 years, for the years 2023 through 2028?

A motion was made by Brad Shattuck. Seconded by Bob Kelley. Discussion – Ken Lawson wanted to know the background of what the Article is about, Steve said it's the Village reservoir for the Village of Derby Line on Herrick Rd. Karen Jenne is the water commissioner for the Village of Derby Line/ International Water Company explained that it has been used as a water source for the Village and this is a recurring Article. When the Article expires it needs to be revoted on every 5 years to be exempt from taxes so they can use the water. No further discussion. Motion passed.

**Article 22.** Shall the voters of the Town of Derby provide notice of the availability of the annual report by advertising in the Newport Dailey Express Newspaper & on our Town Website of pickup locations at least 30 days before the annual meeting instead of mailing or otherwise distributing the report to the voters of the Town pursuant to 24 V.S.A. § 1682(a)?

Motion made by Allen Yale. Seconded by Nikole Brainard. Discussion – Bruce Penfield wanted to know if there were a lot of the Town Reports left over after Town Meeting, how many are made and what happens with the extra books. Faye Morin stated that the books are brought to the Election for people to take and some are saved for the residents who vacation for the winter and are back for the seasons. She prints 800 every year and there were no left over reports last year. We put the report on the Website so residents who don't get one can print one off the website. No further discussion. All in favor, Motion passed.

**Article 23.** Shall the voters of the Town of Derby vote to waive Property Taxes for the land and buildings of the **Derby Fish & Game Club** located on Derby Fish and Game Rd and the Kids Pond property on Route 5 for a period of 5 years, for the years 2023 through 2028?

Moved by Brian Smith and seconded by Doug Spates. Discussion – Ken Lawson wanted to know why this organization could apply for exempt status if it is privately owned. Rick Joyal –We have 2 parcels of land in Derby, this is not a private organization, it's a nonprofit organization. One parcel is a Fishing Pond (Kids Pond) with a dam, the dam was reconstructed this past year. The kids' pond is used for kids and seniors, its where we hold our Fishing Derby every year. The pond is restocked yearly, it has a handicap accessible part which is available for seniors to use. The second parcel is a Gun Club which is available for everyone to use, shooting range for the public and the local sheriffs and officers. Hunting Safety courses from the State of Vermont are given there every year. Betsy McDonald asked if the Federal Government contributes to the Club. Rick said that they give the Club a yearly fee. No further discussion. Motion passed.

Frank then introduced Jennifer Harlow –Orleans County Sheriff – Jennifer said her door is always open for anyone who has questions or wants to contact her.

**Article 24.** Shall the voters of the Town of Derby authorize the Select Board to expend **\$2,964,457.71** which is the amount the Select Board deems necessary for the ensuing years' budget; which does NOT include the above articles appropriations?

Grant Spates made the motion, seconded by Curt Brainard.

Discussion – Allen Yale wanted to know if the Budget figure included the \$10,000 from Article 4 that was increased. Grant Spates said No this is for the Town Budget which does NOT include appropriations, or any other Article mentioned above. Steve Gendreau said the \$10,000 is just in case the Town finds land they wish to purchase but they don't intend on using it. All in favor, motion passed. Curt Brainard requested we move Article 16 away from the Appropriations and near the Town Budget.

**In Other Business** - Gigi Gobeil-Judd wanted to also recognize Nikole Brainard who is also resigning this year for all her hard work as the School Board Chair, all applauded.

Bill Gardyne moved to adjourn the meeting; All in favor. Meeting adjourned at 7:13 p.m.

SCHOOL BOARD DIRECTORS

NIKOLE BRAINARD  
PAUL CHAMBERS  
GIGI GOBEIL-JUDD  
EMILY MICKNAK  
LYNDSAY SYKES  
(School Directors)

SELECT BOARD MEMBERS

KAREN CHITAMBAR  
STEPHEN GENDREAU  
BRAD SHATTUCK  
BRIAN SMITH  
GRANT SPATES (CHAIR)  
(Select Board)

Attest: FAYE C. MORIN  
Town Clerk