

## Selectboard Meeting Minutes

*Monday, March 28, 2022 at 6 pm, Town Hall*

**Present:** Sharon Winn Fannon (Chair), Marc Mihaly (Vice Chair), Denise Wheeler (Member), Rick Kehne (Member), Marc Mihaly (Member), ORCA Media, Joe McLean and Bob Fletcher, Esqs., Travis Shores (Constable/Animal Control Officer), Alfred Larabee, Road Commissioner, Sandra Ferver, Treasurer/Delinquent Tax Collector (via phone)

1. Call to Order: Sharon Fannon called the meeting to order at 6:00 pm.

2. Executive Session:

At 6:03 pm Denise Wheeler made a motion, seconded by Sharon Fannon that the board enter Executive Session pursuant to 1 VSA § 313(a)(1)(A), to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage. The motion passed unanimously. The Board invited Joe McLean and Bob Fletcher, attorneys from the firm Stitzel, Page, & Fletcher, PC. into executive session. The board exited Executive Session at 6:35 pm by motion of Marc Mihaly. At 6:36 pm Marc Mihaly made a motion that the board engage Stitzel, Page & Fletcher, PC as the town's legal counsel based on discussion, under the terms outlined in the firm's March 22, 2022 letter to the board. The motion was seconded by Sharon Fannon and unanimously approved by the board.

At 7:00 pm Denise Wheeler made a motion to go into Executive Session under 1 VSA § 313(a)(3) to discuss the evaluation of a public officer and invited Joe McLean, Bob Fletcher and Travis Shores to attend. The motion was seconded by Sharon Fannon and unanimously approved by the board. On motion of Denise Wheeler and seconded by Marc Mihaly the Board exited Executive Session at 7:40 pm. The board had nothing to report publicly.

At 7:55 pm Denise Wheeler made a motion to enter Executive Session per 1 VSA § 313(a)(1) to discuss legal matters and invite Joe McLean, Bob Fletcher and Travis Shores to join the Board.

At 8:06 Rick Kehne made a motion to exit Executive Session. The motion was seconded by Sharon Fannon and unanimously approved by the board.

Executive Session Report: Denise Wheeler made a motion to authorize the constable to work with the town's attorneys consistent with discussion in executive session, to take the polygraph test and have a background check, and send invoices to the Town for the polygraph and background check. Rick Kehne seconded the motion, and the motion passed unanimously. John Brabant will contact the judicial bureau to request a ticket book and to advise them that Travis Shores is our Constable and Animal Control Officer and has been authorized to issue tickets for all civil ordinances.

3. Public Comment: None.
4. Review, Additions/Changes to Agenda: None
5. Review and Approve Warrants: The board reviewed and approved processing of invoices and orders.
6. Road Commissioner:

The road commissioner reported that mud season has been a challenge so far this season with all the roads seeming to fall apart all at once because of the deep frost and quick thaw. The crew has been working (including weekends) to keep up with the demanding season and are exhausted. Currently they are dumping loads of gravel in the worst spots and can't grade or rake until the roads start to dry.

The board asked Alfred and Rick to work together to post updates on road maintenance on the town's website, or perhaps Front Porch Forum to keep townspeople up to date on the condition of roads.

The road commissioner reported he no longer speaks directly with Roger Hill about weather and to make a decision about the roads. The road commissioner talks with or sends a text to staff at the school bus garage and staff at the WCUUSD main office to advise them of road conditions. The road commissioner has authority to close roads as deemed necessary for safety reasons. The Board directed the road commissioner and Rick Kehne to connect with Roger Hill and the WCUUSD to get clarity on how Roger communicates with the schools and towns around weather expectations, road conditions. Rick will work to understand the chain of communication across the various parties. The board wants to have a clear protocol for communication among Roger Hill, the school district, and the road crew. Rick and Alfred will work together to get clarity and bring a proposal for contracting, if necessary, back to the board.

7. Treasurer/Delinquent Tax Collector report:

The board thanked the soon to be retired treasurer and delinquent tax collector, Sandra Ferver for her years of service to the town. She transitioned the town to the NEMRC accounting system and through her work the town has established a fund balance and has not had to borrow money in anticipation of taxes. Also through her due diligence the delinquent tax amount has been significantly reduced. The board then reviewed the February 2022 financial statements and determined the town is in good fiscal standing.

Sharon noted that the board in an earlier meeting mentioned it was making an offer for the treasurer position, but that did not work out. Sandra encouraged the board to be sure there's a solution in place for payroll processing after Sandra leaves the treasurer position. Marc and Denise prepared for a personnel-related executive session a proposal for interim coverage.

8. Finalize and sign Selectboard Guidelines: Postponed to the next meeting. Denise made a motion, and John seconded, that Sharon and Marc bring a document to the next meeting.
  
9. Review Private Roadside Maintenance Application: Marc reported that he and Sharon had connected with Alfred, and Peter Harvey, with hope of developing a policy for requested private maintenance of roadsides. We learned that a policy may be premature for the town. Instead, they are presenting a standard application for everyone who wants to perform private maintenance. The Board reviewed the application and prepared by Marc Mihaly and Sharon Fannon and suggested a minor edit, i.e. that the application make clear the town retains the authority to determine that a private landowner is not keeping to the terms of the arrangement, and the town may mow; also that the title of the application should be “Private Maintenance of Public Roadside.” Alfred will likely have a role in the process, because he will review the application and the site and bring a recommendation to the board. Sharon gave Alfred a draft of the application and asked for any feedback he has by Friday, April 1. The board will approve the edited application at the April 11<sup>th</sup> meeting so it can be used this upcoming season. All requests will be reviewed and approved by the board. The road commissioner will review the application and provide his feedback.
  
10. Appointments/Reappointments:
  - a) CVSWMD – Marc Mihaly made a motion to reappoint Bill Powell as our delegate to CVSWMD and John Brabant as alternate each for the term of one year. Denise Wheeler seconded the motion and was unanimously approved by the Board.
  - b) Health Officer – Marc Mihaly made a motion to reappoint Jay Copping as the town’s health officer for the three year term. Denise Wheeler seconded the motion and was unanimously approved by the board.
  - c) CVRPC delegate to the Clean Water Advisory Committee – Marc Mihaly made a motion to reappoint John Brabant for the one year term. Denise Wheeler seconded the motion and was unanimously approved by the board.

Denise will submit the forms to formally appoint the health officer.

The board noted again that Denise completes tasks on behalf of the board, and she is working to make a list of those tasks.

Sharon outlined the concept of “consent agenda.” A consent agenda allows a board to approve with one motion a series of non-controversial items. Marc said any member can request that an item come off the consent agenda, and the person does not have to have a reason. The agenda would include a list of items that are part of the consent agenda, so it is known both to the board and the public which items are on the consent agenda. It doesn’t require a motion to remove items from the consent agenda, just a request from a board member. Sharon noted the need to slow down for clarity, so the person capturing the minutes can capture a clear motion. Having a consent agenda helps create time. Marc described a consent agenda as a way of organizing the agenda; Sharon noted it turns things that should be five minutes into actually five minutes. Marc clarified its fine to seek a brief clarification on a consent agenda item; also, that just because an item is on the consent agenda doesn’t mean there’s no written report or back up in the folder to support the item.

Sharon said she and Denise are working hard to request agenda items a week in advance, and get an agenda out by Thursday or Friday before the meeting, with supporting documents. A consent agenda requires that board members review the meeting materials over the weekend. It defeats the purpose of the consent agenda if items are removed just because board members have not read the background material.

11. Worcester Cell Tower update: None
12. Other updates: Denise Wheeler reported that she contacted former recording secretary Lisa Marie Grace (formerly Stoudt) about taking the board's minutes. Lisa has agreed and is available to begin on Monday, April 11, 2022. The board approved and Denise will contact Lisa with the board's decision.
13. Executive Session: at 9:32 pm Denise Wheeler made a motion to go into executive session under 1 VSA 313 (a)(3) to discuss personnel matters. John Brabant seconded.
  - a) *The board report the following from executive Sessions, relating to the treasurer vacancy:*
    - i) *The board agreed to retain NEMRC at a rate of \$145/hour to enter payroll data after checks are approved, to submit quarterly labor tax reports to the state and IRS; and to continue to run monthly audits.*
    - ii) *The board agreed to an hourly rate for Sandra Ferver to run accounts payable, confirm autopayments and deposits, make HRA payments, and make bank deposits.*
    - iii) *Denise will readvertise the position of treasurer and delinquent tax collector. The board approved a \$2,500 sign on bonus for a person who takes both positions.*
    - iv) *Marc and Denise will establish and manage a process for interim coverage of signing checks and running payroll.*
14. Adjournment: Denise Wheeler made a motion to adjourn at 10:18 pm. Marc Mihaly seconded the motion which was voted on and carried 5-0.

Date: 4/9/2022 Respectfully Submitted, Denise Wheeler

*Approved by the Selectboard at the April 11, 2022 meeting.*