

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board
Martin Memorial Hall
5259 Route 5, Ascutney VT
Monday May 1st, 2017
7:00 PM
REGULAR MEETING

MINUTES
APPROVED 5/15/2017

Select Board Members Present: Daniel Boyer
Lynn Esty
Kelly Murphy

Select Board Members Absent: C. Peter Cole
Amy Beth Main

Ed Morris, Town Manager

Others Present:

Edith Stillson Wes Hazeltine Paul Tillman Nancy Heatley
Hal Wilkins, LUA David T Fuller John Arrison

1. Call to Order

Ms. Murphy called the meeting to order at 7:00PM.

2. Comments from Select Board and Town Manager

Ms. Murphy congratulated Villagers on their grand opening.

3. Comments from Citizens on topics not on the agenda

John Arrison said he objected to plans for placing the second compactor (at the transfer station) in the area where the recycling bins are now. He said it will not be possible for one employee to oversee two compactors. He said traditionally it has been difficult to keep two employees at the transfer station and we have had to move people from highway to fill in periodically. He felt the Town will have a difficult time keeping a second person in the position (of monitoring the 2nd compactor). He said it would be better to place the 2nd compactor within sight of the 1st one so that one person can monitor both if needed.

Mr. Arrison also said that he had heard that the Town was planning to collect food waste and ship it out. He said it doesn't make sense to get rid of it when we could keep it on site and compost it locally.

Mr. Morris said that the permitting for composting on site is "horrendous". He said most of Windham region is working with Grow Compost to develop a system. We can charge enough to recoup our fees or more as we can set our own fees.

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Mr. Arrison said we are already running in the red; “punch tickets are already \$3 a punch, we have an operator moving to full time with benefits that will be apportioned between highway and the transfer station, which means additional expenses starting July 1st. If we can't operate, at least some of the time, with one operator, and try to have a highway guy go over there on overtime, the punch prices are going to start going right through the roof.” He feels people will find it cheaper to have there waste picked up. Once that happens, the revenue is lost.

Mr. Boyer said it would be more expensive to put the 2nd compactor close to the 1st one than to put it by the recycling bins. He said the traffic flow wouldn't work as well either.

Mr. Morris said the Town has been told (by the State) to sort brush from the leaves and grass from the dimensional lumber. “We are having trouble with C & D, we have the trash, we have recycling, electronic waste – one person cannot monitor and watch all that, even if the compactors are side-by-side.” He agreed that two people will be needed and that it will be hard to do. The savings from going to zero-sort will help somewhat.

Ms. Murphy asked for more information about the logistics of local composting.

Nancy Heatley announced the annual wildlife festival Sunday, May 7th, 10 AM – 4 PM, at Herricks Cove. The Connecticut River Joint Commission has a table there.

4. Review minutes from previous meetings – 4/17/2017

Additions/corrections/deletions:

a. None.

Motion: To approve the minutes as written

Made by: Mrs. Esty **Second:** Mr. Boyer

Vote: Unanimous in favor

5. Town Plan Public Hearing/Continuation of 2nd of two hearings (continued from 4/17/2017)

Ms. Murphy called for a motion to accept the Town Plan noting that there is a schedule for making corrections or updates to it.

Motion: To accept the Town Plan in its final draft

Made by: Mr. Boyer

Mrs. Esty said she had concerns about seconding the motion because of a couple of statements about the library that are in it.

Second: Ms. Murphy

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Ms. Murphy said there is a schedule that Hal (Wilkins) and the Planning Commission are going to work towards with the goal of having a revised plan by the end of 2018. She said the Town is up against a deadline – we are completely out of compliance without an adopted Town Plan. Adopting this Plan will get the Town back into compliance. She said she was unwilling to adopt this Plan without a schedule in place.

Mr. Morris said Mr. Wilkins is working with the library and the school to have them rewrite the library and education portions, instead of having Mr. Wilkins do it.

Mrs. Esty asked about the report that is to accompany the Plan. Mr. Wilkins said there is a cover letter that goes out – it has to be sent to adjoining towns, the regional planning commission and several agencies in Montpelier. He said, “They get that and it will reference any action that you take tonight so we're waiting until it's approved before it's printed and sent. We will have to include the items that are referenced in that schedule. These chapters are still works in progress, so they will be advised of that.”

Mr. Wilkins said that the library director had given him a detailed list of “these are the things that I'd like to see included in the Town Plan chapter about the library.” He said the director was concerned that the Plan did not include the improvements that had been made to the library – construction projects and technological improvements. He said, “As you know, this has been a work in progress for nearly 10 years and the library chapter may have been written a long time ago, so it didn't reflect the current conditions. That will have to be one of the first chapters that we will update for you.”

Mr. Wilkins said Ms. Oakman and Mr. Baker are setting aside a week in July to provide us with their comments on an update for the education chapter.

Mr. Morris said the board could not make substantial changes to the chapter without having to start the process over. Mrs. Esty asked if a single sentence (mentioned twice in the Plan) constituted a substantial change. She referred to page 4-4, the sentence that reads, “*Unchanged in its physical plant for 100 years, the library is no longer able to accommodate modern services, collections, and programs.*” Also page 6-3, “*Because the building has not been upgraded in over 100 years, the library is unable to accommodate the modern services, collections and programs citizens have come to expect from a public library.*” She said these statements are not accurate or true. When the library was first started, there was no electricity, no plumbing. There have been substantial changes. She said she would be happy with the Plan if these two sentences were deleted.

Ms. Heatley said that the Town has a grant for zoning bylaw work that has to be completed if we don't lose the grant before the end of May. The Town Plan has to be approved so they can complete the zoning work. If we don't do the zoning work, we lose the grant and it also impacts the Town's ability to apply for other grants and Weathersfield gets a black mark

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that affects a lot more things than just zoning bylaws. As this process moves on, the deadlines get tighter.

Ms. Murphy asked if Mr. Boyer would be willing to amend his motion to include the removal of those two sentences. He agreed. Ms. Murphy seconded. It is intended that the schedule of revisions is included in the motion.

Vote on the motion: Unanimous in favor

6. Discussion concerning appointment of EMC – David Fuller

Mr. Fuller said he had come to the meeting “to learn”. He said, “Now that the minutes of the series of meetings have been approved and the minutes vary dramatically about what happened when this appointment came up. I am here to learn about how the board or management gained information in which they say I did wrong in the capacity of Emergency Management. I have emailed Ed and asked for that information – I don't have it. And I'd like to know what I did and when I did it and when anyone informed me of it.”

Mr. Morris said the two times that were cited in the minutes were the HCRS hearing, when Mr. Fuller made himself an interested party as the EMC (Mr. Morris said he never contacted Mr. Fuller about that) and then the school bus incident was mentioned during the select board meeting.

Mr. Fuller asked for the date of the HCRS hearing. He said he had the date, but he wanted to hear it from Mr. Morris. Mr. Morris said he would have to look it up.

Ms. Murphy said, “On February 21st, you attended a select board meeting in which we had put on the agenda that the role, the expectations of the EMC. Mr. Fuller, as the active one at that point, you shared your vision of the role, your opinions of training, the job in general. About 2-3 weeks later we had the reorganization meeting. Unfortunately, this is where I would have spoken up at the March 20th meeting that I missed. At the reorganization meeting, there were 9 people in attendance. Unfortunately, Amy Beth and Peter are not here tonight. But the other two people that were in the room at that reorganization meeting are here so they will understand and this will all be familiar to them and in subsequent meetings of the school board and the select board, Mr. Fuller has repeatedly stated he wasn't there that night and he's absolutely right. Neither, unfortunately, was SAPA. A motion was made to appoint Mr. Fuller. The motion was seconded. When it went to discussion, I stated, 'there needs to be a discussion about the use of the title – a conversation about the use of the title given the bus situation'. That was the only – the absolute only – and you have the minutes – only reference – to a bus being used. There was no discussion. At one point, when I watched the March 21st meeting, Lynn had stated there was no discussion. She was right. I made the mention of the word 'bus', but there was no subsequent conversation after that. Then Ed made the comment that there was another incident. I asked, 'what do you

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mean?'. He explained the HCRS. I don't have the information of when that meeting was. None of us at the board, when we were informed of that, even knew that it had happened. On March 13th, Mr. Fuller went to the school board (I watched that whole tape). On March 20th, Mr. Fuller came back to the select board. You requested the minutes be clarified, which – that is the unfortunate one for me, because if I had been at that meeting, I personally would have said, 'our minute-taker needs to put it in word for word', because what expounded off of that one sentence is unbelievable. And I think that this is a perfect example of why SAPA is a good thing to have in our meetings because it can eliminate this kind of conversation. Nowhere was there a conversation that minimized Mr. Fuller's public service to the community. Nowhere was there a conversation about behavior or anything. And the one comment that I did make about the conversation around the title, that was regardless of who got into that appointment. That when we have someone in the role of EMC, we should be having a conversation about the use of that title. That was it.”

Mr. Fuller said, “I'm glad you started to bring up the word 'conversation', because what you are missing here is, and it's a really big hole, nobody told me a thing about these things until the reappointment meeting. You guys have decided to change the standards to which appointments are being held right now. And buy this – you say I did something wrong – twice. Ed never came to me and mentioned anything about the HCRS meeting. As a matter of fact, I got the dates of that meeting – 11/15/2016. Here's my exact words to represent the people that were not there. Bill Daniels was on vacation. I said I'm inserting my – because of the hearing process – if people want to make comments, you have to do it at the first hearing or else you're excluded. I also did it personally because I own land down there. That's been further clarified. I don't know whether people know anything about land I own or don't own. Ann Marie Christenson, president of the village, said that the village encompasses up to the covered bridge. Well I own 40 acres on the river. Doesn't happen to have a house. Big deal. It's in the village. So any comments that I made – I wanted clarification of that and everybody just kind of didn't really know what to do with it. But for emergency management - that permit - my comment to that would be – that permit was done by Hal and they actually, in the zoning office was asking for the permit because it was a different thing, because it was an employee-based thing, and it did involve, whether we like it or not, the police, and Bill was on vacation, and he said, 'Can you do this and hold my place?'. I said, 'Sure.' And then the ambulance is paid by the Town. And that's the only comment I made about that whole deal down there and no one – I don't even know where it stands now – whether they need a permit or not.

“The bus, you mentioned that meeting in February – yes, I sat in the front row to talk about it. Nobody has talked to me. The bus incident was on January 4th, 2017. I don't know if you've seen my email. The only thing that I requested of that incident with the bus was that they simply dial 911. I didn't want to be involved in that. I'm not trained to do that. I'm the coordinator that coordinates the police. Bill Daniels, again, arrived on that scene and was

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very upset that he was called. I know they have had a meeting about the bus, but I wasn't invited. I don't even know where that stands right now. So for you to say, 'the good thing is to have a conversation', congratulations - welcome to the table. You guys have been absent. Then you held it against me for re-appointment. And I wasn't here. And you're talking about me without my presence. So now, what I am going to demand is to be treated equal. So anybody who's an appointed official in this Town – if they do something wrong, don't tell them about it because I want to be treated the same way. I want them to be treated the same way as I was. And then when you come up to re-appointment – too bad – you lose. That's what happened to me. And the record reflects it. The minutes reflected it and the notification. Nobody can stand up there - I was raised to tell the truth. You guys have a little trouble with that and there's no way that you notified me of either one of these two things.”

Mrs. Esty said, “I have a couple of comments. For me, personally, neither one of those incidents had anything to do with the way I voted. It had to do with the fact that there was discussion last year about taking the ICS courses for the Emergency Management position – did you take those courses last year?”

Mr. Fuller said, “Did you read the excepted thing, the Town Manager, the new one this year – says 'take them by July 1st.'”

Mrs. Esty said, “Did you, when they were suggested that you take them last year, did you take them?”

Mr. Fuller said, “I don't recall them ever – I never came before you for a meeting to make that suggestion nor was I contacted to do that.”

Mrs. Esty said, “The board wasn't advised of the HCRS meeting until the night of the vote. And it's not a new thing or unheard of that when a position comes up for re-appointment to make changes or additions or clarify a job description. That's nothing unheard of and that's nothing new. So when the job description for the EMC was written for this year, and was advised of everything that came out – that is what I based my decision on.”

Mr. Fuller said, “In our policy and our past practice, if you care to read it all, it says when – no, you're dead wrong about this changing the thing in the middle of midnight where you get to change it. The right thing to do would have been to table it, that conversation. And Kelly, that's what should have happened. If you had questions, the board should have said, 'Hold it, hold it. Ed, you're bringing something up new, we need to table this and have the players come in and talk about it.' ... What you said, Lynn, we've never done that before – changed it in the middle of the stream.’

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Mrs. Esty said it was done the night of the appointments. Mr. Morris said it was 2-3 weeks before the appointments. Ms. Murphy said it was February 21st. She said the item was put on the agenda on February 24th deliberately so that the discussion would happen before re-organization so that the board went into reorganization having a firm job description in place.

Ms. Murphy asked for any additional comments or questions from the board.

Mr. Boyer said, “Comments that I made was I questioned the other applicant and whether he could take and do it and have the time to do it and if he was in the middle of an event, would he be able to take and do his function as his job is first responder/firefighter, whatever and so I had questioned the other opponent. There was some discussion about qualifications on both sides at that meeting.”

Mr. Fuller said, “You guys must have missed my report in the Town Report where I've spent a lot of time trying to keep everybody together. You really missed the boat on this one. And what it does – I could have gone through all the channels and filed these complaints these silly things like you've got and I'm afraid what you'd do again is say, 'Lesson learned' like you are doing right now. Well I'll tell you what – you're answerable to the voters and the voters elect you and there's been a lot of chatter about that. And the second thing was, by doing this kind of thing – it sets the tone of mistrust. When you run all up to a deadline and the person's not there ... where we've gotten into situations as a board and then one of us finally pipes up and says we're going to table it. Especially with the fire department – when they're not there and we just say wait a minute, time out.”

He said there was no rush to fill the EMC position and that it defers to the chair of the board if needed. He felt this appointment had been completely mishandled.

He said in the past when there was more than one applicant for a position, the Town may bring them in. He said it is in the board's policies. He acknowledged that “may” doesn't mean must. He said it made everyone feel incorporated. He feels isolated the way this was handled and he didn't like it.

Mrs. Esty said the person they appointed had better qualifications and that's why he was appointed.

Ms. Murphy asked that the discussion end at this point. She repeated that this does not negate the time and effort that Mr. Fuller had put into his service and in no way should it minimize his volunteering. She said there wasn't really much she could do to try and “fix this”. She said she appreciated Mr. Fuller coming forward.

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7. Award Compactor RFP

Motion: To award the bid for the purchase and installation of a compactor for the price of \$22,845 and the Town's cardboard baler to Atlantic Recycling.

Made by: Mrs. Esty **Second:** Mr. Boyer

Mr. Morris said the baler is part of the bid – that the price is a “package deal”.

Vote: Unanimous in favor

8. Reserve Fund Policy (2nd reading – continued from 4/17/2017)

The word “capital” was removed from the 1st paragraph under the heading, “*Specified Reserve Funds – Purpose*”. The word “Inclusion” was rewritten as “inclusion” in item “D” under “*Specified Reserve Appropriations*”.

Motion: To accept the *Reserve Fund Balance Policy* as amended.

Made by: Mrs. Esty **Second:** Mr. Boyer

Vote: Unanimous in favor

9. Disposition of Town-Owned Property Policy (Continued from 4/17/2017)

Due to copying errors (pages were missing), this discussion was tabled to the next meeting (May 15th).

10. Approve Letter for GMP Project

Ms. Murphy read her letter to the Public Service Board regarding the proposed GMP solar project for the Hodgdon property. In it, Ms. Murphy states that the select board is withholding their full support of the project until the board is aware and fully understand the concerns of the town's citizens. She asked that any concerns raised and any resolutions offered be shared with the board.

Mr. Morris said that Zacchiah Blackburn had written to express concern about some issues he had with the project. Mr. Morris said he talked to Grow Solar who said they were working with Zacchiah and planned to meet with him. They did meet with him last Wednesday, the meeting went well, they were making some accommodations, Zacchiah was happy. He said Zacchiah was pleased with the way GMP and Grow Solar had addressed his concerns. He is no longer opposed to the project.

Mr. Morris agreed with keeping in the letter the board's ability to oppose the project in the future if something were to arise.

Motion: To sign the letter as written by Ms. Murphy

Made by: Mr. Boyer **Second:** Mrs. Esty

Vote: Unanimous in favor

11. Ribbon-Cutting Discussion

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Mr. Morris said he had coordinated with the board and Villagers to do a ribbon-cutting ceremony last weekend for their grand opening. While it was being put together there was a little bit of concern from some members of the select board about setting precedent – is this something the board should or should not be doing. Mr. Morris felt it is important for the board to show support of local businesses. Also, the town does not have an economic development plan that describes the type of businesses we would like to see come to town. He said he personally felt that Villagers, a long-time local resident trying to rebuild a business that did well here based solely on building community. He said he hoped to continue supporting locally owned small businesses and those businesses that are identified as desirable in the economic development survey from last November (restaurants, small shops and locally-owned businesses).

Mr. Boyer thought they should support people who are trying to open up businesses, although there may be some undesirable businesses that he would choose not to support.

Ms. Murphy said she agreed with Mr. Boyer, but wanted to be certain ahead of time that the zoning and planning processes had been followed.

Mr. Morris said it should be clear that it is something we will try to do, but cannot guarantee will be done. Businesses must reach out in a timely manner.

Mrs. Esty said she had no objection to attending ribbon-cuttings, but agreed with Mr. Boyer. If it is a business that is objectionable, she will not attend. She didn't want it set up that when the Town Manager calls, the select board comes.

Mr. Morris said he hoped that in the future a small group of citizens will form a group to take over these types of events. A group that would act like a chamber of commerce where the board would be invited to attend.

12. Approve Summer Meeting Schedule

Motion: To accept the summer meeting schedule for 2017.

Made by: Mrs. Esty **Second:** Mr. Boyer

Vote: Unanimous in favor

13. Appointments

There were no appointments.

14. Approve Warrants

Motion: To approve the warrants for May 1, 2017 as follow:

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General Funds	Operating Expenses	\$19,491.25
	Payroll	\$12,578.00
Highway Fund	Operating Expenses	\$5,877.60
	Payroll	\$8,165.57
Solid Waste Management Fund		
	Operating Expenses	\$3,184.18
	Payroll	\$935.74
Library	Operating Expenses	\$334.28
	Payroll	\$0.00
Grants	Operating Expenses	\$0.00
Agency Monies	Operating Expenses	\$0.00
Reserves		\$650.00
Grand Totals	Operating Expenses	\$29,537.31
	Payroll	\$21,679.31

Made by: Mrs. Esty **Second:** Mr. Boyer

Vote: Unanimous in favor

15. Future Meeting Agenda Items

a. 5/15/2017

a.i. Resolution/Property Tax Under/Over-payments

a.ii. Disposition of Town-Owned Property

a.iii. Fire Commission

b. Future Agenda Items

b.i. Policy Reviews

b.i.A. Class IV Town Highway

b.i.B. Delinquent Tax, Water and Wastewater Assessment Collections

b.i.C. Zoning Board of Adjustment Alternate Member Use Policy

16. Adjourn

Motion: To adjourn the meeting

Made by: Mr. Boyer **Second:** Mrs. Esty

Vote: Unanimous in favor

The meeting adjourned at 8:01 PM.

Respectfully submitted,

deForest Bearse

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WEATHERSFIELD SELECTBOARD

Daniel E. Boyer, Selector

C. Peter Cole, Selector

Kelly Murphy, Chairperson

Lynn Esty, Vice-Chairperson

Amy Beth Main, Clerk