

**TOWN OF WEATHERSFIELD, VERMONT**

**SELECT BOARD**

**Select Board  
Martin Memorial Hall  
5259 Route 5, Ascutney VT  
Thursday, March 7, 2019  
6:00 PM**

**REGULAR MEETING**

**MINUTES**

**APPROVED 3/18/2019**

**Select Board Members Present:** N. John Arrison  
Daniel Boyer  
David Fuller  
Kelly Murphy  
Michael Todd

**Select Board Members Absent:**

**Ed Morris, Town Manager**

**Others Present:**

**1. Call to Order**

Mr. Morris called the meeting to order at 6:00 PM

**2. Election of Chairperson**

Mr. Boyer nominated Ms. Murphy for chairperson. Mr. Arrison seconded the nomination and all were in favor.

**3. Election of Vice-Chairperson**

Mr. Todd nominated Mr. Fuller for vice-chairperson. Mr. Arrison seconded the nomination and all were in favor.

**4. Election of Board Clerk**

Mr. Arrison nominated Mr. Todd for Clerk. Ms. Murphy seconded the nomination and all were in favor.

**5. Appointment of Recording Clerk**

Mr. Arrison motioned to appoint deForest as recording secretary. Mr. Boyer seconded the motion and all were in favor.

**6. Designate regular meeting dates, times and location**

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All agreed to continue the regular meeting dates of the 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month at 7:00 PM at Martin Memorial Hall.

### 7. **Designate newspaper of record for Town**

All agreed to table the designation and do some research on ad rates at the various local papers.

### 8. **Appoint Select Board Representative to Fire Commission**

All agreed to table this appointment as the fire commission is currently suspended.

### 9. **Appoint Select Board representative to Highway Committee**

Mr. Morris recommended dissolving this committee, on the grounds that it keeps select board involvement out of daily highway operations.

**Motion:** To do away with the committee

**Made by:** Mr. Boyer **Second:** none

Motion dies for lack of a second

Mr. Arrison and Mr. Fuller disagreed. Mr. Arrison said the committee had served a useful purpose in the past, that sometimes the board member can be called on to help with, say designing a hammerhead turnaround. Mr. Fuller said Westley had found it helpful to have a board member's input.

Mr. Morris said the board's function is to set policy on how things should be done – any variation on that should be done by the board as a whole and not a single member, such as might happen with the board's representative on this committee.

After discussion, it was agreed to keep it intact.

**Motion:** To appoint Mr. Boyer to the Highway Committee

**Made by:** Mr. Fuller **Second:** Mr. Arrison

**Vote:** Unanimous in favor

### 10. **Review *Policy for Conduct of Meetings and Hearings***

There have been no changes to this policy since last year. There were no additional questions from the board

### 11. **Review *Ethics Policy***

There were no questions on this policy.

### 12. **Review *Conflict of Interest Policy***

There were no questions on this policy.

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### 13. Comments from Select Board and Citizens on topics not on the agenda

Ms. Murphy will be unable to participate in the Town Challenge this year. She passed the baton to Mr. Fuller.

Mr. Todd asked to discuss where things stand on the fire department. The board declined to discuss it as it was not on the agenda. It will be discussed at the regular meeting on March 18<sup>th</sup>.

Mr. Fuller expressed concern about the short amount of time available to amend the budget before the new fiscal year begins. Mr. Morris said he is working with VLCT to address the matter.

### 14. Approve Notice of Restricted Use of Town Highways for 2019 Mud Season

**Motion:** To authorize Ray Stapleton to post the roads for weight limits during the 2019 mud season as needed.

**Made by:** Mr. Fuller   **Second:** Mr. Boyer

**Vote:** Unanimous in favor

### 15. Review of Select Board Responsibilities Presentation

Mr. Morris gave his annual presentation on Select Board responsibilities. It is reproduced here:

#### **Select Board**

Duties and Responsibilities In a Selectboard – Manager style of government

#### **Selectboard Authority**

The Selectboard has board authority- no member (even the chair) has any more decision making authority than any other member of the board.

The board chairs responsibility is to:

- Preside over meetings
- Serve as the official head of the Town for all ceremonial purposes
- Serves as the spokesperson of the Town
- Sets the agenda

Outside the confines of a properly warned meeting Selectboard members have no decision making authority.

#### **Dillon's Rule**

- Formulated in 1872 by Judge John Forest Dillon

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## SELECT BOARD

- Town has no authority beyond that which is given by statute
- Unless a statute clearly gives authority we must yield to state control
- State sets procedures on how to act on specific matters
- Some municipalities have special laws that apply only to them (Chartered Town)
- This year self governance is on the Legislative Agenda (S106 and H241)

### **Select Board Responsibilities**

shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer (24 V.S.A. § 872).

### **Other Elected Officers**

The Selectboard's powers are limited by statute insofar as selectpersons are prevented from acting in areas reserved for other officers(24 V.S.A. § 872).

. The Selectboard has no authority over other elected officials' including but not limited to:

- Clerk and their appointed assistant
- Listers
- Treasurer or their appointed assistant

These elected officials can set their own hours and manage their positions the way they see fit.

The Selectboard does have authority over their pay benefits and budgets (outside the use of state regulated fees).

### **Independent Boards**

The Selectboard also has no authority over independent boards (elected boards).

- School Board and Supervisory Union controls the affairs of the school
- Library Trustees controls the affairs of the Library (Hartford Decision)

### **Town Manager Style of Government**

On March 3, 1970 the Town of Weathersfield voted to move to a Town Manager form of government in accordance with (24 V.S.A. Chapter 37).

The Selectboard/Manager style of government is very similar to that of corporate business structure:

- Selectboard develops budgets, policy and vision (except for the mandated approvals needed)
- Manager is tasked with implementation,

### **Town Manager Style of Government**

On March 3, 1970 the Town of Weathersfield voted to move to a Town Manager form of government in accordance with (24 V.S.A. § 1232).

# TOWN OF WEATHERSFIELD, VERMONT

## SELECT BOARD

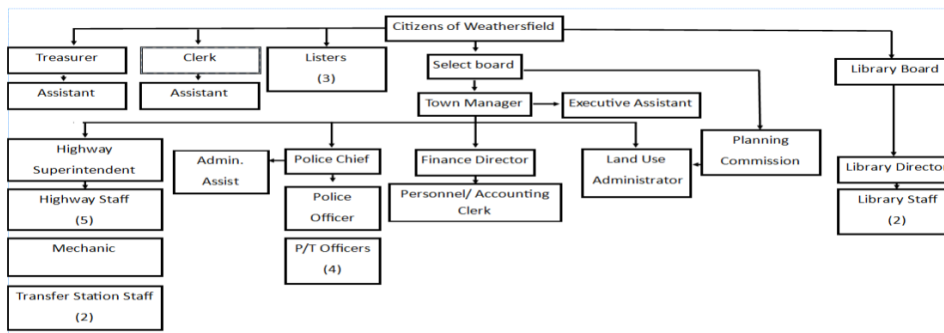
The Selectboard/Manager style of government is very similar to that of corporate business structure:

- Selectboard develops budgets, policy and vision (except for the mandated approvals needed)
- Manager is tasked with implementation

Voters	Stockholders
	ELECT
Select Board	Board of Directors
	HIRE
Town Manager	President of Company
	MANAGE
Town Departments	Company Departments

Finance	Finance
Human Resources	Receivables
Tax Collection	Human Resources
Police	Sales
Highway	Marketing
Land Use	Production
Solid Waste	Purchasing

Select Board	Manager	Staff
Policy	Structure	
Vision	Procedure	
Budget	Budget Implementation	
Plans	Training	
Expectations	Staffing	



### Other pertinent information

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### **Conflict of Interest**

The board must refrain from conflict of interest or the perception of conflict of interest. Mere allegations of conflicts of interest can cause damage to reputations and undermine public confidence in local government.

Disclosure of potential conflicts effectuates transparency and affords opportunities for discussion and evaluation of potential conflicts.

When a conflict is identified and disclosed, the local official should recuse themselves from participation in the matter under consideration, but cannot be forced to recuse themselves.

### **Ethics**

- The ethical failures of one public official resonate widely and reflect on all.
- You are a model for a high standard of performance and behavior, and that means avoiding even the appearance of ethical misconduct.
- Values-Based Ethics
- Be truthful with fellow elected officials, the public, and others.
- Do not accept gifts or other special considerations because of your public position.
- Do not use your public position for personal gain.
- Support the public's right to know and promote meaningful public involvement.
- Excuse yourself from decisions when you or your family's financial interest may be affected by government actions.

### **Ethics**

- What governs ethics in the Town of Weathersfield
- Weathersfield Ethics Policy (All boards, commissions, staff and appointed positions)
- ICMA Code of Ethics (Manager)
- GFOA Code of Ethics (Finance Director)
- Police Department Code of Conduct Policy (Police Department)

### **Quorum**

- The Selectboard quorum is three members (majority of the board).
- The board must have a quorum to conduct business.
- No matter how many members are present at a meeting, a majority of the entire board (3 or more) must agree to make any decisions.
- One or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location (1 V.S.A. § 312.a.2.A).
- When one or more members of a public body participate in a meeting electronically (e.g., by conference call or Skype), any vote taken by the public body that is not unanimous must be taken by roll call (1 V.S.A. § 312.a.2.B).

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### Open Meeting Law

- Agenda must be posted at least 48 hours in advance of a regular meeting and 24 hours in advance of a special meeting.
- Minutes must be taken at every meeting and posted within 5 calendar days. (1 V.S.A. §312)
- Communication about Town business between 3 or more members is considered a meeting.
- Information can be shared electronically with the board, but back and forth email communication is considered an illegal meeting.
- It is also illegal for two members to discuss Town business, and then one of those members talking with another member about the same business in an effort of forming a decision or gathering consensus.

### Summary

- Selectboard has no authority to direct the actions of other elected officials or independent boards.
- Selectboard decisions and directives must come from a properly warned meeting.
- The Selectboard's responsibility in a SB/Manager form of government is development of budgets, policy and vision (except for the mandated approvals needed).
- Any request from a board member for agenda items should go through the chair.
- Any request for staff to conduct any work must go through the manager.

Mr. Morris said Ray Stapleton would be present at the next meeting to discuss the highway department.

### 16. Future Meeting Agenda Items

Mr. Fuller asked how much it would cost to extend to the warranty to its maximum on the grader since we won't be able to purchase a new one this year. Mr. Morris said he would look into it.

### 17. Adjourn

**Motion:** To adjourn the meeting

**Made by:** Mr. Boyer      **Second:** Mr. Arrison

**Vote:** Unanimous in favor

The meeting adjourned at 6:43 PM.

Respectfully submitted,  
*deForest Bearse*

**TOWN OF WEATHERSFIELD, VERMONT  
SELECT BOARD**

**WEATHERSFIELD SELECTBOARD**

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N. John Arrison, Selector

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Daniel E. Boyer, Selector

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David Fuller, Vice-Chairperson

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Michael Todd, Clerk

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Kelly Murphy, Chairperson