

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board
Martin Memorial Hall
5259 Route 5, Ascutney VT
Monday July 10, 2017
7:00 PM
REGULAR MEETING

MINUTES
APPROVED 9/18/2017

Select Board Members Present: Daniel Boyer
C. Peter Cole
Lynn Esty
Kelly Murphy
Amy Beth Main

Select Board Members Absent:

Ed Morris, Town Manager

Others Present:

Edith Stillson	Darrin Spaulding	Colin Butler	Westley Hazeltine
Chief Daniels	Ernie Shand	Katie Cooper	Tracey Dauphin
Toshya Spaulding	Josh Dauphin		

1. Call to Order

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

2. Comments from Select Board and Town Manager

Mr. Morris said the new fire engine for the WWVFD has been paid for, insured, delivered and is in service.

Mr. Morris said we have just completed our first weekend with the new zero-sort recycling system in place. There was some minor confusion regarding traffic flow that will be cleared up when the new signs arrive. There will be additional adjustments made over time to perfect the system.

Econ Development Committee Update – Mr. Morris said this committee was formed as a sort of sounding board for his ideas on economic development – it is not a decision-making body. The committee has met and heard Mr. Morris’s main ideas. They will meet next to do a SWOT analysis, the results of which will be compared to the Select’ Board’s similar analysis.

Mr. Boyer complimented the highway crew on their fine work following the latest storm.

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3. Comments from Citizens on topics not on the agenda

There were no comments from citizens.

4. Review minutes from previous meetings – 6/19/2017 and 6/29/2017

6/19/2017

Additions/corrections/deletions:

Mrs. Esty said that the discussion regarding emailed questions and answers did not accurately reflect what had transpired and asked that it be rewritten. Approval of these minutes was tabled until they have been corrected.

6/29/2017

Additions/corrections/deletions:

Approval of these minutes was tabled to the next meeting as the 2nd page was missing from the packet.

5. Correct date of minutes filed with Town Clerk

a. Change from 2016 to 2015

Minutes of the November 16, 2016 minutes were incorrectly dated November 16, 2015. The Town Clerk asked for permission to change the date for the records. There were no objections from the Board.

6. Presentation to Hal Wilkins

Ms. Murphy read and presented to Mr. Wilkins a letter of appreciation in recognition of Mr. Wilkins' successful completion of his first year of employment. Mr. Morris expressed his gratitude for all of the hard work Mr. Wilkins had done during his first year.

7. PC/ZBA/Conservation Commission Update

Mr. Wilkins said he will be recommending that the Planning Commission relinquish reviews of subdivisions and site plans and focus solely on planning. The Zoning Board would then become the Development Review Board.

Mr. Wilkins said he has begun working on the conditions of approval set by the Select Board when the Board approved the Town Plan.

Mr. Wilkins' office time is spent on complaints, enforcement, permits, subdivisions and support for the Planning Commission.

The Board had no questions.

8. Discuss Complaint – Sue Boyer

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Ms. Murphy said on June 1st she had received an email from Mrs. Esty with Mr. Morris copied asking Ms. Murphy to address a select board member for unsafe driving through an accident scene. Ms. Murphy declined on the grounds that it was inappropriate for her to have a conversation with Mr. Boyer about the phone call Mrs. Esty had received. Ms. Murphy intended to drop the matter at this point.

In the Fire Commission minutes of June 14th, 2017, there was a discussion about fire scene safety with a description of this incident in detail.

Mrs. Boyer filed a formal written complaint to the Select Board regarding the description of the incident in the Fire Commission minutes.

Ms. Murphy said the first order of business was to discuss the complaint and then the complaint policy.

Mr. Boyer said Mrs. Boyer would not be attending the meeting.

Mrs. Esty said she had not been informed of all of the facts pertaining to the incident when she received the phone call. She apologized to Mr. Boyer.

Mr. Boyer said it wasn't good enough because this was not the first time this had happened to him. He said the incident was recorded in a public document and that as chair of the commission, Mrs. Esty should have stopped the discussion. He claimed that he was slandered in the Commission minutes. He said such discussions should not take place in a public forum.

Mr. Boyer asked on behalf of Mrs. Boyer that Mrs. Esty apologize publicly and in writing.

Mr. Boyer said everything stated in the account of the incident was false except that there was a scene.

Mr. Boyer said he had also been slandered by an accounting of something that had taken place months before this. He had been accused of speeding through an accident scene. He said he was stopped and threatened by a state policeman and never even made it to the accident scene. He filed a formal complaint against the officer the following day.

He said Mr. Spaulding had never mentioned anything about these incidents to him (Mr. Boyer) despite ample opportunities for him (Mr. Spaulding) to do so.

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Mr. Boyer was angry that he had been judged in a public forum and found guilty without him having the opportunity to testify on his own behalf.

Ms. Murphy agreed that the investigation into the incident should have taken place before it was discussed. It never should have happened the way that it had.

Ms. Murphy said that as chair of the board she was vehement that she was not going to police the select board. It is not her role – even if board members are on town business – there is a process that needs to be followed.

Ms. Murphy said she had asked Chief Daniels to attend this meeting because “in the middle of this fire scene safety (discussion), there is a quote in here about a conversation that I had had previously with the Chief that is completely contrary to what actually happened.” So Chief Daniels was asked to attend this meeting to explain the various ways in which to handle complaints.

Ms. Murphy said the fact that the Fire Commission minutes record the conversation does not constitute an endorsement of what was being recorded.

The Board had no questions.

Ms. Murphy asked Mrs. Esty, as chair of the Commission, to bring this to the Fire Commission and have another discussion so that it's within the minutes. Then the Fire Commission can have a discussion on how the apology will be handled.

Mr. Dauphin asked if Mr. Boyer had been invited to attend the Fire Commission meeting in June. Mr. Boyer said no, he had not been.

Ms. Murphy asked if fire scene safety had been an agenda item for that meeting. Mrs. Esty said yes.

Mrs. Dauphin said she had raised some questions at the Fire Commission meeting – she said the fire truck was supposedly there, there were no personnel outside the truck, there was no fire, no police, nobody was out there. She said she, too, would have gone by it with a trailer or whatnot. She didn't think Mr. Boyer had done anything wrong.

Ms. Murphy said that Mr. Morris learned from dispatch that this was a medical call (not an accident scene). The fire commission minutes state that a police car was on scene.

Mr. Boyer said he was driving a 10-ft utility trailer, not one of his large horse trailers. He said he never would have attempted to go by if he had been driving the horse trailer. He

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said, “With nobody out there, waiting at the bottom of the hill for 3-5 minutes and seeing nobody and then easing my way up to the scene – there was an ambulance in the yard with some personnel; there was a trooper car sitting first down the hill and then a pick-up in front of that, so I went by it.”

Mr. Spaulding said, “There was a fire truck there, my truck was in the driveway and a police car. It had been raining so we had parked in the middle of the road because the road was super soft, we didn't want to bury the truck.”

Mr. Boyer said, “That's a lie.”

Ms. Murphy acknowledged the differences of opinion and stopped the discussion. She asked if board members had any clarifying questions about this.

Ms. Main asked what the board's obligations were to respond to the written complaint. Mr. Morris stated that they should hear what Chief Daniels had to say. He also said he needed some clarification from the board as to what the intent is on the complaint policy. He said he understood that if the complaint is against staff or select board members (when they are acting on town business) – Dan going through an emergency scene was as a citizen and not acting on behalf of the select board or the town – so the town complaint policy doesn't seem to apply here. He asked the board to clarify that for him a bit more.

Ms. Murphy said she wanted to kick this topic to the fire commission and have them discuss it and go through their process. She said it can come back to the select board if needed for closure or follow-up.

Mr. Butler asked about the disparaging comments that had been made about him in the fire commission minutes. He said he had the same complaint as Mr. Boyer in that disparaging remarks were made about him in a public document that's available on the town website.

Ms. Murphy said she had asked Mr. Morris to “review past fire commission minutes, talk to staff, get any kind of clarification, any kind of correction and data or exaggerations and bring those to the fire commission to Lynn as chair and Lynn is going to navigate that to correct and bring to light anything.” Mrs. Esty will be addressing them at the next commission meeting on Wednesday. Ms. Murphy said she was being careful not to overstep into the fire commission. Mr. Butler said he had not been notified of any fire commission action on Wednesday in regards to the issues brought up about him. He said he didn't know what to expect, but he wanted something in the record clarifying

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what the genesis of those comments were. Mrs. Esty said anyone was welcome to attend the commission meeting. It will be discussed under "Review of Bills".

Mr. Hazeltine said there were items in the minutes about his employees that were "complete BS".

9. Review and clarify complaint process – Chief Daniels

Chief Daniels said there is a complaint policy available at town hall. The police department gets involved when there is possible criminal activity or it would lead to the issuance of a ticket. When the complaint is received, the police follow up on it. Complaints are dropped if the complainant won't cooperate with the police or the claim can't be substantiated. The complainant must be willing to go to court to testify (if it is a complaint that involves criminal activity or lead to a ticket), because the complainant is a witness for the state. The police can't testify if they did not witness the event. So the complainant is asked to fill out a sworn written statement.

Chief Daniels said there had been issues in the past with the fire department members and the department driving; he said he had had meetings with both departments – the fire chiefs have more authority than he does (as police chief).

As to the incident with Mr. Boyer – even though he is a select board member, it has no bearing on the matter. He is just a regular citizen when it comes to the police dealing with the complaint. He said this is the conversation he had with Ms. Murphy. There should have been a formal written complaint and he (Chief Daniels) would have followed up on it.

Anything without police involvement is up to the town to deal with.

Mr. Hazeltine asked if there is fire apparatus in the road, on a state road, who's responsible for traffic control. Chief Daniels said it depends on who can get there first and what's available at the time.

Citizens who have an issue with the fire department(s) can contact the fire commission or come to the town and get a form to fill out. Each department has a compliant process to follow.

If the complaint is against a town employee, the town manager or the select board, follow the town's citizen complaint policy.

If there is a complaint of one citizen against another citizen, see the police chief.

Ms. Murphy suggested starting the process with a call to the Town Manager. Mr. Morris said to come to the town office and fill out a complaint form first.

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10. Fire Agreement Discussion

The board had a copy of the fire agreement with changes in it.

Mr. Morris was set to attend the AVFD member meeting on Tuesday and review and answer questions about the agreement. He attended the WWVFD member meeting last month for the same purpose. On Wednesday, the Fire Commission will discuss the agreement with the comments from both departments included.

Ms. Murphy said this review gives the Board an opportunity to look at the agreement and submit questions to be conveyed to the Fire Commission. She called for questions from the Board.

Section 4.2 – Limitation of Funding Obligation

If the appropriation is turned down by the voters, will the insurance, maintenance expenses, etc. still be paid for the coming year? Ms. Murphy asked that this be clarified if the intent is to continue paying these expenses.

Mr. Morris said that at present, the Town pays most of these expenses. There are a couple of things that go back to the departments. WWVFD is proposing to have the Town pay all of the insurance and maintenance costs. Mr. Morris said he believes that most of that should be the Town's responsibility if we expect the fire trucks to respond to our fires. Town Attorney Chris Callahan says we should be providing insurance. It is the Town's responsibility to make sure that vehicles are insured properly and to the full amount. The Town will be liable if someone gets into an accident.

Mr. Morris said the allocation is a small part of the fire departments' budgets. Many of the insurances are in a different line item. The annual allocation is primarily to support operations within the departments – pay the electric bill, sump pump, basic building maintenance, etc. He said the language in section 4.2 could be clarified however.

Mr. Morris said, “This contract's getting muddier and muddier with the overlap that John Wood talked about. When we own most of those trucks, then we need to maintain them.” The contract should be simplified to state that the Town will provide maintenance. That would be one of the line items we would not be able to cut when crafting any new budgets. Cost savings will have to come from somewhere else. In addition, the allocation would not be voted down individually – the entire general fund budget would be voted down in order to turn down the fire department allocations. Mr. Cole said this is an essential service that has to be funded.

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Section 5.4 – Maintenance of Vehicles, Apparatus and Equipment

Why does the list not include Ascutney's Engine 4, and two other pieces of new apparatus? Mr. Morris said it's because the Town does not own these pieces of property. What about the Argo? It was controversial in the past, but it has proven itself worthy and a good investment and been used in numerous calls to assist Weathersfield residents. Ms. Murphy said it should be included in the maintenance and insurance. Mr. Dauphin said his proposal is worded to include equipment, not just vehicles (the Argo is considered a piece of equipment). Mr. Morris said that Mr. Callahan has advised the Town to make the agreement as simple as possible. So stating “vehicles and equipment”, covers everything regardless of whether it's registered, etc. This way, changes in the agreement can be made at a public meeting rather having to rewrite the agreement every time a change is needed. If that is done, these lists in the contract won't be necessary.

Mr. Hazeltine said, “Speaking for several select board members, some that are not here any more, some that have passed away, there were board members who spoke up about fire department vehicles that have been bought. So what are you going to do if they go out and buy another truck – are you automatically going to put that in as another vehicle you are going to maintain it and service and insure it?”

Mr. Morris said that's something he wrote to the select board that if we go ahead and approve those, we need some stronger language on how that can happen in the future.

Mr. Boyer, Mrs. Esty and Ms. Murphy felt there is language in the agreement that prohibits purchase of any vehicles without the prior approval of the Select Board. Ms. Murphy said the language may need further clarification.

Mr. Dauphin said there is no more room in the WWVFD station for any more vehicles. He said he followed the appropriate process when the Argo was purchased.

Ms. Murphy said, with no disrespect to Pat or Neil Daniels or other select board members, that in future conversations, the past only defines lessons that we've learned and not continually bringing it forward and having it shape the direction that we're going in; not letting the past stop us from progressing in a positive direction.

Mrs. Esty said she had asked that the Board discuss the agreement before the Commission because she wanted the Board's feedback to bring to the Commission.

Mr. Cole said the agreement represents the right steps in the right direction. It moves us closer to a long-range plan and John Wood's recommendations. One contract rather than two is a good thing; not getting into a squabble about which vehicles will be

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maintained and which ones won't be. They are all serving us – keep it simple. Acknowledging that there are details to fine-tune, Mr. Cole said he liked it.

Ms. Main asked, “Where do vehicles align with water that we need and the actual requirements of the vehicles – where in the process does that fit if saying we have what we need or we need something different – where does that fit in the discussion – it was discussed in the John Woods report – I don't think I've seen or heard anything about it at the fire commission minutes – my understanding is you know our ability to get water to different places so forth impacts our ratings – so where does that factor in?”

Mr. Morris said he had asked for a list of hydrants and their locations; what kind of maintenance might be needed. He said he believed that list is still being worked on. There have been discussions on where water can be obtained. He has discussed with the board and the prudential committee putting in a hydrant on the north side of Ascutney. He has asked the chiefs to map locations where water is lacking. He said, “What do we want the end run to be? Where are we weak and where can we start planning these projects and which ones do we need to start with first? Let's prioritize them and start planning on trying to figure out a way to fund them. Some of the options are not feasible at this time, others are within our grasp. We need to look at costs and where we need the water the most.”

Mr. Dauphin said that the truck they just bought carries 600 gallons more water than any other truck in town and that brings us in the right direction. It also has a 30-gallon foam tank.

Mr. Spaulding said he had provided dry hydrant information to the fire commission. He said there is a map of the dry hydrants in the town office that's been there for two years. Mrs. Esty said that the fire commission will be updating it.

Mr. Dauphin said his membership had talked a lot about the vehicles and insurance – the biggest thing for his department was the maintenance section for dealing with the financials, the town handling the financials vs the departments handling them in house – that's the biggest change for his department. He hoped that process will work out well.

Mr. Morris said he assures both chiefs – he said he knows there is some fear and hesitation on “what are you going to pay for, what are you not going to pay for?”. As a manager, as a board, “as we move through this, we're going to have to be very understanding and open in our communications. If there is stuff that's being paid for out of that money, we cannot just come in and say 'we're not doing that anymore'. We just need to work through this process together. I purposely told WWVFD I didn't come forward with a whole list of 'we're gonna pay this, we're not gonna pay that' – my

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collaborative nature is 'let's get together and work on this'. We'll figure out together how this will work the best – how we can do it.” There will be details to address ahead, but we can work it out together.

Mr. Spaulding said, “We bought 2 truck loads of foam and split it among 6 different fire departments. How is that going to work for us when we have foam in our budget and all of sudden we get a deal and can save \$30-\$40 per 5 gallons.” The department writes one check and the other departments reimburse AVFD. How will that work with the town needing turnaround time to approve the expenditure. Mr. Morris said we can figure that out. Ms. Murphy agreed.

11. **Cascade Falls Road** - This item has been postponed until August.

- a. **Request Road Sign**
- b. **Concerns Regarding Usage**

12. **Set 2017-2018 Property Tax Rate**

Motion: To set the:

- General Fund Tax rate to be \$0.3559 and the
- Highway fund tax rate to be \$0.2844 and the
- County tax rate to be \$0.0084 and the
- Local Agreement tax rate to be \$0.0057 and the
- Homestead education tax rate to be \$1.5574 and the
- Non-residential tax rate to be \$1.5538 and the
- Perkinsville Village tax rate to be \$0.0395 for the 201-2018 fiscal year.

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

Vote: Unanimous in favor

13. **Set Rates for transfer station**

Mr. Morris said that since the transfer station had a small surplus at the end of the year, he recommends keeping the fees the same for this next year.

Food waste will be collected at the station in this new year. *Grow Compost* will be collecting it. They are providing a 48-gallon tote for collection. It will cost \$29 per week for collection (\$1508 per year). The year-end surplus will easily absorb this cost so Mr. Morris recommended that we don't charge for food waste for this year. He may want to make changes as the year progresses and more information is available.

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Mr. Morris said there will need to be 2 totes for food waste – one for the food, the other for sawdust. The sawdust provides odor suppression. It was agreed that protection from rats, raccoons, etc. will have to be provided.

Motion: To set the transfer station sticker price at \$50 for residents of Weathersfield and \$60 for Reading and West Windsor; set the punch price at \$3.50 and charge no fee for food waste collection.

Made by: Mrs. Esty **Second:** Ms. Main

Vote: Unanimous in favor

- a) **Sticker \$50, \$60**
- b) **Punch Card \$3.50**
- c) **Compost \$0.00**

14. Discuss Participation in Municipal Roads Grants-in-Aid Pilot Project

Mr. Morris informed the board that he had applied for a Municipal Roads Grant for \$15,000 (\$12,000 from the state, \$2,500 match from the town). The grant will fund ditching and other road work on hydraulically connected roads. Any roads worked on under the grant will be brought to Town specifications.

15. Accept Policy Review for:

a. Delinquent Tax, Water and Wastewater Assessment Collections

Mr. Morris said he had not received any comments or questions from the board. Ms. Murphy asked what “taxes of persons who have removed from the state” meant. Mr. Boyer said he believed it meant a mobile home that has been relocated out of state.

Motion: To mark the *Administrative Policy on Delinquent Tax, Water and Wastewater Assessment Collections* as reviewed and accepted on July 10, 2017.

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

Vote: Unanimous in favor

b. Zoning Board of Adjustment Alternate Member Use Policy

There were questions regarding the statement, “Alternates are not to be used for casual absences from the ZBA.” Mrs. Esty remembered alternates being used for meetings when there weren't enough people present for a quorum. Mr. Boyer also remembered alternates being used when one or more members had to recuse themselves due to conflict. Mrs. Esty asked if the sentence should be retained or not. It was agreed to continue the discussion at the next meeting.

16. Appointments

Motion: To appoint Peter Daniels as representative to the Southern Windsor County Regional Planning Commission.

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

Vote: Unanimous in favor

17. Approve Warrants

Motion: To approve the warrants for July 10, 2017 as follow:

General Funds	Operating Expenses	\$33,078.89
	Payroll	\$20,501.10
Highway Fund Operating	Expenses	\$276.84
	Payroll	\$12,840.09
Solid Waste Management Fund		
	Operating Expenses	\$26.98
	Payroll	\$2,079.10
Library	Operating Expenses	\$28.17
	Payroll	\$1800.48 (total not shown on warrant)
Grants	Operating Expenses	\$0.00
Agency Monies	Operating Expenses	\$0.00
Reserves	Operating Expenses	\$325.00
Grand Totals	Operating Expenses	\$33,735.88
	Payroll	\$37,220.77 (corrected to include library payroll)

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

Ms. Murphy had a question about the NEMRC Disaster Recovery Agreement, \$614.93, that appears to be in the warrant twice. She also asked if the recovery services were already part of the overall service fee. Mr. Butler explained the various types of recovery services needed and that this was not a duplicate entry.

Vote: Unanimous in favor

1. Future Meeting Agenda Items

a. 7/17/2017 Weathersfield Center Meetinghouse

1.a.i. Budget Review

1.a.i.A. Reserves

1.a.ii. Review Policy Change for Class IV Town Highway

1.a.iii. Strategic Planning/Economic Development

1.a.iv. Fire Commission Follow-up

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b. Future Agenda Items

1.b.i. Policy Review

1.b.i.A. Social Service Agency Appropriations Policy

1.b.ii. Golden Cross Ambulance/Extend Service Contract

2. Town Manager Compensation Discussion

a. Executive Session as per 1 V.S.A §313(3)

Motion: To enter executive session as per 1 V.S.A §313(3)

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

Vote: Unanimous in favor

The board entered executive session at 9:15 PM and came out at 9:20 PM.

Motion: To give Mr. Morris a 3% raise retroactive to July 1, 2017

Made by: **Second:**

Vote:

3. Adjourn

Motion: To adjourn the meeting

Made by: **Second:**

Vote: Unanimous in favor

The meeting adjourned at 9:26 PM.

Respectfully submitted,

deForest Bearse

WEATHERSFIELD SELECTBOARD

Daniel E. Boyer, Selector

C. Peter Cole, Selector

Kelly Murphy, Chairperson

Lynn Esty, Vice-Chairperson

Amy Beth Main, Clerk