

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

**Select Board
Martin Memorial Hall
5259 Route 5, Ascotney VT
Tuesday, January 28, 2020
7:00 PM
SPECIAL MEETING**

**MINUTES
APPROVED 2/3/2020**

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

Select Board Members Absent: Daniel Boyer

Brandon Gulnick, Town Manager

Others Present:

Darrin Spaulding	Mary Lavanway	Edith Stillson	Darlene Kelly
Howard Page	Ernest Shand	Lisa Slade	Nate Stearns
Jeremy Lavanway	Loraine Shand	Paul Tillman	

1. Call to Order

Mr. Fuller called the meeting to order at 7:10 PM.

2. Comments from Select Board, Town Manager and Citizens not on Agenda

Mr. Fuller introduced the new Town Manager, Brandon Gulnick and welcomed him to Weathersfield.

3. Review and Approve Town Meeting Warning

The board reviewed the draft Town Meeting Warning. Town meeting is warned for Saturday, February 29th at 12:30 PM at the Weathersfield School.

Article 1: No changes.

Article 2: No changes.

Article 3: This article was changed to one authorizing the Selectboard to borrow money in anticipation of taxes. This is for cash-flow purposes only.

All articles following will be renumbered.

Australian Ballot articles:

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Article 5: No change in the officers to be elected. It is as the Town Clerk wants it.

Article 6: General Fund

- \$2,000 has been allocated in the Highway budget for repairs to the Grout Cemetery access road.
- \$1,250 will be allocated to each fire department for hose testing
- \$33,000 will be requested for the Highway reserve fund
- \$400 was backed out from the nonprofit allocations
- The County tax was counted twice, but was corrected

Motion: To set Article 6, Shall the voters of the Town of Weathersfield approve the expenditure of \$1,414,851 for the support and operation of the Town's General Fund? \$1,080,411 shall be raised by property taxation, allowing the Select Board to set the appropriate tax rate.

Made by: Mr. Todd **Second:** Ms. Murphy

Vote: All in favor

Article 7: Highway

Motion: Article 7 to read, "Shall the voters of the Town of Weathersfield approve the expenditure of \$1,242,557 for the support and operation of the Town's Highway Fund? \$946,770 shall be raised by property taxation, allowing the Select Board to set the appropriate tax rate."

Made by: Mr. Todd **Second:** Ms. Murphy

Vote: All in favor

Article 8: Solid Waste

Motion: To operate the fiscal year 20-21 Solid Waste budget \$283,336

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

Vote: All in favor

Article 9: Dump Truck (special article)

Motion: Warn the Article 9 for the purchase of a 10-wheel dump truck for a sum not to exceed \$220,000 with \$75,000 coming from equipment reserve and up to \$145,000 to be financed for a period not to exceed seven years

Made by: Mr. Arrison **Second:** Ms. Murphy

Vote: All in favor

Article 10: Grader (special article)

Motion: Article 10 to read, Shall the voters of the Town of Weathersfield authorize the Select Board to borrow funds not to exceed \$240,000 for a period not to exceed seven years for the lease purchase of a new road grader?

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Made by: Mr. Arrison **Second:** Ms. Murphy

Vote: All in favor

Article 11: Highway Reserve

Motion: Article 11 to read, Shall the voters of the Town of Weathersfield approve \$33,000 to be placed in the Highway Equipment Acquisition fund for future highway equipment purchases?

Made by: Mr. Todd **Second:** Ms. Murphy

Vote: All in favor

Article 12: Fire reserve

Motion: Article 12 to read, “Shall the voters of the Town of Weathersfield approve \$30,000 to be placed in the Motorized Fire Apparatus Acquisition fund for future motorized fire apparatus purchases?”

Made by: Mr. Todd **Second:** Ms. Murphy

Vote: All in favor

It was noted that the article asking the voters if they want to create a single municipal fire department was not on the warning. After discussion, it was agreed to not put it to the voters.

Motion: To rescind the motion made on January 20, 2020 to place an article on the ballot saying, “Shall the voters of the Town of Weathersfield create a municipal fire department pursuant to 24 VSA 19:51?”

Made by: Ms. Murphy **Second:** Mr. Arrison

Vote: All in favor

In conclusion, the tax rate will decrease by 0.4%, regardless of the outcome of the vote on the dump truck and grader articles.

Motion: To have the office staff draft the warning for publication in the town report and make it available for signing by the selectors

Made by: Mr. Todd **Second:** Ms. Murphy

Vote: All in favor

4. Open Meeting Complaint – Town Counsel

Nate Stearns, Town Attorney, was present to address a complaint lodged against the board for an open meeting law violation, namely conversations via email. The board has complied with the timeline prescribed in the Complaint Policy.

Mr. Fuller asked to have the matter addressed in open session for the benefit of the public.

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Mr. Stearns said roughly half of the 70 emails were not in violation of the Open Meeting Law. The other half contained violations of varying severity. He recommended the board get additional training on how to comply with the Law. He said there appears to be a general awareness of how the Law works, but additional training is warranted.

He did say that no votes were ever taken or decisions made illegally. The violations were mainly in comments being made.

It was agreed that the Ethics Policy should be improved to add focus on this important Law and hopefully keep future board members from making similar mistakes.

5. Any Other Business

There was no other business to discuss.

6. Executive Session per 1 V.S.A. §313(3) Personnel

Motion: To enter executive session per 1 V.S.A. §313(3) Personnel and to include John Arrison, Michael Todd, and David Fuller.

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

Vote: All in favor

The Board entered executive session at 8:23 PM.

The Board came out of executive session at 8:35 PM.

Mr. Fuller said the board had addressed a complaint filed with the board by Darrin Spaulding on January 6th, 2020 against then board chair Kelly Murphy. Mr. Fuller said records produced in executive session in this matter will be sealed. He then read a prepared statement as follows:

*Town of Weathersfield Vt
Selectboard Response to Complaint dated Jan 6, 2020
Spaulding/Murphy 1-28-2020*

The Town received a Citizens Complaint received on Jan 6,2020 from Darrin Spaulding, whereas Ascutney Fire Chief alleges inappropriate conduct of the Chair of the Town's Selectboard, Kelly Murphy.

This complaint, by the Town's policy, must be addressed to the Vice-Chair David Fuller.

On Jan. 13, 2020, at a warned Selectboard meeting, Chair Kelly Murphy, resigned as Chair to "assist in the effort to have no perceived barriers to any investigation" with this complaint.

Jan 14, 2020 - I assumed the role as Chair of the Town Selectboard, and developed a plan, following the Town's Complaint policy dated 7/10/08 and amended 5/3/2011.

I found the complaint noted 3 separate issues.

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1. *That employees at the town office had been "directed by the Selectboard chair not to have any contact " with Darrin Spaulding as Fire Chief of AVFD*
2. *The allegation that Board member/ Chair Murphy as a result of the above referenced charge "threatened the employment" of any employee that did.*
3. *The complaint alleges "bias" toward AVFD and Chief Spaulding as a result of a former membership issue.*

I found that the Town must address items 1 and 2. I dismissed the portion of the complaint item number 3 and found that the Town had no standing.

I contacted both Kelly Murphy and Darrin Spaulding and asked each person the same question: Please identify any person(s) you would like interviewed about this complaint.

On Jan. 16 and 17, 2020, each person was asked to answer the same question(s) to help in resolving the complaint. Each person complied.

CONCLUSION:

The Board finds that through the answers ---there was a directive from the Chair Murphy ---not to have contact with AVFD Chief Spaulding.

The Board finds that through the answers---at no time, from any person identified, was any employment " threatened as a result of contact".

The Board finds that it has no jurisdiction over an allegation within an organization not controlled by the Town and as a result has no opinion.

CORRECTIVE PLAN:

The Board will review its own member conduct policy.

The Board will be reminded of the procedures whereby a member (who has an issue with anything) is informed where to address those concerns.

Ex. Any Board member (by policy) brings their issue to the Chair---who then transfers that issue to the Town Manager for resolution.

I want to thank those that were involved for openly discussing this with me and will schedule the above-mentioned corrective actions.

David T. Fuller Chair Weathersfield Vt Selectboard

Mr. Fuller said that the other board members had been directed not to comment.

Ms. Murphy said, "The only thing in that complaint that is true is the fact that I work with non-profits and that I should know better. And I do know better – I would never threaten anyone". She was displeased that the records of the executive sessions were to be sealed.

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Mr. Fuller referred Ms. Murphy to the findings.

7. Adjourn

Motion: To adjourn the meeting

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

Vote: All in favor

The meeting adjourned at 8:44 PM.

Respectfully submitted,

deForest Bearse

WEATHERSFIELD SELECTBOARD

N. John Arrison, Selector

Daniel E. Boyer, Selector

David Fuller, Chairperson

Kelly Murphy, Selector

Michael Todd, Clerk