

TOWN OF WEATHERSFIELD, VERMONT

SELECT BOARD

Select Board

**Martin Memorial Hall
5259 Route 5, Ascutney VT
Monday, October 21, 2019
7:00 PM
REGULAR MEETING**

MINUTES

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

Select Board Members Absent:

Sven Fedorow, Interim Town Manager

Others Present:

Nikita Lenahan	Mychael Spaulding	Ray Stapleton	Josh Dauphin
Alfred Kowalik	Travis Compo	Jeff Pelton	John Esty
Paul Tillman	Josh Compo	Tracy Dauphin	Colby Hodgdon
Jeremy Lavanway	Howard Page	Darrin Spaulding	Lisa Slade

1. Call to Order

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

2. Agenda Review

The Board agreed to move review of the warrant and discussion of the renewal of the employee health plan up in the agenda.

3. Comments from Select Board and Town Manager

Mr. Todd noted that the salt shed was not on the agenda, though it had been requested to be so at the last meeting. It was agreed to add it to the next meeting.

Mr. Arrison said the State wants to cut down the last remaining maple tree from the Romaine Tenney farm. He said there will be a public meeting to discuss the matter at 6PM on October 29th at the Ascutney fire station. He urged anyone who is interested in keeping the tree standing to attend the meeting.

4. Comments from Citizens on topics not on the agenda

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Josh Dauphin thanked all of the firefighters who attended the structure fire on Henry Gould Road.

Lisa Slade asked who makes the decisions about what gets posted (or not) on Facebook. She had particular concerns about postings from the police department. Mr. Fedorow said that usually Susanne Terrill does the posting for the Town Office, but not for the police. He said he would follow up with the police chief regarding the matter. The Board will follow up on it at the next meeting.

5. Review minutes from previous meetings – 10/7/2019

Additions/corrections/deletions:

a. None.

Motion: To approve

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

Vote: All in favor

6. Approve Warrants

Motion: To approve the warrants for 10/21/2019 as follow:

General Funds	Operating Expenses	\$16,777.02
	Payroll	\$13,908.22
Highway Fund	Operating Expenses	\$24,008.11
	Payroll	\$8,798.30
Solid Waste Management Fund		
	Operating Expenses	\$5,419.21
	Payroll	\$1,592.77
Library	Operating Expenses	\$0.00
	Payroll	\$2,014.94
Grants	Operating Expenses	\$3,213.07
Agency Monies	Operating Expenses	\$0.00
Reserves		\$0.00
Long Term Debt		\$0.00
Grand Totals	Operating Expenses	\$49,417.41
	Payroll	\$26,314.23

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

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Vote: All in favor

Employee health plan renewal (taken out of order)

The cost of health insurance is increasing. The current plan is no longer available. Ms. Kelly asked the Board to provide some direction to the staff so as to assist in choosing which of the new options to offer the employees for discussion. Ms. Kelly asked the Board did they want to keep the employees' out of pocket expenses down (and absorb the cost increase) or pass on the increase to the employees to keep the tax burden down or some combination thereof. The Board had a spreadsheet and tables of data to review. Ms. Kelly said the Town needed to make a decision by no later than November 9th.

There followed much discussion about plan details, HSAs and how they are funded, and the need (or not) for an insurance broker.

The discussion was tabled to the next meeting with a request for more information and for input from the employees.

7. Town Manager Search Process

28 applications have been received. The application deadline was to close at midnight on this night. VLCT was anticipating receiving a few more. \$2600 have been spent so far in advertising. The consensus of the Board was not to extend the advertising one more week. Abby Friedman will be looking to meet with the search committee next week to train the committee and begin the process. Copies of all the applications will be housed at the Town Office for committee members to review on their own (at the office). Tentative dates for the meeting with Ms. Friedman were set for October 30th and November 4th. Ms. Murphy will email the committee members to arrange the first meeting.

8. Solar Update

a. Update on recent PUC filings

b. Net-metering Agreement Review

(The above two items were discussed together.)

Mr. Fedorow said the Board received in their packets every new document filed with the PUC since the last meeting, including testimony from Troy McBride relating to concerns submitted by Ms. Lenahan and Mr. Kowalik regarding aesthetics and Exhibit TM-13, which summarizes work done so far by Miles Waite on the Phase 1 of the ESA.

Mr. Fedorow said there have been a number of terms negotiated or changed based on Mr. Fedorow's discussions with Ms. Staskas and Kevin David (Norwich Solar). One of the terms was Mr. Fedorow's desire to apportion the credits evenly between the two operations in terms of the solar net metering agreement. He said this is in the "Rider to Lease Option and Solar Site Lease Agreement". The Town Attorney has reviewed it and is okay with it. He said that was ready for signature.

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Another significant change was made to Clause 3E, which relates to the decommissioning fund. The Town Attorney noticed there was no provision for using the decommissioning funds to enforce or maintain the vegetative screening. Appropriate changes were made by the attorney.

Changes were made to the Solar Net Metering Credit Agreement. The attorney and Mr. Fedorow were in agreement that a 10% floating discount would better protect the town. "At no time shall the Town pay more than the actual value of the Net Metering Credits allocated to the Town's account with utility."

There were a few other minor changes, which Mr. Fedorow enumerated.

Mr. Fedorow referred to Appendix C – Allocation Instructions. Several of the entities in the list belong to Ascutney Fire District, which is not the Town of Weathersfield, but rather an entirely separate entity. He was unsure as to how to handle that.

Ms. Murphy called for questions from the Board.

Mr. Fuller said he understood that the lease for the highway garage array had been signed. Mr. Fedorow said he had not yet signed it. He said the change in section 3E should be incorporated in both contracts. He recommended putting that change in before signing.

Mr. Fedorow said the Board could approve the Solar Net Metering Credit Agreement. It was to be annexed to the main contract for the lease as an appendix (which the solar developer said they don't normally do but which was agreed upon). The whole contract was not yet fully ready to be signed, so he didn't sign it.

Mr. Todd asked: the customer is the Town of Weathersfield, VT. The system owner is Weathersfield Transfer Station Solar LLC. He asked what the system owner is. Mr. Fedorow explained that it is an operating entity that Norwich Solar has established. Based on how these net metering projects work, there is a legal requirement that they set up an operating entity for each one of these projects. We have an assignment clause that prevents Norwich Solar from assigning or transferring it. It can't be just liquidated or transferred without the consent of the Town.

Mr. Todd said his concern was decommissioning or failure of the system. He asked where it is defined that Weathersfield Transfer Station Solar LLC includes Norwich Solar. Mr. Fedorow said it doesn't. They are separate corporate entities. He said that is why we are requiring a decommissioning and landscaping fund to be capitalized with \$50,000 as a condition of this contract, in an account solely in the name of the Town of Weathersfield, which they won't have access to. Mr. Fedorow felt the \$50,000 was fairly standard and

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reasonable. The Town can access that account at any point if there are deficiencies in the landscaping.

Mr. Kowalik said that the EAS had stated that the landfill had not been capped properly. Mr. Fedorow said that finding was based on questionnaires that were requested by the ESA. One of the respondents was a former selectman.

Mr. Kowalik asked if the townspeople will realize any benefit from these arrays. Mr. Fuller said each array will bring \$11,000 (in lease payments per year) and a 10% energy credit (totaling about \$14,000 on each system), which would be a bit less than a penny on the tax rate.

Lisa Slade asked if the money would go into the general fund or the highway fund. Mr. Fedorow said the money will go into the fund where the money is generated (i.e. the transfer station and the highway garage). It won't go into the general fund.

Mrs. Slade said the transfer station can't make money. She said they will have to watch the budget so the budget isn't exceeded. She said the \$40 transfer station fee should go down to about \$20.

Mr. Stapleton said today there were grades stakes placed halfway into the area where the plow trucks are parked (apparently to mark the area of disturbance). He said he hoped that isn't where the solar panels are going. He said the area where the panels are going should be staked out so everything is clear to everyone.

Colby Hodgdon said the Town should be clear about the areas that the Town will not be able to use during construction and areas that will be permanently off limits. Ms. Murphy asked Mr. Fedorow to make a note of that.

Motion: To approve the solar net metering credit agreement, the rider lease option and solar site lease agreement and the change to section 3E for the town garage.

Made by: Mr. Arrison

Mr. Stapleton thought it important to know the limits of the area of disturbance and the panel area before signing. Mr. Fedorow agreed. It was agreed that Mr. Fedorow didn't need to sign the lease until he knows that information.

The following was added to Mr. Arrison's motion: *"pending Mr. Fedorow's investigation of the grade stakes and the total impact area at the highway garage."*

Second on the motion: Mr. Boyer

Vote: All in favor

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Town Forest Update (Taken out of order)

Jeff Pelton of the Conservation Commission said there had been a volunteer day at the Town Forest on Saturday. 7 people from STAB, 4 people from the conservation commission and one Weathersfield student cleared 4 miles of trail. Mr. Pelton said there is still more left to do, but they won't be working in hunting season.

Mr. Fedorow said the Town Attorney is waiting to hear back from the Abbott's attorney on the easement across their land. Apparently, they need sign off from a mortgage lender, which Mr. Fedorow felt shouldn't be a problem.

Mr. Fuller again expressed deep concern about this project and said he wanted discussion of it on a future agenda. He said there are still significant issues outstanding. Ms. Murphy asked that the Town's attorney and Town Accountant Darlene Kelly be present at that meeting to talk about the tax and budget implications.

9. Fire Discussion

Mr. Fedorow's memo in the board's packet stated that the discussion at this meeting would focus on the continuation of the monthly meetings between the fire chiefs and the manager; communication with the Selectboard; and process plan.

Ms. Murphy said the board needed to discuss communication between the departments and the Selectboard members. She said there were members of one of the departments speaking on some issues at the last meeting that were "shut down". She said another department calls Selectboard members personally on the telephone. Ms. Murphy said, in her opinion, the board must either allow both departments to "come publicly and speak the issues that they have in front of us as a board or we are not taking phone calls. These two departments have to go to the Town Manager and share what's going on, any issues they have going on, and the Town Manager comes and has a conversation with us. In my opinion, it's not fair to be chastising one department for coming forward and publicly speaking and then listening to another department privately." She said she completely understood the issue of "finger-pointing", but the board should be able to differentiate between finger-pointing and the issues that are trying to be addressed.

Ms. Murphy said that at the last meeting, it was stated that the board had not brought forth a budget or a plan for consideration. She said that this had never been the board's charge. She referred to the minutes of the June 3rd meeting in which the board "talked about putting this to the departments". There was much quoting of "giving this topic to the departments, having them work together, having mediation." Someone was quoted as saying, "There's no reason why we can't do this; we can give it a shot; cooler heads are going to prevail," and so on. The board agreed to give this to the departments to work through, which they reluctantly took. She said the board needs to be given directives from those departments –

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either to say they tried and it didn't work; we didn't have outcomes; we give it back to the Selectboard, then we do a budget or a plan or whatever. She repeated that to put the board on the spot and say that nothing has come forward – it was never the board's charge up to this point. The board wanted both departments to be fully involved in investigating what that would look like.

As to continuation of the monthly meetings – there was a situation last week where the chiefs were supposed to meet with the interim town manager. One chief emailed that he wasn't going to meet anymore. It was then assumed that the meeting wasn't going to happen – the end result was the two chiefs were in the parking lot with no interim town manager. Clearly the communication needs to be improved upon. The Selectboard needs to decide if it wants these meetings to continue if the fire chiefs find value in the meetings as well.

Ms. Murphy then opened the floor to discussion, starting with the Selectboard.

Mr. Boyer thought that there had been value in the monthly meetings with the chiefs and that they should continue.

Darrin Spaulding said there is a broad array of issues that are not just between the two fire departments. He said he got a text at 11PM (he said he actually received the text at 5:00 AM) that the meeting would be moved to 7:00 AM (it had been agreed that the meetings would start at 6:30 AM). He said this can't be happening as it "throws a monkey wrench" into everything.

Ms. Murphy acknowledged the difficulty of that situation, but asked the chiefs, if the meetings were consistently held at the same time, should they continue.

Josh Dauphin said his department has been clear about where they stand on this issue and what they would like. The three meetings they have held have been general discussions. There have been no discussions on how do we go forward with a municipal department. He said the board knows where both departments stand. The meetings aren't going to change anything.

Ms. Murphy referred back to an earlier set of meeting minutes in which Mr. Todd had directed the chiefs to work on the issues raised in the John Wood report. She asked Mr. Dauphin if nothing had been addressed of the John Wood topics at the monthly meetings. Mr. Dauphin said that Mr. Morris had taken minutes at two of the three meetings they had held (there were no notes from the first meeting). Mr. Dauphin said he wasn't comfortable commenting on what took place at a meeting that was held almost three months ago. He referred Ms. Murphy to those minutes to answer her question.

Ms. Murphy asked if anything from the John Wood report had been addressed. Mr. Dauphin said it had been very limited. He said he didn't think they had addressed anything from the John Wood report.

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Ms. Murphy asked what they could call an achievement from those meetings. Mr. Dauphin said they were much like the fire commission meetings. Mr. Dauphin said they had talked about dry hydrants. Mr. Spaulding said they talked about dry hydrants, but to date none of them had been put in.

Mr. Todd asked about training. Mr. Spaulding said they talked about four trainings. They were scheduled. When asked if they had been attended, Mr. Spaulding said he had made a mistake on the date of the October training and missed it.

Mr. Todd asked if it was the consensus among the departments that the meetings aren't working. Mr. Spaulding said it depended on who is running them. He said, "If you guys are telling someone what needs to be on there and it's not getting done, is that Josh's and my faults? We don't know what you guys have told the people that are underneath us."

Mr. Todd said the minutes show that Mr. Spaulding said the departments could work together and you needed some time to do that. Mr. Spaulding said, "Well, when you have no meeting in August, there's three separate dates and nothing. That has nothing to do with me, with Ascutney Fire."

Mr. Arrison asked if the meetings would work if they didn't involve the town office or town personnel. Mr. Spaulding said he thought they could try.

Ben Waters asked how the meeting went when Mr. Fedorow hadn't shown up, when it was just the two chiefs. Mr. Spaulding said they didn't meet.

Ms. Murphy said that in earlier conversations it had been stated that mediation was needed. She said she wants to hear someone say, "it's not working; it's done", and either commit that it's going to work and we're going to work through the details; we've already said the John Wood report, SOGs, etc. or say it's not going to work and the town will figure out what needs to happen and how it's going to happen.

Josh Compo asked if it matters whether they say it isn't working, "because the Board isn't willing to take any action. If we say it doesn't work, what happens?" Ms. Murphy said, "We voted last time that the municipal stands."

Mr. Compo said, "At least there was a motion on the table to rescind. That was progress, in my opinion."

Ms. Murphy asked, "What do you want to do, Board?"

Mr. Fuller said there was a motion to rescind – to move backwards, and it went down 3-2. He said there should be a proposal for a monetary figure as the budget season is fast approaching.

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Mr. Todd said he had seen a lot of “disjointed communication”. He said he had seen it between the departments and with the town. He said, “Opinions differ. Just because someone says something you don’t agree with, does not mean it’s misinformation. We/they have a different point of view. It’s not misinformation.” When Ms. Murphy asked what he meant by misinformation, Mr. Todd said, “You’re the one who keeps throwing it out there saying there’s all this misinformation, you tell us what that is. You’re the one who made that statement. Fear-mongering. You’re one of the first to say to someone you’re driving the narrative with fear, but then you say there isn’t going to be anyone here to respond. If that’s not fear-mongering, what is? I’ve never said that. Dave has made it very clear – that’s not going to be allowed to happen. So, be careful what you say. ... And don’t tell me who I can and cannot talk to. I’ll talk to either one (Darrin or Josh) any time I want. It is about business and its about the business of understanding what is wrong with this. What is happening and what needs to be fixed. I’ve talked with both of them and I’ll continue to talk. And I’ve talked with Mychael... I’ve learned a lot from both sides. I’m not just talking to one side. ... Right now we do have a situation where we’ve given time to the departments to work something out. So you’re right in your 50% truth. You didn’t know what to do with a plan. But you keep talking about a municipal department. Part of that was to include a municipal chief. So what does that budget look like? So what does that implementation plan look like if you’re going to go down that road? I haven’t heard a road map for that, have you, Dave? ... John keeps saying to make West Weathersfield the town fire department. They don’t want that. Do you know that? They don’t want that.”

Ms. Murphy stopped Mr. Todd and said the manner in which he was addressing her was not okay, to which Mr. Todd replied, “Communication. Again – it’s not good.”

Mr. Todd continued. “Josh, what was it you brought up about minutes. I haven’t seen any minutes of those meetings. So where are we at with those fire departments? From what I have heard, there are two different sides to this. And it’s not misinformation, it’s different opinions. Some people believe that hiring a paid chief will solve the problem and other people don’t want to pay a chief to solve a family dispute. They just don’t. The Hatfields and McCoys. It is what it is and it is persistent for a long time. I go both ways on this. I have a hard time figuring where’s the middle. I understand where both departments are and I’m not trying to be disrespectful to anybody, including you (to Ms. Murphy). I apologize. But when I look at these meetings, I come up with the question is the intervention from the Town creating more of a problem or not? Is it helping anything? Is it getting better or getting worse? On the other hand I did create the questionnaire that asked about the unified fire department. And that was supported by like 60 some-odd percent of the over 200 people that answered. So what does a unified department look like? Does that mean a paid chief? I’ve been told no – that’s not necessary. The town does have to have some control over spending and perhaps personnel and I don’t know how that works. I don’t have those answers.” He then went to speculate how that might happen, but said he didn’t really know.

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Ms. Murphy clarified what she had classified as misinformation – community members coming into town meeting saying the board was building a million-dollar safety services building on Center Road; if we vote yes, we're not going to have response on this side; elderly people talking about their property taxes going through the roof. She said at no point did she say no one was going to respond to a call. Never would she say that. She said, "It's not my plan. And I'm not sure what 50% of truth is. It bothers me when we throw out stuff and then there's an apology afterwards. At no point was I asking you not to have conversations. But it is not okay – in my opinion – to shut somebody down – I didn't have an opportunity as chair to say anything. At the last meeting you spoke up and you kept telling him not to say anything because you didn't want to hear it (as) finger-pointing. I didn't have an opportunity to say anything. But saying all of this and apologizing after the fact is not okay either." Mr. Todd said, "Okay then I take back my apology." Ms. Murphy said, "I'm asking you to think about it before you have to apologize."

Mr. Arrison said, "Madame Chair, I'd like to make a motion we adjourn." Mr. Boyer seconded the motion. Mr. Arrison said the motion was not debatable. Ms. Murphy called for any further discussion.

Lisa Slade said that Ms. Murphy had been urging everyone to watch SAPA TV, read the minutes and attend the meetings (which she said many don't have time to do). She says she does all of those things and tries to stay active in the community. But when she tries to post her opinion, it's not good enough to post on Facebook. She said here she was at the meeting and what gets done – nothing. Nothing has been done for months and months and months. The board has taken away time from other things that need to be addressed in the town while trying to figure out what to do with the fire departments. She said things have gotten worse. She asked who made the decision to tone both departments to every call and why.

Mr. Arrison said there was a motion on the floor. Mr. Fuller asked if action was needed on the town office security bid. Mr. Fedorow said no.

Vote on the motion: All in favor.

- 10. Employee Health Plan Renewal** (see above)
- 11. Town Office Security Bid**
- 12. Town Forest update** (see above)
- 13. Appointments**
- 14. Adjourn**

The meeting adjourned at 9:00 PM.

Respectfully submitted,
deForest Bearse

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WEATHERSFIELD SELECTBOARD

N. John Arrison, Selector

Daniel E. Boyer, Selector

David Fuller, Vice-Chairperson

Kelly Murphy, Chairperson

Michael Todd, Clerk