

**TOWN OF WEATHERSFIELD, VERMONT**

**SELECT BOARD**

**Select Board**

**Remote/Virtual Meeting**

**Monday, September 21, 2020 6:45 PM**

**7:00 PM**

**REGULAR MEETING**

**MINUTES**

**APPROVED 10/5/2020**

**Select Board Members Present:** N. John Arrison  
David Fuller  
Joseph Jarvis  
Paul Tillman  
Michael Todd

**Select Board Members Absent:**

**Brandon Gulnick, Town Manager**

**Others Present:**

Ray Stapleton			
Darlene Kelly (remotely)			
Andrea Wright (remotely)			

The Public was permitted to attend this meeting in person. Remote public participation was facilitated via the GoTo Meeting video-conferencing platform and conference calling. The number for people to join or call in to the meeting was published on the meeting agenda and on the Town's website. Mr. Gulnick monitored the calls and the video-platform while Mr. Fuller ran the meeting. The meeting was broadcast live on SAPA TV.

**1. Call to Order**

Vice-Chair Todd called the meeting to order at 6:48 PM.

**2. Executive Session – Written Complaint**

**Motion:** To enter executive session under the provision of 1VSA§313(a)(4),  
Grievances

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

**Vote:** All in favor (Mr. Fuller was not present)

The Board came out of executive session at 7:00 PM. Mr. Todd turned the meeting over to Mr. Fuller.

**3. Comments from Select Board and Town Manager and Citizens on Topics not on the Agenda**

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Mr. Tillman thanked Chief Spaulding for helping set up for Town Meeting and for helping to clean up afterward.

Mr. Todd said he wanted to provide clarification to the public regarding the recent petition to amend the zoning bylaws. Mr. Todd said the petition had been created by Mr. Reed, not Mr. McNaughton and that the petition is not an attempt on the part of Mr. McNaughton to shut down Mr. Reed's business.

The Board discussed the need (or not) to make a public statement about the petitioned zoning amendment and to plan (or not) for the outcome of the vote on it.

### 4. Citizens Complaint

Mr. Fuller turned control of the meeting back to Mr. Todd for this item.

Mr. Todd said the Town had received a complaint against the Select Board Chair. In accordance with the Town's complaint policy, Vice-Chair Todd turned the complaint over to the Town Manager for a full investigation. Mr. Gulnick concluded his investigation with a 50-page report, which was given to the remaining Select Board members. The Board reviewed the report and the evidence it contained during the executive session at the start of this meeting. Mr. Todd assured the complainant (who was not present at the meeting) and the public that the complaint was taken seriously. All actions taken are documented in the report. Mr. Todd called for a motion from the Board to accept the report, its findings and decisions and to move it into the record.

**Motion:** To accept the report, its findings and decisions and to move it into the record.

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

**Vote:** All in favor (Mr. Fuller did not vote)

Mr. Todd said the Board members who were party to the proceeding found no grounds on which to substantiate the complaint and hereby dismiss it. He said the report will be made available to the public on the Town's website. A copy of it will be mailed to the complainant.

Mr. Fuller resumed control of the meeting.

### 5. Review minutes from previous meetings – 9/8/2020

**Additions/corrections/deletions:**

a. None

**Motion:** To accept

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

**Vote:** All in favor

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### 6. Town Manager Report

Ascutney Water District Clarification: The water district is now fully managed by the Town. The Select Board initially created the Ascutney Fire District #2 and moderated the first Prudential Committee meeting. The Select Board was authorized to fill any vacancies that occurred until the next meeting of the Prudential Committee. The Committee recently voted to change the name from Fire District to Water District to eliminate confusion in the community. The management of the District is now fully merged with the Town management, which has stabilized billing and accounts receivable. Previously records were incomplete regarding who was on the system, rates varied among customers (some were not being charged at all), revenues were barely matching expenses with no money remaining to save for unexpected expenses or future improvements. Records now indicate everyone who is on the system; there is a photo of each meter, current addresses, a list of meters that need to be replaced (or installed). Mr. Gulnick said he had been asked why water operators' payroll are on the Town warrant. He said since the Water District is managed by the Town, everything that is paid by the Water District goes through the Town's accounting system. The District reimburses the Town for its payroll. Any time spent by Town personnel on the District is reimbursed by the District. Checks and balances are as follow: Town manager reviews and approves the payroll for the Town. The Water Director reviews and approves the payroll for the District. Mr. Gulnick holds both of those positions. Issues on time sheets are sent to Ms. Terrill for review, correction and resubmission to the Director or back to the employee. The final warrant goes to the Select Board or the Prudential Committee. It is a very stable arrangement.

Local Government Expense Reimbursement Grant: The deadline for submission has been extended to October 1<sup>st</sup>.

Local Government Digitization Grant: The Town has received a \$20,000 grant under Act 137 of 2020 for the digitization of land records.

Weathersfield Website: The website design has been changed and improvements have been made. There is \$5,000 in the Expense Reimbursement Grant to professionally finish the website. No further changes to the website will be made until the grant has been received. Mr. Gulnick would like to move to Civic Plus for content management. The current site is managed by Revise. Content management would be enhanced with Civic Plus, which would facilitate publishing additional records.

Status of Fire Department Reports: Chairman Fuller has set the schedule for fire department discussions for October 19<sup>th</sup>. Mr. Gulnick will have a draft report on October 5<sup>th</sup>.

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Proposed Public Records Policy: Ms. Terrill and Mr. Gulnick have created a policy for public records review. He anticipates having it on the October 5<sup>th</sup> agenda, if there is time for it. (This is not an urgent matter.)

Transfer Station Updates: The next joint committee meeting is scheduled for September 29<sup>th</sup> to discuss the plans for the beginning of October, which includes a “no permit sticker - no entrance” enforcement (with volunteers collecting data for the first week). Other items on the agenda include charging for food waste; punch card resolution; FY21 budget and other ideas for improved efficiency.

Quarterly Tax Report: For the first quarter, we billed \$2,003,928. We have received \$1,913,813 – a \$95,000 difference. The quarterly tax payment wasn’t due until September 16<sup>th</sup> and we are still receiving and processing payments. Last year we billed \$1,894,325 and received \$1,812,699 – a difference of \$82,000.

Dump Truck Update: The truck has been ordered and is on the assembly line; with delivery expected the first week of November. Then it goes to the body shop for completion. We should have the finished truck by mid- to late-January.

Salt Shed: The shed will be emptied this week; the salt will be transferred to Springfield for storage in the interim. The contractor will come make his measurements once the shed is empty.

Roadside Mowing: The contract has been completed. Mr. Stapleton is very pleased with the results. The contractor has requested an extension for next year. The original bid was awarded for one year with the option to extend it to a second year. It would be for the same price. \$10,000 this year covered all 70 miles of the Town’s roads with one pass and some additional miles with two passes.

**Motion:** To allow the Town Manager, Brandon Gulnick, and the head of the Highway Department, Ray Stapleton, to authorize a 2<sup>nd</sup> year of roadside mowing with the same contractor.

**Made by:** Mr. Tillman      **Second:** Mr. Jarvis

**Vote:** All in favor

Outdoor Ballot Box: Mr. Gulnick said the Town Clerk had received funding for and subsequently purchased an outdoor ballot box. Because the box will contain peoples’ votes, it must be secured into the ground and surveilled with a camera. Mr. Gulnick said the box had been purchased before knowing what the additional needs and associated costs would be. The Board had a lot of questions about what the costs would be, where the box would be located, etc.

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Tenney Tree: Andrea Wright from Vtrans spoke to the Board about the Tenney tree at the Park and Ride. Arborist Lee Stevens had originally thought that he could save the tree, but after the summer, has decided that it cannot be. He prefers to have the State use their own contractors to take it down. Ms. Wright was coming to the Board for feedback on how to proceed next. VTrans would prefer to have the tree down before winter, but remains flexible. Mr. Fuller asked to have until the next meeting so that he could reach out to Ginger Wimberg at the Historical Society and the Conservation Commission. VTrans remains committed to placing an historic marker at the site as a minimum.

### 7. Motor Grader Finance Options

Mr. Gulnick presented to the Board several options for financing the grader. Comparisons were provided on the amount of interest and the size of the annual payment under each option. Board members had concerns about using too much of the highway fund balance, saving interest at the expense of funding other projects or equipment needs, etc. Members were not unanimous in their choice of preferred options.

**Motion:** To instruct the Town Manager to use financing option # 2 for financing the purchase of the grader.

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

**Vote:** 3 in favor, 2 opposed. The motion carried.

### 8. 2014 Purchase & Sale Agreement Proposals

Mr. Gulnick presented two options for resolution of the matter.

(At 8:57 PM, Mr. Todd motioned to extend the meeting. Mr. Jarvis seconded the motion and all were in favor.)

Proposed Solution #1 would resolve the 2014 Purchase and Sale Agreement by amending conditions 1, 4 and 5 and contingencies 1 and 4. It also calls for approving an agreement with Terry Johnson to obtain an easement through Parcel #05-01-55.

Proposed Solution #2 calls for voiding of the 2014 Purchase and Sales Agreement and moving forward with a Tax Sale as prescribed by State statute. The Agreement would be voided on the grounds that condition #3 is misleading and contingency #4 cannot be met. Mr. Gulnick stated that this option gives the Town the opportunity to treat all taxpayers equally.

A prescribed sequence of events and actions accompanied each proposal.

Mr. Gulnick's report stated that the original idea was to satisfy the principal amount of delinquent taxes owed, but to date has not come close to what is still outstanding. The

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Town has also already spent \$27,175 in pursuit of this plan. As the Town's Tax Collector, Mr. Gulnick must enforce Weathersfield's Policy on Delinquent Taxes and is thus obligated to support solution #2.

The question as to whether or not there is a leach field on the Town's newly-acquired parcel was raised. If there is, there is no easement in place for it to be there. If there is and the Town wants it disconnected, then the Abbotts are faced with the expense of installing a new system, the location of which may be challenging. The Board agreed to have Mr. Gulnick go forward with getting a water sample from the parcel.

Fairness to all taxpayers and the fact that none of the actions taken thus far have resulted in fully recovering the delinquent taxes brought the Board to supporting solution #2 and the Town Manager.

**Motion:** To support solution #2 and to support the Town Manager's decision

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

Mr. Fuller then asked the Board to table the vote.

**Motion:** To table the discussion

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

**Vote:** 3 in favor, 2 opposed. Motion carries.

The Board agreed to schedule a special meeting to finally resolve the matter once Mr. Gulnick has information on the possible septic system on the Town's parcel.

### 9. Appointments

No appointments were requested or made.

### 10. Approve Warrants

**Motion:** To approve the warrants for 9/21/2020 as follow:

General Funds	Operating Expenses	\$28,523.90
	Payroll	\$17,648.33
Highway Fund	Operating Expenses	\$35,989.26
	Payroll	\$7,268.08
Solid Waste Management Fund		
	Operating Expenses	\$13,713.78
	Payroll	\$1,697.60

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Library	Operating Expenses	\$0.00
	Payroll	\$1,931.10
Grants	Operating Expenses	\$431.50
Special Revenue	Operating Expenses	\$0.00
Reserves		\$
Long Term Debt		\$
Grand Totals	Operating Expenses	\$78,658.44
	Payroll	\$28,545.11

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

**Vote:** All in favor

**11. Any Other Business**

There was no other business to discuss.

**12. Executive Session - Personnel**

At 9:44 PM, Mr. Tillman motioned to enter executive session for personnel. Mr. Todd seconded the motion and all were in favor.

The Board came out of executive session at 10:17 PM.

**13. Adjourn**

**Motion:** To adjourn the meeting

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

**Vote:** All in favor

The meeting adjourned at 10:17 PM.

Respectfully submitted,

*deForest Bearse*

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N. John Arrison, Selector

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David Fuller, Chairperson

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Joseph Jarvis, Clerk

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Paul Tillman

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Michael Todd, Vice- Chairperson