

Minutes of the Selectboard Meeting of Wednesday, September 10, 2014 at 6:30 PM

Members present: Christopher Ashley, Chair; Linda Cook; Steve Flanders; Dan Goulet; Keith Moran; Neil Fulton, Town Manager; Nancy Kramer, Assistant to the Town Manager.

There were about 16 people in the audience.

Also participating: Ed Childs, Linda Gray, Frank Olmstead, Matt Swett.

Ashley opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). The Selectboard, by consensus, approved the Agenda.
2. Appointment with Frank Olmstead to Discuss Use of Executive Session for Town Manager Disciplinary or Dismissal Action in Accordance with Title 1 VSA § 313 (4) (Discussion). Ashley said the Selectboard has asked Olmstead to help them decide if, according to Vermont Statutes, the Board can go into Executive Session to discuss a disciplinary or dismissal action even if the employee wishes the discussion to be public. Olmstead said the Selectboard may discuss in open session but they do not have to. Any action however must be in public session. They can only discuss in Executive Session what is in the motion and public debate is up to the Selectboard. Flanders asked what happens if the Selectboard decides to make a formal charge and Olmstead said the evidence must be heard in public and it may or may not require a hearing. Cook asked about notes from an Executive Session being made public by a member of the Selectboard. Olmstead said he was not sure what the penalty would be but he would consider it a breach of responsibility. Fulton asked about the right of the officer to a hearing. Olmstead said the hearing would be in public but public participation should not happen.
3. Possible Executive Session Related to a Disciplinary or Dismissal Action Against the Town Manager in Accordance with Title 1 VSA § 313 (4). Afterwards, Cook **moved** (2nd Goulet) to enter into Executive Session pursuant to Title 1 VSA § 313(4) to discuss a disciplinary or dismissal action against a public officer or employee; but nothing in this subsection shall be construed to impair the right of such employee to a public hearing if formal charges are brought and to invite Frank Olmstead to the Session. **Motion passed 3 to 2** (yes – Cook, Goulet and Moran; no – Ashley and Flanders). Flanders and Ashley both stated they were fine with having the discussion in public. Cook said she was not, referencing Ashley's August 28th email to the Selectboard. The Selectboard moved into Executive Session at 6:53 pm. At 7:53 pm, Cook **moved** (2nd Goulet) to move into public session. No action was taken as a result of the Executive Session.
4. Public Comments. Childs announced for Jennifer Roby, who had to leave, that there would be a 9/11 Memorial Tree Planting and Tribute to Veterans, U.S. Military and First Responders Thursday, September 11th on the Green at 2:15 pm.
5. Town Manager's Report (Discussion). The Town has completed the process of changing from Mascoma Bank to Ledyard Bank. Fulton disclosed that he has personal accounts at Ledyard Bank. The Town received three proposals from qualified firms for the ordinance codification project. The proposals will be brought before the Selectboard at their September 23rd meeting. The paving on Main Street was completed Saturday, August 23rd. A lot of credit goes to Blacktop for getting this project done before school opened even with weather delays. The crosswalks were striped before school started also. A meeting has been set up with a contingent from ANR, including the Deputy Secretary, for September 19th to discuss the Pool permitting process. Public Works is working on increasing the parking at Huntley Meadow. Cook asked questions about the Better Back Roads grant, which is for

culverts, the RFQ for the Route 5 project and why paving isn't being done on Fire House Lane. Fulton said there were insufficient funds to do the paving and the Town will have to patch.

6. Facilities Studies (Discussion/Possible Action Item). Ashley said that he had agreed to continue the facilities discussion from last meeting. Flanders has provided new information in the Selectboard packet. Fulton, in response to a recent posting on the Norwich Listserv, said this is the first time he has worked with Bread Loaf and, therefore, there is no 17 year relationship with them. In his handout, Flanders listed current DPW facilities deficiencies which include: 1.6 million dollars of equipment stored outdoors, no lunch room for employees, no office for Hodgdon and inadequate ventilation. Flanders and Moran visited three facilities, Sharon, VT, Lyme, NH and Royalton, VT and Flanders included pictures of their facilities for comparative purposes in his handout. Royalton and Lyme store all equipment inside and have office and crew space. Sharon does not. Moran said he believes the Town of Norwich is in the same league as the other towns and that deficiencies at our DPW can be addressed with \$300,000. After some further discussion, Flanders **moved** (2nd Ashley) to move forward with what Fulton presented in his memo in Option 2 plus a pole barn. **Motion failed 2 to 3** (yes – Ashley and Flanders; no – Cook, Goulet and Moran). Afterwards, Moran **moved** (2nd Goulet) to proceed with pursuing plans with a total cost of \$950,000 that included \$750,000 for a new Police Station, \$100,000 for an equipment shed at the DPW and \$100,000 for renovations to the Fire Station. **Motion failed 2 to 3** (yes – Goulet and Moran; no – Ashley, Cook and Flanders). Before the vote, Ashley asked for Fulton's thoughts on Moran's proposal. Fulton said \$950,000 would reduce the scope of the project. Fulton also stated that a sprinkler system is not required at the DPW and that he is working with Bread Loaf to bring the costs down. Moran commented that what he considers a 100% increase in space for the DPW is not modest. After further discussion, Cook **moved** (2nd Ashley) to move forward with building a three-sided pole barn and an addition to include an office and employee lunch room and bathroom at the DPW including an option list. **Motion passed 3 to 2** (yes – Cook, Goulet and Flanders; no – Ashley and Moran). After the vote, Swett asked what had happened to planning for the future and said he still believes a combined police/fire facility makes sense.

7. Discussion of Safety Measures for Main Street at the Fire Station (Discussion). Fulton said there are two options for traffic signals, Traffic Control Signals and Hybrid Beacons. Two signal heads are required to face each traffic direction and some sort of mast arm would be required. Fulton pointed out that the signal heads and mast arm would be expensive. After some discussion, Fulton was asked to find out the rough costs of traffic lights and motion detection lights on the Grange.

8. FY14 Year-End Financials (Discussion). Postponed until next meeting.

9. Energy Goal Strategic Planning (Discussion/Possible Action Item). Postponed until next meeting early on in the agenda.

10. Errors and Omissions (Discussion/Action Item). After a couple of questions, Flanders **moved** (2nd Moran) to revise values as detailed in the memo from the Norwich Board of Listers to the Norwich Selectboard dated September 4, 2014. **Motion passed**

11. Correspondence (Please go to www.norwich.vt.us, click on Boards & Committees from the blue banner, click on Selectboard and click on Recent Selectboard Correspondence in the middle section to view resident correspondence):

a) Resident –

- 1) #11 a), b) and c). Emails Re: Jim Gold's Open Email to Selectboard, Email from Lizann Peyton Re: Please Calm the Discussion Down and Email from Ed Childs Re: Town Manager/Selectboard. Flanders **moved** (2nd Moran) to receive emails from re: Jim Gold's open email to Selectboard and related correspondence, Lizann Peyton re: please calm the discussion down and Ed Childs re: Town Manager/Selectboard. **Motion passed**. Cook

asked that 11 a) and b) be considered for discussion at a future Selectboard meeting.

12. Selectboard

- a) Approval of the Revised Minutes of the 5/14/14 Meeting (Action Item). Cook **moved** (2nd Flanders) to approve a revision to the approved minutes of the May 14, 2014 Selectboard meeting. **Motion passed**
- b) Approval of the Minutes of the 8/25/14 Meeting (Action Item). After discussion of changes, Flanders **moved** (2nd Ashley) to approve the minutes of the August 25, 2014, as amended, Selectboard meeting. **Motion passed.**
- c) Review of Next Agendas (Discussion/Possible Action Item). The Treasurer's Quarterly Investment Report, the codification of ordinances, FY14 year-end financials, strategic planning: energy goals and Quality of Life Committee, an Executive Session on the bargaining unit contract with anticipated action, an Executive Session on litigation with anticipated action and an Executive Session regarding the Town Manager review will be items on the September 23rd agenda. After discussing, the Selectboard agreed that Ashley would contact the Grange to see if they wanted to meet with the Board.
- d) Status of Litigation (Executive Session May be Required). e) Bargaining Unit Contract Update (Executive Session May be Required). Pursuant to Title 1 VSA § 313(a)(1)(E), Flanders **moved** (2nd Moran) to enter into Executive Session for the purpose of discussing the status of litigation having found that premature general public knowledge would clearly place the municipality at a substantial disadvantage and to invite Neil Fulton to join the Session and pursuant to Title 1 VSA § 313(a)(1)(B) to enter into Executive Session for the purpose of discussing the bargaining unit contract having found that premature general public knowledge would clearly place the municipality at a substantial disadvantage and to invite Neil Fulton to join the Session. **Motion passed.** The Selectboard moved into Executive Session at 9:20 pm. At 10:09 pm, Moran **moved** (2nd Flanders) to move into public session. No action was taken as a result of the Executive Sessions.

Flanders **moved** (2nd Moran) to adjourn. **Motion passed.** Meeting adjourned at 10:10 pm.

Approved by the Selectboard on October 8, 2014.

By Nancy Kramer
Assistant to the Town Manager

Christopher Ashley
Selectboard Chair

Next Regular Meeting – September 23, 2014 at 6:30 PM

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