

Minutes of the Special Selectboard Meeting of Wednesday, May 6, 2015 at 6:30 PM

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

There were about 35 people in the audience.

Also participating: Watt Alexander, Nan Carroll, Ernie Ciccotelli, Ed Childs, Milton Frye, Linda Gray, WC Hardy, Karen Jackson, Tom Johnson, Robert Kewer, Norm Levy, Suzanne Lupien, Charlotte Metcalf, Bonnie Munday, Doris Nelson, Rick Otto, Bill Pierce, Elizabeth Pierce, Stuart Richards, Doug Robinson, Anne Silberfarb, Peter Silberfarb, Demo Sofronas, Matt Swett.

Cook opened the meeting at 6:30 pm. Cook said the Selectboard meeting rules are posted and asked that people wishing to speak come to the microphone, state who they are, their locatable address and address comments to the Selectboard.

1. Funding to Seek Legal Advice (Discussion/Possible Action Item). After discussion regarding why Layton is asking for legal advice for the Selectboard, Layton **moved** (2nd Goulet) that the Selectboard request that the Town Manager make available funds in order to employ appropriate Counsel to give a legal opinion of the questions below. If funds are available, such Counsel will be invited to attend the May 13th or May 27th regular Selectboard meetings to give this advice, subject to availability. Layton further moved that the Selectboard conduct research to determine the availability of Counsel that can represent the interests of the Selectboard and are not in conflict of interest with Counsel employed by the Town Manager in his administration of the Town. Questions for Counsel: (1) Under Title 24, Chapter 37, Section 1236, number four, please clarify the statutory authority of a Selectboard to vote to remove a Town Manager from a building project. In particular the phrase "unless otherwise specially voted" needs to be clarified. (2) Would it be in the best interest of the Town to ensure that the Town Manager has a contract, either at will or term, rather than to allow him to work without a contract? (3) If a contract is offered, should it be at will or term? (4) If the Town offers the Town Manager a contract and he refuses to sign it, what is a prudent course of action for the Town? (5) If the Town Manager is employed at will, what constitutes cause for termination? (6) Do Town Personnel Policies apply to the Town Manager?. After considerable discussion, the motion was withdrawn. After some discussion of VLCT resources available to the Town, Layton **moved** (2nd Goulet) that the Selectboard request that the Chair and Town Manager consult with VLCT on doing a workshop on the Town Manager/Selectboard relationship. **Motion passed.**

2. Receive Petitions (Discussion/Possible Action Item). Munday presented the petition to the Selectboard. Lupien read the petition and spoke about the need for more time. There are 300 signatures on the petition verified by the Town Clerk. Flanders **moved** (2nd Layton) that the Selectboard receive the petition. **Motion passed.**

3. Consideration of Cancelling the Special Town Meeting Scheduled for May 12, 2015 (Discussion/Possible Action Item). Flanders **moved** (2nd Ashley) that, if articles authorizing general obligation bonds pass, the Selectboard pledge: (1) to exercise prudence in choosing the amount of funding to borrow through bonding and other instruments; (2) to exercise oversight of the improvements to Town facilities to ensure that they are delivered in a manner consistent with the expectations of the voters; and (3) to provide facilities with beauty, integrity, affordability, fairness, connections, strength, timelessness, wholeness, and practicality within the constraints of the budget provided. After discussion and statements read from Arline Rotman and Sarah

Reeves, **Motion failed 2 to 3** (yes - Ashley and Flanders; no – Cook, Goulet and Layton). After Cook asking Fulton for a suggested motion, Layton **moved** (2nd Goulet) that the Selectboard cancel the bond vote scheduled for May 12, 2015. Goulet reviewed his position on the bond vote repeating that it is too much money and also stating that he wants a definite design and price tag before the bond vote. Cook reviewed how this item was added to the agenda. Ashley also reviewed his stance against the motion saying he feels \$2 million may not be enough for the projects. After public comments and some discussion of delaying the bond vote, **Motion failed 2 to 3** (yes – Cook and Goulet; no – Ashley, Flanders and Layton).

4. Town Manager/Selectboard Relationship (Discussion/Possible Action Item). 5. Project Management (Discussion/Possible Action Item). After discussion of changing item #4 to preparation for the VLCT Workshop, Cook **moved** (2nd Ashley) to table items #4 and #5 until the May 13th Selectboard meeting. **Motion passed.**

Goulet **moved** (2nd Flanders) to adjourn. **Motion passed.** Meeting adjourned at 9:20 pm.

Approved by the Selectboard on May 27, 2015.

By Nancy Kramer
Assistant to the Town Manager

Linda Cook
Selectboard Chair

Next Regular Meeting – May 13, 2015 at 6:30 PM

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