

Minutes of the Selectboard Meeting of Wednesday, October 14, 2015 at 6:00 PM

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

There were about 6 people in the audience.

Also participating: Linda Gray, Arline Rotman, Nina Schwartz, Demo Sofronas.

Cook opened the meeting at 6:00 pm.

1. Town Manager Contract (Executive Session May be Required). Layton **moved** (2nd Goulet) to find that premature general public knowledge of the Town's contract with the Town Manager would clearly place the municipality at a substantial disadvantage, because the Selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public. Ashley and Flanders questioned whether valid grounds existed for an Executive Session. After discussion, Layton **moved** (2nd Goulet) to call the motion. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Pursuant to Title 1 VSA § 313(a)(1)(A), Layton **moved** (2nd Goulet) to enter into Executive Session for the purpose of discussing the contract having found that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders).

The Selectboard moved into Executive Session at 6:19 pm. Flanders and Ashley left the Executive Session at 6:23 pm. At 6:27 pm, Layton **moved** (2nd Goulet) to move into public session. Flanders abstained from voting. Layton **moved** (2nd Goulet) to seek legal counsel to research the current terms of the Norwich Town Manager's, Neil Fulton's, contract. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). Afterwards, Layton **moved** (2nd Goulet) that the Chairperson conduct research to find appropriate legal counsel on this matter. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). After discussion of legal costs, Layton **moved** (2nd Goulet) to ask Neil Fulton to provide documentation of the terms of his contract that are in addition to the terms adopted and recorded in the minutes. Fulton objected to the motion and stated that he has provided a draft contract to the Selectboard that is acceptable to him and is based on past Town Manager contracts. He does not see the need for either the Town or the Town Manager to have counsel. After further discussion, Layton and Goulet withdrew their motion.

2. Approval of Agenda (Action Item). The Selectboard, by consensus, approved the Agenda as is.

3. Public Comments. Gray spoke about the NEC taking advantage of a grant opportunity to install an EV charging station at Dan & Whit's. Schwartz expressed concern about livestock in the road on US Route 5 North off VT Route 132. Flanders read a memo to the Selectboard regarding the conduct of Selectboard meetings. Ashley pointed out that the Selectboard rules say all Selectboard members should be consulted by the Chair before setting agenda items. Ashley said he was elected by the Norwich votes to represent them. The actions of the Chair in saying "stop, I am the Chair and making this decision" meant that his voice was not allowed to be heard. All 5 Selectboard members' voices needed to be part of any Selectboard discussion.

4. Town Manager's Report (Discussion). Written report in packet and on the Town website. No actions taken.

5. Finance – Board to Sign Accounts Payable/Warrants (Action Item). After a couple of questions, Ashley **moved** (2nd Flanders) to approve Check Warrant Report #16-10 for General Fund in the amount of \$254,221.09 and for Highway Garage Fund in the amount of \$531.25 for the period from 09/24/15 to 10/14/15. **Motion passed.**

6. Waiver under Section 6 of the Alcohol Ordinance for the Preview Party for the Annual Gingerbread Festival (Discussion/Action Item). Ashley abstained from the discussion of and voting on this agenda item. Rotman spoke briefly about the request. Afterwards, Flanders **moved** (2nd Layton) to approve a waiver in accordance with Section 6 of "An Ordinance to Regulate the Possession and Consumption of Alcohol on Town of Norwich Property" (Ordinance) to allow the possession and consumption of alcohol in accordance with the Ordinance at the Preview Party for the Annual Gingerbread Festival sponsored by The Family Place to be held on December 4, 2015. **Motion passed 4 to 0.**

7. Nomination of Norwich Representative to The White River Council on Aging (Bugbee Senior Center) (Discussion/Possible Action Item). After a brief discussion, Flanders **moved** (2nd Goulet) to recommend Warren Thayer as a Board member from the community of Norwich to the White River Council on Aging for a three-year term. **Motion passed.**

8. Favreau/Greene Request Regarding Town Property Adjacent to 378 Hopson Road (Discussion/Possible Action Item). Fulton stated that Favreau stopped in to the Town Manager's Office with this request. Fulton is looking for guidance from the Selectboard. After discussion of the fair market value of the property and whether it could be subdivided, the Board asked Fulton to contact abutters for their input.

9. Capital Facilities – Discuss Process for Evaluating Police/Fire Proposals (Discussion/Possible Action Item). Fulton provided the chart in the packet and stated it is the typical review process used in the past. After discussion, the Selectboard agreed to have a special meeting on November 4th with the two Department Heads to review and possibly rank the six proposals. Fulton asked that the Selectboard look at the RFP closely when reviewing the proposals. The RFP and attachments will be redistributed to the Selectboard.

10. Water Access from River Road to the Connecticut River (Discussion/Possible Action Item). After discussion of the limited access, lighting, swimming, access to the ramp and signage; it was agreed to leave things as they are.

11. Strategic Planning Process (Discussion). Flanders and Ashley reviewed the process so far that listed energy efficiency and sustainability, quality of community and trails as the three topics the then Selectboard would pursue. Flanders suggested reviewing the quality of Community Report as next steps.

12. 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) #12 a), b) and c). Email from Watt Alexander Re: SB Agenda for 9/23, Norwich Trails Committee Draft Strategic Plan for Trails, Email from Bill Bender Re: Town Solar

Celebration and Email from Christopher Ashley Re: The Process for Neil Fulton's 2014 Evaluation. Flanders **moved** (2nd Ashley) to receive an email from Watt Alexander re: SB Agenda for 9/23, Norwich Trails Committee Draft Strategic Plan for Trails, an email from Bill Bender re: Town Solar Celebration and an email from Christopher Ashley re: the process for Neil Fulton's 2014 evaluation. **Motion passed.** Cook questioned who the Strategic Plan was from due to Quality of Community Committee reference. Ashley highlighted his comments.

13. Selectboard

- a) Approval of the Minutes of the 9/9/15 and 9/23/15 Selectboard Meetings (Action Item). After some discussion, Flanders **moved** (2nd Goulet) to approve the minutes of the September 9, 2015, with amendments discussed, and September 23, 2015 Selectboard meetings. **Motion passed.**
- b) Review of Next Agendas (Discussion/Possible Action Item). Agenda items for October 28th will include: Fire District regarding sidewalks, NEC grant, capital facilities planning, Selectboard goals, Town Manager contract update and a possible Executive Session for Town Manager evaluation.
- c) Town Manager Evaluation (Executive Session may be Required). Pursuant to Title 1 VSA § 313(a)(3), Layton **moved** (2nd Goulet) to enter into Executive Session for the purpose of discussing the Town Manager evaluation. **Motion passed 3 to 2** (yes – Cook, Goulet and Layton; no – Ashley and Flanders). The Selectboard moved into Executive Session at 9:01 pm.

At 9:15 pm, Flanders **moved** (2nd Ashley) to move into public session. No action was taken as a result of the Executive Session.

Goulet **moved** (2nd Ashley) to adjourn. **Motion passed.** Meeting adjourned at 9:16 pm.

Approved by the Selectboard on November 10, 2015.

By Nancy Kramer
Assistant to the Town Manager

Linda Cook
Selectboard Chair

Next Regular Meeting – October 28, 2015 at 6:30 PM

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.