

Minutes of the Selectboard Meeting of Wednesday, October 28, 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 12 people in the audience.

Also participating: Tim Briglin, Sam Eaton, Linda Gray, Jamie Hess, Andy Hodgdon, Steve Leinoff, Jim Masland, Doug Robinson, Nate Stearns, Jonathan Vincent.

Cook opened the meeting at 6:00 pm.

1. 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.** The Selectboard moved into Executive Session at 6:01 pm. At 6:37 pm, Flanders **moved** (2nd Layton) to move into public session. **Motion passed.**
2. Approval of Agenda (Action Item). After discussion, Ashley **moved** (2nd Flanders) to add a possible Executive Session to item #8. **Motion passed.**
3. Public Comments. There were no public comments.
4. Town Manager's Report (Discussion). FY17 budget binders will be distributed to the Selectboard on November 6th. No actions taken.
5. Finance – Board to Sign Accounts Payable/Warrants (Action Item). After several questions, Flanders **moved** (2nd Ashley) to approve Check Warrant Report #16-11 for General Fund in the amount of \$79,943.05, for Recreation Scholarships Fund in the amount of \$100.00 and for DPW Paving Fund in the amount of \$248,605.15 for the period from 10/15/15 to 10/28/15. **Motion passed.**
6. Meeting with Fire District Re: Sidewalks (Discussion/Possible Action Item). Vincent said the Prudential Committee has agreed there are insufficient funds for the Fire District to continue maintenance of the sidewalks they own. The Fire District is prepared to turn the sidewalks over to the Town as is, at no cost to the Town. Vincent also stated that the Fire District will remove their sidewalks when they become unmaintainable and dangerous if the Town does not take over. After discussion, Ashley **moved** (2nd Flanders) that the Town Manager, Prudential Committee and the Operations Manager for the Fire District continue discussions on the sidewalks in order to develop a plan to improve the outlook. **Motion passed 4 to 1** (yes - Ashley, Flanders, Goulet and Layton; no - Cook). Cook does not support and wants to be part of the discussion due to her reluctance to have granite curbing on all sidewalks.
8. Norwich Pool Permit Update (Discussion/Possible Action Item). After discussion, Ashley **moved** (2nd Flanders) to move items #8 in front of item #7. **Motion passed.** Fulton reviewed the history briefly saying discussion of how to avoid a permit denial was shut down by ANR. The Town has 30 days to file an appeal and time is needed to prepare the appeal. Fulton recommends discussing further in Executive Session. Stearns said the appeal could take a while, could cost up to \$100,000 and he questions what would change ANR's position. State Representatives Masland and Briglin also spoke to the matter. After further discussion by the

Selectboard, Ashley **moved** (2nd Flanders) to find that premature general public knowledge of the pending or probable civil litigation or a prosecution, to which the public body is or may be a party would clearly place the municipality at a substantial disadvantage, because the Selectboard risks disclosing its negotiation strategy if it discusses the litigation in public. **Motion passed.** Pursuant to Title 1 VSA § 313(a)(1)(E), Ashley **moved** (2nd Flanders) to enter into Executive Session for the purpose of discussing the possible litigation regarding the Town Pool having found that premature general public knowledge would clearly place the Selectboard at a substantial disadvantage and to invite Neil Fulton and Attorney Nate Stearns to join the Session. **Motion passed.** The Selectboard moved into Executive Session at 7:47 pm. At 8:29 pm, Flanders **moved** (2nd Layton) to move into public session. **Motion passed.** The Selectboard will make a decision on whether to appeal or not at their November 10th meeting.

7. NEC Electric Vehicle Charging Station (Discussion/Possible Action Item). Gray said that the Norwich Energy Committee is working with several partners on this project. The application for the grant will be submitted this week and the Committee should hear by the end of November. The charging station will be at Dan & Whit's and take up the space of two parking spaces that may need an easement that would need the approval of the Selectboard. The station has been designed to be installed and operated at pretty much no cost to the Town. After discussion, the Selectboard agreed by consensus that they would support an easement for the project.

9. Selectboard Goals Priorities (Discussion/Possible Action Item). After discussion, the Selectboard agreed by consensus to further review at the end of the FY17 budget process.

10. Capital Facilities Planning (Discussion/Possible Action Item). Review Inventory of Tools at Our disposal and Questions. Fulton said that the status of the applicable reserve funds and his proposals for future spending from the funds is in the Selectboard packet. Since there is no money to fund the Selectboard proposals, Fulton recommends giving the Town the opportunity to vote on in March. There was agreement from the Selectboard for this proposal. Further discussion was postponed until November 4th.

11. Town Manager Contract Update (Discussion/Possible Action Item). Cook suggested an attorney recommended by VLCT whose hourly rate is \$145. After discussion, the Selectboard agreed to work on a clear set of questions for discussion at their November 10th meeting. Cook asked that questions from Selectboard members be given to her by November 3rd in order to consolidate and prepare for the November 6th packet. Fulton stated for the record that he disagrees with the concept that he is an at will employee.

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) and b). Memo from Stephen Flanders Re: Conduct of Selectboard Meetings and Memo from Mary Layton Re: Conduct of Selectboard Meetings. Layton **moved** (2nd Goulet) to receive memos from Stephen Flanders re: conduct of Selectboard meetings and Mary Layton re: conduct of Selectboard meetings. **Motion passed.** The setting of agenda items was discussed with the consensus that Fulton would let individual Selectboard members know if there was a difference of opinion.

13. Selectboard

- a) Approval of the Minutes of the 10/14/15 Selectboard Meeting (Action Item). After some discussion, the Selectboard agreed by consensus to review the video of the meeting and approve the minutes at the November 10th meeting.
- b) Review of Next Agendas (Discussion/Possible Action Item). FY17 budget overview will be the primary focus of the November 10th meeting. Other items on the agenda will be: the Norwich Pool permit denial appeal, Town Manager contract and approval of October 14th minutes.
- c) Town Manager Evaluation (Executive Session may be Required). After discussion, the Selectboard agreed to discuss this item at the start of the special meeting on November 4th. The Selectboard also agreed to change the start of the November 10th meeting to 6:30 pm.

Goulet **moved** (2nd Flanders) to adjourn. **Motion passed.** Meeting adjourned at 9:58 pm.

Approved by the Selectboard on November 10, 2015.

By Nancy Kramer
Assistant to the Town Manager

Linda Cook
Selectboard Chair

Special Selectboard Meeting – November 4, 2015 at 6:30 PM

Next Regular Meeting – November 10, 2015 at 6:30 PM

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