

Pam Mullen

From: Rod Francis
Sent: Tuesday, February 12, 2019 10:56 AM
To: Pam Mullen
Subject: FW: recent concerns about PC conduct, decorum, and the law
Attachments: 2017-05-24 Vision and Guiding Principles - Norwich Selectboard - ADOPTED.docx

From: Jeff Goodrich [mailto:Jeff.Goodrich@pathwaysconsult.com]
Sent: Wednesday, January 23, 2019 6:29 PM
To: Ernie Ciccotelli (ernieciccotelli@gmail.com); Jaci Allen (allenjaci@yahoo.com); Jeff Lubell (jefflubell@yahoo.com); Leah Romano (leah.romano@gmail.com); Melissa Horwitz (melissahorwitz@yahoo.com); Brian Loeb (loebbrian@gmail.com); Steve Thoms (steve@steventhoms.com)
Cc: Susan Brink (susangbrink@gmail.com); Rod Francis; Jeff Goodrich
Subject: recent concerns about PC conduct, decorum, and the law

In the spirit of MLK Day, I would like to collegially express my ongoing concerns about the conduct of certain members of the Planning Commission (PC) and, as a result, the PC's conduct. This is a relatively new concern for me, particularly in the context of the PC's effort to promote collegial actions over the last couple of years with a few vocal people in the audience who chose to communicate... in their own way. My chief concerns relate to the law as presented in the Vermont Statutes Annotated (VSAs), the proper roles of the PC and individual members of the PC, the proper roles of other boards (e.g., the Selectboard/SB), and the proper role of staff in the context of Robert's Rules (of Order) as a means of facilitating respectful communication. I offer a few examples as follows:

1. Jeff Lubell and Rod Francis recently disclosed at a recent Affordable Housing Sub-Committee (AHSC) meeting that "somebody" called Jeff L to attend a meeting with Rod, Mary Layton, and Linda Cook regarding the \$45K revolving fund. The context as offered: the SB wants to move forward quickly with the revolving fund and, if the AHSC does not respond quickly, the SB will take over the task.
 - a. I believe that, if the SB wants to engage the AHSC, then a member of the SB, as designated by the SB at a public meeting and by consent of the SB, should reach out to the AHSC to discuss the matter at the next AHSC meeting.
 - b. I believe that "somebody" calling Jeff L and/or others is not appropriate, as is the avoidance of questions about who called whom and what is actually going on (to the best of my knowledge, and even after queries, the "somebody" interaction has not been disclosed to the AHSC or the PC). Frankly, the lack of disclosure is baffling and dismaying to me.
 - c. At the AHSC meeting, Jeff L indicated that "somebody" wanted PC members present and that somehow Jaci Allen was involved in making this decision (I do not recall hearing a complete explanation of what happened and am again dismayed by the lack of disclosure).
 - d. If "somebody" wants a PC member present, then I believe it is appropriate for "somebody" to ask the PC to consider participation at the PC's next public hearing and the PC, by consent, may proceed however it decides.
 - e. During this AHSC meeting, I noted the position Rod is in; if the Town Manager (TM) asks Rod to attend a meeting, then Rod needs to attend the meeting. Rod is not responsible for the conduct of the PC or its membership.
 - f. Circumventing a proper public process based on concerns expressed about timing is not a valid reason to skip a proper public process.
2. Although I did not attend the housing education seminars held last summer and fall, two current members of the PC have shared with me that another member of the PC took the microphone out of Ernie Ciccotelli's hand(s) while Ernie was speaking.
3. During an August 13, 2018 AHSC meeting, a member of the PC yelled at me and used profanity; I observed the reaction of children and two adults in the children's section of the Norwich Public Library amidst this conduct (I

disclosed at the beginning of the meeting and near the end of the hour agreed that I needed to leave to care for my step-father who is declining with Dementia).

4. My perception is that the SB continues to strive to comport with the Vision and Guiding Principles adopted on May 24, 2017, which I have attached (we are all works in progress). An example of a board treating people differently, which is one of my current PC concerns, relates to Ernie's applications to join the PC. It is my perspective that the SB has treated Ernie differently on at least one occasion from most other PC applications and other committee appointments/reappointments. My perception is that the manner by which the SB treated me in my reappointment is similar to Ernie's treatment (I offer Brie Swenson's appointment in 2018 to the Conservation Commission, which I endorsed, as a contrast).
5. During the publication of the Town Plan (TP) that was rejected by the TRORC Commissioners after a robust document that offered TRORC staff support, I have been told by several people that Linda Cook and Jaci Allen met, with at least two others in the room, to make edits to the TP draft. I offer no comments about the intent of any of the participants. Rather, I offer concern that if a member of the PC wants to do something like this (e.g., affecting a document developed by the PC), the proper way to make edits might look something like:
 - a. A member of the PC may certainly offer edits to the PC or SB as a member of the public without consideration of the PC; this would be similar to a dissenting opinion that some entities allow as a matter of policy.
 - b. A member of the PC may approach the PC to offer edits for acceptance by the PC so that the PC may offer edits to the SB.
 - c. Circumventing a proper public process based on concerns expressed about timing is not a valid reason to skip a proper public process.
6. My experience with many public boards is that they are constituted by lay-people who seldom have direct experience and often have personal agendas for "serving." It remains my hope that our PC will seek to utilize experience that any PC member may be able to contribute while embracing collegial objectivity. A couple personal examples:
 - a. My perception is that two members of the PC have shared with me that they are not interested in my experience, they do not want to hear me reference my experience, and one member of the PC told me that discussing my experience is "condescending."
 - b. Peter Gregory, TRORC Executive Director, reached out to me, as the Town's Commissioner, to let me know that Jaci Allen reached out to him to discuss the TP and role of the RPC. I attempted to coordinate attending this meeting with Jaci, but was unsuccessful (I was not informed of the day and time of the meeting before it took place). Note: I understand this meeting occurred after Jaci was elected chair of the PC, but before the TRORC Commissioners rejected the TP.
7. Since last summer, I have frequently asked PC to address (among other things):
 - a. Proper treatment of members of the PC when they are speaking – all members of the PC. That would include, but not be limited to:
 - o Interrupting the person speaking (from direct interruptions, to saying "Let's hear what others think" while a PC member is speaking, to side conversations, etc.).
 - o Derogatory remarks or behavior. Members of the PC must be allowed to share opinions without another member of the PC responding with derogatory remarks or behavior (including eye rolling, sighs, and other negative physical noises and expressions).
 - o Speaking derisively about PC members who are not present.
 - b. Unilateral conduct – no member of the PC should speak or act on behalf of any aspect of the PC's duties without the prior consent of the PC.
 - c. Embracing an open and transparent environment.
8. In the AHSC meeting referenced in item 1 above, a member of the AHSC became loud and expressive while Rod was trying to explain his draft process approach (which I thought was well done). The AHSC membership quickly "jumped in" to restore collegial interaction. I continue to hope that the PC members will similarly return to self-managing so that all members of the PC are treated well.

In closing, I could offer more (e.g., my perception of the unilateral creation of our minutes, the fact that our meetings before last summer lasted only 60 to 90 minutes, Brian's nomination to the AHSC without proper notification, etc.). In recognition that we are all works in progress, I am glad to say that I am guilty – we all have our moments. An example: I have recently used the term “backroom deals,” which I have heard from a few members of the public. While I have not seen the “backroom” context offered by a few members of the public during the development of the TP that was rejected by the TRORC Commissioners (until recently), I am very concerned about the spirit of this phrase, which at least references unilateral conduct without the consent of the PC and at worst is against the law. I greatly appreciate the PC's consideration of my concerns.

Jeff

Jeffrey S. Goodrich, P.E.
President

Pathways Consulting, LLC

Planning • Civil & Environmental Engineering • Landscape Architecture • Surveying • Construction
Assistance

Main Office:

240 Mechanic Street, Suite 100
Lebanon, New Hampshire 03766
Phone: (603) 448-2200 Ext. 105 Fax: (603) 448-1221

Vermont Office:

2060 Hartford Avenue
Wilder, Vermont 05088
Phone: (802) 295-5101

www.pathwaysconsult.com

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Town of Norwich, Vermont



CHARTERED 1761

NORWICH SELECTBOARD

adopted May 24, 2017

VISION

A model of well-functioning, cohesive small town government in which our thoughtful actions on complex issues and respectful treatment of others bring out the best in ourselves and inspire confidence in the residents of Norwich to become active and engaged participants in the town.

GUIDING PRINCIPLES:

- The long-term health and best interests of Norwich and its residents come first always.
"We go overboard to listen and integrate the ideas of all neighbors in making decisions for the town"
- Respect and civility in the face of disagreement and contention. Assume good will in all interactions.
"Why can't we all get along?"
- Begin with open minds and fresh perspective.
"Bags don't fly free; leave them at home"
- Incremental improvement versus startling disruption.
"Norwich is not trying to disrupt how we view Vermont villages"
- Disciplined time keeping.
"Volunteers don't get paid by the hour"
- Collective experience and knowledge is critical. Preparation for meetings.

Town of Norwich, Vermont



CHARTERED 1761

"We can't all master every subject, but we can be prepared to thoroughly handle all issues when we collaborate, communicate, capitalize on each others' strengths as one body."

- Frequent reference to Town Plan and Statutes of Vermont.

"There are always non-negotiables – we work as a team but we are always a legislative body"