

Minutes of the Selectboard Meeting of  
Wednesday, October 23, 2019 at 6:30 pm

Members present: John Pepper, Chair; Claudette Brochu, Vice Chair; Roger Arnold; John Langhus; Mary Layton; Herb Durfee, Town Manager; Miranda Bergmeier, Assistant to the Town Manager.

There were about 12 people in the audience.

Also participating: Linda Cook, Stephen Flanders, Kris Clement, Nick Krembs, Gerry Plummer, Cheryl Lindberg.

1. Approval of Agenda. Selectboard (SB) members agreed to proceed with the agenda as drafted.
  
2. Public Comment. Linda Cook asked if Gile Mtn. solutions/issues will be on a future SB agenda soon. Durfee said that signs have been placed at Gile Mtn. to indicate where parking is prohibited. Layton asked if parking lot expansion ideas are sufficiently developed to put the topic on an agenda. Gile parking lot expansion will be part of the budget discussion. Brochu thinks the SB should send Bill Scavone a letter in reply to his correspondence. Cook asked if the petition regarding climate change had been submitted and expressed concern that it may not have gone through proper petition protocol. Langhus said it was not, technically, a petition and hadn't been intended as one, so that anyone could sign it in support of the resolution – including children. Cook also asked if the SB would be discussing Chris Katucki's questions regarding executive session. Pepper said the SB will decide that when they reach that point in the agenda.
  
3. Consent Agenda. Pepper said that Katucki wrote a letter asking about the SB's rationale for executive sessions in their recent meetings. SB members agreed to pull out Katucki's letter for discussion. Brochu **moved** (2<sup>nd</sup> Langhus) to approve the consent agenda. **Motion approved unanimously.** Pepper and Layton said the SB made executive session decisions knowing they needed to be careful to protect the town, not out of desire to cover anything up. Langhus said he welcomed the question and suggested that the SB should have more discussion about why they would have an executive session, either before or after that session, so the public knows as much as possible what's happening. Langhus addressed Katucki's question and SB members agreed that the SB does consider carefully whether it is appropriate to go into executive session and welcomed Katucki to continue "holding our [the SB's] feet to the fire." Kris Clement said she thinks Katucki is disputing which section of the executive session law is appropriate for use. SB members agreed they had used the appropriate section, and also agreed they would try in the future to give a fuller explanation of why they chose to go into executive session. Brochu **moved** (2<sup>nd</sup> Langhus) to accept as correspondence Chris Katucki's letter regarding executive sessions. **Motion approved unanimously.**
  
4. Winter Road Maintenance – Road Salt Policy. Stephen Flanders provided some background information in written materials to the SB so they would be up to speed on the topic. Flanders commended the DPW director for bringing the full road crew to anti-icing training, which provided state-of-the-art information. Flanders said the DPW Director is working on implementing proper standards for the use of salt. Langhus said he was particularly interested in this topic and he appreciates DPW and TM's work on this issue. Layton said the tree warden said road salt affects trees. Layton also asked about any impact that a highway rest period would have on emergency vehicle access. TM said the plows will still go out if needed for emergency; the rest period will come into play only when there is a multi-day event where highway crew could be out too many hours in a row to maintain safety.

5. Town Manager Report. Durfee said that budgets are being put together. Also, the final FEMA documentation has been submitted. TM said that Roberta Robinson was immensely helpful over the last few weeks in the finance office, and is now back in retirement. Durfee introduced the topic of the Charles Brown Brook Bridge Replacement. Building the bridge will cost approximately \$80,000, and the town would apply for a grant of up to \$50,000. Stephen Flanders and Nick Krembs spoke regarding the bridge. Krembs said this bridge would be very useful for hikers and bicyclists. The trails committee wants to put this matter to the voters in order to strengthen the grant application. Flanders said this bridge would be well-used and would take some pressure off other town trail areas. Brochu said her questions she submitted to Flanders and Krembs earlier were answered. Linda Cook and Gary Plum expressed support for replacing the bridge.

After some further discussion,

Langhus **moved** (2<sup>nd</sup> Brochu) to include the following Article on the warning for the Annual Town Meeting to be held on the 3rd day of March, 2020, the Article to read, as follows:

**Article XX.** Shall the voters of the Town of Norwich increase the gross spending general Town budget for FY21, July 1, 2020 to June 30, 2021, by \$80,000 for the replacement of a bridge for the Brown Schoolhouse Road trail extension over the Charles Brown Brook that collapsed in July, 2018 *with anticipated reimbursement up to \$50,000 from a Recreational Trails Program Grant*, and authorize a loan to be paid over a term not to exceed five (5) years. **Motion approved unanimously.**

Langhus **moved** (2<sup>nd</sup> Brochu) to authorize the town manager to apply for a Recreational Trails Program grant to obtain up to 50 thousand dollars in grants to be applied to replacing the bridge over the Charles Brown Brook and connecting Parcel Five to the Bill Ballard Trail and to serve as grant manager for any grant award received. **Motion approved unanimously.**

Langhus **moved** (2<sup>nd</sup> Layton) to adopt the following VERMONT RECREATIONAL TRAILS PROGRAM PROJECT RESOLUTION OF COMMITMENT FROM MUNICIPALITY FOR PROJECTS INVOLVING CLASS IV TOWN HIGHWAYS and to empower the town manager to sign the resolution on behalf of the Norwich Selectboard. The resolution is to read as follows:

#### VERMONT RECREATIONAL TRAILS PROGRAM PROJECT RESOLUTION OF COMMITMENT FROM MUNICIPALITY for projects involving Class IV Town Highways

**Whereas:** The Vermont Recreational Trails Program, administered by the Vermont Department of Forests, Parks and Recreation provides grants to non-profit trail organizations and municipalities for eligible recreational trail improvement projects.

**Whereas:** Eligibility for trail project grants is limited to recreational trails only and such grants shall not be used for road projects that result in roads suitable for travel by regular passenger vehicles.

**Whereas:** The recreational investment represented by a Recreational Trails Program grant must be protected for the useful life of the investment.

**Whereas:** The project sponsor, Town of Norwich has proposed a recreational trail project described generally as replacement of Brown Schoolhouse Road bridge (title of project/trail name) on Class IV Town Highway (TH# 35) Brown Schoolhouse Road (name of Class IV Highway road) of the Town of Norwich.

BE IT RESOLVED THAT the Town of Norwich as represented by the Select Board is in full support of the project referred to herein; agrees to continually allow the referenced recreational activity to occur on the town highway for the useful life of the investment, thirty (30) years from the date of the grant agreement; and commits to maintaining the funded recreational improvements in useful repair for their useful life as defined above.

BE IT FURTHER RESOLVED THAT if the Town should allow additional improvement to the affected length of highway to accommodate uses other than the referenced recreational activity, those uses shall not preclude the intended recreational activity for the stated useful life of the recreational investment.

BE IT FURTHER RESOLVED THAT the Town understands that failure to fulfill the stated commitments may result in having to return state and/or federal funds used on the project.

**Motion approved unanimously.**

6. a. Burgess Report. Pepper said he thinks the SB should be consistent with their original plan to release the report. Cheryl Lindberg asked if she could review the report, as well. SB members agreed to provide the report to Lindberg. Langhus asked if the insurance company has confirmed whether they will cover the town's loss to the financial scam. Durfee said they have not yet confirmed. Durfee shared that the Burgess report has been sent to VLCT/PACIF. Langhus asked if Durfee was aware that sharing the report with the insurance carrier eliminates attorney/client privilege. Durfee said that currently the Finance Office is back on its feet after Roberta Robinson's help, Cynthia Stoddard from NEMRC is working 2 days per week on higher-level accounting, and we have a temp doing the day-to-day accounting operations. The temporary staffer, Becky, is doing an excellent job. In order to talk about the current Finance Director, the SB would need to be in executive session, because that is a specific personnel matter. Pepper asked if SB wants to go into executive session now, or to complete the rest of the agenda first. SB members agreed to address other agenda items first. SB members agreed that Langhus will serve as the SB's spokesperson regarding the financial scam.

7. a. Accounts Payable. Langhus **moved** (2<sup>nd</sup> Layton) to approve check warrant #20-09 for DPW Paving Fund in the amount of \$203,056.79 and General Fund in the amount of \$279,849.89. **Motion approved unanimously.** Langhus asked about paving, and whether town received a grant. Langhus thanked Durfee and DPW staff for acquiring grant money. Langhus said he reviewed the ACH payment paperwork and everything looks in order. Langhus suggested putting the ACH approvals on the next SB meeting agenda. Brochu said that repairs to DPW truck #12 since May 2019 have totaled more than \$2,789. Durfee said the SB will see in the DPW budget proposal the department head's ideas about replacing that truck. Langhus said that he would like to discuss again the police cruiser purchase the SB had previously authorized. Langhus said he has been thinking about the police cruiser issue and he wonders if there is a longer-lived brand of cruiser, so we could keep our police cruisers longer. Police Chief Jennifer Frank said that the wear on a police cruiser is very different from a personal vehicle. Other area police departments replace their vehicles on a 4-year rotation. Where it is feasible to have a personal vehicle "limp along" with limited reliability, that will not work for a police vehicle, which needs to respond to emergency situations.

b., c., d. Brochu asked to have the designated fund balances provided for the next meeting.

8. Policy Work.

a. Banner Policy. Arnold said that he provided a clean version of the banner policy which reflected the SB discussion from the last SB meeting. Brochu **moved** (2<sup>nd</sup> Langhus) adopt the Town of Norwich Policy for Use of Banners on Public Highways, as presented in this meeting. **Motion passed unanimously.**

b. Social Media Policy. Brochu said the policy is not yet ready for adoption; it still needs work. Brochu made some changes in accordance with SB member feedback. SB members discussed what types of forums are covered by this policy. Langhus said that he would offer written comment on this policy. SB members declined to conduct a 2<sup>nd</sup> reading of the draft policy, and agreed to take up this topic at a future meeting.

9. Animal Ordinance Revision. Arnold explained that he had looked at other towns' animal  
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ordinances for comparison sake. Arnold sees the trickiest issues as involving stray animals and animals “at large”. Arnold discussed the memo he provided for the SB packet. Arnold would like the SB to discuss what animals are to be considered domestic pets, and also what to do about strays. Durfee said that he would suggest that the town have an animal control officer who is not a member of the police force. He would prefer not to have uniformed officers dealing with animal issues. Chief Frank said that the Norwich police officers do regularly deal with rescuing farm animals from the roadways. Frank said that she would prefer that the police not be the first point of contact for loose dogs, etc. Arnold said that he will incorporate the SB’s discussion into a revised draft ordinance, which he will submit to the SB for further review and discussion.

6. a. Burgess Report. Langhus **moved** (2<sup>nd</sup> Brochu) to enter executive session to discuss a confidential town personnel matter, as permitted under 1 VSA §313(a)(4), and to possibly invite Herb Durfee into the executive session. **Motion approved unanimously.** SB members said they did not anticipate any public action, other than possibly making a motion to release the Burgess report.

The Selectboard moved into executive session at 8:55 pm. The SB invited Durfee into the SB executive session.

Langhus **moved** (2<sup>nd</sup> Layton) to enter public session. **Motion approved unanimously.**

The Selectboard moved into public session at 9:20 pm.

Langhus **moved** (2<sup>nd</sup> Brochu) to release the Burgess report tonight. SB members agreed to release the entire report, with appendices, and for Langhus to serve as SB spokesperson to respond to any reporters’ inquiries. **Motion approved unanimously.**

SB members agreed to the following future agenda items:

- |                          |                         |
|--------------------------|-------------------------|
| Designated funds report  | Budget FY2021 – handout |
| Monthly Financial Report | Animal Ordinance        |
| Root Cause Analysis      | Dresden Finance         |
| Cybersecurity Policy     | Solid Waste Items       |
| Social Media Policy      | Prudential Committee    |

At 9:40 pm, Layton **moved** (2<sup>nd</sup> Brochu) to adjourn. **Motion approved unanimously.**

Meeting adjourned at 9:40 pm.

By Miranda Bergmeier

Approved by the Selectboard on November 6, 2019

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John Pepper  
Selectboard Chair

Next Meetings – November 6, 2019 – Meeting at 6:30

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