

Minutes of the Selectboard Meeting of
Wednesday, March 25, 2020 at 6:30 pm

This meeting was conducted via teleconference using ZOOM, in order to maintain appropriate physical distance under COVID-19 precautions. Members present: Claudette Brochu, Chair; Roger Arnold, Vice Chair; Robert Gere; John Langhus; Mary Layton; Herb Durfee, Town Manager; Miranda Bergmeier, Assistant to the Town Manager.

There were about 10 people in the audience.

Also participating: Linda Cook, Stuart Richards, Bonnie Munday, Will Smith, Cheryl Lindberg, Jack Cushman, Pam Piper, and Jim Antal.

1. Approval of Agenda. After discussing some meeting ground rules, Selectboard (SB) members agreed to proceed with the agenda as drafted.
2. Public Comment. Linda Cook expressed concern that if anyone submits written comments at an electronic SB meeting, the public attending virtually won't get to see them. Brochu said that won't happen, because the SB won't be at a physical location in order to receive written comments during the meeting. Stuart Richards said he doesn't like the new method of listing correspondence items at the end of the agenda table. He would like them to be listed in the body of the agenda.
3. Correspondence. Langhus **moved** (2nd Arnold) to accept the Selectboard correspondence, as listed on the March 25, 2020 agenda. **Motion passed unanimously.**
4. Tracy Hall Energy Retrofit Project. Brochu said the Town Clerk received the petition to conduct a new vote and there were sufficient signatures. Brochu said that under normal rules, there are 60 days to conduct a vote. Bonnie Munday, Town Clerk, said the Secretary of State's office is working with the Vermont legislature to relax deadlines to facilitate voting in observance with COVID-19 restrictions. Durfee said he had a construction kick-off meeting where he discussed having an initial letter of intent so that EEI could do preliminary work. At the 3/11/2020 SB meeting, the SB discussed the plan and letter and SB members said at that meeting that it's OK to proceed with preliminary work. The first draft of the letter of intent was circulated and Langhus had offered edits. There is currently no signed letter, so there is no written requirement that Norwich pay EEI. Langhus said that EEI has been doing work unpaid thus far, with faith that they will be paid eventually and will reach a signed agreement with Norwich. Brochu had a question about the people included in the construction meeting. Durfee said that Langhus was the SB liaison, Aaron Lamperti is volunteering as Clerk of the Works along with Larry Wiggins, and Linda Gray has expertise in energy issues. This was not an appointed group. Brochu said that this seems like a very select group. Langhus said this was appropriate for Durfee, who is 100% approved to get advice from whomever he chooses to execute a project he has been assigned by the town's vote. Layton said she is wondering about the town reconsideration vote and that it might cause the need to renegotiate with EEI. Arnold asked if the vote would be moot if the SB decides to hold off on construction for a while. Durfee said the vote must happen, under the law concerning petitions to reconsider. Stuart Richards said that this project is developing incorrectly. Construction should not proceed while the vote is pending; no money should be spent before the vote. Linda Cook said that Linda Gray and Aaron Lamperti are Energy Committee members; Cook thinks Durfee and the SB should look for a diverse committee, also the town should take a break on this project. Will Smith said he thinks work should stop and funding should be put on hold as well. Also, Smith questioned why, if Tracy Hall is closed, are there workers going in and out of the building. Brochu said she didn't think the town would pursue funding at this time. Langhus and Durfee said the town isn't pursuing funding at this time. Aaron Lamperti said the upcoming

reconsideration vote needn't stop work altogether; we should proceed in a measured way pending the vote outcome. Cheryl Lindberg said that VLCT has advised towns to wait 30 days before moving forward after a town vote, so why didn't Norwich wait? Durfee said the 30 day potential petition time period was why the project has proceeded in a way to not expend undue money. Langhus said he has reached out to VLCT to ask about their supposed guidance regarding the 30 days and they didn't know where it came from. VLCT is looking into it. Langhus said the majority of voters were in favor of the project. Jack Cushman said there is a valid standing instruction by the voters to do this project. Cushman said the SB should not assume the reconsideration vote will go the opposite way of the first vote, and urged the SB not to stop work because of the potential outcome of the new vote. Pam Piper want to find out what VLCT has to say; she voted for Article 8 and wants to see the project proceed because the climate crisis is not going away. Jim Antal agreed with Piper and said there is urgency to this project because of the long-term climate crisis, which will long outlast the current pandemic crisis. Brochu asked Durfee if he wants direction from the SB on whether the Town Manager should continue according to the town's vote. Durfee said that he'd like to know whether the SB wants him to sign the letter of intent to expend costs up to \$15,000, as previously discussed. Layton said she'd like no work to happen that is irreversible, in case the project is voted down in the second vote. Arnold asked what is the scope of the preliminary work. Langhus said his second draft of the letter of intent spells out what the work includes – generate a list of contractor and contracted work, a list of permits needed, what equipment will the contractor buy that has a significant lead time for ordering, detailed plans/maps of work, a timeline, and the stipulation that any work completed under the letter of intent will be the property of Norwich. Arnold said he thought that sounded very responsible; he recognized people's concerns about stopping the work, but this seems prudent and appropriate to proceed with the scope of work described in the letter of intent.

5. A/P Warrants & Executive Session Regarding Insurance – SB members agreed to move the executive session to the end of the meeting. Layton **moved** (2nd Arnold) to approve check warrant #20-19 for General Fund in the amount of \$135,214.80 and for Recreation Facility Fund in the amount of \$500.00. **Motion passed unanimously.** Arnold **moved** (2nd Gere) to authorize Claudette Brochu to sign the A/P warrants approved by the Selectboard at their March 25, 2020 meeting. **Motion passed unanimously.**

6. COVID-19 Update. Brochu said she has made a draft flyer to distribute to all households to allow for analog/non-digital access to information. Arnold suggested the SB make a consensus decision to edit the flyer offline and then put out and distribute. Broch summarized some of the conversations she has had in developing the flyer. Brochu will send out the updated flyer electronically to the SB members for editing. SB members discussed whether to distribute to all households. Layton said she hasn't found any one way to organize neighborhoods. Gere said there are 1,281 mailing addresses in the town as of his research. Brochu asked Cook if she has an idea how many people in town don't have internet or TV. Cook said she does not. Arnold said he thinks we should use the road captains to distribute flyers. Brochu said she will circulate the flyer to SB members for edits and then give it to Mary Layton and Arnold for distribution to road captains. Durfee said he is closing all town buildings to the public, but offices will be available via telephone and email. As appropriate, offices can make appointments to meet with people. This is due to the stay-at-home order issued by Vermont Gov. Scott. Durfee is coming out with a statement detailing essential and non-essential town staff. Chief Frank said the SB needs to know that reusable bags may be banned in Vermont and the SB should have the heads up. Langhus said that in NH, the Coop is having patrons not use bags in the store, but patrons can take purchased goods loose in their carts out to their cars, where they can pack them in reusable bags. Gere said to beware of scammers looking to prey on the COVID-19 situation. A significant number of the downloadable apps to give updates on OCOVID are actually scams and computer viruses.

7. Town Manager Report. Durfee said he is coordinating with Bonnie Munday regarding the reconsideration vote, and the SB may need a special meeting to sign the vote warning. Durfee said that Brie Swenson is dealing with VLCT regarding volunteers and town insurance coverage. Because the US President has declared a state of emergency regarding COVID-19, the town is tracking expenses under FEMA in case of available funding in the future. Durfee and Police Chief Frank told the SB that there may be a federal funding conflict, should an enhanced FIPP be put into place. Durfee said that NEMRC programs are being shifted to a cloud-based system so that employees can work remotely in NEMRC. Durfee has started work with town department heads on upcoming budget development, including the capital improvement plan. Also, RFP responses for various projects are coming in – such as Beaver Meadow Scoping Study and Attorney Services. Chief Frank is serving as the Town Manager's Public Information Officer (PIO); Durfee has started cross training among town staff on finance, HR, DPW and Recreation functions. Durfee said the Transfer Station's Plowshare building is now closed and the transfer station attendants are encouraging people to keep moving. Layton asked if we have enough attendants to enforce the 4-car limit at the station. Layton and Brochu both said that the last time they were there, it was business as usual, with more than 4 cars. Gere said he wants to be sure that transfer station employees feel they have the authority to enforce a 4-car limit.

8. Set Agenda for April. SB members discussed setting a date for the special town meeting reconsideration vote. After some discussion, Langhus **moved** (2nd Arnold) to hold a Special Town Meeting to conduct the reconsideration vote regarding Article 8 on May 12, 2020. **Motion passed unanimously.**

9. Layton **moved** (2nd Arnold) to enter executive session under 1 VSA § 313(a)(6) – "...records exempt from the access to public records provisions..." – to discuss insurance payments and to include the Town Manager at some point. **Motion passed unanimously.** The SB entered executive session at 9:20 pm.

Layton **moved** (2nd Gere) to enter public session. **Motion passed unanimously.** The SB entered public session at 9:49 pm.

Layton **moved** (2nd Gere) to enter executive session under 1 VSA § 313(a)(3) – "...employment or evaluation of a public officer or employee..." – to discuss Town Manager contract issues and to possibly include the Town Manager. **Motion passed unanimously.** The SB entered executive session at 9:51 pm.

Layton **moved** (2nd Langhus) to enter public session. **Motion passed unanimously.** The SB entered public session at 10:13 pm. Brochu announced that the SB has approved an extension of the Town Manager's contract for an additional 15 months, beginning May 1, 2020, and the contract period will include a performance improvement plan, all of which documentation will be available to the public after it is finalized and signed. Langhus **moved** (2nd Layton) to approve the entry into a new employment contract with the Town Manager in form and substance agreed to today in executive session and to be included in the next Selectboard packet; Roger Arnold will sign the contract on behalf of the Selectboard. **Motion passed unanimously.**

10. Adjournment. Langhus **moved** (2nd Layton) to adjourn. **Motion passed unanimously.** Meeting adjourned at 10:16 pm.

By Miranda Bergmeier

Approved by the Selectboard on June 10, 2020

Claudette Brochu
Selectboard Chair

Next Meeting – April 8, 2020 – Meeting at 6:30

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