

Minutes of the Selectboard Meeting of
Wednesday, September 22, 2021 at 6:30 pm

This meeting was conducted via teleconference using ZOOM and in person in Tracy Hall, in order to comply with Open Meeting Law requirements while providing remote access for attendees. Members present: Roger Arnold, Chair; Mary Layton, Vice Chair; Claudette Brochu; Marcia Calloway; Robert Gere; Rod Francis, Interim Town Manager.

Also participating: Fielding Essensa, Pam Smith, Peter Orner, Andy Scherer, Nathan Margolis.

1. Approval of Agenda. Brochu **moved** (2nd Calloway) to approve the agenda with the addition of an update on hiring the Interim Town Manager as a stand-alone agenda item just after the break.

Motion approved unanimously.

2. Public Comment. Brochu asked if any other Selectboard (SB) members are planning to attend the VLCT Town Fair. SB members agreed to discuss this during agenda #11. Calloway said she thought the Newcomer's Fair was great; she and Layton attended and circulated. Calloway said she received some good information and feedback.

3. Consent Agenda. Calloway asked about the A/P warrant – refund of tax payment. Fielding Essensa, Finance Director, explained that the refund was to correct an error made relating to escrow payments of taxes during a refinance or sale of property. Brochu **moved** (2nd Gere) to approve the consent agenda. **Motion approved unanimously.**

4. Update on Hiring: Interim Town Manager and Permanent Town Manager. Arnold said the SB is in week 2 of the Permanent Town Manager hiring process; he has been in touch with Rick McGuire, our search consultant. The SB should be getting a process calendar and some other documents from McGuire by the end of this week. Arnold told McGuire that Norwich residents are interested in having significant input. McGuire will be exploring ways to effectuate that. Calloway asked for a copy of the most recent job description.

5. Interim Town Manager Report. Rod Francis said we continue to experience staff changes and we are dealing with those. Capital Planning is underway; Francis has received proposed plans from all departments with capital items. We do not have any plan yet that would address Tracy Hall capital items; this will likely involve the generator. Francis, Essensa and Masaki Schuette at DPW have been working on the DPW capital budget. Francis asked for SB input on what format, etc., would be helpful. In the Milt Frye Area, a group of parents and the school have developed a proposal for a short access path, for use in the interim while the larger access project is being developed. Fielding Essensa has attended training about budgeting and also involving ARPA funding. Francis spoke about the guidelines for ARPA funding. Francis said that public input is an important part of the ARPA process. Essensa said under the ARPA funding process, we need to guide the public input to adhere to the project categories under ARPA. Pam Smith asked if there was separate state money available under ARPA. Francis said he thinks there is a smaller amount of money available from the state, which can be applied for in conjunction with the federal funds.

6. Guiding Documents on Board Jurisdiction and Limitations. Calloway introduced this agenda item and discussion. She said she wrote a memo to explain the duties and powers of the SB and of the TM (Town Manager). She said she generated this document in case it's helpful to SB members and members of the public. Layton said she thought the memo was very helpful and she wondered if there might be some way to offer reassurance to residents who have immediate concerns and who are faced with a municipal process that feels very slow. Gere said he was a bit confused by

Calloway's quotation of statute; where the text was a quote and where it was a summary. Calloway said she could alter the document to make the quotes clear. Brochu said she appreciates Calloway's effort and wonders if the public find it helpful or not. Arnold said he would like to see the SB establish some processes for its functions. Brochu said she thinks the SB should be more responsive to public concerns. She would like a document that could explain how the SB can move from hearing about concerns to taking action and what the TM's role in that would be. Peter Orner agreed with Brochu. Calloway said she was trying to explain the division of powers between the SB and TM, and she is happy if it stimulates conversation. Pam Smith said she found the memo very helpful. She thinks it's helpful to explain how things are funded. Andy Scherer said he appreciates the SB's work on public concerns. He supports the idea of having a "user's manual" to guide members of the public. Arnold asked SB members what are next steps to create resources to help the public. Brochu likes Scherer's idea of a manual. She'd like Calloway's document to be fleshed out with examples. Layton suggested adding schematic drawings to help explain the process. Gere said he is interested in such a document, to, but lacks time. Gere suggested the document should include examples of successfully-completed projects. Brochu said she is willing to help Calloway work on a document. Andy Scherer asked if SB would like public help to develop the manual, or is this solely a SB project. Layton said she'd be OK with taking in public comment. Nathan Margolis said he is very interested in a manual; he volunteered to help. Peter Orner offered information about the history of the effort to put in a Beaver Meadow Road sidewalk. He is not interested in a manual and expressed frustration. Rod Francis acknowledged the SB's and public's frustration and said he thought Calloway made a good point about budget questions. Francis talked about the ways that Norwich residents participate in town government, including town meeting, town committees, et cetera. Norwich has very active participation in a wide variety of groups. Francis thinks a manual could be very helpful. Francis pointed out that large-scale public projects – the police/fire building, which took about 20 years, is an example – tend to take a significant amount of time.

7. Winter Sand Bid. Francis said that Twin State submitted a bid that met the town's requirements. The other bidder could not provide on time or with their own equipment. Layton asked about the sand's source. Francis said it is local. Francis explained that the SB must approve the bid award because of the amount of purchase – over \$5,000. Calloway asked about how much sand we use typically. Arnold said last year we used approximately 10,000 tons; the year before that we used 5,118 tons. Francis said he and Essensa will try to determine a 5-year average. Brochu **moved** (2nd Gere) to purchase 2021 winter sand from Twin State, pursuant to their bid of \$12.85 per ton. **Motion approved unanimously.**

7.5 Update on Interim Town Manager (ITM) Hire. Arnold said the SB on September 14, 2021 authorized a conditional offer of hire. Work has continued on that and Arnold would like to update the SB in executive session. Arnold also commented on the Valley News's characterization that the SB had made an offer to a "mystery" person. Arnold clarified that in employment matters, the SB must maintain confidentiality of a candidate, while also taking action in public session. The SB cannot yet disclose the identity of the candidate, because negotiations are ongoing and not yet finalized. Arnold said the SB is working diligently and quickly on this hire. Arnold **moved** (2nd Layton) to find that the Selectboard finds that premature general public knowledge would put the town at a substantial disadvantage in its contract negotiations with an Interim Town Manager by disclosing terms of their employment and compensation before the Selectboard has an opportunity to properly consider and discuss the same. **Motion approved unanimously.**

Arnold **moved** (2nd Layton) to enter executive session to consider contracts under 1 VSA §313(1)(a). **Motion approved unanimously.**

The SB entered executive session at 8:13 pm.

Brochu **moved** (2nd Layton) to enter public session. **Motion approved unanimously.** The SB entered public session at 9:00 pm.

Brochu **moved** (2nd Layton) that the Selectboard authorize the Selectboard Chair to continue the negotiations with the Interim Town Manager candidate. **Motion approved unanimously.**

8. Existing Staffing and Potential Disciplinary Action: DPW. Francis said he has sought town attorney's advice on addressing concerns raised by DPW staff. The attorney recommended the town take formal action to ensure that all DPW works' working conditions are protected. Layton **moved** (2nd Gere) to find that premature general public knowledge about existing potential disciplinary action would clearly place the Selectboard and the town at a substantial disadvantage. **Motion approved unanimously.** Layton **moved** (2nd Gere) to enter executive session under 1 VSA §313(a)(1)(F) to consider attorney-client communications and it include the Interim Town Manager. **Motion approved unanimously.** The SB entered executive session at 9:05 pm. Layton **moved** (2nd Calloway) to enter public session. **Motion approved unanimously.** The SB entered public session at 9:33 pm.

9. Short-Term Replacement of Finance Assistant. Francis said that not long after the new Finance Director arrived, the Finance Assistant offered her resignation. In order to address the staffing shortage, we are considering options between temporary staffing or opening a search, and we have an applicant to consider, hence the need for executive session. Layton **moved** (2nd Calloway) to enter executive session under 1 VSA §313(a)(3) to discuss the employment of a town employee and to invite the Interim Town Manager and the Finance Director. **Motion approved unanimously.** The SB moved into executive session at 9:36 pm. Layton **moved** (2nd Gere) to enter public session. **Motion approved unanimously.** The SB entered public session at 10:12 pm. Arnold **moved** (2nd Layton) to authorize the Interim Town Manager to negotiate a contract with Robert Half for assistance with the Finance Assistant position and to advertise the position as an entity of the town for a future date. **Motion approved unanimously.**

Arnold suggested that the SB defer agenda items #12, 13, and 14 to a future meeting. SB members agreed.

10. Layton **moved** (2nd Gere) to set the pay rate for Interim Town Manager Rod Francis at \$40.67 per hour. **Motion approved unanimously.**

11. Layton **moved** (2nd Brochu) to appoint Rob Gere as Norwich's voting delegate for the VLCT Annual Business Meeting. **Motion approved unanimously.** The Selectboard entered executive session at 10:08.

12. Adjourn. Layton **moved** (2nd Calloway) to adjourn. **Motion approved unanimously.**

Meeting adjourned at 10:20 pm.

By Miranda Bergmeier

Approved by the Selectboard on October 13, 2021

Roger Arnold, Selectboard Chair

Next Meeting – October 13, 2021 – Meeting at 6:30

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