

**Minutes of the Selectboard Meeting of
Wednesday, July 26, 2023, at 6:30 pm**

This hybrid meeting was held in the Multipurpose Room in Tracy Hall.

Members present: Marcia Calloway, Chair; Mary Layton, Vice Chair; Roger Arnold (arrived 6:41 PM); Pamela Smith; Priscilla Vincent

Also participating: Brennan Duffy, Interim Town Manager; Lily Trajman, Town Clerk; Jeffrey Lubell, Chair, Affordable Housing Subcommittee; Wade Cochran, Police Chief; Chris Kaufman, Public Works Director; Stuart Richards; Charlotte Metcalf; Linda Cook; Donald McCabe; Yanmei Lin; Wayne Kniffin; Andrew Scherer

Note that sections are presented here in the order they were addressed at the meeting, which may occasionally differ from their sequential item numbering.

Welcome. Meeting was called to order at 6:36 PM by Calloway. She reminded anyone wishing to join via Zoom® to present with both first and last names to help prevent unwelcome intrusions, commonly known as “Zoom bombing.”

1. Agenda. Vincent moved, seconded by Layton, to approve the agenda with some re-ordering of items to accommodate guests and the insertion of a new Item #12, regarding Police and other personnel contracts. **Passed Unanimously.**

2. Minutes. – July 12, 2023. Vincent pointed out that, regarding Better Bin, the minutes as drafted inaccurately said “The present decision was simply whether to extend the contract for another year.” By consensus, this will be changed to “The present question is whether to approve the contract.”

Smith volunteered to incorporate any changes to minutes as approved in meetings.

Layton moved, seconded by Smith to approve the minutes of July 12, 2023, including the change discussed. **Passed Unanimously.**

Informational Items – Important information for which there will be no immediate action. Calloway invited Jeff Lubell to address the Board regarding a proposal to the Vermont Community Development Program for a planning grant concerning a potential site for below-market housing on New Boston Road, whose submission deadline is

September 12, 2023. The grant would help determine if affordable housing would be feasible at the site. If the answer were no, that would be the end of the initiative. If yes, however, the next step would be to develop a site plan.

To address environmental justice concerns, such as those recently voiced by the Planning Commission, access to the development likely would be from the east, thus obscuring the transfer station from the residents' view. In response to a question from Layton, Lubell said that more direct access from New Boston Rd. would be precluded by steep slopes.

Calloway said she'd like to see the blank application form. She also expressed concern about any administrative burden that might be placed on the Interim Town Manager. Lubell responded that TRORC has offered to administer the grant. Calloway said that it will be on the agenda for further discussion at the next SB meeting.

6. Hemlock Rd. Closure & Repair – update from DPW Director and Stantec. Chris Kaufman and a representative of Stantec joined the meeting via Zoom. Kaufman reported that five properties are affected by the road closure necessitated by extensive storm damage to Hemlock Rd. on July 10, including a lengthy, wide, and deep crack in the center of the roadway. Kaufman said he'd involved VTRANS and Santec in assessing the situation and evaluating potential solutions. He has also consulted with FEMA regarding potential reimbursement. The work will entail substantial excavation and rebuilding of slopes, necessitating building temporary alternate routes to be afterward remediated.

Given current high demand for construction materials, equipment, and labor, Kaufman anticipates costs rising substantially from current estimates, which already total \$1.2 million. He does, however, expect FEMA to reimburse the majority. Duffy said a FEMA representative will assist with that process, which requires abiding by federal procurement policies, and a State representative will administer the funds, with federal oversight.

Layton cautioned that as she recalls from the recovery from Hurricane Irene, the Town will need to finance the work in advance, for later reimbursement. This may require a dedicated line of credit, as it did with Irene.

Duffy warned that this will not be the only such project necessary to recover from the recent record rains. Calloway requested that all deadlines be specified and the Board be apprised of what follow-on damage may still be expected. Duffy said he anticipates producing monthly reports to that end.

It is anticipated the work on Hemlock Rd. will be completed within twelve to eighteen months. The most immediate objective is to enable temporary access to the structures for the owners and tenants.

Yanmei Lin, a homeowner and landlord on Hemlock Rd. requested more frequent updates. Duffy responded that they could expect to be updated roughly on a weekly basis.

9. Update on Katucki v. Norwich litigation.

Layton moved, seconded by Vincent, to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage pursuant to 1 V.S.A. § 313(a)(1). **Passed Unanimously.**

Layton moved, seconded by Vincent, to enter Executive Session under 1 V.S.A. § 313(a)(1)(E) to discuss pending civil litigation to which the public body is a party. **Passed Unanimously.**

Entered Executive Session: 7:36 PM.

The Board returned immediately, however, noting that they had neglected to invite Town Counsel and the Interim Town Manager.

Arnold moved, seconded by Vincent, to enter public session. **Passed Unanimously.**

Entered Public Session: 7:39 PM.

Layton moved, seconded by Vincent, to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage pursuant to 1 V.S.A. § 313(a)(1). **Passed Unanimously.**

Layton moved, seconded by Vincent, to enter Executive Session under 1 V.S.A. § 313(a)(1)(E) to discuss pending civil litigation to which the public body is a party and to invite the Town Counsel and Interim Town Manager. **Passed Unanimously.**

Entered Executive Session: 7:41 PM.

Layton moved, seconded by Arnold, to enter public session. **Passed Unanimously.**

Entered Public Session: 8:41 PM.

Smith moved, seconded by Layton, to authorize the Town's legal firm to pursue the courses of action as discussed in executive session. **Passed Unanimously.**

7. Kids' Bridge request for fundraising approval. Regarding the acceptance of donations in support of the "Kids Bridge" project, Calloway noted that the Interim Town Manager is following Town policy concerning the receipt of gifts. Don McCabe said he initiated the project to build a new bridge over Blood Brook at Huntley Meadow about three years ago and had already received substantial gifts to that end. He said all

necessary approvals have been obtained except that of the Selectboard to allow him to gather the remaining monies needed from citizen gifts. He expressed frustration with the lack of action in that regard. Calloway responded, "It's on our agenda tonight."

Arnold moved to approve the solicitation of funds up to twenty-five thousand dollars (\$25,000) by Don McCabe for the "Kids Bridge" initiative as presented, such funds to be appropriately accounted for by the Finance Office and available for the Kids Bridge project. Seconded by Layton. Four, Yes; Smith, No. **Motion passed.**

3. Correspondence. Following up on his comments at the last meeting, Wayne Kniffin said he wants to know what has been discussed regarding Police Department staffing in executive session. Calloway responded that that conversation would continue this night in executive session as well and "We're actively working on answers and steps." Kniffin asked the individual Board members all to state their positions publicly.

In response, Vincent stated her firm support for adding a fifth officer as well as increased compensation for the officers in general. Calloway said she "would like to have a stable police force," but that "how we get there is a little complex," and "you only get to use the money in your budget." She commented further that the next budget will be decided soon and that decisions are currently constrained by the ongoing collective bargaining situation. Calloway also reminded that the reduction to four officers from five followed a Town advisory vote in 2007 to that effect.

Smith added that in the 2007 Town Meeting, the residents were told police coverage would consequently be reduced from twenty to sixteen hours per day, yet the current Chief has been told the expectation remains for twenty. She said that while the Selectboard cannot simply decide to reallocate monies to fund a fifth officer, she wishes the voters had been offered that opportunity when they passed the advisory article at the last Town Meeting. She cautioned further that she could not speak to the issue of compensation while collective bargaining is ongoing.

Layton agreed with Smith that the appropriate time to consider funding a fifth officer is while budgets are being determined.

Arnold said it is essential for any such conversations to be "evidence-based," such that they might begin from mutually agreed facts.

Stu Richards read the first few lines of his letter included in this meeting's packet, drawing particular attention to Officer Chelsea Maxham's statement upon her resignation regarding work-life balance and uncompetitive wages. He asked, "How hard can it be to do a wage study?" Calloway replied there are certain things the Board simply cannot discuss publicly while in negotiations. She then turned attention to Charlotte Metcalf on Zoom, who said she thinks regardless of previous decisions perhaps as of 2023 the Town

needs 20/7 (20 hours a day, seven days a week) police coverage and the will of the voters was evident in the vote for a fifth officer even if they didn't have the opportunity then to vote its funding as well.

Layton moved, seconded by Vincent, to accept the correspondence. **Passed Unanimously.**

4. AP Warrant. Smith asked that all future warrants be annotated by the Finance Department with the corresponding account numbers. Calloway asked Duffy to make note of that request.

Informational Items:

Town Clerk. Via Zoom, Lily Trajman called in, reporting as Town Clerk. Calloway said it would be best to allocate a proper item on the agenda regarding the Clerk's reports for the next meeting. Smith wondered how the various aspects of Tracy Hall' restoration work will be prioritized. Calloway said all these concerns should be reflected on the agenda for the next meeting. The Board discussed Trajman's proposal to move Land Record images into an online-accessible search system maintained by COTT Systems. Trajman asked the Board to bear in mind that she must sign and return the proposed contract by August 16th. The Board agreed to review it at their next regular meeting on 8/9.

Town Manager. Duffy said they have issued two RFPs relative to the renovation work to come at Tracy Hall, which can be viewed on the Town and VLCT websites. They probably will advertise in the Valley News as well. The deadline for responses is August 27.

He also reported that the Finance Department will mail tax bills on Friday.

Duffy announced that Chief Cochran had submitted a letter of resignation the day before, which he interprets as entirely a "career decision." He credits Cochran for doing much to rebuild the Town's police force.

Cochran joined the discussion via Zoom, affirming that it was "a career opportunity I was offered" and that he very much appreciated his time in the Town. Duffy said that over the next two weeks he will work closely with Cochran on succession planning and will reach out to the State Police and neighboring towns toward making arrangements to maintain coverage in the interim. Calloway thanked Cochran on behalf of the Board and the Town as a whole, saying, "You brought some special gifts and talents." Vincent added, "Chief, you've been a trooper."

5. Contract for Better Bin application. Representing the Solid Waste Committee through Zoom, Andrew Scherer entertained questions concerning this contract. Calloway said what gave her pause was the references to marketing and public relations as well as the seeming suggestion the Town might be obligated to particular goals concerning reductions in "contamination" rates for recycling products. Scherer pointed to the several
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years Lebanon, NH, has successfully partnered with this vendor and explained the cost savings from improved compliance and reduced contamination would likely result in substantial savings.

Arnold noted that Lebanon uses the system to push relevant announcements out to its citizenry, which might help Norwich raise awareness of times, for instance, when the facility might be closed for construction.

Calloway said she wouldn't want to obligate the Town to much content creation on behalf of the Better Bin system. She suggested returning the proposal to the Solid Waste Committee for further consideration, wondering in particular who would be responsible for any work involved. Would it be someone on the Committee?

Layton opined that at \$1500, it's a low-risk commitment. Calloway added, however, "You have to figure out how you're going to do this" if the Town approves the contract, particularly since the contract is set up for automatic renewal. Arnold moved, Layton seconded to approve the contract with Better Bin. Yes: Arnold, Layton, Calloway and Smith. Abstain: Vincent

8. Recreation Dept. Scholarship Fund Adjustment and Fundraising. Calloway said the Recreation Department wishes to reassign funds that were put in the wrong account. On Zoom, Cheryl Lindberg recommended the Board not vote at this time if it's not entirely clear what the vote would be on.

Calloway said she will place an item for "Reserve Fund and Recreation Scholarships" on the next meeting's agenda.

Smith added that it should be made clear that the Selectboard is the only body authorized to approve expenditures from the Reserve Fund.

10. Finance Dept. staffing contract issues.

Layton moved, seconded by Vincent, to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage pursuant to 1 V.S.A. § 313(a)(1). **Passed Unanimously.**

Layton moved, seconded by Arnold, to enter Executive Session under 1 V.S.A. § 313(a)(1)(E) to discuss pending civil litigation to which the public body is a party. **Passed Unanimously.**

Entered Executive Session: 10:27 PM.

Layton moved, seconded by Smith, to enter public session. **Passed Unanimously.**

Entered Public Session: 10:42 PM.

11. Update on collective bargaining.

Layton moved, seconded by Vincent, to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage pursuant to 1 V.S.A. § 313(a)(1). **Passed Unanimously.**

Layton moved, seconded by Vincent, to enter Executive Session under 1 V.S.A. § 313(a)(1)(E) to discuss pending civil litigation to which the public body is a party and to invite the Interim Town Manager. **Passed Unanimously.**

Entered Executive Session: 10:43 PM.

Layton moved, seconded by Smith, to enter public session. **Passed Unanimously.**

Entered Public Session: 11:32 PM.

12. Executive Session regarding Police Department and other personnel contract matters. Layton moved, seconded by Smith, to find that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage pursuant to 1 V.S.A. § 313(a)(1). **Passed Unanimously.**

Layton moved, seconded by Arnold, to enter Executive Session under 1 V.S.A. § 313(a)(1)(E) to discuss pending civil litigation to which the public body is a party and to invite the Town Counsel and Interim Town Manager. **Passed Unanimously.**

Entered Executive Session: 11:33 PM.

Layton moved, seconded by Smith, to enter public session. **Passed Unanimously.**

Entered Public Session: 12:01 PM.

13. Selectboard procedure for Hennessey and future solar array projects.

Tabled until the August 26 meeting.

14. RFP for Town Manager position and planning for ITM review.

Tabled to a special meeting to be warned for August 2, 2023.

Edits and additions to the draft RFP are to be sent to the Chair by Sunday, July 30, 2023. Additional editing is planned during the special meeting.

15. Possible continuation of Tracy Hall update planning.

Tabled until the August 26 meeting.

Discussion Items – Issues being framed for future action. Among items discussed for possible inclusion on future agendas were:

- Creating a policy for authorization by the Selectboard of awards of Recreation Scholarships from the scholarship reserve fund
- Interim Town Manager evaluation
- Update on Hemlock Road alternate access and future repairs process including FEMA requirements, timeline and financing

Adjournment. Layton moved to adjourn, seconded by Smith. **Passed Unanimously.**

Meeting Adjourned: 12:10 AM.

Respectfully submitted,
Ralph C. Hybels
Minutes Taker

Approved by the Selectboard on

Marcia Calloway, Selectboard Chair

PLEASE NOTE: JUNCTION ARTS & MEDIA (formerly CATV) POSTS RECORDINGS OF ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD.