

DRAFT Minutes of the Selectboard Meeting of
Wednesday, May 10, 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; Pamela Smith; Priscilla Vincent

Also participating: Brennan Duffy, Interim Town Manager; Wade Cochran, Police Chief; Stuart Rogers, Police Sergeant; Sarah Wraight; Brendan Classon; Jeffrey Goodrich; Suzanne Leitner; Jeffrey Lubell; Watt Alexander; Douglas Hardy; Demosthenes Sofronas; Lily Trajman; Robert Gere; Susan Barrett; Sohier Perry; Jacqueline Allen; Brie Swenson

1. Welcome. Meeting was called to order at 6:30pm by Calloway.

2. Agenda Review. Layton moved, seconded by Smith to approve the agenda.
Approved unanimously.

3. Sarah Wraight, TRORC: ARPA money options, community input, and planning.

Wraight presented options for best managing funds from ARPA grants. Norwich received just over \$1M. She noted that the funds must be obligated by the end of 2024. She said that as with other communities, the category in question is compensation for “Lost Revenue.” Monies may be used for services at every level of government in the municipality and are not limited by precedent in terms of what the Town has done in the past and are not subject to federal procurement obligations. No Townwide vote is required governing allocation. The Legislature removed rules requiring that funds originally allocated to highways, for example, must be spent on highways.

Nonetheless, there are limitations. In particular, funds cannot be “squirreled away” in a rainy day fund, expended on debt servicing, applied to anything that might undermine anti-COVID efforts, used to satisfy court judgments (though exceptions apply), and cannot be used for projects not complying with regulations as stated in the grant materials. Interest may be earned so long as not derived from any rainy day fund.

Hardy endorsed getting public input in regard to the ARPA funding allocations, and stressed that the Police Department needs repeaters to have full coverage around Town. He expressed concern that their new cruiser had arrived equipped only with a “music radio.” He also said that he does not think even a contingent of five officers would be sufficient, considering the time away from the field necessary for training, etc.

4. Minutes – Approval of Minutes for 04/26/2023 meeting. Smith moved, seconded by Vincent, to approve the minutes of 4/26/2023 with the corrections suggested by

Smith and Cheryl Lindberg as outlined in the present meeting's packet. Motion withdrawn after discussion. Layton moved, seconded by Arnold, to approve the minutes of 4/26/2023 with proposed amendment by Cheryl Lindberg regarding added agenda item 6.5. **Approved unanimously.**

5. Correspondence. Several issues were discussed that had been raised in correspondence. Brendan Classon was invited to join the discussion regarding the noise and negative environmental impact of gasoline-powered leaf blowers. He said he thinks the California ban goes too far, but that there should be greater restrictions in Norwich as to the length of time over which such machines may be employed in a neighborhood on any particular day. Board determined to address by placing the issue on a future agenda. Goodrich said that any potential imposition of a decibel limit must be placed before the Planning Commission as it is a zoning issue. Lubell presented a memorandum signed onto by a number of Norwich residents seeking to establish principles of public discourse, stating they feel these are essential to ensure adequate attraction and retention of Town staff as well as volunteers, but recognized that any formal action would be deemed unconstitutional. Calloway responded that the Board strives itself to model the principles in question.

As a member of the Conservation Commission, Leitner stood to support a proposal to officially codify the Milt Frye Nature Area as such. Calloway said it would appear on a future agenda.

Richards spoke in support of his correspondence regarding the COLA/retention bonuses as discussed in previous meetings. Calloway reiterated that the legal advice received by the Town precludes any unilateral action not explicitly agreed to by the New England Police Benevolent Association.

The Board discussed correspondence, copied in the packet, from Joyce Hasbrouck, the interim Finance Director, suggesting a motion be made to "use the ARPA funds to create a surplus by covering the payroll and benefit expenses incurred in the first 3 quarters of FY23 (July 1, 2022- March 31-23), using the Police Department, Fire Department spending first, then the other departments at the discretion of the Town manager until we arrive at the total ARPA receipt of \$1,025,898.10."

Vincent moved, seconded by Layton, to approve receipt of the correspondence. **Approved unanimously.**

6. AP Warrant(s). It was decided to split the motion as proposed in the packet into two distinct statements. Layton moved, seconded by Arnold, to approve AP Warrant #999 in the amount of \$112,459.99. **Passed unanimously.** Layton then moved, seconded by Arnold, to approve Warrant #1000 in the amount of \$62,424.84. **Passed unanimously.**

Public Comments. Lubell and Alexander made statements that the Board should use a more deliberative process in regard to spending outlays vis-à-vis ARPA. The Board agreed to delay action on any such motion. Calloway said that it will be a priority discussion item at the next meeting, including how best to accommodate public participation.

Trajman, representing the School Board, said the Board's future meeting agendas should include a brief (approximately five minutes) report from the School Board, preferably early in the meeting. She stated that that could be made by Smith, as she is presently the official liaison from the Selectboard to the School Board.

Sofronas advocated for the potential fifth Police Department position, mentioning the ARPA funding, the ongoing shortage of crossing guards, and needs for training time and time off. He made a formal request that the Board work together to unanimously approve the hiring of a fifth officer, commenting that there is sufficient money in the budget, particularly considering that the Police force was understaffed for a period of time.

7. Police Department requests. In the context of various Police Department requests for equipment outlays, Police Chief Cochran and Sergeant Rogers spoke in support of their memo on the subject.

Arnold moved, seconded by Layton, to approve the public sale of the 2013 out-of-service unmarked police cruiser according to the proposal made by Police Chief Wade Cochran. **Passed unanimously.**

Arnold moved, seconded by Vincent, to approve the expenditure of up to \$33,000 from the FY 2023 operating budget for the purchase of five portable radios, according to the proposal made by Police Chief Wade Cochran. **Passed (4- yes; Smith – abstain).**

Arnold moved, seconded by Layton, to approve the expenditure of up to \$29,000 from the FY 2023 operating budget for the purchase of four mobile radios according to the proposal made by Police Chief Cochran. **Passed (4- yes; Smith – abstain).**

Arnold moved, seconded by Layton, to approve the expenditure of up to \$21,000 from the Police Cruiser Reserve Fund for the cost of outfitting the 2023 Ford Hybrid police vehicle. **Passed unanimously.**

Vincent inquired whether the Chief's proposed outlay from the Police Special Equipment Fund would include such things as shields and Rogers responded that they are currently looking into grant opportunities for personal protective equipment to include "heavy plated armor" at a cost of approximately \$3,000 per officer.

Layton moved, seconded by Vincent, to approve the expenditure of up to \$13,000 from the Police Special Equipment Fund for the cost of purchasing and setting up long guns. Calloway, Vincent, Layton Yes; Smith Abstain; Arnold No. **Motion passed.**

8. Committee appointments continued. Vincent suggested putting Cheryl Asa's application for appointment to the Conservation Commission on the next meeting's agenda rather addressing it at this meeting since Asa had been present but was not currently present. Arnold spoke on her behalf, however, as did Sofronas. Arnold moved, seconded by Smith, to appoint Cheryl Asa to the Conservation Commission for a term expiring on March 31, 2027. **Motion passed unanimously.**

Layton said the Board should address the first of several potential motions to be considered by the Board regarding the Planning Commission as detailed in a document for the Selectboard's consideration at this meeting, which would increase the number of its members from 7 to 9. Since this was not on the agenda, however, and based on the Board's past consideration and decisions not to increase the commission size, the Board determined to move forward and appoint the 7th position.

Gere stood to bolster his application for membership on the Planning Commission, mentioning that in addition to his record of civic service, including a stint on the Selectboard, he's lived in Town since 1978. Susan Barrett and Robert Pape, also appearing in person, similarly touted their qualifications and strong desire to serve on the Planning Commission. Jaan Laaspere, appearing via Zoom, made a similar case, emphasizing that in addition to his past work as a developer and builder in Norwich, he served for several years as the Town's representative to the GUVSWMD, and was the project manager early in the development of the Star Lake affordable housing community. Goodrich endorsed his application and recommended against increasing the membership beyond seven, as did Richards. Speaking as Chair of the Planning Commission, Allen spoke in favor of greater diversity in terms of both gender and length of time resident in Norwich.

Arnold moved to appoint Susan Barrett to the Planning Commission. The motion was not seconded and thus failed. Smith moved, seconded by Vincent, to appoint Jaan Laaspere to the Planning Commission for a term expiring on April 30, 2027. Calloway, Vincent, Smith, Layton Yes; Arnold No. **Motion passed.**

There being only one vacancy remaining on the Planning Commission, other potential motions in this regard were tabled as moot at least for the immediately foreseeable future.

Smith moved, seconded by Vincent, to appoint Sohier Perry to the Recreation Council for a term expiring on March 31, 2026. **Motion passed unanimously.**

Layton moved, seconded by Vincent, to appoint Pamela Smith as Trustee of Public Funds for a term expiring on March 5, 2024. Four, Yes; Smith, Abstain. **Motion passed.**

At this point in the meeting, due to the lateness of the hour, the Board agreed to revise the meeting agenda as follows:

- Item 11 becomes Item 9
- Item 13 becomes Item 10
- Item 9 becomes Item 11
- Item 10 becomes Item 12
- Item 12 becomes Item 13
- Items 14, 15 and 16 remain the same

9. Alcohol Waiver Request for Tracy Hall. Calloway requested and the Board agreed to move what had been item #11 to become #9. DeLugach and Melamut then appeared in support of their request seeking a waiver of the Alcohol Ordinance to accommodate the planned Bar Mitzvah celebration for their son in Tracy Hall on June 24. Their congregation is centered in Hanover, but they emphasized that many members reside in Norwich, as do they. DeLugach said that the tradition of this ceremony requires the consumption of a glass of wine. Calloway said she thought the Board nonetheless needed to follow the policy as established, and review the policy in future if it needs to be amended.

Layton moved, seconded by Smith, to grant a waiver of the provisions of the Norwich alcohol ordinance to permit the Upper Valley Jewish Community to hold a celebration in Tracy Hall. Three Yes; Calloway & Vincent, No. **Motion passed.**

10. Recreation Department job descriptions. At a previous meeting, the Board had asked to see the job descriptions for the Recreation Department. Brie Swenson answered questions from the Board regarding the two jobs. The Board took no action on this matter.

11. Personnel Matters and Hires. Executive Session may be required pursuant to 1 V.S.A. § 313(a)(1)(A) to consider a contract(s) after “finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage,” and 1 V.S.A. § 313(a)(3) to consider the appointment or employment of an employee, “provided that the public body shall make a final decision to hire or appoint ... in an open meeting and shall explain the reasons for its final decision during the open meeting;” and to invite the Interim Town Manager.

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 Smith, to enter Executive Session pursuant to 1 V.S.A. § 313(a)(1)(A) to consider the contract of the Interim Town Manager and to invite the Interim Town Manager. **Passed unanimously.**

The board entered executive session at 10:23 p.m.

Layton moved, seconded by Arnold, to enter public session. **Motion approved unanimously.** The board entered public session at 10:47 pm.

12. Litigation Discussions. Executive session may be required pursuant to 1 VSA §313(a)(1)(E) to consider pending civil litigation to which the public body is a party, and to invite the Interim Town Manager and possibly town counsel. Layton moved, seconded by Arnold, 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)(E). **Passed unanimously.**

Layton moved, seconded by Vincent, to enter Executive Session pursuant to 1 V.S.A. § 313(a)(1)(E) to consider pending civil litigation and to invite the Interim Town Manager and possibly town counsel. **Passed unanimously.**

The board entered executive session at 10:50 pm.

Layton moved, seconded by Smith, to enter public session. **Motion approved unanimously.** The board entered public session at 11:33 pm.

13. Trail Inspection/Insurance. Duffy provided information related to the Town of Norwich's obligations as verified with VLCT.

14. Kids Bridge update from Interim Town Manager. Duffy provided a brief synopsis regarding the status of the project. No action was taken by the Selectboard.

15. Financial Policies & Procedures Task 2. After brief discussion, no action was taken by the Selectboard.

16. Outside Human Resources Assistance & Scope. After brief discussion, no action was taken by the Selectboard.

Motion to adjourn was made by Layton, second by Smith. **Motion approved unanimously.** Board **adjourned at 11:45 p.m.**

Respectfully submitted,
Ralph C. Hybels, Minutes Taker