

## **Minutes of the Norwich Selectboard Meeting of Wednesday, December 13, 2023**

This regular meeting was held in Tracy Hall with Zoom access and with all Selectboard members, Town Manager, and public viewing remotely.

All members of the public body present<sup>1</sup>: Marcia Calloway, Chair; Mary Layton, Vice Chair; Roger Arnold; Pamela Smith; and Priscilla Vincent.

All other active participants in the meeting<sup>2</sup>: Brennan T.M. Duffy, Town Manager; Joyce Hasbrouck, Interim Finance Director; Israel Maynard, Stantec Consulting Services, Inc.; Shawn Kelley, Sanborn, Head & Associates, Inc.; Chris Kaufman, DPW Director; Jane Weng; Yanmei Lin; Lily Trajman, Town Clerk; Lister Cheryl Lindberg; Chief Alex Northern, Fire Department; Wayne Kniffin; Matt Swett, Fire Department; Jeff Lubell, Affordable Housing Subcommittee.

**Welcome.** Meeting was called to order by Calloway at 6:31 p.m., Arnold joining at approximately 6:33 p.m. Calloway reminded everyone that full names are required for admission to the Zoom platform to eliminate “Zoom bomb” interruptions and delays in the meetings; and, people trying to get admitted to meetings may contact Selectboard members to be identified for admission.

**1. Agenda.** Motion to approve the agenda by Layton; seconded by Vincent. Layton, Arnold, Smith, Vincent, Calloway: Yes. **Motion Passed.**

*The following minutes reflect*

*“all motions, proposals, and resolutions made, offered, and considered, and what disposition is made of same.”<sup>3</sup>*

*“the results of any votes, with a record of the individual vote of each member if a roll*

**Budget Presentation.** Interim Finance Director Hasbrouck began the FY25 Budget presentation, referring to slides in the packet, found here: <http://norwich.vt.us/wp-content/uploads/2023/12/00-12-13-2023-Selectboard-Packet-Indexed.pdf> Hasbrouck slides reviewed surplus versus general funds and provided a summary of all the budget input from department heads and selectboard directives, see pages 6-16 of the packet. In response to earlier queries, Hasbrouck confirmed that the Childcare Tax Liability would be negligible and is not yet precisely known, so the budget was not adjusted for that cost, see page 14 of the packet; the Listers’ pay structure was also not changed as the Selectboard has not yet had advice of counsel, see page 15; and, Fund 50 Unanticipated Expenses/Emergency Reserve is 12.25 percent of the Operating Budget based on the total FY25 Budget Assumption, so no article would be needed in FY25 to maintain the voter’s approved purpose of that Fund. Hasbrouck calculated the Tax Rate based on the assumption of using \$700,000 of surplus infusion to reduce the current year rate. See projected rates on page 17 of the packet. Duffy offered that the budget work had been reviewed by the Selectboard and was ready for ratification. Discussion followed with Smith questioning the Selectboard’s authority to infuse \$700,000 into the budget without voter approval. Arnold, Layton and Calloway explained that the voters would vote on that when they voted the budget.

- Smith moved to seek legal advice to determine if this Selectboard has the authority to use \$700,000 of surplus funds without voter approval to reduce the tax liability; second by Vincent. Lindberg referenced reserve funds in support of voter approval to use accumulated surplus. Smith: yes; Layton, Arnold, Vincent, Calloway: No. **Motion Failed.**
- Layton moved to ratify the recommendation to the voters a FY25 budget in the amount of \$6,863,401 representing Total Town Expenditures of \$6,221,233 and \$642,168 if All Articles Pass and being balanced by use of \$700,000 from surplus funds from prior years; second Vincent. Layton, Arnold, Vincent, Calloway: Yes; Smith: No. **Motion Passed.**

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<sup>1</sup> 1 V.S.A. § 312(b)(1)(A)

<sup>2</sup> 1 V.S.A. § 312(b)(1)(B)

<sup>3</sup> 1 V.S.A. § 312(b)(1)(C)

Calloway asked the Selectboard to consider how they want to plan for the January 2024 public sessions regarding use of surplus monies. Regarding general preparation for warrant articles, Arnold asked the Town Manager to prepare for purpose statements with advice of counsel. Duffy confirmed that the work is already underway with Hasbrouck and Finance Director Barrie Rosalinda working on language; discussion will be had in January. Board members expressed the following interests for use of surplus monies: Arnold would like more information on generators and the Tracy Hall study, and he proposed an idea used in another town to solicit citizen ideas through an application process to suggest projects to be funded. Layton is interested in DPW garage and equipment shed funding; Vincent believes Tracy Hall should be a priority and is interested in equipment shed and solar panel ideas; Smith mentioned solar panels in connection with Tracy Hall heating; Calloway is concerned about preserving our equipment with sheds. Duffy offered that the Tracy Hall Study continues to move forward with people coming to talk with staff next week; the consultants could be asked to come to an evening meeting in January in conjunction with one of the special public meetings; \$500,000 for Tracy Hall had been on Hasbrouck's list for use of surplus; and, the Energy Audit could be ready for those discussions as it was supposed to happen in December. Calloway echoed an earlier board comment that the Tracy Hall project might have to be budgeted in more than one year. Discussion of the dates for meetings in January was suspended to reach additional presenters.

**Item # 2 Stantec report on Hemlock Road.** Israel Maynard of Stantec Consulting Services, Inc. introduced a PowerPoint presentation and reviewed the timeline and tasks associated with Hemlock Road to date. Shawn Kelley of Sanborn, Head & Associates, Inc. narrated the presentation explaining their subsurface exploration and stability evaluation of the soils on Hemlock Road in the area of the crack; he discussed the safety factors of soils which they determined based on that work. Based on their findings, pages 56-63 of the packet, Sanborn Head could offer three options for action: Option 1 Soil Nail for an approximate cost of \$650,000, see also page 53 of the packet; Option 2 Stone Stabilization for an approximate cost of \$850,000, see also page 54 of the packet; Option 3 No Build with Monitoring for an approximate cost of \$20,000, see also page 55 of the packet. Kelley noted that the slope did not fail, the roadway appears to have stopped moving, and thus Option 3 could be employed for a period of a year with tapered personal monitoring by Sanborn, Head, with the ability to shift to Option 1 to fix the problem if conditions change. Kelley noted that Option 2 would have a large impact on the environment and be difficult to accomplish. Board members asked questions including FEMA implications and about what caused the damage; those questions could not be answered. Duffy noted that FEMA has a one-year window for reimbursement. Chris Kaufman explained the complexity of FEMA decision making and that there is no guarantee about what FEMA will decide but offered that extensions can be requested for up to a year, and we might recoup monitoring costs. Arnold asked if another storm event would trigger the need to start over. Maynard explained that the stability analysis was not based on the storm event, and that monitoring may provide valuable data. Kelly confirmed we would be in a better position as the monitoring data would assist with future decision making.

Hemlock Road residents Jane Weng and Yanmei Lin spoke in favor of Option 1 and against Option 3. Weng expressed concerns about closing the road initially and in future, and about receiving information about monitoring. Both residents were concerned about access and property safety. Kelley explained the need for caution and initial closure: Vermont's code of conduct for professional engineers requires a focus on the welfare of people's lives first and foremost; engineers are unable to know about soil properties without proper investigation. Lin asked what data would trigger more action. Kelley said 1 inch or more of horizontal movement would trigger a recommendation for Option 1; road closure would be triggered if the crack moved to the center line of the road. Kelley reiterated that Option 3 is recommended because they now have the data; Option 1 would fix the problem if it becomes necessary to change course. Kelly confirmed that a line of communication will be developed for the monitoring.

- Layton moved to accept Stantec Option Number 3 titled No Build with Monitor in the amount of \$20,000 for a period of a year with possible contract extension; second Smith. **Motion Passed.**

**Item # 3. TRORC Contract extension for services of Kyle Katz.** Duffy explained that the current contract will soon expire and the extension will provide for continuing coverage in the Planning Office and potential overlap when the Planning Director position is filled. The deadline for the applications for that position is at the end of this week.

- Layton moved to authorize the Town Manager to execute a contract extension with TRORC for the services of Kyle Katz up to 8 hours per week up a maximum of \$40,800 through the period ending March 31, 2024; second Smith. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

**Item # 4 King Arthur Flour Liquor License.** Lily Trajman confirmed that the existing liquor license is still in effect but needed to be amended to accommodate new classroom spaces, and that King Arthur was asking for a waiver of the licensing fee.

- Layton moved to recess the meeting of the selectboard for the purpose of executing the duties of the local control commissioners under authority of 7 V.S.A. § 167 et seq.; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

Selectboard recessed at 9:06 p.m. to convene as the local control commissioners.

- Layton moved to approve the liquor license application for King Arthur Flour’s expansion to add classrooms to their existing license, and to waive the \$115 fee; second Smith. Layton, Vincent, Smith, Calloway: Yes; Arnold: No. **Motion Passed.**
- Layton moved to close the Norwich Liquor Commission session and reconvene the Selectboard meeting; second Smith. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

Selectboard reconvened at 9:13 p.m.

**Item # 5 Fire Department Apparatus Funding request for Fire Engine #1 refurbishment.** Chief Alex Northern spoke to the Department’s Request for Spending, see page 69 of the packet.

- Layton moved to approve the Fire Department Apparatus Funding request for Fire Engine #1 refurbishment in the not to exceed \$50,000 from Fire Apparatus Fund #6; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

**Public Comments.** Wayne Kniffin asked if the budget covered four police officers; Duffy confirmed that the budget contemplates one chief and three sworn officers. Kniffin asked about the intention to hire a fifth police officer; Duffy clarified that the question related to the Advisory Article; Calloway reiterated that Selectboards make budgetary decisions, that police department decisions and requests are made by the Chief and Town Manager, and the union contract which is still under negotiation will govern salaries. Cheryl Lindberg asked about the Listers’ salary structure; she was not present during the portion of the budget presentation when that was discussed. Lindberg also advised the Selectboard that she had learned today of approximately seven cases of current use withdrawals which will necessitate a change of the grand list before December 31, 2023; she requested a special Selectboard meeting for that purpose. Matt Swett brought attention to the line item for Fire Apparatus funding in the budget, \$120,000, and reiterated the identification of future deficit in that fund due to it not being funded sufficiently in past years. He reminded the Selectboard that \$300,000 in additional monies from surplus would be needed to get back on track to save for the future. Vincent asked about Fire District billing for fire hydrants; Duffy confirmed that he just had notice of that bill for \$90,000; Arnold noted that was \$30,000 higher than last year.

**Item #8 Correspondence.** Due to the lateness of the hour with one person present to discuss correspondence, Calloway suggested the Selectboard re-order the agenda to receive correspondence and the members agreed. Jeff Lubell spoke to the planning grant proposed by the Affordable Housing Committee and forwarded with approval from the Planning Commission to the Selectboard; deadline for submission April 9, 2024. See pages 112 to 131 of the packet. Lubell asked for Selectboard suggestions as to the grant and their plan to submit the grant to receive monies for exploring the viability of a development on a portion of lands owned by the Town of Norwich and partially used for the Transfer Station/DPW. Smith asked about the matching funds, the proposed ownership of the land, the type of development anticipated, and the \$45,000 Fund for affordable housing projects and whether this would be replenished or not; Lubell suggested a community land trust model but no opinion yet about the type of buildings/development until the study is completed. The Selectboard members had differing recollections about the use of the \$45,000 Fund, and more information about that will be required. Layton thought the grant needed some editing. All Selectboard

members expressed agreement with the need for affordable housing. Calloway was concerned about the grant's instructions to provide evidence of ownership of subject land, which is probably best done through town vote as the people of Norwich own the land; that the drafted answers appeared potentially misleading where they did not explain that there was as yet no "Town" permission to sell or donate the land; and, that such missing material facts could trigger more serious problems for those making such representations. Calloway suggested that the grant answers indicated there was no time pressure and that the AHS had time to have public meetings and prepare a warrant article for a vote; Duffy confirmed that evidence ownership was generally required for such grants. Lubell explained their concern that the AHS would be unable to answer specific detail questions until the grant-funded investigations were completed, and that a Town vote might not be successful. Lubell will enquire how much detail the grant requires about ownership; the grant application will be amended and the language and issue reviewed by town counsel; and the Selectboard will revisit this issue as an agenda item in early January 2024.

#### Other correspondence included

- ❖ Notice from King Arthur Flour requesting our ongoing assistance in protecting their public water supply to help reduce the possibility of contamination by keeping them informed of related land use decisions or permitting issues and involving them in the planning and decision process where appropriate. Calloway asked Duffy to ensure that this is forwarded to the Planning Commission, the Planning Office, and the DRB.
  - ❖ Email from Courtney Dobyons in support of using surplus budget funds for Tracy Hall improvements.
  - ❖ Email from Cheryl Lindberg re Mascoma Bank's rate for investing \$2,000,000 of Norwich's funds. The Selectboard has previously acted upon this.
  - ❖ Email from Elissa Close in support for using surplus funds for Tracy Hall renovations and referencing ARPA funds. Calloway reminded everyone that a decision was made to use the ARPA funds to pay salaries thus previously budgeted monies were not used and a surplus was created. Use of surplus monies will be discussed in public meetings in January 2024.
  - ❖ Email from Susan White re repetitive damage to her fence from snow plowing. Vincent reported and Duffy confirmed that this has been addressed.
  - ❖ Separate emails from Charlotte Metcalf and Michelle LaBounty in support of our police. LaBounty supports using surplus monies for the police department, and Tracy Hall or Marion Cross septic issues. Calloway noted that last week the Selectboard approved the lease of two police cruisers and approximately \$850,000 for police funding in the FY25 budget; we are in the midst of union negotiations to get a contract which will determine salaries; Marion Cross septic is not a Selectboard budget issue, it is a school district budget issue.
  - ❖ Email from Chief Northern inviting everyone to a "push-in" ceremony for the new fire engine on Saturday, December 9, 2023.
  - ❖ Official notification from the PUC that the Hennessey certificate of public good was issued. Calloway noted that the Selectboard had previously voted to register party status for all projects in town to be assured of receiving notice if changes were being proposed to projects already reviewed by the Selectboard. See page 104 of the packet: Norwich filed for intervention on 10/5/2023 but did not file any associated comments or request any hearings.
- Layton moved to accept the Correspondence as submitted; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

#### **Item #6 Approval of Minutes.** Three sets of minutes were submitted for approval.

- Layton moved to approve the minutes of 11/21/2023; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**
- Layton moved to approve the minutes of 11/29/2023; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**
- Layton moved to approve the minutes of 12/6/2023; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

**Item #7 AP Warrant(s).** Four AP Warrants were submitted for approval.

- Layton moved to approve AP Warrant # 1080 in the amount of \$ 121,049.87 from the General Fund; second Smith. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**
- Layton moved to approve AP Warrant # 1081 in the amount of \$ 1,996.45 from the Police Special Equipment Fund, #21; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**
- Layton moved to approve AP Warrant # 1082 in the amount of \$ 4,225.00 from the Fire Equipment Fund, #26; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**
- Layton moved to approve AP Warrant # 1083 in the amount of \$ 19,000.00 from the Recreation Facility & Improvement Fund, #5; second Vincent. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

**Future Meetings.** The Selectboard discussed and confirmed the following future meetings noting that the deadline for warrant articles will be late January:

- Wednesday, December 20, 2023 – 6:30 p.m. Special meeting by Zoom only and for the limited purpose of addressing grand list amendments brought to the attention of the Selectboard at this meeting by Listers. There will no further meetings in 2023.
- Wednesday, January 10, 2024 – 6:30 p.m. Regular meeting of the Selectboard.
- Wednesday, January 17, 2024 – 6:30 p.m. Special meeting for the Public for the purpose of discussing suggestions for use of surplus funds not previously budgeted.
- **Saturday**, January 20, 2024 – **2:00 p.m.** Special meeting for the Public for the purpose of discussing suggestions for use of surplus funds not previously budgeted.
- Wednesday, January 24, 2024 – 6:30 p.m. Regular meeting of the Selectboard.

**Adjournment.** There being no further business to come before the Selectboard, Calloway invited a motion to adjourn.

- Layton moved to adjourn; second Smith. Layton, Arnold, Vincent, Smith, Calloway: Yes. **Motion Passed.**

Meeting adjourned at 10:33 p.m.

Respectfully submitted,

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Marcia S. Calloway, Chair  
Norwich Selectboard

Approved by the Selectboard on: January 10, 2024

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Marcia S. Calloway, Chair