

## **Agenda for the Selectboard Meeting Wednesday, April 11, 2018 at 6:30 PM**

- 1) Approval of Agenda (Action Item)
- 2) Approval of Minutes: 3/28/2018 Selectboard meeting (Action Item)
- 3) Correspondence (Discussion/Action Item)
  - a) John Farrell
  - b) Charlotte Metcalf / Linda Gray
- 4) Public Comments (Discussion Item)
- 5) Sign Accounts Payable/Warrants (Discussion/Action Item)
- 6) Finance Committee (Discussion/Action Item)
  - a) Dissolution of Current Finance Committee
  - b) Audit Committee
  - c) New Finance Committee Charge
- 7) Energy Committee (Discussion/Action Item)
  - a) Update from Committee
  - b) Preferred Site Issue
  - c) Review of Committee Charge
- 8) Town Plan Update (Discussion/Action Item)
- 9) Committee Communication & Accountability (Discussion/Action Item)
- 10) Open Meeting Law Discussion/Summary (Discussion Item)
- 11) Conflict of Interest (Discussion/Action Item)
- 12) Selectboard Goals Follow-up (Discussion/Action Item)
- 13) Town Manager Report (Discussion Item)
- 14) Review of Next Agendas (Discussion/Action Item)
- 15) Union Contract – executive session may be needed (Discussion/Action Item)
- 16) End of Meeting Debrief – if needed (Discussion Item)

**Next Meeting – April 28, 2018 at 6:30 PM**

***To receive email notices of Selectboard meetings and hearings, agendas, minutes and other notices, send an email to [manager-assistant@norwich.vt.us](mailto:manager-assistant@norwich.vt.us) requesting to be placed on the Town Email List.***

**Miranda Bergmeier**

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**From:** John Pepper <johnpepper91@gmail.com>  
**Sent:** Sunday, April 01, 2018 9:05 AM  
**To:** Miranda Bergmeier  
**Subject:** Fwd: Selectboard Draft Minutes for 3-28-2018

Miranda,

Here is what she said, after Thad Goodwin spoke on becoming Tree Warden (it was not during public comment)

Marcia Calloway:

Reminded SB that we appoint the commission members that take these seats. We have an obligation to know what they are doing.

Please consider term limits to avoid “group think”. Diversity of opinion is critical. Need to be more aware of even a whiff of potential conflict of interest.

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John Pepper  
95 Elm Street  
649-7071

Latest Blog Post: First Election Reflections - July 2017

Begin forwarded message:

**From:** Miranda Bergmeier <MBergmeier@norwich.vt.us>  
**Subject:** **Selectboard Draft Minutes for 3-28-2018**  
**Date:** March 30, 2018 at 3:16:19 PM EDT  
**To:** "norwich@lists.vitalcommunities.org" <norwich@lists.vitalcommunities.org>

The Selectboard draft minutes for March 28, 2018 have been posted on the Norwich website at <http://norwich.vt.us/wp-content/uploads/2018/03/draft-minutes-032818.pdf>

Miranda Bergmeier  
Assistant to the Town Manager  
Town of Norwich  
P.O. Box 376  
Norwich, VT 05055  
802-649-1419 x101

Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

**Miranda Bergmeier**

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**From:** claudette brochu <cbrochu30@gmail.com>  
**Sent:** Wednesday, April 04, 2018 8:27 PM  
**To:** Miranda Bergmeier  
**Subject:** Re: Selectboard Draft Minutes for 3-28-2018

Miranda,  
These are my proposed changes to the 3/28/18 minutes:

Agenda item #6: Rob Gere appointment. BEFORE: "Langhus motion to appoint and Layton 2nd", add "Because Mr. Gere's application was not included in the packet, the board agreed to interview Mr. Gere but would hold off on formal vote until the April 11th meeting."

Item #15: Review of meeting: For "what went well" Brochu stated we got through a long agenda, kept on track. Cook agreed time spent on each item was better this meeting. For "What we could do better" Brochu stated board got bogged down with setting of next agenda, Cook had issues with board members interrupting others when they were speaking and the use of certain adjectives. Layton stated the board hits a wall by 9:30pm.

C

On Fri, Mar 30, 2018 at 3:16 PM, Miranda Bergmeier <[MBergmeier@norwich.vt.us](mailto:MBergmeier@norwich.vt.us)> wrote:

The Selectboard draft minutes for March 28, 2018 have been posted on the Norwich website at <http://norwich.vt.us/wp-content/uploads/2018/03/draft-minutes-032818.pdf>

Miranda Bergmeier  
Assistant to the Town Manager  
Town of Norwich  
P.O. Box 376  
Norwich, VT 05055  
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Please note that any response or reply to this electronic message may be subject to disclosure as a public record under the Vermont Public Records Act.

DRAFT Minutes of the Selectboard Meeting of  
Wednesday, March 28, 2018 at 6:30 pm

Members present: John Pepper, Chair; Claudette Brochu; Linda Cook; Mary Layton; John Langhus; Phil Dechert, Acting Town Manager; Miranda Bergmeier, Assistant to the Town Manager.

There were about 30 people in the audience.

Also participating: John Farrell, Stuart Richards, Cheryl Lindberg, Linda Gray, Jack Cushman, Ernie Ciccotelli, Thad Goodwin, Charlotte Metcalf, Jill Kearney Niles, Christy Pearce, Sarah Martin, Omer Trajman, Norm Levy, Aaron Lamperti, Linda Gray, Robert Gere, Nancy Osgood, Kris Clement, Dennis Kaufman, and Marcia Calloway.

John Pepper opened the meeting at 6:30 pm.

1. Liquor Licenses (Discussion/Action Item). Layton **moved** (2<sup>nd</sup> Langhus) to convene as the Norwich Liquor Commission. **Motion passed unanimously.** Pepper **moved** (2<sup>nd</sup> Layton) to approve liquor license applications for Fraser General Store (d/b/a Dan & Whit's) – 1 license, Green Visions (d/b/a Norwich Inn) – 3 licenses, and L'Elephant Vert (d/b/a Carpenter & Main) – 2 licenses. **Motion passed unanimously.** Pepper **moved** (2<sup>nd</sup> Layton) to close the Norwich Liquor Commission session and reconvene as the Selectboard meeting. **Motion passed unanimously.**

2. Approval of Agenda (Action Item). The Selectboard (SB) agreed to remove item #10 (Finance Committee Project Update) and address the topic during the next Selectboard meeting.

3. Approval of Minutes (Action Item). Langhus **moved** (2<sup>nd</sup> Layton) to approve the minutes of the March 7, 2018 and March 14, 2018 Selectboard meetings as amended by the comments in the Selectboard meeting packet. **Motion passed unanimously.**

4. Correspondence (Discussion/Action Item). Langhus **moved** (2<sup>nd</sup> Layton) to receive correspondence from John Farrell regarding Norwich Farm Creamery; Tony and Liz Gemignani regarding Norwich Farm Creamery; John Langhus and Charlotte Metcalf regarding the VT Climate Pledge Coalition resolution; Jennifer Shepherd regarding Norwich Farm Creamery; from Elissa Bradley regarding Norwich Farm Creamery; from Bruce and Stephanie Andrus regarding Norwich Farm Creamery; from Andrew Scherer regarding Norwich Farm Creamery; from John Saroyan regarding Norwich Farm Creamery; from Betty Barba regarding Norwich Farm Creamery; from Fiona Garrett regarding Norwich Farm Creamery; from Alexander Fuld and Shoshana Hort regarding Norwich Farm Creamery; from Bill Scavone and Miriam Horowitz regarding Norwich Farm Creamery; from Jeff Goodrich regarding the Planning Commission; and from Linda Gray regarding Norwich Fire District solar site. **Motion passed unanimously.**

5. Public Comments (Discussion Item). John Farrell quoted excerpts from various letters about the Norwich Farm and spoke about when the Swifts left the property and the sequence of events leading up to the current situation. Stuart Richards invited the public to a meeting about affordable housing on Wednesday, April 4<sup>th</sup>, from 7:00-9:00 pm in Tracy Hall. Richards urged the Selectboard to put the issue of reinstating the Affordable Housing Fund up for a town vote. Richards asked if the Selectboard has a timeline for the Town Plan revision and Cook replied that the Selectboard will be talking about that. Cheryl Lindberg asked the Selectboard members to talk about what they learned at their recent training. Brochu said that the Open Meeting Law (OML) information was very interesting, especially who is covered and what are the requirements. Layton said she learned a great deal about road maintenance, and found that Norwich is in very good shape with an excellent

road crew and department. Cook said she went to the HR learning session and found it informative. Pepper said that Norwich is in very good shape for its processes and departments. Linda Gray asked if/when the Selectboard will address the "preferred site" issue for a proposed solar energy site. Langhus said he will suggest the issue be on the Selectboard's 4/11/2018 agenda. Jack Cushman said he supports the Energy Committee and the efforts of solar entrepreneurs, and wants the Selectboard to move quickly on the solar power issue. Ernie Ciccotelli said he is enthusiastic about solar power, and spoke about the issue of the retirement of energy credits.

6. Applicants for Open Positions (Discussion/Action Item). Thad Goodwin said that he has been the town's Tree Warden for four years. Goodwin said he hears about tree issues from the public and then he talks to the town DPW about getting those issues resolved. Pepper **moved** (2<sup>nd</sup> Cook) to appoint Thad Goodwin to the position of Tree Warden for a one-year term ending in March 2019. **Motion passed unanimously.** Jill Kearney Niles, Recreation Director, thanked Chris Clapp and John Girard for their work on the Recreation Council, and said she is excited to support Christy Pearce and Sarah Martin as candidates for the Recreation Council. Christy Pearce said she greatly enjoys working with youth in sports. Pepper **moved** (2<sup>nd</sup> Langhus) to appoint Christy Pearce to the Recreation Council for a three-year term ending in March 2021. **Motion passed unanimously.** Sarah Martin said that she has kids who are athletes and she is very invested in working with youth. Langhus **moved** (2<sup>nd</sup> Layton) to appoint Sarah Martin to the Recreation Council for a three-year term ending in March 2021. **Motion passed unanimously.** Omer Trajman said that he has been learning about Town taxes and finances, and would like to help by serving on the Finance Committee. Langhus **moved** (2<sup>nd</sup> Layton) to appoint Omer Trajman to the Finance Committee for a two-year term ending in March 2020. **Motion passed unanimously.** Norm Levy said that he wants to continue working on extending solar energy to low and moderate income people. Layton **moved** (2<sup>nd</sup> Pepper) to appoint Norman Levy to the Energy Committee for a three-year term ending in March 2021. **Motion passed unanimously.** Aaron Lamperti said he lives in an off-the-grid hay bale house and wants to join the Energy Committee to continue working on energy issues. Langhus **moved** (2<sup>nd</sup> Cook) to appoint Aaron Lamperti to the Energy Committee for a three-year term ending in March 2021. **Motion passed unanimously.** Linda Gray said she wants to continue campaigns to solarize and weatherize, and start working on transportation issues. Langhus said that Gray has led the Energy Committee ably and Norwich is a leader in renewables. Cook said the Energy Committee has been very active and asked Gray if she has any conflicts of interest; Gray said that no, she doesn't. Layton **moved** (2<sup>nd</sup> Langhus) to appoint Linda Gray to the Energy Committee for a three-year term ending in March 2021. **Motion passed unanimously.** Robert Gere said that he wants to serve on the Energy Committee because he wants to work harder on energy issues. Gere has been impressed by the committee members' attention to the financial costs of energy infrastructure. Langhus **moved** (2<sup>nd</sup> Layton) to appoint Robert Gere to the Energy Committee for a three-year term ending in March 2021. Nancy Osgood asked about being reappointed to the Historical Preservation Commission, and said that she would like to continue to serve. Osgood said she does research in the land records to support the Commission's work. Selectboard members agreed to vote on her reappointment during an April Selectboard meeting, closer to the time Osgood's current appointment term is ending.

7. Sign Accounts Payable/Warrants (Discussion/Action Item). Layton **moved** (2<sup>nd</sup> Langhus) to approve check warrant #18-21 for General Admin Fund in the amount of \$699.00; for Highway Garage Fund in the amount of \$206.00; for Public Safety Facility Fund in the amount of \$52,381.75; and for General Fund in the amount of \$1,135,871.75. **Motion passed unanimously.**

7a. Request for Expenditure from Tracy Hall Designated Fund. Layton **moved** (2<sup>nd</sup> Pepper) to authorize the expenditure of up to \$7,947.12 from the Tracy Hall Designated Fund for a new fire alarm system and emergency lighting at Tracy Hall. **Motion passed unanimously.**

8. Board of Listers RFP for Appraisal Services (Discussion Item). Cheryl Lindberg said the Board of Listers (BOL) has been working on an RFP for assessor services; the draft was included in the Selectboard meeting packet. BOL has not set a timeline for the RFP yet, and is seeking Selectboard feedback on their draft. Langhus offered some comments on the indemnity provision in the RFP, and suggested striking some of the draft language. Cook asked if the RFP covers the things the BOL want out of the contract relationship. Lindberg and Kris Clement said that yes, it will. Langhus said he thought the RFP was well-drafted. Selectboard members and BOL members agreed that the BOL will take the Selectboard edits and comments into account to edit the RFP and put it out for bids.

9. Selectboard Goals (Discussion/Action Item). Selectboard members discussed the merits of Brochu's proposal for a method of identifying goals. They agreed to try it, and set a special meeting for that purpose on Thursday, April 5, 2018 4:00-6:00 pm in the Tracy Hall multipurpose room.

10. (Moved to future meeting)

11. Town Manager Report w/Financial Report (Discussion Item). Phil Dechert, Acting Town Manager, said that Herb Durfee, Town Manager, was continuing to recover and will return to the office next Monday, April 2, 2018. Selectboard members discussed how to proceed with getting written financial reports, and agreed to discuss this further with Durfee when he returns. Dechert said the new Administrative Clerk started on March 29, 2018 and that is going well. The Fire Chief hiring review panel has convened and identified two candidates for interview next weekend. The process is going well so far. The town budget spending is overall in good shape relative to budgeted amounts. The road work spending is far higher, due to the July 2017 storm, and there are some building project cost overruns due to unforeseen issues. Brochu asked about issuing an announcement about the police station's new location. Chief Robinson said that he will post on the listserv.

12. Treasurer Quarterly Report (Discussion Item). This matter was not discussed, as the Treasurer was not in attendance at this time.

13. Selectboard Calendar of Meetings (Discussion/Action Item). Selectboard members agreed to remove the July 25, 2018 meeting from the calendar. Langhus **moved** (2<sup>nd</sup> Brochu) to approve the Norwich Selectboard meeting calendar as amended by eliminating the 7/25/2018 meeting. **Motion passed unanimously.**

14. Review of Next Agendas (Discussion/Action Item). The Selectboard agreed to include in their April 11, 2018 agenda the following items:

- Finance Committee - Dissolution of Current Finance Committee
- Audit Committee
- New Finance Committee Charge
- Energy Committee - Preferred Site Issue
- Review of Committee Charge
- Update from Committee

Town Plan Update

Committee Communication & Accountability

Open Meeting Law Discussion/Summary

Conflict of Interest

Selectboard Goals

At 9:35 pm, Langhus **moved** (2<sup>nd</sup> Layton) to adjourn. **Motion passed unanimously.**

Meeting adjourned at 9:35 pm.

By Miranda Bergmeier

Approved by the Selectboard on \_\_\_\_\_.

\_\_\_\_\_  
John Pepper  
Selectboard Chair

Next Meetings – April 5, 2018 – Special Meeting for setting Selectboard goals at 4:00 PM  
April 11, 2018 - (regular) Meeting at 6:30 PM

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

## Draft Minutes from the April 5, 2018 Special Selectboard Meeting

2

Members present: John Pepper, Linda Cook, Mary Layton, John Langhus via phone, Miranda Bergmeier, Herb Durfee III, Town Manager.

No members of the public were present.

John Pepper opened the meeting at 4:04.

1. Liquor Licenses: Layton moved (2<sup>nd</sup> Brochu) that the Selectboard convene as the Norwich Liquor Commission. Motion passes unanimously. Brochu moved (2<sup>nd</sup> Layton) to approve the liquor license application for PLR Enterprises, Inc (d/b/a Norwich Wine and Spritis – 1 license, and the King Arthur Flour Company, Inc. -2 licenses. Motion passed unanimously. Cook moved (2<sup>nd</sup> Brochu) to close the Norwich Liquor Commission and reconvene as the Selectboard. Motion passed unanimously.
2. Agenda was accepted without change. Pepper noted that the meeting debrief will be happening with every meeting.
3. There were no public comments.
4. Selectboard Goals for 2018-2019. Brochu reviewed the process by identifying the various flip chart papers taped on the wall. Each paper identified the date for achievement of the goals. Items listed in red were statutory deadlines. Layton asked for clarification of the process as she worked on various steps under each timeline related to an over-arching goal related to financial issues. After much discussion, the members decided to go forward with listing the goals he/she wanted to see accomplished under each timeline (see table 1). The board then asked for clarification or what members had recommended. There was an attempt to cluster “like” goals to tighten up the lists, which was not successful. However, themes were easily identified such as communication, financial, and policies. Each member then identified the goal he/she believed to be the priority under each timeline (see table 2). The board recognized that each goal could be achieved before the designated date but should be accomplished by the date under which the goal was written (eg. Adoption of a new town plan was listed under the timeline of completion by March 31, 2019 but the hope was that the TP could be adopted at an earlier date). The board then identified who would be responsible for work to be done in achievement of the goal, including Herb’s input and participation in the goal. Table 3 is a final list of goals, timelines, and who (identified by initials) of “who” owns the process and was approved by consensus by the board.
5. Review of next agenda: Current work in progress for April 11, 2018.
6. Review of meeting: What went well-all agreed that sharing of ideas and the establishment of the 2018-19 goals went well. Herb identified that the board worked through a tense moment. What could be improved-better communication between members, better use of technology, watch tone of voice during meetings, desire to not bring up recurrent theme of electronic attendance. Pepper expressed a desire for the board and town to look at truly visionary goals such as burying wires in

town. Brief discussion on how this could be done but with no decisions just an urge for the board to think about visionary goals.

Cook **moved** (2<sup>nd</sup> Layton) to adjourn. **Motion passed unanimously.**  
Meeting adjourned at 6:10 pm.

By Claudette Brochu

Approved by the Selectboard on \_\_\_\_\_.

\_\_\_\_\_  
John Pepper  
Selectboard Chair

**Table 1 – all goals listed (# designates Statutory requirement)**

<b>Achieve by Apr 30,2018</b>	<b>Achieve by June 30,2018</b>	<b>Achieve by Sept 30,2018</b>	<b>Achieve by Dec 31, 2018</b>	<b>Achieve by Mar 31, 2019</b>
<p><b><u>#appointment of people to town positions</u></b>  <b><u># Approve liquor licenses</u></b></p> <p>Develop communication strategy with committees/com missions</p> <p>Review Reserve fund “rationale” – look at vehicle replacement schedules</p> <p>Review Internal Controls checklist – organizational chart</p> <p>Review year end Audit Report, Reserve Funds, Special Funds</p> <p>Union Contract</p> <p>Vehicle replacement</p> <p>Survey</p>	<p><b><u># dog licenses</u></b>  <b><u>#sign off on Grand List</u></b></p> <p>Reinstatement of Finance Comm &amp; related work</p> <p>Review financials- Reserve funds, special funds</p> <p>Capital budget</p> <p>Financial highlights- net worth</p> <p>Review/revise Financial/Purchasing policy</p> <p>Year-to-year budget comparison</p> <p>SB report on Vehicle replacement aspect of Reserve fund and review of Solid Waste reserve fund, Records reserve fund</p> <p>SB report Internal Controls-General, Financial records, Cash, accounts payable, accounts recievable, purchase and disbursement</p> <p>Union contract</p>	<p><b><u># set tax rate by July 11<sup>th</sup>, 2018</u></b></p> <p>Revise Personnel policy</p> <p>Re-invigorate communication b/t town-SB-citizens-committees</p> <p>Resolve Church Street sidewalk issue</p> <p>Review policies</p> <p>Reserve fund update-compare with other communities</p> <p>Auditor questions- Internal controls/review PR/GL/TR</p> <p>Working effectively under Open Mtg Law including use of technology</p>	<p><b><u>#sign off on Listers grand list</u></b></p> <p>Review/revise equipment replacement plan</p> <p>Complete Norwich SB Operations Manual</p> <p>Pass through TP to PC</p> <p>Suggest Reserve fund changes or justification</p> <p>Internal Controls-municipal property and Information Systems</p> <p>All goals done?</p>	<p><b><u>#pass budget by 3<sup>rd</sup> Thursday in Jan 2019</u></b>  <b><u>#pass Town Meeting Warrant by 3<sup>rd</sup> Thursday in Jan 2019</u></b>  <b><u>#Town Meeting March 5, 2019</u></b></p> <p>Adopt new Town Plan at Town Meeting</p> <p>Input for Town Report/Meeting- Internal Controls, Reserve funds</p> <p>Bury wires</p>

**Table 2 – after rank ordering (# designates Statutory requirement)**

**++ indicates voted items**

Achieve by Apr 30,2018	Achieve by June 30,2018	Achieve by Sept 30,2018	Achieve by Dec 31, 2018	Achieve by Mar 31, 2019
<p><u>#appointment of people to town positions</u>  <u># Approve liquor licenses</u></p> <p>++Develop communication strategy with committees/com missions</p> <p>Review Reserve fund “rationale” – look at vehicle replacement schedules</p> <p>++Review Internal Controls checklist – organizational chart</p> <p>++Review year end Audit Report, Reserve Funds, Special Funds</p> <p>Union Contract</p> <p>Vehicle replacement</p> <p>Survey</p>	<p><u># dog licenses</u>  <u>#sign off on Grand List</u></p> <p>++Reinstatement of Finance Comm &amp; related work</p> <p>Review financials- Reserve funds, special funds</p> <p>Capital budget</p> <p>Financial highlights- net worth</p> <p>Review/revise Financial/Purchasing policy</p> <p>Year-to-year budget comparison</p> <p>SB report on Vehicle replacement aspect of Reserve fund and review of Solid Waste reserve fund, Records reserve fund</p> <p>++SB report Internal Controls-General, Financial records, Cash, accounts payable, accounts recievable, purchase and disbursement</p> <p>++Union contract</p>	<p><u># set tax rate by July 11<sup>th</sup>, 2018</u></p> <p>Revise Personnel policy</p> <p>++Re-invigorate communication b/t town-SB-citizens-committees</p> <p>Resolve Church Street sidewalk issue</p> <p>++Review policies</p> <p>Reserve fund update- compare with other communities</p> <p>++Auditor questions- Internal controls/review PR/GL/TR</p> <p>Working effectively under Open Mtg Law including use of technology</p>	<p><u>#sign off on Listers grand list</u></p> <p>Review/revise equipment replacement plan</p> <p>++Complete Norwich SB Operations Manual</p> <p>Pass through TP to PC</p> <p>++Suggest Reserve fund changes or justification</p> <p>++Internal Controls-municipal property and Information Systems</p> <p>All goals done?</p>	<p><u>#pass budget by 3<sup>rd</sup> Thursday in Jan 2019</u>  <u>#pass Town Meeting Warrant by 3<sup>rd</sup> Thursday in Jan 2019</u>  <u>#Town Meeting March 5, 2019</u></p> <p>++Adopt new Town Plan at Town Meeting</p> <p>++Input for Town Report/Meeting- Internal Controls, Reserve funds</p> <p>Bury wires</p>

**Table 3-final (# designates Statutory requirement)**

<b>Achieve by Apr 30,2018</b>	<b>Achieve by June 30,2018</b>	<b>Achieve by Sept 30,2018</b>	<b>Achieve by Dec 31, 2018</b>	<b>Achieve by Mar 31, 2019</b>
<p><b><u>#appointment of people to town positions</u></b>  <b><u># Approve liquor licenses</u></b></p> <p>Develop communication strategy with committees/commissions (CB)</p> <p>Review Internal Controls checklist –organizational chart (<b><u>and report????</u></b>) (ML, LC, HD)</p> <p>Review (<b><u>and report????</u></b>) year end Audit Report, Reserve Funds, Special Funds (LC, HD)</p>	<p><b><u># dog licenses</u></b>  <b><u>#sign off on Grand List</u></b></p> <p>Reinstatement of Finance Comm &amp; related work (JL, HD)</p> <p>SB report Internal Controls-General, Financial records, Cash, accounts payable, accounts receivable, purchase and disbursement (ML, LC, HD)</p> <p>Union contract (HD)</p>	<p><b><u># set tax rate by July 11<sup>th</sup>, 2018</u></b></p> <p>Re-invigorate communication b/t town-SB-citizens-committees (JL, JP)</p> <p>Policy review- includes Personnel (LC, CB, HD)</p> <p>Auditor questions- Internal controls/review PR/GL/TR (ML, LC, HD)</p>	<p><b><u>#sign off on Listers grand list</u></b></p> <p>Complete Norwich SB Operations Manual (JP)</p> <p>Suggest Reserve fund changes or justification (ML, LC, HD)</p> <p>Internal Controls-municipal property and Information Systems (ML, LC, HD)</p>	<p><b><u>#pass budget by 3<sup>rd</sup> Thursday in Jan 2019</u></b>  <b><u>#pass Town Meeting Warrant by 3<sup>rd</sup> Thursday in Jan 2019</u></b>  <b><u>#Town Meeting March 5, 2019</u></b></p> <p>Adopt new Town Plan at Town Meeting (board and/or public)</p> <p>Input for Town Report/Meeting- Internal controls, Reserve funds (board)</p>

handout at  
3/28/2018  
meeting

3a

JOHN FARRELL – TURNPIKE ROAD

GOOD EVENING

All in this room have their opinions as well as causes they wish to support. However, there has been quite a bit of rhetoric around the issue of NFC not based upon facts but upon emotion. I think everyone should choose their words carefully so as not to exaggerate what they are trying to convey.

The following are all emails or letters sent to either UVLT or the SB some of which were read at the last SB meeting.

1. “the recently publicized plan by UVLT to CONDO-IZE  
The property associated with Norwich Farms. CONDO-IZE  
IS NOT A WORD!!
2. UVLT has been exploring options for NF including but not  
limited to a TERMINAL for WILLING HANDS.” I WILL NOT  
ELABORATE ON THE TRAFFIC IMPLICATIONS IT WOULD  
HAVE FOR TURNPIKE ROAD.” ONE TRUCK = traffic  
implications. Willing Hands has a food storage facility  
presently located at Jay Van Armand Meeting House Farm  
I doubt if Jay wondered about the “traffic implications” on  
his driveway.
3. This is from a letter sent to UVLT and read aloud at the last  
SB meeting:

“forcing Laura, Chris and GG Brown out of their home and leaving them DESTITUTE.....powerful word DESTITUTE. It means SUFFERING FROM SEVERE POVERTY

THERE WERE 3 STEPS OR TRIGGERS THAT VTC TOOK WHICH UNDERMINED THE NFC.

- FIRST, WITH THE APPROBATION OF NFC - VTC TERMINATED THE CONTRACT WITH JOSH AND BARBARA SWIFT THE HERD MANAGERS AT NORWICH FARMS. THIS FORCED THE SWIFTS TO SELL OFF THE APPROXIMATELY 80 HEAD OF DAIRY COWS – RESULT NO COWS
- SECOND, VTC TERMINATED THEIR DAIRY EDUCATION PROGRAM AT NORWICH FARMS. RESULT - NO COWS AND NO DAIRY EDUCATION.
- THIRD, VTC EXERCISED THEIR OPTION TO SELL NORWICH FARMS BUILDINGS AND LAND TO UVLT. RESULT = NO COWS - NO DAIRY EDUCATION – NO BUILDINGS OWNED BY VTC
- DURING THIS TIME VTC PUBLICLY STATED THAT NFC HAD THEIR FULL SUPPORT. UNFORTUNATELY THEY DID NOT FEEL IT WAS NECESSARY TO SEND A REPRESENTATIVE TO SHOW THEIR SUPPORT OR EXPLAIN THEIR INTENTIONS.

BACK TO THE TERMINATION OF THE CONTRACT WITH THE SWIFTS.

- JOSH AND BARBARA SWIFT STEPPED UP WHEN THE HERD MANAGER, A GRADUATE OF VTC, ABRUPTLY QUIT. THE SWIFTS BOUGHT ADDITIONAL COWS AND BUILT UP THE HERD TO APPROXIMATELY 80 HEAD OF COWS AND ACCORDING TO THEIR CONTRACT CONSISTENTLY MAINTAINED THE LAWN MOWING AND PLOWING AS WELL AS MILKING TWICE A DAY. WHEN THE CONTRACT WITH VTC WAS TERMINATED THE SWIFTS TOOK A HEAVY FINANCIAL LOSS DUE TO THE SELLING OF THEIR HERD. HOWEVER, TO BE FAIR, VTC COMPENSATED THEM WITH A CASH SETTLEMENT.
- SINCE THE SWIFTS LEFT THERE HAVE BEEN NO DAIRY COWS AT THE FARM.
- THE NEW HAMPSHIRE AGRICULTURE COMMISSIONER STEVE TAYLOR STATED "FINDING SOMEONE TO REPLACE THE SWIFTS WON'T BE EASY. DAIRY FARMING ISN'T EXACTLY A GROWTH INDUSTRY."

WHEN THE SWIFT'S CONTRACT WAS NOT RENEWED IT MEANT THAT THEIR RESIDENCE, A TRAILER ON FARM PROPERTY, WAS NOW UNAVAILABLE AND THEY HAD 90 DAYS TO FIND SOMEPLACE FOR THEIR FAMILY TO LIVE. FORTUNATELY THEY HAD STARTED BUILDING A SMALL

HOUSE ON UPPER TURNPIKE ROAD BUT IT WAS, AT THAT TIME, NOT LIVEABLE. THEY LIVED IN A CAMPER ON THE PROPERTY TEMPORARILY.

ON MARCH 22, 2017 ANNE FOLEY, I AND ELIZABETH RUSSELL ATTENDED AN SB MEETING AND INFORMED THE SB WHAT WAS TRANSPILING. ANNE WROTE LETTERS TO OUR 2 STATE REPS JIM MASLAND AND TIM BRIGLAND AS WELL AS LIEUTENANT GOVERNOR DAVID ZUKERMAN AND CHANCELLOR OF VERMONT COLLEGES JEB SPAULDING. MR SPAULDING REPLIED VIA A PHONE CALL THAT VTC WAS COMITTED TO THE SUCCESS OF NORWICH FARMS. MR ZUKERMANS OFFICE AND MR BRIGLIN DID NOT RESPOND. SEVERAL NEIGHBORS DID OFFER HELP.

JIM MASLAND DID RESPOND AND HE ORGANIZED A GROUP OF DARTMOUTH COLLEGE STUDENTS TO ASSIST THE SWIFTS IN GETTING THE PROPERTY READY TO CONTINUE CONSTRUCTION. JIM ALSO PERSONALLY SPENT MANY HOURS WORKING ON THE INTERIOR OF THE SWIFTS HOME. THE FINAL RESULT WAS WITH THIS HELP AND THE HELP OF JOSHS' FRIENDS THE HOUSE WAS MADE LIVEABLE FOR WINTER.

IN SUMMATION

JOSH SWIFT IS A LIFETIME RESIDENT OF NORWICH AS IS HIS FATHER RAYMOND SWIFT. THEY ARE BOTH EXCELLENT FARMERS AND RESILIENT VERMONTERS. THEY DID NOT RALLY IN FRONT OF TRACY HALL WITH SAVE THE COWS POSTERS, PLASTIC COW HATS, FACEBOOK PAGES OR CHANGE.ORG WEBSITES. THERE WAS NO PETITION GENERATED TO SUPPORT THEM. THEY COULD HAVE USED MORE SUPPORT FROM THE COMMUNITY. I JUST WANT THE COMMUNITY TO RECOGNIZE WHAT TRANSPIRED WITH THE RESILIENT SWIFT FAMILY  
THANK YOU FOR YOUR TIME.

A handwritten signature in blue ink, appearing to be 'Josh Swift', located below the typed text.

36

**Miranda Bergmeier**

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**From:** John Pepper <johnpepper91@gmail.com>  
**Sent:** Thursday, April 05, 2018 9:00 AM  
**To:** Miranda Bergmeier  
**Subject:** Fwd: questions for Linda Gray, the energy committee and the select board

Please add to correspondence for 4/11

Begin forwarded message:

**From:** Charlotte Metcalf <[smetcalf@sover.net](mailto:smetcalf@sover.net)>  
**Date:** April 4, 2018 at 2:58:49 PM EDT  
**To:** linda cook <[lcook2825@gmail.com](mailto:lcook2825@gmail.com)>, John Langhus <[johnlanghus@gmail.com](mailto:johnlanghus@gmail.com)>, John Pepper <[johnpepper91@gmail.com](mailto:johnpepper91@gmail.com)>, Mary Layton <[marydlayton@gmail.com](mailto:marydlayton@gmail.com)>, claudette brochu <[cbrochu30@gmail.com](mailto:cbrochu30@gmail.com)>  
**Cc:** Herb Durfee <[HDurfee@norwich.vt.us](mailto:HDurfee@norwich.vt.us)>, Miranda Bergmeier <[MBergmeier@norwich.vt.us](mailto:MBergmeier@norwich.vt.us)>  
**Subject:** questions for Linda Gray, the energy committee and the select board

Hi everyone,

As you can see I have had some good conversations with Linda Gray about renewable energy for the fire district and other places in town. Her answers on recs and the explanations from the president of Solaflect on the listserv have all been very helpful.

How will the Norwich siting be determined for the solar installations going forward?? Secondly and, as important, is how the select board will guide the town in the bidding process for each installation??? I am assuming there will be some formal bidding process established.

As you see, I did ask that of Linda and so far have not had a response. It would be helpful to have an answer for the next select board meeting. I hope that is not asking too much.

Sincerely,  
Charlotte

Begin forwarded message:

**From:** Charlotte Metcalf <[smetcalf@sover.net](mailto:smetcalf@sover.net)>  
**Subject:** Re: question about your minutes  
**Date:** March 30, 2018 at 11:11:36 AM EDT  
**To:** Linda Gray <[linda.c.gray@gmail.com](mailto:linda.c.gray@gmail.com)>

Thanks Linda I will read this later. Will Norwich Tech provide the same monetary arrangement?? How have you selected the cos to do the installations??? Was it always a given that Norwich Tech would get this particular installation or did you have bids from several solar installers?

What will be the procedure for bidding for future projects?

On Mar 30, 2018, at 10:27 AM, Linda Gray <[linda.c.gray@gmail.com](mailto:linda.c.gray@gmail.com)> wrote:

Charlotte -- RECs are a weird beast, and you might find a couple summaries helpful. Check out this page on the NEC web site:

<http://norwichenergycommittee.weebly.com/about-community-solar.html>

And know that in 2015 the legislature made changes that mean that selling RECs from Vermont projects has mostly ended. If you'd like to sit down and talk through questions about RECs, we can do that.

Norwich Solar Technologies is the developer working with the Fire District.

On Fri, Mar 30, 2018 at 10:10 AM, Charlotte Metcalf <[smetcalf@sover.net](mailto:smetcalf@sover.net)> wrote:

Thanks Linda,

“Not selling Recs”—Does that mean that the energy is not sold outside Vermont and is being used by the town, school etc? is it like net metering between Solaflect and the utility?? If the utility is garnering my solar energy, it gives me credit for it, but is it then free to sell it to an out of state utility as a rec credit?

I forget who will be doing the Fire District Project, Solaflect?

I appreciate your follow up.

Best  
charlotte

On Mar 29, 2018, at 9:46 PM, Linda Gray <[linda.c.gray@gmail.com](mailto:linda.c.gray@gmail.com)> wrote:

Charlotte -- I've noted answers below, and will be sure to include the information in the materials that the NEC provides for the Selectboard packet for the 4/11 meeting. (Since these points were not actually covered in the 3/28 meeting, I don't think they can really be included in the meeting minutes.)

On Thu, Mar 29, 2018 at 3:29 PM, Charlotte Metcalf <[smetcalf@sover.net](mailto:smetcalf@sover.net)> wrote:

Hi Miranda..and Linda

I was happy to see that Herb may be back part time next week.

I am wondering about a few of the statements on energy that were

made last night. Were you able to capture everything that Linda Gray said about the amount of renewable energy we already produce, who uses it and who is credited for it??

NOT SURE I UNDERSTAND THIS QUESTION. I RECALL NOTING THAT THE TOWN, ELEM SCHOOL, AND LIBRARY ALL BUY ELECTRICITY FROM A SOLAFLECT PROJECT THAT DOES NOT SELL RECs. FYI, THEY SAVE 10% ON THEIR COSTS THROUGH THIS ARRANGEMENT.

Will the new fire district installation have the same benefit accruing to the town?

THE SOLAR ARRAY ON THE FIRE DISTRICT PROPERTY DOES NOT AFFECT THE TOWN; AS HOSTING LANDOWNER, THE FIRE DISTRICT WILL RECEIVE PAYMENT (EITHER MONEY OR FREE ELECTRICITY).

Linda I am copying you to be safe because I don't think you had anything to offer Miranda in writing on the subject. You have been so immersed in the subject for so long, it may be hard to understand why some people are confused. I thought your statement, if I heard it right, would go a long way to reassuring people so I'd love to see it in the public record for everyone's benefit.

Who owns the land the fire district is conceding for the panels? Townspeople who live in the fire District or the town?  
THE FIRE DISTRICT OWNS THE LAND. THE FIRE DISTRICT IS A MUNICIPALITY SEPARATE FROM THE TOWN, HAS ITS OWN GOVERNING BOARD ("PRUDENTIAL COMMITTEE"), AND HAS AN ANNUAL MEETING (IN JAN.) IN THE SAME WAY THAT TOWN RESIDENTS ULTIMATELY "OWN" TOWN-OWNED PARCELS, I GUESS FIRE DISTRICT RESIDENTS "OWN" THE VARIOUS PARCELS OWNED BY THE FIRE DISTRICT.

Who pays for the installation..THE SOLAR DEVELOPER PAYS FOR THE INSTALLATION.

I think it would go a long way if those things were explained to most of us who are neophytes on the renewable energy front.

Many thanks  
Charlotte

04/06/18  
11:54 am

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (HIGHWAY GARAGE FUND)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

5

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
WRIGHTCON WRIGHT CONSTRUCTION CO.,	03/31/18	TOWN GARAGE ADDITION 2017076-06	08-5-702692.00 FEMA ALTERNATIVE PROJECTS	37870.81	-----	--/--/--
Report Total				37870.81		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*\*37,870.81  
Let this be your order for the payments of these amounts.

FINANCE DIRECTOR Roberta Robinson  
Roberta Robinson

TOWN MANAGER: \_\_\_\_\_  
Herb Durfee, Town Manager

SELECTBOARD:

\_\_\_\_\_  
John Langhus      Linda Cook      Claudette Brochu      John Pepper, Chair      Mary Layton

04/06/18  
11:54 am

Town of Norwich Accounts Payable

5

Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (PUBLIC SAFETY FACILITY)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
KEYCOMM	KEY COMMUNICATIONS INC	04/06/18	PD-MOVED PHONE SYSTEM 958537	47-5-575622.00 CONSTRUCTION COSTS	93.27	-----	--/--/--
TASCO	TASCO SECURITY INC	02/28/18	PUBLIC SAFTY-ALARM INSTAL 124242	47-5-575622.00 CONSTRUCTION COSTS	4725.00	-----	--/--/--
WHITEJAY	JAY WHITE, ARCHITECT, PLC	03/23/18	PUBLIC SAFETY FACILITY 3/23/18	47-5-575622.00 CONSTRUCTION COSTS	136.64	6105	04/11/18
Report Total					4954.91	=====	

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*\*\*4,954.91  
Let this be your order for the payments of these amounts.

FINANCE DIRECTOR   
Roberta Robinson

TOWN MANAGER: \_\_\_\_\_  
Herb Durfee, Town Manager

SELECTBOARD:

\_\_\_\_\_  
John Langhus      Linda Cook      Claudette Brochu      John Pepper, Chair      Mary Layton

04/06/18  
11:54 am

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (General)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

5

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
ANYTIME	ANYTIME CARPET CARE & CLE	03/22/18	PD & FD-CLNING 342993	01-5-475302.00 REPAIRS & MAINT	180.00	6067	04/11/18
ANYTIME	ANYTIME CARPET CARE & CLE	03/22/18	PD & FD-CLNING 342993	01-5-550330.00 REPAIR & MAINTENANCE EXPN	180.00	6067	04/11/18
B&R'S GAR	B&R'S GARAGE	03/19/18	DPW--TK #10 RADIATOR 17738	01-5-703401.00 OUTSIDE REPAIRS	75.00	6068	04/11/18
BLAKTOP	BLAKTOP INC	04/02/18	DPW-PATCH 24015	01-5-703211.00 ASPHALT PRODUCTS	75.04	-----	--/--/--
BLODGETT	BLODGETT SUPPLY CO	04/02/18	DPW-BLK NIPPLE 1514268	01-5-703403.00 PARTS & SUPPLIES	1.77	-----	--/--/--
CANON	CANON SOLUTIONS AMERICA,	03/29/18	GEN ADMIN-MAINTENANCE 4025478183	01-5-275620.00 PHOTOCOPIER	369.83	6069	04/11/18
CED	CONSOLIDATED ELECTRICAL D	04/02/18	FD-GENERATOR SWITCH 9433-763059	01-5-555530.00 EQUIPMENT MAINTENANCE	21.42	-----	--/--/--
CED	CONSOLIDATED ELECTRICAL D	04/02/18	TH - LED BULBS 9433-764390	01-5-706109.00 BUILDING SUPPLIES	237.50	-----	--/--/--
CHILDCARE	CHILD CARE CENTER IN NORW	04/04/18	3RD QTR 2017-2018 3QTR 17-18	01-5-800324.00 CHILD CARE CTR IN NORWICH	1087.00	-----	--/--/--
CHILDSUPP	OFFICE OF CHILD SUPPORT	03/17/18	CHILD SUPP PPE 04/07/18 PPE-4/7/18	01-2-001115.00 CHILD SUPPORT PAYABLE	244.92	6070	04/11/18
CLAY	DANIEL S CLAY	03/26/18	DPW- JAN-MAR 18 PLOW 6011	01-5-703301.00 FLOWING & SANDING	9526.45	6071	04/11/18
CLAY	DANIEL S CLAY	03/26/18	DPW- JAN-MAR 18 PLOW 6011	01-5-703301.00 FLOWING & SANDING	2098.55	6071	04/11/18
CRICKET'S	CRICKET'S PAINT & AUTO PA	03/07/18	DPW-RTU EXT LIFE 704110	01-5-703403.00 PARTS & SUPPLIES	155.88	6072	04/11/18
CRICKET'S	CRICKET'S PAINT & AUTO PA	03/21/18	DPW-RTU EXT. LIFE 705188	01-5-703403.00 PARTS & SUPPLIES	77.94	6072	04/11/18
DATAMANN	DATAMANN, INC	04/02/18	GA-SEAGATE HARDDRIVE 10176-01	01-5-275632.00 SERVER MAINTENANCE	100.00	6073	04/11/18
DATAMANN	DATAMANN, INC	04/02/18	GA-WIN10 REMOTE ACC 36638	01-5-275632.00 SERVER MAINTENANCE	120.00	6073	04/11/18
DEADRIVER	DEAD RIVER COMPANY	04/02/18	TH-886.6 GAL #2 FUEL 557038	01-5-706103.00 HEATING	1544.45	6074	04/11/18
DINGEE	DINGEE MACHINE COMPANY	03/13/18	FD-PUMP HEAD 8277	01-5-555528.00 FIRE TRK R & M	2030.08	6075	04/11/18
DINGEE	DINGEE MACHINE COMPANY	03/13/18	FD-SWITCH & LIGHT 8278	01-5-555528.00 FIRE TRK R & M	203.20	6075	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-005531.00 ADMIN TELEPHONE	39.37	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-100531.00 TELEPHONE	39.37	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-200531.00 TELEPHONE	39.37	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-275531.00 TELEPHONE	63.88	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-300531.00 TELEPHONE	39.37	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-350531.00 TELEPHONE	39.37	6076	04/11/18

04/06/18  
11:54 am

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (General)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-425127.00 TELEPHONE	39.37	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-705505.00 TELEPHONE	34.97	6076	04/11/18
EARTHLINK	EARTHLINK BUSINESS	04/01/18	APRIL 18 TELEPHONE APR 18	01-5-703505.00 TELEPHONE	51.01	6076	04/11/18
EISENDRAT	JESSIE A. M. EISENDRATH	03/31/18	REC-YOGA 2/17-3/31/18	01-5-425200.00 INSTRUCTOR FEE	793.80	-----	--/--/--
EVANSMOTO	EVANS GROUP, INC.	03/15/18	DPW-402.0 GAL.-DIESEL 633084	01-5-703405.00 PETROLEUM PRODUCTS	902.52	-----	--/--/--
FASTENAL	FASTENAL	02/28/18	DPW-STOCK REPLACEMENT NHWES72340	01-5-703403.00 PARTS & SUPPLIES	3.72	-----	--/--/--
FERGUSON	FERGUSON WATERWORKS	04/02/18	FEMA-PROLIN/HDPE PIPE 0806623	01-5-703703.00 FEMA GRANT	968.80	-----	--/--/--
FIREENGIN	FIRE ENGINEERING	03/22/18	FD-SUBSCRIP RENEWAL 04/2018	01-5-555338.00 FIRE EDUC/TRAINING	39.00	6077	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-005531.00 ADMIN TELEPHONE	5.59	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-005531.00 ADMIN TELEPHONE	1.29	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-100531.00 TELEPHONE	0.55	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-200531.00 TELEPHONE	0.74	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-275531.00 TELEPHONE	0.12	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-300531.00 TELEPHONE	1.08	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-350531.00 TELEPHONE	1.84	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-425127.00 TELEPHONE	2.69	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-705505.00 TELEPHONE	0.06	6078	04/11/18
FIRSTLIGH	FIRSTLIGHT FIBER	03/15/18	LONG DISTANCE CALLS 2/13-3/15/18	01-5-703505.00 TELEPHONE	7.10	6078	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	03/31/18	DPW-IMPACT DRIVER, ASSO 821446	01-5-703209.00 CULVERTS & ROAD SUPPLIES	25.36	6079	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	03/31/18	DPW-IMPACT DRIVER, ASSO 821446	01-5-703513.00 TOOLS	249.99	6079	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	03/31/18	TH-BATTERIES 821695	01-5-706109.00 BUILDING SUPPLIES	19.98	6079	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	03/31/18	FD-SOLDER 821745	01-5-550301.00 SUPPLIES	6.99	6079	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	04/06/18	PD-BULBS 821800	01-5-475301.00 SUPPLIES	9.98	6079	04/11/18
FOGGS	FOGG'S HARDWARE AND BUILD	03/31/18	TH-5/16 QUICK LINK ZN 822342	01-5-706113.00 REPAIRS & MAINTENANCE	25.69	6079	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/29/18	DPW-STREETLIGHTS 24926MAR18	01-5-703307.00 STREETLIGHTS	940.85	6080	04/11/18

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (General)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	PD-BEAVER MEADOW SPEED 24966MAR18	01-5-500204.00 SPEED SIGNS	5.95	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	EMER-TOWER POWER 35066MAR18	01-5-575233.00 TOWER POWER	50.54	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	PD-CHURCH ST SIGN 55726MAR18	01-5-500204.00 SPEED SIGNS	1.50	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	PD-RTE 10A SIGN 65726MAR18	01-5-500204.00 SPEED SIGNS	3.77	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	PD/FD-MARCH POWER 70966MAR18	01-5-550233.00 ELECTRICITY	281.45	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	PD-TURNPIKE SIGN 75726MAR18	01-5-500204.00 SPEED SIGNS	2.30	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	04/06/18	PD-UNION VILL SPEED SIGN 85726MAR18	01-5-500204.00 SPEED SIGNS	1.99	6080	04/11/18
GMPC	GREEN MOUNTAIN POWER CORP	03/27/18	TH-BANDSTAND ELECTRIC 95726MAR18	01-5-706115.00 BANDSTAND & SIGN ELECTRIC	18.85	6080	04/11/18
GOODBEG	GOOD BEGINNINGS OF THE UP	03/22/18	FY18 APPROP 10/1-3/30/18	01-5-800386.00 GOOD BEGINNINGS	1492.50	-----	--/--/--
HOMEDPOT	HOME DEPOT CREDIT SERVICE	03/31/18	TH-TAPE, BRUSH, SWEEP 9044500	01-5-706113.00 REPAIRS & MAINTENANCE	33.46	6081	04/11/18
IRVINGOIL	IRVING ENERGY DISTRIB. &	03/15/18	DPW-298.1 GAL PROPANE 235068	01-5-703503.00 PROPANE	360.70	-----	--/--/--
IRVINGOIL	IRVING ENERGY DISTRIB. &	03/22/18	DPW-249.5 GAL PROPANE 944495	01-5-703503.00 PROPANE	301.90	-----	--/--/--
KEARNEY	JILL KEARNEY NILES	04/03/18	REC--MILEAGE REIMBURSE 7/13-4/3/18	01-5-425180.00 MILEAGE REIMBURSEMENT	79.20	6082	04/11/18
KOLOSKI	MIKE KOLOSKI	03/25/18	DPW--BOOTS 3/25/18	01-5-703311.00 UNIFORMS	104.99	6083	04/11/18
MAYER	MAYER & MAYER	03/30/18	EMPLOYEE JUDGEMENT ORDER MARCH 2018	01-2-001120.00 EMPLOYEE JUDGEMENT ORDER	50.00	6084	04/11/18
MIS1	NH POLICE STANDARDS & TRA	03/21/18	PD-MAJ CRIMES TRAINING 03/21/18	01-5-500538.00 TRAINING	630.00	6085	04/11/18
MIS2	SHEILD, ROBIN RICHARDSON	03/20/18	TAX OVERPAYMENT 01/24/2018	01-2-001148.00 TAX OVERPAYMENTS	57.95	6086	04/11/18
MIS3	SOFRONAS DEMOSTHENES	03/20/18	TAX REFUND REFMIS2/18	01-2-001148.00 TAX OVERPAYMENTS	57.92	6087	04/11/18
MIS4	SARGENT, JANE	03/20/18	TAX REFUND REF.MIS4	01-2-001148.00 TAX OVERPAYMENTS	255.11	6088	04/11/18
MOORAD	ADAM MOORE	03/31/18	B&G- MILEAGE 04/02/2018	01-5-704405.00 PETROLEUM PRODUCTS	27.52	-----	--/--/--
NEMUNCONS	NEW ENGLAND MUNICIPAL CON	03/29/18	ASSESSOR MAR & CLERK 2018-029	01-5-300300.00 PROFESS SERVICES	4000.00	6089	04/11/18
NORFIREDI	NORWICH FIRE DISTRICT	03/30/18	FD-HYDRANT RENTAL 3/30/18	01-5-555634.00 HYDRANT RENTAL	5850.00	6090	04/11/18
NORLIBRAR	NORWICH PUBLIC LIBRARY AS	03/29/18	2ND HALF FY18 APPROP 03/29/2018	01-5-800302.00 NORWICH PUBLIC LIBRARY	136475.00	6091	04/11/18
OSI	OSI BATTERIES	03/07/18	FD-MONITOR BATTERIES 00358066	01-5-555532.00 RADIO MAINTENANCE	270.00	-----	--/--/--
PBA	NEW ENGLAND PBA, INC	03/30/18	MARCH UNION DUES MAR 18 DUES	01-2-001117.00 UNION DUES PAYABLE	368.00	-----	--/--/--

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
PIKE	PIKE INDUSTRIES INC	03/12/18	DPW--38.49T-3/4" STONE 966369	01-5-703207.00 GRAVEL & STONE	-548.48	-----	--/--/--
PIKE	PIKE INDUSTRIES INC	03/12/18	DPW--19.03T-3/4" STONE 966371	01-5-703207.00 GRAVEL & STONE	-271.18	-----	--/--/--
PIKE	PIKE INDUSTRIES INC	03/23/18	DPW-111.35T-CRUSHED STONE 966762	01-5-703207.00 GRAVEL & STONE	840.69	-----	--/--/--
PIKE	PIKE INDUSTRIES INC	03/23/18	DPW-9.94T-CRUSHED STONE 966766	01-5-703207.00 GRAVEL & STONE	75.05	-----	--/--/--
PIKE	PIKE INDUSTRIES INC	03/23/18	DPW-17.96T-CRUSHED STONE 966767	01-5-703207.00 GRAVEL & STONE	135.60	-----	--/--/--
PIKE	PIKE INDUSTRIES INC	03/27/18	DPW-144.76T-CRUSHED STONE 966886	01-5-703207.00 GRAVEL & STONE	1049.53	-----	--/--/--
PRUDENTIA	PRUDENTIAL RETIREMENT SER	03/31/18	MAR 18 DEFERRED COMP 940050-MAR18	01-2-001116.00 DEFERRED COMPENSATION	920.00	6092	04/11/18
PRUDENTIA	PRUDENTIAL RETIREMENT SER	03/31/18	MAR 18 DEFERRED COMP 940050-MAR18	01-2-001116.10 ROTH PLAN 457	1994.54	6092	04/11/18
RADIO	THE RADIO NORTH GROUP INC	03/20/18	FD-SERVICE, 2 MOBILS 24139447	01-5-555426.00 RADIO PURCH/REPAIR	1910.00	6093	04/11/18
RADIO	THE RADIO NORTH GROUP INC	03/20/18	FD-SERVICE 24139448	01-5-555532.00 RADIO MAINTENANCE	570.00	6093	04/11/18
REYNOLDS	REYNOLDS & SON INC	03/23/18	DPW-TOW STRAP 3323867	01-5-703515.00 ADMINISTRATION	60.46	-----	--/--/--
SABIL	SABIL & SONS INC	03/07/18	FD-FOOT SWITCH 32187	01-5-555528.00 FIRE TRK R & M	88.72	6094	04/11/18
SABIL	SABIL & SONS INC	03/21/18	DPW-SLACK IN/OUT 32290	01-5-703403.00 PARTS & SUPPLIES	373.04	6094	04/11/18
SABIL	SABIL & SONS INC	03/23/18	DPW-DUST SHIELD/BK KIT 32312	01-5-703403.00 PARTS & SUPPLIES	224.52	6094	04/11/18
SABIL	SABIL & SONS INC	04/03/18	DPW-CAM KIT 32318	01-5-703403.00 PARTS & SUPPLIES	8.18	6094	04/11/18
SABIL	SABIL & SONS INC	03/07/18	FD-FUEL FILTER REPL. 80896	01-5-555528.00 FIRE TRK R & M	191.73	6094	04/11/18
SAFETYKLE	SAFETY-KLEEN SYSTEMS, INC	03/09/18	DPW-MOTOR OIL. 76015791	01-5-703405.00 PETROLEUM PRODUCTS	486.41	6095	04/11/18
SAFETYKLE	SAFETY-KLEEN SYSTEMS, INC	03/12/18	DPW-CHARGING WASH FL. 76359074	01-5-703507.00 SUPPLIES	325.20	6095	04/11/18
SANEL	SANEL AUTO PARTS INC	03/22/18	TH-BELTS 05GJ7463	01-5-706113.00 REPAIRS & MAINTENANCE	48.83	6096	04/11/18
SOLAFLECT	SOLAFLECT SOLAR PARK I, L	03/22/18	TH & DPW-TG-ELECTRIC MAR 18	01-5-706101.00 ELECTRICITY	783.60	-----	--/--/--
SOLAFLECT	SOLAFLECT SOLAR PARK I, L	03/22/18	TH & DPW-TG-ELECTRIC MAR 18	01-5-703501.00 ELECTRICITY	64.53	-----	--/--/--
STAPLELNK	STAPLES BUSINESS ADVANTAG	04/02/18	FD-SCANNING 8048929012	01-5-555630.00 OFFICE SUPPLIES	1.98	6097	04/11/18
STAPLELNK	STAPLES BUSINESS ADVANTAG	03/24/18	FD-INK, CLIPS 9785096272	01-5-555630.00 OFFICE SUPPLIES	42.98	6097	04/11/18
TANGREDI	CHRISTINA TANGREDI	04/02/18	REC-YOGA INSTRUCTION 2/13-3/26/18	01-5-425200.00 INSTRUCTOR FEE	338.10	6098	04/11/18
TENCO	TENCO INDUSTRIES, INC	03/31/18	DPW- PARTS FOR TRUCKS 6121066	01-5-703403.00 PARTS & SUPPLIES	368.84	-----	--/--/--

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
TENCO	TENCO INDUSTRIES, INC	04/03/18	DPW- PARTS FOR TRUCKS 6121073	01-5-703403.00 PARTS & SUPPLIES	30.62	-----	--/--/--
TILDEN	TILDEN ELECTRIC, PC	03/22/18	TS-COMPACTOR AMPS 22117	01-5-705411.00 REPAIRS & MAINTENANCE	210.00	6099	04/11/18
TRUSSELL	BEN TRUSSELL	03/31/18	B & G- MARCH MILEAGE 4/2/2018	01-5-704405.00 PETROLEUM PRODUCTS	34.33	-----	--/--/--
TSSAND	TWIN STATE SAND & GRAVEL	03/15/18	FEMA-3" DENSE GRADE 83837	01-5-703703.00 FEMA GRANT	234.00	6100	04/11/18
UI INSUR	UI INSURANCE SERVICES, IN	03/27/18	FD-DISABILITY, LIFE INSU 8407	01-1-004102.00 PREPAID EXPENSES	4162.94	6101	04/11/18
UI INSUR	UI INSURANCE SERVICES, IN	03/27/18	FD-DISABILITY, LIFE INSU 8407	01-5-555124.00 DISABILITY/LIFE INSURANCE	723.06	6101	04/11/18
UNIFIRST	UNIFIRST CORPORATION	02/26/18	DPW-B&G-UNIFORMS 0354230679	01-5-703311.00 UNIFORMS	179.61	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	02/26/18	DPW-B&G-UNIFORMS 0354230679	01-5-703515.00 ADMINISTRATION	17.90	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	02/26/18	DPW-B&G-UNIFORMS 0354230679	01-5-704311.00 UNIFORMS	35.36	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	02/26/18	DPW-B&G-UNIFORMS 0354230679	01-5-703507.00 SUPPLIES	2.45	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/05/18	DPW-B&G-UNIFORMS 0354232970	01-5-703311.00 UNIFORMS	179.61	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/05/18	DPW-B&G-UNIFORMS 0354232970	01-5-703515.00 ADMINISTRATION	17.90	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/05/18	DPW-B&G-UNIFORMS 0354232970	01-5-704311.00 UNIFORMS	35.36	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/05/18	DPW-B&G-UNIFORMS 0354232970	01-5-703507.00 SUPPLIES	2.45	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/12/18	DPW-B&G-UNIFORMS 0354235276	01-5-703311.00 UNIFORMS	179.86	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/12/18	DPW-B&G-UNIFORMS 0354235276	01-5-703515.00 ADMINISTRATION	17.90	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/12/18	DPW-B&G-UNIFORMS 0354235276	01-5-704311.00 UNIFORMS	35.36	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/12/18	DPW-B&G-UNIFORMS 0354235276	01-5-703507.00 SUPPLIES	13.00	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/19/18	DPW-B&G-UNIFORMS 0354237584	01-5-703311.00 UNIFORMS	179.61	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/19/18	DPW-B&G-UNIFORMS 0354237584	01-5-703515.00 ADMINISTRATION	17.90	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/19/18	DPW-B&G-UNIFORMS 0354237584	01-5-704311.00 UNIFORMS	35.36	-----	--/--/--
UNIFIRST	UNIFIRST CORPORATION	03/19/18	DPW-B&G-UNIFORMS 0354237584	01-5-703507.00 SUPPLIES	2.45	-----	--/--/--
VLCT	VERMONT LEAGUE OF CITIES	03/20/18	TADMIN--SELCT B TRAINING 2018-19430	01-5-005615.00 DUES/MTS/EDUC	240.00	6102	04/11/18
VLCTPACIF	VLCT PROP & CASUALTY INTE	04/06/18	INSURANCE- NEW TRUCK INT455010518	01-5-800518.00 PROP & CAS INSURANCE	735.00	6103	04/11/18
VLCTPACIF	VLCT PROP & CASUALTY INTE	03/01/18	INSURANCE-ENDORSEMENT INT455030118	01-5-800518.00 PROP & CAS INSURANCE	1259.00	6103	04/11/18

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (General)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

Vendor	Invoice Description	Invoice Date	Invoice Number	Account	Amount Paid	Check Number	Check Date
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-005126.00 VT RETIREMENT	357.39	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-100126.00 VT RETIREMENT	448.47	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-200126.00 VT RETIREMENT	313.83	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-300126.00 VT RETIREMENT	17.30	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-350126.00 VT RETIREMENT	285.00	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-425126.00 VT RETIREMENT	290.70	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-500126.00 VT RETIREMENT	190.08	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-703126.00 RETIREMENT	1608.10	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-704126.00 RETIREMENT	387.61	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-5-500126.00 VT RETIREMENT	1346.89	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-2-001111.00 VEMRS GRP B PAYABLE	1506.91	6104	04/11/18
VMERS	VMERS DB	03/31/18	MAR 2018 RETIREMENT MAR 18	01-2-001113.00 VEMRS GRP C PAYABLE	1857.80	6104	04/11/18
WEMASON	W.B. MASON CO., INC.	03/15/18	REC-FRAME, HANG STRIPS 153287699	01-5-425182.00 OFFICE SUPPLIES	12.79	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	04/06/18	PD-DESK PAD CR5166113	01-5-550301.00 SUPPLIES	-18.37	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/14/18	PD-MOP HEAD RETURN CR5228684	01-5-500501.00 ADMINISTRATION	-18.99	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/22/18	PD-DESK PAD I52716350	01-5-550301.00 SUPPLIES	18.37	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/28/18	PD,FD-SUPPLIES, CLEANING I52834823	01-5-550301.00 SUPPLIES	85.08	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/28/18	PD,FD-SUPPLIES, CLEANING I52834823	01-5-500501.00 ADMINISTRATION	85.07	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/02/18	PD-DUST MOP, FRAME I52973867	01-5-475301.00 SUPPLIES	24.02	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/13/18	PD-OFFICE SOFTWARE I53193736	01-5-500501.00 ADMINISTRATION	229.99	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/13/18	PD-PURELL, PART, CLIPB, P I53278130	01-5-500501.00 ADMINISTRATION	139.35	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/30/18	REC-POSTER FRAME I53326301	01-5-425182.00 OFFICE SUPPLIES	41.98	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/20/18	TH-THERMAL PAPER I53418847	01-5-706109.00 BUILDING SUPPLIES	5.99	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/22/18	TH-SUPPLIES, CLEANING I53493241	01-5-706109.00 BUILDING SUPPLIES	271.32	-----	--/--/--
WEMASON	W.B. MASON CO., INC.	03/26/18	LIST/ASSESSOR-SUPPLIES I53629340	01-5-300610.00 OFFICE SUPPLIES	58.16	-----	--/--/--

04/06/18  
11:54 am

Town of Norwich Accounts Payable  
Check Warrant Report # 550 Current Prior Next FY Invoices For Fund (General)  
All Invoices For Check Acct 03(General) 04/03/18 To 04/11/18

Page 7 of 7  
RRobinson

Vendor	Invoice Date	Invoice Description Invoice Number	Account	Amount Paid	Check Number	Check Date
WRCOA	04/06/18	1/2 ANNUAL APPROPRIATION 4/6/2018	01-5-800372.00 WHT RIVR COUN ON AGING	2650.00	6106	04/11/18
Report Total				204362.19		

To the Treasurer of Town of Norwich, We hereby certify that there is due to the several persons whose names are listed hereon the sum against each name and that there are good and sufficient vouchers supporting the payments aggregating \$ \*\*\*204,362.19  
Let this be your order for the payments of these amounts.

FINANCE DIRECTOR

  
Roberta Robinson

TOWN MANAGER: \_\_\_\_\_

Herb Durfee, Town Manager

SELECTBOARD:

\_\_\_\_\_  
John Langhus

\_\_\_\_\_  
Linda Cook

\_\_\_\_\_  
Claudette Brochu

\_\_\_\_\_  
John Pepper, Chair

\_\_\_\_\_  
Mary Layton

**NORWICH FINANCE AND AUDIT COMMITTEES  
MOTION**

**For the Motions Sheet:**

**Whereas**, the Norwich Finance Committee (the “NFC”) as currently constituted was established in 2014 by the Norwich Selectboard in cooperation with the Norwich School Board and pursuant to a Memorandum of Understanding (the “MOU”) between the Norwich Selectboard and the Norwich School Board dated as of January 29, 2014; and

**Whereas**, the NFC was intended to advise on both Town and School District budgets and other financial planning matters; and

**Whereas**, the NFC has not functioned for several years due to failure to constitute a quorum of Members; and

**Whereas**, the Town has never had an independent Audit Committee since the elimination of elected auditors; and

**Whereas**, the Selectboard believes that a reconstituted NFC, focused exclusively on Town finances and an independent Audit Committee would each be of great and enduring benefit to the Town and people of Norwich;

**Therefore**, The Selectboard of the Town of Norwich does hereby :

1. Cancel and terminate the MOU with the Norwich School Board with immediate effect. The Chair shall communicate such cancellation to the Chairman of the School Board at his earliest convenience in official Town correspondence;
2. Establish a re-constituted Norwich Finance Committee; and
3. Establish an independent Audit Committee.

Adopted by the Selectboard March 28, 2018

## NORWICH AUDIT COMMITTEE

### Audit Committee Charge

The Audit Committee of the Town of Norwich shall be comprised of the Town Treasurer, two members of the Selectboard and two Members of the NFC (if possible). The Audit Committee shall have the following duties:

- a. To solicit bids for the Town Audit when a current audit contract is up for renewal and to recommend the choice of auditor to the Selectboard and to advise the Selectboard on the contract for audit services;
- b. To review the progress of the annual audit and to receive the audit report from the Town auditors; and
- c. To report on and recommend adoption of the final audit to the Selectboard each year.

The Audit Committee shall have the authority to direct questions regarding the audit or the underlying financial statements and reports of the Town Manager and the Town Finance Director. Any unresolved questions shall be directed for further investigation to the Selectboard. The Audit Committee shall have the authority to investigate laws and regulations applicable to town audits under Vermont law by directing questions to the Vermont League of Cities and Towns for advice. The Audit Committee shall report to the Selectboard each year on the process and content of the audit, identifying any material points of disagreement between the Town management and the auditor. Such report shall be delivered no later than the first Selectboard meeting in December of each year and shall include a concluding recommendation as to whether the audit should be accepted or not by the Selectboard.

The Audit Committee elects a Chair and Vice-chair from among its members. Vacancies of the NFC are filled by appointment of the Norwich Selectboard in the case of Selectboard representatives and by the NFC in the case of NFC representatives. Members of the Audit Committee are subject to and must observe the town's Conflict of Interest Policy. Meetings must be advertised, with agendas and minutes published in accordance with Vermont's Open Meeting Law.

The table below shows the number of members required for a quorum and the number of votes required to pass a motion as a function of filled positions on the Audit Committee:

Number of Filled Positions	Quorum	Votes Required
3 – 5	3	3
6 – 7	4	4

[Remainder of Page Left Blank]

Adopted by the Norwich Selectboard:

\_\_\_\_\_  
John Pepper, Chair

\_\_\_\_\_  
Claudette Brochu, Vice Chair

\_\_\_\_\_  
Linda Cook

\_\_\_\_\_  
Mary Layton

\_\_\_\_\_  
John Langhus

ACKNOWLEDGED AND AGREED:

\_\_\_\_\_  
Cheryl Lindberg, Town Treasurer

**DRAFT**

## NORWICH FINANCE COMMITTEE

### Finance Committee Charge

The Norwich Finance Committee, appointed by the Norwich Selectboard and the Town Treasurer, comprises three to seven Norwich residents who are neither employees of the Town, nor have immediate family members that do so. Immediate family members include children, spouses or partners, siblings and parents. Members shall serve staggered, three-year terms, with the initial appointments being for one, two or three years and all subsequent appoints being for three years. Members may be reappointed at the discretion of the Selectboard and the Town Treasurer.

The NFC has three primary tasks:

- a. Provide independent advice on the creation of the annual Town budget;
- b. Provide independent advice to the Selectboard from time to time on Financial Policies; and
- c. Review of the quarterly financial statements and the Investment Report of the Town.

The NFC shall research annual budgets, policies, contracts, capital decisions and business practices that affect Norwich town and school finances. It will render non-binding advisory recommendations about costs, benefits and financial options, based on economic factors and the overriding principles of accountability, frugality and prioritization.

The NFC elects a Chair and Vice-chair from among its members. Vacancies of the NFC are filled by appointment of the Norwich Selectboard. Members of the NFC are subject to and must observe the town's Conflict of Interest Policy. Meetings must be advertised, with agendas and minutes published in accordance with Vermont's Open Meeting Law.

It is up to the voters to decide whether a proposed Town budget be adopted. Accordingly, the NFC should provide a statement to voters in advance of Town Meeting on the town budget, providing whatever facts and analysis the Committee deems to be helpful and necessary for voters to evaluate the budget.

The Selectboard may ask the NFC to review and comment on other financial issues as it deems necessary and appropriate from time to time.

The table below shows the number of members required for a quorum and the number of votes required to pass a motion as a function of filled positions on the committee:

Number of Filled Positions	Quorum	Votes Required
0 – 2	N/A	N/A
3 – 5	3	3
6 – 7	4	4

Adopted by the Norwich Selectboard:

\_\_\_\_\_  
John Pepper, Chair

\_\_\_\_\_  
Claudette Brochu, Vice Chair

\_\_\_\_\_  
Linda Cook

\_\_\_\_\_  
Mary Layton

\_\_\_\_\_  
John Langhus

ACKNOWLEDGED AND AGREED:

\_\_\_\_\_  
Cheryl Lindberg, Town Treasurer

**DRAFT**

7

## Miranda Bergmeier

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**Subject:** FW: materials for Selecboard packet for 4/11 meeting  
**Attachments:** Norwich Fire District 45-Day as submitted.pdf; NFD Solar Preferred Site Letter.doc; 4-2018 Fire District solar.doc; 4-2018 Preferred Siting.doc; 4-2018 RECs Summary.doc

**From:** Linda Gray [<mailto:linda.c.gray@gmail.com>]  
**Sent:** Thursday, April 05, 2018 8:20 PM  
**To:** Miranda Bergmeier; Herb Durfee  
**Cc:** Troy McBride; Norwich Fire District & Water Department  
**Subject:** materials for Selecboard packet for 4/11 meeting

-----  
Selectboard:

As you know from previous discussions regarding "preferred sites" for solar development, there are two ways for a Town to designate such sites: 1) by letters from the Planning Commission, Selectboard, and regional planning commission, and 2) in the Town Plan.

For example, the Town of Norwich followed the letter process to designate 673 Union Village Road as a preferred site last year.

In addition, that site and 3 others are listed as "preferred" in the current draft of the Town Plan (<http://norwich.vt.us/wp-content/uploads/2017/06/2-Norwich-Plan-Draft-2017-11-16.pdf> p 98) as follows:

*"These parcels qualify as a Category II site for a solar array not larger than 150 kW AC:*

*Parcel 11-045-200, located at 673 Union Village Road*

*Parcel [12-001.300.b], located at [intersection of Farrell Farm Rd and Startake Ln]*

*"These parcels qualify as Category III sites for a solar array not larger than 500 kW AC:*

*Parcel 11-104-000, located at 635 US Route 5 North*

*Parcel 11-105-000, located on US Route 5 North"*

Because applications are underway now for solar development on Parcel 11-105-000 owned by the Norwich Fire District, the timing of its designation as a preferred site is becoming an issue.

Here are the details:

- Norwich Fire District (NFD) has agreed to host a 500 kW-AC community solar array on its property. The array will provide NFD with lease payments and discounted electricity through solar net metering.
- The 45-day notice for the site was filed with the State 3/12. (attached)
- The net metering program will undergo biennial review changes on 5/1. Norwich Solar Technologies would like to submit the full permit application for the NFD site prior to 5/1 to maintain the benefits of the current net metering rates and program -- INCLUDING confirmation of the site as preferred.

The Norwich Energy Committee would like to begin the letter process for the preferred-site designation for these reasons...

- the timeframe for approval of the Town Plan is unknown
- the preferred site list has not come up as a point of concern with the Town Plan
- being located on a preferred site is important to the success of the Fire District project.

We ask that you include this on the agenda for your next meeting. Also attached is a draft of the letter the Selectboard would need to sign.

Thank you,  
Linda Gray  
chair, Norwich Energy Committee



Joel Stettenheim  
[stettenheim@norwichtech.com](mailto:stettenheim@norwichtech.com)

802.281.3213

March 12, 2018

To Those Persons Whose Names Appear on the 45 Day Notice List Attached Hereto

**Re: 45-Day Notice for Norwich Fire District Solar Project  
Certificate of Public Good – Section 8010/248 Permit Process**

I. Introduction

Pursuant to the Public Utility Commission (“PUC” or “Commission”) Rule 5.100, Norwich Technologies (“NT”) is pleased to submit the following pre-application notice for a Certificate of Public Good (“CPG”) concerning its proposed 500 kilowatt (“KW”) ground-mounted group net-metered photovoltaic solar electric system, to be sited on land at approximately 635 US Route 5 in Norwich, Vermont (the “Project”). We anticipate filing the Section 8010 Application with the PUC by late-April of 2018. Under Sections 8010 and 248(f), and PUC Rule 5.107(B), the parties listed on the attached 45 Day Notice List (*see Attachment A*) are entitled to receive notice of our CPG filing at least 45 days in advance of the filing. This letter describes the Project, the expected Project filing date with the PUC, and your rights to comment on the Project.

II. Project Description and Benefits

NT has obtained a signed agreement with the Norwich Fire District concerning the leasing of the southern portion of the Fire District property for this Project. NT is working with the Selectboard, the Town Planning Commission, and the Regional Planning Commission to obtain a letter of support confirming the property is deemed Category II preferred.

The Project is a 500 kW (AC) solar ground-mounted electric generation facility. The Project site plan is included as *Attachment B*. The aerial site photograph (*Attachment C*) identifies the location of Project in relation to the surrounding area, and shows that the array will be located on the southern portion of land owned by the Norwich Fire District along US Route 5 (Parcel ID Number 11-104-000) in Norwich, Vermont.

The Project is typical of an installation of its type and size, comprising photovoltaic modules on fixed-tilt ground mounted racks, anchored to the ground using purpose-built ground screws. The support structures are designed to hold the bottom of the solar panels approximately 30 inches above existing grade, which will allow snow to shed without creating buildup on the ground that might compromise energy production. The top of the solar panels will be fixed at approximately 9 feet above grade. The solar array will be arranged in multiple rows running East-West with the longest rows approximately 200 feet with sufficient distance (approximately 25 feet on center) between rows to minimize self-shading. The panels and racking will occupy an area of approximately 3.5 acres. Access to the Project will be through the existing gravel access drive to the east of the Norwich Fire District’s pumphouse facility access driveway at 635 US Route 5.

The Project is anticipated to consist of approximately 2160 individual 335 Watt solar panels with ten 50 kW string inverters mounted discretely behind the rows, to convert the DC current generated by the solar panels to AC current. (See *Equipment Specifications Attachment D.*) The AC current will be “stepped up” by on-site transformers on a proposed new utility poles before interconnecting with the Green Mountain Power Corporation (“GMP”). The Project will interconnect to the three-phase utility pole on US Route 5 southeast of the Project.

The array will be located on an existing clearing. Minimal tree clearing is anticipated at the Project location, as needed to prevent excessive shading on the solar modules. Any wooded material from clearing will be chipped and the cleared area seeded and made mowable by brushhog.

The solar array will be fenced with an 8-foot-high chain-link deer fence. Throughout the Project life, the space between rows will remain vegetated with low growing grasses. Since there are no permanent footings involved in the construction or ongoing operation of this Project, the soil will be returned entirely to its former state upon decommissioning at the end of the Project. The Project is expected to generate approximately 830,000 kilowatt-hours (kWh) of electricity each year.

Material and equipment will be transported to the site by truck, and delivered via an existing gravel drive just west of the District facility’s entrance. Project equipment will be transported from I-91 to Norwich, then north along US Route 5 to the Project Site and will represent no unusual volume of traffic. Likewise, noise is expected to be modest during construction. Following typical construction industry practice, work is expected to be performed during the hours of 7AM-7PM Monday-Friday, 8AM-5PM on Saturday, with no work on Sundays or public holidays.

The Project is surrounded by tree cover and is located approximately 490 feet from the nearest residence (approximately 400 feet to the nearest business other than the Fire District pump station), so that any potential transformer/inverter noise will not cause undue sound to nearby residences. The GMP-provided pole-mounted transformers are typical of transformers used in GMP distribution lines. A more detailed noise analysis will be provided in the Application.

The Project creates a number of benefits with local, statewide, and regional significance. For example, the Project will contribute to Vermont’s statewide renewable energy goals<sup>1</sup>, and reduce dependence on out of state electricity sources and regional electric transmission system<sup>2</sup>.

### III. Aesthetic Impact

As shown in *Attachment B*, the site is surrounded by forested areas to the east, north and west, with a narrow strip of trees to the south. Due to the terrain and proximity to Route 5, the array may be partially visible from the south to the public traveling along Route 5, especially in the winter when the deciduous trees have lost their leaves. The array will not be visible from neighboring residences or businesses. The solar array will not have an undue adverse impact on the aesthetics of the surrounding area.

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<sup>1</sup> Under the Comprehensive Energy Plan (the “CEP”), the State of Vermont articulated necessary statewide energy generation goals. The Project will help Vermont achieve the goal of generating 90% of its energy from renewable sources by 2050.

<sup>2</sup> By generating electricity locally, electricity is distributed to nearby utility customers, avoiding new construction, upgrades, and expansion of transmission lines.

IV. Environmental Impact

NT's preliminary analysis shows the Project will not have an adverse impact on the surrounding natural environment (*see Attachment B & C*). The Project will be sited beyond the required 145 feet wellhead setback, and approximately 135 feet set back from the designated wetlands. Pursuant to PUC Rules 5.107(C)(9), a wetland delineation will be performed by a qualified environmental professional. Moreover, the analysis will include a description of relevant nearby natural resources areas as described by 30 V.S.A. § 248(b)(5) and (b)(8), if any exist. The full report will be included in our Application.

V. Your Right to Comment on the Project Plans and our Request for Waiver of Notice

Pursuant to Section 248(f) of Title 30 of Vermont Statutes Annotated (30 V.S.A § 248(f)), you are entitled to make recommendations to the PUC and to us, if at all, at least 7 days prior to the expiration of this 45-day notice period. You will have the opportunity to submit additional comments in the PUC proceeding and request intervention; public comments must be submitted within 30 days of the Commission's determination that a Section 248 application is administratively complete. In addition, "[t]he legislative body and the planning commission for the municipality in which a facility is located shall have the right to appear as a party in any proceedings held under [Section 248]."

For additional information regarding this process, including your right to participate in the PUC's proceeding, please refer to Commission Rule 5.114 and the Commission's "Guide to the Vermont Public Service Board's Section 248 Process" which can be found at <http://www.puc.vermont.gov>. Pursuant to Sections 8010 and 248, all parties receiving this Notice will receive a copy of the Section 248 application.

While we anticipate filing the 248 application in late April, 2018, we respectfully request that you waive the 45-day notice period (*see Attachment E*), allowing us to submit the petition prior to the expiration of the notice period. This waiver would in no way impact your ability to comment on the Project or to participate in the Section 8010 /Section 248 process, should you so desire. The waiver of the 45-day notice simply allows us to submit the application to the PUC sooner; it does not prevent you from submitting comments to the PUC after the application is filed. If you agree to waive the 45-day notice period, kindly execute the attached waiver and return via mail or email at the address provided below. We welcome the opportunity to further describe the Project and to discuss any concerns or comments you may have. If you are interested in additional information on this Project, please contact me, Joel Stettenheim, at 802-281-3213 or by email at [stettenheim@norwitech.com](mailto:stettenheim@norwitech.com).

We appreciate your participation in this process.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel S', written over a light blue horizontal line.

Joel Stettenheim, President

Appendices: Attachment A – 45 Day Notice List  
Attachment B - Site Plan  
Attachment C – Aerial and Wetlands  
Attachment D – Equipment Specifications  
Attachment E - Waiver of 45 Day Notice

**Attachment A**

**45 Day Notice Service List**

Via Certified Mail: Return Receipt Requested

Norwich Fire District  
PO Box 777  
Norwich, VT 05055

Norwich Selectboard  
and  
Norwich Planning Commission  
PO Box 376  
Norwich, VT 05055

Two Rivers Ottauquechee Regional Commission  
128 King Farm Road  
Woodstock, VT 05091

Adjoining Landowners to the site:

Norwich Associates Inc  
PO Box 906  
Norwich, VT 05055

Norwich Waterworks  
28 Aspen Lane  
New London, NH 03257

VTRANS  
One National Life Drive  
Montpelier, VT 05633-5001

Rachel A. Dow  
2 Lewan Road  
Hanover, NH 03755

George R & Carol A Loveland  
32 Butternut Road  
Norwich, VT 05055

David H. & Elizabeth S. Guest  
55 Butternut Road  
Norwich, VT 05055

Robert W. Sherwin  
Christie D. James  
PO Box 408  
Norwich, VT 05055

Via Commission Electronic Filing System

Judith Whitney, Clerk  
Vermont Utility Commission  
112 State Street  
Montpelier, VT 05620-2701

Vermont Department of Public Service  
112 State Street, 4<sup>th</sup> Floor  
Montpelier, VT 05620

Vermont Agency of Natural Resources  
1 National Life Drive, Davis 2  
Montpelier, VT 05620-3901

Vermont Natural Resources Board  
Dewey Building  
National Life Drive  
Montpelier, VT 05620-3201

Vermont Division for Historic Preservation  
1 National Life Drive, Davis Building, 6<sup>th</sup> Floor  
Montpelier, VT 05620-0501

VT Agency of Agriculture Food and Markets  
116 State Street  
Montpelier, VT 05620-2901

Green Mountain Power  
163 Acorn Lane  
Colchester, VT 05446

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[LETTERHEAD]

**BY MAIL**

[DATE]

Public Service Board of Vermont  
112 State Street  
Montpelier, VT 05620-2701  
Ms. Judith Whitney, Clerk

Re: Preferred Siting Designation under Rule 5.100

Dear Ms. Whitney,

We refer to the application for a Certificate of Public Good (the "Application") filed by Norwich Technologies, Inc., in respect of the 500 kW-AC solar electricity generation project (the "Project") proposed to be sited at 635 Route 5 North in Norwich, Vermont (the "Location"). The Location falls within our jurisdiction and we have reviewed the proposed project in detail, including visual renderings, project layouts and designs. Having made our review, we wish to support the Project and declare our desire to have the Location designated as a "Preferred Site" under Section 5.103 of your Rule 5.100. A description of the Location with a rendering of the Project is enclosed herewith.

We note that we take no position on the Project's compliance with any requirement of Rule 5.100 or of other applicable provisions of Vermont law. This letter is solely for the purpose of providing support for the Project under Section 5.103.

Sincerely,

Town of Norwich Planning  
Commission

Town of Norwich Selectboard

Two Rivers Regional Planning  
Commission

By:  
Jeffrey Goodrich  
Chair

John Pepper  
Chair

Peter Gregory  
Executive Director

\_\_\_\_\_

Enclosure: Project Site Layout and Plan

**Summary of Fire District Solar Project**

**How was the developer selected?**

Typically for solar projects, the project developer will approach the landowner, rather than the landowner seeking a solar developer.

For the Norwich Fire District project, the Fire District land on Route 5 was identified as meeting several key requirements for a good solar development: near 3-phase power, relatively hidden from public view, and not otherwise used. Being strongly supportive of additional community solar net-meter projects and having successfully worked with Norwich Solar Technologies on several Solarize Norwich campaigns, the Norwich Energy Committee (NEC) encouraged the Fire District Prudential Committee to consider their project proposal.

The Fire District Prudential Committee reviewed the Norwich Technologies proposal over 18 months, which concluded with a unanimous vote in favor of the project at the January 2017 Annual Meeting.

The Fire District Prudential Committee has signed an agreement to host the solar array on its property, which Norwich Solar Technologies will develop, finance, permit, design, engineer, procure, construct, operate, and maintain.

**How will the area be managed? Will herbicides be used?**

Detailed answers are included in the full application to the State of Vermont, which the Town will receive. The permitting for such a project entails a long process (in excess of one year) involving numerous studies including historical, environmental (wetlands, wildlife, plants, etc.), aesthetic, and civil engineering.

No herbicides will be used. The site will be brushhogged periodically to keep growth down in areas that would shade the array.

**Does it affect a wildlife corridor?**

No.

**Have the abutters been notified?**

Yes, the 45-day notice was sent out on March 12 to all abutters and stakeholders. They will receive the full application as well.

**Is there a clear contract re disposition of RECs?**

Under current Vermont rules governing net metering, which took effect in January 2017, RECs from net-meter installations go to the local utility (Green Mountain Power) to meet its renewable energy requirements.

[Since these rules took effect, the RECs discussion is mostly relevant to NON-net-metered solar or wind projects.]

**Will the new Fire District installation have the same benefit accruing to the Town as the Town's current contract with Solaflect Energy?**

The Fire District and the Town are separate entities. The solar array on the Fire District property does not involve the Town financially. The Town has a planning role (specifically in designating the site as

“preferred” under Vermont rules), but the Town has no oversight role in the details of the agreement between the Fire District and Norwich Solar Technologies.

For this solar project, the Fire District's role is the hosting landowner. It will receive payment for providing that crucial element of the project – its choice of money or free electricity.

[By comparison, in the arrangement between the Town and Solaflect Energy, the Town's role is “off-taker.” The solar developer (Solaflect and investors) built the project with the plan of selling the electricity to a long-term, reliable customer (“off-taker”). The net-meter credits from the solar array are credited to the Town on its regular utility bill, and then the Town pays Solaflect - but at 90% of the utility cost. So the Town gets clean, solar electricity without having to pay the up-front installation costs and a 10% savings on its overall electricity payments. The project investors get their return through these payments and various federal tax credits aimed at encouraging more clean energy. The Vermont utility grid gets more solar. NO RECs were sold. Marion Cross School and the Norwich Public Library have made similar arrangements with Solaflect.]

**Who owns the land that will be used for the solar array? Townspeople who live in the Fire District or the Town?**

The Fire District owns the land. The Fire District is a municipality separate from the Town, has its own governing board (“Prudential Committee”), and has an annual meeting each January.

In the same way that Town residents “own” Town-owned parcels, Fire District residents “own” the various parcels owned by the Fire District.

**Who will pay for and use the electricity from this solar array ?**

Net-meter solar installations typically have one of two structures:

- “community solar” in which businesses and/or individuals buy shares and receive net-meter credits to their utility bill; they pay the project developer a fee to cover taxes, insurance, and maintenance;
- “power purchase agreements” in which businesses, towns, and/or non-profits invest no money and receive the net-meter credits to their utility bills in exchange for paying a discounted rate to the developer for the electricity. [This is what the Town, Marion Cross School, and the Norwich Library have done, working with Solaflect Energy.]

Norwich Solar Technologies currently has schools, towns, businesses, and people signing up for both options. The choice depends on the financial situation of the solar client.

At this time, Norwich Solar Technologies can specify that the recipients of the solar net meter credits will include the Norwich Fire District and that the others must be Green Mountain Power customers. Norwich Solar Technologies will match local businesses/nonprofits/individuals with this solar array as the project gets closer to being permitted and would prioritize Norwich businesses and individuals.

## Overview of Preferred Siting in Vermont for Net-Meter Solar Projects

The 2017 Public Utilities Commission rules for net-meter projects are in part a response to public concerns about large projects in open fields, so they include financial incentives based on size and on siting to encourage projects that towns support, as well as those on existing rooftops, parking lots, brownfields, gravel pits, and sites where 50% of the power is used on-site.

The PUC rules for net-meter projects set up these categories and financial incentives:

- I. under 15 kW-AC (residential sized) on any site / + \$.01 per kWh generated
- II. between 15 kW-AC and 150 kW-AC on a preferred site / + \$.01 per kWh generated
- III. between 150 kW-AC and 500 kW-AC on a preferred site / - \$.01 per kWh generated
- IV. between 15 kW-AC and 150 kW-AC but NOT on a preferred site / - \$.03 per kWh generated

[A zero or positive siting adjustor applies for a period of 10 years from the date the system is commissioned; a negative siting adjustor applies in perpetuity. ]

Please note that residential-size projects (Category I) do not need to be on preferred sites. Projects between 15 kW-AC and 150 kW-AC may proceed on a site without a preferred designation (Category IV), but they face a steep financial disincentive – a loss of \$.04/kWh, compared to being on a preferred site (Category II). It is unlikely that such a project would ever be built.

There is no category for larger projects (150-500 kW) to be sited anywhere other than preferred sites.

The result of the rules is that any solar net meter projects between 15 kW-AC and 500 kW-AC must be located on a “preferred” site in order to participate in solar net metering.

### TOWN ROLE IN PREFERRED SITES

As mentioned above, one category of preferred site is "A specific location designated in a duly adopted municipal plan... or identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions."

Well-sited solar projects in town help Norwich achieve its goals for clean energy and contribute to statewide energy goals.

When willing landowners are ready to host such projects, with sites that work well on key factors, the Town can support the development by making the “preferred” site designation.

### IN SUM

Given an appropriate site, designation as a “preferred” site helps ensure financing for a successful solar project, which in turn helps the Town of Norwich and the State of Vermont move forward on their joint clean energy goals.

## Public Utilities Commission Rules on Preferred Sites for Net-Metered Solar Arrays

[http://puc.vermont.gov/sites/psbnew/files/doc\\_library/5100-PUC-nm-effective-07-01-2017\\_0.pdf](http://puc.vermont.gov/sites/psbnew/files/doc_library/5100-PUC-nm-effective-07-01-2017_0.pdf)

**Rule 5.100** = Public Utilities Commission rule pertaining to construction and operation of net-metering systems

**Section 5.103** = Definitions section of Rule 5.100

“Preferred Site” means one of the following:

- (1) A new or existing structure whose primary use is not the generation of electricity or providing support for the placement of equipment that generates electricity;
- (2) A parking lot canopy over a paved parking lot, provided that the location remains in use as a parking lot;
- (3) A tract previously developed for a use other than siting a plant on which a structure or impervious surface was lawfully in existence and use prior to July 1 of the year preceding the year in which an application for a certificate of public good under this Rule is filed. To qualify under this subdivision (3), the limits of disturbance of a proposed net-metering system must include either the existing structure or impervious surface and may not include any headwaters, streams, shorelines, floodways, rare and irreplaceable natural areas, necessary wildlife habitat, wetlands, endangered species, productive forestlands, or primary agricultural soils, all of which are as defined in 10 V.S.A. chapter 151;
- (4) Land certified by the Secretary of Natural Resources to be a brownfield site as defined under 10 V.S.A. § 6642;
- (5) A sanitary landfill as defined in 10 V.S.A. § 6602, provided that the Secretary of Natural Resources certifies that the land constitutes such a landfill and is suitable for the development of the plant;
- (6) The disturbed portion of a gravel pit, quarry, or similar site for the extraction of a mineral resource that was in lawful operation on January 1, 2017, provided that all activities pertaining to site reclamation required by applicable law or permit condition are completed prior to the installation of the plant;
- (7) A specific location designated in a duly adopted municipal plan under 24 V.S.A. FINAL PROPOSED RULE Vermont Rule 5.100 16P-062 Public Service Board Page 10 of 58 January 20, 2017 chapter 117 for the siting of a renewable energy plant or specific type or size of renewable energy plant, provided that the plant meets the siting criteria recommended in the plan for the location; or a specific location that is identified in a joint letter of support from the municipal legislative body and municipal and regional planning commissions in the community where the net-metering system will be located.
- (8) A site listed on the National Priorities List (NPL) established under the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. chapter 103, if the U.S. Environmental Protection Agency or the Agency of Natural Resources confirms each of the following that the site is listed on the NPL;
- (9) On the same parcel as, or directly adjacent to, a customer that has been allocated more than 50 percent of the net-metering system’s electrical output. The allocation to the host customer may not be less than 50 percent during each of the first 10 years of the net-metering system’s operation.

## Renewable Energy Credits/Certificates (RECs)

Under current Vermont rules on net metering, which took effect in January 2017, RECs from net-meter installations go by default to the local utility (for Norwich, Green Mountain Power) to meet its renewable energy requirements and they must be retired in Vermont. (Net-meter customers *could* opt to keep their RECs, but that costs them: they forfeit a \$.03/kWh incentive AND pay a \$.03/kWh penalty.) Now, the RECs discussion is mostly relevant to NON-net-meter solar or wind projects.

Prior to this change, the Norwich Energy Committee consistently supported solar projects that do not sell RECs.

- When, as recommended by the NEC in 2013, the Town entered into an agreement with Solaflect Energy to purchase discounted electricity from a community solar array, one key provision prioritized by the NEC was that the solar RECs not be sold.
- The NEC ensured that RECs were not sold for the community solar projects promoted as part of earlier Solarize Norwich campaigns with Solaflect and with Norwich Solar Technologies.
- As other community solar options (that were selling RECs) were publicized on the Norwich list serv, the NEC has posted information about RECs with links for further resources, so that customers could make informed choices.

### Excerpts from "VPIRG Solar FAQ"

[https://www.vpirg.org/issues/clean-energy/solar-power/solar-faq/#\\_c](https://www.vpirg.org/issues/clean-energy/solar-power/solar-faq/#_c)

#### Q: What are RECs and how do they contribute to our clean energy goals?

A: Renewable Energy Credits (RECs) are certificates that track how much renewable energy is produced from a project. State policies called Renewable Portfolio Standards (RPS) determine how much renewable energy a utility needs to provide its customers. In order to prove it has met the goals of the standard, the utility needs to own and "retire" an equivalent amount of RECs. In 2015, Vermont passed legislation to establish an RPS for the first time, requiring utilities in Vermont to supply renewable energy to their customers. This standard takes effect in 2017.

When a renewable energy project is built, the developer typically has a long-term contract for the power that project generates. The Renewable Energy Credits (RECs) can be sold together with the electricity, or separately. Whoever buys the RECs from a project can claim the renewable attribute of the power. If a utility buys power from a project but doesn't buy the RECs, they cannot claim the power they purchased is renewable and attribute it to meeting their goal.

Until 2015, there was no statewide policy requiring Vermont utilities to supply their customers with renewable energy, which meant Vermont utilities were generally not buying credits from Vermont renewable energy projects. Instead, those credits would be sold to utilities in other states, such as Massachusetts and Connecticut, which had Renewable Portfolio Standards.

In 2015, Vermont joined its neighbors and passed an RPS (Act 56). This law mandates that by 2017, 55% of a utility's electric sales be from renewable power. By 2032 the mandate is 75%. RECs from most renewable power sources, new or existing, large or small, can be used to meet this requirement, and there are enough existing projects that utilities are not expected to build new renewable energy in order to meet it. Separately, starting in 2017, 1% of a Vermont utility's power must be from distributed renewable generation, increasing to 10% by 2032. This segment of power must be from installations that generate under 5 megawatts (MW) of electricity, and were built in Vermont after June 30, 2015. This standard will support the development of over 400 MW of new renewable electricity in the state. ...

The new [2017] net metering rules ... reflect concerns about RECs from small and medium renewable projects.

Until now [2017], renewable energy projects were permitted to keep the credits (and potentially sell them out-of-state) and still receive the retail rate for power the system produced, plus an additional incentive for solar installations.

Under the new rule, projects where the net metering customer keeps their RECs (either to sell out of state or to keep for themselves) will be subject to a \$0.03 penalty per kilowatt-hour (kWh) (about \$5,000 to \$6,000 over the life of a typical residential solar system), whereas projects that transfer their RECs to the utility will receive a \$0.03 incentive per kWh for the first ten years of their operation (an additional \$2000 for the same residential solar system). ...

*FYI: I have sent a query to VLCT about current guidelines, recommendations, etc related to this issue. I have not gotten a response in time for inclusion into the packet. So, this is really my proposal on how to go forward. The 3<sup>rd</sup> page is a different policy/guideline about formal liaisons to those boards not appointed by the board. I see a clear difference between the two. I have to fill in the statute info...working on that.*

**Policy/Guidelines (whatever the verbiage) Governing Reporting of Committees, Commissions, Task Force or Other Groups Appointed by the Selectboard to the Selectboard**

**Background:** The Selectboard has the authority to establish various committees, commissions, task forces, etc. necessary for the functioning of the town (VSA \_\_\_\_). The Selectboard appoints members to these groups in accordance with VSA \_\_\_\_. Vermont's Open Meeting Law dictates that agendas, draft minutes of the meetings, as well as finalized minutes, are publically posted (VSA \_\_\_\_).

However, there is no provision in the statutes for the reporting the work of these groups to the Selectboard. Selectboard member attendance at the groups' meetings may not be feasible; minutes may not reflect the tone of the meeting or the actual discussion of an agenda item. The lack of a formal reporting process may leave the Selectboard with little knowledge of the actual work of each group.

**Purpose:** The purpose of this policy is to improve communication/information sharing between appointed Commissions and Committees and the Selectboard. The secondary purpose is to assure that the work of the various groups is aligned with the overall goals of the Selectboard and the town; that the work of the group continues to be relevant; and to provide an additional means of sharing information with the public.

This policy **does not** apply to those groups who report directly to the Town Manager or to other elected officials (Town Clerk and Board of Listers).

**Process:** Beginning with the first Selectboard meeting in July 2018, each Commission or Committee will begin quarterly (at minimum) reports to the Selectboard. The Commission or Committee can determine if the report will be written or verbal. The Selectboard reserves the right to call for an oral presentation.

The report to the Selectboard will, at minimum, include: Current work of the group with proposed deadlines for completion; information on any and all subcommittees and/or work groups including the purpose and goals of the subcommittee or workgroup; future projects under consideration by the Committee or Commission. The report should not be a submission of meeting minutes.

The reports will be submitted to the Town Manager's Assistant and the Selectboard Chair by 3PM on the Thursday prior to the first Selectboard meeting after the end of the quarter, allowing for the material to be included in the Selectboard packet. The Chair of each Committee or Commission will indicate if the report will be a verbal presentation to the Selectboard. Reports can be made more frequently than quarterly.

**Compliance:** Compliance with this policy for the first six (6) months, or two (2) quarters, after adoption of the policy will be voluntary but strongly encouraged. Subsequent failure to report to the Selectboard without explanation to the Selectboard Chair may result in ??????

Adopted \_\_\_\_\_, 2018.

## **Appointment of Selectboard Liaison (or designee) to Norwich Schoolboard and Norwich Prudential Committee**

In effort to establish/improve the communication between those groups outside of the purview of the Selectboard or Town Manager, the Selectboard, with the formal agreement of said board or committee, will appoint a formal liaison to the Norwich Schoolboard and the Norwich Prudential Committee.

The liaison will .....(meet with the Chair, attend meetings, ?????) and report to the Selectboard as necessary, but at least quarterly, on issues that are of general interest to the Selectboard/town or issues that may have fiscal implications to the town.

The liaison will be appointed by the Selectboard during the organizational meeting.

# Got Transparency?

2017 Transparency Tour



VERMONT Secretary of State Jim Condos

GOY TRANSPARENCY? 2017

## WHY ARE WE HERE?

### **Democracy-Accountability-Openness**

- The public has a right to know!
- Open meeting and public records laws protect our direct access to the decisions that affect us.
- Understanding these laws makes everyone a better citizen.




VERMONT Secretary of State Jim Condos

**IN GOVERNMENT, THE ULTIMATE BOSS IS THE PUBLIC**

**Vermont Constitution - Chapter 1, Article 6.**

*That **all power** being originally inherent in and consequently derived **from the people**, therefore, **all officers of government**, whether legislative or executive, **are their trustees and servants**; and at all times, in a legal way, **accountable to them**.*

 VERMONT Secretary of State Jim Condos

**IN GOVERNMENT, THE ULTIMATE BOSS IS THE PUBLIC**


**1 V.S.A. § 311. Declaration of public policy**

*...public commissions, boards and councils and other public agencies in this state **exist to aid in the conduct of the people's business and are accountable to them** ...*

**1 V.S.A. § 315. Statement of policy**


*...**free and open examination of records**...*

*Officers of government are **trustees and servants of the people** and it is in the public interest to enable any person to review and criticize their decisions **even though such examination may cause inconvenience or embarrassment**...*

 VERMONT Secretary of State Jim Condos

# OPEN MEETINGS

1 V.S.A. §§ 310-314

 VERMONT Secretary of State Jim Condos


## WHO MUST COMPLY?

**"PUBLIC BODIES"** of the state and its municipalities:

- State and municipal boards, councils, and commissions
- Committees and subcommittees of these bodies

**NOT INCLUDED:**

- Individual officials
- Councils established by the Governor exclusively for policy advice
- Judicial branch
- Public Service Board
- Nonprofits (generally)

 VERMONT Secretary of State Jim Condos

## WHEN DOES THE OML APPLY?


Any time a “quorum” holds a “meeting.”

**QUORUM:** a *majority* of the entire public body.

*1 V.S.A. § 172. Joint authority*

*When joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise.*

**MEETING:** a gathering of a quorum of a public body for the purpose of *discussing business or taking action*.

 VERMONT Secretary of State Jim Condos

## WHEN DOES THE OML APPLY?

A “meeting” can occur *regardless of physical location*.


- No exceptions for work sessions or retreats.

A “meeting” can come together *over a span of time*.

- Watch out for email strings and social media discussions.

“Meeting” does *not* include:

- Communications to schedule a meeting, organize an agenda, or distribute materials to discuss at a meeting.
- Routine day-to-day administrative matters, if no action is required and no money appropriated or spent.
- Clerical work.
- Site inspections.
- Staff work assignments.
- Quasi-judicial deliberations.

 VERMONT Secretary of State Jim Condos

## ADVANCE PUBLIC NOTICE

### REGULAR MEETINGS:

- Adopt a **resolution** setting the regular time and place.
- Post and make an **agenda** available 48 hours before each meeting.

### SPECIAL MEETINGS:

- Give 24 hours' notice (time, place, and purpose) to:
  - **newspaper or radio station** serving the area;
  - **any person who specifically asked in writing**; and
  - all **members** of the public body.
- Post and make an **agenda** available 24 hours in advance.

### EMERGENCY MEETINGS:

- Only used "**when necessary to respond to unforeseen occurrence or condition requiring immediate attention.**"
- Give "**some public notice...as soon as possible**" before the meeting.



VERMONT Secretary of State Jim Condos

## AGENDAS

### When?

- At least **48 hours** before each **regular meeting**.
- At least **24 hours** before each **special meeting**.

### Where?

- On a **website** that public body maintains or designates (if one exists).
- Municipal public bodies only: in or near the **town clerk's office** and in **two other designated public places** in the municipality.
- Made **available to any person** prior to meeting **upon specific request**.

### What else?

- Should address specific topics to be discussed and potential actions.
- Any **addition or deletion** must be the **first act of business** at the meeting.
- Any other adjustment may be made during the meeting.



VERMONT Secretary of State Jim Condos

## MINUTES


What?

- “Give a *true indication of the business of the meeting*,” covering *all topics and motions* that arise.
- At minimum: *members* present; active *participants*; *motions, proposals, resolutions* and their *dispositions*; *vote results*, noting *individual votes if roll call*.

When? No later than *five calendar days* after the meeting.

Where?

- Made *available* for inspection and copying *upon request*.
- Posted to a *website*, if the public body maintains or designates one (to remain for at least a year).


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## WHEN CAN A BOARD MEET IN PRIVATE? EXECUTIVE SESSION

What is it? A closed portion of a public meeting.

When is it appropriate?

- Only if the business to be considered fits into one of *14 statutory categories*.
- Only if the public body *moves to enter in open session* and *indicates its reason* for doing so.
- Only for *talk, not action*: No formal or binding action may be taken while in executive session.
  - Exception: real estate options

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## WHEN CAN A BOARD MEET IN PRIVATE? EXECUTIVE SESSION

Some **PERMISSIBLE REASONS** require an additional **specific finding** that *“premature public knowledge would clearly place the public body or a person involved at a substantial disadvantage”*:

- **Contracts**
- **Labor relations agreements** with employees
- **Arbitration or mediation**
- **Grievances**, other than tax grievances
- Pending or probable **civil litigation** or **prosecution**, if public body is or may be a party
- **Confidential attorney-client communications**, if made to provide legal services to the public body



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## WHEN CAN A BOARD MEET IN PRIVATE? EXECUTIVE SESSION

Other **PERMISSIBLE REASONS** include consideration of:

- **Negotiating or securing real estate purchase options**
- **Appointment, employment, evaluation, discipline, or dismissal** of public officer or employee
- **Student academic records, suspension, or discipline**
- **Exempt public records** under the Public Record Act
- **Clear and imminent peril to public safety**
- **Municipal or school security or emergency response** measures, if disclosure could jeopardize public safety.



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## MEETING BY ELECTRONIC MEANS


A *member* participating remotely must:

- *Identify him/herself* when the meeting convenes.
- Be able to *hear and be heard throughout* the meeting.

If a *quorum* or more is participating remotely:

- *Agenda* must *designate a physical location* where the public can attend and participate.
- *One member* (or designee) must be *physically present*.

Any *vote not unanimous* must be taken by *roll call*.

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## PUBLIC PARTICIPATION

Members of the public have the right to:

- **ATTEND!**
  - Obtain meeting agendas in advance.
  - Be notified directly of upcoming special meetings.
  - Disability accommodations, pursuant to Vermont's anti-discrimination statutes.
- **PARTICIPATE!**
  - A *reasonable opportunity to express opinions on matters considered*, subject to reasonable rules.
- **ENFORCE THE LAW!**

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## WHY COMPLY?

Meetings held without respecting the details of the law may be *illegal*, and the courts may regard any actions taken in those meetings as *voidable*.

More importantly, illegal meetings offend our notions of:

- ...openness,
- ...accountability,
- ...our democracy.

In Vermont, the people rule, sometimes directly, sometimes through elected or appointed representatives, but *always* with the benefit of public scrutiny.



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## WHY COMPLY?

The following persons can be charged with a **misdemeanor** and **fined**:

- A *member* of public body who *knowingly and intentionally* violates the OML.
- A *person* who *knowing and intentionally* violates the OML *on behalf of a member* of a public body.
- A *person* who *knowingly and intentionally* participates in the *wrongful exclusion* of a person from a meeting.

The Attorney General or **any aggrieved individual** can bring suit in court, asking for:


- *Injunctive relief* (STOP a specified act or behavior).
- *Declaratory judgment* (make a binding determination of rights).
- *Attorney's fees and costs*, under some circumstances.



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## ENFORCEMENT

- 1) **Written notice to the public body** by *aggrieved individual* or Attorney General, alleging specific *violation* and requesting specific *cure*.
- 2) **Public body's public response** within *10 calendar days*, *acknowledging violation* and *stating intent to cure* OR stating *no violation occurred*.
- 3) **Public body's cure**, if *acknowledges violation*, within *14 calendar days* of public response, *ratifying or declaring as void* action taken at improper meeting AND *adopting specific measures* that actually *prevent future violations*.
- 4) **Aggrieved individual's recourse, if unsatisfied: filing suit** in Superior Court *within one year* after the meeting.

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## PUBLIC RECORDS

1 V.S.A. §§ 315-320

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## WHAT IS A “PUBLIC RECORD?”

- “Any written or recorded information,
- regardless of physical form or characteristics,
- which is produced or acquired in the course of public agency business.”

**Remember! Records are not limited to paper!**

*All government records are public records.*

*Some public records are exempt from disclosure.*



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## WHO MUST COMPLY?

**“PUBLIC AGENCIES”** of the state and its municipalities:

- State and municipal agencies, boards, departments, commissions, committees, branches, instrumentalities, and authorities.

**NOT INCLUDED:**

- Nonprofits (generally)




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## WHO MAY ASK TO INSPECT OR COPY A PUBLIC RECORD?

### Any person.

*“The identity and motive of the requestor cannot be considered when weighing access to public documents.”*

*Shlansky v. City of Burlington and Burlington Police Department, 2010 VT 90.*

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## HOW DO I MAKE A REQUEST?

You may inspect:

- State records on **weekdays**, 9-12 and 1-4.
- Municipal records during “**customary business hours**” (i.e. when office is open to provide services).

TIPS FOR REQUESTERS:

- **No “in writing” requirement** (but it’s a good idea).
- **List or specifically describe** the records you’d like to see.
- Be clear: **INSPECT or COPY**.
  - If you ask for copies, you may request estimate of the fee.
- **Date** your request and include your **contact info**.

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## HOW DO I COMPLY?

- ***"Promptly"*** produce the record for inspection.


Exceptions:

- Active use or in storage.
- Exempt under statute.
- Record does not exist.
- "Unusual circumstances."

- Accept the request in ***any manner or format***.

Exception: If staff time costs are involved, an agency may require requests to be made in writing.

- If necessary, ***consult with the requestor to clarify*** the request or get additional information that will help you respond.


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## HOW DO I COMPLY?

### ACTIVE USE OR IN STORAGE

The custodian must:

- Make record available for inspection within ***one calendar week***.
- ***Certify this in writing*** to the requester, ***setting the date and hour*** of availability.


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## HOW DO I COMPLY?

### EXEMPT UNDER STATUTE

The custodian must:

- Make the determination and ***notify the requester in writing*** within ***three business days***.
- Include the following in the notice:
  - ***Identity of records*** withheld
  - ***Statutory basis*** for denial
  - ***Supporting facts*** for denial
  - Names and positions of ***persons responsible*** for denial
  - To whom the requester may ***appeal*** ("***head of agency***")


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## HOW DO I COMPLY?

### RECORD DOES NOT EXIST

The custodian must:

- ***Certify this in writing***, specifically stating that record does not exist ***under the name given*** by the requestor ***or by any other name*** known to the custodian.

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## HOW DO I COMPLY? “UNUSUAL CIRCUMSTANCES”

A deadline may be extended by **up to 10 business days** IF the custodian needs to:

- Search for and collect records from **remote facilities**.
- Search for/collect/examine a **large volume of separate, distinct records**.
  - In this situation, a custodian may ask the requester to **narrow the scope** of the request.
- **Consult** with another agency or with the Attorney General.

The custodian must:

- Give **written notice** to requester, stating **reason for extension** and **expected date of compliance**.

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## MAKING A DETERMINATION

**THE RULE:** Public agencies **MUST** produce public records for inspection and copying **unless** the record is “exempt” under statute.


**THE POLICY:** “...in the public interest to enable any person to review and criticize [government] decisions even though such examination may cause inconvenience or embarrassment.” 1 V.S.A. § 315.

### THE BURDEN OF PROOF:

The PRA “represents a strong policy favoring access...”

“We construe these exceptions strictly against the custodians of records and resolve any doubts in favor of disclosure...The burden of proof is on the agency seeking to avoid disclosure.”

*Wesco v. Sorrell*, 2004 VT 102.

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## MAKING A DETERMINATION


### Where are the exemptions?

- 40+ are listed in the PRA itself (1 V.S.A. § 317).
- Approximately 200 are scattered throughout statute.

**Each public agency should know and maintain a compilation of the specific State and Federal laws and regulations that affect access to records in its custody.**

### RESOURCES:

- Legislative Council's **List of PRA Exemptions**
- SoS **Right to Know Database**

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## MAKING A DETERMINATION

What if only part of a record is exempt?

**REDACT** the exempted information and provide the remainder.


Must I gather new information or create new documents in response to a request?

**NO.** A requester cannot obligate the government to create a record that is not already in existence or required by law.

Must I withhold a document if an exemption applies?

**IT DEPENDS.** The PRA does NOT require this, but outside law might.

**SAFEST COURSE: Err on the side of openness and consult your legal counsel!**

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## COPYING AND FEES

**You may charge for copies (unless other law applies):**

- The ***“actual cost”*** of providing a copy, if using own equipment.
  - Established by Secretary of State’s **Uniform Fee Schedule**, or by local legislative body if it so acts, using statutory factors.
- The cost of ***mailing or transmitting*** the copy.
- The cost of ***“staff time”*** associated with providing a copy, **IF**:
  - the ***time directly involved exceeds 30 minutes***;
  - the agency ***agrees to create a new record***; or
  - the agency ***agrees to provide the record in nonstandard format and the time directly involved exceeds 30 minutes***.

**An agency must provide a fee estimate upon request.**

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## WHY COMPLY?

**An agency that denies access to non-exempt public records may face litigation and could be charged the requester’s court costs.**

**An individual who willfully destroys or discards a public record without authority faces fines.**

**More importantly, prompt compliance supports our notions of:**

**...openness,**

**...accountability,**

**...our democracy.**



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## ENFORCEMENT

- 1) Appeal to “**head of agency.**”
- 2) Within **five business days**, head of agency must:
  - **Make the records available promptly**; or
  - **Give notice of denial in writing**, including **statutory basis**, brief statement of **reasoning** and **supporting facts**, and details about **appeal rights**.
- 3) Denial upheld? No head of agency? Time limits ignored? You can **file appeal in court**.
  - **30-day deadline**. generally counted from date of denial.

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## Access to Public Records Survey

Please help us complete this survey by sharing your experience  
accessing public records in Vermont!

Only aggregate findings from the survey will be shared publicly – individual responses will not be shared

**[www.bit.ly/PublicVT](http://www.bit.ly/PublicVT)**

This survey is a joint project of the ACLU of Vermont and the Society of Professional Journalists' Freedom of Information  
Committee, not affiliated with the Secretary of State's Office

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# THANK YOU!

Please call or visit our office with any questions!

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**VLCT MUNICIPAL ASSISTANCE CENTER FAQs:  
OPEN MEETING LAW**

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## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

### THE LAW

#### 1. What is the Open Meeting Law?

The Open Meeting Law provides that “[a]ll meetings of a public body are declared to be open to the public at all times, except as provided in section 313 of this title [on executive sessions].” 1 V.S.A. § 312(a). The intent of the law is to create transparency in government by requiring advance public notice and an opportunity for public participation in governmental decisions. The law is found in 1 V.S.A. §§ 310-314.

#### 2. What are the requirements of the Open Meeting Law?

- a. Provide advance notice of meetings. 1 V.S.A. §§ 312(c), 310(4);
- b. Create and post an agenda for all regular and special meetings. 1 V.S.A. § 312(d);
- c. Conduct all business in an open meeting (unless an exemption applies). 1 V.S.A. §§ 312(a); 313(a);
- d. Vote by roll call when there is electronic participation. 1 V.S.A. § 312(a)(2)(B);
- e. Allow public comment at meetings. 1 V.S.A. § 312(h);
- f. Take and post minutes. 1 V.S.A. § 312(b); and
- g. Respond to complaints of violation. 1 V.S.A. § 314(b)(2).

#### 3. To whom does the law apply?

The law applies to every “public body” of a municipality. **A public body is any board, council, commission, committee, or subcommittee of a municipality.** 1 V.S.A. § 310(3). This includes bodies that are specifically mentioned in state statute and municipal charter such as selectboards, prudential committees, planning commissions, conservation commissions, cemetery commissions, development review boards, boards of civil authority, boards of health, zoning boards of adjustment, etc. It also includes committees and subcommittees of those groups. The law does not apply to community justice boards or community justice centers. 24 V.S.A. § 1964(b).

#### 4. When does the law apply?

The requirements of the law are triggered whenever a “quorum” of the body is “meeting.” A **quorum** is a majority of the total members of the body. Quorum is determined based on the number of positions on the body, not the number of persons occupying those positions. Therefore, quorum does not change when there is a recusal or a vacancy. **“Meeting”** is defined as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the body or for the purpose of taking any action. 1 V.S.A. § 310(2).

**The Law applies regardless of the physical location of the members; the members don’t all have to be in the same room at the same time for it to be considered a “meeting” under the Law.**

Therefore, a phone conversation between a quorum of the members is a “meeting” for purposes of the law. **Furthermore, time is not a factor.** If a conversation occurs over a period of time (for

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

instance in a string of emails) that conversation may still amount to a "meeting" under the Law. This is why public bodies should generally avoid the use of group emails.

**a. Does this mean that we can never be in the same room at the same time unless we are in a meeting?**

Not necessarily. The law does not prohibit members of a public body from gathering at social functions or discussing topics that do not fall under their official duties. The Law also allows a quorum of the members of a public body to talk about routine administrative matters (such as scheduling meetings) outside of a meeting.

**b. The following does not constitute a "meeting" for purposes of the law:** "written correspondence or an electronic communication, including e-mail, telephone, or teleconferencing, between members of a public body for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting, provided that any such correspondence or communication that results in written or recorded information shall be available for inspection and copying under the Public Records Act." 1 V.S.A. § 310(2).

**5. What are the different types of meetings and why does it matter?**

There are three types of meetings under the Law. The Law imposes different requirements for notices and agendas depending on the type of meeting that is being held.

- "Regular meetings" are meetings that take place at a regularly occurring, pre-arranged time and day.
- "Special meetings" are meetings that take place at any time or date outside of the "regular" meeting schedule.
- "Emergency meetings" may be held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body. 1 V.S.A. § 312(c)(3).

### EMAIL, PHONE, AND OTHER ELECTRONIC COMMUNICATION

**6. Do group emails violate the Law?**

Not necessarily. Group emails may be used to schedule a meeting, create an agenda, or to distribute materials to discuss at a meeting. Group emails should never be used for discussion purposes (which is why you should avoid hitting the "Reply All" button). Emails must generally be available for copying and inspection as public records. 1 V.S.A. § 310(2).

In addition, email may be used in instances where a public body is engaged in a quasi-judicial deliberation – for instance, when a development review board is in the midst of drafting the written decision on a permit application. 1 V.S.A. § 312(e). Before taking advantage of this exception to the Law, the public body must have conducted a quasi-judicial hearing in public

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

session, and then entered into deliberative session to discuss the evidence and decide how to proceed. (See #20-21.)

### **7. If a member is unable to attend a meeting, can that person vote by email or proxy?**

No, the law does not allow for voting by email or by proxy. However, the law allows members to attend a meeting by electronic means (e.g., speaker phone or Skype), and to vote at that meeting, so long as the other requirements of the Open Meeting Law are adhered to (see #8, below). 1 V.S.A. § 312(a)(2).

### **8. Can a member attend a meeting by phone or Skype?**

Yes, a member may participate and vote at a meeting by electronic means (e.g., speaker phone, Skype, etc.) as long as that member identifies himself or herself when the meeting is convened, and the member is able to hear and be heard throughout the meeting. Whenever one or more members attend electronically, voting must be done by roll call for any vote that is not unanimous. 1 V.S.A. § 312(a)(2).

#### **a. What if a majority of members are not able to be physically present? Can they still have a meeting?**

Yes. A quorum or more members of a public body may participate in a meeting electronically when the agenda that has been posted for such meeting designates at least one physical location where a member of the public can attend and participate in the meeting. At least one member of the body or at least one staff person or other designee must be present at that physical location. Each member that attends electronically must identify himself or herself when the meeting is convened, and must be able to hear and be heard throughout the meeting. Any voting that occurs at the meeting that is not unanimous must be done by roll call. 1 V.S.A. § 312(a)(2).

## AGENDAS

### **9. Does the law require an agenda for every meeting?**

A written agenda must be created in advance of every regular or special meeting. 1 V.S.A. § 312(d). There is no requirement for an agenda for an emergency meeting.

### **10. Do we have to post the agenda?**

Yes. At least 48 hours in advance of a regular meeting, and at least 24 hours in advance of a special meeting, an agenda must be posted in or near the municipal office and in at least two other designated public places in the municipality. 1 V.S.A. § 312(d). If it has not already done so, every municipality should officially designate two or more public places in the municipality at which agendas will be posted. Our opinion is that the legislative body can make this designation on behalf of all of the public bodies in the municipality, unless those bodies are independently-elected. In

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

addition, agendas for regular and special meetings must be posted to an official website, if one exists that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(d).

### 11. What must be contained in an agenda?

The Open Meeting Law does not contain a definition of "agenda." That being said, it is clear from the intent of the Law that an agenda must be drafted so that it provides actual notice of the specific topics to be addressed and the actions that may be taken at that meeting. An agenda should include specific topics such as "proposed contract with ambulance service," or "discussion of speed limit on town highway 7" rather than general terms such as "contract," or "speed limits" which do not provide notice to the public about what will be discussed and decided.

### 12. Can we add items to an agenda after it is posted?

A public body may table or otherwise postpone an item on their meeting agenda when necessary, as in situations where additional information is needed before a decision may be made. Other adjustments to an agenda such as changing the order of items may be made at any time during the meeting. 1 V.S.A. § 312(d)(3)(B).

There are more stringent standards for adding items to an agenda. The Law was amended in 2014 to state that an item may only be added or removed from a meeting agenda as the first order of business at that meeting. 1 V.S.A. § 312(d)(3)(A). Our opinion is that the language in 1 V.S.A. § 312(d)(3)(A) does not give a public body free reign to alter a meeting agenda at the last minute. Instead, our advice is that once the deadline for posting an agenda has passed (48 hours in advance of a regular meeting and 24 hours in advance of a special meeting) **items should only be added to that agenda when necessary to deal with an unforeseen occurrence or condition requiring immediate action.** In all other cases, an item that has not been listed on a posted agenda should not be discussed as a last-minute addition. Instead, the body should place the item on the agenda of their next regular meeting or, if necessary, call a duly-noticed special meeting to address that item. Taking this approach will assure that the public has adequate advance notice and an opportunity to be heard on all topics to be discussed and decided by the public body.

## POSTING, NOTICING, AND ANNOUNCING MEETINGS

### 13. What are the requirements for noticing and announcing a meeting?

**Regular meetings** of a public body (i.e. meetings that occur at a regular date, time, and place) only need to be announced once: in a charter, local ordinance, or resolution. 1 V.S.A. § 312(c)(1). A resolution regarding the regular meeting schedule can be done in the public body's annual organizational meeting (first meeting of the year). However, an agenda must be posted in advance of every regular meeting. 1 V.S.A. § 312(d). (See #9 and 10.)

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

**Special meetings** (meetings that occur outside of the regular schedule) must be publicly announced at least 24 hours in advance. 1 V.S.A. § 312(c)(2). A meeting is "publicly announced" when notice is given either orally or in writing to all the members of the public body; to an editor, publisher, or news director of a newspaper or radio station serving the area; and to any person who has requested notice of such meetings. 1 V.S.A. § 310(4). In addition, notices and agendas must be posted at the municipal clerk's office and in at least two other designated public places in the municipality at least 24 hours in advance. 1 V.S.A. § 312(c)(2).

**Emergency meetings** There is no specific requirement for announcing and posting notice for emergency meetings (which are held only when necessary to respond to an unforeseen occurrence or condition requiring immediate attention by the public body) although "some public notice must be given as soon as possible before any such meeting." 1 V.S.A. § 312(c)(3).

### MEETING MINUTES

#### **14. Do we have to take minutes at every meeting and provide them to the public? Who is responsible?**

Yes. Minutes must be taken at every public meeting. Minutes need not be taken in executive session, but if they are, they are not subject to a public records request. 1 V.S.A. § 313(a). Each public body is responsible for creating its own minutes. Minutes must be kept by the secretary or clerk of the public body (which may or may not be the municipal clerk). 1 V.S.A. § 312(b)(1).

#### **15. What must be included in the minutes?**

Meeting minutes do not have to be a transcript of the meeting. Minutes must give a "true indication of the business of the meeting" - which may require supplementing the following statutorily-required elements: members present; active participants at the meeting; motions, proposals, and resolutions made, offered, and considered and what disposition is made of the same; the result of any votes taken; and a record of individual votes if a roll call is taken. 1 V.S.A. § 312(b)(1).

#### **16. When must minutes be available/posted?**

Minutes must be available for inspection five calendar days after the meeting. 1 V.S.A. § 312(b)(2). In addition, minutes must be posted no later than five calendar days after the meeting to an official website, if one exists, that is maintained or has been designated as the official website of the public body. 1 V.S.A. § 312(b)(2). Except for draft minutes that have been substituted with updated minutes, posted minutes shall not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2).

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

### **a. How can we have time to approve or finalize the minutes if they have to be available within 5 days?**

There is nothing in the Open Meeting Law that requires any official finalization, correction, or approval action by the public body. Since there is no law on the subject it is up to each public body to decide whether and how it will deal with corrections, approvals, etc. Many public bodies make it a practice to create a set of minutes labeled "draft" or "unapproved" and subsequently correct and "approve" those minutes at a subsequent meeting. This is done as an acknowledgement that the body has read the draft minutes and agree that they accurately reflect what took place at the meeting.

## EXCEPTIONS TO THE OPEN MEETING LAW

### **17. In what instances can a public body meet in private?**

There are limited instances in which a public body can meet in private. These instances are described in the exceptions to the Open Meeting Law which are as follows:

- Site inspections for the purpose of assessing damage or making tax assessments or abatements. 1 V.S.A. § 312(g);
- Clerical Work. 1 V.S.A. § 312(g);
- Work Assignments of staff or other personnel. 1 V.S.A. § 312(g);
- Routine, day-to-day administrative matters that do not require action by the public body, provided that no money is appropriated, expended, or encumbered. 1 V.S.A. § 310(2);
- Deliberative sessions within the context of a quasi-judicial proceeding. 1 V.S.A. § 312(e); and
- Executive sessions. 1 V.S.A. § 312(a).

### **18. Is there an exception for "work sessions"?**

No. The only exceptions to the law are those that are listed in #17, above.

### **19. What falls under the exception for "routine administrative matters"?**

This exception is mainly only used by the town listers and auditors who engage in routine administrative matters when they update listers cards, examine the treasurer's spread sheets, etc. On the other hand, this exception does not apply to the actions taken by the listers and auditors that are specifically required by statute (such as lodging the grand list, making decisions about the annual auditors' report, etc.) therefore, such actions may only be taken in the context of a duly-warned open public meeting that meets all of the requirements of the Open Meeting Law.

### **20. What is a "deliberative session"?**

A deliberative session occurs only in conjunction with a quasi-judicial proceeding. These are situations where a public body (such as a selectboard or development review board) is acting like a judge or jury in that it takes evidence or testimony, and then weighs, examines, and discusses the

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

reasons for or against an act or decision based on that evidence. 1 V.S.A. § 310(5). Examples include tax appeal hearings before the board of civil authority; vicious dog hearings and employment termination hearings before the selectboard; and zoning and subdivision hearings before a planning commission, zoning board of adjustment, or development review board. The exception for deliberative session is limited to quasi-judicial proceedings and does not apply simply because the public body wants time to deliberate in private.

### 21. Do we have to come out of deliberative session to issue or adopt a decision?

Generally, no. The law allows a public body to make a decision in deliberative session so long as the decision is issued in writing and the writing is a public record. 1 V.S.A. § 312(f). This means that after the public body has heard all of the evidence in a hearing, it may adjourn the public portion of the hearing, privately discuss and determine the merits of the case, and then circulate drafts of an opinion for comment and approval prior to issuing its formal written decision.

### 22. What about executive session? When can we use that exception?

Rarely. An executive session is a closed portion of a public meeting and is allowed only in certain limited situations. Those that apply to municipal bodies are as follows:

- a. Negotiating or securing real estate purchase or lease options. 1 V.S.A. § 313(a)(2)
- b. The appointment or employment or evaluation of a public officer or employee (**but** the public body must make a final decision to hire or appoint in an open meeting **and** it must explain the reasons for its final decision). 1 V.S.A. § 313(a)(3)
- c. A disciplinary or dismissal action against a public officer or employee (**but** such officer or employee has the right to a public hearing if formal charges are brought). 1 V.S.A. § 313(a)(4)
- d. A clear and imminent peril to the public safety. 1 V.S.A. § 313(a)(5)
- e. Discussion or consideration of records or documents that are exempt from the public records laws (**but** that does not give authority to discuss the general subject to which the document pertains). 1 V.S.A. § 313(a)(6)
- f. Municipal or school security or emergency response measures, the disclosure of which could jeopardize public safety. 1 V.S.A. § 313(a)(10)
- g. When (and only when) the public body has made a specific finding that premature general public knowledge (see #23) would clearly place the state, municipality, other public body, or a person involved at a substantial disadvantage, it may go into executive session to discuss one of the following:

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

- contracts;
- labor relations agreements with employees;
- arbitration or mediation;
- grievances, other than tax grievances;
- pending or probable civil litigation or a prosecution, to which the public body is or may be a party; or
- confidential attorney-client communications made for the purpose of providing professional legal services to the body. 1 V.S.A. § 313(a)(1)

### **23. What is “premature general public knowledge” and how could that place someone at a substantial disadvantage?**

In order to go into executive session to discuss one of the subjects listed in 1 V.S.A. § 313(a)(1), there must be a reason that the subject cannot be discussed in open session at that time. For instance, if the municipality is in the midst of a contract negotiation, the selectboard would not want to discuss its proposed terms as that would give the other side an advantage at the bargaining table. In that instance, premature public knowledge of the subject would place the municipality at a substantial disadvantage.

### **24. When can we enter into executive session to discuss legal matters?**

The Law sets out two reasons to discuss legal issues in executive session once there has been a finding that premature general public knowledge would place a person or entity at a substantial disadvantage. First, you may discuss “pending or probable civil litigation or a prosecution, to which the public body may be a party.” Second, you may discuss “confidential attorney-client communications made for the purpose of providing professional legal services to the body.” 1 V.S.A. §§ 313(a)(1)(E) and (F). In addition, the law allows a public body to have its attorney, among others, present during executive sessions. 1 V.S.A. § 313(b) (“Attendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose information is needed.”) In addition to the above, the Law also allows a public body to discuss correspondence from the municipal attorney under 1 V.S.A. 317(c)(4). This provision of law exempts from the general rule of disclosure “records which, if made public ... would cause the custodian to violate any statutory or common law privilege.” The attorney-client privilege falls within this exemption.

### **25. What are the logistics of entering into executive session?**

A motion to go into executive session must be made during the open portion of a meeting and must indicate the nature of the business to be discussed. 1 V.S.A. §§ 313(a). We recommend that you state the specific statutory provision that gives authority to enter into such session (“Title 1, Section 313, Subsection \_\_\_ of the Vermont Statutes”). We also recommend that you provide in your motion as much information as you can, without giving away the details that necessitate the

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

executive session. The motion must get the vote of a majority of the members present to pass. 1 V.S.A. §§ 313(a).

### 26. How do we make a motion to enter into executive session?

The contents of the motion to enter into executive session depend on the reason for entering that executive session. To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(2)-(a)(10) (listed in #22, parts a-f), the motion merely needs to identify the topic of discussion and the specific statutory provision that gives authority to enter into such session. We also recommend that you provide in your motion sufficient information without giving away the details that necessitate the executive session. For instance: "Because it is time for our annual evaluation of the town manager, I move that we go into executive session to discuss the evaluation of a public officer or employee under the provisions of Title 1, Section 313(a)(3) of the Vermont Statutes."

To enter into executive session for the reasons noted in 1 V.S.A. §§ 313(a)(1) (listed in #22, part g), you must make a finding that premature general public knowledge would place the public body or a person involved at a substantial disadvantage. 1 V.S.A. §§ 313(a)(1). Therefore, we recommend that you make **two separate motions**:

The **first motion** is to find that premature public discussion of the subject would cause the municipality or a person to suffer a substantial disadvantage. For instance, in the case of a contract under negotiation, the motion might be:

"I move to find that premature general public knowledge regarding the town's contract with ABC Company would clearly place the town at a substantial disadvantage, because the selectboard risks disclosing its negotiation strategy if it discusses the proposed contract terms in public."

In this hypothetical situation, the "substantial disadvantage" is the risk of losing the competitive edge in the negotiations by talking about the specific contract terms in public. For instance, once ABC Company hears the selectboard talk about the maximum price it can afford to pay, ABC Company may refuse to take anything less than that amount.

The **second motion** follows from the first and should recite the specific statutory provision that gives authority to enter into such session. For instance:

"I move that we enter into executive session to discuss the town's contract with ABC Company under the provisions of Title 1, Section 313(a)(1)(A) of the Vermont Statutes."

It is important that the minutes show that there was a careful analysis of the need to enter into executive session before the first motion was made. The Vermont Supreme Court has stated:

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

It is not unworkable for a public body to make a careful analysis of need before deciding to go into executive session. In fact, in the absence of a case-by-case determination, the legislative policy of openness would be frustrated by the impossibility of describing in categorical terms, without being over-inclusive, the permissible subjects of executive sessions. The exercise of judgment is inevitable.

*Trombley v. Bellows Falls Union High School Dist. No. 27*, 160 Vt. 101, (1993). Given the Court's opinion in *Trombley*, the first motion described above should only be made after a discussion (careful analysis) in general terms (otherwise the purpose of entering executive session would be defeated) of why "premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage."

### VIOLATIONS OF THE OPEN MEETING LAW

#### **27. What are the consequences of violating the Law?**

Either the Attorney General or "any person aggrieved by a violation of the law" can bring an action in Superior Court for injunctive relief or declaratory judgment. Prior to instituting such action, the Attorney General or person must provide the public body with written notice of the alleged violation and an opportunity to "cure" that violation. (See #\_29.)

In addition, a person who knowingly and willfully violates the Open Meeting Law, or who knowingly and willfully violates the Open Meeting Law on behalf of or at the behest of a public body, or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any relevant meeting may be guilty of a misdemeanor, punishable with a fine up to \$500. 1 V.S.A. § 314(a).

#### **28. What must the public body do if it receives written notice of an alleged violation of the Law?**

Immediately contact your town attorney or the Municipal Assistance Center! A public body must respond publicly within ten calendar days after receiving written notice alleging a violation. Logistically, this means that it must immediately call a special meeting if a regularly-scheduled meeting does not fall within this timeframe and provide adequate notice and warning of that meeting, including an agenda. During the meeting, the body should publicly discuss the situation and determine whether there was an **inadvertent** violation of the law. Based on this determination, it should issue a statement that either denies the allegation and states that no cure is necessary, or acknowledges that there was an **inadvertent** violation that will be cured within 14 calendar days. The public body should **not** publicly acknowledge a violation that is anything other than "inadvertent" without specific legal advice to do so. Failure to respond to the allegation within ten calendar days is treated as a denial. 1 V.S.A. § 314(b). In the event that the public body is sued

## FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW

for a violation of the law the court will assess attorneys' fees and costs based in part on whether there was a timely response to a notice of violation. 1 V.S.A. § 314(d).

### **29. Can someone sue the municipality for a violation of the law?**

Yes, but that person must first give the public body a chance to respond to the allegation of violation. After the public body issues an acknowledgement or denial of the alleged violation, and after allowing 14 calendar days for the body to cure the violation, either the Attorney General or any person aggrieved by the alleged violation may bring suit against the public body in Superior Court. Such a suit must be brought within one year from the date of the alleged violation. 1 V.S.A. § 314(a).

### **30. Is the public body liable for attorneys' fees if it is sued for a violation of the law?**

The law is unclear on this point. It states that a public body is not liable for attorneys' fees arising from litigation over an inadvertent violation of the law that is cured by the public body. 1 V.S.A. § 314(b)(1). However, the law also allows a court to assess attorneys' fees against a public body found to have violated the law. Before making this assessment, however, the court must consider whether the public body had a reasonable basis in fact and law for its position and that it acted in good faith, which includes responding to the notice of violation in a timely manner. 1 V.S.A. § 314(d).

### **31. When does the clock start ticking? When has the public body "received" an allegation of violation?**

Receipt of a complaint or allegation starts the ten calendar day timeline for response. Unfortunately, the statute does not define when the "receipt" takes place. We therefore advise that you take the most conservative approach and consider that the public body has received an allegation when any member of the public body, or any municipal official who acts in an administrative capacity for the public body, receives a written complaint or allegation of violation. At that point, the public body has ten calendar days in which to respond.

### **32. How does the public body "cure" an inadvertent violation?**

An inadvertent violation must be cured within 14 calendar days after a public body acknowledges an inadvertent violation. A inadvertent violation is cured when the public body either ratifies or declares as void, any action taken at or resulting from a meeting that was not noticed in accordance with the Law; or a meeting that a person or the public was wrongfully excluded from attending; or an executive session or portion thereof that was not authorized under the Law. The public body must also adopt specific measures to prevent future violations of the law. 1 V.S.A. § 314(b)(4). Such measures should be geared toward addressing the particular violation and might include, for example, training regarding the requirements of the Open Meeting Law, or implementation of internal procedures to assist the public body in future Open Meeting Law

## **FREQUENTLY ASKED QUESTIONS ABOUT VERMONT'S OPEN MEETING LAW**

compliance, such as VLCT's "Revised Model Rules of Procedure," which are available on our website ([www.vlct.org](http://www.vlct.org)).

[TOP](#)



**TOWN OF NORWICH, VERMONT  
CONFLICT OF INTEREST POLICY**

**Article 1. Authority.** Under the authority granted in 24 V.S.A. Section 2291(20), the Selectboard of the Town of Norwich hereby adopts the following policy concerning conflicts of interest applying to all elected and appointed officials of the Town, including members of all Town committees and boards.

**Article 2. Purpose.** The purpose of this policy is to ensure that the business of this municipality will be conducted in such a way that no public official of the municipality will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in public officials will be preserved. It is also the intent of this policy to encourage all decisions made by municipal officials to be based on the best interest of the community at large. This policy further seeks to promote transparency as the best protection against the threats posed to good governance by real and perceived conflicts of interest.

**Article 3. Definitions.** For the purposes of this policy, the following definitions shall apply:

A. **Conflict of interest** means any of the following:

1. A significant direct personal or financial interest of a public official, or of an immediate family member, business associate, employer, or employee of the official, in the discretionary outcome of a cause, proceeding, application, or any other decision pending before the official or before the agency or public body in which the official holds office or is employed. "Conflict of interest" does not arise in the case of votes or decisions on matters in which the public official has a personal or financial interest in the outcome, such as in the establishment of a tax rate, that is no greater than that of other persons generally affected by the decision, in cases where a decision or act is not subject to the discretion of the official or the body of which he or she is a part, or where such personal or financial interest is *de minimis*;
2. A situation where a public officer has publicly displayed a prejudgment of the merits of a particular quasi-judicial proceeding. This shall not apply to a member's particular political views or general opinion on a given issue; and
3. A situation where a public officer has engaged in *ex parte* communications with a party in a quasi-judicial proceeding.

- B. **Emergency** means an imminent threat or peril to the public health, safety and welfare.
- C. **Official act or action** means any legislative, administrative or judicial act performed by an elected or appointed officer or employee while acting on behalf of the municipality.
- D. **Public body** means any board, council, commission or committee of the municipality
- E. **Public interest** means an interest of the community as a whole, conferred generally upon all residents of the municipality.
- F. **Public officer or public official** means a person elected or appointed to perform executive, administrative, legislative or quasi-judicial functions for the municipality or appointed to a public body.
- G. **Quasi-judicial proceeding** means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which can be appealed by a party to a higher authority.
- H. **Financial Interest** means a reasonably foreseeable financial effect, distinguishable from its effect on the public generally, on the public official, a member of his or her immediate family, or on any of the

following:

- (a) Any business entity in which the public official has a direct or indirect investment.
- (b) Any real property in which the public official has a direct or indirect interest.
- (c) Any source of income provided or promised to the public official within 12 months prior to the time when the decision is made or action is taken.
- (d) Any business entity in which the public official is a director, officer, partner, trustee, or manager.
- (e) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating two hundred fifty dollars (\$250) or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made or action is taken.

- I. **Personal Interest** is an outside interest that is non-financial in nature but could reasonably be considered to affect one's ability to make unbiased decisions. Personal interests are by their nature more difficult to identify, so that officials should be more aware of them in themselves and more circumspect in ascribing them to others.

#### **Article 4. Actions Not Permitted.**

- A. A public officer shall not participate in any discretionary official decision, action or inaction if he or she has a conflict of interest in the outcome of the action.
- B. A public officer shall not personally participate in a deliberation leading to an act or decision in which he or she has a conflict of interest.
- C. Public officers shall not accept gifts or other offerings for personal gain by virtue of their public office.
- D. Public officers shall not use for private gain or personal purposes public resources not available to the general public, including but not limited to Town staff time, equipment, supplies, or facilities.

**Article 5. Disclosure.** Candid, detailed disclosure is the single best protection against conflicts of interest. Appropriate disclosure earns the respect of the public and of fellow public officials. A public officer who has reason to believe that he or she has a potential conflict of interest or an appearance of such a conflict, but believes that he or she is able to act fairly, objectively and in the public interest because no actual conflict exists shall, prior to participating in any official action on the matter, disclose to the public body at a public hearing the matter under consideration, the nature of the potential or apparent conflict of interest and why he or she believes that he or she is able to act in the matter fairly, objectively and in the public interest. Notwithstanding the foregoing, an actual or potential conflict need not be disclosed if the affected public officer chooses to recuse him or herself from consideration of or deliberation on the matter, except for publicly announcing the reason for recusal is due to a conflict or its potential.

#### **Article 6. Recusal.**

- A. A public officer shall recuse him or herself from any matter in which he or she has a conflict of interest, pursuant to the following:
  - 1. Any person may request that a public officer recuse him or herself due to a perceived conflict of interest. Such request shall not constitute a requirement that the public officer recuse him or herself.
  - 2. A public officer who has recused him or herself from a proceeding shall not sit with or deliberate with the affected body, or participate in that proceeding as a member of that body in any capacity.
  - 3. If a previously unknown conflict is discovered, the affected body may take evidence pertaining to the conflict and, if appropriate, adjourn to a short deliberative session to address the conflict. Executive session may be used for such discussion, in accordance with 1 V.S.A. Section 313(4).

4. The affected body may adjourn the proceedings to a time certain if, after a recusal, it may not be possible to take action through the concurrence of a majority of the body, for example due to a lack of quorum. The body may then resume the proceeding once sufficient members are present.
5. In the case of a public officer who is an appointee, the public body which appointed that public officer shall have the authority to order that officer to recuse him or herself from the matter, subject to applicable law.

**Article 7. Quasi-Judicial Proceedings.** A higher conflict of interest standard applies in the context of quasi-judicial decision-making. Quasi-judicial decisions are rendered in situations where the rights of a particular individual are at stake (e.g., tax appeals, vicious dog hearings, land use decisions). In those situations, the affected individual has the right to receive constitutional due process, which includes the right to an impartial decision maker. If a municipal official with a conflict of interest participates in a quasi-judicial process, a court may determine that the official was not an impartial decision maker and may vacate the decision and order the matter be reconsidered without the participation of the conflicted member. See e.g. *Appeal of Janet Cote*, 257-11-02 Vtec (2003). Therefore, public officials should be more inclined to recuse themselves when they are participating in a quasi-judicial process.

**Article 8. Enforcement; Progressive Consequences for Failure to Follow the Town of Norwich Conflict of Interest Policy.** In cases where the conflict of interest procedures in Articles 5 and 6 have not been followed, the Selectboard may take progressive action to address possible violations of this policy. In taking these actions, the board shall follow these steps in order unless the public officer voluntarily waives any or all steps A, B, or C:

- A. The chair shall meet informally, in private, with the public officer to discuss possible conflict of interest violation.
- B. The board may meet to discuss the conduct of the public officer. Executive session may be used for such discussion, in accordance with 1 V.S.A. Section 313(4). The public officer may request that this meeting occur in public. If appropriate, the board may admonish the offending public officer in private.
- C. If the board decides that further action is warranted, the board may admonish the offending public officer at an open meeting and reflect this action in the minutes of the meeting. The public officer shall be given the opportunity to respond to the admonishment.
- D. Appointed officials of the Town may be removed for cause following procedures required in 24 VSA §4323 (for the Planning Board, unless they are elected members) 24 VSA §4460 for the (Developmental Review Board), 24 VSA §4448 for the Zoning Administrator, 24 VSA § 4503 (for the Conservation Commission).
- E. All other officials appointed by the Selectboard, and not covered by a contract, may be removed by majority vote of the Selectboard, or as may otherwise be dictated by statute.

**Article 8. Exception.** The recusal provisions of Article 6 shall not apply if the legislative body of the municipality determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public officer who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

**Article 9. Effective Date.** This policy shall become effective immediately upon its adoption by the Town of Norwich Selectboard.

Adopted by Norwich Selectboard 4/28/10  
Revised 6/23/10  
Revised 7/27/11  
Revised 8/23/17

ADOPTED by the Norwich Selectboard on \_\_\_\_\_.

Effective Date: \_\_\_\_\_

\_\_\_\_\_  
Mary Layton  
Selectboard Chair

# NORWICH RECREATION DEPARTMENT

Jill Kearney Niles - Director

649-1419; Ext. 5

[Recreation@norwich.vt.us](mailto:Recreation@norwich.vt.us)

## MARCH 2018 - MONTHLY RECREATION REPORT

**Recreation Program Update:** Our seven Youth Mud Season programs are all successfully underway, including our 'Girls on the Run' program which continues into June. There are 120 participants involved in these March/April activities. This month was spent lining up coaches, practice and game schedules as well as facilities and officials for a myriad of spring programs which are now open on-line. I went over our inventory and worked on my annual bulk equipment order, as well as ordering some needed uniforms.

**Meetings:** Due to our regular monthly Recreation Council meeting falling on Voting Day, we met it at the beautiful new Police & Fire Building which everyone loved having the opportunity to see. There were discussions on spring programming, and ideas for prospective volunteer coaches. Thanks goes out to Mary Layton for presenting the Town budget to residents so well at Town Meeting, and to Herb for his prior work on it. We had a productive Baseball meeting to organize the re-opening of Montshire Cal Ripken Baseball for 3rd & 4th grades this spring. I also attended our annual evening Interstate Lacrosse Community meeting on March 21st at which we confirmed lacrosse rules and set spring game schedules and jamboree dates.

**Volunteers keeping up Winter Facilities:** Kristin Close did a wonderful job as the 'Head Hoser' for the rink this year as the skating season ended this month. Eric Picconi led the group doing the ski tracking at Huntley this season. Thanks to all the 'Hosers' as well as the new group of volunteers who drove our 'new' ancient snowmobile and provided ski tracks for the community throughout the winter.

**Annual March Changing of the Guard:** A couple of Recreation Council Member terms generally end in March - always a little sad for me. A heartfelt thank-you goes out to John Girard who is ending a 3 year term, and Chris Clapp for his long-standing involvement serving multiple terms on the Council. I'm certain they will both stay very involved, nonetheless. We thank them for their service to the Town/Department and for always being true stewards for youth recreation. I'd like to thank the Select Board for approving of, and welcoming new Recreation Council members, Sarah Martin and Christy Pearce at the March 28th Select Board meeting to fill these two seats.

**Miscellaneous:** It was great to see Herb back in Tracy Hall and I'm hopeful that he'll be back regularly as his recovery progresses. We all wish Steve Leinoff the best in his retirement and thank him for a decade of dedicated service in Norwich. Congratulations to Bill Hammond, the incredibly deserving recipient of 'Norwich Citizen of the Year '18'. It's wonderful that the 'The Norwich Women's Club' started this annual tradition for our outstanding citizens such as Bill, to be recognized.

Respectfully submitted by,  
Jill Kearney Niles



**TOWN OF NORWICH**  
**DEPARTMENT OF PUBLIC WORKS**  
26 New Boston Road  
Norwich, VT 05055  
802-649-2209 Fax: 802-296-0060  
Ahodgdon@norwich.vt.us

To: Herbert Durfee, Town Manager  
From: Andy Hodgdon, Public Works Director  
Subject: Public Works Monthly Report  
Date: March 31, 2018

Part of this month's report will come from an excel program that provides statistics for all Public Works functions.

Winter Maintenance

Activity	This month	This season, so far	Last season, as of March 31, 2017
Callout	2	28	33
Plowing	5	28	29
Treating the pavement	8	45	49
Sanding	5	40	43
Sidewalks	4	41	38
Snow removal	0	7	7

From the daily log:

- Fri., Mar. 2: Because of snow early this morning, Colton, Neal treated all of the pavement and sanded all of the gravel roads. They finished at noon. Adam did the sidewalks.
- Mon., Mar. 5: Because of snow overnight, Neal, Gary, and Colton treated all of the pavement. They finished at 9:00.
- Wed., March 7: When snow started covering the roads at 5:00 pm, we salted the pavement, then put on the snowplows.
- Thurs., March 8: Because of heavy snow overnight, everyone came in at 3:30 am. Everyone plowed their routes twice. Adam did the sidewalks also. We treated the pavement and sanded the hills and corners. Everyone finished at 3:00 pm.
- Fri., March 9: Because of snow overnight, we treated the pavement and sanded all of the gravel roads.
- Mon., March 12: Neal took the 672G John Deere grader and went to the north end. He cleaned all of the snow off the shoulders on Route 132. Colton directed traffic.
- Tues., March 13: Because of snow early this morning, we treated the pavement. After that, because there wasn't a lot of snow yet, we sanded the hills and corners. After that we plowed all of the pavement. There wasn't enough snow to plow the gravel roads.

- Wed., March 14: Because of continued snow, everyone was in at 3:00 am. We plowed everything twice and retreated the paved roads. We did not do any sanding because of additional snow predicted overnight. Adam did his plow route and the sidewalks.
- Thurs., March 15: Because of snow overnight, we treated all of the pavement and sanded all of the gravel roads. Adam did the sidewalks. Everyone finished at noon.
- Fri., March 16: Neal was on Truck #5. He winged back all of West Norwich.
- Mon., March 19: Neal was on Truck #5. He winged back Turnpike and New Boston.
- Tues., March 20: Neal was on Truck #5. He winged on the North End.

#### Mud Season:

- Much of our time during the month of March was spent maintaining gravel roads for mud season. This involved hauling a lot of gravel and ledge products and placing it with our two graders.

#### Tropical Storm Irene Alternate Projects:

- The renovations to the Public Works facility started in September and are ongoing.

#### Flash Flood of July 1, 2017

- The work on the large road repair projects on Turnpike Road, Upper Turnpike Road, Needham Road, and Tigertown Road is on hold because of mud season.

#### Transfer Station:

- The recycling rate for February was 54% of all materials collected.

#### Out-to-Bid:

- The bid for the new fire alarm system at Tracy Hall has been awarded to Vermont Life Safety from Bolton, VT. We will be applying for a PACIF grant to cover some of the cost of this project.
- We went out to bid during the month of March to replace Trucks #10 and #12, according to the Public Works Equipment Replacement Plan as approved by the Town Manager, Selectboard, and voters for fiscal year 2018/2019.

#### Court Diversion Program:

- We are working with the Vermont Court Diversion Program with a youth that is required to do some community service. He has been working with the Buildings and Grounds Technician.

#### Pending Projects:

- The balance of the 2017 Paving Plan, to be completed during the spring of 2018.
- We will soon be going out to bid for gravel and ledge products and crack sealing.
- The annual sweeping of our paved roads
- The remarking of our crosswalks, stop bars, parking stalls, etc.

FYI

Town of Norwich  
P.O. Box 376  
Norwich VT 05055-0376  
(802) 649-1419 Ext. 101 or 102

**APPLICATION FOR BOARDS/COMMISSIONS**  
*(and for those reapplying for continuing appointments)*

Name: Robert Gere

Address: 1399 Union Village Rd, Norwich, VT

Day phone: 802-280-5192

Evening phone: 802-649-5267

E-mail: rgere@mac.com

Position Applied For: Energy Committee

1. If you are re-applying for the same board/commission, how many terms/years have you already served?

Terms:

Years:

2. Would you be available for evening and/or morning meetings?

Evening: (Yes  No  Morning: (Yes  No

Are there other restrictions on your availability? If so, please describe:

No

3. Please list any experiences, skills and/or qualifications which you feel would especially suit you for this appointment.

I have served on several Boards and Committees previously

and have an interest in renewable energy and energy conservation.

4. Please include service on other municipal or school district Boards, Commissions, or Committees both in Norwich and elsewhere and indicate whether or not any of those appointments are current ones:

Finance Committee, Development Review Board

Board of Civil Authority, ECFiber Board of Governors (alternate, current)

5. Education and Current Employment

Name of Company: Dresden School District

Location: Hanover, NH

Title: IT Specialist

Describe your work:

Tech support for computer systems

6. Pertinent Education and/or Experience:

I work in technology

7. Do you feel there could be *any conflict of interest* with your personal beliefs, occupation or employer in serving on this board, commission or committee? (Yes

No). If yes, please explain:

Comments:

I am very much interested in actions that can save the town money and advance our goal of increasing energy self reliance and reducing carbon gas emissions .

Signature

Date