

Town of Woodbury Selectboard

Approved Meeting Minutes – March 28, 2016

Members Present: Michael Gray, Guy Rouelle, Thomas “Skip” Lindsay

Guests: Harry Dailey, Vail Leach, Michael McGlynn, Angela Rouelle, David Morse, Diana Peduzzi – Town Clerk, Erni Wilbur - Scribe

Media: John Pepe – HCTV; Michael Bielawski – Hardwick Gazette

Michael called the meeting to order at 6:02 p.m.

Adjustments to Agenda/Public Comment: Due to a medical emergency, Brandy Smith was not present. Therefore, no bills were presented to the Select Board. Tom Beers, Assistant Treasurer, will be in the office on Wednesday to prepare the bills. The Select Board will review the bills on Wednesday evening or Thursday morning.

There was no public comment.

Approve Minutes from Previous Selectboard Meeting: Skip Lindsay noted that Guy’s Rouelle’s comment regarding an unflattering posting on the Town’s Facebook made by an appointed official appeared to stifle debate on the FEMA Grant. Skip Lindsay stated that all elected or appointed officials and citizen of Woodbury have the right to express their thoughts as long as the commentary is communicated in a civil manner.

Subsequently, Michael made the motion to approve the minutes of the Select Board meeting on March 14 as presented. Guy seconded. Motion passed.

Road Foreman Report: Harry will start grading the roads when the rain and snow stops. Except for being rutty, they are in pretty good shape.

Last Tuesday there was a propane leak at the Town Garage. Gillespie Fuels and Propane Company was called and came to check out the problem. New gas valves were ordered. The garage previously had no O2 detectors, but they are now installed.

Michael had received an email from Jeff Weiss regarding the Boundary Agreement. Jeff explained that why his lawyer fees were so high. Michael asked Jeff if he wanted something from the town, and no response has been received as of this meeting. Once Jeff responds, the Town will discuss again. In the meantime, Michael asked Harry if he would be able to figure out approximately the Town’s expense has been in regard to road maintenance and surveying, etc.

Harry reminded the Board that a RFP needs to be prepared in order to request bids for the Cabot Road Paving Grant. He and Skip will work on the proposal and present it at the next Select Board meeting.

Town Clerk Report:

A liquor license was received for the Woodbury Country Store, LLC, and it was signed by the Select Board members.

An easement was received from Hardwick Electric for a line to George Ray's new location from Cabot Road. The easement was signed by the Select Board.

Richard Patton and Chris Neill will draw up a RFP for cemetery mowing.

Gail Aloisio from the Regional Planning Commission Grant Program suggested a meeting with the Agency of Natural Resources and the land owners of the old Woodbury Store regarding the Brownfield assessment. This meeting would be held so that everyone knows their responsibilities for the Brownfield assessment. Diana will schedule the meeting.

Town Records Vault Access – Proposed Policy: This agenda item came up because Select Board member Skip Lindsay asked Diana for the vault combination so that if he wanted to research town records, time sheets, etc. he could do it. Because of his schedule it might not be when the Town Office is open. The vault combination has never been given to anyone except the town clerk, assistant town clerk, town treasurer, and assistant treasurer. The collector of delinquent taxes now has the combination so that he can get into the vault for delinquent tax records and have a safe place to leave monies collected. Diana said she would have to think about giving the combination to Skip since it has not been the practice in the past. Skip then asked that the issue be placed on the meeting agenda. Diana contacted other town clerks to see what their policy is. The responses received indicated that the clerks did not give the combination to anyone other than people working in the office. Michael had contacted VLCT and had a letter from Carl Andeer, Staff Attorney for the VLCT, and a letter from the Town Attorney, Paul Gilles regarding this matter. VLCT indicated that the Select Board should have access to the vault. Paul Gilles indicated that the Select Board should not be allowed to have the combination. Diana is willing to leave any information in the Auditors locked cabinet so that a Select Board member can have access after-hours.

Diana's concern is that she is responsible for the contents of the vault. Skip commented that the vault is the Town's, not the Town clerks.

Skip had written up a proposed policy regarding vault access and gave the Michael and Guy copies of it for the record and their review. The policy would cover things like how often the combination is changed and who gets the combination. Now when there is a change in personnel in the office, the combination is changed.

Michael questioned if there should be a policy or could the matter be handled by a simple agreement. He tried to find middle ground by asking Skip if he would be willing to have Diana leave information out for him when he requested it. Skip replied absolutely not. Diana is unwilling to give the combination out. Michael hopes that Diana and Skip can come to an agreement.

Guy Rouelle made a comment to Skip stating the he (Guy) is now in his second year as a Select Board member, and he has always received from Diana the information he requested and had not felt the need to have access to the vault after hours. He felt that since Skip was new to the Select Board he might work with Diana to get the information he wants, and as trust and relationships build, the situation might change.

Michael will contact Paul Gilles to ask him to elaborate on his letter to the Select Board.

Planning Commission: David Morse was present to answer questions regarding the Town Plan. The town plan was submitted to the Regional Planning Commission and all required agencies and towns, and the RPC responded with a number of recommendations. A copy of this letter was given to Select Board members. The Planning Commission has met to begin working through their recommendations. David Morse and Thom Leno are committed to remain on the Planning Commission until the plan has been approved. Michael McGlynn wondered if the plan included changes in the zoning ordinance. David replied that zoning ordinances cannot be changed until the Town Plan is approved. Guy wondered if Select Board meeting with RPC people would be helpful. David thought it might be helpful. Guy knows, and will meet and or correspond with, Jackie Cassino, a member of the AOT Policy Planning Committee. He will keep all Board members in the loop.

Town Appointments: Skip Lindsay distributed a “Chart of Incompatible Offices” taken from the VLCT Handbook for Vermont Town Officers the Selectboard members.¹ The “Chart” serves to assist Town Officers in determining whether two offices are incompatible to hold.

Kim Silk agreed to stay on as **Animal Control Officer, Dangerous Buildings Officer, and Pound Keeper**. Michael made the motion to appoint Kim Silk to the above positions. Skip seconded. Motion passed.

Michael contacted Steve Freihofner. Steve is also on the Hazen Board which meets the same night as the Planning Commission. Because of the conflict and because his term on the Planning Commission is up, he does not wish to be reappointed.

Michael hopes that someone who was active on the Village Planning Committee might be willing to be appointed to the Planning Commission.

Jack Travelstead of West Woodbury, a biologist and naturalist from Virginia, would like to be on the **Conservation Commission**. Guy made the motion to appoint Jack Travelstead to the Conservation Commission. Michael seconded. Motion passed.

Guy made the motion to appoint **Brian Shatney as Health Officer, Emergency Management Director** and as **a member to the Hardwick/Woodbury Trail Committee**. Skip seconded. Motion passed.

Brian will check with the other members of the Hardwick/Woodbury Trail Committee to see if they are willing to remain on the Committee.

¹ See Attachment 1

All current members of the **Woodbury Fund Committee (Peter Peltz, Grady Neill, Wendy Silk and Vera Batchelder as an alternate)**, are willing to remain on the Committee.

Michael made the motion that **Monty Shatney, Michael McGlynn and Brian Shatney** be appointed as **Fence Viewers**. Guy seconded. Motion passed.

Michael made the motion that **Will Shatney** be appointed as **Inspector of Lumber, Shingles, and Wood** and as **Weigher of Coal**. Guy seconded. Motion passed.

Swenson Quarry Reimbursement:

Accounting & Placement in Highway Budget: Discussion was held on where to put the monies received from Swenson Quarry. There was review of documents from 2001. The initial agreement in 2001 was that the Quarry would pay the Town .05 per useable cubic foot of granite extracted from the quarry. In a later letter, the Quarry increased that amount to .065 per useable cubic foot. These monies were intended to assist the Town with maintenance and repair of the road to the Quarry. In the past, some of the funds have been put into the paving fund and the balance has been in the general fund. The Select Board would like to have the funds placed in the Highway Budget so that there is better accounting of the use of the funds as regards the repair and maintenance of the road to the Quarry. Swenson has requested this information. Currently we would have to do a great deal of work to account for the use of this money which would be done by use of receipts, etc. Having the money in the Highway Department Budget would make this available quickly. Tom Lindsay will work with Brandy and Tom to get this accounting set up.

A question was asked about putting money into HERF, and it was noted that the town has to vote to put money into that fund.

Michael McGlynn suggested that the Board contact AOT to see if there were regulations about where money received for road maintenance and repair had to be placed.

Cabot Road Paving – Final decision on the upper portion to the Quarry road: Michael spoke with Bob Pope about the paving of the upper portion of Cabot Road. Michael doesn't feel it makes sense to continue with plans to pave the upper portion at this time. Bob was disappointed but understood. In the future this should be an agenda item for Town Meeting.

There have been complaints about trucks using the jake brakes when coming down the Cabot Road and also use of them when going around Woodbury Lake where the speed limit is 40 mph. There was discussion about this happening early in the morning. Bob didn't know what he could do about this. The quarry aims to do four runs a day which usually means an early start since the trucks are asked not to use the road during school bus run hours.

Michael will talk with Bob Pope about an increase in money paid to the Town. Guy wondered if we could receive clear documentation about the money currently given to the town. Could the cubic feet information be on the check stub? Michael thought we could ask for .07 and that the Select Board and

the Swenson Quarry could come to an agreement. Skip suggested asking for an increase of .02 making the amount .085 instead of .065.

The Select Board discussed how they were going to respond to the Zoning Board of Adjustment's request to approve in writing the impacts on the roads and payments by Swenson Granite Company LLC. The Board decided to ask for documentation of the cubic feet of granite removed from the Quarry. They would ask for an increase of .02 per cubic foot. They would increase the increase of extraction. The Town will keep accurate records of all maintenance, salt and sand use on Town Highway #2 in order to compare it to monies received. At the end of two years a review will be made to see if the monies received are actually paying for the maintenance of the road. At that point they would enter into a 5-year agreement with the Quarry.

Sexual Harassment Policy and Cover Letter: Michael redid the personnel policy to include the Sexual Harassment Policy. Michael will write a cover letter to be sent with the Sexual Harassment Policy. This letter will be sent to all elected and appointed people. The Policy says that they need to read and sign a form that states they will comply with the policy. This cover letter will be reviewed and signed at the next Select Board meeting.

Woodbury Website: Angela Rouelle was present to respond to questions about the Woodbury Website. Guy began the discussion by reviewing what had been done, and the information that would be needed to be placed on this site. Skip had done some research about domains that could be used and offered that to Angela. Angela has chosen a domain already and would like to continue with it. Angela noted that she created the first Berlin VT Website. Angela presented a concise project timeline that included proposed completion dates for each project milestone. A question of having email addresses included came up, and Angela stated that the charge for email addresses on the domain she's using is \$5.00 per address per month. Email addresses can be included as information but not used via the website for communication. Contact information and content will be gathered for the website using Front Porch Forum and the Woodbury Facebook page.

Updates and Follow-ups: New computers for the Town Offices have been received, and Skip presented a transition plan. He has met with Ormsby's Computers who did a site visit. The new computers will be installed on April 15 with training to follow on April 18. Ormsby's will provide maintenance and support for the systems.

The bills have been received and Skip will review them to be sure they match the quote before giving them to Brandy for payment.

Executive Session – Discussion of possible litigation to the Town:

Michael made the motion to enter into executive session at 8:25PM; Guy seconded the motion and the motion was unanimously approved. The Town Road Foreman, Harry Dailey, participated in the executive session as well.

The executive session focused on information contained in a certified mail letter from the State of Vermont, Agency of Natural Resources, Offices of General Counsel, Enforcement & Litigation Section. The letter documents a violation of the Underground Storage Tank Rules occurred on July 2, 2015 at the Woodbury Town Garage that presented a minor actual impact on public health, safety, and welfare. The ANR is seeking a monetary penalty from the Town.

The Select board unanimously agreed to engage the Town Attorney to seek guidance in responding to the letter.

Michael made the motion to come out of executive session at 8:50PM; Skip seconded the motion; the motion was unanimously approved.

Approved Date: _____

_____ **Michael Gray-Selectboard Chair**

_____ **Guy Rouelle-Selectboard Member**

_____ **Thomas Lindsay-Selectboard Member**

ATTACHMENT 1

CHART OF INCOMPATIBLE OFFICES

Can a Person Hold Both of These Offices?	Auditor	Selectperson	School Director	Town Manager	Town Treasurer	Election Official & Candidate (Australian Ballot)	Election Official & Candidate (Not Australian Ballot)	School District Employee¹	Spouse
Auditor	—	No	No	No	No	No, If Opposed	No	Yes	3
Selectperson	No	—	Yes	No	No	No	No	Yes	
School Director	No	Yes	—	No	No	No, If Opposed	No	No	
Town Manager	No	No	No	—	No	No	No	Yes	
Town Treasurer	No	No	No	No	—	No, If Opposed	No	Yes	
Town Clerk	No	Yes	Yes	No	Yes	Yes	No	Yes	
Assistant Town Clerk	No	Yes	Yes	No	Depends ²	N/A	N/A	Yes	
Town Agent	Yes	No	No	No	Yes	No, If Opposed	No	Yes	
First Constable	No	No	No	No	Yes	Yes	No	Yes	
Road Commissioner	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Cemetery Commissioner	Yes	Yes	Yes	No	No	No, If Opposed	No	Yes	
Trustee of Public Funds	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Lister	Yes	No	Yes	No	Yes	No, If Opposed	No	Yes	
Assessor	Yes	No	Yes	No	Yes	Yes	Yes	Yes	
Tax Collector, Current	No	No	No	Yes	Yes	No, If Opposed	No	Yes	
Tax Collector, Delinquent	No	No	No	Yes	Yes	No, If Opposed	No	Yes	
Trustee of Public Funds	No	Yes	Yes	No	Yes	No, If Opposed	No	Yes	
Grand Juror	Yes	Yes	Yes	No	Yes	No	No	Yes	
Inspector of Elections	Yes	Yes	Yes	No	Yes	Yes	No	Yes	
Justice of the Peace	Yes	Yes	Yes	No	Yes	Yes	No	Yes	

1 Within same supervisory union.

2 See 24 V.S.A. § 1622.

3 A spouse of a town clerk, town treasurer, selectperson, trustee of public funds, town manager, water commissioner, sewer system commissioner, sewer disposal commissioner, first constable, road commissioner, collector of current or delinquent taxes, or town district school director, or any person who assists any of these officers may not be an auditor. 17 V.S.A. § 2647.