

# Town of Woodbury Selectboard

## Approved Meeting Minutes – April 11, 2016

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

Guests: Harry Dailey Road Foreman, Diana Peduzzi – Town Clerk, Brandy Smith – Treasurer, Erni Wilbur – Assistant Town Clerk, Michael McGlynn-Member of the Public

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

Michael Gray called the meeting to order at 6:00 p.m.

**Adjustments to Agenda/Public Comment:** Guy thought the Selectboard should write a letter of appreciation to Brian Shatney for his many years of service on the Selectboard. Guy will draft the letter and look into getting a plaque.

**Public Comment:** Michael McGlynn asked if the Town’s Auditors examined the financial record books of the Woodbury Volunteer Fire Department. Michael wondered about this because the Town transfers monies from the Town’s General Fund to the Fire Department. Michael McGlynn indicated he was looking for transparency. Erni Wilbur, Treasurer of the Fire Department, commented that an independent committee audits the Fire Department financial records internally four times a year. Erni noted that this committee does not receive or disburse these funds. Skip will send a note to Susan Martin, Chairperson of the Woodbury Auditing Team, inquiring if examining the Fire Department’s financial records falls under the Auditor’s purview.

The Town’s bills will be approved at the end of the meeting because not all Selectboard members had an opportunity to review them.

There were several clarifying and grammatical corrections to the Minutes of the March 28, 2016 Selectboard meeting. After all corrections were reviewed, Michael made the motion to accept the Minutes of March 28 as corrected. Guy seconded. Motion carried.

**Road Foreman Report:** Harry Dailey reported that grading the roads has been complicated by the adverse weather conditions. Guy asked Harry what procedure he and his crew use when grading the Town’s gravel roads. Harry explained the grading process to Guy’s satisfaction.

Harry demonstrated a GIS based computer program installed on the road crew’s lap-top computer that will serve to track all road work activities.

Skip had questions regarding the part-time employee hired to assist the full time road crew. Skip noticed the part time road crew employee’s time sheet indicated his weekly hours are approaching 40. Harry

stated the part-time employee augments the full time staff due to illness and roadwork that requires three persons. Harry noted there is a “not to exceed” amount in the Town’s budget for this part-time employee.

**Town Treasurer’s Report:** Brandy Smith stated the Vermont League of Cities and Towns (VLCT) performed an audit of the Town’s payroll accounting focused on Workmen’s Compensation Insurance monies paid by the Town. Brandy will report on the audit once she receives a final report from the VLCT.

**Agency of Natural Resources – Underground Tank Records Violation:** Guy gave a chronological account of the incidents leading up to the ANR filing the violation notice as follows. On July 2, 2015, the Environmental Compliance Division of the Agency of Natural Resources conducted an inspection of the underground fuel tanks at the town garage. The ANR found the required leak detection monitoring had not been performed. Subsequently, on March 11, 2016, the Town received a Violation Notice of the Underground Storage Tank Rules from the ANR. The issue was turned over to the Town Attorney, Paul Gillies, who is working with the legal department of the Agency of Natural Resources in hopes of minimizing the financial impact on the Town.

**Vermont Clean Water Act:** Harry and Skip attended a meeting sponsored by the Vermont Agency of Natural Resources (ANR) on April 5<sup>th</sup> at the East Montpelier Fire Station to hear how Act 64, Vermont’s Clean Water Act and Municipal Transportation, will effect the Town.

Skip gave the Selectboard a copy of the ANR’s handout, which presented a timeline for implementing Act 64 along with a list of Water Quality Grant Programs available for Municipalities. Skip noted, until Act 64 is fully implemented in the Fall of 2107, the Town road crew should continue to use road planning and maintenance guidelines as outlined in the “Orange Book”. Note that the Orange Book is published by the Agency of Transportation and is intended to provide a general understanding of the processes regarding the various state-aid programs available via the Vermont Agency of Transportation and responsibilities of elected and appointed officials. An electronic version of this handbook is available to download in .PDF format at the Agency of Transportation’s website:  
<http://vtransoperations.vermont.gov/>

Michael McGlynn asked if the Town of Woodbury would get a bigger share of grant money because of the number of bodies of water in the Town. Skip and Harry both noted the ANR’s presenter did not indicate municipalities with numerous bodies of water would be in line for special consideration.

Skip noted that applying for grant monies is not predicated on having a Town plan.

Skip presented documentation from the ANR noting the fees associated with Act 64 include a \$2,000.00 annual “Operating Fee” and a \$400.00 “application Fee” payable every five years. At the April 5<sup>th</sup> ANR meeting Harry asked what would happen if towns chose not to pay these fees; the presenter did not have a response.

**Lower Cabot Road Paving:** Michael and Skip both had talked with Shauna Clifford of the Vermont Agency of Transportation District 7 Manager regarding the issuance of a Request for Proposal for re-

paving lower Cabot Road. Shauna's follow-up email to Michael and Skip contained a list of five paving companies the State has used for paving projects. Shauna indicated as long as the Town follows the Town's purchasing policy, these companies could be directly contacted in addition to putting the Request for Proposal out to the public. Guy wondered if the company who gave the budgetary estimate of cost for the Lower Cabot Road re-paving grant application had unfair advantage in the bidding process. Guy mentioned that often when a company does a budgetary estimate, the company waives their right to bid on the project. Both Skip and Guy will follow-up with Shauna and report at the April 25, 2016 Selectboard meeting. A question for the future is whether an engineer should be hired to do the budgetary estimating for paving project grant applications.

**Town Clerk Report:** Diana Peduzzi stated an anonymous complaint was received regarding the condition of the Marie Katon property. Michael Gray noted a letter from the Town outlining a cooperative agreement with Ms. Katon to clean-up her property remains unsigned with no definitive path forward.

A letter of thanks was received from Washington County Mental Health for the appropriation they received from the Town of Woodbury.

Diana reported a recent Town Payroll Audit stipulated that individuals providing services to the Town, e.g. Town Office cleaning and mowing etc., will need to provide proof of Worker's Compensation Insurance. Should these individuals not have Worker's Compensation Insurance, the Town may be compelled to bear the cost of providing Worker's Compensation Insurance coverage. Guy will ask a contact of his if the Vermont Worker's Compensation regulations have changed and report at the April 25<sup>th</sup> Selectboard meeting.

Diana delivered a written request from the Vermont Department of Health asking the Selectboard to recommend a person to fill the position of Town Health Officer. (Diana has served as the Town Health Officer for the past several years.) Michael took the letter and will contact the Department of Health and provide follow-up during a future Selectboard Meeting.

A letter was received from the Central Vermont Solid Waste Management District seeking a Woodbury resident to represent the Town. Jayne Nold-Laurendeau has expressed interested in representing Woodbury in the District. Michael made the motion to appoint Jayne Nold-Laurendeau as the Town representative to the Central Vermont Solid Waste Management District. Skip seconded the motion. Motion carried unanimously.

Diana received an email request from the new Woodbury Store owners requesting to use land behind the Town Hall to install a temporary/seasonal barbeque grill, smoker, and utility table and two picnic tables. A discussion ensued questioning the need for a Zoning Permit to grant the Woodbury Store's request. The Selectboard members unanimously agreed to study the request further and render a decision at the April 25, 2016 Selectboard meeting.

Diana asked that she be included in future discussions about office equipment updates. Skip Lindsay noted that Diana has in-fact been included in every step of the Town's computer equipment updates via

numerous emails dating back to November 2015 and an on-site visit by the computer equipment engineer.

There will be a FEMA meeting on April 14 at 10:00 a.m. with Agency of Natural Resources and Central Vermont Regional Planning Committee at the Town Offices. Diana and the landowners of the Old Woodbury Store, Kirk Gallant and Kim Sample, will be present. This meeting will serve to examine Phase II criteria of the Hazard Mitigation Grant and to be certain all parties understand their responsibilities regarding the Brownfield Assessment and site remediation.

Diana will be taking a sick day on April 21, and Brandy will be on vacation. Erni cannot cover the office on Thursdays. Brandy will ask Tom Beers if he can come in that day to cover the office. If Tom is unable to do that, the office will be closed.

**Town Records Vault Access:** Michael contacted the Town Attorney Paul Gillies, Garrett Baxter of the VLCT, and the Secretary of State's office regarding access to the vault. Michael asked Paul Gilles to elaborate on his comments in a previous letter. His response is the same as his initial letter in that the Town Clerk can distribute the vault combination to whomever she chooses. Subsequently, Michael sent Paul's response to VLCT for comment. Garrett Baxter noted the VLCT's policy is not to intervene when a Town has engaged their lawyer. Michael indicated the Secretary of State's Office response noted there is nothing in state statutes giving the town clerk exclusive rights to the vault and in this case would defer to the Town Attorney's judgement. However, the Secretary of State's Office stated that this was a 'gray area' that could be sent to the Superior Court for clarification. No one on the Selectboard was interested pursuing a Court trial at this time.

Michael indicated he was swayed by the comments of other town clerks that Diana had presented at the last Selectboard meeting. Michael noted that not all records in the vault are confidential but the space to store non-confidential records is extremely limited. The Town does have a locked file used by the Auditors that could be used to house sensitive documents outside the confines of the vault. Guy felt the locked file was a reasonable solution. After a short discussion, it was agreed that Skip could ask Diana for any records that he wanted to review, and she would place them in the locked file which he could have access.

Diana engaged the services of her personal attorney regarding vault access issue and presented a letter from him to the Selectboard.

**Village Planning Committee:** Guy noted Phase I of the Village Plan focused on a new location for the Woodbury Volunteer Fire House. Further action is dependent on the Town Plan being completed and Phases I and II of the Hazardous Mitigation Plan be successfully addressed. Members of the Regional Planning Commission (RPC) and David Morse are meeting on April 18 to go over 12 issues found by the RCP in the town plan document. Guy noted that most of the issues are minor and can be easily resolved.

Michael McGlynn questioned the source of the \$10,000 used to fund the Village Planning study. Guy explained that \$7,500 was subsidized by a grant from the Woodbury Fund. The Fire Department contributed and additional \$2,500 as the study included siting of a new Fire House.

**Swenson Quarry Reimbursement:** Michael had a conversation with Bob Pope regarding an increase in the reimbursement from Swenson Quarry. Bob's point was that in 2001 an Act 250 agreement was to pay the Town a fee of \$0.05 per useable cubic foot of granite extracted. The Selectboard later wrote a letter to the Quarry stating that other Towns received more money for useable cubic foot of granite extracted. Swenson Quarry subsequently increased the amount of reimbursement to \$0.065 per useable cubic foot. In the original agreement, the funds were to be earmarked for maintenance of the Cabot Road up to the Quarry entrance. Swenson Quarry is requesting an accounting of how the funds are being utilized. However, the Town has not made an accounting of these funds as they are placed in the General Fund. Bob Pope wondered on what basis was the Town asking for an increase to \$0.085 when there were no records kept to justify the increase. Michael suggested that we stay at the current rate of \$0.065, and that the Road Foreman will keep records over the next two years to determine what the cost of maintaining Cabot Road (to the entrance) actually is. After two years based on road maintenance records for that section of Cabot Road, the Town will determine if any increase is warranted. Should no increase be warranted, the Town would then monitor the cost for the next three years and then decide if a cost increase is justified. Michael McGlynn wondered if more Cabot Road maintenance money was needed, would it be retroactive. The collective response from the Selectboard was no. Skip noted that over the next few years as the extraction of granite is increased the reimbursement to the Town will also increase proportionately. Bob Pope will include an accounting of cubic feet of extracted granite when he sends Swenson's reimbursement to the Town.

Going forward, 50% of the reimbursement from Swenson Quarry will be put into the Paving Fund. Michael will research the ramifications of putting a portion for the Swenson's funds money into the Highway Equipment Reserve Fund (HERF) as well.

An Act 250 hearing for Swenson Granite Quarry application to increase the granite extraction level is planned for April 19, 2016 at 6:30 p.m. in the Community Room at the Woodbury Community Library. A site visit will be held beginning at 5:30 P.M. at the Swenson Quarry.

Diana and Michael will write a Proposed Permit Condition letter to the ACT 250 Commission for Swenson's Act 250 application.

**Updates and Follow-ups:**

The computer transition plan has not changed. It will take place on Friday, April 15. There will be training on Monday, April 18.

**Executive Session – to discuss personnel issues:**

Michael made the motion to enter into executive session at 8:22PM to discuss personnel issues and to invite Brandy Smith. Guy seconded the motion and the motion was unanimously approved.

The Executive Session focused on two topics:

The first was a discussion held with the Town Treasurer, Brandy Smith, and the mechanics to support her application for short-term disability benefits. The Selectboard unanimously agreed they will provide and produce the requisite documentation to the short-term disability insurer. These documents will be kept in the strictest confidence and shared only with Brandy Smith.

The second issue focused on a former Town employee's appeal of an unemployment compensation insurance claim denial. A conference call is scheduled for April 14<sup>th</sup> at 9:00AM with the appellant, representatives from the Town, and the Vermont Department of Labor.

Skip Lindsay made the motion to exit the Executive Session at 9:22PM. Guy seconded the motion and the motion was unanimously approved.

Michael McGlynn re-entered the regular Selectboard meeting and asked what was discussed. Skip's response indicated the session focused on the Town Treasurer's benefits and the unemployment insurance claim.

Approved Date: April 25, 2016

/s/ Michael Gray-Selectboard Chair

/s/ Guy Rouelle-Selectboard Member

/s/ Thomas Lindsay-Selectboard Member