

## **ST. JOHNSBURY BOARD OF SELECTMEN MONDAY, JULY 16, 2012**

The St. Johnsbury Selectboard met in the Municipal Board Room on Monday, July 16, 2012 at 700pm for its Regular Meeting of the Select Board. Present were: Chairman Jim Rust, Rodney Lamotte, Bernard Timson, and Kevin Oddy. Vice-Chairman Alan Ruggles was absent from the meeting.

The meeting was opened with the Pledge of Allegiance at 700p.

### **PUBLIC ATTENDANCE**

Also present: Special Assistant in Town Manager's Office Dawn McPhee, HR Manager Courtney Daniels, Town Clerk/Treasurer, Stacy Jewell, Bill Jewell, Tom Cole, Gary Lunderville, Brian Christman, Frank Landry, Al Dunn, Janet Quatrini, Bruce Corrette, Caroline Noel, Lisa Rivers, Will Rivers, Cindy Robillard, Debbie Dolgin, Tim Angell, Kerry Gibbons, Ken Hammer, Jeff Moore, Lennie Hychalk, Bob Heath, Bob Derochers, Mike Fortier, Charles Hickey, Susan Cherry, Kerry Gibbons, Kevin Saben, Tim Persons, Ray LaBounty, Troy Darby, Seann Jewell, Tim Angell, John Fitch, Tom Huntington, Shilo Wilson, Sarah Garey, Aaron Schwartz, Lallie Nambourg, Bill Vermeulen, Marci Cole

### **PRESS ATTENDANCE**

Matt Wocjik of KATV and Taylor Reed of Caledonian-Record

### **PUBLIC COMMENT**

Lenny Hychalk was confirmed that his comments and those of others regarding the vacancy of the Town Manager will be considered under the Office of the Manager's agenda item.

Polly Park committee made statement regarding current condition of playground and its proposal for improvements. The Park Association is requesting 1,500 to be donated by the Town for improvements.

Kevin Saben followed on his request to have the assessor come to his residence with an escort. He also commented on the cost of Pomerleau construction being paid through reserve funds. Chairman Rust clarified that reserves cannot be touched; however, there was a list of possible adjustments from the general fund, should it be needed.

John Fitch commented on the erosion of trust of the Board.

Janet Quatrini questioned the site work volunteer who was not used and paying Ray Heath for 75,000. She made a public information request regarding the bidding process. Tim Persons asked for the reading of the request which she did in its entirety. Persons commented on the politicization of the volunteer.

Mike Fortier questioned the trust and the law upon which a vacant office should operate.

Tom Cole asked about the attorney position regarding the status of vacancy. He requested that Board move into executive session to get further clarification from Town Attorney.

Ray LaBounty requested more communication, more trust and more information to get through hurdles with the vacancy, especially around the funding on major projects. He questioned Rust's interest on the position.

Len Hychalk mentioned the attorney client privilege. He commented that Richard Cassidy should be reprimanded for his letter to the editor of Caledonian-Record.

Michelle Fay questioned why we have not nominated an interim town manager.

John Fitch commented on the incompatibility of holding legislative office and manager's office.

Nancy Cohen applauded Jeff Moore after reading an article about visitors and their comments on their good experience in town. She commented on the separation of power along with the work that still needs to be done. She would ask for patience and guidance from Attorney Town counsel. She also requested speed limit sign for the corner of Fenton and Old Center Road.

Mike Fortier reiterated the statute on the Town Manager's office and its roles and duties.

Ray LaBounty commented on the erosion of trust and the need for separation of powers.

Dana Gray clarified the paper's agenda regarding the Town Manager's position and its inquiries from residents to which they have to respond.

Janet Quatrini asked about the new finance manager and if full time and where she could be reached.

**MINUTES**

On a motion by Oddy, seconded by Lamotte, the minutes of the regular meeting of June 25, 2012 was unanimously approved.

**WARRANTS**

On a motion by Timson, seconded by Lamotte, the following warrants were unanimously approved:

69652	83.42
69653 – 69683	83,302.41
69688 – 69711	11,966.10
E458 – 495	19,627.89
69713 – 69773	877,944.50
69775 – 69795	10,934.81
E496 – 528	17,890.89
69796 – 69811	41,173.30

**LIQUOR AND CATERING LICENCES**

One catering license was approved. On a motion by Timson, seconded by, Lamotte the catering license was unanimously approved.

**POMERLEAU BOND TRANSFER**

Town Treasurer requested the transfer of funds from Pomerleau Bond Account in the amount of 270,198. On a motion by Timson, seconded by Lamotte, the Board unanimously approved the funds transfer.

Al Dunn inquired into the scope of work which include many sub-contractors.

### **PUBLIC HEALTH & SAFETY ORDINANCE**

Tim Angell presented the Planning Commission's presentation of the Public Health and Safety Ordinance for review and approval by Board. The ordinance language came from VLCT and Oddy confirmed that this ordinance has been tested in court. There was much discussion around abandoned and unsafe buildings as well as other provisions of this proposed ordinance. Lamotte requested to table this ordinance for further review and have residents access it via the Town website and put in their comments. Oddy seconds the Motion and requests the building inspector job description to review the yet-to-be-hired position. The Board unanimously agrees to return this ordinance to the Planning Commission without its approval.

### **INVESTIGATOR/DETECTIVE JOB DESCRIPTION**

This job description was updated as a result and response to the grievance which was reviewed in the prior board meeting. It was updated in collaboration with the Human Resources department and the Chief of Police. Oddy request that "GBC" be spelled out. He also requested that the requirements are very clear and all current certifications are to be maintained. On a motion by Lamotte, seconded by Timson, the Investigator/Detective job description was approved by the Board, pending the amendments requested by Oddy.

### **WIRELESS/INTERNET/EMAIL POLICY**

Board was given the Wireless/Internet/Email policy for its review. Oddy requested that line 9 should include "permission". Also, Oddy requested that a supervisor witness the signing of this policy; therefore, he requested a signature line for the supervisor, along with the HR Manager, which would affirm that an opportunity for questions and answers was had as well as the certification of the receipt of the policy by the employee. On a motion by Lamotte, seconded by Timson, this policy was adopted by the Board, pending the amendments requested by Oddy.

### **NEPOTISM POLICY**

After much discussion about the provisions, this policy was tabled on a motion by Oddy, seconded by Lamotte.

### **WASTE WATER PLANNING**

This proposal from Dufresne Group would increase the planning budget from 32k to 43k in order to include the digestors. Oddy questioned the availability of funds (which is now) as well as the evaluation schedule and the Town's ability to meet it in order to move construction forward. After discussion, on a motion by Lamotte, seconded by Timson, the Board unanimously approved the Chairman to sign the ANR document as well as to execute planning paperwork.

### **CLEAN WATER PLANNING LOAN (EASTERN/MAIN/WESTERN)**

The Board was presented with documents to approve 229,372 loan for continued improvements of the Westside Project to now include Eastern, Western, and Main Streets. The work would include repair of utility work, CSO elimination, and address storm drain issues. After 5 years, there would be equalized payments at 0% interest. Should the Town not use all funds on planning, Town is allowed to roll over funds into construction. On a motion by Timson, seconded by Lamotte, the Board approved the Loan.

### **US 2 BRIDGE 108-FINAL PLAN SIGN OFF**

The Board was presented with the final plan sign off of the US 2 Bridge project. On a motion by Lamotte, seconded by Timson, the Board approved the Chair to sign the final paperwork. Oddy abstains from the vote as he is an employee of VTrans. Rust approves the motion.

### **MANAGER'S OFFICE REPORT**

- a. Caroline Noel requested the Board to sign off on creating solid waste disposal at her residence. Chair indicated that the DRB had previously addressed the issue and she was to return to its next meeting of 7/26. On a motion by Oddy, seconded by Timson, the Board unanimously tables the request to wait for the determination by DRB.
- b. Attorney Charles Hickey presented the Board with a Letter of Intent from the St. Johnsbury History & Heritage Society to purchase the Armory. Included in the LOI were proposed terms of sale agreement in order to request the Board to negotiate through the terms. There was much discussion with respect to the clean-up cost of the Armory. On a motion by Timson, seconded by Lamotte, the Board unanimously tabled the LOI.

At 1042p, on a motion by Oddy, seconded by Timson, the Board unanimously adjusts the agenda to move into executive session. Town Clerk/Treasurer, Stacy Jewell requested time in executive session in front of the Board on a personnel matter.

At 1138p, on a motion by on a motion by Oddy, seconded by Timson, the Board unanimously approved to move out of executive session.

### **MANAGER'S OFFICE REPORT (continued)**

- c. The Manager's Office Report was continued by updating the Board on various projects. Board Chair confirmed that the following projects had been completed: Stiles Dam repair, Cliff St. drainage, Cliff St. retaining wall, and Ely ditch.
- d. Rust confirmed that The Lady was scheduled to be returned on Sunday, July 22<sup>nd</sup> and would be installed on the base at Arnold Park. He also presented quotes from Sorrell Plumbing for 10k and Knight's Electric for 15k which would increase the total park renovation budget from 100k to 125k. On a motion by Lamotte, seconded by Timson, the Board unanimously approved the quotes as well as the new budget.
- e. On a motion by Lamotte, seconded by Timson, the Board unanimously approved the Chair to apply for a 125k loan/grant combination to the USDA for funding for Pomerleau.
- f. Chair informed the Board that the final walk through for the Bike Path was scheduled for July 25<sup>th</sup> at 10am.
- g. On a motion by Oddy, seconded by Timson, the Board unanimously accepts the recommendation of the Town auditor with respect to her recommendation on the Dinah Yessne W2 issue.
- h. Chair presented the Change Order for the Wales curbing correction as the Town was informed that it would bear financial responsibility as the Town was aware of the original request which it had ignored from the resident.
- i. Chair informed the Board that VTrans declined to fund the Town's Highway and Structures project request. The Town will apply for funding for projects next year.
- j. On a motion by Timson, seconded by Oddy, the Board unanimously approved to terminate the contract with Wells Scotsman for the DPW trailer. Rust confirmed that Gary Bumps had confirmed the removal of the trailer.
- k. Fish and Stream has requested the Town to approve the placement of signs on the bridge near Lydal. Oddy asked that this matter be placed in front of the DRB.

## **OTHER BUSINESS**

Al Dunn requested a sidewalk in front of the St. Johnsbury House.

There was much discussion regarding the Biomass project.

## **EXECUTIVE SESSION – CONTRACT, LEGAL, PERSONNEL**

At 1250a, on a motion by Timson, seconded by Oddy, the Board unanimously approved to re-enter into executive session on a personnel matter. Dawn McPhee and Courtney Daniels were requested to attend.

At 145am, on a motion by Oddy, seconded by Timson, the Board unanimously approved to move out of executive session.

On a motion by Oddy, seconded by Timson, the Board unanimously approved to ratify the personnel decision made by the staff in the Town Manager's office.

## **ADJOURNMENT**

At 200am, on a motion by Timson, seconded by Lamotte, the Board unanimously approved to adjourn the regular meeting of the selectboard.