

**ST. JOHNSBURY BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, MARCH 11, 2013**

The St. Johnsbury Selectboard met in the Pomerleau Building, 1st floor on Monday, March 11, 2013 at 7:20 p.m. for the regular meeting of the Selectboard. Present were: Chairman Kevin Oddy, Vice Chairman Alan Ruggles, Jim Rust, Tom Moore, Jeff Moore, and Interim Town Manager Merelise O'Connor.

PUBLIC ATTENDANCE

Paul Conlon, Susan Smith, Rod Lamotte, Clement Houde, Jason Gray, Holly Gray, Bernard Timson, Mary Keach, Georgette Auger, Mike Fortier, Stephanie Churchill, Al Dunn, Frank Landry, Ray Labounty, Jr., Cathy Labounty, Kevin Sabens, Mr. Wescott, Rick Baldauf, Mark Gilleland, Lisa Bowden, Maurine Henning, Courtney Daniels, Troy Ruggles, Zach Wabner, Barry Walder, Gail Aloisio, Tim Person, Bob South, Amy South, Kyle Sipples, Sharon Moore, Ken Hammer, Will Rivers, Kerry Keenan, Jay Chute, Cindy Robillard, De-Ann Page Welch, Sarah Garey, Scott Beck, Sharon Heidemann, Werner Heidemann, Red Dufrense, Ben Copans, Linda Colby, Robert Desrochers, Bob Swartz, Ed Zuccaro, Town Clerk Stacy Jewell.

PRESS

Present were: Shawn with Community Channel TV, John Kazar with Channel 7, and Taylor Reed with the Caledonia Record.

PUBLIC COMMENT

Maurine Henning updated the bylaws and zoning information on the Planning Commission website, and the next Planning Commission meeting was scheduled for Tuesday, March 19.

Mike Fortier welcomed the new board members.

Bob South spoke about additional wastewater information.

Al Dunn said that this election had the biggest voter turnout.

Frank Landry asked who is running the welcome center. Jeff Moore replied that there is a Welcome Committee Advisory Board that oversees the committee and space in the building.

MINUTES

Because two of the five members of the board could not vote on the previous minutes, Vice Chair Ruggles made a motion to table the minutes, which was seconded by Rust and unanimously passed.

WARRANTS

All the warrants were signed, and Jeff Moore made a motion to pass the warrants, seconded by Vice Chair Ruggles and unanimously passed.

LIQUOR AND CATERING LICENSES

Rust made a motion to accept the catering licenses, seconded by Tom Moore and unanimously passed.

Vice Chair Ruggles made a motion to approve the liquor license renewals, seconded by Rust and unanimously passed.

SAFE ROUTES TO SCHOOL – BID PROCESS

Interim Town Manager Merelise O'Connor said that the sidewalk and signage are ready to go out to bid.

Werner Heidemann asked how much was available, with \$80K as the answer. Werner Heidemann said that there has been a lot of work done, and would like to confirm the amount and any changes. Rust clarified that June was the timeframe requested by the School Board to do the project in the summertime, and that additional funds could come from the highway fund. He said it's important to get this out to bid quickly, and made a motion to put this project out to bid pending VTRANS approval, which was seconded by Tom Moore and unanimously passed.

ARMORY LEASE

We still need to investigate environmental concerns. During the Phase I environmental assessment, there were a couple of issues. Gail Aloisio has secured a grant for Phase II assessment, but is requesting an additional addendum. There were PCB's in the floor paint that tested 100 times the amount that would be acceptable. We are in cooperation with NVDA, VDEC, and the EPA.

Werner Heidemann questioned what the acceptable limit was for the PCB test, and Gail Aloisio replied that if it tests above 50 parts per million (ppm) it would need to be removed. Until the concrete can be tested, we won't know the levels within the concrete, if any. Questions were asked about how long it would take before knowing what the levels are within the concrete. Information about how the building will be used determines what level of PCB's would be acceptable. Maurine Henning said that when the bid comes in in a couple of weeks, we will know how much the project costs.

Tim Person mentioned that the building has been used regularly and wonders what health studies have been done.

Jeff Moore said that Phase I results are in, and Gail Aloisio said that the Phase II results are pending for the next 2 weeks.

Bernard Timson mentioned possible solutions of sealing with foam insulation or another layer of concrete.

History and Heritage will put a new roof on the building if the board would consider using a \$20K town fund match towards PCB improvements, but would need to commit in order to be done sooner than later to keep the project momentum moving.

Rust made a motion to table this item along with the relevant assessments information to the next board meeting, which was seconded by Vice Chair Ruggles and unanimously passed.

WATER TREATMENT PLANT – RED DUFRESNE

Red Dufrense from Dufrense Group Consulting Engineers presented to the Selectboard and asked the board to sign an interest-free loan fund application for design plans and specifications totaling \$82,610. This is the second part of this project.

Bernard Timson asked if they could reline the tanks with stainless steel instead of removal, and Red Dufrense said that in this case the outside of the tanks are in bad condition. Jeff Moore asked how long the tanks would last without improvements. Jeff Moore made a motion to table this item until the results from the engineering study on the tanks was received, which was seconded by Tom Moore, with no vote. Discussions continued.

Jim Rust said that this is just for the design phase, the second of three. The first phase of study is complete, and the last phase is construction.

Bob South said that there will be almost \$15 million coming to the state, with \$4.482 million for pump improvements and \$1.2 million for drinking water improvements.

Maurine Henning asked what rate will we pay and would like to add to the analysis. Rust said that they are still evaluating and making adjustments to the water/sewer fund, and that this project wouldn't affect the rate.

Bob South said that now is the time to get in line for funding for 2014, and we would lose any available funding if we didn't do it at all.

Jeff Moore made a motion to table this item pending more discussion to be considered for the next meeting agenda, which was seconded by Tom Moore and unanimously passed.

TOWN MANAGER REPORT

Assessor Appointment

Vice Chair Ruggles made a motion to approve Linda Colby as part time assessor for St. Johnsbury, and to transfer contract funds to the salary line with additional pay for extra time, which was seconded by Tom Moore and had a vote of 4 agreed and 1 opposed.

Vice Chair Ruggles made a motion to support and move forward with the Town Manager setting up VLTC training program to pursue scholarship or authorize \$1,450, seconded by Jeff Moore and unanimously passed.

Chief Houde presented to the board the option of moving forward with the fire truck purchase by putting down a \$10,000 non-refundable deposit. These funds will secure the truck and start a P&S agreement. Receipt of the Grant that will cover 50% of the cost of the truck looks favorable.

Rod Lamotte asked what the truck will cost. Chief Houde replied \$906,000.

Tim Person asked what makes the old truck unacceptable. Chief Houde replied that it needs to be recertified. There is a rusty hole that was assessed at \$25,000 to fix. Being a 37 year old truck, there may be more costs due to rust. Tim Person asked what the parts would be worth, but the Chief replied that the truck needs to be taken out of service.

Jim Rust made a motion to allocate \$10,000 for the non-refundable (if the truck wasn't purchased) down payment, seconded by Jeff Moore, discussion continued with no vote.

Oddy asked what the warranty would be, with Chief Houde explaining that different parts of the truck have different time frames. There are 10 years for the ladder, with a 30 year life expectancy of the entire truck. The current reserves would take care of the cost.

The board voted and it was unanimously passed.

REVIEW MARCH 4, 2013 VOTE TO EMPLOY TOWN MANAGER AND TAKE SUCH FURTHER ACTION WITH RESPECT THERETO AS IS NECESSARY AND APPROPRIATE

Town Manager Contract Review

Ray Labounty, Jr. was concerned about the job description missing from the Town's website, and that statutory responsibilities were removed this year.

At 9:00 p.m., Vice Chair Ruggles made a motion to move to Executive Session with an invitation for Attorneys Zuccaro and Sipples to join them, which was seconded by Tom Moore and unanimously passed.

EXECUTIVE SESSION – PERSONNEL, CONTRACTS AND LEGAL

At 10:15 p.m. Rust made a motion to come out of Executive Session, which was seconded by Vice Chair Ruggles and unanimously passed.

Jeff Moore made a motion to rescind the vote taken on Mark Shea, which was seconded by Vice Chair Ruggles. The vote didn't pass and discussions continued.

Rust said this is a motion by a new board to rescind the previous board's vote. Chairman Oddy said that the board has received advice from legal counsel. Ray Labounty, Jr. said that he appreciates the attorney involvement, and Mike Fortier asked to elaborate on the purpose for the motion to justify a rescind. Jeff Moore said he was not convinced this person had the necessary experience level. Tom Moore said that if this is the best we can do, we need to look further. Jim Rust said the rest of his experience outweighed this.

Tim Person asked whether the board would go through the other 39 applications or toss them out.

Mike Fortier asked about the title of "Town Administrator" as opposed to "Town Manager" title.

Cindy Robillard said this is all about the timing. The candidate doesn't have these administration duties of budget, finance, and management.

Rust said that under Title 24, Chapter 37 states the law description for a Town Manager. Applicants included people from the corporate world, other Town Managers, Lawyers, and others.

Mike Fortier said that the job description responsibilities don't match the law, and this is an attempt to diminish this position to Town Administrator.

Tim Person said that the School Board authorized spending money in this search. The board needs to keep its credibility by looking at recent applications.

It was discussed that there is no requirement for the Town Manager to live in town.

The board voted on the motion to rescind the vote taken on Mark Shea, but there were only 3 votes with 2 in favor and 1 opposed.

Vice Chair Ruggles made a motion to hold a special meeting on 3/18 at 6:00 p.m. to discuss next steps for the Town Manager search, which was seconded by Jeff Moore and unanimously passed.

At 20:45 p.m., Tom Moore made a motion to adjourn the Selectboard meeting, seconded by Jeff Moore and unanimously passed.