

ST. JOHNSBURY BOARD OF SELECTMEN  
REGULAR MEETING  
MONDAY, APRIL 8, 2013

The St. Johnsbury Selectboard met in the Pomerleau Building, 1<sup>st</sup> floor on Monday, April 8, 2013 at 7:00 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**

Bernie Timson, Tim Angel, Mike Fortier, Al Dunn, Gary Reis, Frank Landry, Sherry Stahler, Tim Persons, Ray Labounty, Jr., Bob Swartz, Rod Lamotte, Sharon Moore, Robin Ackerman Tessier, Jeannette Keenan, Cindy Robillard, Janet Quatrini, Kerry Kelvar, Stacy Jewell, Hugh Wescott, Susan Smith, Paul T., Edward Zuccaro, Kyle Sipples, Chad Whitehead, Tony Higgs.

**PRESS**

Present were: Taylor Reed and Todd Wellington from Caledonia-Record, and Shawn Gaffney from News 7.

At 7:00 p.m., the Regular Meeting was called to order. All stood and recited the Pledge of Allegiance.

**EAGLE SCOUT SAM DESROCHERS** – a brief presentation on his project of the walking path & picnic area off the bike path.

**PUBLIC COMMENT**

Chairman Oddy asked the public to speak loudly or to use the microphone for making comments.

Ray Labounty, Jr. referred to the newspaper article on Mark Shea, and referenced the Selectboard meeting minutes for March 4 which included language regarding contractual issues similar to past language.

At 7:15 p.m., Jeff Moore moved to change the Executive Session item up on the agenda to be the next item and include attorney Sipples, seconded by Tom Moore, and unanimously passed.

**AN EXECUTIVE SESSION TO DISCUSS THE APPOINTMENT OF A TOWN MANAGER PURSUANT TO TITLE 1, SECTION 313(a)(3).**

At 7:16 p.m., Jeff Moore moved to enter into Executive Session, seconded by Tom Moore and unanimously passed.

At 7:30 p.m., Vice Chairman Ruggles moved to come out of Executive Session, seconded by Jim Rust, and unanimously passed.

## **APPOINTMENT OF A TOWN MANAGER**

Tom Moore moved to hire John hall as Town Manager immediately, which Vice Chairman Ruggles seconded, but was not voted on by the board.

Bernie Timson raised issues regarding a conflict of interest with board members Vice Chairman Alan Ruggles and Tom Moore, and passed the Conflict of Interest Policy to the board. Jim Rust stated that in Section 13, on the second page of the Policy, the board member would need to disclose any conflicts in writing and include it in the meeting minutes.

Vice Chairman Ruggles recused himself from the vote. Chairman Oddy read excerpts from the Policy, and asked if there were any other conflicts, and the remaining board members replied no.

Vice Chairman Ruggles moved to enter into Executive Session with council, seconded by Jim Rust, with a unanimous decision.

Ed Zuccaro stated that to receive legal advice on the topic of Conflict of interest is not a reason to go into Executive Session. In addition, Ed Zuccaro said that he served on the Academy board, so he would not be able to advise the board.

Jim Rust withdrew his second of the motion, and the motion failed. Chairman Oddy revisited the Conflict of Interest Policy.

Gary Reis mentioned that a current employee would be a conflict of interest, but not a retired person. Chairman Oddy stated that because Tom Moore is retired, he doesn't see a conflict with him. Vice Chairman Ruggles again recused himself from the vote.

Tom Moore moved to hire John Hall as Town Manager, effective immediately, seconded by Jeff Moore. Bernie Timson and Chairman Oddy had some further discussion. The vote passed 3-1, with Jim Rust opposed and Alan Ruggles abstaining.

Tom Moore moved that the board and John Hall sign a contract to take effect May 1, 2013 for two years through April 30, 2015, seconded by Jeff Moore and unanimously passed. Chairman Oddy read the contract out loud then passed the document for signatures.

Chairman Oddy stated that John Hall said that he wouldn't accept a full salary for getting up to speed, but would work with the Interim Town Manager as his schedule allows. Tom Moore moved that the Town pay John Hall \$36 per hour, up to 40 hours per week until his salary started on May 1, 2013, seconded by Jeff Moore and unanimously passed.

Jeff Moore for John Hall's timesheet to be given to Chairman Oddy seconded by Tom Moore and unanimously passed.

Interim Town Manager Merelise O'Connor advised as to her schedule for the next two weeks. Chairman Oddy gave her a heartfelt thank you, stating to the public that she came into a difficult situation with a ton of work and got it done, and concluding that the Town is a better place for

having her here. Merelise O'Connor received a standing ovation from the board and the citizens in attendance.

## **BOARD APPOINTMENTS**

### **Transportation Advisory Committee**

Vice Chairman Alan Ruggles moved to reappoint Jim Rust, John Hall, and Hugh Wescott, seconded by Jeff Moore and unanimously passed.

## **WARRANTS**

The warrants were all signed. Tom Moore moved to approve the warrants, seconded by Rust, and unanimously passed.

## **LIQUOR AND CATERING LICENSES**

The catering license was signed. Rust moved to approve the catering license, seconded by Vice Chairman Alan Ruggles and unanimously passed.

The liquor and tobacco license was signed. Vice Chairman Alan Ruggles moved to approve the license, seconded by Tom Moore, and unanimously passed, with Rust abstaining re: Petty Co Junction.

## **MINUTES**

For Monday, March 18 for the Special Meeting of the Selectboard, Vice Chairman Alan Ruggles moved to approve the minutes, seconded by Tom Moore and unanimously passed.

For Monday, March 25 for the Special Meeting of the Selectboard, Chairman Oddy moved to table the minutes because they seemed incomplete, seconded by Jim Rust and unanimously passed.

For Monday, March 25 for the Regular Meeting of the Selectboard, Vice Chairman Ruggles mentioned page 3 under Litigation Committee on the second line he didn't second, and under the third paragraph, the cost should read \$475,000. Jim Rust stated that two paragraphs up, he didn't make the motion to proceed. Jim Rust moved to table these for clarification, seconded by Vice Chairman Ruggles and unanimously passed.

For Thursday, March 28 for the Special Meeting of the Selectboard, Jeff Moore mentioned that these minutes should state public comment by Bernie Timson and the board's response. Jeff Moore moved to table the minutes in order to make corrections, seconded by Tom Moore and unanimously passed.

For Friday, April 5 for the Special Meeting of the Selectboard, Vice Chairman Ruggles moved to approve the minutes, seconded by Jeff Moore and unanimously passed.

## **CHAD WHITEHEAD OF DUFRENSE GROUP TO PROVIDE OVERVIEW OF PROJECTS COMBINED SEWER OVERFLOW PROJECT**

Chad Whitehead presented a PowerPoint slide show regarding capital projects over the last ten years.

Chad Whitehead continued to provide information regarding the Combined Sewer Overflow Project.

Tom Moore asked what costs would look like if the existing concrete was just paved over, and Mr. Whitehead replied that they would have to pull up the concrete in very large sheets to get to the utilities underneath, and it's just not as cost effective.

Mike Fortier discussed the cancelling of the Maple Fest this year because Maple Street was under construction, but the construction is not going to happen. Mike Fortier and Chad Whitehead continued to discuss other options that would affect the budget, with comments from Interim Town Manager Merelise O'Connor.

Bernie Timson asked questions regarding Western Ave., with Chad Whitehead responding that the steps taken are moving forward toward separate systems. Mr. Whitehead continued to discuss that they are limited to public ROWs, and that surface areas cause a problem with combined flow.

At 8:45 p.m. discussions continued with input from Tim Persons, Bernie Timson, Jim Rust, Vice Chairman Ruggles, Chairman Oddy and Interim Town Manager Merelise O'Connor. Mr. Whitehead clarified that paving the road is 12% of the total project cost, which will be paved for the Town. Mr. Whitehead asked the board to decide to either bid the project out now, or revise the plans and reduce the scope. Rust mentioned that the public had major concerns during the March 20<sup>th</sup> meeting, and that he is not ready to make a decision. Rust stated that he would like a copy of the PowerPoint slides, and to look more closely at the numbers that may significantly affect larger users. If the project goes to bid, the scope can be reduced afterward. If the bid goes out sooner, they will come in lower. The board has no requirement to accept any bids. The time to accept a bid varies between 10-30 days. Discussions continued regarding the bid timeline that could be up to 2 months from start to finish, with Rust mentioning again that he didn't have enough information.

Tom Moore moved to proceed to bid the entire project now, seconded by Vice Chairman Ruggles, and discussions continued. Mike Fortier and Chairman Oddy summarized that the voters approved this project and \$8 Million. The project is estimated at \$9.4 Million. Once the bids come in, if they are over \$8 Million the board can certainly reduce the scope at that point. Tony Higgs asked the board if they delay the bids, the state's decision to repave may be withdrawn, and Jim Rust mentioned concerns completing other projects.

Chairman Oddy restated the motion that was on the table and had been seconded by Ruggles, and passed with a vote of 4-1 with Rust opposed.

At 9:10 p.m., Interim Town Manager Merelise O'Connor stated that the 2011 audit was complete. There was a \$328K surplus that was not assigned to a specific purpose. Several notes were included regarding internal practices and procedures. The 2012 audit will follow shortly. It appears that the town is in solid financial shape yet there are a number of practices and procedures that need to be established and implemented to achieve best practices in the area of finances.

Rust asked the Interim Town Manager if the auditor would come to the public forum meeting to answer questions as their contract states. Town Clerk Stacy Jewell detailed that first the board had to accept the audit, then the auditor signs it, then it becomes public, and after a week for the public to review it, the auditor will attend the public forum meeting to discuss questions.

Rust moved to approve the audit under the condition that the auditor would provide the formal presentation, seconded by Vice Chairman Ruggles with the expectation of the auditor attending the next Selectboard meeting.

Mike Fortier asked if the A133 federal audit of grants was completed, with the board responding that they were approved together. The board voted and the motion unanimously passed.

### **TOWN MANAGER REPORT**

At 9:18 p.m., Interim Town Manager Merelise O'Connor stated that the Retirement Plan had positive movement to report. The investment return, assumed at 7% was realized at over 10%. In addition, changes in the plan demographics have resulted in positive development. In addition, paying the employer contributions earlier in the budget year results in (for this year) a \$12,000 savings as compared to paying it in December. Obtaining the annual amount from the actuary timely is a result of submitting the plan census data when it is requested.

### **Capital Purchases – Vac-con truck, Ladder truck**

Interim Town Manager Merelise O'Connor and Town Clerk Stacy Jewell submitted a revised recommendation with respect to financing the fire truck. Jeff Moore asked why Passumpsic Bank could not be utilized, and Interim Town Manager Merelise O'Connor explained that the state statute does not allow municipalities to borrow money from a bank unless it is paid within the budget year. The Vac-con truck and ladder truck were written up as one purchase, saving \$500 in administrative costs, but will be tracked separately. The recommendation is for the 5 year lease/purchase for the ladder truck at 1.99% interest through Municipal Leasing Consultants (MLC). The ladder truck total cost is \$639,409, with \$475,000 anticipated from a FEMA grant. She continued to explain that there are no pre-payment penalties, and since the Town makes the first payment early, it saves money on the total cost amount.

Jeff Moore made a motion for the Town to accept MLC as lender and to purchase the fire truck, seconded by Tom Moore and unanimously passed.

Discussion continued regarding the Vac-con truck between Jeff Moore and Hugh, specifying that the existing truck is 14 years old, and the Vac-Con Dealer gave the Town a positive trade in value of \$35K. Hugh continued that Vac-con trucks are usually traded in every 7 years, and the new

truck with many new capabilities listed on the spec sheet provided to the board would be here within a month.

Tom Moore moved to proceed, again using MLC for financing with the purchase of the Vac-con truck at a total cost of \$298,631 at 1.928% interest, seconded by Vice Chairman Ruggles and unanimously passed.

### **Armory Roof Estimates**

At 9:30 p.m., Interim Town Manager Merelise O'Connor stated she had two proposals in from local contractors and expected one more.

Bob Desroches had informed the board that the History and Heritage board voted to pay half of the sample study on PCB's up to \$20K if the Town would fund the other half, and if favorable, History and Heritage would proceed with funding the roof repair.

Interim Town Manager Merelise O'Connor stated that a letter of amendment would be needed to amend the current agreement.

Tim Persons provided technical studies about encapsulation stating that some PCB's are non-harmful, with Chairman Oddy requesting the information by email.

Jim Rust commented that if History and Heritage takes over the building, they would have to fix the roof. Chairman Oddy asked if the History and Heritage board would publicly state a new amount for the PCB study, and write the Selectboard a letter of intent. Tom Moore suggested they do so at the April 22 meeting.

Bernie Timson suggested that the Town not divulge the bid amounts that have already been received to new bidders, and to have a receipt deadline.

### **OTHER BUSINESS**

At 9:40 p.m., the Interim Town Manager Merelise O'Connor detailed a request of 6 employees that their 457B plan, currently held by American Funds Service Company, be transferred to Nationwide Retirement Solutions. Vice Chairman Ruggles moved to approve the transfer, seconded by Jeff Moore, and unanimously passed.

Tom Moore moved to authorize Chairman Oddy to sign as the Selectboard representative for American Funds Service Company, seconded by Rust and unanimously passed.

Chairman Oddy scheduled a Special Meeting of the Selectboard to include the town attorney at 5:30 p.m. on Wednesday, 4/10 as an Executive Session.

Ray Labounty, Jr. asked Interim Town Manager Merelise O'Connor how the easements were progressing, and she replied that the project was all but complete, with only two still open. At 10:00 p.m., Jeff Moore moved to adjourn the Regular Meeting of the Selectboard, seconded by Tom Moore, and unanimously passed.