

TOWN OF FAIR HAVEN, VERMONT
**Selectboard; Water & Sewer Commissioners, Liquor Commissioners, Cemetery
Commissioners**

MUNICIPAL BUILDING

Tuesday, April 5, 2022 - 7:00PM - Regular Meeting

Zoom Meeting Link: <http://us02webzoom.us/j/87855535453>

Phone: 1 929 205 6099 | Meeting ID: 878 55535 453

DRAFT Minutes

Members Present: Chris Cole - Chair, Glen Traverse - Clerk, Robert Richards, Jay Brown, Rich Greenough

Others Present: Town Manager Joseph Gunter, Recording Secretary Jennifer Jackson, Jim Britt of Peg TV, Keith Whitcomb of the Rutland Herald, Rod Holzworth, II, Jeff Sheldon (via phone), Police Chief William Humphries, Town Clerk Dani Roberts, Rachel Meigs, Castleton Town Clerk Nedra Boutwell, Brandon Town Clerk Sue Gage, Hubbardton Town Clerk Dawn Custer, Suzanne Dechame

1. **Call to Order and Pledge of Allegiance:** Chairman Cole called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.
2. **Amendments to the Agenda:** Mr. Traverse **motioned** to amend the agenda to place in New Business: E appointment of NEMRIC administrator. Seconded by Mr. Richards. All in favor and motion passed.
4. **Approval of the Minutes of March 22nd:** Mr. Brown **motioned** to accept the minutes of March 22th with the correction of Swamp Rd. Mr. Traverse seconded the motion. All were in favor and the motion carried.
5. **Five minutes for Public Comment:** None
6. **Department Head Reports:**
 - a. Town Manager Gunter Reported for Police Chief William Humphries:
 - i. 6 arrests
 - ii. 53 traffic violations
 - iii. 26 written warnings
 - b. Manager Gunter Reported for the Department of Public Works:
 - i. Highway Department:
 1. Busy with sidewalk clean-up and street sweeping
 2. Winter equipment clean up is still going on for winter storage.
 3. Working on a few sidewalk spots
 4. Culvert work; 1 repair, 2 to be replaced.

5. Will continue grating dirt roads as long as the weather cooperates and stays warmer.
6. Swamp Rd will begin fixing pavement in June.
7. August will start roadside mowing with a budgeted rental mower.
8. Working on some CrossWalk painting.
9. Furnace and Union Street are in the schedule for paving in the coming budget.
10. VTRANS, have a few applications for class 2 paving and the Town is hoping they will be awarded a grant for paving Scotch Hill Rd.

ii. Water Department;

1. Cleaning around Inman Pond
2. Pressure washing the North Tank.
 - a. A few cracks will need new coating
3. Training staff when available.

Mr. Brown asked about the paving; is the money being used from last year's budget? Are we finishing last year's projects first? What is the plan? Manager Gunter stated that Swamp, Union and Furnace are coming from last summer's budget and are on schedule. Starting July 1, hopefully with grant money, the town will repair Scotch Hill road. Mr. Brown asked why repave all of Scotch Hill when 4th street really needs work as well. Mr. Greenough stated that some roads aren't ready to be paved, they need to make sure that the water is off the road before being ready to pave.

Rod Holzworth asked the Select Board about the joint between a road and a driveway. Who is responsible for maintaining the road? Manager Gunter responded that if it can be hit while you are driving it is the town's responsibility. If you need to go over a curb it's the landowners responsibility. Mr. Holzworth then asked if it is the town's responsibility to send a letter if the joint is in need of repair, especially for businesses with this issue? Chairman Cole asked that paving be added to the agenda with Aaron Kerber for the next meeting to help the selectboard clarify issues they are seeing.

9. Town Manager Report & Communication: Joe Gunter reported:

- a. There is still an open position for an accountant. Three people have applied. Two interviews are happening this week, one applicant withdrew.
- b. Adams Street Bridge Grant is still being worked on.
- c. Earmarking money for Town Hall
- d. RFP for the Salt Shed was released
- e. The Town Hall project for elevators is going along. The elevator pit has been poured.
- f. Pump Station Project is buttoned up. Still need the control panel to be put in.
- g. April 18th the playground equipment will be on site.
 - i. Mr. Richards reported he had received two reports of garbage on the playground today.
- h. ARPA reporting is due this month.

- i. Mr. Richards asked if Manager Gunter had heard anything about a second round of ARPA money. If he hadn't, would he please do some research on the subject.

10. Old Business:

a. Town Clerk MOU:

Mrs. Roberts spoke first. She read to the Board a letter she had composed. In the letter she stated her insulted feelings towards the MOU the selectboard and town manager put before her and how she had been treated by the town manager. She stated she expected to be treated fairly, as most other town clerks in the state and the previous Fair Haven Town clerk, and be given paid time off for vacation, federal holidays, sick days, and full benefits due to an employee of 12 years. She also would like to see the selectboard take action against the Town Manager for his harassing behavior according to the town policy outlined on page 2 of the Town of Fair Haven Progressive Discipline Policy document. She stated, when she asked the town manager why the MOU was written as such, he said "because you're elected and I can" and that he was trying to get her to commit fraud by signing documents that she was unable to legally sign. She believes his actions towards her are retaliatory because she refused to sign the document. She handed out a survey of salary and benefits from other town clerks within the State and the collection of emails between herself and the State regarding the document signing. She states that her job description is dictated by the State of Vermont, not the Town of Fair Haven.

Mr. Cole asked if an MOU was even necessary. Mrs. Roberts stated she doesn't care about the memorandum as long as she is treated fairly and \$17.00/hr without a chance of cost of living increase is not ok. Mr. Brown stated that the voted on budget for the town clerks salary is \$37, 000.00. That town clerks can work for fees or the salary offered by the town. Ms. Dechame reminded the Board that even with fees the town clerk received a salary in Fair Haven when the fee system was in place. Mr. Richards asked Mrs. Roberts if she knew the salary before running for the position. She stated she did, but she also knew that her predecessor received benefits and paid time off along with her salary. She expected similar compensation. Mr. Cole said to Mrs. Roberts, you work for the voters of Fair Haven, if you want time off take it, if the voters don't like it they won't vote you in again. Mr. Richards suggested to the board that they change her pay to salary instead of hourly.

Mrs. Roberts wanted it to be known publicly the number of people who had come to the office to thank her for running and to welcome her into the office. She understands the importance of her job - 280 or so years of records and history are in her care.

Mr. Traverse asked her what her current pay was. \$14.65 per hour. But there is still \$13, 000.00 from the budget from Mrs. Dechame's term that should be paid to her as she is the new Town Clerk. With what she has now she will not be able to find an assistant and be able to pay them. Mr. Brown asked why the new town clerk didn't have access to the \$13,000 budgeted to the town clerk for the year. Manager Gunter said the plan was to see what the new town clerk wanted then retro pay as needed. Mr. Brown stated the money should be the new town clerks. He also said she should make her schedule and post it for the town to know. Mr. Greenough asked what a fair schedule would be for her. Mrs. Roberts stated 40 hrs a week because of the load assigned to a town clerk, but she would really like to see the benefits side

taken care of. Manager Gunter did not believe the town budgeted for benefits for the town clerk. Mr. Brown stated that the Board is dealing with decisions from previous boards and they need to look at the budget and make sure there is money for benefits before they agree, but to also make sure she receives the salary she is expecting.

Mr. Traverse **motioned** to pay the town clerk the budgeted salary for March 1 through July 30 and starting July 1, 2022 the budgeted \$37,000.00 divided by the pay periods. Seconded by Mr. Brown. All were in favor and the motion carried.

Mr. Traverse said to Mrs. Roberts that regarding the serious allegations she brought to the board they needed to conduct an investigation.

Mr. Greenough asked about training an assistant and available pay for one. Mr. Cole stated that the issue of Mrs. Roberts benefits will be on the next agenda.

11. New Business

a. Water Meters:

- i. Article 12 of the Water Ordinance provides the town with enforcement options:
 1. Section 12.01 (A) & (G) are the violations to the ordinance we are seeing in the town.
 2. Section 12.02 (C) provides penalties. This is a \$500/ Day penalty. The penalty can be waived if the homeowner complies before it is adjudicated in court. Once the court passes judgment the fine(s) stand.
- ii. No action that the board can really take right now other than sending letters out to the 32 households that still need to get meters changed out. If they are a civil ordinance the Chief of Police can handle it.

PC Humphries stated that if the household doesn't let you come into the house it reverts back to civil and maybe the water can be turned off and the household would have to go through civil court to get a court injunction to allow the town to go in and remove the town's equipment.

Manager Gunter will enforce the ordinance as approved.

Mr. Greenough and Chair Cole believe a letter stating why the meter change is a positive thing might help people schedule appointments. Mr. Brown asked when is an appropriate time to send out the letter and have households get in compliance? Manager Gunter suggested that households be in compliance by the next billing cycle in June.

b. Outside seating:

- i. The brewery, with Representative Rachel Meigs, wants to put tables outside in what they are calling the "loading zone" and along the building front. The town needs to approve the policy for this to happen. A draft policy is in the packet along with the application that was given to the selectboard.

Mr. Traverse asked if an outside consumption permit was needed. Manager Gunter stated it was in the packet handed out. Mr. Brown asked if the 5 feet required for the sidewalk is still available. Ms. Meigs stated they wanted to use the diamond area but were unsure of the rules for roping off the location. Manager Gunter answered that they can't block the sidewalk

but need a roped off area that has a designated egress and entrance marked off. Mr. Brown asked if the alcohol needs to be carried to the area. Manager Gunter stated that the alcohol would have to stay in the roped-in area and that staff would have to deliver it to the space.

Mr. Traverse asked about page 2 of the application and asked because of the term “retail sales” in the application if businesses like Durfee’s would also have to apply to use the sidewalk space. Maybe clarification was needed for the meaning and purpose of the application.

Mr. Traverse asked if there were any zoning considerations that needed to be looked into. Manager Gunter stated he has spoken with the zoning administration and to the department of public works. There were no concerns there. Chief Humphries stated that he has no concerns and thought that it would be good for the town. Ms Meigs stated she spoke with her neighboring businesses and they were ok with the outside dining.

Ms. Meigs stated she needed clarity on roping and it also has to work for her business model. Mr. Richards told her to set it up and then let the board come see what is planned. Ms. Meigs asked if the seating close to the building if the customers would still be able to come pour their own beer? The general belief was yes. Chairman Cole asked if a sketch was required in the application process. The board seemed fine with the permit. Ms Meigs also needed clarification that the sidewalk is town property. It is town property. Manager Gunter reminded the board that there is a \$25.00 fee that goes with the application. So if retail sales is included in the application it would apply to those other businesses as well. Mr. Traverse suggested removing the retail sales from the application

Mr. Brown **motioned to approve the application presented but to remove “retail sales” throughout the document and replace it with “open area dining and alcohol sales.”** Mr. Richards seconded the motion. All were in favor and the motion passed.

c. Scrap deposit:

- i. Manager Gunter reported the town received \$481.70 for the scrap metal generated from the demolition of the old playground equipment. The board needs to decide if they would like this to go into a reserve account. Manager Gunter believes the recreation reserve account or the rec building reserve account would seem appropriate. Mr. Brown **motioned to deposit the \$481.70 into the recreation building fund, earmarked for playground equipment.** The motion was second by Mr. Traverse, all were in favor and the motion carried.

d. Capital Budget approval 2022:

- i. Manager Gunter explained that this is the first look at the new capital budget policy, in the past staff would set a schedule. However, as boards changed the schedule was not adhered to. The new policy would have the board decide which (if any) capital purchases it wishes to fund for the coming year. Manager Gunter would like to see this passed now because the water sewer budgets are due to be discussed in the next 2 months. These budgets will impact capital purchases.
- ii. Mr. Richards stated the Town needs to make plans as to how long they will keep materials and stick to that plan by maintaining and keeping up what we purchase. Mr. Greenough seconded the thought, that the town

really needs to think about how they are utilizing money. Make sure the town is doing it correctly. Mr. Richards would like to get the department heads into a meeting and discuss how to spend and save money. Mr. Cole asked if they should table the discussion for 2 weeks. Manager Gunter stated that the spreadsheets are never stuck to, and that it isn't working for the town. He would like something new to manage money and needs. Mr. Richards asks for honesty and necessity in capital needs.

- iii. Manager Gunter will ask department heads what they feel they need this year and if there is something big that will be needed in the near future.
- iv. Chairman Cole stated maybe we can use ARPA money to pay down debt so we can start off on a cleaner slate and possibly save money by not having to pay interest payments on loans.

e. Appointment of NEMRIC administrator:

- i. Mr. Traverse made a **motion to appoint the town manager as the administrator of the NEMRIC accounting system**. The motion was seconded by Mr. Richards. Mr. Greenough asked what the NEMRIC system was. Manger Gunter explained that it is the computer system used by Vermont towns to manage finances. All were in favor and the motion carried.

12. Parking Lot:

Meter Changes	Adams Street Bridge replacement
Downtown Designation	Zoning Regulation Update
Town Plan	

Mr. Traverse would like to add Municipal Finance Policy Review. Mr. Richards would like to write or create a Standard Operating Procedure (SOP).

13. Board Roundtable:

a. Mr. Greenough:

- i. He had been watching traffic by the monument and noticed many near misses. He wasn't sure of the real issue, but would like to see the town repaint the white lines and add yield markers on the road. Manager Gunter said he'd ask the road crew to do so.

b. Mr. Brown:

- i. Is the water going to be shut off in July to the trailer park? Manager Gunter stated that the town will follow their policy and process. Per the process the Town must notify all the people in the park. Mr. Brown followed up by asking if the people will have time to pay? Manager Gunter stated that it wouldn't be sprung on them. Mr. Richards asked Manager Gunter to look into any programs, if they exist, to help the people if their park needs to be closed.

- ii. The piles of snow around the park. Mr. Brown would like to see the town pull the piles over where they belong so the piles can melt and the dirt goes back to its original location.
 - iii. Please advertise for Zoning Board of Abatement Members, there are only 4 members on the board, not the needed 5. Manager Gunter said he would get with Zoning Administrator Adams to clarify if members are needed.
 - iv. Sidewalk with dirt pushed up. He is noticing that the town is only running over the dirt piles with the Bobcat, which is not fixing the problem. Manager Gunter stated they are removing excess dirt. Mr. Greenough stated that the sidewalks are like a mini road system and need to be treated as such. If the mounds between the sidewalk and roadway were eliminated the issue of excess dirt would also be eliminated because the sidewalk plow would have a place to push dirt when it accumulated in the snowy sidewalk.
- c. Mr. Richards:
- i. Downtown businesses are getting ready to sell. Is there a program that can cooperate with the town to help sell their property to the right people. It is important to the town to keep these businesses. Mr. Richards isn't even sure if something like this is possible, but would like Manager Gunter to look into it.
- d. Traverse:
- i. No concerns tonight.

14. Review of Financial Reports:

a. Expenditure/Revenue Reports:

- i. Mr. Richards **motioned** to approve the payroll warrant for \$35, 322.70; seconded by Mr. Brown. Motion carried with one abstention from Mr.Traverse.
- ii. Mr. Richards **motioned** to pay the general fund warrant for \$85,309.04. Seconded by Mr. Brown. Motion carried with one abstention from Mr.Traverse.

b. Checkbook status: \$487, 502.66

15. Executive Session Personnel:

- a. At 9:20pm, Mr. Traverse **motioned to go into executive session for Personnel; Labor relations 1 VSA § 313(a)(1) and Personnel action 1 VSA § 313(a)(4) excluding the Town Manager.** Mr. Brown second the motion. All were in favor and the motion passed.
- b. Recording secretary was excused.

16. Board came out of executive session at 10:17

- a. **Mr. Traverse made a motion to take appropriate steps in the personnel matter. Seconded by Mr. Richards.**

17. Adjournment: Meeting adjourned at 10:19

Upcoming Meeting Schedule: April 19th May 3rd, 17th, 31st

Auxiliary aids and reasonable accommodation shall be made upon request. A two-week notice may be required for some requests.

Respectfully submitted,

Jennifer Jackson
Recording Secretary

Glen Traverse, Board Clerk