

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

MUNICIPAL BUILDING

Tuesday, May 17, 2022 - 7:00 PM - Regular Meeting
Zoom Meeting Link: <http://us02webzoom.us/j/82171750658>
Phone: 1 929 205 6099 | Meeting ID: 821 7175 0658

DRAFT Minutes

Members Present: Chris Cole - Chair, Glen Traverse - clerk, Robert Richards, Jay Brown

Members Absent: Rich Greenough

Others Present: Town Manager Joseph Gunter, Recording Secretary Jennifer Jackson, Jim Britt of Peg TV, Superintendent of Public Works Aaron Kerber, Fred Capron from RC Fliers, Rachel Meigs, Judi Sutherland, David Woolpy from Boys and Girls Club, Ceil Hunt, Rod Holzworth, II, Sean Galvin, Eli Charlton, Carrie LaFond, Linda Barker, Linda Sienkiewicz, Deborah Laiacona, Police Chief William Humphries (via phone)

1. **Call to Order and Pledge of Allegiance:** The meeting was called to order at 7:00pm by Chairman Cole and the pledge of allegiance was recited.
2. **Amendments to the Agenda:** Mr. Traverse **motioned for an addition of an executive session for personnel discussion VSA § 313(a)(3) to the agenda.** Mr. Richards seconded the motion. All were in favor and the motion passed.
3. **Executive Session - Personnel: 1 VSA § 313(a)(1).** Findings of the investigation of the Town Manager from independent attorneys Gary Kupferer, Jared Blake, and town Attorney Constance Pell.
 - a. At 7:01 Mr. Brown **motioned to enter Executive Session - Personnel: 1 VSA § 313(a)(1).** The motion was seconded by Mr. Traverse. All were in favor and the motion carried.
 - b. At 7:11 pm Mr. Richards **motioned to come out of the executive session.** The motion was seconded by Mr. Brown. All in favor and the motion carried.
 - i. Chairman Cole read a statement to the room. The Selectboard had investigated the allegations from the Town Clerk of harassment and creating a hostile environment by the Town Manager. They had hired the outside counsel of Gary Kupferer to investigate the report. Attorney Kupferer interviewed many parties and submitted a written statement of findings to the Board. Chair Cole read that the statement included a report of no harassment found. Claims of a hostile working environment were not substantiated through the investigation either.

4. Fred Capron Flyers and Concerts:

- a. Mngr Gunter received a letter from RC Flyers requesting use of the Airport again this year. Mr. Capron does not want to submit the \$100.00 deposit check for the RC Flyer camping any longer.
- b. Mr. Capron addressed the Board and stated that he had three concerns to bring before the Selectboard today.
 - i. First he thanked the Board for the use of the Airport. They will continue with upkeep and will maintain safe procedures for all involved. He explained that the RC Flyers had presented gifts of \$500.00 to Fair Haven Concerned and \$250.00 to Fair Haven Fire Department as a thankyou.
 - ii. There will be a Fly-in on July 15-17 and are requesting that the Board allow them to bring a few self-contained campers to the site from Wednesday of that week to Sunday.
 - iii. Concerts in the Park will resume this summer with 8 concerts starting with The Army Band on June 30th. He is requesting that on June 30th from 3 - 10 pm to park the Army Bus and Equipment in front of the War Memorial and that the Town have extra police presence for each concert as hopefully many people will attend, in the past on average 600 people were in attendance per concert . The Concert Trailer will be in Fair Haven's Memorial Day Parade and in Poultney's 4th of July Parade.
 - iv. He'd also like the Board to know that with the passing of Scott Lobdell they have lost a valuable partner and great friend. If there is anyone the Board knows of who would be able to fill his shoes as a volunteer, please pass on the word.
 - v. Finally there is a situation that Mr. Capron would like some assistance with; before the pandemic hit there was a ladies Auxiliary group that did a 50/50 raffle with the Concert Committee. It was arranged that \$500.00 would go towards the monument and that the Concert Committee would write the check out to the company that completed the work. Mr. Capron stated that he has received feedback that the Auxiliary group would like the money, but he would like guidance from the Board as to what should happen to the money if the memorial project fails.

Chairman Cole asked for clarification on the issue with the \$500.00. The Concert Committee has collected \$500.00 which is sitting in an account to be spent on the War Memorial when they find out who's building it. Mngr Gunter explained that a subset of the American Legion Women's Auxiliary was the party involved. Mr. Traverse explained that in other situations money has been put into an account and earmarked for a project. He trusts that the people involved would use the money in the manner it was intended and we have to continue doing that until reason is given not to. Mr. Richards stated he has no concern with the Ladies, they do as they say they will. Mngr Gunter stated that the check could be made out to Hometown Heros as that is the name of their 501c3 organization.

Chair Cole asked if the Board had any concern with the parking of the van from 3-10 pm. There was no concern as this is normal procedure from years past.

Chair Cole asked if the Board had any concern with the request of the campers at the Airport for the fly-in. There was no concern as this is past procedure also. Mr. Brown did have a question concerning the overall use of the airport; it seems to him that the RC Flyers have taken over the airport. People have complained to Mr. Brown that they can't use the area because it is being used by the RC Flyers more than the originally planned weekends. He feels this is unfair to other taxpayers as it can be unsafe to use the property while planes are flying. Mr. Traverse feels that because of the opening of the dog park more people will be in the area in the future and he wants to make sure everyone is safe and feels free to use town recreational lands and is asking Mr. Capron to speak with the Flyers about which days are most often used. Through discussion and the desire on both sides to keep people safe and allow fair use of the Airport it was decided that Mr. Capron and Mngr Gunter would get together and develop a solution and possible schedule for flying times that can be posted at the Airport.

5. David Woolpy:

- a. Mr. Woolpy came to talk about the Boys and Girls club programming. The past two years the club has received \$10,000.00 in appropriations from the Town of Fair Haven.
- b. Mngr Gunter introduced Mr. Woolpy explaining that the Boys and Girls Club had received a grant which is causing them to move the summer programming they held in Fair Haven last year to only be held in Castleton. Mngr Gunter explained that he was shocked and upset by this move.
- c. Mr. Woolpy thanked the Board for an opportunity to speak with him. He has been with the Boys and Girls Club for a couple years. He explained that he had looked up records for the Boys and Girls Club in Fair Haven and noted that he could not find records of a summer program being held in Fair Haven before the 2017-2018 school year. Before last year he had no record of a summer program in Fair Haven. He wants to grow the summer programming the same way the school year programming grew.
- d. Last summer the Boys and Girls Club held programming from 1-5:30pm in Fair Haven for as close to free for participants as they could get because of State funding. The program was held in the afternoon as to not interfere with the Town Summer Recreational programming. Last summer 20 kids signed up for the programming and only about on average 12 to 13 showed up each day. The Town Recreational Program, in contrast, had 80 kids per day. In Mr. Woolpy's opinion was that the Summer Boys and Girls Club was not a successful program. Boys and Girls Clubs Nationwide want to be in locations that allow them to serve as many kids as possible at the lowest rate possible.
- e. Mr. Woolpy handed out a piece of paper explaining the results of a parent survey and gave statistics on daily attendance for the Fair Haven School year programming with the Boys and Girls Club. The Students and Parents are enjoying and utilizing the afterschool programming offered to them through the Boys and Girls Club. Months where attendance was lower for programming was directly related to COVID influences and other Flu and sickness concerns. Mr. Woolpy sees two things that could improve the utilization of the clubs in the

future; one being no COVID which would allow for more consistent staffing and less turnover, and two being the clubs being allowed to have more space in the buildings. Currently in Fair Haven the clubs can't have more than 30 kids at a time because of the space occupancy requirements. In general it was a great year of programming; but Mr. Woolpy still wants it to look better in the future.

- f. In regards to removing the summer programming from Fair Haven, it is directly related to a Grant which the program received, 21st Century Learning Fund Grant, the same funding as Tapestry Programs. Federal Funding that comes through AOE. When applying for the grant Mr. Woolpy was advised not to put a summer program site in each school. They advised him to start off small and make sure that there is a lot of space dedicated to programming. If they were awarded the grant and ran the programming successfully they could then apply for another grant to grow the program. He did as advised and was awarded the grant for a 5 year funding. Now he can apply for follow up grants which would allow him to expand the programming over time to more locations; his plan has always been to expand back into Fair Haven.

Mr. Brown asked by moving the programming to Castleton, how are Fair Haven kids to get there? Mr. Woolpy replied that the Boys and Girls Club will arrange transportation if needed. Mr. Brown responded that Fair Haven gave the Club \$10,000.00 and the kids deserve to benefit from that gift, no matter if it is only one kid. Mr. Richards asked Mr. Woolpy how the Boys and Girls Clubs has used the money appropriated from Fair Haven. Mr. Woolpy explained that to run the school year programming it costs upwards of \$80-90,000.00. The money appropriated from the Town was used in the school year programming. There is NO talk of closing the school year programming in Fair Haven.

Mr. Traverse expressed his concern at the change in location. To him it sounds almost as if Boys and Girls Club programming will be held in competition with the Fair Haven Recreational Programming. Mr. Woolpy explained that there are two different funding streams for Boys and Girls Club. The Slate Valley School Board decided to have Boys and Girls clubs at 4 sites throughout the district. The 21st Century Grant funding had nothing to do with the school funding. The idea between working with both funding sources was if the schools could start the clubs then the Boys and Girls Club would try to get replacement dollars to support the clubs. Mr. Traverse asked what happens when the grants run out? How else do the Clubs get money to function? It would be disappointing to lose the programming. To Mr. Traverse it seems as if there are things that haven't been worked out yet. Mr. Richards asked how the club was funded last year. Mr. Woolpy explained that the summer club was funded through a Summer Matters For All Grant with Cares Act money; they were awarded up to \$75,000.00 and students could attend at no cost.

Mr. Traverse asked about the basic programming given throughout the school year by the Boys and Girls Club. Mr. Woolpy explained they are open every day that school is open until 6:30pm, they have a snack and serve dinner, they give academic support and have a small gym time. He referenced the handout for numbers served. This past year was the first time ever he had to close the club several times and it was all due to COVID issues. The staff has 3-4 adults at the program at all times, with a Unit Director as the lead and is a person well trained in youth development. Mr. Traverse asked if there is another option for parents if they were

planning on utilizing the Boys and Girls Club in the summer. Mr. Woolpy explained that they run programming all summer except for a few weeks at the very end of the year. Mr. Traverse asked if the clubs already had a presence in Castleton. Mr. Woolpy explained that yes they were. Only three of the clubs are open in the summer, not the total six that are held during the school year. And because they are a licensed program there are mandated student teacher ratios they must follow. They are open 8 hours and often they also need to accommodate shift changes. Mr. Richards asked what the tuition was for a child. Mr. Woolpy explained that the tuition was \$50.00 this past year. But because of State Licensing families can qualify for State funding, or a scholarship, or fit into a sliding scale for payment needs. No student is turned away because of lack of funding. Mr. Woolpy would like to get away from a fee for after school programming.

Mr. Woolpy expressed his thanks for the town's appropriations. He had never seen towns before coming to Vermont that support programs in this manner.

6. Approval of Minutes of April 27th and May 3rd, 2022:

- a. Mr. Brown **motioned to approve the minutes of the April 27, 2022** meeting as written; seconded by Mr. Traverse. All were in favor and the motion passed.
- b. Mr. Traverse **motioned to accept the minutes of May 3rd as written.** Mr. Richards seconded the motion. Mr. Brown made it known that "grading" had been misspelled. All were in favor of the motion and the motion passed.

7. Five minutes for Public Comment:

Linda Barker - Gave a progress report on the Dog Park. They are doing well, there will be a grand opening on June 5th with a BBQ hotdog lunch, games with prizes, speeches by Reps Helm and Canfield. The fundraising has been very good, all the bills are paid and they will be buying a mower and weed wacker to take care of the grounds. She appreciated the Board's support and would love if they would attend the opening. Chair Cole thanked Ms. Barker and stated that the park is a great asset for the town.

Rod Holzworth - A friend asked him if a permit was needed to plant a plant or bush near a family member's headstone in the Fair Haven Cemeteries, he did not know the answer so brought the question to the board. The board in general didn't think a permit was needed, but they deferred to Supt. Kerber. Supt. Kerber stated he wouldn't answer to the bylaws until he took a look at them again. He stated they can be found on the town website.

8. Department Head Reports:

- a. Police Department. Police Chief William Humpheries reported via phone
 - i. Uneventful past 2 weeks
 1. No arrests
 2. Many fingerprints completed
 3. Wrote a lot of traffic tickets
 4. Had a lot of incidents but mostly quality of life checks
 - ii. Reports can be found in the Selectboard Members boxes.

Mngr Gunter asked about the Speed Cart at Green and Bolger Rd. PC Humphries stated that the cart will record every vehicle no matter the speed and will print out a graft of speeds. He stated that there had been a complaint about speeding in the area so they are checking speeds. The cart will not show a speed of 100 mph.

Mr. Brown asked about why the Fair Haven Police Department has been at Devil's Bowl Speedway. He stated that the FHPD isn't a for-hire department. PC Humphries stated the question should be directed to the Town Manager as he approved the contact, that a contract for \$75.00 per hour was signed between the Town Manager and Jay Bruno for their services. Mr. Traverse disagreed with Mr. Brown stating that making money for the town is never a bad thing. Mngr Gunter stated that as the Town Manager he has the authority to sign this type of contract. He stated that he hears all the time from taxpayers that taxes are too high and he has a hard time turning down a money making adventure for the town even if it isn't very much. Mr. Richards would like to see how this would offset any costs. Next year at budget time we will have \$1,400.00 to add to the police department budget, so less money that the taxpayers need to be asked for. Mr. Brown stated that the contract should have come before the board first and that they shouldn't hear from it via email first. Mngr Gunter stated he agreed.

b. Superintendent of Public Works Aaron Kerber reported

i. The Highway Department:

1. Been busy with the dog park, the playground is complete
2. Grading inbetween weather.
3. Keep up equipment cleaned and maintained.
4. VOSHA in the area so he asked the department to make sure there was no low hanging fruit in the area.

ii. Water Department:

1. Shut offs have been started. Lack of Town Office staff has made this more difficult.
2. More water has been used in the last few weeks from the plant so we are watching that.

Mr. Richards asked how Inman Pond was in general. Supt Kerber responded that he didn't think the pond fluctuates too much in general because it is spring fed. Dunavan did a study and determined that years of drought are needed before it was to be found at a bad level.

iii. Waste Water:

1. Down to the end of the project. Most of the equipment is back online.
2. Big deal working on right now with the remainder of grant money is trying to get the garage up to snuff and cold storage buildings chemical rooms up to code, but delivery of materials are taking longer than expected and may push the end of the project out to September or October.

Mr. Brown asked if the project was still on schedule. Supt Kerber stated that they are ahead of schedule and coming in below budget. Mr. Brown then asked about the Chemical Tanks at the Water Plant prices. Supt. Kerber stated that he has rough quotes but they require

putting the project out to bid. Electrical end sent a proposal to investigate and start their plan but it must go to bid. He has talked about using capital money to start.

Mr. Traverse asked if the playground was all complete. Supt. Kerber stated that it is and water is on except for the handicap bathroom which has a leak they are trying to fix.

Mr. Richards asked that Supt Kerber have the free parking area swept before the parade. Supt Kerber stated it had been on Monday but he would keep an eye on it and sweep again before the parade if needed.

Mr. Brown asked Supt Kerber about three things; 1. The Bobcat needs to be tailored when it is brought from place to place as driving it will break the cleats. 2. What is the status of the water in the cemetery? Supt Kerber stated that the team will be digging on May 20th as there is a leak that still needs to be fixed. Mr. Brown stated he would like them to have the cemetery in working order before Mothers Day in the future. 3. What are the red flags on 4th Street? Supt Kerber explained that they are marking the utilities for peoples housing in preparation for the upcoming road work.

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

- a. May 9th he attended a Career Fair at Fair Haven Union High School and enjoyed speaking with the students about Fair Haven and what municipalities can offer for employment.
- b. The Audit Process - NEMRIC will be here on Thursday. We contracted with them to help us while we are missing staff. We are pulling information for them now.
- c. Flashing Light at the Grade School is out and he is working to get that re-installed.
- d. The Squirrel was caught who was loose in the upstairs of the Town Building. It was released back into the wild.
- e. The fountain was installed in the Park today.
- f. The Dog Park raised over \$1000.00 at the coin drop this past weekend.
- g. The Welch office forwarded a project to Congress for funding of \$250,000 for the Town Hall work. Adams Street Bridge didn't go.
- h. June 17th Mr. Hamilton will be buried in the Cemetery. Working with the Historical Society to complete the process.
- i. Lights in the Park update - not yet.
- j. Town Hall Reno - Elevator Shaft will be started on Monday.
- k. Playground Grant Replacement - done and will be requesting reimbursement from the Feds for the Grant Reimbursement.
- l. RFP sent to DuBois and King for Downtown.
- m. Supt Kerber stated that the solar project is moving in for site work.

10. Old Business

- a. **None**

11. New Business

- a. **Policy Review continues - Purchasing policy - first read:**

- i. The Selectboard has been working through policy updates of all the town policies. This is the first reread of the purchasing policy. No action is requested this week, but will be added to the agenda next week for edits.

Mr. Richards asked if the board was comfortable with the parameters. General consensus was no. Chair Cole stated that Supt Kerber gave a great example of this when speaking to the electrical work needed for his department. The board decided to send any thoughts on edits to Mngr Gunter to compile and share back out.

12. Water/Sewer Budget:

Mr. Brown stated he felt there was little room for change as so much in the policy must be there.

Mr. Richards asked if the Toan as a whole was ok with fuel guesses. Supt Kerber stated he had been until this last week. Mr. Richards in turn asked what type of petroleum-based chemicals the town uses. Supt. Kerber stated that few of the chemicals the town uses are petroleum-based.

Supt. Kerber asked about the sewer lines; they can't help support the system upgrade as needed if not looked into and managed. Mr. Traverse says hopefully infrastructure money will help. We need to be ready to jump. Supt Kerber stated that the pipes need to be reviewed via camera; they haven't been investigated since the 90's. He would like to see the projects lined up before money comes down so the town can be ready to jump on fixing issues as quickly as they can.

Mr. Traverse stated that salaries were the largest increase in the budget. Mngr Gunter agreed. He also stated that in the budget he flat funded the sewer lines to see if he could find a way to fund the salaries. He asked if maybe the town could reduce the Sewer Reserve line because work was just completed. Mr. Traverse has three ideas for offsetting budget increases; by selling more water, lowering reserve, or retire some debt with ARPA funds.

Mngr Gunter stated he was working with USDA and the bank to pay off some debts. He will bring to the board the plans. With ARPA funds the town could retire a lot of debt.

Mr. Richards asked about the UNion Contract Coming; are adjustments made in the budget to reflect the contract? Mngr Gunter explained that salaries and healthcare are properly represented on the budget being viewed. He then asked the Board if they wanted to reduce capital improvement. The board asked him to wait. Chair Cole stated there will be more discussion to come concerning the Water/Sewer budget.

Mngr Gunter introduced Carrie, the water treatment plant operator and Eli, the wastewater intern. Carrie spoke to the capital improvement budget for down the road for the collection system. The flow has been up because of I and I (Inflow and infiltration); groundwater infiltration because of the failing system. The state will start asking what is up if numbers stay high and the Town will need to fix it before the State makes them fix it.

Supt Kerber stated that Eli is at the plant 20 hours a week. He has taken classes and will take the exam with he comes of age. Hopefully there will be a job opening when he passes.

13. Parking Lot:

Meter Changes	Adams Street Bridge replacement
Downtown Designation	Zoning Regulation Update
Town Plan	Purchasing Policy Update
ARPA spending	

14. Board Roundtable:

- a. Mr. Brown: The Trailer park - when will the water be shut off?

Mngr Gunter stated that the residents get a chance to speak before the selectmen, their opportunity will be May 31st. The park owes \$26,000 in taxes and \$42,000 in water bills. Chair Cole stated that the tenants are the only ones that can come before the board and pay on behalf of the land owner. Mr. Richards again stated that the people need to be prepared. Supt Kerber stated that “red slips” have been delivered. Mr. Richards wants the Selectboard to have some form of assistance to help the people if and when the trailer park is closed.

Mr. Brown then asked if the town can ask residents to mow their lawns. Mngr Gunter stated that the town can NOT do that unless it becomes a noxious and there are rats and or other vermin.

- b. Mr. Richards: Stated he had already voiced his concerns; the Airport and the sweeping of the Free parking area before he helicopter.
- c. Mr. Traverse: A person on Caernarvon spoke with him about the work done on the telephone poles; stating that it looks as if they finished there work, but didn’t clean up their mess. Supt. Kerber will call on check on the situation with the company.

15. Review of Financial Reports:

- a. **Expenditure/Revenue Reports:**

Mr. Richards **motioned** to approve the payroll warrant for \$32,059.94; seconded by Mr. Brown. Motion carried with one abstention from Mr. Traverse.

Mr. Richards **motioned** to pay the general fund warrant for \$103,428.13; Seconded by Mr. Brown. Blue Cross, pump station, and excavator payments were big payments this week. Motion carried with one abstention from Mr. Traverse.

- b. **Checkbook status:** \$1,092,901.82. Mngr Gunter stated that he reported the checkbook right before a bill from the school for \$517,000.00 was reported.

16. Resumption of Nuisance Dog Hearing

- a. Chairman Cole asked the board if they needed another Deliberative Session. They declined.
- b. Mr. Traverse then read a copy of a letter the Board drafted to Mr. Galvin. The letter was CC’ed to all parties involved. The letter stated that the Selectboard is

not the appropriate venue to address the issue of the nuisance dog as laid out in the Town Ordinances. The letter also stated that the Selectboard is referring the issue back to the Police Department for ordinance enforcement.

17. Executive Session:

- a. Personnel: Labor Relations VSA § 313(a)(1) and Personnel Discussion VSA § 313(a)(3). Mr. Traverse **motioned** to enter executive session for Labor Relations VSA § 313(a)(1) and Personnel Discussion VSA § 313(a)(3); seconded by Mr. Brown, passed unanimously and the motion carried.
- b. Recording secretary was excused at 9:12 pm.
- c. The board came out of executive session at 10:24 pm

18. Adjournment: Motion to adjourn by Mr. Brown at 10:25pm; seconded by Mr. Richards.

Upcoming Meeting Schedule: May 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