

**Town of Moretown  
Office of the SELECTBOARD**

**Notice of unapproved minutes of the June 16, 2008 Selectboard meeting**

Members present: Paula Mastroberardino, Rae Washburn, John Hoogenboom, Don Wexler

Members absent: Stephanie Venema

Guests: Cherilyn Lamson, Donna Centonze, Raymond Munn, John Williams-Channel 44, Kara Herlihy-The Valley Reporter, Susan Goodyear, John Schmeltzer, Wilma Maynard, Carl Wimble, Deborah Feldman, Cheryl Brown-Clerk for the Board

Don called the meeting to order at 6:00 p.m.

**Public Comment:**

**Ray Munn – dogs on school ground** – Ray reported of dogs being on the school grounds. He asked who has charge of the fields because people are walking their dogs and not cleaning up after them.

The Board said this is an ongoing problem. The trail up the hill is available for people to walk their dogs, as long as they clean up after them, so there should be no dogs on the playgrounds or fields.

Discussion followed about how to remind people to keep their dogs off the school grounds and to keep the trail clean if they use it.

**River's quarry** – Ray said the town has spent in excess of \$130,000 to date fighting the River's quarry. He asked if the town agreed to pay half of the cost, with the group of people fighting the quarry paying the other half, to fight the quarry on aesthetics? Ray said so far this year we have spent \$40,000 and now we are fighting under the terms of 25% grade topography of which most of the landfill is and some of Stephanie's land is also. Ray said spot zoning was involved for the land fill.

Paula said there is not spot zoning, we have not changed a zone and the landfill was already there.

Ray said the Selectboard decided not to fight the Hendrickson's tax appeal so most likely, more will follow. Ray said he simply hates to see our tax dollars spent fighting a quarry that we could all benefit from.

**John Schmeltzer** – said the Schoolboard would like to meet with the Selectboard to talk about a list of items they have been working on (which include associated costs) to repair or upgrade various town/school property and buildings.

The Schoolboard will attend the July 7<sup>th</sup> Selectboard meeting at 7:30 p.m.

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**Approval of minutes:**

6/2/08 – Rae moved to approve the minutes of 6/2/08 as written. Don seconded.

Discussion: **Conflict of Interest (pg 11)** - A copy of a letter where Ron Shems gives his opinion regarding questions of certain interested parties or individuals being involved in the River's quarry appeal might be a conflict of interest will be attached to tonight's minutes. \* **more discussion in old business**

**Tabulating machine (pg 8)** – Don will contact Kathy DeWolfe at the Secretary of States office and ask that she hold a tabulating machine for Moretown and we will have an article at the September primaries asking permission of the voters to use the machine for tabulating votes. Material educating the voters will be made available.

**Kuczynski (pg 4)** – no word from Otterman and Allen P.C. regarding the letter sent them responding to Kuczynski's request that the town pay his attorney fees to correct an error made by the Moretown Listers.

**Vote:** All were in favor.

**Warrants were reviewed and approved as written.**

**Town Clerk business** – Cherilyn provided an update of projects completed and projects that still need to be done. Cherilyn said Lorraine Sweetser and Donna Centonze are playing a major part in catching up the recording that was a year behind, implementing plat map preservation, utilizing the computer software the town had for recording land records, doing dog licensing etc and organizing and cleaning the office to improve work efficiency.

Still to do:

- Finish placing the plat maps in a hanging file (indexing as you go) in special hanging files that have been purchased from the Preservation Fund
- Create a book to archive all town minutes (BCA will be separate)
- Make use of the tabulating machine and train for elections
- Index the vital records
- Restore / micro film land records and maps (cost = about \$40 for 2 land record books). Micro film would be stored off site in case of fire/disaster
- Create a Policy & Procedures Manual
- Computerize cash receipts (currently being hand written)
- Clean out the vault of old records that can be purged (ie: old checklists from 1980's - according to the Purge & Destroy list – of which a list of purged items will be kept) – then organize the vault
- Improve the workspace/office layout so it is more efficient
- Improve the way land record books are stored in an effort to cause less wear and tear while being removed from the shelves

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Cherilyn said the vault needs to be kept at around 70 degrees and the humidity 35% or less in order for proper preservation of the records. She said the air conditioner helps but she intends to monitor the humidity level. Cherilyn added - there is still a lot of work to be done in this office, she will keep the Board updated on the progress.

**Other things reported:**

**Old checks found** - Cherilyn said she found several checks in a file, made out to the Town, some dated back to 1981, which were never cashed. She has given all the checks to Amy Deutl.

**Envelope with recording documents** – Cherilyn said a manila envelope showed up in her mail box after she had left the office that include lien releases, checks from January 2007, mobile home bill of sale, loan discharge etc. She has yet to find out where the documents have been.

**Several email and letters from attorneys** – Cherilyn has received several emails and letters from attorney’s expressing their feelings and appreciation regarding changes she has made in this office.

Cherilyn requested to talk with the Selectboard in private under the grounds of labor relations with an employee and evaluation of an employee.

Paula moved to enter into executive session to discuss labor relation agreements with an employee and evaluation of an employee at 7:00 p.m. Rae seconded.

Discussion: Cherilyn asked that Donna Centonze be present for the discussion.

Vote: All were in favor.

Paula moved come out of executive session at 7:45 p.m. Don seconded. All were in favor.

**Town Garage Proposals** – Rae reported that the town garage committee met earlier tonight and opened five proposals received to build a new town garage. The bids were received as follows:

E.F.Wall	\$687,600
DEW	665,200
Goldfield	649,715
NECCO	743,092
Connor	713,244

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The town garage committee will continue to review the proposals, request additional information for any questions they have and then come back to the Selectboard with their recommendation.

Hoover said the closing on the land will be at 3 p.m. on Wednesday, June 18<sup>th</sup> at Rick Darby's office. Craig needs clarification on what he is supposed to do. Rae will talk with Craig. Hoover thinks all the steel that can be salvaged should be taken to the junk yard rather than the landfill so we can get money for the scrap.

Don asked if the input from Efficiency Vermont about energy saving ideas for the new garage have been considered.

Rae said yes, all the recommendations were put in the addendum that was forwarded to the six general contractors that are submitting proposals. Rae said the town garage committee will present a recommendation to the Selectboard of which general contractor they feel will best suit our needs for a new town garage.

Hoover said the general contractor will be ready to begin July 1<sup>st</sup> and completion would be around November 1<sup>st</sup>.

**Ward land conveyance closing** - Rae moved to appoint John Hoogenboom the Town's duly authorize agent at the June 18, 2008 closing for the Ward Clapboard Mill land conveyance and to appoint Paula Mastroberardino as the Town's alternate authorized agent in the case John is unavailable. Paula seconded.

Discussion: Don will call Amy Deutl and ask for warrant preparation options and let Cheryl know what she (Amy) needs for documentation. Cheryl will call Rick Darby for the check amount needed for the closing that John needs to bring with him.

Vote: all were in favor.

### **OLD BUSINESS:**

**Fire station siding** – Don said in about three weeks Hardie will be replacing the damaged siding.

**Fire truck purchase** – no update from Eric. The Board assumes all of the equipment has been ordered but Cheryl will email Eric for an update.

**Fire station inside repairs** – Will Houghton is still working to get prices for the repairs.

**2009 Enhancement grant** – Don said a Letter of Intent for the grant has been submitted so we are now eligible to submit a grant application.

**Route 2 bridge closure** – Don said he spoke with John Zicconi from VTrans, John Z. said the state is putting up signs at the Route 2/Route 100 intersection that the bridge only is closed (not all of Route 2) in an effort to try to help businesses in the area. The next update meeting will be on July 7<sup>th</sup> at the Waterbury Municipal Offices.

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**Lover's Lane** – The Agency of Transportation Structures Division inspected the Lover's Lane bridge and found there was no apparent additional deterioration of the bridge. AOT noted bikes and pedestrian traffic has been using the bridge, they see no apparent problem with that traffic, but could not recommend opening the bridge to vehicular traffic because there has been no work done to the bridge since it was closed and at the time the bridge was closed the weight limit was 6,000#, but any decision to open the bridge would be a Selectboard decision.

Don reported that Jonathan Larsen said motorcycles are also using the bridge. Don wonders if we should add more cement blocks to prevent motorcycles from using the bridge or leave it as it is. Don said Jon also stated he hopes the erosion area on Lover's Lane Road is repaired soon. The board will ask Stephanie for an update on the road for the July 7<sup>th</sup> meeting.

Discussion whether the bridge could be used for the Green Mountain Stage bike event. The Board thinks because the stage race involves safety/police cars etc, it might be a good idea not to open the bridge for the event because vehicles would have to cross the bridge.

Temporary use of the bridge for crop harvesting vehicles over 6,000# was requested. The Board is not in favor of opening the bridge to vehicular traffic heavier than 6,000# but if farmers have vehicles 6,000# or under that will carry their crops, notify the Selectboard and they will discuss temporary use of the bridge.

Don will ask John Ziconni what he thinks about motorcycles crossing the bridge and let the board know.

**Personnel Policy adoption** – Paula said Jim Barlow/VLCT would do a through review of changes made by the Board to the model draft personnel policy. She said after reviewing the draft, questions have been raised that should be reviewed by an attorney. VLCT would charge \$85 hr. to do the review – Paul Gillies rate is over \$100 per hr.

Rae moved to hire the Vermont League of Cities & Towns attorney to review the Personnel Policy Draft for a rate not to exceed \$85 per hour. John seconded. All were in favor. Paula will call VLCT and ask them to review the draft and forward their comments and recommendations.

**Request for \$750 balance of health insurance deductible** – Susan asked the Board the status of her receiving the \$750 as was requested on 6/2/08. The Treasurer received the minutes of the 6/2/08 Selectboard meeting whereby the Board moved to pay Susan the \$750.

**Mileage to/from work for town employees** – Susan said she was told on 6/2 by the Board that they were unaware of employees being paid for mileage to and from work. Susan said she has since learned that one of the Town Clerk's assistants (Lorraine) did in fact get paid \$616.61 in mileage to come from Wolcott to work. Susan said she is concerned about warrants being signed and yet the Board is not aware of what was signed.

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Paula said employees do not get paid mileage to and from work – an error was made, however it was made, and it has been corrected and the board will move forward.

**Year end audit** – Paula said she called Fred Duplesis/Sullivan, Powers Co. and they plan to come this week to start the audit but since Amy is out of town for a bit this week she wonders what will happen.

Susan Goodyear said she was told by Amy Deutl that Sullivan, Powers has been rescheduled to come next week.

**Kuczynski** – Paula sent a letter to Otterman and Allen P.C. notifying them the Selectboard denied Mr. Kuczynski's request for reimbursement of lawyer fees to correct an error made by our listers.

**Computers** – Paula reported that Mike Ketchel of Butternut Systems is following up with a few items that still need to be addressed with the town computers. Paula will call Mike for an update.

**Sidewalk Committee** – Don reported the committee met. They have the sidewalk study done in the 90's and review the plans. Don will follow up with the committee to see how they are progressing.

**Public Nuisance dog problem** – Paula reported an unresolved issue with three dogs running at large on Cobb Hill Road area. She has been working unsuccessfully on the problem for about a month and thinks it is time to issue the owners a fine. She said the neighbors have children and they are concerned about their safety. The owners have been warned in writing, the next step would be to issue a fine and the third step would be to pick up the dogs. The dog owners (Matt Garner and Sidney Warlick) will be issued a fine under the town's Animal Control Ordinance for their three dogs running at large and being a public nuisance.

**Health Insurance options** – John will spearhead the employee health insurance. He will get with Larry Smith and Susan Benoit of VLCT about what options the town can choose from for health insurance. John will prepare an outline of options to present to the Board.

#### **Selectboard work plan update:**

**Capital Budget** – Donny supplied an outline prepared by Don LaRocca of the Planning Commission, summarizing guidelines for adopting a Capital Budget. Board members were given a copy of the outline to review.

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**\*Conflict of Interest** – mentioned by Carl Wimble on 6/2 – Carl said he was given the response from Ron Shems (a copy will be attached to tonight's minutes) regarding his question about certain parties testifying at the River's quarry appeal being a conflict of interest. Carl said he has a conflict of interest policy from the Secretary of States office, written by Paul Gillies, which list similar examples as being as being a conflict. He would like to invite Paul to come in and give his opinion on the town's involvement in the quarry appeal with reference to conflicts of interest.

Paula asked Carl if he would be willing to wait until Sullivan, Powers finished their audit of the town's finances and they can provide an audit report which will identify recommendations. The report should be ready late summer or early fall.

Don said as an elected Selectboard member, he represents all the people based on issues that come before him, to the best of his ability, in the best interest of all the people who voted for him and he feels Carl's claims of conflict of interest are not warranted.

Carl said there is no accountability for bills coming into the town and the huge amount of money that is being spent.

Don said this is just one more stage in the permitting process from the Development Review Board hearings and decision to deny the permit for the quarry.

John said we are following the public process.

Carl said if you have an interest in the quarry, you should reclude yourself from all discussions, whether in open session or executive session and interested parties should leave the room.

Paula said legal discussion that you do not want the opposing party to find out about, must be discussed in private, therefore the Board must discuss litigation in executive session.

Susan said 90% of the workshops she used to attend said the appearance of impropriety is a great force and a great guidance and it is as important as the legal aspect of conflict of interest.

Carl read examples of conflict of interest from the Selectboard handbook aloud stating that a financial interest is not the only example that constitutes a conflict. Carl added that cell 4 of the landfill could be held up, especially if the town prevails under the 25% slope argument.

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**New business: None tonight**

**Reports & Communication, mail**

**ENPRO** – authorization form signed by Rae Washburn to pick up hazardous waste at the town garage from removing the underground tank.

**Fair Point Communications** – Petition and Order for approval from the town to relocate telephone poles and wires on the River Road. The poles are being moved in preparation of Phase III – raising the overall height of a 2000’ section of the road five feet.

**Park & Ride grant application** – Don took the grant application which would help fund a park & ride for a minimum of 10 parking spaces.

**Pilgrim Partnership/Reynolds** – notice of amendment to their act 250 permit.

**Town of Waterbury ice rink** – notice of amendment to their act 250 permit.

Don moved to adjourn at 9:15 p.m. John seconded. All were in favor.