

Town of Fair Haven

Board of Selectmen Water and Sewer Commissioners Liquor Commissioners – Cemetery Commissioners

December 29, 2009

Board Members Present: Ron Adams, Claire Stanley, Julie Ellis, Jeff Sheldon

Board Member Absent: Ray Bunker

Others Present: Serena Williams- Town Manager; Jack Eaton- Superintendent of Public Works, William Humphries-Chief of Police, Ken Jones, Bonnie Rosati, John Lulek, Karen Close, Robert Richards, Shaun Tomasi, Dennis Barrett, Bill Canfield, Susan Schreibman-Rutland Regional Transportation Council, Gordon Dritschilo-Rutland Herald

CALL TO ORDER

Ron Adams, Chair, called to meeting to order at 7:05 pm.

The Chair announced that Select Person Julie Ellis would arrive a little late.

The Chair announced that Suzanne Dechame would not be able to attend the meeting due to out of town family illness but she would participate by speaker phone and the agenda would be interrupted when the call came in.

APPROVAL OF MINUTES

Claire Stanley moved the Board to approve the minutes of the December 15, 2009 regular meeting. Jeff Sheldon seconded. Discussion: Page 3, paragraph 5, add "in the middle" after "about two inches". Motion carried.

The phone call came in from Suzanne Dechame. The Board moved to New Business.

NEW BUSINESS

Town Clerk/Treasurer Budget

Mr. Adams explained that the Board would like to finish the budget by January 12, 2009. The salary of the Town Clerk and the Treasurer have been broken apart because the two positions are staggered. This change was agreed to be Suzanne Dechame.

The Town Clerk and Town Treasurer budgets will be on the next agenda.

Independent Town Clerk Audit

It came to the Board's attention two months ago that the recording fees collected by the Town Clerk/Treasurer belong to those positions. The Town Clerk is elected and not under the jurisdiction of the Board. The Town Clerk receives a subsidized salary from the town. The fees have never been audited before because it was never requested. The Town Clerk fees are used to determine her budget.

The amount of the fees collected is provided to the Board by the Town Clerk. The Board proposed to hire an independent auditing firm to conduct the audit and the Town Clerk has agreed.

Angelano and Company would conduct the audit for \$100 per hour.

Suzanne Dechame, Town Clerk has offered to pay for the audit. Mr. Adams believes the Town should pay for the audit as the Town is requesting the audit. The Town Clerk was adamant that she pay for the audit as her fees have created the problem and she felt the taxpayers should not have to pay.

A pole of the Board revealed that the Town should pay as part of the normal audit process. Who pays for the audit will be decided later.

Suzanne Dechame stated that it will be up to the audit firm as to what they want to see and when they want it. She will provide whatever they ask for.

Mr. Adams asked that when Suzanne Dechame is back in town that she along with the Town Manager make the phone call to the auditing firm to arrange for the audit.

It was made clear by Board members that they did not feel this issue was the Town Clerk's fault.

Claire Stanley moved the Board to hire Angelano and Company to conduct the Town Clerk audit at \$100 per hour as stated by Angelano and Company. Jeff Sheldon seconded. Discussion: Shaun Tomasi stated he was a Town Auditor and representing Peter Nardell as a quorum. Mr. Tomasi stated that the Town Clerk was asked to produce her records and by law she has to produce a transparent record. Mr. Adams interrupted and informed Mr. Tomasi that the Board can not tell the Town Clerk what to do or when to do it. Mr. Tomasi quoted from statute and indicated that because the Town Clerk had not provided the records in 30 days she is not eligible to run for re-election. Mr. Adams stated these were issues for the Town Auditor to take up with the Town Clerk. Mr. Adams stated the next step is for the Town Auditors to review the audit and write up their report. Mr. Tomasi asked for copies of all correspondence between the Town Clerk and Angelano from the end of the audit, June 30th. Mr. Adams stated that when the audit is done a copy is turned over to the town Auditors for review. Mr. Tomasi's questions should be included in the written report of the Town auditors. When the Town Auditors had their meeting Suzanne Dechame told the town auditors she would bring her records to them and they did not want them. Mrs. Dechame invited them to attend the audit with Angelano. Mr. Adams stated that everyone must abide by the letter of the law and follow the process correctly. Ms. Williams stated that when the annual audit is conducted the town auditors are invited to sit in with the auditors. Mr. Adams stated that this issue will be conducted in the sequence it legally has to be done in. Mrs. Stanley stated that she believes Mr. Tomasi's questions will be answered when the audit is done. Mr. Tomasi stated that there should be records of all the land records. Mrs. Dechame stated that everything she does is documentable. Robert Richards questioned the motion by asking how much money will be spent on the audit, if the cost was over \$2,000 the audit would need to go out to bid, how can the audit be completed in time to finish the budget, what is the Board trying to do. Mr. Adams stated the figure needed to be validated. The Town Clerk's is paid a salary plus fees, it has been that way since the former Town Clerk held the position. Mr. Richards stated that changed in the early 1990's when Tom LaPlaca was on the Board to a salary in lieu of fees. Mr. Adams stated that change should be documented in Select Board minutes. Fee's collected are the Town Clerk's money. Motion carried.

FIVE MINUTES FOR PUBLIC COMMENT

Bill Canfield asked what the Board thought about the draft feasibility study conducted for the hydro project. Mr. Canfield indicated he has questions but believes those questions will be answered if the Town takes the next step. The Board has not had time to study the draft feasibility study. Mrs. Stanley reported that she also has questions and the fact that the Town does not own the dams and private property along the river would be involved. She questioned how the Town could proceed as they don't own the dams. All three scenarios are very expensive and this project would be a huge undertaking. She feels it would take someone with a major interest, at lot of time and money. The payback is over a 30 year period in all three scenarios. No hydro permits have been issued in 30 years. Ms. Williams reported the Depot Dam is not owned by the Town, the middle dam is privately own and the third dam is only partly owned by the town. Easements would need to be obtained. Ms. Williams reported that it would cost nearly \$3,000,000 to a hydro dam near the old outlet, nearly \$1,576,000 at the middle dam and the Depot Dam would cost nearly \$1,664,000. If a scenario is chosen the permits from everyone would need to be obtained. The next step is the second phase. The cost would need to go out to bid. Mr. Canfield stated that the next phase was to be covered by a \$5,000 matching grant from the Clean Energy Fund with the Clean Energy Development Fund providing \$20,000 to the Town's \$5,000. Ms. Williams will look into this further.

John Lulek asked what the unreserved amount is as a result of the audit report. Ms. Williams stated it was \$113,607. Mr. Adams reminded people that, per vote last year, that money is to be used to buy down the tax rate.

Dennis Barrett asked if the Tri-Town Police force had started yet. The answer was no. Mr. Barrett asked why the police were in Poultney. Chief Humphries responded that on occasion the police are in Poultney. Mr. Barrett asked how much Poultney was paying. Chief Humphries explained the same thing Fair Haven pays Castleton to come to Fair Haven to help or the Poultney Constable which is nothing. Mr. Barrett asked why Fair Haven should be patrolling Poultney for nothing. Chief Humphries stated that Fair Haven does not patrol Poultney. If State Police have one officer on duty and need assistance Fair Haven will respond as the State Police will respond to Fair Haven. Mr. Barrett questioned why the day before Christmas the Chief had a car stopped in Poultney. Chief Humphries reported that he was on his way to work and saw a driver who he knew did not have a license, made the stop and continued to work. When the Chief sees a violation, no matter where the violation is, he is obligated to make the stop.

Bob Richards returned to the earlier motion made and asked how the Board was going to control the audit as there was no maximum hours specified, if they spend over \$2,000 break their own rules and want the audit done by January 12th and hired the same firm that conducts the annual audit. He feels it has not been thought through, doesn't know where the money is coming from.

Shaun Tomasi, speaking as Town Auditor, says the annual audit was delayed because the Town Clerk refused to provide her paperwork. He said all three Town Auditors met with the Town Clerk last summer. Mr. Tomasi thinks a forensic audit of the entire town should be done. Mr. Adams stated this is the last loose end to be audited.

APPOINTMENTS WITH INDIVIDUALS

Susan Schreiber, Rutland Regional Transportation Council spoke with the Board regarding a VT RT 22A Corridor Management Plan and distributed a handout describing what a corridor management plan is and what the process is. The corridor plan looks at land use, transportation, safety and look at

improvements for the future. VTrans will fund \$50,000 for this project. Julie Ellis will represent the Town's interest on the Technical Advisory Committee.

Mr. Adams asked if this management plan was going to place restrictions on what the Town can do. Ms. Schreiber indicated it was a plan, a guide only and will look at safety concerns. Bonnie Rosati asked what effect this management plan would have on local zoning regulations and town Plan. Ms. Schreiber said it should have no effect on the local zoning and planning.

Jeff Sheldon moved the Board, that based on the information presented at this time, to support the VT RT 22A Corridor Management Plan and appoint Julie Ellis to represent the Town's interest on the Technical Advisory Committee. Claire Stanley seconded. Motion carried.

Ms. Schreiber left a packet regarding a Vermont Community Energy Mobilization Kick-off meeting to be held January 5, 2010. This project is to have volunteers do home energy visits and supply them energy saving products and information.

Bonnie Rosati will attend Vermont Community Energy Mobilization Kick-off meeting January 5th.

DEPARTMENT HEAD REPORTS, COMMITTEES

Jack Eaton - DPW reported a hole in the Depot Street bridge. A barrel has been placed at the hole and a steel plate will be placed over the hole. Mr. Eaton is looking into placing a temporary bridge in place. The Town is on a five year plan for funding for bridge repairs.

William Humphries-Chief of Police, reported that on his way to work he stopped in Poultney at a known drug house and took down all the plate numbers. Chief Humphries also reported that the new car is in but is not ready yet, it will not be put in service immediately. The oldest car will remain in use.

Ms. Williams reported that the new truck for DPW is in but delivery has been delayed.

Ms. Williams reported that they have been receiving a lot of calls about run-off. She stated that culverts over the years have not been put in the right place and have been neglected.

NEW BUSINESS

Bids/Print Annual Report

Two bids were received. The bids were for the same size, 5.5 by 8.5, as last year.

Sharp and Company bid \$1,302 for 800 copies for approximately 100 pages.

Ruby Printing bid \$1,499.90 for 800 copies at up to 80 pages and \$1,782.07 for up to 107 pages.

Jeff Sheldon moved the Board to accept the bid of Ruby Printing for up to \$1,782.07 for printing the annual town report. Claire Stanley seconded. Motion carried.

OLD BUSINESS

Restoration Fund/v.s.a. 32 section 1671(c) Town Clerks report

Claire Stanley moved the Board to table the Restoration Fund-Town Clerks Report. Julie Ellis seconded. Motion carried.

Sand Shed/Public Works

Jack Eaton reported that no one is allowed into the shed, even with the loader to remove the sand. If the sand is removed the walls will buckle in.

West Street Complaint/Water Runoff

Jack Eaton provided the Board with a rough diagram of the area and a materials only cost projection. The Board reviewed the diagram. This is informational only at this time.

Brook Field / Service Agreement

This involves a service agreement for preventive maintenance and State inspection of the generator at the grade school. The Brook Field service agreement has gone up to \$950 for once per year maintenance and a once a year inspection. This is an annual cost. There are some maintenance items that must be done twice a year and the agreement states it is only once a year. This cost, \$950, has been included in next years budget. This agreement is from the company that sold the generator to the town.

Jeff Sheldon moved the Board to enter into a one (1) year contract for \$950 with Brook Field Service for maintenance and inspection of the grade school generator with the contract to begin July 1, 2010. Claire Stanley seconded. Discussion: Does the new contract include the semi-annual maintenance. Motion carried.

10-11 Budget - 60 mins

Nothing in the budget has changed since the last presentation.

If more than \$3,500 is received from the cemetery the remainder will be put in the reserve account.

The FY 10-11 anticipated revenue is \$322,630 and the anticipated expenses are \$1,902,357. Expenses minus revenue equals \$1,579,727 minus unreserved amount of \$133,607 equals \$1,466,120 which is the amount to be raised by taxes. This amount does not include articles totaling \$141,806. If all articles pass, the budget will increase to \$1,607,926 to be raised by taxes. If all the articles on the warning pass the budget will increase 7.2 %. The warning must be signed January 22, 2010.

REVIEW OF FINANCE REPORTS

The Board reviewed the reports.

REPORT OF BOARDS

Serena Williams reported the Jankowski property has been secured with a recorded lien on the property.

The RFP's for the sidewalk on Fourth Street have been received. There were seven received. The review committee met today and will meet again next Monday.

Ms. Williams reported she had been subpoenaed. The Police Department stopped an individual for DUI. The person is fighting the charge and his attorney is alleging the police department was never established. The 1962 land records show that when the Town and Village merged the Select Board shall provide a police department.

In mid-December she applied for an Energy Efficiency Block grant. She received an email that the grant had not been awarded then received a phone call that the grant had been awarded but an energy audit must be conducted first.

None of the rest of the Board members had anything to report.

SIGNING OF WARRANT

Claire Stanley moved the Board to sign the warrant with payroll of \$24,305.20 and General Fund of \$95,013.24. Seconded by Julie Ellis. Motion carried.

EXECUTIVE SESSION

None

Julie Ellis moved the Board to adjourn. Jeff Sheldon seconded. Motion carried.

ADJOURNEMENT

9:45 PM - Meeting adjourned

Respectfully Submitted,
Bonnie Rosati

Clerk of the Board

Date