

**FAIR HAVEN, VERMONT  
SELECT BOARD  
WATER AND SEWER COMMISSIONERS  
CEMETERY COMMISSIONERS--LIQUOR COMMISSIONERS  
JUNE 10, 2013  
SELECT BOARD SESSION**

**Members in Attendance:** Christopher Cole, Bob Richads, Jeff Sheldon, Claire Stanley, Dave Ward

**Others in Attendance:** John Lulek, Mary McNeil, Jay Brown, David Eighney, Bud Panoushek (DPW), Mike Mullin (Pike Industries), Glen Roberts, Brenda Green (Vtel), Ray Phillips, George Stannard, Emiliie, Simoneau (Peckham Industries), Wilma DeSpain, Town Manager Herb Durfee

**CALL TO ORDER**

Select Board Chair called the meeting to order at 7 p.m. and asked everyone to stand for the Pledge of Allegiance.

**AMENDMENT TO THE AGENDA**

Ward moved to add "Open Paving Bids" to the agenda under New Business. Second by Stanley. All voted aye.

**APPROVAL OF MINUTES**

Stanley moved to approve the minutes of the May 13, 2013 meeting of the Select Board. Second by Ward. All voted aye.

**PUBLIC HEARING**

A Public Hearing was scheduled for the Vtel Wireless Communication Facility at 3 No. Park Place. This will be located in the alcove on the west side of Town Hall. Within the alcove a 90 foot pole will be located. The equipment will be placed on the pole. An easement has been granted for this and the town will receive a one-time amount of \$25,000. Vtel has looked at other sites and the Town site to find a suitable site for the facility and its appropriateness.

**SEWER/WATER FISCAL YEAR 2013-14 BUDGET**

Durfee gave a detailed copy of the proposed budget to each Board person. He provided an overview and answered board member's questions. The Board agreed to meet in Special Session on Wednesday, June 19 at 7:00 p.m. to continue the budget discussion.

**APPOINTMENTS WITH INDIVIDUALS**

Mary McNeil, representing the Cemetery Committee, reported 26 stones in the West Street Cemetery have been repaired and the wall is about complete. They are concerned about the number of trees that are in bad condition. She said there is only \$3,000 in the tree budget and that is not enough to get the job done, given the estimates obtained to date. Also, it was agreed the draft Cemetery Bylaws need to be reviewed by the board

before their approval. Richards moved to table the Cemetery Bylaws approval until the next regular meeting. Second by Ward. All voted aye.

Sheldon moved to deed to Neil and Shirley Robinson, Lot 1, Section 11, Cedar Grove Cemetery. Second by Stanley. All voted aye.

#### **DEPARTMENT HEADS AND COMMITTEE REPORTS**

Durfee mentioned the special, student carved, stone bench recently placed near the fountain in the park. Work has begun on east side of the Fire Department roof. He is continuing the certificates for service to employees and presented the following for board signature: Jenny Bertrum-5 years; Shaun Hewitt-15 years; and, Jack Eaton-25 years. He called attention to the two student decorated trash cans in the hall to be used for special events in the Park. He hopes to have more of them painted soon. He reported on the resignation of Sharon Mallette. Motion by Stanley, second by Richards, to update the position's job description as recommended by the Town Manager and to post the up-coming vacancy. Motion carried. Also, motion by Sheldon, second by Stanley, to write a letter expressing appreciation to Sharon for service to the town and accepting her resignation with regrets. All voted aye.

Motion by Stanley, second by Ward, to appoint the Town Manager to serve as Assistant Zoning Administrator. All voted aye.

Durfee noted there are three and one-half pages of unregistered dogs. By statute this is a matter to be handled by the Board. Motion by Ward, second by Stanley, to table this until the next regular Board meeting. All voted aye.

#### **NEW BUSINESS**

**Town Policies & Ordinances:** There was lengthy discussion on smoking in the park. Durfee offered a couple of options that the board could consider. The board acknowledged any rule would be difficult to enforce. The Board agreed to continue discussing the issue and also asked the Town Manager to draft amendment to the Park Ordinance that would ban smoking and smokeless tobacco products from the Park in its entirety.

**Rutland Regional Planning Commission:** The Commission needs to know how to better serve the communities in its area. It was suggested that historically the Commission seemed to concentrate on the Rutland area as opposed to the region. No concrete suggestions at this time.

**Commercial Lease Agreement:** Stanley noted she would recuse herself from this agenda item due to a conflict of interest. Roger Stanley (d/b/a Durable Home Products, Inc.) has an interest in property at 86 Colvin Rd—property recently obtained due to the Depot Street Bridge project. Durfee made a site visit and met with Mr. Stanley. Durfee reported there is no electricity in the building and that Stanley is interested in having it restored. Durfee also mentioned that Stanley is interested in discussing ownership of the building. Richards moved for the Town to lease the property at 86 Colvin Rd. to Roger Stanley d/b/a Durable Home Products, Inc. Second by Ward. All voted aye except Stanley who abstained. Motioned carried.

#### **OLD BUSINESS**

**Smoking Policy:** Durfee presented an updated policy specifying no smoking in or around

town buildings and vehicles and any smoking would be allowed only 30 or more feet from those buildings or any enclosed areas. The policy was approved on motion by Stanley, second by Richards. All voted in favor. The policy takes effective immediately. **Sidewalk Policy:** Based on the requested review by the town Historical Society, Stanley moved to approve the Sidewalk Policy as presented. Second by Richards. All voted aye. The board acknowledged the Historical Society's letter indicating their agreement that new and sideswalks targeted for major repair should be built using cement and built to ADA standards, but that Pelkey Rd's slate sidewalks be preserved as a historical "record" of that type of sidewalk material in town.

**Purchasing and Bid Opening:** Following discussion, Stanley moved to approve the policy as presented and to repeal the current ordinance. Second by Richards. All voted aye.

**Wastewater Treatment Facility:** Town advertised for bids for a Chlorine Feed Building for the Wastewater Treatment Facility. Single bid was received for \$66,595. Durfee reported that amount is too high. Durfee recommended not going forward with the bidder. Rather, he and the chief operator will try to work on other possible solutions and report back to the board. Board agreed.

#### **ROUNDTABLE**

Prior to the meeting, Richards requested an inventory of vehicles and staffing for the Police Department. For the meeting, Chief Humphries provided the board with a memo containing the information Richards requested. Richards cited the memo indicating there are six vehicles, four full-time officers and 10 part-time officers. He suggested the Board consider what kind of a department we want and what we need. He stated that the town is not getting what it needs. He said the department is not going in the right direction. Richards also questioned the cost and use of the police dog.

On another issue, Richards asked Durfee what the difference between a conditional use and a change of use was, zoning-wise.

Stanley asked if the grant money for the Depot Street by-pass had been received. She also mentioned the dedication of the stone bench at the park fountain during Spring Fling. She felt it was an important event but it appeared to lack direction and assignment of responsibility. This was believed to be due in part to the change in date for Spring Fling. Sheldon had questions about the work being done and to be done on the Town Hall roof.

#### **REVIEW OF FINANCE REPORTS**

Durfee provided financial reports for Board review. There is a balance in the checking account of \$395,924.56

#### **SIGNING OF WARRANTS**

Stanley moved to pay the warrant as follows: General Fund--\$114,866.74, Payroll--\$28,793.42. Second by Ward. All voted aye.

#### **EXECUTIVE SESSION**

Stanley moved to go into Executive Session at 9:55 with the Town Manager and Supt. Of Public Works to discuss personnel. Second by Ward. All voted aye. Due to a family relationship with Panoushek, Cole indicated he will recuse himself from the discussion.

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At 10:05 Ward moved to come out of Executive Session. Second by Stanley. Motion carried. Ward moved to authorize Panoushek's salary for DPW Superintendent at \$53,592 beginning July 1, 2013 and according to his employment contract. Sheldon second. All in favor with Cole abstaining.

Ward moved to go into Executive Session with the Town Manager at 10:07 p.m. for contract discussion. Second by Stanley. Motion carried. Motion by Ward, second by Sheldon, to come out of Executive Session at 10:34 p.m. Motion carried. No action taken

**ADJOURN**

Stanley made motion to adjourn at 10:35 p.m. Meeting adjourned.

Respectfully submitted,  
Wilma B. DeSpain

  
Claire Stanley, Clerk