

**TOWN OF FAIR HAVEN, VERMONT
SELECT BOARD
WATER AND SEWER COMMISSIONERS
CEMETERY COMMISSIONERS--LIQUOR COMMISSIONERS
SELECT BOARD SESSION
FEBRUARY 2, 2015**

Members Attending: Chris Cole, Bob Richards, Dave Ward, Rod Holzworth, Sheldon (7:15pm)

Others Attending: Elected Auditor Glen Roberts, Bill Schaumlöffel, Town Manager Herb Durfee, Recorder Wilma DeSpain

CALL TO ORDER

Chair Cole called the meeting to order at 7:00 p.m. and asked everyone to stand for the Pledge of Allegiance.

AMENDMENTS TO THE AGENDA

Durfee requested to have discussion of scheduling a vicious dog hearing. **Motion** to add a dog hearing to the agenda was made by Ward. **Seconded** by Richards. **Motion carries 4-0-0.**

Motion by Ward to appoint Holzworth Acting Clerk. **Second** by Richards. **Motion carries 4-0-0.**

APPROVAL OF MINUTES OF 11/24/14, 1/5/2015, 1/19/2015, 1/22/2015.

Motion to accept the 11/24/2014 minutes by Ward. **Second** by Holzworth. **Motion carries 3-0-1.**

Motion to accept the 01/05/2015 minutes by Richards. **Second** by Ward. **Motion carries 4-0-0.**

Motion to accept the 01/19/2015 minutes by Ward. **Second** by Richards. **Motion carries 4-0-0.**

Motion to accept the minutes of 1/22/2015 by Richards. **Second** by Ward. **Motion carries 4-0-0.**

(Sheldon arrived.)

FIVE MINUTES OF PUBLIC COMMENT None.

DEPARTMENT HEAD & COMMITTEE REPORTS

Fire Department: Ward reported that there have been no calls including accidents.

Town Manager: Bud will not be here tonight, he and his crew are clearing roads. The big plow was down. Lost hydraulics and was pulled back to the garage to prevent further damage. It has been repaired and is back on line.

Chief Humphries was able to purchase tickets for \$67 one way for he and Dale Kerber to get new, used cruiser in Chicago. Both going to share driving on the return trip. Two checks are included in this warrant to cover the deposit and the balance due on the car. A picture of the care was passed to Board members. Unless the Board directs otherwise, Humphries is applying for an equipment grant, that requires no match, to replace outdated in-car laptops. Holzworth asked if PD should also look into body cameras and/or license plate readers. Durfee was not sure if cameras of this type were a requirement at this time and that the Board may want to have a discussion with Humphries on this, but felt Humphries would not move forward with license plate readers. Durfee would instruct Humphries to meet with the Board first if he considered those items.

VLCT is attempting to have a portion of the gas tax indexed for periods when price of gas drops as it has recently to raise taxes for transportation related projects. The first Legislative committee that heard the request was not in agreement and felt that the State needed relief. A copy of how the gas tax is calculated was printed from the DMV web site and included in Board packets.

Regarding correspondence, Durfee reported the Town received state approval of the Town's Monitoring Plan. Greg Marcy was directed to begin immediately and started with testing last week. A copy of the latest Delinquent Tax Report is included in Board packets. It will be adjusted to show current five years. Durfee received a letter from Renewable Energy Vermont asking us to consider what we are doing before the Board may adopt the resolution requested by Rutland Town.

Durfee also received a letter from Marty Irons regarding the Adams Street Bridge project. He is the only person to have submitted feedback to date although Durfee has received verbal comment from Cindi Adams. A Public Hearing on the Mechanic Street Scoping Project is scheduled for February 17, 2015 in addition to a Public Meeting for the Adams Street Bridge Project.

Information regarding the Vermont Structural Slate Suit is in Board packets and will be discussed later in the meeting. Our name has been removed as a defendant in the suit with the National Bank of Orwell regarding the J&M properties. The judge has also adjudicated us in the case. Also, we have received a couple of calls from Lillian Billewicz inquiring as to the amount due to redeem and the last date of redemption.

The position of Assistant Wastewater Operator has been officially posted with inclusion of, *"The expected start date is March 2, 2015. However, the long-term/permanent retention of this position shall be contingent upon the retirement of a current employee (expected in May 2015)"*.

Durfee also stated he is keeping Bob Helm and Bill Canfield in the loop regarding a VLCT item involving the General Fund and Education related items.

Federal Energy Regulatory Commission (FERC) at this time is unwilling to conduct a site visit for the hydro project.

VTrans signed off on our Certified Highway Mileage and the Town received its copy.

Because we have not been satisfied with the work performed by Howard's Fire Control over the past couple of years, we requested bids for our fire alarm and extinguisher inspections and maintenance. We have received bids from Royal's for the alarms only. They subcontract extinguishers through FireProTec. We also received an extinguisher inspection bid from FireProTec but they don't inspect alarms. Howard's chose not to submit a bid. Durfee will report back to the Board after a more thorough review of the bids.

Elected Auditors: Roberts reported that the auditors will be meeting soon. He is trying to coordinate with the others.

NEW BUSINESS

William Bloomer, Esq. re: VT Structural Slate & Dam: Bloomer unable to attend tonight due to the weather. Discussion should be held in Executive Session at the end of the meeting. Durfee would like to bridge the latest Energy Committee meeting with latest knowledge and with the pending legal case. There is a settlement offering.

Rutland Town Resolution Related to Solar Project Sighting in Vermont: RRPC has taken a neutral stance with two solar projects, but did make recommendations. Rutland Town Selectboard sent a letter with the resolution. They are trying to build a stance that local Boards have more say in the location of solar projects, particularly farms, within their towns. Renewable Energy Vermont sent a letter asking towns not to adopt the resolution. Solar projects/farms can benefit towns, but does not mean town or adjacent land owners are benefiting from the energy produced. This

electricity becomes available on the grid. The donation of electricity from these projects is more of a contractual issue and not part of the application process. The consensus of the Board was to not act on the resolution at this time but to revisit it at a later date. Cole to contact Steven Hawley for more information.

Deborah A. Joaquim, Request for Water Abatement: Durfee updated the Board as to the history of the account. Has water service but not Town sewer. Town did due diligence and notified property owner that usage was high and should have a professional inspect house. Usually in these circumstances, a sewer abatement may be granted because water did not go through the sewer system. The account may not be eligible for a Payment Agreement due to specifications of the Delinquent Water Policy and/or past agreements. **Motion** by Sheldon to deny the request for a sewer abatement for account #736 on the basis that there is no sewer portion to abate. The water was used and did go through the system. **Second** by Richards. **Motion carries 5-0-0.**

Approve \$1,650 from Lister Equipment Reserve for Computer/Monitor/IT: Monies are received from the State each year specifically for the Listers for this type of purpose. It goes directly to a reserve account for use when needed. Because it is in a reserve account, your permission is necessary to expend the funds. Listers are looking to update the computer which is an older model with older programs. The monitor will also be replaced due to size restrictions. Additional equipment may be requested at a later date to include a tablet which would enable the Listers to use on site during property evaluations. The tablet would have a mapping component included that would be compatible with NEMRC. As per the Purchasing Policy, price quotes were received from two entities. **Motion** by Sheldon to approve up to \$1,650 purchase Lister Equipment from the reserve account. **Seconded** by Ward. **Motion carries 5-0-0.**

March Town Meeting Preparation. Durfee asked the Board if there were any specific reports/documents they would like him to prepare for the upcoming Town Meeting. Discussion followed. Data will be made available on the Town web site, Facebook, and Front Porch Forum. Durfee will develop a Board questionnaire and forward to Board members for their review.

Vicious Dog Hearing. Durfee updated the Board as to the background of the dog in question and that the Police Department recommends the hearing based on complaint and due to the lengthy file. The latest incident included a firearm. The Board is required to hold the hearing not the Animal Control Officer. Warnings, citations, and phone calls have been issued to the dog owner. A representative of the PD will be in attendance at the hearing. The hearing will be held at 6:00 p.m. on February 17, 2015 in Conference Room #2.

OLD BUSINESS

Social Service Agency Appropriation Policy. Policy was introduced to the Board at their previous meeting. Discussion followed. The consensus of the Board is that each entity provides a petition annually requesting funding with the requisite number of signatures. The Fair Haven Free Library, REDC, SWAC, VLCT, RRPC, and Rutland County Humane Society are individual line items in the budget so are not required to submit petitions. **Motion** by Richards to approve the Social Service Agency Appropriation Policy with the addition that all Social Service Agencies must annually submit a petition request for funding. **Second** by Holzworth. **Motion carries 5-0-0.**

Board Roundtable Discussion.

Sheldon. Nothing.

Richards asked for an update on the status of the Town Plan. Durfee stated that per Phil Adams, Zoning Administrator, the draft Plan is about two-thirds complete. The Board was in agreement that

the Planning Commission needs to know and understand the sense of urgency that the Plan be completed as soon as possible. Until the document is complete and accepted, the Town is unable to apply or receive specific types of grant funding. Richards will follow-up with Planning Commission Chair, George Stannard and Commission Member Dani Roberts for input. Richards received a call today from Sean Tomasi stating that the Town crew has done an excellent job taking care of the roads this winter. Parking in the Park and Ride lot needs to be addressed regarding snow plowing. **Holzworth** questioned if anyone has received comments regarding the change in policy at the Transfer Station. He had conversation with some residents who are not happy with the change. Many people are unaware that permits for Transfer Station use are required annually. **Cole** reminded other members of the Board to get the Town Manager's annual evaluation to Cole before February 17, 2015, so it can be discussed at the Board meeting on February 17.

Review of Finance Reports.

General Fund expenses = \$83,084.57. Payroll expenses = \$28,044.79. Checkbook balance = \$422,036.43. **Motion** by Sheldon to sign the warrant as presented. **Seconded** by Richards. **Motion carries 5-0-0.**

At 9:09 p.m., **motion** by Holzworth to go into Executive Session to discuss legal matters regarding Vermont Structural Slate and related hydroelectric dam issues. **Seconded** by Sheldon. **Motion carries 5-0-0.**

Motion by Holzworth to come out of Executive Session at 10:10 p.m. **Second** by Richards. **Motion carries 5-0-0.** No action taken.

Next Meeting: Special Meeting on Tuesday, February 17, 2015 at 7:00 pm. Moved from Monday, February 16, 2015 due to holiday.

ADJOURN

Sheldon **moved** to adjourn at 10:10 p.m. **Seconded** by Richards. **Motion carries 5-0-0.** Meeting adjourned.

Respectfully submitted,
Beverly Fedolfi, Substitute Recorder



Jeff Sheldon, Clerk