

**FAIR HAVEN, VERMONT  
SELECT BOARD  
WATER AND SEWER COMMISSIONERS  
LIQUOR COMMISSIONERS--CEMETERY COMMISSIONERS**

**NOVEMBER 24, 2014  
REGULAR MEETING**

**Members Present:** Rod Holzworth, Bob Richards, Jeff Sheldon, Dave Ward  
**Members Absent:** Chris Cole

**Others Present:** Bud Panoushek, Glen Roberts, Health Officer John Lulek, Town Manager Herb Durfee, Police Chief William Humphries, Cemetery Committee Chair Mary McNeal, Concerts in the Park Committee Chair Fred Capron, Ceil Hunt, Elected Auditor Glen Roberts, Ron Smith, Erik Sandblom, DPW Superintendent Bud Panoushek, Recorder Wilma DeSpain

**CALL TO ORDER**

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

**AMENDMENT TO THE AGENDA**

Durfee reminded the Board, in the past, Board preferred all members be present for an Executive Session. The Board may want to postpone the scheduled Executive Session to a later date. All agreed. Executive Session was tabled.

**APPROVAL OF MINUTES: 11/10/2014 AND 11/17/2014**

Per Durfee, only minutes for 11/10/2014 are available. **Motion** by Richards to accept the 11/10 minutes. **Seconded** by Ward. Additions/Changes: Richards noted during committee reports he questioned why an area was zoned residential and not industrial. Minutes do not address this. To be added, "*Phil Adams, Zoning Administrator, noted that the zoning district was mistakenly zoned residential. The zone cannot be changed until the Town Plan is revised.*" Richards and Ward accepted the suggestion as a **friendly amendment** to the motion. **Motion as amended passed 3-0-1.** Holzworth abstained because he was not in attendance at the 11/10/2014 meeting.

**PUBLIC COMMENTS**

Ron Smith of RHR Smith & Assocs. requested to speak at a later time regarding the 2014 financial audit.

**DEPARTMENT HEAD & COMMITTEE REPORTS**

**Durfee:**

- Working with Bud at the request of Holzworth to develop overall vehicle maintenance procedure;
- Spencer Sisson property located in business district on Main Street is scheduled for tax sale. Received notice today from mortgage holder that they were preparing to overnight a check to cover delinquent balance of approximately \$9,500.00.
- Received notification today that we did not receive funding for a Municipal Planning Grant. No specific reason given for not receiving funding. Historically, grants are distributed geographically and more applications were received than funding allowed. From a municipal grant standpoint, funding was more for implementation of a plan, had hoped we would be granted a reduced funding amount. Planning Commission will now need to proceed on their own to complete the Town Plan. Per Danielle Roberts, Commission has changed their process in developing the plan. Each member had been given a specific part of the plan to revise/complete, but this was not successful. The Commission will have

- two members complete the plan and present the document to the Commission for input/approval.
- Received notification today that two of the J&M Investment Trust (Billewicz) properties are going to foreclosure. We previously held tax sale of the properties on March 18, 2014. Our Town attorney has submitted information to the attorney for the mortgage company regarding this so as not to lose our lien place holder. As a municipality, we would remain at the top of the list along with the mortgage company as lien holders.
  - Received an email from Tom Emero who pulled together an economic analysis and is currently in discussion with Green Mountain Power to sell biomass energy. From the analysis, Beaverwood should be able to negotiate with the utility. Beaverwood is currently trying to gain the Public Service advocacy vote. Would then have more of a chance to develop a scaled back facility in the same location as previously proposed.
  - We are moving forward with Harmony Co. for specifications on the new hopper and compactor for the transfer station. We recently had a site visit with their installer who is out of Milton, VT. The work order has been processed and Harmony will begin the manufacturing of the equipment soon.
  - Ron Smith sent a memo related to accounting/auditing regulation changes. He will address these changes later during the meeting.
  - The Board's letter to utility rate payers was stuffed and mailed today. Phone calls are expected shortly.
  - The clothing receptacles located at the transfer station and supplied by Planet Aid will soon be removed. Believe the reason to be financial. It is labor intensive to retrieve contents and to sort through usable vs. non-usable products. We are paid \$0.05/lb. or approximately \$400/year.

**Police Chief:**

Waiting to hear back from a municipality regarding available vehicles. Heard back from New Jersey. They will be sending pictures later today. Decided not to bid on the Vernon vehicle because he had these other vehicles in the works.

Holzworth asked Chief Humphries to comment on a recent Letter to the Editor regarding a part-time police officer issuing a traffic violation, but who did not follow-up by appearing in court regarding the ticket. Humphries explained that the violation in question was a person who had been stopped for no directional which is a traffic violation that is processed by the municipality. It was found that he was driving with a suspended license which is a criminal offense and is processed by the State. Because of this, the criminal offense takes precedence over the traffic violation. The defendant paid his fine to the State, his license was reinstated and the traffic violation was dismissed by the State. For these reasons, the officer did not attend. Humphries further explained that he has spoken to the officer in question and reiterated that whenever possible, court attendance is required although there are instances that an officer is unable to attend due to a conflict in scheduling or an emergency call out. Holzworth was concerned non-attendance implies a flimsy case. Richards stated that letter implied others who received tickets from the same officer were also present but citations dismissed due to absence of officer. Humphries stated that a citation is automatically dismissed if the officer is not present.

**McNeal-Cemetery Committee:** The cemetery is closed. Started FYE 2016 budget preparations.

**Capron – Concerts in the Park:** The committee will be holding a holiday tree lighting in the park on Friday, December 19, 2014 starting at 4:00 PM. We will be singing carols, serving hot chocolate and cookies, and Santa may make an appearance at 4:30 PM.

**NEW BUSINESS**

**FYE 2014 Audit & Management Letter Presentation** – Ron Smith presented the financial audit for 2014. This was the 5<sup>th</sup> audit that his company has performed for the Town. He gave a general overview explaining what each section of the audit represented. The Town's financial standing for 2014 was a

mirror image to 2013. He was impressed with the increase in collection rates for property taxes and noted that instead of going down \$185,000, they only went down by \$10,000. This was very good news for the Town. He did remind the Board to be aware of utility billing revenue that this is notoriously a problem area for many municipalities. There are two areas that he is still concerned with and that he made note of in his management letter. One is how monies are collected off-site, primarily at the Transfer Station and during Concerts in the Park. Ron will work with these departments in the future to address this. Capron stated he would meet with Ron, Jenny and Herb to resolve this for the Concerts in the Park. The second item is a person listed on the Trustees Account who is no longer a Trustee. This needs to be addressed. Overall, Smith was very happy with how the Town has worked with him to make his suggested improvements. The greatest challenge to Fair Haven is running a viable and consistent operation. The fund balance was explained, where it came from, how revenue affects the balance and tax rates. Smith reminded the Board when comparing the tax rate of the Town with other towns, it is very important to compare towns that offer the same services. Fair Haven is unique in that it offers a large amount of services vs. a smaller number of taxpayers compared to many other towns. Services are a direct link to taxes. Smith will work with Roberts on a comparison of Fair Haven to other municipalities. Smith stated that Fair Haven may be at the point that existing reserve amounts may need to be re-examined to determine if they are targeted for the proper expenditure(s) and whether or not some funds need to be shifted since revenue will become harder to come by.

**Mechanic St. Pedestrian/Bicycle Path Scoping Project Update:** Erik Sandblom of KAS Engineering gave a presentation on the project. He updated the Board on the project and reviewed the process. He presented the Board with alternatives and opportunities to the project. Erik will draft a report of the project in a format that will be ready for public insight.

**American Clean Energy Supply 45-Day Notice** – Notice has been received that a solar project application is going to be filed with the Vermont Public Service Board. The project is between Exit 1 RV and the Vladyka property. Durfee will put a letter on file with the PSB much the same as the letter that was filed on the Young property. Durfee reported that there will possibly be another solar project off Airport Road near Route 4. This is the third energy project in addition to the ongoing conversations that the PSB is having with the Energy Committee regarding a small scale hydro-electric dam, the New England Clean Power Link for the power line that will go under Lake Champlain coming up in Benson, and Beaverwood, which may be another potential project that will be under way. Fair Haven will have the possibility of 4-5 projects through the PSB. A deadline for solar energy applications is close. This would explain the sudden installation of solar fields throughout Rutland County. Applications have not been filed just the 45-day intent to apply. Durfee was not sure of exact zoning regulations, but will keep the Board updated especially with the tax implications for the Town. He reminded the Board that if the town negotiated a contract with one of the solar projects, they ought to be careful about not undermining the hydro project.

Durfee stated that the estimated costs for NECPL are \$5M/mile. The Lister's Office is in contact with their district manager as to how to tax NECPL. The power line will be in the highway ROW. Do we have the authority to tax because of this? Will NECPL be treated as a public utility or a private company?

Durfee suggested that the Board meet jointly with the Planning Commission and the Energy Committee regarding these upcoming applications. The Planning Commission has an individual voice for these projects. The Town and the Planning Commission need to work as a united front. Durfee will add a joint meeting to a future agenda.

**Park & Recreation Fields Ordinance** – Durfee explained that there was an error in the previously signed ordinance, the sentence, *"The park is open on certain hours unless otherwise approved by the Selectboard, but would not preclude anyone from walking through the park from one point to another to*

*get to their destination*" had been omitted. The ordinance was previously approved with this sentence so this copy just needs to be signed. Members present signed the revised document.

**Mass Notification System Status-FYE 2015 Discussion** – Durfee provided an update and felt the Board may want to discuss this during FYE 2016 budget discussions. Board had previously stated that they felt it was a good idea to have a means of mass communication in the Town. Durfee noted CodeRed, a mass notification system provider he recommends, could build the system now, but invoice the Town after June 30, 2015. The annual cost for the system is \$2,500.00 with a minimum 3-year license for an unlimited plan. There would be no additional set-up fees/charges. Set up would be a function of the Town and those members of the public who opt to participate. Per the Purchasing Policy, two quotes are required. The system that the school district currently uses has an annual fee of \$3,500.00, but has been advised that the CodeRed system has more functionality. The Board put further discussion on hold until there is a better idea of the final FYE 2016 budget.

**FYE 2016 Budget Preparation:**

- **Street Lights:** The conversion to LED lights will begin in the spring and should show an approximate savings of \$9,700 or 18.9%. Utilities-Street Lights line reduced \$3,160.00. Holzworth questioned line 76.01. Durfee to investigate. Utilities-Park reduced by \$104. Utilities-Playground reduced by \$417.
- **Cemetery:** McNeal presented for the Cemetery Committee regarding line 5520-57.00 Cemetery Committee Expenses. Included in their budget request were monies to repair slate (pictures provided), hire an outside party to repair larger headstones, roof repairs (no estimates provided), and continue pond work. McNeal questioned whether there was a reserve fund. If there wasn't, requested \$1,000 to a reserve. Holzworth questioned why tree work was included as a line item in Cemetery Committee Expenses and Other Purchased Services. McNeal responded that in the past not enough money was budgeted, second line covered the difference. Holzworth requested that the amount of monies committee requesting for tree work, \$2,500, be transferred to OPS. Cemetery Committee line decreased by \$4,000. Salary line increase 2.5% per contract or \$525. Overtime level funded (covers weekend funerals) but due to staff schedule changes amount used from this line should be lower. Operating Supplies increased by \$50 to cover price increases of supplies. Repairs & Maintenance level funded. Trustee 40% level funded. Questioned what this was for, Durfee responded 40% of cemetery lot sales go to the Trustees to cover perpetual care of lots. Durfee will look into this to verify.
- **Air Park:** Salary to cover mowing and painting the hangar. Level funded. Repairs & Maintenance supplies level funded. Other Purchased Services to cover cleaning of facility after use, level funded. Utilities, level funded.
- **Health Inspector:** Salary, level funded. Stipend position. Question as to duties of position. Response from Durfee that position is extension of the Vermont Health Department. Dues and Meetings and Travel (Mileage) each reduced by \$25.
- **Animal Control:** Question whether there is a matching revenue line for the expense. Currently fines go to General Fund Police Tickets & Fines. Not aware of any fines being processed through Animal Control. Salary increased by \$100. Operating Supplies reduced by \$100. Remaining lines all level funded. Lulek commented that the free rabies clinic is scheduled for the last Saturday in March.
- **Set West Haven Service Fee for Transfer Station** – Fee to West Haven remained the same for numerous years. Durfee suggested increasing by \$500 to cover the increased cost to process trash. Fee covers ability of West Haven to use Transfer Station only. West Haven residents pay user fees per use of facility. Fee increased to \$16,000, up \$500.
- **Highway Truck Status:** Durfee reported that he is preparing a spreadsheet, with input from Panoushek, with the status of each vehicle in Highways fleet. The report is color coded to identify the level of importance of each repair/maintenance required. Spreadsheet will help to develop plan to better maintain all fleet vehicles and increase the life of the vehicles. Panoushek updated the Board of various ways to extend the life of current of dump truck which included replacing the box, spot

welding/repairing only necessary areas, or replacing wing with straight sander. Needs major repairs. Stated that car/truck dealerships do not offer lease vehicles for commercial/municipal use.

#### OLD BUSINESS

- **2014 Town Report Dedication:** Durfee suggested that the discussion be tabled until all members were present to discuss. No additional names had been submitted by the public for consideration. Discussion was tabled.

#### EXECUTIVE SESSION-Personnel

Tabled until a later date when all members would be present.

#### BOARD ROUNDTABLE DISCUSSION

Panoushek asked the Board if items are left in the ROW such as basketball hoops, is the Town held responsible if DPW hits with a plow truck. Everyone felt the public was given adequate notice to have items removed. If we move the item, the owner must be notified. Humphries stated that tickets can be issued. This had been added to the ordinance. Currently, PD issues a written warning. If it snows and the article has not been moved, a ticket is issued.

Richards stated with Beaverwood representatives in negotiations with GMP and looking for certification from the PSB, we are a long way from the point of contacting our legislators. We need to be very careful in our support of Beaverwood. Too many unanswered questions.

Richards to Humphries: Concerned about a part-time officer not appearing in court. If a ticket is issued, the officer should follow through. Doesn't want the Town to have the same reputation as Bridgewater or if the ticket is not a DUI, it is not important. Humphries assured Richards that he has had this conversation with all of his officers. Sometimes, issues do arise and an officer is unable to attend.

Confirmation was requested whether the NECPL was in fact going through Fair Haven. A comment had been made to a Board member that it was not. Durfee confirmed that he received documentation that the line would go through Fair Haven all within VTrans rights-of-way.

Sheldon stated that he had received a gentle reminder that the Board report for the Annual Report was due. Asked members to please forward information that they would like in the Board report.

#### REVIEW OF FINANCE REPORTS

Payroll Warrant: \$28,321.33

General Fund Warrant: \$52,517.58

**Motion made by Holzworth to approve the two warrants as presented. Seconded by Ward. Motion carried 4-0-0.**

Durfee explained the checkbook balance of \$898,396.04 is high because the education payment is due to be paid soon.

#### ADJOURNMENT

At 11:35 pm, **Holzworth moved to adjourn. Seconded by Richards. Motion carried 4-0-0.**

Respectively submitted  
Beverly Fedolfi, Substitute Recorder

  
Jeff Sheldon, Clerk  
Rob Holzworth, Acting Clerk