TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Regular Select Board Meeting
April 12, 2016

Members Present: Robert Richards, Jeff Sheldon, Dick Frazier, Chris Cole, Rod Holzworth, II.

Others Present: Town Manager Herb Durfee, Minute Taker Claire Stanley, John Lulek, Glen Roberts, Jeremiah Behnken, PEG TV, Patrick Frazier, Bud Panoushek, Tina Van Guilder, Peter Laramie, Fire Dept. Chief David Ward, Rose Anne VanLew, Police Chief William Humphries.

Call to Order: Chairman Bob Richards called the meeting to order at 7:00 p.m. and led the assembly in the Pledge of Allegiance.

Amendments to the Agenda: Mr. Sheldon moved to **add to the agenda**: New Business: Modified Liquor License: Stewarts' Shop, Corp. d/b/a Stewart's Shop #190; Library Trustee Position; seconded by Mr. Frazier and carried unanimously.

Approval of Minutes: Mr. Frazier **made a motion to approve the Minutes of the March 29, 2016 Meeting**; seconded by Mr. Sheldon and passed unanimously.

Five Minutes for Public Comment: Ms. Van Lew thanked the Board for their trust in her to be Alternate Commissioner to the Rutland Regional Planning Commission. She feels offended and taken for granted at having been appointed as Commissioner assuming she wants the position. It was the understanding of Manager Durfee and the Board that indeed she was interested in the position. Ms. Van Lew asks that if there is e-mail communication with her to call and let her know that e-mail was sent. The position has not been re-advertised; one of the Planning Commission members has shown interest. The Board thanked Ms. Van Lew for her service, apologized for the misunderstanding and asked if she is interested in continuing as Alternate. She stated that she needs to think about it.

Patrick Frazier inquired, was **PFOA** ever used in any projects? None that anyone is aware of; recent lead and copper tests show nothing.

A **letter of commendation** was presented to Fire Dept. Chief Ward in thanks for their heroic work during the recent truck rollover where they rescued the driver from the vehicle.

Department Heads and Committee Reports: Town Manager Durfee reported:

- Manager's written report is in members' packets
- Draft of the wastewater plant engineering work is received
- Draft of drug free community policy updated to include (proposed) consideration that legalization of marijuana is pending
- VT Structural Slate re-drafted agreement reflecting easement is now in VSS's hands

- Waiting for AFSCME attorney reply re: employee grievance
- There was a volunteer appreciation ad in the Rutland Herald from Concerts in the Park
- Have applied for Better Back Roads grant to update Town DPW inventories (culvert, road, etc.) that will work into the Town Capital Plan. Received a letter of support from the Regional Planning Commission as part of the application.
- Chief Humphries written report is in members' packets
- Latest monthly delinquent property tax report is in packets
- Sent a formal request to VMERS Board -- do we need to pay retirement for a temporary, part-time position that had to fill in temporarily full-time while a new hire process was going on.
- Household hazardous waste collection will be April 23rd, 11:00 a.m. to 1:00 p.m.
- The water plant furnace has been re-rebid, and is due back April 29
- Update on the protective order re: Fourth Street vicious dog issue. The fence is up and finished; evaluation has been done; awaiting formal final results from the vet.
- Have responded via e-mail and voice mail to Mr. Rasmussen's questions/comments re: utility billing
- About ten folks attended the Green Mountain Power *eTown Meeting* event

Waste Water Chief Operator Peter Laramie reported on the recent discharge. Mr. Laramie stated he has been Chief Operator for 23 years where he and his staff take their job very seriously and consider a 100,000 gallon discharge very serious. He has heard the spill characterized in many ways more serious than actual, including that the Board shows lack of interest in plant maintenance. He reported he and his staff take every avenue to make sure this does not occur and the social media comments are unfounded. Engineers visited to judge needs for a new plant commenting the plant is in better shape than expected (because the Board supports proper maintenance). The 100,000 gallon "untreated" effluent was treated in all ways except for the final chlorine disinfection. Despite the lack of disinfectant step, the discharge quality probably would test cleaner than the river water itself. The problem was traced to a failed ($5.00) power inverter -- an on/off switch. Discussion followed re: possible alarm(s); there is no backup power except for the chlorine pump; amount of daily treatment; state is "fine" with work/process. Mr. Panoushek noted the event was blown way out of proportion on social media.

Water Plant Sanitary Survey shows need for changes at the Green Mountain Trailer Park on Airport Road to secure the Town's overall permit to operate. This has been an issue for many years. The Park made improvements that are a concern with the State. There was discussion re: urgency of the situation; can the Town approach the owner to make the repairs or drill a well -- then that meter system is no longer on the Sanitary Survey; cost of $6,000 to $7,500 if Town does the work.

Superintendent of Public Works Bud Panoushek stated he is waiting for reply from three dealers on proposals to purchase a wing truck.

Police Chief Humphries reported on the recent bomb threat at Fair Haven Grade School. There is a suspect; waiting to see if there will be charges. The department assisted Federal agency at a River Street incident. They have been more aggressive with dog issues and will start checking dog registrations May 1st. Mr. Cole noted issues with folks parking on sidewalks causing the need for people to walk into the street.

Rutland Area Prevention Coalition: Tina Van Guilder prepared a handout and expounded on the Smoke Free Parks recommendation. She suggests drafting a policy/ordinance on how to address marijuana in the event it is legalized. Impacts of smoking in parks include: litter, health, image, aesthetics, environment, and enforcement. Social norms are difficult to change. The program is about smoke, not the smoker. There are sample ordinances to work with.

Fire Department Request for Expenditure from FD Reserve Fund: Mr. Sheldon made a **motion to grant the expenditure not to exceed $17,000 from the Fire Dept. Reserve Fund** as requested by the Department; seconded by Mr. Frazier. Chief Ward stated the need for 8, in-building rated turnout sets to replace aged, outdated ones. Chief Ward explained some of the old gear can still be used for outside building situations. Mr. Frazier called the question. The motion carried, 5-0-0.

Cemetery Deed -- John & Diane Mancuso, Cedar Grove Cemetery, Lot 176, Section 11, 2 graves: Mr. Sheldon **moved to grant the request**; seconded by Mr. Frazier and passed, 5-0-0.

Cemetery/Burial Fee Schedule -- Approve Addition of $10 Recording for Cemetery Deeds: Mr. Sheldon **moved to approve the $10 Recording fee**; seconded by Mr. Frazier. Manager Durfee noted that records of cemetery deed sales are kept but at least most recently are not formally recorded in the Land Records. Board members agreed cemetery deeds need to be recorded in the Land Records. The motion carried 5-0-0.

Town Plan -- Schedule 2nd/Final Public Hearing: All corrections are included on the draft given to members. The Regional Planning Commission is working on the Future Land Use Map. Further review will be at the April 26th meeting; public hearing date will be decided then.

Cash Receipts, Petty Cash & Returned Check Policy – 2nd Reading & Adoption: Mr. Frazier made a **motion to adopt the policy as presented**; seconded by Mr. Holzworth. Manager Durfee briefly reviewed items addressed in the policy. The motion carried 5-0-0.

Hydro Project Status: Update: The Stevens property appraisal is finished; need to contact Energy Committee Chair Stannard to schedule a meeting. Lengthy discussion re: what is the next step; maintenance issues.

Listers' Request for Expenditure from Lister Education Fund: Mr. Sheldon made a **motion to grant expenditure of $142 from the Listers' Reserve Fund** as requested; seconded by Mr. Holzworth. This is for two members to attend a conference, and according to the Listers' regional coordinator is eligible. The motion carried 5-0-0.

Mr. Frazier made a **motion to appoint Terry Demasi as Library Trustee position for the balance of the 1-year term** as recommended by Judy Sheldon; seconded by Mr. Holzworth and passed 5-0-0.

Mr. Frazier made a **motion to acknowledge a liquor license approved for Stewarts Shops Corps. #190 under a different name**; seconded by Mr. Sheldon and passed 5-0-0. Members signed the modified license.

Airport Road Surface Water Status Report: Mr. Panoushek reported the West side of the road is 8" higher than the East side at that point. There is no easy solution; work is on-going. Durfee and Board Members indicated they weren't supportive of simply moving water from one side of the road to the other, without proper analysis since it could impact property owners such as Howard's, Rite Aid, and Maplefield's. There also was some discussion about ditching, including culverts, on the east side of Airport Rd to get the water to the Route 4 drainage area. Mr. Sheldon noted the Natural Resources Conservation Service has aerial photos of ditches and may be of assistance.

FYE 2017 Water/Wastewater Budget Development Discussion: Tabled to a May 3, 6:00 p.m. special meeting where representatives from the Water, Wastewater and Highway (line work) Departments will be asked to attend.

Town Manager Evaluation Monthly Follow-Up (Tabled from 3/29): Manager Durfee stated information was in members' box; he received evaluation forms and summary. There were three items at issue: present more normal hours--not a four day week; improve communication with Board; more timely information on agenda items. He expressed disappointment that there was little recognition of his 2015 accomplishment (four months under short-term disability); of work done and prepared a list of accomplishments. He noted members did not talk with staff re: daily work; he has carried out all but two job description items that require Board direction (e.g., strategic plan). He has changed his schedule, has made every effort to get agendas and packets done by end of Thursday day, and requests more input of timely communication with Board. Durfee also asked if Board Members were seeking to renew his contract since it expires June 30. Mr. Richards stated he feels Manager Durfee treats the Board with disrespect/disdain, cited a police vehicle incident several years ago and has no interest in renewing Mr. Durfee's contract. Mr. Frazier stated he sees improvement made and still needs to think about contract renewal. Mr. Holzworth said he has seen improvement, questioned timeliness of job description accomplishments, and feels Mr. Durfee lost focus this last year; he wants the old Herb back. Mr. Cole has not seen the recent evaluations, will decide after reviewing those. Mr. Sheldon supports renewing the contract having spoken informally with Manager Durfee. Glen Roberts noted there are many little everyday things that impact time, distracting from the bigger needs. Mr. Panoushek stated he has worked with eight managers, Herb is one of the better ones -- he gets "stuff" done.

Round Table Discussion: Mr. Cole stated that Act 46 failed because Orwell voted against (141 yes; 211 no). All other Towns approved. Fair Haven voted 150 yes, 129 no.

Mr. Richards noted overspent transfer station overtime. He suggested schedule changes might be able to alleviate this, though he acknowledged there may be union contract issues to work through.

Review of Finance Reports: The **Checkbook Status** is $190,599.74

Mr. Sheldon moved to **approve payment of the General Fund Warrant of $19,622.14**; seconded by Mr. Frazier. Mr. Holzworth noted some invoices and P.O. for same have the same date, this does not follow policy. There is no time on Manager's new time sheet. He reported he is only required to note time off. Mr. Holzworth asked the Manager to continue to track his time on the time sheet presented for payment. Durfee agreed. The motion carried 5-0-0.

Mr. Sheldon moved to **approve payment of the Payroll Warrant of $24,504.21**; seconded by Mr. Frazier and passed 5-0-0.

Mr. Frazier moved to **adjourn** at 10:28; seconded by Mr. Sheldon and passed 5-0-0.

Respectfully submitted,
Claire Stanley

Richard Frazier, Board Clerk