

**TOWN OF FAIR HAVEN, VERMONT  
SELECTBOARD  
WATER AND SEWER COMMISSIONERS  
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS  
Regular Select Board Meeting  
October 27, 2015**

**Members Present:** Robert Richards, Dick Frazier, Sean Galvin, Rod Holzworth II, Jeff Sheldon.

**Others Present:** Town Manager Herb Durfee, Minute Taker Claire Stanley, Bud Panoushek, Emily Cutts, Rutland Herald, John Lulek, Neil Robinson, Wendy Foltman.

**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. Galvin made a motion to add to the agenda: New Business; Request for Catering Permit – Fair Haven Inn; Authorize Funding for Water Improvement Project; seconded by Mr. Holzworth and carried unanimously.

**Five Minutes for Public Comment:** None

**Approval of Minutes:** Mr. Frazier moved to approve the minutes of the 10/13/2015 meeting; seconded by Mr. Holzworth and carried unanimously.

Mr. Frazier moved to approve the minutes of the 10/20/2015 meeting; seconded by Mr. Holzworth and carried unanimously.

**Department Heads & Committee Reports:** Department of Public Works Superintendent Bud Panoushek reported they are in the process of having the speed limit reduced to 30 MPH on Washington Street from Fourth Street to beyond the highway. Traffic will increase when Rite Aid moves across the street to a proposed new building. The Board will be involved with this process at a later time.

Town Manager Durfee reported:

- There is a draft copy of the amended Traffic Ordinance in members' packets. This will be on the November 24<sup>th</sup> agenda.
- Work is on-going on the legal process of vacating 5 & 7 Union Street.
- There are still unresolved issues re: work on a private water line on Crippen Avenue that damaged the Town sewer line.
- There is material in members' packets re: changes to the collecting of e-waste. Mr. Durfee outlined controls and monitors; whether to collect or not; the market price has dropped significantly; e-waste "might" come from out of Town causing greater traffic.

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- Mr. Rasmussen has asked for Supreme Court oral arguments.
- Sanitary Survey information is in packets.
- New England Clean Power Link permitting is moving forward quickly.
- Division of Fire Safety has signed off on the electric upgrade to the Municipal building.
- Carvers Falls has filed with the Federal Energy Regulatory Commission for a 27% increased capacity.
- Received the latest VLCT Legislative Policy update.
- There are 25 vehicles daily in the Park and Ride lot at the South end of the Park.
- Household Hazardous Waste (HHW) breakdown in members' packets.

**Catering Permit Request – Fair Haven Inn:** Mr. Frazier made a motion to grant a Catering Permit to the Fair Haven Inn for a reception at Family Heritage Credit Union on November 5, 2015, 5:00 to 7:00 p.m.; seconded by Mr. Sheldon and passed unanimously.

**Authorize Funding for Water System Improvement:** A letter of concurrence was received re: Main, Mechanic and Fourth Streets' one to one and one half million dollar proposed Water System upgrade. The Revolving Loan Fund has approved \$10,600 for the preliminary engineering. Mr. Holzworth made a motion to authorize Select Board Chair Richards to sign the agreement with Aldrich & Elliot; seconded by Mr. Galvin. The motion carried unanimously. Mr. Richards signed two copies.

**Decide Whether to Proceed with Hydro Project – Initiate Formal Discussion with Landowner:** Discussion included that negotiations with landowner need to precede a bond vote; members of the Energy Committee have a rapport with the landowner; Town Manager ought to be involved in the process. Mr. Frazier made a motion to authorize Town Manager Durfee and Energy Committee Chair Michael Stannard to represent Fair Haven in negotiations with the landowner -- Board Chairman Richards to be alternate. The motion was seconded by Mr. Sheldon and carried unanimously.

**Decide Whether to Proceed with Solar Project – Authorize Solicitation of Bids:** It is felt that the consensus of those attending the Forum is to exclude the Air Park as a site for a solar array. The Board is split on that subject. It appears that the capped landfill site has (only) one acre of usable space without clearing. It may involve wetlands, flood plain and stability. Bids can be solicited from several interested companies negotiating amount of space needed. Mr. Galvin made a motion to authorize the Town Manager to solicit bids for solar project(s); seconded by Mr. Frazier. Members request that bid specs include checking with the State re: restrictions at capped landfills. The motion carried unanimously.

**Water Treatment Plant Furnace Replacement – Authorize Solicitation of Bids:** Mr. Frazier made a motion to authorize the Town Manager to solicit bids for replacement of the Water Treatment Plant furnace; seconded by Mr. Sheldon. It is a propane furnace. Auditor Smith will be asked about funding – capital improvement or sinking fund. The motion carried unanimously.

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**Workers Compensation – Payroll Audit Requirements:** Due to a State Department of Labor (DOL) more rigid interpretation of rules, some independent contractors are now to be treated as employees re: workers compensation. The waiver form is no longer valid according to VLCT-PACIF. Discussion followed. The DOL may conduct retro-active audits to 2015 payrolls. More information to come.

**Sanitary Survey Status:** Copies of the survey were made available to members. All items are resolved except, inadequate drainage at the White Mobil Home Park water meter pit. This issue has history dating back two Town Managers. Discussion re: the pit belongs to the landowner; State claims that because it is part of the Town water system, it belongs to the Town; it involves both rain and ground water. Work is on-going and will be resolved to meet deadlines.

**FYE 2015 Audit and Management Letter:** Are done – found one discrepancy to be resolved before it goes to members and elected auditors. Discussion re: when the elected auditors last met. Also, it was noted they have not helped to prepare the Town Report in recent past nor did they submit their annual report last year.

**Board Roundtable Discussion:** Mr. Frazier inquired the status of the issue of the Mobil Home at the corner of Academy and Cedar Streets. He requested Health Officer Lulek to make a home inspection to determine habitability.

Mr. Sheldon reported he feels the Clean Water Act will be a big deal re: culverts, storm drains and Town permitting.

Mr. Richards inquired the status of the Town Plan noting some grants require a Town Plan before consideration. The Committee has met; is working on mapping component; some members are not participating. Board members are impatient for completion of the Plan. Mr. Durfee agree to invite the members to an upcoming Board meeting to receive an update, including the Planning Commission's schedule for completing a draft of the Plan.

Mr. Richards inquired re: when budget will be presented to members. At the first November meeting as planned (earlier if completed).

The **Checkbook Status** is \$132,514.40

Mr. Sheldon **made a motion to Sign Warrants:** Payroll, \$28,389.73; General Fund, \$75,260.35; seconded by Mr. Frazier and passed unanimously.

Mr. Holzworth **moved the Board and Town Manager into Executive Session** at 9:23 to discuss the Union Contract; seconded by Mr. Sheldon and passed unanimously.

At 10:10 p.m., Mr. Frazier moved to exit Executive Session; seconded by Mr. Sheldon and passed unanimously. No further action taken.

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At 10:10 p.m., Mr. Frazier moved to adjourn; seconded by Mr. Sheldon and passed unanimously.

Respectfully submitted,  
Claire Stanley



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Richard Frazier, Board Clerk