TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Regular Select Board Meeting
August 2, 2016

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

Others Present: Town Manager Herb Durfee, Glen Roberts, Emily Cutts (Rutland Herald), Daniel Appelt (PEG TV), Patrick Frazier, John Lulek

Call to Order: Chair 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. Frazier **moved** to add: New $50,000 Insurance Classification; Loan Agreement Amendment No. 1 Water Planning Loan WPL-256-2 for $25,000; seconded by Mr. Holzworth and passed 5-0-0.

Approval of Minutes: Mr. Frazier **made a motion to approve the Minutes of the July 5, 2016 Meeting**; seconded by Mr. Sheldon. The motion passed 5-0-0.

Mr. Frazier **made a motion to approve the Minutes of the July 12, 2016 Meeting**; seconded by Mr. Sheldon. The motion passed 4-0-1 (Cole abstained).

Five Minutes for Public Comment: Mr. Lulek offered that Aaron Kerber ought to be recognized for his quick response and actions during the recent trenching incident. Mr. Frazier **moved to request a letter of commendation be placed in Aaron Kerber's personnel file**. Seconded by Mr. Sheldon, and passed 5-0-0.

Department Heads and Committee Reports:
Mr. Durfee, Town Manager:

- Request for better signage on Main Street at crosswalks. Have looked into the possibility of installing flashing signs.
- Received a request from Scott Clement for a mid-block crosswalk to connect St. Mary's with the church. Information in packets. Will put on a future agenda.
- VOSHA report filed before I left for vacation. Spoke with Les Burns from VOSHA who indicated that it is not the intention of VOSHA to conduct an investigation nor are we subject to a citation. Les would like appropriate staff to participate in trench excavation training. VTrans has a training scheduled of which, our staff are already enrolled.
- Received an update of activities for Regional Planning Commission from Ed Bove. Copies in boxes.

- A public hearing has been scheduled for August 17th in Shoreham at 6:00 P.M. regarding the re-naming of Route 22A to the *Desert Storm Veteran's Memorial Highway*. Notice in boxes.
- Phase II water line application has been approved. Documentation forwarded to underwriting. We should hear back within 4-6 weeks. Once executed, we will be able to pay the contractor on a regular basis. A portion of work has been completed.
- Bike/Pedestrian Path Grant program application for Mechanic Street has been sent. Have had preliminary discussions with A&E to have this area be done last in regards to the water project so that we are not duplicating work.
- Theresa Fisher has donated $150 to cover work at Cedar Grove Cemetery.
- Fair Haven Concerned has sent you a letter thanking us for letting them do a coin drop.
- VTrans does not feel that a reduced speed limit request made for 22A near Maplewood Inn and, also, near Shaw's is warranted. For the Maplewood Inn area, VTrans will update some signage and suggested increased enforcement. For the area near Shaw's, the higher volume is only during a short period which, in VTrans' opinion doesn't warrant the change.
- Ed Hayes, our new patrolman, is now at the Vermont Police Academy. In the past, Town granted 80 hours of comp. time instead of paying overtime during this training time. This requires Board approval. Has been done in the past; precedent has been set. While at the academy, his hours will go into overtime hours. The academy is three weeks and each day extends beyond a regular scheduled shift. The Board generally did not support the request, given the Union contract and the nature of the Town's commitment supporting the certification training. But, the Board requested that Durfee investigate further and report to the Board.
- The transfer station scale remains off-line until this Thursday. There has been a problem locating steel for the necessary work, according to Dave Farnham.

Richards questioned our training of and use of part-time officers for DUI patrols. Durfee will check schedules to compare use of part-time officers for coverage that normally would be covered by full-time officers. The Board asked that Chief Humphries at a future meeting update/explain status of the department's part-time officer staff and training protocol.

DPW Superintendent Panoushek is doing better and will have a follow-up appointment Thursday. AR Clerk Fedolfi has returned to work on a part-time basis. Durfee does have a call into her doctor for clarification of the return note which was vague.

NEW BUSINESS:

Creation of New Insurance Classification: Durfee reported that there is no issue with establishing a new classification of life insurance related to his contract, given research with Lincoln Insurance, as long as the Board acts to create such classification. Mr. Cole **moved to establish a new life insurance classification, including accidental death and dismemberment, amounting to $50,000 for the Town Manager**. Mr. Frazier seconded the motion, and motion passed 5-0-0.

Loan Agreement Amendment No. 1 Water Planning Loan WPL-256-2 for $25,000: Durfee reported he recently received documentation needing Board approval concerning a portion of the funds for Phase II of the water line upgrade project that deals with Final Design Engineering. Mr. Sheldon **moved to approve Loan Agreement Amendment No. 1 Water Planning Loan WPL-256-2 for $25,000, including authorizing the Chair to sign in the designated location**. Mr. Cole seconded, and motion passed 4-1-0 (Frazier dissented).

Request for Sewer Abatement: Acct #256, 23 Pleasant St., Richard Frazier: Mr. Frazier recused himself from the board for this agenda item. Mr. Durfee summarized the Frazier's letter and the typical method for calculating the sewer abatement amount which amounted to $117.81. Mr. Frazier confirmed the water leak was fixed. Mr. Cole **made a motion to grant, as requested, a one-time sewer abatement of $117.81**; seconded by Mr. Sheldon. The motion carried 4-0-0 (with Mr. Frazier recused).

VOSHA Follow-up, as applicable: Frazier had personnel questions regarding this incident and requested they be brought up in executive session. To date, Durfee has received no further documentation/information from VOSHA regarding the incident.

Trench Guard Options: Lulek presented photos of trench boxes now in use at RRMC and stated the boxes were the same as the trench box owned by the Town. This was not confirmed. OSHA maintains a Fact Sheet on the use of trench guards, including guidelines related to trench depth and slope. The Town's current guard limits what our DPW is able to do vs. outsourcing work that needs to be completed. Current equipment is not able to lift a heavier trench box without counterweight or different equipment altogether. Durfee will provide more information including budget/equipment specifics and VOSHA input for discussion to continue at a later date. Jack Eaton is current acting DPW Superintendent.

OLD BUSINESS:

Sign Town Manager 1-Year Contract Renewal: Contract with requested corrections provided to Board. All Board members signed the contract.

Board Roundtable:

Frazier questioned status of mobile home located on the corner of Cedar Street and Academy Street owned by Marilyn Brileya. Durfee to investigate. Holzworth questioned tagged employee time sheets asking the meaning and what needs to be done. Durfee to meet with Jenny to discuss, adjust payroll accordingly, discuss procedure with key supervisors. Durfee anticipates a possible grievance regarding the tagged issues. Sheldon requested status of scheduled work. Durfee updated. We are on schedule, at this time, even though working with limited staff. At the last meeting Holzworth requested two items: History Financial Management questionnaire and encumbered dollars. Encumbered not yet available because books are not yet closed. At this point in time, the amount appears to be manageable. A 3-year financial history will be provided by Durfee. Richards requested clarification of comp. time vs. OP vs. lieu days. Questioned Constable budget and the amount to date that has been spent

as compared to previous years. Durfee clarified that one constable is providing services and bringing revenue into the Town. Durfee would like to reflect this revenue in future budgets if this will now be the norm. Richards stressed that he is not in support of any constable revenue solely from, for instance, speed ticketing simply to justify an increased constable salary and related expenses.

Financial Report: The **checkbook status** is $496,434.37.

Mr. Sheldon moved to **approve payment of Warrants: Payroll, $30,394.33; General Fund $34,782.27**; seconded by Mr. Frazier and passed 5-0-0.

Executive Session for Legal Matter (Billewicz – 7 Union St.) and for Personnel (Trench Incident):

At 8:50 p.m., Mr. Holworth **made a motion to enter into executive session for legal matters related to 7 Union Street and for personnel matters related to the trench incident to include the Town Manager**; seconded by Mr. Sheldon and passed 5-0-0.

At 9:50 pm, Mr. Frazier moved to **exit executive session**. Mr. Sheldon seconded the motion, and motion passed 5-0-0.

At 9:50 pm, Mr. Frazier **moved to adjourn**. Mr. Sheldon seconded the motion, and motion passed 5-0-0. Meeting adjourned.

Respectfully submitted,
Beverly Fedolfi

Richard Frazier, Board Clerk