

**TOWN OF FAIR HAVEN, VERMONT
SELECTBOARD
WATER AND SEWER COMMISSIONERS
LIQUOR COMMISSIONERS-CEMETERY COMMISSIONERS
Regular Select Board Meeting
August 30, 2016**

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

Others Present: Town Manager Herb Durfee, III, Minute Taker Claire Stanley, Glen Roberts, Jeremiah Behnken, PEG TV, John Lulek, Neil Robinson, 2nd Constable Sean Galvin.

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. Holzworth moved to add: Old Business, Update on VT Dept of Labor *Apprenticeship Program* for Police Officer Training at the VT Police Academy; Executive Session for a personnel matter; seconded by Mr. Frazier and passed 5-0-0.

Approval of Minutes: Mr. Cole made a motion to approve the Minutes of the August 16, 2016 Meeting; seconded by Mr. Holzworth. The motion passed 5-0-0.

Five Minutes for Public Comment: Mr. Robinson noted a *Rutland Herald* article and asked for clarification of the Town Manager's quote re: water rates. The Board is examining the water/sewer rate system and will decide to either continue with the current rate system or change based on their deliberation with public input. The Board clarified it is not committed to anything except further debate, at this point. Mr. Robinson misunderstood the news article and is circulating a petition for change.

Mr. Lulek questioned the advertisement for the sewer job that requires tank endorsement. Tank endorsement is part of the CDL license.

Mr. Galvin understands that there are concerns re: his work/expenses as 2nd Constable. Mr. Richards stated he noticed a lot of the budget has already been used. Mr. Galvin noted there were start-up costs -- he is new to the position and that he does not write tickets to justify the position, though there is more expense involved than is budgeted. He explained the ticketing process, (his) certification and training requirements. The Board noted they appreciate the work he is doing as 2nd Constable.

Department Heads and Committee Reports: Town Manager Durfee reported:

- The State has started complying with Act 86 notification re: waste water overflow. FYI, there are two properties in Fair Haven with illicit discharge of waste water. One is on South Main Street. The other is on Prospect Street. Those properties are posted on the State website. Efforts were made to correct both problems. Both are private situations, not municipal issues.
- Received a corrected internal financial controls checklist from the Town Treasurer. Corrections were discussed. A revised trend sheet will be prepared for Board members.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 08/30/16

- Today, an individual requested purchase of a cemetery deed and wants to pre-pay the interment fee. Discussion is that this is done through the Funeral Director.
- The latest delinquent tax report is in packets. Attorney Bloomer was contacted to start procedure for collection of the six largest amounts.
- Arrangements have been made to pay the taxes on the property on the corner of Cedar Street. Mr. Frazier noted it is not being maintained and is a fire hazard.
- A letter (in packets) was received from Larry Gorman re: noise issue. The property in question is in commercial district; there is no Town noise ordinance; at this point, there is no zoning violation; the police made a visit to the business owner to try and address the situation; demolition derby season is almost over.
- Received the VLCT Municipal Policy -- will be adopted at their Annual Meeting.
- Has put out a memo re: time sheets -- work in higher paid position; correction work is continuing; one employee has responded.
- FYI, Michael Bruce is appealing to Environmental Court the Planning Commission decision that approved a Fourth Street home occupation.
- The 30% Water Improvement Project design meeting has occurred regarding the waterline upgrade project for the Phase II Engineering portion.
- The Attorney filings for the Arbitrator on the pending employee grievance are in packets; waiting for the Arbitrator's decision.
- There was a kick-off meeting for evaluation of the water treatment plant and the two water storage tanks. Request for first grant payment has been made; grant amount is \$15,750; in kind is \$3,938.
- Upon question by a Board member, it was reported that the Superintendent needs to remain out of work for at least another month. DPW employees attended a two-day trench & excavation training workshop; there was a Safety Committee meeting with VLCT representative in attendance; protocol procedure fact sheet is posted; will develop a Fair Haven based safety policy based on further research.
- There were two recreational shooting incidents at the Air Park. Permission was granted for a one time "color chemical" shot requested for a National Guard member's pregnancy announcement. Mr. Holzworth was contacted re: random shooting; he was told that Town Manager had granted permission to use the Air Park as shooting range. No permission was sought or granted; there is no firearms ordinance. Lengthy discussion followed including safety, common sense; liability.

Winter Sand & 3/4" Minus Gravel Bids -- Select Vendor: Two bids were received, both hand delivered. Markowski bid on time. Thomas bid was late. Ad, bids, and staff recommendation were included in Board packets.

Winter Sand (250 CY):

Markowski, \$19.00/CY delivered = \$4,750, quality of sample: not enough stone mix – too sandy.
Thomas, \$14.50/CY delivered = \$3,625, quality of sample: good.

3/4" Minus Gravel (1,000 CY)

Markowski, \$18.85/CY delivered = \$18,850, quality of sample: good.
Thomas, \$14.00/CY delivered = \$14,000, quality of sample: good.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 08/30/16

Staff recommends Thomas for both sand and gravel based both on quality of sample and on price quote, though the bid was late. Mr. Cole stated he supports the recommendation though he believes in the past, all late bids were not opened. Mr. Frazier made a **motion to grant the sand and gravel bid(s) to Thomas not to exceed \$3,625 for sand; \$14,000 for gravel**; seconded by Mr. Sheldon. The motion carried 4-0-0 (Mr. Holzworth was out of the room.) Mr. Cole noted this may deviate from past practice. Mr. Durfee noted the process was in keeping with the Town's Purchasing Policy.

Our Lady of Seven Dolors Catholic church, Acct. No 146, 10 Washington St.: This account is eligible by normal calculations to abate \$15.40 sewer charge. Mr. Frazier made a **motion to abate \$15.40 sewer charge as requested**; seconded by Mr. Cole. Mr. Cole questioned whether lawn watering is a legitimate reason to abate sewer use charges according to the ordinance? The motion failed 2-3-0 (Cole, Sheldon, and Holzworth dissented).

Cindy Pritchard & Patrick Casey, Acct. No. 210, 1 Second Street: A plumber verified there had been a leak in a cracked boiler. Using the usual calculation, this account is eligible to abate \$77.00. Mr. Frazier made a **motion to abate \$77.00 sewer charge as requested**; seconded by Mr. Cole and passed 5-0-0.

Cemetery Deed -- Joseph L. & Yolanda A. Corso, Cedar Grove Cemetery, Lot 86N, Section 11, 1 grave: Mr. Sheldon made a **motion to grant a cemetery deed to Joseph L. & Yolanda A. Corso as requested**; seconded by Mr. Frazier and passed 5-0-0.

Appoint Town Manager as Delegate for the VLCT Annual Meeting: Mr. Sheldon made a **motion to appoint the Town Manager as Delegate for the VLCT Annual Meeting and authorize the Chair to sign the necessary document**; seconded by Mr. Cole and carried 4-0-1 with Mr. Frazier abstaining.

Meeting with Fair Haven Rescue -- Staffing & Coverage (Need to Reschedule): They are unable to attend this meeting; invited members to attend their meeting on September 19th. The Board will set another date.

FYE 2018 Proposed Budget -- Budget Format discussion: Board requested first budget draft by October 1st; Manager is trying to get a draft budget to members by September 27th and assuming the Board would have their first budget meeting on October 4th. He is relying on existing forms for staff budget requests and explained the process, so far; has prepared a master matrix spreadsheet; Department Heads have started working on these. Manager Durfee asked is there a goal, percentage increase/decline to use as a starting point. Mr. Frazier stated he is looking for a 10% decrease on all items over which there is control and all line items should be justified on a "zero-based" system. Discussion followed including, use of binders, line by line review, questioning expenses, creative options, communicating to staff to try to hold the line and include as much detail as possible on sheets.

Our Lady of Seven Dolors Catholic Church -- Request for a Crosswalk Connecting Church Grounds with St. Mary's: Mr. Frazier noted it is too late to discuss this in this fiscal year since no funds are designated for such a project. Mr. Holzworth noted it will take until next budget year to get approvals anyway. Discussion included, loss of parking spaces, cost of curb cut, signage; do they understand the restrictions/regulations for mid-block crosswalk? Town Manager will research the law and regulations and make contact with the church Parish Council.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 08/30/16

VT Dept of Labor Apprenticeship Program Update: Chief Humphries sent application to enroll Officer Edward Hayes in the Apprenticeship Program to the VT Department of Labor on August 9th. Just today, Mr. Durfee received response from Attorney McNeil's office re: labor related laws on overtime pay and related issues. There are laws/rules that govern what constitutes a "day". Mr. Durfee will copy the brief for members. Discussion included how long a process is the apprenticeship program; date the application was sent; and contractual obligations for officers the Town sends to the Police Academy.

Board Roundtable Discussion: Mr. Holzworth is thinking that police training maybe should be treated as asset management as police officers are part of Town asset. He indicated that if it's not being tracked, it should be by the department, not only to understand internally at what level each staff person has been trained to but, also, for budgeting purposes.

Mr. Holzworth was approached by someone reporting seeing a dog in the water van. It is Tom's dog. Mr. Holzworth asked if there is any sanitation liability issue with the dog being at the water plant. Mr. Durfee agreed to look into this.

Mr. Cole inquired the status of the Bolger Road project. Culvert work is done; finishing shoulder work; expected to start paving this week or next; should be done fairly quickly.

Mr. Frazier asked what Summer Work may not have been completed due to the incident of Highway Department health issues this summer. Mr. Durfee indicated he would have a written report prepared by the department.

Mr. Sheldon inquired would capital budget information be part of the upcoming budget process. Mr. Durfee stated he hopes so.

Mr. Holzworth asked if the PO process is being adhered to. Mr. Durfee replied any invoice over \$200 is stamped "PO PLEASE" to alert the Manager and remind Dept Heads that those invoices require his sign off according to Town policy.

A thank you letter was received from Korrine Rodrigue.

The **checkbook status** is \$739,812.18.

Mr. Sheldon moved to **approve payment of Warrants: Payroll, \$25,859.99; General Fund, \$65,498.38;** seconded by Mr. Frazier and passed 5-0-0.

Mr. Frazier **made a motion for the Board and Town Manager to enter into executive session** at 9:23 p.m. for a personnel matter related to the trench incident and a status report on the pending Arbitration decision for Marcy's Grievance; seconded by Mr. Holzworth and passed 5-0-0.

The recording secretary was excused at this time.

Town of Fair Haven, VT, Selectboard Meeting Minutes, 08/30/16

At 9:57 pm, Mr. Frazier **moved to exit executive session**, seconded by Mr. Sheldon. Motion passed 5-0-0. No action taken.

At 9:57 pm, Mr. Frazier **moved to adjourn**, seconded by Mr. Cole. Motion passed 5-0-0. Meeting adjourned.

Respectfully submitted,
Claire Stanley



~~Richard Frazier, Board Clerk~~
Chris Cole