



# Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075  
802-785-2922 • [thetfordvermont.us](http://thetfordvermont.us)

## Selectboard Regular Meeting \*Draft\* Agenda

– Online Only –

Monday, November 30, 2020 7:00pm

**Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary suspension of designated physical meeting location requirements.**

To connect to Zoom via computer: <https://us02web.zoom.us/j/88122490498>

To connect via phone only: +1 (646) 558 8656 | Meeting ID: 881 2249 0498

**Note:** Selectboard meetings are in public, but not of the public. 1 V.S.A. § 312 (h) states, “At an open meeting, the public shall be given a reasonable opportunity to express its opinion on matters considered by the public body during the meeting, as long as order is maintained. Public comment shall be subject to reasonable rules established by the chairperson.”

7:00pm – Call to Order

1. Agenda Review
2. Public Comment
3. Presentation by Orange County Parent Child Center
4. Presentation by the Thetford Library Federation
5. Request to appeal Homestead Declaration late filing penalty
6. Town Manager Report
7. Possible response to the recent UVRL water quality results
8. Possible demolition of the Treasure Island residence
9. Draft revised Personnel Policy
10. Website training for Committees
11. Warrants and Minutes
12. Real estate negotiations, anticipated Executive Session, 1 V.S.A. § 313 (a)(2)
  1. Town Forest on Five Corners Road
  2. School District lands on Thetford Hill
13. Labor relations, anticipated Executive Session, 1 V.S.A. (a)(1)(B)
14. Adjourn

## With a Click or a Tap, let Thetford Libraries come to you!

### How can I find ebooks and audiobooks from Thetford Libraries? -- OverDrive, Listen Up! Vermont, Libby, RB Digital--

Can't get to the library? Bad weather and the pandemic keeping you at home? Don't let that stop you from getting your reading, listening, educational, and entertainment needs. With a click and a library card, let the Thetford libraries come to you with its digital collections online!

Visit <https://thetfordlibrary.org/> to browse its digital services by way of OverDrive ( Listen Up! Vermont and Libby), RB Digital, Kanopy and Kanopy Kids, The Great Courses, Vermont Online Library, and Vermont Universal Class. All you need is your library card. In the coming days, let us either introduce you if you are new to the library or reacquaint you if you've been away for awhile from these resources.

Today, let's look at the OverDrive app. It is a service which powers Listen Up! Vermont and Libby to enable you to stream and download ebooks and audiobooks. The titles you'll find are from the Green Mountain Library Consortium, a group made up of several Vermont libraries who share a large digital collection. To use it, you will need first to download and install the OverDrive app to your device. You can go here <https://www.overdrive.com/apps/overdrive/>. After that, you can go to <https://gmlc.overdrive.com/> -- Listen Up! Vermont-- choose your library and begin browsing. Full instructions in how to use this resource can be found at Thetford Libraries' website.

Libby is also powered by OverDrive and features the same titles you find in Listen Up! Vermont. Libby is newer and will be featured more fully in tomorrow's Listserv post.

RB Digital is another app you can use to find ebooks and audiobooks. The titles you'll find with this platform are from Vermont Department of Libraries. For access, please go to <http://vermontstate.rbdigital.com/> and follow the prompts to "Create a new account." When prompted to enter your library card number, use this code: 2VSQC(your 4 digit library number)00000. You can also do this on the library website. Find Online Resources on the Menu Bar, then click on "Downloadable audiobooks and e-books" and find RB Digital.

With just a click and your library card, you have access to tens of thousands of ebooks and audiobooks! Questions? Want help? Need a library card? Please call our librarians at **785-4361** or email them at [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org). We also have a new informational flyer which describes all of Thetford Libraries' services. Find them all at Thetford Libraries!

Tune in tomorrow to learn about Libby!

## With a Click or a Tap, let Thetford Libraries come to you!

### Libby

Who's Libby? What's Libby?

"Libby is a free app that lets you borrow ebooks and digital audiobooks from your public library. You can stream or download e-books and audiobooks with Wi-Fi or cellular data. Read or listen anytime and anywhere. All you need to get started is your library card." --libbyapp.com

Both Libby and Listen Up! Vermont are powered by OverDrive, which you will need first to download and install to your device. Both resources feature the same ebooks and audiobooks. The collection comes from Green Mountain Library Consortium, a large group of Vermont libraries who work together to provide a large selection that one library alone cannot do.

Libby is newer, fresher, and has an easy-to-use design. You can download the app on an iOS 9+ and an Android 5.0+, or use libbyapp.com on your web browser if you have a Windows computer, Mac computer, or Chromebook. The latest versions of Chrome, Safari, or Firefox are recommended. Libby also lets you read your books on Kindle.

From personal experience, I find browsing, placing holds, borrowing, and returning on Libby are a breeze. Surprising since I often feel bewildered by new and newer technology! I prefer using Libby on my cell phone, because I can read or listen anytime and anywhere. If I want to use Libby on my laptop, it's easy to do that as well. One caveat, I am unsure how well Libby works with older devices.

You can try out Libby by clicking <https://www.overdrive.com/apps/libby/>

Questions? No library card? Thetford's librarians are happy to help. Please call them at 785-4361 or email [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org). Please also check out Latham Library's new information flyer posted outside the Bicentennial building. Copies available from your librarians.

Tune in next time to find out about Kanopy.

## With a Click or a Tap, let Thetford Libraries come to you!

### Kanopy and Kanopy Kids

Looking for movies other than what's on Netflix, Amazon, Hulu, Disney, HBO? Want your kids to watch something both educational and entertaining? Why not explore Kanopy and Kanopy Kids! You are only a click or tap away when you use your library card!

What is Kanopy? It is a video streaming service that gives you access to more than 30,000 independent and documentary films with unique social and cultural values. Titles come from The Criterion Collection, The Great Courses, and thousands of independent filmmakers.

Unlike other video streaming services, Kanopy is ad free and not just movies and documentaries. It also offers you a place for lifelong learning. Click "Browse" on Kanopy's homepage to find many subjects-- the Arts, Business, Education, Global Studies and Languages, Health, Media and Communications, Sciences, Social Sciences, and more! Learn to your heart's content in the comfort of your home. How easy is that!

### What about Kanopy Kids?

While it provides movies and TV programs for children, Kanopy Kids can help your child begin early on the path of lifelong learning. Browse the many titles to help kids learn about history, science, math, nature, and languages! With Little Pim, you and your child can learn not just Spanish, French, Italian, German, or Portuguese. How about Russian, Arabic, Japanese, Chinese, Korean? How cool is that!

What about story books read out loud? Emily does a great job during her Storytime Fridays, but if you can't make it to that, there is also Storytime on Kanopy Kids! I just listened and watched "The True Story of the 3 Little Pigs." I have plenty of gray hair. I haven't read a story book in years, but for 9 minutes I chuckled aplenty listening to Alexander T. Wolf, call him "AL," tell his version of this classic story! I think you and your child will, too.

Lots to check out at [www.thetfordlibrary.org](http://www.thetfordlibrary.org), or you can go directly to <https://thetfordlibrary.kanopy.com/>. Remember, all you need is your library card number to sign in or to create a new account.

Questions? Need a librarian? Need a library card? Please call 785-4361 or email [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org). Ask them for Latham's new information flyer that describes its current services. The flyer is also posted on the front and back porches of the Bicentennial building.

Tune in again to find out about The Great Courses and more!

## **With a Click or a Tap, let Thetford Libraries come to you!**

### **Lifelong Learning with The Great Courses, Universal Class, and Vermont Online Library**

Want to learn something new at your own pace without having to pay for a class? Without ads constantly interrupting your program, the Great Courses and Universal Class can be immersive learning experiences. With a click or a tap and your library card number, you are on your way to being a lifelong learner.

For the Great Courses, you need a Kanopy account. If you've been following the Listserv this week, you know how to do this!

What is The Great Courses? It is a series of college level audio and video courses produced and distributed by The Teaching Company. The cost of just one of these courses is expensive. With your Kanopy account, you have a large selection of classes to choose from-- History, Hobbies, Literature, Humanities and Sciences, Lifestyle, and Skills. At no cost to you, in the comfort of your home, and in your own time, you can learn to your heart's content! Click or tap <https://thetfordlibrary.kanopy.com/> to create your account if you do not have one. You can also call or email the librarians for help.

What is Universal Class? "It is an online platform that allows you to take courses at your own pace while you interact with a live instructor via email. It offers over 500 courses in a variety of subjects." The subjects are similar to those featured in the Great Courses. Like other library digital resources featured this week, Universal Class is also free. To sign up for an account, click or tap <https://vermontstate.universalclass.com/> Use this barcode number: 2VSQC(your 4 digit library number)00000. You can also call your librarians!

Last, is the Vermont Online Library. It gives you online free access to magazines, newspapers, journals, scholarly articles, and other informational databases. This is a useful tool for those who want to expand their sources while researching a subject. To access, click or tap <https://vtonlinelib.org/index.php> This site features Latham Library, but you can change to other Vermont libraries where it says "Change Libraries" on the menu bar near the top. You can also access it on the Thetford libraries' website.

Questions? Need a library card? Need a librarian? Please call 785-4361 or email them at [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org)

In the next and final post, we'll wrap up Thetford Libraries' digital services!

## **With a Click or a Tap, let Thetford Libraries come to you!**

Hello and Happy Thanksgiving! If you read this in the digest that appears Friday, then we hope your Thanksgiving was as you wished!

This week you learned about OverDrive, Listen Up! Vermont, RB Digital, Libby, Kanopy and Kanopy Kids, The Great Courses, Universal Class, and Vermont Online Library. With your library card and a click or a tap at no extra cost, your mind and curiosity are free to experience a bigger world! All in your own time and wherever you find internet access. If you do not have internet at home, please remember that you can access it with WiFi at Latham Library. Latham's parking lot and its surrounding grounds are WiFi accessible.

For those, who wish to use only the library's catalog, click <https://thetfordlibrary.org/> and find Online Resources on the menu bar. From there, click on Library Catalog. Don't know what you'd like to read or can't find what you are looking for? Call 785- 4361 or email [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org) and ask them for help or a recommendation! They can also give you a library card if you do not already have one.

We at Thetford Libraries hope you have found this series of posts helpful. It maybe a very long winter spent indoors, but now you know where you can find more books, movies, and classes to keep you company. Check out the new Latham information flyer that contains in a nutshell what's been shared in this week's series of library Listserv posts. Please share this information with your family, friends, and neighbors who would find it helpful in using library resources.

Remember, with your library card and a click or a tap, Thetford Libraries come to you bearing a a large body of knowledge and experience! May you be safe, healthy, and in good spirits on your path of lifelong learning! Best wishes from all of us at Thetford Libraries!

# The Thetford Libraries Are Here for You!

Services and Collections from the Latham Memorial Library and the George Peabody Library



**Books & Videos!  
Streaming movies!  
Audio books!  
Questions  
Answered!  
Programs!**



## Latham Library Curbside Service Hours:

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
2-6	2-6	10-6	2-6	10-5	10-1

**Curbside service on the front porch of Latham Library provides you books and videos from libraries around VT!**

**Call 785-4361 or e-mail [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org) to:**

- Get the 4 digits on your Library Card
- Sign up for a Library Card
- Request materials and set a pick up time

## Online Catalog

You can check the **library catalog** from our website, <http://www.thetfordlibrary.org>, to make your selections, or ask us for a recommendation. We are also happy to choose books for you within a theme or genre. Miss browsing the shelves? See monthly lists of new books and movies at bottom of the Homepage.



## Free streaming videos, audio books and ebooks from your home



Please visit the **Online Resources page** on our website to see all of our digital library services such as digital audiobooks and ebooks, streaming movies, free online classes, digital periodicals, and more. Email or call us if you need help setting them up on your device or computer. See reverse side for more.

## Programs on Zoom

See our **programs for all ages and interests online via Zoom**. These include a weekly knitting group, book and article discussions for children and adults, weekly story time for kids, and special programs like open mic nights, local author readings, and workshops.



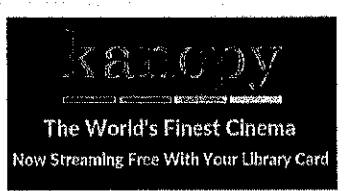
See <http://www.thetfordlibrary.org>



for the calendar of library programs.



# For Digital Materials and Instructions at Your Fingertips

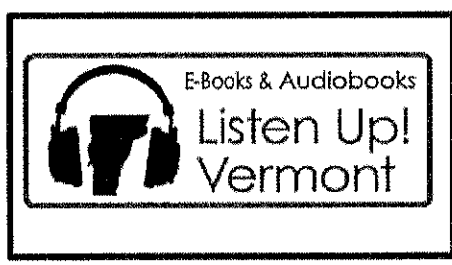


## Kanopy Streaming Movies Entertainment & Education



<https://thetfordlibrary.kanopy.com/>

Log in with your four digit library card number. Create your account on Kanopy.



## Audio books for your walks! Educational programs while you cook! Quiet time to read or listen!

*Choice of applications: OverDrive, RB Digital and Libby*

### OverDrive:

First, go to <https://www.overdrive.com/apps/overdrive/> and download and install the OverDrive App to your computer or mobile device. *OverDrive supports PC or Mac computers, Android, iPhone or iPod.*  
Second, go to <https://gmlc.overdrive.com/>, pick your library, and download your chosen book.  
Third, use OverDrive to transfer the audio or e-book to your mobile device, listen or read on your computer or burn your audio or eBook to CD.



**RB Digital:** Go to [Vermontstate.rbdigital.com](http://Vermontstate.rbdigital.com) and follow the prompts to "Create a new account". When prompted to enter your library card number use this code: 2VSQC(your 4 digit library number)00000.

**Libby:** Go to <https://www.overdrive.com/apps/libby/>

Libby is very easy to use and will download your book to your Kindle too!



### Free Online Classes

Use this barcode number: 2VSQC(your 4 digit library card no.)00000

<http://vermontstate.universalclass.com/>

Need the 4 digits on your Library Card? Need a Library Card?  
Call 785-4361 or e-mail [librarians@thetfordlibrary.org](mailto:librarians@thetfordlibrary.org)



# THETFORD LIBRARY FEDERATION MEMBERS

Latham Memorial Library  
Thetford Historical Society  
George Peabody Library  
Thetford Academy Library  
Thetford Elementary School Library

## Thetford Library Federation



- Established 1976
- Created by a group of civic minded Thetford residents led by Charles Latham
- Applied for and awarded the first Bicentennial Grant
- Led Thetford residents in a matching fund drive to build the Bicentennial Building that now houses Latham Library and the Thetford Historical Society
- Supports all 5 libraries in Thetford

## **What does the Federation do for the Thetford community?**

Community Center for the Life of the Mind  
offering  
Expertise, Resources, Tools, and Opportunities

Information  
Teaching & Learning  
Research & Preservation  
Creativity  
Collections, Tools & Resources  
Community Connections

## Center for Information for All

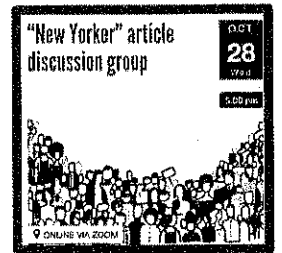
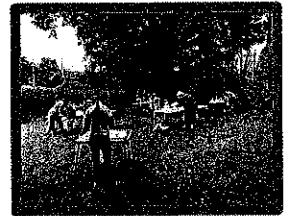
- Reference- your questions answered via phone or email
- Current and historical research
- Recommendations - what to read and what to watch, for all ages
- Checkout & return on the porch
- Materials from other libraries
- Recommendations for new purchases



## Teaching & Learning Latham Memorial Library



- Storytelling for teens
- Making Fairy Houses
- Storytime for children
- Book Discussions for All Ages
- How to Classes
- Valentine's Tea
- Superheroes Read
- Summer Reading Program
- After School Programs



## Teaching & Learning George Peabody Library

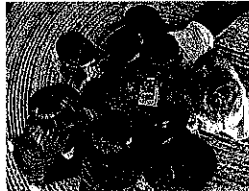


- Vermont's Oldest Library Building
- Original Collection of George Peabody
- Celtic Concerts
- Chocolate Indulgence
- Annual Penny Carnival
- Holiday Readings
- Treasure Island Storytime
- After School Program

Teaching and Learning  
Thetford Elementary School  
Thetford Academy

TA

- Member libraries share books, videos, audio books, and ebooks
- Member libraries collaborate on library technology
- All students get what they need
- TA's Young Adult collection is available to the whole community



TES Students speak up:

"Libraries are like a treasure trove of knowledge. You can be anyone or anything in a library. This is what libraries mean to me."

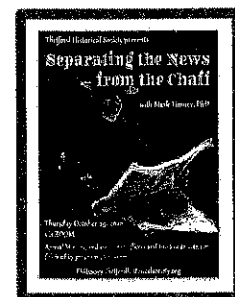
" Thetford Libraries for me are calming and soothing places where you can relax and learn by reading books."

## Research & Preservation

Preserving the Past, Engaging the Present, Informing the Future



- Books, manuscripts, & archives about Thetford history
  - Genealogy
  - Hughes Barn Museum
  - Thetford Geography Bee
  - Speakers
- and more...

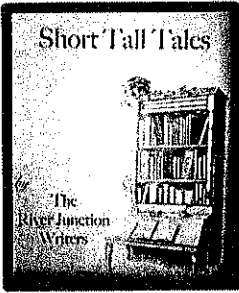
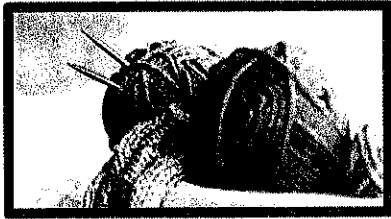
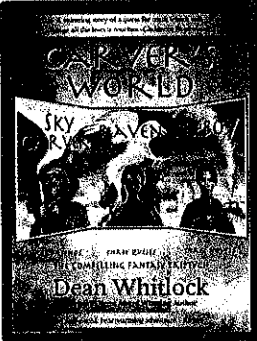




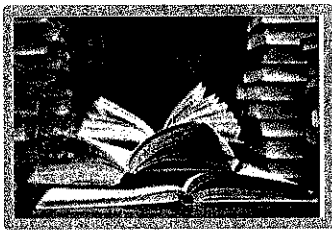
# Creativity



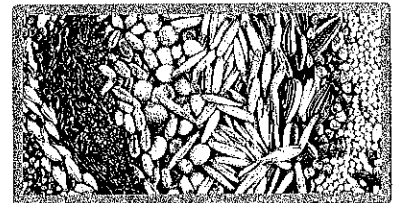
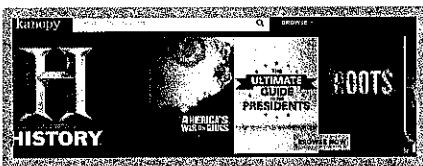
- Open Mic
- Poetry & Prose Readings
- Local Authors
- Concerts
- Crafts
- Games
- Haiku Contest



## Collections, Tools & Technological Resources

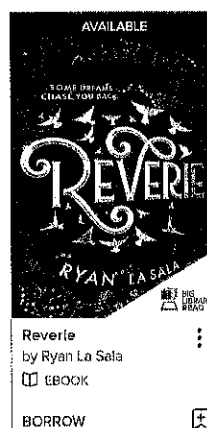


- Books, videos, audio books
- Physical & digital materials
- Internet Access
- Outdoor seating
- Exhibit spaces
- Meeting spaces
- Computers
- Printer, Fax
- Seed Exchange
- Historical Archives & Artifacts
- Genealogy



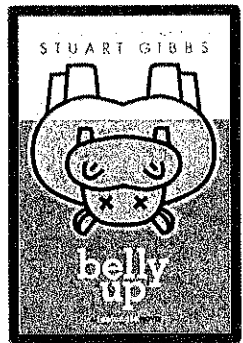
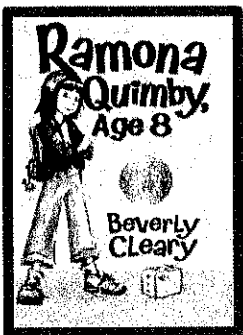
## Community Impact

- Circulation last 12 months=10,855
- 1,239 items with a value of \$27,686 are checked out from the Federation's member libraries.
- Digital Resource Use
  - Kanopy Streaming Video Use
  - Libby
  - Listen Up Vermont!
  - and more
- Participation in programs
  - 66 programs, 764 attendees
- Community Connections & Business Development via the *Thetford Telephone Directory*
- Thetford History & Archives



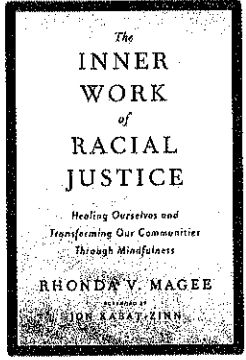
- Free access to millions of titles via the Green Mountain Library Consortium
- \$10.00/ month saved in costs of subscriptions to audio books and streaming video services by families and individuals.
- Families save \$10.00/book for picture books

## Community Impact



Librarians recommend and supply books  
via curbside for all!

- Grandparents to read to their grandchildren over Zoom while the parents work.
- Picture books by the dozens for early readers saving families \$10.00/book
- Books with recipes for grandparents and kids to make together over Zoom.
- Homeschoolers-parents & children
- Adults with special interests
- Reading groups for children, teens, and adults
- Researchers and historians
- Anyone who asks!



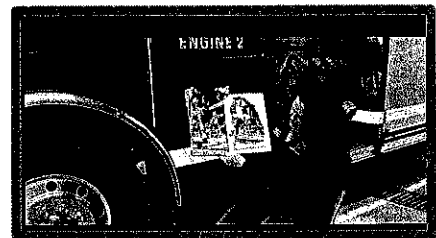
## Community Support and Involvement

### Everyday Heroes!

- Volunteers
- Donors
- Board members
- Readers
- Writers
- Artists
- Musicians
- Borrowers
- Sharers
- Book Sales
- Comments and feedback



*1,870 Latham Library  
Board Volunteer Hours!*



## Community Impact

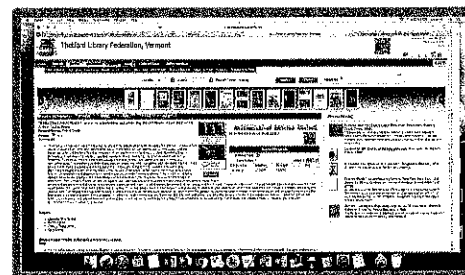
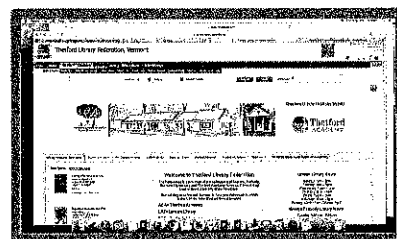
"I love reading, so does my mom and my sister. Libraries provide us with the best books I have ever read before, that's why my family and I love libraries."

"Latham Library has meant so much to all of us in Thetford. Thetford would not be the same without its libraries."  
Thetford student

"They played instruments. They told stories. They read poems. A young man played a J.S. Bach violin piece that was "a great song to play by yourself."  
From an article about Open Mic

## What Does This Require?

- Salaries
- Program planning
- Technological Infrastructure
  - Catalog
  - Processing systems
  - Computers
  - Internet/Telephone
- Collections
- Furnishings
- Building Maintenance
- Safety Measures



**" Some people can't buy books. Libraries help them to read. People who don't have much money or a house can still learn how to read because of libraries."**

**~Thetford student ~**

**Thank YOU!**

**Questions?**

**Libraries will get you through times of no money better than money will get you through times of no libraries." Author Anne Herbert (1950-2015)**



**From:** "Surwilo, James" <[James.Surwilo@vermont.gov](mailto:James.Surwilo@vermont.gov)>  
**Subject:** Fall 2020 UVRL water quality results  
**Date:** November 18, 2020 at 10:17:36 AM EST  
**To:** Lilian Shen <[lshen@thetfordvt.gov](mailto:lshen@thetfordvt.gov)>  
**Cc:** "[selectboard@thetfordvermont.us](mailto:selectboard@thetfordvermont.us)" <[selectboard@thetfordvermont.us](mailto:selectboard@thetfordvermont.us)>

Li and other selectboard members,

Please find the attached results from this October's water quality monitoring at the closed UVRL landfill. There are separate attachments for the inorganic, organic, and PFAS analyses.

Only downgradient monitoring well MW-101D had detectable concentrations of man-made Volatile Organic Compounds, and at low levels comparable to the last several years. None of the compounds were detected at concentrations of their Vermont Groundwater Enforcement Standard (VGES), if one exists.

There were no surprising inorganic results. No "heavy metals" at concentrations of concern. Monitoring well MW-101D continues to be the location most impacted by the landfill, but to a minor degree. As usual, monitoring well BR-3 had elevated levels of sodium and chloride, likely due to its proximity to VT 113 and road salt.

The PFAS results were somewhat unanticipated. A VGES of 20 ng/l (parts per trillion) has been established for the combined concentrations of PFOA, PFOS, PFHxS, PFHpA, and PFNA, aka the "Vermont 5."

- Monitoring well BR 2 had a total concentration of these compounds of 20.7 ng/l, or slightly above the VGES, as well as other PFAS compounds.
- Monitoring well BR-3 had a concentration of 5.85 ng/l of PFOA, the only detection of the "Vermont 5" compounds that contribute to the comparison, while the sample collected in October 2018 had 21 ng/l of the "Vermont 5." BR-3 also had other PFAS compounds detected in this sampling round.
- Monitoring well MW1 had a total "Vermont 5" concentration of 5.57 ng/l, with no other compounds detected.
- PFAS was not detected in any other location.

Please contact me with any questions.

Thanks and be well.

Buzz

James "Buzz" Surwilo  
Solid Waste Management Program  
Vermont Department of Environmental Conservation  
1 National Life Drive, Davis 1

## Thetford Letterhead

Agency of Natural Resources  
Department of Environmental Conservation  
Commissioner Peter Walke  
Davis Building - 3rd Floor  
One National Life Drive  
Montpelier, VT 05620-3520

Dear Commissioner Walke,

We received the lab results from the most recent water quality tests of samples taken in monitoring wells at the closed unlined Upper Valley Regional Landfill (UVRL) in Post Mills, VT on November 18, 2020. We are encouraged to see that concentrations of volatile organic compounds (VOCs) continue to be either undetectable or very low and, likewise, that there are no heavy metal concentrations of concern. We are concerned, however, that per- and polyfluoroalkyl substances (PFAS) have now been detected in four wells and that two of them have had PFAS concentrations that exceed the Vermont Groundwater Enforcement Standard (GWES).

We note that PFAS are a class of chemical pollutants that pose a different kind of risk to current and future drinking water sources than do VOCs. PFAS do not naturally break down and there are no processes to destroy them. For that reason, they have been nicknamed "forever chemicals".

We note also that in 2019 Vermont enacted a law regulating PFAS in drinking water and included the requirement that ANR develop a [Statewide Sampling Plan](#). That plan's section on unlined landfills says this:

“The seventeen regulated unlined landfills that have reported detections of PFAS above the current groundwater enforcement standard ***will be required to complete ongoing groundwater monitoring*** to assess the degree and extent of PFAS contamination at the facility. These facilities will also be required to take corrective actions if PFAS contamination has impacted drinking water wells or other sensitive receptors. ***The requirement for this work is being incorporated into post-closure care certifications*** and sampling will be completed by the permit holder and reported to the DEC.” [emphasis added]

Currently PFAS testing is not part of the required post-closure care plan for UVRL.

The October 2019 test results, showed PFAS concentration above Vermont's GWES in monitoring well MW-101D. Based on this, our letter of April 29, 2020 requested that DEC follow the [Statewide Sampling Plan](#) and add PFAS to the list of chemicals to be tested in UVRL's post-closure care (PCC). We also asked that the Solid Waste Management Program's [Procedure Addressing Completion of Post Closure Care for Solid Waste Disposal Facilities](#) (Procedure) be followed for evaluating a request for a determination of completion of post closure care, specifically, that

- monitoring data must demonstrate that concentrations of contaminants attributed to the facility are stable, decreasing, or non-detectable over the most recent 5-year period; and
- contaminant concentrations in groundwater have not been determined to currently reach or exceed a Groundwater Enforcement Standard

On May 5, 2020, Chuck Schwer, director of DEC's Waste Management & Prevention Division wrote in response to our April 29 letter that "it is highly unlikely that PFAS concentrations will change dramatically in the future", although there was almost a complete lack of baseline data -- just two samples from different wells separated by space and time. That makes it nearly impossible to understand what is meant by a dramatic change.

In his letter to us, Mr. Schwer asserted that the "Post Mills Water Association supply well has negated the risk of leachate contamination to drinking water supplies for adjacent property owners". We disagree with that statement. The water association's supply only eliminates the risk of contamination for the handful of residences that are connected to it. It does nothing to eliminate the risk of the inadvertent drawing of contaminated water from new wells in the bedrock aquifer. As we said in our April letter, the water association's well that supplies houses near the landfill doesn't have capacity to support more development. Former and current presidents of the water association have told us that they have received inquiries about contamination from current and potential property owners. One association member was unaware when he bought his house that his groundwater was considered contaminated. Another member needed to be discouraged from drilling a well on his property for a mother-in-law house he wanted to build. A third member decided against raising beef on his property when he learned about the groundwater situation and that the association's current water supply does not have the capacity to support a cattle operation. Yet another has subdivided his lot, but does not have water for the additional lots. The Town anticipates that Post Mills village will see significant development in the future.

Mr. Schwer made no commitment to add PFAS to the ongoing testing program for post-closure care certification. He said, instead, that DEC will determine future needs after evaluating the sampling results. Those results show that PFAS concentration exceeds the GWES in a previously unsampled well. Buzz Surwilo, in his email to us that included the lab report, described those results as "somewhat unanticipated". That is precisely why we believe ongoing testing is necessary. There is no reason to anticipate that concentrations of these "forever chemicals" will diminish significantly.

To reiterate the request we made in April, it is time for DEC to modify UVRL's PCC plan to include ongoing testing for PFAS in accordance with its Procedure.

To discuss this further, please contact us . . .

Sincerely yours,  
Thetford Selectboard . . .



## Town of Thetford Vermont

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#9-44 pages

# DRAFT PERSONNEL POLICY

## Town of Thetford, Vermont

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## **Section 1: TITLE AND AUTHORITY**

This policy shall be known as the Town of Thetford personnel policy. It has been adopted by the Town of Thetford Selectboard pursuant to 24 V.S.A. §§ 1121 and 1122.

This personnel policy does not constitute a contract of employment. Employment with the Town of Thetford is *at-will* and not for any definite period or succession of periods of time. The Town or the employee may terminate employment at any time, with or without notice. The selectboard reserves the right to amend any of the provisions of this personnel policy for any reason and at any time, with or without notice.

This personnel policy will be administered by the Town Manager or her or his authorized representative.

## **Section 2: PERSONS COVERED**

This personnel policy applies to full-time and part-time employees of the Town of Thetford. Except by separate written agreement, elected officers and their statutory assistants, members of Town boards, committees, and commissions, volunteers, seasonal or temporary employees, employees who are members of a bargaining unit, and persons who provide the Town with services on a contract basis are not covered by this policy.

For purposes of this policy, a full-time employee is an employee who works at least forty (40) hours per week on a regular and continuing basis. A part-time employee is an employee who works fewer than forty (40) hours per week on a regular and continuing basis.

Where a conflict exists between this policy and any collective bargaining agreement or individual employment contract, the latter will control.

## **Section 3: EQUAL EMPLOYMENT OPPORTUNITY**

The policy of the Town of Thetford is to provide equal opportunity to all employees and applicants without regard to race, color, religion, ancestry, sex, sexual orientation, gender identity, age, national origin, place of birth, marital status, disability, veteran's status, HIV status, pregnancy, genetic information, crime victim status, or any other category of person protected under state or federal law.

## **Section 4: PROBATIONARY PERIOD**

All new employees will be required to complete a six-month probationary period. The purpose of this probationary period is to determine whether the employee is suited for the job. During the probationary period, an employee may be terminated at any time at the sole discretion of the *[Town Manager/Selectboard.]* Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

## **Section 5: CONDUCT OF EMPLOYEES**

All employees are considered representatives of the Town and as such are expected to conduct themselves in a courteous, helpful, and respectful manner in all their interactions with the public, other employees, and elected and appointed officials.

All employees are expected to faithfully execute the duties and responsibilities of their office to the best of their ability and in compliance with the provisions of this personnel policy.

## **Section 6: CONFLICTS OF INTEREST**

The Town of Thetford's Conflict of Interest Policy is included as an attachment to this Policy (Addendum D).

## **Section 7: HOURS OF SERVICE**

Regular work hours for persons employed at the Town hall or other Town offices shall be 9 a.m. to 5 p.m., Monday through Friday, with thirty minutes paid time allowed for lunch.

Regular work hours for the road crew shall be 8 a.m. to 4 p.m., Monday through Friday, with (thirty minutes paid time/one hour unpaid) allowed for lunch, unless the Road Foreman and the Town Manager agree otherwise.

Regular work hours may be changed and employees may be expected to work additional hours that may exceed forty hours in a given week, as circumstances require. All road crew employees are required to be available for work on an on-call basis, especially during the winter months. All Town employees are required to be available for work in the case of an emergency, weather-related or otherwise.

All employees are expected to be in attendance during regular work hours. Employees who will be absent from work are expected to notify their supervisor in advance



whenever possible. Employees who are calling in sick are expected to notify their Supervisor as soon as possible, but no later than 9 a.m.

## **Section 8: OUTSIDE EMPLOYMENT**

The primary occupation of all full-time employees shall be with the Town. Employees may not engage in any outside business activities during their normal working hours. Employees are prohibited from undertaking outside employment that interferes with their job performance or constitutes a conflict of interest, as defined in Section 6 of this Policy.

Prior to accepting any outside employment, employees will disclose their intent to do so in writing and obtain prior clearance from the [*Selectboard / Town Manager*] that such employment does not constitute a conflict of interest.

A conflict of interest means a direct or indirect personal or financial interest of an employee, his or her close relative, household member, business associate, employer or employee. A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

## **Section 9: POLITICAL ACTIVITY**

No employee may use his or her official authority for the purpose of interfering with or affecting the nomination or election of any candidate for public office, or demand or solicit from any individual direct or indirect participation in any political party, political organization or support of any political candidate. Employees are prohibited from using Town facilities, equipment or resources for political purposes and from pursuing political activities while working.

This personnel policy is not to be construed to prevent employees from becoming or continuing to be members of any political party or organization, from attending political party or organization meetings or events, or from expressing their views on political matters, so long as these views are clearly articulated as being those of the individual and not of the Town, and these activities do not interfere with the individual's ability to effectively perform his or her duties and take place or are expressed during non-working hours. Nor is this personnel policy to be construed as prohibiting, restraining or in any manner limiting an individual's right to vote with complete freedom in any election.

## **Section 10: NEPOTISM**

The Town – in recognition of the potential for a conflict of interest to occur in the workplace where a close relative is responsible for supervising or evaluating the work performance of another close relative – prohibits the hiring or transferring of relatives, when doing so will result in a close relative supervising or evaluating another close relative, or a close relative supervising or evaluating the immediate supervision of another close relative.

A close relative includes a spouse, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt or uncle, niece or nephew, parent-in-law and sibling-in-law.

## **Section 11: ALCOHOL AND DRUG USE**

The Town intends to maintain a drug-free workplace and workforce. The use of alcohol or illegal drugs and the abuse of prescription drugs are not tolerated in the workplace or at work-related events.

As a Town employee, you are prohibited from working, or presenting yourself for work, while under the influence, or severe after effects, of illegal drugs, controlled substances, and/or alcohol. This policy is designed to promote our goal of providing a safe, healthy and productive work environment. This policy covers all employees, including drivers and other employees who also are subject to drug testing programs performed in accordance with Federal Department of Transportation (DOT) requirements.

It is the policy of the Town to prohibit the manufacture, distribution, transfer, display, transportation, sale, dispensation, possession, consumption or use of illegal drugs, controlled substances, and/or alcohol by Town employees at the workplace and/or during working hours. Prohibited behavior includes manufacturing, distributing, transferring, displaying, transporting, selling, dispensing, possessing, consuming, using, or being under the influence of illegal drugs, controlled substances, and/or alcohol during work hours, on work premises, while engaged in work activities away from work premises, or during work-related events.

For the purposes of this policy, the term “illegal drug” includes both: (a) all state and/or federally controlled substances, including look-alike and designer drugs, and drug paraphernalia, and (b) prescription medications that have not been prescribed for current use by an authorized medical practitioner or that are being used contrary to the prescribing medical practitioner’s instructions. Controlled substances include but are not limited to the following substances: marijuana, cocaine, opiates, amphetamines, phencyclidine (PCP), barbiturates, benzodiazepine, methadone, methaqualone, and propoxyphene.

Violations of this policy may subject employees to disciplinary action, up to and including termination of employment and referral for prosecution. The Town also may

provide information and recommendation to participate in an appropriate drug assistance or rehabilitation program.

### Prohibited Conduct:

The following actions are prohibited in the workplace, on municipal property, while using municipal equipment, or during any time period in which you are on municipality business:

- Possessing, consuming, or using illegal or controlled substances, as defined by federal, state, and local statutes. (Controlled substances may be taken pursuant to a properly issued prescription, provided the controlled substance is taken as and in the amount prescribed and so long as the medication does not adversely affect the employee's ability to perform the essential functions of his or her job).
- Distributing, transferring, displaying, transporting, selling, or possessing with the intent to distribute illegal or controlled substances.
- Possessing or using drug paraphernalia except when used for legal substances and in a legally prescribed manner.
- Being under the influence of illegal or controlled substances as demonstrated by actions and/or other evidence.
- Growing and/or manufacturing any illegal drug or controlled substance.
- Possessing or using alcohol.
- Being under the influence of alcohol.

The limited, responsible consumption of alcohol on or off municipality premises at a Town-sponsored business or social function is permitted, but only if it has been authorized in writing and in advance by *[Town Manager/Selectboard]*. The Town expects all attendees at such a function to behave in a professional manner and in accordance with Town policies.

The Town reserves the right to search and inspect all areas of the workplace and its premises for the purposes of maintaining a safe and healthy workplace.

The illegal use of prescription drugs is also prohibited. If an employee is legally taking prescription drugs that affect the employee's ability to safely perform any of the essential functions of his or her job, his or her supervisor or the *[Town Manager/Selectboard]* will determine whether or not the employee should continue to perform his or her functions until concerns regarding safety can be addressed. Medical certification may be required.

Employees may be disciplined, up to and including termination, for violations of this policy.

In addition to this policy, employees who operate commercial motor vehicles (CMVs) for the Town are also subject to the provisions of the Town's CMV Drug and Alcohol Policy.

## **Section 12: TOBACCO USE**

In recognition of the hazards that tobacco poses to the health of employees, and in accordance with 18 V.S.A. §§ 1421 et seq. and §§ 1741 et seq., the Town hereby prohibits employees' use of tobacco in any form, including electronic cigarettes, in all publicly-owned buildings, offices and enclosed areas, designated smoke-free areas of Town property, and in all Town vehicles.

## **Section 13: PERFORMANCE EVALUATIONS**

Employees may be subject to job performance evaluations at such times and in such manner as the Town Manager or Town Manager's authorized representative deems reasonable. The results of such evaluations will be submitted to the employee, the employee's supervisor, and the Town Manager and will become a part of the employee's personnel file.

## **Section 14: PERSONNEL RECORDS**

Personnel records will be maintained for each employee of the Town. In accordance with Vermont's Public Records Law, any employee or the employee's designated representative may inspect or copy his or her personnel file at a mutually agreeable time during regular office hours. The Town reserves the right to have its representative present at the time its files are examined or copied.

## **Section 15: USE OF TOWN EQUIPMENT**

Except as provided in Section 16, the use of Town equipment or property for personal use is strictly prohibited. Employees should have no expectation of privacy regarding anything stored in or on Town-owned property or Town-owned equipment, including but not limited to desks, filing cabinets, lockers, and vehicles. Employees should expect that such areas may be searched at any time to retrieve work-related materials or to investigate violations of workplace rules.

## **Section 16: USE OF TOWN COMPUTER SYSTEM**

For purposes of this policy, "computer system" means all computers and devices and any related hardware, equipment, components, or software, including, but not limited to, host computers, file servers, workstation terminals, laptops, tablets, smartphones, internal or external communication networks, the world wide web (www), the Internet, commercial online services, bulletin board systems, backup systems, and the internal and external e-mail systems accessed via the Town's computer equipment.

All electronic communications regarding Town business should be, to the furthest extent possible, conducted via official Town computer systems. A Town employee should avoid conducting Town business using his or her personal computer, device, or account.

The Town computer system is to be used by employees for the purpose of conducting Town business. Occasional, brief, and appropriate personal use of the Town computer system is permitted, provided it is consistent with this policy and does not interfere with an employee's job duties and responsibilities.

Employees should have no expectation of privacy or confidentiality regarding anything created, sent or received on the Town computer system. The Town may monitor at any time its computer system without warning or any specific notice to employees including any and all computer transactions, communications and transmissions for any reason including, but not limiting to ensuring compliance with this policy and evaluating the use of its computer system. All files, documents, data and other electronic messages created, received or stored on the Town computer system are open to review and regulation by the Town and may be subject to the provisions of Vermont's Public Records Law.

Employees may not introduce software from any outside source on the Town's computer system without explicit prior authorization from their supervisor. Employees may be held responsible for any damages caused by using unauthorized software or viruses they introduce into the Town computer system.

Employees who have a confidential password to access the Town's computer system should be aware that this does not mean the computer system is for personal confidential communication, nor does it suggest that the computer system is the property of that person.

Transmission of electronic messages on the Town computer system shall be treated with the same degree of propriety, professionalism, and confidentiality as written correspondence. The following are examples of uses of the Town computer system which are prohibited:

- Communications that in any way may be construed by others as disruptive, offensive, abusive, discriminatory, harassing, or threatening;
- Communications of sexually explicit images or messages;
- Transmission of chain letters or solicitations for personal gain, commercial or

- investment ventures, religious or political causes, outside organizations, or other non job-related solicitations during or after work hours;
- Access to Internet resources, including web sites and news groups, that are inappropriate in a business setting;
- Any other use that may compromise the integrity of the Town and its business in any way.

Nothing in this policy will be interpreted or applied in a manner that interferes with employee rights to organize, form, join, or assist labor organizations, to bargain collectively through representatives of their choosing to the extent allowed by law, or to engage in other concerted activities for the purpose of addressing the terms and conditions of employment.

## **Section 17: PUBLIC RECORDS**

Any written or recorded information that is produced or acquired by a Town employee in the course of Town business is a public record, subject to Vermont's Public Records Law and may be covered by the State of Vermont's retention rules and disposition schedules for municipal records. Although the Town discourages the use of personal computers, devices, or accounts to conduct Town business (see Section 16, above), the use of a personal computer, device, or account does not prevent an otherwise public record from being subject to public inspection and copying. In the uncommon event that an employee uses their personal computer, device, or account to conduct Town business, the record created, sent, or received should be forwarded by the employee to the employee's Town computer system, or otherwise captured and retained as a Town record. All employees are required to respond in the manner prescribed by Vermont's Public Records Law regardless of where a Town public record may be stored. All employees must provide any Town public records stored in their personal computers, devices, or accounts that are responsive to a public records request.

## **Section 18: CONFIDENTIAL INFORMATION**

An employee shall not disclose confidential information gained by reason of the employee's official position except as authorized or required by law, nor shall the employee otherwise use such information for the employee's personal gain or benefit.

## **Section 19: ELIGIBILITY FOR BENEFITS**

The Town offers group insurance and other benefit programs to its eligible full-time employees and elected officials. Details about those benefits, as they exist on the date of hire or election are included as an attachment to this Policy (Addendum C).

Part-time employees who are regularly scheduled to work at least thirty (30) hours a week are eligible to receive the above benefits on a prorated basis, subject to the eligibility requirements of the insurance carrier.

The Town reserves the right to change insurance carriers, or to add, delete or amend insurance or other benefit programs in its sole discretion. The Town also reserves the right to change the amount or percentage of its contribution to the cost of any group health insurance program. Employees will be provided with advance notice of any change in the contribution rate.

## **Section 20: HOLIDAY LEAVE**

Full- and part-time employees will receive the following paid holiday leave:

- New Year's Day (January 1)
- Martin Luther King Jr.'s Birthday (3<sup>rd</sup> Monday in January)
- Presidents Day (3<sup>rd</sup> Monday in February)
- Memorial Day (last Monday in May)
- Independence Day (July 4)
- Labor Day (1<sup>st</sup> Monday in September)
- Indigenous Peoples' Day (second Monday in October)
- Veterans' Day (November 11)
- Thanksgiving Day (4<sup>th</sup> Thursday in November)
- The day after Thanksgiving Day
- Christmas Day (December 25)
- Any local, state, or federal election day relative to the employee's place of residence (for example, New Hampshire Town Meeting Day rather than Vermont Town Meeting Day shall be considered a holiday for employees who reside in New Hampshire).

Employees will receive holiday leave pay for the number of hours in the employee's typical work day on which the holiday falls, at the employee's regular rate of pay. Part-time employees will receive prorated holiday leave pay based on the number of hours the employee is regularly scheduled to work. Holiday leave will not be included in calculating overtime for that employee unless the employee worked during that Holiday.

Holidays falling on a Saturday will be observed the preceding Friday. Holidays falling on a Sunday will be observed the following Monday.

Holidays that fall during an employee's vacation leave will not count as vacation leave.

Non-exempt employees who are required to work on a holiday will be compensated at the rate of one and one-half times the employee's regular rate of pay. Holidays cannot be worked without prior approval from the Town Manager.

## **Section 21: VACATION LEAVE**

Full- and part-time employees will accrue vacation at the following annual rates:

<u>Years of Service</u>	<u>Hours Earned Per Hours Worked</u>	<u>Maximum Accrual (bsaed on 40hrs/wk)</u>
1-2 years	0.0428	120 hours
3-9 years	0.0656	160 hours
10+ years	0.0893	200 hours

Vacation leave accrual begins on the date of hire. However, an employee may not take vacation during the employee's probationary period. An increase in the annual rate of accrual of vacation time will occur on the anniversary of the date of hire

Full-time employees will receive vacation leave pay at the employee's regular rate of pay. Part-time employees will receive prorated vacation leave pay based on the number of hours the employee is regularly scheduled to work in a week. Leave must be taken in a minimum of 2 hour increments.

Employees are strongly encouraged to take an annual vacation. Requests for vacation should be submitted to the employee's supervisor as soon as possible but not less than one week in advance of the requested time off. This notice may be waived at the discretion of the Town Manager.

If an employee does not use all of the employee's accrued vacation leave in a year, the employee may carry unused, accrued vacation leave forward to the next year up to a maximum of forty (40) vacation hours. Any unused, accrued vacation leave that exceeds the amount carried forward will be forfeited.

An employee who resigns from employment with the Town will be compensated for unused, accrued vacation leave, with the exception that any employee who terminates during their probationary period will not be entitled to compensation for any accrued vacation time.

## **Section 22: SICK LEAVE**

### Definition

For the purposes of this Section of the Policy, the following definition shall apply:



“eligible employee” means an employee or an elected official of the Town who: (a) is age 18 or older; (b) works an average of 18 or more hours per week during the year; and (c) is expected to work more than 20 weeks in a 12-month period. This definition includes newly-hired employees and those who are still in their probationary period of employment. This definition does not include an individual who: (i) works on a per diem or intermittent basis; (ii) works only when he or she indicates that he or she is available to work; (iii) is under no obligation to work for the Town; and (iv) has no expectation of continuing employment with the Town.

### Earned Sick Leave

Eligible employees will earn 0.0248 hours of paid sick leave for every hour worked by that employee. Such leave will accrue to the employee based on hours actually worked by that employee.

### Accrual Limit

The amount of hours of leave that an eligible employee may accrue in a 12 month period is limited to forty-eight (48). Sick time can accumulate over time to a maximum of 200 hours.

Eligible employees may use paid leave in increments no smaller than one hour.

An employee may use sick leave for the purposes below:

- The employee is ill or injured.
- The employee obtains professional diagnostic, preventive, routine, or therapeutic health care.
- The employee cares for a sick or injured parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, including helping that individual obtain diagnostic, preventive, routine, or therapeutic health treatment, or accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to his or her long-term care.
- The employee is arranging for social or legal services or obtaining medical care or counseling for the employee or for the employee's parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, who is a victim of domestic violence, sexual assault, or stalking or who is relocating as the result of domestic violence, sexual assault, or stalking. As used in this section, “domestic violence,” “sexual assault,” and “stalking” shall have the same meanings as in 15 V.S.A. § 1151.
- The employee cares for a parent, grandparent, spouse, child, brother, sister, parent-in-law, grandchild, or foster child, because the school or business where that individual is normally located during the employee's workday is closed for public health or safety reasons.

Employees must provide notice as soon as practicable of the intent to use earned sick time and the expected duration of the employee's absence. Employees must make reasonable efforts to avoid scheduling routine or preventive health care or other appointments during regular work hours.

Compensation for use of paid leave will be at the employee's regular rate of pay.

Use of this paid leave does not diminish the rights that an employee may have under the Vermont Parental Family Leave Act, 21 V.S.A. § 470.

#### Compensation at Time of Separation from Employment

The Town will not compensate eligible employees for unused, accrued sick leave at the time of separation from employment.

### **Section 23: BEREAVEMENT LEAVE**

Employees may be provided with up to three (3) paid bereavement leave days (pro-rated for part-time employees) related to the death of a close family member, domestic partner or member of an employee's household. The exact amount of time off is dependent upon the circumstances and subject to Town Manager approval. For purposes of this policy, close family member is defined as the following: *spouse*, civil union partner, romantic co-habitant, parent, stepparent, grandparent, child, stepchild, grandchild, sibling, aunt, uncle, niece, nephew, parent-in-law, or sibling-in-law.

If additional time off is needed, or if time off is needed for the funeral of a friend or a relative who is not an immediate family member as defined above, nor a domestic partner, nor member of an employee's household, the Town Manager may grant, on a case-by-case basis, the use of a reasonable amount of accrued sick leave, if available, or, if not, unpaid leave. The amount of such time off, if approved, will depend upon the individual circumstances such as the distance to be traveled, closeness of the employee's relationship with the person who died or the employee's family, and the employee's level of responsibility in making funeral or other arrangements.

Paid bereavement leave does not accrue and thus, when not used, is not carried forward into the next year nor compensated upon separation from employment.

### **Section 24: PARENTAL AND FAMILY LEAVE**

Eligible employees may receive leave as described in the Vermont Parental and Family Leave Act (VPFLA). This State law will determine employee eligibility, the qualifying reasons for such leave and the length of leave.

The Town reserves the right to designate any qualifying leave of absence granted under this policy as leave under FMLA or the VPFLA. A request for leave must be made to Town Manager. Where an employee's leave request is covered by the VPFLA and the FMLA, the Town will adhere to the law that provides the most benefits to the employee.

If an employee is entitled to leave under both the VPFLA and FMLA, the leave periods will run concurrently.

For the purposes of determining the twelve-month period in which an employee may be entitled to VPFLA and/or FMLA leave, the Town will use a rolling twelve-month period measured backward from the date an employee uses such leave.

## **Section 25: SHORT TERM FAMILY LEAVE**

In accordance with 21 V.S.A. § 472a, eligible employees may be entitled to take unpaid leave not to exceed four hours in any thirty-day period and not to exceed twenty-four hours in any twelve month period for the following purposes:

- To participate in preschool or school activities directly related to the academic educational advancement of the employee's child, stepchild, foster child, or ward who lives with the employee, such as a parent-teacher conference;
- To attend or accompany the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law to routine medical or dental appointments;
- To accompany the employee's parent, spouse or parent-in-law to other appointments for professional services related to their care and well-being; or
- To respond to a medical emergency of the employee's child, stepchild, foster child, or ward who lives with the employee or the employee's parent, spouse or parent-in-law.

The Town may require that leave (including vacation and personal leave) be taken in a minimum of two-hour segments. At the option of the employee, accrued paid leave may be used. Before taking leave under this section an employee shall make a reasonable attempt to schedule appointments outside of regular work hours. An employee shall provide the Town with the earliest possible notice of the intent to take short term family leave, but in no case later than seven days before leave is to be taken, except in the case of an emergency where the required seven day notice could have a significant adverse impact on the family member of the employee.

## **Section 26: CRIME VICTIM LEAVE**

In accordance with 21 V.S.A. § 472c, eligible employees who are crime victims may be entitled to take unpaid leave for the following purpose of attending a deposition or court proceeding related to:

- a criminal proceeding when the employee has a legal right or obligation to appear at the proceeding;
- a relief from abuse, neglect, or exploitation hearing when the employee is the plaintiff
- hearings concerning an order against stalking or sexual assault, when the

employee seeks the order as plaintiff.

A "crime victim" is a person who has:

- obtained a relief from abuse order against a family or household member;
- obtained a court order against stalking or sexual assault;
- obtained a court order against abuse of a vulnerable adult; or
- sustained physical, emotional or financial injury as the direct result of the commission or attempted commission of a crime or act of delinquency and is identified as a crime victim in an affidavit filed by law enforcement official with a prosecuting attorney. This also includes the victim's child, foster child, parent, spouse, stepchild or ward of the victim who lives with the victim, or a parent of the victim's spouse, provided that the individual is not identified in the affidavit as the defendant.

At the option of the employee, accrued sick leave, vacation leave, or any other accrued paid leave may be used.

## **Section 27: LEAVE OF ABSENCE WITHOUT PAY**

A request to take unpaid leave from employment for the purpose of attending town meeting, must be made at least seven days prior to the date of the town meeting. Such leave will be granted provided that it does not cause an interruption of the essential operation of town government.

Other requests for leaves of absence without pay for any reason other than those covered by federal or state law must be submitted in writing to the employee's supervisor and must set forth the purpose for which the leave is requested. All leave requests must be for a definite period of time and include a specified date of return.

If a leave of absence without pay is granted, the employee may, at the Town Manager's sole discretion, continue the employee's group health plan coverage by paying the required premium in accordance with the payment schedule established by the Town. Other employee benefits (e.g. sick leave, vacation, seniority, etc.) will not accrue during an unpaid leave period that exceeds thirty (30) days.

## **Section 28: MILITARY LEAVE**

The Town will comply with the requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 U.S.C. §§ 4303 et seq., and 21 V.S.A. §§ 491 et seq. Employees who take military leave subject to the provisions of these laws will be granted leave without pay. At the option of the employee, any paid leave accrued prior to the commencement of the leave may be used.

## **Section 29: JURY LEAVE**

The Town will compensate employees for their service as jurors or witnesses when unrelated to their status as a Town employee at the employee's regular hourly rate. In accordance with 21 V.S.A. § 499, employees will otherwise be considered in the service of the Town for purposes of determining seniority, benefits, credit towards vacations, sick leave, and other rights, privileges, and benefits of employment.

When Town employees are called to serve as a witness in a court proceeding due to their status as an employee of the Town, the Town will compensate the employee for the difference between their regular rate of pay and their compensation as a witness. The Town will pay the difference only when the employees' regular rate of pay exceeds their compensation as a witness.

## **Section 30: OVERTIME AND COMPENSATORY TIME OFF**

In accordance with the federal Fair Labor Standards Act, the Town compensates nonexempt employees at the rate of one and one-half hours for each hour actually worked in excess of forty hours in any workweek. Holidays, sick time, and vacation days do not count as hours worked for purposes of calculating either overtime or compensatory time eligibility.

In place of overtime pay, the Town in its discretion may provide nonexempt employees with compensatory time off ("comp time") subject to the following conditions:

- Comp time is earned at a rate of one and one half hours for each hour worked in excess of forty hours actually worked in any workweek.
- An employee may accrue a maximum of 40 hours of comp time. An employee who has accrued 40 hours of comp time will be paid overtime compensation for additional overtime hours of work.
- An employee may, at the Town Manager's discretion, be paid in cash in lieu of comp time off.
- An employee receiving payment for accrued comp time will be paid at the regular rate of pay earned by the employee at the time the employee receives such payment.
- Upon termination from employment, an employee will be paid for unused comp time at a rate not less than the average regular rate of pay received by the employee during the last three years of employment or the employee's final regular rate of pay, whichever is higher.

An employee who has accrued comp time and requests use of comp time will be

permitted to use such time off within a reasonable period after making the request, if such use does not unduly disrupt the Town's operations. Requests for use of comp time must be submitted to the employee's supervisor, who will have sole discretion to grant or deny the request. Requests for use of comp time will not unreasonably be withheld.

### **Section 31: COMMUNITY SERVICE**

The Town supports and encourages employees who volunteer for community and non-profit service that directly benefits the Thetford community, and will compensate for such time taken during regular work hours, to a maximum amount of 12 hours annually. Volunteer time requires prior approval of the Town Manager.

Any employee who is appointed by the Selectboard to serve on an advisory committee for the Town shall be reasonably compensated for the time spent attending such meetings.

### **Section 32: CONTINUING EDUCATION**

The Town encourages the continuing education of Town employees, and may cover any related costs pending prior approval from the Town Manager. A record of each educational milestone satisfactorily completed by an employee shall be kept as part of the employee's personnel record. Such accomplishments by employees shall be given consideration in departmental promotions and merit pay increases.

### **Section 33: EMPLOYMENT HARASSMENT AND DISCRIMINATION**

The Town is committed in all areas to providing a work environment that is free from unlawful harassment and discrimination. Vermont and federal law prohibit employment discrimination or retaliation based on race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, any other category of person protected under federal or state law, or against a qualified individual with a disability with respect to all employment practices. Vermont law also prohibits discrimination based on sexual orientation, ancestry, HIV status, and place of birth. It is also unlawful to retaliate against employees or applicants who have alleged employment discrimination.

Examples of harassment include the following: insulting comments or references based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth; aggressive bullying behaviors; inappropriate physical contact or gestures, physical assaults or contact that

substantially interferes with an individual's work performance or creates an intimidating, hostile or offensive working environment; retaliation against an employee for complaining about the behaviors described above or for participating in an investigation of a complaint of harassment.

Petty slights, annoyances, and isolated incidents (unless serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to reasonable people.

The Town will not tolerate unlawful harassment based on a person's race, color, religion, sex, gender identity, marital status, national origin, age, pregnancy, genetic information, crime victim or veteran status, disability, sexual orientation, ancestry, HIV status, place of birth, or membership in a classification protected by law. Likewise, the Town will not tolerate retaliation against an employee for filing a complaint of harassment or for cooperating in an investigation of harassment.

All employees, including supervisors and other management personnel, are expected and required to abide by this policy. Employees who are found to have engaged in harassment may face disciplinary action up to and including termination. Any individual who believes that she or he has been the target of this type of harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Any employee who wishes to report harassment should file a complaint with:

- Town Manager
- Selectboard Chair

A prompt, thorough and impartial investigation will be conducted and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit  
Vermont Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001  
Tel: (802) 828-3657 (voice)  
(888) 745-9195 (Toll Free VT)  
(802) 828-3665 (TTY)  
Fax: (802) 828-2154  
Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)

Online:

<http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission  
JFK Federal Building  
475 Government Center  
Boston, MA 02203  
Tel: 1 (800) 669-4000 (voice)  
1 (800) 669-6820 (TTY)  
1 (844) 234-5122 (ASL Video)  
Fax: 617-565-3196  
Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
Online: [www.eeoc.gov](http://www.eeoc.gov)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe unlawful harassment occurred, they may take a case to court.

### **Section 34: SEXUAL HARASSMENT**

Sexual harassment in the workplace is illegal under federal and Vermont law and is strictly prohibited. The Town is committed to providing a workplace free from this unlawful conduct. All employees have the right to work without being subjected to insulting, degrading or exploitative treatment on the basis of their gender. It is against the policies of the Town for any individual, male or female, to sexually harass another individual in the workplace. In accordance with 21 V.S.A. § 495h, the Town has adopted the following sexual harassment policy. All employees are required to read this policy before signing the employee acknowledgement form.

Sexual harassment is a form of sex discrimination and means unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- submission to that conduct is made either explicitly or implicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as a component of the basis for employment decisions affecting that individual; or
- the conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Examples of sexual harassment include, but are not limited to, the following when such instances or behavior come within one of the above definitions:



- either explicitly or implicitly conditioning any term of employment (e.g., continued employment, wages, evaluation, advancement, assigned duties or shifts) on the provision of sexual favors;
- touching or grabbing a sexual part of an individual's body;
- touching or grabbing any part of an individual's body after that party has indicated, or it is known, that such physical contact was unwelcome;
- continuing to ask an individual to socialize on or off-duty when that person has indicated he/she is not interested;
- displaying or transmitting sexually suggestive pictures, objects, cartoons or posters if it is known or should be known that the behavior is unwelcome;
- continuing to write sexually suggestive notes or letters if it is known or should be known that the person does not welcome such behavior;
- referring to or calling a person a sexualized name if it is known or should be known that the person does not welcome such behavior;
- regularly telling sexual jokes or using sexually vulgar or explicit language in the presence of a person if it is known or should be known that the person does not welcome such behavior;
- retaliation of any kind for having filed or supported a complaint of sexual harassment (e.g., ostracizing the person, pressuring the person to drop or not support the complaint, adversely altering that person's duties or work environment, etc.);
- derogatory or provoking remarks about or relating to an employee's sex;
- harassing acts or behavior directed against a person on the basis of his or her sex;
- off-duty conduct which falls within the above definition and affects the work environment.

It is also unlawful to retaliate against employees for filing a complaint of sexual harassment or for cooperating in an investigation of sexual harassment.

Any individual who believes that she or he has been the target of sexual harassment, or who believes she or he has been subjected to retaliation for having brought or supported a complaint of harassment, is encouraged to directly inform the offending person or persons that such conduct is offensive and must stop.

Employees who are found to have engaged in sexual harassment may face disciplinary action up to and including termination.

Any employee who wishes to report sexual harassment should file a complaint with:

- Town Manager
- Selectboard Chair

A prompt, thorough and impartial investigation will be conducted and confidentiality will be protected to the extent possible. If it is determined that unlawful harassment has occurred, the Town will take immediate and appropriate corrective action. No person will

be adversely affected in employment with the Town as a result of bringing a complaint of unlawful harassment.

Complaints of sexual harassment or retaliation may also be filed with the following agencies:

Civil Rights Unit  
 Vermont Attorney General's Office  
 109 State Street  
 Montpelier, VT 05609-1001  
 Tel: (802) 828-3657 (voice)  
 (888) 745-9195 (Toll Free VT)  
 (802) 828-3665 (TTY)  
 Fax: (802) 828-2154  
 Email: [ago.civilrights@vermont.gov](mailto:ago.civilrights@vermont.gov)

Online:

<http://ago.vermont.gov/about-the-attorney-generals-office/divisions/civil-rights/>

Equal Employment Opportunity Commission  
 JFK Federal Building  
 475 Government Center  
 Boston, MA 02203  
 Tel: 1 (800) 669-4000 (voice)  
 1 (800) 669-6820 (TTY)  
 1 (844) 234-5122 (ASL Video)  
 Fax: 617-565-3196  
 Email: [info@eeoc.gov](mailto:info@eeoc.gov)  
 Online: [www.eeoc.gov](http://www.eeoc.gov)

These agencies may conduct impartial investigations, facilitate conciliation, and, if they find that there is probable cause or reasonable grounds to believe sexual harassment occurred, they may take a case to court.

### **Section 35: EMPLOYEE DISCIPLINE**

The Town of Thetford has adopted a progressive discipline process to identify and address employee and employment-related problems. The Town's progressive discipline process applies to any and all employee conduct that the Town in its sole discretion, determines must be addressed by discipline.

Under the Town's progressive discipline process, an employee may be subject to disciplinary action, up to and including termination, for violation of the provisions of this personnel policy and/or failure to maintain an acceptable level of performance. The Town may take prior disciplinary action into consideration when disciplining or

terminating an employee. Violations of different rules may be treated as repeated violations of the same rule for purposes of progressive discipline.

Most often, employee conduct that warrants discipline results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, discipline may be issued for conduct that falls outside of those identified areas. The Town also reserves the right to impose discipline for off-duty conduct that adversely impacts the legitimate interests of the Town. The Town reserves the right in its sole discretion to bypass progressive discipline and to take whatever action it deems necessary to address the issue at hand. This means that more or less severe discipline, up to and including termination, may be imposed in a given situation at the Town's sole discretion.

The Town also retains the right to unilaterally eliminate positions or reduce the work hours of a position or positions due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons.

The Town will normally adhere to the following progressive disciplinary process, but reserves the right to bypass any or all steps of progressive discipline when it determines, in its sole discretion, that deviation from the process is warranted: (1) verbal warning; (2) written warning; (3) suspension (with or without pay); and (4) termination.

Employees are prohibited from engaging in conduct listed below and may receive discipline, up to and including termination, for doing so. This list has been established to provide examples of behavior that could warrant a range of disciplinary sanctions. Appropriate levels of discipline may be based on the severity of employee conduct. This list is not exhaustive.

- Engaging in any illegal activity.
- Refusing to do assigned work or failing to carry out the reasonable assignments of a supervisor.
- Being inattentive to duty, including sleeping on the job.
- Falsifying a time card or other record or giving false information to anyone whose duty is to make such record.
- Being repeatedly or continuously absent or late, being absent without notice or satisfactory reason or leaving one's work assignment without appropriate authorization.
- Conducting oneself in any manner that is offensive, abusive or contrary to reasonable community standards and expectations of public employees.
- Engaging in any form of harassment including sexual harassment.
- Misusing, misappropriating, or willfully neglecting Town property, funds, materials, equipment or supplies.
- Unlawfully distributing, selling, possessing, using or being under the influence of

- alcohol or drugs when on the job or subject to duty.
- Fighting, engaging in horseplay or acting in any manner which endangers the safety of oneself or others. This includes acts of violence as well as threats of violence.
- Stealing or possessing without authority any equipment, tools, materials or other property of the Town or attempting to remove them from the premises without approval or permission from the appropriate authority.
- Marking or defacing walls, fixtures, equipment, tools, materials or other Town property, or willfully damaging or destroying property in any way.
- Failure to search for or disclose public records upon request.
- Willful violation of Town rules or policies.

### **Section 36: EMPLOYEE TERMINATION PROCESS**

The Town of Thetford has adopted an employment termination process. Most often, employee conduct that warrants termination results from unacceptable behavior, poor performance, or violation of the Town's policies, practices, or procedures. However, termination may result from conduct that falls outside of those identified areas. The Town need not utilize this termination process but may take whatever action it deems necessary to address the issue at hand.

The Town also retains the right to unilaterally eliminate a position and thus terminate employment or reduce the work hours for some or all employees due to economic conditions, shortage of work, organizational efficiency, changes in departmental functions, and/or reorganization or reclassification of positions resulting in the elimination of a position or for other related reasons. In such case, this termination process does not apply.

Probationary employees are not subject to the Town's termination process. Notwithstanding any other provision of this policy, an employee terminated during the probationary period will have no right to appeal such termination.

An employee being considered for termination will be provided with written notice. The notice will contain a brief statement of the reasons termination is being considered and the date, time and place of a pre-termination meeting with the employee's supervisor.

At the pre-termination meeting, the employee will be afforded an opportunity to present the employee's response to the reasons for termination. If the employee declines to attend the pre-termination meeting, the employee may submit a written response to the pre-termination notice not later than the scheduled date of the meeting.

Within seven calendar days of the date of the meeting, the supervisor will provide the employee with a written notice informing the employee whether he/she has been terminated. If the employee has been terminated, the notice will provide the general

reasons therefore and will also inform the employee of the opportunity to request a post-termination hearing before the selectboard by giving written notice of such request to the supervisor within seven days. The employee will be informed that the employee's failure to make a timely request for a post-termination hearing will result in such hearing being waived.

If a request for a post-termination hearing is made, the selectboard will provide the employee with a notice informing the employee of the date, time, and place of the post-termination hearing before the selectboard. The notice will inform the employee of his or her right to be represented by counsel, to present and cross-examine witnesses and to offer supporting documents and evidence.

At the post-termination hearing, the employee will be afforded the opportunity to address the basis for termination by hearing and examining the evidence presented against the employee, cross-examining witnesses and presenting evidence on the employee's behalf. The selectboard will make such determinations as may be necessary in the event of evidentiary objections or disputes. When the hearing is adjourned, the Selectboard, under the authority granted by 1 V.S.A. § 312(e), will consider the evidence presented in the hearing in deliberative session.

The Selectboard will render a written decision within fourteen days after close of the hearing, unless otherwise agreed upon by the parties.

### **Section 37: SEVERABILITY**

If any provision of this personnel policy or the application hereof to any person or a circumstance(s) is held invalid, this invalidity does not affect other provisions or applications of the personnel rules which can be given effect without the invalid provision or application. For this purpose, this personnel policy is severable.

**ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

### **SIGNATURES of SELECTBOARD:**

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### Addendum A: Personnel Acknowledgement

I, \_\_\_\_\_, acknowledge that:

A. I received a copy of the Town's personnel policy on \_\_\_\_\_ and it is my responsibility to familiarize myself with its contents;

B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand;

C. I understand that the language used in this personnel policy is not intended to create, nor should it be construed to create, a contract of employment between myself and the Town;

D. I understand that this policy replaces any and all prior versions and that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

\_\_\_\_\_  
\_\_\_\_\_  
Employee's Signature

Date

### Addendum B: Agreement by Independently-Elected Officer to be Bound by Personnel Policy

This is a contract between the Selectboard of the *[insert name of municipality]* and *[insert name and title of independently elected officer]*, collectively referred to as "parties."

In exchange for the provision of benefits by the Town as follows:

*[list benefits]*

*[Insert name]* agrees to be bound by the provisions of the *[insert name of municipality]* Personnel Policy, except the provisions on Probationary Period, Performance Evaluations, Employee Discipline, and Employee Termination.

*[Insert name]* agrees as follows:

- *[she / he ]* has received a copy of the Town's Personnel Policy and understands that it is *[her / his]* responsibility to familiarize *[herself / himself]* with its contents;
- *[she / he ]* has been given an opportunity to ask questions about said policy and has been provided with satisfactory information in response to those questions;
- *[she / he ]* acknowledges that the Town reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;
- *[she / he ]* acknowledges that *[she / he ]* understands the Town's personnel policy and agree that *[she / he]* will comply with all of its provisions.

The parties agree that this shall not constitute a contract for employment

*[If applicable, insert the following: "In addition to the above, [name] agrees that [her / his] statutory assistant, [name], who holds the position of [insert title], will be subject to the Town's Personnel Policy except the provisions on Performance Evaluations, Discipline, and Termination, which do not apply to him/her. In return, said statutory assistant will receive benefits from the Town as follows: [list benefits]]*

Entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_

**BY: Independently-Elected Official:**

**Selectboard:**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



### **Addendum C: Employee Compensation and Benefits**

Employee compensation shall be determined by the Town Manager in a fair and equitable manner, subject to review by the Selectboard and consistent with the Town's approved budget.

Employee benefits include:

- Employee life insurance;
- Employee short and long-term disability insurance;
- Family dental Insurance;
- Employee health insurance, plus health insurance for one additional family member. The employee's share of the costs of premium payments for the health insurance program shall be as determined by Selectboard. Additional family members may be covered at the employee's expense.
- Retirement benefits administered through the Vermont Municipal Employees' Retirement System, which is governed by Title 24, V.S.A., Chapter 125;
- Social Security administered through the Federal Social Security system; and,
- Workers' Compensation, which is governed by the Vermont Worker's Compensation Act.

The Town may, from time to time, make available additional benefits that the employee may opt into. The Selectboard reserves the right to add, remove, or modify benefits at its sole discretion, as permitted by law.

Given the rapidly changing nature of the insurance industry, employees seeking more information are encouraged to contact the Town Manager.

## **Addendum D: Conflict of Interest Policy**

### **ARTICLE 1. Authority.**

Under the authority granted in 24 V.S.A. § 2291(20), the Thetford Selectboard hereby adopts the following policy concerning conflicts of interest.

### **ARTICLE 2. Purpose.**

The purpose of this policy is to ensure that the business of the Town of Thetford will be conducted in such a way that no public official of the Town of Thetford will gain a personal or financial advantage from his or her work for the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials are based on the best interests of the Town of Thetford community at large.

### **ARTICLE 3. Definitions.**

For the purposes of this policy, the following definitions shall apply:

- a. "Conflict of interest" means a direct personal or financial interest of a public official, his or her immediate family, business associate, employer or employee, in the outcome of a cause, proceeding, application, or any other matter pending before that official or before the public body in which he or she holds office or is employed. Conflict of interest also means a situation where a public official has publicly displayed a prejudgment of the merits of a particular quasi-judicial opinion on a given issue. Conflict of interest also means a situation where a public official has not disclosed ex parte communications with a party in a quasi-judicial proceeding. "Conflict of interest" does not arise in the case of votes or decision on matters in which the public official has a personal or financial interest in the outcome that is no greater than that of other persons generally affected by the decision, such as adopting a bylaw or setting a tax rate.
- b. "Emergency" means an immediate threat or peril to the public health, safety, or welfare.
- c. "Ex parte communication" means a direct or indirect communication between a public official and any party, party's representative, party's counsel, or a person interested in the outcome of any proceeding pending before the public official that occurs outside of a public proceeding, and concerns the substance or merits of the proceeding.
- d. "Immediate family" means parents, stepparents, siblings, stepsiblings, spouses, children, stepchildren, foster children, in-laws, grandparents, great grandparents, step-great grandparents, grandchildren, aunts, uncles, nieces, and nephews.
- e. "Official action" means any legislative, administrative or quasi-judicial act performed by any elected or appointed officials or employee while acting on behalf of the Town.
- f. "Public body" means any board, council commission or committee of the Town.
- g. "Public interest" means an interest of the community as a whole, conferred generally upon all residents of the Town.

- h. "Public official" means any elected or appointed official, officer, employee, or agent of the Town.
- i. "Quasi-judicial proceeding" means a case in which the legal rights of one or more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunities to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, the result of which is appealable by a party to a higher authority.

#### **ARTICLE 4. Disqualification.**

- a. A public official shall not participate in any official action if he or she has a real or apparent conflict of interest in the matter under consideration.
- b. A public official shall not personally or through any member of her or his family, household, business associate, employer or employee, represent, appear for, or negotiate in a private capacity on behalf of any person or organization in a cause, proceeding, application, or other matter pending before the public body in which the official holds office or is employed.
- c. A public official shall not accept gifts or other offerings for personal gain by virtue of their public office that are not available to the public in general.
- d. A public official shall not use resources not available to the general public, including but not limited to, town staff time, equipment, supplies, or facilities for private gain or personal purposes.

#### **ARTICLE 5. Disclosure and Recusal.**

- a. A public official who is a member of a public body and has reason to believe that she or he has or may have a conflict of interest must recuse him or herself.
- b. Members of a public body have the right to inquire of other members regarding a real or perceived conflict of interest and to require that member to recuse him or herself if the majority determines there is a real or perceived conflict of interest.
- c. In the case of a public official who is an appointee or employee, the person or public body that appointed or employed that public official retains the authority to order that official to recuse him or herself from the matter, subject to applicable law.
- d. A public official who recuses him or herself from a proceeding shall not sit with, deliberate with, or participate in that proceeding as a member of that public body.
- e. If a public official recuses him or herself, the public body may recess the proceedings to a time and date certain, if after recusal it may not be possible to take action through the concurrence of a majority of the body. The public body may then resume the proceeding with sufficient members present.

#### **ARTICLE 6. Enforcement.**

Disciplinary action shall be taken against any public official who violates this policy.

In addition to all aforementioned disciplinary measures within this policy, the Selectboard or Town Manager may also take the following progressive actions to discipline an offending public official:

1. The Selectboard Chair or Town Manager shall meet informally, in private, with the official to discuss possible conflict of interest violations.
2. Executive Session may be used for such discussion, in accordance with 1 V.S.A. §313 (a)(4). The official may request that this meeting occur in public.
3. The Selectboard may admonish the offending official in private or at an open meeting and reflect this action in the minutes of the meeting. The official shall be given the opportunity to respond to the admonishment.
4. The Selectboard may request that the offending official resign from the public body to which they are a member.
5. Should the offending official be a Town employee, Section 29: Employee Discipline Section of the current Personnel Policy of the Town of Thetford will apply.

**ARTICLE 7. Exception.**

The provisions of Article 4 shall not apply if the Selectboard determines that an emergency exists and that actions of the public body otherwise could not take place. In such cases, a public official who has reason to believe he or she has a conflict of interest shall disclose such conflict as provided in Article 5.

## **Addendum E: Social Media Policy**

### **ARTICLE 1. Title and Authority.**

This policy shall be known as the Town of Thetford Social Media Policy (hereafter "policy"). It has been adopted by the Town of Thetford Selectboard pursuant to 24 V.S.A. §§ 1121, 1122, and 872. The Selectboard reserves the right to amend any of the provisions of this policy for any reason and at any time, with or without notice. This policy is administered by the Town Manager or her or his authorized representative or designee.

### **ARTICLE 2: Purpose.**

The purpose of this policy is to provide standards and procedures for the appropriate use of municipal social media platforms. This policy gives direction to municipal employees, elected officials, volunteers, appointees, public bodies, and other authorized users of municipal social media. This policy also creates guidelines for any public user who accesses or posts content on the municipality's social media.

While this policy generally applies to the most popular platforms (Facebook, YouTube, Instagram, Snapchat, Twitter), we acknowledge that social media is an evolving communications tool and that new platforms may become available over time. The municipality may utilize social media to communicate information related to the business of the municipality directly to the public as well as to provide members of the public the opportunity to post content or participate in discussions concerning municipal business, including operations and services provided by the municipality. The municipality encourages the use of social media to further the goals of the municipality, the missions of its departments and public bodies, and to contribute to the overall vibrancy of its community and degree of participation by its citizenry, where appropriate.

The municipality has an overriding interest and expectation in deciding what is published on behalf of the municipality through social media and in establishing guidelines for the use of municipal social media by municipal officials and the public.

### **ARTICLE 3: Definitions.**

The following definitions shall apply to this policy:

**Content** means any post, writing, comment, remark, response, material, document, photograph, graphic, or other information of any kind, regardless of form that is created, posted, shared, distributed, or transmitted via the municipality's social media platform.

**Designated agent** means an individual designated by the Selectboard to receive and respond to notifications of claimed copyright infringement. Once named, the municipality must designate the agent with the United States Copyright Office. (Please view the video tutorial entitled “Designating an Agent for a Service Provider,” available at <http://www.copyright.gov/rulemaking/onlinesp/NPR/>, which provides step-by-step instructions.)

**Municipality** means the Town of Thetford.

**Municipal electronic equipment** means all municipal electronic equipment – including computers, cell phones, smart phones, pagers, any associated hardware or software, and any other municipal equipment – that may be utilized to send or receive electronic communications. **Municipal official** means an employee of the municipality, elected or appointed, or a municipal volunteer.

**Municipal social media or municipal social media platform** means the official social media platform of the municipality.

**Municipal social media moderator or moderator** means an individual designated by the [insert municipal manager/selectboard/council/trustees/etc.] to monitor, manage, and oversee municipal social media content.

**Municipal website or official municipal website** means the official website or domain of the municipality: <https://thetfordvt.gov> or [thetfordvermont.us](http://thetfordvermont.us).

**Social media platform or social media** means a form of information-sharing platforms (such as Facebook, MySpace, Google and Yahoo Groups, Wikipedia, YouTube, Instagram, Snapchat, Flickr, Twitter, LinkedIn, or other news media or content-sharing/blogging service) on which online content and dialogue around specific issues or area of interest are created.

**User** means a member of the general public who accesses, posts, creates, distributes, shares, or transmits content to a municipal social media platform.

#### **ARTICLE 4: Conduct of Municipal Officials.**

Those persons designated and authorized to utilize municipal social media do so with the understanding that they represent the municipality via social media outlets and must always conduct themselves appropriately. Municipal officials must also consider content carefully, understanding that it will be widely accessible, not retractable, and retained or referenced for a long period of time. The municipality expects its officials to be truthful, courteous, and respectful toward their colleagues, residents, customers, members of the general public, and other persons associated with or who do business with the municipality.

Municipal officials' use of municipal social media shall comply with this policy as well as with the municipality's personnel and any other relevant policies, its charter provisions, rules, and regulations. This includes any use of municipal social media from outside of the workplace.

**Official Use of Municipal Social Media Platforms.** Municipal officials who use municipal social media in their official capacity, in the scope of their employment or while on duty, whether as an administrator or as a responder to content, must:

- Make the official's name and title available when they post content in their capacity as a municipal official. Municipal officials may only post and respond to content on those matters that fall within their job description or statutory roles and responsibilities.
- Keep postings factual, accurate, and up to date. If a mistake is made, admit to it and post a correction as soon as possible.
- Reply to content in a timely manner when a response is appropriate. When disagreeing with others' opinions or providing content, be sure that the content is meaningful, respectful, and relevant.
- Never post content on anything related to legal matters, litigation, or any parties with whom the municipality may be in litigation without prior specific approval from Town Manager.
- Municipal officials are expressly prohibited from disclosing any information via content posted to municipal social media that may be confidential.
- Refrain from expressing personal opinions or positions regarding policies, programs, or practices of the municipality, its officials, or other public agencies, political organizations, private companies, or non-profit groups. Under no circumstances should a municipal official post, or direct another municipal official to post, a personal opinion or statement held by an individual municipal official.
- Never engage in name-calling or personal attacks or other behavior that may be considered to be demeaning.

Information posted to municipal social media is public and is subject to Vermont's Public Records Law, Open Meetings Law, and all other applicable laws, rules, policies, municipal charter provisions, and regulations. Municipal officials should have no expectation of privacy regarding the information posted on municipal social media nor in anything created, sent, or received on municipal electronic equipment. The municipality may investigate and monitor any transaction, communication, and transmission to ensure compliance with this policy and the use of its equipment.

The municipal social media moderator will monitor the content posted by municipal officials and the public on each of the municipality's social media to ensure it complies with this policy for appropriate use, messaging, and branding and that it is consistent with the goals of the municipality.

All authorized municipal officials must be provided with a copy of this policy and sign the Acknowledgement of Official Use by Municipal Officials form (see Addendum A) prior to utilizing municipal social media.

## **ARTICLE 5: Designation of Social Media Platforms.**

For each of the municipality's social media platforms, the Selectboard has identified and designated the type of speech forum, its purpose, and rules, as follows:

### **1. Government Speech Forums.**

The following social media platforms are hereby designated as government speech forums:

- The official Town website, [www.thetfordvt.gov](http://www.thetfordvt.gov)

These platforms do not allow any public user content. They are reserved for the municipal government to engage in its own expressive conduct, to promote its own message, and to distribute information.

### **2. Limited Public Forums.**

Limited public forums shall be designated by the Selectboard on a case by case basis.

In a limited public forum, public user content is restricted, based on designated categories for which the forum (i.e., the social media platform) has been opened. Designated categories are those matters raised by municipal content on the social media platform. Public users posting or responding to content constitutes participation in a limited public forum.

## **ARTICLE 6: User Content: Rules and Guidelines.**

This section applies to all users who access or post, create, share, distribute, or transmit content on municipal social media. The rules and guidelines apply to all municipal social media. This section's provisions governing user content on municipal social media and its terms of use shall be displayed (or made available by hyperlink from the municipality's official website) on all municipal social media platforms that have been designated in Section 5 of this policy as a limited public forum. Users from the general public shall be informed that agreeing to its terms is a prerequisite to participating in the municipality's social media. The rules and guidelines to display as applicable and relevant are as follows:

### **Terms of Use**

The purpose of this site is to discuss matters of public interest in and to the municipality as identified and raised by the municipality. The municipality encourages the general public to submit content, but it must address the specific topic(s) discussed. This is a forum limited to the specific topics identified and raised by the municipality. By virtue of such use, users who submit content to this social media platform agree that they have read, understand, and agree to the following terms and conditions:

1. I am submitting content voluntarily and on my own behalf;



2. The content I post reflects my own original thoughts or work;
3. I understand that the municipality has the right to re-post or share any content that I submit on this or other municipal social media;
4. I have read and understand the policy, including the right of the municipality to remove or archive content as described in this policy and as may be allowed by law;
5. I understand that any content I provide will be considered a public record under Vermont's Public Records Law;
6. I understand and agree that, unless specifically identified as a resource for receiving requests for information under Vermont's Public Records Law, municipal social media platforms are not proper vehicles for making requests for public information or public records under Vermont law, and any such requests must be made to the appropriate custodian of the record(s);
7. I understand and agree that my and others' content is subject to removal, in whole or in part, from this site if my or their content violates the conditions of this policy;
8. I understand that the views and content expressed on this site only reflect those of the content's author, and do not necessarily reflect the official views of the municipality or its municipal officials;
9. I agree to the following waiver of liability: Because various laws exist that create liability for various actions, including but without limitation defamation, invasion of privacy, false light, breach of contract, procurement violations, violations of due process among many potential areas of exposure for which the municipality accepts no responsibility based on the actions of others or for creating this municipal social media platform, I, for myself, successors and assigns, release and hold harmless and agree to indemnify the municipality, including its municipal officials, from any and all actions, claims, liabilities and damages of whatever kind and nature that arise out of or are in connection with my use of the municipal social media platform.

By posting, sharing, distributing, or transmitting content, I acknowledge that I understand and accept these terms of use.

The municipality is interested in hearing the opinions of the public. Vigorous, constructive conversations are encouraged through posted and created content. The municipality does not discriminate based on viewpoint but it may remove content and restrict access to users who violate this policy. The municipality reviews content on all its limited public forum social media platforms.

All users must clearly identify themselves; anonymous posting is not allowed. Content created, posted, shared, or transmitted by a member of the public on any municipal social media platform is their opinion only. Publication of content does not imply endorsement of, or agreement by, the municipality, nor does such content necessarily reflect the opinions or policies of the municipality. The municipality is not responsible for content that appears on external links. The municipality does not guarantee the authenticity, accuracy, appropriateness, or security of posted hyperlinks, external websites, or content linked thereto and assumes no liability for damages resulting from reliance upon or accessing such content. The municipality reserves the right to delete links and embedded content that violate this policy.

Content posted by authorized municipal officials or the general public shall conform to this policy, including comments or hyperlinks to other content. The following prohibited content shall

not be permitted on any municipal social media and shall be subject to removal by the municipal social media moderator:

- profane, obscene, sexual, or pornographic language or images;
- content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status with regard to public assistance, national origin, physical or mental disability, or sexual orientation;
- solicitations of commerce, including advertising of any business or product for sale;
- links to any unauthorized site or content;
- the promotion or endorsement of a political campaign or candidate;
- personally identifiable information or sensitive personal information that, if released, violates federal or state law;
- disruptively repetitive content;
- conduct or encouragement of illegal activity;
- information that may tend to compromise the safety or security of the public or public systems;
- information that directly interferes with or compromises ongoing investigations, public safety tactics, or the safety of public safety officers;
- malicious or harmful software (malware);
- defamatory or personal attacks;
- threats of violence or threats to public safety;
- confidential, private, or exempt information or records as defined by state or federal law;
- conduct that violates any federal, state, or local law;
- copyrighted materials in violation of state or federal law; or
- content that is clearly unrelated to the subject matter of any post made on the platform by or on behalf of the municipality.

The municipal social media moderator is authorized to remove content or links that do not conform with the requirements of this policy in a viewpoint neutral and consistent manner. The municipality will not edit or delete any content unless authorized by this policy or allowed by law. Users should understand that third parties having control of a social media platform may edit or delete content independently of the municipality and without the consent, authority, or control of the municipality.

Users who violate this policy may be temporarily or permanently restricted from accessing municipal social media. The municipality reserves the right to deny any user who repeatedly violates this policy access to posting to municipal social media. To appeal the editing or removal of content or the restriction of access to a municipal social media platform, the user must submit a written statement to the municipal social media moderator. The statement should provide grounds for reinstatement of access to or right to publish the edited or removed content. Requests will be addressed in a reasonably timely manner; content or access, as applicable, will be restored if it is determined that the grounds for reinstatement are sufficient. A statement that the user will abide by this policy in the future may be sufficient. The municipal social media moderator's decision to an appeal will note the basis for the decision. If the user is unsatisfied with the decision, they may appeal to the Selectboard, who will render a reasonable timely response noting the basis for the decision. The decision by the Selectboard shall be the final

administrative decision of the municipality. Users may contact the municipal social media moderator at any time to identify content or other conduct on the municipal social media that violates this policy. Users should avoid and ignore responding to content in violation of this policy, or, if responding, do so in a manner that conforms with this policy.

All content posted to any municipal social media platform is bound by that platform's applicable statement of rights and responsibilities or terms of service. The municipality reserves the right to report any violation of that platform's or site's statement of rights and responsibilities or terms of service to the platform's or site's provider with the intent of the provider taking appropriate and reasonable responsive action.

#### **ARTICLE 7: Account Management.**

Municipal officials may only establish or use municipal social media on behalf of the municipality after approval by the Town Manager or her or his authorized representative or designee. The Town Manager or her or his authorized representative will review all requests by municipal officials to contribute to municipal social media and has the sole authority to authorize their use and establish and/or terminate municipal social media accounts. In this role, the Town Manager or her or his authorized representative will evaluate all requests for usage, verify staff authorized to use municipal social media tools, and confirm completion of online training for social media, if deemed necessary. The Town Manager or her or his authorized representative will also be responsible for maintaining a list of all social media platforms in use, the names of all administrators of these accounts, as well as the associated usernames and active passwords.

All municipal social media platforms shall be created by a duly designated municipal information technology (IT) officer with the approval and under the direction of the Town Manager or her or his authorized representative, and shall be published using approved municipal social networking platform and tools administered by the municipal IT officer.

#### **ARTICLE 8: Municipal Social Media Moderator.**

The [municipal manager/administrator/selectboard/council/trustees/etc.] or [their/its] authorized representative shall designate a municipal social media moderator to monitor, manage, and oversee all content on each social media platform to ensure adherence to this policy, including appropriate use, messaging, and branding that is consistent with the interests and goals of the municipality.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule. The edit or removal shall be accompanied by a description of the reason such content was deemed unsuitable for posting along with the time, date, and identity of the poster, when available.

The municipal social media moderator or his/her authorized representative or designee retains the sole authority to remove content from the municipality's social media outlets.

Designated department heads and/or other authorized municipal officials are responsible for the content and upkeep of any municipal social media they create.

Wherever possible, content the municipality posts to the municipality's social media will also be available on the municipality's official website. Municipal social media should complement rather than replace the municipality's existing website resources. Content posted on the municipality's social media should contain links directing users to the municipal's official website for additional information, forms, documents, or online services necessary to conduct business with the municipality.

All municipal social media platforms shall clearly indicate that they are maintained by the Town of Thetford and shall prominently display necessary contact information. All municipal social media platforms shall include the prominent placement of the official municipal seal, if available, along with the following notification:

This is the official [insert Facebook, Twitter, YouTube, etc.] platform for the Town of Thetford, Vermont. If you are looking for more information about the municipality, please visit the official municipal website at <https://thetfordvt.gov>. The purpose of this social media platform is to provide general public information only. If you require a response from the municipality or wish to request a municipal service, please visit <https://thetfordvt.gov> for additional information, including contact information].

#### **ARTICLE 9: Copyright Infringement Notification.**

The municipality complies with the provisions of the Digital Millennium Copyright Act of 1998 (DMCA). Federal law makes it illegal to download, upload, or distribute in any fashion copyrighted material in any form without permission or a license to do so from the copyright holder.

The municipality respects the intellectual property of others and requires users of municipal social media to do the same. In accordance with the DMCA and other applicable law, the municipality may remove content on municipal social media that is copyrighted and may deny access to the municipal social media users who are deemed to be copyright infringers pursuant to this policy.

The following notification shall be made accessible on all municipal social media platforms and on the municipality's official website:

If you believe that any material on the [insert name of municipality]'s official website or municipal social media platforms infringes on any copyright which you own or control, or that any link on municipal social media directs users to another website that contains material that infringes on any copyright that you own or control, you may file a notification of such infringement with the designated agent as set forth below. Notifications of claimed copyright infringement must be

sent to the Town of Thetford, Vermont's designated agent, for notice of claims of copyright infringement. The municipality's designated agent may be reached as follows:

Designated Agent: Town Manager

**ARTICLE 10: Public Records Law – Compliance.**

Municipal social media platforms and their related content are subject to Vermont's Access to Public Records Law. Any records produced or acquired in the course of municipal business, including material posted to municipal social media, may be a public record. Therefore, there should be no expectation of privacy regarding the information posted on municipal social media. Public records, regardless of format, are available for inspection and copying during customary business hours unless there is a specific statute exempting the record from public disclosure in whole or in part. Those records exempt from public inspection and copying are set out at 1 V.S.A. § 317(c).

The official municipal website and municipal social media shall clearly indicate that any content posted or submitted for posting in whatever format is subject to public disclosure. Content related to municipal business shall be maintained in an accessible format so that it can be produced in response to a public records request. Users shall be notified that public disclosure requests must be directed to the proper custodian of public records. The name, title, and contact information for the proper custodian of public records shall be posted on each municipal social media platform.

**ARTICLE 11: Public Records Law – Retention.**

Municipal officials must comply with Vermont's Public Records Law when using municipal social media. Relevant records retention schedules apply to content on the official municipal website as well as to municipal social media. Content posted or submitted for posting shall be retained pursuant to Vermont's Public Records Law in its standard format and in accordance with applicable disposition orders and retention schedules as established by the Vermont State Archivist and be available for copying and inspection during customary business hours.

Any content edited or removed by the municipal social media moderator must be retained in accordance with the relevant public records retention schedule.

**ARTICLE 12: Open Meeting Law – Compliance.**

Municipal officials must comply with Vermont's Open Meeting Law when using municipal social media. All posts by members of the municipality's public bodies that relate to municipal business are subject to the Open Meeting Law. Members (elected or appointed) of any municipal public body should refrain from using municipal social media to discuss the business of the public body or to take official action in violation of the Open Meeting Law. A member of a public body who

“likes,” “shares,” “tweets,” or otherwise engages in another member’s content on municipal social media may be communicating municipal business and the Open Meeting Law may apply. Furthermore, members of public bodies should refrain from posting content on or responding to inquiries related to quasi-judicial matters within the subject matter jurisdiction of their respective public bodies.

Members of municipal public bodies may utilize municipal social media for gathering public input and fostering public discussion related to the role with which the public body has been charged by statute or the Selectboard, provided that the use is authorized in accordance with Vermont law and conforms to this policy.

Information posted by the municipality on its social media will supplement, not replace, required notices and standard methods of providing warnings, postings, and notifications required to be made with regard to public meetings and hearings under Vermont law.

#### **ARTICLE 13 – Enforcement against Municipal Officials.**

Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment in compliance with the municipality’s personnel policy, employment contract, or collective bargaining agreement, as appropriate.

Appointees and volunteers found in violation of this policy may be subject to removal from their respected public posts.

Elected officials found in violation of this policy may be subject to private or public admonishment and/or may be asked to resign their office.

The municipality may seek all appropriate legal remedies including damages or a court-ordered injunction to enforce compliance with this policy.

**Acknowledgement of Official Use by Municipal Officials**

I, \_\_\_\_\_, acknowledge that:

A. I have received a copy of the [insert name of municipality]'s Social Media Policy on \_\_\_\_\_ and it is my responsibility to familiarize myself with its contents;

B. I understand that it is my responsibility to ask questions if there is anything in the policy that I do not understand;

C. I understand that this policy replaces any and all prior versions and that the [insert name of municipality] reserves the right to add, amend or discontinue any of the provisions of this policy for any reason or none at all, in whole or in part, at any time, with or without notice;

D. I acknowledge that I understand this policy and I agree that I will comply with all its provisions.

---

Municipal Official's Signature

Date

**Marion Betts**

---

**From:** Kristie Wadsworth <kwadsworth@thetfordvt.gov> on behalf of Kristie Wadsworth  
**Sent:** Monday, November 23, 2020 1:57 PM  
**To:** Marion Betts  
**Subject:** Warrants for Selectboard

Hi Martie

Here is a list of signed Warrants for the Selectboard.

38.1	\$53,644.64
39.1	\$10,031.42
40.1	\$30,310.38
41.1	\$128,377.52
25.2	\$8,992.56
26.2	\$59,125.49
27.2	3,454.64
28.2	\$83.45
10.1EM	\$3,936.89
23.4	\$34,096.11
27.3	\$122,155.39
28.3	\$85.15

Thank you,

Kristie

*Kristie Wadsworth*  
Assistant Treasurer  
Town of Thetford  
[kwadsworth@thetfordvt.gov](mailto:kwadsworth@thetfordvt.gov)  
802-785-2922

Due to COVID-19 safety measures, Thetford Town Hall is closed to public access. Please be sure to phone or email for an appointment.





# Town of Thetford Vermont

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## Selectboard Special Meeting Anticipated Executive Session “Draft” Minutes

– Online Only –

Thursday November 5<sup>th</sup> 2020

Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary suspension of designated physical meeting location requirements.

Nick Clark called the meeting to order at 5:01 pm.

In attendance:

Selectboard Members: Mary Bryant, Sharon Harkay, Steve Tofel, Li Shen, Nick Clark

Town Manager: Guy Scaife

Interim Town Manager: Tom Yennerell

Town Treasurer and Town Clerk: Tracy Borst

Nick Clark made a motion to enter executive session for a Town Manager candidate interview at 5:01pm, per 1 V.S.A. §313 (a)(3) and invited the Town Manager, the Interim Town Manager and the Town Treasurer / Town Clerk to participate.

Nick Clark invited the candidate to join the meeting.

The candidate left the meeting at 6:32 pm.

Nick Clark made a motion to exit executive session at 7:07 pm. Vote in favor unanimous.

No action taken.

Nick Clark made a motion to adjourn at 7:07pm. Vote in favor unanimous.

[Type text]



# Town of Thetford Vermont

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## Selectboard Special Meeting Anticipated Executive Session “Draft” Minutes

– Online Only –

Thursday November 12<sup>th</sup> 2020

Please note Section 6 of H.681, signed into law on March 30<sup>th</sup>, 2020, for the temporary suspension of designated physical meeting location requirements.

Nick Clark called the meeting to order at 5:00 pm.

In attendance:

Selectboard Members: Mary Bryant, Sharon Harkay, Steve Tofel, Li Shen, Nick Clark

Interim Town Manager: Tom Yennerell

Town Treasurer and Town Clerk: Tracy Borst

Guest Don Jutton, CEO of Municipal Resources Inc. (MRI)

Don Jutton made a presentation to the Selectboard, Interim Town Manager and Treasurer/Clerk detailing the manager recruitment services offered by MRI.

Don Jutton answered questions from the attendees.

Don Jutton offered to send a proposed draft contract to Tom Yennerell.

The board agreed that this should be discussed at the next Selectboard meeting.

Nick Clark made a motion to adjourn at 6:06pm. Vote in favor unanimous.

[Type text]



# Town of Thetford Vermont

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1 **Selectboard Regular Meeting \*Draft\* Minutes**  
2 **– Online Only –**  
3 **Monday, November 16, 2020 7:00pm**

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5 **Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary**  
6 **suspension of designated physical meeting location requirements.**

7  
8 Selectboard members present: Mary Bryant, Nick Clark (Chair), Sharon Harkay, Li Shen, Steve  
9 Tofel,

10 Others present: Tom Yennerell (Interim Town Manager), Tracy Borst (Town Clerk/Treasurer),  
11 Mariah Whitcomb (Emergency Management Director)

12 Total Zoom attendees: 18

13

14 Nick Clark called the meeting to order at 7:01 pm.

15

16 **1. Agenda Review**

17 No changes to the agenda.

18

19 **2. Public Comment**

20 Michal Watson said the Zoom link for the Selectboard meeting was not on the website calendar  
21 and wanted to know if there was another way to get it.

22 The Zoom link is embedded in the agenda and is posted on the Thetford Listserve and Thetford  
23 Bulletin Board Facebook page, as well as posted at four physical locations.

24

25 **3. Town Manager Report – Tom Yennerell**

26 A contract has been signed with Stantec for the design of the Route 132 improvements and  
27 hopefully there will soon be a crew working on that section.

28 The notice to sell the Post Mills property will appear in the newspaper (Journal Opinion) this  
29 coming Wednesday.

30 The bridge abutments on Turnpike Road South were to be finished today, but Tom did not  
31 receive an end of the day report that confirmed the work was complete.

32 New restrictions from Governor Scott related to COVID-19 may require some additional  
33 COVID-19 policies related to employee safety.

34 Tom said he has not heard from FEMA, but his contact said this type of information released  
35 from FEMA must go through their legal department as routine procedure.

36 Most of work on the budget is done and Tom expects it to be complete and ready for discussion  
37 in the next few days.

38 Mary Bryant asked if a price was set on the land for sale in Post Mills. Tom explained the price  
39 would be set once the Town has the authority to sell the land. The notice is very generic; the  
40 Town intends to sell a parcel, which is identified. If there is opposition, a petition with 5% or  
41 more of the voter check list must be presented.



# Town of Thetford Vermont

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1 Tom introduced the Emergency Management Director, Mariah Whitcomb. Mariah wanted to  
2 give a quick update on COVID-19. In the last 2 weeks, 789 cases were reported in Vermont. Our  
3 current numbers are climbing rapidly. There have been 68 new cases in Orange County, which is  
4 twice the State incident rate. Washington county also has as significant number of cases. These  
5 are a spread from the original outbreak due to the hockey cases. The big concern is what else is  
6 driving the spread, which are smaller gatherings in private homes, play dates, and Halloween  
7 parties. Mariah said she knows the restrictions are a huge sacrifice, particularly coming into the  
8 holiday season, but we must continue to do the hard work we have done in the past. Health care  
9 workers are tired, and hospital cases are climbing. If we continue to be vigilant, schools can stay  
10 open to best of their ability, and most of our businesses can stay open. There is concern that we  
11 will have to go back to a stay-at-home policy. Governor Scott does not want to go that route but  
12 if that is what he has to do, it will happen. There are different policies related to employees, but  
13 for the rest of us; we need to wear masks when outside of our households, not socialize with  
14 people outside of your immediate household, and continue handwashing. Mariah said everyone  
15 she talks to has COVID-19 fatigue but the virus is still here. Mariah said people can contact her  
16 with any questions.

17 Steve Lehman commented that the Town is very fortunate to have Mariah in this community and  
18 thanked her for all her work.

19 Nick Clark also thanked Mariah.

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#### 4. Conservation Commission Report

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Steve Lehman, the Chair of the Commission, Jim McCracken, Vice-Chair, and Sue Tallman, Secretary, were at the Selectboard meeting. Steve said the death of Bob Pulaski was a major loss to all of those involved with the Commission. Bob was Treasurer, but also the longest serving member of the commission. Bob served on the Commission for 32 years, joining the second year after it's conception. The Commission is working with the Upper Valley Land Trust, and Laura Pulaski to raise money to honor Bob with a bench and plaque at the wetlands on Houghton Hill Road.

Steve said the role of the Conservation Commission is to advise the Selectboard in the oversight of the 4 Town owned, conserved parcels, and to weigh and balance conservation, recreation and timber harvesting. Timber harvesting does not happen very often but can be lucrative. There is an annual amount of money from the Selectboard that goes into the Conservation Trust Fund for acquisition of properties in affiliation with the Upper Valley Land Trust. The Commission also oversees herbicide treatments. Proceeds from timber harvesting in the Hughes forest off Whippoorwill Road had to go into the overall town budget. When timber is cleared it creates an opening for invasive plants, which then have to be treated. Ehrhard Frost helped with the timber harvesting and follow up treatment. Steve said the Commission had hope to restore the Post Mills nature area for ground nesting birds, but invasive plants have made that infeasible. They are considering a controlled burn. Steve said there are issues with the Town forest, specifically a problem with a dam on an abutting landowner's property. There are also concerns about the stump dump. The Department of Public Works dumps various materials which are non-degradable. Another property is the Taylor Preserve at Crossroad Farm. This is a flood plain that provides not only flood control but is also an excellent thoroughfare for migratory birds. There is an annual bird walk where 40 different bird species have been cited. They have also discovered



# Town of Thetford Vermont

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1 that it is a habitat for turtles, and they are working with a Wildlife biologist on ideas for that area.  
2 The Taylor plan was written in 2014 with a goal to restore the habitat, but they haven't been able  
3 to do that with the flooding expenses in 2016 and the herbicide treatment in the Hughes Forest.  
4 With recent developments and information about the value of that land, the Commission thinks it  
5 is worth trying to proceed with a management plan. This will be a Commission focus for 2021.  
6 Steve said they treated over 1/3 of the land to try to eradicate Japanese knot wood. There will be  
7 a proposal for the coming year to treat a second third of the Taylor preserve, plus planting a large  
8 number of plants and trees to shore up the riverbank. Several groups involved have been seeking  
9 outside funding through the US Fish and Wildlife service. Another activity in last year or so has  
10 been a natural resources inventory conducted by Jessie Moore. It was completed this past year,  
11 but the Commission is waiting for the final report. Then there will be a more extensive phase 2.  
12 Steve said the Commission is very careful with their use of funds, and they will be requesting  
13 level funding for the next year.  
14 Jim McCracken said this year's educational activities have been severely limited by COVID-19.  
15 They were prepared to have a film festival in late March, but that was cancelled. Green-Up Day  
16 was quite successful, even with COVID-19. Jim said they will be trying to figure out the best  
17 way to have educational events during this time. Thetford Academy has given permission to  
18 mark their trails with flyers that point out Native American uses for animals, trees and plants.  
19 Laura Gagnon was curious about which herbicides are being used and if goats have been looked  
20 at in partnership with local farmers. Herbicide treatment does not really get to the root cause of  
21 why the invasive plants are here.  
22 Li Shen said there are pros and cons with goats. Goats are not specific in what they eat, and there  
23 are 2 rare plants on the Taylor Flood Plain. Goats can also be destructive to stream banks. The  
24 only plants the Commission is focusing on eradicating is the Japanese knot weed. The spraying  
25 is done specifically to the invasive plants and with the least amount of spray. The work is done  
26 by professional applicators who know how, and do not want to waste chemicals where they  
27 shouldn't be sprayed. Li said there are also guidelines for herbicide use around bodies of water.

## 5. Social Services Appropriations Policy

28  
29  
30 Li Shen discussed edits she made to the policy after it was presented at the last meeting. After  
31 speaking with Tracy Borst and Tom, Li said some of the edits should be removed, such as  
32 references to Upper Valley Ambulance, the libraries and the fire department.  
33 The Selectboard reviewed and discussed the document.  
34 Nick said there were two points to discuss which are how should the libraries, and the fire  
35 department be treated as they are technically not social services, and 2 organizations have  
36 submitted requests this year but are due to submit petitions. Nick said the Selectboard might  
37 want to consider lifting that requirement this year due to the pandemic.  
38 Tracy Borst said there is no provision in the law for electronic signatures and expressed concerns  
39 about waiving the petition requirement. Without accountability there could be a lot of requests  
40 submitted. Other organizations have found ways to get signatures on petitions. Typically,  
41 someone puts petitions in local stores and at the recycling center.  
42 Li said she agrees with Tracy. If we throw the rules aside, we may get back into the situation that  
43 put us here in the first place.



# Town of Thetford Vermont

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1 Pril Hall said while the Community Nurse does not need to submit a petition this year, they  
2 gathered a lot when they went to meetings and other places in person. It gave them a chance to  
3 talk about the position of the Community Nurse and she felt they collected more signatures that  
4 way. While Pril recognized it would be difficult to collect signatures this year, she appreciates  
5 the position of wanting them to be submitted. Pril noted that almost all the organizations are not  
6 Thetford organizations.

7 Steve Tofel asked if the percentage of signatures could be reduced but Nick said the 5% is  
8 written in statute. The Selectboard can choose to warn the article at their discretion.

9 Tracy noted that it is not possible to know how many requests will come in, and there used to be  
10 a lot more before the petition was required in 2019. Many organizations decided it wasn't worth  
11 the effort to submit a petition. Because of that, would be tricky to tell these 2 organizations that  
12 we won't require the petition. Any of the previous organizations could then come back and say  
13 they want funding.

14 Steve Tofel said the Selectboard could decide to put these 2 on the warning.

15 Li said a majority of towns require a petition and some towns require one every year.

16 Nick suggested they adopt the policy as edited and have Martie reach out to the two  
17 organizations with information about submitting a petition.

18 Li said that before the previous Selectboard required the petitions in 2019, Thetford was way  
19 over spending. Most other town were spending less than 3%.

20 Tracy noted that every department's budgets were being cut, but appropriations were not being  
21 reduced. Every year we tell people if there is an issue with the petition, they can come to the  
22 Selectboard and ask if they will warn the appropriation. These two organizations received  
23 appropriations before but chose not to submit the petition.

24 **Motion** by Nick Clark to adopt the Social Service Appropriation Policy, as edited. **VOTE by**  
25 **roll call:** Li Shen – in favor, Sharon Harkay – in favor, Steve Tofel – in favor, Mary Bryant – in  
26 favor, Nick Clark – in favor

27

28 Nick said that left the question of what to do with the libraries and the fire department. Last year  
29 they were warned but one was level funded so we did not require a petition. Each organization  
30 requests over \$100,000 and are not technically social services, so should we let the voters  
31 decide?

32 Li felt that giving the power to the voters to decide whether to appropriate that amount of money  
33 was the right thing to do.

34 Pril said if the fire department and library are taken out of this process because they are not  
35 social service organizations, then the Community Nurse should also. They are different from  
36 other organizations because they only serve the Town of Thetford. It would be unfair to ask for a  
37 petition, as they are non-profit just like the fire department and the libraries.

38 Tracy said she wonders about the whole picture of who is doing petitions – what are considered  
39 dues and memberships, and what are appropriations or social services.

40 Mary Bryant commented that when people are at Town Meeting and an organization is in front  
41 of the voters asking to give them money or not, it never seems like there is enough information  
42 to make reasonable decisions. The Selectboard should be trusting of whoever is asking for  
43 money that their budget is sound and the money will be well spent.



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1 Tracy noted that the libraries and fire department usually come to the Selectboard to discuss their  
2 requests.

3 Nick said that the best solution he can think of is to warn the organizations as articles but do not  
4 require petitions. This would be the libraries and fire department. As for the Community Nurse,  
5 it could be warned or added in as a line item.

6 Pril said the process doesn't seem consistent.

7 Tracy suggested checking with the Vermont League of Cities and Towns for their  
8 recommendation.

9

## 10 **6. Dangerous Buildings Ordinance**

11 Nick said there was a draft ordinance in the packet borrowed from Springfield, who has been  
12 successful with this issue. The Selectboard has recently received a lot of complaints about  
13 buildings in town.

14 Sharon Harkay said she liked the step approach that the ordinance has. One person goes to look  
15 and then someone else also goes to look, so it is a committee decision. Sharon wondered if the  
16 notice could be delivered by email to avoid the recent issue concerning the notice of a potentially  
17 vicious dog.

18 There was discussion about mail, certified mail and email.

19 Tom Yennerell said he has seen this enforced many times during his time in Springfield and  
20 using certified mail with a return receipt is a good idea. In most cases permission is obtained  
21 before a building inspection happens. Then the owner is very interested in what the report says,  
22 so to later claim they did not know what was going on is an unlikely excuse. The only other  
23 suggestion is to have the Town attorney look at the ordinance, as he may have to defend it in  
24 court.

25 There was discussion about the process of certified mail.

26 Tom said it very well may happen that someone doesn't pick up their mail, but it doesn't negate  
27 the process. If someone really wants to avoid picking up their mail, we can't force them to pick it  
28 up. The Selectboard has to make sure the ordinance doesn't stop them from proceeding with an  
29 enforcement action because the property owner didn't get the notice. There will be a hearing, but  
30 if the property owner chooses to ignore it by saying they didn't get a notice, it's unfortunate. The  
31 property owner typically works with the committee.

32 Nick said a property owner needs to be as well notified as possible. We need to make sure the  
33 ordinance is worded correctly. Nick will send the draft ordinance to the Town attorney.

34 Nick asked if the Selectboard wanted to discuss a small stipend for a Building Inspector.

35 Steve said his reading of the ordinance gave him the impression a Building Inspector wouldn't  
36 be necessary.

37 Nick said according to statute a Building Inspector would need relevant qualifications. That  
38 person would also be capable of enforcing energy codes which is a big problem the Energy  
39 Committee has been having.

40 Tom said Springfield did not have an inspector, and there are very few towns that have Building  
41 Inspectors. Only the larger municipalities and cities that have building codes would require an  
42 inspector to enforce those codes. For the ordinance discussed tonight, the Town would just need  
43 to hire a structural engineer to look at the building. If the Selectboard is going to actively use this  
44 ordinance, Tom suggested budgeting some money to hire an engineer. It would cost between



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1 \$1500.00 and \$2000.00 to inspect a building. As for the energy issues, an educated volunteer  
2 could deal with energy codes vs. an unsafe building.  
3 Nick suggested having something in the draft budget for potential engineering costs and then  
4 something for energy as a separate item.

5

## 6 **7. Flag Policy**

7 Nick said this discussion is because of a request to lower the flag and the lack of a policy that  
8 states when the flag should or should not be lowered.

9 Sharon thought there should be something in the policy about when the US Government  
10 asks a municipality to lower the flag.

11 Tom said he was not certain that any municipality has the authority to do this. He believes only  
12 governors, or the President can order flags lowered.

13 Sharon found through the internet that only the President, State Governors and the Governor of  
14 the District of Columbia can order the US flag to fly at half-staff.

15 The Selectboard agreed to follow state and US government flag regulations.

16

## 17 **8. Warrants and Minutes**

18 **Motion** by Nick Clark to approve the regular Selectboard meeting minutes of November 9, 2020,  
19 as edited. **VOTE unanimous (5-0-0)**

20

## 21 **9. Possible contract with MRI, anticipated Executive Session, 1 V.S.A. § (a)(1)(A)**

22 **Motion** by Nick Clark to approve the contract with MRI for an amount up to \$6500.00. **VOTE**  
23 **by roll call:** Li Shen – in favor, Mary Bryant – in favor, Steve Tofel – in favor, Sharon Harkay –  
24 in favor, Nick Clark – in favor

25

26 Tom added that MRI has offered to create the basic stages of a strategic plan with the  
27 Selectboard if they are interested. This would involve individual questionnaires to each  
28 Selectboard member asking for characteristics and priorities of a potential Town Manager.

29 The Selectboard discussed and agreed to the idea.

30

## 31 **10. Adjourn**

32 Nick reminded the Selectboard that there will not be a meeting on November 23<sup>rd</sup> due to the  
33 Thanksgiving holiday. The next scheduled meeting will be on November 30<sup>th</sup>, 2020.

34

35 **Motion** by Nick Clark to adjourn the regular Selectboard meeting at 8:54 pm. **VOTE unanimous**  
36 **(5-0-0)**