



Town of Thetford Vermont

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Selectboard Regular Meeting Minutes – Online Only – Monday, December 14, 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.

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

Others present: Tom Yennerell (Interim Town Manager), Tracy Borst (Town Clerk/Treasurer), Police Chief Michael Evans, Mike Kiess (Town Moderator), Jim Masland (State Representative), Martie Betts (Selectboard assistant)

Total Zoom attendees: 30

Nick Clark called the meeting to order at 7:02.

1. Agenda Review

No changes to the agenda.

2. Public Comment

Melissa Krzal said she would like to thank Mark McMahon for all his service to the town. “He has served on committees, the Selectboard, as the Recycling Supervisor, and on various boards. I appreciate his honesty, input and hard work. I would also like to thank his wife for her contribution at the recycling center. Safe travels to Mark and his wife.

I would also like to comment that part of meeting was hard to watch last week as it developed into a disrespectful conversation. This board and the participants have been most respectful of each other. Talking in a derisive manner does not get anything accomplished. I’ve pushed on this before at other meetings. It’s harkens back to the Selectboard meetings I attended with the previous administrations and it is unacceptable.”

3. Request(s) to appeal Homestead Declaration late filing penalty

Carlie Ulman said her taxes were filed by her accountant on March 18th. When she checked the status online there was no record of the filing. It took some time to get a response from the State, and then she refiled.

Motion by Nick Clark to waive the Homestead Declaration late filing penalty of \$320.46.

VOTE by roll call; Li Shen – in favor, Mary Bryant – in favor, Sharon Harkay – in favor, Steve Tofel – in favor, Nick Clark – in favor

Chuck Cole said he neglected to mark his calendar when the filing date was extended to July 15th, and during the same time he had a bad bike accident resulting in a concussion. He lost track of things and filed an extension of his taxes until early October.



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Tracy Borst explained that this year both income taxes and the Homestead Declaration were extended until July 15th. Typically, the Homestead Declaration is due on April 15, even if an extension is granted for income tax.

Motion by Mary Bryant to waive the Homestead Declaration late filing penalty of \$628.41.

VOTE by roll call; Li Shen – in favor, Mary Bryant – in favor, Steve Tofel – in favor, Sharon Harkay – in favor, Nick Clark – in favor

4. Discussion on the format of Town Meeting 2021

Nick said they should start discussing Town Meeting as there could potentially be big changes in how they are conducted due to the pandemic.

Mike Kiess (Town Moderator) said he has been reading the information sent to Town Clerks and on the VLCT website. The first option to consider is postponing the meeting. The 2nd option, whenever the meeting is held, would be to include remote elements to allow for more participation. Before those decisions are made, we should take a step back from the details of how and when and check on our goals for Town Meeting. At Town Meeting we need to take care of town business in a timely way and get the budget approved. We also need to get as many people to participate as possible. Mike asked about other goals.

Nick said It would be a goal to conduct it safely and not spread the virus.

Sharon noted that the information from Tracy said there was no guarantee that the meeting can be postponed and wondered if there was an update.

Mike said there had been no update but according to VLCT, a Town Meeting can be opened and then adjourned and postponed to another day.

Jim Masland said at this point they haven't made a decision, but the Governor has expressed interest in doing as much of this as possible remotely. While Jim said he thinks we should do that, his one concern is that Thetford taxpayers are fond of trying to amend the budget from the floor. It would be very hard for people to do that when acting remotely, but he's not sure what the process would be. Jim recalled how resident Mike Pomeroy was very fond of doing that and that it's a time-honored tradition. While it's true that you will have a public hearing where you discuss things, you should consider how to accommodate taxpayers in amending a budget at a Town Meeting.

Nick said there have already been issues with people who don't have access to computers or the internet. Articles could be voted by mailing out Australian ballot, but that does eliminate the option of discussing or amending.

Tracy Borst expressed concerns about postponing, as the budget runs on a calendar year. If the meeting is postponed until the warm weather months the budget will be six months in. If it's not approved, it gets moved to another meeting. That's a long time to operate without a budget.

Tom agreed with Tracy. He felt it would be too risky to postpone considering the budget. Tom said nobody really knows what condition we will be in in June and if we will have the ability to assemble.

Mary Bryant wondered if safe spaces could be set up for people to watch together. Nick said the challenge would be too many people arriving; you can't turn them away, but you also can't safely let them attend.



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Steve Tofel and Chief Evans talked about the meeting Hanover held in May with people parking in cars with voter cards and people monitoring. Chief Evans noted that people wouldn't be able to park in fields in March or April, but it might be an option to consider for later in the year.

Tracy suggested proposing a flat budget with little controversy.

Nick said it wouldn't be that easy as some organizations are asking for an increase in their budgets.

Tom said it was a good point about fixed costs and certain organizations looking for an increase but with tough times it's not a bad idea for everybody to tighten their belt and not ask for increases. Tom felt that they could generate a flat budget. There is still the conceptual problem of the tradition of having a Town Meeting and the ability to make changes.

Mary liked Tracy's idea of a flat budget, with so many challenges let's consider it as a way to make things easier.

Li Shen pointed out that what is meant by a flat budget is the final bottom line. It doesn't mean different categories can't have different amounts from last year.

Steve said the conversation has shifted from Town Meeting to budget, which should be a separate discussion.

Li felt the conversation went in that direction because there is not a big enough outdoor space to hold 400 cars. If the meeting was pushed out even more into the warmer months, there is a danger to the budget, so the two things are intertwined. Li said she would be in favor of a bottom-line budget with number shifts.

Nick said discussion at Town Meeting is inevitable, and they are required to have a Town Meeting, even if it's informational only. Pushing it out doesn't make sense because our budget starts January 1. We need to engage as many people as we can. We can mail ballots, but also maybe a separate information sheet on every article, with Zoom information to access a virtual Town Meeting and maybe find a way to set up an outdoor screen somewhere.

Li wondered if it would be possible to have a hybrid meeting where people who don't have internet could attend in their cars.

Mike Kiess said it would be possible, but it would take a team to pull it off. He said he has been imagining something like that, maybe at Thetford Academy, and at other places that provide internet in town. It would be a complicated and slow and it would need to be the simplest Town Meeting we could imagine.

Tracy said that was a challenging scenario, with parking lots full of cars, and a Zoom platform. If it rains or snows that's an added layer of complication and how are the people in their cars going to be able to hear what's happening in the Zoom platform?

Nick said there is also the question of counting voters over Zoom, and how they would be checked in.

Jim Masland suggested having a pre-meeting face to face where people are asked to vote on a flat budget with a proviso to have a follow-up Town Meeting to consider amendments as may be necessary. That way there would be a budget, but there would also be an understanding that there will be a future meeting where they could propose amendments.

Steve asked what would be more dangerous about operating without a budget for 6 months when we regularly do it for three.

Tom said when you don't know what your budget is going to be you have to be extremely conservative. No discretionary spending, but there are always things that come up that you



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haven't budgeted for. If you go 6 months you have to continually think about that, plus we are a service organization, and it would impact the quality of our services.

Li said the longer you don't have a budget, the more of a chance you're going to deviate from reality. What if there was a storm or some other event and you don't know how much money you're going to have.

Nick thought that they should break it down into smaller questions, like whether or not we would postpone town meeting if legislature allowed it. Nick asked for the Selectboard opinions on postponing. He didn't think the meeting should be postponed, as we need an approved budget. Li agreed saying it was not a good idea to postpone if it can be avoided. Mary also didn't want to postpone. Sharon Harkay felt the budget needed to be voted in March, despite all the difficulty. Steve said he was inclined to postpone.

Nick said if we vote by Australian ballot, we lose the ability to amend, but can have discussion. He would be willing to do that as long as our efforts to have an inclusive informational meeting and mailing are really reaching people. Li thought that was the best compromise, as she can't think of a way to get higher participation in a safe way.

The legislature would have to authorize the mailing of ballots and they will take that up in January. Jim Masland said it was likely they would take that item up right away.

Steve said he would agree to Australian ballot. Sharon Harkay and Mary Bryant also support the Australian ballot.

5. Town Manager Report – Tom Yennerell

Tom said Sarah Ecker has been working with the Norwich Recreation Department to include Thetford residents, and he approved an expenditure that will allow Thetford residents to participate at the Norwich rate.

Transfer Station employees will be shoveling snow instead of DPW employees.

Complications have come up with the demolition of the house at Treasure Island. The water and electricity for the buildings at the beach area go through the main building. An alternative will be needed to make all that work, which makes it more costly than a simple demolition. There will need to be a permit from the Health Department.

6. Discussion on the draft Ordinance Regulating Dangerous or Unsafe Buildings

Nick said the draft ordinance was reviewed by the Town attorney and suggested that it could be put on the next agenda for adoption.

Mary said she didn't see anything that she had questions about or disagreed with concerning the wording or process.

Jim Masland reminded the board about a resident who was upset by the previous Town Manager over a building of historical significance on her property. As she intends to begin work on it in the spring, Jim said he wouldn't want her efforts to work on the building precluded.

Li said the ordinance takes a graduated approach and it would be up to the discretion of the Selectboard to act on what information was presented about any building.

Nick said the Town needs some mechanism on how to respond to a clearly unsafe building.

Michael Watson asked if the Town would be hiring a building inspector, and would that inspector be looking at all properties or just what was considered dangerous.



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Nick said the process starts with someone having a substantial complaint about a building. Then a professional engineer would be hired to inspect that building.

Tom confirmed that this is based on citizen complaints for a very unsafe building. It is not an ordinance meant to be proactive in looking for buildings that should be coming down.

Michael Watson asked about a situation where a neighbor might be disgruntled or people going around assessing property.

Nick said the complaint would have to be substantial enough to spend tax payer dollars on an engineer and legal fees.

Li agreed saying if someone really wanted to get somebody else they could file a complaint but it has to be really substantial and repeated by more than one person.

Michael asked if it would be warned as a public meeting.

Nick said everything would be public except for any legal advice.

Sharon Harkay added that when people are concerned that a building might fall into the roadway on cars, or pedestrians or bikers, the public is in danger. That's the kind of building we are looking at.

7. Discussion on private (and possibly public) water supplies

Nick said this was discussion on whether or not the town should work towards a public water supply in any of its villages.

Li asked if anyone from the current, private water company boards was in the meeting and could give any information on how they were started. There wasn't any plan for them and there is some distance between them. An integrated system would only happen with a lot of money.

David Fisk said people in parts of Post Mills will need a water supply because there is developable land near the landfill.

There was discussion about the contamination in the water at the landfill.

David said the water supply for the Post Mills water association is east of the land fill on the natural area. They drilled into bedrock to over 800'. A geo engineering company analyzed the fractures and determined 9 houses could be served. It was probably not connected underground to the bedrock under the landfill and so far, the water has tested clean. However, the soil under the landfill is contaminated.

Jim Masland said that was an accurate description of the aquifers and good information to start with. With regards to a future town water supply entity, it's likely we'd have to have several different groups due to the topography.

Nick wondered if the town needed to buy more land, or if the Post Mills nature area was enough water for a sizeable water supply.

Tom said the typical legal structure of water systems are separate from normal municipal operations. They are normally separate legal entities and not funded by tax dollars but by user fees. There are approximately 7 users of the Post Mills water system. Unless it's expanded, those 7 users would have a very large bill to finance, and that would be the case in any of the 5 or 7 private water systems throughout the town. Connecting them isn't feasible in any way, economically speaking. Tom said the only efficiency I could see would be to have some sort of Thetford water system, where maybe one person was doing most of the work with someone doing administrative work. This is a very difficult and expensive topic.



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Mary Bryant said if water wasn't addressed to some degree, then we are missing changes for economic development, housing, and people moving into area. With the village designation would there be any assistance from Economic Development Fund, or some other place?

Li said she went on a tour of the East Thetford system. The land was donated but all of the structures and wells cost several hundreds of thousands of dollars. They have a new water supply but it's so expensive they can't afford it and are getting off. The number of homes that the well serves is 32, when typically a water system of that design would serve several hundred homes. It's a numbers game and it's very challenging. They have applied for and received some of those grants, but even so the fees are high.

Jim Masland said a more complicated point, if there is to be business development in Post Mills or East Thetford would be the need for municipal sewage disposal.

Mike Kiess, who works as a housing coordinator for Vital Communities, said it is a fact that for thousands of towns and cities around country their infrastructure is bankrupting them. The cost of operation and maintenance continue to increase. People generally borrow funds and the idea that somehow growth would service the debt is not a solution. Mike said the idea should be explored, but with a complete analysis that would cover multiple decades. What's the replacement, user fee and to what extent do we want other taxpayers to subsidize, if at all? Grants for infrastructure are like when someone gives you a free car that needs a lot of maintenance. Mike suggested speaking with the Planning Commission and Green Mountain Economic Development Corporation.

Stuart Blood said he agreed with David Fisk about the potential for problems with future developments inadvertently drilling into contaminated aquifer in Post Mills. The Town should either supply clean water or restrict future development, which is counter to what our town plan says for the Post Mills village.

There was discussion about possible sources of grant money.

Chip Hopson, the treasurer of the East Thetford Water Company said they are coming close to culmination of 3-year plan for a deep well. The final step is installing the manganese filtration system that state is insisting on. The total cost is \$250,000 with 32 users which would break the backs of all of the members if we had to pay it all. With EPA funded money the State has been encouraging us to do that work and we have been told we will have 75% of that amount waived. That would leave \$50,000 over the next 20 years with 0% interest. The higher cost is going to be the operation, ongoing treatment and testing. If you put in a whole new system, it would cost several million dollars.

Nick said it sounds like there is a long term need in terms of water pollution and development. Perhaps a committee could be formed to explore the idea of a public water source in one or more villages.

Li Shen agreed to work on a charge for that committee.

8. Discussion on the 2021 draft municipal budget. <https://bit.ly/3qtxtnV>

1. ~~Town facilities and the need for land~~

2. Quote for additional life insurance benefits



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Nick said Guy and Tracy had worked on estimates for additional employee life insurance benefits, and the information is in the packet.

Mary Bryan said it looked like an additional \$121.00 a month for 9 employees.

Sharon Harkay said she looked at the yearly cost to go to \$25,000 for life insurance for all 9 employees, and it was \$494.00 more a year. For \$50,000, it would cost \$1223 .00 per year over what we are spending now. Given that we are trying to cut back in so many areas, I would agree to the \$25,000 but also wouldn't say no to the \$50,000.

Mary said it was a relatively small increase to the entire budget for our employees to have a nicer benefit and I would go to the \$50,000 life insurance policy.

Tom Yennerell said in comparison with other towns it's quite rare to provide life insurance policies. In an environment where we're talking about cuts everywhere, no pay increases and not filing positions, I don't even know why we are considering this. The contracts include insurance, so we have to keep it. If you were to poll the employees and ask them if they would like an increase in life insurance or money in their pocket, they are going to tell you money in their pocket.

Li said Tom made a good point and we are already unusual in offering life insurance. We are making this budget very tight. I would follow Tom's advice on this.

Mary said it did not change my opinion.

Sharon said she wouldn't go to \$50,000 so we can leave it the way it is or go up to the \$25,000.

Tom suggested setting this aside until the budget is finished and we are also finished talking with the collective bargaining association.

Mark McMahon said he has been listening for the last hour and would like clarity about statutory responsibilities. Who prepared the budget for recycling?

Nick said that department budget was set in a meeting between him, Tom and Nathan. It was my understanding that Tom is still working with Mark.

Mark said there is some lack of clarity with information he got from Tom and wanted to make sure that the new Recycling Coordinator is provided with adequate funding to do the job.

Nick said there was a time when he and Tom were both working on the budget.

Mark asked if they would please involve the new Recycling Coordinator with the communication between Nathan, Nick and Tom.

Michael Watson asked if it would be possible to hear the original town budget from the Town Manager, before it was taken over by Nick.

Nick said to be clear it wasn't taken over. Tom had just taken over, and there were some contextual things Nick worked on, such as the bond payments, committees, and appropriations. The work was done in parallel. There weren't separate files and Nick wasn't in any way taking over. He wouldn't go in and change things around or make up numbers.

3. Treasure Island operations

David Roth, chair of the Treasure Island Exploratory Committee, said they have met several times and have discussed whether they should be involved in helping with short term operations.

Sharon Harkay asked if he was referring about how to manage day to day operations.

David said the committee would be looking at issues of operations. This question is, should the Lake Fairlee Association engage more formally with the exploratory committee, in a much larger role, for instance, being engaged in fund raising, education, and conservation work.



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Sharon Harkay said if we go back in time a little, the Friends of Treasure Island looked at the possibility of putting together a non-profit. Was liability the stopping point?

Li remembered that liability was a factor as they wouldn't have town coverage.

Sharon said she thought they should look at the possibility of getting liability coverage.

Li asked Tom for his opinion.

Tom said he was going to be really frank. When this committee was formed there was not a charge as to what it was supposed to be doing. Talking about running recreation and leasing the land is out of the realm of what a committee should do. Tom thought they would be working on a master plan. The Town Manger is responsible for all town owned facilities and should be playing a role in this.

Nick said he thought it wasn't the committee trying to take on operations but exploring a management contract with a third party. It would no longer be the town managing Treasure Island, but a third party. The committee would make sure the contract was being adhered to.

Li wondered if this could this be viewed as a concept for the master plan. Li said she admired the enthusiasm, energy and creativity but has to keep bringing up that we are now a Town Manager form of government and they are statutorily responsible for town lands and facilities.

Nick said there is some gray area here because a Town Manger can't sign a contract unless it's been budgeted or approved by the Selectboard. It's a process question. If we go in this direction how do we do it with a town manager form of government? What I'm hearing is we already had an exploratory committee, and their conclusion is the same that we're hearing now with a new committee. In terms of budget, do we want to see something specific or do we want to find out if it's worth going down this path.

Tom said this is an example of miscommunication and mild chaos that we have to be really careful of. When people representing the town start talking to other entities, that can get confusing and things can go awry. While Tom applauds David and the committee for initiative and creativity, the lines of communication have to be wide open especially when citizens begin to inquire of elected officials, and we shrug and say we don't know.

David Roth said they had been told a few weeks ago that they didn't need to look into operations but wondered if they should now that there is no Rec director.

Tom said the Selectboard would need to make a proposal to the Lake Fairlee Association if the Selectboard was interested in the idea. Tom said the Town Manager should be involved. At this point getting Treasure Island ready to open is still a town responsibility. We have money in the budget for staffing.

Motion by Nick Clark to ask the Treasure Island Exploratory Committee to work with the Lake Fairlee Association (LFA) on a draft contract to have LFA manage Treasure Island, and to present the draft contract to the Town Manager and Selectboard.

VOTE by Roll Call: Li Shen – in favor, Mary Bryant – in favor, Sharon Harkay – in favor, Steve Tofel – in favor, Nick Clark – in favor

~~4. Stipends~~

9. Personnel Policy

Tracy Borst asked about an effective date for the new policy, stating that December 27th, 2020 makes sense. Tracy noted that in the new policy to be eligible for benefits an employee has to



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work at least 30 hours with the benefits pro-rated. The previous policy states an employee must work 30 hours or more to be eligible for benefits and they were not pro-rated.

Tom said some of the changes were either updated to best management practices or were legal changes. If the Selectboard didn't intend to make that change then Tom suggested going back to the 30 hours.

The Selectboard agreed.

Tracy said another change was for holidays. Part-time employees and holidays have always been something of a discussion. Years ago, if a holiday fell on an employee workday, then they got paid for the holiday. The struggle has always been determining regular working hours. In 2018, holiday pay was pro-rated to the number of hours they worked in a week. Without that, processing holiday pay was very difficult.

Li said she remembered that now, and there was a very good reason for that change.

Tom suggested that Tracy go through the policy from a payroll administration standpoint and let the Selectboard know of the differences.

Tracy said this policy gives holiday time to all employees, including part-time employees that work just a few hours a week. Previously, an employee had to work 20 hours or more to be eligible. Vacation time has also been opened to all employees. The paragraph on community service could be moved to section 7.

Sharon pointed out that there are people who work less than 20 hours a week but have more than 10 years of service.

Tracy said they could grandfather those employees so they would still be covered that way.

Tracy said the previous social media policy had its own signature and acknowledgment page.

Nick asked Tracy why she would move the community service paragraph.

Tracy said community service was a benefit that gave employees 16 hours annually. If an hourly employee is going to be paid for time on a committee or commission, how are you going to compensate a salaried employee?

Nick said that was the question, how would we compensate a salaried employee? You can't give them hourly compensation and allowing an employee to come in late doesn't change the fact that they will still have the same amount of work to do that day.

Tracy said part of this came from salaried employee who went home early the day following a meeting and then there was a big discussion.

Nick said the hang up is "compensation". A Town Manager would probably determine whether an employee could come in late or leave early, so we're not talking about time, we're talking about money. Maybe we could increase salary for a short period of time?

Tracy asked if they would be looking to compensate that salaried employee more?

Nick said if a job description is expanded by being on a committee – how do you legally compensate them while they are serving on a committee?

Steve asked if the salaried position could be treated one way and then hourly for the committee work?

Martie Betts said she didn't see why anyone would need to be compensated for being on a committee or commission and it seemed awkward that we ask citizens to volunteer while paying an employee. Unless the Town Manager tells an employee that they are required to do it for their job, they shouldn't get compensated.

Li said she agreed with Martie.



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Mary Bryan also agreed, saying she works at a school and if she's on a committee she doesn't get paid for that.

Sharon Harkay agreed, and she has been on plenty of committees without compensation.

The Selectboard agreed there should be no extra compensation for serving on committees.

Motion by Nick Clark to adopt the Personnel Policy as edited, including adding the suggested line F to addendum A if it's deemed legal, with an effective date of December 27th, 2020. **VOTE unanimous (5-0-0)**

10. Warrants and Minutes

Motion by Nick Clark to accept the minutes of the November 30th, 2020 Selectboard meeting as edited. **VOTE unanimous (5-0-0)**

Motion by Sharon Harkay to accept minutes of the December 7th, 202 meeting as edited. **VOTE unanimous (5-0-0)**

Motion by Nick Clark to accept the warrants as presented. **VOTE unanimous (5-0-0)**

11. Real estate negotiations, anticipated Executive Session, 1 V.S.A. § 313 (a)(2)

- a. Town Forest on Five Corners Road
- b. School District lands on Thetford Hill

12. Personnel matters, anticipated Executive Session, 1 V.S.A. § 313 (a)(3)

- a. Town Manager candidate review
- b. Labor relations agreements, anticipated Executive Session, 1 V.S.A. § 313 (a)(1)(B)

Motion by Nick Clark at 10:15 pm to find that premature public disclosure of real estate negotiations, labor relations agreements and evaluation or appointment of an employee would place the Town or an individual to suffer a substantial disadvantage, per 1 V.S.A. § 313(a)(1).

VOTE unanimous (5-0-0)

Motion by Nick Clark to enter Executive Session at 10:16 pm per 1 V.S.A. § 313(a)(1), 1 V.S.A. § 313(a)(2) and 1 V.S.A. § 313(a)(3) and to invite the Interim Town Manager Tom Yennerell and the Town Clerk & Treasurer Tracy Borst to participate in the meeting. **VOTE unanimous (5-0-0)**

Motion by Nick Clark to exit executive session at 11:47 pm. **VOTE unanimous (5-0-0)**
No action taken.

13. Adjourn

Motion by Nick Clark to adjourn the regular Selectboard meeting at 11:17 pm. **VOTE unanimous (5-0-0)**