



# Town of Thetford Vermont

3910 Vermont Route 113 • P.O. Box 126 • Thetford Center, VT 05075  
802-785-2922 • thetfordvermont.us

## Selectboard Regular Meeting Minutes

– Online Only –

Monday, January 11, 2021 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), Town Moderator Michael Kiess, Martie Betts (Selectboard Assistant)

Total Zoom attendees: 52

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

Nick Clark apologized to those attending the meeting for a brief executive session that needed to happen at the beginning of the meeting.

**Motion** by Nick Clark at 7:02 pm to enter Executive Session per V.S.A. 1 § 313(a)(3) and to invite the Town Manager, Town Clerk and Don Jutton. **VOTE unanimous (5-0-0)**

Town Moderator Michael Kiess led a discussion on best practices and experiences with large Zoom meetings. Ideas were collected for a potential virtual Town Meeting.

**Motion** by Nick Clark to exit Executive Session at 7:25 pm. **VOTE unanimous (5-0-0)**

### 1. Agenda Review

No changes to the agenda.

### 2. Public Comment

Nick Clark said during a Special Selectboard meeting Sunday night, that the Selectboard directed the Town Manager to discipline an employee according to what was discussed at that meeting.

The Selectboard has received concerns from residents about the actions of the employee, but the Town is not the entity that would pursue criminal charges.

Tom Yennerell said that he and the Selectboard understand all the views the public has expressed, and those views are respected. The Town does not condone inappropriate behavior from employees, and it will be dealt with. As personnel manager, Tom said he will comply with the directive from the Selectboard. Tom said while he can't get into specific details, in general with situations of this sort, employees are subject to financial repercussions. Training related to the issue is typically required to be completed successfully. Those are all the details that can be given at this time.

Mary Bryant added that all parties agree to pursue a restorative justice circle for the community, and she is working with the Orange County Restorative Center.



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Melissa Krzal asked if the Selectboard voted on the directive and Nick Clark said the vote was unanimous, minus one Selectboard member who had to leave the meeting prior to the vote. Alexis Jetter thought that restorative justice was a great idea but felt the employee needed to step down or be fired first. Alexis said that the employee made a criminal death threat and committed a hate crime. Restorative justice cannot take place successfully without justice.

Desiree Garcia agreed with Alexis but said she was not sure how trust could be restored and felt the employee should be removed from his position.

Sharon Harkay said the Selectboard was informed by the Town attorney that there was no criminal threatening, but if the woman in this situation wants to pursue charges it is up to her. Steve Tofel said he felt that in terms of the violation of personnel policy, the punishment seems severe. As for allegations of criminal activity, there is nothing for the Selectboard to pursue. It would be up to the person involved.

Annie Coulter said she thought that the Selectboard should consider whether they wanted somebody who threatens someone's life to be an employee and was very disappointed in the decisions that the Town has made.

Nick Clark clarified that the discipline discussed is different than the restorative justice that Mary is working on. There is a separate discipline package and then restorative justice, which is optional. The employee has agreed to participate in that.

Joy Gaine commented that the employee is head of a department which involves hiring, firing, managing, and his opinions about women and people of color are clear, which is a concern.

Li Shen clarified that the only person responsible for hiring and firing employees is the Town Manager.

Hannah said that as a woman, if she saw a job become available in the DPW and googled people in that department, there is no way she would want to work along someone who made those kinds of threats and videos.

Alexis asked about the assertion that the employees social media account was hacked, and videos stolen.

Tom said that was his understanding based upon the investigation, but perhaps the word stolen was not the correct word.

Sharon Harkay said it seemed as if people were assuming the decision was made on a single issue. The decision took quite some time and was reviewed from many angles. It was a very thorough discussion and, in the end, the Selectboard came to consensus. It was not a knee jerk reaction, but it was a deep, far-reaching discussion given everything that the Selectboard knew.

Clyde Cook said regardless of that, to the general public it looks like the Town is condoning his actions. Marilyn Cook said that Thetford is a diverse community and if it's not okay for him to work with children, how is it okay for him to work with people from other cultures and with women.

Wanda Vaughan, who has a history of working with children, currently 9- and 10-year-olds, said she reminds them every day that what they put online is public, and it will cause problems if it is inappropriate. Wanda needs the Town to be very clear about that message.

Phoebe McCosker, Treasurer for the Thetford Library Federation, wanted to comment on the draft warned articles. The request from the Federation has been broken into two articles; one for level funding, and one for the increase they are asking for. She wanted to be sure that the Selectboard had cleared that with State Statute (Title 17, Chapter 55) §2666, Improper Influence.



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Nick said that VLTC and the Town attorney typically review the warning, but they haven't done that yet as this is the first meeting with discussion of the warning.

Barbara DeFelice said there are two organizations with the words "increasing" and "additional" which seems quite prejudiced when there are many other organizations involved.

Li Shen said the other organization is the Fire Department and neither the Fire Department nor the Libraries are organizations of the town. They provide services to the town and there is a difference.

Barbara asked if Upper Valley Ambulance was a town organization or one that provide services to the town. In many cases a fire department and library are municipal organizations. Thetford has a lot of interesting structures, such as Thetford Academy, which can make it challenging, but these organizations provide core town services even if they aren't structured as municipal.

Li said that is why they are funded in a slightly different way.

### 3. Town Manager Report – Tom Yennerell

Tom said he is still in the process of negotiating the collective bargaining agreements with the Department of Public Works and Police Department.

Tom received a schedule from Stantec on the redesign of Route 132. He anticipates 75% of the design to be completed by February 5<sup>th</sup>. It would then be reviewed and finalized quickly thereafter. Bidding will likely start before the end of February.

### 4. Town Meeting Day Discussion with Town Moderator, Mike Kiess

Michael Kiess said he sent an email to the Selectboard, Town Clerk, Town manager and school board with a suggested approach to Town Meeting. The approach consisted of several public information sessions and vote by Australian ballot. During the informational meetings, people can ask questions and get clarification on individual articles. The Warning is mailed out with the articles and on voting day people vote yes or no on the articles.

There was discussion about the number of Wi-Fi hotspots around town.

Motion by Nick Clark to have the business of Town Meeting conducted by Australian ballot for the year 2021.

There was discussion about whether this had to be warned on an upcoming agenda before it could be voted on.

Tom Yennerell said the timing is important, and the wording of tonight's agenda doesn't preclude the Selectboard from making a motion and acting on it.

The motion was amended:

**Motion** by Nick Clark to adopt all budget articles by Australian ballot pursuant to 17 V.S.A. §2680 (b)(c) for Town Meeting in 2021. **VOTE by roll call:** Li Shen – in favor, Sharon Harkay – in favor, Mary Bryant – in favor, Steve Tofel – opposed, Nick Clark – in favor

**Motion** by Nick Clark to vote on all public questions by Australian ballot pursuant to 17 V.S.A. §2680 (d). **VOTE by roll call:** Li Shen – in favor, Sharon Harkay – in favor, Mary Bryant – in favor, Steve Tofel – opposed, Nick Clark – in favor

**Motion** by Nick Clark to mail ballots to every Thetford voter pending the requisite legislation being signed into law, without return postage.

Discussion about the cost of postage.



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

There was discussion about the dates for the informational meeting.

Tom said in defense of the Selectboard and Tracy, he suggests that we really try to limit the quantity of meetings before the real Town Meeting on Feb 27<sup>th</sup>. Tom said this is the hardest working board he's ever worked with, and they have been working hard for months now. While they may disagree, he would like to try to keep the meetings at a minimum.

Michael Kiess will work with Tracy on dates and how to make sure information gets out in a way that is accessible to everyone.

Tracy had sent a quote to the Selectboard for audio/visual equipment which would allow a small number of people to attend a virtual meeting at the same time. The Selectboard and moderator could consider being in one place for the virtual informational meetings.

There was discussion about the equipment and possible use.

**Motion** by Nick Clark to authorize up to \$2000.00 to purchase equipment from All Access, as presented.

There was more discussion about the benefits versus the cost. Possible savings in other areas of the budget were discussed, as well as any potential money for COVID related expenses.

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

## 5. Draft Warned Articles

The Selectboard reviewed the articles in order.

Tracy questioned whether they needed the first 3 articles.

Tom agreed as they are all dictated by statute.

Steve Tofel spoke to Article #2; Shall the Town charge a penalty of 8% on all taxes collected after the due date of said taxes? Steve asked if that 8% was in perpetuity or if they needed to vote to see if that's the wording they want.

There was discussion about changing the article.

**Motion** by Steve Tofel to change the wording of Article 2 to: Shall the Town set the penalty charged by the collector of delinquent taxes for payments made after the due date for the payment to 4 percent of the tax until the first business day in the month of November, and then an additional 4 percent of the tax thereafter pursuant to 32 V.S.A. § 1674 (3)(B)?

There was more discussion.

Sharon Harkay called the question.

Nick Clark called for yes or no vote on whether to vote on the motion. **VOTE by roll call:** Li Shen – in favor, Sharon Harkay – in favor, Mary Bryant – in favor, Steve Tofel – in favor, Nick Clark – opposed

**VOTE by roll call on the motion:** Li Shen – opposed, Sharon Harkay – in favor, Mary Bryant – in favor, Steve Tofel – in favor, Nick Clark – opposed

There was discussion about the articles for Upper Valley Ambulance, the Library Federation and Fire Department.

Nick said the organizations can petition the Selectboard. The reason for separating the request into level funding and the increase in funding is because this year Town Meeting will not allow



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for discussion and possible amendments. At a previous Selectboard meeting discussion was to separate the article and then people could vote on the level funding and on the increase. The Selectboard agreed to leave it as is, knowing that VLCT and the Town attorney will review and recommend any changes.

## 6. Town Report(s)

Martie Betts said 11 out of 54 reports had been received, with a deadline of January 14<sup>th</sup>. Financial and Selectboard reports are not due on that date.

## 7. Possible Budget Discussion (<https://bit.ly/3qtxtnV>)

Discussion about life insurance benefits for Town employees will be discussed at the next meeting.

Tom said that for those that aren't familiar with operations of the budget, for every dollar that you reduce the revenue side, you are increasing the tax side. People who pay their taxes on time will end up paying even more tax to cover the loss of revenue for those that are not paying their taxes on time. It's something to think about when going forward with this.

Nick said there will be a special Selectboard meeting at 5:00 on Friday, January 15<sup>th</sup> for union contract discussion. Monday, January 18<sup>th</sup> is a Town holiday, so the next Selectboard meeting will be on Wednesday, January 20<sup>th</sup> at 7:00. They will discuss the final audit and approve the budget.

## 8. VTrans Town Highway Mileage Certificate

**Motion** by Sharon Harkay to approve the VTrans Town Highway Mileage Certificate, year ending February 10<sup>th</sup>, 2021. **VOTE unanimous (5-0-0)**

Motion by Sharon Harkay to authorize the Selectboard chair to sign the VTrans Town Highway Mileage Certificate.

Nick said he thought the previous Town Manager signed last year's certificate and suggested an amendment to the motion having Tom sign the certificate.

**Motion** amended by Sharon Harkay to authorize the Town Manager to sign the VTrans Town Highway Mileage Certificate, year ending February 10<sup>th</sup>, 2021. **VOTE unanimous (5-0-0)**

## 9. Warrants and Minutes

**Motion** by Li Shen to delay review and approval of the minutes until the next Selectboard meeting. **VOTE unanimous (5-0-0)**

## 10. Adjourn

**Motion** by Nick Clark to adjourn the regular Selectboard meeting at 10:15 pm. **VOTE unanimous (5-0-0)**