



Town of Thetford Vermont

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

Selectboard Regular Meeting *Draft* Agenda

– Online Only –

Monday, May 3, 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.

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. Town Manager Report
3. Public Comment
4. Letters of Interest and Possible Appointments to the Senior Affordable Housing Committee
5. Consideration of Purchase of a Front-End Loader for the Department of Public Works
6. Review and Possible Adoption of a Town of Thetford Credit Card Policy
7. Discussion of Possible Addition to the 2021 Selectboard Rules of Procedure – Attorney communications
8. Warrants and Minutes
9. Adjourn

*Cathee Daum Clement
468 Garey Road
East Thetford, VT 05043
802-359-3436
catherinedaumclement@gmail.com*

April 23, 2021

Thetford Selectboard
Thetford, Vermont

RE: Thetford Senior and Affordable Housing Committee Letter of Interest

Dear Selectboard members,

Thank you for this opportunity to respond to your request for Letters of Interest for membership in the Senior and Affordable Housing Committee.

I am very interested in serving as a member of the Thetford Senior and Affordable Housing Committee. I am confident that my experience in committee and Board work, as well as my good natured and respectful relationships with Thetford town staff, volunteers and community members will be a helpful addition to the committee.

I have been a resident of Thetford for over 30 years. During that time I've been a student at Thetford Academy; a college student home for breaks; a recent college grad working my first "real" job; a single mother working two jobs; a stay at home mom in a two parent household sometimes working outside of the home, sometimes not; an avid and committed volunteer at the church, school, town and regional level; and a passionate advocate for community engagement.

In addition to my belief in the good of community engagement, I am particularly interested in supporting efforts to help people live happy, healthy lives. I currently serve as Vice Chair of The Family Place Parent Child Center in Norwich, VT and on the Board of the Thetford Food Shelf. The Family Place engages families throughout the Upper Valley in services that support and educate them. Robust economies, stable housing, and food security are vital building blocks for healthy families and individuals. I feel engaged in the work done by both Boards and organizations and look to support Thetford's SAHC in the same manner.

I would love the chance to use my skills, knowledge, and enthusiasm as a member of the Senior and Affordable Housing Committee. I look forward to hopefully working with you for the town of Thetford.

Thank you again,

Cathee Daum Clement

Dear Selectboard Members,

I have been a citizen of Thetford for over 20 years, living in a number of different residences within our town's extensive boundaries. In response to a listserv posting saying that the above-indicated Committee was looking for volunteer members, I would like to serve on this Committee.

I have a background in law, in real estate, construction and some amount of land use/planning. I'd like to serve on this Committee because I have been doing a few years of research for personal reasons in the general arena of creative solutions to affordable housing being employed in other parts of the country, out-of-the-box thinking on ways to accomplish the goal that may not have been considered thus far and believe that I could bring not only a good background in the arenas of experience sought by this Committee but also a fresh look at the situation.

Thank you for considering my request for appointment. In lieu of direct appointment, I would be happy to serve in an 'ad hoc' manner to facilitate an opportunity for the present members of the Committee and myself to become better acquainted and determine if, indeed, what I believe I would bring to the Committee is something that is needed.

Regards,
Clare

C. Creek Kelsey, J.D., M.S.L.

Counselor-at-Law, *Retired*

Law in the Public Interest, L3C*

CLARE'S COMPANION-ANIMAL CARE**

(Holistic, PolitePet Training, In-home 24/7 Day-Care/Boarding, Canine Nutrition Counseling, House and Farm-Animal sitting services...)

98 Norford Lake Road

Thetford Center, VT 05075-9024

Phone 802-649-2342

gc.gfwd@gmail.com

* Low-Profit (Charitable Purpose) Limited Liability Company

"I speak for the poor, the weak, the weary, for that long line of [those], who, in darkness and despair, have borne the labors of the human race." Clarence Darrow

*****The greatness of a nation and its moral progress can be judged by the way its animals are treated. I hold that the more helpless a creature the more entitled it is to protection by man from the cruelty of humankind.***" **Attributed to Mohandas Mahatma Gandhi**

This email message is confidential and is covered by the Electronic Communications Privacy Act, 18 U.S.C. Section 2510-2521. It is intended only for the named recipient(s) above, and may contain information that is privileged, attorney work product, or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender at 802-649-2342 or by reply email. Also, please delete the original and all copies of this email message from your computer. Thank you.

Memo

To: Members of the Selectboard
From: Bryan Gazda, Town Manager
cc: Dale Lewis, DPW Foreman
Date: April 30, 2021
Re: Purchase of New DPW Wheel Loader

In accordance with our 10-year Public Works Capital Equipment Fund replacement plan, the John Deere loader is scheduled for replacement this year. Per our purchasing policy, we have solicited two quotes, the first from Nortrax, Williston, VT., for a new John Deere 544 P Wheel Loader, and the second from CRW Corp, Williston, VT., for a new Volvo L70H Wheel Loader (see attached quotes and specifications).

Prices: (1) John Deere 544 P Wheel Loader – \$119,900.00 w/trade-in
 (2) Volvo L70H Wheel Loader - \$163,900.00 w/trade-in

Upon review of the pricing and specifications by Dale Lewis, DPW Foreman, and myself, it is our recommendation that you authorize the purchase of the John Deere 544 P Wheel Loader. This wheel loader's functionality is equal to or better than our current loader and will require minimal training of staff compared to the Volvo wheel loader.

Anticipated annual financing is lower than projected at \$19,089, if we utilize John Deere's financing at a rate of 2.75%, but I will also coordinate with Tracy to see if we can secure a lower rate from another lender.

Thank you for your consideration and please let us know if you have any questions.

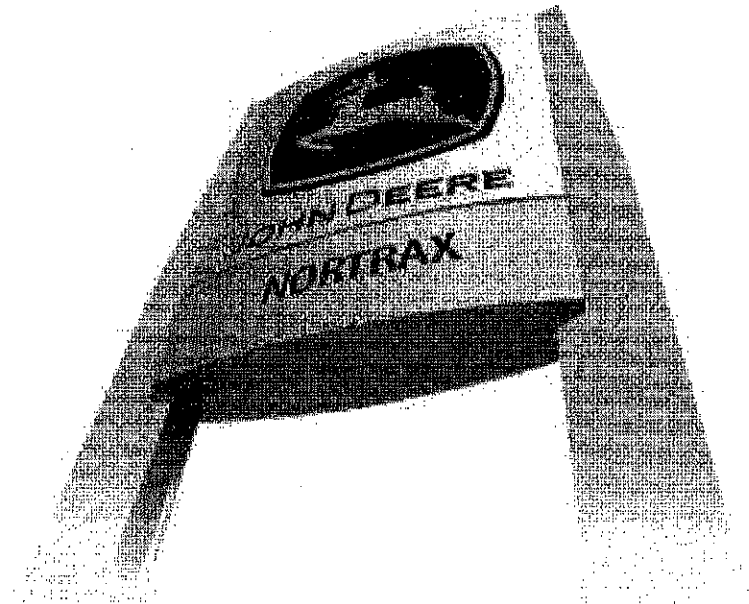
Public Works Capital Equipment Fund- 10 Year Projection

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Fund (\$ thousands)										
Fund Balance as of Jan 1	82.9	99.8	87.8	71.8	90.6	189.9	256.3	244.9	200.3	170.3
Added to fund	154.00	125.00	128.8	132.61	136.6	140.69	144.9	149.26	153.73	158.3
Increase in Contribution	0%	-23%	3%	3%	3%	3%	3%	3%	3%	3%
Interest Earned on DPW Fund	0.0166	0.0200	0.0176	0.0144	0.0181	0.0380	0.0513	0.0490	0.04	
Anticipated Public Works Equipment Purchases (\$ thousands)										
Truck 1 F550 - 5 yrs. (2018)							25.0	25.0	15.0	
Truck 2 10WL - 8 yrs. (2016)	31.0	31.0	31.0			37.0	37.0	37.0	37.0	37.0
Truck 3 10WL - 8 yrs. (2017)	29.5	29.5	29.5	29.5			37.5	37.5	37.5	37.5
Truck 4 6WL - 8 yrs (2017)	28.1	28.1	28.1	28.1			37.5	37.5	37.5	37.5
Truck 5 10WL - 8 yrs (2018)	36.9	36.9	36.9	36.9				37.5	37.5	37.5
Grader - 20 yrs (2010)										
Excavator - 20 yrs (2013)										
Loader - 15 yrs (2008)			19.3	19.3	19.3	19.3	19.3	19.3	19.3	19.3
Tractor - Discontinued										
Mower - Discontinued (2017)	11.7	11.5								
Chipper - 20 yrs (2008)					18.0	18.0				
Roller - 20 yrs (2013)										
Total Payments from Fund	137.2	137.0	144.8	113.8	37.3	74.3	156.3	193.8	183.8	149.5
Fund Balance as of Dec 31	99.8	87.8	71.8	90.6	189.9	256.3	244.9	200.3	170.3	179.1

Note: figures are approximate

Quote Id: 23955754

Prepared For:
THETFORD TOWN OF



Prepared By: **JUSTIN JENNETT**

Nortrax, Inc.
375 Engineers Drive
Williston, VT 05495

Tel: 802-658-2121
Fax: 802-658-4821
Email: justin.jennett@nortrax.com

Date: 23 March 2021

Offer Expires: 31 May 2021

Confidential



Quote Summary

Prepared For:
THETFORD TOWN OF
PO BOX 126
THETFORD, VT 05074

Prepared By:
JUSTIN JENNETT
Nortrax, Inc.
375 Engineers Drive
Williston, VT 05495
Phone: 802-658-2121
justin.jennett@nortrax.com

Quote Id: 23955754
Created On: 23 March 2021
Last Modified On: 27 April 2021
Expiration Date: 31 May 2021

Equipment Summary	Selling Price	Qty	Extended
JOHN DEERE 544 P WHEEL LOADER	\$ 164,900.00 X	1 =	\$ 164,900.00
John Deere Extended Warranty-84 month / 4000 hour Comprehensive	\$ 0.00 X	1 =	\$ 0.00
Equipment Total			\$ 164,900.00

Trade In Summary	Qty	Each	Extended
2009 JOHN DEERE 524K - DW524KZ623075	1	\$ 45,000.00	\$ 45,000.00
PayOff			\$ 0.00
Total Trade Allowance			\$ 45,000.00
Trade In Total			\$ 45,000.00

Quote Summary	
Equipment Total	\$ 164,900.00
Trade In	\$ (45,000.00)
SubTotal	\$ 119,900.00
Total	\$ 119,900.00
Balance Due	\$ 119,900.00

Salesperson : X _____

Accepted By : X _____

Selling Equipment

Quote Id: 23955754

Customer: THETFORD TOWN OF

JOHN DEERE 544 P WHEEL LOADER

Hours:

Stock Number:

Code	Description	Qty
6030DW	544 P WHEEL LOADER	1
Standard Options Per Unit		
170C	JDLink Ultimate 5 Year Subscription	1
0924	John Deere PowerTech Engine	1
1010	Standard Wheel Loader	1
1110	5-Speed Powershift Transmission	1
1217	140 amp Alternator	1
1310	Flat Black Curved Stack	1
1410	Standard Engine Air Intake System	1
1510	Standard Hydraulic Fan	1
1610	Standard Fuel Filter with Water Separator and Standard Fuel Fill	1
1910	Premium Cab	1
1940	7 inch Monitor	1
1975	Hydrau XR Hydraulic Fluid	1
2010	Standard Z-BAR	1
2120	Steering Wheel Only	1
2240	Premium Seat, Heated and Ventilated with Heavy Duty Air Suspension	1
2360	Joystick Controls	1
2403	Three Function Hydraulics	1
2510	Ride Control	1
2605	English Decals and Manuals	1
2730	30 Amp Converter	1
2890	No Payload Scale without Cycle Counter	1
3046	Front Hydraulically Locking Differential and Rear Conventional Differential Axles	1
3120	Manual Axle Differential Lock	1
4934	No Brand Preference	1
5550	Full Width Front and Rear Fenders	1
5610	Left Side Steps Only	1
5840	No Fork Frame	1
5940	No Tines	1
7120	Halogen Work and Drive Lights	1
8220	Rear Hitch and Counterweight	1

Selling Equipment

Quote Id: 23955754

Customer: THETFORD TOWN OF

8240	Rear Camera	1
8275	LED Strobe Beacon with Left Beacon Bracket	1
8350	Remote Powered and Heated Exterior Mirrors	1
8370	Premium AM/FM/Weather Band (WB) with Bluetooth, Remote Aux and Remote USB Port	1
8450	Cab with Air A/C Charge	1
8561	Hydraulic Coupler - Hi-Vis/ISO Pattern	1
8860	Bolt-on Cutting Edge	1
8910	3.0 Cu. Yd. Bucket (Captor only)	1
9015	Engine Block Heater	1
9043	Environmental Drains and Sampling Ports	1
9055	Throttle Lock	1
9140	Fire Extinguisher	1
9410	Transmission and Bottom Guards	1
9520	License Plate Bracket	1
9709	20.5R25 1 STAR L3 NO BRAND PREFERRED RADIAL TIRES WITH 3 PC RIMS	1
Service Agreements		
John Deere Extended Warranty - 84 month / 4000 hour Comprehensive		



Lease 1

Amount Financed	---
Payment Amount	\$19,088.89
Contract Rate	---
Payment Frequency	Annual
Payments	7
# of Adv. Payments	0
Term (Months)	84
Purchase Option Amount	\$1.00

2.75%
Financing

Dates

Contract Date	02-Jul-2021
Interest Begin Date	---
First Reg. Pymt Date	02-Jul-2022
Purchase Option Date	02-Jul-2028

Amount Financed

Selling Price	---
Down Payment	---
Trade-In Value	---
Rental Applied	---
Fees	---
Program Fees	---
Insurance Premium	---
Service Agreements	---
Taxes	---

This calculator provides an estimate only based on the information you provide and is intended to be used for discussion purposes only. The estimate is not a representation, claim, statement, offer, request or proposal. Your actual payment(s) and payment schedule may vary depending on transaction terms, including applicable rates, freight and other charges. Rates used for calculation are not rate guarantees or offers. The calculator should not be relied upon as specific financial or other advice. There is no commitment on the part of John Deere Financial or authorized John Deere dealers to make any loan or lease to the customer on these or any other terms. All loans and leases are subject to John Deere Financial approval and dealer participation.



Lease 1

Payment Amount	\$19,088.89	Contract Date	02-Jul-2021
Payment Frequency	Annual	First Reg. Pymt. Date	02-Jul-2022
Payments	7	Purchase Option Date	02-Jul-2028
# of Adv. Payments	0		
Term (Months)	84		
Purchase Option Amount	\$1.00		

Payment Schedule

#	Date	Payment
1	02-Jul-2022	\$19,088.89
2	02-Jul-2023	\$19,088.89
3	02-Jul-2024	\$19,088.89
4	02-Jul-2025	\$19,088.89
5	02-Jul-2026	\$19,088.89
6	02-Jul-2027	\$19,088.89
7	02-Jul-2028	\$19,088.91
8	02-Jul-2028	\$1.00
2022 Total		\$19,088.89
2023 Total		\$19,088.89
2024 Total		\$19,088.89
2025 Total		\$19,088.89
2026 Total		\$19,088.89
2027 Total		\$19,088.89
2028 Total		\$19,089.91
Total		\$133,623.25

This calculator provides an estimate only based on the information you provide and is intended to be used for discussion purposes only. The estimate is not a representation, claim, statement, offer, request or proposal. Your actual payment(s) and payment schedule may vary depending on transaction terms, including applicable rates, freight and other charges. Rates used for calculation are not rate guarantees or offers. The calculator should not be relied upon as specific financial or other advice. There is no commitment on the part of John Deere Financial or authorized John Deere dealers to make any loan or lease to the customer on these or any other terms. All loans and leases are subject to John Deere Financial approval and dealer participation.



Corporate Headquarters
 795 Marshall Avenue
 PO Box 1099
 Williston, VT 05495
 802-658-1700
 802-862-6076 fax

Southern New England Branch
 65 Leicester Street
 N. Oxford, MA 01537
 508-499-1950
 508-499-1955 fax

Central New York Branch
 751 County Route 37
 Central Square, NY 13036
 315-676-2008
 315-676-2422 fax

Eastern Pennsylvania Branch
 7096 Carlisle Pike
 Carlisle, PA 17015
 717-795-0700
 717-795-0701 fax

To: Town of Thetford
 PO Box 126
 Thetford Center, VT 05075

Date: December 4, 2020
Salesperson: Mike Lizzari
F.O.B.: Williston, VT

PROPOSAL

<u>Qty</u>	<u>Description</u>	<u>Amount</u>
One	New 2021 Volvo L70H Wheel Loader	

Equipped as follows:

- Elservo hydraulics
- Four (4) 20.5R25* Michelin XHA2 L3 Tires
- Four (4) Rims (3-pc) for 20.5 or 600 tires
- Full coverage fenders, front/rear for wide tires
- Fuel fill strainer
- Air precleaner, Turbo II
- Engine D6H (Tier 4F) US
- Engine block heater, 120 Volt
- Reversible cooling fan
- Rimpull
- Operator Seat -- Volvo Air suspension, Heated, 2pt, 3" belt
- Air conditioning with ACC (automatic climate control)
- Radio BlueTooth/USB/AUX -- no CD
- Left Hand Radio mounting kit including 20 amp converter, speakers & 12 volt outlet
- Steering knob
- Sliding window in door
- ACC Fahrenheit decal only
- Universal key
- Lunch box holder
- Anchorage manual
- Left hand armrest for Volvo Air suspension seats; incompatible w/CDC (comfort drive control)
- Co-pilot including Camera
- Rearview mirrors, el. adj. & heated
- Work lights CAB, dual front
- Work lights CAB, dual rear
- LED Rotating Beacon
- Jump start connector NATO, type
- LOTO, Lock out tag out
- Back up alarm

EL Hydraulic 3 Functions (hydraulic and detent function included)
 Separate attachment locking, standard boom
 Maximum Boom Height
 Oil sampling ports
 Footsteps front frame
 Footstep, right side
 Boom Suspension System (" Ride Control"; includes single acting lift system)
 Counterweight, logging
 Cover plates, rear frame
 Frame, lifetime warranty
 CareTrack Connectivity 4 year Subscription
 CareTrack, GSM/Satellite
 De-activate SAT
 Operator Coaching Basic
 104" 3-piece bolt-on edge kit, straight-edge bucket
 Attachment bracket
 104" 2.9 yd hook-on HD GP bucket

Sales Price – Machine & Attachments	\$198,460.00
Wood's CRW & Volvo Municipal Discount	(34,560.00)
Total Amount Due	\$163,900.00

Optional Extended Warranty:

36 mo. / 2,000 Hr. Comprehensive -- **ADD \$4,000.00**
 60 mo. / 2,500 Hr. Comprehensive -- **ADD \$5,360.00**

Optional Equipment:

Paladin 4-in-1 Bucket -- **ADD \$13,995.00**

Notes:

1. Price does not include any applicable title, registration and permitting fees and requirements, which are the responsibility of the buyer.
2. Warranty Expiration: One Year from Date of Purchase or 2,000 Hours
3. FREE One-Year Subscription of Activecare Direct machine monitoring and reporting system.
4. FREE 12-month "Operator Wanted" ad listing on CRW Corp. website – Customer to supply their company logo and 15-word write-up with contact email or phone number and/or a link to job application page on customer website.

WE ARE PLEASED TO PRESENT THIS PROPOSAL FOR YOUR CONSIDERATION.

Accepted by: _____

Date: _____

Town of Thetford Credit Card Policy

Purpose:

The purpose of this policy is to establish criteria for the proper use of credit cards when conducting Town business. Credit cards issued under this policy may only be used by the name of the cardholder to conduct Town business or may be used as designated by the person named on the card. Credit cards may not be used for personal purchases or cash advances. Credit Card purchases are subject to the Town's Purchasing Policy and spending limits. A cardholder or designee who makes unauthorized purchases or advances will be liable for such purchases or advances, plus any administrative fees charged by the bank in connection with the misuse. In the event a card is used mistakenly on an unauthorized purchase, the card user must notify the Treasurer immediately and make arrangements for payment. Employees may be subject to disciplinary action for misuse of the Town credit card, up to and including termination.

To receive your assigned or temporary-use credit card, please read this Credit Card Policy and return the Credit Card Holder Agreement to the Treasurer's Office. Retain the Policy and a copy of the signed agreement and any revisions for your reference.

Conditions:

- I Only authorized employees of the Town of Thetford may use the Town's credit card.
- II A Town credit card may be used only for the purchase of goods or services for official business of the Town of Thetford.
- III The employee using the credit card must submit receipts and a Credit Card Purchase Report form detailing the goods or services purchased, cost, date of purchase, related official business, and chart of accounts number against which the expense is to be recorded.
- IV Above-mentioned receipts and Purchase Report form must be submitted to the Treasurer in a timely manner, but no later than 3 business days following the use of the card, to allow for timely reconciliation of the credit card statements. Should such receipts and report form not be received within 3 business days and credit card charges go delinquent due to the late receipt of documentation, the responsible employee may be held accountable for any bank fees including interest.
- V Cards will be issued in the names of the Town Manager and Town Treasurer. Each named card holder will have a log, and when a card is to be used by an employee other than the named cardholder, the employee being issued temporary custody of the card will sign the log attesting to their receipt of the card and acknowledging having read and understood these policies. The log will again be signed when the card is returned, and the documentation submitted.
- VI Any employee temporarily issued the card is responsible for its protection and custody and shall immediately notify the Town Treasurer's Office if the card is lost or stolen.
- VII Town credit card users must notify vendors or merchants that the credit card transaction should be exempt from Sales and Use Taxes (IRS Tax Identification #03-6000711, Vermont tax exemption #430-036000711F01). If sales tax is improperly charged, the employee may be responsible for paying the sales tax.

- VIII Those with custody of the card must immediately surrender the card upon termination of employment. The Town reserves the right to withhold final payroll checks and payout of accrued leave until the card is surrendered.

Management:

The Treasurer is the administrator of this policy and shall be responsible for the authorization of issuance and retrieval of assigned municipal credit cards to personnel and generally for overseeing compliance of this policy.

The Town Treasurer shall be responsible for:

- I Assisting and maintaining records of issuance and retrieval of Town credit cards and overseeing compliance with this policy.
- II Accounting and payment of expenses. All documentation must accompany invoices before payment is made.
- III Ensuring the accuracy of statements and the activity on the credit card statement.
- IV Payment of the full balance on the credit card statement within the grace period so as to avoid interest and late fee charges.

The foregoing policy is hereby adopted by the Town of Thetford VT this ___ day of ___ 2021 and is in effect as of this date until amended or repealed.

Date: _____
Policy Adopted

Town of Thetford Credit Card Purchase Report Form

This form must be completed and turned in, along with all receipts, within three (3) business days of the credit card use. Please turn the form and receipts into the Treasurer.

Employee making purchase/s: _____

Department: _____

Date/s of credit card use: _____

Item purchased	Cost	Chart of account #

Vendor/s: _____

**Please have the department supervisor review this form
and initial here to authorize payment: _____**

Please explain why it was necessary to use the credit card rather than a more traditional billing system. Your explanation will help us monitor credit card use, determine if it is being used appropriately, and keep our policies relevant. Thank you.

(Below, for Town Treasurer's Office Use Only)

Date form & receipts received by Treasurer's Office. _____

Approved by Treasurer for payment: _____

Proposed Addition to the “Town of Thetford Selectboard 2021 Rules of Procedure”

Focus

Communication process from and to the Thetford town attorneys and the Selectboard and Town Manager

Suggested Location

To be placed in the organization section of the “2021 Rules of Procedure”

Reasons

- To streamline the communication process
- To avoid unnecessary charges by avoiding redundancy

Proposed Process for Attorney/Town Government Communication

- The attorneys will communicate with two point people for all communications, the Town Manager and the Selectboard Chair.
- The Town Manager and/or the Selectboard Chair will then distribute salient information to the rest of the Selectboard members.
- Selectboard members will respond to the Town Manager and the Selectboard Chair about the information that has been distributed.
- Selectboard members will only access legal counsel with the approval of the Town Manager or the Selectboard Chair.

Warrants; 5/3/2021

14.1	\$22621.62
15.1	\$35697.75
16.1	\$23223.67
17.1	\$8,457.43
8.2	\$7499.58
9.2	\$9709.40
6.3	794.40
7.3	68,454.98
7.4	\$25310.26
8.4	\$21,875.86



Town of Thetford Vermont

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

Selectboard Special Meeting *Draft* Minutes

– Online Only –

Wednesday, April 7th, 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: Sharon Harkay (Chair), Mary Bryant, Li Shen (Vice-Chair), Steve Tofel

Others present: Bryan Gazda (Town Manager), Brian Monaghan (Town Attorney), Tracy Borst (Town Clerk/Treasurer), Martie Betts (Selectboard Assistant)

Total Zoom attendees: 39

Sharon Harkay called the meeting to order at 7:02 pm.

Selectboard members introduced themselves.

1. Presentation and Discussion of the Vermont Open Meeting Law – Brian Monaghan

Sharon Harkay began by saying the meeting was originally planned for a possible executive session, but committee and commission members, along with members of the public, expressed interest in attending so the meeting was changed to a presentation.

Brian Monaghan introduced himself as the Thetford Town Attorney, and said he has been working with town starting in 2007. Brian has come to really love Thetford and working with the people of Thetford.

Attorney Monaghan shared his screen and said he wanted to give an educational overview on the Vermont Open Meeting Law, (Title 1 of Vermont statutes, Chapter 5, Subchapter 2). Attorney Monaghan explained that the underpinning of the law is that all boards exist to aid in the people's business, and they are accountable to the people.

There are 2 Vermont Constitutional provisions that pertain to the law, Chapter 1, Articles 6 and 7; essentially that government is here for the people, the people can change the government, and officers who work in the government or as volunteers are servants of the people. They are accountable to the people in a legal way.

Attorney Monaghan gave examples of what are considered public bodies. All public bodies need to follow the Open Meeting Law whether the members are elected, appointed, temporary or long term. The Town of Thetford is a political subdivision of the State of Vermont.

Attorney Monaghan next defined a meeting. Attorney Monaghan said that there are 2 primary groups subject to the Open Meeting Law: State bodies and agencies, and municipal bodies. The law was created over 50 years ago with a focus on state agencies and over the years the Legislature has tried to improve the statute, but there are still aspects that are geared toward State agencies. Attorney Monaghan said for this discussion a meeting is a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action. The definition should be kept in mind because it is acceptable for members of a board to get together and talk about things that are not considered business of the



Town of Thetford Vermont

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

1 public body. Once discussion shifts to municipal business, it is considered a meeting and
2 therefore subject to the Open Meeting Law.
3 There is an exclusion, the definition of a meeting does not include any communication, including
4 emails, for the purpose of scheduling a meeting, organizing an agenda or distributing materials to
5 discuss at a meeting. The proviso is that no other business of the public body should be discussed
6 or conducted, and those emails are considered a written record that essentially become public
7 record pursuant to the Public Records Act. Attorney Monaghan said there should not be any
8 discussion of substantive town business, particularly with a quorum, but it is acceptable to do
9 this one-on-one with a 5-member board. When you are having an email discussion with 2 people
10 you do not trigger that quorum standard in the meeting definition, but three people will. As the
11 Open Meeting Law was adopted in the late 1940s, email was certainly not envisioned at that
12 point, so the law did not address the concept of emailing with other board members. That leaves
13 an open question in Vermont law about emailing between a quorum of the members of a public
14 body. Attorney Monaghan said there is no case in Vermont that defines it so he can't say it
15 automatically equates to a meeting under the Open Meeting Law, but in his opinion, it is a
16 dangerous practice. It is better discussed in an open meeting so all board members can hear and
17 the public can hear what is being discussed. The spirit of the Open Meeting Law is the
18 expectation that the board members will discuss the business of the public in public.
19 There are exceptions laid out in the statute, and the following are not considered a meeting;
20 social gatherings, conferences, training programs, press conferences, and media events. As long
21 as members do not discuss specific business of the public body, these things do not constitute a
22 meeting under the statute.
23 Attorney Monaghan explained that the Open Meeting Law required 5 things when a board
24 decides to conduct a meeting:
25 Public notice has to be given.
26 An agenda needs to be created.
27 Allow access by the public.
28 Allow the public reasonable opportunity to speak.
29 Take minutes.
30 Attorney Monaghan reviewed a flow chart on Open Meeting Law created by resident Laura
31 Covalla. In general, Attorney Monaghan thought the diagram was helpful as a reference point,
32 but he would be careful about using the term "violation", as a court would have to make that
33 determination. It would be an "allegation of a violation". The other caution Attorney Monahan
34 mentioned is the regulation of thoughts. The Open Meeting Law doesn't regulate thoughts, it
35 regulates communications, particularly between board members.
36 The chart is a close representation of best practices and recommendations. There is a challenge
37 with email in terms of communicating with a quorum, especially if the discussion is in real-time
38 emails, email threads, text messaging or other new methods of communication. Again, there is
39 no specific case law in Vermont, but it is treading on dangerous ground in terms of violating the
40 Open Meeting Law.
41 Attorney Monahan opened the meeting up to questions.
42
43 Tracy Borst asked about non-board members communicating with board members i.e., the Town
44 Manager or other officials or members of public.



Town of Thetford Vermont

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

1 Attorney Monaghan said the Town Manager and members of the public are not subject to the
2 Open Meeting Law. It is incumbent on the board members not to reply all. The Town Manager
3 can send agendas, board packets, and things like that to members of the board. They can also
4 update board members concerning progress on projects. Response to the Town Manager should
5 be through phone calls or direct discussion to avoid a board member accidentally hitting “reply
6 all”.

7 Sharon Harkay asked about some committees and commissions with smaller working groups that
8 are less than a quorum. Is it okay for these groups to report back in a single email to all members
9 what they did during the course of a week, and is it okay for the whole committee to reply that
10 the group has done a wonderful job, or any other type of positive feedback?

11 The Open Meeting Law does not address this. Plaudits like that would fall under the category of
12 non-substantive discussion. It is also okay to share progress or a progress report with a
13 committee.

14 Tim McCosker referred to the section of the flow chart marked “a private matter” and asked how
15 that violates the Open Meeting Law.

16 Attorney Monaghan said he wouldn’t use the words “private matter”, as there are certain topics
17 on which the Selectboard is allowed to discuss in private. These are specifically addressed by the
18 Open Meeting Law. This is a section of the flow chart that Attorney Monaghan said he diverges
19 from. The Open Meeting Law sets a default that all topics have to be discussed in public with
20 exceptions to what is appropriate for executive session. The Open Meeting Law does not make it
21 a violation to discuss those exceptions in an open meeting. Some boards have rules of procedure
22 or operating rules, and a lot of boards will say it’s inappropriate to talk about certain topics
23 outside of executive session. They need to rely on one another to not release confidential
24 information.

25 Tracy Bach, referring to the flow chart, asked if by communicating with emails created a risk of
26 making a quorum.

27 Attorney Monaghan said he generally agreed with that.

28 Tracy Bach said she understands that it is really hard for people who use email all the time and
29 she appreciated Attorney Monaghan’s presentation. She asked if he had a set of best practices
30 that he recommended.

31 Attorney Monaghan said the Vermont League of Cities and Towns has several different Open
32 Meeting Law fact sheets calibrated toward Selectboards. The Secretary of State’s office has
33 information as well.

34 Jody Biddle asked if it would be possible to get a copy of that flow chart.

35 The Selectboard assistant said it is already on the Town webpage under “Government”, and the
36 Selectboard Rules of Procedures are also on the Selectboard page.

37 Laura Covalla said she made the flow chart and there are a lot of things we could talk about as to
38 why she put things the way she did on there. Laura wanted to address the comment made about
39 Open Meeting “private matter” being a violation. Laura said it is not a technical violation, but the
40 intent of the law is to guide communication between a public body and the public, so whether it’s
41 a public matter being discussed privately or a private matter being discussed publicly, having
42 that guideline is helpful when considering if something should be discussed. Laura referenced
43 the past Selectboard meeting and said that Sharon said Brian told her that anyone from the public
44 who would like to allege an Open Meeting violation should contact only her and/or the Town



Town of Thetford Vermont

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

1 Manager, otherwise they would be breaking the Open Meeting Law. That every time you email
2 the entire board that person would be breaking the Open Meeting Law, and Sharon stressed that
3 this was the advice that you gave her. My understanding is that the Open Meeting Law is
4 designed to protect members of the public, and that the only people who can violate it are
5 members of the public body. Also, that the statute mandates that any member of the public who
6 wants to give written notice of an alleged violation should and needs to send it to the entire
7 Selectboard rather than to the chair and the Town Manager to ensure that it becomes part of
8 public record. Is that the advice that you gave her, and is this accurate?

9 Attorney Monaghan said that he can speak to this in general, but as the Town's attorney, under
10 attorney-client privilege he can't say what he specifically said to a member of the Selectboard.
11 The Open Meeting Law does protect the public and constricts the board members. Probably the
12 core issue is, if a member of the board is asserting an Open Meeting Law violation and creating a
13 new discussion with all members of the board, that is a communication with a quorum of a body
14 and potentially triggers the definition of a meeting. Again, Attorney Monaghan said he would
15 advise members of this board not to be emailing one another to say you violated the Open
16 Meeting Law, sharing that with the entire body, as that is essentially the exact same thing as the
17 allegations. Attorney Monaghan does agree that members of the public should have the right to
18 email anyone on the board, and his hope is that in having any member of the public relaying
19 concerns about the Open Meeting Law is that they do their best not to try to trick board
20 members. We need to remember that people on boards are lay people not trained in the law,
21 volunteers who have families, jobs and lives, and this is not a game of "gotcha". This is a group
22 of volunteers trying to conduct the public's business to the best of their abilities. A best practice
23 is to have a single point of contact that can collect comments, do it in an efficient way and then
24 have a protocol for acting on it.

25 Mary Bryant said there is so much gray area, it is hard, and she is still trying to learn. Mary gave
26 an example of an email she received from a Selectboard members but was not sure what the
27 context was or what it pertained to. She replied to the person who sent and copied the
28 Selectboard chair to say she didn't know what she was supposed to do with the email. Some felt
29 that was a violation of the Open Meeting Law. When is it a violation if you are breaking the
30 intent of the law versus trying to be in the spirit of the law?

31 Attorney Monaghan said the Open Meeting Law violations that have been litigated in last 7 years
32 provide some answer to that. In 2014 the Legislature amended the Open Meeting Law to try to
33 respond to changes in technology, and changes in board practices. It was also to provide a little
34 more framework for courts to rely on in evaluating Open Meeting Law cases. They provided in
35 statute the chance for a member of the public who is aggrieved to file a lawsuit, and the Vermont
36 Attorney General's office to commence a case of prosecution under the statute as well. They also
37 provided a potential misdemeanor that carries a potential \$500 fine for a board member
38 personally. Attorney Monaghan said he only knows of one Vermont trial court case that
39 addressed some of those standards, and it really talked specifically about intent. Intent is an
40 important piece, at least for the punitive component of the statute. If a court is going to punish
41 somebody under the Open Meeting Law, the court is probably going to analyze all the facts and
42 try to determine whether the board and the board members were intentionally violating or
43 flouting the Open Meeting Law or whether it was an innocent violation. The facts in these cases
44 will really guide the courts analysis because there may be times when a board commits a



Town of Thetford Vermont

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

1 violation and it's innocent and they learn from it, they correct it, and it doesn't happen again. In
2 other situations, there may be violations that a board does on a regular basis and they decide they
3 don't really care, and a court is going to look at that situation with a much more jaundiced eye
4 than how they would view as these innocent violations. It is a gray area with no metric standard
5 that can be used to measure.

6 Tracy Bach said she wanted to follow up with Mary because she really feels her pain and
7 wondered if a best practice could be a standard reply when you get an email that you aren't sure
8 what it pertains to, saying it could be discussed at the next meeting. Tracy feels that erring on the
9 side of caution is the best way to handle it.

10 Attorney Monaghan said a good thing to remember is that it's been a year and a half since
11 Thetford adopted the Town Manager form of government, and they can operate as an
12 administrator. The Town Manger can handle it, even if it means putting it on a future agenda and
13 hopefully that manager will become a resource that people feel they can rely on.

14 Steve Tofel said he can't imagine anybody using the flow chart because it is so complex. Several
15 members of the board recently attended a VLCT workshop, and it is really pretty simple – don't
16 form a quorum, whether it's by forwarding emails, by replying all to an email, just don't form a
17 quorum in any way. Second, don't violate executive session. What we are here tonight, he
18 thought, was to discuss the alleged violations of the Open Meeting Law. The primer has been
19 worthwhile, but he's not sure that's why 35 people showed up. What we're here to talk about is
20 what has been alleged. Most of the Selectboard members have already acknowledged that there
21 were violations. There were 2 separate situations, one where the former chair of the board had
22 lost confidence in the majority of the board, and board members were contacting each other to
23 find out if one of them would step up. In that case, Steve said he is sure that emails were
24 forwarded. The second situation involved the feelings of the former chair of the board, and not
25 put him in a position of where he was in an open, public meeting finding out that he was being
26 voted out. Discussion did occur around that and one-on-one emails may have been forwarded.
27 Steve said everyone has acknowledged it, apologized for it, and that's what we're really talking
28 about. We're dancing around a subject that everyone keeps bringing up. That is really what
29 happened.

30 Mary Bryant said Steve encapsulated the situation perfectly and she agreed with everything he
31 said. Everything that was done was to avoid confusion or hurt feelings and that's really the gist
32 of it. There was nothing underhanded, we just decided ahead of time we were organized and
33 clear about things that people did not have to hear about why we made our decisions.

34 Laura Covalla said if it were really that simple we wouldn't be having this meeting. You
35 wouldn't have broken it so many times, and we wouldn't all be here tonight having an extended
36 discussion over Open Meeting Law. If it were that simple than don't violated it again. Feelings
37 shouldn't have anything to do with it. You are here to do services for the public. People feel
38 things all the time about every issue that you talk about and bring up. Savings feelings shouldn't
39 be an excuse to keep the public out of a discussion. Laura said she things that's a lame excuse.

40 Steve Tofel said the former chair keeps referring to Laura as a resident and asked her if she was
41 his sister.

42 Laura said yes.



Town of Thetford Vermont

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

1 Mary Bryant said she likes to think of their actions as diplomatic. We were very diplomatic
2 about our decision making. People can say that she doesn't need to consider feelings or
3 whatever, but that's where Mary is coming from.
4 Laura said she doesn't think that being his (former chair) sister changes her questions or any of
5 her points. Being diplomatic is something everyone can practice during meetings, rather than
6 behind them.
7 Mary Bryant responded that some people have been choosing not to be diplomatic, especially
8 during Executive Session meetings and she has confronted people and asked them if we should
9 be adopting a code of ethics for our meetings and our emails. Mary said they have not come to
10 that point but she is hoping they will move toward that as a board of adopting a code of ethics
11 that could perhaps be put in the way we run our meetings.
12 Li Shen said she thinks they should just limit our emails. In previous Selectboards under
13 previous chairs they hardly emailed, if ever at all. The only person that emailed was the chair and
14 people could reply only to the chair. We're not going to have rules of conduct. That's just adding
15 complication that's unnecessary. Let's just not email.
16 Mary said she is happy with not emailing but she does think they would have something to
17 benefit if we did discuss a code of ethics for meetings because they could have been used in past
18 meetings.
19 Alexis Jetter thanked Attorney Monaghan for a really helpful explanation of the Open Meeting
20 Law and Laura for the flow chart. Alexis said she understands the human dimension of trying to
21 save people's feelings in the succession of power to the chair, and while not specific to open
22 meetings, Melissa Krzal has suggested that we have a different form of succession, where there
23 is a clear rotation of the chair every year. The other comment is if the Selectboard is going to
24 limit their email, that is going to expand the number of meetings you are going to have.
25 Attorney Monaghan said he thinks the conversation is becoming more of a Selectboard meeting
26 and less of an instructional by me. He suggested that Sharon take over the meeting and if there
27 are questions for him, he'd be happy to answer them.
28 Sharon said she has been wondering if they should close out the meeting on the Open Meeting
29 Law and is trying to figure out if there is an agenda item starting to form that should be put on a
30 future meeting.
31 Dale Lewis (Road Foreman) asked if it was a violation of Open Meeting Law for more than 2
32 people to meet and gave the example of a meeting with 2 Selectboard members, the Town
33 Manager and himself. meeting with say DPW that it is violation?
34 Attorney Monaghan said there would need to be 3 Selectboard members, and the Town Manager
35 does not count as part of a Selectboard quorum.
36 Sharon Harkay asked for possible agenda item ideas.
37 Mary Bryant said they could discuss best practices of other boards, discuss adopting best
38 practices and consider what we learned from the VLCT workshop to add to our rules of
39 procedure.
40 Tracy Bach said she had a question for Attorney Monaghan. She said with all due respect to
41 Steve, she was at this meeting not because of what happened with the last chair and the transition
42 to the new chair, but because this is about governance. It's much more complicated, and she
43 understands wanting to boil it down, but Mary has had good questions and now a member of
44 your staff. The interesting piece with the town manager system, one of the best practices is



Town of Thetford Vermont

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

1 moving more toward the town manager who will bring it to the public agenda where you will
2 talk about things in public. Are committees or appointed groups, sub-bodies, are also subject to
3 the Open Meeting Law?
4 Attorney Monaghan said that is correct.
5 Steve Tofel wanted to clarify that a working group that comes out of a committee to study a
6 problem is under the Open Meeting Law.
7 Attorney Monaghan said they are. He often hears the term “working group” but it is a fallacy to
8 think they are not under Open Meeting Law. A sub-body meeting on a particular project is also
9 subject unless they are less than a quorum.
10 Tracy Borst asked if committees can form their own sub-committees and working groups?
11 Attorney Monaghan replied maybe.
12 Tracy followed up by stating the important thing is whether it is a quorum. If it’s less than the
13 quorum they can meet without warning a meeting.
14 Attorney Monaghan said he would agree with that and that the Open Meeting Law does not
15 address sub-committees or working groups. It says any board or committee of the municipality,
16 and he interprets that as any working groups, or sub-committees, etc. Any documents out of that
17 group would be public records.
18 Attorney Monaghan did address the Development Review Board (DRB). The roles of
19 government are the Executive branch, the Judicial branch and the Legislative branch. The
20 Selectboard often functions with all of those hats from time to time. The DRB is entirely a quasi-
21 judicial body, meaning they acts on applications that are subject to its jurisdiction. The DRB acts
22 essentially like a court. Their meetings have to be open to the public, warned and minutes taken
23 but that’s where the similarities end. The DRB can hold private deliberative sessions. They can
24 conduct these deliberations entirely by email and it does not violate the Open Meeting Law. As a
25 matter of fact, all of their meetings could be conducted by emails. In some instances, the
26 Selectboard may be allowed to send emails specific to a quasi-judicial matter such as a write-up
27 of a decision. A draft document could be emailed around with comments to other members of the
28 Selectboard and this would not violate Open Meeting Law.
29 Attorney Monaghan wanted to add that there is clear guidance from the Vermont Supreme Court
30 regarding public officials using official email accounts or private emails accounts and texting
31 using a public telephone number or private phone. No matter what the device, if it is used to
32 conduct business of the public, those communications are public record and could be implicated
33 in an Open Meeting Law violation as well.
34 Sharon Harkay thanked Brian Monahan for his presentation, stating it was extremely helpful.
35 Sharon said further questions could be directed to her and Brian Gazda and they can be collected
36 and sent to Attorney Monaghan.
37 **Motion** by Steve Tofel to adjourn the special Selectboard meeting at 8:22 pm. **VOTE**
38 **unanimous (4-0-0)**
39
40
41



Town of Thetford Vermont

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

Selectboard Regular Meeting *Draft* Minutes

– Online Only –

Monday, April 19, 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: Sharon Harkay (Chair), Mary Bryant, Li Shen (Vice-chair), Steve Tofel

Others present: Bryan Gazda (Town Manager), Tracy Borst (Town Clerk/Treasurer), Martie Betts (Selectboard assistant)

Total Zoom attendees: 28

Sharon Harkay called the meeting to order at 7:01 pm.

1. Agenda Review

Li Shen noted that there were 3 residents who submitted comments for the retreat about the same topic that are not included in the review. Sharon said they could be discussed during that agenda item.

Sharon Harkay said there was going to be a possible executive session, but it was not properly warned on the agenda, and the Town Attorney was not ready to brief the Selectboard on the contract negotiations for the Department of Public Works. That agenda item will not be addressed at this meeting.

Mary Bryant said she had a letter she would like to read. Sharon said it could be read during public comment.

2. Town Manager Report – Bryan Gazda

Green Mountain Power Project on Academy Road: Bryan said he met with representatives from Green Mountain Power, and the contractor about the underground lines project on Academy Road. The above-ground poles are being discontinued and the lines will be buried. Bryan said his biggest concern is making sure drainage is put back to the same or even better level than what we have today. It is within their scope of work to replace culverts or pipes.

VTrans Grants: Bryan said applications were submitted for 2 VTrans grants, one for \$220,000 to be used for the paving of Latham Road and the other in the amount of \$166,000 to be used for the Stowell Road bridge work.

May 1 Green Up Day: Bryan said this was a big discussion during the staff meeting and we are ready to go.

Treasure Island: Bryan had 2 meetings last week on site, including one with Doug Tiff, a member of the Treasure Island Exploratory Committee. They are in the process of getting a clean-up day scheduled. Possible dates are May 8th, 15th and 22nd. Bryan will be going up again this week to see what the Department of Public Works can provide. Sharon asked if they are



Town of Thetford Vermont

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

1 going to be looking for volunteers to help with clean up. Bryan said he believes the committee
2 already has volunteers lined up.
3 Steve Tofel asked if there were any updates from FEMA. Bryan said he had a last-minute request
4 from the State for a cover letter with specific verbiage. The State did indicate that the Town has
5 submitted a very strong packet.
6

7 3. Public Comment

8 Melissa Krzal said she sent an email asking for FEMA requests, and was told she would receive
9 their answers. Who does she need to ask to find out what FEMA is requesting? Tracy Borst said
10 she did send a reply email to Melissa that said the response from FEMA also includes what they
11 are requesting.

12 Li Shen said she wanted to include all resident's feedback for the Selectboard retreat and there
13 were 3 comments about the police department suggesting a desire to move funding to social
14 services that were not on the summary of responses. The example of the Hartford Police
15 Department's Special Needs Support Center was mentioned, and mental health services, housing
16 needs, food insecurity and safety measures were suggestions for additional funds.

17 Mary Bryant read a resignation letter from a former Town employee.

18 Sharon Harkay wanted to recognize Sara Ecker, while still serving on the Recreation Advisory
19 Council (RAC), as of their last meeting she has stepped down as chairperson. Sharon wanted to
20 call attention to the fact that Sara joined RAC in 2013 and became their chair in 2015. She has
21 served as chair since then, and when the Recreation Director stepped down Sara found herself
22 with a lot more responsibilities. Sara worked with the Norwich Recreation Department to be able
23 to offer activities through the winter for Thetford residents. She handled emails and updates to
24 the website. Sharon thanked Sara for going the extra mile for our town. Mary suggested that the
25 Selectboard send a thank you letter. All agreed and Sharon will compose it.
26

27 4. Scheduling of Subdivision Regulations Hearing

28 Li Shen said by statute, there is a specific process for adopting land use regulations. The
29 Planning Commission warns and holds informational meetings and a hearing, then reports to the
30 Selectboard. The Selectboard must then warn and hold a public hearing and complete the
31 adoption. The minimum time between the warning of, and holding the hearing is 15 days. The
32 notice must be posted in public places and in the newspaper.

33 **Motion** by Li Shen to schedule the Selectboard Subdivision Regulations Hearing for Monday,
34 May 17th, 2021. **VOTE unanimous (4-0-0)**
35

36 5. Possible Acceptance and Adoption of the 2021 Local Emergency Management Plan

37 The emergency management plan was reviewed.

38 **Motion** by Sharon Harkay to adopt the 2021 Local Emergency Management Plan. Mary Bryant
39 noted that a great deal of thanks goes to Mariah and Chad Whitcomb, and everyone else who
40 worked to put this together. Mary said the town is very fortunate to have them doing this work.

41 **VOTE unanimous (4-0-0)**
42
43
44



Town of Thetford Vermont

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

6. Committee and Commission Appointments

Motion by Sharon Harkay to re-appoint Marshal Van Norden as Town Historian, for a 3-year term ending in 2024, Katherine Saunders to the Historic Preservation Committee, for a 3-year term ending in 2024, and Jamie Thaxton to the Planning Commission, for a 3-year term ending in 2024. **VOTE unanimous (4-0-0)**

7. Selectboard Priorities and 90-Day Plan for Town Manager

Sharon said this discussion goes back to the Selectboard priorities and the designation of the plan for the Town Manager for the year. Based on the discussion last week, Sharon has revised the bullet list.

Sharon said several things have been added, including the purchase of a new front-end loader for the Department of Public Works. The Emergency Alert training was also added under emergencies. Sharon said other minor changes were made, such as a list of things that could be started this year, but not completed, using the example of looking for land for an expansion of the Department of Public Works and the Transfer Station/Recycling Center.

Mary Bryant said she would like to add under Economic Development, a discussion about putting in water sources, community, or municipal water for at least East Thetford. Thinking proactively about the future in terms of housing, we really need to take a hard look at the possibility of community septic or water. Li Shen responded that in principle those things are all necessary if we want to foster development in those areas, but they are million-dollar projects, and we have five villages. During a previous meeting, the Selectboard was warned by Mike Kiess to be careful, because even though we may be able to get a grant to create the systems, someone then must take care of these systems unless it is all privatized and paid for through fees. Do the residents want to be charged for a public sewer and water system? This is also not a project for a volunteer board. This requires engineering studies and knowledge about hydrology, septic systems, and soil systems.

Sharon Harkay said she was also going to bring up the fact that Mike gave us a compelling argument for us not getting involved in that. Sharon reminded the Selectboard that East Thetford seems to have at least temporarily solved their problem, but they need more people to hook into it to make it more affordable. Rather than the town trying to develop something that would take millions of dollars, if people wanted to build more houses or business, they could tie into the existing water systems which would then bring the cost down for everybody.

Steve Tofel said he thinks they are a little ahead of the curve on this one, as he believes a significant amount of grant and federal money may be available for infrastructure projects. To try and decide this right now may be bad timing. Instead, they could keep an eye on things and watch where the federal money ends up. Part of the water problem in East Thetford is the level of manganese, which is borderline according to the State level. Steve suggested keeping an eye on where the federal money will be going and be ready to act.

Mary said her thinking is more for East Thetford, because if we are going to have just one village center for the town, that would be it. Mary thinks we should do the evaluation, and while she really respects Mike's opinion, she feels we should at least look at how spread apart these houses are and how we are going to increase the capacity for adding more houses. It would be looking at



Town of Thetford Vermont

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

1 the possibilities and it would be the Town Manager doing this. Mary doesn't want to find the
2 town 10-years down the road without ever having considered options.

3 Bryan Gazda said he will be meeting with Dave Fisk on Thursday to talk about the Post Mills
4 water system and tour their pump station. When you think about development, there are usually
5 regulations that need to be followed. Bryan said he would like to understand the current water
6 systems. How do we work with them and what does it take to tie into their systems? What is their
7 ability for expansion? Bryan said he wants to learn all these things and then start putting that
8 bigger picture together.

9 Sharon wanted to clarify that Bryan is suggesting he get up to speed on the water systems that
10 exist, and then start to look at how we might expand or make those more efficient. Bryan said not
11 so much the town doing that, but we could be that conduit for information. If a new business or
12 home comes into the area we could let them know what needs to happen to tie into those
13 systems.

14 Li said she has just written several articles about the landfill and the Post Mills water system that
15 she can send to Bryan. The Post Mills Water Association well was put in following a settlement
16 with the landfill, because the wells in the surrounding neighborhood were contaminated by
17 landfill chemicals. Their water system, although it is pure, has a slow recharge rate, and it's not
18 capable of supporting more than 9 households, which they already have on it.

19 Sharon said to reiterate, under Economic Development, we could add for the Town Manager to
20 get up to speed on the existing water systems in town, so he could help developers know how to
21 tie into systems. Bryan said they just need to make sure that as development comes in and the
22 review process is done, that commissions responsible for review are aware of it too. Maintenance
23 costs would be under the users of a water district anyway, so we need to know what is going on
24 and how to use it.

25 Sharon said she liked that the people who are using the water systems would pay, not that we are
26 developing a whole municipal system that we would all wind up paying for.

27 Sharon said she wants to make sure everyone is clear on is who is responsible for the various
28 things on the list. For instance, the Selectboard is responsible for the items under Regulations
29 and Bylaw Reviews and Updates. Bryan had said that he'd like to have us note which are
30 Selectboard items and which are Town Manager items.

31 Li asked if the Selectboard is responsible for enacting ordinances, are they also responsible for
32 actually putting them into action, for example, follow through with one of the identified
33 dangerous buildings.

34 Steve said he thought the Selectboard is more legislative, and that enforcement is with the Town
35 Manager.

36 Bryan agreed with Steve, saying enacting means the Selectboard adopts that legislation.

37 Li said the Peabody library, listed under Historic Resources, was supportive of applying for a
38 Vermont Roadside Historic Site marker. Li said she wouldn't mind researching the application
39 process, although the library federation would complete the application. As for the Village
40 Designation program, once they have been approved, the residences involved will be eligible for
41 tax relief on certain improvements and should get a mailing with that information. Bryan said he
42 thought a letter would be fine if they remain cognizant of the details of the program.

43 Sharon said she would put together ideas for a specific ceremony for the sign installation on
44 Sayre Bridge on Tucker Hill Road.



Town of Thetford Vermont

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

1 Mary Bryant said under Animal Control, the second bullet point, it says publish the Explanation
2 on the website with contact information. Does that mean the Hybrid Ordinance that was adopted
3 last year? Sharon said she meant an explanation of who does what. Mary said this year has been
4 a year of more and more people letting their dogs out, a year of many incidences of dogs running
5 away or barking. Mary was wondering if information could be given to people when they come
6 for their dog licenses, maybe they read the dog ordinance, and sign. It should be something that
7 helps to explain the responsibilities of what it means to own a dog. Even people who don't own
8 dogs would know what a dog owner's responsibilities are. Bryan noted that there is not only a
9 veterinarian for the town, but there is also no vehicle to transport a caged animal. There was
10 discussion about developing materials to give people about the Dog Ordinance. Sharon will work
11 on something.

12 Mary Bryant wondered about following up on designating Route 132 as a State Highway again.
13 Li said Jim Masland and Tim Briglin would need to take that on. They have before and have
14 been rebuffed. Plus, there are many towns along that road, and they would all have to do it.

15 Li said there are 2 policies that need to be written, a telecommuting policy and the tax
16 stabilization policy. As for who would need to write the policies, Bryan said policies need to be
17 adopted by the Selectboard, but a policy can be written by the Selectboard, a combination of the
18 Selectboard and Town Manager, and staff.

19 Mary wondered about putting town-wide internet under Communications. Sharon said a resident
20 had contacted her with an idea of putting in more Wi-Fi hotspots, and suggested projectConnect.
21 Sharon forwarded the information to Bryan. ([Wi-Fi Hot Spot Project | Department of Public
22 Service \(vermont.gov\)](#))

23 Bryan explained that the hot spot outside Town Hall is connected to the Town ECFiber account.
24 Various other places aren't going to be able to use our one account. Then, each hot spot would be
25 \$40-\$60 a month per unit. If cable with internet capability is already in a place, why should the
26 town be paying for internet in that area? Li said that ECFiber did a complete build out in
27 Thetford, the trunk lines are laid and it's just a question of people hooking up to it.

28 Steve Tofel said hot spots were already at Latham and Peabody libraries, plus Town Hall. A
29 town like Hanover can provide internet, but Thetford is a little more spread out, plus it has varied
30 topography. Sharon wondered about communicating the information about projectConnect to the
31 community for those who might use it. Li reminded the Selectboard that there isn't a budgeted
32 line item for town-wide internet, so we can't spend money for it.

33 Mary said many meetings ago when discussing dangerous buildings, she wanted to add in blight,
34 but she is really interested in protecting people from neighbors with a lot of trash and rat
35 problems. For health and safety, could the Selectboard act on that. Sharon suggested that people
36 contact the Town Health Officer. The Planning Commission tried to tackle that kind of ordinance
37 and found it was very difficult to write. Li said the Planning Commission really must get the
38 zoning ordinance done, so the Health Officer should be first in line to help. Bryan said he did
39 speak with Mariah about this, and it's not something that a Health Officer would be responsible
40 for. What is needed is a Code Enforcement Officer, someone who would be equipped to enforce
41 these types of ordinances. The Health Officer doesn't have any authority over these matters and
42 would probably have to call someone from the State. Mary said they could work on a Property
43 Maintenance Code, under Regulations and Bylaws.



Town of Thetford Vermont

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

1 Steve suggested an agenda item to address concerns about speeding in conjunction with the
2 sharrow grant, to determine if the concern is about speeding or sharing the road. Li recalled that
3 Steve had previously mentioned a change in the speed limit on Academy Road. Chief Evans has
4 done a review of all the speeds and recommended the increase in the speed. Bryan did see the
5 study Chief Evans completed with the former town engineer and thought 35 mph was
6 reasonable.

7 Li asked if this was going to be put into a more formal list or this discussion with notes would be
8 enough.

9 Bryan said he and Sharon could meet to create a more formal list.

10 **Motion** by Li Shen for the Town Manager and Selectboard Chair to finalize the list of
11 expectations for the Town Manager for his first year. **VOTE unanimous (4-0-0)**

12

13 **8. Warrants and Minutes**

14 **Motion** by Sharon Harkay to accept the regular Selectboard meeting minutes of April 5, 2021, as
15 amended. **VOTE unanimous (4-0-0)**

16 **Motion** by Sharon Harkay to adopt the special Selectboard retreat minutes of April 12, 2021, as
17 amended. **VOTE unanimous (4-0-0)**

18

19 **9. Other Business**

20 ~~10. Possible Executive Session pursuant to Title 1 V.S.A. section 313(a)(1)~~

21 **11. Adjourn**

22 **Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 8:26 pm. **VOTE**
23 **unanimous (4-0-0)**