



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 17th, 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 – Bryan Gazda
3. Public Comment
4. Consideration of Bid Recommendation from Stantec for Route 132 Project
5. Consideration of Bid from Stantec for Route 132 Project Management Services
6. Subdivision Regulations Hearing
7. Discussion of Treasure Island
8. Warrants & Minutes
9. Adjourn

To:	Bryan Gazda, Town Manager Thetford, VT	From:	Bryan Ruoff, P.E. Auburn, NH Office
File:	195113392	Date:	May 13, 2021

Reference: Thetford VT Rte. 132 Phase 2 Roadway Reconstruction

Stantec has reviewed the two (2) bids received by the Town of Thetford for the referenced project at the bid opening on May 11, 2021 at 2:00 PM. Bids included a low bid of \$3,198,336.18 to a high bid of \$4,409,446.25 (including Base Bid and Bid Deduct Alternate #A & Bid Add Alternate #B). For reference, Stantec's opinion of probable construction costs for the project was \$3,259,115.25. The following is a summary of the received bids:

<u>Rank</u>	<u>Contractor's Name</u>	<u>Location</u>	<u>Bid Total</u>
1.	Northwoods Excavating Inc.	Thetford, VT	\$3,198,336.18
2.	Pike Industries, Inc.	Barre, VT	\$4,409,446.25
	<i>Stantec's' Opinion of Probable Cost</i>		\$3,259,115.25

The low bidder is Northwoods Excavating Inc. (Northwoods) of Thetford, VT with a total submitted bid price of \$3,198,336.18 which includes the Base Bid Total, and both bid alternates. The complete bid tab summary is attached to this memorandum as Attachment A. Northwoods's complete bid and bid bond are also attached as Attachment C.

A summary of the Total Base Bid and Owner Add/Deduct Alternates that were received from the two bidders for the project are summarized below.

	<u>Northwoods Excavating Inc.</u>	<u>Pike Industries, Inc.</u>
Base Bid Total :	\$3,204,931.18	\$4,486,318.75
Deduct 'A' Total:	(\$286,839.00)	(\$359,800.00)
Add Alt 'B' Total:	\$280,244.00	\$282,927.50
Base Bid & Alternates Total:	\$3,198,336.18	\$4,409,446.25
Base Bid & Add Alt 'B':	\$3,485,175.18	\$4,769,246.25



May 13, 2021

Thefford VT Rte. 132 Phase 2 Roadway Recon Bid Opening

Page 2 of 3

Reference: Thefford VT Rte. 132 Phase 2 Roadway Reconstruction

The following sections summarize Stantec's bid review:

Contractor Qualification

Northwoods successfully completed the following projects located in Thefford, VT serving as the general contractor. These projects were all designed by Stantec; the construction for these projects was also overseen by Stantec, with the exception of the Rte. 132 Phase 1 Roadway Reconstruction Project.

1. Turnpike Road South Roadway Repair and Culvert Installation
2. VT Rte. 132 Phase 1 Roadway Reconstruction
3. VT Rte. 132 Storm Damage Repairs Site# 12, 16 and 17
4. FEMA Storm Damage Repairs Gove Hill Road
5. FEMA Storm Damage Repairs Tucker Hill Road
6. Thefford Pedestrian Improvements Project

Stantec's overall experience with Northwoods is that the company completes projects on time and within budget and performs quality work. In general, the Owner Tim Ulman is a solution-oriented Contractor who frequently suggests solutions to provide added scope on projects within the project budget or at reasonably proposed added costs to the Owner.

Based on input from our references and based on our experience working with Northwoods for the above-mentioned projects, Northwoods's performance on these have been either good or above average. All references indicated that they would hire Northwoods again for future work. The complete reference check forms are enclosed herein as Attachment B.

Bid Items Review

Stantec reviewed Northwoods's bid unit item prices relative to Stantec's opinion of probable construction costs and did not identify unit item prices that were either considerably lower or considerably higher than Stantec's opinion of probable costs. This is an indication that Northwoods submitted a balanced bid.

Recommendation

Based on review of the bid, Stantec's experience working with Northwoods and the references contacted for this project, Northwoods is the lowest responsive and responsible bidder for the VT. Rte. 132 Phase 2 Roadway Reconstruction Project in Thefford, VT. Stantec recommends that the Town of Thefford award the contract for the VT Rte. 132 Phase 2 Roadway Reconstruction Project to Northwoods Excavating, Inc.

The bid for this project was structured uniquely to allow the Town with some additional financial flexibility within the scope of the project. The bid included a deduct item replacing full-box reconstruction with a lesser option of just reclaim and paving a section (6,500 ft of the 3.2 miles) of the roadway. The intent of utilizing this deduct option is to obtain the additional information required to



May 13, 2021

Theftord VT Rte. 132 Phase 2 Roadway Recon Bid Opening

Page 3 of 3

Reference: Theftord VT Rte. 132 Phase 2 Roadway Reconstruction

confirm that the existing roadway subbase is adequate, which includes test pits to be performed by the Contractor.

In light of this, Stantec recommends award of the Base Bid and Bid Add Alt#B to Northwoods Excavating Inc. for a total contract award amount of \$3,485,175.18. This total construction contract amount represents a 'worst case' contract value based on a full box reconstruction approach for the entire phase 2 section of the project. The plan for the project will be to further assess the potential of the use of the deduct approach within one month from the start of the project and if appropriate Deduct Alt 'A' submitted in Northwoods bid will be applied to the total contract amount, reducing the total contract amount by \$286,839.00.

This language has also been incorporated into the Notice to Award. The Notice of Award is attached for your review and execution.

Please feel free to contact me should you have any questions or need any additional information.

Respectfully Submitted,

STANTEC CONSULTING SERVICES INC.

A handwritten signature in black ink, appearing to read "Bryan Ruoff", with a horizontal line extending to the right.

Bryan Ruoff, P.E.
Associate / Project Manager
Phone: 603-206-7548
Bryan.Ruoff@stantec.com

cc. Theftord Select Board
Rene LaBranche, Stantec

Attachments: A. Certified Bid Tab
B. Contacted Reference Checks
C. Northwoods's Complete Bid & Bid Bond
D. Notice of Award



Stantec Consulting Services Inc.
5 Dartmouth Drive Suite 200, Auburn NH 03032-3984

May 13, 2021
File: 195113392

Attention: Bryan Gazda, Town Manager

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

Dear Mr. Gazda,

**Reference: Rte. 132 Phase 2 Reconstruction Project
Thetford, VT**

The purpose of this letter is to present our proposed scope and fee to provide construction phase services on the subject project for the reconstruction of Phase 2 of Rte. 132 Phase 2 and the Phase 1 completion. As noted in previous communications, both the design and construction phase services fees were included in the overall budget submitted to the Town Manager Guy Scaife for review and approval as part of the \$4,000,000 overall project budget. Our estimated construction phase services fee for the project is \$247,628, which includes on-site, full-time construction monitoring, and construction administration.

The approach included in the scope and fee is consistent with the scope typically required on similar municipal managed VTRANS and NHDOT projects. The scope of work includes full-time on-site construction monitoring (45 to 50 hrs./week), layout of the preconstruction base line and easements by a surveyor, confirmatory soils and concrete testing, construction administration that includes facilitating a preconstruction meeting, progress meetings (Stantec is proposing project construction/coordination meetings every two weeks), processing logging and review of submittals and RFIs, processing of work directives and change orders, general construction administration, periodic project manager site visits, and inspector supervision and oversight. Stantec's proposed scope of work also includes producing project record drawings upon the completion of the project.

Design and construction phase services are typically within a range of 15% to 25% of the estimated construction cost for municipally managed VTRANS and NHDOT projects of this size and other infrastructure projects in VT and NH. On this project, Stantec's proposed fee for Construction Phase Engineering Services as noted is \$247,628 or 6.9%, which is below the averages. This is because we have a very efficient and effective team, and are confident that we can serve the town of Thetford well on this project.

We have attached a detailed scope of work and fee for construction phase services for the project. In addition, we have included a Task Order for this work for review and signature if acceptable.

May 13, 2021
Bryan Gazda, Town Manager
Page 2 of 2

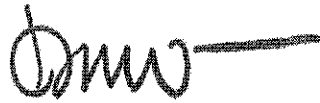
Reference: Rte. 132 Phase 2 Reconstruction Project
Theford, VT

Regards,

Stantec



Rene LaBranche
Vice President
Phone: 603-206-7532
rene.labranche@stantec.com



Bryan Ruoff PE
Associate / Project Manager
Phone: 603-854-9501
Bryan.ruoff@stantec.com

Attachments: Scope, Fee, and Task Order

Warrants

5/13/2021

10.2	\$1,619.70
8.3	\$76,447.73
9.4	\$24,297.34



Town of Thetford Vermont

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

Motion by Li Shen to grant the Chair or the Town Manager to sign all the documents necessary to effectuate the purchase of the above mentioned property. No further discussion. A role call was taken: Li in favor, Mary in favor, Sharon in favor, Steve in favor, and Nick also in favor. Vote: Unanimous.

12. Shall the Selectboard adopt a Memorandum of Understanding (MOU) with the Trustees of the Public Trusts?

Motion by Nick Clark to adopt a Memorandum of Understanding (MOU) with the Trustees of the Public Trusts. No further discussion. A role call was taken: Li in favor, Mary in favor, Sharon in favor, Steve in favor, and Nick also in favor. Vote: Unanimous.

13. Shall the Town pursue a Tax Anticipation Note?

Motion by Nick Clark to pursue a Tax Anticipation note. No further discussion. A role call was taken: Li in favor, Mary in favor, Sharon in favor, Steve in favor, and Nick also in favor. Vote: Unanimous.

14. Shall the Selectboard approve proposed guardrail work for \$33,000? (2 quotes):

Guy Scaife spoke to the details of the quotes. He states that these are safety related items, which are very necessary. Dale Evans is in support.

Motion by Nick Clark to authorize the Town Manager to spend up to \$33k for the guardrail work as proposed. No further discussion. A role call was taken: Li in favor, Mary in favor, Sharon in favor, Steve in favor, and Nick also in favor. Vote: Unanimous.

15. Shall the Selectboard increase the size of the Planning Commission? Plus, possible Planning Commission appointment(s):

Joanne Burns commented that she appreciates all they do. She is also intrigued by the public participation on the zoom.

Was action taken? (unsure). *

16. **Old business:** update on the draft Town Plan; update on the proposed AT&T cell tower:

17. **Warrants:** signed and approved.

18. Minutes:

* Per meeting recording:
Motion by Nick Clark to increase the Seats on the Planning Commission to 7.
Roll call vote - all in favor.
Motion by Nick Clark to appoint Michael Snow to the Planning Commission.
Roll call vote - all in favor.



Town of Thetford Vermont

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

1 **Selectboard Regular Meeting *Draft* Minutes**
2 **- Online Only -**
3 Monday, May 3, 2021 7:00pm

4
5 **Please note Section 6 of H.681, signed into law on March 30th, 2020, for the temporary**
6 **suspension of designated physical meeting location requirements.**

7
8 Selectboard members present: Sharon Harkay (Chair), Mary Bryant, Li Shen (Vice-Chair), Steve
9 Tofel
10 Selectboard members absent: Nick Clark
11 Others present: Bryan Gazda (Town Manager), Tracy Borst (Town Clerk/Treasurer), Martie
12 Betts (Selectboard Assistant)
13 Total Zoom attendees: 22

14
15 Sharon Harkay called the meeting to order at 7:02 pm.

16
17 **1. Agenda Review**

18 Sharon Harkay said she would like to discuss a minor addition to what is recorded in the minutes
19 and suggested adding it in when reviewing the draft minutes. All in agreement.
20 Mary Bryant would like to discuss the number of members for the Senior Affordable Housing
21 Committee. The discussion will be added to the agenda item for possible appointment to the
22 committee.

23
24 **2. Town Manager Report – Bryan Gazda**

25 Village Designation Program: Bryan said he will be having a conversation with Richard Amore
26 on Tuesday at 2:00, to get more information on the Village Designation Program.

27 Sayre Bridge on Tucker Hill Road was hit by an oversized truck, and Bryan has filed an
28 insurance claim. The estimate for repairs, which will be a replacement of full plank boards, is
29 \$3200.00.

30 Post Mills Water Co-Op: Last week Bryan had a good meeting with Dave and Jennifer Fisk
31 about the Water Co-Op in Post Mills and is considering having a meeting in June with all water
32 associations.

33 Route 132: On Thursday, May 6th at 10:00 am, bids for the Route 132 project will be opened at
34 the Department of Public Works garage.

35 Diversity training is scheduled for May 12th and 19th. The training will be held virtually and
36 involves all Town employees. Selectboard members have also been invited.

37
38 **3. Public Comment**

39 No public comment
40
41



Town of Thetford Vermont

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

1 4. Letters of Interest and Possible Appointments to the Senior Affordable Housing 2 Committee

3 **Motion** by Mary Bryant to make it official to have 7 committee members on the Senior
4 Affordable Housing Committee (SAHC).
5 Sharon suggested adding the number of members and term years to the Committee Handbook.
6 Li Shen said she recalled that 4 people resigned from the committee last year leaving 3
7 remaining members, which means there are already 7 on the committee. Li didn't believe there
8 were ever 9 members, and she doesn't think we should set the number in stone. Li saw no reason
9 for putting in rules, to only then have to change the rules.
10 Sharon had looked at the SAHC webpage and it looked like 6 people had resigned, which led her
11 to believe there may have been 9 members. Even if numbers aren't set in stone, we are losing
12 track of how many people there should be on the committees.
13 Tracy Borst said that for several years we kept that number in the Town Report, but as years
14 went by it was a struggle to maintain and verify that number. Tracy thinks the Town Report is a
15 great place to record the number, instead of the Committee Handbook. The Town Report is
16 updated each year, so there would need to be solid support in maintaining those numbers.
17 Mary Bryant said having been involved with the Energy Committee for several years, it would
18 have been helpful to have total committee member numbers and also, the year that someone's
19 term is up. It would be good to have their term limit year by their names in the Town Report and
20 she is willing to be flexible with the number of members on a committee.
21 Sharon suggested having the committee member names and when their terms expire on the
22 website, as well as how many members there should be on each committee.
23 Li thought the Selectboard Chair should keep track of this information. Li said 7 is a good
24 number as committees can get too big.
25 Mary agreed that somebody should be a point person and thought the Selectboard Chair would
26 be a good choice.
27 Sharon gave an example of a committee not knowing how many members they were supposed to
28 have, including that committee chair. While the ~~ownness~~ ^{ownership} is on them, we need to be clear
29 ourselves.
30 Bryan said it is very important that there is a membership number by each committee and that it
31 is recognized by the Selectboard. The committee chairs will then know, and at the organizational
32 meeting we will know who is up for reappointment. Bryan thought there might be a state statute
33 that dictated the number of committee members.
34 The Selectboard assistant said there is already a master document that is updated annually for the
35 Town Report and that information also feeds the website. The problem is when committee
36 members or membership numbers are changed, and the information is not provided to the clerk's
37 office to update the list.
38 Li said there is a statute that pertains to the Planning Commission and it reads no less than three
39 and no more than 9 members on the committee.
40 **VOTE by roll call:** Mary Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, Sharon
41 Harkay – in favor
42
43 Mary Bryant said as of last night, there are now a total of 5 people interested in joining SAHC.
44 Several have asked if they could come to a committee meeting and see what it is about before



Town of Thetford Vermont

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

1 they officially hand in their letters of interest. Mary suggested the Selectboard delay any
2 nominations, including the 2 presently submitted, until we find out how many people are
3 interested. The next SAHC meeting is scheduled for Wednesday, May 5th.
4 Sharon thought time could be allowed to let people attend the committee meeting, and then for
5 people who are interested in joining, they could submit their letters before the May 17th
6 Selectboard meeting.

7 It was agreed to table the discussion on the 2 current letters of interest until May 17th.

8 **Motion** by Sharon Harkay to table the discussion or adoption of letters of interest for the Senior
9 Affordable Housing Committee until the May 17th Selectboard meeting. **VOTE unanimous (4-**
10 **0-0)**

11
12 **5. Consideration of Purchase of a Front-End Loader for the Department of Public Works**
13 **(DPW)**

14 Bryan Gazda said the purchase of the front-end loader is in accordance with the DPW capital
15 plan. Last year, 2 price quotes were secured, one from John Deere and one from Volvo. John
16 Deere meets the requirements that we need, it is a slight upgrade from the current loader, and
17 there would be minimal training for the employees. Bryan said the documentation is in the
18 packet and he is asking for Selectboard authorization to purchase the John Deere loader for
19 \$119,900.00.

20 Mary Bryant asked for clarification on the number of payments, and if they would be purchasing
21 the protection plan. Bryan said the protection plan has been purchased for the entire time of
22 financing.

23 Sharon asked about the replacement schedule and if it needed to be established.

24 Bryan said the replacement schedule is in the yearly budget under the capital plan for both the
25 DPW and the Police Department.

26 Sharon wondered if vehicles could be kept longer with better maintenance.

27 Bryan explained that a key component for equipment is the trade-in value. The longer you keep
28 the vehicle, the less trade-in value you have.

29 Li asked if the bid from Volvo was comparable, understanding the value of not having to spend
30 as much time training employees with the John Deere.

31 Bryan said there was no advantage to the Volvo bid and that he did discuss the John Deere with
32 the DPW foreman.

33 Melissa Krzal asked about checking other local businesses to see if you can get a better price.

34 She noted that this appears to be presented as a done deal.

35 Bryan said that was possible, that these bids were collected under a different Town Manager and
36 that it would be up to the Selectboard to look for more quotes. Bryan said he thought this was a
37 very good deal from John Deere.

38 Li understood that these types of quotes may expire after a while, and if this was obtained before
39 Bryan came on board it may be close to expiring. Once that happens you may get into different
40 pricing with a newer quote.

41 Mary asked if there is a minimum of three bids required before you spend that amount of money.

42 Bryan said our procurement policy requires 2 bids and once the cost gets beyond \$250,000 the
43 process goes to a sealed bid.



Town of Thetford Vermont

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

1 **Motion** by Steve Tofel to purchase the John Deere front-end loader at the price specified by the
2 Town Manager, and to authorize the Town Manager to sign any needed paperwork. **VOTE by**
3 **roll call:** Mary Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, Sharon Harkay – in
4 favor

6. Review and Possible Adoption of a Town of Thetford Credit Card Policy

7 Tracy Borst explained that having a town credit card has been talked about for several years.
8 Some payments have to be paid online and we now find ourselves with monthly payments that
9 have to be made that way. For example, the email program and some computer programs.
10 Community Bank does issue municipal cards, but Mascoma Bank doesn't. While Thetford does
11 not currently bank with Community, there is a good relationship. Per the policy, cards will be
12 issued to Tracy (Town Clerk/Treasurer) and to Bryan (Town Manager), with a total credit limit
13 of \$10,500.00. The credit card policy seeks to set the rules and requirements of use, who will use
14 it and how. Purchases are still subject to the Town Purchasing Policy and spending limits. If
15 there is an unauthorized purchase, the person responsible needs to come forward.
16 Tracy said she reached out to Vermont Clerks and Treasurers to see what was in use in other
17 towns, and this policy was written using a combination of other town policies. The Town
18 Manager reviewed and edited prior to this presentation.

19 Tracy said that while the credit cards are issued in our names, they can be used by other people.
20 There is a chart that details the sign-out procedure and a form that needs to come back with the
21 card within three days. The policy holds an employee who does not follow the process
22 responsible for any bank fees. There is also a check out/check in log that includes who, why, the
23 date, an acknowledgment of the policy and the date returned. A cardholder must surrender the
24 card upon leaving employment.

25 Li asked if the cards were in each name. Tracy said the card had either Tracy Borst, Town of
26 Thetford, or Bryan Gazda, Town of Thetford. Li asked how someone else could use their cards if
27 their names were on them.

28 Tracy said they could be used for placing an order on the internet. The cards may also be used
29 for travel under certain circumstances.

30 Mary Bryant wondered about the logistics of getting a card returned within 3 days. If different
31 people needed to use the card right after someone else, she thought it should be brought back
32 within the same day of use.

33 Tracy said that would be ideal when possible.

34 Sharon said when she was still teaching, the school had a credit card with just the school's name
35 on it.

36 Tracy said they were required to put names on the cards. Tracy said it has taken a long time to
37 get to this point and there was consideration given on who should have a card. This is a start and
38 if someone needs the card on a regular basis, we can entertain someone else getting a card.

39 Li said the normal way of making a purchase is for the person to pay with their own money and
40 then get reimbursed.

41 Tracy pointed out that the town has a Staples account and a WB Mason account that employees
42 can use. The credit cards would pay for things like the G-Suite and other accounts.

43 **Motion** by Sharon Harkay to adopt the Town of Thetford Credit Card Policy, as presented.

44 **VOTE unanimous (4-0-0)**



Town of Thetford Vermont

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

1

2

3 **7. Discussion of Possible Addition to the 2021 Selectboard Rules of Procedure – Attorney** 4 **communications**

5 Sharon Harkay explained that this idea has come forward after discussions with the Town
6 Attorney. In an effort to streamline procedures, Sharon is proposing we add, under the
7 organization section, a process for communicating with the town attorneys and for them to
8 communicate with us. While everyone on the Selectboard is officially able to get their questions
9 asked and answered by the attorney, Sharon is proposing that we make it official that questions
10 go through the Selectboard chair and/or the Town Manager, and that when the attorneys are
11 sending information out to us, it be sent to the Selectboard chair and Town Manager, who will
12 then pass on to the rest of the Selectboard. This will do 2 things; streamline the process so that
13 things that are small, such as when the attorney is ready to discuss an item, the email doesn't
14 have to go to the entire Selectboard, and we avoid having bills that are higher than necessary.
15 Sharon said by no means does she mean to say that we want to keep secrets. Whatever needs to
16 be passed on would certainly be passed on. Many towns have similar policies.

17 Li said she has real problems with this addition, that it seems like a procedure looking for a
18 problem. Li asked what needed to be streamlined and are there serious problems? Li said she
19 really has a problem with statement that “the Town Manager and/or the Selectboard chair will
20 then distribute salient information to the rest of the Selectboard”. Theoretically this will allow
21 them to censor information given to the board. Don't Selectboard members have a right to check
22 the veracity of the information they are receiving? Li said she doesn't understand why we should
23 have our questions transmitted for us.

24 Steve Tofel said while he, in general, is in support of streamlining the process, he is concerned
25 by not having any access to the Town Attorney. Steve said at times the way you ask a question
26 will determine the way it is answered, and things get lost in translation. While he doesn't want to
27 see us calling often and running up legal bills, there should be some kind of process that doesn't
28 make it impossible. Perhaps we could confer with the Town Manager and chair first.

29 Sharon said there was a time when you and Mary asked me individually if I would schedule an
30 executive session about responding to records requests. Li and I had already sent our questions,
31 then suggested you two submit your questions. Sharon said she is not conceiving in any way of
32 keeping people from asking questions the way they want to. We could schedule a meeting or put
33 all questions in one email.

34 Steve said he would have no problem with what Sharon just outlined.

35 Mary said she liked the idea, in general, and thinks it's important to address. Mary said there are
36 some very good reasons to consider this, in big part because of the cost. Mary said she agreed
37 with Li in that there has to be a method, and the correct language for a way forward that keeps it
38 transparent. Mary said she would like the board to keep working on this.

39 Li said she has never called the Town Attorney about anything, and it should be a last resort. The
40 first call should be to the Vermont League of Cities and Towns (VLCT). If a board member has a
41 serious problem with the chair or Town Manager, they need to have that check and balance in
42 government.

43 Melissa Krzal said there was a relatively recent issue where the last Town Manager talked to the
44 Town Attorney and then wasn't totally truthful with the Selectboard about what the attorney



Town of Thetford Vermont

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

1 said. Melissa thought this would give one or two people too much power, which is not
2 democratic.
3 Sharon used an example of an hourglass, with the Selectboard Chair on one end and the Town
4 Manager on the other. All information will go back and forth but this idea runs the information
5 or gathering of information through the middle part. Its not that information won't get to the
6 parties, this is just streamlining the process. The attorney wanted the point of contact to be the
7 Town Manager, but Sharon objected to that. Sharon said she agrees with Mary and Steve that
8 action doesn't have to happen tonight, but she thought it was important to start discussing it.
9 Sharon said she struggled with finding the right words and agrees with Li that the word "salient"
10 is not the best.
11 Tracy Bach thanked the Selectboard for the good discussion and said she agrees with Li and
12 others that in your governance function, the Town Manager relationship with the attorney should
13 not be exclusive. The point is you don't make policy for the exception to the rule. Tracy Bach
14 thought board members should first go to each other, then go to VLCT, and then go to the
15 attorney.
16 Sharon said she has contacted VLCT a number of times now and many times they tell her to go
17 to the Town Attorney. Sharon is not suggesting that the chair or the Town Manager rewrite,
18 summarize or in any way give the rest of the board something that was not the exact information
19 that the attorney sent out.
20 Li said that the current wording doesn't say that, and it has to be changed.
21 Sharon said the idea was to split the communications into three areas: minor, a little heavier, and
22 then major things.
23 Steve said the word "salient" could be replace with "unabridged". If we get copies of every
24 communication, we may regret that we asked for it, but it may just be the burden of the job to sift
25 through it.
26 Li agreed, saying that it's just part of their work. A whole email chain could be sent in one big
27 release. It shouldn't be decided for us.
28 Steve said he didn't think we should jump in and contact the attorney directly without contacting
29 Sharon or Bryan.
30 Li said she would hope that most Selectboard members would understand and not send off
31 emails arbitrarily, but sometimes it's necessary.
32 Mary said this policy should also hold something in it where the chair also has a check and
33 balance of what they go to the attorney for.
34 Sharon said she has been taking notes. It sounds like more thinking and better wording is needed,
35 but it is good to wrestle with this kind of idea. The legal expenses are already high this year.
36 Sharon reviewed a report and recalled that we are over half-way through our legal expenses
37 already and we're only four months into the year.
38 Tracy Bach thought that was troubling information and asked if they are keeping track of the
39 areas of the legal bills.
40 Sharon confirmed, saying there are budget line items, and the board periodically gets a report.
41 Laura Covalla asked if it was the Selectboard contacting the lawyer that has run up the expense
42 so far or are there other things.



Town of Thetford Vermont

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

1 Sharon said the attorney was consulted about the alleged Open Meeting Law violations which
2 cost \$1800.00, as well as some other categories. She has asked Bryan to make sure we get a chart
3 early this month, as almost 86% of what we budgeted for the year has been spent.
4 Li pointed out that there are still 2 union negotiations for new contracts going.
5 Sharon said we budgeted knowing that we were going to have these negotiations.
6 The Selectboard agreed to keep working on this policy.

7

8 **8. Warrants and Minutes**

9 **Motion** by Li Shen to accept the warrants as presented. **VOTE unanimous (4-0-0)**
10 Sharon Harkay wanted to bring up an addition to what we record in the minutes. Sharon said it
11 came to her attention through a resident that up until this last year we not only put in the minutes
12 the Selectboard members who were present, but also the Selectboard members who were absent.
13 This last year we did not note the absences. Sharon would like to put them back in and make it
14 retroactive to when she became chair.

15 The Selectboard had no objections.

16 The Selectboard assistant was instructed to include Selectboard members absent going forward,
17 and also adjust the minutes back to March 8th, 2021.

18 **Motion** by Steve Tofel to accept the special Selectboard meeting minutes of April 7th, 2021, as
19 edited. **VOTE unanimous (4-0-0)**

20 **Motion** by Sharon Harkay to accept the regular Selectboard meeting minutes of April 19th, 2021,
21 as edited. **VOTE unanimous (4-0-0)**

22

23 **9. Adjourn**

24 **Motion** by Steve Tofel to adjourn the regular Selectboard meeting at 8:33 pm. **VOTE**
25 **unanimous (4-0-0)**