



Town of Thetford Vermont

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

Selectboard Regular Meeting Minutes

– Online Only –

Monday, 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.

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

Selectboard members absent: Nick Clark

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

Total Zoom attendees: 22

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

1. Agenda Review

Sharon Harkay said she would like to discuss a minor addition to what is recorded in the minutes and suggested adding it in when reviewing the draft minutes. All in agreement.

Mary Bryant would like to discuss the number of members for the Senior Affordable Housing Committee. The discussion will be added to the agenda item for possible appointment to the committee.

2. Town Manager Report – Bryan Gazda

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

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

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

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

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

3. Public Comment

No public comment



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

Motion by Mary Bryant to make it official to have 7 committee members on the Senior Affordable Housing Committee (SAHC).

Sharon suggested adding the number of members and term years to the Committee Handbook.

Li Shen said she recalled that 4 people resigned from the committee last year leaving 3 remaining members, which means there are already 7 on the committee. Li didn't believe there were ever 9 members, and she doesn't think we should set the number in stone. Li saw no reason for putting in rules, to only then have to change the rules.

Sharon had looked at the SAHC webpage and it looked like 6 people had resigned, which led her to believe there may have been 9 members. Even if numbers aren't set in stone, we are losing track of how many people there should be on the committees.

Tracy Borst said that for several years we kept that number in the Town Report, but as years went by it was a struggle to maintain and verify that number. Tracy thinks the Town Report is a great place to record the number, instead of the Committee Handbook. The Town Report is updated each year, so there would need to be solid support in maintaining those numbers.

Mary Bryant said having been involved with the Energy Committee for several years, it would have been helpful to have total committee member numbers and also, the year that someone's term is up. It would be good to have their term limit year by their names in the Town Report and she is willing to be flexible with the number of members on a committee.

Sharon suggested having the committee member names and when their terms expire on the website, as well as how many members there should be on each committee.

Li thought the Selectboard Chair should keep track of this information. Li said 7 is a good number as committees can get too big.

Mary agreed that somebody should be a point person and thought the Selectboard Chair would be a good choice.

Sharon gave an example of a committee not knowing how many members they were supposed to have, including that committee chair. While the onus is on them, we need to be clear ourselves.

Bryan said it is very important that there is a membership number by each committee and that it is recognized by the Selectboard. The committee chairs will then know, and at the organizational meeting we will know who is up for reappointment. Bryan thought there might be a state statute that dictated the number of committee members.

The Selectboard assistant said there is already a master document that is updated annually for the Town Report and that information also feeds the website. The problem is when committee members or membership numbers are changed, and the information is not provided to the clerk's office to update the list.

Li said there is a statute that pertains to the Planning Commission and it reads no less than three and no more than 9 members on the committee.

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

Mary Bryant said as of last night, there are now a total of 5 people interested in joining SAHC. Several have asked if they could come to a committee meeting and see what it is about before they officially hand in their letters of interest. Mary suggested the Selectboard delay any



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nominations, including the 2 presently submitted, until we find out how many people are interested. The next SAHC meeting is scheduled for Wednesday, May 5th.

Sharon thought time could be allowed to let people attend the committee meeting, and then for people who are interested in joining, they could submit their letters before the May 17th Selectboard meeting.

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

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

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

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

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

Sharon asked about the replacement schedule and could it be altered.

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

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

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

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

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

Melissa Krzal asked about checking other local businesses to see if you can get a better price. She noted that this appears to be presented as a done deal.

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

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

Mary asked if there is a minimum of three bids required before you spend that amount of money. Bryan said our procurement policy requires 2 bids and once the cost gets beyond \$250,000 the process goes to a sealed bid.

Motion by Steve Tofel to purchase the John Deere front-end loader at the price specified by the Town Manager, and to authorize the Town Manager to sign any needed paperwork. **VOTE by**



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roll call: Mary Bryant – in favor, Li Shen – in favor, Steve Tofel – in favor, Sharon Harkay – in favor

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

Tracy Borst explained that having a town credit card has been talked about for several years. Some payments have to be paid online and we now find ourselves with monthly payments that have to be made that way. For example, the email program and some computer programs. Community Bank does issue municipal cards, but Mascoma Bank doesn't. While Thetford does not currently bank with Community, there is a good relationship. Per the policy, cards will be issued to Tracy (Town Clerk/Treasurer) and to Bryan (Town Manager), with a total credit limit of \$10,500.00. The credit card policy seeks to set the rules and requirements of use, who will use it and how. Purchases are still subject to the Town Purchasing Policy and spending limits. If there is an unauthorized purchase, the person responsible needs to come forward.

Tracy said she reached out to Vermont Clerks and Treasurers to see what was in use in other towns, and this policy was written using a combination of other town policies. The Town Manager reviewed and edited prior to this presentation.

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

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

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

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

Tracy said that would be ideal when possible.

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

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

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

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

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

VOTE unanimous (4-0-0)



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

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

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

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

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

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

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

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

Melissa Krzal said there was a relatively recent issue where the last Town Manager talked to the Town Attorney and then wasn't totally truthful with the Selectboard about what the attorney said. Melissa thought this would give one or two people too much power, which is not democratic.



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Sharon used an example of an hourglass, with the Town Attorneys on one end and the Selectboard on the other, with the Selectboard Chair and Town Manager in the middle. All information will go back and forth but this idea runs the information or gathering of information through the middle part. It's not that information won't get to the parties. This is just streamlining the process. The attorney wanted the point of contact to just be the Town Manager, but Sharon objected to that. Sharon said she agrees with Mary and Steve that action doesn't have to happen tonight, but she thought it was important to start discussing it. Sharon said she struggled with finding the right words and agrees with Li that the word "salient" is not the best. Tracy Bach thanked the Selectboard for the good discussion and said she agrees with Li and others that in your governance function, the Town Manager relationship with the attorney should not be exclusive. The point is you don't make policy for the exception to the rule. Tracy Bach thought board members should first go to each other, then go to VLCT, and then go to the attorney.

Sharon said she has contacted VLCT a number of times now and many times they tell her to go to the Town Attorney. Sharon is not suggesting that the chair or the Town Manager rewrite, summarize or in any way give the rest of the board something that was not the exact information that the attorney sent out.

Li said that the current wording doesn't say that, and it has to be changed.

Sharon said the attorney's idea was to split the communications into three areas: minor, a little heavier, and then major things. She put it into two categories instead.

Steve said the word "salient" could be replaced with "unabridged". If we get copies of every communication, we may regret that we asked for it, but it may just be the burden of the job to sift through it.

Li agreed, saying that it's just part of their work. A whole email chain could be sent in one big release. It shouldn't be decided for us.

Steve said he didn't think we should jump in and contact the attorney directly without contacting Sharon or Bryan.

Li said she would hope that most Selectboard members would understand and not send off emails arbitrarily, but sometimes it's necessary.

Mary said this policy should also hold something in it where the chair also has a check and balance of what they go to the attorney for.

Sharon said she has been taking notes. It sounds like more thinking and better wording is needed, but it is good to wrestle with this kind of idea. The legal expenses are already high this year.

Sharon reviewed a report and recalled that we are over half-way through our legal expenses already and we're only four months into the year.

Tracy Bach thought that was troubling information and asked if they are keeping track of the areas of the legal bills.

Sharon confirmed, saying there are budget line items, and the board periodically gets a report.

Laura Covalla asked if it was the Selectboard contacting the lawyer that has run up the expense so far or are there other things.

Sharon said the attorney was consulted about the alleged Open Meeting Law violations which cost \$1800.00, as well as some other categories. She has asked Bryan to make sure we get a chart early this month, as almost 86% of what we budgeted for the year has been spent.

Li pointed out that there are still 2 union negotiations for new contracts going.



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Sharon said we budgeted knowing that we were going to have these negotiations.
The Selectboard agreed to keep working on this policy.

8. Warrants and Minutes

Motion by Li Shen to accept the warrants as presented. **VOTE unanimous (4-0-0)**

Sharon Harkay wanted to bring up an addition to what we record in the minutes. Sharon said it came to her attention through a resident that up until this last year we not only put in the minutes the Selectboard members who were present, but also the Selectboard members who were absent. This last year we did not note the absences. Sharon would like to put them back in and make it retroactive to when she became chair.

The Selectboard had no objections.

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

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

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

9. Adjourn

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