



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

Thetford Town Offices

(w/Virtual Attendance Option)

Monday, July 19, 2021 7:00pm

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
 1. AT&T Update
 2. Municipal Roads Grant
 3. Open Positions
3. Public Comment
4. Lake Wise Presentation with Lisa Niccolai, Agency of Natural Resources
5. Setting date for Public Hearing for Flood Hazard Area Regulations
6. Municipal Planning Grant
7. Warrants and Minutes
8. Discussion of labor relations agreements with employees, anticipated Executive Session pursuant to Title 1 V.S.A. 313(a)(1)(b)
9. Adjourn

FY2022 Municipal Planning Grant Program Description



Walkable Middlesex Village Study
MPG-funded project and Vermont Planners Association 2021 Plan of the Year

Community Planning + Revitalization
Vermont Department of Housing and Community Development
June 2021



Program Basics

In fiscal year 2022 (July 1, 2021 – June 30, 2022)¹, the Vermont Department of Housing and Community Development (DHCD) will grant approximately \$450,000 to municipalities to promote planning, revitalization, and development activities that maintain Vermont’s land use goal of compact settlements separated by rural lands. Vermont’s communities continue to face tough challenges recovering from COVID-19 and these flexible grants are ready to boost resilience and support long-term recovery.

**Purpose of MPGs:
To Carry Out Statewide
Planning Goals (24
V.S.A. § 4302)**

The Municipal Planning Grant (MPG) Program funds a wide range of municipal planning projects as allowed by Title 24 of Vermont Statutes Annotated (V.S.A.) Section 4306 (b) and (c). Projects that promote Vermont’s historic pattern of compact settlements surrounded by working farms, forest, and open space are given priority.

(b) It is also the intent of the legislature that municipalities... shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

Each municipality may submit one application per year. The maximum grant amount is \$22,000 for individual municipalities and \$35,000 for group (consortium) applications. All applications are required to provide a minimum cash match of 10%.

(2) To encourage citizen participation at all levels of the planning process...

(3) To consider the use of resources and the consequences of growth and development...

Grant funds are regionally apportioned based on the percentage of municipalities with confirmed planning processes within each of Vermont’s 11 regional planning commission (RPC) regions. Eligible municipalities compete with their region for grant funding. Funding decisions are made by the DHCD Commissioner based on the competitive criteria listed under the *Grant Selection Process* later in this guide.

(c) In addition, this chapter shall be used to further the following specific goals:

(1) To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside...

Grant Timeline

MPG projects must be completed within 18 months of December 1st of the award year. No time extensions will be granted.

- September 1, 2021 – Online application opens
- November 1, 2021: deadline for RPC confirmation of municipal planning process
- **November 1, 2021: application deadline, 6 p.m.**
- December 2021: award decisions
- August 21, 2022: mid-project report due
- May 31, 2023: project completion and all funds spent
- June 30, 2023: final report and products submitted

¹ Act 74 <https://legislature.vermont.gov/bill/acts/2022>

#6

Additional Funding for Bylaw Modernization

Local and statewide leaders increasingly recognize the need to grow housing opportunity, and Act 74 of 2021 makes \$500,000 available for bylaw modernization. This one-time State funding will be available to support municipal bylaw modernization amendments in FY22 to expand opportunities for housing, confront the State's housing crisis, and ready communities for historic investments in housing development. Details for the bylaw modernization funding will be announced this summer.

Eligible Applicants

Single Municipality

Individual municipalities with a local planning process confirmed by the RPC (including an unexpired plan) on or before September 30, 2021 are eligible to apply. To be confirmed, a locally adopted plan must be approved by the regional planning commission, and the

Eligible Municipalities

For the purposes of the Municipal Planning Grant Program, a municipality is defined by 24 V.S.A. §4303(12). Under this definition an incorporated village is not considered a separate municipality unless the village adopts its own plan one or more bylaws either before, concurrently with, or subsequent to such action by the town.

municipality must maintain efforts to provide local funds for municipal and regional planning purposes as required by 24 V.S.A. §4350.

Municipalities without a confirmed local planning process may apply for funding only to create a municipal plan approvable by the RPC and must have voted to provide local funds for municipal and regional planning purposes. Grant proposals from municipalities that have received RPC recommendations to bring their plan into compliance with statewide requirements must propose to address the changes identified by the RPC.

Municipal organizations other than the governing body and the planning commission (such as the conservation or economic development commission) may also apply for a grant, but only with prior approval of the municipal governing body and planning commission.

Municipalities may not receive funding if they are suspended or debarred by the Federal Government; delinquent in submitting their subrecipient annual reports; or delinquent in submitting their single audit reports (if required).

Consortium

Two or more municipalities may apply jointly for a consortium application (up to \$35,000). The application must address a shared issue and identify a lead municipality for financial administration of the project. The RPC may serve as grant administrator for a consortium (see consultant selection below). All municipalities in the consortium must have a confirmed planning process by September 30, 2021 and each municipality must submit a separate resolution form in support of the project. The consortium may involve or benefit municipalities that are not identified as a consortium member in the application. No member of a consortium application may apply for an individual MPG the same year.

Funding Amounts & Match

Single municipalities may apply for a grant of any amount between \$2,500 and \$22,000 with a minimum local cash match requirement of 10%, based on the grant award. For example: a maximum individual grant amount of \$22,000 would require a minimum 10% match of 2,200, for a total project cost of \$24,200.

A consortium of municipalities may apply for a grant of any amount between \$2,500 and \$35,000 with a minimum local cash match of 10%, based on the grant amount. For example: a maximum consortium application of \$35,000 would require a minimum 10% match of \$3,500 for a total project cost of \$38,500.

Any source of cash match funds may be used: federal, other state grants, municipal, private, or non-profit. Projects that demonstrate financial partnership with outside organizations or propose a local match that exceeds the minimum match amounts are considered to have higher levels of community support in the competitive criteria listed under the *Grant Selection Process* later in this guide.

In-kind contributions or contribution of staff or others' time cannot be offered as a match. Documentation of total expenditures (including grant and match funds) are required at the close out of the grant. If a project is completed with less than the total project cost expended, the match funds required will be reduced proportionately.

Application Type	Min. Grant	Max. Grant	Min. Match
Single Municipality	\$2,500	\$22,000	10% of grant amt.
Consortium	\$2,500	\$35,000	10% of grant amt.

Municipalities seeking funds for large, multi-year projects are encouraged to separate projects into related, stand-alone phases, each with a defined product upon completion and apply for a grant each year to complete the phases (See *Single Project Scope Requirement* below). Because funds are allocated competitively each year, MPG support for subsequent phases cannot be guaranteed.

DHCD reserves the right to award less than the amount requested, based on the availability of funds.

Note: Please keep in mind that municipalities that accept MPG funding are not eligible to apply for a Better Connections Grant for the same state fiscal year as the MPG award.

Eligible Activities

The Municipal Planning Grant Program supports a wide range of projects relating to planning and land use, and promotes cooperation, collaboration and the exchange of ideas. Eligible projects must have a clear connection to planning and implementation of the municipal plan and will be reviewed for conformance with the regional plan, as well as statewide smart growth principles, planning goals, and land use policies.

Funds *may* be used to:

- Underwrite expenses for public meetings and hearings, informational workshops citizen surveys, outreach, and notification costs

- Support research, data collection, capacity studies, inventories, and mapping
- Pay consultants, interns, regional planning commission staff, or legal fees associated with the project
- Purchase development rights, easements, and titles of properties for housing and conservation purposes identified in the municipal plan
- Purchase materials needed to produce a plan, bylaw, or implement or administer the project -- like writing supplies, maps and copies
- Conduct other non-prohibited activities

Funds *may not* be used to:

- Support political activities
- Support projects incompatible with the Regional Plan
- Pay regional planning commission dues
- Reimburse expenses incurred before the grant is awarded
- Subsidize tax mapping (see *Mapping Requirements* below)
- Pay municipal officials or municipal staff
- Capitalize a “reserve” fund for use beyond the grant period
- Purchase computer hardware, software licenses or subscriptions, or other equipment not related to a specific grant funded planning event
- Pay for the cost of administering the MPG grant such as municipal or regional staff time for documenting grant expenditures and submitting the progress report and close-out
- Support plans, bylaws and policies that violate the State or Federal Fair Housing Act. Fair housing training is available to all grantees and is encouraged for projects relating to housing and/or revisions to zoning bylaws. Please contact Shaun Gilpin, Housing Policy Specialist at shaun.gilpin@vermont.gov if you are interested in training opportunities.

Mapping Requirement

- All GIS mapping must follow applicable VCGI data guidelines or standards.
- Parcel mapping projects may not be funded through MPGs.

Single Project Scope Requirement

MPG grants are limited to projects with a singular and well-defined focus – even if the proposal is part of a larger project (see example below). If multiple products or separate consultant projects are proposed for MPG funds, the application may not meet the single project scope requirement. This finding will result in a lower score and only one of the projects will be funded if a grant is awarded.

Example: work on both a municipal plan and bylaws in the same application will usually be considered two separate projects and typically both are not funded. However, a focused issue-oriented amendment of a plan section and the associated bylaws to implement that section of the plan, can be proposed as one project. For instance, a housing element of a plan and a bylaw amendment to adopt housing-ready regulations may be considered one project.

Use of MPG as Part of a Larger Project

MPGs may be used as part of a larger or phased project. It may also be used in conjunction with grants from other programs. If you propose to use the MPG for a larger project, begin by assigning a discrete part of the larger project to the MPG. Choose a component that best meets the competitive criteria and can easily be completed within the 18-month MPG timeframe. Applicants may contact DHCD to ensure that the activity that will meet the grant requirements.

Example 1: A municipality could use an MPG for the community outreach component of a major public project. In this instance, include the workplan for just the MPG portion of the project in the online application and submit the overall work plan for the larger project as an attachment.

Example 2: A major overhaul of bylaws typically requires two phases, first to prepare proposed amendments and then for the adoption process. A municipality could use MPG funds to focus on the preparation of amendments in one grant cycle and propose consulting assistance for the adoption hearing process in a second cycle. A workplan that includes both phases may not be considered realistic.

Coordination with State Agencies

Some local planning and regulatory projects require coordination with state agencies that have planning and regulatory authority over the project. For projects where state authority can be anticipated, applicants must identify the relevant agencies as project partners and include a task for coordinating with that agency in the work plan. Applicants are also encouraged to review the work plan with any such agency and include comments from the agency as an attachment to the application.

Example 1: Any project (streetscape, traffic calming, sidewalk, water, wastewater etc.) that proposes work within a state Highway right-of-way must coordinate with appropriate sections at the Agency of Transportation. At a minimum, the District Transportation Administrator and the Permitting Services section should be involved. Early coordination will increase the likelihood that the work product(s) can be implemented in the future.

Example 2: A project to consider village wastewater solutions must coordinate with the Department of Environmental Conservation (DEC) Water Infrastructure Financing Program before submitting an MPG application, to ensure the work plan will result in a product that can be used to obtain state and federal infrastructure funding. The best evidence of this coordination is an email from DEC indicating review of the work plan. This can be attached to the application.

Grant Selection Process (Competitive Criteria)

DHCD uses competitive criteria to score and rank applications. The statewide priorities are updated annually to comply with policy initiatives, legislation, or current events – such as this year’s COVID-19 emergency. Grants are awarded based on the application score and its rank with the scores from the other applications in the region, as well as the amount of grant funds available. Applications scoring at or below 60 points will not be funded, and regional funds may be reallocated to high-scoring projects in other regions that otherwise would not be funded. The DHCD Commissioner reserves the sole right and responsibility to allocate grant funding.

Applications are scored as follows.

Competitive Criteria Scoring Summary	Points
Project Readiness & Need	Section: 20
Issue & Urgency	5
Funding Need	5
Project Readiness	5
Project Management	5
Public Outreach & Project Partnership	Section: 20
Public Outreach	10
Project Partnership & Support	10
Statewide Priorities	Section: 35
Project Outcomes & Goal Consistency	5
Priority Projects	10
State Designated Area Projects	20
Project Approach	Section: 35
Work Plan	20
Budget & Cost Estimates	15
Application Quality & Past Performance	Section: 10
	TOTAL: 120

Project Readiness & Need

Projects that identify a specific and documented problem the community is trying to solve with a well-organized management team demonstrate project readiness. Projects that cannot be funded through other sources demonstrate need, as well as projects that address an urgent matter.

Public Outreach & Project Partnership

Planning projects are more successful: 1) when there is sustained public outreach throughout a project, 2) when they begin with strong community support, and 3) when they are done in partnership with organizations outside the municipal government. Competitive applications will demonstrate how the project will outreach to the broader public and who supports and is part of the project from the outset. This includes necessary coordination with state agencies.

Statewide Priorities: Priority Projects

Each year the program recognizes projects with outcomes that meet statewide priorities. Projects meeting more than one priority will score higher than those meeting only one, for a total of 10 points. New this year is a category on planning for economic recovery as a result of the COVID-19 virus. Because housing continues to be a concern statewide, projects that implement Zoning for Great Neighborhoods will receive highest priority. Refer to the Application Guide for examples of diverse projects that meet these categories:

- **COVID-19 Economic Recovery Plans and/or Investment**
- **Fair & Affordable Housing Plans and/or Regulations that Implement Enabling Better Places: A Zoning Guide for Vermont Neighborhoods**
- **Plans for a NEW Designated Area² or Specific-Area Visual/Physical Master Planning for a Designated Area**
- **Innovative Statewide Model Projects**

Statewide Priorities: State Designated Area Projects

Projects that relate to state designated areas receive priority in accordance with 24 V.S.A. Chapter 76A. Refer to the Application Guide for scoring specifics.

Application Guide

The Application Guide assists applicants in preparing a competitive application and allows applicants to prepare draft responses before submitting the application online.

Applicants can see each application question, read advice on answering the question, view how the response will be evaluated and scored by DHCD, and prepare a draft response – all on one form. Because the online application at GEARS can be cumbersome to navigate, users are advised to complete their application in advance using the Application Guide (available in Microsoft Word). Applicants can later copy and paste their narrative responses into the online form.

Grant Awards and Administration

Award notices are sent via email to successful applicants through the online Grants Management System. In the event of partial funding, applicants are asked to submit a modified work plan and budget. Grant agreements and other required documents will be available online shortly thereafter. Completion and electronic submittal of these forms will be required for payment. All grants management forms and instructions will be available through the Grants Management System. Grant payments and reporting requirements are as follows:

- **First Payment** – Upon execution of the grant agreement, a requisition may be submitted for an advance payment of 40% of the award amount.
- **Second Payment** – Mid-project reports are due August 31, 2021. Requisition for 30% of the award may be submitted along with a progress report.
- **Final or Close Out Reimbursement** – Up to 30% of the award is made on a *reimbursement basis*. The reimbursement is made when the project and its deliverables, as detailed in Attachment A of the Grant Agreement, are complete, and

² *Preparing an application for a new village center designation will not receive priority as a stand-alone project since this designation process is simple and requires no additional funds. Projects that implement a neighborhood development area designation are high priority.*

the expenditures are properly budgeted and documented (copies of invoices and canceled checks or a detailed transaction report) showing that the funds were spent for the purposes specified in the grant agreement. Invoices must show that grantees have spent or obligated all grant funds and match funds, if applicable, no later than May 31, 2023. Funds that are unused as of that date, as well as expenditures that are ineligible or are not documented, must be returned to DHCD.

While grant activities must be completed by May 31, 2023, grantees have up to one month after that date to assemble a final report. Final reports must be submitted online no later than June 30, 2023.

Purchase of goods and services through the grant must conform with the procurement requirements defined in [Attachment D to the Grant Agreement](#). In most cases, consultants must be selected through a competitive process.

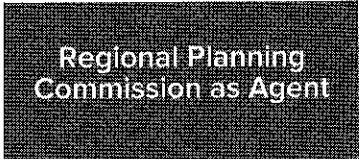
All final products and public communication must acknowledge funding from the Municipal Planning Grant Program, administered by the Vermont Department of Housing and Community Development, Agency of Commerce and Community Development.

Amendments

Minor alterations to the work plan or the approved budget may be allowed but only upon request and approval from DHCD. Substantial alterations are not allowed, and the final product must remain the same.

No time extensions are offered. Projects that cannot be completed within the grant period under the terms of the grant agreement are closed out. The grant will cover eligible work completed for documented costs; however, ineligible or undocumented costs will not be funded, and associated funds must be returned.

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Consultant Selection

The rules for consultant selection are detailed in the grant agreement's procurement provisions (see Attachment D of the MPG Grant Agreement).

Pre-Application Process

Consultants may be selected before the application is submitted. If a municipality engaged in a competitive procurement process while developing the grant application and selected a contractor at that time, there is no requirement to re-open the selection process if the grant is awarded, provided the scope of work remains substantially similar to what was in the contractor's proposal.

Simplified Bid Process

For contracts up to and including \$10,000, the grantee is required to obtain price or rate quotations from a reasonable number of sources, but no less than two, and maintain a record of the same in its files.

Competitive Bid Process

For contracts more than \$10,000, the grantee is required to use a competitive selection method, soliciting from an adequate number of sources. A Request for Proposals (RFP) or Request for Qualifications (RFQ) should be broadly publicized to permit reasonable competition. The grantee must maintain records in its files to document how the decision was made.

Exceptions

If the grantee is a "rural town" or a multi-town consortium has identified the regional planning commission as its agent, the simplified bid and competitive processes for hiring the RPC are not required.

Consultants working on an earlier phase of a multi-phase project may be re-selected for the project phase funded by the MPG, to maintain continuity between phases.

Information

MPG Application Webpage - instructions and resources:
<https://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant/applicant-guidance>

Jenni Lavoie
DHCD Grant Specialist
802-828-1948
jennifer.lavoie@vermont.gov

Jacob Hemmerick
Planning & Policy Manager
802-828-5249
jacob.hemmerick@vermont.gov

Warrants for Approval 7/19/2021

23.1	\$65993.47
24.1	\$39476.59
25.1	\$80.00
26.1	\$86604.91
14.2	\$4560.59
11.3	\$73658.61
12.3A	\$352.56
12.3	\$111028.89
13.3	\$4654.00
12.4	\$24046.54
13.4	\$25888.52



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Selectboard Special Meeting *Draft* Minutes

Thetford Town Offices

(w/Virtual Attendance Option)

Monday, July 12, 2021 7:00pm

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6 Selectboard members present: Sharon Harkay (Chair), Li Shen (Vice-Chair), Steve Tofel
7 Selectboard members absent: Mary Bryant, Nick Clark
8 Others present: Tracy Borst (Town Clerk/Treasurer), Martie Betts (Selectboard Assistant)
9 Meeting room attendance: Melissa Krzal, David Goodrich, Stuart Rogers, Joanne Kirsten, Jean
10 Gerber
11 Total Zoom attendance: 19 (Town Manager Bryan Gazda, Police Chief Evans, and DPW
12 Foreman Dale Lewis attended via Zoom)

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14
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Sharon Harkay called the meeting to order at 7:05 pm.

1) Agenda Review

No adjustments to the agenda.

18

2) Town Manager Report – Bryan Gazda

a) Update on Route 132

21 Bryan said he has had two project meetings with the project contractor and engineer. The project
22 is proceeding well, although there were some issues due to the rains on July 2nd and 3rd. Every
23 Friday they will be grading the roads so they will be passable for the weekends. Additional
24 signage has been added because the road is in rough condition. Their first progress report is in
25 the packet and Bryan expects to be getting those reports every couple of weeks. The reports will
26 be made available to the public on the website.

b) New Hires & Open Positions

28 Bryan welcomed Brian Sawyer as a new crew member on the Department of Public Works.
29 There was a candidate for the second open position, but they withdrew their application. We are
30 still soliciting actively for the Zoning Administrator. Diane Osgood is willing to work with us
31 through the transition.

c) Post Mills Dangerous Building Update

33 Bryan said the property owner is still trying to figure out what he wants to do with the building.
34 The lot has been cleaned up, posted and some work has been done on the interior during the last
35 few years. He is considering options for putting another building up. He knows he is on a very
36 short timeline to work with us.

d) Treasure Island Criteria for Weather Related Closures

38 Bryan said if the weather appears to be inclement, the primary resource to check is the Treasure
39 Island Facebook page (<https://www.facebook.com/treasureislandthetford>) The staff will always
40 be prepared to open up every day and then based on the weather and attendance, a decision will
41 be made about closing. People can also call Bryan at his office in Town Hall.

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1 **e) FEMA Reimbursement Update**

2 Bryan said that 2 weeks ago he was contacted by the state representatives who said FEMA was
3 looking for additional information which had been submitted in April, so hopefully they do have
4 everything they need to keep us moving forward.

5 **f) Union Village Dam Tour**

6 Bryan said he had the opportunity to take a tour of the Union Village dam. It was very interesting
7 to get inside of the building and look at the dam works and the gates. The equipment is old, but
8 well maintained and in good shape.

9 **g) Town Hall Energy Audit Presentation**

10 Geoff Martin, and people from EEI Service Company did a preliminary energy audit of Town
11 Hall in February or early March, and Bryan has received a report of their findings. This will be
12 discussed at the August 23 Selectboard meeting, as Bryan has asked them to make some
13 adjustments to the report.

14 **h) Town Hall Wi-Fi License Extension**

15 The license for the internet hot spot at Town Hall expired. Tracy contacted the company that
16 supports the hot spot, and the license has been extended at no cost for an additional 5 years,
17 ending in 2026.

18
19 Sharon asked about the open position of the lister clerk. Bryan said he is currently looking to
20 combine the two positions. He spoke with Janet Stowell, who said the Grand List is in good
21 shape, and Bryan said he feels no urgent need to fill that position.

22 Steve Tofel asked if the combined position that was posted included the salary for the lister's
23 assistant and the Zoning Administrator. Bryan said he is not going to break up the salary for the
24 2 positions, it will be the same for both.

25 Sharon asked about the timeline for the dangerous building in Post Mills, and if the property
26 owner had been given any kind of date. Bryan said he has had several conversations with the
27 property owner, and he has given him a 30-day warning.

28

29 **3) Public Comment**

30 Melissa Krzal expressed concerns about an email from Stuart Roger, NEPBA Local 403
31 President to the Selectboard Chair, which Melissa received after requesting public records.
32 Melissa also addressed the Selectboard about the pending vacancies in the Lister's office, and the
33 Timothy Frost building. (See addendum to these minutes.)
34 Melissa said she would like a breakdown of attorney fees for the top three issues and the amount
35 we have spent already.

36

37 **4) Re-Ratification of Department of Public Works (DPW) Contract**

38 Sharon Harkay said during the last meeting the Selectboard voted to approve the DPW contract,
39 noting there were some minor changes that needed to be made. There are just 2 minor things that
40 still needed to be fixed, on page 9, the word "shill" needs to be changed to "shall", and on page
41 19, step 4, within the commas still needs to be clarified.

42 **Motion** by Sharon Harkay to ratify the contract for the Department of Public Works through
43 December 31st, 2025. **VOTE unanimous (3-0-0)**

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2 **5) Stowell Road Bridge Grant Agreement**

3 Bryan Gazda said the grant is approximately \$150,000 with a 10% match, and they have until
4 September of 2022 to complete the project.

5 Li asked if the 10% match could be done in kind.

6 Bryan recommended against that.

7 **Motion** by Sharon Harkay to accept the VTrans grant for the Stowell Road bridge, to authorize
8 the 10% match, and to authorize the Town Manager to sign the grant agreement and any other
9 documentation for the grant. **VOTE unanimous (3-0-0)**

10

11 **6) Anticipated Vote for Tax Anticipation Note**

12 Tracy Borst said it is typical for the town to seek a tax anticipation note each year. This year the
13 note would be for \$600,000 with a 2.7% interest rate. These are typically paid in early October as
14 tax money comes in.

15 **Motion** by Li Shen to approve the Tax Anticipation Note of \$600,000 and disbursements may be
16 requested by the treasurer or assistant treasurer. **VOTE unanimous (3-0-0)**

17

18 **7) Discussion of Mobile Radar/Driver Feedback Signs**

19 Sharon said the Town Manager was asked to work with Police Chief Evans on getting
20 information, including pricing, for driver feedback signs. Information is in the packet.

21 Chief Evans spoke to the advantages and disadvantages of the various types of signs. He said
22 speeding complaints pop-up all over town but tend to be in the villages. There are five or six
23 active motor vehicle complaints that they try to focus on periodically throughout the day, which
24 means they can't be very effective at having a constant presence with one person on duty.

25 There was discussion about using mounted signs versus mobile signs.

26 Chief Evans said there are some versions that will allow you to capture more data than just
27 speed, such as the type of vehicle that passes by. Bryan Gazda said the signs with more robust
28 statistical data would be beneficial for how we maintain our roads.

29 There was discussion about solar powered signs.

30 As there is currently no budget for the signs, the Selectboard did not take action, but thanked
31 Chief Evans for the information.

32

33 **8) Repairs to Class 4 Road – Request to Make Repairs**

34 Sharon Harkay said that David Goodrich has requested permission to do repairs to the Class 4
35 section of Whippoorwill Road. Jean Gerber, who lives on that section of road, said it is
36 particularly difficult to drive in the springtime. David explained that when the road gets soft, it
37 ends up with a big “W”, which can cause damage to the undercarriage on a car. David said he
38 would like to re-level the road, and bring in some fill. David said his plan is to bring in processed
39 crushed gravel, do some ditching and tree cuttings. David said he has done this type of work
40 before.

41 **Motion** by Steve Tofel to approve David Goodrich's plan for the improvement of the class 4
42 section of whippoorwill road. **(VOTE unanimous 3-0-0)**

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- 1
- 2 **9) Warrants and Minutes**
- 3 **Motion** by Sharon Harkay to approve the regular Selectboard meeting minutes from June 21st,
- 4 2021 as amended. **VOTE unanimous (3-0-0)**
- 5
- 6 **10) Adjourn**
- 7 Motion by Steve Tofel to adjourn the Selectboard meeting at 8:19 pm.

From: Melissa Krzal <merillin34@yahoo.com>
Sent: Monday, July 12, 2021 9:41 PM
Subject: Re: Public Comment

I have also sent a copy of his email..

July 12, 2021 Public Comment to the Thetford Selectboard.

The board itself has brought up several times the account for attorney's fees. In trying to get a handle on this I wrote to the Selectboard asking for any emails between the chairs and police personnel. Chair Clark responded he didn't have any as this was the town manager's purview. Chair Harkay responded with several different instances of emails which were mundane as about meeting at the Town Forest to inspect the site for the AT&T tower. It is the last email that caught my attention on contract negotiations. About this email she replied "I have sent an email to the town attorney to see if I am allowed to forward the one Stuart Rogers sent me. It maybe confidential because it relates to negotiation". I know a few years back Chair Rogers specifically told me all communication by town email is public. In a second email she said "Emails that have to do with negotiations, I think, are a sticky situation. That's why I have asked for advice to see if I am right. Anyway, the one in question is Stuart writing to me asking a lot of questions that the attorney said I should not answer, and I did not. I was recently asked to join Brian Monaghan and Brian Gazda on the negotiating team. Stuart knows that." The third email just said she hadn't heard from the town attorney but she thought because she didn't answer the email it was a public email. The fourth email said "Correction. In looking back through the emails from the attorney, I found a place where he said its probably open to public records request."

Chair Harkay sent me the email and I have the following comments.

"I wanted to touch base on several outstanding NEPBA matters. As new Selectboard Chair, I wanted to make sure you are aware of pending." Stuart Rogers demeaning, condescending tone and disrespect shown to Chair Harkay appalls me. Chair Harkay has been on the board for a year and three months and has been chair for the last three months. She was aware of the negotiations and other issues and didn't need him to make her aware of the NEPBA matters. His intent seems to be to influence Chair Harkay since she was added to the negotiating team.

He said in his email "On January 15, 2021 former Town Manager Tom Yennerell and Town Attorney provided NEBPA a written grievance response granting (upholding) a grievance that was filed on hour reduction". If I remember correctly the grievances were basically considered without merit as there had been no change in hours.

The January 7, 2021 meeting he states Sharon and Mary and the town attorney had spoken out against the change and here are the quotes from the minutes referring to what Sharon and Mary said:

"Police Department budget: Sharon Harkay felt the department should be level funded with no decrease in hours, because the union contract is currently in negotiations, Mary Bryant agreed, say she wasn't expecting the decrease to be calculated in the budget when it was previously discussed. The budget item, along with an update on union negotiations will be put on the next agenda." This does not appear to be an open endorsement of this issue but more of a comment on a procedural issue. I know of no place in the minutes where the town attorney spoke to this issue. The only time I have heard him speak was at the special meeting on April 7, 2021 about OML. There is no public record he has spoken on the issue one way or another. Attorney Monaghan is scrupulous about respecting client/ attorney privilege and from his demeanor I can't see him expressing an opinion on the Town's issues.

He references an executive meeting on February 2, 2021 that in the minutes 'stated no action taken.' He then says he finds "no public documentation of the Selectboard directive referenced yesterday by the Town Manager or Town Atty to cut or layoff workers." I have found no "directive" for this and is maybe

why the grievances they filed were basically without merit. This harkens back to the January 15, 2021 issue he addressed.

I believe this email would be considered to be ex parte communication. The intent appears to try and influence the chair. For example, an ex parte communication occurs at the request of and for the benefit of one party, usually without the knowledge and participation of any other party which in this case would be the town manager, our designated negotiator as his job description states. The board also voted at meeting to confirm the town manager designated policy because a union was refusing to negotiate with the then town manager. Bryan is the person the union should be communicating with not the Selectboard. Thank you Sharon for your transparency. Hopefully the union will follow the rules and talk to Bryan.

I would like to ask the responsible party for a breakdown of the attorney's fees stating the three issues that have been the most costly and how much is the overage is in this account.

Another concern are the Listers. Both Janet Stowell and Diane Osgood have decided not to rerun for election. Janet's term ends 2022 and Diane's 2023. This is going to be a great loss for the town in knowledge of how this office works. This leaves Sean Boyce as the only remaining Lister. He has been a lister for three years as he was just reelected this March. Is now the time to discuss hiring a professional appraiser/building inspector or appoint people to replace these stalwarts? Especially since it appears a reappraisal of the town is on the horizon for possibly 2022-2023. I think now is the time to discuss this and get ahead of the curve. Will the town have to hire an outside firm to do the reappraisal if the Listers elected do not have the knowledge to allow them to competently complete a reappraisal? Does Mr. Boyce have the knowledge to complete a reappraisal and teach the newly elected Listers? If the town does change from elected Listers this would have to be voted on by the townspeople after the required notifications and meetings. If so this process should start now.

My last issue is the church. Did the committee disband and was anything decided. If I remember correctly a structural inspection was supposed to be done. Has this occurred and are there any grants out there which are paying for the inspection. I have heard the engineers said at least \$100,000 worth of brick work is needed besides the upgrading needed to meet codes. A building neglected will sink farther into disrepair and accrue further expenses for the town. Another issue which should be dealt with sooner than later.

Thank you.

to me

Good morning,

I wanted to touch base on several outstanding NEPBA matters. As the new Selectboard Chair, I wanted to make sure you are aware of all is pending, recognizing that these items carry over prior to your appointment to the position. As always, it is my, and all of NEPBA's hope that we are able to work to resolve these items and move forward.

Unfortunately, we didn't have a chance to discuss directly during yesterday's mediation session. A quick summary of the initial phase of the meeting prior to the invite being extended to you - The Town Manager and Town Attorney advised NEPBA and the mediator that they are operating under a directive from the Selectboard to reduce Police Union (not the non-Union) positions to 35 hours per week, or to explore a Union lay off.

Are you able to point me to the meeting in which such a decision was voted upon by the board and publicly posted? Under VT Statutes, it seems that such a decision would not be permitted under executive session, carrying both budgetary and town (emergency) services impact. In fact, publicly there seems to be documentation of disagreement among the board and even Town leadership on this very issue. On December 7, 2020 former board Chair Nick Clark and Chief Evans had a disagreement during the public meeting in which Mr. Clark advised he intended to cut the Police hours. Chief Evans spoke against a cut, advising that he was unaware and disagreed with such action. Then on January 4, 2021 both yourself and board member Mary Bryant publicly advised that you both felt there should be no Police hour reduction. On January 15, 2021 former Town Manager Tom Yennerell and Town Attorney Brian Monaghan provided NEPBA a written grievance response granting (upholding) a grievance that was filed on hour reduction. The Town Manager and Town Attorney advised that the NEPBA schedule would remain at 84 hours per pay period. Ironically, all public discussion and documented minutes indicate that two board members, the Police Chief, Town Manager and Town Attorney all have spoke out against such a cut. It appears only one board member has publicly spoken in favor of one.

On February 2, 2021 there was a special Selectboard meeting held in executive session that included Town attorney Monaghan. The meeting cites the statute exemption for "labor relation agreements with employees" (21 V.S.A. 313 (a)(1)(B)) as the reason for the executive session. Following the session, the minutes record "no action taken." There appears to be no obvious documentation of a public meeting further discussion NEPBA since. I see no public documentation of the Selectboard directive referenced yesterday by the Town Manager and Towny Attorney to cut or lay off Union members.

Additionally, NEPBA has two grievances pending arbitration (originally filed for arbitration in August 2020). After receiving no response for months, the lack of communication was heard by the Labor Relation Board (VLRB) on April 20, 2021 in which Town Attorney Monaghan was present for the Town, with no other Town representatives. Immediately after the hearing, NEPBA filed the grievances with Federal Mediation and Conciliation Service (FMCS). To date neither NEPBA, nor FMCS has heard back from the Town on the filing as was agreed during the VLRB hearing. NEPBA attorney Horgan has notified Town attorney Monaghan that failure respond on this filing would result in NEPBA filing a motion to compel. Email attached below.

Having grown up in Town and worked for the Town for over 10 years, I have seen several changes in leadership. I recognize that sometimes items get lost in the transitions. I am more than happy to discuss any items with you or any other Town leadership members to help open communication and work toward moving forward. I know a few different ideas were discussed with the mediator yesterday and we are always happy to explore more. Knowing we are working on such a small scale, it seems logical that finding a mutual solution would not only ease time and resources strain but likely save money. It is my personal belief and hope that we can find an agreeable solution to all pending items in the coming weeks and are able to move into the second half of the year with a clean slate.

Thank you,

Stuart

NEPBA Local 403 Preside