**SELECTBOARD MINUTES**

**June 27, 2022**

**TOWN OF ALBURGH SELECTBOARD**

The Selectboard met in the municipal conference room and on Zoom. The link to view the meeting via Zoom is as follows:

PRESENT: Josie Henry, Russell Duchaine, Donna Boumil, Elliot Knight, Shawn Creller

GUESTS: (in person): George Boutah, Carol Behrman, Matthew LaFleur, Alton Bruso, Matt Lavigne

**MEETING AGENDA AND MINUTES**

1. **6:02PM – Call to Order**
2. ***Adjustments to the Agenda for the Regular Meeting***

* Add informational letter from UVM Student regarding turtle habitat research
* IT Contract – move to end of Old Business

1. ***Minutes from 5/23/22 Meeting and 6/2/22 Special Meeting***

* Motion by Russell Duchaine to approve the minutes of 6/13/22 meetings as written; Seconded by Shawn Creller; Motion carried

1. **Department/Committee Updates:**
2. **Highway Department**

* Mailbox Complaint –
* tabled until next meeting
* **Culverts**
* Road Commissioner Russell Duchaine reported that the deadline for the Greenwoods culvert is June 30th. Chair Josie Henry stated that the paperwork for this project is due June 30th which she will work on. This is a 80% reimbursement.
* **Unused leave of highway employees**
* Road Commissioner Russsell Duchaine stated that Rodney James has approximately 70 hours of vacation time on the books that he has not been able to use due to staffing issues in the highway department. Russell is asking that the selectboard approve either payment of these hours or roll them over to the next fiscal year. Motion by Elliot Knight to allow payment of unused vacation of 40 hours and allow Rodney to determine if he wants to be paid for the remaining 30 hours or rollover; Seconded by Shawn Creller; Discussion: Rodney also has 40 hours of sick time which will be paid out in accordance with the Employee Handbook; motion carried
* Donna Boumil stated that George Hakey earned 40 hours of vacation and 16 hours of personal time, which he was not given, therefore; did not use. Motion by Russell Duchaine to pay George for the 40 hours of vacation and 16 hours of personal or George can rollover these hours; Seconded by Shawn Creller; Discussion: George also has 40 hours of sick time which will be paid out in accordance with the Employee Handbook; Motion carried.
* **New hire and cooperative exchange agreement**
* Chair Josie Henry spoke with Jim Martin to offer him the operator position. He declined but stated that he is available to exchange work/time between the Town of North Hero and the Town of Alburgh. Example: he can help with ditching, etc. Russell and Rodney will discuss with Jim and let the board know if they support such an arrangement and whether or not there are any official documents required for it.
* **Cell Phones**
* Road Commissioner Russell Duchaine inquired as to who needs cell phones. He stated that George Hakey has his own and does not want a town issued phone. Discussion continued and it was determined that Rodney will be the only person to have town issued cell phones. Chair Josie Henry stated that the board has asked the treasurer for previous Verizon bills so we can determine who has phones and the board has not received them yet.
* **Lake Street Lake Access**
* The board reviewed a complaint regarding the status of the lake access on Lake Street from a resident, Mr. Dubie, who thought the town owned it. After discussion and input from Terry Tatro, it was determined that the lake access on Lake Street is privately owned by Richard Deso. Mr Dubie, who filed the complaint will be notified.

1. **Transfer Station**

* **Cash Register**
* This is a follow up to the previous meeting where the selectboard voted to purchase a cash register for the Transfer Station
* Chair Josie Henry researched different types of cash registers and found a cash register with a printer for under the $1.200 approved amount. Josie will order this. This will use the POS Square. Square charges 2.9% + .10 per transaction.
* **Raise for employee**
* Shawn Creller inquired if Dean Tallman is slated for a raise at the beginning of the fiscal year. Dean will receive a raise to $19/hr per the budget for FY22-23.
* Shawn Creller stated that Colby is out of school for the year and will be available to work on Wednesdays.
* **Free Dump Day**
* Chair Josie Henry stated that Danielle has been asked to provide recommendations on restrictions in the event there is a Free Dump Day. Russell Duchaine and Shawn Creller stated that they do not recommend a Free Dump Day unless there are restrictions imposed. They suggested fixing the small scale that is used to weigh trash. Josie will check into prices. Additionally, Josie stated that the Selectboard should look at changing the pricing of trash bags to per bag instead of weighing. There will be further discussion at the next meeting.

1. **Town Office**

* **Village Arrangement**
* The Village has moved their desk, which is in the Clerk’s office, to the back of the office and moved Danielle’s desk to the front. Josie Henry stated that she has had a conversation with Danielle to look at additional furniture to complete her work station.
* Josie Henry stated that Danielle’s monitor was not working after the furniture move. It should be under warranty and Josie will check into it.
* **Support Equipment**
* Elliot Knight reported that the Owl meeting camera and microphone system and projector had been received and we are awaiting cords, however, they were not operational for the meeting because the WiFi was down. Josie reported that microphones and cameras did not come with the new computer equipment for the Clerk, Asst Clerk and Executive Assistant. They have been ordered.
* **Central A/C in the conference room**
* The A/C in the conference room is not working. Terry Tatro stated that he believes that the A/C in the building is on the same system with separate thermostats. Motion by Shawn Creller to fix the A/C in the conference room; Seconded by Russell Duchaine; Discussion: Russell suggested that NE Air be contacted; Motion carried
* **EA to the Board**
* Chair Josie Henry reported that there are 5 applications. The Board is agreement that interviews will be set up for July 11th beginning at 5:00PM.

1. **Planning Commission**

* Planning Commission Chair Donna Boumil submitted a proposal from the Planning Commission for Enhancements to Recreation in the Town of Alburgh using ARPA Funds. The Proposal includes: The Recreation Trailhead, East Alburgh Lakeshore Park and 1 hiking trail in the 90+ acres on the Industrial Park Road.
* Planning Commission Chair Donna Boumil submitted a recommendation from the Planning Commission regarding the property at 317 Main Street. The Planning Commission recommends that the town sell the property. The Planning Commission discussed may ideas and determined that the amount of money already incurred in keeping the property and the potential further expense to keep the property would not be a benefit to the Town.

1. **4th of July Committee:**

* Selectboard Representative Russell Duchaine reported that the Committee received a quote for the flaggers, permits are in place for road closures, trophies have been received and the detour signs were being provided by the highway department. Matt Lavigne of Green Mountain Fireworks reported that he had successfully procured the fireworks.

1. **New Business**
2. **Zoom Meetings**

* Chair Josie Henry indicated that at the last meeting Shawn Creller mentioned that he believes that Zoom is not necessary.
* Discussion continued among the selectboard-
* Use Zoom as a view only tool to provide transparency
* Discontinue because WiFi is sporadic
* Keep Zoom and ask for participants ahead of time, put on the agenda
* How do people participate if not on Zoom and they cannot get to the meetings?
* “Democracy is participating” stated Matt Lavigne
* The retention of Zoom meetings in accordance with the state will have to be researched
* No Zoom, audio only
* Motion by Shawn Creller to suspend the use of Zoom and use only when requested to participate; Seconded by Russell; Vote: 2 AYE, 3 NAY Motion defeated
* Tom Jacobsen inquired as to how much money has been spent on Zoom upgrades. Josie Henry stated that these upgrades are part of the technology upgrades for the Town Office
* Motion by Elliot Knight to broadcast and record meetings via Zoom but to require advanced coordination with the board for issue presentations or interactions on specific agenda items. Seconded by Josie Henry; Vote: Shawn Creller – NAY, Russell Duchaine – NAY, Elliot Knight – AYE, Donna Boumil – AYE, Josie Henry – AYE. 3 AYE, 2 NAY, Motion carried

1. **For information only**

* A letter was received from Destini Acosta, a student at UVM, informing the Board that there will be proper sampling of turtle habitat at the Lakeshore Park. This is public land and no permission is needed.

1. **Old Business**
2. **317 South Main Street Property**

* Chair Josie Henry stated that the selectboard received an email from the town attorney in response to a question posed by the board regarding deed restrictions on a potential town property sale. The attorney strongly recommended against imposing such restrictions as they could put the town in legal jeopardy.
* The Planning Commission recommended selling the property
* Terry Tatro provided an estimate of the amount of money that the town has spent on the property to date: $14,547.13 in delinquent town taxes, village taxes, delinquent village water and sewer. Interest increases $148.11 each month. Other expenses by the town were the purchase price of $5,827.56. Additional costs include clean-up, continued water and sewer billing, insurance, and loss of current taxes. Terry stated that if there are excess funds gained from a sale, the funds go back to the original owner.
* Russell Duchaine suggested that this be put on the ballot alongside the next special town vote, likely from Alburgh Rescue in the fall.
* Josie Henry stated that if the property were to be auctioned off there would be a legal notice posted, and the public would have 30 days to object via a petition.
* Elliot Knight suggested surveying the public for suggestions. He volunteered to take the lead on engaging the public via a survey and spreading the word.
* Motion by Shawn Creller to allow 30 days for Elliot Knight and other interested board members to solicit public input and draft a specific proposal for the board’s consideration by July 30th. Seconded by Josie Henry; Discussion: the item will be taken off the agenda until this date. The Executive Assistant could potentially help with this; Vote: Shawn Creller – AYE, Donna Boumil – AYE, Josie Henry – AYE, Russell Duchaine – NAY, Elliot Knight – NAY. 3 – AYE, 2 NAY. Motion carried

1. **Town Auditor and Town Health Officer Position**

* Jane Dwinell resigned from both positions effective June 30, 2022
* Josie Henry will work with the Town Clerk to get these positions posted.

1. **Planning Commission – consideration for removal of an appointee to the board**

* Chair Josie Henry stated that an email was sent to Planning Commission member Carol Behrman to inform her the board was considering removing her from the Planning Commission and to invite her to attend the selectboard meeting to discuss the matter in either open or executive session.
* Carol Behrman stated that she wanted to discuss the matter in open session.
* Chair Josie Henry proceeded by informing Carol Behrman that the selectboard had received information from the state that she had reached out to them, indicating she was a member of the Alburgh selectboard, regarding the old Sunoco Station property on Main Street in Alburgh.
* Chair Josie Henry laid out the details on how the board had received the information:
  + The new owner of the old Sunoco Station, Aaron Vincelette, reached out to her as his engineer told him the Alburgh Selectboard had reached out to the state with concerns over his planned development of the parcel.
  + Josie Henry asked for the details on the correspondence as she wasn’t tracking any board action with the state on the matter.
  + Mr. Vincelette forwarded an email that confirmed the state had been contacted by someone indicating they were from the Alburgh Selectboard.
  + Josie Henry reached out to the state, in writing, to confirm who from the board reached out on the matter, and the state responded in writing that Carol Behrman, who indicated she was on the Alburgh Selectboard called them with concerns over the parcel development.
* Carol Behrman stated that she did call the state about the old Sunoco Station property as she has concerns about a restaurant going onto a site where there was once a gas station, but she stated she did not present herself as a member of the Alburgh Selectboard. She recalled mentioning her role on the Planning Commission and that she is a concerned citizen.
* Carol requested a copy of the emails, which Josie stated would be provided to her.
* Carol stated that she was upset with the fact that the Electric Vehicle (EV) charging stations, funded by the state, were not going on Town property and that they were being installed at the Sunoco station. Carol stated she felt the EV Charging Stations should be installed near the Town Office and not on private property.
* Josie Henry stated that there is an important difference when engaging the state as a planning commission member, a selectboard member or a private citizen. Regardless of the specific verbiage used during the call, the state thought the concern was an official town concern and they reacted accordingly.
* Carol stated that if she misled anyone, she is sorry, but she will not apologize to the Board.
* Josie Henry stated that the selectboard consulted the town attorney who stated that it is illegal to misrepresent oneself as a selectboard member.
* At this time Carol Behrman left the Selectboard Meeting.
* Members of the public commented stating they felt it was unfair to remove Carol from the Planning Commission because it was not discussed with the Planning Commission. Carol was recently reappointed to the Planning Commission for a 3 year term and should be allowed to finish the term, some argued. Another member of the public spoke of Carol’s character and stated that he did not believe that Carol would fraudulently represent herself.
* Selectboard Members Shawn Creller and Russell Duchaine stated that they felt that this was sabotage and done out of spite and haste over the Electric Vehicle charging station grant.
* Elliot Knight asked what the result of the inquiry was to the business owner and board members responded that they heard there were additional engineering costs of $10,000-15,000 and a delay in the project timeline.
* Chair Josie Henry reviewed options for board action that were developed in consultation with the town attorney, noting any action other than non-action would require a unanimous vote by the board:
* Do nothing
* Censure – official scolding
* Remove from appointed office on the Planning Commission
* Ask the State’s Attorney to Press Charges
* Motion by Shawn Creller to remove Carol Behrman from the Planning Commission; Seconded by Josie Henry; Motion carried

1. **Long Term Support Contract**

* Motion by Chair Josie Henry to have an Executive Session in accordance with VSA 313 (A)(1) to discuss contract negotiations for long term IT support; Seconded by Shawn Creller; Discussion – the executive session will be after the warrants; Motion carried

1. **Budget and Administrative Items**
2. **Treasurer’s Report/Auditor Update**

* Chair Josie Henry stated that a treasurer’s report nor auditor update was received. The end of the year budget numbers have not been presented. The selectboard should consider authorizing a member to authorize paying any bills that arrive before the end of the fiscal year.
* Motion by Russell Duchaine to authorize Donna Boumil to authorize payment of bills that arrive prior to the end of the fiscal year; Seconded by Josie Henry; Motion carried.

1. **Warrants –**

* Donna Boumil stated that the warrant for payment of $2,500 to the Alburgh Recreation Committee should be withheld because the selectboard voted to transfer those funds to the holiday expense account for July 4th festivities.
* Motion by Josie to not pay the Recreation Committee the $2,500 and that amount be transferred to the Holiday Expense account; Seconded by Russell Duchaine; Motion carried
* Sheriff’s Contract
* As voted on at the last selectboard meeting, the selectboard voted to not pay the invoice for Sheriff’s Department services because OT was charged. The selectboard is still waiting for a copy of the Sheriff’s contract to determine if OT can be charged.
* Motion by Donna Boumil to authorize payment of the invoiced hours at $56/hr and to review the OT charges, Seconded by Elliot Knight; Motion carried.

1. **Executive Session:**

Motion by Russell Duchaine to enter into Executive Session at 8:30PM; Seconded by Elliot Knight; Motion carried

Motion by Russell Duchaine to exit Executive Session at 8:41pm; Seconded by Elliot Knight; Motion carried

No action taken

**Adjournment:**

Motion by Shawn Creller to adjourn at 8:41PM; Seconded by Russell Duchaine; Motion Carried

Respectfully submitted,

Donna J. Boumil, Board Clerk/Selectboard Member