**MINUTES SELECTBOARD MEETING**

**Grafton Town Hall Upstairs In Person/Live**

**With accommodation for persons unable to attend in person via interactive Microsoft Teams**

**Monday, July 18, 2022, 6 pm**

Present at the meeting in the Town Hall:

Selectboard: Joe Pollio, John Gregory, Cathy Siano-Goodwin, Rich Thompson, and Suzanne Welch.

Also: Charlie Bonin, Dottie Cannon, Don Dougall, Mike Faulkner, Bill Kearns (Town Administrator), Joan Lake, Kim Record (Town Clerk/Treasurer), and Wendy Martin.

Present online: Hardy Merrill, Nancy Merrill, FACT TV.

1. Call to order: The Chair called the meeting to order at 6:01 pm.

2. Adopt Agenda: John Gregory asked that an Executive Session be added at the end of the meeting to discuss personnel, specifically the highway employee replacement: *1. V.S.A., § 313, (3) The appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting.* It was moved by John Gregory, seconded by Suzanne Welch, to adopt the agenda as amended. Motion passed unanimously.

3. Approve minutes of the July 5, 2022 meeting. It was moved by John Gregory, seconded by Suzanne Welch, to approve the minutes of the July 5, 2022 meeting. Motion passed unanimously.

4. Highway Report:

• Other. Assistant Road Foreman Mike Faulkner reported that the crew was catching up with grading and mowing. There’s a slight beaver problem on Marshall Road; he will contact Skip Lisle for assistance. Bill Kearns said that Lisle was aware and waiting for the road crew to contact him. Joe Pollio said there were dusty areas on gravel roads and the crew will look into those. Suzanne Welch thanked the crew for completing the Village Park driveway.

• Hinkley Brook Culvert. It was moved by Rich Thompson, seconded by Joe Pollio, to send confirmation to Jamie Gregory Trucking & Excavating that the Town’s intent is to build the Hinkley Brook Culvert project in the summer of 2023. Pollio said that Jamie Gregory was asking for confirmation so that he could purchase the materials ahead of time and he would like it in writing. Suzanne Welch asked for clarification on how contracts work; her understanding was that Gregory had not received an award letter. John Gregory said that whenever a bid is awarded, the contractor is notified. He said he had tried to stay out of the matter, and that it was not about this project in particular but for all projects. Welch said that at the last meeting, John Gregory had mentioned that a letter was needed and that was why it was decided Pollio would follow up with Bill Kearns. She said she had spoken with Kearns and learned that the other bidders had been sent a letter on the 23rd saying who had been awarded the bid. Kearns said that it was simple and all the terms were in the letter.

Gregory said that former Road Foreman Danny Taylor had said that it was customary to send out a letter. Kearns said he has never sent a letter; instead, he sends a communication to all bidders, saying who had been awarded the bid and all the terms are included in that communication.

Pollio said that there shouldn’t be a problem because Jamie Gregory Trucking & Excavating was the low bidder, the board approved it and Jamie Gregory just wants assurance that the Town will do the project because he has to buy the materials. Welch said that according to what Kearns said, when the notification goes out, it’s assumed that the terms of the bid are what the Town is accepting. Kearns said that was not the case and if the Town went to court, it would not be considered an assurance. Welch said she thought that in general, the Town should live up to its commitments and in terms of the bid, is there no assurance to the supplier the Town will build the project? Kearns said the Town is obligated to do the project but there is no assurance; in this case, Jamie Gregory is asking the Town to do the polite thing so he won’t get stuck with the materials.

Gregory said that the other point was that the Town does not have the funding for the project in hand and the balance will have to come from the Capital Budget; Pollio said that the Selectboard has the final word. But it’s also possible a new Selectboard will be voted in March and that board might not want to do the project, he said. Jamie Gregory is laying out the cost and wants to make sure he won’t have to sue the Town.

Welch said she thought it was prudent for Jamie Gregory to order the materials in advance and she understood why he asked for assurance, but is the Town obligated to cover the material costs or is it obligated to cover the entire bid amount? Kearns said the Town was obligated for $183,500. Welch asked that in the event the Town did not build the project, does it owe Jamie Gregory Trucking & Excavating $183,500? Kearns said the Town would owe him for his loss.

Welch then asked if the motion could be framed this way, vis-à-vis the Town’s obligation for Gregory’s loss. Rich Thompson said he didn’t think that was necessary and in business, a purchase order is a binding contract and he was fine with the original wording of the motion. Welch said she would vote no and not because she didn’t want Jamie Gregory to have the assurance; rather, she thought the motion should state that if the project were not built, the Town would owe him for his loss. She saw it as being more about how the Selectboard manages its contracts than about this particular project.

The Chair called the question. Motion passed by a vote of 3 (Joe Pollio, Cathy Siano-Goodwin, Rich Thompson) to 1 (Suzanne Welch) with 1 abstention (John Gregory).

FEMA projects status. Bill Kearns reported that there weren’t any issues with four of the projects anymore; the fourth is still going through review and the others are obligated. Ledge Road is under review. The Town now has plans for the culvert itself and going to the state. The bid was $174,000 and that should be the amount of the project but if it costs less, that’s what FEMA will pay, plus 5% for management.

5. Clerk/Treasurer Report.

• Property tax bills. Town Treasurer Kim Record said that the tax bills had been mailed on Saturday, July 16 and the process was a nightmare, with tracking the bills with UPS. She and Michelle Dolloph were able to track them down on Friday and mail them out on Saturday morning. First payment is due on August 15. Record also said the color copier was due to arrive in the next month or two.

6. Committee Reports:

• Cemetery Committee: Joe Pollio said he and John Gregory were meeting with the Houghtonville Cemetery land abutter the next day to see if he would donate or sell property to the Town to expand the cemetery. He also said he and Gregory would be working on the cemetery rules.

• Highway Committee: John Gregory said the hiring of a new road foreman would be discussed in Executive Session.

 Traffic ordinances. Bill Kearns sent the paperwork to the Highway Committee because he didn’t know what they wanted him to do with it. The options are to adopt all the rules or the board could hold a public hearing ahead of time and see if the Town will approve of the changes; he recommends the latter. He had learned that a good portion of Town roads had been left out of ordinances and he wanted the sheriff to review all of them before new rules are voted so that if a ticket is contested, the wording would be correct if presented before a judge. Pollio agreed that some kind of public hearing was needed; he will put it on the agenda for the next meeting.

 Traffic cones (discussion from July 5th meeting). Kearns said that the cones in the road had been dealt with. This was one instance where it had been been assumed that road over the Cambridgeport Bridge is 30 mph but it’s 40 mph from Grafton (Route 121 at Wilson & Lawrence) to the Rockingham border in Cambridgeport village. However, the landowner now understands the traffic cones were illegal.

• Parks Committee: No report.

• Personnel Committee: Suzanne Welch said she and Cathy Siano-Goodwin had worked on the Proposed Town Policy for Town Employees’ COVID Sick Leave, which was based on a previous action by the Selectboard on May 5. After an Executive Session at that meeting, the board voted that the COVID policy concerning employees returning to work was to follow the directive of the Vermont Department of Health.

The proposed policy states that employees are required by the Town of Grafton not to return to work for 5 days after testing positive for COVID. Those five days of required time do not count against an employee’s earned sick leave. If the employee’s health care provider or the employee decides more time off than 5 days is required for recuperation from COVID, those subsequent days are counted toward the employee’s earned sick leave.

Rich Thompson asked what would happen if an employee had more than one positive test in a calendar year; each time would be considered a separate event and the “five-day” requirement would be in place. Don Dougall asked if something about vaccinations should be included; Welch said that no distinction was made about vaccinations because that was considered more of a personal decision. Kearns thanked the Personnel Committee for quickly clarifying the policy for employees. Kim Record asked for confirmation that if an employee has a positive test, the employee is required to stay home for five days with no exceptions; that is correct.

It was moved by Suzanne Welch, seconded by Cathy Siano-Goodwin to approve the Town Policy for Town Employees’ COVID Sick Leave. Motion passed unanimously.

• Buildings Committee: Bill Kearns said that the elevator proposal was being worked on and the electrical work was on schedule for August 22.

• Wastewater-Water Committee: Joe Pollio said that Tighe & Bond had asked the Town to come up with figures for the Windham Foundation properties; Pollio offered to help the Windham Foundation with this but Bob Donald said he would have the answers this week, which will be forwarded to the engineering firm. There had been a July 1st deadline that has been put off; Bill Kearns has not heard of a new date or new schedule.

7. Other Business: There was no Other Business.

8. Public Comment: Don Dougall asked the board to clarify the Tree Warden position. He was told the Tree Warden would manage shade trees that have been designated as shade trees, that this person would form a committee and decide if there were trees to be considered as shade trees, bring those to the Selectboard and it would then designate those trees the Tree Warden would now be in charge of. [The State of Vermont has outlined this description.] Pollio said that in some communities there were many old shade trees and this was a way to protect them. Suzanne Welch asked if it were possible for residents to ask for trees that are wholly or partially on Town property to be designated; the resident would have make this request to the Selectboard.

Dougall asked about the status of the Walker Bridge replacement. John Gregory said that his understanding was that not all property owners had signed off on the right-of-way agreements (he thought that three had and two hadn’t). The Town can take the matter to court if the owners do not sign off.

Dougall reminded the Selectboard that the Grafton Improvement Association’s annual meeting was on Wednesday, July 17 at 6 pm in the Homestead and all are welcome.

9. Next regular meeting: Monday, August 1, 2022 at 6 pm.

10. Executive Session: It was moved by John Gregory, seconded by Rich Thompson to enter into Executive Session at 6:43 pm to discuss personnel matters and the hiring of a Road Foreman : *1. V.S.A., § 313, (3) The appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting.*. Motion passed unanimously.

At [time needed], it was moved by Rich Thompson, seconded by John Gregory, to exit the Executive Session. Motion passed unanimously.

It was moved by Rich Thompson, seconded by Cathy Siano-Goodwin, that:

• The Hiring Committee will interview three of the candidate.

• Bill Kearns will send a letter to the other two applicants, informing them they were not selected to continue in the process.

• Kearns will edit the advertisement for the position and run it three times in August in The Shopper (Vermont Journal).

Motion passed unanimously.

11. Adjourn. It was moved by Rich Thompson, seconded by Suzanne Welch, to adjourn the meeting at [time needed]. Motion passed unanimously.

Respectfully submitted,

Wendy Martin