

WESTMINSTER SELECTBOARD MEETING

Thursday December 1, 2022 - 6:30 p.m.

In person at Westminister, VT Town Hall and remote by FACT TV

Selectboard Present: Jason Perry (Chair), Katrina Hamilton (Clerk), Kevin Hughes (Vice Chair), Craig Allen and Nathan Dugat

Staff Present: Ken Fay (Town Manager)

Others Present: Susan Harlow, Joe Ruggiero, John Fay, Paul Quido, 1 person from FACT TV and others not identified

1. Call to Order: The Chair called the meeting to order at 6:30 p.m.

Information to access a future meeting using a remote connection is available on the FACT TV Facebook page, Town of Westminister website or by calling the Westminister Town Hall.

Jason Perry introduced the new Town Manager, Ken Fay.

2. Adjustments to Agenda: Kevin Hughes requested to move the conflict-of-interest policy adoption to new business discussion, to move the waste management discussion as priority, and motioned to go into executive session under new business item D., to discuss the citizen of the year and dedication of town report. Craig Allen seconded the motion. Jason Perry stated the motions were to move waste management discussion to the top of the list, conflict of interest down and enter executive session with manager to discuss citizen of the year and dedication for town report. Motions carried 5-0 by voice vote.

3. Acceptance of Minutes: November 9, 2023 – Katrina Hamilton noted Richard Crocker, not Richard Parker from the Planning Commission attended the November 9, 2022 meeting. Hamilton motioned to accept the minutes with the correction. Craig Allen seconded; motion carried 5-0 voice vote

4. Communications and Public Comments: None

At this time the Board moved to New Business as discussed in Adjustments to Agenda -

- A. Waste Management Discussion – Two people, John Fay and another person not identified from Windham Solid Waste Management District (WSWMD) addressed the board noting Kevin Hughes was the representative for the Town of Westminister. It was

noted Russell Hodgkins served three years with the District, was very active, and served on the finance committee. Westminster is the district's second largest town and as voting is apportioned by population Westminster has two votes. Noted was the District has been financially stable for the last four years stating there was real value to the member towns as outlined in a letter to the Board November 29, 2022 in the information presented. Mr. Fay said the State required every municipality to have their own plan as required by the department of environment conservation or to be part of a larger group such as Windham Solid Waste Management District. Also, they were in the permit process to expand the facility to have a larger capacity permit investing at least \$500,000.00. In answer to Mr. Hughes question, WSWMD has a compost product called Brattlegrow with a product profit last year of \$80,000.00. They rely on five retail distributors to buy 80% of the compost product at a discount rate, adding it's the only recycled material re-used locally. Also, they have been approached by a venture capital firm from New York City to help develop/test biodegradable packaging for companies such as Pepsi as most packaging products are not biodegradable. The solar array is another big revenue stream for WSWMD due to a special bill, ACT 99 passed by VT Legislature for a five-megawatt group net metered solar array to make the project viable. In answer to Mr. Perry's question on how to schedule a hazardous waste management disposal event, Mr. Fay said an event was scheduled somewhere in the area every year or every 2 years. These events cost at least \$10,000.00 for one day. For \$10.00 per item hazardous waste can be disposed of at the Brattleboro site on an honor system. Mr. Allen requested information regarding hazardous waste be posted on the Westminster website. Mr. Hughes motioned Ken Fay be the alternate representative to WSWMD, Mr. Allen seconded motion, motion carried 5-0 voice vote.

At this time the Board moved to Unfinished Business –

- A. Conflict of Interest Adoption – Kevin Hughes noted the policy from September 14, 2010 was adopted by the Selectboard at that time. The amended policy has been discussed and reviewed by the Board since June 2022 to deal with certain matters specifically. It is a policy applying to all public officers, employees, and agents of the Town to act in a manner that is ethical, honest, and open about conflict of interest. **Additions:** Adoption by a legislative body as policy applies to public officers, all employees inside the town and agents, and agents as defined (page 2) is any person, actors engaged in extended contracts with the Town in perpetuity (at least 12 months). This policy replaces the conflict-of-interest policy adopted September 14, 2010. It covers all conduct from December 1, 2022. It is expressed that all signatories are signing to move the policy from December 1, 2022 and it is established for all future boards to re-sign, adopt and agree to the policy when the Board membership changes in the future. The future boards can amend, change, or scrap the policy by majority vote. It notifies this is the policy from this date forward.

Mr. Hughes stated the Board was a legislative body and as such had the authority granted under VT 24 VSA 2291 (20) to adopt the policy.

Hughes continued, the purpose of the policy is to ensure the business of this municipality is conducted in such a way no public official or employee of a municipality will gain a personal or financial advantage from his or her work with the municipality and so that the public trust in municipal officials will be preserved. It is also the intent of this policy to ensure that all decisions made by municipal officials are based on the best interests of the community at large. It is also intended to promote ethical standards of conduct that also shun and refute improper behavior to include duress, defamation and any conduct that produces a hostile work environment or interferes with or impedes the best practices of executing all business of the Town of Westminster. Mr. Hughes stated the only two additions from the previous policy previously were (page 2) defining **duress** in general and **defamation**. Added was to **set a standard of conduct** as per the policy. Mr. Hughes read defining **conflict of interest** per the policy. Agent, duress and defame were additives. Hughes noted emergency, official act/action, quasi-judicial proceeding are described in the policy. Hughes read Article 4. **Disqualification** as per the policy. Article 5. **Disclosure** – no changes were made. Article 6. **Recusal** – per written policy. Article 7. **Enforcement; Progressive Consequences for Failure to Follow the Conflict of Interest Procedures**. Hughes read per the policy. Article 8. **Exception** as per the policy. 9. **Effective Date – This policy shall become effective immediately upon its adoption by the Westminster Selectboard on December 1, 2022.** Katrina Hamilton motioned to accept the policy as written. Nathan Dugat seconded; motion carried by 5-0 voice vote. **The adopted policy is a matter of record and attached to the minutes of December 1, 2022.**

B. Website Discussion – Susan Harlow said a couple of years ago the Board started to update the website. Several people had worked on the website and she and believed it was close to being done. She encouraged the Board to hire someone to finish it and maintain it as required. She believed communication and public information in Town and via the website needed to improve. She noted there was a Town Facebook page under her name and was willing to turn the page over to be administered by another person in the Town. Ms. Harlow said she had the login information to access the basic design done by Russ Lazarek but information input at that time needed updating. Mr. Perry suggested tabling further website discussion until the next meeting when there was more information.

In another matter: Kevin Hughes requested Ms. Harlow share her thoughts regarding budgeting and inviting others for the in-camera budgeting process. Ms. Harlow

suggested after the budget is finalized, there be a meeting open to the public before town meeting to ask questions regarding the budget.

C. Town Meeting Verification - Mr. Perry said a motion was required to verify the date, time, and location of the town meeting. Mr. Allen motioned to set Saturday, March 4, 2023 for the annual Town meeting to be held at the Bellows Falls Union High School at 10:00 a.m. Voting would be Tuesday, March 7, 2023 for voting by Australian ballot at the Westminster Fire House. Mr. Hughes seconded; motion carried 5-0 voice vote.

D. Citizen of the Year and dedication of the Town Report - Executive Session – Motion made earlier in the meeting.

E. Town Manager’s Report:

Deputy Fisher and Deputy Wilbur came to the Town office on November 22 requesting a copy of the Town’s junk ordinance and to ask questions concerning property with a junk issue. The deputies created a case number and went to the residence. The resident promised to put up a fence in the spring and to bring a letter of intent to the town hall to track progress. The deputies said there were on-going issues with the sheriff department email.

The animal control officer rate will increase from \$7,000.00 to \$7,200.00 per year. There will be a meeting to explain the funding formula for the officer 1/10/2023 at 11:00 a.m.

The Board and Paul Guido discussed on-going junk issues on the Back Westminster Road. Mr. Guido said he believed as part of the Town ordinance a permit was required by the Town and the State to operate a salvage yard. Perry said the ordinance specifics were a question for legal counsel.

F. Road Foreman Report – Mr. Perry said there were two new employees on the road crew. He hoped residents and the general public would have some patience (when there was snow) for the new employees to learn routes and road procedures.

7. Boards, Committees and Commissions: None

8. Other Business – Kevin Hughes requested to discuss at the next meeting investment policies for the Town as he felt there was confusion regarding what is the general funds obligation to put town funds and general funds into insecure or commission-based products. He believed there needed to be a firm policy for the Town. With permission, he will bring information for the Board to review at the next meeting adding the State of VT had a lot of tremendous information available online for Town investing.

The Board agreed to continue reviewing policies. The next one to be reviewed will be the

ethics policy.

Craig Allen suggested the board break into groups/committees to discuss departmental town budgets.

Jason Perry reminded the board that the items discussed in executive session remained confidential and stay within executive session.

Mr. Allen said he would like to send to the members of the board the email message other town managers are sending out. When responding to all or more than three people (board members) it certifies as a legal warned meeting.

Ms. Hamilton said board members could send an email and members could reply all to certain things as an informal meeting. She believed there were discussions people were being left out of and there was not good communication all the time. She stated she understood the open meeting law and believed there are some discussions via email/text where board members could “reply to all”. She felt in general discussions people could respond to all and it was okay.

Mr. Hughes suggested legal counsel be consulted and present a brief overview of responding to emails to clarify the statute.

The Board moved to executive session at 7:44 p.m.

The Board reconvened regular session at 8:00 p.m. No action was taken.

9. Date of Next Meeting: Wednesday, December 14, 2023

10. Adjournment: Nathan Dugat motioned to adjourn at 8:00 p.m., Katrina Hamilton seconded; motion carried by 5-0 voice vote.

Clerk

Date

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Minutes composed by Millie Barry 12/5/2022