

## **Middletown Springs Selectboard • Approved Minutes Regular Meeting • July 23, 2020**

**BOARD PRESENT:** Patty Kenyon, Heather Grier via Zoom. At the town office, Terry Redfield, Neil Russell, Carl Haynes.

**TOWN OFFICERS PRESENT:** via Zoom - Sarah Grimm - Auditor, Jenny Talke Munyak - Treasurer, Deb House - Delinquent Tax Collector, Sally Achey - Lister, Pat Hemenway - Lister. At the town office; Bill Reed - Road Commissioner/Road Foreman, Laura Castle - Town Clerk

**PUBLIC PRESENT:** via Zoom - Peter and Aileen Stevenson, Don Hemenway. At the town office, Kevin Eaton

**CALL TO ORDER:** Terry Redfield called the meeting to order at 7:04pm

**APPROVAL OF MINUTES:** 7/09/2020 Regular; 7/16/2020 Special Facilities

Neil moved to approve the minutes of 7/09/2020 and 7/16/2020 as presented, Terry 2<sup>nd</sup>. All in favor, motion carried.

**EMERGENCY MANAGEMENT UPDATE:** none

**PUBLIC COMMENTS & GUESTS:** Kevin Eaton - attending to represent the Middletown Springs First Response would like to get the position/decision of the Selectboard regarding aligning the organization with the town subsequent to their break with Poultney Rescue Squad.

On 7/17/2020 the following information was imparted to the Selectboard, the leaders of the Middletown Springs First Response and the Poultney Rescue Squad by Ray Walker the EMS Programs Administrator at the Department of Health.

*“After communicating with all of you over the past several weeks and speaking with Katrina at Poultney Rescue this morning, I offer the following summary to clarify licensing and response options for Middletown Springs First Response:*

- 1. Poultney Rescue has agreed to extend insurance coverage to Middletown Springs First Response until July 20, 2020 for their first response vehicle, professional and general liability and worker’s compensation. Unless MTSFR obtains insurance coverage by July 20, 2020, their EMS license will be suspended at midnight July 20, 2020 and MTSFR may no longer be dispatched to EMS calls.*
  
- 2. Poultney Rescue has placed the MTSFR members on a probationary membership status until September 1, 2020. That means MTSFR members who are also members of Poultney Rescue will remain insured and may continue to respond to Poultney Rescue calls until September 1, 2020. The MTSFR first response vehicle may not be used after July 20, 2020 until new insurance coverage is obtained.*

*3. If the MTSFR members do not meet the requirements of the probationary status, their membership with Poultney Rescue will end on September 1, 2020 and they will no longer be authorized to respond to Poultney Rescue calls.*

*4. At whatever point MTSFR regains the required insurance coverage (workers' comp, professional and general liability, and vehicle), they may seek reinstatement of their EMS agency license."*

There was some discussion about the process to get an EIN and acquiring non-profit status.

Kevin also stated that Middletown Springs First Response would like to become a department of the town.

There was discussion about the liabilities and responsibilities the town would assume if they added the First Response as an agency of the town. There are many questions about how the delegation of responsibilities would be outlined and how the town would manage this new responsibility moving into the future.

Terry asked Kevin to outline the specific requests of the First Response to the Selectboard and forward that in writing to Terry who will then forward that request to the board and our town's attorney in order to get an opinion from him in writing about what the town's options and responsibilities would be given the current information in front of the board.

Patty read an email received on July 16 from Vicky Abare at VLCT stating the following:

*"Good morning, Terry.*

*Our attorney responded and here is what he said. To be "municipal" the First Response Service needs to become a department of the Town. It may be that they could have their own tax id #, but they have to be under the direction and control of the Town if they wish to receive the benefit of PACIF membership.*

*If they decide to become under the Town's control, let me know, otherwise, they will have to get their own insurance.*

*Let me know if this is the direction everyone decides to take."*

There was discussion about what exactly "direction and control of the town" means legally in terms of town responsibility and how we set up that direction and control moving forward and what that would look like. The concern is what is the town's responsibility in the day to day operations of the First Response, i.e. certifications, licenses, trainings, etc.

Carl moved that the board adopt Middletown Springs First Response as an entity of the

town and the board chairman provide the documentation needed to the VLCT to insure MSFR through the town's insurance and the necessary paperwork for the First Response to have their own checking account and savings account if needed, Neil 2<sup>nd</sup>. Aye - Carl. Opposed - Terry, Neil, Heather, Patty. Motion failed.

During the motion discussion period there was more discussion on the technical aspects of how we would move forward.

It was stated that it is not the intent of the board to have MSFR fail, but we can't commit the town to the liability and responsibility without more information. And if we are going to take this on, we need to do it right.

Since, according to the Dept. of Health, the MSFR no longer exists, would we essentially be creating a NEW organization under the auspices of the town and not adopting an existing organization? Another question to ask the town attorney.

There was some discussion about rescinding/suspending the vote while we gather more information. The initiator declined to rescind and the vote proceeded.

There was a point of order about Carl taking part in the vote. It was also pointed out that it is a questionable call in a small town and that each person has their own prerogative to recuse or not and that some people would have chosen to recuse themselves in a similar situation.

Carl moved to have all email conversations by board members posted with the minutes.... No second, motion lost.

Deb House commented to the board that as a legal professional she is "absolutely astounded" that numerous times she hears board members have talked to the town attorney about this or that and there is no written follow up from the attorney for review by other board members. She recommends that the town attorney should be required to follow up by sending an email to board members recapping what was said within that discussion. Point taken, and the board will ensure that moving forward we will work to get a follow up written email or letter of recap from any attorney discussions for the entire board to review.

## **TOWN OFFICERS:**

Sally, on behalf of the listers, stated this is the meeting we are supposed to decide if the town is going to levy a penalty for late filers of homestead declarations. The listers recommend that we do not assess this penalty this year.

Patty moved the town decline to assess a penalty for late homestead declaration filers for property tax year July 1, 2020 to June 30, 2021, Neil 2<sup>nd</sup>. All in favor, motion carried.

**FY 2021 Tax Rate Deliberations** - The treasurer pointed out to the board that in the current year's budget we included \$40K in revenue for highway grants and that if we don't get that grant money we need to remember that the expenditures for the year need to be closely tracked so that we do not expend those dollars on other highway

costs outside of the intended projects.

There was a discussion about recent tax payments coming in after June 30, 2020. The total received amounted to just over \$60K. The board discussed and the majority agreed that those taxes should be applied to the 2020 fiscal year in order to help with the shortfall in tax revenue we were left with on June 30.

Patty moved to authorize the treasurer to apply tax payments received after July 1, 2020 in the amount of \$63,949.42 to FY19/20 budget ending June 30, 2020, Neil 2<sup>nd</sup>. Aye - Terry, Patty, Neil, Heather. Opposed - Carl.

The Treasurer proposed the following tax rate - town .441 and highway .383 with a total rate of .824. Rates for last year were .396 town, .335 highway totaling .731. This will amount to a 12% increase in taxes.

Patty moved to approve the town and highway tax rates as presented, .441 town; .383 highway, Terry 2<sup>nd</sup>. After some discussion Patty rescinded the motion in favor of new motion with adjustments.

During the motion discussion period the board looked at using the money in the tax stabilization fund to offset part of the highway deficit.

Patty moved to use the Tax Stabilization reserve of \$15,000 to apply to the town highway deficit FY19/20, Neil 2<sup>nd</sup>. Aye - Terry, Patty, Neil, Heather. Opposed - Carl.

The treasurer recalculated the tax rates based on using the tax stabilization funds.

New tax rates were emailed to the board and proposed as follows. Town rate, .441; highway rate, .366, totaling .807.

Terry moved to approve the proposed town tax rate as prepared by the treasurer. .441 town, .366 highway, total .807. Neil 2<sup>nd</sup>. Aye - Terry, Patty, Neil, Heather. Opposed - Carl.

**Fiscal Year Salary Adjustments** - Carl moved to increase hourly labor rates 25 cents across the board... no second. Motion failed.

Terry moved to adjust salaries as proposed with the FY2021 budget for highway and transfer station (3% increase) retroactive to July 1, 2020. Heather 2<sup>nd</sup>. All in favor, motion carried.

Patty moved to increase the remainder of hourly employees by 3%, to include the Listers, Auditors, Asst Treasurer, Asst Town Clerk and Road Commissioner as of July 1, 2020. Heather 2<sup>nd</sup>. Aye - Terry, Patty, Neil, Heather. Opposed - Carl.

## **Upcoming Elections**

Laura reported that we have received a lot of absentee requests. Also there have been many issues with the post cards sent out by the state. It appears that the mailing list

they used for the post cards did not match up with current voter checklists across the state.

Terry reported that there have been some concerns shared by our usual slate of poll workers in regard to COVID-19 protocols. The BCA has initiated a list of guidelines and requirements for voting in person that will be shared with the public through postings on Front Porch Forum, the town newsletter, and notices in locations around town.

Additionally, the town's COVID-19 Exposure Control Plan, adopted on May 14, 2020, requires face coverings be worn in municipal buildings at all times.

Terry moved the following language be adopted to mandate masks in establishments within the town of Middletown Springs *"Any person, whether an employee, a customer or a visitor who enters a public establishment located in the Town of Middletown Springs that invites the public into their premises for the purpose of receiving services, purchasing products or otherwise conducting business, shall wear a face covering over their nose and mouth or a face shield while inside the establishment and while in the presence of others"*. Motion failed for lack of a second.

Members reiterated that the COVID-19 plan we adopted earlier this year requires masks in public buildings and that requirement extends to our polling place. Given that and the expected mask mandate coming our way by the Governor, most members thought the need for a town-wide mandate was unnecessary.

Terry requested the Town Clerk send out a notice for a BCA meeting on Thursday July 30, at 7pm to go over the checklist for the November election.

Due to the receipt of a tax abatement request Terry also requested the Town Clerk to send out notices of a BTA meeting for July 30 at 6:30pm.

Patty will send Zoom notification to BCA, BTA members and the taxpayer requesting abatement for these meetings.

## **TOWN HIGHWAY:**

### **Road Commissioner Report:**

- New truck is ready at the dealership - Bill will work on getting the vehicle insured and then we will be able to pick up the truck and put it into service.
- Bill is anticipating the start of the Spruce Knob grant project in two weeks.
- Roadside mowing is complete. They were able to get 67 hours of run time on the rental mower which covered a lot of ground. Generally, residents have been appreciative of the results.
- Bill believes the State has successfully fixed the catch basins causing troubles for the post office parking lot.
- He will be checking catch basins after today's heavy rain to make sure they are not plugged.
- Brent has been working on pot holes, ditching, and general maintenance.
- Terry reported that Pleasant View Road needs some work. Bill agreed and will work on getting that fixed up as best he can.

**TOWN LANDS: Facilities:** Nothing tonight except to schedule the next meeting for the first Thursday in August (8/6/2020 at 7pm) as next week the board has a BTA and BCA meeting scheduled for the usual timeslot.

**SOLID WASTE:** none

**CORRESPONDENCE:**

- BTA - tax abatement request
- Thank you note from ARC for the town appropriation

**BOARD ORDERS:**

Carl questioned Bob's paycheck - the check amount didn't make sense for the hours worked... can Jenny double check that?

Also check on port-a-potty allocation between highway and transfer station.

Terry moved to approve the board orders as presented noting the questions above. Neil 2<sup>nd</sup>. Ayes - Neil, Terry, Heather. Oppose - Carl. Abstain - Patty (reviewed orders but was not present to sign), motion carried.

**LEGAL:** none

**OTHER BUSINESS:** none

**EXECUTIVE SESSION: Personnel Evaluations** - tabled till next meeting

**ADJOURN:** Carl moved to adjourn at 10:10pm, Neil 2<sup>nd</sup>. Meeting adjourned at 10:10pm

Respectfully submitted,  
Patty Kenyon, Clerk