

Middletown Springs Selectboard • Approved Minutes
Regular Meeting • April 14, 2022
Start time 7pm

BOARD PRESENT: At the town office: Terry Redfield, Patty Kenyon, Robin Chesnut-Tangerman, Heather Grier, Neil Russell.

TOWN OFFICERS PRESENT: At the town office: Bill Reed – Road Commissioner/Foreman
Via Zoom: Sarah Grimm – Auditor, Jenny Talke Munyak – Treasurer, Herb Childress - EMD

PUBLIC PRESENT: At the town office: Art Castle - MSVFD, Via Zoom - Peter & Aileen Stevenson, Kathye Reed, Sue Horner, Ron Masleh

CALL TO ORDER: Heather called the meeting to order at 7:05pm

Robin moved to recess the Selectboard meeting to convene a meeting of the Liquor Control Board, Heather 2nd. All in favor, motion carried.

LIQUOR CONROL BOARD MEETING

Heather called the Liquor Control Board meeting to order at 7:06pm.

Up for consideration are licenses from Crossman's General Store –
2nd Class Liquor License w/ Tobacco Endorsement – w/payment
Fortified Wine Permit Application w/ payment

Robin moved to approve the 2nd Class Liquor License w/ Tobacco endorsement and the Fortified Wine Permit as presented, Heather 2nd. All in favor, motion carried.

Heather moved to adjourn the Liquor Control Board meeting at 7:11pm, Robin 2nd.

Liquor Control Board adjourned at 7:11pm

Returned to Regular SB meeting –

APPROVAL OF MINUTES: March 24, 2022 Regular Meeting

Terry moved to approve the minutes of the March 24, 2022 meeting as presented, Heather 2nd. All in favor, motion carried.

EMERGENCY MANAGEMENT UPDATE: Herb Childress –

LEMP plan & Rutland Region Mutual Aid Agreement (May 1) – Herb reviewed the draft plans and asked for input from the board for corrections additions questions. Board members should connect with Herb directly with their requested changes or questions and he'll bring back the edited plans to be adopted next meeting.

PUBLIC COMMENTS & GUESTS: None.

TOWN OFFICERS: Town Clerk / Treasurer / Delinquent Tax Collector / Auditors /

Listers –

Patty shared a list of items she wanted the board to be aware of.

ARPA reporting deadline is next week, we need to assign someone to do the reporting online, Patty is willing.

Terry moved to appoint, Town Clerk, Patty Kenyon to be the ARPA reporting officer. Heather 2nd. All in favor, motion carried.

Patty reminded the board that it needs to begin thinking about how we would like to spend the ARPA money we have. One potential option would be to use some of it for new computer equipment for the new town office.

Patty would like to purchase a new laptop for the town office as the current laptop is no longer functional. We have an estimate from Vermont Digital of just over \$800 and we have almost that much left in our computer equipment line item for this year.

Neil suggested checking with Computer EZ in Mendon, they have refurbished equipment that could do what we need.

Patty will reach out to them and see what they have and get some cost estimates.

Patty has done some initial inquiries on possible digitization firms for land records The representative from COTTS is scheduled to come visit next week to review their offerings and pricing, so we have a comparison to the NEMRC system we are using now. If we made a change and worked toward full digitization this work could be paid for with ARPA funds.

Patty wanted the board to know that Vermont Surplus Property in Waterbury has lots of furniture and office supplies we might be needing as we move to a new space. She encouraged people to take a look and keep this option in mind as we begin to plan for the new building.

Patty also mentioned a Senate earmark application we received from Bernie Sanders. Robin did some initial investigating into whether we might ask for money to purchase a solar system to run the new office. It appears that there is not enough time to get all the details we need in place before the application deadline of April 22.

Patty reported that Conservation Commission members are meeting tomorrow and we should be able to appoint Elizabeth and Steve for new terms and hopefully have an additional prospect to fill out the seats at the next meeting.

Jenny wanted us to know there is a payment to Middletown Springs on the board orders, that is money that is being transferred into the Capital Improvement fund for reappraisals.

Town Policy Manual updates - Personnel and CMV Drug & Alcohol Policy –

The board reviewed the two policies and agreed on most of the language changes. Some research on comparable town's vacation time policies will be done and

suggestions for changes, if any, will be made before the next meeting. We are in good shape to possibly be able to adopt these policies at the next meeting.

Patty will make the updates and send out to board members for final input and suggestions.

TOWN HIGHWAY: Road Commissioner Report – from Bill Reed

- Still dealing with mud but things are starting to dry out.
- Haven't started grading yet, but has been working on filling pot holes.
- Patty & Bill met with Steffanie from RRPC to go over our road inventory of connected segments.
- Bill & Steffanie visited some potential projects to get done this summer under the Grants in Aid money – 1 section on Orchard Road and up to 4 sections on Daisy Hollow Road.
- Bill has been working on Service Requests and cleaning up those.
- Bill completed the Paving Grant application for the final section of West Street and Patty submitted it.
- Bill is trying to coordinate with other nearby towns on guardrail work so that we might, in cooperation, be able to get a company to come out and have enough work in the area to make it worthwhile.
- Bill ordered two sets of flat grader blades so we'll be ready when needed.
- Pete's tire came out and fixed a leak on the grader.
- Bill brought up the large Daisy Hollow Project that we budgeted engineering money for – he would like to get that moving forward. Bill will reach out to Dubois & King to ask them to review and resubmit an updated proposal for the next phase of the project.

The board moved to Town Lands and will come back to the Invoice Review so town lands folks don't have to hang around unnecessarily.

TOWN LANDS - New Building Project – In progress: Site Prep Work (Soil Management)

Robin reported that we have two proposals for soils management as required for the brownfields site.

Atlas Technical Consultants LLC – \$6,224 with an additional contingency of \$8,170 for possible necessary soil disposal.

Murry & Masterson Environmental Services - \$15,070 without an estimate for soil disposal fees.

Robin moved to approve the proposal from Atlas Technical Consultants, LLC to provide a Soil Management Plan for the town office site, Neil 2nd. All in favor, motion carried.

Patty presented two slate samples dropped off by Peter for flooring that is being generously donated by Taran Brothers Slate – Green or Purple. The board chose the traditional green slate option.

Many thanks to Taran Brothers and Peter for soliciting the donation on our behalf.

Peter brought up the need for us to pick an excavation firm to do the excavation for the Soils Management Plan. Peter recommends using Naylor & Breen as they have the equipment and the staff certified to do that work.

Terry moved that we engage with Naylor & Breen on a time & materials basis to do the soil excavation for the Soil Management Plan. Heather 2nd. All in favor, motion carried.

Other Building Projects: MSVFD, MTS Library, 577 West Street site –

Art Castle came to touch base and ask a few questions of the board. He is now the President of the Fire Association.

He wanted to get clarification regarding the land the firehouse sits on and the surrounding land being used by the town. Is it true that the board is not interested in deeding that over to the Association?

Board members responded that that is correct. We are currently using that land and we have a lot of work to do to get to a point where we can move the salt shed and the transfer station. The board did express that they would be willing to be a fiscal sponsor for any federal grant that the Fire Association applied for, since the owner of the land needs to apply.

Art also asked about the First Response Vehicle - what does the town want to do about that? Former members of the First Response have indicated that the vehicle now belongs to the town. The vehicle has been in the firehouse for two years and no rent has been paid.

The board replied that this is the first they've heard of that being the case and have no knowledge or prior understanding that this vehicle is the property of the town.

OTHER HIGHWAY:

Invoice Review Discussion – Neil presented a list of questions to the board and Bill regarding three invoices he requested more information on at the last meeting.

Bill explained that he's answering the questions out of a courtesy to the board because the board previously voted that the matter was considered settled.

Bill has researched and is prepared to discuss the facts surrounding those invoices.

Neil began by reading through his questions as presented to the board and Bill just prior to the meeting.

Questions 1 thru 3 pertained to Chet McClellan's business practices and the answers were not available to Bill so he could not answer those questions.

Invoice # 603 – reviewed and questions answered according to the town's invoices, and highway crew time sheets. Questions 4 thru 7.

Invoice # 643 – Question 8 – asked and answered according to the towns invoices and time sheets.

Invoice # 636 – Questions 9 thru 17 questions asked thru # 12 – the process became unproductive and at that point Bill stated he was no longer going to answer any other questions as this matter had been previously closed by a vote of the board.

Neil disputed the matter being closed.

Terry called a point of order that at the February 24 board meeting the personnel issues surrounding these invoices were officially closed. Terry read the motion as follows:

Terry moved that steps to address a personnel issue have resulted in a mediation agreement and improved town procedures for documentation of material purchasing, the board considers this matter closed. Robin 2nd. All in favor, motion carried.

Other board members were not prepared for this exhaustive list of questions and narratives.

Neil wanted to continue to read his questions into the record.

Robin moved that Neil's questions be entered into the minutes with a reference to the action taken at the February 24 regular meeting, Heather 2nd. All in favor, motion carried.

Bill would like added that he answered questions as a courtesy because the matter had already been closed.

Full list of Neil's questions attached as an addendum to these minutes.

The board moved on to Big Dump Day (Solid Waste) item. After Solid Waste Neil asked to go back to Highway.

Neil moved to reopen inquiries into this matter of McClellan's trucking and these invoices to the town and his doing business with the town. Motion failed for lack of a second.

SOLID WASTE:

Big Dump Day: May 14, 2022 – Second Saturday – Herb may be able to work at the transfer station. Terry asked if Bill or Richie can work that day. Patty is happy to work from 8:30 to close. Patty will update the poster for this year and get that posted.

CORRESPONDENCE:

- Swim Lessons – email from Cheryl Mahoney – Robin moved the town continue the practice we followed last year regarding swim lessons paying for town residents only, Heather 2nd. All in favor, motion carried.
- Post Card – VLCT – Town officers Training Series
- Overweight Permits –
 - Sargent Concrete & Construction w/ck & COI

- Johnson Energy – w/ck & COI
- Beacon Sales Acquisitions – w/ck & COI

Terry moved to approve the above overweight permits as presented. Robin 2nd. All in favor motion carried.

BOARD ORDERS: Processing Payroll / Municipal Bills –

Robin moved to approve the board orders as presented, Terry 2nd. All in favor, motion carried.

LEGAL: none

OTHER LAWFUL BUSINESS:

Upcoming Meeting Schedule: (In Person w/Zoom access)

Next Regular Meeting - Thursday, April 28, 2022, at 7pm

EXECUTIVE SESSION: (if necessary) – None

ADJOURN: Terry moved to adjourn at 10:55pm, Heather 2nd. Meeting adjourned at 10:55pm.

Respectfully Submitted
Patty Kenyon, Clerk

Questions mentioned above begin on the following page.

ADDENDUM to the Minutes of April 14, 2022 – Questions presented by board member, Neil Russel to Highway Foreman, Bill Reed.

**QUESTIONS REGARDING INVOICES #603,636,643 FROM MCLELLAN TRUCKING
APRIL 14TH, 2022**

I would like to go over invoices #603, #636, and #643 from Chet McClellan. I have previously spoken with Brent Clark regarding them. I have also spoken with James Mars regarding road work that was being done during this period as he had provided materials, trucking and also had an agreement with The Highway Department for letting the town borrow his truck. I am concerned that The Town has paid for materials that were never delivered.

Question 1- We have gone over this in the past and the answer was not definitive. For the record how many yards of material per truck load does Mr. McClellan carry?

Question 2- During the time period these invoices span, do you know if Mr. McClellan was having a difficult time obtaining Act 250 permitting for his operation?

Question 3- Do you know if the crushed gravel he provided during this time period came from his pit?

INVOICE # 603

This invoice has 3 delivery dates of August 10th, 2020, August 13th, 2020 and September 9th, 2020.

August 10th.

This is for 5 loads of crushed gravel at \$240 per load for a total of \$1200.

* Brent worked 10 hours and his time sheet says: Picked up new truck, stockpiled gravel, cleaned up storage yard.

* Bill worked 10 hours and his time sheet says: Picked up new truck, filled pot holes, admin..

Brent has stated he does not recall stockpiling any gravel from Mr. McClellan and said he does remember there was some material stored on the back side of the winter sand pile on the lot rented from Mrs. Reed. He said that material may have been from Browns or Cassellas.

Question 4- Do you recall anything about these 5 loads?

August 13th.

This is for 10 loads of crushed gravel at \$240 per load for a total of \$2400.

* Brent worked 11 ¼ hours and his time sheet says: Grade, spread gravel Coy Hill.

* Bill worked 10 ¼ hours and his time sheet says: Work on rebuilt part of Coy Hill.

Question 5- Where did work begin and end on this project?

On the August 2020 invoice from James Mars The Town was billed for 120 yards of gravel on the 11th going to Coy Hill.

Brent has stated Mr. McClellan was running low on material and so The Town started using material from Mr. Mars. He stated the 120 yards from Mr. Mars was used to build up the road base and that Mr. McLellan's only brought a few loads, certainly not 10, to topcoat the material from Mr. Mars.

Question 6- If it took 120 yards to build the base, how could it take 160 to 200 yards to topcoat?
September 9th.

This is for 5 loads crushed gravel at \$240 per load for a total of \$1200. This was included in the Spruce Knob grant.

* Brent worked 3 ½ hours and his time sheet says: Grant project spread gravel.

* Bill did not work.

On the September 2020 invoice from James Mars he sold The Town 40 yards of gravel.

Brent has stated that he hauled Mr. Mars' material himself and that there never was any material delivered from Mr. McClellan.

Question 7- How do you account for this?

INVOICE #643

This invoice is for 15 loads of crushed gravel at \$230 per load for a total of \$3450. This was included in the Spruce Knob grant.

This material was prepaid for because the window for submitting grant related invoices was ending and you wanted it included. This materials intended use was for top coating the reconstructed portion of Spruce Knob Rd. in the spring.

Question 8- Is this correct?

INVOICE #636

This invoice is for 10 loads of crushed gravel at \$230 per load for a total of \$2300.

Question 9- In the spring of 2021 either you or Brent or both of you had tried multiple times unsuccessfully to contact Mr. McClellan to schedule delivery of the 15 prepaid loads of material on Invoice #643. Is this correct?

At our May 27th, 2021 Select Board meeting, at which you were not present, the topic had come up and I stated that "if Mr. McClellan was not going to deliver the materials owed to us then The Town needed to be refunded the \$3450".

Question 10- On Friday July 2nd, 2021 Mr. McClellan delivered 4 loads of material to the firehouse and another 5th load on Monday July 5th, 2021. Is this correct?

Question 11- Who ended up making contact with Mr. McClellan and when was this invoice presented to The Highway Department?

At our July 8th, 2021 Select Board meeting you notified us of this invoice. You initially stated that you thought it was from May 2021 and Brent corrected you saying he had seen it on your desk and it was dated October 2020.

Question 12- Clearly as of the end of May 2021 Mr. McClellan had not provided the materials. Why did you say you thought it was from May 2021?

At this meeting you stated this invoice plus the material delivered canceled out The Towns prepaid credit with Mr. McClellan of \$3450. You also stated that you had Mr. McLellan spread a 6th load on the Class 4 section of Norton Road.

Question 13- If there was a 6th load wouldn't The Town then owe Mr. McLellan another \$230?

* Brent worked 10 ¼ hours on October 10th, 2020 and his time sheet says: Spread gravel, graded North Road, spread gravel Daisy Hollow.

* Bill did not work.

Question 14- Does Mr. McLellan deliver on Saturdays?

Question 15- You were working with James Mars making winter sand the weekend of October 10th and 11th 2020. Is this correct?

The Town purchased 64 yards of material on October 10th, 2021 from Mr. Mars. Brent has stated that he hauled the material and that you loaded him at Mr. Mars' pit once or twice during the day. Brent has also stated that a hydraulic steer hose blew on the grader this day and you had to pick him up and give him a ride back to the garage so he could go get another hose. Brent stated there was no delivery of material by Mr. McLellan.

Question 16- If Mr. McLellan had in fact been delivering on October 10th, 2021 you would have certainly known about it. Is this correct?

Question 17- How do you account for this?