

Grand Isle Select Board
Grand Isle Town Office 9 Hyde Rd, Grand Isle VT
Minutes of the Meeting for Monday August 7, 2023

CALL TO ORDER: Selectboard Chair, Couper Shaw, calls the meeting to order at 6pm.

Board Members Present: Josie Leavitt, Jeff Parizo, Couper Shaw, Jennifer Morway, Ellen Howrigan

Community Members Present: Denise Abbott-Douglass, William Shaw, Rachael Griggs, Ron Bushway, Emily Clark, Andy Paradee, Bianca Lafayette, John Lafayette, Sue Lawrence, Esther Blow, Lucille Campbell, Mary Parizo, Kristina Botala, Mike Donoghue, Joe Longo, Mark Cobb, Tonya Poutry, KC Fantoni, Charlotte Kennedy, Robert Morway, Kevin Low, Brian Elbrader, Wendy Rosica

Add to Agenda: Josie Leavitt adds Fire Department Coin Drop to Old Business, Jen Morway adds Discussion for Organizational Meeting to New Business, Denise Abbott-Douglass adds Letter to the Selectboard to New Business.

Review and Approve Minutes:

July 17, 2023: *Jeff Parizo makes a motion to approve the meeting minutes for July 17, 2023. Josie Leavitt seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.*

July 20, 2023 Special Meeting: *Josie Leavitt makes a motion to approve the minutes for the July 20, 2023 special meeting. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.*

Guests:

Charlotte Kennedy- Update on Speed Limit changes & Repaving and Landscaping of Pearl Street:

Charlotte Kennedy says that she wanted to let the selectboard know of the wonderful job that the town did repaving and landscaping on Pearl Street. Charlotte Kennedy explains that the landscaping down, especially around the culvert that was put in, will help to deter erosion. Charlotte thanks the town for a job well done. Charlotte Kennedy thanks the selectboard for the speed limit changes and notes that the flags on the stop signs northbound is a fantastic idea and will surely gain the attention of drivers at that intersection. Ron Bushway thanks Charlotte Kennedy for the kind words and will pass it on to the rest of the department.

Brian Elbrader-Town Sign: Tabled until next meeting

Highway Department Update: Ron Bushway says that they continued with roadside mowing and they are still working on the side dressing on Pearl Street. Ron Bushway says they are still addressing culverts, especially keeping a close eye on Mary Crest. Ron Bushway says that they had to side dress on Hyde Road near The Hub, it washed out due to run-off water from their roof. Ron Bushway says that there are people who would like to inoculate their Ash trees. Ron Bushway explains that they called the state to see if there is a policy about this issue, which they found there is not a policy. Ron Bushway says that inoculating many of the Ash trees is not a good idea, as it will likely not solve the issue and the tree will still have to be removed. Ron Bushway says that if people decide to inoculate the trees rather than

remove them, and the tree ends up needing to be removed, the cost will be that person's responsibility. Josie Leavitt says that if someone chooses to inoculate a tree, the tree should be ok and not need removal. Ron Bushway explains, using the ash trees on East Shore North as an example, that the trees are rotting from the inside and inoculating them will not save them. Josie Leavitt says she will take a look at those trees. Josie Leavitt asks Ron Bushway to remind her of what the right of way is from the road, he explains that it is 24 feet and 8 inches. Ron Bushway reiterates that its ok if someone decides to inoculate their ash trees, but if the inoculation does not work and the tree ends up needing to be removed, they should be responsible for paying that bill. Ellen Howrigan asks if the town should notify the public to explain if they decide to inoculate a tree, whether it is on town land or not, and it ends up needing to be removed that they will then be responsible for that cost and will not be reimbursed for the inoculation. Ron Bushway says that it would be a good idea for the public to hear that from the selectboard. Josie Leavitt says that posting this information on Front Porch Forum and printing it in The Islander would be good ways to let people know what the town right-of-way is, and that if you choose to inoculate a tree that is within that right-of-way and that tree then needs to be removed, they will not be reimbursed for the inoculation. Ellen Howrigan clarifies that no one would be reimbursed for an inoculation that results in the tree being removed, regardless of whether it is in a right-of-way or not. Couper Shaw says that is correct. Couper Shaw asks Josie Leavitt if she can take care of writing a notice about inoculating trees for The Islander and Front Porch Forum, she says she will. Ron Bushway says they are interviewing someone this week for the Transfer Station position.

Buildings Facilities Manager Update: Ron Bushway says they have sprayed for wasps at the library, and the chimneys at the Annex building have been pointed. Ron Bushway notes that the once they get the financials from the Town Treasurer, he asks the Selectboard to carry-over any left over funds to the next fiscal year.

Transfer Stations Accident: Couper Shaw says that he spoke with Melissa Boutin about the Transfer Station accident, stating that she said that she received the insurance information and sent to it VLCT and the police will investigate. Ron Bushway clarifies that he spoke with the insurance company and discovered that the gentleman that caused the accident did not own the car, that the car belonged to his family member that is out of the country, making the process more difficult. Jeff Parizo says that Melissa Boutin said that VLCT will be handling this along with the insurance company. Ron Bushway says that he has pictures he can send to Melissa Boutin.

Transfer Station Credit Card Machine: Ron Bushway says that Emily Clark helped him with setting up Square for the Transfer Station. Emily Clark explains that she walked Ron Bushway through setting it up and ways to customize it for the Transfer Station by showing him how she set her Square system up. Emily Clark explains the options for a set-up at the transfer station, that they could purchase an iPad and square stand for roughly \$500. Emily Clark explains that they could also purchase a receipt printer for \$299, bringing the total for a set-up between \$800-\$1000, depending on the options they choose. Emily Clark explains that Square takes a flat rate of 2.75% off the top to process credit cards and debit cards. Emily Clark goes over some of the customized options for the Square point-of-sale system, explaining that it would be a powerful and easy-to-use system for the Transfer Station. Couper Shaw asks if the cost of the transaction fees will be passed on to the customer, or would the town pay for it. Josie Leavitt says that would be considered a cost of doing business. Jeff Parizo says that offering a pay-by-card option should increase the volume at the transfer station, thus bringing in more revenue. Josie Leavitt recommends not purchasing the receipt printer since most customers opt to have the receipt emailed to

them. Emily Clark notes that, given the small amount of people that request a paper receipt, the Transfer Station could keep a receipt book for anyone that would like a handwritten receipt for their personal records. **Jeff Parizo makes a motion to approve spending up to \$1000 for the Square System for the Transfer Station coming out of the Transfer Station surplus fund. Josie Leavitt seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.** Jeff Parizo asks that Ron Bushway let the selectboard know once the system is up and running so that they may make an announcement in The Islander and Front Porch Forum.

New Business:

Noise Ordinance: Jeff Parizo reads the Breach of Peace; Disturbances 13 V.S.A. § 1022: *A person who, between sunset and sunrise, disturbs and breaks the public peace by firing guns, blowing horns, or other unnecessary and offensive noise shall be fined not more than \$50.00. However, this section shall not prevent a person employing workers, for the purpose of giving notice to his or her employees, from ringing bells or using whistles or gongs of such size and weight, in such manner, and at such hours as the selectboard members of the town, the aldermen of the city, or the trustees of the village may prescribe in writing.* Josie Leavitt asks if this is what the sheriff uses to enforce noise disturbances, the selectboard members say yes. Josie Leavitt says that she feels that they should continue using the Vermont State Statute for enforcing noise disturbances. The selectboard agrees. Denise Abbott-Douglass says that she spoke with Sheriff Allen about the fireworks in July and he said that going forward, fireworks would only be allowed on July 4th and any occurrences happening on any other day will result in the Sheriff's Department in enforcing the law against fireworks.

Permit Laying Pipes and Wires: **Jeff Parizo makes a motion to approve the application for the permit for laying pipes and wires at 122 East Shore South for Michael Atwood and Shawn Willis. Jen Morway seconds.** Ellen Howrigan asks who signs this, Couper Shaw answers that all selectboard members sign it. **No further discussion. Couper Shaw calls the vote which passes unanimously.**

Discussion for Organizational Meeting: Jen Morway reads a letter she has prepared:

Excuse me for reading this, I wanted to be precise.

It was brought to my attention by a towns person a state statute that reads:

Title 24 : Municipal And County Government

Chapter 033 : Municipal Officers Generally

Subchapter 003 : Organization Of Selectboard; Appointments; Powers

(Cite as: 24 V.S.A. § 872)

§ 872. Selectboard; general powers and duties

(a) The selectboard shall have the general supervision of the affairs of the town and shall cause to be performed all duties required of towns and town school districts not committed by law to the care of any particular officer.

I began researching and reviewing the statute and reached out for assistance in determining if an organization meeting "must, or should" take place. Responses have varied by different entities. 1

attorney from VLCT says it is required, one says it is not required, but recommended. Secretary of state office states:

Statute does not say "after town meeting", only "forthwith after its election and qualification.." I can't point you to something that says it can't reorganize.

24 § 871. Organization of selectboard; appointments
<https://legislature.vermont.gov/statutes/section/24/033/00871>

(a) Forthwith after its election and qualification, the selectboard shall organize and elect a chair and, if so voted, a clerk from among its number, and file a certificate of such election for record in the office of the town clerk.

You could certainly also run it by the town attorney. You could check with VLCT to see what their advice is.

The town attorney has advised in an email today that his opinion is it is not required, but an organizational meeting is not prohibited to occur either.

Rules of Procedure for Town of Grand Isle Selectboard state:

Section C. ORGANIZATION

The body shall annually elect a chair and a vice-chair. The chair of the body or, in the chairs' absence, the vice-chair shall preside over all meetings. If both the chair and the vice-chair are absent, a member selected by the body shall act as chair for that meeting.

What the rule does not state is when "annually" is. It does not prohibit the organization to occur more than annually and it does not define the term length of the elected chair and vice chair

I began looking for precedent. It appears this is the first time in Grand Isles history a special election has had to occur for a vacant selectboard seat. In all other previous incidents, the selectboard has been able to agree and appoint a person to complete the vacant term without an election.

Due to this selectboard not being able to come to a decision and appoint a new member, the selectboard asked the townspeople to bear the cost and time of an unbudgeted special election. The special election occurred in the middle of the summer; the busy season for parents, townspeople, businesses, the town clerk, the listers and all municipal employees. Townspeople showed up, voted and the vote was conclusive.

On Thursday I took my oath. As a new selectboard member I followed the accepted procedure and emailed the Selectboard assistant and requested early Friday morning to place "Organization meeting: elect chair and vice chair" on the agenda. The selectboard Assistant placed it on the draft agenda. The chair emailed out early Saturday morning a final draft of the agenda with the organization meeting removed. I emailed the chair and requested he reconsider placing the item back on the agenda or to add in "discussion and possible action of organization meeting." I did not receive a response, and the item was not added to the final agenda. Removal of this item from the agenda by the chair feels to me to be a conflict. Especially after all members including the chair had received the email recommendations selectboard members were receiving from VLCT and the secretary of state. All responses lead to either 1) yes, you must have this meeting or (2) You do not have to have this meeting, but it is recommended. I

acknowledge the chair has the final say on the final agenda, but to my knowledge this has not occurred before. I am curious as to why it was removed. Removing an item from the agenda for only self-preservation of a seat seems unfair and not transparent.

This is a newly elected selectboard. It needs to start fresh, with a fresh slate and this organization meeting is an important first step in order to move forward and be productive.

Jen Morway motions the selectboard schedule a special meeting for Friday, August 11th at 6pm at the town offices to complete an organization meeting to nominate and elect a chair, vice chair, review and if needed amend Rules and Procedure for Town of Grand Isle Selectboard and Conflict of Interest Policy. Jeff Parizo seconds. The selectboard discusses the day and time that would work best from everyone, settling on Friday August 11, 2023 at 6pm. Rachael Griggs asks if when a chair and vice chair are elected in March, after the annual election, is that supposed to be for a year. Josie Leavitt says that is how she understood it to be. Couper Shaw says he thought that as well, but as Jen Morway stated in the letter, there is not a clear definition for what annual means for chair and vice chair positions. Couper Shaw says he contacted people at the State Department and at VLCT in regards to this and they both said this is a grey area. **Couper Shaw calls the vote which passes unanimously.**

Letter to the Selectboard: Denise Abbott-Douglass says she has written a letter and would like it to be considered constructive criticism. Denise Abbott-Douglass reads her letter:

Dear Grand Isle Selectboard, It has become painfully clear that the chair of the board needs to step down. I feel he is a valuable member of the board, but an ineffectual leader. I feel given time, Couper Shaw may in fact make good chair person, but he needs to mature as a board member. He has refused to return my calls both of which involved imminent danger/harm to taxpayers and their property. I am speaking about the illegal use of fireworks on July 2, 3, 4, 5, 6, 7, 8, 14, and 30. None of these events were properly permitted and all were illegal. The next issue involves needles discarded on Town Line Road in three separate places when our Sheriff was off-duty. State Police will not pick up needles. I called adjacent neighbors to let them know of the hazard. I called the State Park as the needles were very close to them. Mr. Shaw did not return this call either. I feel his presence on the selectboard is an asset, but he should remain as a member only, not in a leadership role as he refuses to lead. Respectfully submitted, Denise Abbott-Douglass

Bianca Lafayette comments that she agrees with everything Denise Abbott-Douglass just said. Jean Prouty comments that she also agrees. Rachael Griggs says she disagrees, saying that Denise Abbott-Douglass should have called the Sheriff, not the selectboard, and that she feels that Couper Shaw is doing a great job. Bianca Lafayette comments that the other selectboard members return calls but Couper Shaw does not and she feels that is problematic. Ellen Howrigan notes that in a past meeting, Denise Abbott-Douglass asked Couper Shaw questions and Couper Shaw refused to answer any of the questions and instead said *Thank you for your comment* and that she was disappointed with that response. Lucille Campbell comments that Couper Shaw does not reply to emails, that she has sent many emails to him and either never gets a response or hears from him weeks later.

Old Business:

ARPA Fund CD: Couper Shaw says they received an email to the selectboard regarding the options for the ARPA funds. Jeff Parizo explains that the best rate is from NorthCountry for 24 months at a 5.3% variable. Couper Shaw asks the Planning Commission if locking a portion of funds for 2 years would be ok. Emily Clark says she thinks so. Jeff Parizo says another option from North Country is a 5-month CD at 4.65%, that maybe they could do a combination of both.

Jeff Parizo makes a motion to invest \$400,000 of the ARPA Funds into the NorthCountry Federal Credit Union Sapling 24-month CD 5.3% variable. Josie Leavitt seconds. No further Discussion. Couper Shaw calls the vote which passes unanimously.

Ellen Howrigan makes a motion to invest the remaining balance into the NorthCountry CD at 4.65% for 5 months. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.

Jeff Parizo asks who will speak to Melissa Boutin about these motions, Josie Leavitt says she will speak to Melissa Boutin about this.

Fraud Policy Update: Tabled until the next regular meeting- August 21, 2023.

Opioid Settlement: Couper Shaw says they had discussed giving the remaining settlement money to the sheriff's department or EMS. Couper Shaw asks how the rest of the selectboard feels about that. Jeff Parizo says they should divide the settlement money evenly among the first responders. Ellen Howrigan notes that the first sharps containers they ordered were in fact the correct ones and they will be returning the others, that they need to purchase the liners for the sharps containers, and purchase the remaining curriculum for drug education for the elementary school. Jen Morway notes that there are parameters for that the opioid settlement money can be used for. Couper Shaw asks if Jen Morway can research that and speak on it at the next regular meeting, Jen Morway says she will.

Local Hazard Mitigation Plan: Jeff Parizo asks who the contractor will be to handle the work involved with this grant. Couper Shaw says he is not sure. Jen Morway says they can contact Caroline Paske at Vermont.gov, 802-585-5246, to get a list of people they can hire to do the work. Jen Morway asks who will be in charge of the work involved with this grant. Jen Morway explains that this is past grants, that Caroline Paske can find someone to do some of the work, but there is work that needs to be done within the town. Josie Leavitt asks if Jen Morway can contact Caroline Paske and get things in motion, Jen Morway says she can.

Donaldson Road Dumpsite Letter: Jeff Parizo asks if they should write a letter to the State about the issues at the State Park on Donaldson Road. Josie Leavitt says one of the state's issues is that they cannot move the jersey barriers, that if they can get help moving those it would be helpful. Josie Leavitt asks Ron Bushway if he could move the jersey barriers, Ron Bushway says they can. Jeff Parizo asks Josie Leavitt if she thinks they should write the state a letter, Josie Leavitt says yes. Jeff Parizo asks if Ellen Howrigan if she could draft that letter, Ellen Howrigan says yes.

Audit Paperwork Update: Jeff Parizo lets everyone know that the paperwork was sent in and that Fred Duplessis can now schedule the audit. Josie Leavitt says that Melissa Boutin has scheduled that.

Garage Leftover Monies: Jeff Parizo explains that the tax rate will only include the total amount of what they were actually charged for the demolition, and not the full \$100,000 that was voted on to spend up to. The selectboard agrees that makes the most sense.

Fire Department Coin Drop: The selectboard discusses that the Fire Department had to cancel the prior date of their coin drop due to the weather and the flooding it caused and that they would like to change the date to August 26, 2023. The selectboard discusses that they already approved the coin drop and that Adam White needs Couper Shaw's signature on a letter to Vermont Transportation to approve the new date. Angie Low notes that Melissa Boutin has the letter that needs to be signed by Couper Shaw.

Review and Sign Warrants: *Jeff Parizo makes a motion that the selectboard accepts the warrants and the chair sign the warrants. Josie Leavitt seconds.* Ellen Howrigan asks Couper Shaw if he has reviewed the invoices, Couper Shaw says he has and that they were signed and dated today and are now in the vault and if anyone would like to see them to ask Melissa Boutin. ***No further discussion. Couper Shaw calls the vote which passes unanimously.***

Adjournment: *Jeff Parizo makes a motion to adjourn the meeting at 7:20pm. Ellen Howrigan seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.*