

Town of Plainfield Select Board Special Meeting
January 22, 2024
149 Main St. Plainfield, VT 2nd Floor and via Zoom
Minutes - Draft

Agenda:

- Changes to Agenda
- Announcements
- Public Comment
- Town Clerk/Treasurer Report (Robin Miller)
- Road Foreman Report (Michael Bingham)
- Discuss petitions submitted by Bram Towbin for Town Meeting
- Discuss vacant Town Auditor positions and requirements for Town Meeting
- Schedule Town Meeting
- Emergency Management Update (Michael Billingsley)
 - Landslide issue
 - FEMA Buyout Program
- Discuss request to complete US Census 2024 Boundary and Annexation Survey
- Sign letter of engagement for legal services from Stitzel, Page & Fletcher, P.C. regarding bond vote for the Plainfield School Street Water Project
- Approval of Warrants and Fleet Permits:
 - Accounts Payable: 1/12/24
 - Payroll: 1/11/24 and 1/18/24
 - Fleet Permits:
 - Bourne's Inc. & Bourne's Propane, dba Bourne's Energy or Morrisville, VT
 - Newport Sand & Gravel Co. Inc./Carroll Concrete Co., Inc. of Newport, NH
 - Barrett Trucking Co., Inc. of Burlington, VT
- Approval of Draft Minutes: 1/8/24
- Adjourn

Present: Select Board members Jim Volz (Chair), Riley Carlson, and Tim Davis. Also present were Delinquent Tax Collector George Cushing, Town Clerk/Treasurer Robin Miller, Bram Towbin, Town Moderator Donny Osman, Charlie Cogbill, Emergency Management Director Michael Billingsley, Mo Lynch, Road Foreman Michael Bingham, Gregory Ibey, and Eric Blaisdell of the Times Argus.

Volz called the meeting to order at 6:00 pm.

Changes to Agenda:

There were no changes to the agenda.

Announcements:

Davis stated he does not intend to run for his Select Board seat in the upcoming election. He encouraged community members to submit a petition to run for his available seat. Carlson also stated his intention not to run again. He pointed out that, with the likelihood of Town Meeting being postponed again this year, the deadline for submitting petitions to be on the ballot will likely be extended past the January 29th deadline. George Cushing challenged this assumption, stating that elections can still happen on March 5th even if Town Meeting is delayed.

Public Comment:

Volz opened the floor to public comment. He recognized George Cushing. Cushing asked if Volz had received an email from Carlson in which Carlson stated his stipulations for re-appointment to the Select Board and, if so, why this information was not made public. Davis stated he recalled that the email sent by Carlson had indicated willingness to return to the Select Board and had stated Carlson's overwhelm with the volume of emails he'd been receiving and his stipulation that if he were to return to the Select Board he would receive correspondence once weekly through an inbox at the Town Office. Davis stated he and Volz had agreed to these terms and had reappointed Carlson to the Select Board. Cushing asked about Plainfield resident Albert O'Brien's expressed interest in appointment to the Select Board. Davis stated he had been in communication with O'Brien who, upon learning of Carlson's willingness to be reappointed, had happily withdrawn his interest. Volz inquired if O'Brien might be interested in running for Davis's seat. Davis said he would discuss the upcoming vacancy with O'Brien.

Town Clerk/Treasurer Report (Robin Miller):

Miller stated that she and Assistant Town Clerk Carol Smith have been working on 1099's and W-2's and processing 2024 dog licenses. She reminded residents to license their dogs prior to the April 1, 2024 deadline. She stated that she continues to work on budgets and making sure that everything is ready for when the Town has an auditor for the Town Report. She stated that she continues to work on FEMA documentation. She recommended the Select Board delay Town Meeting until at least April. She shared that she has most things ready but still needs to finish one of the financial reports that can't be completed until the cash has been balanced for the previous year by an auditor. She stated that she has been in communication with a resident who has expressed interest in the auditor position. She explained that he is currently overseas and she expressed willingness to communicate with him via email to complete the audit remotely. Volz requested that Miller provide the Select Board with this person's application and qualifications for their consideration. Miller stated that she would do so. Carlson stated that there aren't specific qualifications that they are seeking in an auditor but would like the person to be

competent and trustworthy. He also noted that the Town has three vacant auditor positions. Miller stated she had also encouraged the interested party to submit a petition to be on the ballot.

Road Foreman Report (Michael Bingham):

This agenda item was moved to a later part of the meeting when Bingham was available to join. See below.

Discuss petitions submitted by Bram Towbin for Town Meeting:

Carlson stated that the Select Board doesn't have any authority to change the wording of the submitted petitions. He shared that six petitions in total had been submitted by Towbin with one of those intended to be a replacement for a previously submitted petition but with updated language. He stated his belief that both versions would need to be considered unless Towbin withdrew one or if individual signators contacted the Town Office to withdraw their signatures until the number of signatures drops below the required amount. Towbin clarified that the replacement petition had corrected "elected officials" to "officials". Volz stated he would contact the Town attorney to discuss the issue. Carlson pointed out that the petitions in question are for a Town Charter change and will require two informational hearings prior to a vote and noted that during those hearings the minor difference between the petitions could be discussed. Volz suggested the option of handing out a flyer explaining the difference between the petitions. Carlson questioned the legality of that idea. Davis suggested that Towbin could post on social media to explain the difference between the petitions to the public. Towbin stated he has sought different lawyer's opinions on the petitions and that he will contact the Vermont Secretary of State's office for their input. Donny Osman stated his understanding that the issue must first go to the Legislature and his belief that the change from "elected official" to "official" can be made there if the Legislature understands that that's what the Town's intent is. Volz stated his belief that the petition with the incorrect language could be taken off the ballot by the Select Board as it could be considered a technical error and then they could put forth only the version with the word "elected" removed. Carlson shared that Zoom attendee Charlie Cogbill had asked in the Zoom chat if the petitions will be voted on the floor or by Australian ballot. Carlson stated that the petition for the Town Charter change would need to be by Australian ballot. Miller stated her understanding that petitioners have 48 hours after the petition deadline to submit corrections to petitions. Carlson and Volz discussed voting on the other petitions on the floor at Town Meeting. Davis stated his support for public debate of the issues but also shared his concern that those unable to attend Town Meeting would not be able to vote on the issues if they weren't presented by Australian ballot. Volz stated he will discuss with the Town attorney whether the petitioned issues need to be voted by Australian ballot or on the floor at Town Meeting. Select Board members discussed the statute governing the scheduling of informational hearings for discussion of the proposed Town Charter change. Miller stated that the date for Town Meeting cannot be set until the Town finds an auditor to audit the Town Report. She noted that the Australian ballot election of Town officials can still be held on March 5, 2024 along with the school vote, the

career center vote, and the presidential primary. Volz stated that the vote on the proposed Town Charter change might need to happen at a special election. Cushing stated his opinion that a special election might confuse voters. He further urged Select Board members to advertise all open positions in Town government in the newspaper. Michael Billingsley suggested advertising in the Seven Days newspaper. Towbin pointed out that candidates for elected positions need to be Plainfield residents. Select Board members discussed the impending departure of two of three of the Select Board members with Davis stating he might consider staying on until another interested resident comes forward. Billingsley asked for clarification as to why Town Meeting would need to be postponed. Davis explained that without a Town Auditor there is no one to audit the Town Report which is a requirement to hold Town Meeting. Towbin asked how long an audit might take once an auditor is identified. Volz explained that this could be variable dependent on who accepts the position. Cushing stated his opinion that appointing an auditor who is overseas is problematic. Volz stated his disagreement with Cushing. Volz questioned whether there is a legal reason for having an audited Town Report before scheduling Town Meeting. Carlson stated that he had heard from the Vermont League of Cities and Towns (VLCT) that an audited Town Report was needed prior to Town Meeting but encouraged Volz to bring the question to the Town Attorney. Volz stated he would follow the instruction of VLCT. Towbin encouraged the Select Board to consider adding to the warning a change in the Town Auditor position from elected to appointed. He pointed out that no Plainfield residents have stepped forward to file petitions for the Town Auditor position. Davis asked if it would be possible for the Town to hire an assistant to the Assistant Town Clerk if the Town Clerk position isn't filled immediately upon Miller's departure. Billingsley pointed out that training a new person for such a role might take more time and energy than is available. Volz stated his belief that hiring such a person could be within the authority of the Select Board. Volz suggested that existing Town Administrative Assistant Kristin Brosky be offered more hours to assist the Assistant Town Clerk with running the Town Office during the Town Clerk position transition. Carlson suggested the Select Board might also consider asking former Town Clerk Linda Wells to return temporarily for a few hours a week. Towbin asked the Select Board to confirm with the Town Attorney whether the vote on the petitions, aside from the one concerning the Town Charter change, need to be held on Town Meeting Day.

Discuss vacant Town Auditor positions and requirements for Town Meeting:

See discussion above under "Discuss petitions submitted by Bram Towbin for Town Meeting".

Schedule Town Meeting:

Carlson stated that this year the Select Board still has the authority to move the date of Town Meeting. Billingsley encouraged Select Board to consider planting season when scheduling Town meeting. Volz suggested Town Meeting may be able to be held in the evening to increase attendance. Select Board members agreed to wait until the next Select Board meeting on February 12, 2024 to set the date for Town meeting with the hope that a Town Auditor will be

found by then and suggested the date might be in April or May. Volz recognized Zoom attendee Mo Lynch. Lynch pointed out that last year residents had voted for rescheduling that Town Meeting to a Saturday and encouraged Select Board members to consider this when rescheduling. Volz stated they would consider rescheduling to a Saturday morning.

Road Foreman Report (Michael Bingham):

Bingham stated that the road crew has been busy keeping roads cleared. Volz thanked Bingham and the road crew for their good work. Bingham shared that cars parked on village streets at night and long term at the Park and Ride and Mill St. parking lot continue to impede the road crew's ability to clear the snow. Cushing stated that when he was Town Constable he would issue a warning and then have the car towed if it was not moved. Bingham stated that a Town official had put warnings on the cars but that there had not been any follow-up. Volz shared that part of the issue is that hiring a tow truck has become an expense that the Town would have to bear as tow trucks now expect upfront payment rather than payment by the car's owner upon retrieval. Bingham suggested that the Town Constable investigate who owns the cars parked illegally. Volz stated that he or Miller will discuss the issue with Constable Chris Keast. Towbin suggested that Volz also bring the issue of food waste being left around town to the attention of the Town Constable. Billingsley suggested that is an issue for the Town Health Officer to address. Davis stated he will reach out to Town Health Officer Jodi Vilardi regarding the food waste issue.

Emergency Management Update (Michael Billingsley):

Billingsley requested that the Emergency Management budget contain only the two categories that it contained last year which are 'Emergency Management Director', which includes the Emergency Operations Center, and 'Shelter'. He stated he'd been told by Miller that the Emergency Operations Center would need to be in a third budget breakout category and expressed his disagreement with this. Carlson stated that the budget will be discussed at a future meeting and the adjustment can be made then.

Landslide issue – Billingsley stated that the breaking away of the embankment on Rte. 2 on the west side of town at the pull off parking area has happened within 40 feet of the center line on the highway and if more landslides occur there may be cause for the state to close Rte. 2. He shared that there is a second landslide that may potentially be a problem for the Town on Brook Rd. at the third bridge after the road turns to dirt near Cory Cochran's home. Billingsley expressed willingness to draft a letter of request to geologist George Springston to request he report regularly on that area of the Great Brook. Volz stated that the Select Board would sign such a letter. **Volz moved that he be authorized to sign a draft of the letter for George Springston. The motion carried unanimously.**

Billingsley informed the Select Board that Goddard College has announced that they will close down all of their residential programs. He stated that the Emergency Management shelter supplies, such as cots and blankets, which the Town has been storing at the Goddard College Haybarn will need to be moved out of that location before April 1, 2024. He suggested that a storage area be created at the Town Hall Opera House in the space under the stage where currently there is only a sand floor with vapor barrier on top. He expressed his belief that Plainfield Arts may be willing to share the expense of such a project.

Billingsley shared that he plans to meet with Vermont Community Trust in the following week to discuss a grant opportunity and asked for Select Board authorization for Town Grant Administrator Alice Merrill to manage the grant process. Volz and Carlson encouraged Billingsley to reach out to Merrill to gauge her interest in involvement in the project and that they authorize her to make that decision.

FEMA Buyout Program – Billingsley stated that there are five Plainfield properties held among four owners who are interested in going forward with the FEMA Buyout Program. He shared that the FEMA Buyout Program has changed since he received authorization from the Select Board to pursue Town involvement in the program; the Town would no longer be required to front money toward the demolition but instead will only need to be present for the closing when the land is purchased from the property owner and will need to authorize any appraisals for tax purposes. Volz clarified that the Town would still be responsible for maintaining the property as a green space after demolition. **Carlson moved to approve the Memorandum of Agreement between Plainfield and Vermont Emergency Management regarding the buyout program. The motion carried unanimously.** Volz signed the document. Billingsley explained that each interested property owner would now have the choice to go forward with participation in the buyout program by submitting necessary documentation to begin the next step of having an appraisal of the pre-flood value of their property completed. Billingsley stated he will notify Vermont Emergency Management that the Select Board has signed the Memorandum of Agreement. He asked the Select Board to seek and appoint a Buyout Coordinator who would work closely with Vermont Emergency Management and coordinate with property owners throughout the buyout process; he stated he expected the process would take approximately one year.

Billingsley informed the Select Board the he would leave his position as Emergency Management Director after Town Meeting unless he is able to find an assistant.

Billingsley informed the Select Board that he had attended a Red Cross training for shelter management. He stated that he will be calling for at least twenty shelter volunteers to be trained and will need to purchase shelter supplies as he has hopes that the Town will receive the grant for a generator for the shelter that would be installed by May 2024 allowing the shelter to open

shortly afterward. He stated that work is planned for the Spring of 2024 to make the Town Hall Opera House ADA compliant.

Discuss request to complete US Census 2024 Boundary and Annexation Survey:

This agenda item was postponed to a future Select Board meeting.

Sign letter of engagement for legal services from Stitzel, Page & Fletcher, P.C. regarding bond vote for the Plainfield School Street Water Project:

Carlson moved to approve signing the letter of engagement for legal services from Stitzel, Page & Fletcher regarding the bond vote for the Plainfield School St. water project. The motion carried unanimously. Volz signed the document.

Approval of Warrants and Fleet Permits:

Accounts Payable: 1/12/24 – Carlson moved to approve the accounts payable warrant dated January 12, 2024. The motion carried unanimously.

Payroll: 1/11/24 and 1/18/24 – Carlson moved to approve the payroll warrants dated January 11 and 18, 2024. The motion carried unanimously.

Fleet Permits: Carlson moved to approve fleet permits for Bourne’s Inc. & Bourne’s Propane, dba Bourne’s Energy of Morrisville, VT; Newport Sand & Gravel Co. Inc./Carroll Concrete Co., Inc. of Newport, NH; and Barrett Trucking Co., Inc. of Burlington, VT. The motion carried unanimously.

Approval of Draft Minutes – 1/8/24:

Carlson moved to approve draft minutes dated January 8, 2024. The motion carried unanimously.

Adjourn:

Davis moved to adjourn at 7:20 pm. The motion carried unanimously.

Minutes respectfully submitted by Kristin Brosky, Plainfield Town Administrative Assistant.