

**Town of Plainfield Select Board Special Meeting**  
**January 8, 2024**  
**149 Main St. Plainfield, VT 2<sup>nd</sup> Floor and via Zoom**  
**Minutes - Approved**

**Agenda:**

- Changes to Agenda
- Announcements
- Executive Session regarding evaluation and/or appointment of Select Board member pursuant 1 V.S.A. § 313(a)(3)
- Return from Executive Session/Decisions (if any) in Public Session
- Appoint Select Board Chair
- Public Comment
- Town Clerk/Treasurer Report (Robin Miller)
- Discussion of petition to change Town Charter, petition to appoint Town Clerk/Treasurer, and petition to change residency requirement for Town Clerk/Treasurer
- Emergency Management Update (Michael Billingsley)
  - Landslide issue
  - FEMA Buyout Program
- Discuss CVEDC funding request
- Discussion of Town dog waste issue
- Update on 79 Bean Rd.
- Approve the Municipal Building as a Harm Reduction Kit pick-up site
- Approve Access Permit for Brillhart/Gladding-Hinton
- Sign Mortgage Discharge for Daniel and Hilda Lee
- Approval of Warrants:
  - Accounts Payable: 12/21/23 and 12/29/23
  - Payroll: 12/21/23, 12/27/23, and 1/4/24
- Approval of Draft Minutes: 12/4/23, 12/5/23, and 12/18/23
- Adjourn

**Present:** Select Board members Tim Davis and Jim Volz. Also in attendance were Bram Towbin, Charles Cogbill, Jennifer Guarino of the Hazard Mitigation Committee, Town Administrative Assistant Kristin Brosky, Executive Director of Central Vermont Economic Development Corporation Melissa Bounty, and Eric Blaisdell of the Times Argus. Present via Zoom were Town Grant Administrator Alice Merrill, Kim Nolan, Bob and Kathy Fancher, Grace Worcester, Susan Grimaldi, Annie Coughlin, Steven Pappas, Dawn Fancher, Kayle Hope, Steven, Betsy Zeigler, Erica Dacosta, Chris Ditmeyer, and Gail Falk.

**Volz called the meeting to order at 6:02 pm.**

Changes to Agenda:

Volz stated that Town Clerk/Treasurer Robin Miller and Emergency Management Director Michael Billingsley were unable to attend the meeting so the Town Clerk/Treasurer Report and Emergency Management Update would be removed from the agenda. **Volz moved to approve these changes to the agenda. There was no discussion. The motion carried unanimously.**

Volz stated that, prior to entering executive session, a Select Board Chair should be appointed as Chair Riley Carlson had resigned from the Select Board. Volz stated that Davis had indicated prior to the meeting that he would prefer not to serve as Chair and Volz volunteered to be appointed to the position. **Davis moved to elect [sic] Volz as Chairman of the Select Board. The motion carried unanimously.**

Announcements:

There were no announcements.

Executive Session regarding evaluation and/or appointment of Select Board member pursuant 1 V.S.A. § 313(a)(3):

Volz stated there was no need to enter executive session. He shared that Riley Carlson had contacted him and Davis before this meeting and had indicated that he would be interested in reappointment to the Select Board. **Volz moved to reappoint Riley Carlson to the Select Board. There was no discussion. The motion carried with Davis and Volz voting in favor.** Carlson was not in attendance at this meeting.

Return from Executive Session/Decisions (if any) in Public Session:

The Select Board did not enter executive session, see above.

Appoint Select Board Chair:

See above under Changes to Agenda.

Public Comment:

Chair Volz opened the floor to public comment. Bram Towbin requested to speak regarding the petition to change Town Charter, petition to appoint Town Clerk/Treasurer, and petition to change residency requirement for Town Clerk/Treasurer.

Town Clerk/Treasurer Report (Robin Miller):

This agenda item was postponed to a future meeting, see Changes to Agenda above.

Discussion of petition to change Town Charter, petition to appoint Town Clerk/Treasurer, and petition to change residency requirement for Town Clerk/Treasurer:

Towbin stated that he had organized and submitted six petitions to the Town Office with five of the six pertaining to proposed change to make the Town Clerk and Treasurer positions appointed rather than elected and to allow those positions to be filled by residents or non-residents of the Town of Plainfield. He stated that the sixth petition proposes expanding the number of Select Board members from three to five. He explained that his hope is to achieve an accountable and transparent Town government. He noted that as elected positions the clerk and treasurer positions are only open to Town residents, excluding many qualified non-resident candidates. He stated his belief that the current system doesn't allow the Select Board to recommend oversight procedures for the office of the Town Clerk and Treasurer. He explained that if all the petitions passed and the legislature approved the Town Charter change then the Select Board would have the ability to appoint a Town Clerk and Treasurer immediately. He further described various opinions and recommendations he had received from experts regarding the petitions. He explained that the vote on the changes to the Town Clerk/Treasurer position must be made at Town Meeting and cannot be made at a special meeting. Volz explained that the Select Board would not be able to make any changes to the wording of the petitions; Towbin expressed willingness to work with the Select Board to help move the issues to a vote. Davis asked if the Town Charter change would have to pass in order for any changes voted for regarding the Town Clerk and Treasurer positions to stand. Towbin explained his understanding that the Town Charter change would have to pass for any of the changes to the Town Clerk and Treasurer positions to go forward if passed.

Volz recognized Charles Cogbill. Cogbill expressed concern that the Town Charter as its currently written doesn't allow for a petition to change the way the Town Clerk and Treasurer are elected or appointed and strongly urged the Select Board to seek legal counsel. He noted that the same issue was raised in January of 2022 and the Select Board at the time had decided not to put the issue on the Town Meeting warning. He stated his belief that the Town Charter would have to be changed before the petitions to change the Town Clerk and Treasurer positions could be considered. He expressed his uncertainty as to whether the petitions would need to be voted on by Australian ballot and whether there would need to be hearings. He further expressed his support for keeping the Town Clerk and Treasurer positions elected. Volz stated his agreement that the issues raised by the submission of the petitions should be brought to the Town legal counsel. Towbin stated that the proposed changes to the Town Clerk and Treasurer positions and the expansion of the Select Board are issues that have already been pre-approved by the legislature. Jennifer Guarino asked for clarification as to whether Towbin meant that the legislature had pre-approved these changes for Plainfield specifically or in general for all Vermont towns. Towbin explained his understanding that the legislature has given a general sanction for the changes being proposed in the petitions. Volz reiterated that the next step is for the Select Board to consult with the Town legal counsel. Towbin requested that Select Board members ask the legal counsel if the language of the petitions is problematic, could they be

reworded. Volz agreed. Davis stated his concern that the current Town Clerk/Treasurer has shared she does not plan to run for re-election and no other interested parties have come forward. Towbin stated that he has prepared the paperwork needed to run for Town Clerk/Treasurer if needed. Guarino asked for clarification about what is considered a quorum with a two person Select Board. Volz stated a Select Board of two or three has a two person quorum which is often problematic due to open meeting laws that prevent discussion by a quorum outside of a warned meeting. Davis explained that this has impeded the Select Board's ability to communicate about issues. Volz pointed out that it also prevents the formation of committees to explore topics more deeply.

Kristin Brosky read aloud from the Zoom comments that Zoom attendees were experiencing poor audio and noted that Alice Merrill had requested via the chat that Chair Volz provide a brief re-cap of the conversation regarding the petition. Volz offered a recap. Merrill stated her support via Zoom chat, read aloud by Brosky, for a switch to a five member Select Board. Towbin stated that the filing deadline to petition to be on the ballot is at the end of January and to date no one has stepped forward to run for Town Clerk or Treasurer. Merrill asked via Zoom chat, read aloud by Brosky, about the option of postponing Town Meeting to allow time to figure out the needed legal questions. Towbin attempted at answer this question stating he has received unclear guidance from his lawyers regarding this option. Volz again stated that the next step is to consult with the Town Attorney.

Emergency Management Update (Michael Billingsley):

This agenda item was postponed to a future meeting, see Changes to Agenda above.

Discuss CVEDC funding request:

Volz recognized Melissa Bounty, Executive Director of Central Vermont Economic Development Corporation (CVEDC). Bounty shared that she is the new director of CVEDC which is a nonprofit corporation serving businesses and employees in Washington County. She stated that her records show that Plainfield has provided \$300 in funding to CVEDC for the past 20 years. Guarino asked for clarification regarding this agenda item. Volz clarified that when the Select Board had considered the budget for the coming year they had not allocated money to CVEDC. Volz and Davis stated their support for adding funding for CVEDC to the budget.

**Davis moved to add a \$300 budget line to fund CVEDC. The motion carried with Davis and Volz voting in favor.**

Discussion of Town dog waste issue:

Volz explained his understanding that the volunteer who had been emptying the dog waste containers at the Mill St. Park and the Recreation Field is no longer willing to do the task. He stated the need for a Town maintenance person. Merrill asked via Zoom chat, read aloud by Brosky, about moving forward with hiring a part-time maintenance person. Davis stated his

interest in serving temporarily as a part-time Town maintenance person until a more permanent applicant can be hired. He stated he'll connect with the Town Clerk to discuss the issue further.

Update on 79 Bean Rd.:

Davis explained that he had added this item to the agenda to allow for any updates to be shared, noting he recalled that a letter would need to be sent as the six month seasonal limit had been reached as of December 31, 2023. Volz recognized Kim Nolan. Nolan stated that the residents of 79 Bean Rd. are still living at the seasonal camp. She reminded the Select Board that Zoning Administrator Karen Storey would need to refile paperwork documenting the ongoing non-compliance with zoning regulations. She offered to contact Storey, Volz encouraged Nolan to do so. He stated that the Select Board continues to wait for the estate to enter probate before proceeding with taking legal action against the current residents of 79 Bean Rd.

Approve the Municipal Building as a Harm Reduction Kit pick-up site:

Davis shared that he has procured free Harm Reduction Kits from the Department of Health which contain Narcan and fentanyl/xylazine test strips. He shared that the kits are not just for individuals who are actively using drugs, but also for anyone who has an interest in the safety of friends, family, and community members who may use drugs. He explained that the kits contain no controlled substances and that Narcan is designed to reverse opioid overdose. **Volz moved to approve the Town Municipal Building as a Harm Reduction Kit pick-up site contingent on the agreement of the Town Clerk/Treasurer. The motion carried with Davis and Volz voting in favor.**

Approve Access Permit for Brillhart/Gladding-Hinton:

Volz shared that the access permit is for landowners Jacob Brillhart and Annalisa Gladding-Hinton to build a driveway at 1800 Middle Rd. up to a 22 percent grade twenty feet away from the edge of the shoulder for safe entering and exiting of the roadway. Davis noted that Road Foreman Michael Bingham had already approved the access permit. **Volz moved to approve the access permit for Brillhart/Gladding-Hinton. The motion carried with Davis and Volz voting in favor.** Chair Volz signed the access permit.

Sign Mortgage Discharge for Daniel and Hilda Lee:

Volz read aloud the mortgage discharge for Daniel and Hilda Lee stating, "I hereby certify the following described mortgage is paid in full and satisfied; Daniel and Hilda Lee mortgage to the Town of Plainfield mortgagee of 1986 book 31; The Town of Plainfield no longer has an interest in this lien credit recording instrument". **Davis moved to approve the discharge of the mortgage for Daniel and Hilda Lee. The motion carried with Davis and Volz voting in favor.** Chair Volz signed the mortgage discharge.

Approval of Warrants:

*Accounts Payable: 12/21/23 and 12/29/23* – Volz presented for approval accounts payable warrants dated December 21 and 29, 2023. **Volz moved to approve the presented accounts payable warrants. The motion carried with Davis and Volz voting in favor.**

*Payroll: 12/21/23, 12/27/23, and 1/4/24* – Volz presented for approval payroll warrants dated December 21 and 27, 2023 and January 4, 2024. **Volz moved to approve the presented payroll warrants. The motion carried with Davis and Volz voting in favor.**

Approval of Draft Minutes: 12/4/23, 12/5/23, and 12/18/23:

**Volz moved to approve draft minutes dated December 4, 5, and 18, 2023. The motion carried with Davis and Volz voting in favor.**

Adjourn:

**Davis moved to adjourn at 6:56pm. The motion carried with Davis and Volz voting in favor.**

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