

**MINUTES REGULAR SELECT BOARD MEETING
6:00 P.M. THURSDAY, JULY 20, 2023
MEMORIAL BUILDING
20 CHURCH ST. 3RD FLOOR AND VIA ZOOM**

Select Board

Eric Remick, Chair
Ceilidh Galloway-Kane, Vice Chair
Elizabeth Dow
Shari Cornish
Danny Hale

Others Present

David Upson, Town Manager
Casey Rowell, Business Manager
Tonia Chase, Clerk/Treasurer
Mike Henry, Police Chief
Tom Fadden, Road Foreman
Lynne Gedanken, HED
Myles Koch-Kamisher
Willie and Carol Lumsden, *Zoom*
Peter Watkinson
Mick Leddy, *Zoom*

Others Present

Mike Sullivan, HED
Sharon Fradette, *Zoom*
Tim Nisbet
Patty Meyer
Rose Friedman
Tara Reese
Larry Fliegelman
Kristen Leahy
Vince O'Connell, *Zoom*

Regular Meeting

6:00 P.M. – Eric Remick, Select Board Chair, called the meeting to order.

6:01 P.M. – Set/Adjust Agenda – *none*

6:01 P.M. – Communication from the audience

6:02 P.M. – Select Board to approve the minutes of the Regular Select Board meeting of June 15, 2023, and the minutes of the Special Select Board meeting of July 5, 2023

Upon motion by Ceilidh Galloway Kane, seconded by Elizabeth Dow, the Select Board voted to approve the minutes of the Regular Select Board meeting of June 15, 2023, and the minutes of the Special Select Board meeting of July 5, 2023. Danny abstained from the July 5 meeting that he was not at.

6:03 P.M. – 6:12 P.M. Town Manager Report- Given by David Upson Jr.

David went over the damage from the storm. All the roads but three have been repaired to be passable.

He went over much of what he went over at last night's special Select Board meeting. Most of the information he talked about for resources has been put on our website.

He reported that there are relief efforts at 56 High Street, where a distribution center has been set up offering free supplies such as cleaning products, fans, dehumidifiers, etc.

He gave an overview of the expenditures to date and damage to our wastewater plant damage.

He encouraged everyone to call 211 to report their damage. This is necessary for the county to be declared a disaster, which in turn would provide individual homeowners with aid for repairs.

6:12 P.M. – 6:22 P.M. Road Foreman Report – Given by Tom Fadden

Tom acknowledged the local folks that helped after the storm: Perry Brothers, Gonyaw, Laggis', Scott Brown Trucking, Fred Vance, Danny Hale, and Tyler Demers had gravel available to us since we were unable to get to our pit or Ken Davis' pit. Gravel Construction helped with Bunker Hill Rd. and areas on that side of Hardwick Kwik Stop. We appreciate all their assistance!

Tom talked about the rescue efforts and the remaining roads that are still closed or have small sections closed. The crew is going to work on Tucker Brook Rd. next week and Carey Rd. the following week. They are hoping to get the Carey Rd. bridge open. Hardwick Farms Rd. and Fisher Folly bridge would be the only two remaining places not opened after those two projects.

Tom has communicated with the state to start a hydrologic study, which will help to determine what areas need to have larger or box culverts to prevent the same thing from happening in the future should we have another event like this. This process can take 12-18 months. At this point, for the temporary fix, we must put the same size culverts back or we cannot get reimbursed from FEMA. After the hydrologic study, we can look at upgrading to bigger culverts or box culverts if the study shows that they are needed.

Tom also mentioned that they started work around the village to clean up from the storm and are also hoping to clean up West Hill Rd. in the coming weeks.

Tom commented that residents truly pulled together to help wherever they could without being asked. There were people using their personal tractors and equipment on back roads while the crew was working their way around. The community really came together for this event. David commented on how impressed he was with the community.

Tom shared that the crusher is coming to our gravel pit on Tuesday.

6:24 P.M. – 6:27 P.M. Hardwick Police Department (HPD) Report – Given by Chief Mike Henry

Mike wanted to thank the Neighbor-to-Neighbor group for staffing the distribution center. There have been lots of great donations from businesses and individuals. The center at 56 High Street (Sr. Ctr. side) is staffed from 7-7 daily. We do need more dehumidifiers and box fans; so, if anyone has any that they can provide, please bring them to the distribution center. Mike reported that places like Poulin Lumber, Amazon, and Jericho Hardware have donated supplies.

The Police Department has two large radar signs to be put up and they will be soon. They are going to need some assistance from the highway crew.

6:27 P.M. – 6:44 P.M. Hardwick Electric Department (HED) Report – Given by Mike Sullivan

Mike's report focused on the storm and dealing with outages. They had several challenges to deal with.

Some of their dams breached but did not fail. Mike shared several photos of the damage sustained at the dams and the Wolcott Hydro facility, which was heavily damaged and repairs for that are estimated to be about \$2M. They had one hundred dump trucks of mud and silt taken out of the powerhouse at the Hydro facility.

Eric asked about the 15% of their power that comes from the hydro and how that will be made up. Unfortunately, they will have to purchase more power from the markets to make up for that. Elizabeth asked if any of their typical sources were impacted. The answer is no.

For the rate increase, 5.53% was approved, which is less than the 13% they requested. They have been working on the bill credits for the couple of months that they implemented the higher rate increase. The Dept. of Public Service is looking for them to change their business model and incur more long-term debt. HED is not in favor of this idea.

Ceilidh asked about FEMA reimbursement. There is some opportunity for that. They look at what can prevent this from happening again, which could result in getting higher walls around the hydro facility.

Sharon Fradette mentioned to Mike that she and others tried to get into the Monday night HED Commissioner meeting via Zoom unsuccessfully. They wanted to weigh in on Nichols Pond discussion. Mike apologized that they were not able to get in. It was a public meeting and others were able to join. Sharon said that she is unable to get to the HED office due to lack of handicap accessibility. However, Mike let her know that the meetings are held at the Memorial building, where there is access for disabled individuals. Sharon was pleased to know this. Lynne Gedanken indicated that it will be on the next agenda.

6:45 P.M. – 6:46 P.M. Item #1 Select Board to review and sign bond documents for the library and gravel pit bond slated to close in early August – *Action needed*

Upon motion by Ceilidh Galloway-Kane, seconded by Danny Hale, the Select Board voted to approve and sign the bond documents for the library and gravel pit.

6:46 P.M. – 6:50 P.M. Item #2 Select Board to review and consider approving the FY24 tax rate presented by Tonia Chase, Clerk/Treasurer – *Action needed*

Upon motion by Danny Hale, seconded by Shari Cornish, the Select Board voted to approve the FY24 tax rate of \$1.3823, as presented.

6:50 P.M. – 6:52 P.M. Item #3 Select Board to review and approve the annual Internal Financial Controls Checklist– *Action needed*

Upon motion by Ceilidh Galloway-Kane, seconded by Elizabeth Dow, the Select Board voted to approve the annual Internal Financial Controls Checklist.

6:52 P.M. – 7:03 P.M. Item #4 Tim Nisbet from Hardwick Rescue to present plans to the Select Board for expansion of their existing building on Creamery Rd. – *Possible Action needed*

Tim Nisbet and Patty Meyer came to talk about Hardwick Rescue's desire to expand their existing facility on Creamery Rd. from 2,100 sq ft to 4,200 sq ft. They have explored several sites and had research done about their current site and it appears to be the best option. They do not have a building design yet. They are looking for approval from the Town to proceed with this project because they lease the property from the Town and need to expand the footprint of the lease to extend the back of the building. They need to have a reasonable place for workers to stay. It will help them to attract more employees.

Upon motion by Danny Hale, seconded by Shari Cornish, the Select Board voted to amend the current lease to accommodate the Hardwick Rescue building expansion as presented. [Final building plans will come back to the Board to be reviewed prior to construction.]

7:03 P.M. – 7:10 P.M. Item #5 The Civic Standard to discuss a grant application they have pending where they need permission to use the Peace Park for some events – *Action needed*

Rose and Tara mentioned that they had been exploring a Better Places grant. However, they are not moving forward with that currently. They wanted to give the Board an update on what the last year has looked like for them since the Town helped them with ARPA funding. That funding was instrumental in the activities that they have held in the community. Rose talked about the activities that have been happening since the storm. They have been using the Peace Park for community dinners.

David thanked the Civic Standard for their tremendous help after the flood and throughout the week.

7:10 P.M. – 7:11 P.M. Item #6 Select Board to review and consider approving *interim* zoning bylaws due to the flooding – *Action needed*

Interim zoning bylaws are needed so that people can stay in their homes as they work on damage, among other things. Kristen Leahy, Zoning Administrator, indicated that they will need to hold a special meeting because we do not have them as of today. They should be coming out from the State any day now.

7:11 P.M. – 7:20 P.M. Item #7 Select Board to consider appointing Shari Cornish, Ken Davis and one other person to a 3-yr term on the Planning Commission – *Action needed*

One of the candidates who originally expressed interest withdrew. There are five people who want to fill these three seats. Shari and Ken want to be reappointed and the other three would like to fill the vacant seat. Kristen mentioned that one of the candidates is currently on the DRB, so they can only be an alternate on the Planning Commission. She would recommend that they appoint three people and have two alternates.

Upon motion by Ceilidh Galloway-Kane, seconded by Elizabeth Dow, the Select Board voted to reappoint Shari Cornish and Ken Davis to a 3-yr term on the Planning Commission and appoint Larry Fliegelman to a 3-yr with 2-yrs remaining and appoint Bud Stevens as the first alternate and Kole as the second alternate.

7:20 P.M. – 7:22 P.M. Item #8 Select Board to consider appointing John Mandeville and Kole to another 3-yr term on the Development Review Board (DRB) – *Action needed*

Upon motion by Shari Cornish, seconded by Elizabeth Dow, the Select Board voted to appoint John Mandeville and Kole to another 3-yr term on the Development Review Board.

Kristen said we could use more DRB members.

7:22 P.M. – 7:32 P.M. Item #9 Select Board to consider appointing two people as Hardwick Electric Commissioners, one for a 2-yr term and one for a 3-yr term (multiple candidates) – *Action needed*

The candidates that were present introduced themselves and gave a little background to the Board. They previously submitted letters of interest prior to the meeting. The Board will meet in executive session later this evening to discuss the selection of four candidates for two positions.

7:32 P.M. – 7:40 P.M. Item #10 Discussion about Farr Street and Buffalo Mountain Rd.

David talked about Farr Street and the potential that it may change ownership hands. It is currently private, and the owners would like it to become a public right of way. It is considered a street, but the top part is privately owned. We have been taking care of it right along. There is concern about this in general and a site visit might be appropriate. It is not an issue currently but could be in the future.

David mentioned that we should look at upgrading Buffalo Mountain Rd. to a Class 3 road.

7:40 P.M. Vince O' Connell joined via Zoom and spoke to the Board about his desire to continue as an HED Commissioner. Eric let him know that they have heard from all candidates and will deliberate later in the evening and the Town Manager will communicate with the candidates tomorrow.

7:44 P.M. – 7:45 P.M. Item #11 Select Board to review and consider approving the coin drop requests for 2024 – *Action needed*

Upon motion by Danny Hale, seconded by Elizabeth Dow, the Select Board voted to approve the coin drop requests for 2024 as presented.

7:45 P.M. – 7:48 P.M. Item #12 Select to review and approve the audit engagement letter with Sullivan, Powers, & Co., for FY23 audit services – *Action needed*

Upon motion by Danny Hale, seconded by Elizabeth Dow, the Select Board voted to approve and sign the audit engagement letter with Sullivan, Powers, & Co., for FY23 audit services.

7:48 P.M. – 7:50 P.M. Item #13 Select Board to complete USDA resolution for the Library's \$600,000 in Congressionally Delegated Spending (CDS) funds – *Action needed*

Upon motion by Elizabeth Dow, seconded by Danny Hale, the Select Board voted to approve the loan resolution as provided by complete the USDA resolution for the Library's \$600,000 in Congressionally Delegated Spending (CDS) funds.

Select Board Reports: Shari reported that there will be a second public engagement event on August 2 at 6 p.m. at the Town House to gather feedback on the LVRT trailhead designs for three trailheads in Hardwick & East Hardwick. This is a great opportunity for folks to see what they have designed and give feedback/comment to make any changes before they are built.

Eric mentioned that Governor Phil Scott and Transportation Secretary Peter Buttigieg were here in Town and Eric viewed the Rail Trail with them and talked about the importance of it.

Eric mentioned hiring a third-party consultant to help the Town navigate through the FEMA documentation. We have a couple of names we have been given and the Town Manager's office will be working on this.

Ceilidh shared that the Town of Glover Equity Committee is holding a Freedom Festival this Saturday, July 22, at the Glover Community School from 12-7 p.m. There will be free food, music, and activities.

Danny shared that he had an incredibly positive discussion with the Governor and Transportation Secretary when they were in Town about the impact of the LVRT.

New Business: Shari suggested the Select Board might want to have another special meeting next week to focus on some of the aftermath of the flood, the highway garage, financial priorities, etc. This is to be determined. We would just need enough notice for the Town Manager’s office to properly warn the meeting.

8:05 PM *Motion made by Ceilidh Galloway Kane and seconded by Danny Hale: Pursuant to 1 V.S.A. §313(a)(1)(E) and (F) that premature general public knowledge concerning pending litigation involving Richardson v. Town of Hardwick v. Gebbie would place the Town at a substantial disadvantage in that it involves attorney/client communications on matters of strategy, discovery, trial preparation and settlement or litigation options; and I hereby move to enter into executive session, pursuant to 1 V.S.A. §313(a)(1)(E) and (F) for the purposes of engaging in attorney/client communications made for the purpose of providing professional legal services to the Select Board concerning pending litigation and potential settlement.*

HED Board of Commissioners Chair Lynne Gedanken, HED General Manager Mike Sullivan, Attorney Mick Leddy of McNeil/Leddy/Sheehan, Town Manager, and the Business Manager are invited into this executive session. The Board voted to approve unanimously.

8:26 P.M. Exited Executive Session.

A motion was made by Ceilidh Galloway-Kane and seconded by Elizabeth Dow, based on the advice of counsel and the VLCT, the Select Board ratify and consent to the proposed settlement of the case: Richardson v. Town of Hardwick v. Gebbie. Unanimous approval by Select Board.

8:28 P.M. *Upon motion by Elizabeth Dow, seconded by Shari Cornish, the Select Board voted unanimously to enter Executive Session pursuant to 1 V.S.A. § 313 for discussion of the appointment of a public officer to include the Town Manager.*

The Business Manager, Casey Rowell, was present for the first couple of minutes of the session just while she picked up her computer and documents. Then exited.

8:40 P.M. Exited Executive Session.

A motion was made by Elizabeth Dow, seconded by Danny Hale, to appoint Lynne Gedanken for a 2- year term as a Hardwick Electric Commissioner and Myles Koch-Kamisher to a 3-yr term as Commissioner. Unanimous approval by the Select Board.

8:42 P.M. Eric Remick, Select Board Chair, adjourned the meeting.

Minutes taken by: _____
Casey Rowell, Business Manager

Minutes approved by: _____
Eric Remick, Select Board Chair