

APPROVED MINUTES
SELECTBOARD MEETING
TOWN OF BENSON, VT
APRIL 1ST 2024, 7:00pm

Selectboard Present:

Brad Barrett, Guy Charlton, Jerod Glover, Linda Peltier, Jim Pritchard

Others Present:

Heidi Chandler (Town Clerk/Treasurer), Carrie LaFond (Selectboard Assistant), Greg Poelker- RRPC

Public Present: Terrie Stewart, Ron Stewart, Lynn Bowen, Jan Ladd, JS Valois, Kerry Dunseath, Jean McKeever, Ben Bartholomew, Norma Philips, Jack Helm, Nancy Elkington, Tracy Howard, Leah Csiszar, Robin Wilson, Steve Murray, Yavonne and Elwin Smead, Wayne Fletcher, Lisa Chalidze, Ted Kellogg, Jon Dodd

Call to Order:

Guy Charlton (Acting Chair) called the meeting to order at 7:00pm.

Approved Agenda:

Motion to approve the agenda as presented was made by Jerod Glover, seconded by Linda Peltier motion passed unanimously.

Selectboard Organization:

- Heidi Chandler (Town Clerk/Treasurer) took over conducting the meeting.

Nomination for Brad Barrett to be Chair by Guy Charlton, second by Jim Pritchard.

Nomination by Jerod Glover for Linda Peltier to be Chair, no second.

Motion to nominate Brad Barrett as Chair by Guy Charlton, second by Jim Pritchard, Linda Peltier opposed, Motion passed.

Nomination by Brad Barrett for Guy Charlton to be Vice Chair, second by Jim Pritchard

Nomination by Jerod Glover for Linda Peltier to be Vice Chair, no second.

Motion by Brad Barrett, second by Jim Pritchard for Guy Charlton to be Vice Chair, Linda Peltier opposed, motion passed.

Rutland Regional Planning Commission:

- Greg Poelker with Rutland Regional Planning commission provided the board with an update on the grant process. The State of Vermont has changed some of the qualifications. Still hoping to be able to apply for a grant for town center improvements including a possible pavilion, ADA parking improvements, and better drainage around the community and town office area. An alternative to the Town improvements could be grant money for updating the Town Plan. This grant would be totally funded no match.

Appointment of Offices:

- Sue Brown had sent an email stating she would continue on the Benson Family Day committee.
- Robert St. Peter emailed and would like to continue as Tree Warden
- Jan Ladd volunteered for the vacant Town Hall committee position.
- Selectboard Assistant will ask Cheryl Murray to post vacancies on the town website.
- Appointments tabled until after posting of vacancies.

Public Comment:

- Jean McKeever- Presented to the board a Timeline of events pertaining to the election and Attorney correspondence that have recently taken place, list of questions for the board and requested remedies. (see attached document)
- Jerod Glover explained that the board had no experience with this sort of issue and relied on the advice of the attorney. There were three options provided by the Attorney 1. Do nothing 2. Continue and be ready to react if further complaints are filed 3. File with the court to have a new election for the one-year selectboard term.
- Lynn Bowen- Denies the Attorney's stance that the Board of Civil Authority had no authority and stated the board of Civil Authority should have been made aware.
- Craig Munger- the Board of Civil Authority should have been involved.
- Nancy Elkington- expressed the need to have a process to deal with issues like this in the future.
- Lisa Chalidze- expressed the need for protocol in dealing with election matters and said the public should have been made aware ahead of time, and suggested the Town find a new Solicitor.
- Linda Peltier expressed the entire process had been rushed and supported the decision to find a new Solicitor.
- Brad Barret agreed the Board had been given bad advice from the Town's Attorney that they trusted.
- Jon Dodd answered the question of when the Board of Civil authority was made aware Answer: March 10th.
- Jack Helm answered the question of who and how it was made aware that Mr. Valois was not on the voter check list at the time the petition was filed for selectboard, Answer: Terry Burke chair of the Republican party had reached out to him checking if all individuals on petitions were registered voters . He stated he's not a registered Republican and does not know why he was contacted.
- Guy Charlton stated there can not be any discussion at Town meeting on any issue being voted by Australian Vote and checking should be checked at the municipal office.
- Jon Dodd- added that it's not the individual's responsibility to check.
- JP Valois asked if there was a plan to fix the roads? Suggested meetings be held next door for more space and added there are grants that should be applied.
- Jon Dodd supplied the board with an article on John Hill with his new accomplishment of being voted as the Pastor at the Union Congregational Church of South Wallingford.

Approve Selectboard Minutes:

Motion to approve March 14th Selectboard minutes as presented by Jerod Glover, seconded by Guy Charlton, motion passed unanimously.

Motion to amend the minutes of March 18th as followed:

- Motion by Jerod Glover, second by Brad Barrett not to challenge the election and to not pursue legal counsel in the matter, motion passed.

add the following language before the motion for the election on Minutes for March 18th, 2024.

- In response to the recount request by Mr. Helm the selectboard retained council to draft a court complaint to invalidate the one year select board election. (see attached)
- Question was asked why the board of civil authority was not made aware of the issue with the election. **Answer:** The Town's Attorney had asked to meet with the board and had stated the only body that could make a ruling was the Court system
- Mr. Charlton claimed the filing was a recommendation by the lawyer. Ms. Chalidze responded that they were not obligated to follow the advice of counsel. Mr. Glover mentioned that the lawyer had offered three options.

Motion to approve March 18th Selectboard minutes as amended by Jerod Glover, seconded by Linda Peltier, motion passed unanimously.

Pay Bills:

Motion by Guy Charlton to pay Regular Payroll in the amount of \$6,229.76, second by Jerod Glover, motion passed.

Motion by Guy Charlton to pay Highway Payroll in the amount of \$7,288.40 second by Jerod Glover, motion passed, Brad Barrett abstained.

Motion by Guy Charlton to pay Regular Bills in the amount of \$196,466.26 second by Linda Peltier

- Discussion on Regular Bills: Brad Barrett recommended removing the bill from the Attorney.
- Question was asked how much the Attorney charges? **Answer:** Need to investigate it further.
- Question was asked, does the Town have a written agreement. **Answer:** Yes

Motion by Linda Peltier to pay Regular Bills in the amount of \$196,466.26 (leaving out the order for the Attorney), second by Jim Pritchard, motion passed unanimously.

Animal Control Issue:

- Ron Stewart Animal Control Officer supplied Kayla Manley with a copy of the Dog ordinance.
- Questions on why there is a 60-day timeframe for late charges, should be 30 days.
- Board should look at Amending the Dog Ordinance (Put on agenda next meeting)

Highway Department:

Rd Foreman Report

- Installed five culverts last week for ones that had failed.
- Class 4 road erosion control repairs to the Transfer station road
- Broke ground on the garage

Overweight Permits

Motion by Jerod Glover, second by Jim Pritchard for Guy Charlton (Vice Chair) to sign the excess weight permits for, Structural Wood Corp, Scott Pidgeon, Jackman Fuel, John Trombley Construction, Camp-precast and New England quality, motion passed unanimously.

New Truck Payment

Motion by Guy Charton, second by Jerod Glover to take the money from the sale of the grader and the balance from the equipment reserve fund to make the payment on the new truck, motion passed unanimously.

Transfer Station:

Review Inspection Report-Tabled

Town Clerk Report:

- Provided Treasurer's report.
- Final energy audit is available for anyone wishing to see it.

Old Business:

Town Garage

- Landowner Discussion- new garage area has been staked out; landowner next door is content.

New Business:

Liquor Control Board

Motion by Jerod Glover, second by Guy Charlton to recess the Selectboard meeting and reconvene as the Board of Liquor Control, motion passed unanimously.

Motion by Jerod Glover to approve 1st Class Alcohol License, 2nd Class Alcohol License and Outside Alcohol License for Benson Village Eatery (Wheel Inn), second by Jim Pritchard, motion passed unanimously.

Motion by Jerod Glover, second by Guy Charlton to recess the Board of Liquor Control and reconvene as the Selectboard, motion passed unanimously.

Sign Wastewater & Potable Water Supply Permit-

Motion by Linda Peltier to recess as the Selectboard and reconvene as the Board of Sewer Commissioners, second by Jerod Glover, motion passed.

Motion by Linda Peltier, second by Jerod Glover to authorize Brad Barrett (Chair) to sign the Waste Water and Potable Water Supply Permit Application for the State of Vermont, motion passed unanimously.

Motion by Linda Peltier to adjourn as the Board of Sewer Commissioners and reconvene as the Selectboard, second by Jerod Glover, motion passed Unanimously.

Sewer Allocation Town Garage- **Tabled**

Resolution Past Election-

Motion by Linda Peltier, second by Jerod Glover to sign the Resolution for the election (2024) provided by the Towns Attorney, motion passed unanimously. *(see file for copy)

Review Selectboard Protocol

- Discussion on what should be included in the Selectboard minutes, Any decisions, motions etc..
- Discussion on who should access the file cabinet containing minutes and agendas. **Answer:** Town clerk and Selectboard Assistant. The Town Clerk will be given time for record requests (up to 72 hrs.) so her work is not interrupted.

Town Office Internet/Security- **Tabled**

Correspondence:

Forest Fire Warden -Emails- **Tabled until next meeting**

- Jerod Glover will put together a notice to post for the position of Forest Fire warden (see website), there have been a few individuals that have shown interest. Considering a stipend by the Town as other Towns do supply a stipend.
- Tire Container will be considered for green up day, last year there was quite a bit of time spent picking up tires people had discarded by the road.

Adjournment:

Motion to adjourn by Jerod Glover at 9:15pm.

Respectfully submitted.

Carrie LaFond

Selectboard Assistant

Documents referenced in these minutes can be found at the Benson Town Office.