



Special Selectboard Meeting

November 1, 2022

Unapproved Minutes

MEMBERS PRESENT: Thomasina Magoon and Tammy Walsh

OTHERS PRESENT: Ken Brown, Madine Reed, Philip Bowman, David Sabatini, Timmi Moffi, Bill Mathis, and David McKinnon

MEETING CALLED TO ORDER Thomasina Magoon called the meeting to order

7:02 PM

SELECTBOARD APPOINTMENT, OATH OF OFFICE & ORGANIZATION OF BOARD At this time Tammy Walsh presented a letter submitted to her by Bill Mathis for consideration of the open position to the Selectboard. Hearing no other candidates presented, a motion was made.

MOTION: Thomasina Magoon made a motion to appoint William Mathis to the open selectboard seat until election in March, seconded by Tammy Walsh, motion passed.

7:04

At this time Bill Mathis walked into the meeting and it was announced to him that he is now on the board and needs to take the Oath of Office. At this time there was no Justice of the Peace available to administer the Oath.

NEW BUSINESS Sale of Town Recycling Trailer

Thomasina called the insurance company. The board had initially made a motion that would allow David Sabatini to use the town's recycling trailer. However, there was conflicting information presented to the board regarding the potentially liability of a contractor using the Town's equipment under his own insurance. Thomasina spoke with the town's insurance company agent, Peter Werner, from Kinney Pike.



He suggested the town write an agreement/contract for the in place for the duties he is being contracted for (with review and approval from town attorney) and requesting the town is listed as an additional insured on his general liability insurance policy.

Thomasina stated she would like to amend the latest motion in place to allow David Sabatini to use the town trailer for garbage pick-up.

Tammy stated that we could also allow David to purchase it. Thomasina then read a proposal submitted by Jerod Lowell (town mechanic) assessing the value of the trailer at \$1,500 as is with no warranty. In addition, he also stated if David Sabatini did not want to purchase it for \$1,500, then he would purchase it for that amount. Thomasina read the bid/statement from Jared aloud.

Tammy suggested selling it to Dave at a lesser value. She doesn't believe it is worth that much and that accepting one person's assessment of the trailer is appropriate either. Thomasina stated she doesn't think we should sell, but maybe we could rent it to David.

Discussion was had around the use and or rental of the trailer. David stated either way the trailer has to be permitted and if the town permits it is free, otherwise it is \$50 for him. He also stated that trailer was/has never been permitted all this time the town has been doing garbage.

OATH OF OFFICE & ORGANIZATION OF THE BOARD

At this time Ken Brown entered the meeting and the conversation was paused while Bill Mathis completed paperwork and took the oath of office. He then took a seat on the board.

7:26 pm

MOTION

Thomasina made a motion to nominate Bill Mathis as Chair, Tammy seconded. Motion carried.



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Thomasina stated with the organization of the board and over-arching division of responsibility.

Bill stated that is going to be a working board and that we do not have employees that would be doing that so that mean we will have those responsibilities. Bill stated he would be glad to bang the gavel and keep order, or attempt to, keep civil tone to everything that's done. He would like to review our policies and procedures so that we do everything regularly and properly, and so that they will not be open to questioning. This is his biggest thing.

Bill stated that he thought Tammy had experience with roads which happens to be our biggest cost and responsibility.

Tammy and Thomasina agreed. Thomasina stated she would like to help create systems, like a calendar of what is due monthly for town management such as when fire extinguishers need annual checks. Also, a maintenance record and upkeep calendar on each of the municipal buildings. As well as a list of things the board is responsible for –for the current board, but also for when new board members come on, they understand the expectations better.

Thomasina stated she thinks she can help with these tasks as well as with paper pushing, technology and communication through the website.

Bill asked if we were members of the VLCT and thinks that they can help with resources. Thomasina stated she printed the VLCT Selectboard Handbook and Orange Book Standards for each of the board members. She also presented our current list of Policies and Ordinances, some which still need edited and approval.

Bill asked where we are on the FLAP and State Waterways Grant. Thomasina stated that she had received information from Jeff Cathcart, Mike Winslow, and Brian Sanderson.

Thomasina will be working on the waterways grant to get it



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submitted. And we can follow up with Marci on the status of the FLAP grant. There will be 2023 monies available we need to stay aware of.

Thomasina inquired whether a motion needed to be made regarding the division of board duties or just a discussion was sufficient.

Bill stated that it can be reflected in the minutes, and he didn't think we needed a formal motion.

Thomasina asked the board for approval for her to take responsibility to own/create the agenda. They agreed that was fine, however, Bill would like to review the next agenda items at the end of each agenda.

Bill inquired whether the agenda is posted and warned properly. There was discussion regarding what the legal time for posting is. Thomasina suggested she would like to see it posted on Fridays before the Monday meeting.

NEW BUSINESS Sale of Town Recycling Trailer Continued...

Bill asked when the last time the trailer was inspected. Thomasina stated she didn't know, but that the value given by Jared Lowell, was given without seeing the trailer in years—just know of the trailer and gave it a value. Billed stated that is not really strong.

If we are talking about renting it out to someone who is not part of the town, then it needs to come back in the same shape it went or if there is something that is wrong with it now then it needs to be taken care of or noted, and that needs to be done before any business is transacted.

Bill stated he knows there is a bad bearing.

Tammy said she know the trailer is in bad shape.



Thomasina is concerned about continuity of garbage pick-up...and recognizes that it is important that things are fixed on the trailer before any decision is made.

Bill stated we need to regularize the whole idea of contracting. What is a contract, what is an employee, and what are the responsibilities of things, needs to be clear and followed.

Who do we have as a mechanic that is qualified to take a look at things. Tammy said she knows of a mechanic. David McKinnon said we have used Green Mountain Garage and Jarod Lowell, Thunder Towing in the past.

David Sabatini stated that he had previously requested that when he first made the agreement that he have the town mechanic look at it to make sure it is road worthy and especially as he was going to have to insure it under his insurance policy. That would mean his insurance would cover any damage while he is using and making sure the condition is safe before he takes it.

Tammy asked what the ceiling is on fixing the trailer. As she has the same one and just put 6k into hers. It could cost a lot and not a responsible town expenditure. She knows the town trailer bed is rotten and has a very damaged wheel bearing.

Discussion continued about the truck and how to get it to the garage to get it inspected.

The board agreed to have the trailer inspected by Green Mountain garage and get an estimate on what it would take to get it road safe—and then sell it.

Tammy suggested that she can contact Green Mountain to set up an appointment and she would also connect with



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Jimmy.

PUBLIC COMMENT Thomasina asked about scheduling an additional meeting to get the new board up to speed before the budget meetings on the 14th.

All agreed that Monday, November 7th at 6 PM for a special selectboard meeting.

David Sabatini has a question he would like selectboard to answer about billing the town. If we are going to ask Jimmy bring the trailer down for inspection and we do not have a truck to tow it? So, we are going to be using J.A. Construction, his own truck. Is his truck on the town's insurance? Or, when he is a town employee is he renting his truck to the town? Is it on his insurance? Is he billing the town per hour as road crew and then renting the truck? I am really confused about how the billing process is with this town. Because my billing has been called up three times in a row at three meetings and I am explaining all my billing as best I can, but I am really confused on how the town is being billed by what appears to be my competition but is also town employee renting equipment to the town. I am just really confused about how the town is being billed and how I am involved and how this is going to work that is fair. I am just not sure how the town is being billed by the current system. How can a truck that is not the town's bring the trailer anywhere when I can't hook on to the trailer and bring it anywhere? Insurance runs with the vehicle. That is common insurance knowledge. I wish the selectboard could please find some information to explain to me how this is working presently?

Bill state he has been here for 40 whole minutes-he should be able to answer it.

Tammy suggested our previous selectboard person could possibly answer that question?



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David McKinnon then stated he could, and that a lot of times Jimmy never charges for his use. He will charge when he is collecting trash, but a lot of times he does not charge at all for doing a simple task like that. I have never seen him charge for something as simple as that.

So, David Sabatini asked whether it actually had anything to do with the insurance or whether he decided to charge or not?

Tammy asked if Jimmy can legally be using his own private truck?

David McKinnon stated that yes, because he is insured and has a copy of his insurance filed with the town clerk.

David Sabatini stated he is insured and filed with town clerk.

David McKinnon stated he believed it was acceptable because he was a town employee and charged a nominal fee for using his truck.

Tammy stated maybe we should check with the auditors to see what is being charged with the timesheets?

Bill stated that there are no checks and balances there, or are there, in terms of timesheets?

Thomasina stated there is a lot of grey area that is hard to explain what is the process in the system, so that the taxpayers understand it, because she doesn't understand it.

Bill stated we are going to have to spend more time than just a few minutes to sort this out.

Tammy stated but, we were just asking Jarod to come and grab it, and that's not legal either because he is not a town employee?



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David McKinnon said that would go under his insurance.

Tammy inquired if we have a copy of Jarod's insurance.

David McKinnon said no.

David Sabatini stated the town has a copy of his insurance.

David McKinnon asked that the board to severely reevaluate our insurance company as they have gone downhill bigtime in the last five years. But as far as being used they were very strict about outsiders on our vehicles and trailers. The trailer came in later, so I am not sure about that. But they didn't want anybody driving our trucks unless they had a CDL or being an employee.

David Sabatini asked for some answers from the Selectboard?

Tammy stated that as her insurance is on file with town then she could haul the trailer to Green Mountain Garage for assessment.

Discussion ensued regarding the trailer and coverage and how to get to Brandon.

And the minutes reflect that a decision was made that Tammy would bring it down to Green Mountain Garage.

David Sabatini asked about the trees being marked by Jimmy for roadside cutting after the brush hog work.

EXECUTIVE SESSION None at this time.

ANY OTHER BUSINESS LEGAL TO DO AT THIS TIME None at this time.

MOTION TO ADJOURN Motion made by Thomasina to Adjourn, seconded by Tammy, motion carried. **8:07 PM**

***Audio Version** The full audio version is available online at www.goshenvt.org or click here.

Respectfully submitted, Thomasina Magoon