

TOWN OF ELMORE, VT

Select Board Meeting

Meeting Minutes – prepared by C. DeVore
Status: APPROVED

Meeting Date: July 25, 2016

Start Time: 5:30 pm **Adjourn:** 6:20 pm

Meeting Attendees: Robert Burley – ESB Chairman, Caroline DeVore – ESB, Robb Wills – ESB, Michel LaCasse – Road Commissioner, Robert Cookson – Town Road Crew Employee

Other Attendees (all residents unless otherwise noted): Al Ryan, Warren Miller, Mike Smith

A. SPECIAL TOPICS:

1.0 Hearing with Mr. Robert Cookson, Town Employee

The SB will hear testimony from Mr. Cookson regarding the events of Wednesday, June 15th and the Beach Road paving project with Pike Industries.

Note: Mr. Burley and Mr. Cookson recorded this session.

Mr. Burley called the meeting to order and reviewed the agenda item to be covered. Mr. Burley noted that the meeting would conform to the guidelines of the VT Municipal Administrative Procedure Act ([MAPA](#)) and would adhere to those protocols with regard to procedure, evidence, Ex Parte communication, qualification of members, decisions and appeals.

Mr. Cookson was asked if he would like to conduct the meeting as part of an Executive Session or a Public Session. Selectman DeVore explained the differences between a Public Session and an Executive Session. Mr. Cookson indicated that he preferred the hearing to be held during Executive Session.

The Selectboard voted to enter Executive Session at 5:37pm. Members of the public were excused from the hearing.

Mr. Cookson was asked a number of questions pertaining to the events specific to the grading and paving of Beach Road on Wednesday, June 15 through Monday, June 20, 2016.

Mr. Cookson indicated that he was on the job site all day Wednesday, June 15 and Thursday, June 16. He noted that he did not know the members of the Pike crew and did not engage with them.

Mr. Cookson noted that he was not in the 7:00am project review meeting held on Wednesday, June 15th with Pike, Mr. Burley and Mr. Lacasse. During this meeting, specifics of the project were reviewed with Pike noting roadway paving specification adopted by the state of VT. All parties were in agreement on the paving specifications to be executed.

While Mr. Cookson indicated that he did not engage with the Pike job crew, he did note that he discussed road crowns and run-off with them, but noted that he didn't "know how the road was supposed to look." Details of Mr. Cookson's engagement with the Pike road crew were unclear. Mr. Cookson indicated both that he had no conversations with Pike employees and that he did have conversations with Pike crew members.

Mr. Cookson said that he was approached by Ms. Twombly, a homeowner who had a driveway connection on Beach Road, on Wednesday morning (6/15). He said that Ms. Twombly asked him if there was something that could be done about water runoff on her driveway. Mr. Cookson noted that he talked with Ms. Twombly on Wednesday morning and Wednesday afternoon (6/15) and again on

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Thursday morning (6/16). The details of that conversation were not clear and Mr. Cookson could not relay specifics of his interaction with Ms. Twombly.

Mr. Cookson gave his accounting of the day (Wednesday, June 15), indicating that no conversations took place between himself and the Pike crew. He later noted that a brief conversation with the crew about grading and road crowns was had, but he couldn't relay any more specifics about that conversation to the Board. (See notes above)

Mr. Cookson had no further input to provide. He reiterated that he didn't know how the road was to look and didn't know how the grader from Pike worked. He had no knowledge of what the final paving should look like nor what the specifications were defined to be.

Mr. Cookson indicated that he contacted Mr. Burley after the Pike crew completed the job. Mr. Cookson didn't remember whether he contacted Mr. Burley on Friday, June 17th or Monday, June 20th. When asked why he reached out to Mr. Burley about the paving job, Mr. Cookson said that he didn't know.

Mr. Burley noted that Mr. Cookson contacted him about the road having a problem on Monday morning, June 20th. Mr. Cookson said that his first contact with Mr. Lacasse was on Wednesday, June 22, when Mr. Lacasse returned from vacation.

The Select Board asked Mr. Cookson if he had any other information to provide. Mr. Cookson said no.

Mr. Burley informed Mr. Cookson that the SB would continue gathering information about the events of June 15 and June 16, including interviews with Pike employees who were on site and involved in the project. Mr. Burley noted that once the investigation was complete, the Select Board would recommend appropriate actions and Mr. Cookson would be notified in writing of the outcome of the investigation.

Before excusing Mr. Cookson from the hearing, Ms. DeVore asked Mr. Cookson if there was any information he felt would inform the Select Board on events of June 15 and June 16 – especially given that Mr. Cookson noted he spoke with Ms. Twombly and had some level of conversation with Pike about the crown of Beach Road. Mr. Cookson indicated his testimony was complete.

Mr. Cookson was excused from the meeting at 5:51pm.

The Select Board voted to enter Deliberative Session at 5:52pm.

Minutes of the Deliberative Session were not kept.

The Select Board exited Deliberative Session at 6:20pm and adjourned the meeting as there was no further business to discuss.
