

TOWN OF ELMORE, VT

Select Board Meeting

Meeting Minutes – prepared by G. Schwartz
Status: Approved

Meeting Date: July 12, 2023

Start Time: 6:00 pm **Adjourn:** 7:15 pm

Meeting Attendees: See attached attendance sheet

CALL TO ORDER: Chairman

The minutes of the 6/14/23 and 7/5/23 Select Board Meetings were approved as written. The Chair of the Board asked if anyone on the ESB had a conflict of interest regarding the agenda items to be discussed tonight. All replied no.

1. SPECIAL TOPICS (Note: Topic will be addressed for no more than 15 minutes with follow-up as needed and noted by the SB.)

- a. DISCUSSION:** Town legal representation – engagement for legal services; Jim Barlow

Notes: Jim Barlow attended the meeting to present his experience as legal counsel for smaller towns in Vermont that are similar to Elmore. He currently represents 15-16 Towns in Vermont. The Engagement for Legal Services letter dated June 29, 2023 (copy attached) was reviewed. A motion was made by W. West to accept and sign this letter of engagement. G. Schwartz seconded the motion. The Select Board then voted unanimously to accept the motion.

- b. DISCUSSION:** Town policies: Harassment (Sexual/General), DEI, Bullying, Substance Abuse, Smoking

Notes: C. Devore to create a draft for these policies and present them to the Select Board in September/October timeframe.

- c. DISCUSSION:** Town employee benefits: Insurance benefits – Draft for discussion

Notes: A discussion was held in an effort to create a policy for future Town employee benefits. These policies do not effect existing full time employees. The preliminary discussions resulted in the following;

- Future full time employees (40 hours/week) would be entitled to 90% employer paid gold plan with family coverage.
- Full time employees would also receive 90% employer paid dental and vision care.
- Full time employees would have the option to upgrade their policy at their own cost.
- Future part time employees (24-40 hours would receive 50 % employer paid gold plan with family coverage.
- Part time employees would not be entitled to dental or vision care.

C. Devore to create a draft policy for Select Board review

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2. ACTIVE ITEMS

a. **UPDATE:** Website support; webmaster transition plan

Notes: Kent Shaw has decided to retire from this position at the end of this year after serving the Town for 12 years. In lieu of the Town hiring an outside firm to maintain the Town's website and email addresses, Kent has recommended the services of Nick Morales a local Elmore resident. Kent also provided the Select Board with a description of the position (copy attached).

The webmaster position was discussed with Nick Morales. Nick currently works in e-commerce and would bring a wealth of skill and experience to the position. He has knowledge of and experience working with several solutions that could possibly save the town the money required to contract a dedicated web hosting company.

The Select Board requested a formal proposal from Nick. This proposal will be discussed at the next Select Board Meeting

b. **UPDATE:** Brutzman Property

Notes: After confirming with legal counsel, the town was advised that we could sell the property to the high bidder at a fair market value. Fair market value would be equal to the assessed value of the property. With the proceeds of the sale, the town could deduct all prior taxes not received while the property was in the hands of the town and any expenses associated with the property, throughout that time or related to the sale. A motion was made by G. Schwartz to proceed with the sale. Warren West seconded the motion. The Select Board then voted unanimously to accept the motion. Legal counsel for the town will be contacted to follow through with the sale.

c. **UPDATE (if needed):** September Town Event; Planning Commission Update; EPC Chair/Member

Notes: No update provided

d. **UPDATE:** Elmore highway maintenance facility; funding, site work, budget, schedules, etc.

Notes:

- Continuing to have weekly progress meetings and review schedule with MSI.
- Contractor is losing time due to storm damage received this week.
- A field meeting with the Town's engineer is scheduled for tomorrow to discuss possible changes to the storm water management plan. This should address actual water runoff conditions.
- Repairs are being made to areas of soil erosion and flood damage
- Steel Erection has continued. Sometime lost this week due to weather
- Steel fit-up issues are being addressed by the contractor
- To date 3 non-conformance reports have been issued to MSI
- The attached signage proposal by Cutting Edge Graphics in the amount of \$910.00 was unanimously approved by the Board. G. Schwartz to provide notice to Cutting Edge to proceed.
- Daily photographs of the construction are available on the Elmore Website <https://www.elmorevt.org/> under Photo's

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3. CONTINUING ACTIVE ITEMS (Update status by primary owner)

- a. **UPDATE:** Road Commissioner's Report

Notes: See attached report

- b. **UPDATE:** Zoning Administrator's Report

Notes: D. Valentine provided notice the next warned DRB Meeting will be held on the first Thursday in August

4. NON-AGENDA/OTHER ITEMS (Time Available and As Needed)

- a. Routine Administrative, operations items and payment approvals.

Notes: The Check Warrant Reports were reviewed and approved at this meeting

5. EXECUTIVE SESSION: Planned for 7/12 – Topic: Employee compensation

Notes: The Select Board voted to enter Executive Session at 7:15 pm no Minutes were taken during this session. Executive Session ended at 7:30 pm

Next meeting: Wednesday, August 9, 2023 @ 6:00 pm. Requests to be on the agenda must be received by July 28, 2023.

Select BOARD Meeting 7/12/23

Glenn Schwartz

Select BOARD Member

Warren West

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"

Kent Shae
Dan Valentine

Website
ZA

Nick Morales

CAROLINE DeVORE

SB Member

Micho Pearce

R. Co

Jim BARLOW

ATTORNEY

James W. Barlow PLC

VERMONT LOCAL GOVERNMENT LAW

P.O. Box 172 Danville, Vermont 05828

802.274.6439

jim@vtlocalgovlaw.com

VIA ELECTRONIC MAIL

June 29, 2023

Town of Elmore Selectboard

P.O. Box 123

Lake Elmore, VT 05657

wwest@elmorevt.org

RE: Engagement for Legal Services

Dear Selectboard Members:

Thank you for considering the engagement of James W. Barlow, PLC (the "Firm"), to serve as legal counsel for the Town of Elmore. The Firm agrees to provide legal advice and representation as general counsel to the Town of Elmore on matters pertaining to municipal government operations, including, but not limited to, review and interpretation of state and federal laws and regulations applicable to Town operations; drafting and review of legal instruments including contracts, ordinances, bylaws, regulations, and policies; personnel and employment matters; acquisition and transfer of Town property and property interests; zoning and land use matters; property tax assessment and collection matters; and other matters typically associated with Vermont town government operations (together, "legal services").

Unless otherwise agreed, legal services specifically exclude services as bond counsel, litigation counsel, and other special legal counsel retained by the Town for specific matters; however, the Firm will assist the Town in the selection of special counsel and will work cooperatively with special counsel, as needed, to assure proper management of legal issues and matters for the Town. Legal services may include providing training programs to Town boards, commissions, officials, and employees and attendance at meetings, as requested by the Selectboard.

Legal services provided by the Firm will be billed at the rate of \$150.00 per hour. In addition to this hourly fee, the Firm will charge the Town, at cost, for miscellaneous expenses such as charges for serving and filing papers, courier or messenger service, recording or certifying documents, depositions, transcripts, online research, photocopying, and postage. Photocopy charges are \$0.15 per page. The Firm charges at the federal reimbursement rate (currently \$0.655 per mile) for mileage. Attorney travel time is billed at \$75.00 per hour.

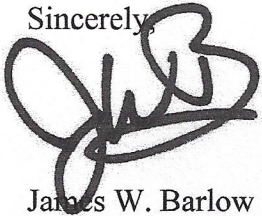
Invoices for legal fees and expenses will be rendered monthly and due upon receipt. If any invoice remains unpaid for more than 30 days, the outstanding balance will accrue interest at 12% per annum (1% per month) from the billing date until paid in full.

The Firm is confident that we can work together in a manner satisfactory to the Town. However, you are free to terminate the Firm's services at any time. In addition, and subject to applicable rules of professional conduct governing attorneys, in the event we disagree on any aspect of this engagement or for other appropriate reasons, including non-payment of fees and expenses, the Firm has the right to withdraw from further representation of the Town. If the Town elects to terminate this agreement, or if the Firm elects to withdraw, the Town is responsible for paying the fees and expenses accrued through the effective date of the termination of this engagement.

Assuming the preceding accurately reflects our agreement, please execute and return a copy of this letter to me. Of course, if you have any questions or concerns, please feel free to contact me.

I look forward to working with you.

Sincerely,

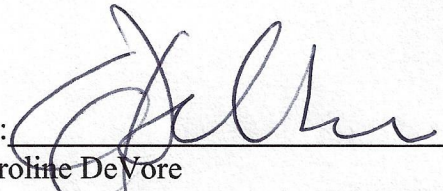


James W. Barlow

Accepted: 7/12/23

Town of Elmore

Date: _____

By: 
Caroline DeVore
Selectboard Chair, Duly Authorized

 Delete  Archive  Report  Reply  Reply all  Forward  Read / Unread

RE: Webmaster position



KS

Kent Shaw

To: Caroline DeVore; Glenn Schwartz; Warren West



Wed 7/5/2023 2:08 PM

Here are my responses to Caroline's questions/concerns:

Tasks this position covers

- Main task is uploading agendas and minutes
- Often upload documents/notices from Sandra/Sharon
- Maintaining News section
- Keeping site information current (i.e. committee members (not often), 5K race info
- Calendar maintenance

Time allocation on an avg monthly basis

- Averages 3-5 hours per month
- More prior to Town Meeting day
- Occasionally more when design/layout changes are needed

Skills required for the role

- Knowledge of modern web standards and platforms
- Ability to respond quickly to requests
- Ditto for agendas and minutes (Open meeting law compliance)

Additional support we may want to consider that you didn't provide - but is needed if we hire for this role

- Email support (maybe Dolan?). Not often, mainly getting new users set up following town meeting

Transition timeframe

- Worst case - end of year
- In reality, whenever replacement is ready

Other items you feel are relevant

- Thank you to everyone for their support over the years
- Appreciate the free rein given to me by the town

Both Nick and I plan on attending next week's meeting.
Kent

From: Caroline DeVore <cdevore@elmorevt.org>

Sent: Wednesday, June 21, 2023 6:14 PM

To: Kent Shaw <kshaw@elmorevt.org>; Glenn Schwartz <gschwartz@elmorevt.org>; Warren West <wwest@elmorevt.org>

Subject: Re: Webmaster position



ESTIMATE

Cutting Edge Graphics
4608 VT 100 • Unit A
Hyde Park, Vermont 05655
United States

18026357470
www.cuttingedgegrafx.com

BILL TO
Town of Elmore - Town Clerk
Sharon Draper
Sharon Draper – Town Clerk
P.O. Box 123
Elmore, Vermont 05657
United States

GlennS@nci3.com

Estimate Number: 119

Estimate Date: July 6, 2023

Expires On: August 4, 2023

Grand Total (USD): \$910.00

Items	Quantity	Price	Amount
Signs Highway Dept 2 sided	1	\$650.00	\$650.00
Signs Office 1 sided	1	\$125.00	\$125.00
labor Install Office sign	1	\$75.00	\$75.00
hardware Sign hanging materials	1	\$60.00	\$60.00

Total: \$910.00

Grand Total (USD): \$910.00

Road Commissioner Report

This report covers June 15, thru July 12.

Quiet June, Ugly July.

July 7, 2023 rain damage was concentrated to the Lacasse road, Hardwood flats and Symonds mill area. Wind damage on Micklen Farm road. Spent afternoon and evening repairing Hardwood flats to be passable. Towne excavation hired to reset a culvert that washed out.

July 8: Repairing storm damage on Hardwood Flats and Symonds.

July 9: Called out for downed trees on Mt road after high winds.

July 10: Worked until 10:30 PM putting in water bars, cut outs with grader and loader to divert water to minimize damage. Unplug culverts with backhoe. Had to close Symonds mill, East Elmore area at 7:30 PM.

July 11: Assessing damage, minimum on Mt road, lower mt road and Earl gray. Major culvert failure and road wash out on Symonds. Box culvert on Symonds Mill, the bridge abutments washed out. Mitchell lane box culvert did the same. E. Elmore road several culverts plugged putting water and material into the road way. Highway Dept. had all roads one lane by noon time. Now some of this work will take time to repair no matter how minor it is. So the highway dept. can assess and see what will qualify for Fema before repairing.

July 12: Graded Elmore mt rd and Bliss Hill, assessing damage. Taking pictures and notes for Fema.

Upcoming Issues:

1. Repairing all the damage.
2. Fema and their guidelines.
3. Grant work that was on the schedule, extensions possible?
4. Will be closing Symonds mill rd. to replace the culvert that failed. Will be posting date.
5. Pricing coming in on new truck purchase to be ordered later with funds from our equipment and highway reserves.

