

Waterford Selectboard Working Meeting Minutes

Monday, April 27, 2026 @ 6:00 PM

Davies Library

In Attendance: Tim Yarrow, Wade Cochran, Shawn Hallisey, Kathy Hodgdon, Will Jones
Attendance list attached.

Chair Tim Yarrow called the meeting to order at 6:00 PM.

Tim Yarrow asked the room if an ambitious agenda presents challenges regarding public participation. Robin Migdelaney said she does not believe it presents challenges. Tim agreed, saying he believes the public should raise their hand anytime they have something they feel is necessary to add, assuming it's on topic.

Tim Yarrow brought up the folders created online for Board members to review relevant information ahead of each meeting, asking if it could be considered an open meeting violation. Town Clerk Deb Benoit believes it is not a violation because it is strictly information sharing; no comments or conversations are made by the Board. The Board will consider the possibility of sharing the informational folders publicly.

Modifications to Agenda

- The order of some agenda items was rearranged.

Response to Conflict Allegation 24VSA Sec 1992(b)

- The Selectboard received an email from Robin Migdelaney on March 29. The letter raised allegations against Tim Yarrow for having a conflict of interest with Jim Hayes and requested Tim recuse himself from all matters concerning Jim.
- Tim Yarrow did not agree to recuse himself. He responded by saying there is no demonstrated or provable bias toward Mr. Hayes. He went on to list reasons why he believes he has been an asset to Jim.
- Tim Yarrow submitted a non recusal letter that will be published with the meeting minutes along with Robin's letter.
- The minutes from the March 23 Selectboard meeting did not include the allegations made toward Will Jones. Tim Yarrow moved to amend the minutes of March 23, 2026 to include the allegations made against Will Jones. Kathy Hodgdon seconded the motion. Motion passed 5-0.

Approval of Meeting Minutes

- Kathy Hodgdon moved to approve the minutes as amended of the April 13, 2026 meeting. Shawn Hallisey seconded the motion. Motion passed 5-0.

Lister Certification

- Michael Keach and Richard Kozolowski read parts of a letter they sent to the Selectboard to correct misinformation. They stated that new rules were announced in January 2025, but did not go into effect until January 1, 2026. Prior to January 1, 2026 there were no requirements for listers. They regularly took part in voluntary classes.
- Mr. Keach was re-elected in March of 2026. The one year grace period for getting certified is not retroactive to previous terms. None of the listers are out of compliance.
- They received this information from the District Advisor. They attempted to discuss what they had learned with Matt Walsh, but have not heard back from him.
- Mr. Kozlowski shared that he believes Michael Keach and Howard Remick are phenomenal listers. Shawn Hallisey thanked the listers for their swift response and clarifications.

Budget to Actual

- Town Treasurer Heather Gonyaw explained that she schedules this agenda item at the end of each fiscal quarter to answer questions from the Selectboard. She shared updates about the status of the town's spending.
- The overall town budget is 27% spent. This was expected due to appropriations and stipends being paid.
- The Highway Dept budget is 20% spent. The Fire Dept is 7% spent. The Transfer Station is operating on a slight deficit which was expected due to the time cycle of punch card purchasing.
- The Board Administrator salary is paid out of the Selectboard line item of the budget. The remaining budgeted funds are worth 114 hours of wages for the next three quarters.

1st Read Policies- Credit Card / Cash Receipt / Traffic Ordinance / Cemetery Lot Pricing

- Treasurer Heather Gonyaw drafted a standard Credit Card Policy to reflect current needs and shared it with the Board. This policy discusses who has a credit card, how they're given, what they're allowed to be used for, how to turn in receipts, and what happens when the policy is broken.
- The Town Office has one credit card and the Fire Chief has one debit card. There are no other cards associated with the town.
- Heather cautioned the Board of multiple credit cards potentially upsetting internal controls. Her credit card is kept in the safe inside the Town Office; it is not carried around with her.
- Heather was given the credit card when she began her position. It is unclear if the Selectboard is authorized to make credit card decisions or if the responsibility belongs to only the Treasurer.
- The original Cash Receipt Policy was written in 2015. She presented a draft with updated information. This policy discusses who's allowed to accept money on behalf of the town, forms of payment that are accepted, and the returned check policy.

- Town Clerk Deb Benoit updated the Traffic Ordinance to reflect recent changes made to town road policies. The Sheriff's Dept requested a copy of this ordinance.
- As a member of the Cemetery Committee, Deb Benoit presented a draft of the Cemetery Lot Pricing Policy updated to reflect current trends. Prices were set to be consistent with nearby towns and smaller lot sizes were allowed.

Investment Fund

- Town Treasurer Heather Gonyaw and Selectboard Chair Tim Yarrow met with three financial institutions and received proposals from each. They will potentially meet with two more institutions. She will present her suggestions to the Board after all meetings are finished.
- Heather asked the Board to decide if they are willing and ready to start an investment fund. She recommended having a community forum to get input about what citizens are/are not comfortable investing in.
- She drafted an Investment Policy that follows VSA and VLCT requirements. It was sent to the Board for review. The policy outlines what sort of things the town is willing to invest in.
- Heather confirmed they discussed risk factors during all meetings with financial institutions. Each institution has experience working with non profits and municipalities. They all proposed options for various levels of risk and offered tools to manage risk in portfolios.
- Each Board member agreed they wish to proceed with the investment fund.
- Town Clerk Deb Benoit agreed to contact the Waterford School to schedule a time to hold a community meeting in May. Heather would like to implement an investment fund by July 1.

MOU

- Town Treasurer Heather Gonyaw, Emergency Management Director Roger Leroux, and Caledonian Cooperative School District Chair Jason Miller will work together to establish terms of use allowing Waterford to use the school as an emergency shelter.
- Heather will work with Roger to coordinate the meeting.

Cemetery Deed

- Town Clerk Deb Benoit presented the cemetery deed to the board.
- Will Jones moved to approve the cemetery deed. Kathy Hodgdon seconded the motion. Motion passed 5-0. All Board members signed the cemetery deed.

Cemetery Committee Update

- Deb Benoit shared news on behalf of the Cemetery Committee. Students from the sophomore class of St. Johnsbury Academy will be in the Lower Waterford Cemetery on Friday to clean up the grounds.

- Two gravestones have gone missing from Lower Waterford Cemetery. The gravestones belong to Samuel and Esther Benton who were buried in 1857 and 1860, respectively. It seems the gravestones were taken around three weeks ago.
- There is no information about who took them or why they were taken. A report was filed with state police. The agencies that install gravestones in Waterford cemeteries were contacted. They do not have any information about the incident.

Certificate of Compliance with State Road and Bridge Standards

- Tim Yarrow expressed his confusion about what information they need to understand in order to certify the town's compliance. He does not feel like he has enough information to make a certification.
- Town Treasurer Heather Gonyaw offered guidance concerning the Annual Financial Plan part of compliance. The financial plan categorizes expenses and is used as the basis for future grants the town receives from the Agency of Transportation. She is typically included in the financial plan meeting, but she was not this year. Consequently, she has less information to offer. She believes the financial plan was built from the approved Town Report of the Town Budget.
- She discussed her findings after investigating the questions that arose about the financial plan.
- The Roads and Bridges Standards are laid out by the Agency of Transportation. The town must certify compliance in order to receive grant money. Road Foreman Jim Hayes was not present to discuss these standards.
- Will Jones moved to approve the Certificate of Compliance. The motion did not receive a second.
- Tim Yarrow suggested all Board members conduct research so they can feel ready to vote on the Certificate of Compliance at the next Selectboard meeting. Board members agreed.

Board House Keeping/Process

- Tim Yarrow discussed two issues that occurred while he was gone for two weeks.
- The Highway Crew ad placed in the Caledonian Record was modified after Tim sent the final draft to the Board. Tim had the Clerk running the ad. The Clerk made the decision that the Treasurer would collect the applications. The applications were to be compiled and distributed at tonight's meeting for the Selectboard to discuss with the Road Foreman.
- The Board was not able to reach a consensus on who the original vote designated to collect the applications.
- Will Jones was under the impression the Board had agreed for the Selectboard to collect the applications. Upon seeing that the ad designated the Treasurer to receive them, he called the Caledonian Record to have them correct the statement. Tim's email explaining the expectations was sent hours after Will had called the paper to make the edit. Upon reading Tim's email, Will called the Caledonian Record again and asked them to undo the edit previously requested, returning the ad to its original form.
- The Board acknowledged the misunderstanding and agreed to move on.

- The second issue Tim raised concerned an unauthorized Facebook post from the town account. The letter Robin Migdelaney wrote requesting Tim recuse himself was posted to the town Facebook page. The post was removed shortly after being posted. It is unclear who was responsible for the unauthorized post.
- Joe Farnham, an attorney at McNeil Leddy & Sheahan law firm, was hired to help with a very large record request while Chair Tim Yarrow and Town Clerk Deb Benoit were out of office. Joe expressed that the email records he screened could potentially be considered a violation of open meeting laws. Tim encouraged the Board, including himself, to be more careful about what is sent over email.
- Joe Farnham also identified the potential for taking excess liberties with executive sessions. The exceptions for executive sessions in open meeting law are to be construed very sternly. The purpose of the law favors public discussion and inclusion. Tim agreed the Board will be more careful about entering executive sessions and staying on topic.
- Kathy Hodgdon requested Will Jones recuse himself from matters concerning Jim Hayes. Will Jones denied her request referencing the non recusal letter he submitted that explained his position when Tim Yarrow requested he recuse himself in a previous meeting.
- Shawn Hallisey and Treasurer Heather Gonyaw cautioned the Board about the potential for liability imposed by the break in procedure during the application process.

Zoning for Highway Garage

- Zoning Administrator Matt Walsh was not in attendance.
- Matt mentioned during the previous Selectboard meeting that a new build would require the permitting process of Act 250.
- Wade Cochran pointed out that the procedure and potential consequences of the permitting process would be included in the feasibility study. The Board agreed.

Town Garage- Feasibility Study/Mold Results

- Two proposals were received.
- EH Danson Associates's proposal estimated the feasibility study would cost between \$10,000 - \$12,500.
- Black River Design's proposal was priced at \$24,636.
- The proposal from EH Danson appeared to not include a cost estimate for a new build. Wade Cochran suggested contacting EH Danson to request amending the proposal to include a cost estimate for building new so it can be compared to the cost of renovating.
- Shawn Hallisey agreed to call EH Danson tomorrow to make the request.
- The sample tested from the Town Garage was found to have mold, but Tim Yarrow was unsure what type of mold was identified.
- The results from the OSHA inspector have not been received.

Highway Dept Codes and Standards Update

- In order to attain the Certificate of Compliance, the Selectboard has to approve the induction of state standards.

- Will Jones moved to adopt the State Highway Dept Codes and Standards. Wade Cochran seconded the motion. Motion passed 5-0.
- Tim Yarrow learned that if a town has employees, an employee should be appointed the Ethics Liaison instead of a Selectboard Member. Wade Cochran agreed to resign and will present his written resignation at the next Selectboard meeting.

Agenda Items for Next Meeting May 11, 2026

- Certificate of Compliance
- Feasibility Study
- First Read Policies
- Ethics Letter from Jim Hayes
- Road Commissioner Appointment
- Ethics Liaison Appointment
- Health and Disability
- DRB Appointment
- Auditor Appointment
- Town Clerk Update
- Act 250 for Garage
- NVDA Update

Executive Session 1 V.S.A. § 313(a)(1)(B) - Personnel to review applicates for the highway department

- Wade Cochran suggested postponing Executive Session and reposting the ad for applications so the hiring procedure can be followed uninterrupted.
- The Board agreed to conduct a Special Meeting on Thursday, May 2, 2026 at 12pm to hold a vote for approval to repost the ad requesting applicants for the vacant Road Crew position.

Adjourn

- Will Jones moved to adjourn the meeting. Kathy Hodgdon seconded the motion. Motion passed 5-0. The meeting was adjourned at 8:35 pm.

Selectboard Meeting April 27, 2026

Sign In Sheet

Name

MICHAEL KEACH
Robin Madelan
Richard Kozlowski
Maria Dantas
Clem GRAY

Signature

Michael Keach
Robin Madelan
Richard Kozlowski
Maria Dantas
Clem GRAY

TO: Waterford Ethics Liaison, Wade Cochran
FROM: Timothy B. Yarrow
SUBJECT: 12 V.S.A. Sec 1992(b)
Response to Alleged Conflict of Interest
DATE: April 02, 2026

Public Document

Dear Ethics Liaison to the Waterford Select Board:

Pursuant to 12 V.S.A. Sec. 1992(b) I hereby respond to the 03/29/26 email received by Robin Migdelany which I quote in full herein:

“March 29, 2026

Waterford Selectboard,

As a daughter and a beneficiary of blue collar hard work and income, I am offended and enraged by Tim Yarrow’s BULLYING ,from the chair of Jim Hayes.

“Can you even read or write?”

Who talks to someone like that? What level of self aggrandizement does it take to be such an ass?

How is it that the mediator or any one else on the selectboard did not call this out? How is THIS not perceived as biased? Microaggressions like this can not be ignored. This is textbook, white guy, elitist privilege— it is condescending and shows a serious disrespect not only towards the foreman but the entire road crew and more likely a fair percentage of Waterford’s town people; Tim’s “North Star”, if you will. Tim’s appeal that it was in executive session is— 1.WEAK and— 2. Does not negate the fact that he belittled a person from a position of perceived power. The selectboard, AND the “mediator” failed miserably by allowing this comment to pass.

This is unacceptable, however you spin it. Tim Yarrow should recuse himself from any dealings or engagement with Jim Haye’s employment, pay, healthcare and the rest. Remember, there is nothing “shameful or stigmatizing” in recusing oneself. This will not, however, remove the cloud on his character that Tim’s comments revealed in the Executive Session.

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Robin M. Migdelany
600 High Ridge Road, Waterford Vt
781-640-0337”

End Quote

Ms. Migdelany suggests that I recuse myself based upon the comment she quotes (inaccurately and out of context, above), presumably because she feels I cannot be objective or fair to Hayes.

I hereby deny such claim and reason to recuse myself, and state the following in support:

1. This is the same claim that was advanced by the Town of Waterford Road Foreman, Jim Hayes, to which I responded with a Conflict of Interest ("COI") statement pursuant to 24 V.S.A. 1992, amended to the meeting minutes of 03/23/36. As such, I incorporate this previous COI statement published with the 03/23/26 Amended Minutes into this letter as though it were fully stated herein.

2. I have no demonstrated or provable bias against Mr. Hayes. To the contrary Mr. Hayes has been more beneficially served by my presence on the Select Board than by any other Select Board member because:

- a. I resolved Mr. Hayes long-running retirement dispute with the Town, advocated for, and obtained a financial settlement on behalf of Mr. Hayes;
- b. I've helped moderate harsh disciplinary procedures against Mr. Hayes in favor of a gentler, results-oriented approach;
- c. I've voted in favor of every pay raise Mr. Hayes has received in the past 12 months;
- d. I've voted in favor of every COLA increase Mr. Hayes has received in the past 12 months;
- e. I've voted in favor of all health and fringe benefits acted upon by the Board in Mr. Hayes favor within the past 12 months;
- f. I've voted against Board action (which would have decreased the financial standing and well-being of Mr. Hayes) which were intended to reduce health-care benefits payment coverage of Mr. Hayes.

In conclusion, I believe no objective or apparent circumstances exist in which to recuse myself from any matter involving Jim Hayes. I do not exhibit bias against Mr. Hayes simply because I hold expectations that he grow and rise into fully performing as a successful Road Foreman. As I've done dozens of times in my professional past, I'm fully prepared to recuse myself in the future from matters involving Mr. Hayes if I can no longer be fair and objective with Mr. Hayes, or an unforeseen actual conflict of interest should develop with Mr. Hayes.

Most Respectfully Submitted,



Timothy B. Yarrow
Chair, Waterford Select Board