

Waterford Special Selectboard Meeting
Wednesday, April 21, 2021 at 7:00pm
Via ZOOM

Minutes

Meeting Recording: Someone logged into the meeting at 6:10pm and that started the recording. Approximately 45 minutes at the beginning of the recording appear to be blank.

https://us02web.zoom.us/rec/share/7PGCnD3wA-JNERdVA_BOOTjOOZtYlwMXJlLvBQdPwF7Oh803rdqcmWWH5sR0FjOr.UuTxGpFV18yWn1uu

The meeting was called to order at 6:58 pm.

Members in Attendance: Warner Hodgdon, Bill Piper, Fred Saar

Others in Attendance: Jessy Pelow, Donna Berry, Marsha Martel, Gib Trenholme, Angela Daniels, Katie Feigenbaum, Stephen Smith, Roberta Gillott, Steve Eddy, Kevin Gillander, Tom Sawon, Gary Allard, Robin Migdelany, Bernard Willey, Sandra Lyon, Charlotte Hoppie, Mike Barrett, Melissa Leo, Heather Gonyaw, Ken Lindsey, Jennifer Smith, Jamie Murphy, Howard Remick, Debbie Allard and Colleen Kozlowski.

Modifications to the Agenda:

Complaint received from Gib Trenholme

Fred opened the meeting by stating that the Town has received a second Open Meeting Law complaint from Mr. Gib Trenholme, and by law the Town is responding to the complaint publicly.

Fred introduced James Murphy from the Zuccaro & Willis law firm. Mr. Murphy is advising the Town on the Open Meeting complaints.

Open Meeting Law Violation

Fred stated that the Board inadvertently violated the Open Meeting Law by e-mailing support of an idea to bring the Delinquent Tax Collector function into the Town office. The violation was ratified by discussion and vote at the March meeting, but in the interest of transparency the Selectboard would like to re-ratify that decision after public input.

Warner made a motion to ratify Donna Berry as the Delinquent Tax Collector, and Bill seconded the motion. The motion passed by unanimous vote.

Roberta Gillott asked a question about the process of correcting the violation and questioned the use of the word "inadvertent". Bill Piper commented that he believed the communication was related to setting an agenda item for the March meeting and his response was in that context. Bill acknowledged that the choice of words left his response open to multiple interpretations.

Marsha Martel and Gary Allard voiced their dissatisfaction with the e-mail between Fred and Bill. Gary discussed the fact that he was not included in some of the e-mails.

Roberta Gillott expressed her concern about the potential legal expenses associated with on-going Open Meeting complaints.

Treasurer's Resignation

Mike Barrett expressed concerns about the timing around Steve Eddy's resignation. Fred provided background on the process of Steve's resignation.

Marsha Martel provided dates associated with Steve's resignation from an e-mail from Fred sent to Bill.

Fred discussed an e-mail that he sent to the Vermont League of Cities and Towns regarding the legality of moving the delinquent tax collection activities to the Selectboard. Fred stated that he recused himself from delinquent tax collection business in December 2019. At the November 9, 2020 Selectboard meeting there was an outburst when the Town Clerk mentioned a post office box for the Delinquent Tax Collector. Fred stated he un-recused himself at that meeting due to growing concerns about the position. Fred stated he e-mailed VLCT on November 18th to ask about the Selectboard performing the delinquent tax collector functions. Fred forwarded the response to Bill for his information.

Steve Eddy asked to provide information around his resignation. He communicated his plans to resign to the Town Clerk in early 2020 and drafted a resignation letter in May that he did not submit. In a later Selectboard meeting Gary Allard told Steve that he needed submit a letter of resignation, and he did.

After reviewing the complaint, we deny any violation occurred since the e-mail sent to Bill regarding the timing of Steve Eddy's resignation was informative only. The e-mail was advisory, there was no response to the e-mail, and it did not lead to any discussions or decisions being made. The Town Meeting was properly warned and an election was held for the Treasurer's position.

The complaint also alleged violations of 1 V.S.A. § 312(a)(1), 1 V.S.A. § 312(h), 1 V.S.A. § 314(a), and 1 V.S.A. § 312(b)(2). James Murphy discussed this portion of the complaint and stated there is no way to ratify the complaint without specifics. Since the complaint does provide specific details of the alleged infraction, we must deny that portion of the complaint.

Actions to Avoid Future Violations

Fred stated that the Selectboard would take the following action to inform our future communications:

Review the VLCT FAQs on the Open Meeting Law

[Open Meeting Law FAQs](#)

[Open Meeting Law COVID-19 FAQs](#)

[Quick Guide to Vermont's Open Meeting Law](#)

The Selectboard is also working with VLCT's Municipal Assistance Center to purchase access to a recording of a recent Open Meeting Law training webinar. The webinar is not available yet, but the Selectboard will follow-up with VLCT on availability.

Other Items

Roberta Gillott asked for clarification on the submission of Steve Eddy's resignation letter relative to the Town Meeting. Jessy stated she advised Steve that his resignation needed to be submitted before January 25th and he submitted his resignation letter on January 22nd. After Steve submitted his resignation letter Jessy filed a Consent of Candidate form for the Treasurer position. Jessy stated that Steve's resignation was known well in advance, and when the Selectboard asked if she were comfortable taking on both roles, she told them she would need to hire an assistant to provide the additional hours necessary to run the Town Office.

Mike Barrett commented that the Treasurer position was warned in the Town Meeting. Donna Berry mentioned an advertisement in the Caledonian Record about the deadline for inclusion on the ballot, and Fred mentioned the same information was on Front Page Forum.

Heather Gonyaw requested information on the process to change the Delinquent Tax Collector position from appointed to elected. Fred stated that it would be voted on at Town Meeting. Donna stated that the change would require a petition with signatures from 5% of the registered voters to be included on the Warning.

Marcia Martel stated the Gib Trenholme has been the best Delinquent Tax Collector since she moved to Waterford in 1969 and has less than \$10,000 in outstanding delinquent taxes. Marcia stated that the Town should be very proud of Mr. Trenholme.

Mr. Trenholme's complaint also included two items he wanted corrected in the public record:

- Comments about difficulties working with certain elected officials. Fred stated that any comments were based on conversations with the elected officials.
- Confirmation that there are no recorded complaints about Mr. Trenholme – Fred confirmed that there have not been any formal complaints reported to the Town.

In his complaint Mr. Trenholme stated that "I can and have worked effectively with the person(s) in question; to say otherwise is a lie."

Steve Eddy stated that he had never filed a complaint at any job he has held. He provided instances where his working relationships with Mr. Trenholme was strained.

Roberta Gillott pointed out that Mr. Trenholme complaint was seeking the resignations of Fred Saar and Bill Piper. Fred responded that he did not believe any of his actions reach a level that required his resignation.

Bill made a motion to adjourn, and Warner seconded the motion. The motion passed unanimously. The meeting adjourned at 7:47pm.