

6 Feb. 2013 Selectboard Meeting Minutes

In attendance - Jody, Harold N, Pam M., Mike F. (Reformer), Herb R., Mark W., Rick D., Sam F. entered while the meeting was underway.

Board members present - White, Goodband, Holiday, Glabach. Absent: Bodett

I Call to order by Chairman White, Dummerston Community Center at 6:00 PM

II Steve moved - Zeke seconded - Jody commented that money had been received for cemetery improvements but the minutes did not reflect that and questioned where the money goes. Bill explained that the donor wished to remain anonymous. All of the money goes to cemetery improvements rather than the general fund. Minutes approved 4-0

III Approved bills for payment 16, 16P

IV Rick Davis, EMD, spoke at length of changes to the evacuation plan and requested the board consider turning the Community Center into a Red Cross emergency shelter that includes pets. He spoke of funding and benefits to the change. Davis also announced future drill dates and asked the board to "sign off" on his recommendations.

Herb Rest of the DRB read a statement criticizing the selectboard for its actions involving an ongoing case currently in ECourt. He requested that it be entered into the record (attached). Jody Normandeau expressed "frustration" with the selectboard's handling of the DRB saying, "I have never seen such abuse of another public body. I have never seen people so upset about this and making accusations." She cited "conflicts of interest" accusations and stated to Chairman White that, "You, yourself, probably have the biggest conflict of interest as a selectboard member than anybody else here. You are cousin, friend and maybe even business partner to the Road Commissioner."

Chairman White responded by saying, "I'll take what Jody said and this will be my last meeting. I'll give my resignation if there's a conflict."

V The Renaud gravel pit progress was updated and it was voted 4-0 (Steve/Bill) to sign the lease agreement after a conversation regarding the percentage of payment and amounts of gravel each of the three parties (Tn of Dummerston, Tn of Putney, Mike Renaud) receives.

VI Under Correspondence for Information board members acknowledged receiving the Project Review Sheet from William & Joyce Basler on Kipling Road.

VII The board acknowledged receipt of a letter from VTrans regarding an upcoming resurfacing project. No motion was necessary.

VIII Under unfinished business, the 2013 Certificate of Highway Mileage was discussed and yielded changes to the map of Dummerston. The Certificate of Highway Mileage is filed with the State of Vermont on 10 February 2013. TH 39 (.20 mi.) will be

removed from the town roads, a formality as it was removed on 28 August 1871 (Record Book #1 page 18) but had never been removed from the official map. TH 12 (Evans Road to Hague Road - .40 mi.) will be altered to include the 'connecting portion' as a legal trail. (Town Record Book 1780-1790 3/11/1783). A portion (.66 mi.) of TH 47 - Falls Brook Road - Falls Brook to Putney town line will be classified a legal trail.

Changes were approved (Steve & Zeke) 4-0.

The Ancient Roads Committee report yielded a 46-item spreadsheet (available to the public) of its work that is near completion. The deadline for completion is 2015. Steve commended the committee for its effort.

IX Sam Farwell of the Dummerston Planning Commission offered details to the Municipal Planning Grant Agreement. It was moved (Steve/Bill) to sign the agreement. 4-0.

It was moved (Zeke/Steve) to sign the Trailer Park License for Amy Wall on Schoolhouse Road. 4-0.

New Business -

Zeke questioned the status of Bev Kenney's request for lowered speed limit.

Steve brought up 3 items,

- Sign changes announced by AOT. Does Dummerston want to make any requests concerning the change in signage? Chairman White suggested this is an agenda item. Steve commented saying that this is on the fast track with a limited window of opportunity
- Sight lines on route 30 near green iron bridge, suggested cutting underbrush and limbs
- Planning Commission's policy on special events will be included in work submitted at a later date

Jody Normandeau questioned if a candidates' forum was being planned this year?

Steve/ Zeke moved to adjourn the Select Board meeting at 7:37 and reconvene as the Liquor Control Commission. 4-0

The Liquor Control Commission met to review and sign the liquor and tobacco licenses for Circle K on route 30

Steve/Bill moved to approve these licenses. 4-0

Zeke/Steve to adjourn as the Liquor Control Commission 7:39

Selectboard meeting adjourned at 7:40

Submitted - Bill Holiday

## STATEMENT OF CONCERN AND RESPONSE TO THE DUMMERSTON SELECTBOARD

Thank you for the opportunity to put into the public record my response to allegations of real and/or perceived impropriety on the part of myself and the Development Review Board (DRB).

While I may appear to single out individual Selectboard members in my comments, it is only that the documentation that I have to draw upon emanates from 2 individuals who represented the Selectboard position. I wish to make clear that I am addressing the complete Selectboard membership in my testimony.

Let me begin by stating categorically that I have never, in my professional life as a physician, in my corporate career or in my personal life performed in any manner other than with complete integrity. As to the DRB membership, over the years I have been privileged to work with each of these thoughtful, caring, responsible and ethical individual board members who take every effort to accommodate citizen requests with the greatest of integrity. What I have to say, directly or indirectly, is a response to your challenging that integrity.

As to my own participation in the Thibault decision (and this temporally precedes any allegations of impropriety), in a community of our size and population, having a friendship with a neighbor of an applicant who is coming before the DRB referencing a matter that has no impact upon that neighbor, is not unusual and does not constitute a conflict of interest. Additionally, the neighbors that you reference have never publically or privately, to my knowledge, expressed any opinion in support of, a neutrality or an opposition to the the Thibault project. That they attended the DRB hearing as citizens of Dummerston should not be construed as anything other than exercising their rights of access to any public meeting. With this as background, I fail to conclude that I should have recused myself in this matter.

Subsequent to the issuance of the Thibault decision, I have been the recipient of information relating to the neighboring parties that indicate an expressed adverse relationship on the part of the Thibaults toward neighbors who attended the DRB hearing. Further, unbeknownst to the Selectboard according to Laurie, the town records contain documentation of the filing by the neighbor for pro se appearance in the E court process. While it remains to be seen if they have any opinion as to the DRB Thibault decision, I do recognize that at this point there might arise an appearance of interest conflict on my part. Upon being informed of this filing and upon confirmation of this information, I immediately did withdraw my candidacy as a Town appointed resource to the court in this matter.

On reviewing both broadcast and written documentation, including Tom Bodett's public record emails, the Selectboard's challenge to the DRB's and specifically my integrity indicate a broader brushstroke of doubt as to our decision patterns. What I refer to here is the Selectboard's impression that the decisions made by the DRB stratify into a bias in favor of certain citizen groupings within the community and against others. In response, I reviewed all of the DRB

decisions rendered in the last approximately 18 months. I will state categorically that there is no bias suggested and that the decisions consistently reflect the will of the citizens of Dummerston as expressed in their Zoning Bylaws. I, quite frankly, am bewildered by any contrary conclusion of the Selectboard if they too researched their allegations. I will remind you at this point that DRB deliberations are a function of the entire Board, representing up to seven individuals, ultimately voted on by up to 5 members and decided by majority vote. When you question the integrity of DRB conclusions and/or suggest a bias in decision patterns, you are questioning the integrity of the entire DRB membership and are undermining the functionality of the DRB process. This is reasonable only if adequate and fair investigation supports this.

This segues into the issues of process and procedure. "Due process" dictates that in the event of possible misperformance, appropriate investigation take place. Such investigation should include the identification to the individual/group the issue of concern and the opportunity for that individual/group to respond with clarification and provide evidence in support of that response. The Selectboard did not extend that courtesy and right to the DRB or any individual DRB member. Instead, the Selectboard proceeded to deliberate this matter both behind the closed doors of executive session and during public meeting time as a non noticed agenda item. Both of these are in violation of Selectboard procedure.

I will conclude with the observation that by casting doubt upon the DRB's and my integrity, the Selectboard has handicapped the DRB decision making ability. Until such a time as the Selectboard conducts an open and transparent investigation of the allegations, comes to an evidence based conclusion and publicly and appropriately responds to those conclusions, every DRB decision becomes suspect .

Finally, please remember that this community depends upon its citizen volunteers. Please recognize their dedication by extending to them the courtesy of communication and dialog when you have issues of concern.

Thank you for the opportunity of reading this into the public record. If, upon further reflection, you agree that there remains a need to effect closure, I can assure you that you will have my and the DRB members full cooperation.

Respectfully read and submitted to the Selectboard at the Selectboard meeting of February 6, 2013.

Herbert F. Rest