

Grand Isle Select Board
Grand Isle Town Office 9 Hyde Rd, Grand Isle VT
Minutes of the Meeting for Monday, March 20 2023

CALL TO ORDER: Selectboard Vice Chair, Josie Leavitt, calls the meeting to order at 6:00 PM

Board Members Present: Josie Leavitt, Ellen Howrigan, Jeff Parizo, Couper Shaw, Eric Godin

Community Members Present: Anna Marie Demars, Denise Abbott-Douglass, Lloyd Douglass, Colleen Bushway, Ronnie Bushway, Jean Prouty, Lucille Campbell, Linda Effel, Randall Gover, Bianca Lafayette, Esther Blow, Mark Cobb, Evan Cobb, Steve Stanley, Andy Paradee, Mike Cameron, Glenda Leake, Dave Leake, Peter Riegelman, Jonathan Debono, Rachael Griggs, Jacqueline Hughes, Tim Olver, John Lafayette, Diane Cota, Elise Whittemore, Joe Longo, Beth Deimling, Mary Parizo, Shaun Robinson, Anthony Harvey, Jen Morway, Mike Donoghue, Sue Lawrence, Cari Kelley, Erin Moriarty, Justin Pepe, Emily Clark, Charlotte Kennedy, John LaBarge, Wade Lawrence

Add to Agenda: Couper Shaw adds IT Audit to New Business. Denise Abbott-Douglass adds Town Report to Old Business.

Nominate & Elect Chair and Vice Chair:

Josie Leavitt nominates Couper Shaw as Chair, Eric Godin seconds.

Ellen Howrigan nominates Jeff Parizo as Chair, Jeff Parizo seconds.

Community members asks questions and make comments of the chair nominees.

No further discussion.

Josie Leavitt calls the vote on the nomination of Couper Shaw for Chair. Josie Leavitt, Couper Shaw, and Eric Godin vote yes. Jeff Parizo and Ellen Howrigan vote no.

Josie Leavitt calls the vote on the nomination as Jeff Parizo for Chair. Ellen Howrigan and Jeff Parizo vote yes. Josie Leavitt, Eric Godin, and Couper Shaw vote no.

The nomination of Couper Shaw as Chair passes.

Eric Godin nominates Josie Leavitt as Vice Chair. Couper Shaw seconds. No further discussion. Couper Shaw calls the vote. Eric Godin, Couper Shaw, Ellen Howrigan vote yes. Jeff Parizo votes no. The nomination of Josie Leavitt as Vice Chair passes.

Review and Approve Minutes of March 6, 2023: Discussion of corrections made- VCA was corrected to BCA, Ellen Howrigan's married name (Paradee) was referenced as her maiden name and was corrected, the date of the minutes was corrected. Jean Prouty would like to note that under Dog Ordinance, that she filed a complaint but did not want that to result in Couper Shaw speaking to Trevor Boutin. Couper Shaw explains that once the complaint was stated, the board decided that he would speak to Trevor Boutin about it.

Josie Leavitt makes a motion to approve the March 6th 2023 minutes with corrections. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, Ellen Howrigan abstains as she was not part of the selectboard for that meeting, the vote passes.

GUESTS:

Highway Department Update:

22 Pearl St Road Cut permit TEC Development: Ron Bushway hands out a document with a sketch of what is proposed for 22 Pearl St. The selectboard agrees that they need time to review the document and should table this until the next meeting.

Jeff Parizo makes a motion to table the 22 Pearl St Road Cut permit item until the April 3rd selectboard meeting. Ellen Howrigan seconds. No further discussion. Vote passes unanimously.

41 Donaldson Rd- Unauthorized use of road access: Ron Bushway explains the history behind the curb cut permit for 41 Donaldson Rd and the road access issue. Ron Bushway recommends that the selectboard or the town attorney send the new owners of 41 Donaldson Rd a letter stating that they shouldn't be using Donaldson Rd to access their property, that they should be using Kayak Rd.

Buildings Facilities Manager Update: Ron Bushway explains that new storm door is needed for the Town Office. Ron Bushway says that Landry Carpentry gave him an estimate to replace the storm door, that the door alone is \$270. Ron Bushway says that all fire extinguishers in all town buildings, including the Log Cabin, have been inspected. Ron Bushway says he fixed the door to the boiler room in the Annex building. John LeBarge asks if it's customary to only get one bid when needing work done. Eric Godin explains that there is a project amount limit, once a project is over that limit it falls into the RFP policy. John LeBarge says he thinks that going out for one bid is bad business. Couper Shaw says that they will add that to a policies and procedures discussion in a future meeting.

Designate meeting time/place, posting locations and newspaper of record: Couper Shaw says that they will resume having the selectboard meetings at the Town Office on the 1st & 3rd Monday of the month at 6pm. Josie Leavitt comments that if a meeting falls on a holiday that the town employees have off, they should not be expected to attend that meeting. Glenda Leake asks if, in anticipation of a larger turn out for a select board meeting, they could hold the meeting at a location that can hold a larger crowd such as the community room in the fire station. Eric Godin explains that it's hard to know when there will be a larger turn out, but that in the past they have been able to use the school and the fire station for meetings with an anticipated larger turn out by sending out a warning detailing the location.

Ellen Howrigan makes a motion to use the same meeting time, meeting place, posting locations, and newspaper of record as has been used in the past year. Jeff Parizo seconds. Jonathan Debono asks the selectboard what other newspapers are available. Couper Shaw says he spoke to Seven days. Couper Shaw said that they charge .52¢ per word, that warnings are usually not very long and that it would add up to about \$100 a year, which is more than what they currently pay at The Islander. Couper Shaw says that Seven days has over 100,000 viewers/readers and it's available at Emmon's and Keller's Bay. Eric Godin questions the audience of Seven days versus that of The Islander, stating that a majority of readers of The Islander are people on the island and the expanded audience of Seven Days would not necessarily be people who live on the island.

No further discussion. Couper Shaw calls the vote, which passes unanimously.

Appointments:

Tree Warden- *Jeff Parizo nominated Bill Barron for the Tree Warden position. Josie Leavitt seconds.* Eric Godin asks if anyone else expressed interest in the position. Jeff Parizo says he only contacted Bill Barron since he is an arborist and knows trees better than anyone. ***No further discussion. Couper Shaw calls the vote, which passes unanimously.***

Assistant Emergency Management Director- Jeff Parizo says that he reached out to Bill Barron. Jeff Parizo explains that Bill Baron is currently the Emergency Management Director and he and Adam White recommended Tyler Hemmingway for Assistant Emergency Management Director. ***Jeff Parizo makes a motion to accept Tyler Hemmingway as the Assistant Emergency Management Director. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.***

Northwest Regional Planning Commission- Jeff Parizo says he reached out to Barclay Morris and Howard Demars and that Barclay Morris replied to Josie Leavitt. Josie Leavitt says that Barclay Morris would like to have this position. Jeff Parizo says that Howard Demars will take the position but if someone else was interested in taking the position in the future, he'd step down. Jeff Parizo says that they should have Howard Demars take the position and in a year advertise it and see if anyone else is interested in the position. ***Jeff Parizo makes a motion to appoint Howard Demars and Barclay Morris for the Northwest Regional Planning Commission positions. Josie Leavitt seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.***

Northwest Regional Planning Commission Transportation Advisory Committee- Josie Leavitt says that Barclay Morris is interested in this position. ***Eric Godin makes a motion to appoint Barclay Morris to the Northwest Regional Planning Commission Transportation Advisory Committee. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.***

Northwest Solid Waste District- Couper Shaw says that this is an open position. Eric Godin says they haven't had someone in this position and that it needs to be advertised. Eric Godin says he will craft a posting for that position and they can discuss it at the next meeting.

Selectboard Conflict of Interest and Rules & Procedures Policies Documents: Jeff Parizo explains that the select board sign both a Conflict of Interest and a Rules & Procedures document and should be done every year. Couper Shaw says they will look over the documents and address them at the next select board meeting.

Library Capital Project Needs Assessment: Colleen Bushway explains that the library received an official award letter from the Public Facilities Preservation Initiative Grants Program for funds and guidance for the Library Capital project. Colleen Bushway says the Needs Assessment asks some questions that she needs the selectboard to help answer as she does not have access to some of the information they are asking for. Colleen Bushway goes over with the selectboard the questions she needs help answering. Ellen Howrigan says she may be able to help Colleen Bushway with acquiring what is needed to complete the Needs Assessment.

Delinquent Tax Sale: Melissa Boutin explains that on an annual basis, in order to pursue legal assistance for a lawyer to send out notifications to those on the delinquent list, that she needs the selectboard to authorize using Stitzel, Page & Fletcher for pursuing the first stage letters. ***Eric Godin makes a motion to***

authorize Stitzel, Page & Fletcher in regards to the delinquent taxes. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

Election Discussion: Jonathan Debono says he is concerned with how the ballot was handled on March 6th without giving himself due process to be heard. Jonathan Debono says he wrote a letter he'd like to read out loud and hands out copies of the letter. The letter reads:

Dear Select Board Chair and Members,

I am frustrated with the Select Board's unwillingness to be transparent. My request submitted on March 11, 2023 for the release of Select Board Member Jeff Parizo's correspondence with town attorney David Rugh (attached hereto) was essentially denied under the guise of a completely redacted email chain (also attached hereto). The Select Board fully comprehended the spirit of my request, and this unnecessary game isn't appreciated. My ask was very clear in that I was not requesting the town attorney for the release, it was a request for the Select Board, in its own capacity, openly share the thread. There is no statute that prevents a client from releasing whatever information they so choose.

In addition to the Select Board acting outside of a legal meeting, violating Vermont Open Meeting Law, I would like to highlight an ethics item of concern. Ellen pressured the Acting Chair to forward her the emails on the basis that she was now a Select Board member. However, she was not a ratified member, as she knew that I had submitted an official request for a recount. I hope this will not be a pattern of behavior Ellen will bring to the board.

I can nearly guarantee that every member of the board campaigned on transparency at some point. In fact, The Islander's March 1, 2023 issue incorporated a questionnaire to candidates with one question being, "Do you feel there are any issues with government transparency in your town, and how do you feel these issues could be addressed?" Ellen ended her response to this question with, "Transparency allows for a fully informed Select Board and public, building trust and leading to well informed decisions." It is time to fulfill these promises and build that trust.

I am requesting the Select Board vote tonight to release the correspondence between Jeff and the town attorney inclusive of the full subsequent email chain between Select Board members as they decided how to move forward with handwriting "FKA Paradee" on the ballots. If the Select Board has nothing to hide, simple logic dictates they will not hesitate to be forthcoming. The board owes it to myself as well as the 48% of the voting community that supports me.

To be clear, I am not looking for litigation of any kind. I am merely seeking honesty. A lot can be said for admitting fault, learning from it, and improving for the benefit of our town.

I will close by asking this question: Did town attorney David Rugh, in fact, say his best advice was for the Select Board to handwrite on the ballots?

*Respectfully,
Jonathan Debono*

Ellen Howrigan explains that she didn't pressure anyone, that she only asked for it. Ellen Howrigan says she had been sworn in as a select board member when she received it. Josie Leavitt says that when Ellen Howrigan requested it she asked Ellen Howrigan if she had taken her oath and Ellen Howrigan said she had. Josie Leavitt said she then checked with the Secretary of State and that the SOS said that until a recount proves otherwise, that Ellen Howrigan should be considered a full member of the select board.

Jonathan Debono asks if David Rugh said that was his best advice, in regards to handling the ballot error. David Rugh says that his best advice today, to the select board, is that attorney-client confidential communications at this time should remain so. David Rugh says that the main reason for that is because a waiver of the conflict as to one correspondence may waive the conflict as to all correspondence. Jonathan Debono asks David Rugh if there is attorney-client privilege for the client to release the correspondence. David Rugh says there is, that the selectboard, as a whole, is the client and one individual member cannot effectively waive the conflict. Jonathan Debono says that is why he is asking the board, as a whole, to respond. Couper Shaw says the select board is going to follow their attorney's advice.

IT Audit: Couper Shaw says he spoke Thomas Dukeshire of Rural Solutions about having a website security audit done. Emily Clark comments that whatever is decided for the town website going forward, to have it be user-friendly and easy to access for those who have to post on the website. Couper Shaw said he will make sure that is all taken into account. Couper Shaw says that they are all set to get new town emails.

Two Checks for the Same Pay Period: Josie Leavitt says that she spoke with Fred Dupleis. Josie Leavitt says that he said that two checks for the same pay period is not best practice and it will result in the same on someone's W2. Jeff Parizo comments that he would like it on the record that he is against two checks for the same pay period.

Jeff Parizo makes a motion to stop doing two checks for the same pay period. Ellen Howrigan seconds. Eric Godin asks if they can do this now, or should they put this on a future agenda and add it to the personnel policy. Jeff Parizo says they can make a motion now, and then add it to the personnel policy at a future meeting. **No further discussion. Couper Shaw calls the vote, which passes unanimously.**

Campaigning Policy Update: Josie Leavitt says that she checked with the Secretary of State's office and was directed to 17 V.S.A. § 2508. Josie Leavitt says that defines what you can and cannot do on election day. Josie Leavitt says she will check with the Secretary of State about whether they could make a policy regarding campaigning in Grand Isle on days before election day. Josie Leavitt says she will also speak to the town attorney about this. Emily Clark comments that it would be helpful to see what the surrounding towns have in place for their best practices regarding campaigning policies.

Town Report: Denise Abbott-Douglass explains that a friend and fellow citizen had trouble finding a copy of the Town Report. Denise Abbott-Douglass would like to revisit the idea of sending out printed copies of the Town Report to all citizens in Grand Isle. Jonathan Debono asks the select board if it is posted to the town website, Eric Godin says it is. Melissa Boutin explains that it stopped being mailed out when the voters approved for it to not be mailed out, and that for it to resume being mailed out the voters would have to vote on that. Eric Godin explains that citizens could petition for that to be a ballot item to vote on. Denise Abbott-Douglass comments that she does not have a computer, that she needs a physical copy. The selectboard discusses different methods of distributing a physical copy of the Town Report. Emily Clark asks if there could be an option where it's mailed to everyone, and if someone doesn't want it they could opt-out of receiving a physical copy. David Rugh, the town attorney, explains that there could be an opt-in option if there is notice of availability but not an opt-out option if it's mailed to everyone. Tim Olver says that reaching out to CIDER and seeing if supplying them with physical copies might help get the town report out to those who may have difficulty obtaining the town report. Cari Kelley says that she likes the idea of incorporating CIDER as there are many citizens that are

elderly or have a disability that don't have access to the internet or a computer and are unable to get to the locations that have physical copies. Cari Kelley says they should speak to Jordan Posner at CIDER and see if he could have copies of the town report available in the CIDER vehicles.

Review and Sign Warrants: Jeff Parizo makes a motion to allow the chair to sign the warrants. Josie Leavitt seconds. No further discussion. Couper Shaw calls the vote which passes unanimously.

Executive Sessions:

David Rugh reads 1 V.S.A. § 313(a)(1)(E): I move to find the premature general public knowledge, pending litigation to which the public is a party, would place the public body at a substantial disadvantage. Josie Leavitt so moves it. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

David Rugh reads I move to Executive Session, inviting the town attorney. Josie Leavitt so moves it. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

Josie Leavitt makes a motion to exit Executive Session at 8:10pm. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

Jeff Parizo makes a motion to approve the proposed revision to Condition #5 in the DRB's Resolution of Application on Preliminary Plat #06-22 PP, approving TEC Development, LLC's nine-lot subdivision to require a 100-foot setback from the delineated boundaries of the Pear Swamp wetland within which future development is prohibited on Lots 7, 8 and 9 and to direct the Town Attorney to prepare and file the necessary legal documents with the Environmental Division of Vermont Superior Court to implement this modified Condition #5. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

Jeff Parizo makes a motion to approve the settlement documents in the Environmental Division appeal relating to Lake Champlain Transportation's proposed maintenance facility at 39-41 West Shore Road, including the proposed conditions of approval and site plans, and to direct the Town Attorney to prepare and file the necessary legal documents with the Environmental Division of Vermont Superior Court to implement the proposed settlement. Eric Godin seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.

Eric Godin makes a motion to adjourn at 8:12pm. Jeff Parizo seconds. No further discussion. Couper Shaw calls the vote, which passes unanimously.