



Town of Underhill

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SELECTBOARD REGULAR MEETING MINUTES

Underhill Town Hall – Remote Meeting

Tuesday, September 1, 2020, 4:00 p.m.

Selectboard: Dan Steinbauer, Bob Stone, Peter Duval

Town Staff: Jim Beebe-Woodard, Sherri Morin, Jennifer Silpe-Katz, Andrew Strniste, Pat Sabalis, Dean Haller, Laurie Graham

Committee Members: Anton Kelsey, Kurt Johnson

Public: MMCTV, Bridget Stone Allard, David Weaver, Aaron C.

4:00 p.m. Call Selectboard Meeting to Order/Introductions/Adjustments to Agenda

Dan Steinbauer adds discussion about ending the meeting in a timely manner as Bob Stone will need to leave early. Peter Duval suggests moving the Correspondence and Communication, from the end of the meeting to the beginning, to catch up on communications that have happened since the last meeting; Dan Steinbauer suggests after public comment. The Loan Discussion is added to the agenda under Old Business. Dan Steinbauer mentions added attentiveness to time keeping, with a 2-minute warning at the end of each agenda item, Jim Beebe-Woodard will be the timekeeper. Peter Duval suggests adding Covid-19 to Old Business and it is noted that grant info will be covered in the Town Administrator's report.

4:08 p.m. Public Comment Period

Pat Sabalis addresses a comment made in the August 20, 2020 Selectboard Meeting, when the Selectboard authorized Stitzel, Page & Fletcher, the town attorneys, to enter an appearance in the Supreme Court appeal regarding the appeal of Duval. The selectboard made a second motion to the extent any express authorization was required, the motion was to authorize, ratify and confirm legal services provided by Stitzel, Page & Fletcher in connection with all aspects of the Duval Appeal to the Environmental Division including town's cross appeal. After that motion was made, Peter Duval made a statement that he thought it was quite significant that this matter has been going on for quite some time and now the selectboard is authorizing past-action, he said he felt this is not just a problem for this matter, but for many other matters that are involving the town and the Selectboard, and there's quite a bit of cleaning up to be done about projects done on behalf of the town without the Selectboard being involved. Pat Sabalis does not know that there is any factual basis for the claim about cleaning up to be done about projects done on behalf of the town without the Selectboard being involved, but Pat Sabalis does speak to the comment about the appeal of Duval, agrees that this matter has been going on for quite some time, brought to Selectboard in September 2018 by Zoning Administrator, and the Selectboard carefully considered the matter, decision and facts and in the Selectboard meeting of September 6, 2018, the Selectboard, by consensus, agreed and authorized expenditures and consultation with the town

attorneys Stitzel, Page & Fletcher to defend the town in that appeal. Pat Sabalis states that simply because one is not aware of history, doesn't mean that something was done without authorization.

David Weaver comments that he put a post on FPF regarding the noise of the firing range on Saturday. David Weaver posted not as objection to the firing range but the communication is an on-going concern. Received a number of emails based on comment, most of them unhelpful, but David Weaver commends Jim Beebe-Woodard and Peter Duval for their helpful comments and advice.

4:13 p.m. Correspondence Peter Duval notes a few emails exchanges with Bob Stone discussing agenda items and what to cover in the meeting. Dan Steinbauer confirms that Peter Duval is specifically referring to agenda items regarding the Anti-Racism Coalition. Bob Stone discusses that the Selectboard received a letter, Bob Stone found offensive due to his position regarding the ARC and that Peter Duval responded to this correspondence without conferring with the Selectboard. Bob Stone states that when a letter is sent and addressed to the three members of the Selectboard, the Selectboard should have a discussion about the letter, formulate a plan to respond, and then respond; Peter Duval took it upon himself to respond to the letter regarding the ARC. Bob Stone is concerned, moving forward, regarding correspondence from the community. Peter Duval responds that letter was sent individually to each email and he sent it from his own individual opinion, felt it was appropriate to respond in a way that reflected his opinion without binding the Selectboard in any way and believes there have been other times Selectboard members have responded to input with their own input and express their own views. Dan Steinbauer believes this discussion may be continued later in the meeting, and ARC can move on to their report.

4:17 p.m. Report and follow-up from Anti-Racism Coalition of Underhill (ARC) Bridget Stone-Allard presents the ARC report. The group has discussed the mission statement and they are on track to present it as planned. The group was asked to provide input on unsanctioned road painting and they have conducted research, with more to do. They believe it would be most helpful to consider defaulting to VTrans policy and follow best practice as set forth by the State, specifically, any street art that could negatively affect the roadway, safety and any message that is profane, grotesque or advocates illegal activity/violence would be removed. They are continuing research for objective definitions and descriptions, and would like to provide more information at the next meeting. ARC is looking forward to activities that may include speaker (listening) series on information on systemic racism, film series and mentions a book group of *The Hate U Give* at Debra Rawson Memorial Library and BRMS. Jim Beebe-Woodard mentions that Sandy Gillem had reached out to neighboring town Selectboard members about street painting issues and has received a response from Jericho outlining the process, and will forward this email to the ARC group and the Selectboard. Peter Duval asks about group size, meeting schedule and how to join and asks if Jim Beebe-Woodard is attending the meetings. The group has about 10 members, meeting online biweekly. To join, email Bridget Stone Allard, or reach out from the Underhill Facebook groups. Jim Beebe-Woodard is attending the meetings as a liaison for the town.

4:24 p.m. Old Business

Dumas Rd./FEMA buyout Jim Beebe-Woodard does not have any new information, Brad Holden is still working on this project.

Covid-19 The three hour mask distribution on Sunday was very successful. Jim and Travis Beebe-Woodard, Bob Stone and his son handed out the masks. They received less masks from the State than originally planned and ran out at the end but have a list of people to distribute them to when more arrive, Bob Stone reached out to the state for the remaining masks. Jim Beebe-Woodard suggests another mask distribution day, possibly in The Flats. Jim Beebe-Woodard reminds that the public is also welcome to call and arrange an appointment to pick up masks at the Town Hall, similar to what Cambridge and Jericho are doing. Bob Stone was impressed with the turnout.

Loan Sherri Morin discusses the loan and notes that we're no longer eligible to borrow \$750,000 over a 20 year period due to missed criteria about warnings and resolutions from the board. We are now only eligible to borrow for a 5 year period. Sherri Morin has reached out for quotes for 300k and 350k. Sherri Morin clarifies that we are no longer eligible because there was no resolution of public good or motion in the initial selectboard discussion about borrowing in \$750k and there was no warning in the Burlington Free Press for 3 consecutive weeks. It is also noted that we cannot borrow money for any project that has been started or has finished. After talking to the town attorney, they have advised us that we can only borrow for a 5 year period, and the amount is up to the board. Sherri Morin spoke with Jennifer Silpe-Katz and Jim Beebe-Woodard, and suggested borrowing \$300k to cover the Corbett Road project and support the reserves. Terms would be \$300,000 for 5 years, with a payment of ~\$63,247 per year which is ~\$20,000 more per year than originally expected from the \$750,000.

Dan Steinbauer moves that the Town of Underhill borrows \$300,000 for 5 years, at 2.04% with an annual payment of \$63,720.47 from Union Bank. Bob Stone seconds. Peter Duval asks if this is a repeat of organizational error without all of this written down, explained and reviewed by Town Attorney. Sherri Morin responds nothing is written down to give to the board. Jim Beebe-Woodard discusses bonded money, that this should have been warned with the prior selectboard and Town Administrator, and notes it is an extremely unfortunate finding, but, following guidance from counsel, this is the best plan to borrow. Bob Stone asks how it will affect the CIP. Sherri Morin notes projects between now and spring will be done unless we borrow more money. Peter Duval would like to see it on a spreadsheet, Jennifer Silpe-Katz replies that a spreadsheet can be made, but we cannot go back and borrow what originally we wanted. Kurt Johnson discusses the impact on the budget for 2022 and the CIP for next year and notes there is still plenty of time to work on it but will need to understand the process better. Peter Duval asks where the other \$450k comes from and if it comes from the capital reserves. Jennifer Silpe-Katz will get reserve numbers after audit, but will need the loan to avoid bottoming out reserves. Peter Duval moves to amend the borrowing to \$750,000, from 20 to 5 years. No second to the amendment. Selectboard returns to, and votes on, the original motion. Dan Steinbauer and Bob Stone approve. Peter Duval does not approve. Motion passes 2-1.

Sherri Morin comments that, based on this conversation, she is expecting professionalism, without follow-up emails, and reminds that this was an error. Dan Steinbauer appreciates how the town staff figured out this obstacle and evaluated all of the information, and believes it can be productive in the learning experience. Bob Stone replies to Sherri Morin, that he would like any correspondence from the Selectboard members sent also to him.

Kurt Johnson agrees that the process has been through many eyes and the statutes sometimes are more complicated.

Peter Duval comments that he is stunned that spending all the money out-right now is smart, in a verbal presentation, and states that it demonstrates that the learning has not happened about being careful and following through on issues in writing. Peter Duval believes the Town Attorney could be there to give direct legal advice on this; notes it has been 6 months since Town Meeting and brings up the Tomasi Meadow. Peter Duval states that, as an organization, the Town of Underhill is disorganized and is dysfunctional, and we need to make sure, from the top down, get things working smoothly and a drift towards low performance. Andrew Strniste and Kurt Johnson reply to Peter Duval's comments; Kurt Johnson states that, as a resident of the town, it is abhorrent to listen to these kinds of things about the town and other selectboard members. Bob Stone suggests it is time to pause, reflect and revisit and move on to the next topic.

4:57 p.m. New Business

• **Town Tennis Courts (Anton Kelsey, Rec Committee)** Anton Kelsey begins the discussion by noting that, in all dealings with Town Staff, they have been excellent and professional people and Anton Kelsey appreciates the work of the current and past staff as the Chair of the Recreation Committee.

Anton Kelsey presents that the town Tennis Courts are in disrepair and periodic maintenance is needed for cracks and net posts. ~\$12,000 was voted on and put in the budget for FY2021 based on an initial bid and research, but would need \$6,000 more to cover the bid that they believe is the best to get the court's back to being respectable and playable. Dan Steinbauer asks about the timing of the year for the project; Anton Kelsey mentions that he has talked to vendors about the fall or schedule for the spring. Grant options discussed.

Peter Duval moves to increase borrowing by the Union Bank loan by \$6,000, to \$306,000. Bob Stone Seconds. Peter Duval asks for Anton Kelsey to present something in writing. The motion is passed by a vote of 3-0.

Peter Duval moves to approve up to \$19,000 to make repairs and renovations to the tennis courts. Bob Stone seconds. Bob Stone appreciates the recreation committee. Anton Kelsey challenges Selectboard to a game of pickleball. Motion is approved by a vote of 3-0.

• **Town Hall Employee Complaint Letters** Dan Steinbauer introduces the letter, including Conflict of Interest charges which will need to be done in a separate way, as is explained in Article 8 of Conflict of Interest Policy. Conflict of Interest charges are introduced in one meeting (this one) and a meeting for the hearing is scheduled at a time after certain warnings are produced, virtually announcing it and letting people know of what rights and responsibilities they have. Jim Beebe-Woodard cites regulations of 24 V.S.A. § 4464, public notice must be presented not less than 15 days by a publication and posting in 3 public places. Discussion about a possible hearing date occurs. Discussion about correspondence from an attorney continues, Town Hall staff rescinded request for counsel. Peter Duval refers back to bonding money, notes consult with the town attorney before making moves. Dan Steinbauer replies there is more time for Peter Duval to hire counsel and/or to decide how to answer the Conflict of Interest charges in the hearing. Peter Duval moves to table this item. No second. Discussion of the hearing date and change of Regular Selectboard (due to Bob Stone's schedule conflict) meeting continues; Bridget Stone-Allard is concerned about changing date of Regular Selectboard meeting due to ARC presentation. Dan Steinbauer moves to reschedule the Regular Meeting of the Selectboard from

Thursday, September 17 to Monday September 21, 2020 at 6pm. Bob Stone seconds. Motion is approved by a vote of 3-0.

Dan Steinbauer introduces the letter written by the Town Hall Staff. Jim Beebe-Woodard summarizes the letter, displeased to be in this position in his 7th week as Town Administrator. Jim Beebe-Woodard reads the statute related to the issue, 1 V.S.A. § 172: *A Vermont selectboard may serve, at various times, legislative, executive, and judicial functions. However, no individual Selectboard member is given authority to serve any of these roles alone. Vermont law gives authority to Selectboards and not to individual Selectboard members. An individual selectperson has no more authority to take action on behalf of a town than any other resident.* Jim Beebe-Woodard recalls Peter Duval's write-in at Town Meeting, comes in with baseline Conflict of Interest, has litigation with the town, and wishes to work it from the inside as a Selectboard member. Possibly could have good intent, work for solutions, but has not seen this from Peter Duval. Directs the individual work of each person in the town hall, they have been called lazy, sloppy, routinely subject long after-hours detailing shortcomings. Jim Beebe-Woodard cites an email exchange between Jennifer Silpe-Katz and Peter Duval on policy governance that will be discussed later in the meeting. There is documented email evidence of mistreatment between members of staff and Peter Duval. The Town Hall Staff sought free legal advice for municipalities but because legal counsel would involve the Selectboard, they decided this would not be the best approach to maintain confidentiality.

The Town Hall Staff respectfully requests the following:

- We request the acknowledgement, in open session, from the Selectboard that these unprofessional and inappropriate behavior are continuing.
- We request acknowledgment in open session, that the town hall employees have reported these behaviors as impacting health and wellness.
- We ask for acknowledgement that Peter Duval continues to operate in a manner inconsistent with 1 V.S.A. § 172 and as such, reaffirmation in open session that the Town Hall staff should take direction from the selectboard only when conveyed to us by the Selectboard Chair.
- We ask for a resolution that acknowledges that the town hall staff are within their rights to dismiss directives or attempts to unilaterally control our work by Peter Duval.
- We ask for continued, confidential assistance from Dean Haller, our HR consultant.
- We ask by the time of the October 22, 2020 Regular Selectboard Meeting, we have an adoption of a written policy of governance, similar to that that was shared by Jennifer Silpe-Katz on June 3, 2020, to codify the relationship between the board and the town hall staff.

The goal of the requests is to create parameters and boundaries. Jim Beebe-Woodard cites examples in the meeting tonight, in response to Mr. Guay's email correspondence (discussed later in this meeting,) and complaint letter received about someone, stating themselves as a Selectboard member, at the State Park, enforcing mask use and taking photos of out-of-state license plates. Jim Beebe-Woodard will not stand for the counterproductive behavior that is impeding their work. Sherri Morin also responds it has hindered work at the Town Hall and concurs with Jim Beebe-Woodard. Andrew Strniste responds and speaks about experiences on the Development Review Board and Planning Commission. Jennifer Silpe-Katz also believes, contrary to comments from Peter Duval, we have an incredible team of staff and volunteer boards, and notes Peter's behavior in the meetings, letters and correspondence is detrimental to the town on every level.

Jim Beebe-Woodard discusses email correspondence from Peter Duval, later elaborated on in this meeting, where Peter Duval states, “committee that is not a committee...I’m proud the Selectboard turned down the request” and the committee Peter Duval is referring to is the Energy Committee. Dan Steinbauer refers back to the complaint about a Selectboard member at the end of Stevensville Road taking photos of license plates and muttering about nobody wearing masks; Dan Steinbauer states if someone is representing the Selectboard in this way, it is bizarre because the Selectboard had not discussed this and the State Park is the jurisdiction of the State of Vermont; these phone calls and emails are supporting the overstepping and assumption of authority the town hall staff is speaking of.

Peter Duval responds by asking Dan Steinbauer for the information of the State Park complaint. Peter Duval asks Jim Beebe-Woodard to list orders that Peter Duval has given him. Jim Beebe-Woodard replies about the list of supplies Jim Beebe-Woodard was instructed to purchase with LGER Grant and when Peter Duval told him, there’s a right way to do business and an Underhill way to do business, and if someone wants you to do it the Underhill way you tell me. Peter Duval responds that the Underhill way of doing things is to skip important democratic processes that are part of the town’s structure- related to committee that’s not a committee, Susan Thomas and Rick are not part of the Energy Committee and as Peter Duval recalls, they were in the town hall during the pandemic. Jim Beebe-Woodard responds that Rick Heh and Peter Bennett are on the energy committee, Susan Thomas has a vested interest in historical preservation as a member of the Historical Society and this is collaboration. Kurt Johnson, replies that when he was on the Selectboard, their goal was to have the Energy Committee and Historical Society collaborate on this project and recommended they attend a Selectboard meeting about what they found in their research.

Dan Steinbauer calls a point of order. Dean Haller requests to hear from Peter Duval, as to why he is acting independently when he does not have the voice of the whole Selectboard, and notes Peter Duval is burning bridges, not building. Dean Haller asks again, how Peter Duval can go out on his own and act like he’s speaking for the selectboard when he’s not. Peter Duval asks for an example of when he has done that. Peter Duval states that he gets the impression Dean Haller is just reflecting what other people have said. Dean Haller reiterates the question: why are you speaking on behalf of the town selectboard when you don't, through the statutes, have the authority to do that? Peter Duval replies that that is a hollow allegation.

Peter Duval asks Jennifer Silpe-Katz if the town operates by policy governance and if there is any evidence of that through selectboard action. Jennifer Silpe-Katz believes there’s a need to adopt a system of policy governance, because the way things are working lately are detrimental to jobs. Peter Duval agrees that the town is not operating very well.

Dean Haller is offended and does not like to hear the town is low performing and ineffective, in past experience, the town is doing the best job they possibly can, very effective, recognize problems and try to fix them. Evidence is they brought Dean in for HR issues. He would be incredibly offended by a new selectboard member coming in and saying that; that is not building a bridge. Peter Duval believes he built a bridge to Mr. Guay. Peter Duval asks Andrew if he has given him any order. Andrew Strniste maintains he has had the least interaction with Peter Duval since he became a Selectboard member, but Peter Duval’s comment in the

Supreme Court docketing statement is indicative of he feels about the town zoning department and development review board, but has not received any direct orders.

Jim Beebe-Woodard recognizes several of the Conflict of Interest matters, all related to acting unilaterally. Notes that Peter Duval asked the Town Attorney for all of the matters they are working on in the past 6 months on behalf of the Selectboard, Peter Duval asked for private, personal information about staff, Peter Duval asked Jim Beebe-Woodard for a document from his own personnel file, Peter Duval copied people into a privileged email thread, Peter Duval has had conversations with town residents outside the Selectboard meetings about specifics going in front of the DRB as an abutting property owner. Jim Beebe-Woodard asks Peter Duval how the approach is building bridges, helping problems that he sees.

Peter Duval states he is not sure why there is an attack on him, the town does not need to be involved in his permit. Jim Beebe-Woodard notes that conflict is not what we are talking about. Jennifer Silpe-Katz speaks of Peter Duval's reckless behavior in the face of dedicated staff, volunteers, and town.

Bob Stone discusses the concerning behavior and complaint letter from Guay. Dean Haller asks if Peter Duval agrees he needs to make changes about how he deals with the staff. Peter Duval replies that he needs to read the letters and documents; rules and procedure 3 days in advance. Dean Haller asks the question again, can he acknowledge there needs to be changes in style? Peter Duval says he is prepared to adapt to town operations, concerned still that key democratic procedures have fallen away over a long time, and will continue to press on that to try to make sure the supervisory role the selectboard tries to provide is provided. Peter Duval replies that he appreciates this is a trying time for everyone and focuses on key democratic processes and is surprising or alters the procedures or non procedures that have been operating in the town. Peter Duval recommends the selectboard meet more often.

Dan Steinbauer consensus that allows staff and people of town to be supported by Selectboard so that all are released by them by Peter's perceived individual authority. Peter Duval suggests adding to signature lines to the bottom of the email saying that the thoughts present are their own. Jim Beebe-Woodard replies, and says to use your personal email. Dan Steinbauer wants him to stop talking to people in the town saying the Selectboard says this or that. Peter Duval believes he has revealed these are non specific and are emotional, he accepts emotion, non-specific allegations. Jim Beebe-Woodard notes he has presented specifics. Letting the town employees do their job rather than stepping in with the public is a request of Dan Steinbauer, Peter Duval responds awesomely, let's do that. Dan Steinbauer believes that in the consensus, they have the opportunity to ignore, set limits as the point person is in charge of their behavior.

Jim Beebe-Woodard requests a 3 minute recess.

6:22 p.m. Updates from Town Administrator

Jim Beebe-Woodard has followed up with residents who had preliminary conversations with leadership at The Range. With the residents, the Selectboard and Jim Beebe-Woodard will read the Environmental Assessment of Demo Range and request that leadership from the range attend a Selectboard meeting, as a Q&A and friendly conversation. Jim Beebe-Woodard would reach out to Jim O'Hara if the Selectboard is interested. Dan Steinbauer discusses that communication with the range is often on and off and they are unreachable in many

ways but has always appreciated talking with them. Peter Duval agrees with this and would be interested in a site visit, Jim Beebe-Woodard could present the idea. Jim Beebe-Woodard looks forward to forging a fresh relationship and opening up productive communication. Jim Beebe-Woodard will reach out and see if a representative can attend a meeting once the Selectboard reads the Environmental Assessment.

Jim Beebe-Woodard has visited the solar array on Beartown Road to assess the tree cutting. Has walked it with Green Lantern and Don Tobi, the tree warden. Don Tobi is going to reach out to foresters that might have a better rate than previously quoted, and make specific recommendations about managing the trees.

Jim Beebe-Woodard helped close on the Tomasi Meadow on Friday. Appreciated the responsibility and notes closing went smoothly and had feedback that it was one of the better-prepared meeting spaces regarding Covid-19 protocols. Signage to be discussed in the Management Plan. Livvy Strong posted to FPF announcing it.

Bob Stone would like to see if we can get data from the State Police speed cart in front of the Town Hall to help with future discussions about speeding. Results could go on the Town website. Jim Beebe-Woodard responds that much of this data is available and will compile what we have and will reach out to the State Police. Bob Stone suggests that when speeding complaints come in, keep track and let the Selectboard know.

Jim Beebe-Woodard discusses the Covid-19 relief grants, stating that they are complicated on a compressed timeline. There are several grants and a sequence: first is FEMA grant for Covid-19 expenditures up until June 30, 2020 of at least \$3300- we did not have this expense so we are not required to apply for this. Items eligible can still be under LGER (Local Government Expense Reimbursement) Grant. The digitization of land records grant was submitted; just under \$20,000 to digitize land records, and put on the website portal, back to 1997. We have records from 2005 forward and the company already has them, they are just going to continue back to 1997. The LGER Grant is due on Friday and requires a list of what we want to do, with rough costs of necessary and reasonable items. Jim Beebe-Woodard notes many of Peter Duval's suggested items make sense, some have not been consulted with anyone else in the town half about what might be helpful. Jim Beebe-Woodard suggests 2 licenses/hardware needed to work on the network completely remote, camera doorbell for the Town Hall, cleaning supplies, potential outdoor camera for drop box ballot security, outdoor notice board and sneeze guards. Some of Peter Duval's suggestions that will not work include mobile equipment for road crew that has not been requested by them, buffs, building renovations are unnecessary because they already follow CDC distancing guidelines. Jim Beebe-Woodard is obtaining prices and asks if the Selectboard has other ideas, reminding to think longitudinally about requests: who is going to buy it, put it in, make sure it's not stolen and who pays for it once the subscription is up. Peter Duval notes his email was just a brainstorm, and believes that through the LGER grant, you can ask for anything and when they review it, they will edit. The grant cannot be something already budgeted for and items must be instituted by November 1. Grant is due on the 4th, additional documentation by the 15th with final numbers by the end of the year. Bob Stone suggests a lit message board for communication with the public. Jim Beebe-Woodard discusses previously suggested emergency response which may cost more money than available, but could be included in grant. Jim Beebe-Woodard also is concerned about the website needing to be upgraded, but does not believe it can be done by November 1.

Jim Beebe-Woodard continues to work with other groups to get Underhill more connected.

Discussion continues about a deadline for people to be added to the Selectboard agenda. Peter Duval suggests 3 days prior to the meeting for the Selectboard to receive the packet. Jim Beebe-Woodard believes 72 hours can be tight, but suggests Friday evening packet for Tuesday Selectboard meetings and Monday evening packet for Thursday meetings. The Selectboard prefers one packet. Jim Beebe-Woodard will make it clear to folks it must be there by those deadlines.

6:58 p.m. Warrants and Minutes: Review/Approve current Warrants and the Selectboard minutes from August 20, 2020

Dan Steinbauer motions to approve the warrants as presented. Bob Stone seconds. Discussion: Peter Duval asks about past-due items, noticing they are appearing in the payables, and not understanding why they are past-due when Selectboard meets twice a month. Peter Duval suggests more frequent meetings. Sherri Morin shares that invoices cross in the mail, showing that it is late when it is actually not; they have been date stamping mail when they receive it, for Selectboard reference. Sherri Morin suggests the Selectboard could check warrants outside meetings and would need to be 2 members of the board. Bob Stone would like something proposed in writing for the next meeting, and research other towns policies on this. Sherri Morin will make a list of revolving credit, and look through the invoices and will see if there is any authority to delegate, similar to payroll. Peter Duval suggests a list of vendors. The warrants are approved by a vote of 3-0.

Dan Steinbauer motions to approve minutes for August 20, 2020 Regular Meeting of the Selectboard with changes. Bob Stone seconds. Discussion: Dan Steinbauer notes error in County Farm Road section. The minutes are approved by a vote of 3-0.

7:08 p.m. Member Items, Correspondence, Announcements, Schedule, The next regularly scheduled Selectboard meeting will be Monday, Sept. 21, 2020 at 6:00 p.m.

Bob Stone would like to discuss and reads aloud an email for the record of this meeting. "To: Select board Members, Town of Underhill. Re: Racial Justice Advisory Vote, August 20, 2020. It is a sad day when a sister can propose something to the select board while her brother sits on the select board composed of only three members. He should have recused himself due to a conflict of interest. This is the stuff that corruption is made of. This brings into question any integrity of the decisions made. Quite the tag-team match. In the future it will be almost impossible to defeat this-tag team; this advisory board will get whatever they want. This is corrupt. It shows no integrity. With only three people on the select board voting, this makes the consequences more serious, the harm is magnified. This is not a proper way to govern the town. Steve and Wendy Guay"

Bob Stone takes offense to the email as it calls to his integrity. He has consulted with Pat Sabalis about this. Bob Stone notes that, knowing his sister was extensively involved in ARC, he has not talked to his sister about this on or off the record. Bob Stone discusses that the email says he should have recused himself from voting on the motion and the residents feel there is a conflict of interest because one of the coalition members, Bridget Stone-Allard, is Bob Stone's sister. The motion before the Selectboard was to acknowledge the anti-racism coalition "as a welcome and valued advisor of the Selectboard, as an assist in town governance, as they identify and make recommendations on issues pertaining to systemic racism." The motion did not grant any authority or

funding to the coalition. Before voting on the motion, Bob Stone made it clear that Bridget Stone-Allard was his sister, but also that they had not spoken about the coalition. Bob Stone states that he has no direct personal interests in the coalition, and knows that siblings do not automatically agree or support each other's politics or beliefs. And, to the extent that one could argue that there is direct personal interest, Bob Stone reads Article 5 of the Conflict of Interest Policy stating that, "If the public officer has an actual or perceived conflict of interest but believes that he or she is able to act fairly, objectively, and in the public interest, in spite of the conflict, he or she shall state why he or she believes that he or she is able to act in the matter fairly, objectively, and in the public interest." If and when the Selectboard is to take action or fund something for ARC, Bob Stone will disclose a potential conflict and consider whether he can act fairly, objectively and in the public interest, and would recuse himself if needed. Bob Stone describes the statement above, and a statement he would like to send to the Guays, on letterhead, signed as a member of the Selectboard, as it relates to their complaint and hopefully this will end this matter.

Bob Stone moves that the statement he has given [summarized above] be put on town letterhead and sent to the Guays immediately. Dan Steinbauer seconds. Discussion includes Peter Duval asking if it should be revised in the voice of the board. Bob Stone is open to suggestions and Jim Beebe-Woodard could word smith. Jim Beebe-Woodard suggests he can edit the letter to come to the board, and will send it to the Selectboard before mailing it out. Dan Steinbauer notes that passing the motion signifies board support. Bob Stone does not want to make the motion, and recuses himself, so the letter stands by itself as support from the selectboard, for credibility.

Dan Steinbauer moves to send this letter, in response to the Guay's email and their concerns of any conflict, on the town letterhead from the board. Peter Duval believes it is written as a personal letter and is not sure how to present this. Dan Steinbauer replies that Jim Beebe-Woodard will wordsmith, and can communicate directly to Jim Beebe-Woodard in email about the letter. Peter Duval believes it reads well and suggests going ahead and sending it. Conflict of Interest is a personal thing, as illustrated in the letter, the Selectboard does not need to approve or state it, but can accept your analysis of it. Dan Steinbauer includes a sentence at the end saying the letter is from me, is a part of the public record, and has the full backing of the other selectboard members. Bob Stone believes it is fine, but felt as though it was a personal attack. Peter Duval likes the idea of Bob Stone writing his letter, and the Selectboard concurring. The selectboard comes to consensus that Bob Stone will edit the letter, and Jim Beebe-Woodard put it on letterhead and will prepare it for signing.

Andrew Strniste has no other comments on access permit correspondence in accordance with road ordinance, provided in the packet.

7:23 p.m. Executive Session to discuss the negotiating or securing of real estate purchase or lease options
Executive Session per title per Title 1 V.S.A. § 313(2) to discuss the negotiating or securing of real estate purchase or lease options. This Executive Session includes Town Administrator, Jim Beebe-Woodard, Zoning Administrator, Andrew Strniste, and Highway Infrastructure Committee Chair, Kurt Johnson.

8:43 p.m. Adjourn Regular Selectboard Meeting Action Taken: Reach out to Jeff and Nancy Alexander. Invite Phil Jacobs to attend a future Selectboard meeting.

8:45 p.m. Adjournment Dan Steinbauer moves to adjourn. Bob Stone seconds. Meeting is adjourned by a vote of 3-0.

Submitted by Laurie Graham, Record Keeper.

Read and approved as submitted/amended:

Dan Steinbauer, Chair

Date Signed

Date Approved