

TOWN OF CHESTER
SPECIAL SELECTBOARD

March 1, 2017
Minutes

PRESENT: John DeBenedetti; Ben Whalen; Dan Cote; Heather Chase; Arne Jonynas;
David Pisha

VISITORS: Julie Hance; Randy Miles; Roy Spaulding, Jr.; Cathy Hasbrouck; Jan Moot; Gail Stewart; Gerry Stewart; Robert Record; Donna Whitney; Brandy Todt; Laurie Goodrich; Tucker Mulhalland; Russell Monier; Steven Hundsdon; Amy O'Neil; Mike O'Neil; Carla Westine; Hannah Monier; Robert Turco; Susan Turco; Richard Stocker; Prescott Warren; Joanna Warren; Phil Perlah; Maureen Savage; Justin Savage; David Nanfeldt; Steve Copping; Kelly Arrison; Marilyn Mahusky; Lillian Willis; Barre Pinske; Neil Allen; Shawn Cunningham; Raymond Stearns; Ron Patch; Mary Jane Miles; Kelly Spaulding; Kathy Pellett; Roger Batchelder; Ruthanne Batchelder; Charlie Record; Richard Paterno; Diane Holme; Amy Mosher; Suzy Forlie; Margaret Straub

The meeting was called to order at 8:24 p.m. by John DeBenedetti.

There were no deletions to the agenda.

David Pisha stated that he has an addition to the agenda. He stated that the Planning Commission does not have a quorum membership at this time. Therefore, they cannot nominate a Zoning Administrator. Jim Carroll has recommended that the Selectboard appoint an interim Zoning Administrator until such time as the Planning Commission has its full membership and can nominate a Zoning Administrator.

A motion was made by Heather Chase to add this as an agenda item under New Business. Seconded by Arne Jonynas. The motion passed.

Mary Jane Miles questioned if this is John DeBenedetti's final meeting and questioned the new Board make up.

1. APPROVE MINUTES:

February 15, 2017:

A motion was made by Arne Jonynas to approve the minutes from the February 15, 2017 Special Selectboard meeting as amended. Seconded by Dan Cote. The motion passed. Heather Chase and Ben Whalen abstained.

February 15, 2017:

A motion was made by Dan Cote to approve the minutes from the February 15, 2017 UDB Public Hearing. Seconded by Arne Jonynas. The motion passed. Heather Chase and Ben Whalen abstained.

2. CITIZEN'S COMMENTS:

Barre Pinske thanked John DeBenedetti for his many years of service to the town.

3. OLD BUSINESS:

Economic Development: David Pisha stated that there has been another Steering Committee meeting. He stated that there will be an open house on March 12, 2017 at Newsbank Conference Center from 1:00 – 4:00 p.m. He encouraged participation.

Yosemite Fire Station: David Pisha stated that Jim Carroll sent the Quit Claim Deed to The Historical Society for signature. Ron Patch does not anticipate any issues with signing.

John DeBenedetti questioned the status of the VELCO tower. David Pisha stated that he will follow up.

John DeBenedetti also questioned the status on Verizon. David Pisha stated that they have renewed their option and are working with VELCO. The option has been sent to Kathleen Boe for review.

4. PLANNING OVERLAY DISTRICTS:

John DeBenedetti stated that the Selectboard has received email communication regarding a private group requesting education regarding overlay districts from the Regional Planning Commission.

Arne Jonynas stated that he understands the intent. However, he has an issue with the procedure that was followed. He stated that the perception is that this is backdoor and the Selectboard has been striving towards keeping a clear image.

John DeBenedetti stated that he has concerns that there are individual board members acting on their own.

Kelly Arrison stated that this conversation is specifically about his contact with Jason Rasmussen. His intent was to get a group together to gather information. Kelly Arrison stated that he spoke with Jason Rasmussen this morning who confirmed that there was nothing wrong with Kelly Arrison contacting him. Kelly Arrison stated that the Selectboard may have misunderstood the intention of his email. He stated that the intent was to get a group together that was fully vetted by the Selectboard. He stated that he was trying to solve a problem. He stated he is not apologizing for his actions.

Arne Jonynas stated that his concerns are not about Kelly Arrison. His concerns are with the individual Selectboard member. Kelly Arrison responded that it was never the intention for an individual Selectboard member to move forward. Discussion ensued.

Mary Jane Miles stated that she has read the letter and her concerns were that the email stated that “You and I can get together”. She thanked Kelly Arrison for his clarification.

Ron Patch questioned who the Selectboard member was that Kelly Arrison spoke with. Justin Savage stated that he would like to know who on the Selectboard discussed this with Kelly Arrison. There was no response from the Selectboard.

Carla Westine stated that she believes that Kelly Arrison had good intentions. However, she is concerned that an individual who has been very involved with the town would not take transparency into consideration. Carla Westine then read the Conflict of Interest Policy and stated that she is very disappointed. She stated that this is the kind of action that creates diversity in this town.

Marilyn Mahusky stated that there is no conflict of interest. She stated that he is acting as a citizen and has the privilege of speaking to whatever Board members he can. He was attempting to bridge the divide that has been created in this town.

Frank Bidwell questioned the Board if they believe that there has been a law that has been broken. John DeBenedetti stated that this is not an issue about Kelly Arrison taking initiative. This is clearly about individual members acting individually.

Mary Jane Miles stated that intentions are great. However, there are policies to be followed. Her reading of the letter told her that there was a procedure taking place outside of the Board.

5. FINALIZE PROCEDURES TO FILL POSITIONS:

Heather Chase stated her changes and provided them to Julie Hance.

She stated that she would to remove the language “as well as the candidate’s motivation for applying”. John DeBenedetti disagreed with this change, as did Ben Whalen.

Heather Chase stated that the Zoning Administrator should come out because they are nominated by the Planning Commission. In addition, she stated that there should be clarification that those filling vacant positions for the Library Trustees should be done upon nomination of the Trustees. The Selectboard does not need to interview these individuals.

The Board discussed the language relative to requesting candidates to leave the room. It was agreed that the language should be amended to say, “option is chosen, the Selectboard may request but not require...”

David Lord stated that Paragraph 4, line 5, change “intelligence” to “competence”. He also questioned if veteran’s preference applies to the ranking system.

Kathy Pellett stated that the document refers to shall/will often. She suggested that the Board look at the shalls and wills clearly. The term “shall” is more definitive. She also suggested that the statutes referred to in the document should be stated. Kathy Pellett stated that she feels that the Board should consider interviewing in private. She feels that this is a fair process. She also suggested a time line for the entire process be included within the document.

Frank Bidwell questioned how the Board handles a citizen wanting to make a comment about a particular candidate. John DeBenedetti stated that citizens have a right to make a comment, but the final decision is the Boards. Frank Bidwell stated that he would like to prevent what happened last night.

Phil Perlah urged the Board to move this document forward as there is currently no existing Planning Commission.

Kathy Pellett stated that the Library Trustees have a procedure for reviewing interested trustees. She stated that she provides interested individuals with a copy of the description of Library Trustees to see if they are in agreement with the job duties. Kathy Pellett questioned why the Selectboard would want to go through this process for a one year appointment, at the most. She did request that the Selectboard make a decision quickly as their next meeting is coming up.

Shawn Cunningham stated that the original decision to be made was whether or not to conduct the interviews in open or executive session. This document does not answer that question. Shawn Cunningham argued what Jim Carroll’s email stated verses what David Pisha’s memo states. He also quoted Chris Winters conversation with David Pisha. The Board discussed the process of interviewing. Phil Perlah suggested that any written questions be provided in advance.

Kathy Pellett stated that she has spent many years serving on nominating committees. She stated that none of those interviews are conducted in open session. Each applicant has an individual interview. She stated that if people are insisting that interviews be in open session, then they apparently don’t trust the Board and that is wrong. Arne Jonynas stated that the decision of open meeting interviews was because of a transparency issue. He stated that he feels that they can ask people to leave the room.

Frank Bidwell suggested that perhaps all candidates state their intentions for requesting appointment in open session. Then the Board can do private interviews to ask questions in executive session.

Cathy Hasbrouck stated that there may be personal reasons why individuals do not want their life exposed in public. She stated that she agrees with Frank Bidwell’s compromise.

Michael Normyle stated that the initial interviews could be done in open session with follow up interviews in executive session.

Kathy Pellett stated that she feels that there are open meeting law issues with not allowing public comment from citizens. She urged the Board to make a decision as they were voted in by the citizens to make these decisions.

Frank Bidwell questioned again what happens if a citizen has concerns about a candidate. He suggested that maybe it is done in writing to the Board and then discussed in executive session.

Ben Whalen made the motion to move forward with appointments of the Planning Commission, DRB and sub committees, in an executive session and that future appointments will be done through the public office appointment procedure to be completed in an appropriate amount of time with consideration given to whether or not public comment can be taken during interviews if on the open floor. There was no second to the motion. The motion died.

Ben Whalen suggested that doing interviews in executive session now is because we urgently need appointments to the Planning Commission and Executive Session is allowed. This can be done now and the policy can be fine tuned later.

Shawn Cunningham stated that executive session contributes to dissension in this town.

Michael Normyle stated that the interviews could be done in open session. Any follow up interviews may be done in Executive Session for follow up questions.

Arne Jonynas stated that he would like to see this procedure written for adoption at the next meeting. Heather Chase stated that she does not believe that there should be communication between the citizens and the applicant. She would like to know what the open meeting law has to say about this. Shawn Cunningham stated that the open meeting law allows the Chairman to limit conversation from the public.

Randy Miles stated that he believes that these interviews should be in open session without public comments. Phil Perlah agreed. Cathy Hasbrouck agreed.

It was agreed that the following should be added to the draft policy: Heather Chase's changes, create a timeline, open interviews on the floor with prepared questions and have deliberation in closed session, an option for follow up interviewing in executive session, clarify no public comment or interaction during interview, reference to statutes, and the document only applies to the Planning Commission and DRB.

David Pisha questioned when the Selectboard is doing Planning Commission interviews. Arne Jonynas suggested that the Public Appointment Policy be signed and then interviews scheduled.

6. NEW BUSINESS FOR NEXT AGENDA:

A motion was made by Heather Chase to appoint Michael Normyle as interim Zoning Administrator until such time as the Planning Commission has formed and can make its nomination. Seconded by Ben Whalen. The motion passed.

It was agreed that the next meeting will consist of the bylaw adoption, Public Appointment Policy, ACT 250 amendment and Whiting Library appointment.

7. ADJOURN:

A motion was made by Dan Cote to adjourn. Seconded by Arne Jonynas. The motion passed. The meeting adjourned at 10:07 p.m.

Julie Hance
Secretary of the Select Board

Heather Chase
Clerk of the Select Board