

**Town of Fletcher – Select Board
Fletcher Town Clerk’s Office
September 18, 2023
Regular Meeting Minutes**

Present:

Members: Rich Bidwell, Jon Bondy, Bruce Douglas, Matt Swartz

Guests: Scott Frennier, Aimee Tinker (Assistant Town Clerk/Treasurer, Select Board Clerk)

1) Call to Order

Jon called the meeting to order at 7:05pm

2) Regular Board Business

Broadband

Jon wanted the Board to discuss possibly hiring an attorney to assist with the broadband project. Bruce feels we are currently at an impasse with NBRC. He said lawyers give you the opportunity to find your strengths and weaknesses by reviewing project documents. They can provide an objective opinion to the Board which would be quite helpful.

Jon said hiring a lawyer is a sign that the Town is serious and that we want our legal rights respected. He has been thinking things through since the last meeting and, after chatting with Bruce, he feels hiring a lawyer is a good idea. He doesn't *want* to spend the money on it but feels this is necessary for us at this point in the project.

Rich feels the Town would be protected by hiring an attorney. Matt S asked how hiring a lawyer would protect us. Jon said it would protect our legal rights. Rich said none of us are attorneys, so soliciting the opinion of one would be helpful.

Matt S said he reviews contracts and deals with lawyers all the time at his job and wants to know what the scope of work would be. Rich said this would be a truly independent 3rd party review. He suggested having the attorney look over everything related to the project, seek out any mistakes made by any of the involved parties, and find a path forward. If the project goes awry, we will have an attorney on board to assist us who is already familiar with the project. Jon wants the attorney to tell us where we stand. Matt S wants to find out: (1) If MCF doesn't complete the revised project, what is their liability? (2) If they default on the loan, what is Town's liability?

Matt S would also like the attorney to look into what our options are regarding NBRC. Could they compel them to speed things along so reimbursements could resume? Jon said he has heard of others who've had difficulty with dealing with NBRC. He asked Karrie/Aimee to reach out to the clerk listserv to seek other towns who have dealt with NBRC so they could connect. Matt S said all the back and forth with MCF over the past few weeks have led him to doubt progress has been made. He feels having an attorney would be a good idea, but he's still not sure what the return on our investment would be.

Scott Frennier suggested the Board reach out to VLCT to see how other towns have dealt with utility issues like this.

Jon said he'd spoken with MaryKay Raymond as suggested at the previous meeting and they had a good discussion.

The Board unanimously agreed to hire the attorney from Monaghan Safar PLLC as discussed at the previous meeting.

FOIA Requests

Jon suggested the option of submitting a FOIA request to NBRC and the Vermont Community Broadband Board (VCBB) regarding their dealings with MCF. He is also interested in what interactions VCBB has had with Consolidated Communications.

Bruce feels it is within our rights to do so, but he wondered if it would be better to do a FOIA request *after* the lawyer reviews the information/documents we have provided.

The Board unanimously agreed to ask the new attorney to submit a FOIA request of NBRC and NBRC as described above.

Status Report of Broadband (as requested by Michelle)

Jon asked the other Board members if they were comfortable with having him as the point person for the broadband project. He wondered if it would be better to go through the attorney instead and asked how the Board would like to proceed.

Bruce said he would be happy to take over this role, but there would need to be a transition period for sure. Jon suggested perhaps they could divide up the tasks. He can write a project status report but would want to run it by all parties before putting it out to public.

Bruce feels that members of the public who attend board meetings (and those who request information from the Board) need to be treated respectfully and taken seriously.

Matt S asked what exactly the Board was discussing. Do we need a new spokesperson for the public interaction? Jon said he wanted to offer the Board the option to make a change if they choose. Rich feels Jon is doing a fine job but is ok with whatever Jon and Bruce decide to do.

Matt S said he manages people every day at his job, but it's more technical in manner. He feels it's important to deal with facts. Board members have been elected and are trying to do the best for Fletcher residents. He said that although certain topic discussions get spirited, it frustrates him when people say members are not putting in the work or are stupid.

Jon is worried that with Bruce's full-time job, he may not have the time necessary to commit to all of this and may not be able to respond in a timely manner, even if he wants to.

Matt S feels that Jon has put in a ton of work and has always shared info and project status with the Board as needed. He said perhaps all board members could share in the work to help each other.

Scott Frennier suggested that quarterly reports/updates would be an effective way to update the public and may help quell concerns and frustrations. Communication is key, even if there is no substantial news to report. He acknowledged that some topics may not be able to be discussed publicly, especially if it's a legal matter.

Matt S feels our broadband project is an open book and nothing would be off limits. He feels communication is important and is grateful to people who take the time to show up at meetings and discuss topics.

Bruce said that some issues in the future (such as discussion with the new attorney) may be subject to Executive Session, but he agrees that's important to be as transparent as possible. Keeping the public informed is key.

Rich said one thing he finds concerning is that NBRC thought the project was farther along than we actually are. He feels it is important to state that MCF is the source of the initial problem and the reason NBRC has halted project reimbursement.

Jon said MCF made two crucial mistakes: (1) they did work outside of town and (2) they spent more money due to an increase in road mileage.

Rich said he was still waiting to hear from MCF regarding how they determine where to install caps for hookups. Jon said he met with Brian to discuss this question and it was a very long and confusing answer. He would be happy to set up a meeting for the three of them to discuss it further.

Matt S asked Rich if he felt we should ask the new attorney to investigate MCF. Rich said he wants the attorney to look at the whole project and identify the problems. MCF should not be the sole focus, but they should be part of the investigation as they are the source of our issues.

Personnel Policy

Jon reminded the Board that Karrie had asked for an updated personnel policy by September 1. Matt S said he'd received feedback from all board members and is ready to create a final draft for approval. This will be discussed at the next meeting.

Listers Contractors

The contract was mailed to Spencer last week. No listers were working in the office today, so Aimee will check with them tomorrow and give the Board a status report at the next meeting.

Metcalf Pond Access

Bruce shared that there are representatives from the State agencies for Wetlands and Shoreline Protection who would be available to meet onsite with a couple Board members (not a quorum) and would then draft an opinion on the use of the Town land at Metcalf Pond. Bruce will work on setting up a meeting with them in the next month.

Marshall Road Discontinuance

Bruce spoke with resident George Raine, who still needs to meet with Matt G to discuss the next steps in the process.

Personnel Policy & Job Descriptions

Matt S received feedback from other board members and is still incorporating their comments into the draft. He also received feedback from Glen and Ed on the road crew but has yet to hear from Norm. Matt S hopes to have a draft to the Board at the end of this week. He will reach out to Glen to inquire if Norm has seen the draft and has any comments.

Speed Signs

Tabled until next meeting.

Crack Sealing


Tabled until next meeting.

Budget Status Report

Tabled until next meeting.

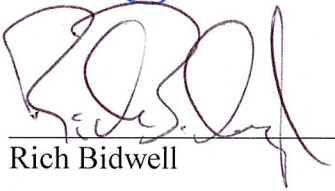
3) Adjournment

The meeting was adjourned at 8:13pm.



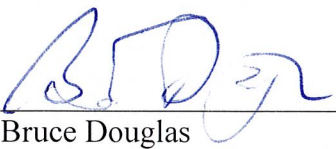
Jon Bondy, Chair

Matt Gillilan



Rich Bidwell

Matt Swartz



Bruce Douglas