

**Town of Fletcher – Select Board
Fletcher Town Clerk’s Office
April 1, 2024
Regular Meeting Minutes**

Present:

Members: Rich Bidwell, Bruce Douglas (remote), Matt Swartz

Guests: Rich Amato, Larry Cota, Kelly Cummings, Keith Donahue, Pam Farmer, Jeremy Fredericks, Mike Wells, Jen Getty, Sandy Mayotte

1) Call to Order

Matt S. called the meeting to order at 7:15pm - late due to technical issues with Zoom.

The meeting is being recorded Bruce offered to take minutes, but he would take notes to help Aimee prepare the minutes from the recording.

2) ATV Committee Discussion

- Jen said that Jon Bondy should be here for discussion of the ATV committee.
- Rich A stated that we should proceed with the discussion to be respectful of attendees’ time.
- A copy of the letter was written by Jen, Pam, and Sandy that was emailed to the rest of the Committee and the Select Board (attached) was handed out by Jen to those who wanted to read it.
- Matt stated that in the letter there seems like there are concerns regarding the direction of the ATV committee and thought that the Select Board had clarified, and he suggested that we focus on the path forward at the end of the letter.
- Rich A stated that he feels there’s too much in the letter that that is not factual. The committee has met for 6 hours and there has been a lot of progress, committee work is not always neat and tidy. The committee went over ATV regulations and statute, so everyone on the committee had a working understanding, so as a group, the committee could answer questions coming in from the community. The committee:
 - took 28 questions and categorized them to enable us to answer them in a concise way
 - came up with agreed upon questions to get input on - started with VLCT decided that was not sufficient and made a bigger list for town attorney
 - agreed to bring law enforcement in on the 16th of April - and came up with agreed upon questions so we will be moving forward in that vein.
- Rich A observed that in the letter there were some statements in the letter that the committee was using stalling tactics. He does not want to confuse due diligence with stalling to find out what are the real answers to questions. Regarding the comment about liability vs legal – the committee had a good discussion of these two words. He stated that he is miffed with the content of the letter. He stated that the emails prior to this letter were all positive. He feels they have not wasted 6 or 7 hours and have gotten a lot done.
- Rich A stated that he would be remiss in not stating that Bruce has kept the committee on task and helped regain the committee’s train of thought. Anyone who has worked on any committee has background comments, but Bruce has gotten folks on both sides of the committee on track.
- Pam stated that she agrees with Rich A’s characterization of progress that was made. She stated that some work was done without all committee members having time to review information before discussing it. She does not want to speak ill of anyone. She stated the responses from VLCT to Mike should have come back to the committee. She feels there was quite a debate on whether we were doing a proposal or a recommendation, including debate between board members and community members at the meeting. It would be great if we can circle up and work as committee. She stated that she feels that the committee can move forward, and wants the moderator end public comment after the public comment period is over.

- Rich B stated the Selectboard runs meetings in an open format and that is what we are used to. However, if the committee wants to utilize more structure, they can do that and work with Bruce on that.
- Matt stated that he has read a lot about open meeting law and by strict rule we should only discuss issues on the agenda. There is a mechanism to do that in open meeting law to add items to agenda, but he stated that it is good to have a deadline on the length of public comment in some cases. Matt disagrees with his colleagues on the purpose of committee with its members from both sides of the issue. He stated that the committee is valuable to research the questions, that will eventually go to a public meeting. He thought that there would be a deadline for public comment.
- Rich B & Jen stated that the end of the period to submit public questions was at the last meeting.
- Jen stated that it is supposed to be a 15-minute public comment period at the beginning of each meeting.
- Rich A pointed out at the last meeting we also had a 15-minute period at the end of the meeting. He felt that when the committee was getting hung up, Bruce helped get beyond that. Rich A stated that he did not hear any objections to the comment that Bruce is keeping folks on track.
- Sandy stated that she has come to the process to learn and feels it is hard to set up a meeting with half of the people pro and half of the people against. She stated that she is sometimes cut off mid-sentence and is not accustomed to that, and the committee is closer than they think they are, but has not had a chance to truly communicate and has allowed folks to be aggressive to members. We need to find common ground on issues.
- Matt pointed out that feedback is a gift, and asked Bruce for comments on the feedback that he has received.
- Bruce responded to feedback on his role as facilitator. He stated that the first meeting had more discussion back and forth, but his role as a facilitator is to be neutral and agreed about limiting public comment. We need a regrouping with. Public input at beginning and end, if that is what the committee wants. The second meeting went a lot better than the first and there has been respectful discussion. The committee members have been objective in having a discussion. It is up to the committee to decide how they want to layout the room, either with the committee on one side of the table or around the table. He stated that he needs direction and feedback from the committee on how they want to set up the room. He stated that he is not aware of an example when he was not neutral and he has not withheld any information from the committee. He has said that he cannot speak for the Selectboard, but has stated his recollection from selectboard meeting discussions, and even read to the committee the four clarifying points for the ATV Study Group that were in the February 19th Selectboard meeting minutes. He stated that he is not trying to sway the committee but rather to help them move forward. He stated that a public process is very important for a very contentious topic by a committee that was established by the Selectboard. He left the last meeting thinking that the committee is in a very good place. He agrees that the committee may want to set boundaries on discussion with the public in both directions. It is up to the committee to give him guidance on how to facilitate. He stated that he never said that the committee should use a particular flow chart that was presented to the Selectboard, but not decided upon by the Selectboard. Bruce stated that he welcomes any feedback from all of the committee members, even during the meetings. He asked the committee members to call him out if he is not meeting the needs of the committee.
- Keith stated that he has just read the letter and thought it was harsh and questions Bruce's integrity.
- Matt stated that the letter hit a nerve and there needs to be a bit more structure.
- Kelly stated that there is no reason to support for the statement "that the facilitator is not being neutral" referring to Bruce. She said he is honest and is being kind. The letter goes on to say that as a member of the selectboard he remains silent. The letter gave no examples so it is wrong to accuse him of not being neutral, and she requested that the letter writers issue a retraction or else name what he has done wrong.
- Rich B stated that an opinion was stated and he (Rich B) has made opinion that led to someone calling Bruce biased.
- Jen stated that the letter was sent to the selectboard so we can all have a discussion. She wants everyone to be involved so we can talk about these issues. She says that this (public input) is why the letter was written. Jen stated that the letter was meant to be disc used point by point in front of the Select Board. She feels stated it is hard to talk about things in front of the public.

- Mike stated that the appropriate step to address committee issues would have been a conversation between Jen and Mike and Bruce. Mike stated that he felt that the letter was one step too far, and there should have been a conversation with Bruce.
- Rich B stated that he read through the letter. He feels Bruce answering questions on behalf of the selectboard is tough as he cannot make those calls and nor can he speak for the Selectboard. Bruce just spoke to the facilitator part, he needs some guidance if the committee members are concerned with folks talking over each other. There appears to be different views of the committee's purpose. Rich stated that he feels Jen, Mike and Bruce need to get together and give Bruce some guidance on how they want meeting run. He did not notice anything wrong with how he was facilitating. Rich feels the Select Board was not clear in providing direction and he thought that the committee would present an ordinance, so clearly we all need to regroup.
- Rich stated that Mike got some questions answered, and should have notified the committee when he did that.
- Mike pointed out that Aimee copied Jen on her email containing Mike's questions to VLCT. Mike did not put the VLCT email on the table for discussion at the meeting
- Rich pointed out that the Select Board does not discuss new information when it is presented at the meeting with no opportunity for the members to review.
- Matt agreed that new information is pushed to the next meeting.
- Sandy stated she did not see any emails before the meeting and feels that acting alone inhibits trust. She felt blind-sided by new information without time to review and be prepared for discussion
- Mike stated that it was not his intention to present the information for discussion at the meeting.
- Sandy suggested that the co-chairs need to meet before each meeting.
- Matt stated that it sounds like there is frustration and miscommunication about the meetings and what happens outside the meeting. He stated that he feels the committee would benefit from having more structure and rules around communication should be more formal, and there is a need to consider input from both sides to figure out the best way for the committee to function.
- Sandy stated that the committee closer together than we think we are
- Rich B stated his opinion, from being at the meeting, was that the committee was working. He also stated that it might be helpful to have pairs of people gather information to save time.
- Matt stated that they are going to have to figure out how the committee can move forward without a lot of disturbance from the outside.
- Rich A stated that does not want to lose sight of the progress that has been made, despite the messiness. It is not small thing that we have law enforcement coming to the meeting on the 16th to answer questions that he will be provided before the meeting. Rich A asked if the questions have been sent to the Town attorney. Jen said no, not yet.
- Rich A stated those are two steps (law enforcement and Town attorney advisement) that will help us move forward with the more technical questions from the community.
- Matt stated the committee needed to evaluate the facts and it sounds like both sides of the committee agree that they have made a lot of progress.
- Keith made an observation asking what were the delay tactics that were that were referred to in the letter.
- Matt stated that feels we don't need to keep picking apart the letter.
- Larry stated that he wants to apologize to Bruce for the accusations in the letter that were not warranted. He stated that he feels the discussion of whether the committee would have a proposal is a problem that the selectboard should take on. He feels the committee can find out the facts and answer the questions.
- Rich B stated that he agrees that the Select Board needs to give them a clearer path forward.
- Larry pointed out that it is preposterous for an evenly divided committee to agree on a proposal.
- Rich B asked Bruce if he wants to weigh in.
- Bruce responded that the path forward should be discussed.

- Rich B stated that he does not want the Select Board to make a decision tonight as Jon and Matt G are not here.
- Rich A suggested that the committee should continue with fact finding as that is the first phase and bundle the facts together. The committee has a lot of work to do and the Select Board needs to provide guidance on what is the next phase.
- Matt stated as it sounds like there is enough for the committee to discuss at the next meeting. Based on feedback, it sounds like there has to be structure on how conversations are dealt with and who has the floor to speak. People who don't get to speak or might be cut off, will leave with frustration.
- Sandy stated that the co-chairs should meet before each meeting. Jen and Mike agreed.
- Rich B spoke about Kelly's flow chart which she had presented to the Select Board.
- Matt stated that he had comments on the flow chart that he expressed at the Select Board meeting.
- Rich B stated that Bruce is correct that the Selectboard had never made a decision on this flow chart.
- Kelly stated that the flow chart was simply brought to the Select Board when the committee was at the same place we are now and trying to determine how to move forward.
- Sandy stated that without Select Board guidance on what the charge is from the Selectboard.
- Larry stated that the committee originally would present data to the townspeople.
- Kelly said that the flow chart would enable the Town to decide.
- Larry pointed out that at the first meeting the Selectboard said the facts would be brought to the Town.
- Kelly stated that an innocent simple way to show a process where the town could decide.
- Bruce suggested to Rich and Matt to consider that the overall direction be brought up by the whole Select Board in May and focus on the committee charge to make sure we have not lost the thread. Meanwhile he could be working with Jen and Mike to make the meeting as productive as possible within open meeting law requirements.
- Rich B asked when the next committee meeting is, as he wants to address committee members' concerns. He stated that when Bruce read the minutes of the 2/19 board meeting, they were not what he remembers.
- Matt clarified that the fact finding can proceed while the Selectboard can discuss in May.
- Rich A suggested we should address it in the first meeting in May
- Rich A stated the Select Board should include the committee co-chairs in the discussion of what will be the charge of the committee.
- Rich B stated that the Select Board needs to run this by Jon and invite chairs and the committee to the committee when this topic will be discussed
- Rich B stated that what the committee is doing is very difficult. In his opinion, the committee should gather facts and compare it to an ordinance from another town.
- Kelly followed up on Rich's comment, and stated that the committee should gather facts and then evaluate other ordinances to see if they have followed the facts. She asked is that what Rich was saying?
- Rich stated, in his opinion, yes and the evaluation of other ordinances in itself would be a fact-finding task.
- Matt summarized that there is a path forward and everyone will regroup. He wished to close out the ATV discussion, and stated that the committee is doing great work
- Rich B stated that the issue is very contentions in many towns, and it is his perception that the committee work was civilized.
- Kelly asked who originally brought the VLCT emails on the table. Jen said it was she.
- Matt closed the issue of the ATV topic.

** All members of the public left the meeting with the exception of Jen.

3. Building Maintenance

- Rich brought up the following items:
 - Since it is an election year (four-year cycle), we will need to pump the Town Office septic tank. Rich will coordinate with Aimee and take care of scheduling that. He will also look at the status of pumping the Town Garage septic tank.
 - We still need to find someone to take care of maintenance on the gas furnace.
 - Matt suggested Cary White works on his furnace
- Matt S will follow up with Shawn Bishop on the generator project and the bench.

4. Marshall Road Discontinuance

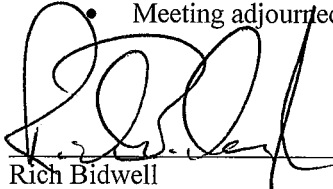
- Bruce Brought up the issue of Marshall Road. George Raine is the landowner on Marshall Road. He brought up this issue last September. He has hired an engineer to design a bridge. Bruce asked the Select Board for concurrence to share the process for road discontinuance outlined in the Orange Book which Bruce had sent to the Board with George and then invite him to the next meeting.
- The Select Board decided to do authorize Bruce to email George with the outline of the road discontinuance process.
- Rich asked Bruce to let Jon know that this should be on the agenda for the next meeting
- Bruce stated that has been in touch with Matt Gillilan on this issue as well, and Matt is in general concurrence with the approach.
- Bruce will copy the whole board on his email to George.

5. Other

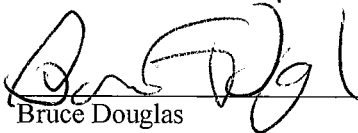
- Jen shared that the NWSWD Meeting was tomorrow regarding the bond for new facilities.

6. Adjourn

- Meeting adjourned at 8:45 pm.



Rich Bidwell



Bruce Douglas

Matt Swartz

Attachment #1
rec'd @ 04/10/24
SB Meeting

March 28, 2024

Dear Mr. Bondy, Select Board Chair:

As three members of the ATV committee, we would like to share concerns regarding our experiences and observations.

- A co-chair took it upon themselves to request the Town to share questions to the VLCT, the loss control department, without communicating or sharing with the other co-chair or members of the committee. He drafted them independently. He did not share the responses with the other co-chair or other committee members until the next meeting and asked for discussion.
 - This was not overt nor done collaboratively.
 - This did not provide the committee members a chance to review the details prior to the meeting.
 - In fact, attachments were not even shared at this meeting with the committee members.
- There are concerns regarding the effectiveness the Facilitator.
 - Community members are permitted to interrupt the working group and having side conversations which are distracting. Snide comments are made and have become aggressive toward the committee; these have been allowed.
 - It is obvious that the Facilitator is not neutral.
 - The Facilitator stated we were to use Kelly Cumming's flow chart; yet we had not even formally reviewed it nor accepted it as a framework. Kelly is not a committee member. In addition, this flow chart was presented to the Select Board for consideration not the ATV Committee.
 - As a member of the Select Board, he has information. Yet, remains silent when the points in question perhaps do not align with his views.
- The committee has wasted significant time working to clarify roles and purpose.
 - Yet, when clarification was received from the Select Board, the argument continued due to a disagreement of direction given.
 - Significant time was spent debating whether the Select Board wanted a proposal, recommendation or draft ordinance. Truly, we argued over the "word."
- Several committee members have made it clear that they have no interest in writing a proposal, a recommendation, an ordinance or an opinion. Thus, what will be the outcome; a stalemate. Is this constructive?
- This is a working committee, not a Select Board meeting, thus why can't we sit around a table as a collaborative team?
- There is a sense that this work is being "drawn out" to discourage completion and delay a proposal.
- Can it be clarified if a Committee must follow public meeting laws?
 - Debates between guests and the Committee Members occur regularly. This distracts from the work which needs to be done.
- If it was reorganized as a Study Group, would that group need to follow public meeting laws?

To move forward, we see the path to be:

- Answer the questions submitted by the Fletcher community as is feasible.
- Gather necessary legal and liability data.
- Draft a proposal for consideration by the Select Board.
- Any information sent out by any committee member or representative of the town ensure all ATV Committee members are in copy so all have the benefit of time to consider the request and response.
- Co-chairs should communicate before the meeting to solidify the direction and create alignment of focus.

We remain committed to supporting the community and are looking to continue on the ATV Committee. However, we seek support from the Select Board to ensure a functional ATV Committee which meets the original objective as set forth by the Board.

With hope for change,

Jennifer Getty
Pam Farmer
Sandy Mayotte

Cc: Select Board Members
ATV Committee Members