TOWN OF SPRINGFIELD
SELECTMEN'S HALL – 96 MAIN STREET – THIRD FLOOR
REGULAR BOARD OF SELECTMEN MEETING
MONDAY, JANUARY 26, 2015 @ 7:00 PM

MEETING MINUTES

A. **CALL TO ORDER AND ROLL CALL:**

Chairman, Kristi Morris, called the meeting to order at 7:00 PM. The Pledge of Allegiance was recited and Roll Call was taken.

Board Members Present: David Yesman, Chairman, Kristi Morris, Peter MacGillivray and George McNaughton. Vice-Chairman, Stephanie Thompson arrived later in the evening.

Also Present: Town Manager, Tom Yennerell, Comptroller, Jeffrey Mobus, Town Clerk, Barbara Courchesne, Deputy Fire Chief, Scott Richardson, and Town Attorney, Stephen Ankuda.

B. **ANY REQUESTED ADDITIONS TO THE AGENDA:**

No other additions to the agenda.

C. **MINUTES:**

a. Budget Workshop, Meeting Minutes, January 7, 2015
b. Board of Selectmen, Meeting Minutes, January 12, 2015
c. Board of Selectmen, Public Hearing Minutes, January 19, 2015
d. Board of Selectmen, Special Meeting Minutes, January 19, 2015

MOTION: **Peter MacGillivray moved to accept as submitted Budget Workshop, Meeting Minutes of January 7, 2015, Board of Selectmen, Meeting Minutes of January 12, 2015, Board of Selectmen, Public Hearing Minutes of January 19, 2015, and Board of Selectmen, Special Meeting Minutes of January 19, 2015.**
Seconded by David Yesman
Vote: 4 Yes, passed unanimously (Vice-Chairman, Stephanie Thompson Absent)

D. **PUBLIC HEARING: ITEM 1:** 188 Wall Street – Demolition Order Appeal.

Public Hearing opened at 7:10 PM. Chairman, Kristi Morris, explained the Public Hearing was at the request of Mr. Donald Bishop. Mr. Bishop and his attorney, Richard Bowen, were present to appeal the Demolition of Order for the property located at 188 Wall Street. The Demolition Order was issued to Mr. & Mrs. Donald Bishop on December 23, 2014.

Town Clerk, Barbara Courchesne, sworn in witnesses Donald Bishop, David "Todd" Hindinger, Deputy Fire Chief, Scott Richardson and Attorney for Mr. Bishop, Richard Bowen. All four gentlemen stood and pledged to tell the truth.

Vice Chairman, Stephanie Thompson, arrived at 7:16 PM.

A lengthy discussion pursued in regards to the property located at 188 Wall Street. Mr. Hindinger submitted his photographs as Exhibits #1 through #19 and Exhibit #20 was a plan view, which was hand drawn. Mr. Hindinger identified and labeled all twenty exhibits. A continuation of Public Hearing was requested from Mr. Bishop and his Attorney, Mr. Bowen. **(*Requested by George McNaughton @ BOS Mtg. 02-09-2015) The Board of Selectmen requested a subpoena be issued for Mr. & Mrs. Bishop's insurance policy claims. There is also a full recording of the meeting minutes and statements on file at the Town Manager's Office.**

MOTION: **George McNaughton moved to extend the Public Hearing until February 9, 2015 @ 7:00 PM.**
Seconded by Peter MacGillivray.
Vote: 5 Yes, passed unanimously

Public Hearing closed at 9:08 PM.

E. **VISITOR'S TO ADDRESS THE BOARD:** **ITEM 2:** John Follett – Future employee benefit costs. Mr. Follett thanked Jeff Mobus and Tom Yennerell for the written explanation of how some Town employees accumulate sick and vacation time that is paid out when they retire. Also noted, the Town has acted to reduce this liability over a period of time. The Town made it a priority to eliminate the financial impact of employees retiring and getting paid for up to 90 days of sick time during the latest round of contract negotiations. (A copy is attached.)

F. **LIQUOR CONTROL COMMISSION:** **ITEM 3:** Liquor Licenses
Local Liquor Control opened at 9:15 PM.

Town Clerk Courchesne prepared information for three, (3), Renewal Liquor Licenses. The information was enclosed in the Board of Selectmen Packets for review.

MOTION: **Peter MacGillivray moved to approve the renewal of the following Liquor Licenses as requested: K-B Ventures d/b/a K-B Ventures, Inc., Aminah & Rayhan LLC d/b/a Mini Mart, and M. J. Inc. d/b/a Joe's Discount Beverage.**
Seconded by Vice-Chairman, Stephanie Thompson.
Vote: 5 Yes, passed unanimously

Local Liquor Control closed at 9:18 PM.

F. **NEW BUSINESS:**
ITEM 4: Approve the 2015 Annual Town Warrant – Town Manager Yennerell commented the Board of Selectmen also received a "DRAFT" copy of the Town Warrant to review and/or comment on.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to approve the 2015 Annual Town Warrant.**
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

ITEM 5: Approve revised VTrans Mileage Certificate – The State of Vermont has submitted a revised "VTrans Mileage Certificate" form to be completed.

MOTION: **Vice-Chairman, Stephanie Thompson, moved to approve and sign the corrected VTrans Mileage Certificate indicating the correct year of 2015.**
Seconded by David Yesman
Vote: 5 Yes, passed unanimously

ITEM 6: Boards & Commissions Appointment – The Town received an "Appointed Office Questionnaire" from Steve Clay-Young indicating he would like to volunteer to serve on the Springfield Energy Committee.

MOTION: **George McNaughton moved to approve the appointment of Steve Clay-Young to the Springfield Energy Committee. Mr. Clay-Young will be filling the balance of a, (2), two year term that will expire in March 2016.**
Seconded by Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

ITEM 7: Approve a Toonerville Trail Permit – The Town received a Toonerville Trail Permit sponsored by the All-4-One After School Program submitted by Chelsea Ambrose, AmeriCorps VISTA Representative. The All-4-One After School Program would like to hold a Run Hard Boys 5K Run and Fundraiser on the Toonerville Trail on May 30, 2015 from 8:00 AM to 11:30 PM.

MOTION: **David Yesman moved to approve the Toonerville Trail Permit for the All-4-One After School Program to hold a Run Hard Boys 5K Run and Fundraiser on the Toonerville Trail on May 30, 2015 from 8:00 to 11:30 AM.**
Seconded by Peter MacGillivray
Vote: 5 Yes, passed unanimously

ITEM 8: Certificate of Compliance for Town Road and Bridge Standards – The Town of Springfield adopted a Town Road and Bridge Standards in January 2013. Each year the State requires the Board of Selectmen to certify by signing a Certification of Compliance that the Town is in compliance with the Town Road and Bridge Standards.

MOTION: **David Yesman moved the Board of Selectmen sign the Certification of Compliance for Town and Bridge Standards.**
Seconded by Vice-Chairman, Stephanie Thompson
Vote: 5 Yes, passed unanimously

ITEM 9: Ordinance 2015-1 Health Nuisances – Town Manager Yennerell turned the floor over to Vice-Chairman, Stephanie Thompson, and George McNaughton who are the two Board Members on the Ordinance Sub-Committee.

A decision was made not to read the proposed Ordinance 2015-1 Health Nuisances. (A copy is attached.) Upon "First Review", it was discovered the exact measurements were never taken for the proposed ordinance. David Yesman volunteered to take measurements.

Town Clerk Courchesne inquired how the process is going to work. According to the proposed ordinance, other property owners along Main Street may post "No Smoking" signs in their doors or front windows. In addition, the property owner must register with the Town Clerk or Police Department in order to have the Health Nuisance Ordinance enforced.

David Yesman wanted to know who would be enforcing the proposed ordinance. George McNaughton shared it would be the proposed Ordinance Officer. Chairman Morris indicated the proposed Ordinance Officer was a discussion for another evening.

Town Attorney Ankuda indicated this "First Review" of proposed Ordinance 2015-1 Health Nuisances would require another "First Review" because the exact distance needed to be correct. The Board of Selectmen decided Monday, February 9, 2015 would be "First Review" of proposed Ordinance 2015-1 Health Nuisances.

G. **TOWN MANAGER'S REPORT:** Chairman Morris stated the Town Manager's Report was also included in the Board of Selectmen packages. David Yesman voiced his objections regarding the proposed Pocket Park at 21 Cottage Avenue as requested by the Union Park Neighborhood Group. George McNaughton confirmed he understood the procedure for charging a vehicle at the EV Go Charging Station that will be installed on Main Street.

H. **FUTURE AGENDA ITEM PROPOSALS:** Chairman Morris asked for future agenda items from the Board Members. David Yesman wanted another update on the status of the Dilapidated Buildings. Town Manager Yennerell indicated there was nothing new to report. The Town was not doing anything else with the dilapidated buildings because there is no funding available at this time. Mr. Yesman suggested leaning on the property owners harder. George McNaughton shared he wants the Town to pursue and acquisition the Armory on Fairgrounds Road for a "Makers Guild". Vice-Chairman Thompson and Mr. MacGillivray did not make any requests this evening.

I. **OTHER MINUTES & CORRESPONDENCE:**

a. Springfield Airport Commission – Agenda, January 22, 2015
b. Springfield Housing Authority – Agenda, January 13, 2015
c. Springfield Housing Authority – Meeting Minutes, January 13, 2015
d. Springfield Library Board of Trustees – Meeting Minutes, December 8, 2014
e. Springfield Library Board of Trustees – Agenda, January 13, 2015
f. Springfield Senior Center, Monthly Newsletter, February 2015
i. Resignation Letter from Mary Ann Remolador of the Springfield Energy Committee, January 22, 2015

Chairman Morris noted copies of the above correspondence could be picked up at the Town Manager's Office.

J. **ITEM 10:** Executive Session---Contract Reviews

MOTION: **David Yesman moved to go into Executive Session for the purpose of reviewing Contracts.**
Seconded by Peter MacGillivray
Vote: 4 Yes, passed unanimously, (George McNaughton)

K. **ADJOURNMENT:** Meeting adjourned at 10:00 PM.

Submitted by:

Donna M. Hall

Donna M. Hall,
Recording Secretary

January 22, 2015

Tom,

Accrued compensated absences (sick time) are reported in the Town's audited financial statements, and which also appear in the Town Report. Currently, under the Town's Personnel Rules and Regulations, employees can accumulate up to 90 days and then receive pay for that time if they retire from the Town, but not if they leave for other reasons. This has been modified for new hires in the most recent contracts with union personnel. For the most recent fiscal year, the value of this accrued time was $473,795.23, down from $503,658.64 for the prior year.

This value is calculated by taking all sick time accrued ($656,403.78) and subtracting out those employees not expected to retire ($189,285.36) and those expected to retire in the current year ($26,992.80). This leaves a balance of $440,125.62. The social security and medicare employer match ($33,669.61) is then added to calculate the total accrued compensated absences, $473,795.23.

There are a few significant variables that can affect this number each year. Most notably, employees use their sick time. Especially with the increased awareness of the Family Medical Leave Act, there has been a trend of more employees taking sick time to care for not only themselves, but also their family. Also, the category "employees not expected to retire" is my best estimate as to whether or not an employee will remain with the Town until he/she retires. I review the list of employees each year and make my best determination. Lastly, employees leave; to retire, to accept other employment, or involuntarily. In fact, one employee who had significant time accrued has already retired, and three others have indicated to me that they intend to retire by the end of 2016, reducing this liability by roughly $50,000.

The Town has also acted to reduce this liability over time. In the latest round of contract negotiations, the Town made it a priority to eliminate the financial impact of employees retiring and getting paid for up to 90 days of sick time. The new contracts with the Public Works union and the Library union change how time off is earned for new hires (from vacation or sick time to "paid time off") and limits the amount of time that can be carried over to 5 days. The contract with the Police union still allows the accrual of sick time to 90 days, however it limits the pay out of this time upon retirement to 50% of up to 40 days (20 days maximum). As a result, the replacements for the retiring employees mentioned above will not be able to accrue the same amount of time.

To date, this liability has not created a budgetary challenge, but it has created an operational challenge. When confronted with a significant pay out of accrued time, the Town has made the decision to not replace the retiring employee until a new hire fits into the remaining budget for the position. This has meant that a position remains open for several months and that the remaining employees do the best they can to replace the work lost.

Jeff

TOWN OF SPRINGFIELD
ORDINANCE 2015-1

SHORT TITLE: An ordinance to amend the Administrative Code;
Chapter 7. Health, Sanitation, Nuisances
Article II. Nuisances
Division 2. Health Nuisances
Section 7-47 Prohibited
Added Paragraph (10)
Division 6. Enforcement
Added Section 7-110 Enforcement

CATERGORY: New Legislation

PROCEDURE:

1) Introduction-First Review: Read and amended at regular Select Board meeting on January 26, 2015 and entered in the minutes of that meeting which were approved on _____.
2) Second Review and Public Hearing: _____, 2015.
3) Additional Second Review and Public Hearing: N/A.
4) Notice of Hearing posted in public places on _____ and published on _____.
5) Date of adoption _____.
6) Other actions.

AUTHORITY: This ordinance is adopted by the Select Board of the Town of Springfield under authority of Vt. Statutes, Title 24 Sec. 1971, Springfield Charter Art. One, §V.

PURPOSE: It is the purpose of this ordinance to add Chapter 7, Article II Nuisances, Division 2 Health Nuisances, Paragraph (10) concerning the protection of the health of the public and patrons at Springfield Town Library and other locations within the designated downtown areas and to provide for enforcement of the Nuisance Ordinance.

Approved as to form: _____
And as revised on: _____
And as adopted on: _____

_____
Stephen S. Ankuda, Esquire
Town Attorney

ARTICLE II
NUISANCES
DIVISION 2
HEALTH NUISANCES

Section 7-47 Prohibited.

10. No person shall smoke tobacco while standing, sitting, pacing, kneeling or lying upon a public sidewalk, street (except while occupying a motor vehicle in traffic), curb, crosswalk, or walkway, or within the entrance way to a private home, business or apartment complex immediately connected to a public sidewalk, within the following areas of the designated downtown:

(a) While on the same side of the street as the Springfield Public Library and within 250 feet to either side of the main public entrance to the same.

(b) In front of any residence, church, business establishment or apartment complex whose owner or authorized agent has posted a no smoking sign in its front door or window and shall notified in writing the Town Clerk and the Chief of Police of said posting.

Section 7-110 Division 6. Enforcement.

(a) A civil penalty of not more than $100.00 may be imposed for violation of this Article.

(b) Any fine or penalty may be appealed to the Springfield Town Manager. The appeal shall be in writing and shall be filed with the Town Manager within ten (10) days of the invoice date. The appeal shall be acted upon by the Town Manager within fifteen (15) days after the receipt of the appeal notice. Upon such appeal, the Town Manager shall act to reserve, affirm or modify in any regard the original invoicing determination of the Administrative Officer. The Town Manager shall issue a written decision to the aggrieved party.

(c) All civil ordinance violations and all continuing civil ordinance violations, where the penalty is $800.00 or less, shall be brought before the judicial bureau pursuant to Vt. Statutes, Title 4, and Title 24, Chapter 59. If the penalty for all continuing civil ordinance violations is greater than $800.00, or injunctive relief, other than as provided in subsection (d) of this section, is sought, the action shall be brought in the criminal division of the superior court, unless the matter relates to enforcements under Vt. Statutes, Chapter 117, in which instance the action shall be brought in the Environmental Division of the Superior Court.

(d) The judicial bureau, on application of the Town may order that a civil ordinance violation cease.

(e) Civil enforcement of municipal zoning violations may be brought as a civil ordinance violation pursuant to this section or in an enforcement action pursuant to the requirements of Vt. Statutes, Chapter 117.

EFFECTIVE DATE: This ordinance shall become effective 60 days after its adoption by the Springfield Select Board. If a petition is filed under Vt. Statutes, Title 24, Sec. 1973, this statute shall govern the taking effect of this ordinance.

Springfield Select Board

Dated: _____

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