

Town of Fairfield Selectboard Minutes

June 10, 2024

In Attendance: Tom Howrigan, Gavin Ryan, David Persons, Brian Dubie and Ron Bocash
Roads: Maurice Jettie
Town Clerk: Absent
Town Administrator: Cathy Ainsworth
Secretary: Melissa Manson
Visitors: Lynda Ulrich, Charles Verderber and CCVTV.

Brian made a motion to approve the minutes. Ron seconds. All in favor.

1. Re blinking lights – no one has lights for us to borrow. WorkSafe recommends lighting the narrow bridge signs on both sides of Chester A. Arther bridge. Cathy will order and road crew will install.
2. Jig in the Valley, the largest community center fundraiser of the year, takes place during the bridge closure on Rt. 36. They want to detour traffic coming to the Jig to bypass the bridge construction and bring people into East Fairfield by the Green. Ok for them to put “this way to the Jig” signs up Thursday the 25th, and take down Monday the 29th.
3. We received a \$22.5K grant for engineering for the North Rd. culvert near Paradee Road. We can go for the full grant next year, once the engineering tells us what is required for a replacement culvert and project at this location. Ok to sign the grant with a 20% local match. Lynda Ulrich reports on TAC. She is looking to clarify our next big project. Continue to advocate for Chester Arthur Bridge.
4. The FEMA award for administration costs related to the 2019 Halloween storm was approved to increase to \$43K from FEMA’s the previous estimate of \$38K. This money is planned to go back into the general fund, once received, as discussed during the January 22 Selectboard meeting.
5. VTRANS Compliance Audit on sidewalks is complete and successful.
6. Fairfield’s auditing firm, A.M. Peisch, provided what we need to close the 2023 books. They have until July 31 to provide the full audit, according to the contract. A draft has not yet been provided. Selectboard asks Town Administrator to address this with the auditors again.
7. Regarding municipal property management, the Old Town Clerk (OTC) Building ramp construction will begin with Guilmette Handyman Services this week; the contract for windows and doors replacement was signed and windows were ordered by Northern Building and Remodeling. Benches on the Green in East Fairfield are done: MileStone Contracting replaced wood and bolts, then stained and painted. Removal of trees next to OTC discussed- get estimates.
8. Moe reports that they have started Ryan Rd. They have used \$11K in gravel, which is about half way. Some rough stumps need grinding. SB says rent the grinder.
9. Community Center construction issue: claim denied by the contractor, no insurance for contractor error. The Community Center is paying, and they have contracted with Northern Building and Remodeling for this work.

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10. The Common School Community Trust, which, if approved, will form a non-profit to lead capital campaign/ grant writing/ revitalization of the building, has moved to the “interview” stage. News about if it will be chosen to be approved will take place this summer, from the Vermont Council on Rural Development, in partnership with the VT. Community Foundation and the Preservation Trust of VT.
11. Cathy provided the Controls for Financial Management document, updated in lines 42-90 to include File Clerk’s activities as well as processes for cross-checking expenses with grants; Library Accounts Payable; receiving invoices by email; making payments by electronic funds transfers; and the inclusion of the Town Administrator and File Clerk roles in bank account reconciliations. Selectboard observed that lines 148 and 149 also need to be updated to reflect the current Purchasing Policy amounts of \$2000 and \$50,000.

Brian made a motion to approve the updated Controls for Financial Management document as amended. Ron seconded. All in favor.

12. Cathy learned from legal counsel that the Public Indecency Ordinance motion from the last meeting did not, as a point of order, result in an adopted ordinance because it was not entered into the minutes. She requested a new motion to adopt the Ordinance and read ordinance into the record:

“1. Purpose and Authority: This Ordinance is enacted under the authority granted the Town of Fairfield to promote the public health, safety, welfare, and convenience contained in 24 V.S.A. §2291. The purpose of this Ordinance is to regulate public indecency, including public nudity, which is deemed to constitute a public nuisance under 24 V.S.A. §2291(14). The Selectboard of the Town of Fairfield finds that regulation of public nudity and the other public conduct addressed in this Ordinance is necessary to ensure that the negative secondary effects of such activities and behaviors will not adversely impact the health, safety, and welfare of the residents of the Town of Fairfield. This Ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59. **2. Definitions:** “Nudity” shall mean the showing of the human male or female genitals, pubic area or buttocks with less than a full opaque covering, or the showing of the female breast with less than a fully opaque covering of any portion of the nipple, or the depiction of covered male genitals in a discernibly turgid state. The showing of the female breast or any portion of the nipple in the act of breastfeeding an infant child does not constitute nudity. **3. Public Indecency:** A. No person shall knowingly or intentionally in a public place: (1) engage in sexual intercourse; (2) appear in a state of nudity; (3) fondle his/her genitals; or (4) fondle the genitals of another person. B. No person who owns, leases or controls property shall knowingly allow any person to engage in the conduct described in subparagraph A above at any time such property is open to the public. **4. Enforcement:** A. Any person who violates a provision of this Ordinance shall be subject to a civil penalty of up to \$800 for each violation. Each day the violation continues shall constitute a separate offense. Any law enforcement officer shall be authorized to act as an Issuing Municipal Official to issue and pursue before the Judicial Bureau a municipal complaint. **5. Civil Penalty; Waiver Fee:** An Issuing Municipal Official is authorized to recover civil penalties in the following amounts for each violation: First offense \$160; Second offense \$320; Third offense \$480; Fourth offense \$640; Fifth and subsequent offenses \$800. An Issuing

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Municipal Official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee: First offense \$100; Second offense \$250; Third offense \$400; Fourth offense \$550; Fifth and subsequent offenses \$700. **6. Other Relief:** In addition to the enforcement procedures available before the Judicial Bureau, the Town may commence a civil action to obtain injunctive and other appropriate relief or to pursue any other remedy authorized by law. **7. Severability:** If any portion of this Ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this Ordinance.”

Brian made a motion to approve the adoption of the Public Indecency Ordinance.

David seconded. All in favor. Next step is to post the ordinance in at least 5 locations in Town.

David made a motion to approve the warrants. Brian seconded. All in favor.

13. Brian requests having a working session to review real estate. Brian says the Selectboard should get Cathy the support she needs in preparation for selling some of them.

Brian made a motion to adjourn. Gavin seconded. All in favor.