

Duxbury Selectboard Special Meeting
July 6, 2020
6 pm
ZOOM

Present: Kevin Garcia (chair), Dick Charland, Jerry McMahan, Mari Pratt, Dan Schillhammer

Others Present: Jonathan DeLaBruere (Selectboard Assistant), Myra Perry, Henry Amistadi, David Specht, Brenda Hartshorn(6:15?)

Call to Order: 6:01pm.

Bids for stabilization work on Crossett Hill Road were discussed. Golder Engineering was asked to review the bids and make a recommendation. Golder recommended the 2nd lowest bidder, J.P. Sicard, as they appear to have more experience with stabilization projects of this scope, and their bid presentation addressed the requirements more fully than the low bidder. Dick Charland was used as a reference on one of the bids. Dick wants his correspondence pertaining to this added to the minutes, see attachment.

Dick asked if anyone had discussed the truck traffic that will occur on Morse Road due to dirt hauling and if the partially repaired culvert can handle the traffic. Kevin replied that the culvert had a steel plate over it and should be okay. The Road crew will have to be diligent in maintaining the road

Jerry will send out an announcement on FPF that work will be happening on Crossett Hill Slide. Letting people know something will be happening in the future.

People on Morse Rd may have concerns and discuss at next Monday's meeting.

Mari motioned to accept the recommendation of Golder, to award the Crossett Hill Road Slope Stabilization to accept JP Sicard's bid of \$527,261 for repair of Crossett Hill Slide.
Dan 2nd, AIF

Kevin: Amanda, from Army Corps of Engineers site visit re: Scrabble Hill culvert. Then went to review the Dowsville culvert, as it was not closed out after construction. She found that wood chips were left in the wetland area. They need to be removed sooner, rather than later. Area is too wet for town machinery to do the job, and it's a considerable amount of wood chips. Have to hire this out.

Dick: Who's responsible for the wood chips?

Kevin: An innocent occurrence, someone was hired to cut down some trees and left the chips there, possibly not realizing it's wetland.

Dick and Kevin agree for Ben to have 3 contractors visit the site and give a price for removal of the wood chips.

Skip executive session re: personnel matter this evening, since the ZOOM meeting can't be turned off to be Selectboard members only as Henry is away from his computer. Executive session will be added to next Monday's regular Selectboard meeting.

Kevin: We need to advertise for the vacant position on the road crew.
Dick agrees the ad should be put out.

Motion to adjourn- Dick 1st; Dan 2nd, AIF

Meeting adjourned at 6:24 pm

Respectfully submitted,
Brenda B. Hartshorn, Jerry McMahan



Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Duxbury Question

5 messages

Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Wed, Jul 1, 2020 at 4:42 PM

To: "Canarecci, Kim" <kim.canarecci@vermont.gov>

Cc: Kevin Garcia <kevingduxburyvt@gmail.com>, Mari Pratt <Mari.DuxburyVT@gmail.com>

Good Evening Kim,

I have a question that I wanted to run by you. The engineer and the Selectboard have received bids for the Crossett Hill Road slide project, and now the engineers are evaluating the bids in order to provide a recommendation of award to the town. The current low bidder submitted a resume that included a Duxbury Selectboard member as a reference, and I just wanted to confirm with you whether or not that constitutes a conflict of interest? I have attached the resume to this email for your review. Please let me know if you have any questions.

Thank you,

Jonathan

--

Jonathan DeLaBruere
Selectboard Assistant
Town of Duxbury, Vermont

 **Fred resume.pdf**
840K

Canarecci, Kim <Kim.Canarecci@vermont.gov>

Wed, Jul 1, 2020 at 4:48 PM

To: Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Cc: Kevin Garcia <kevingduxburyvt@gmail.com>, Mari Pratt <Mari.DuxburyVT@gmail.com>, "Rose, Ben" <Ben.Rose@vermont.gov>, "Pentkowski, Ron" <Ron.Pentkowski@vermont.gov>

Hi Jon

Great question.

I'm going to run this one up the chain.

I would say no if it was competitively bid out with full and open competition, but I want another's opinion. If this selectman doesn't work for the contractor, I would also assume it's ok.

Kimberly Canarecci
Vermont State Public Assistance Officer
802-585-4209

From: Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Sent: Wednesday, July 1, 2020 4:42:26 PM

To: Canarecci, Kim <Kim.Canarecci@vermont.gov>

Cc: Kevin Garcia <kevingduxburyvt@gmail.com>; Mari Pratt <Mari.DuxburyVT@gmail.com>

Subject: Duxbury Question

EXTERNAL SENDER: Do not open attachments or click on links unless you recognize and trust the sender.

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Rose, Ben <Ben.Rose@vermont.gov>

Wed, Jul 1, 2020 at 5:37 PM

To: "Canarecci, Kim" <Kim.Canarecci@vermont.gov>, Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Cc: Kevin Garcia <kevingduxburyvt@gmail.com>, Mari Pratt <Mari.DuxburyVT@gmail.com>, "Pentkowski, Ron" <Ron.Pentkowski@vermont.gov>

Good afternoon, Kim, Jonathan, et al. I generally concur with Kim that listing a member of the Selectboard as a reference does not pose a Conflict of Interest, per se. However, to avoid the potential for *appearance* of a conflict, it is strongly advised that Mr. Charland formally recuse himself from the selection decision (with the explanation that he is listed as a reference for one of the competitors), that he do so before the agenda item is considered or discussed by the board, and that his recusal be captured in the Meeting Minutes as a matter of public record.

My \$0.02,

--Ben

Ben Rose,

Recovery Unit Leader, COVID-19 Response

Recovery and Mitigation Section Chief

Vermont Emergency Management

(802) 585 4719

Ben.rose@vermont.gov

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Canarecci, Kim <Kim.Canarecci@vermont.gov>
To: Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Thu, Jul 2, 2020 at 10:51 AM

From: Rose, Ben <Ben.Rose@vermont.gov>

Sent: Thursday, July 2, 2020 10:47 AM

To: Richard Charland <rl.charland@att.net>; Jerry K. McMahan <jerrymcmahanvt@gmail.com>; Dan Schilhammer <dschillvt@gmail.com>; mari.duxburyvt@gmail.com; Kevin Garcia <kevingduxburyvt@gmail.com>

Cc: Canarecci, Kim <Kim.Canarecci@vermont.gov>

Subject: RE: Duxbury Question

Duxbury officials:

Please note that this question was raised by the engineer to Jonathan, who inquired of Kim as State Public Assistance Officer. Kim appropriately looped me in. I offered my opinion as to how best to avoid complications with FEMA. I note that Jonathan has not been included in the subsequent email discussion.

This is a local matter. If Selectman Charland declines to recuse himself (for reasons explained in his email below) and FEMA happens to raise procurement questions about the project, they will come back to Kim with questions which will be forwarded to Jonathan as the Town's FEMA point-of-contact.

Over and out,

--Ben

Ben Rose,

Recovery Unit Leader, COVID-19 Response

Recovery and Mitigation Section Chief

Vermont Emergency Management

(802) 585 4719

Ben.rose@vermont.gov

From: Richard Charland <rl.charland@att.net>

Sent: Thursday, July 2, 2020 10:20 AM

To: Jerry K. McMahan <jerrymcmahanvt@gmail.com>; Dan Schilhammer <dschillvt@gmail.com>;
mari.duxburyvt@gmail.com; Kevin Garcia <kevingduxburyvt@gmail.com>

Cc: Rose, Ben <Ben.Rose@vermont.gov>; Canarecci, Kim <Kim.Canarecci@vermont.gov>

Subject: Re: Duxbury Question

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First off, for those not aware, I was elected to the Duxbury Selectboard at the 2020 Town Meeting and have had no involvement with this project prior to being elected to the board. Any discussions I have had were subsequent to any design work or funding other than reviewing RFPs for construction and construction supervision. I did serve on the Selectboard from 2007 to 2015. During that period, I was involved in a number of projects on behalf of the town including coordination of repair work on town roads as a result of extensive damage done by two storms in 2011, one in the spring and later Irene. In that role, I had contact with several contractors employed by the town.

Unfortunately, no one thought it worthwhile to inform me of the question of my name being on a resume of an individual employed by a contractor who has bid on a project in Duxbury. Had they done so, I would have provided the relevant information. I was puzzled as I had reviewed the bid documents when they were submitted and would have caught my name as a reference. I reviewed them again this morning and still could not find it. Based on the statement the discussion involved the two lowest bidders, having had no contact with Sicard, I called Mr. Kidder and asked if he had included my name on any of the bid documents. He informed me that his resume had been submitted in support of their demonstration of experience and my name was on his resume as a reference. As it turns out, it (name) has been on his resume for years going back to when I was on the Selectboard earlier.

My contact with Mr. Kidder was renewed when I returned to the board and I tracked him down to ask if he would like to do work for the town if needed to which he replied affirmatively. My action was based on my experience of Fred's knowledge, experience and value focused approach to all of the projects he had managed. I contacted three contractors regarding a small washout on Camels Hump Rd. (Percy, Avery and Blue Mountain), two, Percy and Blue Mountain provided quotes, Blue Mountain was the lowest \$5,500. and did the repair work.

In our conversation, I did mention that there would be a large project coming up and asked if he would be interested in quoting on it, if so I would throw Blue Mountain's name in the mix. Such was the case when the RFP went out for this project. That in effect has been the contact and involvement I have had with Mr. Kidder both 9 or so years ago and recently since I returned to the board in March.

All contact I may have had prior to March of this year took place when Mr. Kidder was an employee of Griffin & Griffin, at no time have I had any dealings with him in his capacity with Blue Mountain Trucking. Neither at Griffin & Griffin nor Blue Mountain Trucking has Mr. Kidder performed any work for me personally or otherwise. To my knowledge, Mr. Kidder is not a principal in Blue Mountain Trucking.

Unfortunately, this has created an unnecessary delay in moving this project forward which could easily have been addressed as I mentioned above. With the bid opening on 6/26/20 and the scheduled award on 6/29/20, what took so long to get this resolved? Considering the information I have provided, I see absolutely no reason for my having to recuse myself from any decision involving the awarding of this contract. My focus and commitment continues to be the management and welfare of the Town of Duxbury's affairs. Should there be any further questions surrounding this matter please do not hesitate to contact me.

On Wednesday, July 1, 2020, 06:22:09 PM EDT, Kevin Garcia <kevingduxburyvt@gmail.com> wrote:

----- Forwarded message -----

From: **Kevin Garcia** <kevingduxburyvt@gmail.com>

Date: Wed, Jul 1, 2020 at 5:48 PM

Subject: Fwd: Duxbury Question

To: <mari.duxburyvt@gmail.com>

[Quoted text hidden]

Mari Pratt <mari.duxburyvt@gmail.com>
To: Jonathan DeLaBruere <duxbury.sb.assistant@gmail.com>

Fri, Jul 10, 2020 at 11:39 AM

There is a string of about 10 emails. Please include the entire string with the minutes. Starts with you and ends with Ben Rose commenting after Dick's long email.

----- Forwarded message -----

From: **Jonathan DeLaBruere** <duxbury.sb.assistant@gmail.com>

Date: Wed, Jul 1, 2020, 4:42 PM

Subject: Duxbury Question

To: Canarecci, Kim <kim.canarecci@vermont.gov>

Cc: Kevin Garcia <kevingduxburyvt@gmail.com>, Mari Pratt <Mari.DuxburyVT@gmail.com>

[Quoted text hidden]



Fred resume.pdf

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