

**TOWN/VILLAGE OF NORTHFIELD
JOINT BOARD MEETING
BOARD OF TOWN SELECTMEN
BOARD OF VILLAGE TRUSTEES
Minutes of January 25, 2010**

- I. ROLL CALL.** Selectboard Chair Kenneth Johnson, Selectmen Melvin Adams, Kenneth Goslant, Charles Morse, and Gregory Sanders; Trustees Chair Samantha Baraw, Trustees Colin Bright, Libby Hambleton, Doug Lawson, and Thomas McCarney. Also present were Municipal Manager Nanci Allard, Accounting Manager Laurie Baroffio, Superintendent of Public Works William Lyon, Police Chief Jeffrey Shaw, Acting Clerk Kenneth McCann, Clark Bothfeld, Lois Cooley, Nelson Hoffman, Don DuBois (Northfield Snowmobilers, Inc.), Donald Wallace, Rowley Brucken, Frederick White, Roger LeClair, Christine Elwell, Brian Elwell, Eric Braman, David Ritzer (Northfield Snowmobilers, Inc.), Earl Everhart, Kevin Pecor, Shelby Quinn, Chris Bradley, Paul Hoffman, Carolyn Stevens, Sandie Davis, Karen Locke, Justin Wrigley, Brian Tisdale, William Crony (*Northfield News*), and Kathleen Lott (*Northfield News*).

The meeting was called to order at 7:00 p.m.

II. PUBLIC PARTICIPATION

- a. Richard Wobby, Jr.: Proposed FY 2010/2011 Town Budget.** Mr. Wobby stated that he did not want to tell either Board how to put their budgets together. As a former Village Trustee, he understands how difficult the process can be. However, in regards to the budget decision to eliminate the positions of Highway Superintendent and Superintendent of Public Works, he felt that the manner in which this was done was extremely unfair to William Lyon (who currently holds both those positions). Although there was intent to personally inform Mr. Lyon of this decision in a proper manner, the Boards' action had become common knowledge on the street before this was done. He felt that there should be a better way to notify someone who had worked for Northfield for almost forty (40) years that he was being retired. Mr. Wobby then looked into this matter himself without realizing that he would start such an uproar and that many false rumors would be generated as a result. He has subsequently spoken to Manager Allard and now has some suggestions for how to better handle this situation, i.e. "exit strategy." He felt that there is a need to develop a better timeframe to be sure that Mr. Lyon's responsibilities were distributed properly over a longer period of time (instead of the end of the current fiscal year). He recommended that these positions be restored in the FY 2010/2011 Town Budget and that a plan be developed for a "proper exit" at the end of that period (June 30, 2011). This plan should be developed by the Boards with the possible input of Municipal employees as well as interested members of the public.

Donald Wallace stated that during the time that he served as a Town Selectman, he often worried about what would happen to Northfield when Mr. Lyon retired, given his many years of service, work experience, and extensive knowledge. However, Mr. Wallace doesn't feel that someone should now be asked to retire at age 62. He also believes that the Superintendent of Public Works position itself should not be eliminated as it performs a vital function for the community. He realizes that the person occupying this position after Mr. Lyon might be a very different personality, i.e. perhaps a VTC graduate with a two-year civil technician degree, but Mr. Wallace believes that the position itself should be maintained.

Nelson Hoffman has been Mr. Lyon's neighbor for over ten (10) years and he does not believe that the Boards realize how much time and effort Mr. Lyon puts into his job (well beyond his regular work hours). He noted that With the exception of funerals, he has never seen Mr. Lyon out of his work clothes. Mr. Hoffman does not believe that this large amount of work could be parceled out to other employees without paying them much more money. He added that the public notification that Mr. Lyon is finishing his many years of service should not be an article in the local newspaper stating that his position has been eliminated without his consent.

David Black also believes that it is a mistake to put Mr. Lyon "out to pasture." In his view, the Boards should come up with another solution rather than eliminating Mr. Lyon position while at the same time raising the salaries of those employees who would take on his duties. Mr. Black feels that another plan should be developed that would allow for a better transition.

Mike Kerin stated that Mr. Lyon has done a wonderful job for Northfield and he was upset when he saw in the newspaper that the position was being eliminated. He thought that this was a "sleazy" way to treat someone and he believes that many people in town feel the same way.

Chris Bradley first thanked the Board members for their service. He then directed a series of questions to individual Town Selectmen and Village Trustees. His main concern was that the minutes of the Joint Board Meeting of December 21, 2009, at which time the decision was supposedly made to eliminate the Highway Superintendent and Superintendent of Public Works positions, did not indicate that such an action had taken place. Also, even though Selectman Adams and Trustee Bright had been tasked at that meeting to inform Mr. Lyon of the Boards' decision, Mr. Lyon was not contacted about this decision for over three (3) weeks (01/12/10). By this time, rumors had spread through Northfield that Mr. Lyon had been "fired" by the Boards. Mr. Bradley felt that the public should have been kept informed that this action was being contemplated and that this would have happened had the minutes (taken by Manager Allard herself) accurately depicted what had taken place.

Manager Allard stated that the minutes she had taken for this meeting, as well as the other meetings at which budget matters had been discussed, had met the legal requirements. In addition, she stated that Mr. Lyon himself had approved the plan to eliminate the Superintendent of Works position and delegate those duties to current employees in the Highway and Water/Sewer Departments, i.e. "promote from within." Selectman Adams pointed out that Mr. Lyon had been given almost six (6) months notice that his position was being eliminated.

Mr. Bradley still felt that this was a poor way to treat a valued employee who had worked for the municipality for almost forty (40) years. He also believed that it had been improper to go into executive session in order to discuss what had later been termed a budgetary decision. The fact that two (2) former town managers (Selectmen Adams and Morse) had opposed this move indicated that it had been questionable. He added that if the Town and Village had wanted to dismiss Mr. Lyon from his duties, then it should have followed the procedures outlined in the Northfield Municipality's Personnel Policy regarding disciplinary action and discharge (rather than through the budget-making process).

Mr. Wobby then asked that "Approval of the FY 2010/2011 Town Budget" be moved up in the agenda; Chair Johnson thought it best to hear from the other Public Participation request first.

- b. David Ritzer, Northfield Snowmobilers, Inc.: Road Access Request.** Mr. Ritzer had informed the Selectboard by letter that a property owner on Bear Farm Road had rescinded his previous permission for snowmobile trail through his property. As this area constitutes a "main corridor" for snowmobile traffic from Northfield to Waitsfield (and beyond to the Mad River Valley), Northfield Snowmobilers, Inc. (NSI) was asking tonight that the Selectmen provide temporary permission allowing snowmobile travel on Bear Farm Road until the end of the current snowmobile season (04/16/10). Selectman Adams, who resides on Bear Farm Road, noted that because of the curves and narrowness of the road, it might be difficult for automobile and snowmobile traffic to co-exist. Mr. Ritzer stated that although NSI will look for alternate routes before next winter, it is too late to find an off-road solution for this current season. In fact, there is a big event planned for this coming Saturday (01/30/10) that would have to be cancelled if permission to use the road is not granted. He added that NSI prefers not to run on roads but there is no other option at this time. Police Chief Shaw stated that the Selectmen would need to pass an ordinance in order to grant this permission. Trustee McCarney suggested that the Selectmen should, under the circumstances, adopt an emergency ordinance that would go into effect immediately. The ordinance would state the conditions that would have to be followed in order to ensure the safety of the residents as well as the snowmobilers.

Motion by Selectman Morse, seconded by Selectman Adams, to approve and sign an emergency ordinance that would allow snowmobile traffic on Bear Farm Road from January 30, 2010 through April 16, 2010 with the conditions that snowmobile operators adhere to a fifteen miles per hour (15 MPH) speed limit and travel only in single file. **Motion passed 5-0-0.**

*The Selectmen then changed the order of the agenda in order to discuss **Approval of the FY 2010/2011 Town Budget.***

Selectman Morse stated that the current budget process had been anything but transparent and that aforementioned positions had been eliminated without much input. In addition, he noted that the Board of Listers Chair had attended a budget meeting in order to inform the Selectmen of the proper amount that should be in the line item for Listers salaries. The Board had agreed to the request that night but subsequently reduced the amount by \$3000 without informing the Listers of this action. He would like this money restored. Motion by Selectman Morse to increase the line item for Listers compensation by \$3000. **Motion died for lack of a second.**

Selectman Adams stated that this and other cuts had taken place after the Board had realized that there would be a nine cent (9¢) increase in the tax rate had the initial budget gone through. He felt that this increase was unacceptable and it was only then that the Board looked at eliminating positions. The tax increase is now down to one and one-half cent (1½¢). Also, if Selectman Morse has any additional changes to the proposed budget, Selectman Adams would like them all on the table at once.

In addition to the decrease in Lister compensation, Selectman Morse also felt that cuts in the CIP Account for the replacement of Fire Department vehicles were ill-advised. However, his major concern was the elimination of the positions now held by Mr. Lyon, adding that now that the uncertain future Northfield Recycling Center (see below) had been “dropped in our laps,” it did not seem to be the best time to eliminate the position of Superintendent of Public Works (SPW).

Selectman Adams stated that the future of the SPW position was why a large number of persons were here at this meeting and this is what they wanted decided tonight. He then wondered if those now present were truly representative of the community at large.

Kevin Pecor spoke in support of Mr. Lyon, arguing that over the years he had saved the Town a considerable amount of money by working well over his regular work hours (including nights, weekends, etc). He noted that Mr. Lyon always put the needs of the community first; at times, this even took precedence over his own family. He added that it was a “slap in the face” for the Town to treat Mr. Lyon in this manner.

Selectman Adams stated that the Board’s main focus had been fiscal responsibility and that there had been no intention to disparage Mr. Lyon or his years of service. He then emphasized that Mr. Lyon had not been fired.

Mr. Pecor then asked how much money would actually be saved by eliminating Mr. Lyon’s position if other employee’s compensation would be increased when they took on some of his duties. Manager Allard stated that those figures were not settled, as the Village still needs to hold its own (non-highway) budget deliberations. A subsequent discussion yielded the estimate that eliminating these positions would amount to a two cent (2¢) reduction in the Town Tax Rate. Some of those present voiced their opinions that this reduction was not worth the loss of Mr. Lyon’s services.

Selectman Morse stated that although he had voted before to eliminate these positions, the recent developments to which he had previously alluded had changed his mind. He also had doubts about the transition process that had once appeared seamless but no longer.

Eric Braman suggested that a two (2) year transition process might be the best solution; this could include the possibility of Mr. Lyon working as a part-time employee towards the end of this period. He noted that in his former hometown (Middleton, Rhode Island), a longtime, multi-tasked supervisor like Mr. Lyon had been suddenly replaced by a number of college graduates and it had not worked out well.

Selectman Goslant stated that the decision to eliminate these positions “did not come out of nowhere.” A transition plan had been developed that he still believed was workable. As an elected official, he felt that it was his responsibility to look for places where the budget could be cut to keep the tax rate as low as possible. There was nothing personal in this decision but sometimes difficult decisions needed to be made to achieve fiscal responsibility.

Motion by Selectman Adams, seconded by Selectman Morse, to restore the positions of Highway Superintendent and Superintendent of Public Works to the Town General and the Town and Village Highway Budgets. **Motion passed 4-1-0, with Selectman Goslant voting in opposition.** Manager Allard and Accounting Manager Laurie Baroffio will make changes in the amounts on the Town Warning once the Village Trustees have acted upon their own highway budget.

*The order of the meeting agenda was changed again in order to discuss **Approval of the FY 2010/2011 Village Highway Budget.***

Motion by Trustee Bright, seconded by Trustee Lawson, to reinstate the position of Highway Superintendent for the Village of Northfield. It was noted that the Trustees are only voting on Village Highway expenses at this time. **Motion passed 4-0-1, with Trustee Hambleton abstaining.**

Motion by Trustee Bright, seconded by Trustee Lawson, to approve the Village Highway Budget as amended. Trustee McCarney stated that he still had problems with various expenses in the budget, especially the \$20,000 to operate the leaf picker in the fall. He felt this was an unnecessary expense; the Village should find a less expensive alternative, such as providing a location where residents can dump their leaves. Superintendent Lyon stated that the leaf collection has been done at least forty (40) years and has worked well. He noted that something must be done to keep fallen leaves out of the sewer system. Although some nearby communities require the leaves to be bagged for pickup or they provide drop off spots, he felt that the current system worked well for our community. Trustee Lawson asked if there would be savings if the leaf picker were eliminated; Superintendent Lyon thought that there probably would not. **Motion passed 3-1-1, with Trustee McCarney voting in opposition and Trustee Hambleton abstaining.**

A brief recess was called at 9:01 p.m. so that Manager Allard and Accounting Manager Baroffio could return to the Municipal Building and revise the Town Meeting Warning in order to reflect the new budget figures. The meeting restarted at 9:10 p.m.

III. BOARD OF VILLAGE TRUSTEES

a. Approval of Minutes

- 1. January 12, 2010 (Regular Meeting).** Motion by Trustee McCarney, seconded by Trustee Hambleton, to approve the minutes. **Motion passed 5-0-0.**
- 2. January 16, 2010 (Retreat).** Motion by Trustee McCarney, seconded by Trustee Bright, to approve the minutes. **Motion passed 5-0-0.**

b. Approval of Bills: Warrant #15-10. Motion by Trustee Hambleton, seconded by Trustee Bright, to approve Warrant #15-10 in the amount of \$46,736.93. Trustee Hambleton noted that there were some property tax payments to the Town of Northfield in this warrant; this one-quarter of the year payment amounted to \$3,856. Whether the Village should pay all or any of this amount remains under debate. It was stipulated that the Village will not pay the property tax assessed on sewer lines and that the property tax on water lines will be paid under protest. **Motion passed 4-0-1, with Trustee McCarney abstaining due to the possible appearance of a conflict of interest on warrant items.**

c. Approval of FY 2010/2011 Village Highway Budget. See above.

d. Status Reports: Various Projects.

- 1. Energy Audits.** Trustee Bright has found a couple of companies that would be willing to provide energy audits of Village facilities.

2. **Village Common Sidewalks Restoration Project.** Trustee Lawson stated that a letter had been sent to Vermont's U.S. Representative Peter Welch seeking his support for this project. This is in addition to the letters previously sent to Senators Patrick Leahy and Bernie Sanders.

IV. JOINT DISCUSSION

- a. **Northfield Recycling Center update.** Selectman Adams first thanked Donald Wallace, Fred White, and Cindy Spaulding for working with him and Selectman Morse in their attempt to keep the Northfield Recycling Center operating in both the short- and long-term. Selectman Morse stated that Requests for Proposals (RFPs) to operate the Northfield Recycling Center through June 30, 2010 had been sent to Casella Waste Management, Earth Waste Systems, and Myers Container Service. Casella Waste Management and Earth Waste Systems submitted bids by today's deadline. Selectman Morse stated that it appears that the proposal from Earth Waste Systems is more favorable, as it would provide services and costs very similar those currently in place. Mr. Wallace noted that this proposal would only take us through the end of the current fiscal year; this is a short-term solution to be put in place while a long-term solution is devised.

Manager Allard and Accounting Manager Baroffio returned at this time.

Trustee McCarney was concerned that if the Town took over the depot from the Central Vermont Solid Waste Management District (CVSWMD), any contaminants left onsite would become Northfield's responsibility. Trustee McCarney requested that the Selectmen demand that an environmental impact study be performed on the current site, paid for by CVSWMD, prior to the Town allowing the site to be used again. Mr. Wallace suggested that the CVSWMD be sent a certified letter requesting that the oil drum (and other potential contaminants) be removed before Northfield takes possession.

Motion by Selectman Morse, seconded by Selectman Adams, to accept the bid proposal from Earth Waste Systems to operate the Northfield Recycling Center from February 10, 2010 through June 30, 2010. **Motion passed 5-0-0.**

Selectman Morse stated that for Northfield to operate the recycling center in the long-term, it needed to adopt a Solid Waste Implementation Plan (SWIP) through the State. He added that there was an article on the Town Meeting Warning that seeks voter authorization for the Town of Northfield to withdraw from the CVSWMD "effective upon the adoption of the Solid Waste Implementation Plan (SWIP)." He felt that waiting until the SWIP adoption was better than mandating a specific date. Mr. Wallace believes that, given the many x factors in the current situation, such an article should be advisory only.

Motion by Selectman Adams, seconded by Selectman Sanders to reword the proposed article as "Shall the Town of Northfield vote to consider withdrawing from the Central Vermont Solid Waste Management District?" Accounting Manager Baroffio pointed out that if the voters are asked only to "consider" this action, this article should be designated as non-binding. **Motion failed 0-5-0.**

After another brief discussion, there was a consensus to remove this article from the warning; this matter still could be discussed at Town Meeting under "non-binding business." Also, if the Town needs to withdraw from the CVSWMD before the end of the current fiscal year, a Special Town Meeting could be warned and held before then. Motion by Selectman Adams, seconded by Selectman Goslant, to delete the article related to withdrawal from the CVSWMD from the 2010 Town Meeting Warning. **Motion passed 5-0-0.**

- b. **Property Tax on Utility Lines outside Northfield Village.** Manager Allard had sent letters to the State Department of Taxation and to attorney Paul Gillies seeking a resolution of this dispute but had not heard back from either. Trustee Lawson feels that this matter has been debated long enough and that this needs to be resolved. Possible solutions suggested included an article on a future Town Meeting Warning seeking a full or partial property tax exemption for utility properties (Lawson), an appeal to the Board of Civil Authority (Morse), or instituting a fee on the utility bills of non-Village residents that would be used to offset the property tax cost (McCarney). The Boards will hold off on any action until replies to the aforementioned letters are received.

V. BOARD OF TOWN SELECTMEN

a. Approval of Minutes

1. January 11, 2010 (Regular Meeting). Motion by Selectman Morse, seconded by Selectman Goslant, to approve the minutes. **Motion passed 5-0-0.**

b. Approval of Bills: Warrant #15-10. Motion by Selectman Morse, seconded by Selectman Sanders, to approve Warrant #15-10 in the amount of \$67,440.52. **Motion passed 5-0-0.**

c. Approval of FY 2010/2011 Town Budget. Motion by Selectman Morse, seconded by Selectman Adams, to approve a total General Fund expenditure of \$2,212,810 of which \$128,450 will be used from the prior year surplus, \$74,750 will be used from Current Use Reserve, and \$1,321,830 will be raised by property taxes. **Motion passed 5-0-0.** Motion by Selectman Morse, seconded by Selectman Adams, to approve total Highway expenditures of \$1,996,360 for operating the Highway Departments, of which \$55,080 will be used from the prior year surplus, and \$1,264,430 will be raised by property taxes. **Motion passed 5-0-0.**

d. Approval of 2010 Town Meeting Warning. Motion by Selectman Sanders, seconded by Selectman Adams, to approve and sign the 2010 Town Meeting Warning with the revisions approved earlier tonight. **Motion passed 5-0-0.**

e. Hazard Mitigation Grant Program Agreement (Central Street Culvert). Superintendent William Lyon stated that the engineering firm DuBois & King provided a study of the drainage problems in Northfield Center. This led to Northfield being awarded grant money from Vermont Emergency Management (Department of Public Safety). Because of State requirements, the Town is the lead agency in this process even though this culvert is located in the Village. Motion by Selectman Morse, seconded by Selectman Sanders, to approve the agreement and authorize Chair Johnson to sign the document. **Motion passed 5-0-0.** Superintendent Lyon thanked the Boards for their support on this and other matters this evening.

f. Appointment of Alternate CVSWM Representative. Motion by Selectman Morse, seconded by Selectman Sanders, to appoint Charles Morse as the Alternate CVSWM Representative for Northfield. **Motion passed 5-0-0.**

g. Status Reports: Various Projects. The Selectmen had nothing else to discuss.

VI. LIQUOR CONTROL COMMISSION

a. Liquor License Renewal: South Village Mobil. Motion by Selectman Morse, seconded by Selectman Goslant, to approve the liquor license renewal. **Motion passed 5-0-0.**

b. Tobacco License Renewals: Norwich University Bookstore, Rite Aid, South Village Mobil. Motion by Selectman Morse, seconded by Selectman Goslant, to approve these tobacco license renewals. **Motion passed 5-0-0.**

VII. MANAGER'S REPORT

a. Status Reports: Various Projects

1. Possible Federal Funding. Manager Allard has learned from Thomas Nesbitt (Stantec Consulting) that additional federal stimulus ("jobs") money may be available soon.

VIII. PUBLIC PARTICIPATION: Non-agenda items. None.

IX. ADJOURNMENT. Without objection, the meeting adjourned at 10:25 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

These minutes are subject to approval at the next regular meeting.