

**TOWN OF NORTHFIELD
BOARD OF TOWN SELECTMEN
Minutes of December 27, 2010**

- I. ROLL CALL.** Chair Gregory Sanders, Selectmen Melvin Adams, Kenneth Goslant, Kenneth Johnson, and Charles Morse. Also present were Town Manager Nanci Allard, Accounting Manager Laurie Baroffio, Acting Clerk Kenneth McCann, Doug Lawson (Village Trustee), Michael L. Segale, CPA (Fothergill, Segale & Valley), Lela McCaffrey, CPA (Fothergill, Segale & Valley), General Michael B. Kelley (Norwich University Vice President of Student Affairs and Commandant of Cadets), Chris Bradley, and John Cruickshank (*Northfield News*).

Note: This meeting originally was warned as a Joint Board Meeting of Town Selectmen and Village Trustees. However, since a quorum of Village Trustees was not present, action on all items pertaining to the Village Trustees was postponed until their next regular meeting (01/11/11) and this meeting will be conducted as a regular meeting of the Town Selectmen.

Chair Sanders called the meeting to order at 7:00 p.m.

II. PUBLIC PARTICIPATION:

- a. Michael L. Segale, CPA, Fothergill, Segale & Valley: FY 2009/2010 Northfield Town and Village Financial Statements.** Mr. Segale's accounting firm provided the financial audit of the Town and Village of Northfield for the fiscal year that ended on June 30, 2010. He was present tonight to provide an overview and answer any questions regarding the written reports that had already been distributed to the Board members and municipal management.

Town of Northfield: Mr. Segale stated that the Town's financial statements had been determined to be an "Unqualified Report," which is the best possible ranking. He did not see any major issues to report and stated that the Town had provided accurate information on its accounting processes. He noted that the report had included a comparison with the previous fiscal year (2008/2009) and there had not been any significant differences in the revenue and expenditure amounts for each year. He added that at the end of the last fiscal year (06/30/10), there had been a \$96,000 budget surplus in the Town General account and a \$35,000 budget surplus in the Town Highway account; these excess funds have been applied to the next fiscal year. He stated that the projected budget had been quite accurate though he noted that Ambulance revenues had not been as much as anticipated and that Highway expenditures had been lower than expected, which was probably due to a mild winter. Mr. Segale stated that accounting adjustments that his firm had recommended in the report for the previous fiscal year had been adopted and that the accounting department had been very cooperative during the financial audit. Some issues were found, such as deferred tax payments, the recording of grant moneys, billing for Police Department Special Details, etc., but these were all quite minor and easily correctable. He concluded by stating that the next audit report will include new nomenclature based upon new accounting rules recently adopted.

Village of Northfield: As only one Village Trustee was present, Mr. Segale provided a brief overview of the Village audit (as he may be asked to attend a future Village Trustees meeting for the benefit of those not in attendance). He stated that the Village's financial statements also received the "Unqualified Report" status. He noted that there had been a major water project during the last fiscal year that had involved federal grant monies (i.e. "stimulus" funds.) Although this required special attention by the accounting department, no problems had been found regarding the procedures taken. He added that at the end of the last fiscal year (06/30/10), there had been a \$10,000 budget surplus in the Village General account and a \$34,000 budget surplus in the Village Highway account. He added that the Water Department had seen a slight increase in net income, the Sewer Department had seen a slight decrease, and the Electric Department also had seen a decrease. Manager Allard noted that the new electric rate increase (3.65%) will address the latter. Mr. Segale stated that some adjustments, especially involving asset depreciation, financial transfers between departments, etc. had to be made but these were minor issues.

Trustee Lawson noted that some of the accounting terminology used in the report (i.e. “misstatements”), though technically correct, might seem a bit harsh to a layman. Mr. Segale insisted that there was absolutely no intention to suggest any malfeasance or ineptitude on anyone’s part. Trustee Lawson then asked if there should be any concerns regarding the Village’s level of indebtedness. Mr. Segale was unable to cite any specifics but felt that the Village was not overloaded with debt. There followed a brief discussion of the Hardwick Electric Department, which recently discovered that one of its employees had embezzled over \$1,400,000 in funds. Mr. Segale stated that this particular employee had been granted too much flexibility over these funds; this is not the case with the Northfield Electric Department, as there is much more oversight of the employees, there is a proper distribution of duties amongst the employees, correct tracking of all expenditures, etc.

Selectman Morse asked if many Vermont municipalities accepted credit cards for payment. Mr. Segale stated that only a few did because of the processing charges imposed by the credit card company. Ms. McCaffrey noted that those municipalities that do accept credit cards usually charge the customer an additional fee to cover these expenses.

The Board members thanked Mr. Segale and Ms. McCaffrey for their fine work and for attending tonight’s meeting.

Mr. Segale, Ms. McCaffrey, Trustee Lawson, and Accounting Manager Baroffio left at this time.

- b. **Becky Raymond, Boys & Girls Club of the White River Valley: Town Warning Article Request.** Ms. Raymond was unable to attend due to inclement weather. She will be rescheduled for the next regular meeting (01/10/11).

III. APPROVAL OF MINUTES

- a. **December 13, 2010 (Regular Meeting).** Motion by Selectman Morse, seconded by Selectman Adams, to approve the minutes. **Motion passed 5-0-0.**
- b. **December 20, 2010 (Special Meeting).** Motion by Selectman Morse, seconded by Selectman Goslant, to approve the minutes. Selectman Morse noted that the Board had engaged in a lengthy discussion after coming out of executive session but this was not reflected in the meeting minutes. Selectman Johnson has written down his recollection of this discussion. Motion to approve was tabled until the next meeting so that this and other corrections can be made.

IV. APPROVAL OF BILLS

- a. **Warrant #13-11.** Motion by Selectman Morse, seconded by Selectman Johnson, to approve Warrant #13-11 in the amount of \$40,417.20. **Motion passed 5-0-0.**

V. SELECTBOARD

- a. **Norwich University/Northfield Police Department Interim Memorandum of Understanding (MOU).** General Michael B. Kelley is the Vice President of Student Affairs and the Commandant of Cadets at Norwich University (NU); he has held those positions since August 2003. General Kelley stated that he and Northfield Police Chief Chris Outten had been working on the document under discussion since last October. He stated that its purpose is to codify how the Northfield Police Department (NPD) would work with NU Security regarding police access to the campus and interactions between the NPD and NU students, faculty, and/or staff. General Kelley believes that the document would ensure that a NU student would be treated like any other member of the community while protecting his/her right to privacy. It also would sustain the NU’s inherent responsibility to its student population (*in loco parentis*). He added that even though the document is unsigned, the NPD has been abiding by its provisions. Even when the document is signed, it is designated as an “interim” MOU so that it would be subject to annual review and revision should any concerns develop.

Selectman Morse thought that the relation between NU and the NPD had been good and asked why there was a need for this MOU at this time. General Kelley stated that there had been three (3) factors that, in his mind, indicated the need for a written document. The first involved a nighttime incident at the NU Rugby Field that resulted in a "fresh pursuit" of a NU student by a part-time NPD officer who also was a NU student. General Kelley felt that this incident could have put other NU students in danger. He also felt that being a NU student put the officer into an uncomfortable situation regarding his fellow students. His second concern involved the practice of NPD officers interviewing NU students in their on-campus dorm rooms. As these rooms consist of a shared bedroom, he felt that the students' privacy was threatened, especially if these interviews took place at nighttime. General Kelley believed that in a non-emergency situation, such interviews should be conducted in a more public location during daytime hours. His third concern involved an afterhours incident in which a NPD officer asked a NU student leader to "take charge" of another student. General Kelley also felt that this matter could have waited until the next morning. He added that since the development of the MOU, the NPD has worked well with NU Security to avoid any additional incidents.

Selectman Adams noted that the MOU states that NPD officers involved in a "fresh pursuit" are required to contact and inform NU Security of the "nature of the offense/emergency and seek assistance as appropriate." He asked if this communication was possible in this situation. General Kelley stated that it was; the NPD and NU Security shared the same two-way radio frequency. He added that a suspect did not gain "sanctuary" by going onto campus. The police will have access to campus but merely are being asked to keep NU Security informed of any situation.

Selectman Johnson felt rules governing NPD behavior should be delineated in its own written Standard Operating Procedures (SOP); he did not see the need for a separate MOU. General Kelley stated that it would be much easier to revise the MOU to reflect any new concerns and that having a shared, written agreement between NU and the NPD would "keep everybody on the same page."

Chair Sanders stated that during his tenure on the NPD, he often had to interact with friends and family while on the job so he did not see why the NPD officer/NU student should be precluded from doing his job on campus. Selectman Morse noted that when NU's student body was comprised solely of its Corps of Cadets, the campus was largely closed off and self-policing. However, now there are traditional students living on campus who are not subject to Corps control and discipline. In addition, there are numerous events held on campus, i.e. athletic competitions, that bring large non-student traffic onto the campus. He felt that it would be wrong to put restrictions on NPD officers should there be any incidents. General Kelley noted that NU Security does work well with the NPD when illegal activity is discovered on campus. He does not believe that the proposed MOU would impair proper policing of the campus.

Chair Sanders asked if NU planned to negotiate agreements with other law enforcement agencies, as he had seen law enforcement vehicles from outside Northfield, i.e. Vermont State Police, sometimes parked on campus. General Kelley said that there were no plans to do so. Chair Sanders also expressed concerns that the Town might have to pay overtime should a night-time shift NPD officer be forced to return to campus during daylight hours in order to interview a NU student. He is particularly opposed to the "Special Provision" that states that a NPD officer who is also a NU student would be forbidden "to conduct police business" on NU property (with some exceptions, such as when another NPD officer is unavailable).

Selectman Morse believes that it would be preferable for a continuing "open dialogue" between the NU administration and Town officials in order to discuss incidents and concerns case-by-case rather than developing an all-encompassing document. Chair Sanders is concerned that it might be seen that NU personnel would be receiving special treatment from the NPD, resulting in the perception of selective law enforcement. Selectman Adams thought that a rule might be established that the NPD could not hire current NU students as part-time officers. General Kelley noted that the exceptions indicated above were a compromise from his earlier position that a NPD officer/NU student should be totally banned from doing police work on campus.

Selectman Goslant then expressed his general opposition to the MOU, stating that it appears that NU is trying to dictate how the NPD will police the community. He does not believe that NU Security is as capable to handle on-campus incidents as the NPD. General Kelley agrees that they are not trained law enforcement officers. Selectman Goslant asked if there had been any thought of NU forming its own police department. General Kelley was unaware of any such discussion.

Selectman Johnson would like the behavior of NU students off campus addressed as well. His main concern is the practice of NU students of running along the roadsides in large groups. He has heard numerous complaints from residents about traffic obstructive, excessive noise, etc. General Kelley will look into this.

Before proceeding further on this matter, Chair Sanders would like documentation on the incidents that General Kelley described as well as the input of Police Chief Outten (who was unable to attend tonight's meeting). General Kelley stated that he would work with Chief Outten to provide this information before the next Board meeting (01/10/11). Chair Sanders confirmed that this matter will be on the next agenda.

b. Status Reports: Various Projects.

- 1. Road Maintenance.** Selectman Morse commended the Highway crew for their efforts during the recent snowstorms.

VI. MANAGER'S REPORT

a. Status Reports: Various Projects

- 1. Brown Public Library.** Manager Allard stated that she had received a letter from Brown Public Library Sue McNamara that commended Maintenance Worker Darrell Chamberlin for his exception work in maintaining the facility.
- 2. Planning Grant.** Manager Allard noted that, due to Zoning Administrator Michele Braun's efforts, the Town of Northfield had received \$6,488 state grant that would be used to update the Municipal Zoning Regulations. This money would be used for a professional legal review of any proposed revisions, printing costs, etc.

VII. PUBLIC PARTICIPATION: Non-agenda items. There was none.

VIII. ADJOURNMENT. Motion by Selectman Johnson, seconded by Selectman Adams, to adjourn.
Motion passed 5-0-0.

The Board adjourned at 8:32 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

These minutes are subject to approval at the next regular meeting