

**TOWN OF NORTHFIELD
BOARD OF SELECTMEN
Minutes of January 9, 2012**

I. ROLL CALL. Chair Charles Morse, Selectmen Chris Bradley, Kenneth Goslant, Kenneth Johnson, and Gregory Sanders. Also present were Interim Town Manager Rob Lewis, Acting Clerk Kenneth McCann, Michele Braun (Zoning Administrator), James Baraw (Supervisor, Northfield Ambulance Service), Lawrence Miller (Secretary, Vermont Agency of Commerce and Community Development), Sally Davidson (Charter Committee), Jeanette DeFazio (Starting Over Strong [S.O.S.] Vermont), Linda Barrows (Charter Committee), Thomas McCarney (Charter Committee), Phil Benedict (Charter Committee), Terry Gray (Charter Committee), Lynn Sanders (Charter Committee), Mel Adams, Donald Wallace, Dan Guyette, Paulette Guyette, Sandra Badger, Bonnie Pemberton, Mike Pemberton, Steve Fernandez, Carolyn Fernandez, Keith Dukette, Jim Wilson, John Stevens, Carolyn Stevens, Rebecca Trower, Michael DeMasi, Philo Hardie, Dan Staples (*Times Argus*), and Kathleen Lott (*Northfield News*).

II. PLEDGE OF ALLEGIANCE. The Board members and the public were asked to rise and recite the Pledge of Allegiance.

A Public Hearing for the purpose of providing written or oral views on a proposed interim amendment to Northfield's Flood Hazard Zoning Regulations was warned to immediately precede the Selectboard's regular meeting. The purpose of the interim bylaw is to expedite the permitting process for flood-damaged homes. It does this by allowing the Zoning Administrator to approve applications for repairs to homes located in the regulatory floodway, which is a type of application normally reviewed by the Zoning Board of Adjustment (ZBA). The expanded administrative authority is restricted to a period of nine (9) months following the disaster. In May 2012, the authority to approve such applications will revert to the ZBA.

Chair Morse called the Public Hearing to order at 6:00 p.m. He first read the wording of the Public Hearing notice and then the wording of the proposed interim amendment itself. Chair Morse then opened the floor to any member of the public who wished to discuss the proposed interim amendment.

Mike Pemberton asked how the interim amendment would affect the permit process if any outbuildings had been destroyed by Tropical Storm Irene flooding. Zoning Administrator Braun stated that she would have to review the permit application first to determine whether the ZBA could be bypassed on this matter. She is willing to work with Mr. Pemberton on this. There being no other questions or comments, the Public Hearing closed at 6:07 p.m. The regular meeting began immediately.

III. PUBLIC PARTICIPATION:

a. Lawrence Miller, Secretary, Vermont Agency of Commerce and Community Development: Hazard Mitigation Grant Program update. Secretary Miller was present to inform the Board and members of the public of recent developments in the Hazard Mitigation Grant Program, including the FEMA "Buyout" Program. He recently learned that the federal Agency of Housing and Urban Development (HUD) now is taking part in the program by providing block grant money that would fund the 25% "match amount" for which applicant communities are responsible. Congress has allocated an additional \$40,000,000 to HUD for nation-wide disaster relief; Secretary Miller believes that Vermont's share of this amount should cover the "match amount" expenses for those buyout applications approved by FEMA. He and other state officials had been aware of the great financial burden that the "match amount" expenses otherwise would have been to flood-damaged communities. He hopes that this will mean that flood-damaged structures will be taken down as soon as possible and the cleared properties left free of any structure susceptible to similar damage. Secretary Miller also announced that as its first action of the new session, the Vermont State Legislature just passed tax abatement legislation that would hold communities harmless for the education tax.

Chair Morse asked if the application process for HUD block grants as it was for the Hazard Mitigation Grant Program and whether affected communities would be contacted regarding the process. Secretary Miller stated that the communities would be contacted and assisted in order to expedite the process. The new deadline for the Hazard Mitigation Grant applications is February 17, 2012 so communities should apply before then so that the HUD block grant program remains an option. Manager Lewis asked Secretary Miller if there would be sufficient federal money to cover everyone in the state; he is hopeful that it is. If it is not, it should cover almost all the costs and additional funds to cover the shortfall should not be too difficult to obtain elsewhere. Selectman Goslant asked if it was realistic to expect that FEMA will have the funds for the 75% payment to homeowners. Secretary Miller was fairly optimistic even though he acknowledged that it would be a competitive process. He added that Vermont appears to be a high priority for disaster relief.

Selectman Goslant noted that some people in the Southeast are still waiting for Hurricane Katrina relief. Secretary Miller believes that the federal disaster relief legislation for the more recent occurrences was much better written and the resultant process should be more efficient. He added that there was no obligation to communities by applying for these grant funds and that the process could be discontinued at any time. He and his agency also are looking for alternate sources of funding, including private foundations.

Selectman Bradley asked when federal money could be expected to start arriving. Secretary Miller noted that the application deadline had been delayed about a month so that the affected communities could complete the application process. Ms. Braun noted that there is a mid-March 2012 deadline for the second round of applications so decisions on the earlier applications should be made by then. Secretary Miller anticipates that the money should start arriving in time for construction season. Carolyn Stevens asked about the status of the Town's application. Ms. Braun stated that she is working on it now; she added that the deadline extension was very helpful to her. Jim Wilson asked what is the homeowner's role in this. Secretary Miller stated that the Town of Northfield will be making the applications to the Hazard Mitigation Grant Program and for the HUD block grants; for the homeowner, this should be a fairly conventional home sale. Ms. Braun stated that there are some FEMA forms that the homeowners will need to sign but they are now going through legal review. When this is completed, she will contact homeowners. In addition, she asked that homeowners should provide her with before and after photographs that document the flood damage.

Bonnie Pemberton asked what would be the next step for homeowners who would like to obtain tax abatements now that the legislature has acted. Chair Morse stated that the Town Clerk's Office will begin accepting tax abatement applications again. Once the applications start coming in, the Board of Civil Authority (BCA) will begin working on procedures. Ms. Pemberton asked if the BCA would do on-site inspections. Chair Morse is not sure; the BCA may use digital images only. These kind of decisions still need to be made. Rebecca Trower asked if commercial properties were eligible for the Hazard Mitigation Grant Program or if it was just for residential homes. Secretary Miller stated that the communities would make the applications and FEMA would decide on the most worthy cases. Ms. Braun said that she would need to be contacted as soon as possible if any additional property owners would like to be included in the application process. Chair Morse agreed, stating that it is always possible to decide not to participate later but it is important not to be excluded forever by missing deadlines. Secretary Miller added that those participating in the application process should never see a denial from a government agency as the final word; he recommends applying and reapplying as much as possible and not taking "no" for an answer.

Secretary Miller left at this time.

Ms. Braun stated that it was good to learn from Secretary Miller that 25% "match amount" funding appears to be fairly secure. On the chance that this portion would have to be taken out of the 75% compensation payment to the property owners, she had calculated that this would have reduced the amount paid to them by an average of \$3000 to \$5000. Even with this lower amount of compensation, the program still might be worthwhile to the property owners. Mel Adams thought that the monetary value of volunteer labor provided in the wake of the Irene-related flooding could be included in the 25% match amount. Ms. Braun stated that only future volunteer labor could be counted towards the match amount. This might include free demolition services, etc. Philo Hardie was concerned that unlicensed demolition volunteers might not meet required state and federal standards. Chair Morse stated that volunteers still could perform unskilled labor or provide some free materials. Rules regarding disposal of hazardous materials would have to be strictly followed and a list of qualified contractors would be made available. Mike Pemberton asked if homeowners would be able to salvage materials before demolition. Ms. Braun noted that the Town would own the property and would have to establish some guidelines on this with both the homeowner and the contractor. Bonnie Pemberton noted that if the HUD grant money does not materialize, there are other potential funding resources. For example, the Vermont Community Foundation provided considerable assistance to the Weston Mobile Home Park residents in West Berlin when the property was severely damaged by Tropical Storm Irene flooding. Mike Pemberton added that this was a good example of neighbors helping neighbors. Ms. Braun then asked if the Board would like her to continue with the grant application process. Chair Morse asked her to pursue the matter with "full steam ahead."

IV. DISCUSSION OF PROPOSED TOWN CHARTER. Tonight's meeting was advertised as the last time that members of the public could suggest or request changes to the draft wording of the proposed charter. The Town Charter Committee has prepared draft version of the charter that includes references to public comments previously received and whether the committee believes that the charter wording should or should not be revised to reflect these concerns. Chair Morse, who also served on the committee, thanked the committee members here tonight for attending. He added that it is the Board's consensus that the charter should be revised in order to retain the Town Manager form of government. Therefore, all references to "Town Administrator" in the current draft should be changed to "Town Manager." Chair Morse then through the current draft, highlighting those sections that have been the focus of public comment and/or a change from current practice.

During the discussion of the draft charter, Mr. Adams stated that much of the document was a restatement of state law; he would prefer a much more concise document that focused on how Northfield governmental operations would differ from state law in certain instances. Linda Barrow stated that it was the committee's intention to put all facets of local governmental operations into one document so that residents, especially newcomers, could find all the information they needed in one place.

During the discussion of the section on "Special Districts," Chair Morse stated that some public comments have noted that since an improvement to municipal utilities might be a benefit to the entire community by attracting new businesses, creating new jobs, etc., it would be unfair to require that only current users pay for capital improvements. Mr. Adams also believes that this section should be revised; in particular, he would like the reference to "storm water" removed because roads affected by this are community assets regardless of where one resides. In addition, Don Wallace stated that residents who are municipal water customers but not municipal sewer customers would benefit if sewer lines were extended southward in order to protect the wellfield. After further discussion, it was the consensus of the Board to delete the reference to "storm water." In the section on "Bond," Mr. Adams would like it clarified that it is the Town's responsibility to pay for the bonding of elected and appointed Town officials. This will be addressed.

During the discussion of the section on "Elected Officials," Chair Morse noted that the draft charter would eliminate the elected Listers and replace them with a hired "Appraiser." He stated that the Listers have put a lot of time, effort, and training into preparing for the next town-wide reappraisal and there have been suggestions that the Listers should be retained until the project is completed. Terry Gray stated that the Town may want to consider retaining the Listers and hiring a licensed appraiser to assist them throughout the reappraisal process; the Listers could serve as a check and balance for the appraiser and vice versa. Manager Lewis stated that the Listers will hire a professional appraiser to assist with the town-wide reappraisal; however, he did not agree with the extra expense of a full-time appraiser. Ms. Gray stated that the appraiser could assist with "rolling appraisals," which would save the Town money on future town-wide reappraisals. Selectman Bradley has mixed feelings about eliminating the Listers, as he once served as one himself. Since he considers it vital for the Town to have a charter approved by the public and there is a chance that some voters may oppose the charter over this one issue, he would favor retaining the Listers at this time. After further discussion, including on the relative level of training and expertise of Listers as opposed to licensed appraisers, Chair Morse stated that he would caucus with the Charter Committee on appropriate wording for this section.

It then was noted that the charter would retain the elected Delinquent Tax Collector. Selectman Bradley stated that it is the Board's intention to eliminate this elected position by public vote and then bringing this "in house" so that the collected funds and late penalties would go directly into the General Fund. Kathleen Lott said that this had been on the last two Town Meeting Warnings and it failed both times. Manager Lewis stated that there now is a plan to do this that can be explained properly on Town Meeting Day. Chair Morse noted that the charter would retain the position but the elected official would be paid a stipend rather than collect the late payment penalties, etc.

Regarding the section on the "Recall of Elected Officers," Mr. Adams noted that since there is not a "for cause" provision in the charter, the recall of duly elected officials could be done for frivolous reasons rather than, for examples, for a serious crime or malfeasance in office. In addition, as much fewer people vote in special elections, it is possible that someone could be elected with a substantial vote on Town Meeting Day, be the subject of a recall petition, and then be removed from office with far fewer voted than originally received. Chair Morse stated that determining a proper definition of "for cause" became so difficult that the committee abandoned the effort. Mr. Adams remains concerned about an elected official being removed because of a vote at a sparsely attended special meeting. Ms. Trower suggested raising the number of signatures required on recall petitions from 10% of registered voters (as now proposed) to 20%. Lynn Sanders felt that the 10% figure was sufficiently stringent. Chair Morse stated that this matter will be reviewed further.

Regarding the section entitled "Appointed Town Officers," Ms. Lott suggested that there should be some provision for the establishment of a Development Review Board (DRB). As previously noted, all references to "Town Administrator" will be changed to "Town Manager." Regarding the "Select Board Organization" section, Chair Morse would like a provision included for emergency meetings as one became necessary in the immediate aftermath of Tropical Storm Irene. In the "Appropriations" section, Chair Morse noted that the charter would require that all Town Meeting budget articles must be approved by Australian Ballot; this basically would eliminate the open session on Town Meeting Day. There also is a provision in this section that a Special Town Meeting had to be held if a state or federal grant award required unbudgeted matching funds. Chair Morse believes that this would be too burdensome to the grant application process, especially in light of the grant applications now being processed in order to obtain Irene-related disaster funds. Manager Lewis also felt that this requirement would be too cumbersome. Chair Morse suggested replacing the "Special Meeting" requirement with one for a "Public Hearing." Selectman Bradley also would like some latitude in these requirements.

Chair Morse noted that the section "Tax Exemption/Stabilization" would authorize the Selectboard to establish a policy on special tax agreements; the policy then would have to be approved by voters by Australian Ballot. If the policy is thus approved, this would grant the Board a power that it currently lacks. In the next section, "Taxation," there is a provision that would allow for taxes to be paid with a discount if completely paid at the first due date should this be approved at Town Meeting. There has been some concern expressed that this would favor businesses and affluent individuals over those who still would need to pay in quarterly installments. After further discussion, the provision was left as is. The following section, "Borrowing of Funds," has a requirement that the Board could not borrow funds "in anticipation of Federal and State funds" for longer than one year. Chair Morse noted that the current requirement is five (5) years. Selectman Johnson added that it usually takes at least two (2) years to receive full payments from the federal government. This requirement will be reviewed at a later time.

In the section "Disposition of Fees and Fines," Chair Morse wondered why the Town Clerk was exempt from turning collected monies over to the General Fund. This item also will be reviewed. In the next section, "Ordinance Adoption by Select Board," Chair Morse would like the Town to have the ability to have ordinances take effect immediately; the Village already has this ability because that is the way its charter is written. Finally, the section on "Charter Implementation" includes references to the retention of Listers that may have to be removed if the charter draft is rewritten (as indicated above) to remove the elimination of the Listers. The review of the current draft of the proposed charter thus concluded, Chair Morse thanked the Charter Committee for putting this document together as well as thanking those who have submitted suggestions for improvement.

V. APPROVAL OF MINUTES

- a. **December 12, 2011 (Regular Meeting).** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve the minutes. **Motion passed 5-0-0.**
- b. **December 12, 2011 (Budget Meeting).** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve the minutes. **Motion passed 5-0-0.**
- c. **December 16, 2011 (Budget Meeting).** Motion by Selectman Bradley, seconded by Selectman Sanders, to approve the minutes. **Motion passed 5-0-0.**
- d. **December 19, 2011 (Budget Meeting).** Motion by Selectman Bradley, seconded by Selectman Sanders, to approve the minutes. **Motion passed 5-0-0.**
- e. **December 21, 2011 (Budget Meeting).** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve the minutes. **Motion passed 4-0-1, with Selectman Sanders abstaining.**
- f. **December 29, 2011 (Budget Meeting).** Motion by Selectman Johnson, seconded by Selectman Bradley, to approve the minutes. There was one typo on page 2: the first "2011" on line 24 should be "2010." **Motion to approve amended minutes passed 5-0-0.**
- g. **January 3, 2012 (Budget Meeting).** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve the minutes. There was one typo on page 1: the "\$1000 per weekend coverage" on line 27 should be "\$100 per weekend coverage." **Motion to approve amended minutes passed 5-0-0.**

VI. APPROVAL OF BILLS

- a. **Validation of Warrant #13-12.** Motion by Selectman Johnson, seconded by Selectman Bradley, to validate the approval by signature of Warrant #13-12 in the amount of \$906,585.12. **Motion passed 5-0-0.**

- b. **Warrant #14-12.** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve Warrant #14-12 in the amount of \$85,153.20. **Motion passed 5-0-0.**

VII. SELECTBOARD

- a. **Approval of Interim Amendment to Flood Hazard Zoning Regulations.** Motion by Selectman Bradley, seconded by Selectman Johnson, to approve and sign the Interim Amendment. This matter had been discussed previously during the warned Public Hearing. **Motion passed 5-0-0.**
- b. **Bond Anticipation Note (Town Truck Purchase): \$75,000 at 1.50% interest.** Manager Lewis noted that this note was for a Fire Pumper Truck that had been purchased in 2002. Motion by Selectman Johnson, seconded by Selectman Sanders, to approve and sign the Bond Anticipation Note; to approve and sign the No-Arbitrage and Use of Proceeds Certificate; to approve and sign the Bond Anticipation Borrowing Resolution; and to approve and authorize Chair Morse to sign the Commercial Loan Closing Sheet. **Motion passed 5-0-0.**
- c. **Boys & Girls Club of the White River Valley Town Meeting Warning Request.** The Boys & Girls Club is asking to have its \$6000 funding request to be placed on the Town Meeting Warning without a petition; the same request was approved by the Board the previous year. Motion by Selectman Bradley, seconded by Selectman Sanders, to place the \$6000 funding request of the Boys & Girls Club of the White River Valley as an article on the 2012 Town Meeting Warning. **Motion passed 5-0-0.**
- d. **Northfield Ambulance Service Night and Weekend Compensation.** Motion by Selectman Bradley, seconded by Selectman Goslant, to establish a \$100 weekly stipend for the weekend shift supervisor. The Board had discussed this matter during a previous budget meeting (01/03/12). This will discontinue the night and weekend "per run" compensation. Manager Lewis noted that the funds for this compensation are already budgeted. **Motion passed 5-0-0.**
- e. **Executive Summary: Certificate of Town Highway Mileage.** Motion by Selectman Bradley, seconded by Selectman Sanders, to approve and sign the Certificate of Town Highway Mileage. As indicated in Highway Superintendent Peter G. DeMasi's executive summary, there were no changes in Town Highway mileage in 2011. **Motion passed 5-0-0.**
- f. **Licenses, Fees, Permits, and Fines.** The Board would like to increase some of the current amounts to more accurately reflect the actual costs of the relevant services provided (or incurred). Manager Lewis would like to raise the cost of a driveway permit from \$20 to \$120; Highway Superintendent DeMasi is required to make at least two (2) site visits to proposed driveway locations and the new amount would better compensate for his lost time. Chair Morse recently acquired an ARC property map from Zoning Administrator Braun and noted how much of her time it took to produce it. He would like to institute a \$5 charge for a "Parcel Map Overview Copy." Selectman Sanders would like to increase the "Stray Dog" fine from \$40 to the actual cost for the lost time of the police officers and/or other municipal employees required for catching the animal. Selectman Goslant thought that a set amount would be preferable to an unspecified amount that would be open to dispute. Selectman Sanders suggested a \$75 fine. Selectman Sanders then asked about the current fine structure for littering offenses. Chair Morse noted that the fines were stipulated in the current Litter Control Ordinance and the ordinance itself would have to be revised in order to change them. Motion by Selectman Bradley, seconded by Selectman Sanders, to increase the driveway permit cost from \$20 to \$120; to institute a \$5 a copy cost for producing ARC parcel maps; increase the penalty for stray dogs from \$40 to \$75. **Motion passed 5-0-0.** The new amounts will go into effect on July 1, 2012 with the beginning of the next fiscal year.
- g. **Execute Town Manager Contract.** Selectman Bradley stated that he and Selectman Sanders, in their role as the Town's Management Subcommittee, have been working with Manager Lewis on a contract to hire him as the permanent (not "interim") Town Manager. The contract is not yet completed but the committee recommends that, in meantime, Manager Lewis should receive the full employee benefits package as of January 1, 2012. Motion by Selectman Morse, seconded by Selectman Sanders, to approve the recommendation that Manager Lewis be eligible for full employment benefits as indicated above. **Motion passed 5-0-0.**

- h. Town Sewer Ordinance.** Chair Morse noted that the Board already has had numerous discussions regarding whether to remove the requirement in the current ordinance that a property owner in the "Source Protection Area" must hook onto the municipal sewer system should it pass within 250 feet of his/her property. As the Village of Northfield now is considering an expansion of the municipal sewer system southward into this area along Vermont Routes 12 and 12A, this provision has become more relevant. Motion by Selectman Bradley, seconded by Selectman Sanders, to amend the Town Sewer Ordinance to remove this connection mandate. Chair Morse noted that the Village already has invested \$250,000 for design planning for this project. As there is a hardship provision that allows residents with properly working private septic systems to keep them, he does not see the need to remove the mandate at this time. Selectman Bradley does not feel that residents in the specified area should be singled out for this mandate. Also, some people might be reluctant to claim "hardship." Thomas McCarney, who was a Village Trustee when the Town and Village Sewer Ordinances were adopted in 2004, stated that there was an attempt to protect the wellfield by allowing new users to hook onto the municipal sewer system without charge. He now is more concerned about contaminants reaching the wellfield from the highway system in the area than from private septic systems. Selectman Bradley noted that in their recent presentation of the design plans for the proposed sewer expansion, the engineers from DuBois & King stated that removing mandatory hookups probably would not affect obtaining state or federal funding for this project. Also, Selectman Bradley doubted that affected residents had been informed of the hookup requirement when it was established in the ordinance. Chair Morse felt that there was no need to take action on this matter at this time; the project is still in the Act 250 approval phase and there is no funding in place for construction costs. Selectman Bradley then called the question. He would like the first sentence in Section 3.4.2, which currently reads "Existing private sewage disposal systems that are working properly and are within the area specified in this section, but outside the source protection area may continue to be used as long as they meet all other requirements..." revised by removing the text underlined above. **Motion passed 4-1-0, with Selectman Morse voting in the negative.** Chair Morse noted that a Public Hearing would need to be held before the ordinance is formally revised.
- i. Village Highway Budget.** Since the Village Trustees have yet to review this revised budget, this discussion will be held at a later time.
- j. Status Reports: Various Projects**
- 1. Recreation Committee.** It was noted that Kristine Seipel has submitted a letter of resignation from the Recreation Committee. The Board thanked Ms. Seipel for her past service.

VIII. MANAGER'S REPORT

- a. Status Reports: Various Projects.** In addition to his written report, Manager Lewis wanted to add the following.
- 1. Elected Town Officers.** Manager Lewis stated that Town Clerk Kim Pombar asked him to announce that the following elected positions will be voted upon on Town Meeting Day (03/06/2012): Delinquent Tax Collector, 1 year; Grand Juror, 1 year; Selectman, 3 year seat; Selectman, 2 year seat; School Director, 3 year seat; School Director, 2 year seat; School Director, 1 year seat-remainder of a 2-year seat; Lister, 3 year seat; Town Clerk, 3 years; Town Agent, 1 year; Trustee of the Brown Public Library, 3 year seat; and Trustee of the Brown Public Library, 3 year seat. Petitions to run are available at the Town Clerk's Office and are due back by Monday, January 30, 2012.

IX. PUBLIC PARTICIPATION: Non-agenda items

- 1. Rebecca Trower: Abandoned Irene-Damaged Houses.** Ms. Trower asked if there is any update regarding the two (2) houses on Water Street and Union Street that were severely damaged by Tropical Storm Irene and subsequently abandoned by their owners. Manager Lewis stated that Health Officer Mark Podgwaite will be addressing this matter with an attorney later this week.

X. ADJOURNMENT.

Without objection, the Board adjourned at 10:58 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

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

An audio recording of this meeting is available in the Town Manager's Office.