

**TOWN OF NORTHFIELD, VERMONT  
SELECT BOARD REGULAR MEETING  
Minutes of September 10, 2024**

- I. ROLL CALL.** Chair K. David Maxwell, Board members Charles Morse, Lydia Petty (7:00 p.m.), Merry Shernock, and John Stevens. Also present were Manager Jeff Schulz, Acting Clerk Kenneth McCann, Tim McAdoo (Director, Greater Northfield Senior Center), Marie Chilson (President, Greater Northfield Senior Center), Dianna Truman, Eric Truman, Darrell Chamberlin, Todd Goodrich, John Lepore, Carle Underhill, Bobbi Underhill, Nanette Smith, Bill Smith, Don Maraska, Keturah Maraska, Chris Bradley, Gerard LaVarnway, Donald Doyon, Pam Ricker, Carolyn Stevens, and Elroy Hill.

Chair Maxwell called the meeting to order at 6:00 p.m.

- II. PLEDGE OF ALLEGIANCE.** Those present were asked to join the Select Board members in reciting the Pledge of Allegiance.

**III. PUBLIC HEARING**

- a. Proposed Revisions of the Disorderly Conduct Ordinance.** This public hearing is being held in order to allow Northfield residents to express their views regarding proposed changes to the municipality's Disorderly Conduct Ordinance, which was last revised in 2002. The main revision would be to prohibit the "Outdoor recreational discharge of a firearm in the high and medium density, industrial and downtown centers as identified in current zoning ordinances." The ordinance also would be amended to specify that "The lawful discharge of firearms for the purposes of self-defense or animal control is allowed." Chair Maxwell said everyone present in the room or online would have the opportunity to speak on this matter.

Bill Smith is a local attorney and is the person who initiated this effort. He has worked with Board member Morse and Northfield resident Chris Bradley on this proposal to prohibit recreational firearm discharges in the downtown area. Mr. Smith has lived on Central Street for over twenty (20) years but this only became a problem recently when certain Jarvis Road residents started discharging weapons on and near their property on a regular basis. He believes this has become a real noise nuisance for the neighborhood as well as a major public safety concern. He added he himself is a gun owner and National Rifle Association (NRA) lifetime member so he certainly is not anti-gun. Mr. Smith noted that Mr. Bradley also is an NRA lifetime member, President of the Vermont Federation of Sportsmen's Clubs, and a well-known defender of Vermonters' Second Amendment rights. Mr. Smith and Mr. Bradley conferred with Board member Morse on the best way to address this concern in a timely manner that would pass legal muster. They reviewed this matter thoroughly and determined that the best way to do this was by amending the municipality's Disorderly Conduct Ordinance, which is commonly referred to as the local "noise ordinance." Mr. Smith understands that the municipality did have the Town Attorney (Mick Leddy) review the proposed ordinance revision. His legal opinion was that although some minor changes could be made for clarity, the revised ordinance would be a "legal and permissible regulation of firearms in portions of the municipality."

Darrell Chamberlin lives on Jarvis Lane not far from where the firearms discharges are taking place. He personally has seen some firearms discharges that he considered quite irresponsible, such as firing in the direction of the nearby railroad tracks. Mr. Chamberlin felt such open misuse of firearms often leads to calls for gun ownership restrictions, which he does not favor. He has contacted the Northfield Police Department (NPD) about this situation but has been told nothing can be done without a change in the local ordinances. Mr. Chamberlin would like something done before someone is seriously injured or killed by ricocheting bullets.

John Lepore has lived on Water Street for over twenty (20) years and he too is an NRA lifetime member. He said there are basic rules for firearms safety, such making sure your weapon is safely pointed in the right direction towards a proper target, and he doesn't feel those rules are being following by the Jarvis Lane shooters. Mr. Lepore also believes this issue should have been addressed years ago as there is significant danger related to outdoors firearms discharges in a residential neighborhood when proper safeguards are not being employed. He also felt those doing the shooting are not using a proper backstop so the danger of ricocheting bullets is a real concern. Mr. Lepore has heard volleys of over thirty (30) bullets at a time and sometimes the noise goes on all day with only brief interruptions. He strongly favors the proposal to ban outside discharges of firearms in the specified residential areas.

Dianna Truman also lives on Jarvis Lane about three hundred feet (300') from where the firearms are being discharged on a regular basis. She agreed that sometimes the shooting seems to go on all day with hundreds of rounds being discharged, making the area sound like a combat zone. Ms. Truman is especially concerned about any neighborhood children playing outdoors who could be put in danger by stray bullets. Ms. Truman added that her family own firearms but they would never discharge them in a downtown neighborhood just for fun. She thought such activity already was forbidden by local ordinance and hopes the Select Board members will take action and approve the proposed ordinance revision. Mr. Chamberlin also felt something should be done before the situation gets ever worst.

Chair Maxwell lives a few blocks away on South Main Street and he can hear the firearms being discharged from Jarvis Lane when he's home nights and weekends. Board member Morse said the Town of Northfield has been in existence for almost two hundred and fifty (250) years but we haven't seen such repeated bad behavior with firearms until fairly recently. That is why there is not an ordinance in place already to address this concern. He added that this is not a restriction on either gun ownership or hunting but rather a reasonable response to recurrent noise and personal safety concerns in a downtown residential area. Board member Morse is also grateful to those attending tonight's meeting to express their views on this.

Todd Goodrich lives on Jarvis Lane and noted that this had been a fairly quiet neighborhood until recently but now he is reluctant to step outside while the shooting is going on. Carle Underhill and his wife Bobbi live on Water Street, which is across the Dog River from Jarvis Lane, and they hear the gunfire on a regular basis. He agreed with the others that this has become an unsafe situation and he has heard various weapon calibers being discharged. Mr. Underhill said some people now are reluctant to use the Dog River Park as they don't feel safe from the gunfire on Jarvis Lane. This noise and public safety concern affects quite a large area, not just Jarvis Lane and adjacent neighborhoods. Mr. Underhill also felt bad for the residents of the nearby Mayo Healthcare, where many older persons live in assisted living situations. The recurrent sound of gunshots cannot have a positive effect on those in their golden years.

Elroy Hill lives in Northfield Falls and he agrees with the concerns of those speakers tonight who are directly affected by the firearms discharge on Jarvis Lane. However, he noted that large trucks often pass through Northfield Falls at all hours blaring their jake brakes (also known as engine brakes). This sound can be quite disturbing especially in the early hours and he asked if the ordinance revision could prohibit their use as well. Board member Morse said as this issue hasn't been properly researched, he would rather focus on the more immediate health and safety concern on Jarvis Lane at this time. It is possible that when more is known about how to address the truck noise problem, the Disorderly Conduct Ordinance could be amended again in future.

There being no other comments or questions, the public hearing was closed at 6:35 p.m. The meeting then went into recess until 7:00 p.m.

**IV. SET/ADJUST AGENDA.** There were no changes to the posted agenda.

**V. PUBLIC PARTICIPATION (SCHEDULED):** None.

## **VI. APPROVAL OF MINUTES**

- a. **August 27, 2024 (Regular Meeting).** Motion by Board member Morse, seconded by Board member Stevens, to approve the minutes. **Motion passed 5-0-0.**

## **VII. APPROVAL OF BILLS**

- a. **Approval of Warrant #05-25 & 05-25A-E.** Motion by Board member Morse, seconded by Board member Stevens, to approve Warrant #05-25 & 05-25A-E in the amount of \$1,904,529.27. Board member Morse noted that of the total warrant amount, \$1,392,100 represented property taxes collected by the municipality and forwarded to the Paine Mountain School District. In addition, another \$257,515 was spent purchasing power for the Northfield Electric Department (NED). **Motion passed 5-0-0.**
- b. **Receipt of Biweekly Payroll through September 1, 2024.** Motion by Board member Morse, seconded by Board member Stevens, to receive the biweekly payroll in the amount of \$113,185.08. Board member Shernock noted the planned upgrade of the Emergency Operations Center (EOC) in the Northfield Police Station will include cots to provide temporary housing for new NPD officers. She hopes this recruitment enticement might help reduce the amount of NPD overtime by finally having a fully staffed department. **Motion passed 5-0-0.**

## **VIII. SELECT BOARD**

- a. **Disorderly Conduct Ordinance Revisions.** Manager Schulz said now that the public hearing has been warned and held, the Select Board members can take action regarding whether or not to approve the proposed revisions to the Disorderly Conduct Ordinance. Board member Morse said it might be best to further clarify the areas where the outdoor recreational discharge of firearms would be prohibited. He felt it best that this passage be updated to specify that mixed-use zoning districts and Village Centers are included in this general prohibition. Chair Maxwell also would like this area better defined in the proposed ordinance revision. Board member Petty feels that the permitted use of firearms for "animal control" also should be clarified with revised wording. She also believes that using the Disorderly Conduct Ordinance to prohibit the outside discharge of firearms in certain areas focuses too much on the excessive noise concern and does not address the safety concerns brought up tonight. Board member Petty would favor drafting and approving a separate ordinance regulating firearms discharges rather than simply revising the Disorderly Conduct Ordinance. Board member Morse said the concerns expressed tonight by affected residents indicates this is an immediate problem and this approach is not perfect but probably is the best way to address it in an expedient manner. Chair Maxwell agreed that this ordinance revision might not resolve all the problems but certainly is a good start. Municipal ordinances are living documents that can be adjusted to reflect the current situation. Chair Maxwell felt that doing nothing at this time is not a viable option. It was noted that the maximum penalty for repeated ordinance violations is \$500. Board member Morse said this is the maximum amount permitted by state law in the absence of specific language in the local Town Charter allowing for higher penalty amounts. He felt that route was an option if the \$500 penalty proves insufficient. After further discussion, the wording of the section included in the listing of prohibited noise offenses was further revised to read as follows: "Outdoor recreational discharge of a firearm as described in Vermont State Statutes in the high-density residential, medium-density residential, industrial, mixed use, and village centers as identified in current zoning regulations." In addition, the proposed revision in the section on ordinance violation exemptions was reworded as follows: "In the low-density residential and institutional zoning districts, the lawful discharge of firearms during the time between one-half hour before sunrise and one-half hour after sunset is allowed. In all districts, the lawful discharge of firearms is allowed for the purposes of self-defense and animal control limited to the dispatch of diseased animals presenting a threat." Motion by Board member Morse, seconded by Board member Stevens, to approve the revision of the Disorderly Conduct Ordinance with the updated wording indicated above. **Motion passed 4-1-0, with Board member Petty voting in opposition.**

- b. American Rescue Plan Act (ARPA) Fund Requests.** Chair Maxwell noted that at the last regular meeting (08/27/24), the Select Board members asked Manager Schulz to contact the Gray Building Coalition and American Legion Post 63 to request additional information regarding their requests for ARPA funds. A revised submission was received from the Gray Building Coalition but there is nothing new from the American Legion. The revised submission from the Gray Building Coalition asks for up to \$50,000 in ARPA funds in order to cover the expense of demolishing and removing unused “deteriorating structures” on the property site. The original request was for \$250,000 in order to fully rehabilitate the building site, grounds, etc. Board member Morse would like to table any action on this request until it has been confirmed whether or not the Gray Building Coalition has been in contact with Economic Development Director Tom Davis regarding available outside grant funds for such a project. Board member Petty doesn’t see the need to drag out the process any further regarding this particular ARPA fund request. She would favor denying this request at this time. Motion by Board member Petty, seconded by Board member Stevens, to reject the Gray Building Coalition request for ARPA funds. **Motion passed 4-0-1, with Board member Morse abstaining.**

Regarding the request for additional information from American Legion Post 63 regarding their own ARPA fund request, after some discussion it was decided to set a deadline of Friday, September 20, 2024 for their submitting the requested information to the Select Board. This deadline would allow the information to be included in the meeting packet for the next Select Board regular meeting (09/24/24).

Chair Maxwell noted that at their regular meeting of July 23, 2024, the Select Board members did approve a request from the Greater Northfield Senior Center for \$28,000 in ARPA funds in order to fund replacement of the building’s roof. At that time, the Select Board members took no action regarding the Senior Center’s other requests for \$36,000 in ARPA funds in order to renovate the building’s HVAC system and \$26,000 to replace the building’s floors and carpeting. The Select Board members subsequently received a letter from Senior Center President Marie Chilson dated August 26, 2024 requesting additional ARPA funds as the first estimate for the roof replacement did not include such needed work as shingle removal, flashing, and any unanticipated repairs. The current estimate now is \$49,000 and, in the letter, Ms. Chilson “humbly” asked for the additional \$21,000 to make up this shortfall. The Select Board members at that time decided not to take action on this new request until additional information, especially a copy of the revised work estimate, had been provided. Ms. Chilson is present tonight and she does have that work estimate for the Select Board members to review. She also introduced Tim McAdoo, who will be serving as the new Director for the Greater Northfield Senior Center. Ms. Chilson noted she first submitted a request for ARPA funds in August 2023 in the amount of \$500,000 in order to fund extensive renovations of the Senior Center Building. That request amount was subsequently reduced after the Senior Center received a federal grant through the assistance of Vermont Senator Bernie Sanders’ office and those funds will be directed towards building rehabilitation. Ms. Chilson stated she has been disappointed with the way the ARPA fund award process has dragged out for the Senior Center. She noted that for much of the past year the Senior Center has been without a director and that fact made it much more difficult for them to respond when the Select Board members made additional requests for such information as detailed project cost estimates, etc. Ms. Chilson said the Senior Center is no longer requesting funds for a new HVAC system or new flooring and just asking for the aforementioned \$21,000. Motion by Board member Morse, seconded by Board member Stevens, to award an additional \$21,000 in ARPA funds to the Greater Northfield Senior Center in order to fully fund its roof replacement project. Board member Petty said the ARPA fund approval process has been difficult not just for applicants seeking funds but also for the Select Board members trying to determine how best to locally distribute these funds in order to benefit the whole community. Any delays in the process were not intentional slights to the Senior Center or any other applicant but rather the Select Board members practicing due diligence. Chair Maxwell agreed that neither the process nor the Select Board members themselves are perfect and he apologized to Ms. Chilson if she had taken any offense regarding the approval process. **Motion passed 5-0-0.**

There currently is a proposal to use ARPA funds to purchase portable steel seating that would be used in Memorial Park as well as other locations. Manager Schulz said he has found a good option for this purchase that would cost between \$10,000 and \$11,000. These portable bleachers would seat about fifty (50) people and the municipality does have a trailer that could be used to move it from place to place. Chair Maxwell asked how much it would cost to repair the current wooden bleachers now in Memorial Park. Manager Schulz estimated this would cost between \$7,000 and \$8,000. Chair Maxwell felt the cost of repairing the current bleachers could be funded through the regular budgeting process. The new portable bleachers would allow for additional seating at different venues when needed for special events. Board member Shernock would like the current bleachers put in storage until they are repaired as they are now an attractive nuisance with safety concerns. Motion by Board member Shernock, seconded by Board member Morse, to authorize the use of up to \$11,000 in ARPA funds for the purchase of portable steel seating. **Motion passed 5-0-0.**

Board member Petty then asked about a proposal to use ARPA funds to pay for updates in the municipal payment system that would allow customers to pay their utility bills and tax payments with credit cards. Manager Schulz said he and the affected staff members are still looking for a system that would allow the municipality's MUNIS bill-processing software to be used. Chair Maxwell felt that if the proper solution isn't found soon, perhaps this upgrade also could be funded through the regular budgeting process. He did feel that this upgrade should be made in the near future for the convenience of Northfield residents. Board member Petty noted that the Select Board members previously authorized \$150,000 in ARPA funds as local match funds for the grant application for the Wall Street Pedestrian Safety Improvements project. She noted that the grant application was successful and the local match amount will be \$110,000, which means the remaining \$40,000 can be returned to the undesignated ARPA fund balance. It then was noted that the Select Board members will need to decide soon what will be done with any remaining undesignated ARPA funds as there is a December 31, 2024 deadline to fully designate them. The deadline for fully expending the funds is December 31, 2026. Perhaps any undesignated funds could be put into a reserve account for grant match funds as Economic Development Director Davis has requested. That decision also will need to be made sooner rather than later.

- c. **Select Board Community Goals.** The list of these short-, medium-, and long-term goals was last reviewed and revised in May 2024 and Chair Maxwell wanted to look at the list again to see if the short-term goals are being achieved and whether any further adjustments are needed. He noted that the list of Annual Goals/Activities included holding a joint meeting with the Paine Mountain School Board and he is still trying to schedule that meeting. Chair Maxwell said that the invitation to Northfield's state legislators to attend a future regular meeting would be extended after November's general election but before the next legislative session starts early next year. He added that municipal policies and ordinances are being reviewed on a continual basis for any needed updates. Rather than go through the full list of community goals, he asked if the Select Board members had any comments or any suggested changes to the list. Board member Shernock would like the completion of the first phase of the riverwalk project changed from a medium-term goal to a short-term one. She also would like the medium-term goal "Explore possibilities for a Community Center" changed to a long-term goal. Chair Maxwell would like RSMS (Road Surface Management System) training for the Highway Subcommittee members added to the list of short-term goals.
- d. **Main Street Waterline and Tank Replacement Project Bids.** Manager Schulz said bids for these projects were due by August 29, 2024. Four (4) bids were received for the waterline replacement project and two (2) for water tank replacement. The low bidder for the waterline replacement project was J. Hutchins, Inc. (Richmond VT) at \$3,745,485 and the low bidder for the water tank replacement project was Preload (Louisville, KY) at \$2,250,010. Manager Schulz would now like Select Board authorization so he can execute the work contracts for these projects. Motion by Board member Morse, seconded by Board member Stevens, to authorize Manager Schulz to execute the work contracts for the Main Street Waterline Replacement project and the Cheney Field Water Tank Replacement project. **Motion passed 5-0-0.**

*Board member Morse left the meeting at this time.*

- e. **State Revolving Loan Fund Application – Route 12/12A Sewer Expansion.** Manager Schulz said this loan application is in the amount of \$40,600 and the funds would be used to update existing engineering plans for the extension of municipal sewer lines southward along Vermont Routes 12 and 12A. These plans were developed several years ago at a time when state funding for this project was not available but since that situation has changed, they do need to be updated to allow for future construction. He added that the State of Vermont would forgive half of the loan amount. Motion by Board member Petty, seconded by Board member Stevens, to authorize Manager Schulz to submit this application to the State Revolving Loan Fund in the amount of \$40,600. **Motion passed 4-0-0.**
- f. **Site Visit & Public Hearing – Discontinuance of Park Avenue and University Drive.** Manager Schulz noted that at the last meeting (08/27/24), the Select Board members authorized moving forward with the process of discontinuing Park Avenue and University Drive, which are both wholly located on the Norwich University (NU) campus. NU has requested that these roads be discontinued in order to facilitate the nearby construction of its new Cyber Fusion Center. The Site Visit will be held at 4:00 p.m. on Tuesday, October 22, 2024 with attendees asked to meet at the Communications Building, which is adjacent to the intersection of these two roads. The Public Hearing will be held at 7:00 p.m. that night at the beginning of a Select Board regular meeting.

#### **IX. TOWN MANAGER'S REPORT**

- a. **Darn Tough Factory Socks Sale.** Manager Schulz said the annual socks sale will be held this coming weekend (September 14-15, 2024) at Cabot Hosiery's Nantanna Mill location. The sale hours are from 8:30 a.m. to 4:30 p.m. and there is off-site parking at the schools with shuttle bus service. There will be traffic control provided both days.
- b. **Northfield Police Chief State Certification update.** Manager Schulz said Police Chief Pierre Gomez has received initial certification as a Level III Vermont police officer. Manager Schulz has been informed Chief Gomez went through the required process much quicker than most Police Academy students. It usually takes two or three years to accomplish this certification level but Chief Gomez did it in less than one year.
- c. **Northfield Fire Department (NFD) Chief Peter J. DeMasi.** Manager Schulz has been informed by Chief DeMasi that after fifteen (15) years as NFD Chief, he plans to step down next July. Chief DeMasi said he has no complaints regarding departmental funding, operations, etc. but just feels it is time for him to move on. The Town Manager will appoint his replacement with input from current Northfield firefighters.

#### **X. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS**

- a. **Wall Street Pedestrian Safety Improvements Project.** Chair Maxwell wanted to thank Board member Petty and Bonnie Kirn Donahue for all their hard work that resulted in a successful grant application.
- b. **Labor Day Weekend Festivities.** Chair Maxwell also wanted to thank Northfield Observances for their excellent work in putting together this year's community celebration. He felt this year's festivities were an improvement on last year's event.
- c. **Night on the Common 2024.** Chair Maxwell noted the annual Night on the Common gathering will be held next Tuesday night (09/17/24). There will be live music and informational displays hosted by local volunteer groups. Chair Maxwell hopes everyone will be able to take part in this year's community photo at 5:30 p.m.

#### **XI. PUBLIC PARTICIPATION (UNSCHEDULED).** There was none.

#### **XII. ADJOURNMENT.** Motion by Board member Stevens, seconded by Board member Shernock, to adjourn. **Motion passed 4-0-0.**

The Board adjourned at 8:50 p.m.

Respectfully submitted,

*Kenneth L. McCann*

Kenneth L. McCann, Acting Clerk

A video recording of this meeting is available at <https://youtu.be/KEiFqjSpkBA>

These minutes were approved at the Select Board regular meeting of September 24, 2024.