

Minutes of the Selectboard Meeting of Wednesday, September 27, 2006 at 6:30 PM

Members present: Alison May, Chair; Jack Candon; Ed Childs; Gerard Chapdelaine; Stephen Soares, Town Manager; Nancy Kramer, Administrative Assistant. Absent: Ben Ptashnik.

There were about 26 people in the audience.

Also participating: Watt Alexander, Michelle Avila, Al Bergeron, Kelly Bergeron, Paula Bergeron, Jake Blum, Phil Dechert, Jean Essex, Dennis Kaufman, Chris Maute, Don May, Stuart Richards, Chief Robinson, Katie Smith, Richard Stucker, Irv Thomae, Gerry Tolman

May opened the meeting at 6:32 pm.

1. Approval of Agenda. By consensus, the Selectboard adopted the Agenda with one addition.

2. Public Comments (Discussion). Thomae asked if the Selectboard and Town Manager would consider sending him as an alternate to the 2006 Town Fair in order that he could address the Vermont League of Cities & Towns' education finance reform recommendations. Candon **moved** (2nd Chapdelaine) that the Selectboard name Irv Thomae as an alternate to the 2006 Town Fair. **Motion passed.**

3. Town Manager's Report (Discussion). Deferred.

4. Finance – Board to Sign Accounts Payable/Warrants (Action Item). Childs **moved** (2nd Chapdelaine) to approve the General Fund Check Warrant Report #07-17 in the amount of \$133,002.59 for the period from 9/27/2006 to 9/27/2006. **Motion passed.**

Childs **moved** (2nd Candon) to approve the Tracy Hall Fund Check Warrant Report #07-18 in the amount of \$3,875.00 for the period from 9/27/2006 to 9/27/2006. **Motion passed.**

Childs **moved** (2nd Chapdelaine) to approve the Affordable Housing Fund Check Warrant Report #07-19 in the amount of \$25,000.00 for the period from 9/27/2006 to 9/27/2006. **Motion passed.**

Candon **moved** (2nd Chapdelaine) to approve the Corridor Enhancement Fund Check Warrant Report #07-20 in the amount of \$900.00 for the period from 9/27/2006 to 9/27/2006. **Motion passed.**

5. Second Public Hearing on Readopting 2001 Norwich Town Plan with Amendment (Discussion/Action Item). Candon **moved** (2nd Childs) to amend the 2001 Norwich Town Plan with the Child Care facilities additions. **Motion passed.**

Watt Alexander spoke about concerns with progress made on certain portions of the Town Plan, particularly in reference to Chapter 12 "Implementation Plan". After a brief discussion, Childs **moved** (2nd Chapdelaine) that the Norwich Selectboard hereby readopt the Norwich Town Plan as originally adopted June 10, 1996 and readopted June 26, 2001 with the Child Care facilities amendments. **Motion passed.**

6. Municipal Planning Grant (Action Item). Dechert stated that the grant was to continue the funding of the major update to the Norwich Town Plan and explained the process. Candon **moved** (2nd Childs) to approve Form 6 – Resolution for Municipal Planning Grant and authorize the Chair to sign such Resolution. **Motion passed.**

7. Jake Blum (Tree Warden) Request for Audience with Selectboard (Discussion). Blum passed out a pamphlet on “The Value of Trees” to the Selectboard. He discussed his belief that “planting trees is one of the important responsibilities of the Tree Warden” and that the prior Town Manager had encouraged him to undertake the steps necessary to qualify the Town for the “Tree City USA” designation. Blum also stated that he has established a “close working relationship” with Andy Hodgdon for marking and removal of trees on Town roads which he believes has saved the Town substantial money in the past. Blum’s program to utilize wood from the trees cut down for fuel for needy people was also explained.

Candon thanked Blum for his work and called attention to the Statute provision that the trees placed or removed must be “within the limits of public ways and places” and not on private property. Blum had been asked by the Board to be sure that any tree activity occur within the Town right of way or on Town land – **not** on private property as has recently occurred.

Budget increase discussion and consideration were delayed to a later date after initial meetings with the Town Manager.

8. Listers (Discussion/Action Item) Kaufman briefly reviewed each case before the Selectboard:

a) Tax Appeal –

Chapdelaine **moved** (2nd Childs) to appeal the decision of the Norwich Board of Civil Authority regarding Parcel ID # 06-043.100 to the Director of Property Valuation and Review. **Motion passed.** Candon recused himself.

Childs **moved** (2nd Chapdelaine) to appeal the decision of the Norwich Board of Civil Authority regarding Parcel ID # 11-161.000 to the Director of Property Valuation and Review. **Motion passed 3 to 1** (yes – May, Childs, Chapdelaine; no – Candon).

b) Errors and Omissions –

Candon **moved** (2nd Childs) to approve a reduction to the 2006 Grand List of \$387,800, and a loss in municipal tax revenue of \$1,857.56, to correct the errors and omissions in the assessment of Parcel ID #05-095.000 and other associated sub parcels owned by Charlotte Metcalf. **Motion passed.** The new assessment is \$2,572,400.

Candon **moved** (2nd Childs) to approve a reduction to the 2006 Grand List of \$35,300, and a loss in municipal tax revenue of \$169.09, to correct the errors and omissions in the assessment of Parcel ID #06-003.200 owned by Folger and Elizabeth Tuggle. **Motion passed.** The new assessment is \$1,023,000.

Childs **moved** (2nd Candon) to approve a reduction to the 2006 Grand List of \$26,400, and a loss in municipal tax revenue of \$126.46, to correct the errors and omissions in the assessment of Parcel ID #05-079.000 owned by Robertus van Aalst and Emily Cohen. **Motion passed.** The new assessment is \$339,000.

Childs **moved** (2nd Chapdelaine) to approve a reduction to the 2006 Grand List of \$114,400, and a loss in municipal tax revenue of \$547.98, to correct the errors and omissions in the assessment of Parcel ID #11-050.300 owned by Sarah Wertheim. **Motion passed.** The new assessment is \$498,100.

9. Kendall Station Road (Discussion). The Town Manager went over the details of the survey from American Survey Company (11 x 17 copies of the pertinent information were available for the public). Several interested parties were present and spoke. After considerable discussion, Candon **moved** (2nd Childs) that the Town Manager work with the Norwich Highway Administrator to make necessary and appropriate changes to Kendall Station Road, within the designated Town right of way, and as per the June 15, 2006 survey by American Survey Company. **Motion passed.**

10. Chris Berthold Re: Broadband Committee Update (Discussion). Michelle Avila was present and spoke in Chris' place. The group has interviewed several possible providers, including Adelphia, Verizon and WaveComm, and established that Adelphia was the best avenue to pursue. At the present time, no area of Norwich without service meets the density requirements. The Union Village Road has been identified as an area in Town to potentially start off with, given its population density. After some discussion, mainly about the committee's meeting times and schedule, the Town Manager agreed to evaluate progress and determine next steps of the committee. The Selectboard suggested an article be written for the Norwich Times inquiring as to public interest and/or suggestions.

11. Correspondence

- a) Email from Ben Ptashnik Re: Selectboard Resolution
- b) Email from Nick Krembs Re: Parcel #5 Trail Opening Dedication
- c) TRORC June 28, 2006 Minutes
- d) Email from Richard Stucker Re: Simpson
- e) Email from Craig Layne Re: Simpson. The Selectboard was asked by interested townspeople present to appeal the ruling on the Simpson development project. Richards reminded the Selectboard that it was a unanimous decision by the DRB. Also proposed was that the Selectboard write a letter of support of the Planning Commission, Development Review Board and Conservation Commission to the District Environmental Commission regarding the Act 250 application. Alexander spoke about the Selectboard's decision on how to handle the Simpson case being a "tough one to feel optimistic about" and that the Selectboard should not be "taken to task" because of a decision not to pursue the case. Stucker pointed out that he did not agree with Alexander's position.

May discussed her "dilemma" regarding the request to appeal the judge's decision concerning the proposed Simpson development. May noted that to date the Town has spent \$17,641.25 on the Simpson case, and that an appeal could cost a substantial amount more. She also noted that if the Town's appeal is successful (thus denying the proposed 5 unit structure), Simpson can still build a duplex on the property that could be the same size as what they have proposed, but would not require DRB approval and, therefore, would lack the architectural, landscape and parking refinements that are part of the original proposal. If the Town does not appeal, Simpson, after final work with the DRB, can build five units, which will have such refinements. Either way, legally, Simpson can build on the property.

Candon **moved** (2nd Chapdelaine) to receive all correspondence. **Motion passed.**

12. Selectboard

- a) Approval of the Minutes of the 9/13/06 meeting. Candon **moved** (2nd Childs) to approve. **Motion passed.**
- b) Litigation (Executive Session may be Required). Pursuant to Title 1 VSA § 313(a)(1), Childs **moved** (2nd Chapdelaine) to enter into Executive Session for the purpose of discussing litigation and to invite Steve Soares and Frank Olmstead to join the Session. **Motion passed.**

At 9:45 pm the Selectboard moved back into public session. May stated: "the Board met in Executive Session to discuss the written requests by the Planning Commission and the Conservation Commission that the Selectboard seek expert legal assistance in appealing the decision of the Environmental Court, which found in favor of the proposed Simpson development project this past June." Jack Candon recused himself from the Executive Session.

Childs **moved** (2nd Chapdelaine) to appeal the June decision of the Environmental Court concerning the proposed Simpson development project on the 3+ acres at the entrance to Town. **Motion failed 1 to 2** (yes – Childs; no – May, Chapdelaine; abstention – Candon).

Candon **moved** (2nd Childs) to adjourn. **Motion passed.** Meeting adjourned at 9:55 pm.

Approved by the Selectboard on October 11, 2006.

By Nancy Kramer
Administrative Assistant

Alison May
Selectboard Chair

Next Regular Meeting – October 11, 2006 at 6:30 PM

Pending Items:

- 1) Zoning Regulations Review

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