

Minutes of the Selectboard Meeting of Tuesday, September 27, 2011 at 6:30 PM

Members present: Ed Childs, Chair; Roger Blake; Christopher Ashley; Linda Cook; Neil Fulton, Interim Town Manager; Nancy Kramer, Assistant to the Town Manager. Absent: Steve Flanders.

There were about 20 people in the audience.

Also participating: Martha Austin, John Brendel, Nancy Dean, Phil Dechert, Tom Gray, Alison May, Chief Robinson, Richard Stucker, Jonathan Vincent.

Childs opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). After a brief consultation with the Board, Childs eliminated item number 2. Afterwards, the Selectboard approved the amended Agenda by consensus. Fulton advised the Board that the listed 8/24/11 minutes in item number 15 a) should be 9/14/11 and that the next scheduled meeting should be October 12 on the agenda.
2. Message to Norwich Residents (Discussion/Action Item). Dropped.
3. Public Comments. Austin asked why item 2 was dropped and was told the Selectboard has decided to move on.
4. Town Manager's Report (Discussion). Fulton is changing the process to a monthly report. Fulton has sent a memo to Department Heads with revised budget guidelines for FY13. The budget package will be ready for the Board the first week of November. Appropriation letters have gone out. The kick off meeting with FEMA is scheduled for Friday. Fulton has met with Jill Kearney and Lars Blackmore regarding Town Pool dam replacement with feedback from the community.
5. Finance – Board to Sign Accounts Payable/Warrants (Action Item). After some discussion, the General Fund warrant vote was delayed until after the waiver vote in item 10. Cook also asked why we are repairing Truck #8 when we have a spare truck available. Ashley **moved** (2nd Blake) to approve Check Warrant Report #12-9 for Recreation Facility & Improvements Fund for the period from 9/17/11 to 9/27/11 in the amount of \$543.78. **Motion passed.**

Cook **moved** (2nd Blake) to approve Accounts Payable Warrant #12-8 dated 9/27/11 in the amount of \$282.33. **Motion passed.**

6. Request to Expend \$3,409 from Police Special Equipment Fund for Weapons Upgrades (Discussion/Action Item). Fulton said that going forward he would provide the Selectboard in their packets a memo with his recommendation and a suggested motion. Afterwards, Cook **moved** (2nd Ashley) that the Norwich Selectboard authorizes the expenditure of \$3,409.00 from the Police Special Equipment Fund to purchase 6 SIGSAU P220R pistols and accessories from Interstate Arms Corp. **Motion passed.**

7. Listers Update on Town-Wide Reappraisal and Amendment to NEMC Contract (Discussion/Action Item). Fulton said that he wants to spend more time reviewing the contract and asked the Board to put off approving the amendments until their next meeting. The Board agreed to do so.

Vincent said 306 homes have been measured and 116 inspected so far. They have achieved a 37.9% entry rate and 54 vacant lots have been identified. 70 properties have been measured and will be revisited for card drops. Half will be done on October 3rd and the remaining on October 10th. The work is going well so far and the new software is a big improvement. There was some discussion about the number on the sign for people to call being the Listers Office due to their hours. Ashley asked that the Police Department number be added to the sign in case people were unable to get a hold of a Lister.

8. Appointment with Planning Commission to Discuss the New Town Plan (Discussion/Possible Action Item). Dechert said the second public hearing is scheduled for October 26th and there will be a sheet available for that listing the changes. The profile chapter may be redone updating charts and graphs. Ashley asked about next steps. Dechert said that at the conclusion of the required 2nd public hearing, the Board can accept the draft and adopt. Dechert said that formatting changes will also be tuned. Ashley also spoke about language that straddles the fence on page 9-5 regarding rural roads. Cook questioned the accuracy of the list of major Highway equipment on page 8-3.

9. Municipal Planning Grant (Discussion/Action Item). Dechert applied for this grant last year at this time and Webster was designated and that needs to be changed to Fulton. Cook **moved** (2nd Blake) that the Norwich Selectboard Adopt the Resolution for Municipal Planning Grant and designates Neil Fulton as the Municipal/Authorizing Official. **Motion passed.**

At this point, May asked if Selectboard members and the Town Manager would speak louder.

10. Report of Emergency Response Expenses for Tropical Storm Irene (Discussion/Action Item). Fulton discussed that the Board needs to retroactively approve expenditures that were necessary due to the emergency and the need for immediate action but were contrary to Financial Policy #1. Fulton will review all financial policies with a goal of achieving consistency in them. The Selectboard discussed the expenditures so far and what might be expected and increased the aggregate number from \$350,000 to \$375,000. There was also some discussion of where the funds were coming from and that an appropriation to the DPW budget may be needed at March 2012 Town Meeting.

Cook **moved** (2nd Blake) that the Norwich Selectboard retroactively waives the requirements contained in paragraphs 3.6 and 3.7 of Selectboard Financial Policy #1 for expenditures directly related to repairing and restoring the Norwich road network as a result of Tropical Storm Irene with total aggregate expenditures not exceed \$375,000. **Motion passed.**

Afterwards, Ashley **moved** (2nd Cook) to approve Check Warrant Report #12-9 for General Fund for the period from 9/17/11 to 9/27/11 in the amount of \$432,355.74. **Motion passed.**

Ashley inquired if Norwich was helping out other towns with more damage. Fulton said he was not aware of authority to lend money to another community. However, the Town of Norwich does have a public works mutual-aid agreement with several other towns.

11. Penalties for Late Filed Homestead Declarations (Discussion/Action Item). Fulton said there has been a change in the process for assessing a penalty for late filing of the homestead declaration and that assessing a penalty is at the discretion of the Board but the amount is not. Fulton recommends option 2. from his memo for this tax billing cycle. Cook asked some questions about option 4. Ashley questioned when the penalty starts. Fulton said it is based on when paid. Ashley also asked if the 8% billing penalty could be stated on the tax bill. Fulton will discuss with Robinson. Vincent briefly spoke about the process.

Ashley **moved** (2nd Blake) that in accordance with 32 VSA §5410(g) as amended the Norwich Selectboard establishes a policy to apply the 8% penalty for late filing of the homestead declaration but not the 3% penalty for this tax billing cycle and apply both the 8% and 3% penalty in future tax billing cycles. **Motion passed.**

12. Adopt Revised Alcohol Ordinance (Discussion/Action Item). Fulton would like the opportunity to look at it in conjunction with the rental policy. Fulton said there is a need to establish criteria for the waiver. Cook asked that it be clear who enforces the ordinance. It was agreed it would be an agenda item for the next Selectboard meeting.

13. Sustainable Communities Regional Planning Grant (Discussion/Action Item). HUD requires 50% of an applicant's population support for this project. TRORC is asking for Norwich's support and the letter of commitment is needed by October 5th. Fulton recommends participation. Ashley questioned the scope of work and Fulton said he would contact TRORC to find out.

Blake **moved** (2nd Ashley) that the Norwich Selectboard authorizes the Town Manager to execute the Letter of Commitment for the HUD Sustainable Communities Regional Planning Grant. **Motion passed.**

14. Agway/ABC Dairy Property Public Safety Facility Location Update (Discussion). Clem is talking about a possible public/private partnership with Grassroot Soccer remaining a tenant and their lease payments being used to offset the Town's bond payments. Dechert is working on the necessary items for the permitting process. Fulton has asked Chiefs Robinson and Leinoff to do updated space needs with narratives. He has also asked for response times from both. The insurance impacts of the change from PPC Class 4 to 10 and 10 to 4 are being looked at also. Fulton does not support DPW use of existing site if vacated. He would prefer looking at affordable housing use. Cook asked about the process and timeline and was told by Fulton that the concept should be discussed in open session but that negotiating the sales price would be in Executive Session. Lyme Properties will do the preliminary design and costing. Clem is asking for a tentative schedule with an end date of a March Town Meeting vote. Clem has agreed to keep the property off the market until the process is finished. The Capital Facilities Committee has been having an ongoing discussion about this project exploring the functional and economic feasibility of the project. Cook said that it is difficult for her to get to the Committee's 8:00 am meetings and asked if they could schedule some evening meetings. May and Stucker added their support for affordable housing use of existing site if vacated. Also discussed were improvements that have been made to the property, the possibility of an annex Fire Station at the Transfer Station and getting costs nailed down.

15. Correspondence (Please go to www.norwich.vt.us, click on Town Offices bullet in left panel, scroll down to Norwich Selectboard section and click on Recent Selectboard Correspondence to view resident correspondence):

a) Resident –

- 1) #15 a), b), c), d), f), g), h), i), j), k), l), m), n). Email from Claudine Louis Re: Pete Webster, Email from Bill Pierce Re: Town Forum, Email from Janice Lavoie Re: Message to Selectboard, Email from Sue Pitiger Re: Town Manager, Email from Lee Michaelides Re: Town Manager Position, Email from Dennis McCullough Re: Fair Process – Town Manager, Email from Pamela Harrison Re: Pete Webster, Email from Martha Graber Re: Town Manager, Email from Richard Stucker Re: Town Manager, Email from Linda and Tom Gray Re: Town Manager, Email from Sarah Reeves Re: Town Manager, Email from Donald Kreis Re: Minutes of Your September 14 Meeting, Email from Robert Chamberlin Re: Town Manager's Contract and Tonight's Meeting. Blake **moved** (2nd Ashley) to receive emails from Claudine Louis re: Pete Webster, Bill Pierce re: Town Forum, Janice Lavoie re: message to Selectboard, Sue Pitiger re: Town Manager, Lee Michaelides re: Town Manager position, Dennis McCullough re: fair process – Town Manager, Pamela Harrison re: Pete Webster, Martha Graber re: Town Manager, Richard Stucker re: Town Manager, Linda and Tom Gray re: Town Manager, Sarah Reeves re: Town Manager, Donald Kreis re: minutes of your September 14 meeting, Robert Chamberlin re: Town Manager's contract and tonight's meeting. **Motion passed.**
- 2) #15 e). Email from Mindy Penny Re: Resigning from DRB. Ashley **moved** (2nd Cook) to receive an email from Mindy Penny re: resigning from DRB. **Motion passed.** Ashley said the Selectboard accepts with regret. By consensus, the Board authorized the position to be advertised.

16. Selectboard

- a) Approval of the Minutes of the 9/14/11 and 9/19/11 Meetings. Blake **moved** (2nd Ashley) to approve the minutes of the September 14, 2011 and September 19, 2011 Selectboard meetings. **Motion passed.**
- b) Appoint New Voting Delegate for VLCT Annual Business Meeting (Action Item). Cook **moved** (2nd Ashley) to designate Neil Fulton as the voting delegate for the VLCT 2011 Annual Business Meeting. **Motion passed.**
- c) Review of Pending Items. Fulton reviewed and items were changed as reflected below. Also discussed were that the language on the warrant for appropriations may change, record retention and putting Selectboard emails in a folder on the server.

- d) Review of Next Agenda (Discussion/Possible Action Item). Agenda items for the next meeting will include: sidewalks, DPW Committee Report, pending items 1) and 2), thank you letter for Irene participants, alcohol ordinance and amendments to NEMC contract.
- e) Litigation Appeals of BCA Decisions (Executive Session may be Required). Pursuant to Title 1 VSA § 313(a)(1)&(2), Cook **moved** (2nd Blake) to enter into Executive Session for the purpose of discussing litigation appeals of BCA decisions and real estate and to invite Neil Fulton to join the Session. **Motion passed**. The Selectboard moved into Executive Session at 8:10 pm.

At 8:53 pm the Selectboard moved into public session. Ashley **moved** (2nd Blake) to assign Fulton as Case Manager for all current and future litigation regarding appeals of BCA decisions for this property tax year. **Motion passed**.

Ashley **moved** (2nd Blake) to adjourn. **Motion passed**. Meeting adjourned at 8:55 pm.

Approved by the Selectboard on _____.

By Nancy Kramer
Assistant to the Town Manager

Edwin Childs
Selectboard Chair

Next Regular Meeting – October 12, 2011 at 6:30 PM

Pending Items:

- 1) Review Policy for Response to Appeals of DRB Decisions (10/12/11)
- 2) Review Appropriation Request Policy (10/12/11)
- 3) Update Finance Committee Statement of Purpose
- 4) Review of Town Plan Document (10/26/11)
- 5) Strategic Planning
- 6) Develop Email Policy (10/12/11)
- 7) State of Vermont PACE Initiative (10/26/11)
- 8) Town Boundaries

PLEASE NOTE THAT CATV RECORDS ALL REGULAR MEETINGS OF THE NORWICH SELECTBOARD. FOR A MORE DETAILED TRANSCRIPTION PLEASE REFER TO THE DVD. DVDs ARE AVAILABLE ONE WEEK AFTER AIRING AT THE NORWICH PUBLIC LIBRARY.