

Minutes of the Special Selectboard Meeting of Thursday, October 4, 2012 at 5:45 PM

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

There were about 28 people in the audience.

Also participating: Roberta Alexander, Watt Alexander, Ames Byrd, Joe Helble, Rick Otto, Jim Tobin.

Ashley opened the meeting at 5:45 pm.

1. Receive Petition Asking the Selectboard to Warn a Special Town Meeting (Discussion/Action Item). Ashley said that he would open the meeting to public comments after Selectboard comments and asked that public comments be kept to two minutes each. Ashley then read the petitioned articles. Article I "Shall the Town of Norwich vote to advise our Selectboard that we support the long-term lease and tower management rights of municipal property granted VTel as substantially described in the VTel/Town of Norwich Letter of Intent dated August 16, 2012?" and Article II "Shall the Town of Norwich vote to advise our Selectboard that we interpret the telecommunications infrastructure management goals set out by our Norwich Town Plan and Norwich Zoning Regulations enacted pursuant to that Plan as supporting the construction of telecommunications towers measuring up to two hundred feet in town for purposes of currently pending and future tower permitting review under 30 V.S.A. Section 248A?". Ashley also stated that Statutes and Supreme Court decisions have made it clear that the decision to have the special Town Meeting is the Selectboard's.

Flanders then read the following statement:

"Each of us has a role in Town government. The Town Manager exercises direct control over the staff and facilities of the Town within the constraints of the budget voted by the Town, policies instituted by the Selectboard and Statutes of the state. The Selectboard has the legislative responsibility of the Town; it answers to the voters in two ways; it proposes budgets and its members are elected to their positions. Along the way, it receives input from the public in warned, open meetings. The role of the voters is to approve budgets and monetary articles, vote for office holders, and provide input to the Selectboard and the Town Manager in appropriate settings.

All these roles have been observed in the deliberations about how to provide emergency and other Town communications in the transition to narrow banding of communications with the goal of providing substantially total coverage to the Town.

So, does either of the proposed articles contribute to the process of government? In my view, an advisory article can be useful if it reflects a priority about the character of the Town, for example, what level of community amenities to receive and pay for, what zoning regulations should define the townscape, etc. In a matter that is technical, legal, or based on economic calculations like the Town communications decision, an advisory article can create more confusion than illumination because the topics require a greater depth of understanding than a typical voter brings to the voting booth.

Let's look at each article in turn.

Article One received sufficient signatures to be brought to the Selectboard using language in support of the VTel/Town Letter of Intent. There has been no evidence brought to the Selectboard that suggests that the Town would be substantially better off with a different agreement or by owning the tower itself. An advisory vote would not provide the Selectboard with a substantially different body of technical and economic information in weighing the net benefit to the public interest than it has already received.

Article Two is a legal question that would require those providing advice to be familiar with the Norwich Town Plan, Article 30 Vermont Statutes Annotated – Section 248A, and the Norwich Zoning Regulations, all of which the Selectboard has already given full consideration to with ample input from the public. It would be unrealistic to expect a vote to be the right medium for receiving advice on this topic.

In summary, I would like to emphasize that your Town government has made this decision in a responsible manner. There have been abutters to the proposed infrastructure who were dissatisfied with the solution. They have suggested that this decision was not made according to appropriate steps. They have used an asymmetrical campaign of list-serve postings and other steps to promote this point of view. This campaign included personal attacks and unsubstantiated claims. I say "asymmetrical" because neither the Selectboard, as a body, nor the Town Manager should be debating on the list serve. Their proper forum is in warned meetings.

These proposed articles create the impression that direct democracy is a tool of Town government in non-monetary decisions. It is not. State Statute specifies the rules for our representative democracy, which places such decisions squarely under the responsibility of the Selectboard.”

Childs thanked Flanders and said the issue has been studied seriously for over two years, the Board had to be sure they were doing it right, emergency communications’ needs are vital and the deal with VTel saves the Town a lot of money. As such, Childs will not support a special Town Meeting.

Byrd spoke of his continued concerns over the health issues. Several townspeople spoke about the importance of getting Town input.

Afterwards, Ashley said he had put together the following substitute article in order to make it clear what townspeople were voting on: “Shall the Town of Norwich vote to advise our Selectboard that we support good communication for our police, fire, emergency service and public works personnel and therefore we support the construction of a tower at the Norwich Transfer Station paid for by VTel to achieve this with a low cost to Norwich Taxpayers?”. After some discussion, the article was dropped.

Cook said that most townspeople support a tower but not necessarily the mechanism used to achieve the goal. Cook also said there would be a visual impact and that she wanted everyone to have a voice in the decision.

Moran said he firmly believes that the Town needs to go forward with the tower and that what has been proposed is the best plan out there and he supports it.

Flanders thanked everyone for being polite in their comments.

Cook **moved** (2<sup>nd</sup> Ashley) to warn a special Town Meeting for November 6, 2012 and approve the warning for the Special Town Meeting. After the discussion above, **Motion failed 2 to 3** (yes – Ashley and Cook; no – Moran, Childs and Flanders).

2. Wilson Road Investment Litigation (Action Item). Fulton said the Selectboard had discussed the terms of the settlement in Executive Session at their September 25<sup>th</sup> meeting but had neglected to take a public vote.

Flanders **moved** (2<sup>nd</sup> Childs) to authorize the Town Manager to sign the Settlement Agreement for the Wilson Road Investment litigation. **Motion passed 4 to 1** (yes – Ashley, Childs, Flanders and Moran; no - Cook).

Flanders **moved** (2<sup>nd</sup> Cook) to adjourn. **Motion passed.** Meeting adjourned at 6:36 pm.

Approved by the Selectboard on October 24, 2012.

By Nancy Kramer  
Assistant to the Town Manager

Christopher Ashley  
Selectboard Chair

Next Regular Meeting – October 10, 2012 at 6:30 PM

Pending Items:  
None

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