

Minutes of the Selectboard Meeting of Wednesday, March 27, 2013 at 6:30 PM

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

There were about 21 people in the audience.

Also participating: Watt Alexander, Susan Brink, Phil Dechert, Benjamin Forbush, Tom Gray, David Hobson, Andy Hodgdon, Melissa Horwitz, Cheryl Lindberg, Doug Robinson, Anne Silberfarb, Demo Sofronas, Richard Stucker, Danielle Taylor, Jonathan Teller-Elsberg, Fran Walz.

Flanders opened the meeting at 6:30 pm.

1. Approval of Agenda (Action Item). After discussion, Childs **moved** (2<sup>nd</sup> Ashley) to approve the agenda with the addition of item #9a. Lease-Purchase Agreement (Discussion/Action Item) and a new item under Selectboard to authorize ECFiber to accept a grant on the Town's behalf. **Motion passed 4 to 1** (yes – Ashley, Childs, Flanders and Moran; no - Cook).
2. Public Comments. Flanders welcomed members of the public and asked them to limit comments to two minutes and to clearly state their name and address. Walz asked what was being done about the dead deer on Turnpike Road and was told it was the responsibility of the Game Warden and he had been contacted.
3. Meeting with Planning Commission (Discussion). Tom Gray, speaking as Chair of the Planning Commission, said the Commission has completed the Town Plan and is now working on the Subdivision Regulations. There was an affordable housing roundtable held in January and next up for the Commission are amendments to the Zoning Regulations. Norwich Planning Commission climate change adaptation initiatives were passed out to the Selectboard. These include river and stream corridor protection, a review of flood hazard zoning, erosion control criteria, energy efficient homes, ground water conservation and support for agriculture and preservation of farm land. Flanders said the Board is continuing to work on a strategic plan and will be approaching the Commission for their help on this at some point. There was some discussion of proposed erosion prevention changes to the Zoning Regulations. Ashley asked if the Commission had any problems or concerns they wished to bring before the Selectboard. Silberfarb replied and thanked both Dechert and the Commission for her experiences on the Planning Commission as she is retiring. Flanders thanked the Commission for their hard work.
4. Town of Norwich Subdivision Regulations Amendments (Discussion/Possible Action Item). Dechert said that the amendments have been based on ten years' experience of working with the regulations, changes in State Statutes and a better understanding of impacts on natural resources. The Selectboard has been provided with Dechert's memo, Subdivision Regulations Amendments Adoption Process, Norwich Planning Commission Reporting Form, Summary of Major Changes and a draft Norwich Subdivision Regulations. At this meeting, the Board is receiving the draft approved by the Planning Commission. Once the Public Hearing is warned the amendments take effect for up to 150 days. Fulton briefly reviewed some history of the initial adoption of the Regulations in 2002. After some discussion of changes to Sections 3.3(d) and 3.5, it was agreed that Selectboard members would put questions in writing to Dechert for review at the April 10<sup>th</sup> Selectboard meeting.
5. Finance – Board to Sign Accounts Payable/Warrants (Action Item). After several questions and a decision to break out one item from the General Fund Warrant, Ashley **moved** (2<sup>nd</sup> Childs) to approve Check Warrant Report #13-30 for General Fund in the amount of \$209,042.53, for Police Cruiser Fund in the amount of \$13,784.95, for Fire Apparatus Fund in the amount of \$168.31, for Communications

Study Fund in the amount of \$1,274 and for Communications Construction Fund in the amount of \$101,482.50 for the period from 3/14/13 to 3/27/13. **Motion passed.** Ashley **moved** (2<sup>nd</sup> Childs) to approve Check Number 44050 on the General Fund Warrant. **Motion passed.** Cook abstained from voting.

6. Liquor License (Renewal) (Action Item). Flanders briefly explained the process. Afterwards Childs **moved** (2<sup>nd</sup> Ashley) that the Selectboard convene as the Norwich Liquor Commission. **Motion passed.** Ashley **moved** (2<sup>nd</sup> Childs) to approve the liquor license application for Norwich Wines & Spirits. **Motion passed.** Childs **moved** (2<sup>nd</sup> Ashley) to close the Norwich Liquor Commission session and reconvene as the Selectboard meeting. **Motion passed.**

7. Town of Norwich Open Positions Interviews/Appointments (Action Item). Candidates present and interviewed were David Hobson, Jonathan Teller-Elsberg, Anne Silberfarb, Benjamin Forbush, Danielle Taylor, Cheryl Lindberg for Deborah Hall and Melissa Horwitz. Flanders said a number of applicants had excused themselves for tonight due to conflicts in scheduling. Cook briefly reviewed duties of the Town Service Officer.

Childs **moved** (2<sup>nd</sup> Ashley) to appoint Frank Olmstead as the Agent to Prosecute for a one-year term ending in March, 2014, David Hobson to the Conservation Commission for a four-year term ending in March, 2017, Jonathan Teller-Elsberg to the Energy Committee, Brion McMullan and Neil Fulton to serve as Representative and Alternate, respectively, to the Board of Supervisors of the Greater Upper Valley Solid Waste District for two-year terms ending in March, 2015, Anne Silberfarb to the Historic Preservation Commission for a three-year term ending in March, 2016, Benjamin Forbush, Reese Madden and Danielle Taylor to the Recreation Council for three-year terms ending in March, 2016, Deborah Hall as a Trustee of Public Funds for a one-year term ending in March, 2014, Jeff Goodrich to Two Rivers-Ottawquechee Regional Commission for a one-year term ending in April, 2014, Melissa Horwitz to the Upper Valley River Subcommittee of the CT River Joint Commissions and David Hubbard to the Watershed Land Management Council for a three-year term ending in March, 2016. **Motion passed.** Ashley **moved** (2<sup>nd</sup> Childs) to appoint Linda Cook as the Town Service Officer for the period April 15, 2013 through April 14, 2014. **Motion passed.** Cook recused herself.

8. Town Manager's Report (Discussion). Fulton spoke about the fire that destroyed the three police vehicles and said the three brand new vehicles arrived today. An AOT representative visited Patchen's Point and wanted to know if the Town was interested in leasing. The Norwich Energy Committee is working on an alternative site for a solar project on Fire District land involving the Town, Marion Cross School, the Fire District and the Library. The Fire District is looking for a quid pro quo arrangement where they get relief from taxes for the District. There would be very little change in the Town's power costs. Dechert and Fulton have met with Representative Cheney and the Commissioners of the DEC and Fish and Wildlife of ANR regarding the dam. Six proposals were received for the next steps in the Facilities Studies. Ashley asked for and received an update on the dam project.

9. Communications Tower Site Development and Tower (Discussion). Flanders reviewed the next agenda items saying he expects to hear the Town Manager's progress in fast tracking and his overall recommendations in item #9. To discuss a lease-purchase arrangement in item 9a. To discuss an alternative strategy to retain eligibility for the HSGP grant in item #10. If 9a passes, to skip item #11. If not, decide what to do. To discuss whether to leave the option open for future commercial activity on the tower in item #12 and to wrap up and declare final intent for funding in item #13.

Fulton has advised VTel that Norwich will be building the tower. VTel has spent approximately \$55,000 so far and has offered the Town access to their work products and subcontractors at no cost to Norwich. Based on the Selectboard's support for fast-tracking the tower Fulton has: retained Brian

Sullivan to coordinate and represent Norwich in the permitting process, retained Chase & Chase to update the site plans for permitting and obtaining a cost proposal, retained DuBois & Kind to provide technical support, retained CDCG to perform any necessary RF engineering, requested a cost proposal for the temporary tower, requested a cost proposal for the tower and site work and plans to retain EBI Consulting to assist with the screening study and historic impacts. Fulton asked for the Board's patience on the late information provided tonight. Fulton then reviewed the top part of the chart provided which are the items obligated to date. The Norwich cost for these items with the grant would be \$109,572. Fulton then reviewed the bottom estimates for the tower and site work and the temporary equipment installation. The Norwich total with the grant would be \$447,789. With the funding already approved and the lease-purchase Fulton is proposing the net Norwich cost with the grant is \$47,789. Fulton is convinced he can bring the price down a little more. Fulton then reviewed the three possible options. Option A is a lease-purchase agreement with Tax-Exempt Leasing Corp. with a non-appropriation clause for \$125,000. This option allows the complete system to be built. Options B is to build the tower and with the Assistance to Firefighter Grant pay to purchase and install the equipment for the Fire Department including EMS. Option C is to have a Special Town Meeting to approve additional monies needed. This is problematic due to the fact that if the supplemental bond does not pass there would not be sufficient funds to build the tower. Questions were asked about the emergency operations center for the Town and whether a guyed tower would suffice. Fulton looked into three tower designs and is opposed to a guyed tower.

9a. Lease-Purchase Agreement (Discussion/Action Item). At this point, Childs **moved** (2<sup>nd</sup> Ashley) to authorize the Town Manager to enter into a lease-purchase agreement with Tax-Exempt Leasing Corp. in the amount of \$125,000 to fund a portion of the communications equipment for the upgrades to the fire, police and public works radio communications systems. **Motion passed** (after the discussion following). Cook questioned where the Town is saving money and Moran asked for and received from Fulton a breakdown of the approximately \$55,000 savings in work products, information and subcontractors received from VTel at no cost to the Town. Fulton then gave a history of the costs and said that at a public forum in December of 2011 the estimated costs of the system upgrades was approximately \$760,000. It was suggested that grants be applied for and a possible private-public partnership be investigated. With grants and VTel the Norwich cost was reduced to \$120,000. The current Norwich cost is \$447,000. Ashley, after commending the Town Manager for his work to date, said he was concerned about the results of a bond vote and would support Option A even though it was not his first choice. Public support was also for Option A.

Cook **moved** (2<sup>nd</sup> Moran) that the Town build the Norwich owned municipal communications tower project (for fire, police and public works equipment) and we direct the Town Manager to put together a report including the timeline (start to finish), a total cost and a breakdown by line items, funding resources (where the funds will come from), other options available and to present updated progress reports at every Selectboard meeting. **Motion failed 2 to 3** (yes – Cook and Moran; no - Ashley, Childs and Flanders). Cook said the motion does two things, one identify the project as a municipal only use tower and second it summarizes what the Town Manager has done. In the past the Town Manager asked the Selectboard to give him direction. You have shown us a way of direction and I am confirming it with words. Afterwards Fulton stated that he has laid out the plan, costs and where the funds will come from and has worked hard to keep the Selectboard well advised.

10. Amendment to Burlington Communications Purchase Order for Temporary Installation of Fire and Police Communications Equipment (Discussion/Action Item). Fulton said the cost for the temporary equipment installation is \$13,395. Afterward, Childs **moved** (2<sup>nd</sup> Ashley) to concur in the Town Manager's decision to increase the purchase order with Burlington Communications Service Center from \$206,073 to \$215,377 to fund the temporary installation of radio communications equipment.

**Motion passed.**

11. Special Town Meeting to Approve Additional Bond Funds for Communications System (Discussion/Action Item). Not needed due to vote in 9a.

12. Communications Tower Private Activity Bonds (Discussion/Action Item). Fulton said that if there is a possibility that space on the tower may be leased to a private entity than the possibility exists that private activity bonds may be needed to finance the tower. Fulton reviewed the advice received from Paul Giuliani. The test for private activity bonds has two components: (1) is more than 10% being leased to a private person and (2) is more than 10% of the debt service issued to finance the project being paid by a private person. If the answer to both is yes than private activity bonds are required. There followed discussion regarding municipal use only or leasing out space on the tower. Flanders read a statement regarding future use of the tower in which he advocates including private activity bonds. Alexander indicated again that he has concerns about anything other than a municipal use only tower. Afterwards, Ashley **moved** (2<sup>nd</sup> Childs) to designate the \$275,000 in authorized bonds as Private Activity Bonds. **Motion failed 1 to 4** (yes –Flanders; no - Ashley, Childs, Cook and Moran).

13. Declaration of Official Intent and Resolution Related to Bond Funds for the Communications System (Discussion/Action Item). Fulton said the Town has been spending money on the project and that this would authorize him to make expenditures against the bond vote in March. Fulton reviewed changes to the document. Afterwards, Childs **moved** (2<sup>nd</sup> Ashley) to approve the Resolution Certificate and the Declaration of Official Intent to Reimburse Certain Expenditures from Proceeds of Indebtedness based on a bond authorization amount of \$275,000 based on the Town Meeting vote on March 5, 2013. **Motion passed.** Flanders thanked Selectboard members for working with the Town Manager, VTel for their generosity and the Town Manager for working diligently on the project.

14. Correspondence (Please go to [www.norwich.vt.us](http://www.norwich.vt.us), click on Boards & Committees from the blue banner, click on Selectboard and click on Recent Selectboard Correspondence in the middle section to view resident correspondence):

a) Resident –

1) #14 a), b), c) and d). Email from Cheryl Lindberg Re: Draft 2/13 Selectboard Minutes, Email from Watt Alexander Re: Selectboard Agenda Question, Letter from Terry Lyons Re: Renting Space on Tower and Email from Cheryl Lindberg Re: Draft 2/27 Selectboard Minutes. Ashley **moved** (2<sup>nd</sup> Moran) to receive an email from Cheryl Lindberg re: draft 2/13 Selectboard minutes, an email from Watt Alexander re: Selectboard Agenda question, a letter from Terry Lyons re: renting space on the Tower and an email from Cheryl Lindberg re: draft 2/27 Selectboard minutes. **Motion passed.** Lindberg spoke briefly about what she would like changed in the February 27<sup>th</sup> minutes. Alexander encouraged the Board to put agenda development information on the Town website. Childs responded that the Selectboard should limit their emails and remember that the next agenda is discussed at the end of every meeting. Moran reviewed some of the comments in the Lyons correspondence.

15. Selectboard

- a) Approval of the Minutes of the 2/13/13, 2/27/13, 3/6/13 and 3/13/13 Meetings. After some discussion, Cook **moved** (2<sup>nd</sup> Childs) to approve the minutes of the February 13, 2013 and February 27, 2013, as amended, Selectboard meetings. **Motion passed.** After some discussion of changes the Board reached agreement by consensus to delay voting on the March 6, 2013 minutes. Ashley **moved** (2<sup>nd</sup> Childs) to approve the minutes of the March 13, 2013 Selectboard meeting. **Motion passed.**
- b) Review of Procedure for Receipt of Resident Correspondence (Discussion/Action Item). Fulton reviewed the changes and the Board discussed receipt of resident correspondence versus other correspondence. Ashley **moved** (2<sup>nd</sup> Childs) to approve the Procedure for Receipt of Resident Correspondence as revised. **Motion passed.**

- c) Approval of Letter (Discussion/Action Item). Fulton said that this grant is to help ECFiber do the "last mile". After very little discussion, Ashley **moved** (2<sup>nd</sup> Childs) to approve a letter authorizing ECFiber to accept a grant from the Vermont Telecommunications Authority on behalf of the Town of Norwich and authorize the Town Manager to sign. **Motion passed.**
- d) Review of Next Agenda (Discussion/Possible Action Item). The solar project letter of intent, Subdivision Regulations, reimbursement resolution, goals and objectives and the Selectboard calendar going forth will be items on the April 10<sup>th</sup> agenda.
- e) Labor Relations Agreement (Executive Session May be Required). Pursuant to Title 1 VSA § 313(a)(1), Ashley **moved** (2<sup>nd</sup> Childs) to enter into Executive Session for the purpose of discussing the Labor Relations Agreement and to invite Neil Fulton to join the Session. **Motion passed.** The Selectboard moved into Executive Session at 10:04 pm.

At 10:07 pm the Selectboard moved into public session. Ashley **moved** (2<sup>nd</sup> Childs) to approve the amendment to the Labor Relations Agreement and authorize the Town Manager to sign. **Motion passed.**

Cook **moved** (2<sup>nd</sup> Moran) to adjourn. **Motion passed.** Meeting adjourned at 10:08 pm.

Approved by the Selectboard on May 8, 2013.

By Nancy Kramer  
Assistant to the Town Manager

Stephen N. Flanders  
Selectboard Chair

Next Regular Meeting – April 10, 2013 at 6:30 PM

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