

Minutes of the August 13, 2012 Meeting of the Board of Selectmen.

Present: Neal Fox, Joe De Freitas, Bill Hall, Delbert Cloud, Abbie Sherman, Mary Floyd, Kelsey Hill, Geneva Gaiko, Laura Rubenis, Vanessa Brown, Eleanor Griffin, Mary Jeanne Taylor, Lisa Campbell, Sandra Ford, Fay Ford, Valdis Rubenis, Tim Hart, David Aldrighetti, Carl Russell, Mark Nicholson, Christie Nicholson, Mel Washburn, Tom Morse of the Barnard Selectboard, Tom Harty as leader of the Community Emergency Response Team (CERT), Jennifer Marx for the "Herald of Randolph," and Maggie Cassidy for the "Valley News."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing and approving the weekly Payroll and payables. The first order of business was provision for public inquiry or comment.

Kelsey Hill provided the Board with information about an event she has helped plan in consort with the community festival being scheduled in September; specifically she seeks to hold a street dance utilizing the Municipal Parking Lot on Main Street on the evening of September 21, 2012. The event is planned to run from 7:00 PM to 10:30 PM. The Board confirmed that electricity would be provided from the outlets at the parking lot, and that the Town Constable could be utilized at Town expense. It was further concluded that the event organizers would inform nearby property owners of the event ahead of time, and that no alcoholic beverages would be allowed on the premises. The event ultimately was approved, to include use of the subject Town property, by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried.

Mary Floyd provided the Board members each a copy of the public notice/advertisement for the community festival itself, this being planned for Saturday, September 22, 2012.

Ellie Griffin asked if the Board reviews draft or final minutes for the Recreation Committee. Bill Hall replied that the minutes are identified as "draft" and if changes are made, the Board would anticipate seeing a revised "final" set of minutes.

Lisa Campbell asked if the Board would move the "Parks and Public Places" agenda item up on the agenda, to address it earlier. Chairman Fox agreed that could be done.

Since it was not quite time for the first scheduled appointment to commence when the public comment ended, Chairman Fox asked if the Board members had found the Selectboard minutes acceptable. Both the minutes of July 23, 2012 and July 25, 2012 were approved by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried. Delbert Cloud asked the Board to sign a copy of the recommendation from the Board of Listers for a correction in the Grand List, this having been approved by the Board at the previous regular meeting. He also reported that he has spoken with the Planning Commission Chair, per the Board's request, regarding the membership on the Commission at this time; when the Commission has completed a review of tasks to be undertaken, it may request the Board to make additional appointments, to have more people available to carry the workload. The Board also reviewed a recent streamwater quality report (inclusive of August 8, 2012 results) submitted by the White River Partnership. As an additional item of old business, renewal documents for a line of credit opened with Mascoma Savings Bank in support of the Agency of Transportation "Enhancement Grant" were approved by the Board, this line of credit being in the amount of \$208,000.00.

As the time was then 6:30 PM, Chairman Fox called to order a Public Hearing, this being continuation of a Public Hearing originally held on July 9, 2012 "to consider reclassification or discontinuance of any part, or all, of Old Route 12 (Town Highway #79) in the vicinity of Bridge #49." The following documents were acknowledged as being received by the Board: (1) an August 3, 2012 memo from the Vermont FEMA Public Assistance Office re. the involved procedure, (2) an August 2, 2012 estimate for removal of the bridge, provided by Dubois & King, Inc., (3) a July 18, 2012 letter from the Town of Barnard Board of Selectmen, (4) a July 17, 2012 letter from the Chief of the Barnard Volunteer Fire Department, (5) a July 11, 2012 Email from Rita Seto of the Regional Planning Commission, referencing also a July 10, 2012 e-mail transmitted to

her by Sandra Ford, (6) a July 12, 2012 e-mail from Chris Bump of the District 4 Agency of Transportation Office, (7) a July 19, 2012 e-mail from the VTrans SE Regional Traffic Safety Investigator, and (8) calculations of travel times to the bridge site via the two routings available. Delbert Cloud clarified for the Board that the July 12, 2012 edition of the “Herald of Randolph” had misquoted one point of information, specifically that the Board of Selectmen have the sole authority to determine if a reclassification or discontinuance of a Town Highway is to be done – there is no requirement for action by the “state.” Chairman Fox then opened the meeting for public comment.

Sandra Ford said she would repeat the same comments as made at the previous hearing. She is concerned about matters of safety, and noted that fallen trees can block roadways having only one exit.

Fay Ford voiced his concern that the subject road never seems to get proper attention.

Sandra Ford queried as to whether, or not, other bridges damaged by “Irene” are not being fixed.

Vanessa Brown inquired if FEMA funding is the primary reason why the bridge may not get fixed.

Tom Morse, Barnard Selectboard Chair, asked for the letter from his Board to be read into the minutes, this being done by Chairman Fox. Mr. Morse added that his Board had decided not to pursue an “alternate project” opportunity because it would have resulted in land-locking of property.

Sandra Ford suggested that two “dead-end” roads are an “attractive nuisance.”

Vanessa Brown asked how many homes are on the roadway. (It was determined that there are 4 “homesteads” in Bethel that are occupied year-round).

Tim Hart questioned if there are any state stipulations regarding the road since it was originally a state highway, and noted that a business on the road might be disadvantaged by closing the bridge.

Regarding potential alternate projects, Mel Washburn commented that a new Town garage is needed. Fay Ford voiced concern that more money did not need to be spent on the Town Hall; (it was clarified that more money being spent on the Town Hall is not anticipated).

Tim Hart asked if the amount of state-aid has been taken into consideration in making a decision on this matter.

Tom Morse suggested that the Board should take into account all costs to be incurred if an alternate project were pursued, such as costs for turn arounds, removing the bridge itself, and fixing safety considerations at the intersection with Route 12.

Vanessa Brown said it didn’t seem fair to leave people hanging.

Carl Russell asked if the bridge had been scheduled for any repairs prior to “Irene”, and if there are any plans to address public concerns brought about by eliminating the bridge.

Tom Morse, reflecting on the comment about fairness, said property owners’ interests at the time they may have acquired their properties need to be taken into account.

Mark Nicholson said he considers the left turn onto Route 12 in Barnard to be a very hazardous turn, especially in light of how fast traffic travels.

Fay Ford asked who would maintain the road if the bridge is discontinued. He added that fire and ambulance service from Bethel is being taken away, and wondered if road maintenance would be next.

Tim Hart suggested that turning a Town plow truck left onto Route 12 in Barnard would be a problem.

Sandra Ford asked if the concerns all stemmed from uncertainty over what FEMA would approve.

Vanessa Brown said the question should not be for FEMA to answer; it should be for the public to answer.

Tom Morse said the likelihood is that FEMA would replace the bridge if that were the Town's choice. He concurred with the suggestion that the Town of Bethel does need a new garage.

Sandra Ford said the Town garage is a Town problem, not a consequence of Irene.

With public comment ending, Chairman Fox asked the Board members if they felt prepared to take the matter up for a decision. Bill Hall then thanked everyone for their comments, and expressed his perception that the decision is a difficult one to make. He referenced the fact that he had lost all access to his property due to Irene, but had gotten it back within a few days. He agreed that the Town garage is a Town problem, and that he is not in favor of an alternate project instead of fixing the bridge. Mr. Hall then made the motion to not seek approval for an alternate project. Chairman Fox noted that no "second" was heard, so the motion thus failed. Joe De Freitas then made the motion to take the subject up under executive or deliberative session later in the current evening, after which a written report would be issued in accordance with prescription of Vermont law; this motion was seconded by Neal Fox and thus carried.

The time at this point was 7:30 PM, and Chairman Fox welcomed the second appointment of the evening, this being Tom Harty as leader of the Local Emergency Planning Committee #12 Community Emergency Response Team (CERT). Mr. Harty was present at the Board's invitation to provide information about the establishment and function of CERT. He explained how such a team enables Vermont Emergency Management to draw assistance from a trained citizenry to help in emergency response and recovery work. Various training opportunities will be available, the most immediate being at Whitcomb High School on September 15 and 16, it being hoped that many will attend to learn about the roles of people at times of disasters or emergencies. Upon conclusion of the discussion, Chairman Fox thanked Mr. Harty for his presentation, the time then being 8:20 PM.

As previously agreed, item #7 re. the Parks and Public Places Committee was then taken up. Chair of the committee, Lisa Campbell, had submitted an August 2, 2012 request for formal appointment of Laura Rubenis, Willow Griffith, Lydia Morris, and Rosalie Benson to the subject committee. Prior to the Board's consideration of the request, Delbert Cloud asked permission to make a recommendation, this being to disband the committee and to support instead the individual efforts of existing and new volunteers to keep public places well-maintained. He cited past and present examples of volunteers working in good faith for the benefit of the Town in cooperation with the Selectboard and the Manager's office, and expressed concern that some of the volunteer energy would be lost by making too formal a structure to govern their activities. Vanessa Brown suggested that the organizational level of volunteers needs to be improved upon. Laura Rubenis added that independent groups can't accomplish the necessary work, and a committee needs information from others performing work even though they might not formally be part of the committee. Lisa Campbell said she is willing to do whatever is necessary to improve upon matters found to be unsatisfactory. Joe De Freitas suggested that there should be room for a compromise, and wondered if people are volunteering why they can't continue as "satellite activities," respected for what they are doing, and left alone. He suggested that the committee should be able to take a diligent look at what is happening and who is involved. Lisa Campbell referenced support for the committee's efforts, as evidenced by 4 donations she had recently received from local businesses. Chairman Fox determined to table the matter of appointing members to the committee until the next meeting. Vanessa Brown asked for clarification, which was provided. Lisa

Campbell asked, and was granted, permission to continue with projects now under the committee's direction.

Chairman Fox then asked Abbie Sherman to provide a report on the work of the Recreation Committee, in conjunction with the minutes of that committee's meeting of August 6, 2012, which Ms. Sherman provided. Eleanor Griffin expressed concern over the poor condition of the tennis courts, and the need to deal with the intrusive trees around the courts' perimeter. As was agreed by the Selectboard at an earlier time, the Board members again concurred that a master plan for improvement of the recreation facility should be completed before significant additional expenses are incurred. Ms. Griffin also encouraged everyone to complete the survey being conducted presently by the committee which seeks public input on recreation issues.

Delbert Cloud then asked the Board to drop back to the matter of the CERT team, such that amendment could be made of the Town's "Emergency Operations Plan," specifically to include contact information for the East Central CERT Leader, Tom Harty. This amendment was approved by motion of Bill Hall, seconded by Joe De Freitas and unanimously carried. The Board then returned to the order of the agenda, the Transportation Advisory Committee minutes of May 10, 2012 being reviewed and placed on file.

Delbert Cloud explained the status of the plans for rehabilitation of Peavine Bridge, and suggested it would be prudent to make every effort to have the repairs necessitated by Irene done before winter. Since the Board has reviewed a draft of the overall needs of the structure, and since the initial scope of work being developed by the engineers will address only FEMA approvable repairs, he requested permission to accelerate the process to bid and construction with the proviso that he would continually keep the Board updated on the process. This was found acceptable by the Board.

Recommendations from the engineers re. replacement of bridges 35 and 37 in Gilead were next discussed, the Board members agreeing that the recommendation for use of a precast rigid frame concrete structure in both locations made greater sense than other options evaluated. Motion to approve that option was made by Joe De Freitas, seconded by Bill Hall and unanimously carried.

Budget Status Reports as of July 31, 2012 were then reviewed for the Town General Fund and the three "enterprise" funds. No action was required or taken on these.

The "Annual Financial Plan – Town Highways" and the "Certification of Compliance for Town Road and Bridge Standards" were next examined, these being prepared from the basis of the FY' 13 budget. Motion to approve these documents for return to the Agency of Transportation was made by Bill Hall, seconded by Joe De Freitas and unanimously carried.

The Board reviewed and placed on file a letter of appreciation from Tim Crowley of Rochester, recognizing the care being given to Camp Brook Road. A newsletter from the Vermont Drinking Water Program was also reviewed and placed on file at this time.

A July 31, 2012 letter from Janice Punger was discussed, this being a request for reimbursement for costs incurred by Ms. Punger to replace a portion of fence damaged by "Irene." It was agreed that if the subject fence is on private property, the Town will not pay for its replacement; motion accordingly was made by Bill Hall, seconded by Joe De Freitas and unanimously carried.

Two communications were then discussed, the first being a letter from the Governor's office thanking the Board for expressing its support for the senior living community proposed by Gifford Medical Center in Randolph Center. The second was an e-mail from the Governor's office advising of plans for an Irene Anniversary Tour, including a stop in Bethel on August 26th at 5:15 PM. The Board is asked to provide input on the location for the visit; it was agreed that the School Athletic Fields would be appropriate, both because of the extent of damage incurred there and the fact that adequate parking is

available. It was further agreed that in the event of rain, the Bandshell at the Common on Church Street could be used.

Given the lateness of the hour, it was agreed that several items of business would be taken up at 4:00 PM on Wednesday, August 22, 2012 at the Town Office, prior to meeting in Royalton at 7:00 PM with the Royalton Selectboard on solid waste program matters. The deferred business will include employee compensation/benefits, water and wastewater rates in support of FY' 13 budgets, and preparation of an offer to water customers on Pleasant Street north of the fire station and on Watershed Road.

At 9:35 PM, motion was made by Joe De Freitas to enter executive session to discuss litigation in which the Town is a party, and to hold a deliberative session regarding the treatment of Bridge #49 on Old Route 12; this motion was seconded by Bill Hall and unanimously carried. Delbert Cloud was the only person remaining with the Board for this portion of the meeting. No minutes were kept. Upon return to open meeting at 10:10 PM, the only motion was to advise State of Vermont and FEMA officials that the Town will seek approval of an "alternate project" in lieu of replacing the subject bridge, and that a written report and order will be released in accordance with Vermont law; this motion was made by Joe De Freitas, seconded by Neal Fox and thus carried; Bill Hall voted in opposition to the motion.

The motion to adjourn to August 22, 2012 at 4:00 PM at the Town Office was made at 10:15 PM by Bill Hall, seconded by Joe De Freitas and unanimously carried.

Neal Fox

Joe De Freitas

Bill Hall