

Minutes of October 5, 2015 Regular Selectboard Meeting. This meeting was held in lieu of the October 12 meeting due to the Columbus Day Holiday.

Present: Board members Bill Hall, Carl Russell and Lisa Hill. Others present: Town Manager Keith Arlund, Assistant Town Manager Abbie Sherman, Eleanor Griffin, Betty Ann Scammell, Lisa Campbell, David Eddy, Lucien Hinkle, Ola O'Dell, Amy Duddie, John Duddie, and Lisa Warhol for the "Herald of Randolph."

Chairman Hall called the meeting to order at 6:00 PM.

Public Comment or Inquiry:

Ele Griffin informed the Board that Dietre Feeney has expressed interest in joining the Recreation Committee. Motion made by Lisa Hill, seconded by Carl Russell, and unanimously carried to appoint Dietre Feeney to the Recreation Committee.

Ola O'Dell recognized the efforts made by Robert & Sheila Taylor in maintaining the various flower beds around the village.

John Duddie would like the Selectboard to increase to five members and requested that an Article be included on the Warning for Town Meeting 2016, and to elect two additional members at that meeting. Motion made by Carl Russell, seconded by Lisa Hill, and unanimously carried to add an Article to the Warning for Town Meeting 2016 for the voters to consider increasing the Selectboard to five members, and to elect two additional members at that meeting. Hall advised researching the statutory language to ensure the Article is crafted correctly.

Betty Ann Scammell requested an update on the drainage issues at Cherry Hill Cemetery. Arlund advised that he and the Town Crew are monitoring the area when rain events occur.

Appointments: Amy Duddie re. Annual Halloween Event. Amy Duddie requested use of the Town Hall for the Annual Halloween Event. The Board agreed it would be available for use at no charge and with no deposit required.

Reports, Motions, and Ordinances:

1. Review of Draft FY'17 Budget: Prior to review of the draft budgets, Hall advised members of the public of the Board's rules of procedure.
  - a. Administration/Personnel. After Arlund's presentation of the Administration/Personnel portion of the budgets and Board comments, Hall opened the meeting to public comment. Lucien Hinkle requested changing public works employee's hours at least during winter months to reduce overtime. Russell and Arlund advised of the numerous factors relating to winter hours and that employees are on-call. Arlund is considering the addition of part-time drivers. David Eddy requested the basis for the increase in employee wages. Arlund advised the increase is 3% but the town has implemented a standard incentive-based program.
  - b. Public Works. Arlund advised the Board that the Town is in the process of conducting an assessment of Town Highways. Results from this assessment will factor into the "highway rehabilitation" line item. Amounts budgeted for "highway rehabilitation" and "culverts" will be leveraged with grant funding. Hinkle requested clarification of the "hired services" line. Arlund advised this is used for various services the Town contracts out for, when needed, and is used in lieu of budgeting for specific pieces of equipment.

At the conclusion of the budget discussion, Hinkle requested clarification on the Town Manager's role in drafting the budget. Hall advised that under the Town Management form of government the Selectboard's role shifts to policies, goals, and objectives. The Town Manager makes determinations based on the Board's goals.

2. Renewal of Bond Anticipation Note with People's United Bank for the Bethel/Royalton Transfer Station. Motion to approve renewal of the note and adopt the following resolution was made by Carl Russell, seconded by Lisa Hill, and unanimously carried.

WHEREAS, at a regular meeting of the Board of Selectmen of the Town of Bethel, at which at least a majority of the Board of Selectmen was present and voting, it was unanimously found and determined that the public interest and necessity required certain public improvements hereinafter described, and it was further found and determined that the cost of completing said improvements would be too great to be paid out of ordinary annual income and revenue of the Town, and that a proposal to provide such improvements and incur debt of the Town to pay for the same should be submitted to the legal voters at the annual meeting to be called and held for that purpose, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, the Board of Selectmen caused to be issued a Warning for a meeting of the Town to be held June 16, 1994 to consider certain proposals, which Warning is duly recorded in the records of the Town of Bethel; and

WHEREAS, said Warning was duly recorded, published and posted; and

WHEREAS, said meeting was duly held on the date, at the place and at the time appointed, and a certain proposal to make improvements and incur debt therefore was voted in the affirmative; and

WHEREAS, the Board of Selectmen has been and is now carrying forward the authorized improvements to completion and funds are needed to meet accruing costs of the same; and

WHEREAS, the Board of Selectmen has negotiated a temporary loan with PEOPLE'S UNITED BANK, NATIONAL ASSOCIATION for \$12,000.00 at 2.50% to be evidenced by a single promissory note as hereinafter set forth. The note is being issued in anticipation of the money to be derived from the sale of bonds to make solid waste management improvements. The note is issued to refund a previously issued note.

THEREFORE, BE IT RESOLVED, that the Board of Selectmen and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the Town of Bethel payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said Town, as established by law; and

BE IT FURTHER RESOLVED, that to the extent the proceeds of the note will be used to effect a reimbursement for capital expenditures previously made for the improvements authorized as aforesaid, this Resolution shall serve as a declaration of official intent under section 1.150-2 of the Treasury Regulations (or a republication of any previously made declaration of official intent) to effect a reimbursement in an amount not to exceed the total of all previous capital expenditures; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Town of Bethel and its Board of Selectmen, in, about, or concerning the improvements or the contracting of loans in connection therewith are hereby ratified and confirmed; and

WE, the undersigned Board of Selectmen and Treasurer, hereby certify that we as such officers have signed the \$12,000.00 face amount bond anticipation note, numbered 1, dated October 16, 2015, of the following denomination and maturity in the form hereto and made a part hereof:

<u>Number</u>	<u>Denomination</u>	<u>Maturity</u>
1	\$12,000.00	October 14, 2016

WE, the undersigned Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that the above-described note is issued under and pursuant to vote of the Town of Bethel, June 16, 1994 and this Resolution, adopted at a duly noticed and warned meeting of the Board of Selectmen of the Town of Bethel held October 5, 2015.

WE, the said Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described note or the expenditures being financed by the proceeds of the same.

WE further certify that no litigation is pending or threatened affecting the validity of the note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town of Bethel, nor the title of any of us to our respective offices, is being questioned or contested.

WE further certify that there has been full and timely compliance with all public procurement, solicitation and bidding laws, ordinances and regulations with respect to each of the transactions embodied in this Resolution.

WE further certify to and covenant with PEOPLE'S UNITED BANK, NATIONAL ASSOCIATION, its successors and assigns, including the transferees, assignees, holders and owners of the above described note, that:

(1) No proceeds of the note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the Town of Bethel, nor used to make or finance loans to any person.

(2) The Town of Bethel will file when and as required with the Treasury Department or the Internal Revenue Service information returns relating to the issuance of the note and all other obligations of the Town.

(3) The Town will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Tax Certificate, execution and delivery of which is hereby authorized.

(4) During the current calendar year, the Town will not issue debt of any sort aggregating \$5,000,000.00 or more.

(5) The interest charged to and payable by the Town under the note shall be increased and recalculated to the date of issue by 3.25% and paid to the holder thereof in any one of the following events:

(a) It shall be determined that the interest paid under said note, or any part thereof, is included in the gross income of the holder thereof for federal income tax purposes.

(b) There shall be any breach by the Town of any covenant set forth in paragraphs (1)-(4) hereof.

3. Criteria for Ancient Roads Committee. Russell would like to see an inventory of class 4 roads noting their condition and suitability. He expressed concern over criteria that are based on judgements the Selectboard should be making rather than a committee. Russell would also like to add criteria that considers erosion and waterways, focusing on maintaining water quality. Arlund will modify the criteria based on the Board's suggestions.
4. Town Manager's Report:
  - a. The logging access road has been approved per contact from Craig Whipple of the Land & Water Conservation Fund. Arlund will refresh the contract and easement with Dennis Wood. Russell requested an agreement with adjacent landowner, Carroll Ketchum, regarding the historic stone property marker.
  - b. Arlund reiterated earlier comments regarding the Taylor's work on the downtown flower beds.
  - c. Russell requested inclusion of cemetery management in the Town's Capital Plan.

- d. The speed sign has arrived and will be installed soon.
- e. Flag poles have been installed at Fort Fortitude and the Town's five cemeteries.
- f. Greg Timmins has advised he will stay on as Town Constable until a replacement has been found. Arlund is in receipt of a few resumes.
- g. There has been no additional interest in community members joining the Energy Commission. Arlund will re-advertise the Town's need for members.
- h. Russell requested recommendations for dedication of the Town Report be made individually to Board members to be discussed at a future meeting.

Minutes and Communications:

1. Selectboard Minutes of September 14, 2015 and Special Meeting of September 21, 2015. With the correction of one typographical error, minutes for September 14 and September 21, 2015 were approved by motion of Lisa Hill, seconded by Carl Russell, and unanimously carried.
2. Committee Minutes. The Board acknowledged receipt of the following: (1) Conservation Commission minutes of September 8, 2015; and (2) Community Forward Festival minutes of September 21, 2015. Regarding the Forward Festival, Hill publicly thank the Town Crew for their amazing display of pumpkin people.

Other Communications: The Board acknowledged receipt of the following: (1) a letter from the Vermont Volunteer Services for Animals Humane Society regarding a coin drop operated on September 26, 2015; (2) copy of the Warning for a Special Town Meeting of the Bethel School District on November 2, 2015 at 6:00 PM; (3) White River water quality results from the White River Partnership.

Any Other Business Necessary to Come Before the Board. Arlund presented the Board with a request from the Revolving Loan Committee to approve an increase in the standard loan amount from the Community Revolving Loan Fund from \$5,000 to \$25,000. This is in part due to the Economic Revolving Loan Fund having insufficient funds available to meet a recent request for a loan from a third party. The Board agreed they do not wish to make one-time changes to the policy that has been set forth. The Board also instructed management to issue the Town's annual loan payment to the ERLF, making sufficient funding available for the request at hand. Arlund will advised the committee of the Board's decision.

Executive Session to Discuss Personnel Matters. At 7:50 PM, the Board entered Executive Session by motion of Carl Russell, seconded by Lisa Hill, and unanimously carried. Arlund was the only person remaining with the Board. No minutes were kept. The Board resumed open meeting at 8:10 PM.

At 8:11 PM, Lisa Hill made the motion to adjourn, seconded by Carl Russell, and unanimously carried.

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Bill Hall

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Carl Russell

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Lisa Hill