

Minutes of the October 10, 2011 Meeting of the Select Board.

Present: Neal Fox, Bill Richards, Joe De Freitas, Delbert Cloud, Abbie Sherman, Erin Boettcher as Town Health Officer, Lisa McCrory, Geneva Gaiko, Suzette Perkins, Jolene Scott, Nicholas Scott, Arien Scott, David Eddy, Moe Brigham, Don Hyde, David Sanbor, Kate Jarvis, Chris Jarvis, Mark Boettcher, Amber Taft, Shawn Taft, Laura Rubenis, Ola O'Dell, June Tierney, Kellie Burke, Robert Hyde, Vanessa Brown, Don Giovanella Jr., Fred Chatfield, Senator Richard McCormack.

The meeting was called to order at 6:00 PM by Chairman Neal Fox. The Board approved the minutes of the September 19, 2011 regular meeting and the October 3, 2011 special meeting by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried.

Laura Rubenis objected to the Board's approval of the minutes, as she felt there was not sufficient detail of the business covered. Chairman Fox replied that concerns such as that would be taken up for discussion later in the meeting.

The Board then turned to the order of the agenda. Minutes of the following public bodies were reviewed and placed on file: (1) Planning Commission minutes of September 21, 2011, (2) Regional Planning Commission minutes of August 17, and September 19, 2011, and (3) the Local Emergency Planning Committee [LEPC] minutes of August 18, 2011. Regarding the latter, it was noted that the LEPC would like to hold its next meeting in Bethel on Thursday, October 20, 2011. The Board members concurred that the main hall at the Town Hall could be available at no cost since the Town itself is participant in the work of the LEPC.

Delbert Cloud then provided the Board with an update on the status of highway repairs. He informed the Board that competitive proposals have been received for restoration work on both Lilliesville Brook Road and Campbell Road, with contract awards pending final discussion with the apparent low bidders. He noted that submittals are expected on October 11th for other highway restoration projects which will also hopefully lead to contract awards in the very near future.

Discussion then occurred with members of the public regarding sources of road building material in Gilead and at the Rock of Ages quarry on Christian Hill. Most comments indicated support for continued crushing at the quarry, it also being considered unfortunate that the local material could not be used for reconstruction of Route 107 by the Vermont Agency of Transportation. No action was required or taken by the Board on this matter.

The next item on the agenda was then taken up: Delbert Cloud explained for the Board various initial bridge inspection reports and hydraulic evaluations done for stream crossings on Lilliesville Brook Road, Camp Brook Road, and Gilead Brook Road. It was agreed by the Board Members that proposals should be sought for more in-depth engineering services to determine and evaluate options for repairing structures impacted by Irene.

Delbert Cloud next updated the Board on procedures being followed to comply with the National Flood Insurance Program. He relayed information gleaned from a recent workshop held by the Vermont Agency of Natural Resources. Of particular significance is the requirement applicable to "substantially damaged" structures located within the regulated floodplain which necessitates such structures to be re-built in compliance with all flood-proofing measures, or demolished, or relocated.

Cloud then provided an update on the status of the Emergency Watershed Protection Program (EWP) which is administered through the U.S. Department of Agriculture. Representatives from the EWP Program have inspected a number of properties in town and made preliminary prioritization of the work that might be possible/eligible. Since the Town has already agreed to sponsor the program, certain documents must now be signed for prioritized projects to proceed. The motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried, to (1) endorse the "Signature Authority" letter

by the full Board, and (2) authorize Neal Fox to sign the “Cooperative Agreement” on behalf of the Board. (The latter document designates Delbert Cloud as liaison between the sponsor and the program.) The Board members concurred by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried, that Delbert Cloud should continue to administer the EWP Program as per parameters made for previous disasters wherein the property owners would be responsible for the required 25% local share, and that the Town’s Revolving Loan Fund could be potentially used by the property owner(s) subject to application and approval by the Loan Committee.

Cloud then explained the application criteria whereby the Town and property owners might utilize the “buy-out” provisions of the FEMA 404 Hazard Mitigation Program. The Board members agreed that the possibilities should be considered, much of the matter hinging upon eligibility criteria and the interest of property owners in participating.

A September 12, 2011 letter of resignation was received from First Constable James Mason; motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried, to accept the resignation of James Mason with deep regret, and designate the Second Constable, Gregory Timmons, as the First Constable. A letter of appreciation for Mr. Mason’s service will be prepared for the Board’s signature.

A Notice of Hearing dated September 29, 2011 has been received from the Vermont Department of Liquor Control, notifying the Local Liquor Control Board of an alleged infraction by the Bethel Depot, Inc. which will be subject to Hearing on October 26, 2011. Chairman Fox made note with the intention of attending on behalf of the Board.

It has been learned that it may be necessary for James Thomas to install a pressurized sewer line under the highway at 655 Woodland Road in order to replace a destroyed leach field. Motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried, to approve the crossing of the highway subject to the Town’s customary conditions of installation if it is determined necessary to do so.

Delbert Cloud then relayed to the Board a request from Alfred Farone for permission to do repairs on Davis Road, this being a Class 4 Town Highway. Cloud and Farone have resolved how the Town can assist at culvert locations. Motion was made by Bill Richards, seconded by Joe De Freitas and unanimously carried, to authorize Mr. Farone to make repairs to Davis Road as necessary to restore access to his and his neighbor’s property.

The following communications were then reviewed and placed on file: (1) a bulletin from the regional planning commission entitled “Irene Recovery Resources for Local Roads,” (2) a September 16, 2011 letter of appreciation from Marianne D. Brigham for municipal flood response (with cash donation to the food shelf and fire department), (3) a letter dated September 20, 2011 from Vermont State Police Detective Sergeant Eric Hudson expressing appreciation of the Irene response provided by the Fire Department, (4) a September 29, 2011 letter from Elmer Amsden re. damage to his property on River Street, (5) October 6, 2011 “Second Phase Guidelines for Instream Work” provided by the Vermont Agency of Natural Resources, and (6) information re. the “Carhart Event” which will be held at Whitcomb High School on Saturday, October 15, 2011. It was agreed that Delbert Cloud would respond to the letter from Mr. Amsden on behalf of the Board.

Delbert Cloud then informed the Board that a payment is due on October 20, 2011 to the People’s National Bank, this being the customary annual payment whereby the Towns of Bethel and Royalton are retiring debt for the construction of the Solid Waste Facility on Waterman Road in Royalton. Motion to approve the following Resolution and the associated loan documents was made by Bill Richards, seconded by Joe De Freitas 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, which meeting was duly called and held on N/A, 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 described in the Warning dated N/A, 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 for \$36,000.00 at 2.60% 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 for. The note is not 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 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 \$36,000.00 face amount bond anticipation note, numbered 1, dated October 20, 2011, 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	\$36,000.00	October 19, 2012

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 10, 2011.

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 to and covenant with PEOPLE'S UNITED BANK, 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 Non-Arbitrage 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.

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

At approximately 8:45 PM, Chairman Fox invited Laura Rubenis to present a set of comments/questions which she wished to discuss at this meeting. The subjects were set forth as follows:

- Clarification on how emergency and other unscheduled select board meetings are publicly announced and communicated (Web, phone tree, public bulletin boards, etc.)
- A revision of the Bethel Select Board meeting minutes Sept. 19, 2011 to include omitted discussions regarding post-Irene response and recovery, including 1) Post-disaster communication between town officials and residents, especially town officials' decision to not convene community meetings to discuss response and recovery; 2) The use of social networking as an informational resource and means to access the town manager's office; 3) the Governor's intervention in facilitating the continued operation of the emergency clearing house at the town hall; 4) Audience members' concerns about the accessibility and interpersonal communication skills of the town manager.
- Public disclosure of the events scheduled for the town hall beginning Sept. 1, 2011 and a request that this calendar be posted and updated as needed on the town's website.
- Follow up regarding the equipping and training of post-Irene volunteers (see meeting minutes from September 4, 2011.) What measures were set forth, who provided them, and who were the recipients of this training? What equipment was provided to volunteers?
- Request that the select board meeting minutes of Sept. 12, 2011 be revised to

include that the ad submitted to The Randolph Herald by the select board advising that clothing was available to flood victims *through Sept. 18, 2011*, and that the minutes be revised to include the select board's rationale for this date. How was this to be communicated to and coordinated with the disaster clearing house operation?

- A request that the town manager be immediately relieved of his responsibility of recording select board meeting minutes, and that this task be appointed to an individual with no direct interests and responsibilities in town governance.
- Proposed dates for the review of the town's emergency response and related recommendations for improvement. What will this process look like and who will be called on to review and evaluate the town's response to Irene?

These and associated matters were discussed at some length by the Board and members of the public present. In response to points discussed, the Board members supported the idea of posting the calendar of events scheduled for the Town Hall, and establishing an official website for the Town. It was also agreed that a review should be made of the response efforts to hurricane Irene and the accompanying flood event, to try to be better prepared for future disasters.

At approximately 10:05 PM, motion was made by Joe De Freitas, seconded by Bill Richards and unanimously carried, to enter executive session for purpose of discussing personnel issues. Delbert Cloud was the only person remaining with the Board during the executive session. No minutes were kept. Upon return to open meeting, the motion was made by Joe De Freitas to remove Amber Taft from any official duty for the Town of Bethel and for her to return all property which had been entrusted to her for flood relief/recovery work; this motion was seconded by Bill Richards and unanimously carried.

The Board then considered what to do with the bags of clothing left at the Town Hall. After due consideration, motion was made by Joe De Freitas, seconded by Bill Richards and unanimously carried, to provide the articles to Reverend David Sanville for a facility he is creating, it being understood that the articles would still be available to assist those in need from the flood event.

At 11:15 PM the motion to adjourn was made by Bill Richards, seconded by Joe De Freitas and unanimously carried.

Neal Fox

Bill Richards

Joe De Freitas