

A regular meeting of the Hardwick Select Board was held on Thursday, November 4, 2004 at 6:00 P.M. in the 3rd floor meeting room of the Hardwick Memorial Building.

Members Present: Others Present:

Todd Deuso Daniel Hill, Lynda Brochu

Charles Volk Roger LeCours, Nathan Meunier,

M. Tod Delaricheliere Steve Holcomb, Julie Gravel,

Kristina Michelsen Kathy Barclay, Pete Brochu,

Patricia Coultas Karen Shaw, Bert Smith, Lucien Avery,

Elwin Daniels, Jack Corley, Ann Sullivan

Roger LeBlanc, Julie McCoy,

Gary Brown

6:01 P.M. M. Tod Delaricheliere called the meeting called to order.

6:01 P.M. Kristina Michelsen moved to approve the regular Select Board minutes of October 21, 2004.

Charles - seconded

M. Tod - Yes

Kristina - Yes

Charles - Yes

Patricia Coultas - Abstained

COMMUNICATIONS FROM AUDIENCE:

6:04 P.M. Todd Deuso arrived

Lew Shattuck spoke about a recent article in the Hardwick Gazette concerning a complaint about the Town Manager's office. Lew wanted to be on record saying that there were many people in Hardwick who would say what a great management team we have in the town manager's office.

MANAGERS REPORT

Main St. Railing Proposal

Lucien Avery and Jack Corley were present to talk about their ideas on a new wrought iron railing to replace the retaining wall between the swinging bridge and the Village Restaurant. Lucien and Jack handed out sketches of their designs. The Board, Lucien and Jack discussed their designs. The Board asked Dan to calculate the prices of all the items the town wants to purchase for the downtown, including new street lights, and bring the costs back to the Board so that they can discuss the railing at the next meeting. The Town has been given \$75,000 to be used in the downtown.

Delinquent Tax Procedure

Dan told the Board that in their Select Board packets were copies of 32 V.S.A. Section 5260 and a page from VLCT's Delinquent Tax Handbook. Dan explained that at a

tax sale, the minimum bid for a property is the amount of money owed the Town including taxes, penalties, interest and attorney fees. In most cases in Hardwick, bidders offer that amount and that completes the sale. There are those cases, however, when we actually have an auction situation where people bid more than what is owed the Town. The town's practice has been to place any amounts collected over the owed amount in a passbook savings account which is returned to the bidder when the property is redeemed by the owner. Dan stated that this is in agreement with the handbook, section 7 which is enclosed.

Dan went on to explain that some Towns handle overpayments differently. He told the Board that if they refer to the enclosed statute copy, they will note it states that any amount bid will receive interest at the rate of 1% per month. This would imply that even over bids should receive the 12% per year interest and some Towns operate this way.

Dan said that he has checked with several attorneys and they are aware of tax sales being handled these two different ways. Both appear to be acceptable as the two interpretations have never been tried in court. Dan stated that he feels the way Hardwick has historically dealt with the overages is fairer to the delinquent tax payer and it also provides cash flow to the Town. Bert Smith spoke to support the second way of handling tax sales. He thinks the entire bid amount should be assessed a 1% per month fee. Bert feels delinquencies will go down. He stated that he does not feel that the town is handling delinquencies correctly.

6:30 P.M. Todd moved that we keep our tax sale process as it has been in the past.

Kristina seconded
Motion passed unanimously

Delinquent Tax Properties Sale List

Dan told the Board that in their packets is the latest list of delinquent tax properties that are going to tax sale on November 18th. Dan indicated the properties we think the Town should bid on by placing an X to the left of the owner's name. Some properties have been paid off since this list went out last week.

6:33 P.M. Todd moved to authorize the Town Agent, Connie Bellavance, to bid on the properties as recommended by the Town Manager.

M. Tod seconded
Motion passed unanimously

Vermont Water Quality Standard Decision

Dan explained that he had received a call from Jim Ryan of the Vermont Water Quality Division inquiring as to the decision about adopting new water quality standards for certain bodies of water in Hardwick. The Board has discussed this issue several times and has delayed making a decision up to now. Mr. Ryan stated that they need to move

forward and if there were no decision made by Hardwick and no response from us, they were going to make the assumption we agreed with their proposals and would change the classifications to meet their recommendations. They expressed displeasure at being forced to make a recommendation without complete information, which they have been waiting for the State to provide.

6:36 P.M. M. Tod moved to maintain the status quo with the state's classification of the Hardwick bodies of water.

Kristina seconded

The Board instructed Dan to write a letter to Jim Ryan, which Kristina would review. The people in the room, who had property abutting many of the bodies of water being discussed agreed with this motion.

Motion passed unanimously

Request to Provide Service to Employees

Dan told the Board that an organization called Prepaid Legal Services has visited his office on two occasions asking that the Town allow them to make a presentation to it's employees about their services. This group would provide legal counsel to the Town employees for a variety of issues through a payroll deducted fee of \$14.95 per month. The only involvement for the Town would be to make the deduction and to remit the money to the company. A summary of the services this group provides was included in the Select Board packets. Kristina recused herself from this discussion. The Board discussed this issue and decided not to offer this service.

Letter From Sandy Howard

Dan told the Board that enclosed in their packets is the latest letter from Sandy Howard stating that she again has concerns about conflicts of interest on the Planning/Zoning Board.

Retaining Wall Work Postponement

Dan explained that due to a number of conflicts, the town was unable to get the retaining wall behind the Village Restaurant repaired this fall. We will revisit this in the spring.

Dan handed the Board a School Zone Safety Program that Chief Dziobek had drawn up. Patti told Dan that she was pleased with the police officers biking and walking on Halloween night. Julie Gravel spoke about her concerns for children crossing by her house on Wolcott Street.

Dan told the Board that he had a number of motions, which needed to be made in order to continue with the Soy Feasibility study grant.

6:43 P.M. M. Tod moved to resolve to accept the terms and conditions of the Grant Agreement for the Soy project.

Kristina seconded
Motion passed unanimously

6:43 P.M. Kristina moved to authorize Todd Deuso to sign the grant agreement.

Patti seconded
Motion passed unanimously

6:44 P.M. M. Tod moved to have the board accept and sign a revised Residential Anti-displacement and Relocation Plan.

The Board discussed.

Charles seconded
Motion passed unanimously

6:44 P.M. M. Tod moved to authorize the Town Manager to sign all other forms for this grant.

Patti seconded
Motion passed unanimously

Dan advised the Board that Alan and Toni May have made a complaint about noise from a pump house on the May's property. This pump house has been there since the 1970's. Dan is going to have a decibel reader calculate how loud the noise is. He is also looking into other ways to decrease the noise. The Board discussed this issue.

Old Business: None
New Business: None
Select Board Reports: None

6:45 P.M. Todd moved to go into Executive Session to discuss the revolving loan fund.

M. Tod seconded

The Board discussed. M. Tod rescinded his second. Todd rescinded his motion

6:49 P.M. M. Tod moved to go into Executive Session to discuss personnel.

Patti seconded
Motion passed unanimously

7:10 P.M. Open Session

The Board asked Dan and Lynda to waive their rights to confidentiality. Both Dan and Lynda agreed to waive this right.

Todd Deuso read the following statement:

“The Board appointed Kristina Michelsen and Charlie Volk to investigate the Julie Gravel complaint. The Board has an understanding of the facts of this incident. Town Manager acted appropriately in reprimanding Lynda for her inappropriate comment. However, the Board would like to make it clear that swearing at and attempting to physically intimidate Town employees is not acceptable. No one should have to endure such treatment. The Select Board and the town officials agree that problems brought to the “Town” by town citizens should be resolved quickly and respectfully. In the event that the problems are not resolved to a person’s satisfaction, there are legal means to gain reconsideration and unbiased resolution of problems. The Select Board and our society requires that all aggrieved complainants use these avenues to solve their problems. This matter is now closed.”

7:11 P.M. Todd moved to go into Executive Session to discuss contracts to include the Town Manager, Dan Hill.

Patti seconded
Motion passed unanimously

8:36 P.M. Todd moved to authorize the Town Manager to schedule and warn a meeting with surrounding towns to discuss regional policing, said meeting to be held at 7:00 P.M. December 6th at the Memorial Building.

M. Tod seconded
Motion passed unanimously

8:38 P.M. Todd moved to go into Executive Session to discuss revolving loans.

M. Tod seconded
Motion passed unanimously

8:40 P.M. Open Session - No action taken

8:40 P.M. M. Tod moved to adjourn the meeting.

Kristina seconded
Motion passed unanimously

Minutes approved by:

Todd Deuso, Chair

Minutes taken by: Lynda N. Brochu