

A regular meeting of the Hardwick Select Board was held on Thursday, October 6, 2005 at 6:00 P.M. in the 3rd floor meeting room of the Hardwick Memorial Building.

Members Present:

Todd Deuso
Patricia Coultas
M. Tod Delaricheliere
Brad Ferland

Others Present:

Daniel Hill, Lynda Brochu
Nathan Menuer, Roger LeCours,
Duane Wells, Hope Campbell,
Lucy Leriche, Ruth Gaillard,
Karen Shaw, Will Belanger,
Marcus Brown, Diana Peduzzi

6:00 P.M. M. Tod Delaricheliere called the meeting called to order.

6:01 P.M. Todd Deuso moved to approve the minutes for the Special Meeting of September 26, 2005.

Patricia Coultas seconded
Todd - Yes
Patti - Yes
M. Tod - Yes
Brad Ferland - abstained

ADDITIONS TO AGENDA: Zoning Report for August and September, proposed fee structure change, authorize M. Tod Delaricheliere to write a letter of support for the New Country Health Care, Inc., Diversity training the police department will be conducting, authorize Dan to purchase an aeration blower from TMC Equip. for \$5,325 and two part time officer appointments.

6:04 P.M. Todd moved to accept the additions to the agenda as presented.

Patti seconded
Motion passed unanimously

COMMUNICATIONS FROM AUDIENCE: Lucy Leriche was present to discuss the recently released cell tower study. She told the Board that if there was anything she could do to help in the legislature, to please contact her. The Board discussed the cell tower issue and the pending environmental court hearing. Brad asked Dan to invite the Chair of the planning board to attend a Select Board meeting. The Board agreed. Dan gave two potential dates - November 3rd or 17th. Lucy also told the Board that she would continue looking for money to fix Wolcott Street.

MANAGER'S REPORT

6:14 P.M. Patti moved to recess the Select Board meeting for a public hearing for the

Food Pantry Grant.

Brad seconded
Motion passed unanimously

Public Hearing Opened for the Hardwick Food Pantry Construction Grant.

Dan told the Board that this time has been set aside to take any testimony on the Food Pantry construction grant. Dan started by saying that the project was 100% complete and Lynda Brochu, Administrative Asst. was working on closing out the Vermont Community Development Program grant. Dan told the Board that the project went very well. Ruth Gaillard spoke as one of the Board members of the Hardwick Area Food Shelf. Ruth thanked the Town for their participation in the construction of the new food shelf facilities. She also went on to invite the Board to an open house the food shelf would be hosting on Sunday, October 9th from 2 - 4 pm. Ruth said that the new facility was an "enormous improvement." Ruth also told the Board that there would be a great need this winter for food supplies.

6:17 P.M. Public Hearing closed

Select Board meeting resumed

Duane Wells Complaint

Dan told that Board that enclosed in their packets was the history of correspondence between Mr. Wells and him concerning the Town's agreements with Mr. Wells for the Daniels property. Dan said that he felt the fairest thing to do is to agree to a new Tax Stabilization agreement for Duane's property beginning with the current tax year that stabilizes his municipal taxes at zero for 7 years. This gets us as close to the original agreement as we can legally get. Dan went on to say that there is a little uncertainty from year to year as the school portion could change the percentage. This year the percentage that Duane would end of paying would be 59%. The original agreement stipulated that he pay 60%. Dan said that the initial mistake was his believing the that the town had the authority to stabilize the school portion of Duane's taxes; however in the Town Report it's clear that the Select Board does not have that authority. The second mistake happened because of misinformation from another source. Duane said that he wanted an explanation as his original agreement had a 60/40 percentage to pay in 2001. He wanted to know when the "bylaws" were changed to reflect that the town could not stabilize the school portion. Dan answered prior to 2001 - he thought 1997. Duane said that it was not his job to know the Hardwick "bylaws." Patti said "let's move forward." Duane said that he was getting "screwed" out of his 60/40 agreement. Patti answered that there was nothing legally they could do about that. She added by stabilizing the municipal portion, Duane would not owe the Town anything. Duane said that school funding changes all the time and that in 7 years he could be paying 15% more. Brad asked Duane if he had an attorney

review the agreement? Brad added that Duane does have a responsibility as a business owner doing business in any town, to understand the town's regulations. Brad said he didn't see anyway that the town could zero out Duane's taxes, except to "cut a check" to Duane. Dan Hill suggested that we could agree to a one year tax stabilization and then go to Town meeting and see if the voters would approve stabilizing the school portion as well. The Board discussed this issue. The Board said that they could look at the Tax Stabilization at the end of the 7 years and see how Duane made out and possibly extend the agreement another year if this percentage went above 60% or bill him the difference if it stayed below. Patti asked Duane how long the Daniel's building sat before his first tenant and what he paid for taxes then. Duane answered 4 years and he paid taxes based on the \$20,000 appraised value, the value as if no improvements were made. Duane argued that he felt the Board could have stabilized the whole tax bill, if they wanted to. It was agreed that Dan get a legal opinion to see if the Board could offer Duane a stabilization agreement as Dan suggested, with the provision that at the end of seven years an adjustment would be made to Duane's 8th year bill reflecting the overage or shortage that Duane paid during those 7 years.

Dan said that Duane's second issue was with the crushed stone that has been used to upkeep Daniels road. Duane said that when he signed the purchase and sales agreement it was agreed that by 2001 crushed stone or pavement would be used to upgrade Daniel's road. Duane stated that in his view, crushed stone meant crushed slate. It packs harder and creates less dust. Duane said what was used was crushed gravel. He said that there was a "vast difference." Duane said that the towns of Calais and E. Montpelier both use crushed slate on their roads. Dan answered that his interpretation of crushed stone was crusher run gravel. He said that none of our Town roads has crushed slate on them. A non paved road needs to have a mixture of crushed stones and dirt to be effective. Brad said that Duane's first issue was clearly a mistake on the town's part, but this problem was an interpretation of crushed stone. Brad said that crushed slate is very expensive and he couldn't imagine what it would cost to cover a whole road. Brad said that he did not feel good about spending that kind of money. Patti said that she agreed. Dan said that we also agreed with Duane to put a bike path between the Daniels building and the river and Duane later decided to put in a parking lot instead. Duane answered that this was not a written agreement. M. Tod told Duane that we have treated Daniel's road like any other road in the Town. M. Tod said his road gets dusty too. Duane told the Board that they "plan" to pave but he wants a definite date. Duane said he wanted a motion saying that they would pave Daniel's road in 2007. Dan said that it is in the Capital Fund to be paved in 2007. Brad said that he feels good that the town has met their obligation with the road and that the town should pave it when it makes sense to pave it.

6:58 P.M. Todd moved to recess for a public hearing.

Patti seconded
Motion passed unanimously

Public Hearing for Community Development Grant Application

Dan told the Board that the Vermont Community Loan Fund has asked the Town to sponsor a Vermont Community Development Program grant on their behalf to get funding to assist day cares. Will Belanger spoke on behalf of the Vermont Community Loan Fund. Will said this hearing was taking place to solicit public comment. Will gave a brief overview of VCLF. These grant funds would be granted/loaned out to increase childcare slots in Northeast and Central Vermont. Patti asked whether Waterbury had agreed to act as lead applicant. Will answered that they had not. He did say that there may be grant money available to offset some of the expenses of a single audit, should Hardwick be required to have one. Hope Campbell spoke up to say she would like to see more licensed day cares.

Public Hearing ended

7:06 P.M. Todd moved to pass a resolution of support for a VCDP Grant application.

Patti seconded
Motion passed unanimously

Todd spoke again about the Daniels road issue with Mr. Wells. Todd said he wants to see the Daniels' road either paved by 2007 or the town should put down crushed slate, especially with the increased traffic volume on that road. Patti agreed that she would like see it paved in 2007. Brad said that he would too, but that he feels the town has met their obligations based on the purchase and sales agreement and wants to keep those two issues separate. Todd agreed, but wanted an attorneys opinion in case there is a law suit. Brad suggested that no further action be taken on the Daniels road. The Board agreed.

Water Line Complaint

Dan told the Board that they had received a letter from Lynn Richardson of Carey Road. He is one of the people involved with the water line upgrade on that road. That project is now complete and we have formally taken over the responsibility for the water main as of September 16, 2005. Mr. Richardson is requesting a refund of his share of the cost of this project. He feels it should have been a Town project and that we should have paid for everything. He is asking for a refund of \$488.28 for materials and a refund of \$200.00 for the replacement of his own service entrance from the main to his house. The Board discussed whether they should table this issue, as Mr. Richardson could not attend this meeting as planned or whether they should make a decision this night. Patti said that there was a clear agreement in 2001. The Board discussed this issue. Patti asked Dan whether this water line upgrade was similar to the one they approved at the last meeting for Anair's trailer park. Dan answered that it was identical. Todd said that he would like to hear Mr. Richardson's view on this matter. M. Tod and Brad agreed that this was "cut and dry."

7:19 P.M. Patti moved to uphold the decision made in 2001 by that Select Board where they agreed to take over the maintenance of the Carey Road water line once the residents have upgraded the line.

M. Tod seconded

Todd said he wanted Mr. Richardson to come to this meeting, but because he couldn't, no action should be taken. Brad said that from Mr. Richardson's letter, it was clear what his position was.

M. Tod - Yes
Patti - Yes
Todd - Abstained
Brad - Yes

Dan was directed to write a letter to Mr. Richardson.

Personnel Policy Changes

Dan told the Board that included in their packets was a copy of the town's Personnel Policy. He has hi-lited some changes to it based on the newly adopted union contract with the police department. Brad asked if there was anything in the town guidelines concerning what goes in an employees file(s)? Dan said no, that this is currently the employee's manager's decision.

7:22 P.M. Todd moved to accept the Personnel Policy as presented by the Town Manager.

Patti seconded

The Board discussed the specific changes being made.

Motion passed unanimously

Toni May Letter

Dan told the Board that in their packets was a letter from Toni May, as well as an explanation as to why the Select Board minutes have not been posted on the internet in a timely fashion. Todd, speaking to M. Tod, said that we (the Board) owe Dan Hill and Toni May (a little bit) an apology. He told M. Tod that the Board asked him to contact Toni, explaining that they had decided not to include her letter in Dan's personnel file. M. Tod apologized, but stated he didn't remember being directed to call Toni. M. Tod said that everything submitted to the Board concerning Dan was a public record anyways, as in the minutes and newspapers. M. Tod said he has dealt with this issue for a while, even taking late night phone calls from her. M. Tod told the people in the room that he completely supports Dan and apologized again. M. Tod said he would call and apologize to Toni as well.

Current Budget Update

Dan told the Board that they received the most up to date summary of our current budget. Dan gave an overview of where the budget stood right now. He said it was a little higher than the 25% we should be for end of our first quarter, but that there were items that had been 100% funded and he was comfortable where we are at the moment. The Board discussed specific lines of the budget, including police vehicle maintenance and zoning.

Zoning Bylaw Update

Dan told the Board that Lynda had given them the latest version of the zoning bylaws at the beginning of the meeting, along with a summary sheet of the changes made by the zoning board. We will be holding a required Public Hearing on these bylaws on October 20th.

Dan gave the Board the Zoning activity reports for August and September. He also handed the Board the recommended changes to the Zoning fee structure, for their approval.

Dan told the Board that Northern Counties Health Care is looking for support for a Service Area Competition grant.

7:47 P.M. Todd moved to support the NCHC grant application and authorize M. Tod to sign the letter.

M. Tod seconded
Motion passed unanimously

Dan advised the Board that Chief Dziobek was going to have diversity training for his police officers and was inviting other area police officers to attend. This training would be taking place on December 9th.

Dan told the Board that the Town Clerk had received Bert Smith’s petition to open the Town Charter to be considered at Town Meeting. She would be talking to them at a later date about this petition.

Dan told the Board that he needed their authorization to purchase an aeration blower for the sewer plant lagoons. TMC Equipment is the only vendor he could find that could furnish the town with this equipment. Their price is \$5,325.

7:50 P.M. Patti moved to authorize Dan to purchase the aeration blower from TMC Equipment.

Todd seconded
Motion passed unanimously

Dan told the Board that he had two Special Police Officer Appointments.

7:52 P.M. Todd moved to appoint Dominic Etli and Bronwen Moriath to the positions of Special Police Officers.

Patti seconded

The Board discussed.

Motion passed unanimously

Select Board Reports: Todd told the Board that the solid waste sur charge would be increasing this year. The Board discussed. Todd also told the Board that he would be stepping down from his position of the Solid Waste Representative as of December 31, 2005.

7:57 P.M. Patti moved to accept Todd's resignation as of 12/31/05.

Brad seconded

The Board thanked Todd for his service.

Motion passed unanimously

7:59 P.M. Patti moved to appoint M. Tod as the Solid Waste Representative from his position as alternate effective 01/01/06.

Brad seconded

Motion passed unanimously

The Board asked Dan to contact a representative from Central Vermont Solid Waste Management District to come before the Board so that the members could get a better idea of what services they provide the Town of Hardwick.

New Business: None

Old Business: None

8:01 P.M. M. Tod moved to go into Executive Session to discuss revolving loan funds to include Dan Hill, Town Manager and Marcus Brown.

Patti seconded

Motion passed unanimously

8:19 P.M. Out of Executive Session - Patti moved to loan \$18,000.00 to be repaid over 8 years to Marcus Brown under the usual terms and conditions.

Brad seconded

Motion passed unanimously

8:20 P.M. Todd moved to go into Executive Session to discuss revolving loan funds to

include Dan Hill, Town Manager and Diana Peduzzi.

Patti seconded
Motion passed unanimously

8:49 P.M. Out of Executive Session - Todd moved to loan \$20,000.00 to Diana Peduzzi to be repaid over 5 years with a 6 month deferral of principal.

Patti seconded
Motion passed unanimously

Diana will contact Dan Hill, to tell him whether the loan would be to her or to her new corporation she is forming.

8:50 P.M. M. Tod moved to go into Executive Session to discuss revolving loans with Dan Hill.

Patti seconded
Motion passed unanimously

9:08 P.M. Out of Executive Session - no action taken.

9:09 P.M. Patti moved to adjourn the meeting.

Brad seconded
Motion passed unanimously

Minutes approved by:

M. Tod Delaricheliere, Chair

Minutes taken by: Lynda N. Brochu