

TOWN OF NORTHFIELD, VERMONT
BOARD OF SELECTMEN
Minutes of May 24, 2016

- I. **ROLL CALL.** Chair K. David Maxwell, Selectmen Lynn Doney, Nathan Freeman, Matthew Gadbois, and Kenneth W. Goslant. Also present were Town Manager Jeffrey Schulz, Acting Clerk Kenneth McCann, Finance Director Laurie Baroffio, Utility Superintendent Patrick DeMasi, Arlington Supplee (Board of Listers), Bobby Clarke (Cornerstone Burger Company), Mary Kilroy (NES Bridges Running Club), Chris Bradley (Utility Commissioner), Stephen Fitzhugh (Utility Commissioner), Matthew Ziniti, and Robert Pottroff (Pottroff Law Office).

Chair Maxwell called the meeting to order at 7:00 p.m.

- II. **PLEDGE OF ALLEGIANCE.** The Board members and the public were asked to rise and recite the Pledge of Allegiance.

- III. **SET/ADJUST AGENDA.** Chair Maxwell agreed to move Mr. Supplee's request forward in the agenda under "Public Participation."

IV. **PUBLIC PARTICIPATION (SCHEDULED)**

- a. **Bobby Clarke, Cornerstone Burger Company: Request for Outside Seating.** Mr. Clarke would like the Select Board's permission for three (3) parking spaces in front of their East Street restaurant to be closed off and used for outdoor seating. The previous business at that location (Knotty Shamrock) had a similar arrangement during the summer months. Manager Schulz asked if there was any plan to use any of the sidewalk. Mr. Clarke said that there were no plans to use the sidewalk. There would be two (2) tables in each parking space making six (6) in total. Selectman Doney asked what hours the tables would be in place. Mr. Clarke said that they would be put out when the kitchen is open, which is 4:00 p.m. to 9:00 p.m. Wednesdays and Thursdays; 4:00 p.m. to 9:30 p.m. on Fridays; 11:30 a.m. to 9:00 p.m. on Saturdays; and 11:30 a.m. to 8:00 p.m. on Sundays. Selectman Doney asked if there would be any barricades set up. Mr. Clarke said that the section would be roped off. Selectman Doney noted that the Knotty Shamrock had a written lease agreement with the municipality that set the term of the agreement, relieved the municipality of any liability, etc. He would like a similar agreement with Cornerstone Burger Company. Selectman Freeman likes the concept of outdoor restaurant seating but is concerned that other establishments may make a similar request and take up too much valuable downtown parking. Selectman Gadbois is concerned about the impact on the other East Street businesses. Selectman Goslant also does not want to see the narrow sidewalk blocked. Since alcohol will be served to the outside diners, Chair Maxwell would like some clarification on how this relates to the Cornerstone Burger Company's current liquor license. He asked Mr. Clarke to research this matter further. Manager Schulz will work on modifying the old agreement with the Knotty Shamrock before Mr. Clarke provides the required information at the next regular meeting (06/14/16).
- b. **Mary Kilroy, NES Bridges Running Club: Permission to Hold 5k Race (06/05/16).** Ms. Kilroy stated that the Northfield Elementary School has a running club that meets after school weekly. The members would like permission to hold their own 5k fun walk/run on town streets on Sunday, June 5, 2016, starting at 8:00 a.m. The race will begin at Norwich University's Plumley Armory, go north on Central Street, west on Wall Street, southward on Water Street, and doubling back after the turnaround near Dole Hill. Chair Maxwell asked that Ms. Kilroy work with the Northfield Police Department (NPD) regarding road safety for the participants. Ms. Kilroy said that a number of volunteers will be on hand. Selectman Doney suggested that she may want to ask to borrow some NPD barricades as added protection. He also suggested that the event be well-publicized beforehand. Ms. Kilroy plans to put information on the Front Porch Forum, etc. Motion by Selectman Gadbois, seconded by Selectman Goslant, to grant permission for the NES Bridges Running Club to hold a 5k race at the times and locations indicated above. **Motion passed 5-0-0.**
- c. **Arlington Supplee, Board of Listers: Renewal of Personal Services Contract for Technical Support to the Listers.** Mr. Supplee asked that the Select Board authorize renewing for an additional year the personal services contract of Charlene Lathrop as she provides invaluable assistance to the Listers in maintaining the Grand List, updating the tax map, and other vital functions. Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve a one year extension of Ms. Lathrop's contract and authorize Manager Schulz to execute the contract. **Motion passed 5-0-0.**

V. DEPARTMENT HEAD REPORT

- a. **Utility Superintendent Patrick DeMasi.** Superintendent DeMasi had a brief update of the activities, etc. of the Water and Sewer Departments. He said that the Wastewater Treatment Facility continues to meet all state and federal regulations and that all the equipment is working properly. The municipal water system was checked for leaks and two (2) were found and repaired. They were located on the Common and at the Wellfield. The Water Department is continuing the project started last year by replacing the mains along Water Street. Superintendent DeMasi reported that a \$20,000 grant for asset management had been received. The engineering firm Dufresne Henry will assist with this so that all the infrastructure can be monitored and equipment replacements scheduled. Pipe often lasts over one hundred years but other items need to be replaced sooner. Manager Schulz added that this type of asset management is required by the state before the municipality can apply for grant funds. Selectman Doney complimented Superintendent DeMasi on the excellent job that he and his department employees are doing.

VI. APPROVAL OF MINUTES

- a. **May 10, 2016 (Regular Meeting).** Motion by Selectman Gadbois, seconded by Selectman Doney, to approve the minutes. **Motion passed 5-0-0.**

VII. APPROVAL OF BILLS

- a. **Warrant #23-16.** Motion by Selectman Gadbois, seconded by Selectman Doney, to approve Warrant #23-16 in the amount of \$101,727.16. Selectman Goslant had thought that the street sweeper had been removed from the budget but he now sees more repair bills for it. He thinks that the Select Board should look into the possibility of renting a sweeper in the future since it is used for a limited time each spring. Manager Schulz noted that he received a good number of complaints about dirt in the street last summer so the sweeper was sent out then. **Motion passed 5-0-0.**
- b. **Warrant #23-16A.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve Warrant #23-16A in the amount of \$44,224.62. Chair Maxwell noted that this warrant is related to the two (2) bank notes being renewed later tonight as well as two (2) other notes that are being closed out. **Motion passed 5-0-0.**
- c. **Approval of Biweekly Payroll through May 8, 2016.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve the biweekly payroll in the amount of \$77,405.59. Selectman Doney asked about the level of Northfield Police Department overtime and part-time employee expenses. Manager Schulz said this was due to vacation and extra shift coverage and was probably unavoidable. **Motion passed 5-0-0.**

VIII. SELECT BOARD

- a. **Proposed FY 2016/2017 Water, Sewer, and Electric Budgets.** Chair Maxwell noted that the proposed budgets were distributed with the Board packets last Friday. He will defer to the two (2) utility commission chairs present for their views prior to a discussion by the Select Board members.

Chris Bradley is chair of the Water & Wastewater Commission. He stated that the commission held numerous publicly warned meetings with Manager Schulz, Finance Director Baroffio, and Utility Superintendent DeMasi present. When Gildan Garments (which purchased Chouinard Comfort Colors in February 2015) closed its Northfield facility last October, the Water and Sewer Departments lost a major customer that reflected twenty percent (20%) of their billings. Mr. Bradley said that the commission made some cuts in the proposed budgets but there also is a need to find additional revenue.

The Water & Wastewater Commission finalized its budget on May 2, 2016 and at the same time composed a letter that was to be included with the next utility billing that explained the need for a water rate increase. However, after the Select Board reviewed the letter at its next regular meeting (05/10/16), the letter did not go out as requested. After reviewing state statute, the Northfield Merger Charter, etc., Mr. Bradley now believes that the utility commissions are the final authority regarding approval of the utility budgets. He is willing to answer any questions regarding the proposed Water and Sewer Department budgets but Mr. Bradley believes that the budget that his commission approved should not be changed. He noted that by using prior year surplus funds, the commission was able to keep the water rate increase at approximately nine percent (9%) for the coming fiscal year. There will be no increase in sewer rates. This would cost the average water residential customer an additional three dollars (\$3.00) on each monthly bill.

Selectman Freeman asked what would have been the rate increase without the use of surplus funds. Ms. Baroffio estimated that the rate increase would have doubled to eighteen percent (18%). The monthly increase for average residential customers would be six dollars (\$6.00). Selectman Freeman asked what would be the impact on local businesses. Ms. Baroffio said that commercial and industrial users with higher ERUs would face higher increases.

Selectman Gadbois asked what would happen next year when the surplus funds are depleted. Ms. Baroffio said that in the absence of new commercial or industrial users to take up the slack, the rates would have to be increased an additional nine percent (9%). Selectman Gadbois is concerned about how these increases will affect ratepayers as well as current and potential businesses over the next couple of years. Mr. Bradley said that he was open to any suggestions.

Manager Schulz suggested that the Water & Wastewater Commission could review the rate structure over the next fiscal year. Mr. Bradley said that there are certain fixed expenses that cannot be changed. Northfield's water system is old and requires frequent repairs. No one is happy about the proposed rate hike but there are no real alternatives. The Water and Sewer crew already are saving ratepayers a lot of money by performing much of the infrastructure work itself, i.e., laying down water pipes, etc., rather than contracting the work out.

Selectman Freeman believes that the utility rates in Northfield are fairly reasonable compared to those in other Vermont communities. Now that Gildan Garments has closed, he asked who the major water customers were. Ms. Baroffio said that Norwich University has numerous accounts that total about 650 ERUs. After that come the municipal Sewer Department (96), Mayo Healthcare (75), and Cabot Hosiery (71). She added that the current rate structure is a great improvement over the one that was in place when she began working for the municipality in 1991. At that time, there was no distinction between residential, commercial, or industrial users. The new structure that started this differentiation was created in February 2000.

Chair Maxwell said that as a Village Trustee, he had been involved with helping create and then approve utility budgets for about seven (7) years. The Select Board has had to make some difficult decisions in recent years to keep tax rates low and he would like the utility commissions to make a similar effort in the coming year to try to keep the water and sewer rates as low as possible. Mr. Bradley said that the commission did explore all possible factors but there was no practical way to offset the loss of such a major customer without a rate increase.

Chair Maxwell said that attorney Paul Giuliani assisted the municipality in drafting the Charter document that unified Town and Village operations. It is Mr. Giuliani's opinion that while the Select Board sets the water and sewer rates, it is the Water & Wastewater Commission that creates the budgets. Chair Maxwell would like to delay any approval of the proposed budgets until this point can be clarified. He asked what was the deadline was for approving the rates. Ms. Baroffio said that technically there wasn't one but she would like them approved as soon as possible so that ratepayers can be properly alerted of any July 1, 2016 rate increase.

Chair Maxwell would like the ratepayers given some warning with their next utility bills. He also believes that any confusion over the proper roles of the Select Board and the utility commissions can be resolved by the next regular meeting (06/14/16). Mr. Bradley said that his commission is interested in clarification as well. Chair Maxwell thanked the commission members for their efforts and confirmed that the rates would be addressed at the next regular meeting.

Stephen Fitzhugh is chair of the Electric Utility Commission. He stated that the electric budget has not changed much, usage remains fairly consistent, and that there has been no rate increase for the past five (5) years. Also, rather than facing a major customer loss, we are looking at one large customer (Cabot Hosiery) planning to expand its usage. Mr. Fitzhugh said that the electric rates are set not by the Select Board or Electric Utility Commission but by the Public Service Board. Chair Maxwell thanked Mr. Fitzhugh and the other commissioners for the excellent job they have been doing. Mr. Fitzhugh said that municipal management has been helpful in their efforts.

- b. Elm Street Wall Replacement Project.** Manager Schulz stated that at the last meeting the engineering proposals for this project had been discussed and he did recommend that Otter Creek Engineering's submission be approved. There had been questions regarding how the construction phase of the project would be paid for since there aren't any budgeted funds at this time. Manager Schulz felt that one option was to apply to the state for a structures grant. However, since these grants have a \$175,000 limit and this would not cover all the project costs, the municipality would need to start putting money into a CIP account to cover the shortfall. Chair Maxwell asked what would be the timeline for this. Manager Schulz believed that it probably would be spread over two (2) to three (3) years. Chair Maxwell said that since a grant award is not certain, it may turn out that the municipality will have to pay all project costs.

Selectman Gadbois thinks that the Select Board may want to start looking at what the municipality may be able to accomplish itself. There is an old engineering study on hand so perhaps we could look into what our own Highway Department might be able to accomplish. Chair Maxwell does not want to spend \$23,000 on a new engineering study if there is a chance that the project will not be done due to lack of funding. He would like the Highway Committee to look into Selectman Gadbois' suggestion. Manager Schulz said that he would contact the Vermont Agency of Transportation to see if they can provide any other options.

- c. **Northfield Observances Request to Block Off Common on Labor Day Weekend.** Motion by Selectman Gadbois, seconded by Selectman Doney, to approve the request to block off the Common from through traffic and allow Northfield Observances to use the Common for a Labor Day weekend celebration from Friday, September 2, 2016, at 6:00 p.m. through Monday, September 5, 2016. **Motion passed 5-0-0.**
- d. **Northfield Observances Request for Parking Ban for Labor Day Parade.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve the request to impose a parking ban along Main Street from the Crescent to Kenyon's Hardware Store on Labor Day morning (09/05/16) from 7:30 a.m. until after the parade's conclusion. **Motion passed 5-0-0.**
- e. **Bond Anticipation Note (FY 2012 RSMS Program).** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve and sign the Bond Anticipation Note in the amount of \$60,000 at 1.99% interest; to approve and sign the Bond Anticipation Borrowing Resolution; and to approve and sign the No-Arbitrage and Use of Proceeds Certificate. **Motion passed 5-0-0.**
- f. **Current Expense Note (Sewer Building Roof).** Motion by Selectman Gadbois, seconded by Selectman Goslant, to approve and sign the Current Expense Note in the amount of \$10,281 at 1.99% interest; to approve and sign the Current Expense Borrowing Resolution; and to approve and sign the No-Arbitrage and Use of Proceeds Certificate. **Motion passed 5-0-0.**

IX. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS

- a. **14 Western Avenue.** Selectman Doney is concerned that this municipal-owned property is repeatedly being trashed by the former owner (Lawrence Drown). If the Northfield Police Department (NPD) can't do something about this, he would like an outside agency brought in that would make Mr. Drown aware that he no longer owns this property. Manager Schulz confirmed that NPD officers have spoken to Mr. Drown numerous times about this.
- b. **Recreation Committee Update.** Selectman Goslant reported that the Recreation Committee is looking at removing the first base dugout at Memorial Park in order to put in new restrooms. The fundraising for this project is still being explored. In addition, the Committee is considering reconfiguring the sports fields at the Falls Park so that more space can be freed up. The picnic tables that were donated last year have been put back on the Common and in the parks.
- c. **Municipal-owned Land in Berlin.** Selectman Gadbois noted that the Town pays taxes on land that it owns in Berlin. He asked if this land is needed or if it could be sold to bring in revenue. Manager Schulz said that this was forest land that had been considered for timber harvesting. He will look into who actually owns the land (Town or utilities) in case the Select Board does decide to sell it.
- d. **Highway Committee.** Selectman Goslant would like a Committee meeting scheduled soon as he sees some problems that need to be addressed. He also warned the other Select Board members that when the highway crew is assigned special projects (i.e. Elm Street retaining wall) this does divert them from doing regular road maintenance and harms our infrastructure.
- e. **Zoning Administrator Position.** Since there weren't any sufficiently qualified applicants the last time this vacancy was advertised, Manager Schulz will update the advertisement and send it out this week. Selectman Doney suggested that since this is a part-time position, perhaps Northfield should look into sharing a zoning administrator with another town. Manager Schulz thought that this was a possibility.
- f. **Recent Community Meeting.** Chair Maxwell attended a community meeting last night that focused on the problems associated with Norwich University (NU) students renting off-campus housing. The meeting was led by NU Professor Rowley Brucken. Chair Maxwell learned a few startling items during the meeting such as some of the rental properties host parties where participants sometimes exceed four hundred (400). Professor Brucken plans to issue a report based on the meeting and more gatherings are planned. NPD Chief James Dziobek also was present and Chair Maxwell felt he did a good job answering questions raised. Chair Maxwell added that the residents attending the meeting would like the municipality to look into alternatives to just ticketing the party hosts, such as holding landlords accountable for their tenants' actions. Selectman Freeman suggested looking into how other Vermont college towns, especially Burlington, deal with such matters.

X. **TOWN MANAGER'S REPORT.** There were no questions regarding Manager Schulz's written report.

XI. **PUBLIC PARTICIPATION (UNSCHEDULED)**

- a. **Mathew Ziniti: Unsafe Railroad Crossing.** Mr. Ziniti was a NU student in November 2011 when his truck was stuck by a train carrying granite at the railroad crossing on Slaughter House Road. Mr. Ziniti suffered extensive injuries and at one point had to be put into a medically-induced coma due to a traumatic brain injury. Despite the great strides he has made in his long road to recovery, Mr. Ziniti has not fully recovered and needs to take daily medication. He felt that this accident would not have occurred had there been adequate railroad crossing signage at this location.

Robert Pottroff is an attorney whose office focuses on injuries and/or damages caused by improper railroad crossing warnings. He has litigated such matters around the country and he stated that the crossing on Slaughter House Road is one of the worst he has ever seen. Given the increased speed that trains travel on this area of track, a motorist at this location has at most one or two seconds warning before the train can strike his/her vehicle. Mr. Pottroff said that there are no advanced warning signs on Slaughter House Road, which is illegal. In addition, this has been designated as a private road crossing since the 1970s even though everyone who has investigated this matter has said that this is a mistake. However, this status has not been changed and as a result both the State of Vermont and the railroad have been able to evade responsibility. Mr. Pottroff would like it designated as a public crossing as this would make it eligible for federal funding in order to address its many deficiencies. At a minimum, a stop sign should be installed at the crossing. Additional actions would include more signage, some ledge removal in order to improve visibility for the motorist, etc. He and Mr. Ziniti now would like some local support for their efforts.

Selectman Freeman asked what powers the Select Board has in this matter. Manager Schulz said that the Board could write a letter of support and perform other outreach in order to get something done. Selectman Freeman asked if a formal resolution would be appropriate. Manager Schulz felt that would be a good step once more information has been gathered and the Town's attorney consulted. Mr. Pottroff felt that a Select Board resolution, as an indication of local support, would be very helpful. Chair Maxwell then thanked Mr. Ziniti and Mr. Pottroff for bringing this important matter to the Board's attention.

- XII. **EXECUTIVE SESSION.** Motion by Selectman Gadbois, seconded by Selectman Doney, to go into executive session, in accordance with 1 VSA 313 (a)(1), in order to discuss a personnel matter with Manager Schulz present. **Motion passed 5-0-0.**

The Board went into executive session at 9:20 p.m.

Motion by Selectman Gadbois, seconded by Selectman Doney, to come out of executive session. **Motion passed 5-0-0.**

The Board came out of executive session at 9:35 p.m. No action was taken.

- XIII. **ADJOURNMENT.** Motion by Selectman Gadbois, seconded by Selectman Goslant, to adjourn. **Motion passed 5-0-0.**

The meeting adjourned at 9:40 p.m.

Respectfully submitted,

Kenneth L. McCann

Kenneth L. McCann, Acting Clerk

An audio recording of this meeting is available in the Town Manager's Office.

These minutes were approved at the regular Select Board meeting of June 14, 2016.