

TOWN OF NORTHFIELD, VERMONT
SELECT BOARD MEETING
Minutes of July 24, 2018

- I. ROLL CALL.** Select Board Chair Kenneth W. Goslant, Board members Lynn Doney, Julie H. Goodrich, K. David Maxwell, and Nathaniel Miller. Also present were Town Manager Jeff Schulz, Acting Clerk Kenneth McCann, Highway Foreman Trent Tucker, Chris Bradley (Board of Listers), Thomas Alsheimer (Board of Listers), Gary Kessler (Green Mountain Stage Race), William Smith, Steve Atherton, Michael Krause, Gerard LaVarnway, Ray Hudson, Deborah Bruce, Jerry Tabor (Tabor Earth Extractors), Courtney Tabor (Tabor Earth Extractors), and Elroy Hill.

Chair Goslant 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.** There were no changes to the posted agenda.

IV. PUBLIC PARTICIPATION (SCHEDULED):

- a. Chris Bradley and Thomas Alsheimer, Board of Listers: 2018 Grand List Errors and Omissions.** The Listers are asking the Select Board to reduce the assessed value of the building at 63 Plaza Drive that currently houses Tops Market (and previously Aubuchon Hardware and Rite-Aid Pharmacy) from \$1,602,400 to \$1,131,000. Mr. Bradley said the original assessment used the "Cost" approach to determine the building's value but the property owner (Northfield Center LLC) asked to have the assessment based on the "Income and Expense" approach, which takes into account that nearly half of the floor space of this commercial property has been vacant for some time. Mr. Alsheimer said this is standard practice and the Listers recommend this revision as a state appraiser probably would side with the property owner in this. Northfield Center LLC has a tax appeal scheduled with the Board of Civil Authority later this week (07/26/18) but that will be cancelled should the Select Board approve the change tonight. Motion by Board member Maxwell, seconded by Board member Doney, to approve the Board of Listers' recommendation and reduce the assessed value of this parcel from \$1,602,400 to \$1,131,000. **Motion passed 5-0-0.**
- b. Gary Kessler, Race Director, Green Mountain Stage Race.** Mr. Kessler said the second stage of this year's bicycle race will begin and end in Randolph, Vermont on Sunday, September 2, 2018, with the race route including sections of Northfield along Vermont Routes 12 and 12A. Mr. Kessler said the race used to include this section of Northfield but concerns over rough road on Vermont Route 12A led to this being dropped. However, with the recent paving improvements on Vermont Route 12A from Roxbury to Northfield, the old route has been reinstated. Mr. Kessler would like the Select Board's permission to use the Northfield sections of Vermont Routes 12 and 12A to hold this bicycle race. He added there would be state police officers accompanying the race groups as well as performing traffic control at road intersections. Motion by Board member Maxwell, seconded by Board member Goodrich, to approve this request. **Motion passed 5-0-0.**

V. DEPARTMENT HEAD REPORT

- a. Trent Tucker, Highway Foreman.** Mr. Tucker reported the Highway crew has been kept busy with its normal summer road maintenance work. Recently this included ditching and removing stumps along Dole Hill Road, Smith Hill Road, and Stony Brook Road. He added the road project on Colson Road is nearly complete and the site will be graveled soon. Mr. Tucker said about two thousand (2000) yards of gravel have been crushed in the Falls Pit already and he expects an additional three thousand (3000) will be crushed this summer. Chair Goslant asked about the status of the project on Barrows Road. Mr. Tucker said he was in contact with Limlaw Pulpwood & Chipping recently and was told they would be trimming trees along Barrows Road within the next couple weeks. After that is done, the new culverts can be installed. It was noted the municipality received a \$20,000 Better Backroads grant to address drainage issues along this road. Mr. Tucker added Limlaw will start with Barrows Road and then move on to other roads as time permits. Board member Maxwell asked about Highway personnel. Mr. Tucker said his department is now fully staffed with the recent hiring of Samuel Staab to fill the Grounds/Equipment Operator vacancy.

Mr. Tucker said Pike Industries has completed the paving work on Water Street, Cemetery Street, and Union Street. The pavers next will work on both ends of Lovers Lane and the paved section of Berlin Pond Road. Mr. Tucker also said the roadside mowing will start soon. It has been somewhat delayed this summer due to the dry conditions that has limited roadside growth. Chair Goslant asked if chemicals were being put on the backroads for dust control. Mr. Tucker said there is a budget line item to cover this expense and this is done every summer. Another upcoming project is to complete the painting of crosswalks in the downtown area and by the schools. Since this work takes a good number of the Highway crew away from their regular maintenance for traffic control, etc., Mr. Tucker said next year it will be completely outsourced. Chair Goslant then thanked Mr. Tucker for his report tonight and for his good work.

VI. APPROVAL OF MINUTES

- a. **July 10, 2018 (Regular Meeting).** Motion by Board member Maxwell, seconded by Board member Goodrich, to approve the minutes. **Motion passed 5-0-0.**

VII. APPROVAL OF BILLS

- a. **Warrant #02-19.** Motion by Board member Maxwell, seconded by Board member Doney, to approve Warrant #02-19 in the amount of \$193,527.40. Board member Goodrich noted a grader cutting edge replacement and asked if this was an annual expense. Manager Schulz said it sometimes occurs more frequently. Board member Goodrich then asked about contracted mowing of the Water Street Park and other FEMA buyout properties on this street. Manager Schulz said this expense had been budgeted. Board member Maxwell asked if this had been put out to bid. Manager Schulz said he had received three (3) quotes. Board member Maxwell then asked about some work done on the Western Star truck. Mr. Tucker said there had been some problems with the vehicle's brakes and coolant system. Some of the repairs were done under warranty. **Motion passed 5-0-0.**
- b. **Approval of Biweekly Payroll through July 15, 2018.** Motion by Board member Maxwell, seconded by Board member Goodrich, to approve the biweekly payroll in the amount of \$98,956.13. Board member Doney is concerned Northfield Police Department (NPD) overtime expenses have risen in recent weeks. Manager Schulz said the NPD will be short one officer until the new police chief is hired. He has been regularly meeting with Interim Police Chief Brian Hoar and discussing ways to keep this expense down in the meanwhile. **Motion passed 5-0-0.**

VIII. SELECT BOARD

- a. **Winter Sand and Crushed Gravel Bids.** Manager Schulz said the municipality solicited bids for winter sand and crushed gravel for the current fiscal year and the bid deadline was yesterday afternoon. He noted only two bids were received for crushed gravel and none for winter sand. His recommendation is to reopen the bid process for winter sand. Chair Goslant would prefer to have Manager Schulz and/or Mr. Tucker call the suppliers and obtain quotes over the phone. Jerry Tabor of Tabor Earth Extractors said he did not put in a bid this year because he was still upset that the winning bidder last year put in a lower bid than his but then did not deliver the winter sand by the deadline set in the bid specifications. Mr. Tabor had based his winter sand price on meeting the specified deadline. Chair Goslant understands Mr. Tabor's feelings but he is also concerned that the other bidders last year did not submit proposals. Board member Maxwell suggested waiving the municipality's purchasing policy in this case and allowing verbal quotes rather than sealed bids in the interest of expediency. Mr. Tucker said there were four (4) potential suppliers in the area and he will call them tomorrow for quotes should the Select Board authorize it. Motion by Board member Maxwell, seconded by Board member Goodrich, to waive the purchasing policy requiring sealed bids for purchases exceeding \$5,000 and authorize Mr. Tucker to obtain verbal quotes. **Motion passed 5-0-0.** Board member Maxwell felt the Select Board may need to hold a special meeting should it want to award the winter sand contact prior to the next regular Select Board meeting (08/14/18). As for crushed gravel, the bids received were from R.E. Tucker and Pike Industries. Chair Goslant has concerns about the wording of the bid specifications as he felt they did not properly differentiate the varying qualities of the road material, i.e., whether it is crushed gravel, crushed stone, or plant mix. He would like the specifications rewritten and rebid. There was no objection.

- b. Vermont Legislature’s Recent Decision regarding Lease Lands.** William Smith is a local attorney who often assists clients with property transfer matters. He said one of his clients recently had difficulty due to an arcane Vermont law that provides municipalities with rights to properties originally sold with the provision the new owner would be subject to rent charges from the municipality to be used to support local schools or churches. Although these rent charges have not been collected in Northfield for over one hundred (100) years, the municipality still retains some legal control over these “lease lands” that can result in delayed property sales, etc. Mr. Smith estimates there might be as many as five hundred (500) such properties in Northfield. In the past, municipalities have been asked to waive these rights on an individual basis but the Vermont legislature approved a bill this year that allows municipalities to waive all rights to any lease land properties within their borders through a blanket quit claim conveyance. Mr. Smith said Northfield would be the first municipality to act on this should it approve the document he has prepared for Select Board approval tonight. Motion by Board member Miller, seconded by Board member Goodrich, to authorize Manager Schulz to sign the Quit Claim Conveyance of Lease Lands prepared by Mr. Smith. **Motion passed 5-0-0.**
- c. Delinquent Taxes on Mobile Homes Policy.** Mr. Smith has been employed by the municipality to assist with delinquent taxes and tax sales for several years. He said some mobile home owners have delinquent taxes stretching back several years because, like many Vermont municipalities, Northfield has been reluctant to take mobile homes to tax sale. This is mainly due to the fact there probably would be no one willing to bid on a mobile home with delinquent taxes as the current owner would have a full year redemption period to pay the back taxes and retain ownership. If the current owners have no intention to pay the back taxes, this would provide them twelve (12) months to permit (or hasten) the mobile home’s deterioration while perhaps also refusing to pay rent to the mobile park owner. However, Mr. Smith still feels it would be worthwhile to take mobile homes to tax sale as otherwise the municipality would be writing off thousands of dollars in unpaid property taxes. He believes he can devise a policy that will provide the municipality with options for recouping at least some of the unpaid taxes such as selling the mobile home at a discount to a third party who then would have the ability to either collect the back taxes, become a landlord, or evict. Board member Miller asked about the possibility of taking the delinquent tax payers to small claims court. Mr. Smith said that was an option but it was quite likely the mobile home owner would disregard a court order in the same manner delinquent tax notices were ignored beforehand. Local attorney Steve Atherton suggested having the municipality place a lien on the delinquent property in order to force some action. He also suggested the trailer park owner might be willing to take over the mobile home and rent it out. The municipality might be able to receive at least some of the back taxes this way. Manager Schulz said there now are eighteen (18) mobile homes in Northfield with delinquent taxes totaling over \$30,000. Should the Select Board members authorize him to proceed, Manager Schulz will work with Mr. Smith to create a draft policy. There was no objection.
- d. Proposed Cheney Farm Solar Project.** Manager Schulz placed this item on the agenda in order to provide a quick follow up of last night’s public hearing on this topic. It was his understanding the Select Board members would like additional information on some legal matters, i.e., who really owns the property (Northfield municipality or the Water Department), who would be eligible to take part in a public vote on this (taxpayers or ratepayers), etc. Manager Schulz will provide updates on this at the next regular meeting and asked the Select Board members to contact him in the interim should they have additional questions. Board member Maxwell said the Select Board cannot be expected to make a proper decision without all the information. Gerard LaVarnway provided his own update from last night stating the number of signatures on the petition circulated in opposition to this project has increased to almost four hundred (400). He thanked the Select Board for holding last night’s public hearing so he and others could express their views on this proposed project.
- e. Union Street Stormwater Basin Project.** Manager Schulz noted the municipality received a \$175,000 stormwater grant from the Vermont Agency of Natural Resources (ANR) in order to install a stormwater retention basin under one of the Water Street FEMA buyout properties near the Union Street intersection. However, the project engineers now say the actual construction costs for this project are much higher than the grant amount. As the municipality did not budget additional funds for this project, Manager Schulz has reached out to ANR for emergency grant funds. If his request is approved within the next couple weeks, Manager Schulz believes the original timeline for this project can be maintained. If there is no quick response or an outright rejection, it is very likely the construction phase of this project will be delayed until next year.

- f. Town Highway Discontinuance Process.** As authorized by the Select Board members at their June 26, 2018, meeting, certified letters were sent to the property owners on the fifteen (15) Class 3 roads targeted for discontinuance this year. The property owners were notified of the upcoming site visits and public hearings on this matter, which will be divided over three (3) nights. The schedule is to hold site visits and public hearings for Payette Drive, Hutch Road, Horse Lane, Jerry Road, and Staples Road on Tuesday, August 14, 2018; for Bellemore Road, Kingston Road, Apple Lane, Thrush Lane, and Tracy Hill Road on Tuesday, August 28, 2018; and for Morning Star Lane, Potato Hill Road, Storti Road, Beaudette Road, and Boardman Road on Tuesday, September 11, 2018. The site visits will start at 5:30 p.m. at the first road listed and the public hearings at 7:00 p.m. at the start of a regular Select Board meeting. Board member Maxwell looks forward to getting this process going.
- g. Northfield Transfer Station Contract.** Manager Schulz said the contact with Earth Waste & Metal to operate the Northfield Transfer Station has expired and he has been working with them on drafting a new one. As this involves contract negotiations, Manager Schulz would like to hold any further discussion of this matter held in executive session. There was no objection.

IX. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS

- a. Third Covered Bridge Repairs.** Board member Goodrich asked how the repair job went last week and how long it took. Manager Schulz said it went well and took all of Thursday and part of the following morning.
- b. North Street Water Project.** Board member Maxwell inquired about the status of this project. Manager Schulz said it was almost complete. He did feel the prior notification to residents that their water would be shut off during phases of the construction was inadequate. Manager Schulz said in future a written notice would be attached to the water customer's front door at least four (4) days before the scheduled outage. Board member Maxwell thought five (5) days would be better. Manager Schulz will implement this.
- c. Police Chief Search.** Chair Goslant asked about the status of the search process. Manager Schulz said the position has been advertised and he already has received two (2) letters of interest. The deadline for applications is Friday, August 17, 2018. Chair Goslant felt it would be a good idea to hold an organizational meeting of the search committee as soon as possible so the members will be ready for action after all applications have been received. Manager Schulz will reach out to the committee members to determine the optimal first meeting date.
- d. Household Hazardous Waste Collection.** Chair Goslant noted Mountain Alliance and Casella Waste Management will be holding the second of three collection events this year behind the Northfield Fire Department (128 Wall Street) on Saturday, July 28, 2018, from 8:00 a.m. to 1:00 p.m. This event is open only for residents of Randolph, Braintree, Brookfield, and Northfield. The final collection event of the year will be held in Randolph the first Saturday in November (11/03/18).

X. TOWN MANAGER'S REPORT

- a. Northfield Promise Community Update.** Manager Schulz said the playground projects are proceeding well and it is expected the new equipment in the Falls Park will be installed by the end of September. There is no firm timeline for the new park on Slate Avenue.
- b. TDS Land Purchase.** Manager Schulz said the closing date for the purchase of the parcel near the summit of Paine Mountain will be in early September. The Northfield Conservation Commission (NCC) has fundraised about \$11,000, which is sufficient to bridge the gap between the \$25,000 of municipal funds authorized by voters at Town Meeting Day and the full purchase price.
- c. Northfield Wastewater Treatment Facility (WWTF).** Manager Schulz said ANR representatives inspected the WWTF recently and did not find any problems or any deficiencies. They did ask questions about stormwater treatment in the downtown area and were told about the proposed project to address stormwater problems in the Slate Avenue/South Main Street area.
- d. Vine Street Bridge.** As Manager Schulz announced at the last meeting, a culvert near the bridge going over the railroad tracks on Vine Street is deteriorating and needs to be fixed. He has received quotes to repair the culvert by inserting a slip line. The contractor feels this should work and there would be a fifty (50) year guarantee for the work. This will be an unbudgeted expense but Manager Schulz feels the work needs to be done as soon as possible.

- e. **Water Street Park Pavilion.** Manager Schulz said there has been a request to supply water to the pavilion so that the nearby flowerbeds can be watered, etc. He has some concerns because the municipality would be paying for the water and it could be misdirected for private use. Board member Miller suggested a lockable hydrant could be installed on the site. Only authorized persons would be able to use it. Manager Schulz will look into this possibility.
- f. **Turkey Hill Maple.** Manager Schulz met recently with Howard Anderson regarding his request to add additional maple trees for tapping to his current lease agreement with the municipality. He now is waiting for Mr. Anderson to return a revised draft of the lease agreement. Mr. Anderson is suggesting a ten (10) year lease period since he will be installing 10,000 new taps. Chair Goslant said this might be acceptable depending on the wording.

XI. PUBLIC PARTICIPATION (UNSCHEDULED)

- a. **Michael Krause: Norwich Commons Stormwater Concerns.** Mr. Krause has addressed the Select Board previously about how he feels the municipality's inability to maintain the culverts near the Vermont Routes 12 and 12A has resulted in recurrent stormwater problems on the Norwich Commons property. He brought his concern to the Select Board's attention over a year ago and he feels the situation has gotten worse while a new agreement has been negotiated but never finalized. He felt the crux of the matter is there is a 1968 deed for the property on which the Norwich Commons dwellings are now located that required the municipality to maintain the adjacent culvert in perpetuity. Mr. Krause repeatedly has tried to compromise with the municipality on a revision of this deed that would be acceptable to both parties but no progress has been made. The Select Board has discussed this matter over the past few months in executive session but no decisions seem to have been made. Mr. Krause hired Stephen Atherton last year as his legal advisor in order to expedite the process but this also has been to no avail. Mr. Krause feels a viable agreement would be possible if some Select Board members would not be so obstinate. Mr. Atherton agrees with Mr. Krause that this matter could be resolved soon if the Select Board members would give this matter due diligence. He suggested another site visit of the location might be helpful since, as Mr. Krause indicated earlier, the situation has deteriorated since it was first brought to the Select Board's attention. He also thought bringing in a negotiating partner might be conducive to reaching a compromise agreement. Mr. Atherton agrees the 1968 deed needs to be revised but he and Mr. Krause were very displeased with the municipality's most recent offer. In closing, Mr. Krause said he would like a timeline for getting a firm decision on this matter as he doesn't want to leave it to his successors to resolve.

XII. EXECUTIVE SESSION. Motion by Board member Maxwell, seconded by Board member Doney, to go into executive session, in accordance with 1 VSA 313 (a)(1), in order to discuss a contract negotiation and a legal matter with Manager Schulz present. **Motion passed 5-0-0.**

The Board went into executive session at 9:55 p.m.

Motion by Board member Maxwell, seconded by Board member Goodrich, to come out of executive session. **Motion passed 5-0-0.**

The Board came out of executive session at 10:30 p.m.

Motion by Board member Maxwell, seconded by Board member Doney, to instruct Manager Schulz to schedule a site visit of the Norwich Commons property with the Town Attorney, the property owner, and Board members Maxwell and Doney present. **Motion passed 5-0-0.**

XIII. ADJOURNMENT. Motion by Board member Maxwell, seconded by Board member Doney, to adjourn. **Motion passed 5-0-0.**

The Board adjourned at 10:35 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 August 14, 2018.