

**TOWN OF NORTHFIELD, VERMONT  
SELECT BOARD REGULAR MEETING  
Minutes of July 28, 2020**

- I. ROLL CALL.** Select Board Chair K. David Maxwell, Board members Julie H. Goodrich, Nathaniel Miller, Charles Morse, and John Stevens. Also present were Town Manager Jeff Schulz, Acting Clerk Kenneth McCann, Peter J. DeMasi (Fire Chief), Sally Davidson (Recreation Committee), Lynn Doney (Recreation Committee), Bethany Drum (Recreation Committee), Mark Fournier, Adam Lane (Vermont ATV Sportsman's Association), Robert Cruickshank (Lost Nation ATV Club), Jeff Ott, Carolyn Stevens, and Paulette Gagne.

Chair Maxwell called the meeting to order at 7:04 p.m. In keeping with Governor Phil Scott's COVID-19 "stay at home" directive, the meeting was held remotely.

- II. SET/ADJUST AGENDA.** There were no changes to the posted agenda.

**III. PUBLIC PARTICIPATION (SCHEDULED):**

- a. Mark Fournier: ATV Use on Town Highways Ordinance.** Mr. Fournier has drafted a proposed new ordinance for Northfield that would allow ATV use on all town highways. It is based on similar ordinances recently adopted by other Vermont communities (i.e. Newport, Williamstown, etc.). He noted the State of Vermont lately has been imposing increasingly rigid restrictions on ATV use on public roadways and this is a way to allow Northfield residents to still use their ATVs for agricultural purposes while also allowing access to stores, repair shops, and other services. Board member Stevens asked what would be the minimum age for ATV operators. Mr. Fournier said his proposal would have a minimum age of sixteen (16) but that can be revised if the Select Board members thought this was too high or too low. Board member Stevens noted the ordinance would allow the Select Board to decide annually whether to permit or forbid ATV use on a specific town highway should a "simple majority" of property owners on that road submit a petition stating their preference. Given the many quite long backroads in Northfield (such as Stony Brook Road), Board member Stevens felt such a provision would be unworkable. Mr. Fournier said this option would allow landowners to declare their particular road off-limits to ATV use should they feel the rules regarding proper ATV usage were not being followed. The municipality could decide to create its own mechanism for determining which roads should be open for ATV use. The list then would be reviewed on an annual basis.

Board member Morse noted Northfield already has an approved ordinance in place that allows ATV use on sections of four (4) specified town highways (Bull Run Road, Winch Hill Road, Messier Hill Road, and Lovers Lane) in order to fill gaps in the Lost Nation ATV Club trail system and allow access to South Village Mobil for refueling, etc. The current ordinance makes the installation and maintenance of trail signage the responsibility of the Lost Nation ATV Club. Board member Morse asked who would be responsible for safety signage in Mr. Fournier's proposal. Mr. Fournier said the signs Lost Nation ATV Club installs are for directing people to and from their off-road trail system. If all town highways were made open to ATV use, there wouldn't be much need for any additional signage. Mr. Fournier said his proposal could be merged with the existing ordinance if the Select Board members so chose. He said his intention was to start a discussion on whether ATV use could be opened up to additional town highways. He felt ATV users should have the same access to public roads as bicyclists, many of whom regularly ignore rules of the road.

Board member Morse seriously doubts the Select Board members would act to allow ATV use on all town highways, especially in the downtown and other congested areas. Opening up some of the backroads would be another matter, especially if there is an indication that property owners along the affected roads would favor this action. Board member Morse advised Mr. Fournier it might be best to start slow by focusing on some of the less-travelled backroads. Mr. Fournier hoped the Select Board members could assist him develop his proposal into something that might gain their acceptance as well as that of the general public.

Board member Goodrich felt there really was no comparison between ATVs and bicycles in terms of road usage. She certainly doesn't want to see ATVs peeling around Depot Square and other parts of the downtown. Board member Goodrich suggested Mr. Fournier should contact his state legislators if he is concerned about new state restrictions on ATV use on public highways. She noted many Williamstown residents were strongly opposed to opening up their backroads to ATVs but were outvoted in a close race (376-347). Board member Goodrich sincerely doubts many Northfield residents would want ATVs speeding by their homes late at night.

Mr. Fournier said his proposal calls for respectful use of the roads and would limit ATV use on the roads from 7:00 a.m. to 9:00 p.m. The Northfield Police Department (NPD) would be able to ticket those who violate the ordinance. Mr. Fournier said many residents are already driving their ATVs on the backroads in a respectful manner and this is an opportunity to start a discussion on opening this up for more people.

Chair Maxwell would like Manager Schulz to explain the process for ordinance revision. Manager Schulz said there is an approved ordinance in place that went through a full process of public discussions and at least one public hearing before being approved by the Select Board members. He said the same process would have to be followed to amend an approved ordinance. Should the ordinance amendment be approved, there would be a sixty-day period before it went into effect in order to allow Northfield residents to petition to have the revised ordinance voted upon and perhaps overturned at Special Town Meeting.

Adam Lane lives in Calais VT and is President of the statewide Vermont ATV Sportsman's Association (VASA) as well as Lost Nation ATV Club of Central Vermont. He said the new state requirements for ATV users did not eliminate an exception for agricultural use as this alleged exemption never existed. The new law merely states ATV operators must have VASA stickers on their equipment, wear helmets, and carry proper insurance. Mr. Lane is concerned about an ordinance that would open all town highways for ATV use since VASA and its local affiliates have focused on forming good relationships with property owners and municipalities in order to create off-road trail systems that often connect Vermont communities.

Robert Cruickshank is a Northfield resident and Trail Master for the Lost Nation ATV Club. He fears allowing ATVs to operate on all town highways might create ill-will directed at ATV operators in general and lead to some property owners withdrawing permission for ATV trails on their lands. Mr. Cruickshank says Lost Nation ATV Club installs the signage to promote safe ATV usage on the trails, especially where the trail system merges with town roads for brief stretches. He feels that Select Board members should thoroughly investigate this matter before moving forward. Mr. Cruickshank thought this might be a good discussion for a future Town Meeting so a real cross-section of the community could express their views.

Chair Maxwell thanked Mr. Fournier for bringing his proposal to the Select Board members' attention. He suggested Mr. Fournier should work with Manager Schulz in order to follow the proper procedure for ordinance amendment, etc. Given its other priorities at this time, Chair Maxwell felt it unlikely the Select Board on its own would take further action on this matter unless there is some evidence of significant public support for this proposal.

- b. Recreation Committee: Municipal Park Use Fees.** Manager Schulz said Recreation Committee members Sally Davidson, Lynn Doney, and Bethany Drum were present tonight to provide a proposal that a fee be charged for groups that reserve fields, facilities, etc. in Memorial Park and Northfield Falls Park. Currently, the reservation form asks for a \$100 cleaning deposit that is fully refundable provided the users remove their own trash and leave the site in the same condition as before their event. Since there have been new amenities added to the municipal parks this past year, the Recreation Committee would like to collect a fee that would be used to cover such expenses as park maintenance, bathroom supplies, etc. Mr. Doney said the reservation form would be amended to include bans on the use of alcohol, tobacco, and drugs in the public parks and also would state that of the \$100 deposit amount, \$50 would be retained by the municipality as a fee. Mr. Doney said other Vermont communities charge much more than this to reserve recreational facilities for groups so he doesn't think this would be too much of a burden to park users.

If the Select Board members do authorize this park use fee, Board member Morse felt it best to establish a policy specifying which groups (if any) would be exempt. He also feels implementation of the new fee should be delayed until next spring so it can be better advertised in advance. Board member Stevens noted groups using the Community Room located in the Brown Public Library also are charged a non-refundable fee so this practice is nothing new. Board member Miller said the Select Board and Recreation Committee members went back and forth a couple years ago on charging a non-refundable fee. If the fee is re-established, Board member Miller would like to see all groups and individuals treated the same. Board member Goodrich noted the fee system was dropped a couple years ago when some organized sports groups felt, as non-profit organizations, they should be exempt from paying for use of the athletic fields. That was why the refundable deposit was instituted instead. Chair Maxwell would like to see a fee put in place to help offset field maintenance and other costs. However, he also would like to have a policy drafted that makes clear when the fee will be charged (i.e. based on group size, etc.) and when it would not.

Manager Schulz said he would work with the Recreation Committee to set up policy and procedures regarding the fee payments. Mr. Doney said this fee would only affect groups or individuals who fill out the form in order to reserve exclusive use of certain fields or facilities. It would not affect those picnicking in the park, playing pickup games on the basketball courts, etc. Mr. Fournier thought it might be a good idea to make exceptions for low-income individuals. Mr. Doney then noted a lot of work has been done in the municipal parks this summer and next week some problem trees will be professionally removed. Chair Maxwell thanked the Recreation Committee members for all their good work to date.

#### **IV. DEPARTMENT HEAD REPORT**

- a. Chief Peter J. DeMasi, Northfield Fire Department (NFD).** Chief DeMasi reported all the NFD officers and volunteers have remained healthy during the pandemic. However, there are some equipment maintenance issues to report. The aerial tower was inspected recently and there were a couple red flags that have to be addressed. The main problems were an out-of-order warning alarm and a broken rivet on the ladder support. The aerial ladder truck will need to be taken down to Claremont, NH for repair and should be returned in about a month. The NFD will rely on Mutual Aid assistance should a ladder truck be required for an emergency call. The Williamstown Fire Department has a seventy-foot (70') ladder truck and would be able to respond quickly. If they are not available, he would contact the Montpelier Fire Department. Chief DeMasi said the new tanker truck now is being constructed by the manufacturer according to NFD specifications. The vehicle should be in service by the middle of next year. Board member Goodrich asked if there were sufficient volunteers on hand this summer. Chief DeMasi said he had about twenty-one (21) on the roster, which is a good amount. Chair Maxwell then thanked Chief DeMasi for his positive and informative report.

#### **V. APPROVAL OF MINUTES**

- a. July 14, 2020 (Regular Meeting).** Motion by Board member Morse, seconded by Board member Stevens, to approve the minutes. Board member Miller believes it was not he but Board member Morse who raised concerns about a dedicated bike lane on Central Street affecting on-street parking. This correction will be made. **Motion to approve amended minutes passed 4-0-1, with Chair Maxwell abstaining.**
- b. July 22, 2020 (Special Meeting).** Motion by Board member Morse, seconded by Board member Goodrich, to approve the minutes. Board member Miller had one correction: he had mentioned four (4) problem areas on Union Brook Road that would require special attention (not five). This also will be corrected. **Motion passed 5-0-0.**

#### **VI. APPROVAL OF BILLS**

- a. Approval of Warrant #02-21.** Motion by Board member Goodrich, seconded by Board member Morse, to approve Warrant #02-21 in the amount of \$92,763.98. Board member Stevens noted the fire alarm systems in the Brown Public Library and the Municipal Building recently were inspected for costs of \$859.80 and \$363.75 respectively. He would like to know what work was done to justify this expense. Manager Schulz will forward the invoices to him. He also noted the state requires annual fire alarm inspections of public buildings and few local companies offer this service. He will check on less expensive alternatives. Mr. Fournier suggested putting this service out to bid next time. **Motion passed 5-0-0.**
- b. Approval of Biweekly Payroll through July 12, 2020.** Motion by Board member Morse, seconded by Board member Stevens, to approve the biweekly payroll in the amount of \$93,800.59. **Motion passed 5-0-0.**

#### **VII. SELECT BOARD**

- a. Appointment of Members to the Town Forest Stewardship Subcommittee.** Manager Schulz said the Select Board members adopted the Town Forest Stewardship Plan drafted by the Northfield Conservation Commission (NCC) last year (10/22/19). One of the plan's provisions is the creation of an advisory subcommittee that would work with the NCC and Select Board on matters related to the Town Forest. The initial subcommittee would consist of three (3) current NCC members (Russ Barrett, John Sears, and Brad Johnson) and four (4) members of the public recommended by the NCC and appointed by the Select Board. At their last meeting, the NCC members decided to recommend applicants Lydia Petty, Colin Bright, Nelson Hoffman, and Mike Gonnevillle. Motion by Board member Morse, seconded by Board member Goodrich, to appoint Lydia Petty, Colin Bright, Nelson Hoffman, and Mike Gonnevillle to the Town Forest Stewardship Subcommittee. **Motion passed 5-0-0.**

- b. Union Brook Road Reconstruction Project.** At last week's Select Board Special Meeting (07/22/20), the Select Board members authorized Manager Schulz to move forward on the RFPs for this project based on the project scopes presented. Manager Schulz afterwards contacted Project Engineer Ron Lyon (DuBois & King) and the engineering documents are being finalized. He expects the RFPs to be sent out by the end of next week. As requested by the Select Board members, in addition to the agreed-upon two inches (2") of overlay, the RFP also will request quotes for three and four inches (3-4") of overlay. If the bid amounts are favorable and the quoted amount is within the project budget, the municipality might request this extra inch or two of pavement. Board member Goodrich thanked the Highway Subcommittee (Board members Miller and Stevens) for keeping this project moving forward. Mr. Fournier feels the RFP should include fixing the "Big Dip" as one of the project addendums. Even if the work is not done this year, it would be good to get a firm quote for this.
- c. Winter Sand and Crushed Stone Bid Results.** Bid proposals for winter sand and crushed stone for FY 2020/2021 were solicited and three (3) suppliers submitted bids by today's 1:00 p.m. deadline. The bids for winter sand were as follows (all prices are by cubic yard): Newton Construction-\$16.00 delivered price and \$8.00 pit price; Northeast Material Group-\$17.50 delivered price and \$10.50 pit price; and Tabor Earth Extractors-\$15.00 delivered price and \$12.00 pit price. Manager Schulz recommends awarding the bid to Tabor Earth Extractors for both winter sand delivered and in the pit. Even though their pit price is a little higher, he felt that was offset by the fact that their pit was so much closer (Roxbury VT) than the others. This proximity would result in great reductions in crew time spent collecting it. Motion by Board member Stevens, seconded by Board member Miller, to award the winter sand bid to Tabor Earth Extractors for \$15.00 per cubic yard delivered price and \$12.00 per cubic yard pit price. **Motion passed 5-0-0.**
- Manager Schulz noted only one bid was received for the ¾" and 1¼" crushed stone: Northeast Material Group for \$17.50 delivered and \$10.50 pit price. Board member Goodrich asked why no one else bid. Manager Schulz said some pit owners set their own prices, which can fluctuate over the year, and don't want to submit a bid with an amount locked in for a year. Given the distance to the Northeast Material Group pit (Graniteville, VT), Manager Schulz recommends only awarding them the bid for delivered material. Motion by Board member Miller, seconded by Board member Morse, to award the crushed stone delivered bid to Northeast Material Group for \$17.50 per cubic yard. Board member Morse would have liked to have seen the pit prices from all possible suppliers for comparison purposes. Board member Miller also would have liked to have seen this. Manager Schulz can get this information but reminded the Select Board members that their own Purchasing Policy requires sealed bids for such large purchases. He suggested it might be time to revise the policy to allow for some exceptions. Board member Morse agreed the Purchasing Policy should be reviewed and perhaps revised. Chair Maxwell said Select Board members should have as much information as possible before making decisions. **Motion passed 5-0-0.**
- d. Mountain Alliance Solid Waste Agreement.** As indicated at the last regular meeting (07/14/20), the Mountain Alliance (currently consisting of Randolph, Braintree, Brookfield, and Northfield) would like to admit the Town of Roxbury as its fifth member. Roxbury currently has the Mad River Resource Management Alliance (MRRMA) for its solid waste management district but would like to switch over to the Mountain Alliance due to its much lower membership costs. Northfield made the same decision in 2015 and has saved a considerable amount of money as a result. Manager Schulz recommends approving Roxbury's request and adopting the revised solid waste agreement as this will allow operating expenses to be shared with another entity. Motion by Board member Morse, seconded by Board member Stevens, to approve the Mountain Alliance Solid Waste Agreement and authorize Manager Schulz to sign the document. **Motion passed 5-0-0.**
- e. Public Hearing (Town Plan Update): Tuesday, August 11, 2020.** Manager Schulz wished to remind the public that the third and (hopefully) final public hearing on the revised Northfield Town Plan will be held at the beginning of the next regular meeting. The finalized document under discussion is the result of about two (2) years of work by the Planning Commission and its hired consultant as well as numerous Select Board meetings. The current draft incorporates many suggestions put forward by Select Board members and concerned residents. Should the document be approved that evening, the next step would be to forward it to the Central Vermont Regional Planning Commission (CVRPC) to confirm it doesn't conflict with state law or the approved plans of neighboring communities. When the CVRPC gives its approval, the document will go into effect. Manager Schulz noted that the initial notice for the public hearing indicated an in-person component in the Community Room but after consulting with the Select Board members, it was decided to keep the meeting all remote.

#### VIII. TOWN MANAGER'S REPORT

- a. **Economic Development Director.** Manager Schulz has been working with the Economic Development Subcommittee on hiring the best applicant for this new position. The initial deadline for letters of interest was Tuesday, July 21, 2020, but submissions will be accepted until the position is filled. The interview process should begin soon.
- b. **Camp Wihakowi Dam Removal Project.** Manager Schulz included in the packets the cover letter for the excess vehicle permit issued to this project's hired contractor who will remove and haul out a considerable amount of riverbed material from the worksite. About two-thirds of this material will be taken out of town and the rest will be delivered to a private business on Winch Hill Road. The letter said the permit was issued with several conditions, such as restricting the hauling hours to 7:00 a.m. to 7:00 p.m.; limiting the number of daily truck trips on Bull Run Road to forty-eight (48); limiting the daily truck trips on Winch Hill Road to thirty-six (36); requiring proper signage that will alert motorists of trucks entering and existing the worksite; and requiring the project's truck traffic to be halted if any road damage is detected. Board member Stevens would have liked proper dust control as one of the permit's conditions. Manager Schulz can contact the hauler to make sure this is done.
- c. **South Main Street Sidewalk Replacement Project.** Manager Schulz been in contact with the hired contractor for this project (Josh Fenoff Siteworks) and has been informed construction will begin on Tuesday, September 1, 2020. The contractor also had no objections to expanding the project scope to include the area between the Washington Avenue and Central Street intersections.
- d. **Northfield Wastewater Treatment Facility (WWTF).** Manager Schulz said a meeting was held last Thursday (07/23/20) with representatives from the Vermont Agency of Natural Resources (ANR) regarding new state requirements for renewing our WWTF permit. Some of these new conditions, such as reducing the amount of phosphorus released back in to the Dog River by two-thirds, might require extensive plant renovations. This matter will be discussed again at the Joint Meeting of the Utility Commissions next Monday night (08/03/20). It might be possible to push back on some of the new requirements but in some cases ANR's hands are tied by federal regulations. Board member Morse, who serves as the Select Board's representative to the Electric Utility Commission, probably won't be able to attend the meeting as he is leaving town. He will try to get in contact with Manager Schulz and/or Utility Superintendent Patrick DeMasi beforehand to express his views on the matter.
- e. **Brown Public Library Front Step Repairs Project.** Manager Schulz spoke to the recently hired contractor for this project (Ziter Masonry, Inc.) and the project should be starting mid-September 2020. All the work will be completed before winter sets in.

#### IX. BOARD MEMBERS' COMMENTS, CONCERNS, QUESTIONS

- a. **Northfield Police Department (NPD) Cruiser Replacement.** Board member Miller asked what was the schedule for replacing the NPD cruiser that was totaled last fall. Manager Schulz said all the NPD-specific equipment now has been installed. There had been some problems switching over some equipment from the old vehicle and this caused some delay. The new cruiser should be in service in a couple weeks.
- b. **Backroad Gravel Resurfacing.** Board member Miller asked when the gravel resurfacing of the backroads, starting with Stony Brook Road, would begin. Manager Schulz said Highway Foreman Trent Tucker is on vacation this week so the project should begin on his return next week. He will try to maximize use of the rental roller by quickly moving on to other backroads after the work on Stony Brook Road has been completed.
- c. **Northfield Ambulance Service (NAS) New Fees.** Board member Goodrich noted when the Select Board last revised the NAS fee schedule (09/10/19), new fees were instituted for repetitive lift assists and institutional lift assists. She asked if NAS has started billing for these services. Manager Schulz has asked NAS Chief Lawton Rutter to document and bill for these services since the fee schedule was approved. He will confirm with Chief Rutter to confirm this is being done. Manager Schulz is aware that at least one resident who required frequent in-home lift assists has moved out of town.

- d. **New Foodstuffs Composting Requirement.** Since the new state requirement went into effect on July 1, 2020, Board member Goodrich has heard numerous complaints about large composting sites in the downtown area attracting rats and other nuisance animals. She asked if the municipality can do anything about this. Manager Schulz said this requirement was imposed at the state level and most municipalities have struggled to provide options for their residents. Currently, if Northfield residents cannot compost their own foodstuffs or deliver it to a local business willing to accept it (i.e. Dog River Farm, etc.), they can take it down to the Randolph Stump Dump, which is open every Saturday morning. Manager Schulz has been trying to find a local site that could host our own stump dump but it has been difficult. In addition, the site would have to be supervised during its service hours to prevent individuals from depositing trash, hazardous waste, etc. Should residents detect composting sites that appear unsafe or unhealthy, they should contact Town Health Officer Lawton Rutter as soon as possible. Board member Goodrich suggested the municipality could set up a drop off area on Saturday mornings. At the very least, the municipality should inform residents of the current options. Manager Schulz said some larger Vermont communities did set up deposit sites but now are having significant problems with hungry bears, rodents, etc. Chair Maxwell suggested putting an informational notice in the next utility bills and/or on Front Porch Forum. Board member Morse thought it would be a good idea if Health Officer Rutter and others could document local problems with the new state requirement. This might cause the state legislature to reconsider the new restrictions as both impractical and unsafe.

**X. PUBLIC PARTICIPATION (UNSCHEDULED)**

- a. **Jeffrey Ott: Union Brook Road Potholes.** Mr. Ott said there are a number of bad potholes on Union Brook Road that he has mentioned to Manager Schulz in the past but have not yet been fixed. Manager Schulz said he had a road contractor look at them and it was his opinion that merely filling them wouldn't work. The contractor felt a more expensive overlay was needed. Since the road is being reconstructed soon, Manager Schulz decided to hold off on any costly road repairs for the time being. Mr. Ott feels a bit of hot mix would do the job on most of them. He is willing to accompany Manager Schulz should he reinspect them.
- b. **Sally Davidson: In-Person Public Meetings.** Ms. Davidson asked when the Select Board members would again hold in-person public meetings. Chair Maxwell noted Governor Phil Scott's current state of emergency order would expire on Saturday, August 15, 2020. Municipalities are allowed to hold all-remote meetings in the interim. Should the emergency order not be extended, it may become necessary to hold meeting that have a public component while still allowing those individuals who would not feel safe at a public gathering to participate. Manager Schulz said the electronic infrastructure in the Community Room is being modernized now for this possibility. Chair Maxwell said there is no set date for this but we will be prepared when the time feels right.
- c. **Bethany Drum: Select Board Appreciation.** Ms. Drum would like to thank the Select Board members for her recent appointment to the Recreation Committee. Chair Maxwell said he and his colleagues are very grateful for all the good work Ms. Drum has done over the past few years for the Recreation Department in her previous unofficial capacity.

- XI. EXECUTIVE SESSION.** Motion by Board member Goodrich, seconded by Board member Morse, 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 Board member Morse, seconded by Board member Miller, 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.

- XII. ADJOURNMENT.** Motion by Board member Morse, seconded by Board member Miller, to adjourn. **Motion passed 5-0-0.**

The Board adjourned at 9:35 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 11, 2020.