

Minutes of the January 14, 2008 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Delbert Cloud, David Aldrighetti, Geneva Gaiko, Amy Bergamo, Scott Taylor, Dick Hill, Joe De Freitas, and Mary Anderson for the "Herald of Randolph."

The meeting was called to order at 6:00 PM by Chairman Neal Fox, the Board first reviewing and approving the weekly payroll and payables. The minutes of the December 17, 2007 meeting of the Board of Selectmen were approved by motion of Neal Fox, seconded by Bill Richards and thus carried. The Constable's reports of December 27, 2007 and January 6 and 13, 2008 were reviewed and placed on file. It was agreed that another public informational meeting on the ECFiber initiative would be helpful; Delbert Cloud will follow up on the offering with one of the project's coordinators to have one scheduled in February, prior to Town Meeting. The minutes of the October 18, 2007 meeting of the Local Emergency Planning Committee were reviewed and placed on file.

The Board next reviewed documents pertaining to the interim financing of the Church Street Bridge replacement project. By motion of Bill Richards, seconded by Neal Fox, the following "Bond Anticipation Borrowing Resolution" was approved:

"WHEREAS, at a regular meeting of the Board of Selectmen of the Town of Bethel, at which at least a majority of the Board of Selectmen was present and voting, which meeting was duly called and held on December 14, 2005, it was unanimously found and determined that the public interest and necessity required certain public improvements hereinafter described, and it was further found and determined that the cost of completing said improvements would be too great to be paid out of ordinary annual income and revenue of the Town, and that a proposal to provide such improvements and incur debt of the Town to pay for the same should be submitted to the legal voters at the annual meeting to be called and held for that purpose, and it was so ordered, all of which action is hereby ratified and confirmed; and

WHEREAS, pursuant to the foregoing action, the Board of Selectmen caused to be issued a Warning for a meeting of the Town to be held March 8, 2005 to consider certain proposals described in the Warning dated December 14, 2005, which Warning is duly recorded in the records of the Town of Bethel; and

WHEREAS, said Warning was duly recorded, published and posted; and

WHEREAS, said meeting was duly held on the date, at the place and at the time appointed, and a certain proposal to make improvements and incur debt therefore was voted in the affirmative; and

WHEREAS, the Board of Selectmen has been and is now carrying forward the authorized improvements to completion and funds are needed to meet accruing costs of the same; and

WHEREAS, the Board of Selectmen has negotiated a temporary loan with CHITTENDEN BANK for \$321,847.62 at 3.65% to be evidenced by a single promissory note as hereinafter set forth. The note is being issued in anticipation of the money to be derived from the sale of bonds for renovations to the Church Street Bridge. The note is issued to refund a previously issued note.

THEREFORE, BE IT RESOLVED, that the Board of Selectmen and the Treasurer proceed forthwith to complete said transaction and issue said evidence of indebtedness to cover the same; and

BE IT FURTHER RESOLVED, that said evidence of debt when issued and delivered pursuant to this Resolution shall be a valid and binding general obligation of the Town of Bethel payable according to the terms and tenor thereof from unlimited ad valorem taxes duly assessed on the grand list of taxable property in said Town, as established by law; and

BE IT FURTHER RESOLVED, that all acts and things heretofore done by the lawfully constituted officers of the Town of Bethel and its Board of Selectmen, in, about, or concerning the improvements or the contracting of loans in connection therewith are hereby ratified and confirmed; and

WE, the undersigned Board of Selectmen and Treasurer, hereby certify that we as such officers have signed the \$321,847.62 face amount bond anticipation note, numbered 1, dated January 11, 2008, of the following denomination and maturity in the form hereto and made a part hereof:

<u>Number</u>	<u>Denomination</u>	<u>Maturity</u>
1	\$321,847.62	January 9, 2009

WE, the undersigned Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that the above-described note is issued under and pursuant to vote of the Town of Bethel, March 8, 2005 and this Resolution, adopted at a duly noticed and warned meeting of the Board of Selectmen of the Town of Bethel held January 14, 2008.

WE, the said Board of Selectmen and Treasurer of the Town of Bethel, hereby certify that we are the duly chosen, qualified and acting officers as undersigned, that the note is issued pursuant to authority, that no proceeding relating thereto has been taken other than as shown in the foregoing recital, that no such authority or action has been amended or repealed, and that there is no litigation threatened or pending in any state or federal court of competent jurisdiction seeking to enjoin either the issuance of the above-described note or the expenditures being financed by the proceeds of the same.

WE further certify that no litigation is pending or threatened affecting the validity of the note or the apportionment and assessment of taxes, if necessary, to pay the same when due, that neither the corporate existence nor the boundaries of the Town of Bethel, nor the title of any of us to our respective offices, is being questioned or contested.

WE further certify to and covenant with CHITTENDEN BANK, its successors and assigns, including the transferees, assignees, holders and owners of the above described note, that:

(1) No proceeds of the note (including investment proceeds thereof) will be used (directly or indirectly) in any trade or business carried on by any person other than the Town of Bethel, nor used to make or finance loans to any person.

(2) The Town of Bethel will file when and as required with the Treasury Department or the Internal Revenue Service information returns relating to the issuance of the note and all other obligations of the Town.

(3) The Town will comply with, perform, maintain and keep each and every covenant, representation, certification and undertaking in the accompanying Non-Arbitrage Certificate, execution and delivery of which is hereby authorized.

(4) During the current calendar year, the Town will not issue debt of any sort aggregating \$5,000,000.00 or more.

(5) The interest charged to and payable by the Town under the note shall be increased and recalculated to the date of issue by 3.25% and paid to the holder thereof in any one of the following events:

(a) It shall be determined that the interest paid under said note, or any part thereof, is included in the gross income of the holder thereof for federal income tax purposes.

(b) There shall be any breach by the Town of any covenant set forth in paragraphs (1)-(4) hereof.”

The associated “Bond Anticipation Note” and “Non-Arbitrage Certificate” were endorsed by the Board members.

The Board next reviewed two reports from Endyne, Inc. regarding the biannual groundwater monitoring program which is done for the closed landfill. As per usual findings, test results indicate favorable trends in groundwater quality since the closing and “capping” of the facility.

A December 18, 2007 report from the Vermont Department of Taxes was discussed. The report sets forth the Town’s “Common Level of Appraisal” and “Coefficient of Dispersion,” both being within acceptable limits.

Delbert Cloud requested the Board to enter executive session regarding contract negotiations associated with the roof replacement project at the Town Hall; premature public knowledge of the Town’s position on certain points applicable to closing out the contract(s) is considered not to be in the Town’s best interest. Motion to change the order of the agenda to provide for this was made by Neal Fox, seconded by Bill Richards. Motion subsequently to enter executive session was made by Bill Richards, seconded by Neal Fox, the time being 6:30 PM. Delbert Cloud and Amy Bergamo, Finance Committee Chair, were the only people remaining with the Board during the executive session. No minutes were kept. Upon return to open meeting at 6:50 PM, members of the public returned. Two motions were then made: (1) Neal Fox moved that the Town should seek reimbursement from Summit/Catamount for engineering costs incurred for follow-up inspections as a result of inadequate installations made by that contractor, this motion being seconded by Bill Richards and thus carried, and (2) Neal Fox moved that funds should be drawn from the Town Hall Rehabilitation Fund to pay

for the unanticipated roof truss repairs over and above the contract contingency level which was carried for the roof project; this motion was also seconded by Bill Richards and thus carried.

Amy Bergamo then informed everyone that Historic Preservation grant funds might be available to the Town more quickly than had been previously thought, possibly in the magnitude of \$50,000.00, this hinging upon the likelihood of the building becoming usable by the public. She will plan to submit an application and coordinate a site visit by Historic Preservation and Department of Labor & Industry officials.

At 7:00 PM, Chairman Fox welcomed the two Assistant Fire Chiefs, David Aldrighetti and Scott Taylor, who in turn introduced Dick Hill of Wells Communications. Mr. Aldrighetti was present per appointment to present information to the Selectboard about communications needs which the Fire Department has. He proceeded to explain the deficiencies of the present communications system, the consequences to operations and the public health and safety, and the solutions/costs as would allow the Department to be equipped in a fashion which has now become the norm among emergency response entities. The emerging cost for a modest but functional system, is in the magnitude of \$37,000.00. It was noted that a grant has been awarded to the Town from the FY07 Assistance to Firefighters Grant Program in the amount of \$7,371.00 which will defray that part of the cost. Another grant application has been filed seeking in excess of \$15,000.00, but no knowledge is available at this time as to the potential for an award of funds under that particular grant. The Selectboard thanked the members of the Department for the information and agreed that the matter would be taken up within budget discussions later in the meeting. The Members of the Fire Department and Mr. Hill then departed at approximately 8:00 PM.

A draft of the "Annual Report" was then reviewed by the Board. Chairman Fox said the "total actual expenses" for year 2007 for the White River Valley Ambulance would be available in the very near future, and should be included. It was agreed that an additional point of information should be included in the "Selectboard's Report" to advise of the acquisition of the Fort Fortitude property by the Town. Text was approved for an additional page of information re. the class 4 roads project. A modest increase was provided for the Constable's "cruiser" line item in the FY09 General Fund budget, which was then approved at the total level of \$1,115,273.00. The "Enterprise Fund" budgets were then approved at the following values: Water Department at \$113,140.00, Wastewater Department at \$152,600.00, and Solid Waste at \$1,100,000.00.

The Board next reviewed a report from the Human Services Advisory Committee dated January 4, 2008 re. appropriation requests from various agencies. It was agreed that the recommendations should be entered as a separate Article on the "Warning" for the Annual Meeting as submitted in the value of \$13,595.00. Given that a new request has come forth, this being from Quin-Town Center for Senior Citizens, Neal Fox moved that a separate Article should be included to see if the voters would approve \$1,000.00 for that program; this motion was seconded by Bill Richards and thus carried. After due consideration, it was agreed that an additional Article should be placed on the Warning to see if the voters would approve raising a sum of money to upgrade the communications equipment of the Fire Department, this amount to be \$37,231.40 less any amounts realized as financial assistance from various grant programs. A "Resolution" request from the Vermont Coalition of Municipalities was tabled until a full three-member Board could evaluate the request, this being done with the realization that the resolution would not be included on the Warning for the Annual Meeting, but that it could still be acted upon by the Board. Ultimately, it appeared that the Warning appeared to be in final form; motion was made by Neal Fox to approve the format, and have it prepared by staff for the Board members' signatures; this motion was seconded by Bill Richards and thus carried.

The following communications were then reviewed and placed on file: (1) the Development Review Board's January 8, 2008 report on the Town's gravel extraction permit application, (2) a copy of a January 3, 2008 memo from Rob Allen of the Emergency Watershed Protection Program to Ronald Poulson, (3) Bethel Business Association meeting minutes for November 7, 2007, and (4) the January 2008 issue of the VLCT News.

With no further business to attend the motion to adjourn was made by Bill Richards at 9:25 PM, this being seconded by Neal Fox and thus carried.

Neal Fox

Bill Richards

Eric Benson