

Minutes of the October 9, 2007 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Eric Benson, Delbert Cloud, Geneva Gaiko, First Constable James Bennett, and Mary Anderson for the "Herald of Randolph." Jon Hodgdon stopped at the meeting to leave data pertaining to the White River Valley Ambulance program, but this was just subsequent to adjournment and the Board took no action regarding that data.

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. Chairman Fox then handed out an informational page from the Vermont Secretary of State's "Opinions of Opinions" newsletter, in pertinent part addressing the subject of rules for the conduct of public meetings, which he endorsed as providing good direction for the efficient conduct of Town business. The Board also reviewed and placed on file the Constable's reports for September 30, 2007 and October 7, 2007.

Scoutmaster Mark Luttrell has asked the Town, by letter of October 9, 2007, to acknowledge community service work done by Cody Slack who has achieved the rank of Eagle Scout, concurrence with the request being made through motion of Bill Richards, seconded by Eric Benson and unanimously carried.

The minutes of the September 24, 2007 meeting of the Board of Selectmen were approved by motion of Eric Benson, seconded by Bill Richards and unanimously carried. The minutes of the Class 4 Road Committee of September 24, 2007 and October 3, 2007 were reviewed and placed on file. Regarding the latter, it was noted that a public hearing will be held on October 22nd as a part of the Board's regular meeting to receive public comment on the matter of the Town's class 4 road inventory, said "hearing" to be held at 7:00 PM.

Delbert Cloud updated the Board on the roof replacement project at the Town Hall. Of particular note is the fact that a considerable amount of deterioration has occurred within a primary truss system in the proximity of the building's chimney. It appears that a water leak in the chimney flashing has allowed water to migrate into key structural connections of the truss. This had gone undetected since the area was hidden from view and the damage was primarily restricted to the interior portion of structural members, and was not detected until the exterior fascia molding was removed along the eaves in the involved area. It has been determined that repair of the subject structural members is absolutely critical to the integrity of the building. The architect is presently working with the consulting engineer and the contractor to address the repairs. In other matters related to the Town Hall, it was agreed that the next phase of work should be to confirm that the foundation is sound and secure; Delbert Cloud will consult with Tim Schaal to see what Mr. Schaal's current advice on this subject is. Cloud will also talk with the Town crew re. what is currently known about interior covers in the basement, ie. method of securement, structural significance, etc.

Delbert Cloud provided current cost data associated with the repair work being done subsequent to the July 11, 2007 flood event. A brief review was made of all work sites identified through the FEMA assistance program. The Town has also received a letter dated October 2, 2007 from the USDA "Emergency Watershed Protection" program, advising that three private property owners have been preliminarily found eligible for financial assistance under that program. Three other applicants have been determined ineligible, and Cloud will advise them of that status.

The Town has obtained the hydro-geological data requested by the Act 250 District Commission for the Pratt/Placy property on Sand Hill Road from "The Johnson Company" of Montpelier, Vermont, this information being set forth in a letter and report dated September 27, 2007. That data has been forwarded to the District Commission and the statutory parties. No action is required by the Board at this time, this item being informational only.

The Board next reviewed the details of a loan originally obtained for construction of the solid waste facilities jointly owned with the Town of Royalton. By motion of Bill Richards, seconded by Eric Benson and unanimously carried, the following RESOLUTION was adopted:

"BOND ANTICIPATION BORROWING"

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 , 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 June 16, 1993 to consider certain proposals described in the Warning, 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 therefor 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 \$60,000.00 at 4.20% 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 solid waste management improvements. 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 \$60,000.00 face amount bond anticipation note, numbered 1, dated October 24, 2007, 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	\$60,000.00	October 23, 2008

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, June 16, 1993 and this Resolution, adopted at a duly noticed and warned meeting of the Board of Selectmen of the Town of Bethel held October 9, 2007.

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 accompanying “Bond Anticipation Note” and “Non-Arbitrage Certificate” were also endorsed by the Board.

Budget Status Reports for the Town General Fund, Water Department, Wastewater Department, and the Solid Waste Program were then reviewed, as of the date October 5, 2007. No action was required or taken.

Mr. Ned Swanberg of the Vermont Department of Environmental Conservation River Management Program has informed the Town that there are certain deficiencies still evident in the Town’s “Flood Hazard Regulations” which would preclude the Town from participation in the National Flood Insurance Program. (The “Flood Hazard Regulations” are incorporated into the Bethel Zoning Ordinance.) For the most part, the deficiencies are missing definitions which the National Flood Insurance Program requires; a copy of the text necessary to bring the Town’s zoning ordinance into compliance was reviewed. To rectify this matter, motion was made by Eric Benson, seconded by Bill Richards and unanimously carried, to warn a Public Hearing for Monday, December 10, 2007 at 6:30 PM at the Bethel Town Office at 134 South Main Street to review proposed amendments to the Bethel Zoning Ordinance as would be sufficient to keep the Town in good standing with the federal requirements of the National Flood Insurance Program, and to receive public comment on those proposed amendments. The “Notice” for the subject Public Hearing will be published in the “Herald of Randolph” on October 11, 2007 and posted per statutory requirements, and the Bethel Planning Commission will be asked to review the proposed text and take up the procedural matters associated therewith.

First Constable James Bennett arrived at this point and spoke briefly with the Board about the “Dog Control Ordinance” and his concerns about the aging condition of the cruiser. No action was taken by the Board at this time on these matters.

The following communications were reviewed and placed on file: (1) a September 27, 2007 memo from the regional planning commission re. Vermont Transportation Board hearings, (2) information from Peter Nikolaidis re. a meeting he attended on behalf of the Board on the East Central Vermont Fiber Network initiative, (3) a September 27, 2007 memo from the Vermont Youth Conservation Corps, and (4) the Fall 2007 issue of the newsletter of the White River Partnership.

At 8:35 PM the motion was made by Bill Richards, seconded by Eric Benson and unanimously carried, to enter executive session to discuss litigation in which the Town is a party. Delbert Cloud was the only person remaining with the Board during the executive session. No minutes were kept. Upon return to open meeting at 9:05 PM, the only motion was that to adjourn, which was made by Bill Richards, seconded by Eric Benson and unanimously carried.

Neal Fox

Bill Richards

Eric Benson