

Minutes of the October 13, 2009 Meeting of the Board of Selectmen.

Present: Neal Fox; Bill Richards; Joe De Freitas; Delbert Cloud; Fire Chief David Aldrighetti; Bill Sugarman; Herb Campbell and Pat Edwards of the White River Valley Ambulance.

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. Since the first scheduled appointment was to be with Herb Campbell, Executive Director of the White River Valley Ambulance, and both he and Pat Edwards were present, Chairman Fox welcomed them and asked if they would like to proceed with a brief review of issues associated with the Ambulance service. Mr. Campbell handed out a page of statistics showing the benefits of services delivered over the past year to the citizens of Bethel. He also informed the Board of the equipment replacements which have been provided for in order to maintain delivery of services, and spoke favorably of the financial standing of the program at this time. He noted that vehicular extrication equipment will soon be made available for use by the Bethel Fire Department as part of its first response capabilities. Pat Edwards gave an update on the provision of swine flu vaccinations which will be available for staff, first responders, and others. Discussion ensued, but no action was required or taken by the Board, and the Ambulance officials departed at 6:30 PM.

Chairman Fox then asked Bill Sugarman if there were particular matters he wished to speak with the Board about. Mr. Sugarman provided a set of photographs of road conditions on Sanders Road which he hoped could be addressed. It was considered that the work will most likely be done before Winter as the usual routine maintenance such as grading will accomplish most of what is requested.

Chairman Fox then welcomed Fire Chief David Aldrighetti, and discussion focused initially on Insurance Service Office ratings for the Town. The status of fire hydrant repairs and upgrades were also discussed.

At 7:00 PM Chairman Fox determined that a warned Public Hearing should be called, this being to inform the public of potential additional work to be done with the Town's water system, subject to voter approval. Specifically, this would entail placing a new water main beneath the railroad tracks to provide a new connection between the main on Peavine Boulevard and Main Street. Delbert Cloud provided a brief description of details associated with this work. The engineering company, Forcier Aldrich & Associates, has estimated the project cost at \$150,000.00. Performing this work will be conditioned upon the Town's receipt of ARRA grant assistance. The bond vote for this project is scheduled for October 20, 2009. With no questions forthcoming, Chairman Fox closed the Public Hearing at 7:10 PM.

Discussion then continued with Fire Chief David Aldrighetti, the subject primarily focusing around the work of the Local Emergency Planning Committee and the Town's own "first response" capability. The value of the 911 system and the Town's computer mapping program was noted. It was agreed that an effort should be made to learn who the ham radio operators might be in the immediate area, as that might be a means for alternate communication in a time of crisis. Fire Chief Aldrighetti departed at 8:25 PM, and the Board took up business on the evening's agenda.

The Selectboard minutes of September 28, 2009 were approved by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried. The Town Hall Committee minutes of September 24, 2009 were reviewed and placed on file, as were the following Constables' reports for dates: September 27, October 1, and October 11, 2009.

The Board next reviewed the minutes of the "Water System Improvements" job meeting of September 30, 2009, and the "punch list" as of October 9, 2009 for the subject project. By motion of Bill Richards, seconded by Joe De Freitas and unanimously carried, the Board approved an offering for interim financing for the project submitted by Mascoma Savings Bank, this being a line of credit in the amount of \$400,000.00. Also in association with this project, the following Resolution was approved by motion of Joe De Freitas, seconded by Bill Richards and unanimously carried:

“BE IT RESOLVED, that pursuant to the provisions of 24 VSA 4755(a)(4), the amount of indebtedness authorized at the March 5, 2009 special meeting of the Town of Bethel shall be increased by the amount of Seventy Five Thousand Dollars (\$75,000.00).”

The Board then advanced to the next item on the Agenda, this being to consider renewal of financing with the Chittenden Bank for the construction loan whereby the solid waste facilities were built in 1994. The following Resolution was approved by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried:

“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 issued a Warning for a meeting of the Town to be held June 14, 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 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 People's United Bank d/b/a/ Chittenden Bank for \$48,000.00 at 2.60% 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 \$48,000.00 face amount bond anticipation note, numbered 1, dated October 22, 2009, 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	\$48,000.00	October 21, 2010

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 13, 2009.

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 People's United Bank d/b/a 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."

Budget Status Reports for the Town General Fund and the Enterprise Funds were then reviewed. No action was required or taken, these being informational.

A copy of the new 2009 Town Highway Map was next examined, and the Board reviewed a map of additional road corridors which may be entered on the map in

February 2010, subject to further work and recommendations from the Class 4 Road Committee. A review was also made of future significant dates under Act 178, commonly known as the “Ancient Roads” law. This was informational only at this time, and no action was required or taken by the Board.

The following communications were reviewed and placed on file: (1) information pertaining to “Hiring and Training Municipal Police Officers – Requirements and Best Practices;” (2) A letter to the Randolph Board of Selectmen dated October 6, 2009 from Delbert Cloud regarding field training for part-time officer certification for James Mason; (3) Notice of the first annual Health & Safety Committee Potluck Luncheon; (4) Town of Bethel Draft Health & Safety Policy; (5) Proposed revisions to the Town of Bethel Sexual Harassment Policy; (6) Proposed revisions to the Town of Bethel Alcohol-Free Workplace Policy; (7) A memo from Two Rivers-Ottawaquechee Regional Commission dated September 29, 2009 regarding the VTrans Town Highway Bridge Candidate list; (8) A letter from Vermont Trails & Greenways Council received October 6, 2009 regarding membership; (9) Information from EC Fiber Network relating to possible hubsite location; (10) A letter from Katherine Pope dated June 12, 2009 regarding status of the Jewett Variance appeal; (11) A letter from the VT Department of Finance & Administration dated October 6, 2009 regarding the River Street Bridge with attached Maintenance Agreement from the VT Agency of Transportation; (12) A tabulation sheet for the October 3, 2009 Household Hazardous Waste Collection Event. Regarding the Maintenance Agreement between the VT Agency of Transportation and the Town of Bethel, the Board unanimously agreed to endorse said Agreement.

With no further business to attend, the meeting was adjourned at 10:50 PM by motion of Bill Richards, seconded by Joe De Freitas and unanimously carried.

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Neal Fox

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Bill Richards

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Joe De Freitas