

Minutes of the November 10, 2008 Meeting of the Board of Selectmen.

Present: Neal Fox, Bill Richards, Joe DeFreitas, Delbert Cloud, John Fogarty of The A. Johnson Co., Amy Bergamo, Vincent Bergamo, Geneva Gaiko, and the following members of the Bethel Planning Commission: Davis Dimock, Joanne Kent, Carla Hodgdon, Eric Richardson, Peter Dohrn, Cecil Washburn, and Craig Wortman.

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 inquired if Amy Bergamo, Chair of the Town Hall Finance Committee, had interest in speaking with the Board before it proceeded into the evening's agenda. Ms. Bergamo expressed her satisfaction with the recent favorable bond vote in support of the rehabilitation of the Town Hall. She noted that the Committee will be taking the months of November and December off, and therefore at this time would like to ask the Board members to give some thought to the direction the Committee should take at the on-set of the new year. She suggested particularly that the Committee would like the Selectboard's thoughts on how spaces within the building might be utilized, finishing details especially in the basement area, etc. It is expected that fund-raising efforts will continue in order to off-set the level of indebtedness to be incurred, and it is hoped that some benefactors will be encouraged to help now that the project is imminent to proceed. The Board members sincerely thanked Ms. Bergamo for all her work to date, and agreed to consider the matters she spoke of. Amy and Vincent Bergamo then departed at this time.

The minutes of the October 27, 2008 meeting of the Board of Selectmen were approved by motion of Joe DeFreitas, seconded by Bill Richards and unanimously carried. The Constables' reports of October 31, 2008 and November 2, 2008 were reviewed and placed on file. As a matter of continuing business, the Board discussed the provisions of the Grant Agreement for the "Save America's Treasures" program, which will financially assist in the Town Hall rehabilitation project at a value of \$301,000.00. After due consideration, motion was made by Bill Richards to authorize Delbert Cloud to sign the Grant Agreement on behalf of the Town, this motion being seconded by Joe DeFreitas and unanimously carried.

The Board then reviewed the Budget Status Reports for the Town General Fund and the Enterprise Funds (water, wastewater and solid waste). Although expenditures are compatible with the respective budgets for the current year to date, Delbert Cloud expressed concern over the dollar amounts in delinquent taxes for prior year(s) and in "receivables" for the Enterprise Funds. He explained for the Board's knowledge the collection effort he is making to bring in the needed revenue in support of the subject budgets.

With the time being 7:00 PM, Chairman Fox welcomed the members of the Bethel Planning Commission, they being present per appointment to discuss amendments being proposed for the Bethel Zoning Ordinance. He provided a brief review of the amendments, noting that the Selectboard's concerns were primarily over the possible limitation being placed on the use of outdoor wood boilers, and he then requested input from the Commission on these matters.

Davis Dimock replied that the criteria for review of wood boilers was based on Vermont State standards for particulate emissions, and the Commission had felt that the criteria would serve as guidance to the public for installations; the direction for these criteria has been gleaned from the greater New England and New York area. He said the Commission preferred to make the installations a "Conditional Use" to promote a public process by which neighbors could participate in discussions about installations and usage.

Carla Hodgdon added that other options are available for the use of wood as a heating fuel, and that these other options would continue to be used. She said the primary health concerns are due to summer-time usage when the units are not running at a high temperature.

The Planning Commission members confirmed that they had all ultimately concurred on the recommended review criteria, Joanne Kent adding that the initial thought of some members had been to ban the use of such units in the Village area altogether.

Cecil Washburn said that the problems associated with them had to be addressed regardless of where they are located, and that the problems often are the manner of operating the units, not necessarily the units themselves.

Joe DeFreitas asked if the standards being used by manufacturers would be sufficient to cover matters. Davis Dimock replied that there are units being manufactured out of the State which do

not meet Vermont State standards but can still be purchased and installed in Vermont. Joanne Kent inquired if the Board felt there is something wrong with the review of the installations through the "Conditional Use" procedure. Joe DeFreitas replied that technological improvements are being made in the industry all the time.

Carla Hodgdon said that there had been discussion by the Commission about requiring an alternative system for summer-time use.

Craig Wortman said he considers the smoke in the summer-time to be a problem, and that he does not think the units are made to be used in Town centers.

Cecil Washburn noted that is why the Planning Commission had recommended a Conditional Use review with a permit requirement because there can be problems with the way these are set up and operated.

Discussion turned to the proposed amendment for allowance of multi-family structures in all Zoning Districts, Carla Hodgdon stating that the unit count or density of development concerns would be inherently dealt with through the capability of soils to accommodate septage disposal, and the marketability factors, in that the market would not favor too dense a development plan. Davis Dimock offered that the formulas for State aid to education are such that the Town should encourage families to locate in Town in order to reduce the School Tax rate. It was also noted that a more liberal treatment of multi-family housing would be in keeping with the need to provide affordable housing.

Davis Dimock addressed the thought of looking into creating "Consolidated Bylaws", and said that some Towns are already looking into that possibility – three in the Two Rivers planning district are. He suggested that the Planning Commission might be able to make a "flow chart" as an approach to help make the Town's bylaws more understandable in terms of the required reviews.

Carla Hodgdon said the Commission did not think the present system is too complicated for the most part, noting that the State review procedures are much more complex and the Town does not have any capacity to change them. She added that the Planning Commission is thinking of applying for a Planning Grant in the Fall of 2009, in anticipation of having to update the Town Plan, and wishing to do another Town-wide survey of public opinion on planning issues.

Chairman Fox asked where the evening's discussion has brought us. Davis Dimock replied that the Planning Commission would like input from the Selectboard on potential subjects for survey questions. He referenced earlier discussion about tax delinquencies and suggested that one question might be re. public preferences on the number of tax installment dates. A brief discussion then ensued on the matter of tax installment frequencies and due dates.

With discussion concluded, the Planning Commission members departed, to conduct a meeting of the Planning Commission elsewhere in the building, the time being 7:45 PM.

Chairman Fox then welcomed John Fogarty, he being a forester working for the A. Johnson Company. Mr. Fogarty explained the essence of a logging project to be conducted on land within the Town of Rochester, and how the transport of pulp and lumber would be done. Much of the product could be hauled over the Charlie Wilson Road to Camp Brook Road at a considerable transportation savings if the Selectboard would allow the A. Johnson Company to do a modest amount of upgrading to the Charlie Wilson Road. He said the Town of Rochester has already approved work for the portion of the road within that Town. He realizes the road is used as a snowmobile trail, and said his company is accustomed to working with snowmachine clubs to allow continued trail use, albeit the trail may become rough during the conduct of the logging operation. However, improvements the logging company would make would leave opportunity for a better trail in the future. He described the improvement work to basically be re-positioning of excess shoulder material to help build up the base and adequately shape the road, and installing water bars to help keep the road drained. He said there would be no new discharges of water onto private land, and no significant trees would have to be cut. Logging equipment/trucks would be limited to speeds of 5 mph on the road. The harvest would be done (hopefully) within one winter and the road would only be used for hauling when it is frozen. He said that the road upgrading could be done in about five days, and would be started in about two weeks if the Board were to approve it. After due consideration of the request, motion was made by Joe DeFreitas, seconded by Bill Richards and unanimously carried to approve the road improvements as described. Mr. Fogarty thanked the Board members, and departed at 8:15 PM.

The Board members then discussed the proposed bylaw amendments. Some confusion arose over the realization that certain uses now allowed in the Highway Commercial District would no longer be allowable if the merging proposal to create a "Highway Development District" were done as proposed in the amendment draft, and it was agreed that clarification of this should be sought from the Planning Commission. Motion was made by Neal Fox, seconded by Bill Richards and unanimously carried, to delete the proposed review procedure for outdoor wood boilers from consideration, it being the Board members belief that industry standards will be sufficient to the extent that a local review would be unnecessary.

A letter of resignation has been received from Amy Danley-White as the Town Health Officer, to be effective January 31, 2009. This resignation was accepted with regret by motion of Neal Fox, seconded by Bill Richards and unanimously carried. The Board members will consider who might be available as successor, to hopefully fill the office prior to Ms. Danley-White's effective termination date. Her Quarterly Report for August through October was also reviewed and placed on file.

With respect to re-appointments for both the Planning Commission and the Development Review Board, motion was made by Neal Fox, seconded by Joe DeFreitas and unanimously carried, to re-appoint the following people for three year terms ending in 2011, subject to their willingness to serve: Joanne Kent, Carla Hodgdon and Eric Richardson for the Planning Commission; Paul Vallee and Penny Griffin for the Development Review Board.

The Board next considered the matter of adding additional highways to the "Speed Regulation" portion of the Town's "Traffic Ordinance." Delbert Cloud will provide the Board with additional information regarding highways not now included. It is understood that the technical assistance to do the evaluations may be available from the regional planning commission.

Delbert Cloud then provided the Board with a brief update on the following programs: (1) the so-called "Ancient Roads" project and the grant being administered for research on this subject, (2) the on-going work on the Transportation Enhancement Project, and (3) the Emergency Watershed Protection Program. This data was informational only, no action being required or taken by the Board at this time.

Delbert Cloud gave the Board information pertaining to the property boundary between the Branlierre Town Forest and the property of Richard Balsler at 38 Main Street. Mr. Balsler wishes to use a small area of the town's property for parking, with the understanding that no permanent improvements would be constructed; the land would not be permanently encumbered in that the use would immediately be discontinued by Mr. Balsler or his assigns at any time at the sole discretion of the Town. It was agreed that the use could be allowed, subject to the above understandings being set forth in writing and signed in agreement by Mr. Balsler; motion accordingly was made by Joe DeFreitas, seconded by Bill Richards and unanimously carried. Delbert Cloud will attend the prescribed formalities.

With respect to an appeal being filed in the Vermont Environmental Court re. a Variance issued by the Development Review Board for development on a North Main Street property, the Board authorized Delbert Cloud to obtain legal counsel to represent the Town in this matter.

The following communications were then reviewed and placed on file: (1) a note of "thanks" from Mascoma Savings Bank for work done by the town crew in setting signs at the Main Street Parking Lot, (2) a "Completion and Acceptance" notice from the Vermont Agency of Transportation for the Church Street Bridge project, and (3) notice of a conference being held by the Vermont Agency of Transportation on its "Long Range Transportation Plan."

With no further business to attend, motion to adjourn was made at 11:00 PM by Bill Richards, seconded by Joe DeFreitas and unanimously carried.

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Neal Fox

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Bill Richards

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Joe DeFreitas