

**MINUTES
ST. JOHNSBURY SELECTBOARD
TUESDAY, OCTOBER 13, 2009**

The St. Johnsbury SelectBoard held their SelectBoard meeting at 7p.m. on Tuesday, October 13, 2009 due to the Columbus Day Holiday.

SelectBoard Members Present: Chairperson Daniel Kimbell, Gary Reis, Bryon Quatrini, Jean Wheeler, and Jim Rust.

Others Present: Sandra P. Grenier, Priscilla Messier, Stan Wilkins, Jon Beck, Gary Tomlinson, Christina Tomlinson, Joel Schwartz, Taylor Reed, and KATV-7.

Chairperson Kimbell called the meeting to order at approximately 7:00p.m.

PUBLIC COMMENT: Chairperson Kimbell asked if there was any public comment on items that were not on the Agenda. There was no public comment.

MINUTES – September 28, 2009, and October 2, 2009. It was moved by Jim Rust seconded by Gary Reis, and unanimously voted to approve the Minutes from September 28, 2009 and October 2, 2009 as written.

USDA BONDS – PHASE 1 WATER SYSTEM IMPROVEMENTS - \$2,240,000 – The Board reviewed the USDA Bond closing information prepared by Bond Counsel J. Paul Giuliani. The Town has completed sufficient construction work on the first Phase of the Water System Improvements - \$5,600,000 Bond Vote – to close on the loan portion of the project. The notes will have an interest rate of 4.25% for a period of 40 years. The loan is payable in semi-annual installments of \$58,487. Once the bond is closed – the Town can begin drawing down on the \$3,360,000 grant available for this phase of the Water System Improvements. It was moved by Gary Reis, seconded by Jim Rust, and unanimously voted to approve and sign: Resolution & Certificate; Water System Improvement Bonds (\$1,813,000 and \$427,000).

JUNK UPDATE – Priscilla Messier, Zoning Administrator informed the Board that she and Health Officer Tim Angell made direct contact with 12 property owners. Priscilla said that 3 have been cleaned up, 4 are working on clean-up and have made progress, 2 are going through bankruptcy, 1 foreclosure – that bank will clean-up, and 2 others have not made any progress. Bryon Quatrini and Gary Reis recommended that if property owners do not comply, then the Town should follow-up with appropriate action to get the property cleaned-up, including doing the work and attaching a property lien, subject to Town Attorney advice. Priscilla said there are also issues at the Mount Pleasant Community where tires, etc. have been thrown over the bank for many years. Priscilla Messier stated that she would keep the Board informed regarding progress in this matter.

FEMA Flood Plain Regulations – Priscilla Messier advised the Board that she has met with representatives of the State of Vermont and contacted FEMA representatives to

follow-up on the actions that she has taken to address the concerns raised during a recent review of Flood Plain permitting. Priscilla said she has also registered for a FEMA Training Course as recommended. Tim Ruggles will be reviewing existing permitted structures to determine as built status relative to the flood plain.

CALEDONIA COUNTY RESOLUTION REQUEST – Assistant Justices Roy Vance and William Kennedy had requested that the SelectBoard consider a Resolution supporting the positions of Assistant Justice. Gary Reis recommended that he would be interested in knowing what alternatives the Justices are offering for cost savings before supporting this Resolution. Gary Reis suggested that we invite the Assistant Justices to the next meeting to discuss. It was moved by Gary Reis, seconded by Jim Rust, and unanimously voted to table this item.

INFRASTRUCTURE IMPROVEMENT ENGINEERING AGREEMENTS – The Town Manager reviewed three separate engineering agreements with the Board. West Side Infrastructure Improvement Project Final Design Engineering Agreement, Airport Water Tank Amendment #5, and Final Design Moose River Crossing. The Manager stated that all three of these agreements have been reviewed and approved by USDA. It was moved by Jim Rust, seconded by Jean Wheeler and unanimously voted to approve engineering agreements for West Side Infrastructure Improvement Final Design, Airport Water Tank Amendment #5, and Final Design Moose River Crossing, and to authorize the Town Manager to sign these three agreements.

INTEREST AND PENALTY DISCUSSION – The Manager informed the Board that some taxpayers had requested that the Board consider an extension of the due date, or a waiver of interest & penalty, for the 2009 Property Taxes. The current due date is November 20, 2009, after that date a penalty of 8%, and interest of 1% per month or part thereof is assessed. The Manager provided the members of the Board with a copy of a legal opinion from the Town Attorney advising that the Town maintain the current due date. Bryon Quatrini said that he has been approached by several people, and that if there is a way that the Town can extend the due date, then we should. Sandy Grenier said that she needed to make sure that taxes were collected timely in order to pay off Tax Anticipation notes that have been borrowed. Jim Rust asked how much of the property tax due was typically paid by the due date. Sandy said she would get that information for the Board. Sandy said the TAN is due on December 12th. Following discussion, members of the Board agreed that they needed additional clarification from the Town Attorney about what can and can not be done. It was agreed to table action on this item until the October 26th meeting, and direct the Manager and Town Clerk to provide additional information, and seek clarification from the Town Attorney.

EXPENDITURE WARRANTS – Members of the Board reviewed, approved, and signed expenditure warrants as follows:

General Fund	62875 – 62891	\$323,360.16
	62892 – 62943	\$ 53,761.86
	62944 – 62944	\$ 23.10

MANAGER’S REPORT: *Portland St. Bridge* – The RR has been contacted relative to right-of-way associated with the Portland Street Bridge project.

List of Current Contractors – The Board was provided with a listing of the current contractors that are working on the various water system improvement projects.

Easements School to Work Project – The Manager stated that all temporary and permanent easements have been obtained for the School to Work grant project. Construction will take place next year.

Finance Committee – Scheduled to meet on October 15th and October 22nd.

Incident Command Awareness Training – Fire Chief Troy Ruggles will provide incident command awareness training for members of the Board and others on Monday, October 26th beginning at 6:00p.m.; and on Monday, November 9th beginning at 6:00p.m. Board members are being asked to attend both training sessions if possible.

OTHER BUSINESS: *Three Rivers Transportation Path* – SelectBoard member Jim Rust said that he has made contact with staff people in Senator Leahy’s Office and Representative Welch’s Office relative to the Transportation Path. Jim Rust stated that our legislative delegation is willing to coordinate a round-table discussion on whether or not the Town will be responsible for the federal share already paid out on this project. Mr. Rust said that information provided to him states that a total federal share of \$883,308 has already been paid out, so over \$1,000,000 has been spent. Jim Rust also stated that based on the agreements that the Town has signed that the Town has to use eminent domain authority if they are not able to secure the easements by agreement. The Manager stated that it is very difficult to work on obtaining easement agreements if at the same time the Board is trying to get out from under the project. The Manager said he was already contacted by a representative from CVPS asking why CVPS should be spending any time on this ROW agreement, if the Town SelectBoard does not support the project. Jim Rust said that he felt that the Board should meet with our delegation now to get an answer relative to whether or not the Town would need to pay back the federal share expended to date. The Manager stated that the Federal Highway Administration has responded in writing stating that they would seek repayment of funds unless the project did not go forward for some reason beyond the control of the community. Bryon Quatrini suggested that the Board continue to work on obtaining the easements – but this needed to happen by a date certain. Bryon Quatrini recommended that easements be obtained by November 30, 2009. If the easements can not be obtained by November 30th – then the Board should revisit Jim Rust’s recommendation that we meet with our legislative delegation. Jean Hall Wheeler asked if that was possible, the Manager stated that he thought that it was. Jim Rust said that there are alternatives for this project, including

turning the Lamoille Valley Rail Trail lease over to VAST and let them complete the entire rail trail. Jim Rust indicated that there may be procedural flaws with the way that the Three Rivers Transportation Project has been managed. Following discussion, it was moved by Gary Reis, seconded by Bryon Quatrini, and unanimously voted, that the Town Manager and the Municipal Project Manager continue to work on obtaining easements with a deadline of November 30, 2009 for reaching these agreements.

Energy Efficiency Grant – Joel Schwartz said that there is an opportunity to apply for energy efficiency block grant funding for municipal buildings. Joel said even if major construction is done to the existing municipal building – the thermal envelope will probably not change much. Joel said that he has been approached by a vendor about doing some of the initial auditing work required and that payment for services would be derived from energy savings. Bryon Quatrini and Chairperson Daniel Kimbell asked for additional information such an arrangement would actually work. Joel said he would gather additional information and report back to the Board at their next meeting.

Having no further business or requests, it was moved by Gary Reis, seconded by Jean Hall Wheeler and unanimously voted to adjourn at approximately 8:10p.m.

Respectfully submitted,

Michael A. Welch
Town Manager