

ST. JOHNSBURY BOARD OF SELECTMEN
REGULAR MEETING
MONDAY, MARCH 25, 2013

The St. Johnsbury Selectboard met in the Pomerleau Building, 1st floor on Monday, March 25, 2013 at 7:00 p.m. for the Regular Meeting of the Selectboard. Present were: Chairman Kevin Oddy, Vice Chairman Alan Ruggles, Jim Rust, Tom Moore, Jeff Moore, and Interim Town Manager Merelise O'Connor.

PUBLIC ATTENDANCE

Al Dunn, Bernard Timson, John Leddy, Kyle Sipples, Mike Fortier, Mike Ortega, Ray LaBounty, Jr., Will Rivers, Bob South, Maurine Hennings, Bruce Brett, Pat Swartz, Bob Swartz, Robert Desrochers, Kay Clifford, P. Brannan, Michelle Fay, Chad Whitehead, T. J. Dern, Willie Nickerson, Werner Heidemann, Sharon Heidemann, Town Clerk Stacy Jewell and others.

PRESS

Present were: Nate Summers of KATV, Diana Cogger and Brad Hickox from News 7.

At 7:00 p.m., the regular meeting was called to order, and all attendees stood and recited the Pledge of Allegiance.

MOMENT OF RECOGNITION FOR HAOYUE YANG, STJ STUDENT, RECIPIENT OF SIEMENS FOUNDATION SCHOLARSHIP IN THE AMOUNT OF \$2,000.

The Interim Town Manager Merelise O'Connor introduced Haoyue Yang, STJ student, recipient of Siemens Foundation Scholarship in the amount of \$2,000. Chairman Kevin Oddy read and presented her with a proclamation. The public in attendance stood and applauded her.

PUBLIC COMMENT

Bruce Corrette mentioned that there were funds from the enterprise fund used for the water/sewer fund. That money was spent on town business and should be reimbursed. Chairman Kevin Oddy said that he would look at that.

Werner Heidemann asked the board that while they were waiting for a new Town Manager to be hired and asked the board how they felt about appointing John Hall. Chairman Kevin Oddy replied that VLTC has asked the board to maintain confidentiality of the process and at this time personnel issues need to remain confidential.

Al Dunn asked the board if they have received input from the citizens for a new Town Manager, and Chairman Kevin Oddy replied yes. Al Dunn asked if there was a time limit for hiring, and Chairman Oddy replied no, and said that the board would select the best possible person for the job.

BOARD APPOINTMENTS

Planning Commission – Vice Chairman Alan Ruggles moved to re-appoint Maurine Hennings to the Planning Commission and to continue with Susan Cherry as Chairman, seconded by Tom Moore and unanimously passed.

Development Review Board – Appointments are for a 3 year term. Jeff Moore moved to re-appoint Richard Lyon and continue serving as Chairman, seconded by Tom Moore and unanimously passed.

Board of Assessment – Vice Chairman Alan Ruggles moved to re-appoint Martin Cherry to the Board of Assessment, seconded by Rust and unanimously passed.

Design Review Board – The entire board is up for review. Vice Chairman Alan Ruggles moved to re-appoint the entire board, seconded by Tom Moore and unanimously passed.

Industrial Park Board – Vice Chairman Alan Ruggles moved to re-appoint Jim Impey, seconded by Tom Moore, and unanimously passed. Jeff Moore volunteered as an Industrial Park Board member.

Jim Rust had a question regarding volunteers on the Industrial Park Board. There should be 2 members from St. Johnsbury, 2 members from Lyndon, and 1 selected. Town attorney Kyle Sipples mentioned there are some issues coming up. Jim Rust nominated Representative Bob South as volunteer member of the Industrial Park Board, seconded by Jeff Moore, and unanimously passed.

Energy Coordinators – William Christiansen and Jim Wuertle hold terms through 2016.

Beautification Committee – Jim Rust made a motion, seconded by Vice Chairman Alan Ruggles, to reappoint the committee members, which was unanimously passed.

Tax Stabilization Committee – Tom Moore made a motion to table this until receiving more clarity on terms, seconded by Vice Chairman Alan Ruggles, and unanimously passed.

St. Johnsbury Development Fund – Jim Rust made a motion to nominate Vice Chairman Alan Ruggles to the St. Johnsbury Development Fund, seconded by Tom Moore and unanimously passed, with Ruggles abstaining from the vote.

Downtown Improvement District – Ongoing appointments.

Calex EMS Board of Directors – Tom Moore made a motion to nominate Jeff Moore as a board member, seconded by Jeff Moore and unanimously passed, with Jeff Moore abstaining from the vote.

Recycling Committee – Ongoing appointments.

NVDA Board – Jeff Moore made a motion to nominate Vice Chairman Alan Ruggles to the NVDA board, seconded by Tom Moore and unanimously passed, with Ruggles abstaining from the vote.

Labor Negotiations – Vice Chairman Alan Ruggles made a motion to nominate Chairman Kevin Oddy to the Labor Negotiations board, seconded by Jeff Moore, and unanimously passed, with Oddy abstaining from the vote.

Water/Sewer Grievance – Vice Chairman Alan Ruggles made a motion to nominate Tom Moore to the Water/Sewer Grievance board, seconded by Jeff Moore, and unanimously passed, with Tom Moore abstaining from the vote.

Litigation Committee – Jim Rust made a motion to nominate Chairman Kevin Oddy to the Litigation Committee, seconded by Vice Chairman Alan Ruggles and unanimously passed, with Oddy abstaining from the vote.

Retirement Committee – Vice Chairman Alan Ruggles made a motion to nominate Chairman Kevin Oddy to the Retirement Committee, seconded by Jeff Moore and unanimously passed, with Oddy abstaining from the vote.

Jeff Moore made a motion to nominate Staci Smith to the Retirement Committee, seconded by Tom Moore and unanimously passed.

Zoning Administrator – The Planning Commission has a 4 point recommendation, and has recommended Maurine Hennings as volunteer Interim Zoning Administrator to the board. Jim Rust made a motion to accept Maurine Hennings in this role, seconded by Tom Moore, discussions continued with input from Vice Chairman Alan Ruggles and Jim Rust.

Mike Fortier asked if this is a position that needs to go through a hiring procedure. The board replied that a nomination comes through the Planning Commission to be approved by the Board.

Susan Cherry said that Maurine Hennings and the Planning Commission will also be evaluating the current job description while working on procedures in place along with performing a complete review of statewide bylaws and evaluating office needs. She said that this interim position is laying a platform for a future viable recommendation.

Jeff Moore said that he has worked with Maurine Hennings at the Chamber of Commerce and the Planning Commission, and will abstain with voting.

Jim Rust said that he is currently the zoning administrator and will also abstain from voting.

Vice Chairman Alan Ruggles asked if the Planning Commission could come back in April, and Town Clerk Stacy Jewell responded that the plan is to have the Town Manager be the Zoning Administrator and that person would need to be present in the office.

Tom Moore made a motion to accept the Interim appointment of Maurine Hennings as Zoning Administrator, seconded by Vice Chairman Alan Ruggles, and unanimously passed, with two members abstaining, Jeff Moore and Jim Rust.

Health Officer – The current health officer, Mark Harpin, has delivered his resignation to the board for personal decisions effective April 1.

Gail Aloisio mentioned that the Department of Health website has guidance for Town Health Officers.

Tim Persons volunteered for Town Health Officer.

Jim Rust motioned for Tim Persons to be appointed Town Health Officer. Discussion continued.

Ray LaBounty, Jr. said that there may be more people interested in this position with better qualifications, and that it may be prudent to hold the vote until the next meeting. The board should practice due diligence for someone with the background to bring this to the next level.

The board mentioned that historically this position was held by a member of the Fire Department.

Bob South suggested that all of these vacancies should be advertised to the public by the Town Manager.

Deputy Health Officer – Jim Rust moved to continue with Chief Troy Ruggles, seconded by Jeff Moore and unanimously passed.

Homeland Security Coordinator – Jim Rust motioned to continue with Chief Troy Ruggles, seconded by Jeff Moore and unanimously passed.

Fire Warden – Chairman Kevin Oddy moved to continue with Chief Troy Ruggles, seconded by Jeff Moore and unanimously passed.

The Interim Town Manager will advertise open positions on the website, with any letters of intent directed to the Interim Town Manager.

The board received a letter from the Area Agency on Aging for the Northeast area thanking residents for the appropriation received at Town Meeting.

WARRANTS

The warrants were all signed. Vice Chairman Alan Ruggles motioned to pass the warrants, seconded by Jim Rust and unanimously passed.

LIQUOR AND CATERING LICENSES

The licenses were all signed. Vice Chairman Alan Ruggles motioned to accept the liquor and catering licenses, seconded by Jim Rust and unanimously passed.

MINUTES

For the Special Meeting on Wednesday, 2/27/13, Jim Rust moved to approve the minutes with one spelling correction, seconded by Vice Chairman Alan Ruggles and unanimously passed, with Tom Moore and Jeff Moore abstaining from the vote.

For the Regular Meeting on Wednesday, 2/27/13, Vice Chairman Alan Ruggles moved to approve the minutes, with one correction: that the union contract was made for one year with renegotiations beginning by April 15 for a longer term contract, by Jim Rust.

For the Regular Meeting on Monday, 3/4/13, Jim Rust moved to approve the minutes, seconded by Vice Chairman Alan Ruggles and unanimously passed.

For the Organizational Meeting on Monday, 3/11/13, Vice Chairman Alan Ruggles moved to approve the minutes, seconded by Jeff Moore and unanimously passed.

For the Regular Meeting on Monday, 3/11/13, Vice Chairman Alan Ruggles moved to approve the minutes, seconded by Tom Moore and unanimously passed.

STATE POLICE BARRACKS – REPRESENTATIVE SOUTH

Vermont State Representative Bob South introduced Vermont State Police Captain Tim Cloutre. Discussions with both included last year's discussions of consolidating barracks in St. Johnsbury and Bradford. There has been a proposal for public safety to look at other consolidations. With the Capital bill voted on this Friday, Bob South needs to know how the board feels. Waterford board members are concerned. Senator Benning was here and also had concerns. Captain Tim Cloutre discussed that the cars are more like "rolling offices", with video cameras and computers to be able to use technology to their advantage. There will be some redistribution of patrol areas. The idea is to have troopers in patrol of these areas so that they are already there and not coming from the barracks. St. Johnsbury is assigned 11 troopers and 3 sergeants.

Tom Moore asked what the emergency response time is, and Captain Cloutre responded that it will still be the same as any area, about 5 minutes. There are 2 to 4 people on call. When the calls come in they are screened by a supervisor. Bradford is the center point, and the best area to consolidate.

Jeff Moore asked how many hours a trooper spends in the office, and Captain Cloutre responded that it's always different from day to day.

Al Dunn asked about the town's police coverage. Captain Cloutre responded that the village of St. Johnsbury will still be covered by St. Johnsbury police, and the State Police will continue to cover the town of St. Johnsbury.

Jeff Moore mentioned that if the St. Johnsbury barracks is not staffed, response would come from patrol. This is the closest barracks to the prison.

Bob South mentioned that the Chief of Police also had some concerns.

Mike Fortier mentioned that the main issue is fear that people will lose police coverage outside of the village, and he would like to try to protect the status quo.

Tim Persons asked about residency of police on call, and Bob South responded that there is no contractual residency and that police officers may live in surrounding towns.

Bernard Timson said that he didn't think there would be a change in service just because of an 8 mile move.

Captain Clouatre replied that they are taking a data driven approach, mapping accidents and crimes to patrols and St. J will still have good service.

Jim Rust said that the state has land in St. Johnsbury and is wondering why they are buying property. The town could donate land to the state for the barracks to be in St. Johnsbury. Bob South said that the state police could look at other land options. Captain Clouatre said that he appreciates the board's comments, and they need to consider all options for locations.

Al Dunn asked about the cost going up within the 10 year plans. Captain Clouatre replied that the new office will be state of the art and house the police department, emergency management, Fish and Wildlife, etc. Al Dunn also asked how the Barnett people feel, and the Captain replied that they would be glad to have a state police presence. Sharon Heidemann wondered if we should even be concerned about 8 miles, and the Captain and Bob South replied that it would not have an adverse impact.

Vice Chairman Alan Ruggles made a motion to ask Representative Bob South to discuss at the Capital Bill vote that the state already owns property, and to offer existing land in St. Johnsbury, seconded by Jeff Moore and unanimously passed. The board asked Interim Town Manager Merlise O'Connor to draft a letter for Chairman Kevin Oddy to sign to submit to Representative Bob South.

ARMORY LEASE

Gail Aloisio of NVDA and Bob Desrochers of History and Heritage presented comments to the board regarding the armory issue of paint containing PCBs and to alert the board of complications. History and Heritage is requesting the town to accelerate the agreed \$20K payment to this time to help keep this project moving forward.

Tom Moore mentioned that the roof leaks, and would like to see the roof patched before moving forward.

Bob Desrochers said that the roof is old gravel with cracks in it. There are 2 central drains that are full of rust that clog and leak, and he's not sure if a patch will do it. They have a \$25K estimate to pitch and cover the front part of the roof.

History and Heritage would replace the roof and commit to buying the building, but can't move forward with the environmental issue. Bob Desrochers said that the agreement would need to be changed.

Jim Rust said that over \$75K has been invested for remediation already.

Gail Aloisio commented that the big picture is that the basement floor paint contains PCBs. The property owner is legally bound to remove and dispose of the paint, and the cement slab needs to be tested. The common funding resources are not available for this project, although NVDA may have funding in June. However, if the Town would solicit the Regional Planning Commission to partner with then the project may be eligible more funding through the US EPA assessment program.

Tim Persons mentioned that this may fall under a grandfather clause within the Toxic use act, and the building may be exempt because of encapsulation.

Gail Aloisio continued to say that there still needs to be a remediation plan for substrate concrete under the paint. Will Nickerson has agreed that this has to happen. Gail Aloisio said that if the building is reused/demolished/renovated/destroyed, it would be more difficult to dispose of the waste because it would be mixed together. The Town is responsible for testing. Chairman Oddy mentioned that History and Heritage may not move forward if remediation efforts are needed.

Stacy Jewell said that as a taxpayer, there has already been too much put into this building and the Town needs to walk away from this building.

Jim Rust said that the roof needs to be fixed before next winter if they are going to save the building. Tom Moore said that perhaps they can explore advertising the building if it's OK for History and Heritage.

Interim Town Manager Merelise O'Connor mentioned that the lease has a 30 day notice of termination and would need to terminate the lease in order to post the building for sale.

Al Dunn asked about how much money was expected to be spent. Bob Desrochers mentioned that they have planned a phased occupation of the building, with minor costs associated with office establishment.

Vice Chairman Alan Ruggles asked Bob Desrochers to go back to the History and Heritage board to determine what to ask the Selectboard. Vice Chairman Alan Ruggles made a motion to ask History and Heritage what their financial commitment was moving forward and bring hard requests to the board, seconded by Tom Moore and unanimously passed.

Jim Rust made a motion, and seconded by Tom Moore, to request the Interim Town Manager Merelise O'Connor to get 3 estimates for the flat front roof repair, and was unanimously passed.

WATER TREATMENT PLANT – RED DUFRESNE

Red Dufrense presented a draft application for funding for the final design plans. Discussion about the membrane filtration system centered on advantages and disadvantages, and the plant capacity after the 2011 requirements changed. Red asked if the board would seek a loan of

\$82,619. Jeff Moore made a motion to authorize funds, seconded by Tom Moore and unanimously passed.

WELCOME CENTER ADVISORY BOARD

Jeff Moore said that Frank Landry brought to his attention that the Welcome Center needs work. The last meeting was over a year ago, with board members to include the Town Manager, Jim Rust and Alan Ruggles. Jim Rust asked that the Interim Town Manager Merelise O'Connor set up a meeting with all parties involved. Vice Chairman Alan Ruggles made a motion to appoint Jeff Moore to the Welcome Center Advisory Board to replace him, seconded by Tom Moore and unanimously passed, with Jeff Moore abstaining from the vote.

JAY-LYN FUND

Vice Chairman Alan Ruggles said that he wanted to renew the citizen's committee, review loan provisions and organize records for repackaging loans.

Mike Fortier said that 20 years ago a committee was established, bylaws were established, and grant function and awards were contingent on the bylaws. This is sensitive baggage.

Vice Chairman Alan Ruggles said that this Fund is essential for new business and existing loans need to be reviewed. Jim Rust mentioned that the first thing to do would be to repackage the loans.

Jim Rust motioned to ask the Interim Town Manager Merelise O'Connor to follow up with the 3 board members to see if they're still interested, and the board will review the operating agreement, seconded by Vice Chairman Alan Ruggles. Discussion continued to include HUD, 17 existing loans with discrepancies over what is owed, and how to get them back into good standing. The board voted and the motion carried.

TOWN MANAGER'S REPORT

Capital Purchases

Interim Town Manager Merelise O'Connor reported that Passumpsic Bank had the lowest interest rate. Options were either a loan agreement or a lease/purchase agreement for the fire truck. Jim Rust suggested that the Selectboard authorize the Interim Town Manager to proceed with the lease/purchase of the fire truck. He continued that the Town should go with Passumpsic Bank as long as the town attorney says it doesn't violate any statute, and if it does then the Town should go with Bay State Financial.

Interim Town Manager Merelise O'Connor said that she discussed with the Fire Chief that the grant application is very likely going to be awarded. Town Clerk Stacy Jewell said that the town needs a definite answer on the grant approval. Jim Rust said that he needed more information. Tim Persons asked if there would be any salvage revenue.

On a motion by Tom Moore, seconded by Vice Chairman Ruggles, the Board voted to authorize the Town Manager to arrange financing that would allow the borrowing of up to \$605,986 for the ladder truck with the Passumpsic Bank, with payments over 5-7 years, with the understanding

that there be no prepayment penalty and that the life of the loan will be shortened considerably if the \$475K grant is realized.

The Interim Town Manager announced that the “Roles and Responsibilities of Board and Town Manager” Workshop will be held on April 1, at 6:30 p.m. at the St. Johnsbury School.

System Improvements - The Interim Town manager reported that the town offices now have daily backup of system changes and is protected by an anti-viral program.

OTHER BUSINESS – UPCOMING – A SPECIAL MEETING FOR SO. MAIN ST. BRIDGE

Interim Town Manager Merelise O’Connor reported that Engineer Chris William provided available dates to meet with people from this neighborhood, and April 16 at 6:30 p.m. was agreed upon by all board members. Abutters, businesses, and each resident will be sent a formal notice and invitation to the meeting.

At 11:00 p.m., Vice Chairman Alan Ruggles moved to go into executive session for discussion of Town Manager, seconded by Jeff Moore and unanimously passed.

AN EXECUTIVE SESSION TO DISCUSS THE APPOINTMENT OF A TOWN MANAGER, PURSUANT TO TITLE 1, SECTION 313(a) (3).

At 11:50 p.m., Jim Rust made a motion to come out of Executive Session, seconded by Vice Chairman Alan Ruggles and unanimously passed.

At 11:51 p.m., Vice Chairman Alan Ruggles made a motion to adjourn the Regular Meeting, seconded by Tom Moore and unanimously passed.