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MORRISTOWN

SELECTBOARD MEETING OF NOVEMBER 24, 2014

Members Present: Bob Beeman, Brian Kellogg, Mickey Smith and Steve Rae,

Department Heads: Dan Lindley, Town Administrator; Richard Keith, Chief of Police; Todd Thomas, Zoning Administrator/Planning Director; Carol Bradley, Finance Director; and Charlie McArthur, Lister Coordinator

Guests: Min Cote, David Whitcomb, Lawrence Lepine, David Polow, Tyler Hirchak, Emma Guider, Dena Hirchak, Polly McArthur, Terry Owen, John Hollar, Tom Hirchak JR., Joni Lanphear, Michael Paritz, Roin Trombly, Mark Struhsacker, Amy Walker and Tina Sweet.

Meeting was called to order at 6:10PM by Bob Beeman

I. AGENDA CHANGES OR ADDITIONS

- Add Marci Young to Community Concerns
- Delete Budget Community Development Coordinator Budget discussion.
- Add Appoint Closing Agent to Old Business

II. APPROVE MINUTES OF PREVIOUS MEETING

Motion made by Steve Rae, seconded by Brian Kellogg to approve minutes of November 10, 2014. Motion Carried (4/0)

Motion made by Brian Kellogg, seconded by Steve Rae to approve minutes of November 17, 2014. Motion carried. (4/0)

III. NEW BUSINESS

1. **REVIEW AUDIT WITH TOWN AUDITORS**- John Mudgett of ???? discussed the audit with the Selectboard. John stated that the Town has a very clean audit. There were no red flag and we are in compliance. A full copy of the audit is available upon request.

IV. COMMUNITY CONCERNS

1. Russell Lanphear is requesting to use Farm Equipment on the Bypass. Dan Lindley, Town Administrator asked the Selectboard to table this discussion as he is working with VTRANS on allowing agriculture use of the bypass.

2. Marci Young would like to attend an energy conference on December as a member of the energy committee. The cost is $35. The Selectboard agreed to pay the cost as long as Marci reports back to the Selectboard.

3. Brian Kellogg wanted to express his apologies to Todd Thomas, Zoning Administrator, for the way he was treated at the Trustee zoning vote meeting the prior week.

V. OLD BUSINESS

1**. APPROVE PROPOSED ZONING BYLAWS -** Todd Thomas, Zoning Administrator, reviewed the changes to the storm water section as requested at the previous zoning hearing with the Selectboard on November 10, 2014. Brian Kellogg asked if they were able to approve the new changes to the proposed stormwater bylaw along with the rest of the proposed zoning changes. Todd said that approving a bylaw with a significant change would require another warned public hearing and suggested that the Selectboard simply table §503.5 until the next round of zoning changes. John Hollar Attorney for Tom Hirchak asked the Selectboard to consider changing the zoning for the former Green Mountain Arena from Rural Residential Agricultural to Commercial. Bob Beeman stated that that was a separate discussion on the agenda and did not relate to the zoning changes before the Selectboard tonight.

Motion made by Brian Kellogg, seconded by Steve Rae to approve Zoning changes as presented with the exception of §503.5. Motion carried. (4/0)

2. **DISCUSS AMENDMENT TO ZONING BYLAWS FOR THE HIRCHAK PROEPRTY(AKA GREEN MTN. ARENA)** - John Hollar, attorney for Tom Hirchak, came to ask the Selectboard if they would consider changing the zoning for Mr. Hirchak's property at 704 Bridge Street. Mr. Hollar noted that he sent a letter to Bob Beeman asking him to recuse himself from the discussion due to his wife Andrea Caldwell Beeman being involved in the Friends of the Green Mtn Arena campaign. Attorney Hollar said that he believed that Andrea's aforementioned involvement presented a conflict of interest for Bob. Bob declined to recuse himself stating that he had spoken to Town Counsel who advised him there was no conflict of interest. Mr. Hollar stated that the Town's refusal to allow Hirchak Company to operate an auction business in the RRA zone was an unlawful use of its regulatory powers. He argued that the Town's refusal to change the zoning for the property was as follows: reverse spot zoning, inconsistent with the Town Plan, and an arbitrary and irrational distinction between permitted use of property as a skating rink and the impermissible use as an auction facility. He stated that zoning map showed the Hirchak parcel is an island surrounded by commercial and business uses. Zoning Administrator Todd Thomas refuted this statement and said that the surrounding zoning to this parcel in the Town (not the Village) was nearly all residential. The Selectboard said that they felt that statement regarding their "refusal to change the zoning" was untrue. Todd Thomas spoke to the process of changing zoning bylaws, which amounted to a 7 step process starting with the Planning Commission. The Town plan was adopted in July of 2013 after many months of discussions and several hearings with the Planning Commission and the Selectboard. Of these discussions there were only three meetings were a representative of the Hirchak Company were present. And at these three meetings it was made clear that the Town wanted to leave the zoning for the Green Mtn Arena parcel unchanged – with the Selectboard and Planning Commission voting unanimously last April to remove language from the Town Plan that opened the door to the possibility of a zoning change for this area. After participating in these meetings, Mr. Hirchak purchased the Green Mtn. Arena property in August of 2013, which was after the Town Plan had been approved. Selectboard stated that there was not much they could do at this point as this was not the correct venue in which to request a Town Plan or zoning change. The Hirchak Company was instructed that it would need to start at the beginning and go through the Town Plan and zoning update process with

the Planning Council as required by State Statute. Todd Thomas said that he had made the entire December 16th Planning Council agenda available for this purpose.

3. **ADENDUM #2 FOR TEGU BUILDING PURCHASE**- Louie has asked that the Town split the payments with one payment due at closing on December 8, 2014 and the second payment due no later than January 8, 2015. Bob Beeman as Selectboard Chair needs to sign.

Motion made by Brian Kellogg, seconded by Mickey Smith to approve addendum #2 and authorize Bob Beeman to sign. Motion Carried. (4/0)

4. **APPOINT CLOSING AGENT**- Dan Lindley recommends that the board appoint Bob Beeman, Chair of the Selectboard as the Closing agent for the purchase of the Tegu Building. Closing will be on December 8, 2014 at the Tegu building. The closing will be warned as a special meeting.

Motion made by Brian Kellogg, seconded by Steve Rae to appoint Bob Beeman as the closing agent. Motion carried. (4/0)

5. REVIEW LOAN BIDS FOR TEGU PURCHASE- Mary Ann Wilson sent out RFP's to secure a loan for $600,000 of the building purchase. She received bids from, Union Bank at 4.00% for either 20 years or 30 years, Community National at 3.5% for 20 years and 3.95% for 30 years and Merchants Bank at 2.6% for 20 years and 3.95% for 30 years. Dan recommended going with the Merchants Bank as they had the lowest interest rate and it was fixed for the term of the loan with no conditions. Selectboard discussed 20 years *vs*. 30 years. Payments for 20 years were $19,730.40 on a semiannual basis *vs*. 30 years at $17,146.32 on a semiannual basis. The interest for 20 year was quoted at $189,220.67 for 20years and $483, 141.50 for 30 years.

Motion made by Steve Rae, seconded by Brian Kellogg to approve loan with Merchants Bank for the purchase of the Tegu Building financing $600,000 for 30 years at 3.95% interest. Motion carried. (3/1) Mickey Smith voted no.

VI. BUIDGET REVIEW-

1. Selectboard reviewed Community Coordinator Budget with Tricia Follert. No changes other than an increase in hours from 32-34 hours per week.
2. Reviewed Capital Budget- Selectboard was looking to cut about $50,000, so far we have cut $20,000. There are a few areas where we can make changes. Dan would like to talk with the Departments heads again. We will discuss the overall budget at the December 15, 2014 budget meeting.

VII. BOARD OF LIQUOR CONTROL

None.

VIII. TA REPORT

1. December 8, 2014 will be the closing on the Town office purchase (time to be determined).
2. Portland street will be closed Weds. Nov. 26 and Monday December 1, 2014
3. Needle Eye Rd, will be closed on December 2, 2014 in 15 minute increments so that VAST can conduct an inspection of the old railroad bridge.
4. Working Kevin Marsha at VTRANS on allowing signage on the truck rt.

5. Dan would like to use some of the fund balance to put bathrooms at the Oxbow. He figures it would cost about $5,000 to get the sewer line installed. Selectboard will think about it. He would also like to use $3600 for an air compressor for the Fire Department. Their compressor is no longer working and it is an item they must have. They do not have it in their budget to replace it.

Motion made by Brian Kellogg, seconded by Mickey Smith to approve purchase of an air compressor for the fire department using $3600 of the fund balance. Motion carried.(4/0)

IX. SELECTBOARD CONCERNS

Steve Rae-

- Would like to have a discussion in the future regarding the budget and thinking outside the box.

Brian Kellogg-

- Concerned about the equipment that has been parked in the post office parking lot for a week while waiting for the construction to start. Brian felt that it could have been parked elsewhere so as to not occupy parking space.
- What is going on with the Nepvu building? It seems work on the front of the building has stopped while the roof work is being done. Dan said they are due back in from the Board of Health on December 8, 2014 but he would look into it.

Bob Beeman-

- Also was concerned about the work on the Nepvu building.

Mickey Smith-

- Thanked Min for taking care of the patch in front of his house.

IX. APPROVE WARRANTS

Motion made by Brian Kellogg, seconded by Steve Rae to approve Warrants as presented through November 24, 2014. Motion carried. (4/0)

X. OTHER BUSINESS

Motion made by Brian Kellogg, seconded by Steve Rae to enter executive session at 8:35PM for Contractual, to include Dan Lindley, Town Administrator.
Motion carried (4/0)

Motion made by Brian Kellogg seconded by Mickey Smith to exit executive session and enter regular Selectboard session at 9:30PM. Motion carried. (4/0)

Motion made by Steve Rae, seconded by Brian Kellogg to adjourn the meeting at 9:35PM. Motion carried. (4/0)

Respectfully submitted and filed this 25th day of November, 2014
Erica Allen, Scribe

Please note all minutes are in draft form unless otherwise stated and are approved at the next meeting.